

Fulton Mall Reconstruction Project

Downtown Fulton Mall through Fulton Street and adjacent cross streets
(Merced, Mariposa and Kern) in the City of Fresno, California

EA 06-0R200
Project ID 06-1400-0056
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Final Environmental Assessment and Section 4(f) Evaluation with Finding of No Significant Impact



Prepared by the
California Department of Transportation

The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried-out by Caltrans under its assumption of responsibility pursuant to 23 USC 327.

May 2014



General Information about This Document

What's in this document:

The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA) and in cooperation with the City of Fresno, has prepared this Environmental Assessment, which examines the potential environmental impacts of alternatives being considered for the proposed Fulton Mall Reconstruction project in the City of Fresno in Fresno County, California. Because the City is planning to use federal funds for the project, Caltrans has been assigned as the lead agency under the National Environmental Policy Act. This document tells you why the project is being proposed, what alternatives have been considered for the project and which was selected as the preferred alternative, how the existing environment could be affected by the project, the potential impacts of each of the alternatives, and the proposed avoidance, minimization, and/or mitigation measures.

For individuals with sensory disabilities, this document can be made available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: Kirsten Helton, Senior Environmental Planner, California Department of Transportation, 855 M Street, Suite 200, Fresno, CA 93721; (559) 445-6461 (Voice), or use the California Relay Service 1 (800) 735-2929 (TTY), 1 (800) 735-2929 (Voice), or 711.

Caltrans, in cooperation with the City of Fresno, proposes to reconstruct the Fulton Mall through Fulton Street and adjacent cross streets (Merced, Mariposa and Kern) to improve circulation and access in and around the existing mall area

**ENVIRONMENTAL ASSESSMENT
and Section 4(f) Evaluation**

Submitted Pursuant to:
(Federal) 42 USC 4332(2)(C) and 49 USC 303

THE STATE OF CALIFORNIA
Department of Transportation
In cooperation with
The City of Fresno

5/21/14
Date of Approval


Christine Cox-Kovacevich
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CALIFORNIA DEPARTMENT OF TRANSPORTATION
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Fulton Mall Reconstruction Project

FOR

The California Department of Transportation (Caltrans) has determined that Alternative 1 will have no significant impact on the human environment. This FONSI is based on the attached Environmental Assessment and Section 4(f) Evaluation which has been independently evaluated by Caltrans and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. Caltrans takes full responsibility for the accuracy, scope, and content of the attached Environmental Assessment and Section 4(f) Evaluation.

The environmental review, consultation, and any other action required in accordance with applicable Federal laws for this project is being, or has been, carried-out by Caltrans under its assumption of responsibility pursuant to 23 USC 327.

Date

5/21/14



Christine Cox-Kovacevich
Chief, Central Region
Environmental Division

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Chapter 1 Proposed Project

1.1 Introduction

The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA) and in cooperation with the City of Fresno (City), proposes to convert the pedestrian-only Fulton Mall to a street by reintroducing vehicle traffic lanes to the existing pedestrian mall. Caltrans is the lead agency under the National Environmental Policy Act (NEPA). The City of Fresno is the lead agency under the California Environmental Quality Act (CEQA) and has prepared an Environmental Impact Report separate from this document.

The length of the proposed project is 0.74 mile, and the project is located in the middle of Downtown Fresno. See Figures 1-1 and 1-2. The width of the Fulton Mall is 80 feet. The land that makes up the Mall is owned in fee simple by the owners of the buildings that are adjacent to the Mall. The City held an easement for the original Fulton Street, and now holds one for the Mall. The easement covers the same area as the pavement of the Fulton Mall, from building to building. This easement would be retained by the City if the proposed project were to be constructed.

The proposed project is included in the Fiscal Year 2012/2013 Federal Statewide Transportation Improvement Program (FSTIP). Funding was approved on August 30, 2013, under the Transportation Investments Generating Economic Recovery (TIGER) program. The Federal Statewide Transportation Improvement Program and Regional Transportation Plan will be amended to include that funding prior to finalization of this environmental document. The cost of the project is estimated to be \$20 million.

Project Area History

For much of Fresno's early history, Fulton Street, as well as Kern, Mariposa and Merced streets (which run perpendicular to Fulton), served as Fresno's "Main Street" and composed the city's center of cultural, retail, civic, and commercial activity.



Fulton Street, Downtown Bargain Day 1936

During the 1950s, Fulton Street was losing status as Fresno's main retail center as businesses were being attracted to the Manchester area and other locations to the north. In an effort to counter this trend, city and business leaders initiated plans for a

downtown pedestrian mall, with the assistance of the Victor Gruen and Associates architect group. Early planning documents for the Fulton Mall stated that this street was to be “converted into a high-quality dense activity pedestrian mall” (Victor Gruen and Associates, *Central Area Fresno, California Volume 1, Research and Basic Planning*, March 16, 1959). The Mall was subsequently designed by landscape architect Garrett Eckbo, with planning initiated in 1959 and completion of the Mall occurring in 1964.

The goal of the project was to enclose an 80-acre “superblock” including approximately 300,000 square feet of pedestrian-only public space, thereby creating a six-block-long walking mall along what was once Fulton Street and its cross streets. Eckbo’s landscape included carefully designed planters and fountains, plus trees that would grow to provide large shade canopies. Local artists and philanthropists worked



Postcard of the early Fulton Mall

to commission and install an impressive collection of public sculptures, tile mosaics, and fountains along the length of the Mall. In recognition of the unique layout of the Fulton Mall landscape, as well as the stature of designer Eckbo, the Fulton Mall was found eligible in 2010 for listing in the National Register of Historic Places (NRHP).

During the 1970s and 1980s, longtime local merchants and department store anchors steadily departed from the Mall to new suburban locations. In 1989, the Gottschalk’s department store chain closed its flagship location and left its original Fulton Mall home behind. In the early to mid-1990s, property values of the major buildings in the Mall area declined significantly in part due to the loss of anchor stores and other longtime businesses. (Fulton Mall Urban Decay Study, 2012)

Today, some of Downtown Fresno’s main attractions include city, county, state, and federal government services. The Fulton Mall tenant mix is composed of smaller businesses. However, Downtown Fresno is more economically depressed than the city as a whole and, measured against the surrounding downtown area, the Fulton Mall area is even more depressed, in some cases by a factor of three or more. (See Table 1-1 in the next subsection.)

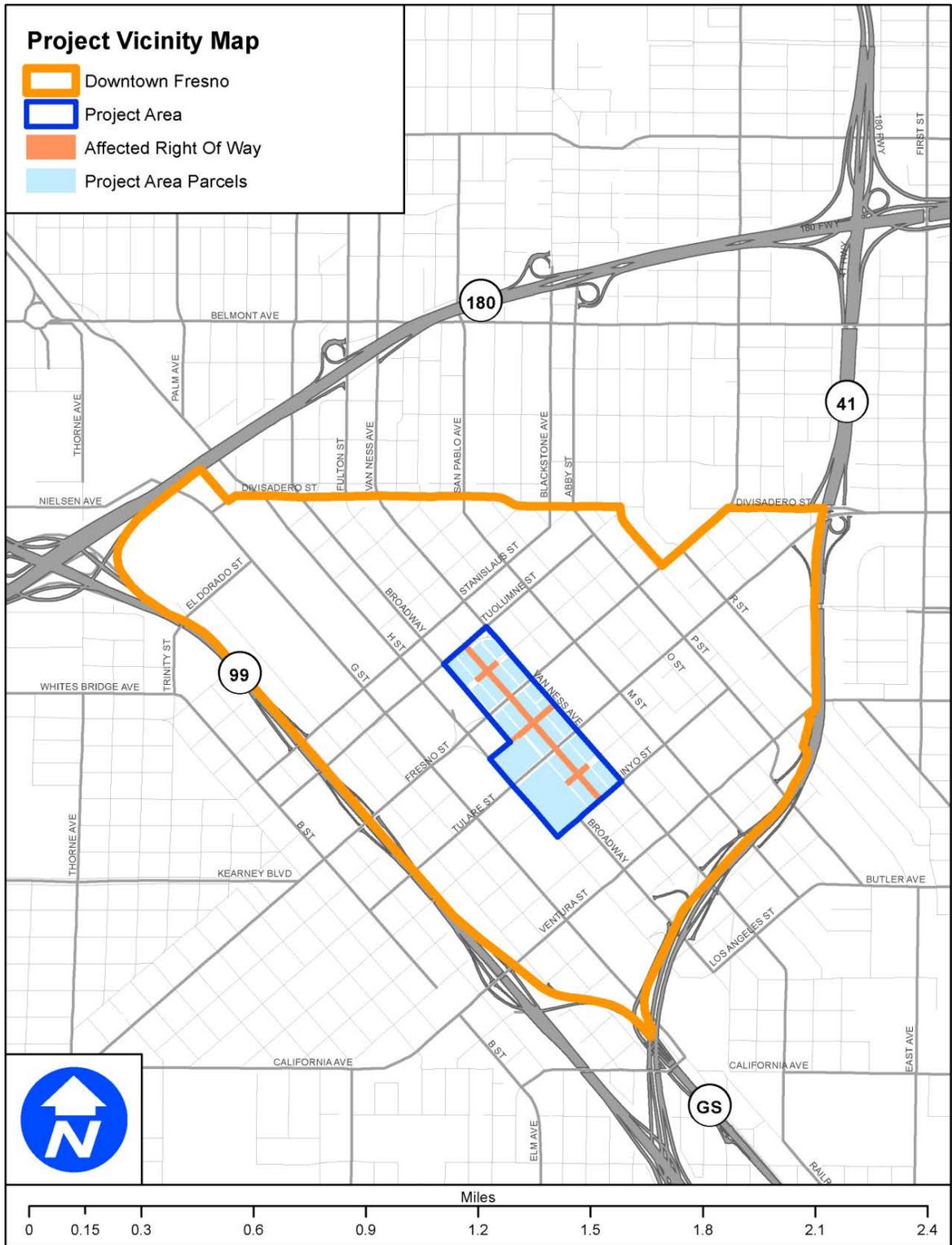


Figure 1-1 Project Vicinity Map

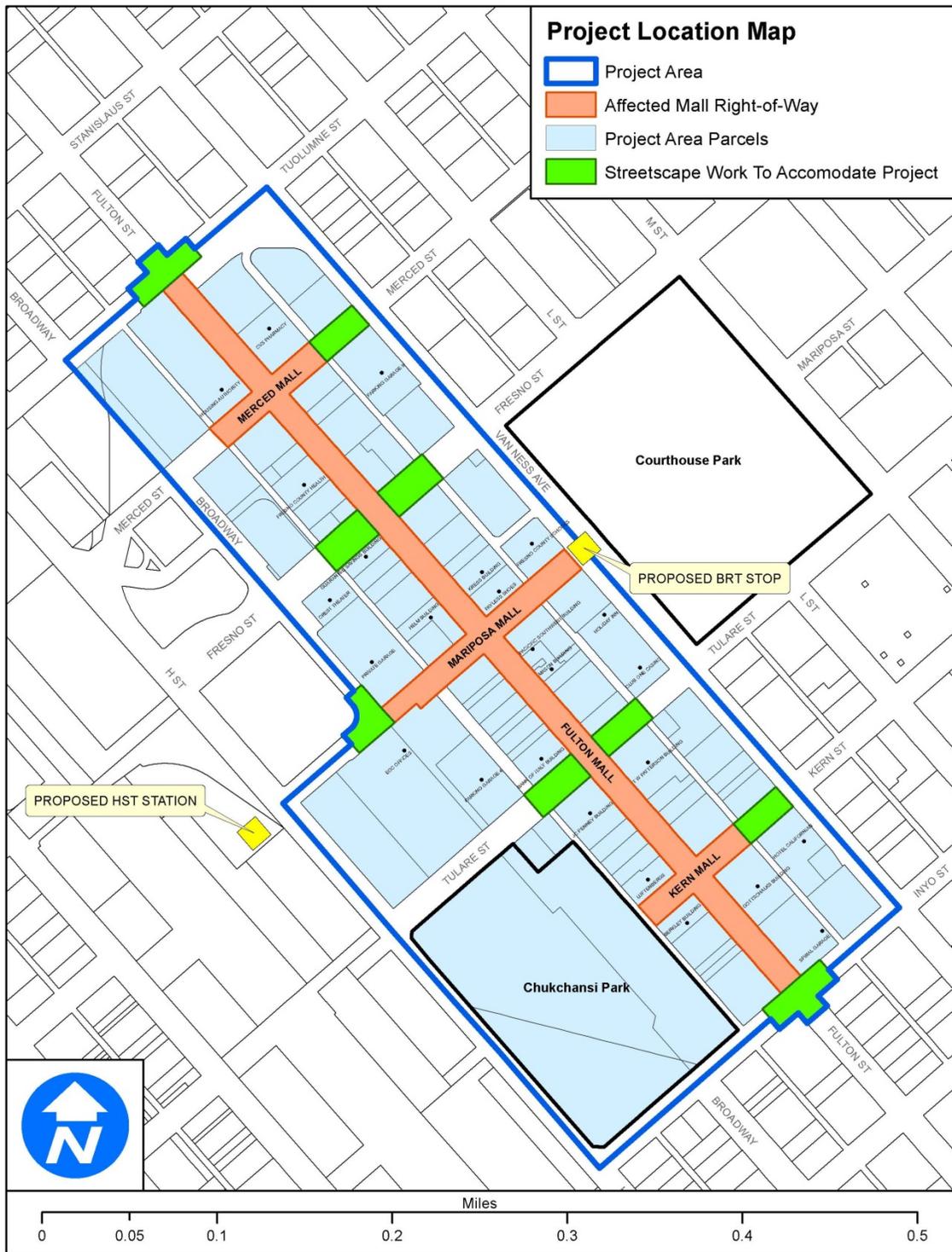


Figure 1-2 Project Location Map

The City began work in 2010 on the Fulton Corridor Specific Plan, a document intended to guide development along the Fulton Mall and in the surrounding area. A citizens' commission was created to oversee the planning process, with members including the former director of the Fresno Arts Council (an original Fulton Mall artist); a staff member of the Fresno County Department of Public Health with expertise on land use and fitness; a Cultural Arts District resident and Creative Fresno mural coordinator; the Executive Director of Poverello House; a Chukchansi Tribal Council Member and Treasurer; the Director of Planning and Community Development for the Fresno Housing Authority, as well as business/property owners from the Downtown area.

In 2010, this commission voted in favor of studying options for the Mall's future that would reopen Fulton Mall to a mix of vehicle and pedestrian traffic. These options included the two build alternatives discussed in this document, as well as the Restoration and Completion option (Alternative 3), which was eliminated from further consideration in the draft Environmental Assessment due to its failure to meet the Purpose and Need of the project. (See Section 1.7.)

1.2 Purpose and Need

The proposed project is located in the city of Fresno, on the pedestrian mall segment of Fulton Street, and includes the pedestrian mall segments of the cross streets of Merced, Mariposa, and Kern. The length of the project is 0.74 mile. The purpose of the project is to increase mobility, access and visibility in the Fulton Mall Study Area. A converted Fulton Mall would improve traffic circulation in the downtown area by allowing automobile traffic and parking along an area currently limited to pedestrians, which would in turn provide improved access for the proposed High-Speed Rail station to be located along the existing Union Pacific Railroad tracks between Fresno and Tulare streets, and the proposed Bus Rapid Transit stop located along Van Ness Avenue at Mariposa Mall. These improvements would help to increase accessibility to the hubs of multiple modes of transportation. The project is consistent with the amended 2025 General Plan and Central Area Community Plan, and aligns with the City of Fresno's draft 2035 General Plan Update, draft Fulton Corridor Specific Plan and draft Downtown Business Plan, planned for adoption in spring 2014.

1.2.1 Purpose

The purpose of the proposed project is to:

- Increase mobility and access in the Fulton Mall Study Area by providing more convenient multi-modal access options on the Mall and its cross streets.

- Improve visibility of businesses, offices and other amenities in the Fulton Mall Study Area by improving traffic circulation, thereby encouraging additional economic development in the area.
- Increase the Fulton Mall study area's consistency with the requirements and goals of proposed land use plans, including the proposed Fulton Corridor Specific Plan and the proposed Downtown Neighborhoods Community Plan, by making the area more accessible to the public, thereby encouraging greater public use of the area and bolstering future economic development opportunities.

1.2.2 Need

Increase Mobility in the Fulton Mall Study Area

Downtown Fresno will be transformed with the advent of new forms of rapid transportation. A Bus Rapid Transit station is currently proposed in Fresno and would be located one block east of Fulton. The first High-Speed Train station in California is proposed for location on Mariposa Street, which is currently a pedestrian mall that crosses the Fulton Mall. The street grid surrounding the Fulton Mall Study Area should provide convenient access and circulation to the Bus Rapid Transit and High-Speed Train stations. Currently, the street grid downtown is broken up by the Fulton Mall, the construction of which removed the use of former streets. One of the City of Fresno's goals and policies for the downtown area is to reestablish an interconnected street grid comparable to Fresno's original grid pattern (Policy 3.4.3 in draft Downtown Neighborhood Community Plan).

Access to businesses and residences in the Fulton Mall Study Area is limited because through traffic is not permitted. Access is further hindered by a lack of available on-street, short-term parking. Currently, traffic must travel the streets surrounding the Mall and find parking either on those streets or in nearby parking lots or parking structures. People must then walk to their destinations on the Mall, which may be blocks away. According to the Economic Impact Analysis prepared for the Mall, people tend to prefer to reach their destinations quickly to take care of shopping or business needs, especially if they have young children or are elderly and/or disabled. Fresno has a strong daytime employment base in the downtown area, but the Economic Analysis concludes that the Fulton Mall does not receive its share of workers' spending because of the lack of through streets and convenient on-street parking. The Mall may be located near employment centers, but it is not expedient to shop there during or after work hours. (Fulton Mall Economic Impact Analysis, June 2011)

Moreover, there are currently three apartment complexes in the Fulton Mall Study Area, although others exist in the downtown area. Property owners would like to develop additional residential units on and near the Mall, but feel that lack of access and parking hampers new development. Increasing residential development in the Mall area would bolster future economic development by increasing the number of people within the downtown area during the evening hours, in addition to those around in the workday hours. While the ground floors of Fulton Mall businesses may accommodate retail and other commercial uses, the upper floors, according to the City's draft General Plan, will accommodate a wide variety of lodging, housing, office, civic, or additional commercial uses. The specific problems with existing parking in the Fulton Mall Study Area include:

- Minimal on-street, short-term parking: Presently, the Fulton Mall Study Area has only 14 metered on-street parking stalls, which are located on the cross streets that are open to traffic. Managed on-street stalls are essential for competitive shopping districts and offer convenient parking for an impulse visit. Research led by Norman Garrick of the University of Connecticut in 2007 concluded: "We found that on-street parking plays a crucial role in benefiting activity centers on numerous levels . . . users of downtowns consistently valued on-street parking spaces over and above off-street surface lots and garages." (*Fresno, California Fulton Pedestrian Mall Alternative Plan Research*, Gibbs Planning Group, Inc. June 24, 2011 and *Appendix A #4 of Fresno Fulton Corridor Specific Plan (Draft)*, pages A-11 and 12)
- Insufficient quantity of parking: The Fulton Mall Study Area has an overall parking ratio of one stall per 460 square feet of gross commercial area. This equals less than half of the industry standard for similar shopping districts (2,788 parking stalls for 1,281,310 square feet of gross commercial area, excluding basements, or nearly 3 stalls per 1,000 square feet of commercial building). (*Fulton Mall Economic Impact Analysis*, Gibbs Planning Group, Inc. June 24, 2011)
- Inconvenient off-street parking: Most (75%) of Fulton Mall's 2,788 parking spaces are located in structures. While structured parking is acceptable for office and regional shopping centers, it is inconvenient for downtown workers, young families and visitors with little time to shop. (*Fulton Mall Economic Impact Analysis*, Gibbs Planning Group, Inc. June 24, 2011)

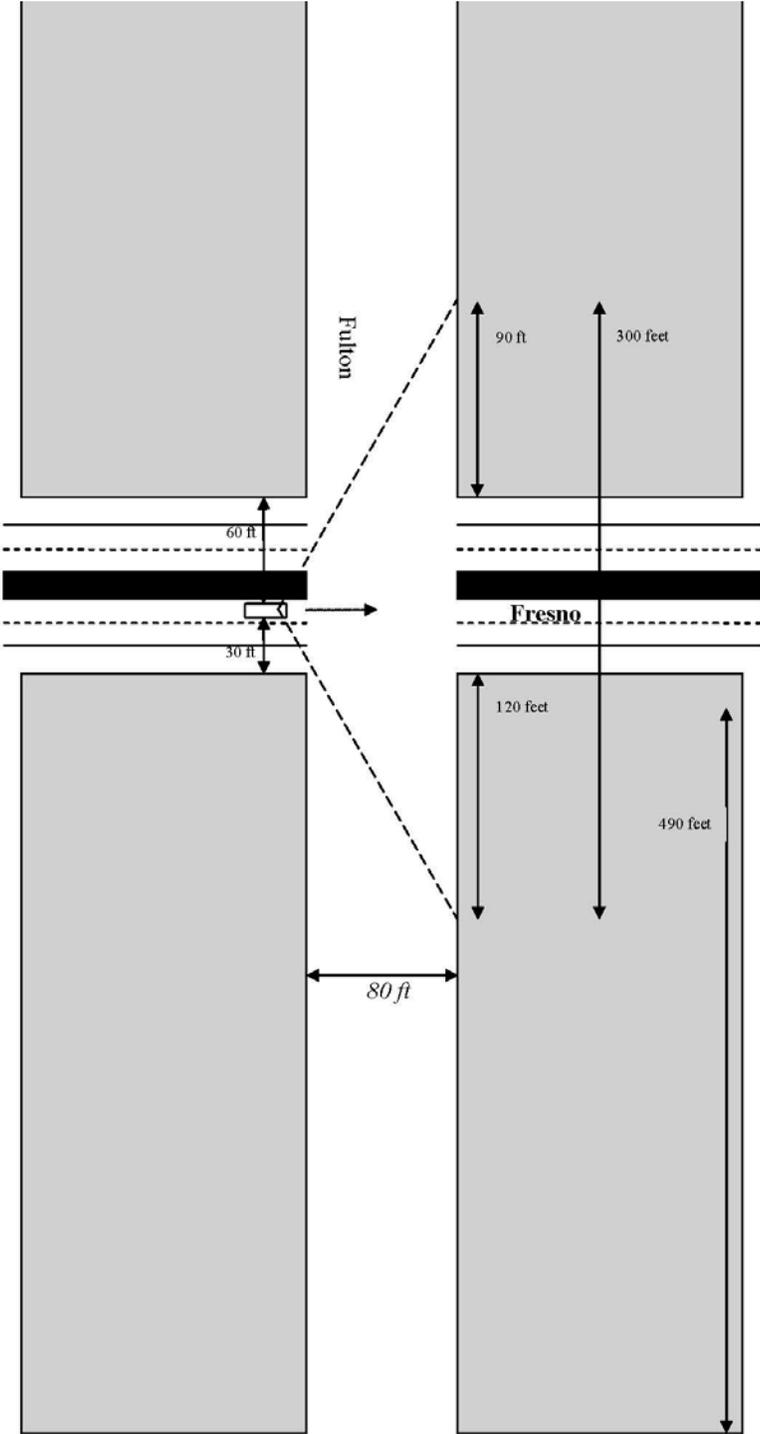
Improve Visibility of Businesses, Offices and other Amenities

The visibility (for automobile drivers) of businesses, offices and other amenities in the Fulton Mall Study Area is currently limited to what can be seen from a vehicle located on one of the cross streets. Drivers traveling along Fresno and Tulare streets

past Fulton Mall have only a few seconds to glance down the Mall to see what businesses and attractions are located there. Many tall buildings and trees currently block the view down the Mall. The line of sight from a vehicle stopped at an intersection includes approximately 210 total feet of storefront across the intersection, on both the left and right sides of the vehicle. This leaves little or no visibility for storefronts located toward the middle of the Mall block, or for the storefronts located on the same side of the street as the stopped vehicle. See Figure 1-3.

Lack of any vehicular traffic along the Mall means that existing businesses must rely on advertising or pedestrian traffic to attract commerce. Because there is little visibility of Mall storefronts from vehicles, there is minimal ability to attract new customers from drive-by traffic.

Figure 1-3 Visibility of Fulton Mall Storefronts from Cross Streets



Currently, the lack of visibility of businesses, offices and other amenities, as well as access and parking difficulties in the Fulton Mall, hampers economic development. The Mall area is more economically depressed than other areas of Fresno and lack of visibility and access contributes significantly to the problem:

- Property and sales tax revenues from properties along the Fulton Mall are at approximately 5.7% of their ultimate potential (Market Profiles, *Economic Impact Study: Listing of Fulton Mall on National Register of Historic Places*, 2008).
- While the Fulton Mall contains 1.3% of the retail outlets within the city, retail outlets on the Fulton Mall account for only 0.2% of all taxable retail sales activity in Fresno (Market Profiles, *Economic Impact Study: Listing of Fulton Mall on National Register of Historic Places*, 2008).
- The Downtown Fresno area has more economic challenges than the rest of the city, but the Fulton Mall Study Area is in an even more depressed state (see Table 1-1).

Table 1-1 Economic Indicators: Mall Area vs. Downtown Fresno

| Economic Indicator | Citywide or Regional | Downtown Fresno | Fulton Mall Study Area | Severity of Problem in Mall Area vs. Downtown |
|---|-----------------------------|------------------------------------|------------------------------------|--|
| Office vacancy rate | 15.8% | 12.7% | 46.1% | × 3.5 |
| Office lease rate per square foot per month | \$1.68 | \$1.41 (regional avg. – \$0.27) | \$1.03 (regional avg. – \$0.65) | × 2.4 |
| Major retail vacancy rate | 11.0% | 11.2% | 34.9% | × 3.2 |
| Taxable sales per square foot per year | \$274 | \$203 (citywide avg. – \$71) | \$79 (citywide avg. – \$195) | × 2.7 |

Source: Rosenow Spevacek Group, 2012.

The “Pedestrian & Transit Malls Study by Memphis Center City Commission” (2008) listed lack of visibility and access for retail as a factor in the decline of pedestrian malls. Lack of visibility in the Fulton Mall area was cited as a problem for economic health in the study “Potential Impacts of Placement of Fulton Mall onto National Register of Historic Places” (2008). The “Fulton Mall Urban Decay Study”(2012) methodology included interviews with real estate brokers and property owners, and determined that “lack of through-traffic is undesirable for office and retail businesses that thrive on visibility, and a lack of on-street parking limits access for both tenants and visitors.” Additionally, lack of visibility and onsite parking

eliminates the possibility of attracting impulse customers, compared to other areas where people may see a shop or service as they are driving and can park nearby.

It was also found that the project study area suffers from significantly high vacancy rates of 46% for office uses and 35% for large retail spaces. These rates are abnormally high compared to the surrounding downtown area. The downtown area has an office vacancy rate of 12.7%, and a retail vacancy rate of 11.2%. As the downtown area has the second lowest office vacancy rate in the Fresno region, it seems that the project study area's high vacancy rate is not attributable to its location and is due to other conditions (2012 Fulton Mall Urban Decay Study).

Additionally, the Fulton Mall Study Area suffers from higher crime rates than the remainder of the city, which has been a hindrance to further development in the area. The City of Fresno currently provides six police officers to patrol the Fulton Mall area, at an annual cost of approximately \$500,000. The lack of nighttime visibility and activity on Fulton Mall also negatively affects the security of the Fulton Mall's publicly displayed artworks, which have been valued at \$2 million. (City of Fresno Police Department)

Increase Consistency with Land Use Plans

On February 27, 2014, the Fresno City Council voted to amend the 2025 General Plan and Central Area Community Plan to change the designation of the Fulton Mall area from a pedestrian mall to a local street, making both project alternatives consistent with existing plans. The City of Fresno's draft 2035 General Plan, anticipated for adoption in 2014, calls for approval of the Fulton Corridor Specific Plan and Downtown Neighborhoods Community Plan.

As shown in Table 1-1, Economic Indicators, the Fulton Mall continues to experience higher vacancy rates and lower retail sales than other areas of downtown. These plans contain explicit goals to encourage investment within the downtown boundaries, which should result in lower vacancy rates and higher retail sales. Implementation of the Fulton Mall Reconstruction Project is the primary action identified in the draft Specific Plan to achieve increases in downtown investment and development.

The Fulton Mall is located in the Central Business District that was historically the cultural, civic, shopping, and transit center of Fresno. The Specific Plan is intended to recreate this economically successful atmosphere and anticipates that buildings will be occupied with ground-floor commercial, retail, and office activity to support active streetscapes and walking. Upper floors and the floor area behind shop fronts would accommodate a wide variety of lodging, housing, office, civic, or additional commercial uses. To accommodate future growth, the General Plan has projected about 8,000 multi-family and townhome units and 2,000 single-family units to be

built in the Mall and larger downtown areas in the coming years. This includes multi-family and townhome units within the Fulton Mall area.

Goals for the draft General Plan and Specific Plans include:

- General Plan Policy MT-1-h: “Complete Streets” Concept Implementation. Provide transportation facilities upon a “Complete Streets” concept that facilitates and balances use of all travel modes (pedestrians, bicyclists, motorists, and transit users), meeting the transportation needs of all ages and abilities and providing mobility for a variety of trip purposes.
- Downtown Neighborhoods Community Plan (DNCP) Policy 3.3.1: Create “complete streets” in the Downtown Neighborhoods so that all streets accommodate the needs of all potential users—vehicles, pedestrians, cyclists, transit vehicles and freight.
- DNCP Goal 3.4: Physically improve the Downtown Neighborhoods’ roadways and manage the transportation system to enhance safety and quality of life.
- DNCP Policy 3.4.3: Reestablish an interconnected street grid comparable to Fresno’s original grid pattern in order to increase walkability and improve connections to parks, open space, schools, and neighborhood centers.
- Fulton Corridor Specific Plan (FCSP) Goal 9-1: Provide a comprehensive transportation, circulation, and parking system that improves quality of life in Downtown.
- FCSP Policy 9-1-6: Install new or retain existing on-street parking (parallel or angles) along all streets, except where precluded by lack of curb-side access or right-of-way. The type of parking shall depend on the adjacent land use and roadway classification.
- FCSP Goal 9-4: Make parking convenient and easy to find.

1.3 Project Description

This section describes the proposed project and the design alternatives that were developed by an interdisciplinary team to achieve the project purpose and need while avoiding or minimizing environmental impacts.

The project is located in the city of Fresno on the Fulton Mall and includes the pedestrian mall segments of the cross streets of Merced, Mariposa, and Kern. The project proposes to reconstruct the Fulton Mall as a “complete streets” project by reintroducing vehicle traffic lanes to the existing pedestrian mall. The Mall consists

of eleven linear blocks that were open to traffic prior to 1964 but now do not allow public vehicle access. The Mall is bounded by Tuolumne Street to the north and Inyo Street to the south, and includes portions of three cross streets. The total length of the new roadways would be 0.74 mile.

The project is part of a larger planning effort by the City of Fresno intended to revitalize the downtown area. However, the proposed project has independent utility because it could operate and fulfill the purpose and need identified in Section 1.2, even if no other projects occur in the project area. Because it would connect two existing streets on either end, the proposed project has logical termini.

1.4 Project Alternatives

Several project alternatives were considered using the criteria of financial feasibility and the ability to meet the purpose of the project. The alternatives evaluated would improve access and visibility for businesses and be consistent with proposed General and Specific Plan documents within the constraints of the funding reasonably available from federal, state, local, and nongovernmental sources.

Two build alternatives and a No-Build Alternative were carried forward for evaluation.

1.4.1 Build Alternatives

Two build alternatives—Alternative 1 and Alternative 2—were determined to be both feasible and able to meet the purpose of the proposed project.

Common Design Features of the Build Alternatives

Each build alternative would reconstruct the Fulton Mall using “complete streets” design concepts. Complete streets are those designed to function as shared public space, or as “living streets”—for pedestrians, cyclists, outdoor businesses, and slow-moving vehicles. Complete streets may include narrow roadways, corner bulb-outs, winding streets, and other traffic-calming measures to lower driving speeds; street trees and other landscape elements; wide pedestrian sidewalks and crosswalks; and bicycle accommodations such as dedicated bicycle lanes or wide shoulders. The purpose of incorporating these design concepts into the proposed project is to retain portions of the historic fabric and character of the Fulton Mall, maintaining the key elements, feeling and unique experience of a pedestrian mall in Downtown Fresno. Each alternative is envisioned as a slow-speed street (potentially 15 miles per hour).

Both Alternative 1 and Alternative 2 reintroduce two-way traffic, with one lane in each direction, along the length of the Fulton Mall and three cross streets: Merced between Congo Alley and Federal Alley, Mariposa between Broadway Plaza and Van

Ness Avenue, and Kern between Fulton and Federal Alley. Both alternatives include a certain (though different) number of on-street parking spaces on these restored streets. Existing sidewalks would be removed and replaced. Pedestrian right-of-way would decrease from 80 feet to an average of 42 feet.

Existing street rights-of-way adjacent to the new streets within the Mall that would include minor public infrastructure improvements such as new curb locations, traffic signal improvements, and lane striping. These improvements would provide a transition from the existing street to the project construction area.

Each alternative would cost approximately \$20 million.

Unique Features of the Build Alternatives

Alternative 1—Traditional Main Street

Alternative 1 consists of reopening the Fulton Mall with two-way streets, with one lane of vehicular traffic in each direction alongside bicycle, pedestrian, and potentially other travel modes (such as trams or buses). The street is envisioned as a slow-speed street. Along the length of the Fulton Mall, 190 on-street vehicle parking spaces would be reintroduced (including cross streets), mid-block pedestrian crossings would be provided (one in approximately the middle of each block along Fulton), and improvements would be made to the streetscape. One 11-foot-wide vehicle travel lane would run in each direction, with a parallel parking lane of 8 feet included on both sides of the streets. Sidewalks would include a typical 14-foot sidewalk on one side of the street and a 28-foot-wide promenade on the other. This promenade is intended to approximate the Mall-like pedestrian experience of the original Eckbo Fulton Mall. Like the existing Mall, the Alternative 1 promenade would feature artworks, water features, seating, and trees and would allow for walking and pedestrian-only seating, landscaping, and lighting. A total of 162 on-street vehicle parking spaces would be reintroduced along the length of the Fulton Mall, plus 28 new spaces along cross streets for a total of 190.

The existing 20 works of sculpture present on the Mall today would all remain, though an estimated 14 would be moved to be incorporated in sidewalk and promenade areas of the new streetscape, along with the various existing tile mosaic benches. Seven of the existing 20 fountains are currently functioning. Five would be rebuilt and remain in place. Eleven others would be newly built to resemble the originals and re-scaled and located in other locations along the Mall promenade. Of the existing 154 trees located within the study area, 23 would be retained. After replanting, the total number of trees of all types on the Mall would remain at 154.

The two existing tot lots (children's playgrounds), one near the corner of Merced and Fulton and the other near the corner of Kern and Fulton, would be relocated and combined into one larger tot lot near the Fresno County Economic Opportunities Commission campus near the intersection of Mariposa and Congo Alley.

Figure 1-4 shows the plan view of Alternative 1. Basic information about Alternative 1 compared to the other alternatives is provided in Table 1-3 in Section 1.5 Comparison of Alternatives.

Figure 1-4 Plan View of Alternative 1



Alternative 2—Modified Main Street with Vignettes

Alternative 2 consists of reconnecting the street grid similar to Alternative 1, but would include rebuilding distinctive elements of the Fulton Mall in five to six specific locations, known as “vignettes.” The vignettes are intended to preserve existing shade trees and features of the historic Eckbo design and would include many of the existing elements (sculptures, fountains, pavement pattern, trees, and so on). To accomplish this, the street would have gentle curves that would allow for slightly greater preservation of statues in-place.

One 11-foot-wide vehicle travel lane would run in each direction and would curve through the vignettes. Outside the vignette areas, the street would straighten, and the landscape would include an 8-foot-wide parallel parking lane and a pedestrian-only walking, seating, vegetation, and public art area that varies between 14 and 44 feet wide on one or both sides of the street. Within the vignettes, there would be no parking lane, and the existing Fulton Mall landscape elements would be kept intact as much as possible. The remaining space on each side of the street would be dedicated to pedestrian travel, seating, vegetation, and artwork. A total of 52 new on-street parking spaces would be reintroduced along the length of the Fulton Mall, plus 30 new spaces along cross streets, for a total of 82.

Fourteen of 20 existing sculptures would remain where they are now. The other six, along with the various existing tile mosaic benches on the Fulton Mall, would be relocated to the vignettes or other sidewalk areas. Seven of the existing 20 fountains are currently functioning. Nine fountains would be rebuilt to resemble the originals and remain in place. Eight others would be rebuilt to resemble the originals and re-scaled and located in other locations along the Mall promenade. Of the existing 154 trees located in the project study area, 28 would be preserved. The total number of trees of all types, after replanting, would decrease to 97. A consistent streetscape design would be maintained over the Mall and cross streets.

As in Alternative 1, the two existing tot lots (children’s playgrounds), one near the corner of Merced and Fulton and the other near the corner of Kern and Fulton, would be relocated and combined into one larger tot lot near the Fresno County Economic Opportunities Commission campus near the intersection of Mariposa and Congo Alley.

Figure 1-5 shows the plan view of Alternative 2. Basic information about Alternative 2 compared to the other alternatives is provided in Table 1-3 in Section 1.5 Comparison of Alternatives.

Figure 1-5 Plan View of Alternative 2



1.4.2 No-Build Alternative

In the No-Build Alternative, no improvements would be made to Fulton Mall except for routine maintenance. The No-Build Alternative would not address any elements of the project's purpose and need. In this alternative, the Mall landscape would retain its National Register eligibility, but its condition would continue to degrade without an investment to repair water features (including leaks, piping, electrical components, pumps, filters, lighting, suction fittings, drains, nozzles, plaster finish, top coat finish, and backflow preventers), upgrade aging utilities, restore damaged artwork, repair or replace cracked and buckling pavement, and replace 29 trees in poor condition that can be expected to decline regardless of management.

1.5 Comparison of Alternatives

As part of the alternatives development process, representatives from the City of Fresno (City), and later the California Department of Transportation (Caltrans), followed a process of screening alternatives to identify alternatives to be carried forward for further study in the environmental document. Ten build alternatives were initially developed for the project and were derived from multiple sources including (1) a compilation of alternatives developed by the City; (2) concepts evaluated as part of proposed planning documents; and (3) alternatives suggested by the public at scoping meetings.

The following criteria were used to determine which alternatives would be evaluated in the draft environmental document:

Criterion 1: Does this alternative satisfy the requirements outlined in the Transportation Investment Generating Economic Recovery (TIGER) 2013 grant guidelines?

Criterion 2: Does this alternative satisfy the purpose for the project?

Criterion 3: Does this alternative meet City design standards, avoid operational and safety problems and meet driver expectations?

Criterion 4: Does this alternative avoid potentially adverse impacts to historic resources?

Criterion 5: Does this alternative constitute “use” of the 4(f) property? If yes, is this alternative considered prudent and feasible as defined under Section 4(f)?

See Table 1-2 for a summary of the results of this evaluation.

As a result of this process, Alternatives 1 and 2 and the No-Build Alternative were carried forward for further evaluation.

Both Alternatives 1 and 2 meet the purpose and need of the project by providing greater access and visibility for businesses, increased multi-modal access, and consistency with proposed General and Specific land use plans. The resulting transportation improvements would encourage dense downtown infill housing development that would help the Fresno region grow more sustainably, resulting in increased economic vitality.

Alternative 1, with its 28-foot-wide promenade on one side, more closely approximates the Mall-like pedestrian experience of the original Eckbo Fulton Mall. Because of the wide promenade, Alternative 1 provides more space for existing artwork, as well as the potential to add artwork in the future. Alternative 1 would have better accessibility than Alternative 2, particularly for people with visual disabilities, due to its consistent dimensions. The more-than-double amount of on-street parking would encourage more people to come downtown.

Alternative 2 would also provide a pedestrian experience, different from that in Alternative 1. In Alternative 2, the pedestrian space would change width as one walks along the street, in some places narrowing to 14 feet in width. There would be less separation from moving vehicles, and because of the curving roadway there is a potential that pedestrians could at times perceive traffic as headed in their direction. Space for artwork would be constrained by the spaces created by the curving roadway. Curb locations would be less predictable for people with visual disabilities. However, the vignette areas would help to retain more features of the historic Eckbo design in their original locations.

Under the No-Build Alternative, no construction would take place, and the purpose and need would not be met. Mall features would remain in their existing locations, and the City would continue routine maintenance as has historically been provided.

Each build alternative has an estimated construction cost of \$20 million. The No-Build Alternative has no construction cost, at least in the short term. Table 1-3 compares the alternatives.

Table 1-2 Summary of Alternatives Screening Analysis

| Criteria | No-Build Alternative | Alternative 1 Restore the Grid | Alternative 2 Restore the Grid with Vignettes | Alternative 3 Restoration and Completion (and option with tram) | Alternative 4 Restoration and Completion with Subsidies | Alternative 5 Restoration with Open Cross Streets | Alternative 6 Keep Four Center Blocks Closed | Alternative 7 Keep South and Center Closed | Alternative 8 Keep Center Closed | Alternative 9 Vehicle Traffic One-Way through Mall Landscape | Alternative 10 Vehicle Traffic Two-Way through Mall Landscape | |
|--|--|--------------------------------|---|---|---|---|--|--|----------------------------------|--|---|------------|
| Criterion 1: Does this alternative satisfy the requirements outlined in the Transportation Investment Generating Economic Recovery (TIGER) 2013 grant guidelines? | No-Build Alternative is required by NEPA | Yes | Yes | No | No | No | No | No | No | Yes | Yes | |
| Contributing to economic competitiveness: <i>Does the alternative bolster future economic development opportunities in the project study area?</i> | | yes | yes | no | partially | no | no | no | no | partially | yes | yes |
| Fostering livable communities: <i>Does the alternative encourage varied economic development that would include businesses, offices and residences? Does it use the complete streets concept?</i> | | yes | yes | no | no | no | no | no | no | partially | yes | yes |
| Improving environmental sustainability: <i>Does the alternative provide for multiple modes of transportation that would reduce dependence upon oil-based travel methods?</i> | | yes | yes | no | no | no | no | no | no | no | yes | yes |
| Improving safety: <i>Does the alternative comply with City design, operational and safety standards and meet driver expectations so that the safety of the travelling public is ensured?</i> | | yes | yes | partially | partially | partially | partially | partially | partially | partially | no | no |
| Improving the condition of existing transportation facilities: <i>Does the alternative provide improvement to the existing downtown Fresno street grid?</i> | | yes | yes | no | no | no | no | no | no | no | yes | yes |
| Criterion 2: Does this alternative satisfy the purpose of the project? | | Yes | Yes | No | No | No | No | No | No | No | Yes | Yes |
| Increase mobility and access in the Fulton Mall study area by providing more convenient multi-modal access options on the Mall and its cross streets. | | yes | yes | no | no | partially | partially | partially | partially | partially | yes | yes |
| Improve visibility of businesses, offices and other amenities in the Fulton Mall study area by improving traffic circulation, thereby encouraging additional economic development in the area. | | yes | yes | no | no | partially | partially | partially | partially | partially | yes | yes |
| Increase the Fulton Mall study area's consistency with the requirements and goals of existing and proposed land use plans, including the draft Fulton Corridor Specific Plan and draft Downtown Neighborhoods Community Plan, by making the area more accessible to the public, thereby encouraging greater public use of the area and bolstering future economic development opportunities. | | yes | yes | no | no | no | no | no | no | no | yes | yes |
| Criterion 3: Does this alternative meet City design standards, avoid operational & safety problems and meet driver expectation? | Yes | Yes | Partially | Partially | Partially | Partially | Partially | Partially | Partially | No | No | |
| Criterion 4: Does this alternative avoid potentially adverse impacts to historic resources? | No | No | Yes | Yes | No | No | No | No | No | No | No | |
| Criterion 5: Does this alternative constitute "use" of a 4(f) property? | Yes | Yes | No | No | Yes | Yes | Yes | Yes | Yes | Yes/Not Feasible | Yes/Not Feasible | |
| CARRY FORWARD FOR FURTHER STUDY | Yes | Yes | Yes | No | No | No | No | No | No | No | No | |

Table 1-3 Comparison of Project Alternatives

| Comparison of: | Alternative 1 | Alternative 2 | No-Build Alt. |
|--|---|---|---|
| Environmental Impacts | | | |
| <p>Land Use</p> <p>Specific Details:</p> <ul style="list-style-type: none"> On-street parking spaces created Average pedestrian right-of-way (and percent total) | <p>Access and parking improved (Section 1.2.2 Need), resulting in increased economic productivity.</p> <p>190 42 feet (52%)</p> | <p>Access and parking improved (Section 1.2.2 Need), resulting in increased economic productivity.</p> <p>82 42 feet (52%)</p> | <p>No improvements to access and parking or increased economic productivity.</p> <p>0 80 feet (100%)</p> |
| Consistency with State, Regional and Local Plans and Programs | <p>Consistent with updated 2025 General and Central Area Community Plan.</p> <p>Consistent with draft 2035 General Plan update and Specific Plans.</p> | <p>Consistent with updated 2025 General and Central Area Community Plans.</p> <p>Consistent with draft 2035 General Plan update and Specific Plans.</p> | <p>Not consistent with updated 2025 General and Central Area Community Plans.</p> <p>Not consistent with draft 2035 General Plan update and Specific Plans.</p> |
| Parks and Recreational Facilities | <p>Beneficial land use impacts associated with tot lots and equipment due to the provision of an equal or greater square footage of active play space and replacement of the existing playground equipment.</p> | <p>Beneficial land use impacts associated with tot lots and equipment due to the provision of an equal or greater square footage of active play space and replacement of the existing playground equipment.</p> | <p>No impact to tot lots.</p> |
| Economic Impacts | <p>Positive impact on retail sales income, reoccupation of vacant buildings. (City of Fresno Economic Impact Report, Urban Decay Study)</p> | <p>Positive impact on retail sales income, reoccupation of vacant buildings. (City of Fresno Economic Impact Report, Urban Decay Study)</p> | <p>No impact on retail sales income, no increased reoccupation of vacant buildings. (City of Fresno Economic Impact Report, Urban Decay Study)</p> |

| Comparison of: | Alternative 1 | Alternative 2 | No-Build Alt. |
|--|--|--|---|
| Environmental Impacts | | | |
| <p>Specific Details:</p> <ul style="list-style-type: none"> Annual gross retail sales (and percent increase from no build) Ground floor vacancy Construction Cost 30-year cost of maintenance and operations | <p>\$79.1 million (+146%)</p> <p>9%</p> <p>\$20 million</p> <p>\$3.7 million</p> | <p>\$55.4 million (+73%)</p> <p>15%</p> <p>\$20 million</p> <p>\$4.3 million</p> | <p>\$32.1 million (No change)</p> <p>26%</p> <p>\$0</p> <p>\$7.8 million</p> |
| Environmental Justice | No relocations required. No disproportionately high and adverse effects on any minority or low-income populations. | No relocations required. No disproportionately high and adverse effects on any minority or low-income populations. | No disproportionately high and adverse effects on any minority or low-income populations. |
| Traffic and Transportation/Pedestrian and Bicycle Facilities | No additional traffic-generating land uses. Minor changes to traffic patterns, primarily on Fulton Street and parallel facilities. Bike access would be along new streets rather than through the pedestrian mall. | No additional traffic-generating land uses. Minor changes to traffic patterns, primarily on Fulton Street and parallel facilities. Bike access would be along new streets rather than through the pedestrian mall. | No change in traffic patterns or pedestrian and bicycle facilities. |
| Visual/Aesthetics | Increase in vividness, intactness and unity of view due to increase in visual integrity, reduced visual encroachments, establishment of a visual pattern of trees. The character of view would improve with addition of proposed street and its features. There would be a short-term significant effect while newly planted trees mature. | Increase in vividness, intactness and unity of view due to the provision of distinctive patterns, visual integrity and visual harmony of the view. The character of view would improve with addition of proposed street and its features. There would be a short-term significant effect while newly planted trees mature. | No impact to visual/aesthetics. Views would remain the same, and trees in poor condition would not be replaced. |

| Comparison of: | Alternative 1 | Alternative 2 | No-Build Alt. |
|---|--|--|--|
| Environmental Impacts | | | |
| Specific Details: <ul style="list-style-type: none"> • Number of trees at conclusion of project • Existing sculptures in exact original mall locations • Existing sculptures relocated to other areas of the mall • Existing water features kept in exact original mall locations • Existing water features relocated to other areas of the mall | 154 6 14 5 11 | 97 14 6 9 8 | 154 20 0 7 0 |
| Cultural Resources | Adverse impacts to two historic properties: Fulton Street/Fulton Mall Historic District and Fulton Mall Historic Landscape, which are eligible for inclusion in the National Register of Historic Places, and no adverse impacts to 12 individually listed or eligible historic properties, under Section 106 of the National Historic Preservation Act. SHPO Concurrence received 9/23/13 | Adverse impacts to two historic properties: Fulton Street/Fulton Mall Historic District and Fulton Mall Historic Landscape, which are eligible for inclusion in the National Register of Historic Places, and no adverse impacts to 12 individually listed or eligible historic properties, under Section 106 of the National Historic Preservation Act. SHPO Concurrence received 9/23/13 | No impact to any historic properties. |

| Comparison of: | Alternative 1 | Alternative 2 | No-Build Alt. |
|----------------------------|--|---|--|
| Environmental Impacts | | | |
| Impacts to 4(f) Properties | Requires use of two properties protected under Section 4(f) of the Department of Transportation Act (the Fulton Street/Fulton Mall Historic District and the Fulton Mall Historic Landscape), and does not use any of the 12 individually listed or eligible historic properties. However this alternative has been determined to meet the prudent and feasible criteria outlined in that Act. | Requires use of a property two properties protected under Section 4(f) of the Department of Transportation Act (the Fulton Street/Fulton Mall Historic District and the Fulton Mall Historic Landscape), and does not use any of the 12 individually listed or eligible historic properties. However this alternative has been determined to meet the prudent and feasible criteria outlined in that Act. | Does not require use of properties protected under Section 4(f) of the Department of Transportation Act. |

After the public circulation period, Caltrans in cooperation with the City of Fresno selected a preferred alternative and made the final determination that the action does not significantly impact the environment. A Finding of No Significant Impact (FONSI) in accordance with the National Environmental Policy Act (NEPA) is included in this document.

1.6 Identification of a Preferred Alternative

Caltrans has identified Alternative 1 as the preferred alternative. Identification of the preferred alternative came after the a group of District 6 executive managers, including the District Director and the Environmental Division Chief, met on February 25, 2014. This group considered impacts to historic properties, Section 4(f) Least Overall Harm, Purpose and Need, as well as safety, construction and operations of the project. The team also reviewed and considered public input received on the draft Environmental Assessment and Section 4(f) Analysis. Based upon the data available at that time, the team selected Alternataive 1 as the preferred alternative under NEPA. As Section 106 consultation and the Section 4(f) process were still ongoing, Caltrans continued to consider Alternatives 1 and 5 through 8 to determine whether any information came forward that would cause a change in the selection of

the Preferred Alternative prior to the completion of the Final Environmental Document. As no such information was forthcoming, Caltrans has moved forward with the selection of Alternative 1 in the completion of this document. (See Appendix F for comments and responses.)

The 4(f) Least Overall Harm Analysis evaluated that the impacts of each alternative to the 4(f) resources were against the following criteria:

- i. Ability to mitigate adverse impacts to each Section 4(f) resource
- ii. Relative severity of the remaining harm, after mitigation, to the protected activities and attributes or features (document even if harm is substantially equal)
- iii. Relative significance of each Section 4(f) property
- iv. Views of the officials with jurisdiction over each Section 4(f) property
- v. Degree to which each alternative meets the Purpose and Need
- vi. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and
- vii. Substantial differences in costs among alternatives

Alternative 1 was determined to best meet these criteria, to best meet the Purpose and Need, to be the superior alternative from a safety and operations standpoint, and was favored by the public over Alternative 2 in comments received on the draft Environmental Assessment.

1.7 Alternatives Considered but Eliminated from Further Discussion Prior to the Draft Environmental Document

Early in the environmental process, 10 build alternatives were considered for the project. These alternatives were either developed by the City of Fresno and its consultants or suggested by others through the public participation process. (See Chapter 3 for additional information on the public participation process.) These alternatives included the two build alternatives considered in this document (Alternatives 1 and 2), as well as the following eight, which it was determined would not move forward for further evaluation in the draft Environmental Assessment.

Criteria used to determine which alternatives would be evaluated in the draft environmental document are explained in Section 1.4 of this document. Table 1-2 provides a summary of the results of this evaluation.

- Alternative 3 - Restoration and Completion (including option with tram)
(Originally identified as Option 2 in the 2012 Fulton Mall Urban Decay Study, this became “Option 3” in the draft Fulton Corridor Specific Plan.)
- Alternative 4 - Restoration and Completion with Economic Development Subsidies
(Identical to Alternative 3 with the addition of \$276 million over 30 years in subsidies to properties and businesses.)

Although Alternatives 3 and 4 avoid the use of Section 4(f) properties and an adverse impact to historic properties, and are partially consistent with the City design standards criterion, they are not consistent with the requirements of the TIGER grant funding and have no alternative funding sources, and do not meet the project’s stated Purpose and Need. For these reasons Alternatives 3 and 4 were eliminated from further consideration in the draft Environmental Assessment, and the Electric Tram option has been eliminated in this final Environmental Assessment. (Fulton Mall Alternatives Screening Analysis, October 2013)

- Alternative 5 - Restoration with Open Cross Streets
(Originally identified as Option 3 in the draft Fulton Corridor Specific Plan and Fulton Mall Alternative Plans, Economic Impact Analysis.)
- Alternative 6 - Keep Four Center Blocks Closed
(Originally identified as Option 4A in the draft Fulton Corridor Specific Plan and Fulton Mall Alternative Plans, Economic Impact Analysis.)
- Alternative 7 - Keep South and Center Closed
(Originally identified as Option 4B in the Fulton Corridor Specific Plan.)
- Alternative 8 - Keep Center Closed
(Originally identified as Option 5 in the Fulton Corridor Specific Plan.)

Alternatives 5 through 8 are partially consistent with the City design standards criterion. They do adversely impact historic properties and result in the use of 4(f) properties, though the impacts are lesser than in Alternatives 1 and 2. However, none of these alternatives are consistent with the requirements of the TIGER grant funding, none have alternate funding sources, and they do not meet the project’s stated Purpose and Need. None of these alternatives was found to offer the Least Overall Harm in the Section 4(f) Analysis. For these reasons, they were eliminated from further consideration in the draft Environmental Assessment. (Fulton Mall Alternatives Screening Analysis, October 2013)

- Alternative 9 - Vehicle Traffic One-Way Through Mall Landscape
(Originally identified as Option 6A in the Fulton Corridor Specific Plan, Fulton Mall Urban Decay Study and Fulton Mall Alternative Plans, Economic Impact Analysis.)
- Alternative 10 - Vehicle Traffic Two-Way Through Mall Landscape – Fulton Open
(Originally identified as Option 6B in the Fulton Corridor Specific Plan, and Fulton Mall Urban Decay Study.)

Although each of these alternatives (9 and 10) satisfies many of the screening criteria, neither complies with City design standards. It would not be possible to allow street traffic on top of the existing Mall pavement, as the structure of that pavement is not sufficient to support vehicle traffic. To construct either of these alternatives, it would be necessary to remove the existing Mall pavement and replace it with a structural foundation and pavement typically used in city streets. Removing the existing pavement and replacing it with a city street would cause either of these road structures to be the same as the road structures proposed for Alternatives 1 or 2, which include a city street with sidewalks on each side. These alternatives could not be built as described, and so have been determined not to be feasible alternatives.

1.8 Permits and Approvals Needed

The following permits, reviews and approvals would be required for project construction:

Table 1-4 Permits and Approvals Needed

| Agency | Permit/Approval | Status |
|---|---|---|
| State Historic Preservation Officer | Concurrence on eligibility for the National Register of Historic Places | Concurrence letter on eligibility received September 23, 2013. |
| State Historic Preservation Officer | Finding of Effect | Concurrence on an adverse effect to two historic properties received May 5, 2014. |
| State Historic Preservation Officer | Memorandum of Agreement | Memorandum of Agreement among Caltrans, the State Historic Preservation Officer, the Advisory Council on Historic Preservation and the City executed 05/16/2014 |
| Advisory Council on Historic Preservation | Memorandum of Agreement | Memorandum of Agreement among Caltrans, the State Historic Preservation Officer, the Advisory Council on Historic Preservation and the City executed 05/16/2014 |
| California Regional Water Quality Control Board | National Pollution Discharge Elimination System Compliance | Submittal expected before construction. |

Chapter 2 Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures

As part of the scoping and environmental analysis done for the project, the following environmental issues were considered, but no adverse impacts were identified. Consequently, there is no further discussion of these issues in this document.

Growth—Alternatives 1 and 2 have the potential to influence business growth within the project study area through the reoccupation of existing vacant buildings, which on a city level could result in a substantial benefit to the economy by providing a catalyst for additional development in the downtown area. These influences are discussed in the Economics section of this document. However, no direct or indirect impacts of growth are anticipated beyond the immediate influence of the proposed action. (Community Impact Assessment, July 2013)

Community Character and Cohesion—Neither build alternative would result in impacts to the population, income or housing characteristics within the project study area. Residents within the study area are located within three apartment complexes that are each separated by at least one block and are not considered a neighborhood. (Community Impact Assessment, July 2013)

Relocations and Real Property Acquisition—No permanent relocations or real property acquisitions would occur as a result of the project. Five mobile cart vendors licensed to operate within the project area would be provided with new locations on the sidewalk in the general vicinity of their current location once construction is completed, subject to the management of the vendor cart program by the Downtown Fresno Partnership and City of Fresno. (Community Impact Assessment, July 2013)

Utilities/Emergency Services—The project would have no permanent impacts on utilities within the project area. The project, once built, would have beneficial impacts to police, fire and other emergency services, as the placement of streets along the Fulton Mall would provide access to the sidewalks and structures surrounding the Mall. (Community Impact Assessment, July 2013)

Temporary impacts to utilities and emergency services related to construction of the proposed project are discussed in the Construction Impacts section of this chapter.

Hydrology and Floodplain—The proposed project is not located within a regulatory floodway or within the base floodplain (100-year) elevation of a watercourse or lake, and so would have no impact to hydrology or floodplain in the area. (Preliminary Environmental Study, February 2013)

Water Quality and Storm Water Runoff—The proposed project would not contribute additional pollutants to the existing storm drain system. It would result in no impact on water quality and would not have an impact on the existing sole-source aquifer. (Technical Memorandum, Sole-Source Aquifer – Water Quality Assessment, July 2013)

Paleontology—Excavation to construct the proposed project would occur in previously disturbed soils. Fossil resources are unlikely to be encountered. No further paleontological evaluation is required. (Paleontological Identification Report, August 2013)

Hazardous Waste/Materials—The proposed project is not expected to encounter hazardous waste or materials. Based on the project scope, lead and asbestos-containing materials are not anticipated in the project area because there is no planned renovation or demolition of residential and/or commercial structures. However, an asbestos and lead-based paint survey may be conducted prior to construction. (Supplemental Assessment to Fulton Corridor Phase I ESA, May 2013)

Potential construction impacts are addressed in the Construction Impacts section of this chapter.

Air Quality—The proposed project is correctly described in a conforming regional transportation plan and a transportation improvement plan, so it meets regional conformity. The project area is in attainment/maintenance for the federal CO standard and federal PM₁₀, and therefore a PM₁₀ hot-spot analysis was completed. The analysis was submitted to the Interagency Consultation Partners on July 30, 2013, and EPA concurred that this project is not a Project of Air Quality Concern on August 5, 2013. The project is in non-attainment for PM_{2.5} standards. The project is not in an area likely to contain naturally occurring asbestos, and no buildings or other structures containing asbestos would be removed or renovated. The project would not generate significant quantities of criteria air pollutants or ozone precursors, contains no meaningful potential for mobile source air toxics effects, and would not generate localized CO impacts from project operation. (Air Quality Analysis Report, July 2013)

The project has undergone Interagency Consultation (IAC). IAC participants concurred that the project is not a Project of Air Quality Concern on August 5, 2013.

Potential short-term impacts due to construction activities are discussed in the Construction Impacts section of this chapter.

Noise—Modeling results indicated that project-generated traffic under both build alternatives would result in negligible increases in ambient noise levels and that neither build alternative would result in an increase of more than 1 dBA over existing conditions. Therefore, traffic noise abatement is not necessary. (Noise Study Report, August 2013)

Potential construction impacts are addressed in the Construction Impacts section of this chapter.

Climate Change and Greenhouse Gas—The proposed project's construction-generated greenhouse gas emissions would be limited in scope and temporary, and would occur prior to 2020. The project would not generate an increase in operational emissions of greenhouse gases and would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. (Air Quality Analysis Report, July 2013)

Biological Environment—The proposed project would be contained entirely within developed areas characterized by concrete pavement and buildings with scattered ornamental trees. No native or natural habitat occurs or has the potential to occur, and no federally listed plants or species are found within the biological study area. The project would have no permanent impact on Natural Communities, Wetlands and Other Waters, Plant Species, Animal Species, or Threatened and Endangered Species. (Natural Environment Study, July 2013)

Potential temporary impacts to nesting migratory birds and bats are addressed in the Construction Impacts section of this chapter.

2.1 Human Environment

2.1.1 Land Use

2.1.1.1 Existing and Future Land Use

Affected Environment

Existing Land Use

Information in this section comes from the Community Impact Assessment (August 2013) prepared for the project.

The Fulton Mall Study Area is currently zoned as a Commercial Trading District (C-4). It contains a mix of land uses, which includes office, retail/restaurant, recreation/clubhouse, other commercial such as a hotel and theater, and residential. See Figure 2-1, Existing Land Use. Structures in the study area include multiple stories with storefronts on the ground floor and additional uses in the upper stories. Structures range from one story to 16 stories. Approximately 26% of the ground floor storefronts within the project study area are vacant.

The City of Fresno maintains the Mall landscape through the Department of Parks, Public Utilities, and Public Works. The Downtown Partnership has also provided money, starting in 2012, for various beautification purposes such as flower planting and irrigation.

Table 2-1 shows the amount of square footage for each land use within the study area.

Table 2-1 Land Use and Building Square Footage within Fulton Mall Study Area

| Land Use | Total Building Square Footage |
|--------------------------------|-------------------------------|
| Office ¹ | 648,964 |
| Retail/Restaurant ² | 1,232,504 |
| Rec - Clubhouse ³ | 46,007 |
| Other Commercial ⁴ | 164,075 |
| Residential ⁵ | 149,003 |
| Parking | 239,184 |
| Total | 2,479,737 |

¹ Office is identified on Figure 2-1 as co and pgo.
² Retail/Restaurant is identified on Figure 2-1 as cgh and cr.
³ Recreation Clubhouse is identified on Figure 2-1 as ccr. This includes the clubhouse facilities associated with Chukchansi Park.
⁴ Other Commercial is identified on Figure 2-1 as cgh.
⁵ Residential is identified on Figure 2-1 as rh. There is a co designation that currently includes residential.

Source: Community Impact Assessment, July 2013.

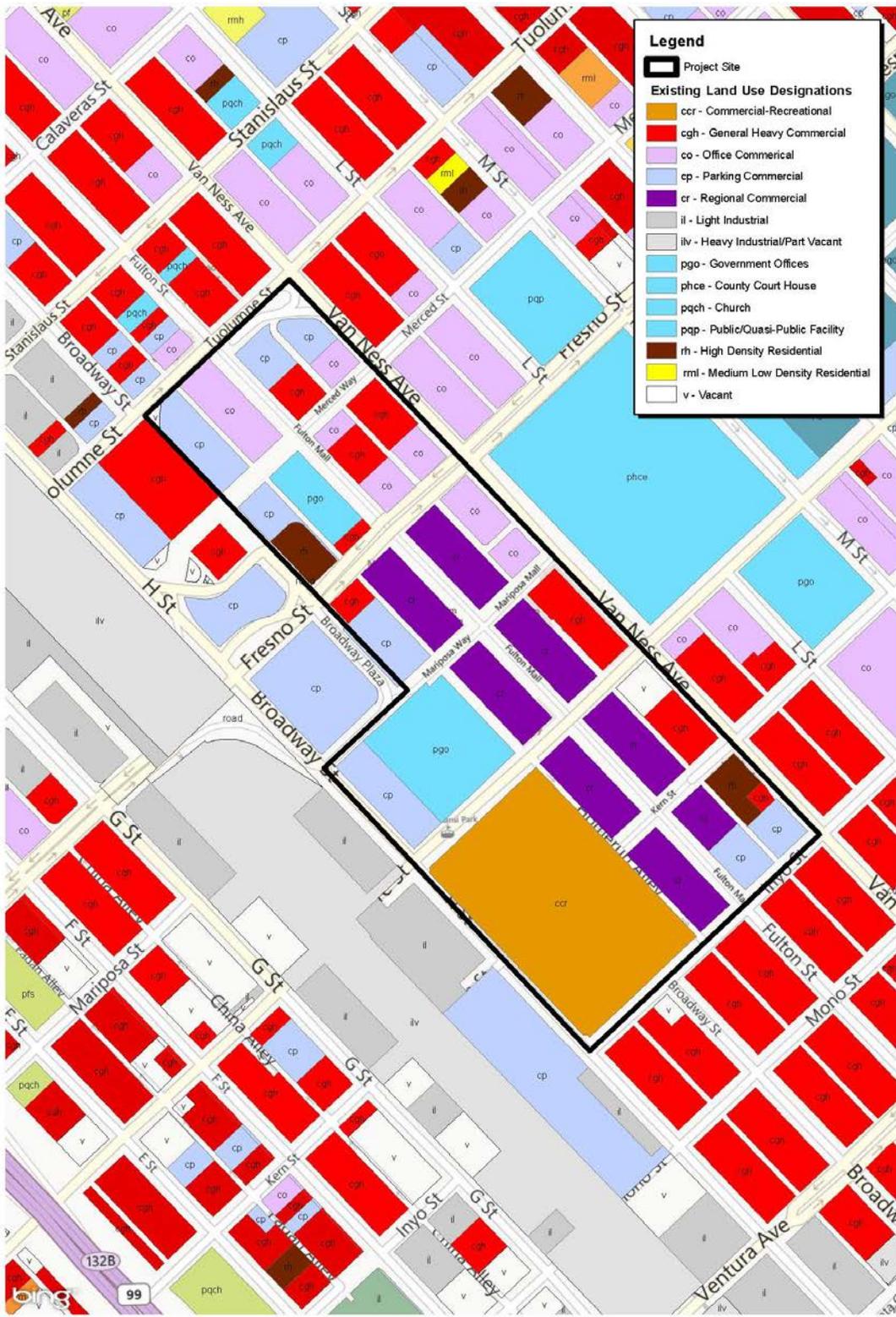


Figure 2-1 Existing Land Use

Future Land Use

The Fulton Mall Study Area is zoned as a Commercial Trading District (C-4). This designation allows a variety of retail, commercial, office, and residential uses. The City is currently proposing the draft Fulton Corridor Specific Plan (FCSP) and the accompanying draft Downtown Development Code (DDC). The FCSP covers approximately 655 acres within the downtown area and encompasses the study area, and the DDC proposes that the entire study area be designated as part of the “Central Business District 1” zone district, the most intense zone in the entire 7,290-acre area that the DDC will serve. This zone designation would allow land uses that consist of commercial, retail, and office activity to support active streetscapes and walking located on ground levels, both outside and within buildings. Upper floors of the buildings and the floor area behind shop fronts are flexible for a wide variety of office, civic, lodging, housing or additional commercial uses.

Currently, two tot lots are located on the Fulton Mall (see Section 2.1.1.3 for details). The City improved these facilities in 2008 using funding from State Proposition 40 and the Federal Land and Water Conservation Fund. Under both these funding sources, if grant-funded facilities are later “converted” to another use, then a replacement facility must be created on a new property within three years. Accordingly, a new tot lot will be built in another location within the project area as part of the project. (See Section 2.1.1.3, Parks and Recreational Facilities, for details.)

The intent of the Fulton Corridor Specific Plan is to guide development within the downtown area. Table 2-2 shows the projects that have been planned within the project area. Land uses identified in the Fulton Corridor Specific Plan are consistent with the City’s 2025 General Plan as amended as well as the draft 2035 General Plan Update land use designations within the project study area. See Figure 2-2, Draft General Plan Updated Land Use.

Table 2-2 Proposed Projects within the Project Study Area

| Name | Jurisdiction | Proposed Project | Status |
|---|---------------------|---|--|
| 1155 Fulton Mall, New Federal Offices | City of Fresno | Tenant improvements with minor exterior improvements. Funding is private. | Application has been submitted to City. Construction expected in 2013. |
| 1101 Fulton Mall, The Helm Building | City of Fresno | Tenant improvements for a new restaurant. Funding is private. | Construction is currently underway. |
| 959 Fulton Mall, JC Penney Building | City of Fresno | Approximately 66 residential units on the 2 nd through 5 th floors. Funding is private. | Application has been submitted to City. Timing of construction is unknown. |
| 1060 Fulton Mall, Pacific Southwest Building | City of Fresno | Restaurant lounge on 15 th and 16 th floors. Funding is private. | Application has been submitted to City. Timing of construction is unknown. |
| 851 Van Ness Avenue, Hotel California | City of Fresno | Improvements along side of building to re-introduce storefronts along Kern Street. Funding is private. | Application has been submitted to City. Timing of construction is unknown. |
| Storm Drain Replacement Project | City of Fresno | The City is proposing to replace the existing storm drain located in the middle of the Fulton Mall between Inyo and Tuolumne Streets. Funding is through TIGER grant. | Project construction would be done concurrently with the Fulton Mall Reconstruction Project if that project is approved. |
| Water Line Replacement Project | City of Fresno | The City is proposing to replace existing water lines within the Kern Mall between Federal Alley and Home Run Alley and Mariposa Mall between Federal Alley and Congo Alley. Funding is local. | Project construction would be done concurrently with the Fulton Mall Reconstruction Project if that project is approved. |
| Sewer Line Replacement Project | City of Fresno | The City is proposing to replace existing sewer lines within the Kern Mall between Van Ness Avenue and Home Run Alley and within the Merced Mall between Van Ness Avenue and Congo Alley. Funding is local. | Project construction would be done concurrently with the Fulton Mall Reconstruction Project if that project is approved. |
| Mariposa Plaza Activation Project | City of Fresno | The City is proposing to redesign the Mariposa Plaza to increase the number of community events held there. Funding is a mix of federal (National Endowment of the Arts) and local/private match. | Project is in the environmental stage. Construction is expected for 2016. |
| Van Ness Avenue Pedestrian Crossing at Mariposa Mall | City of Fresno | The City is proposing to install a new traffic signal at Van Ness Avenue at Mariposa Mall. This project is being funded by the Federal Transit Authority. | Project is in the design phase. Construction is expected to occur no later than 2015. |
| Bus Rapid Transit Stop | City of Fresno | As part of the Bus Rapid Transit program, a bus stop is proposed along Van Ness Avenue at Mariposa Mall. The bus stop is planned to be on a platform in the middle of Van Ness Avenue. Funding for this project is being provided by the Federal Transit Authority. | Project is in the design phase. Construction is expected to occur no later than 2015. |

Chapter 2 • Affected Environment, Environmental Consequences,
and Avoidance, Minimization, and/or Mitigation Measures

| | | | |
|--------------------------|--------------------------------------|---|--|
| High Speed Train Station | California High-Speed Rail Authority | The proposed station is located along the existing Union Pacific Railroad tracks between Fresno and Tulare Streets. Funding is provided through the California High-Speed Rail Authority. | Project is in the design phase. Application has not yet been submitted to the City. Construction timing is unknown at this time. |
| Residential Projects | Private Developers | Numerous projects are proposed or under construction within the draft Fulton Corridor Specific Plan area, but outside the Fulton Mall Reconstruction Project study area. These include an approximate total of 350 new housing units in various locations in the Cultural Arts District (north of the project study area) and Chinatown (west of the project study area). Funding is private, with public incentives provided by the former Redevelopment Agency of the City of Fresno and by the City of Fresno using Fresno County Measure C funds. | Construction is under way on some units; permits have been received for others with construction to begin in the near future. |

Source: Community Impact Assessment, August 2013

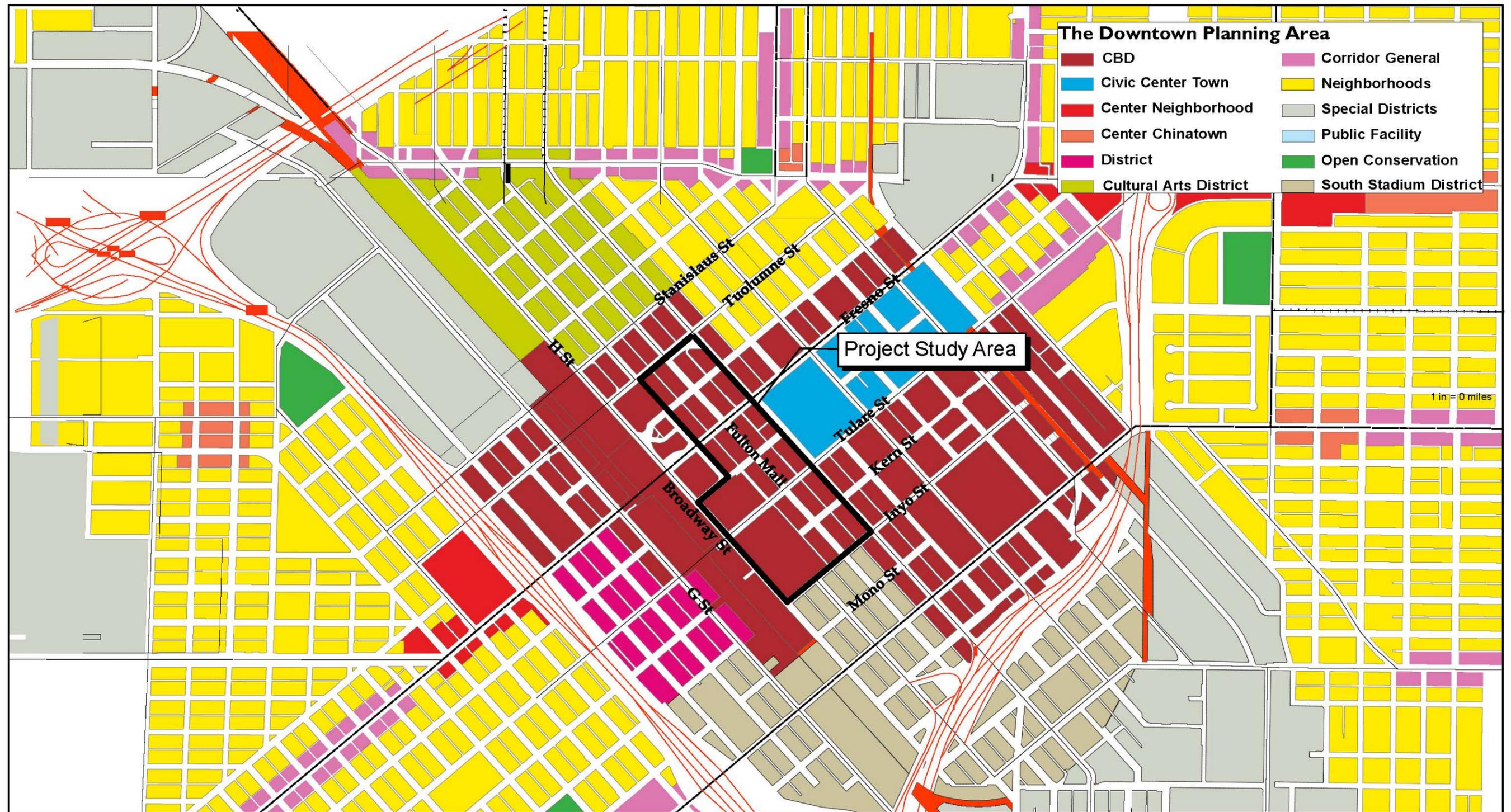


Figure 2-2 Draft 2035 General Plan Updated Land Use

Environmental Consequences

No existing or planned land uses in the project study area would be affected with implementation of the build alternatives. However, the build alternatives would improve access, parking and security, resulting in an increase in shoppers and the economic productivity of the Fulton Mall. An increase in economic productivity would encourage the reoccupation of the existing vacant ground-floor stores and induce the existing businesses and property owners to invest in store upgrades. This indirect growth would result in a beneficial impact on the future land uses within the Fulton Mall area.

The existing tot lots would be removed by either of the build alternatives. The City is considering consolidating the two lots into one larger tot lot near the intersection of Mariposa and Congo Alley. Further information is found in Section 2.1.1.3, Parks and Recreational Facilities, and in Appendix A, Section 4(f).

The No-Build Alternative would retain the existing land uses, including the tot lots and pedestrian mall. Therefore, this alternative would result in no effects on land use.

Avoidance, Minimization, and/or Mitigation Measures

Implementation of Alternative 1 or 2 would result in beneficial land use impacts associated with the proposed tot lot equipment and would not require measures.

2.1.1.2 Consistency with State, Regional, and Local Plans and Programs

Affected Environment

Information in this section comes from the Community Impact Assessment (August 2013) prepared for the project.

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

Transportation Plans

The Fresno Council of Governments (also known as the Fresno COG) develops long-term solutions for regional challenges such as transportation, air quality, growth management, and hazardous waste management. Because these issues cross city and county boundaries, the Fresno Council of Governments works with cities, counties, and public agencies in the region to develop plans and strategies to address regional issues.

The Fresno Council of Governments has developed strategies that specifically address the growth and transportation issues facing Central California as documented in adopted plans including the Regional Transportation Plan (RTP, adopted in 2011) and

the Federal Transportation Improvement Program (FTIP, adopted in 2012 and 2013). Following is a discussion of each of these plans and programs.

Regional Transportation Plan

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

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

Federal Transportation Improvement Plan

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

City of Fresno General and Specific Plans

2025 General Plan

The proposed project has been evaluated for its consistency with the 2025 General Plan goals and policies because the 2025 General Plan is the currently adopted plan for the City. The City of Fresno 2025 General Plan was adopted in 2002 and currently serves as a guide to enable government at all levels, private enterprise, community groups, and individual citizens to make decisions and use community resources in a manner that will realize progress toward a common vision of a measurably enhanced physical, economic, and social environment.

The land uses and circulation system within the 2025 General Plan are consistent with the land uses and circulation system outlined in the Central Area Community Plan.

See specific goals and policies relating to the proposed project in Table 2-3.

Central Area Community Plan

The Central Area Community Plan was approved in 1989 and encompasses approximately 1,500 acres bound by Highway 99, Highway 41 and Highway 180. The Community Plan provides a tool for the future development of the planning area.

See specific goals and policies relating to the proposed project in Table 2-3.

2035 General Plan Update

The proposed project has been evaluated for its consistency with the General Plan Update goals and policies because the City's General Plan is currently being updated and is anticipated to be adopted in 2014. The update provides a policy direction for the long-term development and maintenance of the city. It provides guidance to decision-makers when making determinations about the allocation of resources and the future physical form and character of development in the city.

The land uses and circulation system within the draft 2035 General Plan Update are consistent with the proposed land uses and circulation system proposed in the draft Downtown Neighborhoods Community Plan (DNCP) and draft Fulton Corridor Specific Plan (FCSP). The General Plan Update identifies that the downtown planning area will be further refined through specific and community plans, such as the proposed Downtown Neighborhoods Community Plan and Fulton Corridor Specific Plan, and further implemented through updates to the Development Code for regulations specific to downtown.

The goals within the proposed Downtown Neighborhoods Community Plan and Fulton Corridor Specific Plan are being adopted as objectives within the General Plan Update to ensure consistency between the General Plan Update and the Downtown Neighborhoods Community Plan and Fulton Corridor Specific Plan. See specific goals and policies relating to the proposed project in Table 2-3.

Draft Downtown Neighborhood Communities Plan

The draft Downtown Neighborhoods Community Plan, if adopted, will be the community's tool for guiding the successful regeneration of Downtown Fresno and its surrounding neighborhoods. The plan provides long-term goals for the plan area and detailed policies concerning a wide range of topics, including land use and development, transportation, the public realm of streets and parks, infrastructure, historic resources, and health and wellness. The project site is near the center of the

draft Downtown Neighborhoods Community Plan, which encompasses 7,290 acres. See specific goals and policies relating to the proposed project in Table 2-3.

Draft Fulton Corridor Specific Plan

The draft Fulton Corridor Specific Plan, if adopted, will be the community's tool for guiding the future development of Downtown Fresno. The plan provides long-term goals for the Fulton Corridor Specific Plan area and detailed policies concerning a wide range of topics, including land use and development, historic resources, the public realm, transportation, and infrastructure. The project site is near the center of the Fulton Corridor Specific Plan, which encompasses 655 acres. The Fulton Corridor Specific Plan is located within the Downtown Neighborhoods Community Plan. See specific goals and policies relating to the proposed project in Table 2-3.

Environmental Consequences

Table 2-3 shows a comparison of the consistency of the proposed project with the plans discussed above.

Table 2-3 Consistency with State, Regional, and Local Plans and Programs

| Policy | Alternative A | Alternative B | No-Build Alternative |
|--|---|---|---|
| Transportation Plans | | | |
| Regional Transportation Plan | Consistent. The project is included in the 2011 RTP through 2011 RTP Amendment #2 as Project ID FRE500768. | Consistent. The project is included in the 2011 RTP through 2011 RTP Amendment #2 as Project ID FRE500768. | Not Consistent. The No-Build Alternative would not result in the improvements proposed in the 2011 RTP. |
| Federal Transportation Improvement Plan | Consistent. The FHWA and FTA approved California's 2013 FSTIP. The FHWA and FTA determined the 2013 FSTIP conforms to the SIP on December 14, 2012. Therefore, the proposed project is consistent with the Federal Statewide Transportation Improvement Plan. | Consistent. The FHWA and FTA approved California's 2013 FSTIP. The FHWA and FTA determined the 2013 FSTIP conforms to the SIP on December 14, 2012. Therefore, the proposed project is consistent with the Federal Statewide Transportation Improvement Plan. | Not Consistent. The No-Build Alternative would not result in the improvements proposed in the 2011 RTP. |
| 2025 General Plan and Specific Plan | | | |
| City of Fresno 2025 General Plan | | | |
| Policy E-1-a Implement the classified street system in accordance with adopted engineering design standards and the 2025 Fresno General Plan Land Use and Circulation Map and the Transportation (Streets and Highways) Element Map depicting the location and general alignment of streets and highways. (See CIA for maps) | Consistent. The 2025 General Plan was amended by the Fresno City Council to identify the Fulton Mall as a Local Street, thus making the project consistent with this policy. | Consistent. The 2025 General Plan was amended by the Fresno City Council to identify the Fulton Mall as a Local Street, thus making the project consistent with this policy. | Not Consistent. The Fulton Mall would remain a pedestrian oriented facility and would not be reclassified as a collector street. This would be inconsistent with the General Plan amendment passed by the Fresno City Council on 2/27/2014. |
| Policy E-1-f: Allow a Level of Service "D" ("LOS D") as the acceptable level of traffic congestion on major streets. LOS "D" means moderate congestion at peak traffic periods. | Not Consistent. By 2035, the project plus other proposed projects in the area (see Table 2-2) would cause two intersections to operate below Level of Service D. | Not Consistent. By 2035, the project plus other proposed projects in the area (see Table 2-2) would cause two intersections to operate below Level of Service D. | Not Consistent. By 2035, even without the proposed project, other proposed projects in the area (see Table 2-2) would cause two intersections to operate below Level of Service D. |
| Policy E-2-h: Limit the number of driveway access points on all | Consistent. Alternative 1 does not include the addition of | Consistent. Alternative 1 does not include the addition of | Consistent. The No-Build alternative would not include the |

| Policy | Alternative A | Alternative B | No-Build Alternative |
|---|---|---|--|
| major streets to minimize traffic disruption and protect traffic flows. No development shall be approved if it will adversely affect the flow of traffic on a public street below an acceptable standard. | driveway access points on the proposed streets. | driveway access points on the proposed streets. | addition of driveway access points. |
| Central Area Community Plan | | | |
| Fulton Mall District Goal: Retain the Fulton Mall as a multifunctional, primarily pedestrian environment and improve its physical condition and economic vitality as a District with strong linkages to other Central Area activity centers; and promote the image of this District as a high quality, unique, comfortable and secure area which is accessible and attractive for business, recreation, tourism and a variety of special activities. | Consistent. This goal was deleted as a result of the Fresno City Council's amendment of the Central Area Community Plan on 2/27/2014, resulting in the designation of the Fulton Mall as a local street. The project is consistent with the amended goal. | Consistent. This goal was deleted as a result of the Fresno City Council's amendment of the Central Area Community Plan on 2/27/2014, resulting in the designation of the Fulton Mall as a local street. The project is consistent with the amended goal. | Not Consistent. This goal was deleted as a result of the Fresno City Council's amendment of the Central Area Community Plan on 2/27/2014, resulting in the designation of the Fulton Mall as a local street. The no-build alternative is not consistent with the amended goal. |
| Fulton Mall District Policy 1: Enhance linkage between the Fulton Mall District and other Central Area districts to strengthen interaction between them. Improve vehicular and pedestrian circulation around and access within the Fulton Mall District to optimize public convenience and safety, consistent with high standards of aesthetic quality. | Consistent. Alternative 1 would improve vehicular circulation around, and access within, the Fulton Mall District. | Consistent. Alternative 2 would improve vehicular circulation around, and access within, the Fulton Mall District. | Consistent. Without the proposed project, linkages between the Fulton Mall and other Central Area districts could still be improved. |
| Fulton Mall District Policy 2: Reinforce the emerging "three-node pattern: of retail, service and office activities with the north node principally as a public/private urban office park; the central node, as a blend of specialty shops, private | Consistent. The proposed project would allow the "three-node patter" to continue. | Consistent. The proposed project would allow the "three-node patter" to continue | Consistent. The No-Build Alternative would allow the "three-node patter" to continue |

| Policy | Alternative A | Alternative B | No-Build Alternative |
|--|---|---|--|
| and government offices; and south node, mainly as a diverse mix of unique retail shopping and services which cater to Central Area employees, residents, tourists and shoppers. | | | |
| Fulton Mall District Policy 4: Improve the appearance of public and private property through measures that result in a high level of maintenance. | Consistent. Both build alternatives would result in improvement in the aesthetic appearance by removing the dirty, stained, and cracked pavement, the cracked and stained planters, and the inoperable fountains. The alternatives would include new pavement for the sidewalks, refurbish the sculptures, and provide new lighting systems | Consistent. Both build alternatives would result in improvement in the aesthetic appearance by removing the dirty, stained, and cracked pavement, the cracked and stained planters, and the inoperable fountains. The alternatives would include new pavement for the sidewalks, refurbish the sculptures, and provide new lighting systems | Consistent. The No-Build Alternative would make no changes to the existing character of the Mall. |
| Fulton Mall District Policy 5: Encourage the redesign and remodeling of functionally obsolete office and retail business buildings to accommodate new uses that will stimulate activity along Fulton Mall network. | Consistent. Alternatives 1 and 2 would provide streets that would increase access to the area. This increase in access is anticipated to influence growth within the Fulton Mall District, which is anticipated to occur through the reoccupation of the ground floors of existing vacant buildings. As a result, both alternatives would stimulate activity along the Fulton Mall network. | Consistent. Alternatives 1 and 2 would provide streets that would increase access to the area. This increase in access is anticipated to influence growth within the Fulton Mall District, which is anticipated to occur through the reoccupation of the ground floors of existing vacant buildings. As a result, both alternatives would stimulate activity along the Fulton Mall network. | Consistent. There would be no change under the No-Build Alternative. |
| Fulton Mall District Policy 6: Establish and maintain an environment characterized by enhanced security, public convenience, easy access and orientation. | Consistent. The provision of streets under both alternatives would increase access and convenience to shop within Fulton Mall. The streets would also allow motorists improved orientation to specific destinations within Fulton Mall. | Consistent. The provision of streets under both alternatives would increase access and convenience to shop within Fulton Mall. The streets would also allow motorists improved orientation to specific destinations within Fulton Mall. | Consistent. There would be no change under the No-Build Alternative. |
| Fulton Mall District Policy 8: Improve and maintain the Fulton Mall as an exciting, physically and visually | Consistent. This goal was deleted as a result of the Fresno City Council's amendment of the | Consistent. This goal was deleted as a result of the Fresno City Council's amendment of the | Not Consistent. This goal was deleted as a result of the Fresno City Council's amendment of the Central Area |

| Policy | Alternative A | Alternative B | No-Build Alternative |
|---|---|---|---|
| superior pedestrian environment for the people of Fresno, the San Joaquin Valley and the world. | Central Area Community Plan on 2/27/2014, resulting in the designation of the Fulton Mall as a local street. The project is consistent with the amended goal. | Central Area Community Plan on 2/27/2014, resulting in the designation of the Fulton Mall as a local street. The project is consistent with the amended goal. | Community Plan on 2/27/2014, resulting in the designation of the Fulton Mall as a local street. The no-build alternative is not consistent with the amended goal. |
| 2035 Draft General Plan Update and Draft Specific Plans | | | |
| City of Fresno 2035 General Plan Update | | | |
| Goal MT-1 Create and maintain a transportation system that is safe, efficient, provides access in an equitable manner, and optimizes travel by all modes. | Consistent. The proposed project would allow multiple modes of travel along the Fulton Mall, including cars, pedestrians and bicycles. | Consistent. The proposed project would allow multiple modes of travel along the Fulton Mall, including cars, pedestrians and bicycles. | Not Consistent. The No-Build Alternative would not optimize travel by all modes. |
| Policy MT-1-h “Complete Streets” Concept Implementation. Provide transportation facilities upon a “Complete Streets” concept that facilitates and balanced use of all travel modes (pedestrians, bicyclists, motorists, and transit users), meeting the transportation needs of all ages and abilities and providing mobility for a variety of trip purposes. | Consistent. The proposed project is consistent with the “complete streets” concept. | Consistent. The proposed project is consistent with the “complete streets” concept. | Not Consistent. The No-Build Alternative would not use “complete streets” concepts. |
| Policy UF-11 Revitalize the Fulton Mall. | Consistent. The proposed project would add a total of 193 on-street parking spaces, which would improve access to storefronts and potentially improve retail sales. | Consistent. The proposed project adds a total of 85 on-street parking spaces, which would improve access to storefronts and potentially improve retail sales. | Not Consistent. The No-Build Alternative would not provide parking or access to storefronts along Fulton. |
| Downtown Neighborhoods Communities Plan | | | |
| Goal 3.3 Create a network of complete streets and multi-modal transportation strategies. | Consistent. Reintroduction of traffic to Fulton and cross-malls would increase the network of complete streets and multi-modal transportation strategies. | Consistent. Reintroduction of traffic to Fulton and cross-malls would increase the network of complete streets and multi-modal transportation strategies. | Not Consistent. The No-Build Alternative would not improve the network of complete streets and multi-modal transportation strategies. |

| Policy | Alternative A | Alternative B | No-Build Alternative |
|--|---|---|---|
| Policy 3.3.1 Create “complete streets” in the Downtown Neighborhoods so that all streets accommodate the needs of all potential users - vehicles, pedestrians, cyclists, transits vehicles and freight. | Consistent. The proposed project would introduce “complete streets” on Fulton and cross-malls. | Consistent. The proposed project would introduce “complete streets” on Fulton and cross-malls. | Not Consistent. The No-Build Alternative would not introduce “complete streets” to Fulton and cross-malls, and would continue to allow only pedestrian traffic. |
| Policy 3.3.6 Prioritize space for pedestrians and bicycles in the design and improvement of public right-of-way. As part of the implementation of this policy, design new roadways or retrofit existing roadways to have wider sidewalks and/or an improved pedestrian-oriented streetscape. | Consistent. Alternative A would include wide (up to 20-foot) sidewalks and a pedestrian-oriented streetscape. | Consistent. Alternative B would include wide (up to 20-foot) sidewalks and vignettes with no parking areas to create a pedestrian-oriented streetscape. | Consistent. The No-Build Alternative would leave the Fulton and cross-malls as they are today, with pedestrian-only access. |
| Policy 3.3.8 In order to decrease conflicts between automobiles and pedestrians, consolidate existing and minimize new curb cuts and driveways throughout the Plan Area. | Consistent. The proposed project would be designed using a “complete streets” concept, which minimizes conflicts between pedestrians and automobiles. | Consistent. The proposed project would be designed using a “complete streets” concept, which minimizes conflicts between pedestrians and automobiles. | Not Applicable. The No-Build Alternative would not allow vehicle traffic on the mall, and so would not have the potential for conflicts between pedestrians and vehicles. |
| Goal 3.4 Physically improve the Downtown Neighborhoods’ roadways and manage the transportation system to enhance safety and quality of life. | Consistent. The proposed project would improve the Downtown Neighborhoods’ roadways by introducing a new roadway on the Fulton and cross-malls. The new roadway would improve safety and quality of life as outlined in the Purpose and Need above. | Consistent. The proposed project would improve the Downtown Neighborhoods’ roadways by introducing a new roadway on the Fulton and cross-malls. The new roadway would improve safety and quality of life as outlined in the Purpose and Need above. | Not Consistent. The No-Build Alternative would not reintroduce traffic to the Fulton and cross-malls, and would not improve the Downtown Neighborhoods’ roadways. |
| Policy 3.4.3 Reestablish an interconnected street grid comparable to Fresno’s original grid pattern in order to increase walkability and improve connections to parks, open space, schools, and neighborhood centers. | Consistent. The proposed project would reestablish an interconnected street grid and would improve connection to neighborhood centers. | Consistent. The proposed project would reestablish an interconnected street grid and would improve connection to neighborhood centers. | Not Consistent. The No-Build Alternative would not reintroduce traffic to the Fulton and cross-malls, and so would not reestablish an interconnected street grid. |
| Draft Fulton Corridor | | | |

| Policy | Alternative A | Alternative B | No-Build Alternative |
|---|--|--|--|
| Specific Plan | | | |
| Goal 9-1 Provide a comprehensive transportation, circulation, and parking system that improves quality of life in Downtown. | Consistent. The proposed project would provide a comprehensive transportation, circulation and parking system by reestablishing the interconnected street grid within the Fulton and cross-malls and providing convenient parking for mall businesses. | Consistent. The proposed project would provide a comprehensive transportation, circulation and parking system by reestablishing the interconnected street grid within the Fulton and cross-malls and providing convenient parking for mall businesses. | Not Consistent. The No-Build Alternative would not reintroduce traffic to the Fulton and cross-malls, and so would not provide a comprehensive transportation, circulation and parking system. |
| Policy 9-1-2 Design new roadways or retrofit existing roadways to have wider sidewalks and a pedestrian-oriented streetscape. | Consistent. Alternative A would include wide (up to 20-foot) sidewalks and a pedestrian-oriented streetscape. | Consistent. Alternative B would include wide (up to 20-foot) sidewalks and vignettes with no parking areas to create a pedestrian-oriented streetscape. | Not Applicable. The No-Build Alternative would leave the Fulton and cross-malls as they are today, with pedestrian-only access. |
| Policy 9-1-4 Along Commercial and mixed-use streets, minimize driveways and driveway crossings of the pedestrian right-of-way. | Consistent. The proposed project would not allow for driveways and driveway crossings within the project area. | Consistent. The proposed project would not allow for driveways and driveway crossings within the project area. | Not Applicable. The No-Build Alternative would not reintroduce traffic to the Fulton and cross-malls, and would not affect driveways and driveway crossings in the pedestrian right-of-way. |
| Policy 9-1-6 Install new or retain existing on-street parking (parallel or angles) along all streets, except where precluded by lack of curb-side access or right-of-way. The type of parking shall depend on the adjacent land use and roadway classification. | Consistent. Alternative A would introduce 193 new on-street parking spaces within the project area. | Consistent. Alternative B would introduce 85 new on-street parking spaces within the project area. | Not Consistent. The No-Build Alternative would not introduce any new on-street parking spaces within the project area. |
| Policy 9-1-12 Reestablish an interconnected street grid comparable to Fresno's original grid pattern in order to increase walkability and improve connections to parks, open space, schools, and neighborhood centers. | Consistent. The proposed project would reestablish an interconnected street grid and would improve connection to neighborhood centers. | Consistent. The proposed project would reestablish an interconnected street grid and would improve connection to neighborhood centers. | Not Consistent. The No-Build Alternative would not reintroduce traffic to the Fulton and cross-malls, and so would not reestablish an interconnected street grid. |
| Goal 9-4 Make parking convenient and easy to find. | Consistent. Alternative A would introduce 193 new on-street parking spaces right next to mall businesses. | Consistent. Alternative A would introduce 85 new on-street parking spaces right next to mall businesses. | Not Consistent. The No-Build Alternative would not introduce any new parking within the project area. |

Alternatives 1 and 2 would be consistent with the various transportation plans, as well as the goals and policies of the City of Fresno draft 2035 General Plan Update, the draft Downtown Neighborhoods Community Plan, and the draft Fulton Corridor Specific Plan. On February 27, 2104, the Fresno City Council voted to amend the 2025 General Plan and Central Area Community Plan to change the designation of the Fulton Mall area from a pedestrian mall to a local street, making both project alternatives consistent with existing plans. Both alternatives are consistent with proposed land use plans, including the draft Fulton Corridor Specific Plan and draft Downtown Neighborhoods Community Plan.

No-Build Alternative

The No-Build Alternative would not meet the goals and policies listed above, but would result in no adverse impacts to transportation and land use plans. No avoidance, minimization, or mitigation measures are required as part of the No-Build Alternative.

Avoidance, Minimization, and/or Mitigation Measures

Because the proposed project is consistent with existing and proposed plans, no measures would be required.

2.1.1.3 Parks and Recreational Facilities

Affected Environment

Information in this section comes from the Community Impact Assessment (August 2013) prepared for the project.

The City of Fresno currently has a mix of regional, community, neighborhood, pocket, and mini-parks within the city limits. A limited number of parks are provided in the downtown area. Two parks—Courthouse Park and Cultural Arts District Park—are within the 655-acre draft Fulton Corridor Specific Plan area. No parks sit within the project study area.

Also present in the study area are two tot lots used for public recreation. Tot lot 1 located just south of Merced at Fulton measures 806 square feet. Tot Lot 2 located north of Kern at Fulton measures 966 square feet. Together, they measure a total of 1,772 square feet. These lots include playground equipment and sand areas at walkway level.

Funding from the Land and Water Conservation Fund provided playground equipment and some soft-fall material in the tot lots. Under the Land and Water

Conservation Fund Act, this recreational resource must be suitably replaced within three years if the land it occupies is converted to other uses. See Appendix A, Section 4(f) Evaluation, for further information and location maps.

Environmental Consequences

Implementation of the build alternatives for the proposed project would result in direct effects to the existing tot lots that are used for public recreation.

Implementation of the build alternatives would result in direct effects to the existing tot lots used for public recreation. During the construction period, removal of this resource would create a temporary adverse effect.

Alternatives 1 and 2 would relocate the tot lots and consolidate them into one larger tot lot within the project study area at the Fresno County Economic Opportunities Commission campus near the intersection of Mariposa and Congo Alley. (See the Section 4(f) evaluation included in Appendix A for further information.) Coordination under the Land and Water Conservation Fund Act under Section 6(f) of the Land and Water Conservation Act will be required for approval of this site. The provision of an equal or greater square footage of active play space and replacement of the playground equipment within the project study area would provide a beneficial recreational effect.

The No-Build Alternative would retain the existing land uses, including the tot lots and pedestrian mall. Therefore, this alternative would result in no effects on parks and recreation.

Avoidance, Minimization, and/or Mitigation Measures

Alternatives 1 and 2 would result in beneficial land use impacts associated with the proposed tot lot equipment and would not require measures.

2.1.2 Community Impacts

2.1.2.1 Economic Impacts

Affected Environment

Information in this section comes from the Community Impact Assessment (August 2013) prepared for the project.

The Fulton Mall currently allows only pedestrian traffic. This is one factor contributing to the economic woes of the Mall area, with businesses within the project study area grossly underperforming and storefronts having a high vacancy rate. The area lacks convenient parking spaces in front of stores and offers no visibility for

drive-by vehicular traffic. Parking is located around the perimeter of the Mall; due to the broken street grid, motorists find it confusing to navigate to a parking area and then find their way to the businesses and stores by foot. There is no clear view into the Mall area from its ends, and the landscape largely blocks views of the storefronts.

Like the rest of the nation, the Fresno Metropolitan Area has been in a recession with high levels of unemployment. The number of people unemployed in the Fresno area peaked in February 2010 at 81,326, representing an unemployment rate of approximately 18.6%. This unemployment rate was substantially higher than the national unemployment rate of 9.7%.

The project study area is in a state of urban decay due to economic disinvestment, with high vacancy rates, low lease rates, low retail sales, high crime rates, and deteriorating physical conditions. These economic conditions result in low levels of employment within the project study area.

Based on the 2012 Fulton Mall Urban Decay Study, the high vacancy rates in the project study area cause fewer employment opportunities. Currently, there are 299,380 square feet of vacant office space (46%) and 430,528 square feet of vacant retail/restaurant space (35%). Based on a national average employment density for office uses of 291 square feet per employee, and a rate of 400 square feet per employee for retail/restaurant space, the current vacancies on the Fulton Mall have reduced potential employment opportunities by approximately 2,104 jobs.

The Fulton Mall's vacancy rate is abnormally high compared to the surrounding downtown and overall city. The downtown area has an office vacancy rate of 12.7% and a retail vacancy of 11.2%. See Table 1-1 in Chapter 1 for more information. The City of Fresno has an office vacancy rate of 15.8% and a retail vacancy rate of 11%. The downtown area has the second lowest office vacancy rate in the Fresno region, which indicates that the project study area's high vacancy rate is not attributable to its location and must be due to other conditions.

According to area real estate brokers interviewed as a part of the 2012 Fulton Mall Urban Decay Study, the project study area suffers from high vacancies in part due to the exclusively pedestrian orientation of the Fulton Mall. The lack of through-traffic is undesirable for office and retail businesses that thrive on visibility, and a lack of on-street parking limits access for both tenants and visitors.

Office lease rates are low in the project study area to compensate for the issues identified above. The average asking lease rate for project study area office space available in November 2011 was \$1.03 per square foot per month. This is 27% lower than the average asking lease rate for office buildings downtown, which was \$1.41

per square foot per month in the third quarter of 2011 (2012 Fulton Mall Urban Decay Study).

Currently, the Fulton Mall's retail sales per square foot of \$79 per year are 61% lower than the downtown average of \$203 and 71% lower than the citywide average of \$274 (2012 Fulton Mall Urban Decay Study).

There are an estimated 30,000 or more workers in the downtown area. The Fulton Corridor Specific Plan Economic Impact Analysis found that these workers have time constraints during the work day that limit shopping at the nearby Mall and they often make after-work purchases while driving to and from work. Fulton does not receive its share of worker spending because of its lack of a street and convenient on-street parking that can be accessed after work hours. When workers get off work, they quickly travel out of downtown and shop where it is more convenient. Thus many businesses along the Mall close about 5:00 p.m.

Environmental Consequences

Alternatives 1 and 2 have the potential to influence business growth through the reoccupation of existing vacant buildings as vehicle access and parking become available, which on a regional (city) level could result in a substantial benefit to the economy by providing a catalyst for additional development in the downtown area.

This cause-and-effect relationship is bolstered by letters received from two Fulton Mall property owners and developers who recently acquired major historic buildings in support of a City application for funding related to the Fulton Mall Reconstruction Project. The owner of the JC Penney building on the Fulton Mall, who is planning to create 66 housing units, wrote that “like any development project . . . access to and around the property is of utmost concern to me in making this kind of investment” (Maghame, 2012). Likewise, the owner of the Pacific Southwest and Helm Buildings, who is planning to develop a mix of housing, office, and entertainment space, wrote that “addressing the access and infrastructure issues surrounding my properties . . . is my main source of hesitation about investing in housing units there” (Khatchadourian, 2012).

Both build alternatives would result in a positive effect on employment and income by providing better access and visibility to existing Mall businesses, and would induce additional businesses to reoccupy existing vacant buildings. Reoccupation of vacant buildings would result in greater employment opportunities within the Mall area. These employment opportunities could provide approximately 2,100 new jobs, as discussed in the Affected Environment section above.

Reoccupation of the vacant buildings, plus the anticipated increase in retail sales for the existing businesses, would result in an increase in retail sales. Following are the expected retail sales for each alternative as identified in the Economic Impact Analysis:

Alternative 1—This alternative would result in annual gross revenues increasing from \$32.1 million to \$79.1 million. Average retail sales would increase from \$92 per square foot to \$184 per square foot. Based on the Economic Impact Analysis for the Fulton Mall Alternative Plans prepared in June 2011, the reopening of Fulton Street and adding on-street parking is expected to reduce the existing ground-floor vacancies from 26% to 9%, close to citywide levels. Reoccupation would represent leasing approximately 79,200 square feet of the existing 122,700 square feet of vacant ground-floor space.

Alternative 2—This alternative would result in annual gross revenues increasing from \$32.1 million to \$55.4 million. Average retail sales would increase from \$92 per square foot to \$103 per square foot. Based on the Economic Impact Analysis prepared in June 2011, the reopening of Fulton Street and adding fewer on-street parking spaces compared to Alternative 1 is expected to reduce the existing ground-floor vacancies from 26% to 15%. Reoccupation would represent leasing approximately 51,900 square feet of retail space of the existing 122,700 square feet of vacant ground-floor space.

No-Build Alternative—The pedestrian mall under this alternative would remain unchanged. This alternative would continue to result in annual gross revenues of \$32.1 million and average retail sales would remain at \$92 per square foot.

See the Construction Impacts section at the end of this chapter for a discussion of short-term construction impacts to the local economy.

Avoidance, Minimization, and/or Mitigation Measures

No mitigation measures are required.

2.1.2.2 Environmental Justice

Regulatory Setting

All projects involving a federal action (funding, permit, or land) must comply with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, signed by President Bill Clinton on February 11, 1994. This order directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law. Low income is defined based

on the Department of Health and Human Services poverty guidelines. For 2010, this was \$22,050 for a family of four, and \$10,830 for a single person living alone.

All considerations under Title VI of the Civil Rights Act of 1964 and related statutes have also been included in this project. Caltrans' commitment to upholding the mandates of Title VI is evidenced by its Title VI Policy Statement, signed by the director (see Appendix B of this document).

Affected Environment

Information in this section comes from the Community Impact Assessment (August 2013) prepared for the project.

The project study area is made up of three census blocks within Census Tract 1. The three census blocks contain primarily commercial development, mostly retail stores and offices. There are also three apartment complexes with residential uses within the three census blocks. The three apartment complexes contain about 425 units with about 466 residents. Tract 1 contains about 2,860 persons; therefore, the project study area contains approximately 16% of the residential population within Tract 1.

Most of these 425 households within Tract 1 are made up of single persons living alone. The per capita income for single persons living alone within Tract 1 is \$8,368, which is lower than the poverty level of \$10,830 for one person. Within the five remaining tracts of downtown, one tract (Tract 2) has a lower per capita income and the three remaining tracts have a higher per capita income. Comparing Tract 1 with the City of Fresno, the per capita income for all persons living in the City of Fresno is approximately 239% higher than the per capita income for persons living in Tract 1.

The residential population of 466 is primarily made up of residents living at the three apartment complexes discussed above. The location and population of each of these apartments are as follows:

- Masten Towers is located on Fresno Street between Fulton and Broadway. There are 200 units with about 204 residents who are very low to low income. Also, 85 percent are seniors over the age of 62, and the rest are under 63 with mobility impairments. Residents must qualify for Section 8 housing.
- The Hotel California is located at the southwest corner of Kern and Van Ness. There are 217 units with about 250 residents who are very low to low-income senior citizens or disabled.
- The Pacific Southwest Building is located at the southeast corner of Mariposa and Fulton Mall. There are 8 units with about 12 residents. These residents are not considered to be low income.

Many people living near the project area are considered very low to low income, however the 12 people living at the Pacific Southwest Building are not characterized as low-income persons. See Table 2-4 for a comparison of Tract 1 and adjacent tracts and the city as a whole.

Table 2-4 Poverty Status (Income)

| | Tract 1 | Tract 2 | Tract 3 | Tract 4 | Tract 5.02 | Tract 6 | City of Fresno |
|------------------------------------|----------------|-----------------------------|----------------|----------------|----------------|----------------|-------------------|
| Total Households | 420 | 812 | 1,006 | 1,259 | 964 | 1,731 | 156,724 |
| \$14,999 or less | 318 (75.7%) | 438 (53.9%) | 301 (29.9%) | 224 (17.8%) | 282 (29.2%) | 705 (40.8%) | 25,772 (16.4%) |
| \$15,000 to \$24,000 | 65 (15.5%) | 183 (22.5%) | 273 (27.1%) | 264 (21.0%) | 128 (13.3%) | 417 (24.1%) | 21,885 (14.0%) |
| \$25,000 to \$150,000 | 37 (8.8%) | 191 (23.5%) | 423 (42.1%) | 734 (58.2%) | 509 (52.9%) | 609 (35.2%) | 99,709 (63.6%) |
| Median Household Income | \$11,303 | \$13,596 | \$22,245 | \$31,494 | \$33,438 | \$20,148 | \$43,440 |
| Family Households | 17 | 581 | 756 | 1,001 | 613 | 840 | 108,221 |
| \$14,999 or less | 8 (47.1%) | 303 (52.1%) ¹ | 156 (20.6%) | 170 (17.0%) | 247 (40.3%) | 265 (31.6%) | 14,845 (13.7%) |
| \$15,000 to \$24,000 | 9 (52.9%) | 151 (26.0%) | 238 (31.5%) | 203 (20.3%) | 118 (19.2%) | 226 (26.9%) | 13,805 (12.8%) |
| \$25,000 to \$150,000 | 0 | 127 (21.8%) | 353 (46.6%) | 608 (60.8%) | 248 (40.5%) | 344 (41.6%) | 72,029 (66.6%) |
| Median Family Income | \$22,639 | \$14,452 | \$24,111 | \$32,470 | \$21,507 | \$21,044 | \$49,053 |
| Non-Family Households ² | 403 | 231 | 250 | 258 | 351 | 891 | 48,503 |
| Median Non-Family Household Income | \$11,243 | \$8,661 | \$13,276 | \$21,848 | \$47,455 | \$14,702 | \$29,619 |
| Per Capita Income | \$8,368 | \$5,728 | \$9,790 | \$9,905 | \$14,012 | \$9,299 | \$19,978 |

Source: U.S. Census Bureau. May 2013. 2007-2011 American Community Survey 5-Year Estimate. Estimated Income DHHS poverty guidelines 2010: 1 person - \$10,830 and Family of four - \$22,050. Numbers for incomes over \$150,000 were not included.

1-228 (39.5%) of these 303 family households had an income of under \$10,000.

2- See Total Households for estimated income breakdown.

Due to lack of information at the census block level, population and ethnic census data were available at only the tract level for 2010. The population in Tract 1 is 73.4% white. This is the highest percentage of white population compared to each of

the five remaining tracts in the downtown area (the area between Highway 99, Highway 41, and Highway 180) as well as compared to the City of Fresno (49.6%). Because ethnicity is different than race and Hispanic persons could be of any race, a review of the persons that are of Hispanic origin compared to non-Hispanic was done. The percentage of Hispanic persons within Tract 1 (55.7%) is less than the percentage of Hispanic persons in the other tracts in the downtown area; however, Tract 1 has a greater percentage of Hispanic population than the City of Fresno as a whole (46.9%). Although the project study area is a small fraction of persons within Tract 1, there is a possibility that the project study area could have a disproportionate number of minority populations when compared citywide, though this cannot be determined from the available information. See Table 2-5.

Table 2-5 Population and Race

| Tract or area | Total Population | Population and (Percentage of Total Population) | | | | | | | |
|----------------|------------------|---|-----------------|-----------------------------|------------------|--------------------------------------|-------------------|-----------------------|-------------------|
| | | White | Black | Amer. Indian/ Alaska Native | Asian | Native Hawaiian/ Other Pac. Islander | Some Other Race | Hispanic ¹ | Non-Hispanic |
| 1 | 2,860 | 2,099 (73.4) | 474 (16.6) | 36 (1.3) | 130 (4.5) | 2 (0.1) | 91 (3.2) | 1,594 (55.7) | 1,266 (44.3) |
| 2 | 3,167 | 850 (26.8) | 612 (19.3) | 72 (2.3) | 315 (9.9) | 1 (0.0) | 1,167 (36.8) | 2,013 (63.6) | 1,154 (36.4) |
| 3 | 3,609 | 960 (26.6) | 959 (26.6) | 78 (2.2) | 213 (5.9) | 7 (0.2) | 1,257 (34.8) | 2,266 (62.8) | 1,343 (37.2) |
| 4 | 6,343 | 2,848 (44.9) | 425 (6.7) | 175 (2.8) | 355 (5.6) | 4 (0.1) | 2,255 (35.6) | 4,948 (78.0) | 1,395 (22.0) |
| 5.02 | 3,606 | 1,440 (39.9) | 227 (6.3) | 116 (3.2) | 261 (7.2) | 3 (0.1) | 1,390 (38.5) | 2,577 (71.5) | 1,029 (28.5) |
| 6 | 6,161 | 2,610 (42.4) | 455 (7.4) | 111 (1.8) | 279 (4.5) | 12 (0.2) | 2,361 (38.3) | 4,360 (70.8) | 1,801 (29.2) |
| City of Fresno | 494,665 | 245,306 (49.6) | 40,960 (8.3) | 8,525 (1.7) | 62,528 (12.6) | 849 (0.2) | 111,984 (22.6) | 232,055 (46.9) | 262,610 (53.1) |

Source: 2010 Census

1. Hispanic may be of any race.

Most ground-floor retail businesses currently on the Fulton Mall are minority owned, with strong numbers of Korean and Hispanic merchants, based on observation of the Mall businesses. Many retail businesses, regardless of ownership, are oriented toward Hispanic customers through the use of language and the types of goods sold. The 13 restaurants present include ethnic foods (Mexican, Chinese, Armenian, Vietnamese, etc.) and steaks, pizza, and sandwiches.

Day users of the Fulton Mall include a mix of office workers and shoppers that fluctuates throughout the week. Foot traffic counts in 2010 found an average of 4,805 people passing through the center of the Mall daily from 10:00 a.m. to 6:00 p.m., consisting primarily of office workers during the week and residents of nearby ZIP codes on weekends. Overall, “Hispanic/Latino” identity was claimed by 62% of survey respondents. A smaller number of day users are homeless or underemployed, and some use the Mall as a place to stay at night.

Environmental Consequences

Because the proposed project involves construction on the Mall footprint only and does not include demolition or reconstruction to any of the buildings, no residents would be displaced. Masten Towers sits about 225 feet west of the nearest area proposed for reconstruction. The Hotel California, at the southwest corner of Kern Street and Van Ness Avenue, sits within a few feet of the nearest area of Kern Street proposed for reconstruction. Nearby, the Pacific Southwest Building, at the southeast corner of Mariposa Mall and Fulton Mall, has residents living in the upper floors (above the tenth floor) of the 16-story building.

A common concern when an area is changed and improved, as is planned for the Mall area, is that gentrification may occur. Gentrification is the process by which an area of a city where poor people live becomes an area where middle-class people live as they buy the houses and repair them. In the case of the Fulton Mall, there are currently residential units in the upper floors of a few buildings and these are mainly rented by elderly low-income people. With improved access, developers plan to create additional residential units in other buildings, which could potentially be unaffordable to people with lower incomes. However, to help avoid this situation, the City of Fresno’s “Downtown Neighborhood Community Plan” (Draft 2011) includes the following Goals and Policies that include a range of housing opportunities, including affordable housing. These policies include:

- 2.9.1: Support the provision of new and retention of existing affordable housing in the Downtown Neighborhoods (this includes the Fulton Mall and surrounding areas).
- 2.9.2: Design future residential developments to meet the housing needs of a wide range of socioeconomic levels and family units including young singles, the elderly, and families.
- 2.9.5: Redevelop blighted, non-traditional multi-family residential buildings with new residential buildings of various types.

- 2.9.8: When senior citizen housing is developed, locate it near transportation, health care, shopping, and public facilities.

In addition, approximately 73% of the buildings along Fulton are only one or two stories and are used as storefronts or offices, and would be unlikely to be used for residential use.

All businesses, including minority-owned businesses, would benefit from increased access and parking provided by Alternative 1 or 2. No businesses would be directly affected or relocated.

Impacts to Residences

The nearest residences to the construction activities include those within the Pacific Southwest Building and the Hotel California. Construction activities would occur within street segments that would encompass less than 1 acre.

Air Quality—Long-term air emissions related to traffic volumes under Alternatives 1 and 2 are not expected to directly increase because these alternatives do not result in the addition of land uses. Current traffic volumes would be redistributed onto the proposed new roadways, and air emissions would remain the same.

Noise—Long-term noise levels associated with traffic volumes under Alternatives 1 and 2 would increase along Fulton Street, Kern Street, Mariposa Street, and Merced Street due to the redistribution of existing traffic volumes. The increase in traffic volumes would not exceed the volumes along current streets within the project study area such as Tuolumne Street, Fresno Street, Tulare Street, Inyo Street, and Van Ness Avenue. Residences sit right next to these streets already. As a result, noise levels along the new streets would not be substantially different from current noise levels.

Traffic—Long-term traffic volumes under Alternatives 1 and 2 would increase along Fulton Street, Kern Street, Mariposa Street, and Merced Street due to the redistribution of existing traffic volumes. The increase in traffic volumes would not exceed the volumes along current streets within the project study area such as Tuolumne Street, Fresno Street, Tulare Street, Inyo Street, and Van Ness Avenue. The increase in traffic volumes on the existing street network was evaluated. The increase in average daily traffic with Alternatives 1 and 2 would result in an increase of a maximum of 72 trips per day. This increase in daily traffic volumes on the existing street network is considered nominal.

Economic Effects—Low-income residents that live in the project study area would not be impacted by any economic effects of the project (such as employment) as they are either retired or disabled and no longer work. However, they may benefit from the

project indirectly with the potential of increased shopping choices as the retail market in the area improves.

The proposed Downtown Neighborhood Community Plan supports a wide range of housing in the project study area, including “affordable housing,” as previously discussed.

Implementation of the No-Build Alternative would retain the pedestrian mall and would not result in environmental justice impacts associated with air quality, noise, traffic, and the economy.

Impacts to Day Users

After the project is completed, features of the Mall that currently draw visitors would be reestablished, including access to benches, fountains, and artwork currently found along the Mall. The addition of 20-foot sidewalks would provide a park-like setting for those who wish to linger. Parking opportunities available closer than the existing parking lots and garages in the area could encourage more people to visit the area for shopping, business and recreational activities.

Construction activities could result in temporary effects, such as temporary air, noise or visual impacts. See the Construction Impacts section at the end of this chapter for further discussion of this subject.

Avoidance, Minimization, and/or Mitigation Measures

Neither Alternative 1 or 2 would cause disproportionately high and adverse effects on any minority or low-income populations as per Executive Order 12898 regarding environmental justice. Therefore, no measures are required.

2.1.3 Traffic and Transportation/Pedestrian and Bicycle Facilities

Regulatory Setting

Caltrans, as assigned by the Federal Highway Administration, directs that full consideration should be given to the safe accommodation of pedestrians and bicyclists during the development of federal-aid highway projects (see 23 Code of Federal Regulations 652). It further directs that the special needs of the elderly and the disabled must be considered in all federal-aid projects that include pedestrian facilities. When current or anticipated pedestrian and/or bicycle traffic presents a potential conflict with motor vehicle traffic, every effort must be made to minimize the detrimental effects on all highway users who share the facility.

In July 1999, the U.S. Department of Transportation issued an Accessibility Policy Statement pledging a fully accessible multimodal transportation system. Accessibility in federally assisted programs is governed by the U.S. Department of Transportation

regulations (49 Code of Federal Regulations Part 27) implementing Section 504 of the Rehabilitation Act (29 U.S. Code 794). The Federal Highway Administration has enacted regulations for the implementation of the 1990 Americans with Disabilities Act (ADA), including a commitment to build transportation facilities that provide equal access for all persons. These regulations require application of the ADA requirements to federal-aid projects, including Transportation Enhancement Activities.

Affected Environment

Information in this section comes from the Transportation Impact Report (July 2013).

Traffic and Transportation

The selected study area was determined through consultation with City of Fresno and Caltrans District 6 staff, the *City of Fresno Traffic Impact Study Report Guidelines* (City of Fresno, 2009), and the transportation impact analysis conducted for the Downtown Neighborhoods Community Plan (DNCP) and Fulton Corridor Specific Plan (FCSP). Figure 2-3 shows the selected study area, including the proposed project location and existing transportation network.

Fulton Mall is located at the center of Fresno's Central Business District, and consists of six blocks bounded by Van Ness Avenue to the east, Inyo Street to the south, Broadway to the west, and Tuolumne Street to the north. The Fulton Mall project area includes a 2,670-foot-long north-south pedestrian-only mall along Fulton Street, with three shorter east-west pedestrian malls on Merced Street, Mariposa Street, and Kern Street where they cross the Fulton Mall. Together, the total linear length of the pedestrian mall complex is 4,620 feet. Fresno Street and Tulare Street carry east-west traffic through the project area with traffic signals where they cross Fulton Mall.

The following 18 study intersections and 16 roadway segments were evaluated for this analysis:

Intersections

1. Stanislaus Street/Van Ness Avenue
2. Stanislaus Street/Fulton Street
3. Stanislaus Street/Broadway
4. Tuolumne Street/Broadway
5. Tuolumne Street/Fulton Street
6. Tuolumne Street/Van Ness Avenue
7. Fresno Street/H Street
8. Fresno Street/Fulton Street
9. Fresno Street/Van Ness Avenue
10. Tulare Street/H Street

11. Tulare Street/Fulton Street
12. Tulare Street/Van Ness Avenue
13. Inyo Street/H Street
14. Inyo Street/Fulton Street
15. Inyo Street/Van Ness Avenue
16. Ventura Avenue/H Street
17. Ventura Avenue/Broadway
18. Ventura Avenue/Van Ness Avenue

Fresno Street currently travels under H Street via a grade-separated underpass. The City of Fresno intends to make this an at-grade intersection in the future. The Fresno Street/Fulton Street and Tulare Street/Fulton Street intersections are currently locations where Fulton Mall crosses these east-west streets with traffic signals to allow pedestrians to cross.

Roadway Segments

1. Broadway: North of Stanislaus Street
2. Fulton Street: North of Stanislaus Street
3. Van Ness Avenue: North of Stanislaus Street
4. Fulton Street: Tuolumne Street to Inyo Street
5. Van Ness Avenue: Fresno Street to Tulare Street
6. Van Ness Avenue: Tulare Street to Inyo Street
7. Van Ness Avenue: Inyo Street to Ventura Street
8. Stanislaus Street: M Street to Van Ness Avenue
9. Stanislaus Street: Broadway to E Street
10. Tuolumne Street: E Street to Broadway
11. Tuolumne Street: Van Ness Avenue to M Street
12. Fresno Street: Van Ness Avenue to Broadway
13. Fresno Street: H Street to Van Ness Avenue
14. Tulare Street: H Street to Van Ness Avenue
15. Inyo Street: H Street to Van Ness Avenue
16. Ventura Avenue: Van Ness Avenue to M Street

AM and PM peak-hour (rush-hour) traffic counts were collected at study intersections on weekdays between November 2009 and January 2012 (see Figure 2-3). While these counts were taken over the course of a little more than a two-year period, the traffic counts demonstrate that traffic volumes have roughly remained the same or slightly decreased during this time period.



Figure 2-3 Traffic Impacts Study Area

A review of traffic counts collected in 2009 and 2011 on the Fresno Street and Tulare Street corridors in Downtown Fresno show that traffic volumes have either stayed roughly the same or decreased by up to 20 percent, with an average decrease of about 10 percent. Therefore, using the slightly older counts from November 2009 represents similar or slightly more congested traffic conditions as those observed in 2011 and 2012.

Daily roadway traffic count data were obtained from the City of Fresno and the High-Speed Rail Environmental Impact Report. These traffic counts were collected between March and November 2009. The baseline existing conditions roadway operations analysis uses roadway geometrics and traffic control as observed in fall 2011.

Under baseline existing conditions, all study intersections operate at LOS D or better.

Pedestrian and Bicycle Facilities

Within the project area, bicycle facilities are limited. A bicycle facility is classified into one of three categories:

- Class I Bike Path—Off-street bike paths within exclusive right-of-way.
- Class II Bike Lane—Striped on-road bike lane next to the outside travel lane on preferred corridors for biking.
- Class III Bike Route—Shared on-road facility, usually designated by signs.

According to the City of Fresno Bicycle, Pedestrian and Trails Master Plan (2010) and field observations, the following Class II bike lanes are present in the study area:

- Stanislaus Street—Divisadero Street to Broadway
- Tuolumne Street—Broadway to Divisadero Street

In addition, the Fulton Mall and Mariposa Mall allow bicyclists to use the pedestrian mall as a bicycle facility. Near the study area, Class II bike lanes are also provided on the following streets:

- H Street—Tuolumne Street to Divisadero Street
- M Street—Divisadero Street to San Benito Street
- P Street—Fresno Street to Divisadero Street

Figure 2-4 shows the location of existing and recommended bicycle facilities in the study area as identified in the City of Fresno Bicycle, Pedestrian and Trails Master

Environmental Consequences

Traffic and Transportation

As discussed in Section 2.1.1.1, Existing and Future Land Uses, the City of Fresno is moving forward to adopt the Downtown Neighborhood Community Plan and the Fulton Corridor Specific Plan, which will shape future development and transportation in Downtown Fresno. Future traffic conditions are evaluated based on the assumption that land use plans currently anticipated by the City will occur. A list of proposed developments is provided in Table 2-2. The proposed project does not propose any additional traffic-generating land uses. The project is not expected to affect traffic volumes, but is instead expected to accommodate and redistribute future traffic that will exist in the downtown area.

Because both build alternatives propose narrow, two-way vehicular streets, it is anticipated that the reintroduced roadways associated with these alternatives would serve existing traffic by providing access to existing and anticipated businesses along the pedestrian malls, but would not induce substantial additional travel upon opening. Both build alternatives would be compliant with the Americans with Disabilities Act requirements.

The build alternatives may cause some shifts in local traffic patterns by opening the existing Fulton Mall and its cross streets to vehicle traffic. Additionally, construction of multiple modes of transportation, including the High-Speed Rail station and the Bus Rapid Transit station, would reduce the use of automobiles in the project study area.

The cost-benefit analysis submitted with the City's successful application for federal funding for the Mall project looked explicitly at the impact on emissions. Using published data for vehicle travel reductions resulting from development in urban centers, and assuming that Fulton Mall vacancy rates drop simply to those found in the rest of downtown, the equivalent of 2,500 cars would be taken off the road completely. Therefore, the increase in average daily traffic with Alternatives 1 and 2 would result in an increase of a maximum of 72 trips per day. The increase in traffic volumes would not exceed the volumes along current streets within the project study area such as Tuolumne Street, Fresno Street, Tulare Street, Inyo Street, and Van Ness Avenue. This increase in daily traffic volumes on the existing street network is considered nominal.

Because these alternatives would create narrow, two-way vehicular streets, these new roadways would primarily carry local trips to access adjacent businesses. Therefore, these changes in traffic patterns would be localized to roadways in the project study area. All study intersections would continue to operate at LOS D or better during the

AM and PM peak hour under baseline existing conditions plus project conditions with the Mall open to traffic alternatives.

To evaluate this shift in traffic patterns, a locally validated version of the 2010 Fresno Council of Governments Traffic Demand Forecasting (COG TDF) model was used to estimate the re-distribution of traffic in the study area. The Fresno COG TDF model confirmed that opening Fulton Mall to vehicular traffic would not affect traffic volumes outside the study area. The model also confirmed that opening the Mall to vehicular traffic resulted in minor changes to traffic patterns, primarily on Fulton Street and parallel facilities, such as Van Ness Avenue.

Under the No-Build Alternative, traffic patterns in the project area are not expected to change as the transportation infrastructure in the study area would remain the same. Therefore, the traffic volumes for the No-Build Alternative would be the same as baseline existing conditions.

Temporary impacts related to construction of the proposed project are discussed in the Construction Impacts section of this chapter.

Pedestrian and Bicycle Facilities

In each of the build alternatives, bike lanes would be introduced along with the streets. Vehicle traffic would also be reintroduced to the corridor. Depending on the design of the roadway and the alternative selected, there is the potential for increased hazards from interaction between travel modes (vehicles and pedestrians, vehicles and bicyclists, etc.).

Project design would consider issues such as design speed, sight distance and bicycle and pedestrian treatments to enhance traveler safety for each of the build alternatives. If Alternative 2 were selected, the design would consider a driver's ability to see pedestrians and cyclists at intersections and mid-block crossings.

Avoidance, Minimization, and/or Mitigation Measures

No measures would be required for traffic impacts under this section. See the Construction Impacts section of this chapter for temporary impacts and associated measures.

With implementation of the design considerations listed below, no additional measures would be required for pedestrian and bicycle facilities:

T-1 If one of the Mall Open to Traffic alternatives is selected, the project design shall consider issues such as design speed, sight distance, and bicycle and pedestrian treatments to enhance traveler safety. Specifically, if Alternative B (Reconnect the Grid with Vignettes) is selected, the placement of art pieces in the project design shall

consider drivers' ability to see pedestrians and cyclists at likely interaction points, such as intersections and mid-block crossings.

2.1.4 Visual/Aesthetics

Regulatory Setting

The National Environmental Policy Act of 1969 as amended establishes that the federal government use all practicable means to ensure all Americans safe, healthful, productive, and *aesthetically* (emphasis added) and culturally pleasing surroundings (42 U.S. Code 4331[b][2]). To further emphasize this point, the Federal Highway Administration in its implementation of the National Environmental Policy Act (23 U.S. Code 109[h]) directs that final decisions on projects are to be made in the best overall public interest, taking into account adverse environmental impacts, including among others, the destruction or disruption of aesthetic values.

Affected Environment

Information in this section comes from the Visual Impact Assessment (August 2013) prepared for the project.

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

Distant views from within the Fulton Mall area are mostly blocked by the surrounding high-rise buildings. Pedestrians along the Fulton Mall experience very few spots where distant views are available; distant views are available from the edges of the Mall and along existing streets. Within the Mall, views are internal and include the various features of the Mall itself, including trees and shrubs, pavement, planters, sculptures, fountains, seating areas, and other artwork.

About 154 trees and a large number of shrubs and flowers provide a visual relief to the urban environment within the Mall. Most of the trees do not appear to be well maintained due to the presence of broken or crossed limbs, misshapen trunks, and roots protruding into the concrete sidewalks. However, the mature trees provide shade, which is much needed in the warmer months in Fresno.

Because streets with vehicular traffic in the immediate vicinity are perpendicular to the Mall, views to the storefronts along the public streets that are adjacent to Fulton Mall—such as Inyo, Tulare, Fresno, and Tuolumne streets—are limited. Limited

views of storefronts do not allow motorists or pedestrians traveling along these streets to see specific stores within the Mall.

The Mall's pavement includes a paving pattern that in part appears intended to resemble the contours of a natural landscape. However, the pavement, planters, and other features of the Mall are nearly 50 years old and are subject to the weather as well as wear and tear. Even with the maintenance provided over the years, and additional beautification projects provided by the Downtown Partnership since 2012, the overall appearance of the Mall is that it is minimally maintained. The pavement is dirty, with numerous areas of food stains, discarded chewing gum, and cigarette butts. In many spots, the pavement is cracked. When the trees were planted, advanced planting techniques, such as structural pavement, drip irrigation, and root barriers were not prevalent, so tree roots have cracked the pavement in various spots.

Many planter walls and curbs are cracked, which decreases the quality of the visual environment, and generally gives the Mall a visually unattractive appearance. The sculptures and fountains are unique features of the Mall, but some sculptures have been vandalized and others are not prominently displayed or identified. Likewise, some of the fountains have been vandalized, and 14 of the 21 existing fountains have not been operable for years. Plaster is cracked, and the pumps and/or lighting are inoperable and have become repositories for debris, discarded bits of food, and cigarette butts.

Due to the ground-floor vacancy rate (about 26%) in the Mall, many of the businesses have industrial-looking metal gates that extend across the storefronts, indicating that the building space is vacant. The gates are used to deter vandalism, but they also detract from the overall appearance of the Mall. In addition, some vacant storefronts have numerous haphazardly placed flyers, advertisements, and other posted materials that are attached to their frontage, which further degrades the visual experience of visiting the Mall.

Environmental Consequences

A Visual Impact Rating and analysis were done for three Key Observation Points (see Figure 2-5). The rating process included establishing the visual environment of the project, assessing the visual resources of the project area, and identifying viewer responses to those resources. These components defined the existing conditions. Resource changes introduced by the project and the associated viewer responses were then assessed to provide a basis for determining the potential visual impacts.

Resource changes are evaluated based on the following three criteria (see the Visual Impact Assessment, August 2013):

Vividness is the visual power or memorability of the landscape components as they combine in striking and distinctive visual patterns.

Intactness is the visual integrity of the landscape and its freedom from non-typical encroaching elements. If all of the various pieces of a landscape seem to “belong” together, there will be a high level of intactness.

Unity is the visual harmony of the landscape considered as a whole. Unity represents the degree to which potentially diverse visual elements maintain a coherent visual pattern.

For the No-Build Alternative, a visual evaluation is not warranted because there would be no change to the existing views.

Key Observation Point 1

Existing Condition

The existing southern view of the Fulton Mall south of Kern Mall is limited mainly to foreground and middle ground views of mature trees, patterned pavement, artwork, benches, light stands, and flowerpots (see Figure 2-6). The landscape from this viewpoint is considered to have moderately low vividness due to its relatively flat terrain, but the irregularly shaped ornamental pine tree in the foreground is considered to have a moderately high vividness due to its unique trunk structure.

The human-made features within the pedestrian mall in this view are considered to have a low level of vividness because they appear to have an overall low level of maintenance or upkeep, which has resulted in dirty pavements, inoperable and broken concrete fountains, vacant shops, and flyers haphazardly posted at storefronts and on light poles. From this view, there is only nominal vegetation in the middle ground near Inyo Street and the buildings that border the Mall. The vegetation and the buildings provide very low to moderately low vividness from this viewpoint. Overall, the view from this viewpoint provides low vividness.

This view has some visual encroachments or eyesores, including pavement that is dirty or cracked in various locations. This view also includes flyers in the building windows as well as on the utility poles that are visible in the background view. Overall, the intactness is moderately low.

The unity between natural (trees and vegetation) and human-made elements as well as the overall unity is considered low due to the low visual harmony that this view provides. Overall, the visual quality that this view provides is low.



Source: City of Fresno GIS Data.

Figure 2-5 Key Observation Points



Figure 2-6 Existing View at Key Observation Point 1

Viewer Response

From Key Observation Point 1, the artwork, vegetation, and pavement design provide a unique visual experience compared to some of the other areas within the downtown area. Viewers from this location are currently pedestrians, shoppers, bicyclists, and retail and office workers. Under Alternatives 1 and 2, motorists would be added as viewers from this location.

The pedestrians and shoppers have a relatively lengthy duration of the views. The expected viewer sensitivity rating from this viewpoint is identified as moderately high.

Proposed Condition - Alternative 1

This alternative would construct a two-lane street with parallel parking on both sides of the street and includes approximately 20-foot-wide sidewalks with various features (see Figure 2-7). From this viewpoint, the visual features within the sidewalk area would include benches, artwork, trees, and patterned pavement. This viewpoint would also have a mid-block crosswalk. This proposed view provides foreground, middle ground, and background views.

The landscape from this viewpoint is considered to have an average level of vividness based on the proposed sidewalk, curb, gutter, and street features. The ornamental trees that are proposed along the road are considered to have moderately high vividness due to their visual pattern. The human-made features within the pedestrian mall provided in this view such as the street, sidewalk pavement, and artwork are considered to provide moderately high vividness, while the features outside of the right-of-way such as storefronts and the background view of Fulton Street, south of Inyo Street, have average to moderately high vividness. Overall, the view from this viewpoint of inside and outside the right-of-way provides average vividness.

This view has few visual encroachments. Encroachments include the contrast of the sidewalk pavement and the marked parallel parking spaces along Fulton Street. Outside of the right-of-way, the adjacent buildings do not have any visual encroachments, while the background view south of Inyo Street includes a few utility poles. The overall intactness from this view is moderately high.

The unity between natural (trees and vegetation) and human-made elements is considered to be moderately high with the built environment being the dominant view. Overall, the unity is moderately high due to the visual harmony of the view established by the proposed tree pattern.

Overall, the visual quality that this view provides is moderately high.

The overall existing visual quality at Key Observation Point 1 would increase with construction of Alternative 1. This increase in visual quality would mainly occur due to the increase in the visual integrity, reduction of visual encroachments (such as dirty and cracked pavement, and flyers in the building windows), and establishment of a visual pattern with the proposed trees. The character of the view would improve with the addition of the proposed street and its features.

Proposed Condition - Alternative 2

This alternative would construct a two-lane street with vignettes that consist of larger areas for sidewalks, vegetation, and artwork (see Figure 2-8). Portions of the vignettes may include parallel parking on one side of the street. From this viewpoint, the visual features within the non-street portion would include benches, artwork, trees, potted plants, grass near some water features, and patterned pavement. This viewpoint would also have a mid-block crosswalk.

This proposed view provides foreground, middle ground, and background views. The landscape from this viewpoint is moderately high due to the slight elevation variation of the grass area and the street. The asymmetrically shaped ornamental pine tree in the foreground is considered to have high vividness due to its unique trunk structure and the level of importance of the tree that is created from the establishment of the roadway. The human-made features within the pedestrian mall provided in this view are considered to have very high vividness because the street and sidewalk pavement are clean and retain the patterns of the original Mall pavement.

With the proposed project, the area would be more attractive for the return of businesses, potentially decreasing the number of vacancies. The human-made features outside of the right-of-way provide views with moderately high vividness because the building structures would have increased maintenance as shoppers and retail revenues increase. Overall, the view from this viewpoint provides moderately high vividness.

This view has few visual encroachments or eyesores. These include the limited contrast of the pavement and the mid-block crosswalk along Fulton Street. The overall intactness of this view is considered moderately high.

The unity between natural (trees and vegetation) and human-made elements is considered to be moderately high. The overall unity is also considered to be moderately high due to the coherent visual pattern that is established with the proposed improvements.



Figure 2-7 Visual Simulation at Key Observation Point 1 for Alternative 1



Figure 2-8 Visual Simulation at Key Observation Point 1 for Alternative 2

Overall, the visual quality that this view provides is moderately high. The overall visual quality at Key Observation Point 1 would increase with construction of Alternative 2. This increase in visual quality would occur due to a substantial increase in the vividness, intactness, and unity of the view.

The presence of the narrow road and a similar paving pattern in the road provide distinct viewing components and could lead the viewers to a more focused view of the natural and human-made elements next to the road. The presence of the proposed road would not substantially change the character of the existing view. The character of the view would improve with the addition of the proposed street and retention of existing natural and human-made features.

Key Observation Point 2

Existing Condition

The western view of the intersection of the Fulton Mall and Mariposa Mall from east of Fulton Mall is dominated by a 60-foot clock tower (see Figure 2-9). Also in view are mature trees, patterned pavement, a bronze sculpture “La Grande Laveuse” (Washer Woman) by world-renowned artist Pierre Auguste Renoir, benches, light stands, and flowerpots. The landscape from this viewpoint is considered moderately low vividness due to its relatively flat terrain. The ornamental trees and vegetation in the foreground and background are considered to have moderately high vividness due to the amount of vegetation. The human-made features, dominated by the clock tower, have moderately high vividness due to the clock tower’s unique design and height, though the clock tower is weathered and not well maintained.

The area southwest of Fulton and Mariposa holds a stage next to a building and includes various ornamental trees. The stage sits on a parcel currently owned by the City of Fresno and is used for various events throughout the year, such as the annual Ice Rink, Fiestas Patrias (Mexican Independence Day) celebration, Cinco de Mayo, and the Catacomb Party music and art festival. From this viewpoint, the area outside of the right-of-way and the structures next to the Mall, including the Pacific Southwest Building built in 1923, have moderately high vividness, while the vegetation, which does not appear to be well maintained, has moderately low vividness. Overall, the view from this viewpoint has moderately low vividness.

This view has visual encroachments or eyesores, including some posters taped on the light poles, dirty and cracked pavement, and randomly placed flowerpots that are regularly maintained, within the right-of-way. The area outside of the right-of-way includes a trash enclosure that is visually intrusive due to the contrasting color of the container with the surrounding vegetation. Overall, this view has an average level of intactness.

Unity between natural (trees and vegetation) and human-made features is considered moderately high within the right-of-way due to the visual pattern. Outside of the right-of-way, unity is considered average. Overall, this view has an average unifying view.

Based on the vividness, intactness, and unity qualities of this view, the visual quality of this view is average.

Viewer Response

From Key Observation Point 2, the clock tower, vegetation, pavement design, and adjacent buildings provide a unique visual experience. Viewers from this location are currently pedestrians, shoppers, bicyclists, and retail and office workers. Under Alternatives 1 and 2, motorists would be added as viewers from this location. The pedestrians and shoppers have a relatively lengthy duration of the views. The expected viewer sensitivity rating from this viewpoint is identified as high.

Proposed Condition - Alternatives 1 and 2

These alternatives would construct two-lane streets along Fulton Street and Mariposa Street, with pedestrian bulb-outs and crosswalks at each of the four corners of the intersection (see Figure 2-10). Parallel parking on both sides of Fulton Street and Mariposa Street would be provided. The clock tower would be refurbished and moved to the southwest corner of the intersection. Sidewalks would be about 20 feet wide and have trees, seating, sculptures, and patterned pavement.

The landscape from this viewpoint is considered to have low vividness due to its relatively flat terrain. The ornamental trees and vegetation in the foreground, middle ground, and background are considered to have a high vividness due to the number of trees that provide a leafy canopy. The human-made features, including the clock tower, sculptures, patterned pavement on the sidewalk, street, and crosswalks, are considered to provide moderately high vividness.

The area southwest of Fulton Street and Mariposa Street contains a stage next to an existing building and includes various ornamental trees. From this viewpoint, the area and structures next to the Mall, including the Pacific Southwest Building built in 1923, have moderately high vividness, while the vegetation has moderately low vividness. Overall, this viewpoint of inside and outside of the right-of-way provides average vividness.

This view has few visual encroachments or eyesores: the contrast of the pavement and the crosswalk, and the marked parallel parking spaces along Fulton Street and Mariposa Street. The overall intactness from this view is moderately high.



Figure 2-9 Existing View at Key Observation Point 2



Figure 2-10 Visual Simulation at Key Observation Point 2 for Alternatives 1 and 2

The unity between natural (trees and vegetation) and human-made features is considered to be high within the right-of-way due to the visual integrity of the view, and considered average outside of the right-of-way. The overall unity from this viewpoint is moderately high.

Based on the above evaluation, the overall visual quality of this view is average. The overall existing visual quality at Key Observation Point 2 would increase slightly with construction of Alternative 1. This increase in visual quality would mainly occur due to an increase in the intactness of the view by eliminating the dirty and cracked pavement and unifying the visual pattern of the mall features. The presence of the road does not substantially change the quality of the existing view.

Key Observation Point 3

Existing Condition

The south-facing view of the existing Fulton Mall, south of Merced Mall, is limited to foreground and middle ground views of various visual resources (see Figure 2-11) and includes mature trees, shrubs, planters, patterned pavement, artwork, benches, light stands, and flowerpots. The landscape from this viewpoint has very low vividness due to its relatively flat terrain, but the ornamental trees in the foreground and middle ground are considered to have moderately high vividness. The human-made features within the pedestrian mall provided in this view are considered to have low vividness because they do not appear to be well maintained and have dirty, stained, and broken or cracked pavement, benches, and planter areas.

The view from this location outside the right-of-way contains only buildings that border the pedestrian mall. The buildings provide moderately high vividness from this viewpoint due to their unique architecture. Overall, the view from this viewpoint provides moderately low vividness.

This view has several visual encroachments or eyesores—posters on light poles, dirty and cracked pavement and benches—that result in moderately low intactness. Outside of the right-of-way are visual encroachments: dirty and cracked pavement, benches and planters. Overall, the intactness of this view is average.

The unity between natural (trees and vegetation) and human-made features is considered moderately low because the features within the Mall from this viewpoint do not appear to be well maintained. There is little visual harmony within this view.

Viewer Response

From Key Observation Point 3, the vegetation, pavement design, and adjacent buildings provide a unique visual experience, but noticeable stains on the pavement and seating area reduce the quality of the view. The viewers from this location are currently pedestrians, shoppers, bicyclists, and retail and office workers. Under Alternatives 1 and 2, motorists would be added as viewers from this location. The pedestrians and shoppers have a relatively lengthy duration of the views. The expected viewer sensitivity rating of this viewpoint is average.

Proposed Condition - Alternative 1

This alternative would construct a two-lane street with parallel parking on both sides of the street and about 20-foot-wide sidewalks with various features to improve the shopping experience (see Figure 2-12). From this viewpoint, visual features within the sidewalk area include light poles, artwork, trees, and patterned pavement. This view also has a mid-block crosswalk. This proposed view provides foreground, middle ground, and limited and confined background views.

The landscape from this viewpoint is considered to have low vividness due to its relatively flat terrain, but ornamental trees proposed along the road would have high vividness due to their visual pattern. The features within the pedestrian mall provided in this view would also have high vividness due to the distinctive patterns of the sidewalk pavement, artwork, and light poles.

Overall, the view from this viewpoint provides moderately high vividness. This view has few visual encroachments or eyesores, just the contrast of the pavement and the mid-block crosswalk along Fulton Street. The overall intactness from this view is high. The unity between natural (trees and vegetation) and human-made elements is considered to be moderately high; the overall unity is also considered to be moderately high due to the visual pattern and harmony created under this alternative.

Overall, the visual quality of this view is moderately high.

The overall existing visual quality at the Key Observation Point 3 would increase with construction of Alternative 1. This increase in visual quality would occur due to an increase in the vividness, intactness, and unity of the view. Each of these components of the visual quality substantially increases under Alternative 1 due to the provision of distinctive patterns, visual integrity, and visual harmony of the view with Alternative 1. Construction of Alternative 1 would improve the current view of stained and cracked pavement, seating areas and planters.

Proposed Condition - Alternative 2

This alternative would construct a two-lane street with vignettes. At this location, the vignette includes the roadway in the middle of the right-of-way and no parallel parking in the vignette area, but parallel parking is provided outside of the vignette area (see Figure 2-13). The vignette allows for a larger area for sidewalks, vegetation, and artwork. From this viewpoint, the visual features within the sidewalk area include light poles, artwork, trees, potted plants, and patterned pavement.

This proposed view provides foreground, middle ground, and limited and confined background views. The landscape from this viewpoint is considered to have low vividness due to its relatively flat terrain, but ornamental trees proposed along the road would have moderately high vividness due to their visual pattern. Features proposed in the pedestrian mall provided in this view are considered to have high vividness due to the clean pavement and maintained street, sidewalk, lighting fixtures, and artwork. The view outside of right-of-way includes structures next to the Mall.

An expected result of opening the Mall to vehicular traffic is an increase in customers and retail sales. With an increase in sales, building owners or renters may use the additional income to improve building exteriors, which would provide the opportunity for the storefronts to have a higher vividness. Overall, the view from this viewpoint provides high vividness.

This view has few visual encroachments or eyesores under Alternative 2. One eyesore includes the contrast of the patterned pavement and the white stripes that show the separation between the sidewalk and the roadway along Fulton Street (see Figure 2-13). The intactness of the view outside of the right-of-way, which includes the buildings, is considered very high. The overall intactness from this view is high.

The unity between natural (trees and vegetation) and human-made features is considered high due to the visual harmony and cohesive visual pattern created by the features proposed for Alternative 2. The overall unity is considered moderately high.

Based on the above evaluation, the overall visual quality of this view is moderately high.

The overall existing visual quality at Key Observation Point 3 would increase with construction of Alternative 2. This increase in visual quality would occur due to a substantial increase in vividness, intactness, and unity of the view. Each of these components of the visual quality substantially increases under Alternative 2 due to the provision of distinctive patterns, visual integrity, and visual harmony of the view with Alternative 2. Construction of

Alternative 2 would improve the current view of dirty, stained, and cracked pavement, benches and planter areas.

Summary of Visual Impacts

Construction of Alternatives 1 and 2 would change the visual character of the Fulton Mall. The visual quality of the views and the response of viewers were evaluated at three Key Observation Points along the project area. Based on the evaluation provided above, Alternatives 1 and 2 would result in positive visual changes with the reconstruction of Fulton Mall. However, until the proposed newly planted trees reach maturity and provide shade and increased visual appeal, the removal of the mature trees would have a temporary negative visual impact.

Alternatives 1 and 2

Both alternatives would remove mature trees now located throughout Fulton Mall. Most of the trees do not appear to be well maintained due to the presence of broken or crossed limbs, misshapen trunks, and roots protruding into the concrete sidewalks. It is assumed that about 23 mature trees of the existing 154 trees within the study area would remain under Alternative 1 and about 28 mature trees within the vignette areas would remain under Alternative 2. Removing the trees would cause a temporary substantial negative visual impact. However, under both Alternatives 1, replacement trees would be planted within the Mall so that the total number of trees would equal the existing 154 trees. The replacement trees that would be located within the sidewalk areas would include root barriers that would diminish future uneven pavement around the trees. Replacement trees would include varying sizes that range from a 15-gallon to 36-inch box. Advanced planting techniques would ensure the trees would grow quickly to maturity and provide beauty and shade to Mall visitors.

Alternatives 1 and 2 would result in the loss of the original patterned pavement of the mall, replacing it with an asphalt road in the middle of the Mall and new patterned pavement along the sidewalks, and the vignette areas in Alternative 2. The new patterned pavement would replicate the original pavement to maintain the original design. The presence of the asphalt road would change the views within the Mall. This visual alteration would be positive because both alternatives would replace the dirty, stained, and cracked pavement that decreases the visual quality of the Mall.



Figure 2-11 Existing View at Key Observation Point 3



Figure 2-12 Visual Simulation at Key Observation Point 3 for Alternative 1



Figure 2-13 Visual Simulation at Key Observation Point 3 for Alternative 2

Planters throughout the Mall area are also to be removed under Alternatives 1 and 2, and new planters would be built in the vignette areas under Alternative 2. The new planters would include new irrigation. Many of the existing planter walls and associated curbs are cracked and stained. Removal of the planters under Alternative 1 would improve the visual quality of the Mall. Under Alternative 2, inclusion of new planters within the vignette areas would also improve the visual quality of the Mall.

The existing sculptures would be temporarily removed during construction activities under Alternatives 1 and 2. Some of the existing sculptures have been vandalized. Alternative 1 would refurbish the 20 existing sculptures, placing them within the sidewalk areas of Fulton Mall, and prominently identifying them. The refurbishment of the sculptures would improve the visual quality of the Mall under Alternative 1.

Alternative 2 would also refurbish the 20 existing sculptures. Fourteen of the 20 sculptures would be returned to about where they are today. The remaining six sculptures would be placed in new locations within the Mall. Each of the sculptures would be prominently displayed and identified. Refurbishment of the sculptures would improve the visual quality of the Mall under Alternative 2.

Some of the existing fountains would be removed and others would remain during construction activities under both Alternatives 1 and 2. Fourteen of the existing 21 fountains are not working due to cracks, inoperable pumps, and/or electrical problems affecting the lighting. Many have become repositories for debris, discarded bits of food, and cigarette butts. Alternative 1 would retain the three fountains on Kern Mall west of Fulton. These three fountains would be refurbished. Because many of the fountains are in disrepair, removal of them under Alternative 1 would improve the visual quality of the Mall.

Alternative 2 would retain 12 of the 21 fountains: three fountains on Kern Mall west of Fulton and nine fountains within the vignette areas. All 12 fountains would be refurbished or rebuilt. Retaining and refurbishing/rebuilding the fountains would improve the visual quality of the Mall under Alternative 2.

Under both Alternatives 1 and 2, long-term maintenance of the fountains would be provided by the City of Fresno. The City currently maintains the fountains; due to the number and age of the fountains, substantial funding has been needed. Under Alternatives 1 and 2, fewer fountains would be included in Fulton Mall, and the existing maintenance funding would be adequate to maintain the refurbished or rebuilt fountains.

Various lighting fixtures throughout the Mall are not working due to lack of maintenance. After dark, the Mall appears to be almost abandoned because most of the retail stores throughout the Mall are closed in the evening due to the lack of customers. Many of the stores are locked with metal gates to prevent burglaries, and the lights are turned off. Therefore, in the evening, the Mall lacks proper lighting, and the nighttime visual experience is very low quality. Under Alternatives 1 and 2, the provision of streets within the Mall as well as parking near the retail stores would increase the number of shoppers in Fulton Mall. The area would be more attractive for the return of businesses, thus potentially decreasing the number of vacancies and increasing revenues. With increased revenue, it would be expected that increased maintenance dollars would be available for upkeep of the Mall landscaping, lighting, and storefronts.

In addition, new irrigation lines would be provided for landscaping within the Mall, and new electrical wiring would be provided for the light fixtures proposed in the Mall. If sufficient nighttime lighting is provided, and stores remain open in the evenings, the opportunity for increased revenue is created. Therefore, the implementation of Alternatives 1 and 2 would substantially improve the nighttime visual quality of Fulton Mall.

Although both Alternatives 1 and 2 would improve the visual quality of the Mall, Alternative 2 would result in a greater increase in the visual quality of the Mall compared to Alternative 1 because the implementation of Alternative 2 would include vignettes that allow the proposed street to narrow and provide wider sidewalk areas to accommodate more existing Mall design elements compared to Alternative 1.

The vignettes proposed for Alternative 2 would incorporate a greater amount of the existing patterned pavement within the Mall area compared to Alternative 1 because the patterned pavement would extend onto the surface of the street. The crosswalks within the vignette areas would include offset color concrete strips. The three Key Observation Points that are evaluated above include locations with special treatment areas. The special treatment areas under Alternative 2 are generally expected to provide a substantially greater visual quality than current conditions.

In the areas of Alternative 2 that would include improvements similar to Alternative 1, the visual quality of the views are expected to increase compared to the existing conditions. The vignette areas of Alternative 2 would have a greater visual quality compared to Alternative 1.

Implementation of the No-Build Alternative would retain the existing pedestrian mall in its current state. The existing pavement, planters, sculptures, fountains, seating areas, other artwork, and lighting that are in various states of disrepair are expected to

continue to degrade due to vandalism and lack of maintenance, thus resulting in the further adverse visual quality of existing views within Fulton Mall. Maintaining the status quo may indirectly reduce the number of shoppers and retail revenues. A reduction in retail revenue may result in additional retail store vacancies, and continued degradation of the views within the Mall. The mature trees, although not regularly maintained, would remain and continue to provide shade and visual relief from the minimally maintained storefronts along the Mall. Overall, the No-Build Alternative would continue to adversely affect the visual environment and, with the passage of time, further reduce the quality of the existing views within the Mall.

Avoidance, Minimization, and/or Mitigation Measures

Following are the recommended mitigation and minimization measures to reduce potential visual impacts associated with Alternatives 1 and 2. The first set of mitigation measures are recommended for both Alternatives 1 and 2. The second set of mitigation measures are recommended for Alternative 1 only, and the third set are recommended for Alternative 2 only. No mitigation and minimization measures are recommended for the No-Build Alternative.

Alternatives 1 and 2

V-1 All crosswalks within the project area shall not use typical white wide hatched lines, but shall include offset color concrete strips similar to other intersections in the vicinity of Fulton Mall such as Kern Street/Van Ness Avenue, Kern Street/L Street, and Inyo Street/Van Ness Avenue.

V-2 Drainage structures such as inlets within the sidewalk areas and the face of the curbs shall be designed to visibly blend in with the color and tone of the setting.

V-3 Trees that are removed shall be replaced with new trees at a 1:1 ratio within the Fulton Mall right-of-way. The replacement trees shall be consistent with the landscape palette and design provided in the draft Fulton Corridor Specific Plan.

V-4 Replacement trees to be planted shall be of varying sizes that range from 15-gallon to 36-inch box. Each replacement tree shall have root barriers to prevent sidewalk upheaval from roots.

V-5 Trash receptacles shall blend in with the landscape by including an exterior color that is similar to the patterned pavement of the sidewalk.

Alternative 1

V-6 All 20 sculptures would be removed during construction activities. Prior to being returned, they shall be refurbished, and then located in prominent viewable areas within the mall.

Alternative 2

V-7 Subsequent to removal of all 20 sculptures during construction activities, 14 of the 20 sculptures shall be returned to their approximate current location. The six remaining sculptures shall be returned to a new location within the mall. Prior to being returned, they shall be refurbished and then located in prominent viewable areas within the mall.

V-8 The roadway pavement within the vignette areas shall include integrally colored concrete with a similar tone as the proposed sidewalk.

2.1.5 Cultural Resources

Regulatory Setting

The term “cultural resources” as used in this document refers to all “built environment” resources (structures, bridges, railroads, water conveyance systems, etc.), culturally important resources, and archaeological resources (both prehistoric and historic), regardless of significance. Laws and regulations dealing with cultural resources include the following:

The National Historic Preservation Act (NHPA) of 1966, as amended, sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 Code of Federal Regulations 800).

On January 1, 2004, a Section 106 Programmatic Agreement between the Advisory Council, the Federal Highway Administration, State Historic Preservation Officer, and Caltrans went into effect for Caltrans projects, both state and local, with Federal Highway Administration involvement; this agreement was in effect through December 2013. Subsequently, on January 1, 2014, the First Amended Section 106 Programmatic Agreement between the Advisory Council, the Federal Highway Administration, State Historic Preservation Officer, and Caltrans went into effect for Caltrans projects, both state and local, with Federal Highway Administration involvement, and superseded the original 2004 Agreement. Like the 2004 agreement, the First Amended. The Section 106 Programmatic Agreement implements the Advisory Council’s regulations, 36 Code of Federal Regulations 800, streamlining the Section 106 process and delegating certain responsibilities to Caltrans. The Federal Highway Administration’s responsibilities under the Section 106 Programmatic

Agreement have been assigned to Caltrans as part of the Surface Transportation Project Delivery Program (23 U.S. Code 327).

Historic properties may also be covered under Section 4(f) of the U.S. Department of Transportation Act, which regulates the “use” of land from historic properties. See Appendix A for specific information on Section 4(f).

Affected Environment

Information in this section comes from the Historic Property Survey Report (August 2013), Historic Resources Evaluation Report (August 2013), Supplemental Historic Property Survey Report (February 2014), Supplemental Historic Resources Evaluation Report (February 2014), Finding of Effect (December 2013) and Supplemental Finding of Effect (April 2014), and the Final Section 4(f) Evaluation (May 2014). Information for archaeology was obtained from the Archaeological Assessment Report (February 2012), prepared for the City of Fresno’s draft Fulton Corridor Specific Plan and draft Downtown Neighborhoods Community Plan Project.

Research for the project included a records search for the entirety of the Fresno City limits at the Southern San Joaquin Valley Information Center (SSJVIC) March 13 through 18, 2012. The records search examined all National Register listings, the California Register of Historical Resources list for Fresno County, the California Historical Landmarks list, and the California Points of Historic Interest list.

In addition, the City of Fresno maintains a local listing of Historic Resources as defined by the City’s municipal code, which does not necessarily coincide with Southern San Joaquin Valley Information Center data. The City’s official list was accessed using the City’s historic preservation website and database in March 2013.

A field survey was done in August and September 2010, and an intensive survey was done between March 2011 and April 2011 by analysts who meet the Secretary of the Interior’s standards for professionals in historic preservation.

The Area of Potential Effects developed for the proposed project includes the historic property that is the Mall and all parcels that directly adjoin the landscape elements of the Mall. Each of the alternatives discussed are located within the confines of the Area of Potential Effects. No temporary or permanent physical alterations to landforms would occur outside the boundaries of the Area of Potential Effects. Figure 2-14 shows the Area of Potential Effects and the circled numbers identify and correspond to the historic properties described below.

This initial study, which resulted in the August 2013 Historic Property Survey Report and accompanying Historical Resources Evaluation Report, identified 10 historic

properties within the Area of Potential Effects, described below, that have either been listed on the National Register of Historic Places or determined eligible with concurrence from the State Historic Preservation Officer, or are newly identified resources determined eligible for the National Register. Nine of the 10 historic properties identified listed or determined eligible as historic properties have been designated based on association with noted architects and with the development of Downtown Fresno in the early 20th century. The contextual elements of the Fulton Mall and the spiral parking garage deviate from this pattern because the Fulton Mall was placed into the center of downtown in the early 1960s. A potential Fulton Street/Fulton Mall Historic District was evaluated and determined, at the time, to be an ineligible resource due to an overall lack of integrity. See Figure 2-14, Area of Potential Effects. A Supplemental HPSR was needed, due to the addition of project activities not captured or identified within the original Area of Potential Effect (APE), including the modification of traffic signals, upgrades in pedestrian facilities, and lane modifications. As a result of this 2013 study, four additional historic properties were identified, including: 1401 Fulton Street - San Joaquin Light & Power Corporation Building, listed on the NRHP for its Italian Renaissance Revival architecture; 1400 Fulton Street - Alexander Pantages Theater, listed on the NRHP for its blended Spanish Colonial Revival and Renaissance Revival styles, 748-752 Fulton Street - Fresno Photo Engraving was determined eligible for inclusion in the NRHP as a rare intact example of an International style commercial building in Fresno; and upon reevaluation, the Fulton Street/Fulton Mall Historic District, is considered eligible for inclusion in the NRHP for this project for its association with early- to mid-20th century commercial development in Downtown Fresno. One newly identified resource the property at 760 Fulton Street, was determined not eligible for inclusion in the NRHP, There are 14 historic properties within the project's revised Area of Potential Effects. See Figure 2-15 Supplemental Area of Potential Effects.

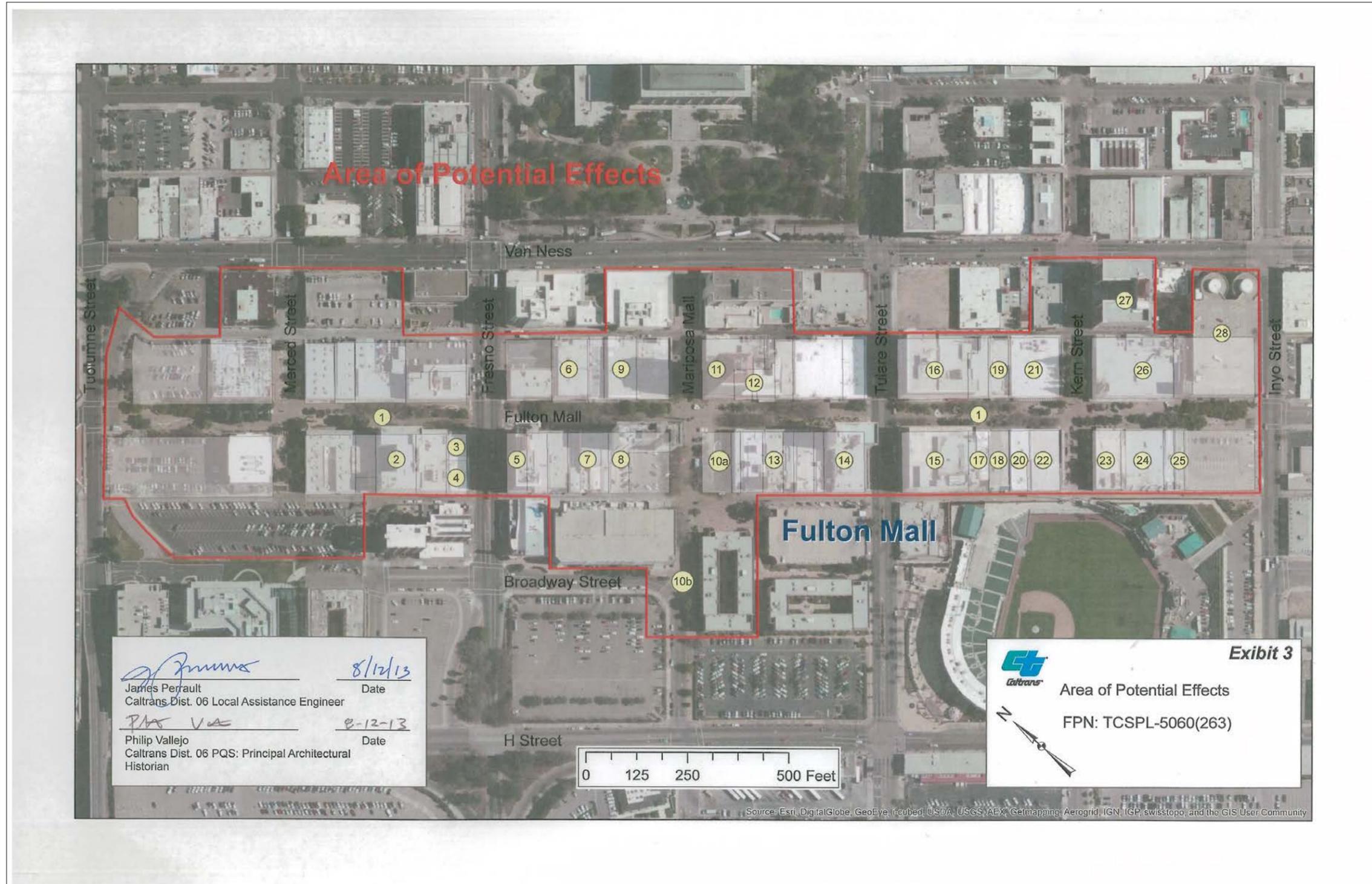


Figure 2-14 Area of Potential Effects

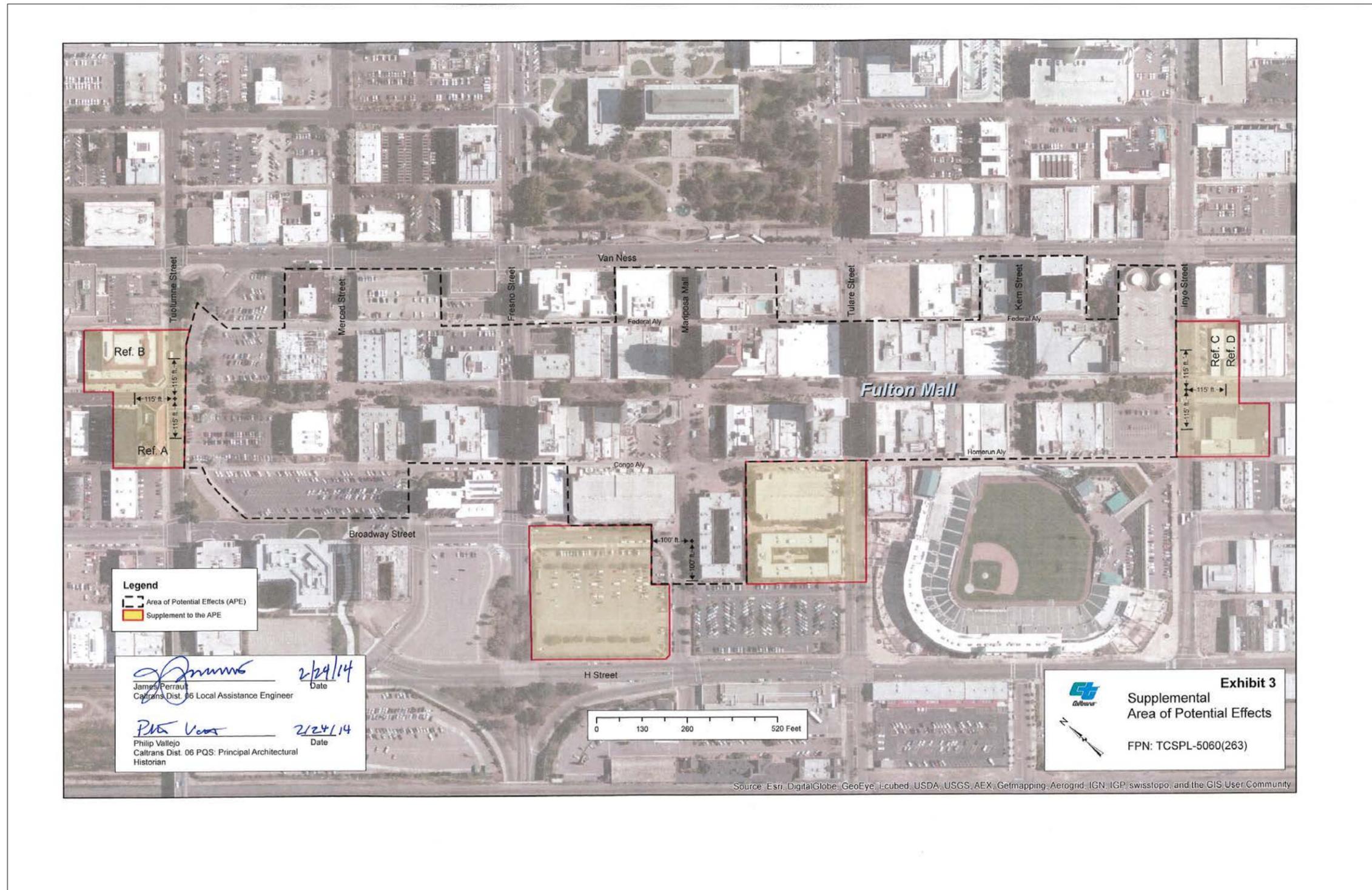


Figure 2-15 Supplemental Area of Potential Effects

The following properties are listed on the National Register of Historic Places:

1001 Fulton Mall—Bank of Italy

(Map Reference Number 14)

This vertical commercial block building sits at the northwest corner of Fulton Mall and Tulare. The building consists of an eight-story tower built in 1917 and a two-story addition built in 1925. It is designed by the noted local architectural firm R.F. Felchlin Company in a Renaissance Revival style and clad with glazed terra cotta and brick. The building was placed on the National Register in 1982 and is significant under the National Register as an excellent example of Renaissance Revival commercial architecture. It is listed at the local level of significance, under Criterion C, with a period of significance of 1918 and 1928.

851 Van Ness—Hotel California (also called Hotel Californian)

(Map Reference Number 27)

This property sits at the southern corner of Kern and Van Ness and contains the Hotel California, built in 1923. The hotel was a signature work of prominent California architect, H. Rafael Lake and was constructed in the Italian Renaissance Revival style. The hotel has a variegated red brick facing with cast stone. Painted metal ornamentation covers the concrete framework. The building is U-shaped and has nine stories. Overall, the building has excellent integrity. The building was placed on the National Register in 2004, as an outstanding example of a residential hotel built in the Italian Renaissance Revival style with Beaux Arts detailing. It is listed at the local level of significance, under Criterion C, with a period of significance of 1923.

1401 Fulton Street – San Joaquin Light & Power Corporation Building

(Map Reference A)

This property was designed in the Italian Renaissance Revival style and completed in 1924. The most distinctive character-defining features of this building are the tripartite (three part) division of the two principal elevations and the numerous classical architectural details such as pediments, dentils, egg-and-dart molding and swags. More general features include the symmetrical facades, hipped roof, rusticated ground floor, single-light sashes of the windows, and the colonnade. The balustrades at the roof and the windows are typical of the Italian Renaissance Revival style. The cartouches above the entrances and the roof sign are found with this architectural style as well. The building is listed at the local level of significance under Criterion C.

1400 Fulton Street – Alexander Pantages Theater (Warnor’s Theater)

(Map Reference B)

The Pantages Theater defines a period of time in the early 1900s and is a surviving example of the vaudeville era. Designed by theatre architect Marcus Pritieca, the theater building is an eclectic blend of Spanish Colonial Revival and Italian Renaissance Revival elements. A base-like proportion begins at the ground level with terra cotta detail at the store fronts along both sidewalk elevations. Terra cotta is used for fluted pilasters that support the two-story window arcade above the base portion. Above the window arcade is a façade of variegated colored brick from the spring line of the arches resting on the terra cotta pilasters. Throughout the composition, the basic

classical architectural scale of Priteca is strongly apparent through use of a base, shaft, and entablature type proportioning. The Pantages Theater is listed at the local level of significance under Criterion C.

The following properties were previously found eligible for the National Register of Historic Places:

Fulton Mall

(Map Reference Number 1)

The Fulton Mall is a pedestrian mall and landscape mostly located on the former Fulton Avenue right-of-way between Inyo and Tuolumne streets. Additional portions of the Mall are located on Mariposa Avenue between Van Ness Avenue and a parking lot near Broadway Street; on Merced Street between Van Ness Avenue and Broadway Street; and on Kern Street between Van Ness Avenue and Cargo Alley. Fresno Street and Tulare Street cross the Mall in two lanes both directions, with parking, effectively truncating the Mall into three sections forming a combined total of about 7.6 acres of pedestrian and landscaped ground.

A National Register nomination for Fulton Mall was submitted to the California State Historical Resources Commission (SHRC) for listing on the National Register of Historic Places, but because there was a majority of private owners who objected to the listing, the SHRC recommended that the nomination be forwarded to the Keeper of the National Register for a formal determination of eligibility, pursuant to 36 Code of Federal Regulations Part 36 CFR 60.6(n). The Keeper formally determined Fulton Mall eligible for listing in the National Register on October 20, 2010, and Fulton Mall was then automatically listed in the California Register of Historical Resources.

Completed in 1964 and less than 50 years old at the time it was determined eligible, Fulton Mall was designed by master landscape architect Garrett Eckbo and built under the supervision of Victor Gruen, a pioneer in the design of shopping malls. With trees, planter boxes, various seating and shade areas, sculptures and water features, the Fulton Mall is significant under Criterion A for its importance as an urban park (although it is not legally designated as a park or intended by the City of Fresno for that use). Fulton Mall is exceptionally significant at the national level of significance under Criterion C for its landscape architecture, as the finest example of post-World War II-era federal urban renewal pedestrian mall design, as the work of a master, Garrett Eckbo, and as an excellent example of the Modernist design ideas' influence on landscape architecture. The period of significance is 1964.

Overall, Fulton Mall is relatively unaltered from its original design and retains a high degree of integrity. Character-defining features include 26 objects (works of art commissioned by the City, such as sculptures and fountains, pools with plantings and seating facilities-wood benches) designed specifically to be placed on the Mall along with fountains and grassy areas, trees and vegetation to form an "organic whole." Concrete walkways "are stained an adobe color suggesting the valley's soil, and it is crossed at frequent intervals by undulating eight-and-one-half inch ribbons of aggregate to convey a sense of the texture and gentle gradations of the valley floor...The

aggregate includes colored river rock imported from Mexico and is set in a contrasting shade of concrete. The overall effect of this pattern of dividing lines, sometimes angular, sometimes gently curving, provides a rhythmic unity for the Mall” (Fulton Mall National Register nomination section 8 page 15). Many of the pools have stopped operating, and many of the original seating areas have been removed and replaced with metal seating.

Noncontributing elements include the *Site of the Fresno Free Speech Fight of the Industrial Workers of the World* (California Historical Landmark #873, see paragraph below) and metal benches that replaced some of the original ones, conversion of one water feature into a planter, and light fixtures of a different design that post-date the period of significance. Fulton Mall’s historic property boundaries include the Mall right-of-way along Fulton Street, up to the walls of the buildings, for six blocks from Inyo Street to Tuolumne Street. The Mall also includes the parks and rights-of-way to the building walls on Kern Mall and Merced Mall from Congo Alley to Federal Alley, and Mariposa Mall from Congo Alley to Van Ness Alley.

Fulton Street/Fulton Mall Historic District
(Map Reference 2-16)

For the purposes of this project the historic district is considered eligible for the NRHP at the local level of significance under Criterion A for its association with early- to mid-20th century commercial development in Downtown Fresno. The historic district was identified as a commercial corridor along six blocks of the Fulton Mall. Building types include modest one- and two-story commercial storefronts and more impressive department stores and office buildings. Several architecturally impressive high-rise buildings from the 1920s are also present. A selection of buildings reflects the popular architectural styles of their time such as Beaux Arts, Mediterranean Revival, Art Deco, Late Moderne, and Mid-Century Modern as well as contemporary styles as well as vernacular buildings not representative of any particular style. The Garret Eckbo-designed Fulton Mall Historic Landscape runs through the center of the district.

The period of significance for the district is 1914 to 1970. This broad period of significance is based on Fulton Street’s (later Fulton Mall’s) fundamental role as the primary commercial and retail center for the City of Fresno and the region. Significance includes the establishment of Fulton Street as a major regional commercial and retail corridor in the early 20th century; its continued role as Fresno’s primary commercial and retail street from the 1920s to the 1950s; and its revitalization as the Fulton Mall in the 1960s. The 1970 opening of the Fashion Fair Mall north of Downtown is largely recognized as the turning point when commercial development shifted inexorably to suburban locations, precipitating the Fulton Mall’s decline.

Historic district boundaries include the Fulton Mall Historic Landscape, the parcels on both sides of the Fulton Mall between Inyo and Fresno streets; the parcels on the south side of the Fulton Mall between Fresno and Tuolumne streets; and the Fulton Mall portions of Mariposa, Kern, and

Merced streets (see Figure 1 below). Of the 51 buildings within the historic district boundaries, 39 are considered contributors. All pre-1970 buildings are considered contributors to the Fulton Street/Fulton Mall Historic District, with the exception of those buildings altered to such a degree they no longer resemble their original pre-1970 configuration.

1060 Fulton Mall—Pacific Southwest Building
(Map Reference Number 11)

This property is on the southeast corner of Fulton Mall and Mariposa Street and contains the 16-story Pacific Southwest Building, built in 1923. This property was determined eligible in October 1995 and is significant at the local level of significance under Criterion C for its Renaissance Revival style. Possessing excellent integrity, the property's period of significance is 1923. The property is confined to the parcel upon which it sits and was built. Contributing elements include its massing on the parcel, a roof covered with a combination of Italian bottom pan tile and Mission top tile, slightly projecting boxed eaves with decorative brackets, a tripartite (three part) composition separated by masonry belt courses. The base consists of the 40-foot-high ground story delineated by full-height Corinthian columns, and the main body consists of symmetrically arranged pairs of double-hung wood-sash windows. Finally, a 60-foot-tall "crown" tops the building. Non-contributing elements include a steel antenna that replaced the original flagpole and revolving light.

The following properties were found eligible for the National Register of Historic Places as a result of this study:

1177 Fulton Mall—Mattei/Guarantee Savings and Loan
(Map Reference Number 5)

This property was determined eligible for the National Register at the local level of significance under Criterion A because of its direct association with the development of Downtown Fresno in the early 20th century and under Criterion C as an excellent example of Classical Revival commercial architecture in Fresno designed by noted local architect Eugene Mathewson. Possessing good overall integrity, the property's periods of significance are 1921 and 1961. The historic property is bound by the parcel upon which it sits. Alterations completed in 1961 reflect a Mid-Century Modern style. Exterior character-defining features include the 1921 Classical Revival style elements such as the tripartite composition separated by masonry belt courses and accentuated by different colors of brick, the symmetrically arranged pairs of double-hung wood-sash windows, and the flat roof with projecting eaves and decorative brackets. Character-defining features also include the 1961 Mid-Century Modern style elements on the first three floors, including the expansive storefront windows and metal canopy.

1101 Fulton Mall—Griffith-McKenzie Building (Helm Building)

(Map Reference Number 8)

This property was determined eligible for the National Register at the local level of significance under Criterion A because of its direct association with the development of Downtown Fresno in the early 20th century and under Criterion C as an excellent example of Renaissance Revival commercial architecture, designed by noted architect George Kelham. Possessing good integrity, the property's period of significance is 1914. The property's boundaries are the parcel upon which it was built. Exterior character-defining features include its steel reinforced-concrete construction, its tripartite composition with prominent belt courses, the brick cladding, the symmetrically arranged pairs of double-hung wood-sash windows, and flat roof with boxed eaves and decorative brackets. Non-contributing elements include the altered ground-level commercial windows. The property was previously designated as a local landmark by the City of Fresno (HP# 168) and was known initially as the Griffith-McKenzie Building, and now as the Helm Building.

1044 Fulton Mall—Mason Building

(Map Reference Number 12)

This property was determined eligible for the National Register at the local level of significance under Criterion C as an excellent example of Renaissance Revival commercial architecture in Fresno designed by noted architect Eugene Mathewson. Possessing overall good integrity, the property's period of significance is 1918. The property's boundaries are the parcel upon which it sits. Character-defining features include the building's square plan, brick cladding, second-story metal casement windows, third- through sixth-story double-hung wood-sash windows, sixth-story arched windows with decorative pilasters, and the flat roof with boxed eaves with decorative brackets. Non-contributing elements include the replacement of the original wood-sash windows on the first floor with metal casement windows (the openings have not been re-sized), all first-floor storefront windows, entryways, replacement cladding, and a non-original metal canopy, which spans part of the first floor storefronts.

959 Fulton Mall—Radin-Kamp Department Store

(Map Reference Number 15)

This property was determined eligible for listing in the National Register at the local level of significance under Criterion C as a rare intact example of an early 20th century vernacular department store building in Fresno with Classical Revival and Renaissance Revival stylistic details, and as a representative example of the noted local architectural firm of Felchlin, Shaw and Franklin. Possessing overall high integrity, the property's period of significance is 1925. The property's boundaries are the parcel upon which it sits. Character-defining features include the ground-floor

bays containing large metal-frame display windows with a band of metal-frame transom windows above, recessed corner entry with metal-frame double-doors, continuous metal canopy positioned between the display windows and the transom windows, denticular band that delineates the ground floor and mezzanine from the upper floors, side-by-side wood-frame double-hung windows on the upper three stories, and the plain frieze, regularly spaced cast-stone medallions, denticular band, and shallow-sculpted cornice of the building's crown. Non-contributing elements include the replacement of ground-floor display windows and entrance doors. The property was previously designated as a local landmark by the City of Fresno (HP# I 24).

2014 Tulare Street—T.W. Patterson Building

(Map Reference Number 16)

This property was determined eligible for the National Register at the local level of significance under Criterion A because of its direct association with the development of Downtown Fresno in the early 20th century, and under Criterion C as an excellent example of Classical Revival commercial architecture in Fresno, designed by the noted California architectural firm of R.F. Felchlin and Co. Possessing good integrity, the property's period of significance is 1922. The property's boundaries are the parcel upon which it sits. Exterior character-defining features include the U-shaped plan, tripartite composition, masonry belt courses, roof with projecting eaves and decorative brackets, reinforced concrete with brick and terra cotta cladding, and the symmetrically arranged double-hung wood-sash windows grouped in pairs. Non-contributing elements include ground-floor storefronts that have been altered since the building's original construction.

802 Fulton Mall—Gottschalk's Department Store

(Map Reference Number 26)

This property was determined eligible for the National Register at the local level of significance under Criterion A as the flagship store for the important regional department store Gottschalk's, which operated on this site from 1914 to 1988, and under Criterion C as one of the most prominent examples of Late Moderne commercial architecture in Fresno. Possessing good integrity that reflects the 1948 remodel in the Late Moderne style, the property's period of significance is 1948. Exterior character-defining features include the flat roof, prominent corner tower, exposed concrete cladding on the upper story, stone veneer on the first story, horizontal band of windows with projecting window frames on the two street-facing facades, metal canopy that extends the length of the primary facades, and the marble cladding surrounding the recessed entries located at the mid-point of the Kern Street and Fulton Mall facades with double glass and metal-frame doors. Non-contributing

elements include the street level commercial doors and windows that have been altered since the period of significance.

748-752 Fulton Street – Fresno Photo Engraving

(Map Reference D)

This property was determined eligible for listing in the National Register of Historic Places under Criterion C as a rare intact example of an International style commercial building constructed in the City of Fresno. Its period of significance is 1946.

Character-defining features include the reinforced concrete two-story construction on a rectangular plan, Vitrolux siding on the first story and smooth stucco on the second-story façade, window arrangements including first-story façade windows consisting of aluminum-framed plate glass with angled corners flanking the primary entry, second-story band of ribbon window consisting of aluminum fixed and sliding sashes, and vertical-oriented glass block located on the end pier. The Fresno Photo Engraving building is listed on the City of Fresno's Local Register of Historic Places as Historic Property #261.

One California Historic Landmark, number 873, commemorates the *Fresno Free Speech Fight of the Industrial Workers of the World* (Map Reference Number 10a, corner of Mariposa Avenue and Fulton Mall (Fulton Street)). The landmark is located on the Mariposa Plaza, a parcel adjacent to, but separate from, the Fulton Mall. The Mariposa Plaza was included within the Area of Potential Effects. This landmark predates the Mall's 1964 significance. The commemorative site was evaluated using the National Register eligibility criteria and was determined not eligible because the actual location of the event occurred at Mariposa and Broadway (formerly I Street), about 1 block south of the platform's location (Map Reference Number 10b). The landmark would remain in place as Mariposa Plaza and is not part of the proposed project.

The remaining 20 historic-era resources that were evaluated have been determined as a result of this study to be *not eligible* for inclusion in the National Register of Historic Places.

No archaeological resources, either prehistoric or historic, were identified within or next to the project limits. However, a City of Fresno study of a larger area encompassed in the Fulton Corridor Specific Plan determined there is a high potential for buried archaeological deposits in the Central Business District.

Environmental Consequences

Fourteen historic properties are located within the Area of Potential Effects for the proposed project, 12 of these are buildings. Four of the buildings are listed on the National Register, and eight have been determined eligible for listing. The thirteenth

historic property is Fulton Mall itself, discussed above and the fourteenth historic property is the Fulton Street/Fulton Mall Historic District, which is considered eligible for purposes of this project only. The historic district includes 51 properties, of which 39 are contributing properties. Eight of these contributors also are individually eligible for the NRHP, as described above.

Fulton Mall

The proposed project would cause an adverse effect to the Fulton Mall because the project would alter, destroy or remove elements for which the Fulton Mall is considered eligible for listing in the National Register of Historic Places.

Contributing elements, including sculptures, fountains, and mosaic benches, would be removed and rehabilitated before being replaced either in the same location or in another location within the Mall.

Historic District

Fulton Mall is recognized as a contributor to the National Register historic district for the purposes of this project only. Conversion of the Mall to a street would result in an adverse impact to the historic district.

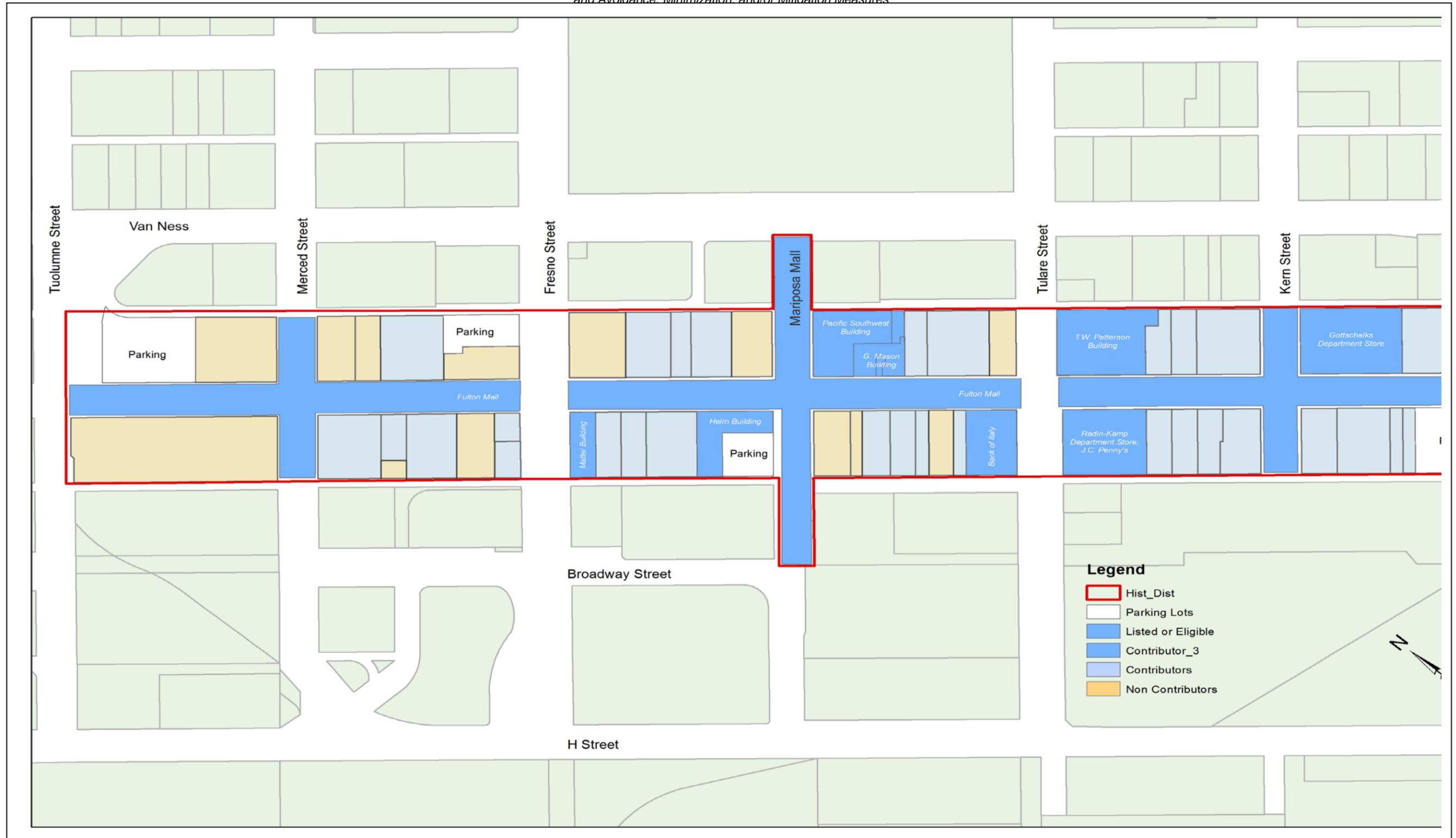


Figure 2-16 Historic District Contributing and Non-Contributing Properties

Table 2-6 National Register-eligible and -listed Properties in the Area of Potential Effects

| Property Address | Building Name | National Register Status | Adversely Affected by the Proposed Project? |
|---|---|--|---|
| Between Inyo and Tuolumne streets and portions of side streets | Fulton Mall | Eligible for Listing | Yes |
| 1001 Fulton Mall | Bank of Italy | Listed | No |
| 851 Van Ness | Hotel California | Listed | No |
| 1401 Fulton Street | San Joaquin Light and Power Corporation | Listed | No |
| 1400 Fulton Street | Alexander Pantages Theater | Listed | No |
| 1060 Fulton Mall | Southwest Pacific Building | Eligible for Listing | No |
| 1177 Fulton Mall | Mattei/Guarantee Savings and Loan | Eligible for Listing | No |
| 1101 Fulton Mall | Griffith-McKenzie Building (Helm Building) | Eligible for Listing | No |
| 1044 Fulton Mall | Mason Building | Eligible for Listing | No |
| 959 Fulton Mall | Radin-Kamp Department Store | Eligible for Listing | No |
| 2014 Tulare Street | T.W. Patterson Building | Eligible for Listing | No |
| 802 Fulton Mall | Gottschalk's Department Store | Eligible for Listing | No |
| 748-752 Fulton Street | Fresno Photo Engraving | Eligible for Listing | No |
| Both sides of the Fulton Mall between Inyo and Fresno Streets; south side of the Fulton Mall between Fresno and Tuolumne streets; and Fulton Mall portions of Mariposa, Kern and Merced streets | Fulton Street/Fulton Mall Historic District | Eligible for Listing for the purposed of this project only | Yes |

Buildings

Twelve individually listed or eligible historic properties sit within the Area of Potential Effects for the proposed project; they are described above in Section 2.1.5 Cultural Resources and listed in Table 2-6.

No land would be acquired for permanent or temporary use in the proposed project. Additionally, none of these twelve individually listed or eligible historic properties, and none of the contributing buildings within the historic district would be adversely affected by any of the alternatives because protective measures as described below under "Avoidance, Minimization and/or Mitigation Measures, will in place to avoid impacts. Discussion of utility relocation is contained in the Supplemental Finding of Effect for the project.

California Historical Landmark

A California Historical Landmark, number 873, would remain in place and would not be affected by the proposed project.

Archaeology

Because the project is located wholly within the boundaries of the Fulton Mall, impacts to archaeological materials are not anticipated. However, because of the high potential for buried archeological deposits in the wider Central Business District, certain construction activities would be monitored as described under "Avoidance, Minimization and/or Mitigation Measures" below. Potential impacts related to construction of the proposed project are discussed in Section 2.2, Construction Impacts.

Vibration

Construction activities would take place immediately adjacent to the twelve historic buildings adjacent to the Fulton Mall. Construction activities would include pavement breaking and necessitate associated construction equipment to function in close proximity to the buildings. Peak particle velocity associated with construction activities is not expected to attain a sufficient level to structurally affect any of the historic properties because of construction techniques that would minimize vibration. For example, limiting concrete breaking adjacent to historic properties to hand tools such as jack hammers or like equipment, rather than equipment used for crack and seat operations on roadways, would be required. In addition, concrete would be saw cut 6 inches from the edge of each building and then removed.

Avoidance, Minimization, and/or Mitigation Measures

Agreement among the Advisory Council for Historic Preservation, Office of Historic Preservation, the City of Fresno, and Caltrans was reached through the Section 106 consultation process of the National Historic Preservation Act regarding the measures presented in this Section 4(f) Evaluation. The final set of these measures included in the Memorandum of Agreement executed on May 16, 2014 would resolve the anticipated adverse effect, including all possible planning to minimize harm as

defined in 23 Code of Federal Regulations 774.17. These measures are included below:

1. The City, in consultation with CSO, District and SHPO, will develop a Mitigation and Monitoring plan, concurrently with final design and prior to award of contract currently planned for December 2014, to include Stipulations a-d listed below:
 - a) The City, in consultation with CSO, District, and SHPO, so as to avoid inadvertent damage to historic properties and ensure the protection of their material and structural integrity, will develop a Noise and Vibration Monitoring and Mitigation Plan (NVMMP): (1) The NVMMP shall be prepared prior to the start of any construction activities that would result in vibration and will identify procedures for a pre-construction survey of buildings to identify existing cracks, location of basement or underground utility structures and other structural issues, to determine a baseline measure and establish protocol in the event that construction hastens damage; (2) define a pre-construction analysis of anticipated vibration impacts to determine effect thresholds and appropriate measures that might be required to minimize vibration risks during construction; (3) define vibration and analysis methods to be used during construction and outline specific protective response provisions should adverse effects to structural and/or material integrity occur during construction; and (4) vibration minimizing techniques as identified in the NVMMP, construction plans and ESA action plan will be used within six feet of basement areas. Existing sidewalk vault lights uncovered during construction either will be rehabilitated or reconstructed to the Secretary of the Interiors Standards for Rehabilitation or Reconstruction, as applicable, and incorporated into the new sidewalk design or documented and encased in a manner so as to ensure preservation in place concurrent with construction.
 - b) The NVMMP will be coordinated with the Caltrans Standard Special Provisions, Caltrans Environmental Commitments Record, and will be included as notes in the construction plans for contractors. The City shall be responsible for repairing any material or structural damage, including cosmetic cracks caused to any historic property as a result of vibration. Any required repairs to restore a historic property to its condition prior to the construction work shall be carried out in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

- c) The City, in consultation with CSO, District and the SHPO will prepare an Archaeological Monitoring Plan to identify ground disturbing activities to be monitored by an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology. One or more Native Americans representing the local tribal communities will be invited to monitor identified construction activities.
 - d) The City, in consultation with CSO, District and SHPO will prepare an Environmentally Sensitive Area (ESA) Action Plan that will establish the placement of ESA fencing during construction around the extant basement features identified in the *Supplemental Finding of Effect Document for the Fulton Mall Reconstruction Project*, in order to protect them from proximity impacts. The ESA fencing will be monitored by a professional who meets the Secretary of the Interior's Professional Qualification Standards in Architectural History. If ESA fencing cannot be maintained, and basements are damaged as a result of project activities, any associated basement features will be rehabilitated in accordance with the Secretary of the Interior Standards for Rehabilitation. Additional measures may be developed to mitigate for potential adverse effects identified post damage and in consultation with signatories and concurring parties to this MOA.
2. Prior to any work that would adversely affect any characteristics that qualify the Fulton Mall as an individual property or as a character defining feature of the Fulton Street/ Fulton Mall Historic District, Caltrans shall ensure Historic American Landscape Survey (HALS) documentation consistent with National Park Service standards is completed and will consult with the National Park Service Pacific West Region office as to the required level of documentation. Upon completion and approval, the District will distribute HALS documentation to the NPS for transmittal to the Library of Congress; the Office of Historic Preservation; the California Room of the California State Library; the University of California Berkley, Environmental Design Archives, Garrett Eckbo collection; the Regional Information Center at California State University (CSU) Bakersfield; the Madden Library Special Collections Research Center at CSU Fresno; Fresno County Library; Fresno City and County Historical Society Archives; City of Fresno Historic Preservation Manager; Caltrans District 6; and Caltrans Headquarters Library and History Center.
 3. The City in consultation with the CSO, District, the SHPO and concurring parties will develop an Interpretive Program that documents the project

area history including the Fulton Mall, the Fulton Street/Fulton Mall Historic District and individually eligible properties. The interpretive program would include:

- a) A website and smart-phone application (app) to be made available to the public that will provide an interactive experience for visitors. The website and app would employ GPS/GIS, social media, 3-D imaging, including Lidar data and other electronic technologies, combining historic themes and contexts with present-day conditions and artwork in order to guide visitors to and around Fulton Street. The website and smart-phone app would be made available to the public within 12 months of completion of the project.
 - b) The City will prepare interpretive panels or plaques or wayside exhibits and identify appropriate locations in consultation with the District, CSO, the SHPO and concurring parties to this MOA. The wording on the panels or plaques or wayside exhibits will be prepared by a professional who meets the Secretary of Interior Professional Qualification Standards in Architectural History and shall be reviewed by the SHPO and concurring parties within 15 days of submission. The plaques will be fabricated within sufficient time for their placement at approved locations by the contractor during construction and under the direction of Caltrans Professionally Qualified Staff who is certified as a Principal Architectural Historian, as described in Attachment 1 to the Section 106 PA.
4. No less than four months prior to construction, the City in consultation with CSO, District and the SHPO will develop a restoration plan for the twenty-three identified sculptures within the Fulton Mall. The sculptures will be conserved, stored and reinstalled in appropriate areas in consultation with CSO, District, SHPO and the concurring parties and designated in the final construction plans. The scope of this work will be incorporated in the construction contract and be completed by the Contractor under the direction of a qualified conservator described below.
- a) The Build Contractor will contract with an established and qualified art conservator. The conservator must have demonstrable experience in the field of objects conservation with a Masters Degree in Art Conservation, or related field with a certificate in Art Conservation, plus a minimum of 5 years of experience in that field that includes at least three major successful projects. The conservator/s shall adhere to

the Code of Ethics of the American Institute for the Conservation of Historic and Artistic Works (AIC) included in Attachment B.

- b) The City and the District will consult with the SHPO on any potential conservators. This consultation will not exceed 15 days. The conservator will be hired within a timeframe sufficient to supervise the following: examination of the artwork, determination of the method of safe removal, conservation of the artwork and reinstallation within the APE.
5. The City in consultation with CSO, District and SHPO shall be responsible for reevaluation of historic properties within the APE within one year of completion of the project. The evaluations will be completed by a person or persons who meet the Secretary of Interior's Professional Qualifications Standards for Architectural History and shall be submitted to the SHPO and/or the Keeper of the National Register to ascertain whether the remaining contributing elements of the Fulton Mall and the Fulton Street/Fulton Mall Historic District retain sufficient integrity to remain eligible for listing in the NHRP, The City will also consider the those properties for potential listing on the City of Fresno's Local Register of Historic Resources.
 6. The City, through consultation with the City's Historic Preservation Commission and its public review process, will develop proposed design guidelines that can be applied to individual buildings within the project area to ensure that their rehabilitation will be sympathetic to the historic nature of the area. Within 18 months of execution of this MOA, City staff shall bring these proposed design guidelines before the City Council for consideration. The City may consider such guidelines separately, for incorporation into amendments to the City's zoning ordinance, or as part of the amendment or adoption of land use plans covering the project area, including the Draft Fulton Corridor Specific Plan and Downtown Development Code. Any approved guidelines shall be consistent with the City's Historic Preservation Ordinance, which permits the development of locally designated resources consistent with the Secretary of the Interior's Standard for the Treatment of Historic Properties.
 7. City staff will, within 18 months of the completion of the project, develop and present to City Council for approval two local programs that will provide financial incentive to owners of individual buildings for the rehabilitation of buildings in a manner consistent with the Secretary of the Interior Standards for Rehabilitation as discussed below in a) and b).

- a) A Preservation Mitigation Fund (Fund) with dedicated or discretionary funding, to help support efforts to preserve and maintain historic and cultural resources. The express purpose of the Fund is to foster and support the preservation, rehabilitation, restoration, and interpretation of historic resources within Fresno. The City will determine the application procedures, selection process, funding levels, schedule, and any other issues relating to the Fund. Funding procedures will be established to make the Fund available for use within 5 years of the completion of the project.
 - b) Develop an Ordinance to establish the City as a Mills Act entity.
8. If any of the mitigation measures cannot be completed as proposed or the City fails to approve agreed-upon proposed measures described in this MOA, the signatories and concurring parties will consult to develop alternative mitigation measures within sixty days of notification of failure to adopt.

2.2 Construction Impacts

Impacts from construction of either build alternative would be temporary. Demolition and construction would be staged. Work would begin at the southern end of Fulton, from Inyo to Kern, where the street would be graded and curbs poured. Demolition, followed by street grading and pouring of curbs, would then begin between Kern and Tulare, and asphalt laid between Inyo and Kern. The remaining parts of Fulton would then be demolished and constructed in this manner until reaching Tuolumne. Once Fulton is complete, the Mall portions of Mariposa, Merced and Kern would be demolished and new streets would be laid. Construction is not expected to excavate more than 5 feet below current grade in most locations. Construction activities would begin in January 2015 and last about 14 months.

Relocations and Real Property Acquisition

Short-Term Effects During Construction

Currently, mobile cart vendors possess business licenses allowing them to operate within the Fulton Mall. These mobile cart vendors operate daily on the Mall at the corners of Merced Mall, Mariposa Mall, Tulare Street and Kern Mall.

Because construction activities would occur in increments, construction would require the mobile cart vendors to relocate to another portion of the Fulton Mall that is not under construction. The disruption associated with construction activities could cause temporary impacts for the mobile cart vendors. Locations for mobile cart vendors would be provided within the project area once constructed.

Avoidance, Minimization, and/or Mitigation Measures

R-1 The City of Fresno and the Downtown Fresno Partnership would provide alternate locations within the Fulton Mall for each vendor with a business license while construction activities occur within their licensed location.

R-2 Once construction in an area is completed, the City of Fresno and the Downtown Fresno Partnership would allow each mobile cart vendor to resume their business in accordance with their business license, and in accordance with the Downtown Fresno Partnership's vendor management program. The locations of the carts shall be provided on the sidewalk in the general vicinity of their current location if possible.

Economic Impacts

Short-Term Effects During Construction

Implementation of either build alternative would result in temporary effects on business activities as construction occurs in the immediate vicinity of the businesses. The project would be built in phases or segments. As each street segment is built, the sidewalks next to that street segment would remain open for pedestrians, with a barrier between the sidewalk and the street. Once the street segment was completed, that segment would be available for pedestrian access. Automobile traffic would not be permitted until the entire project is built. After each street segment was completed, the sidewalk segments would be constructed. The portion of the sidewalks right next to the business entrances/exits would be completed during the evening when businesses would not be operating. This would minimize the effect on businesses as construction occurs.

Avoidance, Minimization, and/or Mitigation Measures

E-1 Construction of sidewalks immediately adjacent to business entrances/exits shall be completed during the evening when businesses are not operating. This would minimize the effect on the businesses.

Environmental Justice

Short-Term Effects During Construction

Impacts to Residences

The nearest residences to the construction activities include those within the Pacific Southwest Building and the Hotel California. Construction activities would occur within street segments that would encompass less than 1 acre.

Air Quality—Construction activities would increase emissions of criteria pollutants including reactive organic gases (ROG), oxides of nitrogen (NO_x), carbon monoxide (CO), and particulate matter (PM₁₀ and PM_{2.5}). During grading activities, dust and particulates could be generated; however, the contractor would be required to comply

with the San Joaquin Valley Air Pollution Control District's Regulation VIII, which controls fugitive dust. Emissions associated with the project would occur over an approximately seven week period within each construction segment. The segments would overlap, but construction activity such as grading would occur within only one segment at a time. The emissions associated with the project are expected to result in only minor amounts of reactive organic gases and oxides of nitrogen emissions.

Noise—Construction activities would increase noise levels. These noise levels could range from 95 decibels (dB) with jackhammers to 82 dB with tractors. Noise levels at the residential complexes would reduce as construction activity moved farther away from each complex. According to the Fresno Municipal Code, construction activities occurring during the daytime hours of 7:00 a.m. to 10:00 p.m., excluding Sundays, are exempt from the City's noise ordinance standards. Although such work would be exempt, currently adopted thresholds were reviewed to determine if construction noise levels could result in harm to individuals. Typical operation of construction equipment includes cycles that may involve one to two minutes of full-power operation followed by three to four minutes at lower power settings. As a result, noise exposure levels would not be substantial during the construction activities associated with Alternatives 1 and 2.

Traffic—Construction traffic volumes would increase with the hauling of demolition material and export soil as well as delivery of rock, asphalt, concrete, and other materials. Increases in construction traffic could result in potential safety impacts as the construction vehicles enter or exit the construction areas. A traffic safety control plan would be prepared prior to construction.

Impacts to Day Users

Potential construction impacts could affect day users of the Fulton Mall. Areas under construction may be a little more difficult to reach, but access to businesses and offices would be maintained. Construction would take place in phases so that only a portion of the Mall would be under construction at any one time. Benches, artwork and various features of the Mall outside of construction areas would also be available to the public.

Day users wanting to enjoy the park-like setting of the Mall may be disturbed by impacts such as those listed under "Impacts to Residences," above, as well as limited access to some of the statues, fountains and other features of the Mall.

Avoidance, Minimization, and/or Mitigation Measures

Avoidance measures discussed throughout this section would serve to minimize impacts to any protected populations in the area. Refer to Air Quality, Noise, Traffic and Economic measures in this section for more information.

Utilities/Emergency Services

Short-Term Effects During Construction

Utilities within the project area include water, sewer, drainage, natural gas, electricity and telecommunication systems (cable and telephone). The water, sewer and drainage facilities are owned by the City of Fresno. The natural gas and electricity are owned by Pacific Gas and Electric. The owners of the telecommunications systems are not known at this time.

Construction activities could encounter a number of utilities within the project area. During development of final design plans, the existing facilities would be identified. If needed, they would be relocated so that the services provided by the utility are not permanently affected. If service must be disrupted, the minimization measure noted below would apply.

Because Federal Alley and Home Run Alley, which run parallel to the Fulton Mall, could provide alternate access to the project area, no effects on emergency services are anticipated.

Avoidance, Minimization, and/or Mitigation Measures

U-1 During construction activities, if disruption of utility service is required, the contractor shall coordinate with the utility provider, provide written notice to each of the affected customers, and limit the disruption.

Traffic and Transportation/Pedestrian and Bicycle Facilities

Short-Term Effects During Construction

The project could cause impacts to traffic operations and bicycle and pedestrian circulation during construction. Construction may include disruptions to the transportation network near the site, including the possibility of temporary closures. (See Section 2.1.3.1, Economic Impacts, for more information.) Heavy vehicles would access the site and may need to be staged for construction. These activities could result in degraded roadway operating conditions and cause temporary impacts to bicycle and pedestrian facilities along the existing Fulton Mall.

Avoidance, Minimization, and/or Mitigation Measures

T-2 Prior to the beginning of construction, a construction traffic management plan shall be prepared to address potential impacts to the transportation facilities. The plan shall ensure that acceptable operating conditions are maintained on local roadways as well as detours or facilities for bicyclists, pedestrians and transit users.

Archaeology

Short-Term Effects During Construction

No archaeological sites were identified within the Area of Potential Effects for the proposed project. However, a study of the larger area encompassed in the Fulton Corridor Specific Plan determined that there is a high potential for buried archaeological deposits in the Central Business District. Because of this potential, construction activities would need to be monitored.

Avoidance, Minimization, and/or Mitigation Measures

A-1 Certain construction activities would be monitored by an archaeologist who meets the Secretary of the Interior's Professional Qualification Standard for Archaeology and Historic Preservation. Prior to construction, a monitoring plan would be developed to determine which activities would be monitored.

Water Quality and Storm Runoff

Short-Term Effects During Construction

During construction activities, there would be potential for storm water flows to carry onsite sediments and debris into the existing storm drainage system that serves the project area. An accidental release of substances used in construction activities, such as gasoline and diesel used to power equipment and vehicles, oils, paints and solvents, could contribute additional sources of pollution that would have the potential to degrade water quality. The project area is underlain by a single, unconfined aquifer (designated as a Sole Source Aquifer as authorized by Section 14246 of the Federal Safe Drinking Water Act), so any degradation of water quality would be problematic.

Regulatory mechanisms in place to reduce the effects of project construction on water quality include the National Pollutant Discharge Elimination System (NPDES) General Permit, administered by the Central Valley Regional Water Quality Control Board. The NPDES permit helps to control water pollution by regulating sources that discharge pollutants into receiving waters during both construction and operational activities.

Also, the project would be subject to the General Permit for Discharges of Storm Water Associated with Construction Activity because it would disturb more than 1 acre of soil. Construction activities subject to this permit include clearing, grading and other ground-disturbing activities such as stockpiling or excavation. A Storm Water Pollution Prevention Plan (SWPPP) would be developed and contain practices, known as Best Management Practices, designed to protect against substantial soil erosion as a result of water and wind erosion.

Surface water drainage from the Fulton Mall Study Area is conveyed to existing retention basins used to recharge groundwater. Implementation of Best Management Practices as part of the Storm Water Pollution Prevention Plan would minimize effects on the sole-source aquifer during construction.

Avoidance, Minimization, and/or Mitigation Measures

WQ-1 Prior to the issuance of grading permits, compliance with all applicable requirements of the NPDES permit and the Construction General Permit, including implementation of a Storm Water Pollution Prevention Plan and Best Management Practices, would be required. Notice of Construction shall be submitted to the Central Valley Regional Water Quality Control Board at least 30 days before the start of construction, and submission of a Notice of Construction Completion shall be submitted upon completion of construction and stabilization of the project site.

WQ-2 Prior to the issuance of grading permits, specific locations of relocated storm drain inlets within the existing Mall shall be approved by the City of Fresno Public Works Department.

WQ-3 Prior to the issuance of grading permits, a response plan for accidental spills during construction activities shall be prepared.

Hazardous Waste/Materials

Short-Term Effects During Construction

Two open cases regarding Leaking Underground Storage Tank (LUST) cleanup sites were identified within the project area because of three monitoring wells within the project boundaries. The Greyhound Bus Depot site is currently seeking closure from the State Water Resources Control Board, and it appears that such closure may be granted. Construction activities are not likely to affect groundwater on the project based on the scope of work. Construction would not affect established monitoring wells because they are located outside of the project impact area.

Groundwater fluctuates between 90 to 110 feet below ground surface in the area. Despite the risk of groundwater contamination migration, construction activities are not likely to affect groundwater on the project. However, construction activities could affect established monitoring wells.

Surveys to locate lead-based paint and asbestos-containing construction materials were not included within the scope of this assessment, but would be required before construction activities start to determine whether asbestos and lead-based paints are present in the project area.

Avoidance, Minimization, and/or Mitigation Measures

HW-1 Coordination with the Central Valley Regional Water Quality Control Board for closure and well destruction of the three monitoring wells within the project boundaries is recommended.

HW-2 Surveys to determine the presence or absence of lead-based paint and asbestos-containing construction materials would be conducted prior to construction.

HW-3 Occupational exposure to lead is regulated by both the federal Occupational Safety and Health Administration (OSHA) (29 Code of Federal Regulations 1926.62) and California Occupational Safety and Health Administration (OSHA) (Title 8, GISO 5198 and CSO 1532.1). Based on the federal and California Occupational Safety and Health Administration, if the proposed project would include disturbing paints that contain lead (any amount of detectable lead), the above-noted regulations should be followed.

HW-4 If asbestos-containing construction materials are encountered in the project, the San Joaquin Valley Unified Air Pollution Control District should be notified prior to any demolition and/or renovation activities. If asbestos-containing materials are left in place, an Operations and Maintenance Program could be developed for the management of those materials.

Air Quality

Short-Term Effects During Construction

The project would not exceed the air district's thresholds for ROG, NO_x, PM₁₀ or PM_{2.5} during construction. The project's construction activities are estimated to last about 14 months. Therefore, the project would result in minimal air quality impacts for Clean Air Act criteria pollutants.

Avoidance, Minimization, and/or Mitigation Measures

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

- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Limit area subject to excavation, grading and other construction activity at any one time.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1%.

- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
- Install wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds exceed 20 miles per hour. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20% opacity limitation.
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The San Joaquin Valley Air Pollution Control District's phone number shall also be visible to ensure compliance with applicable regulations.

AQ-2 During construction, the following additional construction equipment exhaust control measures shall be implemented:

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

Noise

Short-Term Effects During Construction

Construction noise varies depending on the construction process, type of equipment involved, location of the construction site with respect to sensitive receptors, the schedule proposed to carry out each task (e.g., hours and days of the week), and the duration of the construction work.

Table 2-7 shows the noise levels produced by construction equipment commonly used on roadway construction projects. Construction equipment is expected to generate noise levels ranging from 70 to 90 dB at a distance of 50 feet, and noise produced by construction equipment would be reduced over distance at a rate of about 6 dB per doubling of distance.

Table 2-7 Construction Equipment Noise

| Equipment | Maximum Noise Level (dBA at 50 feet) |
|-----------------|---|
| Scrapers | 89 |
| Bulldozers | 85 |
| Heavy Trucks | 88 |
| Backhoe | 80 |
| Pneumatic Tools | 85 |
| Concrete Pump | 82 |

Source: Federal Transit Administration 1995.

No adverse noise impacts from construction are expected because construction would be done in accordance with Caltrans 2010 Standard Specification Section (14-8.02 Noise Control) and applicable local noise standards. Caltrans construction noise measures are presented below. Construction noise would be short term and intermittent. Also, construction activities would occur only between the hours of 7:00 a.m. and 10:00 p.m. Mondays through Saturdays and, therefore, would be exempt from the City of Fresno Noise Ordinance standards.

Avoidance, Minimization, and/or Mitigation Measures

N-1 Do not exceed 86 dBA at 50 feet from the job site activities from 9:00 p.m. to 6:00 a.m.

N-2 Equip an internal combustion engine with the manufacturer-recommended muffler.

N-3 Do not operate an internal combustion engine on the job site without the appropriate muffler.

N-4 If adverse construction noise impacts are anticipated, project plans and specifications must identify abatement measures that would minimize or eliminate adverse construction noise impacts on the community. When construction noise

abatement is identified, Caltrans will consider the benefits achieved and the overall adverse social, economic, and environmental effects and costs of the construction noise abatement measures.

N-5 The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

N-6 The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise-sensitive receptors nearest the project site, to the degree possible.

N-7 The project proponent shall mandate that the construction contractor prohibit the use of personal or commercial music or sound amplification on the project site during construction.

N-8 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.

Biological Environment

Short-Term Effects During Construction

Most of the approximately 154 ornamental landscaped trees throughout the Fulton Mall would be removed and replaced as a part of the proposed project. These trees provide suitable nesting habitat for a number of common resident and migratory bird species protected under the Migratory Bird Act, such as the house sparrow (*Passer domesticus*) and lesser goldfinch (*Carduelis psaltria*). The buildings associated with Fulton Mall may provide suitable roosting habitat for bat species.

Both build alternatives would remove some of the approximately 154 trees located along the existing pedestrian paths and access roads associated with the Fulton Mall. Alternative 1 would remove about 131 trees, while Alternative 2 would remove about 126 trees. Every effort would be made during final design and construction to remove as few trees as possible; therefore, these numbers could change slightly. If removal of the landscaped trees occurs during the general avian breeding season of February 15 to September 1, nesting bird species may be directly and/or indirectly affected. These impacts would be reduced with use of avoidance and minimization measures.

Because buildings associated with Fulton Mall may provide suitable roosting habitat for bat species, construction activities, including construction noise, may result in indirect effects, particularly if construction activities occur during the maternity roosting season of May through September. These impacts would be reduced with use of avoidance and minimization measures.

During the construction phase of the project, noxious and invasive weeds may be introduced to the project site from construction and personnel vehicles. The project is proposing to improve and revitalize Downtown Fresno, which involves creating a pleasing outdoor space, and the potential for introduction of noxious weeds is high. With the construction measures noted below, this project would not introduce, transport or spread invasive species and would not change the surrounding habitat to encourage immigration of invasive species to the site.

Avoidance, Minimization, and/or Mitigation Measures

BE-1 Trees selected for the replacement planting of the approximately 100-150 trees to be removed would need to be selected from the City of Fresno Master Tree List to limit the potential for unacceptable or nuisance trees to be planted within the city.

BE-2 Avoidance and minimization measures to decrease potential impacts to nesting birds are required. It is recommended that construction activities occur outside of the nesting season, which extends from February 15 through September 1. If construction activity must proceed during the nesting season, a pre-construction bird survey must be conducted 30 days prior to tree removal. If an active nest is observed, a suitable buffer would be placed around the active nest and no construction activities may begin without the approval of an onsite monitoring biologist. If no active nests are observed, construction activity would have no effect on nesting migratory birds and no further measures would be required.

BE-3 Avoidance and minimization measures to decrease potential impacts to bat species roosting within the buildings associated with Fulton Mall are required. It is recommended that activity occur outside of the maternity roosting season, which typically extends from May 1 through September 30, but can vary based on seasonal conditions. If construction activity must proceed during the maternity roosting season, a pre-construction roosting bat survey must be conducted within 15 days prior to construction. If an active roost is observed or detected, a suitable buffer would be placed around the active roost and no construction activities may begin without the discretion of an onsite monitoring biologist. If no active roosts are observed, construction activity would have no effect on roosting resident bats and no further measures are required.

BE-4 Noxious weeds must be handled in accordance with both Caltrans Highway Design Manual topic 110.5 “Control of Noxious Weeds – Exotic and Invasive Species” and Executive Order 13112 “Invasive Species” and by methods approved by Caltrans’ landscape architect and/or vegetation control specialist.

2.3 Cumulative Impacts

Cumulative analysis for the project takes into consideration other ongoing projects in the same geographic area as the proposed project, as well as planned land uses and transportation and circulation projects identified by the City of Fresno's draft 2035 General Plan Update and Fulton Corridor Specific Plan. See Table 2-8 and text in Section 2.1.1.1, Existing and Future Land Use, for a discussion of the existing and proposed development and transportation projects that could affect regional resources. Those projects were considered in this cumulative analysis.

Regulatory Setting

Cumulative impacts result from past, present, and reasonably foreseeable future actions, combined with the potential impacts of the proposed project. A cumulative effect assessment looks at the collective impacts posed by individual land use plans and projects. Cumulative impacts can result from individually minor, but collectively substantial, impacts taking place over a period of time.

Cumulative impacts on resources in the project area may result from the impacts of the transportation project together with other past, present, and reasonably foreseeable projects such as residential, commercial, industrial, and other development, as well as agricultural activities and the conversion to more intensive types of agricultural cultivation. Such land use activities may result in cumulative effects on a variety of natural resources such as species and their habitats, water resources, and air quality. They can also contribute to cumulative impacts on the urban environment such as changes in community character, traffic volume and patterns, increased noise, housing availability, and employment.

A definition of cumulative impacts under the National Environmental Policy Act can be found in 40 Code of Federal Regulations, Section 1508.7 of the Council of Environmental Quality Regulations.

Affected Environment

The cumulative study area has been established in general as the draft Fulton Corridor Specific Plan area, unless noted differently (see Figure 2-17). Reasonably foreseeable projects planned within this area are described in Table 2-8.

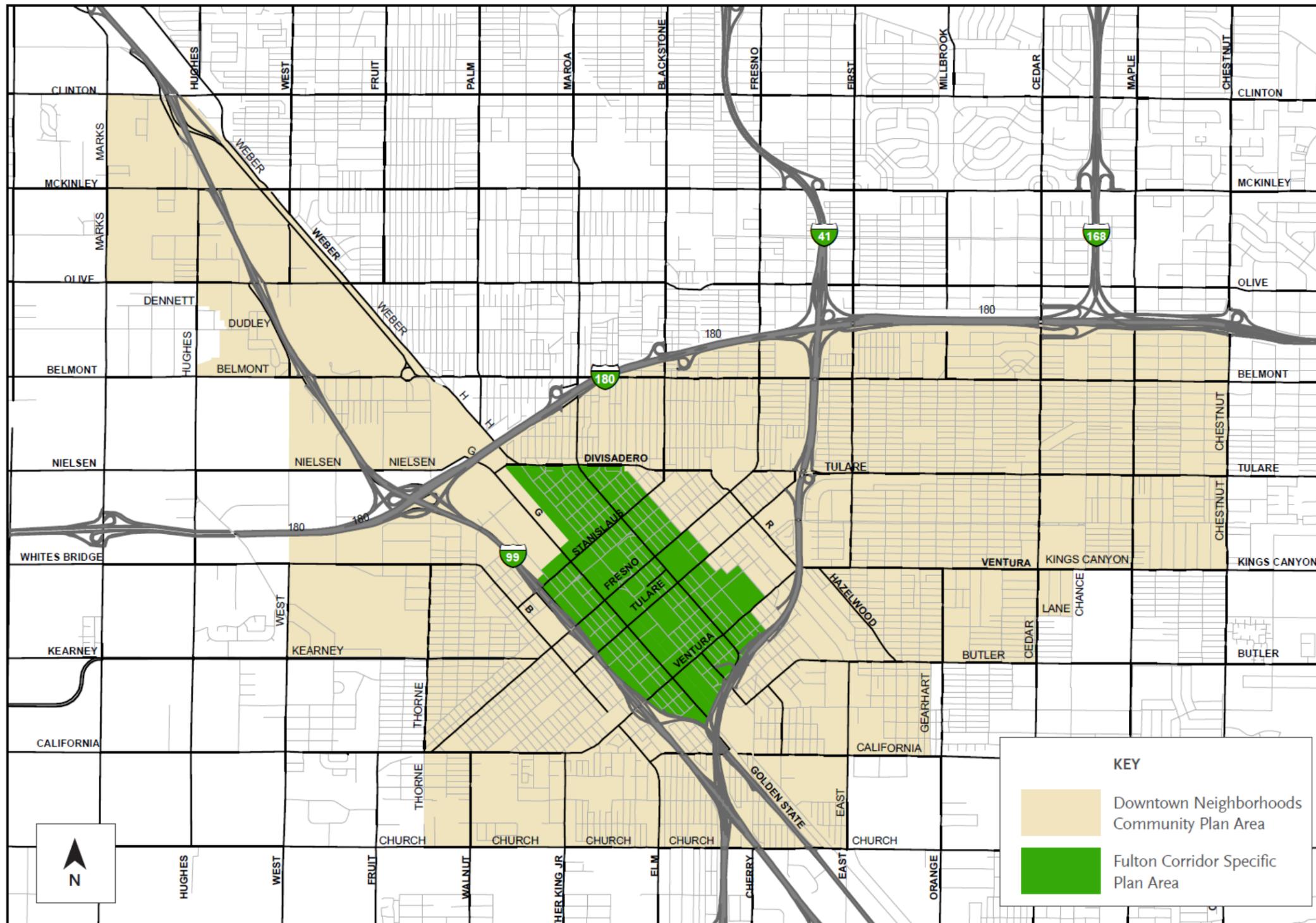


Figure 2-17 Draft Fulton Corridor Specific Plan area and Draft Downtown Neighborhoods Community Plan Area

| Table 2-8 Proposed Projects within the Cumulative Impacts Area | | | |
|---|---------------------|---|--|
| Name | Jurisdiction | Proposed Project | Status |
| CVS | City of Fresno | Relocate from current location and construct new 15,524 foot retail store at the corner of Van Ness Avenue and Tuolumne Street. Funding is private. | Application has been submitted to City. Construction anticipated in 2014. |
| 1155 Fulton Mall, New Federal Offices | City of Fresno | Tenant improvements with minor exterior improvements. Funding is private. | Application has been submitted to City. Construction anticipated in 2013. |
| 1101 Fulton Mall, The Helm Building | City of Fresno | Tenant improvements for a new restaurant. Funding is private. | Application has been submitted to City. Timing of construction is unknown. |
| 959 Fulton Mall, JC Penney Building | City of Fresno | Approximately 66 residential units on the 2 nd through 5 th floors. Funding is private. | Application has been submitted to City. Timing of construction is unknown. |
| 1060 Fulton Mall, Pacific Southwest Building | City of Fresno | Restaurant lounge on 15 th and 16 th floors. Funding is private. | Application has been submitted to City. Timing of construction is unknown. |
| 851 Van Ness Avenue, Hotel California | City of Fresno | Improvements along side of building to re-introduce storefronts along Kern Street. Funding is private. | Application has been submitted to City. Timing of construction is unknown. |
| Storm Drain Replacement Project | City of Fresno | The City is proposing to replace the existing storm drain located in the middle of the Fulton Mall between Inyo and Tuolumne Streets. Funding is through TIGER grant. | Project construction would be done concurrently with the Fulton Mall Reconstruction Project if that project is approved. |
| Water Line Replacement Project | City of Fresno | The City is proposing to replace existing water lines within the Kern Mall between Federal Alley and Home Run Alley and Mariposa Mall between Federal Alley and Congo Alley. Funding is local. | Project construction would be done concurrently with the Fulton Mall Reconstruction Project if that project is approved. |
| Sewer Line Replacement Project | City of Fresno | The City is proposing to replace existing sewer lines within the Kern Mall between Van Ness Avenue and Home Run Alley and within the Merced Mall between Van Ness Avenue and Congo Alley. Funding is local. | Project construction would be done concurrently with the Fulton Mall Reconstruction Project if that project is approved. |
| Mariposa Plaza Activation Project | City of Fresno | The City is proposing to redesign the Mariposa Plaza to increase the number of community events held there. Funding is a mix of Federal (National Endowment of the Arts) and local/private match. | Project is in the environmental stage. Construction is anticipated for 2016. |

Chapter 2 • Affected Environment, Environmental Consequences,
and Avoidance, Minimization, and/or Mitigation Measures

| | | | |
|--|--------------------------------------|--|---|
| Van Ness Avenue Pedestrian Crossing at Mariposa Mall | City of Fresno | The City is proposing to install a new traffic signal at Van Ness Avenue at Mariposa Mall. This project is being funded by the Federal Transit Authority. | Project is in the design phase. Construction is anticipated to occur no later than 2015. |
| Bus Rapid Transit Stop | City of Fresno | As part of the Bus Rapid Transit program, a bus stop is proposed along Van Ness Avenue at Mariposa Mall. The bus stop is planned to be on a platform in the middle of Van Ness Avenue. Funding for this project is being provided by the Federal Transit Authority. | Project is in the design phase. Construction is anticipated to occur no later than 2015. |
| High-Speed Train Station | California High-Speed Rail Authority | The proposed station is located along the existing Union Pacific Railroad tracks between Fresno and Tulare Streets. Funding is provided through the California High Speed Rail Authority. | Project is in the design phase. Application has not yet been submitted to the City. Construction timing is unknown at this time. |
| Residential Projects | Private Developers | There are numerous projects proposed or under construction within the draft Fulton Corridor Specific Plan area, but outside the Fulton Mall Reconstruction Project study area. These include an approximate 350 total new housing units in various locations in the Cultural Arts District (north of the Project Study Area) and Chinatown (west of the Project Study Area). Funding is private. | Construction is under way on some units, while permits have been received for others with construction to begin in the near future. |

Environmental Consequences

Architectural History

The project would have an adverse impact on the Fulton Mall, which has been determined eligible for the National Register of Historic Places and on the Fulton Street/Fulton Mall Historic District, which is considered eligible for the National Register for purposes of this project only. In addition, there are 11 projects listed in Table 2-8 that have the potential for cumulative impacts. These include the storm drain, water line and sewer line replacement projects that will be done concurrently with the Fulton Mall Reconstruction Project and the five projects at 1155 Fulton Mall, 1101 Fulton Mall, 959 Fulton Mall, 1060 Fulton Mall and 851 Van Ness that would alter these historic buildings and potentially the integrity of the historic district. Likewise, the Mariposa Plaza Activation Project, the Van Ness Avenue Pedestrian Crossing at Mariposa Mall, and the Bus Rapid Transit Stop, all have the potential for altering the integrity of the Fulton Street/Fulton Mall Historic District if the alterations in these projects are not completed in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards). However, because the City of Fresno's Historic Preservation Ordinance requires reviews for alterations to historic buildings and within historic districts to ensure consistency with the Standards, it is anticipated that neither these 11 projects nor the Fulton Mall Reconstruction Project will result in cumulative adverse effects to historic properties or any other cultural resources; therefore, it would not contribute to cumulative effects on other cultural resources in the project study area.

Visual Impacts

Alternatives 1 and 2 would result in positive visual changes with the reconstruction of Fulton Mall. However, until the proposed newly planted trees reach maturity and provide shade and increased visual appeal, the removal of the mature trees would have a temporary negative visual impact. With use of avoidance, minimization, and mitigation measures (see Section 2.1.5, Measures V-1 through V-9), the project's contribution to cumulative visual/aesthetic impacts would not be substantial.

Resources Not Substantially Affected by Cumulative Impacts

The following issue areas/resources would not contribute to “cumulatively considerable” impacts because they have no long-term impacts associated with the proposed project:

Existing and Future Land Use

Consistency with Regional, and Local Plans and Programs

Parks and Recreational Facilities

Growth

Economic Impacts

Community Character and Cohesion
Environmental Justice
Pedestrian and Bicycle Facilities
Relocations and Real Property Acquisitions
Utilities/Emergency Services
Traffic and Transportation Facilities
Archaeology
Hydrology and Floodplains
Water Quality and Storm Water Runoff
Paleontology
Hazardous Waste/Materials
Air Quality
Noise
Climate Change/Greenhouse Gas
Biological Environment

Chapter 3 Comments and Coordination

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process to determine the scope of environmental documentation, the level of analysis, potential impacts and avoidance, minimization, and/or mitigation measures and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including public design workshops, written public input through a variety of media, frequent presentations to community groups and the media about the project, and the involvement of the area's property and business owner association in planning for implementation.

This chapter summarizes the results of Caltrans' efforts to identify, address and resolve project-related issues through early and continuing coordination.

3.1 Public Participation

This is a high-visibility project, and public participation has been an important part from the beginning. Even before the origins of the project, the future of the Fulton Mall has been a subject of public discussion for many years.

Downtown Planning Meetings

The City of Fresno and its design consultant team for the draft Fulton Corridor Specific Plan first interacted with the public on the subject of the future of the Fulton Mall on September 14, 2010. A Community Advisory Committee was created and included people from a diverse range of interests including the former director of the Fresno Arts Council who is also an original Fulton Mall artist; a Fresno County Department of Public Health staff member with a focus on land use and fitness; a Cultural Arts District resident who is the Creative Fresno mural coordinator; the Executive Director of the Poverello House; a Chukchansi Tribal Council Member and Treasurer; and the Director of Planning and Community Development for the Fresno Housing Authority, as well as several business/property owners.

During a scheduled Fulton Corridor Specific Plan Community Advisory Committee meeting, committee members and the public voiced their values, concerns, and initial ideas about the Mall's future, and discussed at length the competing issues of commercial development versus historic preservation.

On September 27, 2010, in an evening session during the weeklong Fulton Corridor Specific Plan Design Workshop, the design team presented eight Fulton Mall options to the public, describing the existing conditions of the Mall's various elements

(landscape, paving, fountains, artwork), the history and the significance of the Mall, and the economic and physical preconditions for its revitalization. The following were two key presenters:

- Charles Birnbaum, a landscape architect, preservationist, and founder of The Cultural Landscape Foundation, an institution dedicated to increasing the public's awareness and understanding of the importance and legacy of cultural landscapes such as the Fulton Mall.
- Robert Gibbs, an urban commercial real estate consultant and founder of Gibbs Planning Group, one of the foremost urban retail planning consultancies in America. Gibbs wrote the book *Principles of Urban Retail Planning and Development*, published in January 2012.

Workshop participants, including about 400 community members, voiced their opinions on the respective merits of the options and submitted more than 1,300 comments in writing.

On October 19, 2010, the City and project team presented 10 Fulton Mall options to the Fulton Corridor Specific Plan Community Advisory Committee at a noticed public meeting attended by more than 125 members of the community, including two new options that were generated in response to comments received at the Design Workshop—one that incorporated Charles Birnbaum's Design Workshop recommendations and another that included a one-way street configuration. The presentation included photos showing the present degradation of the Mall's surfaces, fountains, and electrical systems, and a discussion of the advantages, disadvantages, and probable construction and maintenance costs of each option.

After considerable input from the public, the Fulton Corridor Specific Plan Community Advisory Committee voted from among the 10 initial Fulton Mall options to recommend three that the committee would like to see studied in greater detail by the environmental document prepared for this plan. The three options recommended for further study are identified in this document as Alternatives 1 and 2, as well as a third option, "Restoration and Completion," which was later found not to meet the purpose and need of the project for National Environmental Policy Act evaluation.

Notices for the above meetings and workshops were published twice in *The Fresno Bee* (on February 26 and September 26, 2010) and included in bilingual brochures mailed in February and March 2010 to approximately 40,800 addresses of residents and property owners in the draft Downtown Neighborhoods Community Plan Area. This included the project area and the surrounding 7,290 acres. In addition, a postcard

notice of the September 27 event was mailed to approximately 2,800 property owner in the Fulton Corridor Specific Plan Area on September 15, 2010.

A draft of the Fulton Corridor Specific Plan was released to the public on October 14, 2011. The Fulton Corridor Specific Plan Community Advisory Committee held a series of three public meetings to comment, and receive public comments, on this draft as well as the draft Downtown Development Code. The meetings were held in the Council Chamber at Fresno City Hall on October 25, November 1, and November 8, 2011. The minutes of these three meetings show that a total of 23 members of the public provided oral input, some more than once, and most addressing the Fulton Mall. Most of the 22 Fulton Corridor Specific Plan Community Advisory Committee members and alternates also attended these meetings and provided comments and questions. At the November 8 meeting, the Fulton Corridor Specific Plan Community Advisory Committee voted unanimously to recommend initiation of the adoption process for the Fulton Corridor Specific Plan and Code, including environmental review.

Notice of the above meetings was published in *The Fresno Bee* on October 8, 2011. In addition, throughout the 2010-2011 period of meetings and workshops, the City maintained a phone number, 621-PLAN, with bilingual recordings of information about upcoming meetings for the Downtown Plans and Code, and the information was also available online on the City's website. The website and phone information were provided on all printed materials and at meetings. The drafts of all three Downtown Plans and Code documents were made available at the Fresno City Clerk's Office, the Central Library at 2420 Mariposa Street, and the West Fresno Branch Library at 188 East California Avenue.

In addition to comments received at these meetings, the City received 139 written comments from members of the public and other agencies on the October 2011 Fulton Corridor Specific Plan draft.

Spanish-speaking City staff and professional interpreters in Spanish and Hmong were on hand at each of the above meetings.

In-Person Interviews

In 2010 and 2011, the City of Fresno and its Fulton Corridor Specific Plan consultant team conducted interviews with 50 people regarding Downtown Fresno and the Fulton Mall. The goal of these interviews was to elicit the challenges and opportunities that developers, business owners, residents, agencies, and advocates are experiencing in the area, and discuss ways the City's plan documents might seek to address such issues. The interviews were conducted individually or in small groups, and mostly took place at Fresno City Hall.

Site Tours and Presentations

While not a formal part of the downtown planning process, City officials have taken numerous other opportunities since the planning process began in 2010 to talk to the public about the goals and progress of the project. This included providing tours of the project area to approximately 65 groups ranging from 1 to roughly 30 people in size between January 2009 and September 2013. Participants ranged from college students to professional planners from various agencies, to White House staff and a Cabinet Secretary. Such tours gave participants the opportunity to connect the information about the purpose and need for the project with the actual conditions of the site, plus ask questions.

A draft of the Fulton Corridor Specific Plan, Chapter 4, which provides background on the Fulton Mall Reconstruction Project and describes three options for further study, was released to the public on October 14, 2011. At a press conference announcing the release of the document, Fresno Mayor Ashley Swearengin gave a presentation to the media that similarly provided background on the project, why it is necessary and important, and what the merits are of each build alternative, in addition to other information about other parts of the Fulton Corridor Specific Plan. Similar presentations were made on October 19 and 20, 2011, to the City's Planning Commission and City Council, respectively.

Early Input (Scoping) Meeting

Upon official initiation of the Fulton Mall Reconstruction Project, a public meeting was held on April 17, 2012, from 5:30 p.m. to approximately 6:30 p.m., in the Council Chamber at Fresno City Hall. The purpose of the meeting, which was held as a part of the City's California Environmental Quality Act process, was to explain the project and alternatives and the process leading to adoption to the public, to answer any questions people might have, and to gather comments from anyone who had input.

Nineteen people signed the sign-in sheets. Nine people provided oral comments, which were audio-recorded. Of these, five addressed the Fulton Mall, while others addressed only other aspects of the Downtown Plans and Code, including air and water quality, housing affordability, and issues in Chinatown.

Open Forum Public Hearing

Caltrans, in conjunction with the City of Fresno, held an Open Forum Public Hearing for the Fulton Mall Reconstruction Project on Tuesday, February 4, 2014 from 4:30 p.m. to 7:30 p.m. The meeting was held at the T.W. Patterson building (mezzanine level), located at 2014 Tulare Street in Fresno.

Caltrans publicized the Open Forum Public Hearing through public announcements in *The Fresno Bee* on January 10, 2014 and *Vida*, a Spanish-language newspaper, on January 15, 2014. A letter announcing the meeting was also included with copies of the Draft Environmental Assessment and Section 4(f) Evaluation mailed to interested parties.

The purpose of the meeting was to provide the public with information contained in the Draft Environmental Assessment and Section 4(f) Evaluation and to solicit public comments on the project. The meeting provided an opportunity to present the latest alignment maps; inform the public of the impacts the project could have on the environment; and answer questions the attendees might have regarding the project. This meeting offered the community an opportunity to discuss project issues, voice concerns, and provide input on the alternatives under consideration.

Caltrans used an informal, open house format for the meeting, whereby the public was invited to attend at any time during the three-hour period. Upon arriving, attendees were asked to sign in to maintain an attendance record. Each attendee received an information sheet that included a project map. Attendees were encouraged to visit the information stations located around the building and to view project maps and display boards. Caltrans and City staff members were available at the various stations to discuss the proposed project and to answer questions. Attendees were encouraged to submit their input on forms provided at the comment station or with the court reporter who was available throughout the meeting. The information sheet provided contact information for those who might want to provide input or ask questions at a later date.

Thirty-two people attended the public hearing. Concerns raised at the meeting included the following:

Alternative Selection

- Which alternative would be chosen?
- What is the preferred alterantive?

Funding

- When will the preferred alternative be selected?
- What options are appropriate for use of the TIGER funding?
- Could TIGER funding be used to rehabilitate the mall with no street?
- How soon could construction begin?

Other Comments

- Concerns about the accuracy of crime statistics regarding vandalism and graffiti.

Question as to whether an Environmental Assessment is the appropriate level of document for the project.
Concerns about the accuracy of traffic data used.
Concerns regarding the use of the Mall as a street.

Caltrans received nineteen written comments during the Public Meeting, and six attendees left comments with the court reporter. See Appendix F for all comments on the project and Caltrans' responses to those comments.

3.2 Agency Consultation and Coordination

Interagency Consultation for Air Quality

Intergovernmental coordination through the Fresno Council of Governments Transportation Conformity Working Group began in July 2013 regarding Clean Air Act conformity requirements. The agencies involved included the Fresno Council of Governments, Caltrans, the Environmental Protection Agency, the San Joaquin Valley Pollution Control District, and the Federal Highway Administration.

Through this process, on August 5, 2013, the Transportation Conformity Working Group concurred that the Fulton Mall Reconstruction Project is not a Project of Air Quality Concern.

Native American Consultation

Caltrans initiated consultation for the Fulton Mall Reconstruction Project with the California Native American Heritage Commission (NAHC) in May 2013. The California Native Heritage Commission conducted a Sacred Lands Inventory search and provided a current consultation list that identified 13 tribal contacts. A specific request made for a Sacred Lands database search for the Fulton Mall area came back negative.

On June 11, 2013, following the recommendation of the California Native Heritage Commission, letters were sent to 17 tribes or tribal individuals. These included the following: Picayune Rancheria of Chukchansi Indians, Big Sandy Rancheria of Mono Indians, Cold Springs Rancheria of Mono Indians, Sierra Nevada Native American Coalition, North Fork Mono Tribe, Dumna Wo-Wah Tribal Government, Kings River Choinumni Farm Tribe, Dunlap Band of Mono Indians, Traditional Choinumni Tribe, Chowchilla Tribe of Yokuts, Santa Rosa Rancheria of Tachi Yokuts, The Choinumni Tribe of Yokuts, North Fork Rancheria, Table Mountain Rancheria, and Eshom Valley Band of Indians. Two Native American individuals, Lorrie Planas and Frank Marquez, were also included in the distribution of project information.

Additional notices were sent to the tribes on July 18, 2013. Caltrans has continued to provide updates to tribal contacts and has done so as recently as August 13, 2013. Comments were received from some tribal contacts between June 13 and July 22, 2103. Caltrans will continue providing information updates and design details to the tribes as requested.

Native American consultation was also conducted during the development of the Fresno Fulton Corridor Specific Plan and Downtown Neighborhoods Community Plan Project (2013). None of the 16 representatives contacted had any immediate concerns.

Responses received in consultation included requests for an expanded ethnography, concern for a sculpture, and overall concern for the potential to encounter buried deposits. Archaeological and Native American monitoring during ground-disturbing activities are being proposed to address the concerns for encountering buried deposits. Interested tribes, tribal communities, interested individuals, and mandated consulting parties will be notified should there be changes or modifications to the project limits resulting in expansion of the Area of Potential Effects and required supplemental studies. Caltrans will continue providing project information updates and design details to the tribes as requested. It is Caltrans' intent that Native American consultation be an ongoing activity throughout the duration of the project.

Consultation and Coordination with the State Historic Preservation Officer

On August 22, 2013, Caltrans initiated consultation with the State Historic Preservation Officer in regard to the Fulton Mall Reconstruction Project. Caltrans submitted the Historic Property Survey Report and its attachment, the Historical Resources Evaluation Report, to the State Historic Preservation Officer to seek concurrence with Caltrans' National Register of Historic Places determinations of eligibility for historic properties. In an email dated September 17, 2013, the State Historic Preservation Officer responded, stating Caltrans' efforts to "seek and consider the views of the public with regards to this project" were inadequate. The State Historic Preservation Officer suggested that specific additional organizations be contacted as part of Caltrans' outreach responsibilities.

In response, on October 11, 2013, Caltrans sent letters describing the proposed project to and solicited comments from the following 10 organizations: Society of Architectural Historians, Society of Architectural Historians-Northern California Chapter, Fresno County Historical Society, National Trust for Historic Preservation, Docomomo US/Northern California, California Preservation Foundation, American Society of Landscape Architects, the Southern California Chapter of the American

Society of Landscape Architects, the Cultural Landscape Foundation, and the Historic American Landscapes Survey-Northern California Chapter.

Subsequently, the State Historic Preservation Officer, in a letter dated October 8, 2013, requested a more thorough analysis of the potential Fulton Street/Fulton Mall Historic District and also requested “any additional contextual information available that might support Historic Resources Group’s original determination of eligibility” for the Luftenburg’s Bridal Building (901 Fulton Mall, Map Reference # 22 in the Historic Resource Evaluation Report).

Caltrans formally responded to the Office of Historic Preservation on November 5, 2013. The outreach of October 11, 2013, as well as a more thorough analysis of the potential Fulton Street/Fulton Mall Historic District were included in the response. Additionally, Caltrans informed the State Historic Preservation Officer that the Historic Resources Group did not provide additional contextual support for an eligibility determination for the Luftenburg’s Building and that Caltrans stood by its original determination that it is not eligible for the National Register of Historic Places. Caltrans thereafter continued to seek concurrence on both determinations.

In addition to the formal correspondence described above, the Fulton Mall Reconstruction Project was the subject of a series of phone conversations between the Caltrans Branch Chief of the Central California Cultural Resources Branch, Jeanne Day Binning, Ph.D., District 6 Professional Qualified Staffperson-Principal Architectural Historian Philip Vallejo, and Office of Historic Preservation Historian Natalie Lindquist.

Concurrence with Caltrans’ eligibility findings was received from the Office of Historic Preservation on November 21, 2013. (See Appendix E.)

On December 30, 2013, Caltrans formally submitted the Finding of Adverse Effect documentation to the State Historic Preservation Officer and asked for concurrence that the undertaking would have an adverse effect on historic properties. Specifically, Caltrans determined the undertaking would have an adverse effect on the Fulton Mall Historic Landscape and the Fulton Street/Fulton Mall Historic District and no adverse effect to the nine adjacent building identified as historic properties. On February 12, 2014, the State Historic Preservation Officer formally responded, concurring with Caltrans’ adverse effect finding on the Fulton Mall Historic Landscape and Fulton Street/Fulton Mall Historic District and sought additional information regarding the nine adjacent historic properties before making a determination. The information sought by the State Historic Preservation Officer included the following:

- Will any utility work be done as part of this project?

- If utility work will be done, does Caltrans know how close the utilities are located to the eligible buildings and in particular any basements that may be under the Fulton Mall?
- Is there a buffer between the buildings and the utilities?
- Is there a possibility for structural damage to basements as a result of utility work?
- What protection measures will be put in place?

On February 18, 2014, a conference call regarding the Fulton Mall Reconstruction Project was held with participants from Caltrans, the State Historic Preservation Officer, the City of Fresno, and the Advisory Council on Historic Preservation in attendance. Subject matter included an update of project findings to date, Section 106 consultation to date, and an informal discussion of mitigation options. The purpose of the meeting was informative, and no final project decisions were made.

On February 25, 2014, Caltrans continued consultation with the State Historic Preservation Officer seeking concurrence on National Register of Historic Places determinations for two additional properties evaluated as part of a Supplemental Historic Property Survey Report and notifying the State Historic Preservation Officer that there are two additional National Register listed properties within the revised Area of Potential Effects (APE), the San Joaquin Light and Power Corporation Building, 1401 Fulton Street, and the Alexander Pantages Theater, 1400 Fulton Street. The Supplemental Historic Property Survey Report was needed due to the addition of project activities not captured or identified within the original APE, including the modification of traffic signals, upgrades in pedestrian facilities, and lane modifications. In this document Caltrans determined that the property at 760 Fulton Street is not eligible for inclusion in the National Register of Historic Places and that the property at 748-752 Fulton Street is eligible for inclusion in the National Register of Historic Places as a rare intact example of an International style commercial building in Fresno. On March 27, 2014, the State Historic Preservation Officer concurred that 752 Fulton Street is eligible for listing in the National Register of Historic Places and that in addition to this historic property, there are two additional listed historic properties within the APE. With this concurrence, there is a total of fourteen historic properties: twelve individually listed or eligible historic buildings, Fulton Mall Historic Landscape, and Fulton Street/Fulton Mall Historic District.

Caltrans formally submitted the Supplemental Finding of Effect documentation to the State Historic Preservation Officer on April 4, 2014 and asked for concurrence that the undertaking would have an adverse effect on two historic properties, the Fulton Mall Historic Landscape and the Fulton Street/Fulton Mall Historic District, and no adverse effect to the twelve buildings within the revised APE that are listed or determined eligible for listing in the National Register of Historic Places. In addition,

the Supplemental Finding of Effect contained responses to the SHPO's questions on December 30, 2013. SHPO concurred with Caltrans' findings on May 2, 2014.

Based on State Historic Preservation Officer concurrence on February 12, 2014 that the project will have an adverse effect on historic properties, and while the Supplemental Finding of Effect was being prepared, on March 24, 2014, Caltrans began consultation on the resolution of adverse effects by holding weekly conference calls with participants from the California Office of Historic Preservation, Advisory Council on Historic Preservation, the City of Fresno, and with members of invited consulting parties, the Downtown Fresno Coalition and Downtown Fresno Partnership (see discussion under Official Requests for Consulting Part Status under Section 106). For Section 106 purposes, topics discussed in these weekly conference calls included the status of the Supplemental Historic Property Survey Report and Supplemental Finding of Adverse Effect consultation, the next steps in the Section 106 compliance process, and proposed mitigation measures to resolve adverse effects and that should be included as stipulations in the Memorandum of Agreement.

A Memorandum of Agreement between the California Department of Transportation, California State Historic Preservation Officer and the Advisory Council on Historic Preservation regarding the treatment of historic properties and resolution of adverse effects was executed on May 16, 2014.

Advisory Council on Historic Preservation

On January 23, 2014, the Advisory Council on Historic Preservation (ACHP) notified Caltrans that it had received a letter from the Downtown Fresno Coalition requesting its participation in ongoing consultation under Section 106 of the National Historic Preservation Act (16 U.S. Code 470f) for the proposed undertaking and requested a summary of project information and the status of Section 106 consultation to date. In response, and in accordance with Section 800.6(a)(1) of the Advisory Council on Historic Preservation's regulations, "Protection of Historic Properties" (36 Code of Federal Regulations Part 800), Caltrans responded to the Advisory Council on Historic Preservation's request providing the information requested.

On February 10, 2014, the ACHP informed Caltrans of its intent to participate, pursuant to the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, "in the consultation to seek ways to avoid, minimize, or mitigate, adverse effects to historic properties" as a result of the proposed undertaking.

On February 18, 2014, a conference call regarding the Fulton Mall Reconstruction Project was held with participants from Caltrans, the State Historic Preservation

Officer, the City of Fresno, and the ACHP in attendance. Subject matter included an update of project findings to date, Section 106 consultation to date, and an informal discussion of mitigation options. The purpose of the meeting was informative, and no final project decisions were made.

Caltrans notified the ACHP on the Supplemental Finding of Effect by copying ACHP on the April 4, 2014 letter to SHPO and sent the letter and documentation via e-mail that same day. However, because the electronic files were too large, Caltrans followed up by sending the ACHP a link to the documentation on April 9, 2014, which was received. Consultation with the ACHP on the resolution of adverse effects began on March 24, 2014 with weekly conference calls, as described above under Consultation and Coordination with the State Historic Preservation Officer. On May 5, 2014 the ACHP officially commented on the Supplemental Finding of Effect, asking for clarification on Caltrans' coordination with other applicable laws, TIGER grant funding, and the role of Section 106 consultation as it contributed to the selection of a preferred alternative.

On May 13, 2014 a teleconference including the Caltrans, ACHP, OHP, City of Fresno, Downtown Fresno Partnership, and Downtown Fresno Coalition was held to address the specific questions raised by ACHP's letter. Caltrans Deputy District Director Christine Cox described the selection of the preferred alternative process, the Section 106 role in that process, and answered specific questions regarding Caltrans process to date. ACHP staff Kelly Yasaitis Fanizzo stated the meeting minutes are an appropriate documentation of Caltrans' response to ACHP.

A Memorandum of Agreement between the California Department of Transportation, California State Historic Preservation Officer and the Advisory Council on Historic Preservation regarding the treatment of historic properties was executed on May 16, 2014.

City of Fresno Historic Preservation Commission

On May 20 2013, Commissioners Patrick Boyd, Joe Moore, Charlotte Konczal Esq., Don Simmons Ph.D., and Lisa Woolf were presented documents associated with the evaluation of cultural resources within the APE pursuant to 36 Code of Federal Regulations Part 800.2(c)(3)(5), as well as local ordinances FMC 12-1606(b)(12) and 12-1606(a)(1). Various members of the public were in attendance, and the commissioners were asked to 1) provide comment on the Area of Potential Effects for the Fulton Mall Reconstruction Project; 2) review and provide comments on resources within the Area of Potential Effects for eligibility to the National Register of Historic Places and; 3) review and provide comments on resources within the Area of Potential Effects for the eligibility to the City's Local Register of Historic

Resources. A PowerPoint presentation associated with the Fulton Mall Area of Potential Effects was provided by City staff to the commissioners.

City of Fresno historic preservation staff made the following recommendations to the commissioners. First, provide comments on the Area of Potential Effects. Second, concur that the following buildings are eligible for the National Register: the Mattei Building/Guarantee Savings and Loan at 1177 Fulton Mall (Map Reference No. 5), the Helm Building at 1101 Fulton Mall (Map Reference No. 8); the Mason Building at 1044 Fulton Mall (Map Reference No. 12); Radin-Kamp (J.C. Penney) at 959 Fulton Mall (Map Reference No. 15); T.W. Patterson Building at 2014 Tulare (Map Reference No. 16); Luftenburg's Building at 901 Fulton Mall (Map Reference No. 22); and Gottschalk's Department Store at 802 Fulton Mall (Map Reference No. 26).

As discussed above, through the consultation process with the State Historic Preservation Officer, the individual National Register eligibility status of the Luftenburg's Building has been left indeterminate but will be treated as a historic property due to its status as a contributor to an identified Fulton Street/Fulton Mall Historic District.

Section 106 Public Coordination

After the *Historic Property Survey Report for the Fulton Mall Reconstruction Project* was completed, letters were sent to the following parties on August 23 and 29, 2013.

- Downtown Fresno Coalition
- Big Sandy Rancheria of Mono Indians, Ms. Liz Hutchins Kipp, Chairperson
- Kings River Choinumni Farm Tribe, Mr. John Davis, Chairman
- Choinumni Tribe, Ms. Lorrie Planas
- Chowchilla Tribe of Yokuts, Mr. Jerry Brown, Chairman
- Cold Springs Rancheria of Mono Indians, Mr. Robert Marquez, Chairperson
- Dumna Wo-Wah Tribal Government, Mr. Robert Ledger Sr., Chairperson
- Dunlap Band of Mono Indians, Ms. Florence Dick, Tribal Council
- Eshom Valley Band of Indians, Mr. Kenneth Woodrow, Chairman
- Mr. Frank Marquez
- North Fork Mono Tribe, Mr. Ron Goode, Chairperson
- North Fork Rancheria, Elaine Bethel-Fink, Chairperson
- Picayune Rancheria, Ms. Mary Motola
- Santa Rosa Tachi Rancheria, Mr. Lalo Franco, Cultural Coordinator
- Sierra Nevada Native American Coalition, Mr. Lawrence Bill, Chairperson
- Table Mountain Rancheria, Bob Pennel, Cultural Resources Director
- The Choinumni Tribe of Yokuts, Mr. Rosemary Smith, Chairperson
- Traditional Choinumni Tribe, Mr. David Alvarez, Chairperson

- Fresno County Public Planning Department

At the direction of the State Historic Preservation Officer, as described above, a second letter was sent to the following parties on October 11, 2013:

- Society of Architectural Historians, Northern California Chapter, Ian Berke, President
- Society of Architectural Historians, Northern California Chapter, Sian Winship, President
- Fresno County Historical Society, Dan Adams, President
- California Preservation Foundation
- American Society of Landscape Architects
- The Southern California Chapter of the American Society of Landscape Architects
- The Cultural Landscape Foundation
- Historic American Landscapes Survey
- Alliance for Historic Landscape Preservation
- Recent Past Preservation Network
- National Trust for Historic Preservation, Stephanie K. Meeks, CEO
- Docomomo US/Northern California, Gretchen Hilyard, President
- Downtown Fresno Coalition
- Fresno County Public Planning Department

The document was also posted on-line at <http://www.dot.ca.gov/dist6/>.

Official Requests for Consulting Party Status under Section 106

Downtown Fresno Coalition

On April 18, 2013, the Downtown Fresno Coalition (DFC), an organization of Fresno area citizens committed to promoting responsible revitalization of Downtown Fresno, requested official Section 106 consulting party status pursuant to 36 Code of Federal Regulations Part 800.5(c)(5). The coalition is the organization that submitted the nomination of the Fulton Mall for eligibility that determined the Mall is a historic property. On April 29, 2013, Caltrans notified the Downtown Fresno Coalition that Caltrans, on behalf of Federal Highway Administration, given the Downtown Fresno Coalition's demonstrated interest in the Fulton Mall and the Fulton Mall Reconstruction Project, would consider the Downtown Fresno Coalition a consulting party for the purposes of this project.

On September 19, 2013, the Downtown Fresno Coalition provided comments in regard to the submitted Historic Property Survey Report: 1) its objection to the designation of the proposed "reconstruction" of the Fulton Mall as a project, as it is

not supported in the existing 2025 General Plan; 2) its objection to dismissing Alternative 3 as the No-Build Alternative; 3) its objection to the statement that the Fulton Mall was owned by the adjacent landowners and requested Caltrans “thoroughly investigate this claim”; 4) its request for clarification that the property owners’ objection to listing on the National Register of Historic Places was not unanimous; 5) its objection to the statement on page 17 of the Historic Property Survey Report that the works of art in the Fulton Mall Historic Landscape “were bought and installed at city expense” and its assertion that the money to buy the works of art was accomplished by a “group of business leaders organized by O.J. Woodward”; and 6) its belief that the analysis of California Historical Landmark #873 was insufficient.

In October 2013, Caltrans professionally qualified staff met with the Downtown Fresno Coalition representatives to discuss these comments. The following are Caltrans’ responses to comments: 1) the project is anticipated to conform with either an amendment to the 2025 General Plan or as part of the proposed 2035 General Plan; 2) (a) Alternative 3 consists of restoration to the existing Mall with no introduction of a city street, (b) the No-Build Alternative is a separate alternative with no changes to the Mall, and (c) both alternatives will be included in a more thorough discussion of the alternatives analysis in the draft environmental document and/or the Finding of Effect document; 3) Caltrans uses the most accurate current ownership information and would update as appropriate; 4) Caltrans would clarify in subsequent documentation that the vote not to list the Fulton Mall was not unanimous; 5) in subsequent documentation, Caltrans would omit any reference to the City being financially responsible for the procurement of sculptures; 6) and a more thorough analysis of California Historical Landmark #873 could be found in the Historic Resource Evaluation Report and attached DPR 523 forms.

The meeting did not result in the resolution of objections 1–3. The Downtown Fresno Coalition representatives in attendance, however, agreed the concerns raised in objections 4–6 were adequately addressed.

On January 8, 2014, the Downtown Fresno Coalition was provided a copy of Caltrans’ finding of Adverse Effect determination and provided an opportunity to comment. The Downtown Fresno Coalition informed Caltrans staff that it was the Coalition’s intent to withhold comment on the effects findings until such time that the revised/supplemental Finding of Effect document was completed as necessitated by the identification of additional historic properties not covered in the original project Area of Potential Effects.

On February 25, 2014, the DFC was provided a copy of the Supplemental Historic Property Survey Report and given an opportunity to comment on Caltrans' finding therein. On March 26, 2014, the DFC provided comments regarding the Supplemental HPSR. The DFC did not comment on the revised APE at either end of the Fulton Mall Historic Landscape, as "the additional areas at each end of the Mall play no part in the integrity of the design."

On April 5, 2014 the DFC was provided a copy of the Supplemental Finding of Effect and given an opportunity to comment on the findings therein. On May 9, 2014 the DFC provided comments which are included in the Supplemental Finding of Effect.

Based on State Historic Preservation Officer concurrence on February 12, 2014 that the project will have an adverse effect on historic properties, and while the Supplemental Finding of Effect was being prepared, on March 24, 2014, Caltrans began consultation on the resolution of adverse effects by holding weekly conference calls with participants from the California Office of Historic Preservation, Advisory Council on Historic Preservation, the City of Fresno, and with members of invited consulting parties, the Downtown Fresno Coalition and Downtown Fresno Partnership. For Section 106 purposes, topics discussed in these weekly conference calls included the status of the Supplemental Historic Property Survey Report and Supplemental Finding of Effect consultation, the next steps in the Section 106 compliance process, and proposed mitigation measures to resolve adverse effects and that should be included as stipulations in the Memorandum of Agreement.

Downtown Fresno Partnership

On May 6, 2013, the Downtown Fresno Partnership (DFP), a business improvement district representing property owners within the Fulton Mall corridor, also requested official Section 106 consulting party status pursuant to 36 Code of Federal Regulations Part 800.5(c)(5). On May 14, 2013, Caltrans responded that it needed more information prior to making a decision on consulting party status. Caltrans requested that the DFP clarify its status as an independent organization by clarifying its charter relative to the City of Fresno and, as a contractor to the City, provide data on the percentage of revenue intake dependent on the City.

On September 3, 2013, the DFP provided Caltrans with additional information that clarified its relationship with the City. On October 3, 2013, Caltrans, on behalf of Federal Highway Administration, agreed to consider the DFP a consulting party for the purposes of the undertaking.

On January 8, 2014, the DFP was provided a copy of Caltrans' finding of Effect and provided an opportunity to comment.

On February 25, 2014, the DFP was provided a copy of Caltrans' Supplemental Historic Property Survey Report and provided an opportunity to comment.

On May 5, 2014 the DFP was provide a copy of the Caltrans Supplemental Finding of Effect document and provided an opportunity to comment. No comments were provided to Caltrans regarding this document.

Based on State Historic Preservation Officer concurrence on February 12, 2014 that the project will have an adverse effect on historic properties, and while the Supplemental Finding of Effect was being prepared, on March 24, 2014, Caltrans began consultation on the resolution of adverse effects by holding weekly conference calls with participants from the California Office of Historic Preservation, Advisory Council on Historic Preservation, the City of Fresno, and with members of invited consulting parties, the DFC and DFP (see discussion under Official Requests for Consulting Part Status under Section 106). For Section 106 purposes, topics discussed in these weekly conference calls included the status of the Supplemental Historic Property Survey Report and Supplemental Finding of Effect consultation, the next steps in the Section 106 compliance process, and proposed mitigation measures to resolve adverse effects and that should be included as stipulations in the Memorandum of Agreement.

Cultural Landscape Foundation

On April 17, 2014, the Cultural Landscape Foundation contacted Caltrans informing the department that several California preservation organizations were considering "becoming involved as official consulting parties of the project if still possible." On April 22, 2014 Caltrans staff discussed with the Cultural Landscape Foundation (via a phone call) the status of the project. On May 2, 2014 the Cultural Landscape Foundation, the National Trust for Historic Preservation, the California Historical Society, and the California Preservation Foundation formally requested consulting party status and forwarded to Caltrans comments made by these organizations on the CEQA Draft EIR. On May 6, 2014 Caltrans subsequently rejected this request citing the late date of the request and the impending completion of the MOA that day. Caltrans did inform the aforementioned groups that language allowing for public comment on the various mitigation measures for the project was being incorporated in the MOA and that these groups could still participate in that capacity. On that same day, May 6, 2014 Brian Turner, Field Officer and Attorney for the National Trust for Historic Preservation responded expressing disappointment with the denial, reiterating their comments on the CEQA Draft EIR, and seeking clarification on the Caltrans statement that it had indicated "during the course of this project," consulting party status was an option for which groups could apply. On May 7, 2014 Caltrans District 6 Environmental Office Chief Jennifer Taylor responded by

clarifying Caltrans' outreach efforts and the opportunities that were afforded for to them comment.

Consultation and Coordination with Public Agencies

The formal planning process and informal tours, presentations, and meetings regarding the project have involved a variety of public agencies other than Caltrans and the City. One member of the Fulton Corridor Specific Plan Community Advisory Committee, Rosemarie Amaral, is on staff at the County of Fresno Public Health Department with a focus on healthy land use planning; she participated in both Fulton Corridor Specific Plan Community Advisory Committee meetings and the design workshops.

City staff have given Fulton Mall tours to federal staff including the Housing and Urban Development Secretary Shaun Donovan; Director Mark Linton and Deputy Director Matt Dalbey of the White House Strong Cities, Strong Communities Council; and aides to Senator Dianne Feinstein. From the State of California, the City has provided tours of the project area to various Caltrans staff and Governor's Office of Planning and Research Director Ken Alex.

City officials have discussed the project on numerous occasions with federal staff in a variety of agencies, most frequently the Federal Highway Administration, California Division, via email and telephone beginning in December 2011. City officials have, on various occasions in Fresno and in Washington, D.C., discussed the project personally with U.S. Department of Transportation Secretaries Ray LaHood and Anthony Foxx, Deputy Secretary John Porcari, and Deputy Assistant Secretary for Transportation Policy Beth Osborne; Environmental Protection Agency Administrator Gina McCarthy; Housing and Urban Development Secretary Donovan; Jay Williams, Deputy Director of the White House Office of Intergovernmental Affairs; Senators Feinstein and Barbara Boxer; and Representatives Jim Costa and Devin Nunes.

City officials have discussed the project with State staff on numerous occasions. City staff met personally with State Historic Preservation Officer Carol Roland-Nawi on February 4, 2013, to outline the project and describe the City's approach to the cultural resource issues involved. The City's application for federal funding for the project included letters of support from Caltrans Director Malcolm Dougherty, California High-Speed Rail Authority Board Chair Dan Richard, Office of Planning and Research Director Ken Alex, and Department of Food and Agriculture Secretary Karen Ross, which were preceded by personal conversations with each.

Between April 2010 and August 2013, City staff sent a total of 10 e-newsletters (each with a circulation ranging from approximately 3,100 to 4,000 addresses), which provided information about the Fulton Mall or the project.

Coordination with California Department of Parks and Recreation

Section 6(f)(3) of the Land and Water Conservation Fund Act (16 U.S. Code §4601-4) contains provisions to protect federal investments in park and recreation properties and the quality of those assisted properties. The State of California Proposition 40 parks bond program contains similar provisions for properties it assists. The Land and Water Conservation Fund and Proposition 40 grant funds were used for improvements completed in 2008 to the Fulton Mall's two existing tot lots. Therefore, these areas are subject to the conversion procedures in Section 6(f)(3) and Proposition 40.

City of Fresno officials met with staff at the Department of Parks and Recreation in Sacramento on May 23, 2012 to discuss options for the disposition of the existing tot lots. The input received at this meeting and via subsequent emails in 2012 and 2013 led to a plan for replacing the two tot lots in the immediate vicinity of the project. One option is to replace them with one larger tot lot that would be at least as large as the two smaller ones together.

Chapter 4 List of Preparers

This document was prepared by the following individuals:

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City of Fresno Staff

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Consultant Staff

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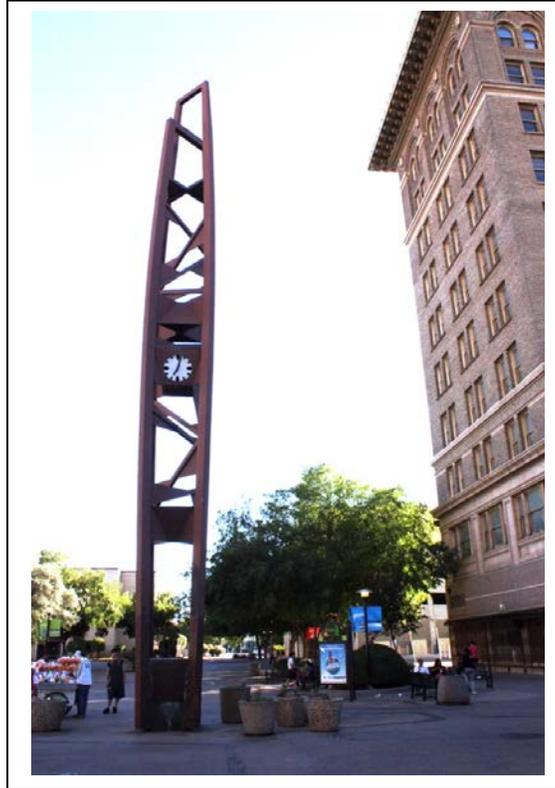
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Appendix A Final Section 4(f) Evaluation

Fulton Mall Reconstruction Project



Federal ID: TCSPL 5060 (263)
FRESNO, FRESNO COUNTY, CALIFORNIA

Prepared by the State of California Department of Transportation

The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project are being, or have been, carried out by the California Department of Transportation under its assumption of responsibility pursuant to 23 United States Code 327.

May 2014



1.1 Introduction

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code 303, declares that “it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that the Secretary [of Transportation] may approve a transportation program or project . . . requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if:

- there is no prudent and feasible alternative to using that land; and
- the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Department of Agriculture and the Department of Housing and Urban Development in developing transportation projects and programs that use lands protected by Section 4(f). If historic sites are involved, then coordination with the State Historic Preservation Officer is also needed.

In 2010, the City of Fresno began work on a Fulton Corridor Specific Plan to guide and support development along Fulton Mall and in the surrounding downtown area (see Figures A-1 and A-2). In October 2010, this planning process identified 10 initial alternatives. After screening to determine which alternatives met the Purpose and Need and other criteria to a level that would demand further consideration, Alternatives 1 and 2 were carried forward in the Environmental Assessment for analysis (see Final Environmental Assessment, Section 1.4).

Alternatives 1 and 2 would each result in the use of the Fulton Street/Fulton Mall Historic District and the Fulton Mall (also called Fulton Mall Historic Landscape in this document to differentiate it from the Historic District), which are both Section 4(f) properties and eligible for listing on the National Register of Historic Places (NRHP).

The “Fulton Mall,” constructed in 1964, refers specifically to the pedestrian areas between adjoining buildings located on the former city streets of Fulton, Mariposa, Merced and Kern which function as an integrated pedestrian mall. Fresno Street and Tulare Street, which do allow vehicle traffic, run through the Mall and divide it into three

roughly equal sections. Mall landscaping elements include fountains, planters, benches, sculptures, electrical systems, irrigation systems and two “tot lots.” The Mall does not include the adjoining buildings or their facades.

The Fulton Street/Fulton Mall Historic District is considered eligible for the NRHP for the purposes of this project only. The District includes the buildings on each side of the Mall. Thirty-eight buildings constructed prior to 1971 are contributing elements of the District, as well as the Fulton Mall itself.

Alternatives 1 and 2, described in Chapter 1 of the Environmental Assessment, were both developed as options to restore the street grid while still maintaining contributing elements of the Fulton Mall. Because Alternatives 1 and 2 would result in the use of Section 4(f) properties, this report evaluates additional alternatives with the intent of identifying feasible and prudent alternatives that could avoid Section 4(f) properties entirely or avoid substantial elements of Section 4(f) properties, thereby minimizing harm.

It should be noted that the preliminary engineering for Alternatives 1 and 2 included minimizing the use of land from Section 4(f) properties by narrowing the width of the project limits in the vicinity of those properties. Nonetheless, Alternatives 1 and 2 would result in the use of land from two historic properties.

Alternatives 5 through 8 would also result in the use of Section 4(f) properties. These alternatives were eliminated from consideration in the Draft Environmental Assessment because they do not meet the stated Purpose and Need for the project (see Section 1.6), but remain for consideration under Section 4(f). FHWA’s Section 4(f) Policy Paper states that “If the analysis . . . concludes that there is no feasible and prudent avoidance alternative, then FHWA may approve, from among the remaining alternatives that use Section 4(f) property, only the alternative that causes the least overall harm in light of the statute's preservation purpose.” Because there is no prudent and feasible avoidance alternative, each of these alternatives is carried forward for consideration in this analysis and evaluated in Section 1.8 Least Harm Analysis.

Alternatives 3, 4 and the Restoration and Completion with Electric Tram System could result in an adverse effect to Section 106 properties (and thus a Section 4(f) impact as well) due to the destruction and rebuilding of character defining features, though they would most likely meet the exception criteria outlined in 23 Code of Federal Regulations (CFR) 774.13(a) and be considered avoidance alternatives. They are evaluated in Section 1.5 Avoidance Alternatives below.

Alternatives 9 and 10 would result in the use of Section 4(f) properties, but are not feasible from an engineering perspective, and so are discussed in Section 1.5 Avoidance Alternatives, Alternatives Considered but Withdrawn from Consideration.

In addition, none of these alternatives would result in the use of twelve Section 4(f) properties adjacent to the mall because measures would be in place to avoid the use of these properties. See Section 1.3 for a list and description of the properties, each of which is either listed or eligible for listing in the NRHP.

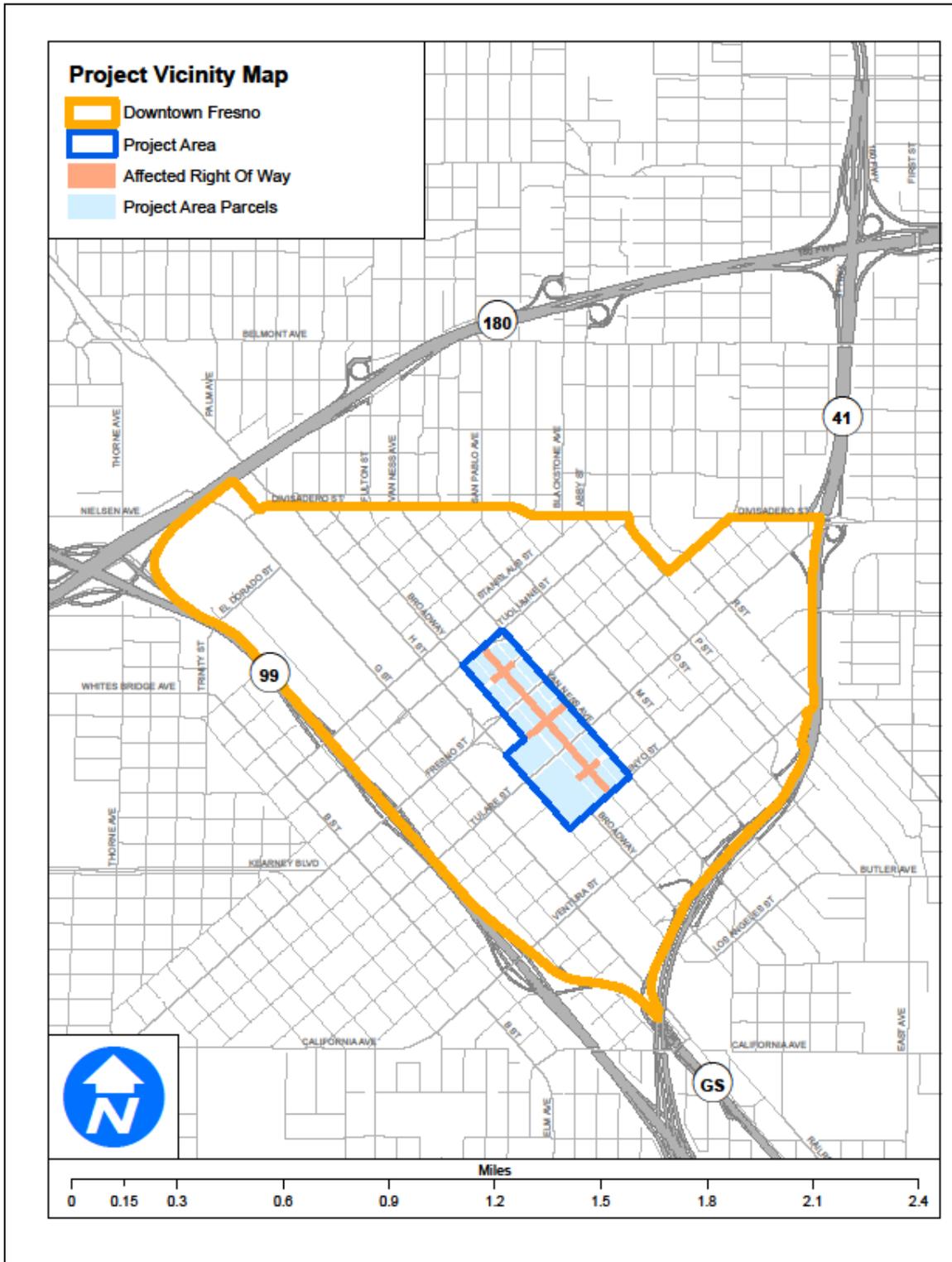


Figure A-1 Project Vicinity

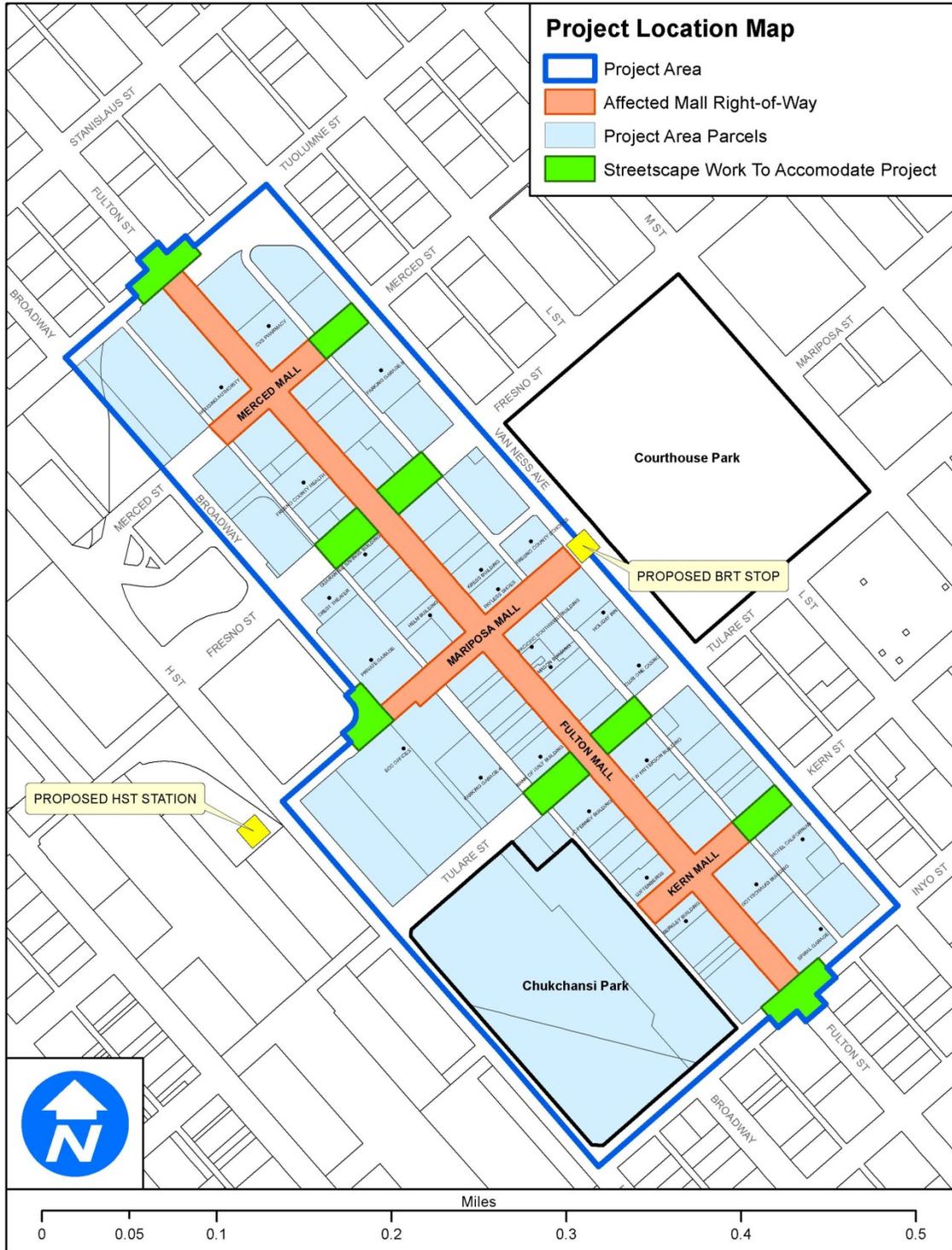


Figure A-2 Revised Project Location

1.2 Description of Proposed Project

The following sections summarize the purpose and need for the Fulton Mall Reconstruction project and briefly describe the build and no-build alternatives.

Purpose for the Proposed Project

The purpose of the proposed project is to:

- Increase mobility and accessibility in the Fulton Mall study area by providing more convenient multi-modal access options on the Mall and its cross streets.
- Improve visibility of businesses, offices and other amenities in the Fulton Mall study area by improving traffic circulation, thereby encouraging additional economic development in the area.
- Increase the Fulton Mall study area's consistency with the requirements and goals of proposed land use plans, including the proposed Fulton Corridor Specific Plan and the proposed Downtown Neighborhoods Community Plan, by making the area more accessible to the public, thereby encouraging greater public use of the area and bolstering future economic development opportunities.

Need for Proposed Project

Currently, the street grid downtown is broken up by the Fulton Mall, the construction of which converted previous city streets to a pedestrian mall. The first High Speed Train station in California will be located in Fresno, to the west on Mariposa Street, which currently is a pedestrian mall that crosses the Fulton Mall. A Bus Rapid Transit station is also proposed to be located one block east of Fulton. This broken street grid is inefficient for travel around the area. One of the City of Fresno's goals and policies for the downtown area is to reestablish an interconnected street grid comparable to Fresno's original grid pattern (Policy 3.4.3 Downtown Neighborhood Community Plan, Draft).

Access to businesses and residences in the Fulton Mall study area is limited because through traffic is not permitted. It is further hindered by a lack of available on-street, short-term parking. Several problems with existing parking have been identified as related to the Fulton Mall, including minimal on-street parking (14 spaces), inadequate parking (less than two spaces per 1,000 square feet of commercial area, less than half the industry standard), and inconvenient parking (75% of spaces are in structures). (Fulton Mall Urban Decay Study, 2012)

Drivers traveling along Fresno and Tulare Streets past Fulton Mall would have only a few seconds to glance down the Mall to see what businesses are there. Lack of any vehicular

traffic along the Mall also means the existing businesses must rely on advertising or pedestrian traffic to attract commerce.

Lack of visibility of businesses, offices, and other amenities, as well as access and parking difficulties, in the Fulton Mall hampers economic development in the area. A 2012 study found that the project study area suffers from significantly high vacancy rates of 46% for office uses and 35% for large retail spaces. This rate is abnormally high compared to the surrounding downtown area. The downtown area has an office vacancy rate of 12.7% and a retail vacancy rate of 11.2% (Fulton Mall Urban Decay Study, 2012).

Additionally, the Fulton Mall Study Area suffers from higher crime rates than the remainder of the city, which has been a hindrance to further development in the area. The City of Fresno currently provides six police officers to patrol the Fulton Mall area, at an annual cost of approximately \$500,000. The lack of nighttime visibility and activity on Fulton Mall also negatively affects the security of the Fulton Mall's publicly displayed artworks, which have been valued at \$2 million.

The Fresno City Council, on February 27, 2014, amended the 2025 Fresno General Plan and the Central Area Community Plan to re-designate the affected portions of Fulton, Merced, Mariposa and Kern Streets from open space/pedestrian malls to local streets.

The City of Fresno's draft updated 2035 General Plan, anticipated for adoption in 2014, calls for the adoption of the Fulton Corridor Specific Plan and Downtown Neighborhoods Community Plan. The explicit goal of the Fulton Corridor Specific Plan is to encourage investment to occur within its boundaries. The Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan both encourage greater public use of the Fulton area and bolster future economic development by identifying problems with the Fulton Mall discussed above, and identifying priority projects that are expected to meet these goals. Goals and policies are similar to the proposed General Plan updates.

Alternatives

The following provides a summary of the proposed project alternatives that would result in a use of the 4(f) properties described above. Additional alternatives that avoid use of the 4(f) properties are located in Section 1.5 Avoidance Alternatives of this evaluation. Sections 1.4 and 1.6 in Chapter 1 of the Final Environmental Assessment provide additional detailed information. The cost of all alternatives discussed is approximately \$20 million.

Alternative 1 – Restore the Grid with Promenade



This option was revised from the original (which had a centered city street) to minimize harm to 4(f) resources. Alternative 1 consists of reopening the Fulton Mall with two-way streets, with one lane of vehicular traffic in each direction alongside bicycle, pedestrian and potentially other travel modes, along the length of the Fulton Mall and three cross streets: Merced, Mariposa and Kern. One 11-foot-wide vehicle travel lane would run in each direction, with a parallel parking lane of 8 feet included on both sides of the street. Sidewalks would include a typical 14-foot sidewalk on one side of the street and a 28-foot promenade on the other. The promenade is intended to approximate the mall-like pedestrian experience of the original Garrett Eckbo design for Fulton Mall. Like the existing mall, the Alternative 1 promenade would feature historic artworks, water features, seating and trees, and would allow for walking and pedestrian-only seating, landscaping and lighting. Pedestrians would be separated from vehicles. A total of 162 on-street vehicle parking spaces would be reintroduced along the length of the Fulton Mall, along with 28 new spaces along cross streets.

Minor public infrastructure improvements such as new curb locations, traffic signal improvements, and lane striping would be included in various locations of the project (as shown in Figure A-2 Revised Project Location map) to provide transitions from construction areas to existing city streets.

The two tot lots present—one near the corner of Merced and Fulton, and the other near the corner of Kern and Fulton—would be consolidated into one larger tot lot (an approximately 2,940-square-foot area, increased from the combined existing areas of 1,772 square feet) at a new location near the Fresno County Economic Opportunities Commission campus near the intersection of Mariposa and Congo Alley.

Alternative 2 – Restore the Grid with Vignettes



Alternative 2 consists of reconnecting the street grid similar to Alternative 1, but would include rebuilding distinctive elements of the Fulton Mall in five to six specific locations, known as “vignettes.” The vignettes are intended to preserve existing shade trees and features of the historic Eckbo design, and would include rebuilding approximations of many of the existing elements (sculptures, fountains, pavement pattern, trees, and so on). To accomplish this, the street would have gentle curves that would allow for slightly greater preservation of statues in-place.

One 11-foot-wide vehicle travel lane would run in each direction and would curve through the vignettes. Outside the vignette areas, the street would straighten, and the landscape would include, where possible, an 8-foot-wide parallel parking lane and a pedestrian-only walking, seating, vegetation, and public art area that varies between 14 and 44 feet wide on one or both sides of the street. Within the vignettes, there would be no parking lane, and the existing Fulton Mall landscape elements would be kept intact as much as possible. The remaining space on each side of the street would be dedicated to pedestrian travel, seating, vegetation, and artwork. A total of 52 on-street vehicle parking spaces would be introduced along the length of the Fulton Mall, as well as 30 new spaces along cross streets.

Minor public infrastructure improvements such as new curb locations, traffic signal improvements, and lane striping would be included in various locations of the project (as shown in Figure A-2 Revised Project Location map) to provide transitions from construction areas to existing city streets.

The two tot lots present—one near the corner of Merced and Fulton, and the other near the corner of Kern and Fulton—would be consolidated into one larger tot lot (an approximately 2,940-square-foot area, increased from the combined existing areas of 1,772 square feet) at a new location near

the Fresno County Economic Opportunities Commission campus near the intersection of Mariposa and Congo Alley.

Alternative 5 – Restoration with Open Cross Streets



5

This alternative would retain one-block-long segments of the Fulton Mall, along the Fulton alignment only, between Merced Street and Kern Street. The cross streets of Merced, Mariposa, and Kern would be opened as complete streets as provided in Alternatives 1 and 2. In one-block segments along the Fulton Street alignment between Merced and Kern streets, the Fulton Mall would be rebuilt to facilitate outdoor dining, introduce more lighting, new restrooms, and signage. This would include the removal and rebuilding of the existing historic stained concrete and hardscape features in a manner that would emulate Eckbo’s design, and rehabilitation of existing statues. The Mariposa Plaza would be reconstructed to better accommodate events (including a new stage).

Alternative 6 – Keep Four Center Blocks Closed



6

This alternative would maintain four blocks of Fulton Mall and a portion of Kern Street Mall as pedestrian-only facilities. It would keep the Fulton Mall between Merced Street and Kern Street and Kern Street between Fulton Street and the Chukchansi Park as pedestrian-only facilities. It would transform Kern Street between Van Ness Avenue and Fulton Street, all of Mariposa Street, and all of Merced Street into standard streets.

This alternative would open Fulton Street’s northernmost and southernmost blocks to vehicular traffic along the eastern side of the mall right-of-way to preserve the two prominent water features in those locations. This would include the removal and rebuilding of the existing historic stained concrete and hardscape features in a manner that would emulate Eckbo’s design, and rehabilitation of existing statues, moving the artwork elsewhere within the Fulton corridor where necessary.

Alternative 7 – Keep South and Center Closed



7

This alternative would maintain three blocks of the Fulton Mall, keeping the Fulton Mall between Fresno and Kern streets as a pedestrian-only facility. It would transform the two northern blocks of Kern, Mariposa, Merced and Fulton streets into standard streets. This would include the removal and rebuilding of the existing historic stained concrete and hardscape features in a manner that would emulate Eckbo's design, and rehabilitation of existing statues, moving the art elsewhere within the Fulton Corridor where necessary.

This alternative would reconstruct the Mariposa Plaza, facilitate outdoor dining, and introduce more lighting, new restrooms, better signage and new streetscape and artwork in selected locations.

Alternative 8 – Keep Center Closed



8

This alternative would maintain two of the six blocks of the Fulton Mall, keeping the Fulton Mall between Tulare Street and Fresno Street pedestrian-only. It would transform the two northern and two southern blocks of Kern Street, Merced Street and Fulton Street into standard streets. This would include the removal and rebuilding of the existing historic stained concrete and hardscape features in a manner that would emulate Eckbo's design, and rehabilitation of existing statues, moving the art elsewhere within the Fulton corridor where necessary.

The Mariposa Plaza would be reconstructed, outdoor dining facilitated, and more lighting, new restrooms, better signage and new streetscape and artwork would be introduced in selected locations.

No-Build Alternative

No improvements would be made to Fulton Mall except for routine maintenance. The No-Build Alternative would not address any elements of the project's Purpose and Need. In the No-Build Alternative, the Fulton Mall Historic Landscape, the Fulton Street/Fulton Mall Historic District, as well as the 4 NRHP listed and 8 NRHP eligible buildings would retain their NRHP eligibility, but the Mall's condition would continue to degrade without an investment to repair water features (including leaks, piping, electrical components, pumps, filters, lighting, suction fittings, drains, nozzles, plaster finish, top coat finish, and backflow preventers), upgrade aging utilities, restore damaged artwork, repair or replace cracked and buckling pavement, and replace 29 trees in poor condition that can be expected to decline regardless of management.

1.3 List and Description of Section 4(f) Properties

Properties subject to the provisions of Section 4(f) are publicly owned parks and recreation areas, wildlife and waterfowl refuges of national, state, or local significance, and historic sites of national, state, or local significance. There are fourteen Section 4(f) properties within the architectural Area of Potential Effects: the historic landscape, historic district and twelve historic buildings, as described below.

Fulton Mall Historic Landscape

The Fulton Mall boundaries include six blocks of the Fulton Mall from Tuolumne Street on the north to Inyo Street on the south, and portions of Kern and Merced from alley to alley east and west of Fulton, as well as portions of Mariposa from Broadway on the west to Van Ness Boulevard on the east. Two streets, Fresno and Tulare Streets, allow vehicle traffic and run through the Mall, dividing it into three sections.

The right-of-way of the Mall is 80 feet wide. The Mall land and right-of-way are owned in fee simple by the landowners that line the Mall. The City of Fresno had this easement from the landowners for Fulton Street before the Mall was built and currently have an easement for the Fulton Mall. Upon completion of the proposed project, the City will continue to have this easement.

A National Register of Historic Places nomination for the Fulton Mall was submitted to the California State Historical Resources Commission (SHRC) for listing in the NRHP, but because a majority of private owners objected to the listing, the SHRC recommended that the nomination be forwarded to the Keeper of the National Register for a formal determination of eligibility, pursuant to 36 CFR part 60.6(n). The Keeper formally determined the Fulton Mall eligible for listing in the National Register on October 20, 2010, and the Fulton Mall was then automatically listed in the California Register of Historical Resources.

Completed in 1964 and less than 50 years old at the time it was determined eligible, the Fulton Mall was designed by master landscape architect Garrett Eckbo and built under the supervision of Victor Gruen, a pioneer in the design of shopping malls. This pedestrian mall and urban park in downtown Fresno, with trees, planter boxes, various seating and shade areas, sculptures and water features that contribute to the historic landscape, is significant under Criterion A for its importance as an urban park. (The Mall is not, however, legally a park, nor is it intended by the City of Fresno to function as one. The Mall is not publicly owned, and does not meet the Section 4(f) definition of a park, and so is not evaluated as such in this document.) The Fulton Mall is exceptionally significant at the national level of significance under Criterion C for its landscape architecture, as the finest example of post-WW II-era federal urban renewal pedestrian mall design, as the work of a master, Garrett Eckbo, and as an excellent example of

Modernist design ideas' influence on landscape architecture. The period of significance is 1964.

Overall, the Fulton Mall is relatively unaltered from its original design and retains a high degree of integrity. Mall features include 26 objects (works of art commissioned by the City, such as sculptures and fountains, pools with plantings, and seating facilities) designed specifically to be placed on the Mall along with fountains and grassy areas to form an “organic whole,” trees and vegetation, and concrete walkways that “are stained an adobe color suggesting the valley’s soil, and it is crossed at frequent intervals by undulating eight-and-one-half inch ribbons of aggregate to convey a sense of the texture and gentle gradations of the valley floor...The aggregate includes colored river rock imported from Mexico and is set in a contrasting shade of concrete. The overall effect of this pattern of dividing lines, sometimes angular, sometimes gently curving, provides a rhythmic unity for the Mall.” (Fulton Mall National Register nomination, section 8, page 15)

The Fulton Mall has 20 sculptures (shown in Figures A-4-a, b, and c), plus three sculptures that are currently in storage. Most of these features are included in the National Register of Historic Places’ nomination (2007) and are considered contributing features. For descriptions and photographs of the artwork on the mall, please refer to Attachment A.

The water features are also considered contributing features and are also shown in Figures A-4 a, b, and c. Currently, 14 of the 21 water features are no longer operating. For descriptions and photographs of these water features, please refer to Attachment A. Other site features include collections of planters, planting beds, pergolas (features #4a-f) and mosaic benches (features #2a-i). There are about 154 mature trees along the Mall. Over time, there have been some changes made such as replacing some of the original wooden benches with metal benches, the conversion of one water feature into a planter, and a change in design of the light fixtures.

The City of Fresno maintains the Mall landscape through the Department of Parks, Public Utilities, and Public Works. The Downtown Partnership has also provided money, starting in 2012, for various beautification purposes such as flower planting and irrigation.

Mall features that are not character-defining features include the Site of the Fresno Free Speech Fight of the Industrial Workers of the World California Historical Landmark #873 (which is not located in the Fulton Mall and was determined not eligible for the NRHP). Non-contributing elements on the Fulton Mall include: metal benches that replaced some of the original ones, conversion of one water feature into a planter, and light fixtures of a different design that post-date the period of significance.

Fulton Mall's historic property boundaries include Mall right-of-way along Fulton Street, up to the walls of the buildings, for six blocks from Inyo Street to Tuolumne Street, and also include rights-of-way to the building walls on: Kern Mall and Merced Mall from Congo Alley to Federal Alley, and Mariposa Mall from Congo Alley to Van Ness Alley. The Mariposa Plaza and free speech platform on the separate parcel is not considered a contributing feature in the NRHP nomination of the Fulton Mall. The plaza was built at a later date than the Mall and is on a parcel where a building once stood.

Fulton Street/Fulton Mall Historic District

For the purposes of this project only, this Historic District is considered eligible for the NRHP in November 2013 at the local level of significance under Criterion A for its association with early- to mid-20th century commercial development in Downtown Fresno. The Historic District was identified as a commercial corridor along six blocks of the Fulton Mall. Building types include modest one- and two-story commercial storefronts and more architecturally impressive department stores and office buildings. Several architecturally impressive high-rise buildings from the 1920s are also present. The selection of buildings reflects the popular architectural styles of their time, such as Beaux Arts, Mediterranean Revival, Art Deco, Late Moderne, and Mid-Century Modern, as well as contemporary styles. More vernacular buildings are not representative of any particular style. The Garret Eckbo-designed Fulton Mall Historic Landscape runs through the center of the District.

The period of significance for the District is 1914 to 1970. This broad period of significance is based on Fulton Street's (later Fulton Mall's) fundamental role as the primary commercial and retail center for the City of Fresno and the region. Significance includes the establishment of Fulton Street as a major regional commercial and retail corridor in the early 20th century; its continued role as Fresno's primary commercial and retail street from the 1920s to the 1950s; and its revitalization as the Fulton Mall in the 1960s. The 1970 opening of the Fashion Fair Mall north of Downtown is largely recognized as the turning point when commercial development shifted inexorably to suburban locations, precipitating the Fulton Mall's decline.

Historic District boundaries include the Fulton Mall Historic Landscape, the parcels on both sides of the Fulton Mall between Inyo and Fresno streets; the parcels on the south side of the Fulton Mall between Fresno and Tuolumne streets; and the Fulton Mall portions of Mariposa, Kern, and Merced streets. Of the 51 buildings within the Historic District boundaries, 39 are considered contributors.

All pre-1970 buildings are considered contributors to the Fulton Street/Fulton Mall Historic District, with the exception of those buildings altered to such a degree they no longer resemble their original pre-1970 configuration.

Buildings Listed or Eligible for Listing on the National Register of Historic Places

The Bank of Italy, 1001 Fulton Mall

This vertical commercial block is at the northwest corner of Fulton Mall and Tulare Street. The building was listed on the National Register in October 1982 at the local level of significance under Criterion C, as an excellent example of its type and period.¹ Its period of significance is 1918 and 1928. The building consists of an eight-story tower constructed in 1917 and a two-story addition built in 1925. The steel frame and concrete building is rectangular in plan with regular massing, symmetrical arrangement of architectural features, and a flat roof. The building is designed in a Renaissance Revival style and clad with glazed terra cotta and brick.

Hotel Californian, 851 Van Ness

The Hotel Californian was listed on the National Register in April 2004 at the local level of significance under Criterion C as an outstanding example of a residential hotel constructed in 1923 in the Italian Renaissance Revival Style with Beaux Arts detailing. Its period of significance is 1923. The structure was designed by H. Rafael Lake and is considered one of his seminal structures. The structure was built by R.F. Felchin and Company, a prominent local builder and architect. Nine stories tall, the structure originally served as an upper-class hotel and housed various retail and commercial office spaces. It covers a 150-foot by 150-foot lot at the southeast corner of Van Ness and Kern Street. The original exterior of the building is intact. Many of the exterior surfaces were cleaned, painted, and repaired in 2003, keeping much of the original architectural qualities. The interior has sustained some alteration on the first and second floors while the upper floors retain much of their original integrity.

The Alexander Pantages Theatre, 1400 Fulton Street

The Alexander Pantages Theatre was listed on the National Register in February 1978 at the local level of significance under Criterion C for its architecture (criterion C). Its period of significance is 1928-1929. Designed by noted theatre architect Marcus Pritieca, for Alexander Pantages in 1928 the theater is “an eclectic blend of Spanish Colonial Revival and Italian Renaissance elements.” Known locally as the Warner’s Theatre, the building was purchased by the Warner Brothers the year after its construction until the early 1960s (the name changes at that time from Warner’s to Warnor’s Theatre. The National Register nomination form’s verbal boundary description references the site as including the entire 225’ of frontage on Fulton Street and 150’ on Tuolumne Street. The building retains excellent integrity.

¹ Although eligibility under Criterion C is not spelled out in the National Register Nomination Form, it is inferred from the statement of significance. Therefore, Caltrans is considering it eligible under Criterion C.

San Joaquin Light and Power Corporation Building, 1401 Fulton Street

The San Joaquin Light and Power Corporation Building was listed on the National Register in January 2006 at the local level of significance under Criterion C for its Italian Renaissance Revival style architecture. Its period of significance is 1924, the date of its construction. The historic property boundaries are the footprint of the building itself, which because the building was constructed up to the property lines, is coterminous with its 0.3-acre parcel boundaries at the west corner of Fulton and Tuolumne Streets.

Pacific Southwest Building/Security Bank, 1060 Fulton Mall

This property was determined eligible in October 1995 at the local level of significance under Criterion C for its Renaissance Revival style architecture and possesses excellent integrity. Its period of significance is 1923. Contributing elements include its massing on the parcel, a roof covered with a combination of Italian bottom pan tile and Mission top tile, slightly projecting boxed eaves with decorative brackets, and a tripartite composition separated by masonry belt courses. The base consists of the 40-foot-high ground story delineated by full-height Corinthian columns. Symmetrically arranged fenestration, in pairs of double-hung, wood-sash windows, comprise the main body. Finally, a 60-foot-tall "crown" tops the building. Non-contributing elements include a steel antenna atop the building that replaced the original flagpole and revolving light. The historic property boundaries are the parcel boundaries for the lot upon which it sits.

Mattei Building/Guarantee Savings and Loan, 1177 Fulton Mall

As a result of this project, the property was determined eligible for the National Register in October 2013 under Criterion A for its direct association with the development of downtown Fresno in the early 20th century, and under Criterion C as an excellent example of Classical Revival commercial architecture in Fresno designed by noted local architect Eugene Mathewson. Its period of significance is 1921 to 1961. Although the level of significance was not specifically spelled out in the evaluation, Caltrans considers the Mattei Building/Guarantee Savings and Loan Building significant at the local level. Alterations done in 1961 reflect a Mid-Century Modern style, but the building retains good overall integrity of its original Classical Revival style. The historic property boundaries are the boundaries for parcel upon which it was built.

Exterior character-defining features of the 1921 Classical Revival style elements include the tripartite composition separated by masonry belt courses and accentuated by different colors of brick, the symmetrically-arranged fenestration in pairs of double-hung wood sash windows, and the flat roof with projecting eaves and decorative brackets. Other character defining features include the 1961 Mid-Century Modern style elements on the first three floors, such as the expansive storefront windows and metal canopy.

E. Griffith-McKenzie/Helm Building, 1101 Fulton Mall

As a result of this project, the property was determined eligible for the National Register in October 2013 under Criterion A for its direct association with the development of downtown Fresno in the early 20th century, and under Criterion C as an excellent example of Renaissance Revival commercial architecture in Fresno designed by noted architect George Kelham. Its period of significance is 1914. Although the level of significance was not specifically spelled out in the evaluation, Caltrans considers the E. Griffith-McKenzie/Helm Building significant at the local level. Possessing good integrity, the building's exterior character-defining features include steel reinforced concrete construction, tripartite composition with prominent belt courses, brick cladding, symmetrically arranged pairs of double-hung wood sash windows, and flat roof with boxed eaves and decorative brackets. Noncontributing elements include the altered ground-level commercial windows. The property was previously designated a local landmark by the City of Fresno (HP#168). The property was the Griffith-McKenzie Building before becoming the Helm Building. The historic property boundaries are the boundaries for the parcel upon which it sits.

Mason Building, 1044 Fulton Mall

As a result of this project, the property was determined eligible for the National Register in October 2013 under Criterion C as an excellent example of Renaissance Revival commercial architecture in Fresno designed by noted architect Eugene Mathewson. Its period of significance is 1918. Although the level of significance was not specifically spelled out in the evaluation, Caltrans considers the Mason Building significant at the local level. Possessing overall good integrity, the building's character-defining features include the buildings square plan; brick cladding; second-story metal casement windows; third through sixth-story double-hung wood-sash windows accentuated on the sixth story with arched windows featuring decorative pilasters; and flat roof with boxed eaves and decorative brackets. Noncontributing elements include replacement of the original wood sash windows on the first floor with metal casement windows (the openings have not been re-sized); all first-floor storefront windows, entryways, and replacement cladding; and a non-original metal canopy that spans part of the first-floor storefronts. The historic property boundaries are the boundaries for the parcel upon which it sits.

Radin-Kamp Department Store/J.C. Penney Building, 959 Fulton Mall

As a result of this project, the property was determined eligible for the National Register in October 2013 under Criterion C as a rare intact example of an early 20th century department store building in Fresno and as a representative example of the noted local architectural firm of Felchlin, Shaw & Franklin. Its period of significance is 1925. Although level of significance was not specifically called out in the evaluation, Caltrans considers the Radin-Kamp Department Store/J.C. Penney Building significant at the local level. Possessing overall high integrity, the building was designed in a commercial

vernacular style with Classical Revival and Renaissance Revival stylistic details. Character defining features include the ground-floor bays containing large metal-frame display windows with a band of metal-frame transom windows above; recessed corner entry with metal frame double doors; continuous metal canopy positioned between the display windows and the transom windows; dentil band that delineates the ground floor and mezzanine from the upper floors; the side-by-side, wood frame, double-hung windows on the upper three stories; and the plain frieze, regularly spaced cast-stone medallions, dentil band, and shallow sculpted cornice of the building's crown. Noncontributing elements include the replacement of ground-floor display windows and entrance doors. The historic property boundaries are the boundaries for the parcel upon which it sits. The Radin-Kamp Department Store was previously designated as a local landmark by the City of Fresno (HP#124). The building was occupied by the J.C. Penney Company from 1941 until they closed in 1986.

T.W. Patterson Building, 2014 Tulare Street

As a result of this project, the property was determined eligible for the National Register in October 2013 under Criterion A for its direct association with the development of downtown Fresno in the early 20th century, and under Criterion C as an excellent example of Classical Revival commercial architecture in Fresno designed by the noted California architectural firm of R.F. Felchlin and Co. Its period of significance is 1922. Although the level of significance was not specifically called out in the evaluation, Caltrans considers the T.W. Patterson Building significant at the local level. Built in the Classical Revival style and possessing good integrity, the property's exterior character-defining features include the U-shaped plan, tripartite composition, masonry belt courses, roof with projecting eaves and decorative brackets, reinforced concrete with brick and terracotta cladding, and the symmetrically-arranged double-hung wood sash windows grouped in pairs. Noncontributing elements include ground-floor storefronts that have been altered since the building's original construction. The historic property boundaries are the boundaries for the parcel upon which it sits.

Gottschalks Department Store, 802 Fulton Mall

As a result of this project, the property was determined eligible for the National Register in October 2013 under Criterion A as the Gottschalk's flagship store, an important regional department store that operated on this site from 1914 to 1988. It is also significant under Criterion C as one of the most prominent examples of Late Moderne commercial architecture in Fresno. The period of significance is 1948. Although the level of significance was not specifically called out in the evaluation, Caltrans is considering Gottschalk's Department Store significant at the local level. Possessing good integrity that reflects the 1948 remodel in the Late Moderne style, the property's exterior character-defining features include the flat roof, prominent corner tower, exposed concrete cladding on the upper story, stone veneer on the first story, horizontal band of

windows with projecting window frames on the two street-facing facades, metal canopy that extends the length of the primary facades, and marble cladding surrounding the recessed entries at the mid-point of the Kern Street and Fulton Mall facades with double-glass and metal-frame doors. Noncontributing elements include the street-level commercial doors and windows that were altered since the period of significance. The historic property boundaries are the boundaries for the parcel upon which it sits.

Fresno Photo Engraving Building, 748-752 Fulton Street

As a result of this project, the Fresno Photo Engraving Building was determined eligible for inclusion in the National Register in March 2014 at the local level of significance under Criterion C as a rare intact example of an International style commercial building constructed in the City of Fresno. Its period of significance is 1946. Character defining features include the reinforced-concrete two-story construction on a rectangular plan; Vitrolux siding on the first story and smooth stucco on the second-story façade; window fenestration including first story façade windows consisting of aluminum-framed plate glass with angled corners flanking the primary entry, second-story band of ribbon windows consisting of aluminum fixed- and sliding-sashes, and vertical-oriented glass block located on the end pier; the flat canopy with horizontal grooved metal that spans the entire façade, stepping down over the secondary entry on the end pier. The historic property boundaries are the assessor parcel boundaries.



Figure A-3 Historic Property Locations, including Contributing and Non-Contributing Properties

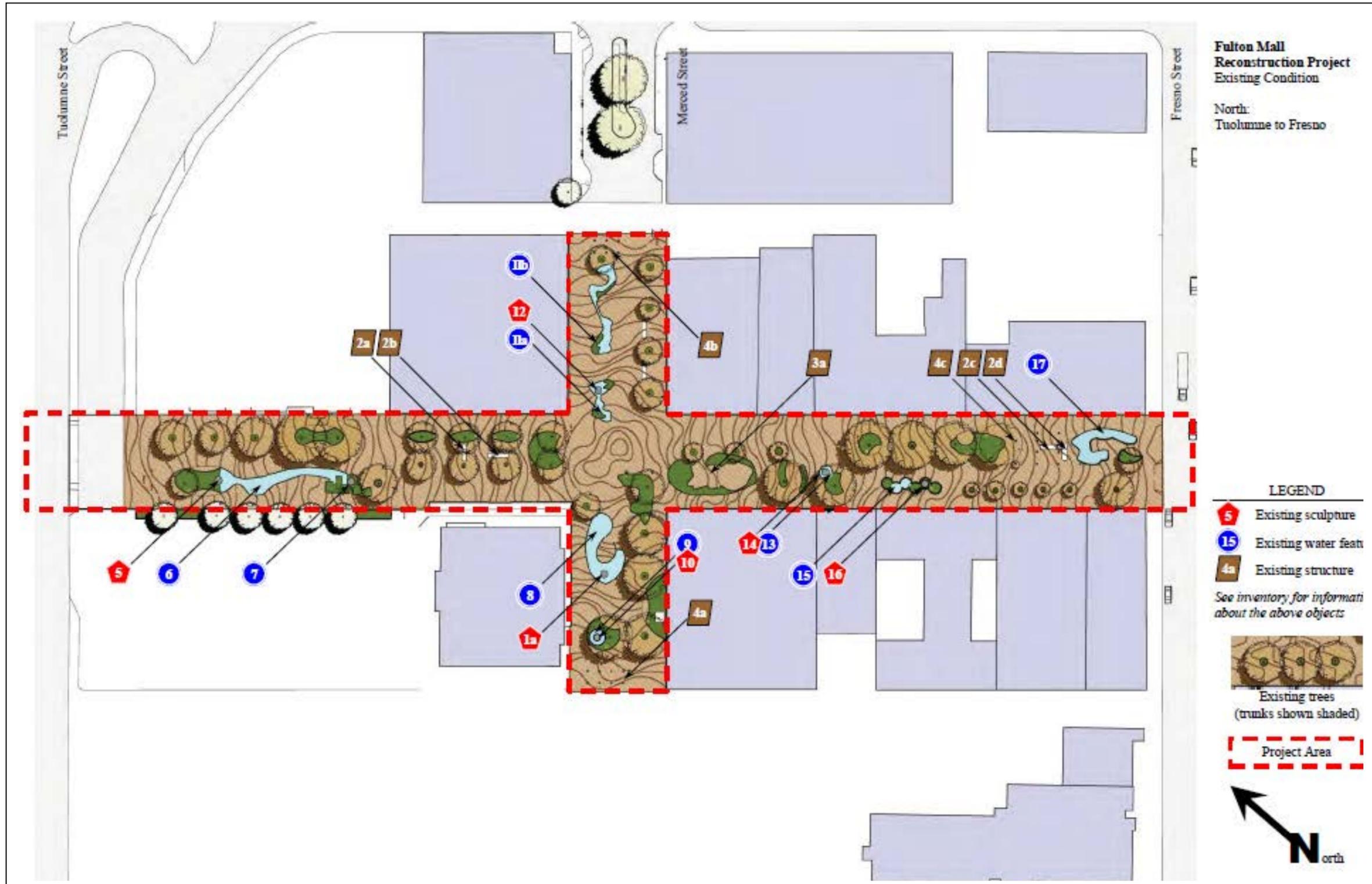


Figure A-4a Existing Fulton Mall and Associated Features



Figure A-4b Existing Fulton Mall and Associated Features

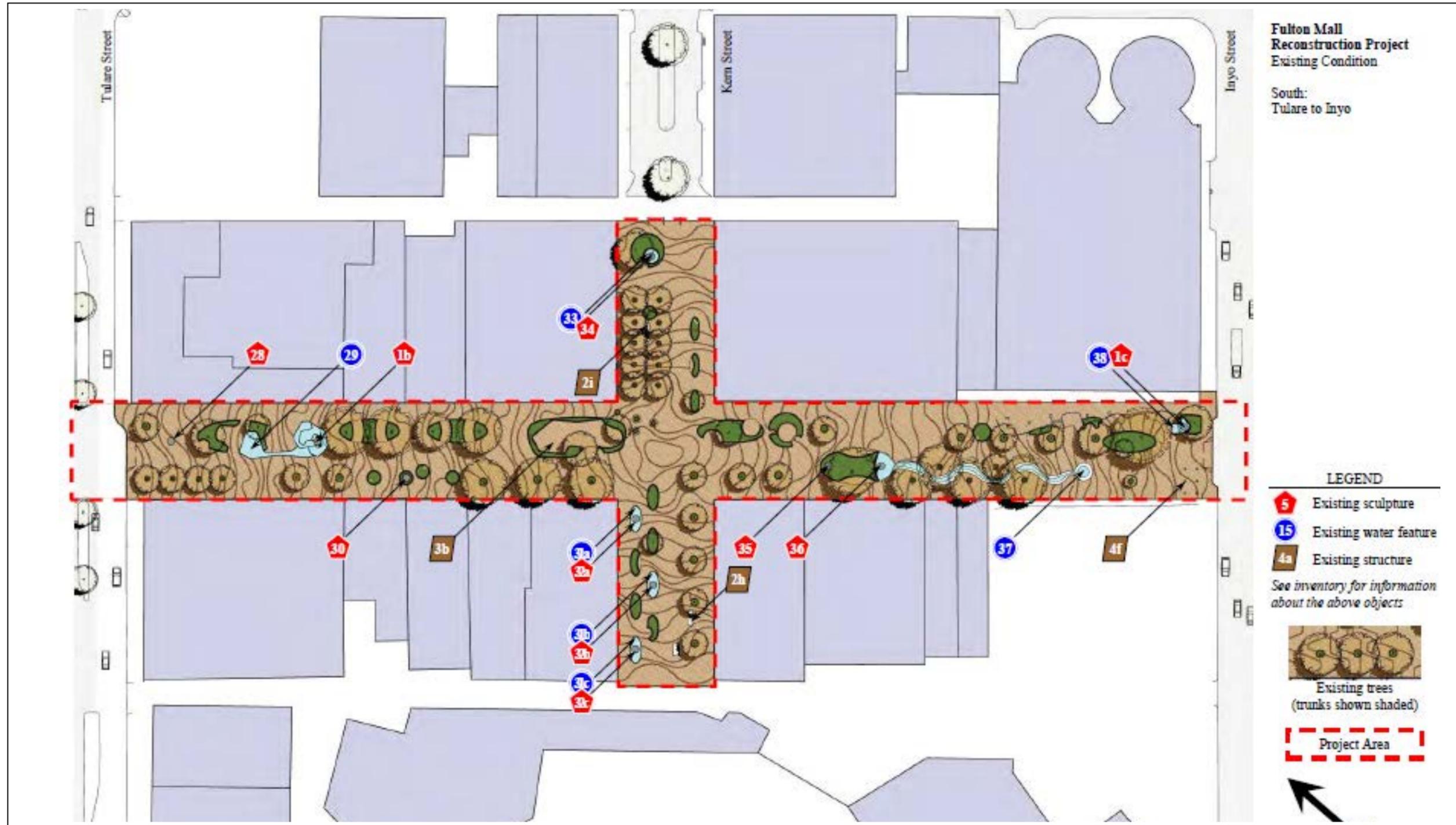


Figure A-4c Existing Fulton Mall and Associated Features

1.4 Impacts on Section 4(f) Properties by Alternative

This section describes how the Fulton Mall Reconstruction Project build alternatives that do not avoid use of the Section 4(f) properties (Alternatives 1, 2, 5, 6, 7 and 8) would use land from the National Register-eligible Fulton Street/Fulton Mall Historic District and the Fulton Mall Historic Landscape, which is a contributing element to the District. Portions of the District and the Mall (including hardscape and other contributing elements) would be used. None of the 38 contributing buildings would be used. The use of land from these historic properties triggers the requirements for protection under Section 4(f). In addition to identifying permanent use and temporary occupancy of the District and the Mall, as well as their contributing elements, an assessment was made as to whether the project alternatives would result in additional effects that would substantially impair the activities, features, and/or attributes that qualify the District for protection under the requirements of Section 4(f).

The No-Build Alternative would not include any of the elements proposed by the build alternatives, and therefore would not result in the permanent use or temporary occupancy of land from Section 4(f) properties. Therefore, the No-Build Alternative is not discussed in this section. It is discussed in Section 1.5 Avoidance Alternatives, Avoidance Alternatives.

None of the project alternatives would use the 12 Section 4(f) properties that are individually listed or eligible for the National Register, as described in Section 1.3, because the following measures will be implemented to avoid impacts during construction.

To ensure that inadvertent vibration impacts do not affect adjacent properties during construction, a vibration mitigation and monitoring workplan will be prepared prior to construction. The workplan would establish appropriate vibration thresholds for adjacent resources, identify adequate vibration minimizing construction techniques, and establish a preconstruction survey that would include meetings with property owners and photographing the existing exterior conditions of all historic properties, including contributors to the Fulton Street/Fulton Mall Historic District. Ground Penetrating Radar will identify the existence of basements along the Fulton Mall Historic Landscape. Identified basements will be marked and appropriate vibration minimizing techniques established. Associated basement doors and sidewalk vault lights associated with the Radin-Kamp Department store/J.C.Penny Building and others located along Tulare Street will be protected as needed with Environmentally Sensitive Area (ESA) fencing. An appropriate vibration specialist as defined in the vibration mitigation and monitoring workplan will monitor construction activities to ensure no structural and/or cosmetic damage is caused by vibration impacts. Additionally, a qualified principal architectural

historian will monitor general construction activities and establish and enforce environmentally sensitive area fencing.

This section describes the permanent use and temporary occupancy of land from the elements that contribute to the Fulton Mall Historic Landscape and Fulton Street/Fulton Mall Historic District by the build alternatives listed above. In addition to permanent and temporary use, the proposed project's effects on the Mall and District related to facilities, functions and activities affected, accessibility, visual changes, noise, vegetation, wildlife, air quality, and water quality are addressed below.

Alternative 1—Re-opening the Mall with Two-Way Streets

Figure A-5 shows how Alternative 1 would result in permanent use of the Fulton Mall and District.

Alternative 2—Reopening the Mall with Two-Way Streets with Vignettes

Figure A-6 shows how Alternative 2 would result in permanent use of the Fulton Mall and District.

Alternative 5— Restoration with Open Cross Streets

Figure A-7 shows how Alternative 5 would result in permanent use of the Fulton Mall and District.

Alternative 6— Keep Four Center Blocks Closed

Figure A-8 shows how Alternative 6 would result in permanent use of the Fulton Mall and District.

Alternative 7— Keep South and Center Closed

Figure A-9 shows how Alternative 7 would result in permanent use of the Fulton Mall and District.

Alternative 8— Keep Center Closed

Figure A-10 shows how Alternative 8 would result in permanent use of the Fulton Mall and District.

A discussion as to whether the project alternatives would result in additional effects (beyond direct use) that would substantially impair the activities, features, and/or attributes that qualify the Fulton Street/Fulton Mall Historic District and Fulton Mall for protection under the requirements of Section 4(f) is included below.

Facilities, Functions, and/or Activities

The Fulton Mall is currently home to 18 annual events, 10 of which were launched since 2012. The longest-running event, a 5K Father's Day Run & Walk through downtown, partially on the Mall (Mariposa to Tuolumne), has been held since 1966. The next

longest-running annual event, Sudz in the City, was launched in 1995. A weekly CartHop (food trucks and music) was launched in 2012. These events would continue, with street closure plans developed by the City of Fresno. Demolition and construction activities would be staged to avoid impacting the entire District and Mall at the same time. Work would begin at the southern end of the Mall, then move to the middle area between Kern and Tulare, and lastly to the northern blocks of the Mall to Tuolumne. Should construction activities be present in the location and at the time some of these events are held, the events would be relocated to areas of the Mall not under construction or to Courthouse Park.

All of the build alternatives discussed in this section would provide gathering places, street furniture, public art, fountains, trees, and a children's play area. These features would be either spread throughout the promenade areas or placed within vignette areas. The 28-foot-wide promenade would better resemble the Fulton Mall's original pedestrian experience, and vignettes would better preserve-in-place historic features.

Accessibility

All of the Fulton Mall's features are currently accessible to pedestrians and bicyclists, though about one-half of the Mall does not meet current Americans with Disabilities Act standards. The Mall is also accessible to transit users via nearby bus stops and vehicles that can use nearby parking structures, parking lots, and on-street parking spaces, though Mall users are required to walk some distance from these locations to their destination.

Alternatives 1 and 2 would expand accessibility options to allow private motor vehicles and public transportation along what is currently a pedestrian mall, providing opportunity for Mall users to walk much shorter distances to their destinations. Alternative 1, with straight and uniform sidewalk widths, would be more predictable to the sight-impaired than curving sidewalks of variable widths with Alternative 2, although both alternatives are compliant with the Americans with Disabilities Act requirements.

Alternatives 5 through 8 would expand accessibility options to a lesser extent. Private motor vehicles and public transportation would be allowed along portions of what is currently a pedestrian mall, though several blocks would be closed to traffic under each alternative (6 blocks would remain closed to traffic under Alternative 5; 4 blocks under Alternative 6; 3 blocks under Alternative 7; and 2 blocks under Alternative 8).

Under each alternative, artwork, seating, tot lots, and other features would be removed during construction and temporarily not accessible to the public while being rehabilitated and before being reinstalled. Total construction time is expected to be 14 months, and construction would be done in phases. Only a portion of the project area would be closed off at one time. Therefore, features in any section of the Mall would not be accessible during the time when construction activities take place in that section (a portion of the 14

months total construction time). Features would be removed either for rehabilitation and returned to their original locations or would be transported to a new location. After project construction, features retained in place or relocated features would once again be accessible to the public.

Access to contributing buildings within the District would be maintained throughout construction.

Visual

According to the Visual Impact Assessment (August, 2013) done for Alternatives 1 and 2, the Fulton Mall visual quality is currently considered to be low (at the south end) to average (middle and north end) due to the condition of the Mall (see Section 2.1.4, Visual/Aesthetics, of the Final Environmental Assessment). The project would, over time, improve the overall visual quality of the Mall. The introduction of vehicle traffic into the Fulton Mall Historic Landscape, however, would change the historic setting of contributing design elements that would remain in place. The visual experience of an urban park would be substantially impaired by the presence of parked and moving vehicles. As such, it would also change the setting of the District during its latter period of significance (1964-1970), of which the Eckbo-designed Mall is a major contributing element. Introduction of vehicle traffic into the Fulton Mall would change the historic setting of the contributing design elements of both the Mall and the District under every build alternative discussed in this section.

The introduction of vehicular traffic to the District, however, particularly under Alternatives 1 and 8, would more closely retain the location, design, feeling and association of the pre-1964 historic spatial relationship, layout and character of the buildings to the streets within in the District. The majority of the District's period of significance, 1914 through 1970, occurred prior to construction of the Fulton Mall. During this period, the District consisted of existing historic buildings as well as a busy Fulton Street. These alternatives return a street to the District, and by doing so change the visual experience to one that more closely resembles the early period of significance.

Noise and Vibration

While vehicles are not currently allowed on the Fulton Mall itself, it does experience traffic noise due to surrounding roads and because two cross streets, Fresno and Tulare, are also open to traffic. As a result, areas of the Mall and District near roadways (300 feet or less), experience noise levels of 62.5-70.7 dBA, less than the 72 dBA threshold for offices and commercial-type land. The *Noise Study Report* prepared for Alternatives 1 and 2 found that there would be little change in noise levels with the project due to the redistribution of traffic and the low speed limit (15 miles per hour or less) proposed for Fulton Street. This would be true for each build alternative discussed in this section.

Construction noise would be short term and intermittent. (See *Noise Study Report* [August 2013] and Section 2.2, Noise, of the Final Environmental Assessment.)

Construction activities would take place on the Fulton Mall and near the historic buildings adjacent to it. Construction activities would include pavement breaking and would require the use of vibratory construction equipment near the buildings. The vibration associated with these construction activities is not expected to reach a level that would structurally affect any of the historic properties because construction techniques that would minimize vibration (for example, limiting concrete breaking to hand tools and using jack hammers or like equipment) would be required adjacent to historic properties. In addition, concrete would be cut with a saw 6 inches from the edge of each building and then removed.

Vegetation

Each of the build alternatives discussed in this section would remove a substantial number of the 154 ornamental trees 6” and greater in diameter. The removal of shade trees would temporarily (until replacement plantings reach maturity) change the historic setting of the Fulton Mall and the Fulton Street/Fulton Mall Historic District. This loss of vegetation would contribute to impacts to the visual quality of the Mall and its contributing design elements, and would result in the direct Section 4(f) use of the Mall and District (see Section 2.1.4, Visual/Aesthetics, of the Final Environmental Assessment).

Wildlife

All build alternatives discussed in this section would be contained entirely within developed areas characterized by concrete pavement and buildings with scattered ornamental trees. No native or natural habitat occurs or has the potential to occur, and no federally listed plants or species are found within the biological study area. The build alternatives would have no permanent impact on natural communities, animal species, or threatened and endangered species (Natural Environment Study, July 2013; impact screening at the beginning of Chapter 2 of the Final Environmental Assessment).

Air Quality

The project area is in attainment/maintenance for the federal CO standard and federal PM 10 standard and nonattainment for PM 2.5 standards. The project is not in an area likely to contain naturally occurring asbestos, would not generate significant quantities of criteria air pollutants or ozone precursors, contains no meaningful potential for mobile source air toxics effects, and would not generate localized CO impacts from project operation (Air Quality Analysis Report, July 2013; impact screening at the beginning of Chapter 2 of the Final Environmental Assessment).

Water Quality

The project would not contribute additional pollutants to the existing storm drain system. It would result in no impact on water quality and would not have an impact on the existing sole-source aquifer (Technical Memorandum, Sole-Source Aquifer—Water Quality Assessment, July 2013; impact screening at the beginning of Chapter 2 of the Final Environmental Assessment).

Figure A-5 Overlay of Fulton Mall – Alternative 1

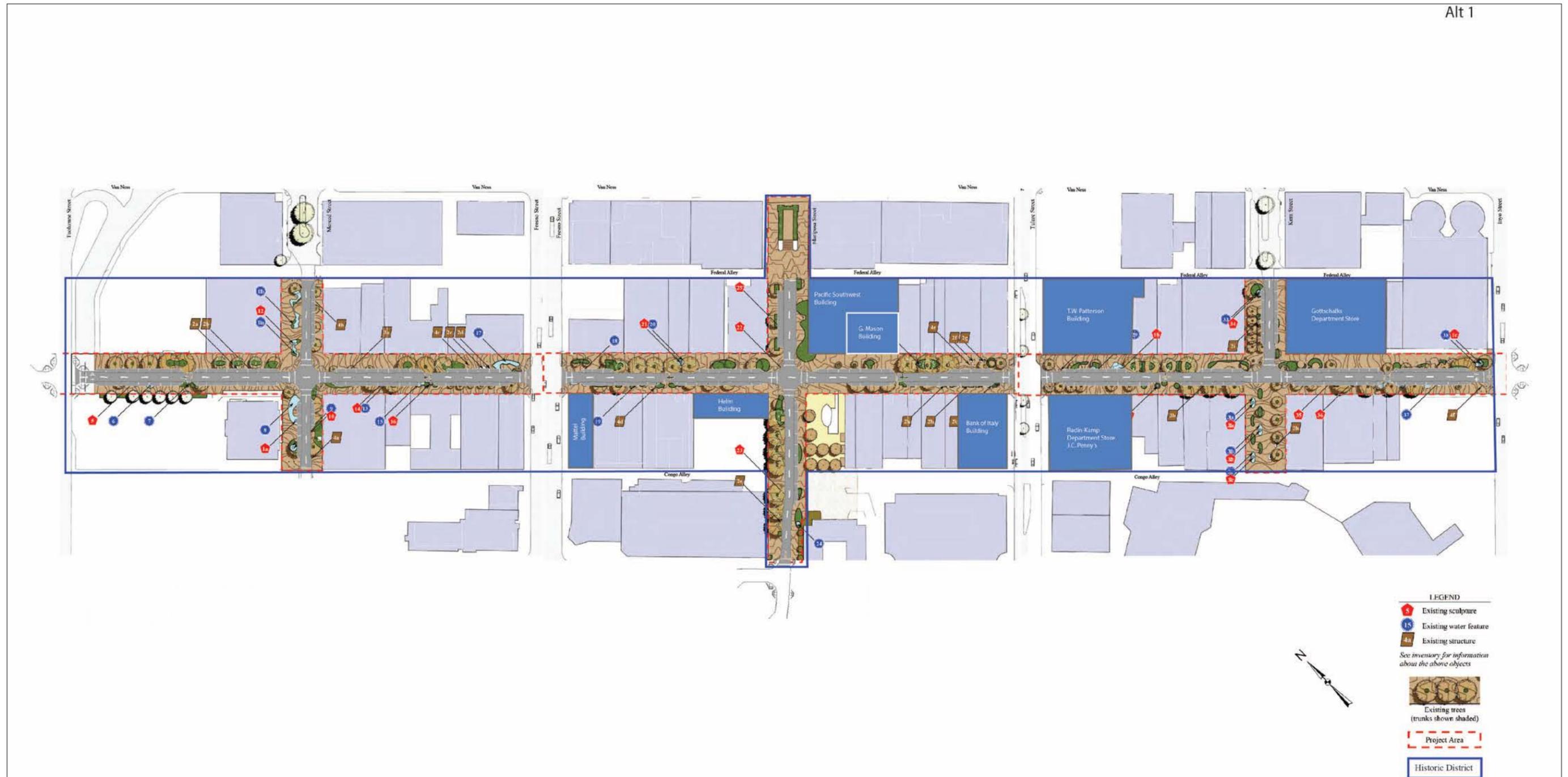


Figure A-6 Overlay of Fulton Mall – Alternative 2



Figure A-7 Overlay of Fulton Mall – Alternative 5



Figure A-8 Overlay of Fulton Mall – Alternative 6

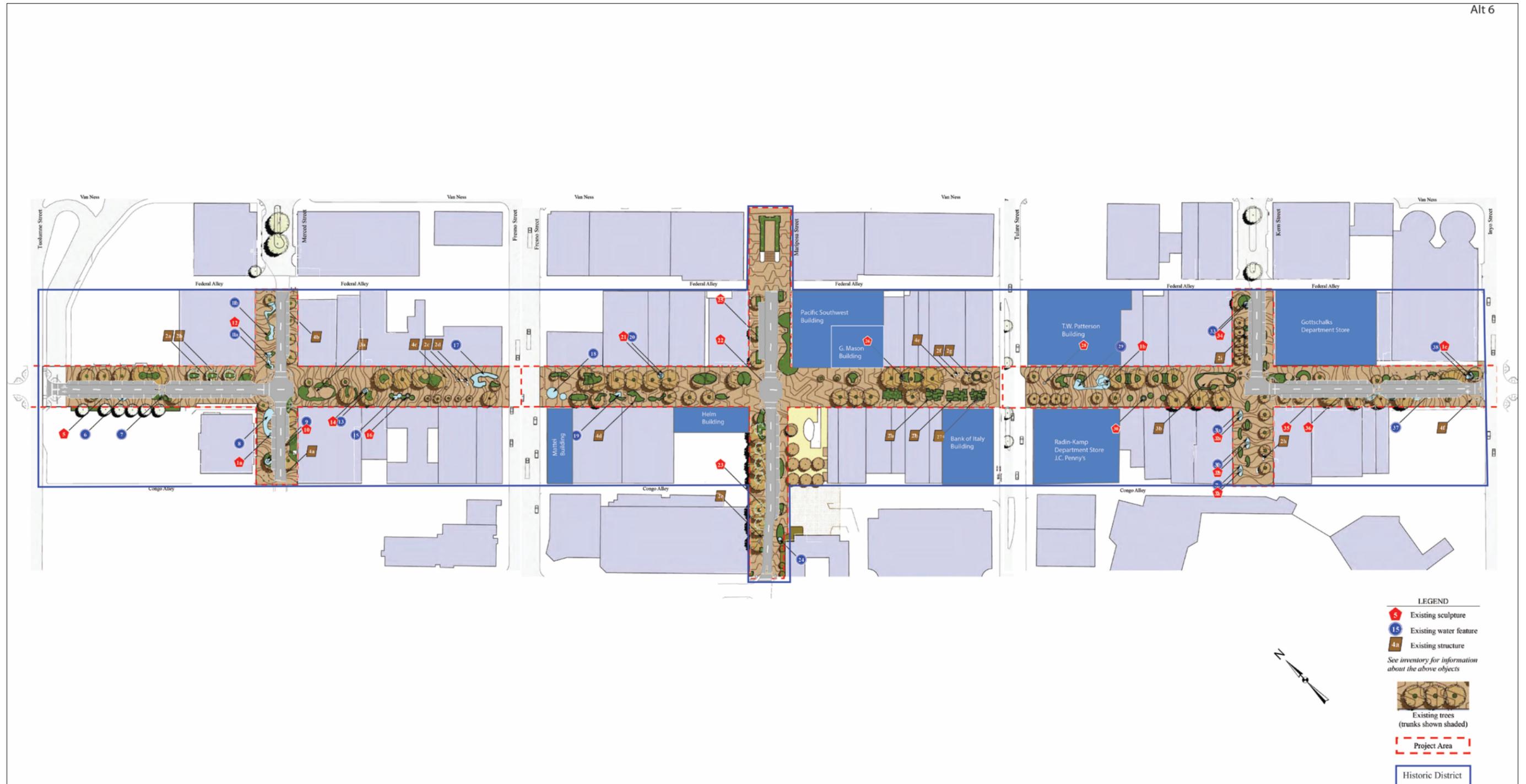
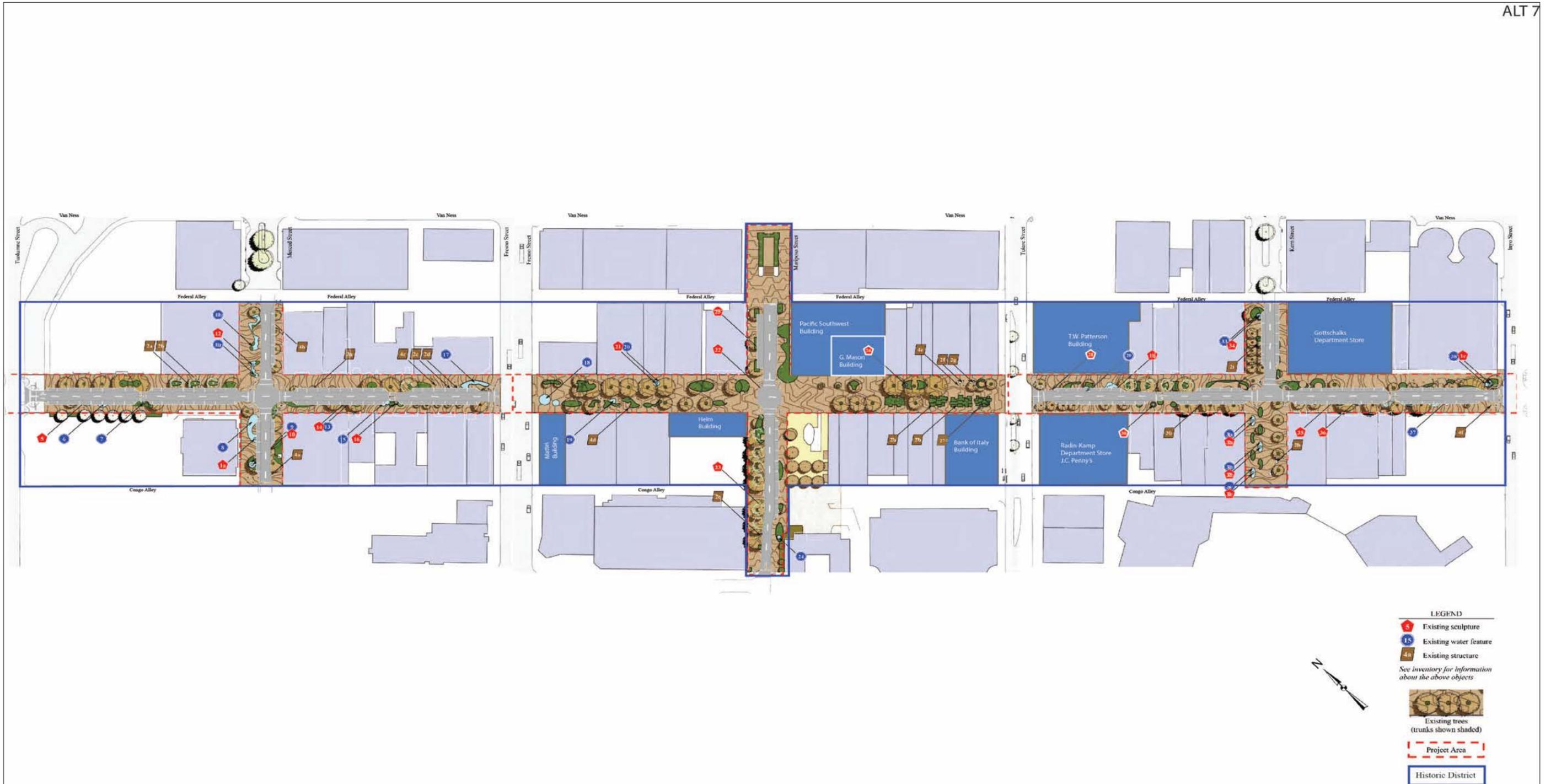


Figure A-9 Overlay of Fulton Mall – Alternative 7



Figure A-10 Overlay of Fulton Mall – Alternative 8

ALT 7



1.5 Avoidance Alternatives

This analysis of avoidance alternatives used the feasible and prudent standards of Section 4(f). This assessment is based on the definition of “feasible and prudent avoidance alternative” in 23 CFR 774.17. The regulations state that an avoidance alternative is feasible and prudent if it “does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting the Section 4(f) property.” An alternative is not feasible “if it cannot be built as a matter of sound engineering judgment.”

The regulations do not provide a single clear definition of “prudent.” Instead, they list a series of findings that can support a conclusion that an alternative is imprudent. This approach allows a wide range of factors to support a finding of imprudence. The definition of “feasible and prudent avoidance alternative” provides the following direction for determining whether an alternative is prudent:

An alternative is not prudent if:

- i. It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;
- ii. It results in unacceptable safety or operational problems;
- iii. After reasonable mitigation, it still causes:
 - a) Severe social, economic, or environmental impacts;
 - b) Severe disruption to established communities;
 - c) Severe disproportionate impacts to minority or low income populations; or
 - d) Severe impacts to other federally protected resources;
- iv. It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;
- v. It causes other unique problems or unusual factors; or
- vi. It involves multiple factors listed above, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

In 2010, the City of Fresno began work on a Fulton Corridor Specific Plan to guide and support development along the Fulton Mall and in the surrounding downtown area (see Figures A-1 and A-2). Two build alternatives were developed that would avoid impacts to Section 4(f) properties. The No-Build Alternative also avoids impacts to 4(f) properties.

Alternatives 3 and 4 – Restoration and Completion of the Fulton Mall (including option with tram)

Alternatives 3 and 4 could each be built as a matter of sound engineering judgment, and so are considered to be feasible. (See Plan Views for each alternative below.)

Alternative 3 – Restoration and Completion (including tram option)



3

This alternative would keep the Fulton Street, Merced Street, Mariposa Street, and Kern Street Malls in their original pedestrian-only configurations. The entire Mall as envisioned and realized by Garrett Eckbo, including all of its features and details (fountains, pavement, plantings, lighting, and so on), would be rebuilt and the existing artwork restored in place. Various design improvements would be introduced, including more lighting, new restrooms, and better way-finding signage. No on-street parking spaces would be added with this alternative. The historic use of the Fulton Mall and District would remain as it currently exists.

This alternative includes an option with the addition of an electric tram system to transport visitors and shoppers the length of Fulton Mall, with a supporting docent program that would provide information about the sculptures and related art, buildings, businesses, and history of both the Fresno Mall and Fresno in general. The entire Mall as envisioned and realized by Garrett Eckbo, including all of its features and details (fountains, pavement, plantings, lighting, and so on), would be renovated and the existing artwork restored in place. Various design improvements would be introduced, including more lighting, new restrooms, and better way-finding signage. No on-street parking spaces would be added with this alternative. Previous electric tram availability on the Mall was discontinued in 1971 due to lack of use.

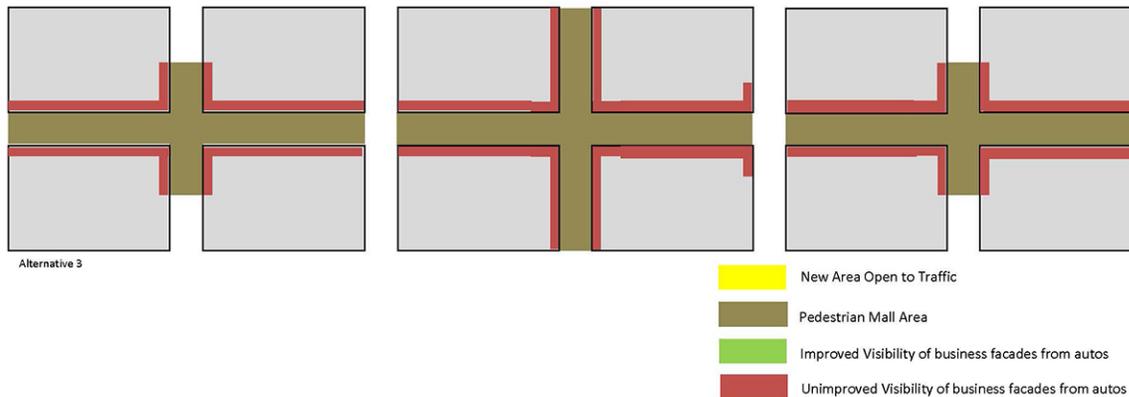
Alternative 4 – Restoration and Completion with Subsidies



4

This alternative is identical to the Restoration and Completion alternative (Alternative 3), with the addition of direct, ongoing subsidies to properties and businesses to make up for the economic impact of the continued lack of access and visibility within the project area. City staff estimated that the amount of subsidy needed, based on the difference in projected economic performance between Alternative 1 and the above Alternative 3, would likely reach \$276 million or more over 30 years. No funding is currently available for these subsidies, and no potential sources of funding have been identified. No on-street parking spaces would be added with this alternative.

In each of these alternatives, the lack of addition of downtown streets would not allow increases from autos in the visibility of business storefronts or the addition of on-street parking for drivers to occur. All of the storefronts located along the Mall, many of which are not currently visible to traffic, would remain as they currently are (see figure below).



A full restoration of the study area without the introduction of vehicle access has the least potential for reversing urban decay in the study area. Vacancies would remain higher and sales would increase at a much lower rate than either of the two build alternatives, as shown below:

Figure A-11 Ground Floor Vacancies

| Alternative | Ground Floor Vacancy | Estimated Retail Sales Increase (million) |
|-------------|----------------------|---|
| No Build | 26% | N/A |
| Alt 1 | 9% | \$47.6 |
| Alt 2 | 15% | \$27.2 |
| Restoration | 20% | \$6.1 |

Fulton Mall Urban Decay Study, 2012

These alternatives would not provide any additional visibility to the mall from automobiles and would not attract users who thrive on increased visibility and accessibility, such as retail businesses and offices. Lack of on-street parking would reduce the number of customers who desire convenient parking for quick trips. The study area’s vacancy rate and retail sales would improve marginally under these alternatives (\$6.1 million annual retail sales increase), but not nearly as significantly as under reconnection of the street grid to its original configuration (\$47 million) or restoration of the street grid while maintaining portions of the mall (\$27 million).

These alternatives do not meet each of the criteria of the Purpose and Need, as outlined in criterion i. They would not introduce automobiles along what is currently a pedestrian-only mall and so would not improve access to multiple modes of transportation, including the High-Speed Rail and Bus Rapid Transit stations. This, in turn, would not result in increased mobility in the project study area. Access to businesses located in the area would not be improved. As noted above, increases in the visibility of business storefronts for drivers would not occur.

Neither of these alternatives would re-open the downtown street grid, which causes them to be inconsistent with proposed local planning documents, which call for “complete streets” in downtown neighborhoods; improving downtown neighborhoods’ transportation system; reestablishing an interconnected street grid comparable to Fresno’s original grid pattern; providing a comprehensive transportation, circulation and parking system; installing new on-street parking; and making parking convenient and easy to find.

The alternatives discussed in this section are not consistent with the requirements of the TIGER grant funding that the City has secured for construction of the proposed project, in the amount of approximately \$16 million. The TIGER grant describes the project as “...the reconstruction of the Fulton Mall in downtown Fresno as a complete street, meaning that streets are designed to be used for driving, bicycling, walking or public transportation. The reconstruction would occur over 11 city blocks and would reintroduce vehicle traffic lanes while maintaining bicycle and pedestrian accommodations.” As the grant is currently written, this funding would not be available for any alternative that fails to reintroduce vehicle traffic to the 11 city blocks within

the project study area, and the City would need to either amend the grant, if possible, or seek an alternate funding source to pursue such options (per phone conference with the FHWA, November 15, 2013). No alternate funding sources are available currently or in the foreseeable future.

Each of these alternatives meets City design standards, and operational and safety concerns would be met as required under criterion ii, though the Mall “superblock” frequently requires drivers to travel out-of-direction to reach their destination.

Neither of these alternatives causes severe impacts after mitigation as described in criterion iii, results in additional costs of an extraordinary magnitude as described in criterion iv, causes other unique problems or unusual factors as described in criterion v, or cumulatively causes unique problems or impacts of extraordinary magnitude as described in criterion vi. Therefore, these criteria are not discussed further.

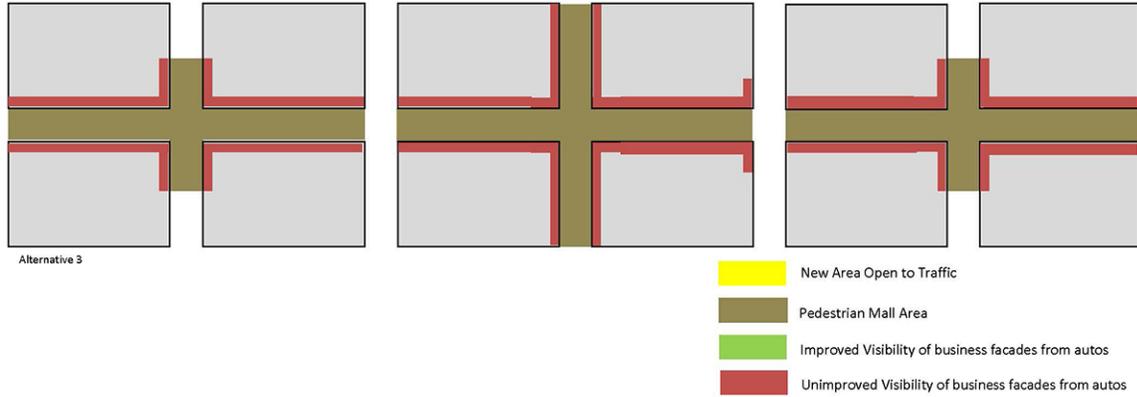
For these reasons, these alternatives would compromise “...the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need,” and so are determined not to be prudent alternatives under 4(f).

No-Build Alternative

The No-Build Alternative, like the restoration and completion of the Mall alternative, would avoid the Section 4(f) properties, the Fulton Street/Fulton Mall Historic District and Fulton Mall. This alternative would not restore the Mall. The continued deterioration of the Mall would result in a net loss of \$3.9 million of retail sales per year (Fulton Mall Alternatives Plan – Economic Impact Analysis, 2012).

This alternative does not meet each of the criteria of the Purpose and Need, as discussed in criterion i. It would not introduce automobiles along what is currently a pedestrian-only mall and so would not improve access to multiple modes of transportation, including the High-Speed Rail and Bus Rapid Transit stations. This, in turn, would not result in increased mobility in the project study area. Access to businesses located in the area would not be improved.

In this alternative, the lack of addition of downtown streets would not allow increases in the visibility of business storefronts and availability of on-street parking for drivers to occur. All of the storefronts located along the Mall, many of which are not currently visible to traffic, would remain as they currently are (see figure below). It would not attract users who thrive on increased visibility and accessibility, such as retail businesses and offices. The lack of on-street parking would reduce the number of customers who desire convenient parking for quick trips.



This alternative would not re-open the downtown street grid, which causes it to be inconsistent with proposed local planning documents, which call for “complete streets” in downtown neighborhoods; improving downtown neighborhoods’ transportation system; reestablishing an interconnected street grid comparable to Fresno’s original grid pattern; providing a comprehensive transportation, circulation and parking system; installing new on street parking; and making parking convenient and easy to find.

This alternative meets City design standards, and operational and safety concerns would be met as required under criterion ii, though the Mall “superblock” frequently requires drivers to travel out-of-direction to reach their destination.

The No-Build Alternative does not cause severe impacts after mitigation as described in criterion iii, result in additional costs of an extraordinary magnitude as described in criterion iv, cause other unique problems or unusual factors as described in criterion v, or cumulatively cause unique problems or impacts of extraordinary magnitude as described in criterion vi. Therefore, these criteria are not discussed further.

For these reasons, this alternative has been determined not to be a prudent alternative under 4(f).

Alternatives Considered but Withdrawn from Consideration

Alternatives 9 and 10 – Introduction of Traffic to Existing Mall

Although each of these alternatives satisfies many of the 23 CFR 774.17(3) screening criteria, neither meets the definition of “feasible,” per 23 CFR 774.17(2) because they do not comply with City design standards. It would not be possible allow street traffic on top of the existing Mall pavement, as the structure of that pavement is not sufficient to support vehicle traffic. To construct either of these alternatives, it would be necessary to remove the existing mall pavement and to replace it with a structural foundation and pavement typically used in city streets. Removing the existing pavement and replacing it with a city street would cause either of these road structures to be the same as the road structures proposed for Alternatives 1 or 2, which

include a city street with sidewalks on each side. These alternatives could not be built as described, and so have been withdrawn from consideration.

Because neither Alternative 9 nor 10 could be built as a matter of sound engineering judgment, and so are not considered to be feasible. (See Plan Views for each alternative and discussion below.)

Alternative 9 – Vehicle Traffic One-Way Through Mall Landscape



9

This alternative would weave a one-way road with parking through the Fulton Mall, keeping as many Eckbo features as possible. It would add traffic to the existing Mall pavement as it exists today. It would retain six blocks of Fulton Mall, but not the Merced, Mariposa, or Kern mall areas. This alternative would open Merced, Mariposa, and Kern streets to vehicular traffic. Traffic would be routed along the existing Mall pavement. It would retain the remaining Eckbo features and restore all existing artwork to the Secretary of Interior Standards for the Treatment of Historic Properties, moving the art elsewhere within the Fulton corridor where necessary.

The Mariposa Plaza would be reconstructed, outdoor dining facilitated, and more lighting, new restrooms, better signage, and new streetscape and artwork in selected locations would be introduced. Two design options were considered for this alternative, one which includes on-street parking and one which does not.

Alternative 10 – Vehicle Traffic Two-Way Through Mall Landscape



10

This alternative would weave a two-way road with parking through the Fulton Mall, keeping as many Eckbo features as possible. It would add traffic to the existing Mall pavement as it exists today. It would maintain six blocks of Fulton Mall as a pedestrian-only facility, but not the Merced, Mariposa, or Kern mall areas. It would open Merced, Mariposa, and Kern streets to vehicular traffic. Traffic would be routed along the existing Mall pavement. This alternative would renovate the remaining Eckbo features and restore all existing artwork to the Secretary of Interior standards for the treatment of historic properties, moving the art elsewhere within the Fulton Corridor where necessary. It would reconstruct the Mariposa Plaza, facilitate outdoor dining and introduce more lighting, new restrooms, better signage, and new streetscape and artwork in selected locations.

1.6 Measures to Minimize Harm

The process of developing alternatives for the Fulton Mall Reconstruction Project considered a range of engineering and environmental constraints, particularly Section 4(f) properties in the study area. Avoiding or minimizing use of features of the Section 4(f) properties was a key criterion during the alternatives development and refinement processes.

The *Mall Feature Inventory* for the Fulton Mall Historic Landscape Section 4(f) property was completed by City staff to document not just those Mall features called out in the NRHP nomination, but all features with the locations and the current condition of each. Engineers determined what avoidance was feasible given the locations of important features and the need to determine ways the roadway, parking, and sidewalk areas could be configured and/or sized to reduce Section 4(f) use of those features to the maximum extent possible.

In addition, an artwork conditions assessment was conducted by the Architectural Resources Group, which assessed the existing condition of 19 sculptures and some of the associated Mall

features such as water features and mosaic benches. The objective of the on-site survey was to make recommendations for treatment, repair, and possible relocation. Conditions were rated as good, fair, or poor, and it was noted if a piece would likely be negatively impacted by relocation.

Roadway

For Alternative 1, it was determined that it would be preferable, for the purpose of minimizing harm to the Fulton Mall Historic Landscape, to offset the center of the street and provide a wider sidewalk, or promenade, on one side of the street. An early version of this alternative, which placed the street in the center of the Mall, would have retained only three statues and three fountains on Kern in their current locations. All of the currently existing fountains would need to be demolished as part of the construction of the project. Offsetting the center of the street would allow for re-building five of the existing fountains in place with 11 additional fountains constructed to resemble the originals and placed elsewhere along the promenade. Some of the new water features that are built may be reduced in size in order to keep them, but they would look similar to the original. The exact number of new fountains to be built in a different scale would be determined in final design. All sculptures would be retained and restored, with six in their current locations. All nine existing mosaic benches would be retained, and six would be removed and relocated. A shift of the road to the west side would not only maximize avoidance of contributing features, it would also maximize the protection of Chinese elm and other trees on the east side of the street that provide shade from the afternoon sun. This alternative would increase the total number of trees from 140 to 154, with 22 of the existing trees retained. The west side of the street would have more shade from the afternoon sun provided by buildings, while replacement trees would eventually provide additional shade. The wide promenade is intended to maintain the urban park ambiance of the Mall.

For Alternative 2, the locations of location-specific vignettes were identified where the Eckbo design would be partially emulated with construction that would look like the original mall. The road would have gentle curves that would allow for greater avoidance of historic features including fountains, art, and existing shade trees. Nine of the existing fountains would be demolished and re-built in place, with eight additional fountains demolished and re-built elsewhere within the Mall area. Some water features that are rebuilt may be reduced in size in order to keep them, but they would look similar to the original. The exact number of fountains to be resized would be determined in final design. All sculptures would be retained, with 11 in their current locations. All nine existing mosaic benches would be retained, and six would be removed and relocated. This alternative would decrease the total number of trees along Fulton Street from 140 to 97, with additional trees replanted at a 1:1 ratio along other portions of the study area. For this alternative, 27 of the existing trees would be retained.

Sidewalks

The concrete walkway (80-foot right-of-way) is in poor condition. As a result, every alternative except for the No-Build would require the removal and replacement of the concrete walkway.

Special paving with a similar type of concrete design would be used to emulate what existed when the Mall was in place.

Noise and Vibration

Proximity impacts to historic buildings (impacts including accessibility, visual, noise and vibration, vegetation, wildlife, air quality, and water quality) would not result in a constructive use of these properties because the architectural features and/or attributes that qualify these properties for protection under Section 4(f) would not be substantially impaired. Measures to minimize potential harm from vibration include the establishment and monitoring of ESA fencing by a qualified PQS: Principal Architectural Historian or Historic Architect, who would also monitor for any cosmetic damage to adjacent historic properties caused by vibration impacts. In addition, preconstruction surveys of historic properties would take place and meetings with property owners would be held prior to construction in accordance with the Caltrans Transportation and Construction Vibration Guidance Manual.

Cultural Resources

Agreement among the Advisory Council for Historic Preservation, Office of Historic Preservation, the City of Fresno, and Caltrans was reached through the Section 106 consultation process of the National Historic Preservation Act regarding the measures presented in this Final Section 4(f) Evaluation. The final set of these measures included in the Memorandum of Agreement executed on May 16, 2014 would resolve the anticipated adverse effect, including all possible planning to minimize harm as defined in 23 CFR 774.17. These measures are included below:

1. The City, in consultation with CSO, District and SHPO, will develop a Mitigation and Monitoring plan, concurrently with final design and prior to award of contract currently planned for December 2014, to include Stipulations a-d listed below:
 - a) The City, in consultation with CSO, District, and SHPO, so as to avoid inadvertent damage to historic properties and ensure the protection of their material and structural integrity, will develop a Noise and Vibration Monitoring and Mitigation Plan (NVMMP): (1) The NVMMP shall be prepared prior to the start of any construction activities that would result in vibration and will identify procedures for a pre-construction survey of buildings to identify existing cracks, location of basement or underground utility structures and other structural issues, to determine a baseline measure and establish protocol in the event that construction hastens damage; (2) define a pre-construction analysis of anticipated vibration impacts to determine effect thresholds and appropriate measures that might be required to minimize vibration risks during construction; (3) define vibration and analysis methods to be used during construction and outline specific

protective response provisions should adverse effects to structural and/or material integrity occur during construction; and (4) vibration minimizing techniques as identified in the NVMMP, construction plans and ESA action plan will be used within six feet of basement areas. Existing sidewalk vault lights uncovered during construction either will be rehabilitated or reconstructed to the Secretary of the Interiors Standards for Rehabilitation or Reconstruction, as applicable, and incorporated into the new sidewalk design or documented and encased in a manner so as to ensure preservation in place concurrent with construction.

- b) The NVMMP will be coordinated with the Caltrans Standard Special Provisions, Caltrans Environmental Commitments Record, and will be included as notes in the construction plans for contractors. The City shall be responsible for repairing any material or structural damage, including cosmetic cracks caused to any historic property as a result of vibration. Any required repairs to restore a historic property to its condition prior to the construction work shall be carried out in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
 - c) The City, in consultation with CSO, District and the SHPO will prepare an Archaeological Monitoring Plan to identify ground disturbing activities to be monitored by an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology. One or more Native Americans representing the local tribal communities will be invited to monitor identified construction activities.
 - d) The City, in consultation with CSO, District and SHPO will prepare an Environmentally Sensitive Area (ESA) Action Plan that will establish the placement of ESA fencing during construction around the extant basement features identified in the *Supplemental Finding of Effect Document for the Fulton Mall Reconstruction Project*, in order to protect them from proximity impacts. The ESA fencing will be monitored by a professional who meets the Secretary of the Interior's Professional Qualification Standards in Architectural History. If ESA fencing cannot be maintained, and basements are damaged as a result of project activities, any associated basement features will be rehabilitated in accordance with the Secretary of the Interior Standards for Rehabilitation. Additional measures may be developed to mitigate for potential adverse effects identified post damage and in consultation with signatories and concurring parties to this MOA.
2. Prior to any work that would adversely affect any characteristics that qualify the Fulton Mall as an individual property or as a character defining feature of the Fulton Street/ Fulton Mall Historic District, Caltrans shall ensure Historic American

- Landscape Survey (HALS) documentation consistent with National Park Service standards is completed and will consult with the National Park Service Pacific West Region office as to the required level of documentation. Upon completion and approval, the District will distribute HALS documentation to the NPS for transmittal to the Library of Congress; the Office of Historic Preservation; the California Room of the California State Library; the University of California Berkley, Environmental Design Archives, Garrett Eckbo collection; the Regional Information Center at California State University (CSU) Bakersfield; the Madden Library Special Collections Research Center at CSU Fresno; Fresno County Library; Fresno City and County Historical Society Archives; City of Fresno Historic Preservation Manager; Caltrans District 6; and Caltrans Headquarters Library and History Center.
3. The City in consultation with the CSO, District, the SHPO and concurring parties will develop an Interpretive Program that documents the project area history including the Fulton Mall, the Fulton Street/Fulton Mall Historic District and individually eligible properties. The interpretive program would include:
 - a) A website and smart-phone application (app) to be made available to the public that will provide an interactive experience for visitors. The website and app would employ GPS/GIS, social media, 3-D imaging, including Lidar data and other electronic technologies, combining historic themes and contexts with present-day conditions and artwork in order to guide visitors to and around Fulton Street. The website and smart-phone app would be made available to the public within 12 months of completion of the project.
 - b) The City will prepare interpretive panels or plaques or wayside exhibits and identify appropriate locations in consultation with the District, CSO, the SHPO and concurring parties to this MOA. The wording on the panels or plaques or wayside exhibits will be prepared by a professional who meets the Secretary of Interior Professional Qualification Standards in Architectural History and shall be reviewed by the SHPO and concurring parties within 15 days of submission. The plaques will be fabricated within sufficient time for their placement at approved locations by the contractor during construction and under the direction of Caltrans Professionally Qualified Staff who is certified as a Principal Architectural Historian, as described in Attachment 1 to the Section 106 PA.
 4. No less than four months prior to construction, the City in consultation with CSO, District and the SHPO will develop a restoration plan for the twenty-three identified sculptures within the Fulton Mall. The sculptures will be conserved, stored and reinstalled in appropriate areas in consultation with CSO, District, SHPO and the concurring parties and designated in the final construction plans. The scope of this

work will be incorporated in the construction contract and be completed by the Contractor under the direction of a qualified conservator described below.

- a) The Build Contractor will contract with an established and qualified art conservator. The conservator must have demonstrable experience in the field of objects conservation with a Masters Degree in Art Conservation, or related field with a certificate in Art Conservation, plus a minimum of 5 years of experience in that field that includes at least three major successful projects. The conservator/s shall adhere to the Code of Ethics of the American Institute for the Conservation of Historic and Artistic Works (AIC) included in Attachment B.
 - b) The City and the District will consult with the SHPO on any potential conservators. This consultation will not exceed 15 days. The conservator will be hired within a timeframe sufficient to supervise the following: examination of the artwork, determination of the method of safe removal, conservation of the artwork and reinstallation within the APE.
5. The City in consultation with CSO, District and SHPO shall be responsible for reevaluation of historic properties within the APE within one year of completion of the project. The evaluations will be completed by a person or persons who meet the Secretary of Interior's Professional Qualifications Standards for Architectural History and shall be submitted to the SHPO and/or the Keeper of the National Register to ascertain whether the remaining contributing elements of the Fulton Mall and the Fulton Street/Fulton Mall Historic District retain sufficient integrity to remain eligible for listing in the NHRP, The City will also consider the those properties for potential listing on the City of Fresno's Local Register of Historic Resources.
 6. The City, through consultation with the City's Historic Preservation Commission and its public review process, will develop proposed design guidelines that can be applied to individual buildings within the project area to ensure that their rehabilitation will be sympathetic to the historic nature of the area. Within 18 months of execution of this MOA, City staff shall bring these proposed design guidelines before the City Council for consideration. The City may consider such guidelines separately, for incorporation into amendments to the City's zoning ordinance, or as part of the amendment or adoption of land use plans covering the project area, including the Draft Fulton Corridor Specific Plan and Downtown Development Code. Any approved guidelines shall be consistent with the City's Historic Preservation Ordinance, which permits the development of locally designated resources consistent with the Secretary of the Interior's Standard for the Treatment of Historic Properties.
 7. City staff will, within 18 months of the completion of the project, develop and present to City Council for approval two local programs that will provide financial incentive to owners of individual buildings for the rehabilitation of buildings in a manner

consistent with the Secretary of the Interior Standards for Rehabilitation as discussed below in a) and b).

- a) A Preservation Mitigation Fund (Fund) with dedicated or discretionary funding, to help support efforts to preserve and maintain historic and cultural resources. The express purpose of the Fund is to foster and support the preservation, rehabilitation, restoration, and interpretation of historic resources within Fresno. The City will determine the application procedures, selection process, funding levels, schedule, and any other issues relating to the Fund. Funding procedures will be established to make the Fund available for use within 5 years of the completion of the project.
 - b) Develop an Ordinance to establish the City as a Mills Act entity.
8. If any of the mitigation measures cannot be completed as proposed or the City fails to approve agreed-upon proposed measures described in this MOA, the signatories and concurring parties will consult to develop alternative mitigation measures within sixty days of notification of failure to adopt.

1.7 Coordination

United States Department of the Interior

On February 24, 2014 the United States Department of the Interior submitted a letter commenting on the project which stated that the draft Environmental Assessment and Section 4(f) evaluation had been reviewed and that the DOI had “no comment to offer.”

State Historic Preservation Officer

A Section 4(f) evaluation requires documentation of the Section 106 process. Consultation with the State Historic Preservation Officer (SHPO) resulted in the execution of a Memorandum of Agreement (MOA) on May 16, 2014. Prior to Section 4(f) approvals being made under Section 774.3(a), the Section 4(f) evaluation must be provided for coordination and comment to the official(s) with jurisdiction over the Section 4(f) properties and to the Department of the Interior. A Section 4(f) evaluation prepared under Section 774.3(a) must include sufficient supporting documentation to demonstrate why there is no feasible and prudent avoidance alternative, and it must summarize the results of all possible planning to minimize harm to the Section 4(f) property.

On August 22, 2013, Caltrans initiated consultation with the SHPO in regard to the Fulton Mall Rehabilitation Project. Caltrans submitted the Historic Property Survey Report and its attachment, the Historical Resources Evaluation Report, to the SHPO to seek concurrence with NRHP determinations of eligibility for historic properties made by Caltrans. In an email dated September 17, 2013, the SHPO responded, stating Caltrans’ efforts to “seek and consider the

views of the public with regards to this project” were inadequate. The SHPO suggested that specific additional organizations be contacted as part of Caltrans’ outreach responsibilities.

In response, on October 11, 2013, Caltrans sent letters describing the proposed project and solicited comments from the following 10 organizations: Society of Architectural Historians, Society of Architectural Historians-Northern California Chapter, Fresno County Historical Society, National Trust for Historic Preservation, DOCOMOMO US /Northern California, California Preservation Foundation, American Society of Landscape Architects, the Southern California Chapter of the American Society of Landscape Architects, the Cultural Landscape Foundation, and the Historic American Landscapes Survey-Northern California Chapter.

Subsequently, the SHPO, in a letter dated October 8, 2013, requested a more thorough analysis of the potential Fulton Street/Fulton Mall Historic District and also requested “any additional contextual information available that might support Historic Resources Group’s original determination of eligibility” for the Luftenburg’s Bridal Building (901 Fulton Mall, Map Reference #22 in the Historic Resources Evaluation Report).

Caltrans formally responded to the SHPO on November 5, 2013, via a memo with attachments to Natalie Lindquist, State Historian in the California Office of Preservation, both by email and regular mail. The ongoing outreach of October 11, 2013 as well as a more thorough analysis of the Potential Fulton Street/Fulton Mall Historic District were described and attached therein. Additionally, Caltrans informed the SHPO that the Historic Resources Group did not provide additional contextual support for an eligibility determination for the Luftenburg building and that Caltrans stood by its original determination that it is not eligible for the NRHP and continued to seek concurrence on both determinations.

In addition to the formal correspondence described above, the Fulton Mall Reconstruction Project was the subject of a series of phone conversations between Caltrans Branch Chief of the Central California Cultural Resources Branch, Jeanne Day Binning, Ph.D., District 06 Professional Qualified Staff person-Principal Architectural Historian Philip Vallejo, and California Office of Historic Preservation State Historian Natalie Lindquist.

Concurrence with Caltrans’ eligibility findings was received from the SHPO on November 21, 2013. (See Appendix E)

On December 30, 2013 Caltrans formally submitted the Finding of Adverse Effect documentation to the SHPO and asked for concurrence that the Undertaking would have an adverse effect on historic properties. Specifically Caltrans determined the Undertaking would have an adverse effect on the Fulton Mall Historic Landscape and the Fulton Street/Fulton Mall Historic District and no adverse effect to the nine adjacent building identified as historic properties. On February 12, 2014 the SHPO formally responded, concurring with Caltrans’ adverse effect finding on the Fulton Mall Historic Landscape and Fulton Street/Fulton Mall Historic District and sought additionally information regarding the nine adjacent historic

properties before making a determination. The information sought by the SHPO included utility work to be done as part of the project and questions regarding existing basements. Caltrans provided responses as well as a description of minor changes to the project footprint in a Supplemental Finding of Adverse Effect submitted to the SHPO on April 4, 2014.

On February 18, 2014 a conference call regarding the Fulton Mall Reconstruction Project was held with participants from Caltrans, SHPO, the City of Fresno, and the ACHP in attendance. Subject matter included an update of project findings to date, Section 106 consultation to date, and an informal discussion of mitigation options, however no final project decisions were made.

On February 25, 2014 Caltrans continued consultation with SHPO seeking concurrence on NRHP determinations for two additional properties evaluated as part of a supplemental HPSR. The Supplemental HPSR, necessary due to the addition of project activities not captured or identified within the original Area of Potential Effect (APE), including, the modification of traffic signals, upgrades in pedestrian facilities, and lane modifications, determined that the property at 760 Fulton Street was not eligible for inclusion in the NRHP and that the property at 748-752 Fulton Street was eligible for inclusion in the National Register as a rare intact example of an International style commercial building in Fresno. On February 24, 2014 the SHPO submitted a letter commenting on the draft Environmental Assessment and Section 4(f) Evaluation. Comments included the recommendations for the selection of a preferred alternative, suggesting that the SHPO preferred Alternatives 3 and 4, 7 and 2 in that order. Complete comments and responses can be seen in Appendix F Section 1.3 of the Final Environmental Document.

On March 27, 2014, the SHPO concurred that 752 Fulton Street is eligible for listing in the NRHP and that in addition to this historic property, there are two other listed historic properties within the APE. With this concurrence, there is a total of fourteen historic properties: twelve individually listed or eligible historic buildings, Fulton Mall Historic Landscape, and Fulton Street/Fulton Mall Historic District.

Caltrans formally submitted the Supplemental Finding of Adverse Effect documentation to the State Historic Preservation Officer on April 4, 2014 and asked for concurrence that the Undertaking would have an adverse effect on two historic properties, the Fulton Mall Historic Landscape and the Fulton Street/Fulton Mall Historic District, and no adverse effect to the twelve buildings within the revised APE that are listed or determined eligible for listing in the NRHP. In addition, the Supplemental Finding of Effect contained responses to the SHPO's questions on December 30, 2013. SHPO concurred with Caltrans' findings on May 2, 2014.

Based on SHPO's concurrence on February 12, 2014 that the project will have an adverse effect on historic properties, and while the Supplemental Finding of Effect was being prepared, on March 24, 2014, Caltrans began consultation on the resolution of adverse effects by holding weekly conference calls with participants from the SHPO, Advisory Council on Historic

Preservation (ACHP), the City of Fresno, and with members of invited consulting parties, the Downtown Fresno Coalition (DFC) and Downtown Fresno Partnership (DFP). See discussion under Official Requests for Consulting Part Status under Section 106. For Section 106 purposes, topics discussed in these weekly conference calls included the status of the Supplemental Historic Property Survey Report and Supplemental Finding of Adverse Effect consultation, the next steps in the Section 106 compliance process, and proposed mitigation measures to resolve adverse effects and that should be included as stipulations in the Memorandum of Agreement.

A MOA between the California Department of Transportation, California State Historic Preservation Officer and the Advisory Council on Historic Preservation regarding the treatment of historic properties was executed on May 16, 2014.

Advisory Council on Historic Preservation

On January 23, 2014 the Advisory Council on Historic Preservation (ACHP) notified Caltrans that it had received a letter from the Downtown Fresno Coalition requesting their participation in ongoing consultation under Section 106 of the NHPA (16 USC 470f) for the proposed Undertaking and requested a summary of project information and the status of Section 106 consultation to date. In response, and in accordance with Section 800.6(a)(1) of the ACHP's regulations, "Protection of Historic Properties" (36 CFR Part 800), Caltrans responded to the ACHP's request providing the information requested.

On February 10, 2014 the ACHP informed Caltrans of their intent to participate, pursuant to the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, "in the consultation to seek ways to avoid, minimize, or mitigate, adverse effects to historic properties" as a result of the proposed Undertaking.

On February 18, 2014 a conference call regarding the Fulton Mall Reconstruction Project was held with participants from Caltrans, SHPO, the City of Fresno, and the ACHP in attendance. Subject matter included an update of project findings to date, Section 106 consultation to date, and an informal discussion of mitigation options, however no final project decisions were made.

Caltrans notified the ACHP on the Supplemental Finding of Effect by copying ACHP on the April 4, 2014 letter to SHPO and sent the letter and documentation via e-mail that same day. Caltrans followed up by sending the ACHP a link to the documentation on April 9, 2014, which was received. Consultation with the ACHP on the resolution of adverse effects began on March 24, 2014 with weekly conference calls, as described above under 1.7 Coordination, State Historic Preservation Officer.

On May 5, 2014 the ACHP officially commented on the SFAE, asking for clarification on Caltrans' coordination with other applicable laws, TIGER grant funding, and role of Section 106 consultation as it contributed to the selection of a preferred alternative.

On May 13, 2014 a teleconference including Caltrans, ACHP, SHPO, City of Fresno, DFP, and DFC was held to address the specific questions raised by ACHP's letter. Caltrans Deputy District Director Christine Cox-Kovacevich described the selection of the preferred alternative process, the Section 106 role in that process, and answered specific questions regarding Caltrans process to date. ACHP staff Kelly Yasaitis Fanizzo stated the meeting minutes are an appropriate documentation of Caltrans' response to ACHP.

A Memorandum of Agreement between the California Department of Transportation, California State Historic Preservation Officer and the Advisory Council on Historic Preservation regarding the treatment of historic properties was executed on May 16, 2014 Consulting Parties Under Section 106 of the National Historic Preservation Act.

City of Fresno

The City of Fresno is the project sponsor as well as a consulting party under Section 106. Caltrans coordinated with the City through regular Project Development Team meetings and a series of phone conversations between February 2013 and May 2014. Issues discussed in these meetings included the need and methodology for consultant-prepared technical reports and environmental documents, design of alternatives to minimize harm to 4(f) resources, potential mitigation measures, project scope, schedule and cost.

The Fresno City Council voted to select Alternative 1 on February 27, 2014 as part of the process to approve the Environmental Impact Report prepared so that this project would comply with the California Environmental Quality Act.

Downtown Fresno Coalition

On April 18, 2013, the Downtown Fresno Coalition (DFC), an organization of Fresno area citizens committed to promoting responsible revitalization of Downtown Fresno, requested official Section 106 consulting party status pursuant to 36 Code of Federal Regulations Part 800.5(c)(5). The coalition is the organization that prepared and submitted the Fulton Mall National Register of Historic Places nomination of the Fulton Mall for eligibility that resulted in the Keeper of the National Register determining that Fulton Mall is eligible for listing. On April 29, 2013, Caltrans notified the Downtown Fresno Coalition that Caltrans, as assigned by Federal Highway Administration, given the Downtown Fresno Coalition's demonstrated interest in the Fulton Mall and the Fulton Mall Reconstruction Project, would consider the Downtown Fresno Coalition a consulting party for the purposes of this project.

On September 19, 2013, the Downtown Fresno Coalition provided comments in regard to the submitted Historic Property Survey Report: 1) its objection to the designation of the proposed "reconstruction" of the Fulton Mall as a project, as it is not supported in the existing 2025

General Plan; 2) its objection to dismissing Alternative 3 as the No-Build Alternative; 3) its objection to the statement that the Fulton Mall was owned by the adjacent landowners and requested Caltrans “thoroughly investigate this claim”; 4) its request clarification that the property owners’ objection to listing on the National Register of Historic Places was not unanimous; 5) its objection to the statement on page 17 of the Historic Property Survey Report that the works of art in the Fulton Mall Historic Landscape “were bought and installed at city expense” and asserted that the money to buy the works of art was accomplished by a “group of business leaders organized by O.J. Woodward”; and 6) expressed its belief that the analysis of California Historical Landmark #873 was insufficient.

In October 2013, Caltrans professionally qualified cultural resources staff met with the Downtown Fresno Coalition representatives to discuss these comments. The following are Caltrans’ responses to comments: 1) the project is anticipated to conform with either an amendment to the 2025 General Plan or as part of the proposed 2035 General Plan; 2) (a) Alternative 3 consists of restoration to the existing Mall with no introduction of a city street, (b) the No-Build Alternative is a separate alternative with no changes to the Mall, and (c) both alternatives will be included in a more thorough discussion of the alternatives analysis in the environmental document and/or the Finding of Effect document; 3) Caltrans uses the most accurate current ownership information and would update as appropriate; 4) Caltrans would clarify in subsequent documentation that the vote not to list the Fulton Mall was not unanimous; 5) in subsequent documentation, Caltrans would omit any reference to the City being financially responsible for the procurement of sculptures; 6) and a more thorough analysis of California Historical Landmark #873 could be found in the Historic Resource Evaluation Report and attached DPR 523 forms.

The meeting did not result in the resolution of objections 1–3. The Downtown Fresno Coalition representatives in attendance, however, agreed the concerns raised in objections 4–6 were adequately addressed.

On January 8, 2014, the Downtown Fresno Coalition was provided a copy of Caltrans’ finding of Adverse Effect determination and provided an opportunity to comment. The Downtown Fresno Coalition informed Caltrans staff that it was the Coalition’s intent to withhold comment on the effects findings until such time that the revised/supplemental Finding of Effect document was completed as necessitated by the identification of additional historic properties not covered in the original project Area of Potential Effects.

On February 25, 2014, the Downtown Fresno Coalition was provided a copy of the Supplemental Historic Property Survey Report and given an opportunity to comment on Caltrans’ finding therein.

On February 24, 2104 the Downtown Fresno Coalition provided a letter commenting on the draft Environmental Assessment and Section 4(f) Evaluation. Comments on the Section 4(f)

evaluation included discussions regarding National Register status, who the owners of the Mall are, funding sources and mitigation. Complete comments and responses can be found in Appendix F Section 2.27 of the Final Environmental Document.

On February 25, 2014, the Downtown Fresno Coalition was provided a copy of the Supplemental Historic Property Survey Report and given an opportunity to comment on Caltrans' finding therein. On March 26, 2014, the DFC provided comments regarding the Supplemental HPSR. The DFC did not comment on the additional APE at either end of the Fulton Mall Historic Landscape, as "the additional areas at each end of the Mall play no part in the integrity of the design."

On April 5, 2014 the DFC was provided a copy of the SFAE and given an opportunity to comment on the findings therein. On May 9 2014 the DFC provided comments which are included in the Supplemental Finding of Adverse Effect.

Based on State Historic Preservation Officer concurrence on February 12, 2014 that the project will have an adverse effect on historic properties, and while the Supplemental Finding of Effect was being prepared, on March 24, 2014, Caltrans began consultation on the resolution of adverse effects by holding weekly conference calls with participants from the California Office of Historic Preservation, Advisory Council on Historic Preservation, the City of Fresno, and with members of invited consulting parties, the Downtown Fresno Coalition and Downtown Fresno Partnership. For Section 106 purposes, topics discussed in these weekly conference calls included the status of the Supplemental Historic Property Survey Report and Supplemental Finding of Adverse Effect consultation, the next steps in the Section 106 compliance process, and proposed mitigation measures to resolve adverse effects and that should be included as stipulations in the Memorandum of Agreement.

On May 15, 2014, the Coalition submitted a letter to Caltrans declining to sign the MOA.

Downtown Fresno Partnership

On May 6, 2013, the Downtown Fresno Partnership (DFP), a business improvement district representing property owners within the Fulton Mall corridor, requested official Section 106 consulting party status pursuant to 36 Code of Federal Regulations Part 800.5(c)(5). On October 3, 2013, Caltrans as assigned by the Federal Highway Administration, notified the DFP that Caltrans would consider, the DFP a consulting party for the purposes of the undertaking. On January 8, 2014, the DFP was provided a copy of Caltrans' Finding of Adverse Effect determination and provided an opportunity to comment. The DFP did not comment on the determination.

On February 25, 2014, the DFP was provided a copy of Caltrans' Supplemental HPSR and provided an opportunity to comment.

On February 3, 2014 the DFP submitted a letter commenting on the Draft Environmental Assessment and Section 4(f) Evaluation that states that “the Partnership has consistently advocated for Alternative 1 — even before the design of this Alternative had evolved to its present state which mitigates many of the project’s impacts on the cultural and aesthetic resources within the Fulton Mall landscape.” Complete comments and responses can be found in Appendix F Section 2.23 of the Final Environmental Assessment.

On February 25, 2014, the DFP was provided a copy of Caltrans’ Supplemental HPSR and provided an opportunity to comment.

On May 5, 2014 the DFP was provide a copy of the Caltrans SFAE document and provided an opportunity to comment. No comments were provided to Caltrans regarding this document.

Based on the SHPO’s concurrence on February 12, 2014 that the project will have an adverse effect on historic properties, and while the SFAE was being prepared, on March 24, 2014, Caltrans began consultation on the resolution of adverse effects by holding weekly conference calls with participants from the SHPO, ACHP, the City of Fresno, and with members of invited consulting parties, the DFC and DFP, see discussion under Official Requests for Consulting Part Status under Section 106. For Section 106 purposes, topics discussed in these weekly conference calls included the status of the Supplemental HPSR and SFAE consultation, the next steps in the Section 106 compliance process, and proposed mitigation measures to resolve adverse effects and that should be included as stipulations in the MOA.

Cultural Landscape Foundation

On April 17, 2014, the Cultural Landscape Foundation contacted Caltrans informing the department that several California preservation organizations were considering “becoming involved as official consulting parties of the project if still possible.” On April 22, 2014 Caltrans staff discussed with the Cultural Landscape Foundation (via a phone call) the status of the project. On May 2, 2014 the Cultural Landscape Foundation, the National Trust for Historic Preservation, the California Historical Society, and the California Preservation Foundation formally requested consulting party status and forwarded to Caltrans comments made by these organizations on the CEQA Draft Environmental Impact Report (EIR). On May 6, 2014 Caltrans subsequently rejected this request citing the late date of the request and the impending completion of the MOA that day. Caltrans did inform the aforementioned groups that language allowing for public comment on the various mitigation measures for the project was being incorporated in the MOA and that these groups could still participate in that capacity. On that same day, May 6, 2014 Brian Turner, Field Officer and Attorney for the National Trust for Historic Preservation responded expressing disappointment with the denial, reiterating their comments on the CEQA Draft EIR, and seeking clarification on Caltrans statement that it had indicated “during the course of this project,” consulting party status was an option for which groups could apply. On May 7, 2014 Caltrans Environmental Office Chief Jennifer Taylor

responded clarifying Caltrans' outreach efforts and the opportunities that were afforded for comment.

1.8 Least Harm Analysis and Concluding Statement

If there is no prudent and feasible alternative to avoid harm to a Section 4(f) property, then only the alternative that causes the least overall harm, in light of the statute's preservation purpose, can be chosen. This section focuses on the least harm analysis for all prudent and feasible alternatives under consideration, including Alternatives 1, 2 and 5 through 8.

The least overall harm is determined by balancing the following:

- i. Ability to mitigate adverse impacts to each Section 4(f) resource
- ii. Relative severity of the remaining harm, after mitigation, to the protected activities and attributes or features (document even if harm is substantially equal)
- iii. Relative significance of each Section 4(f) property
- iv. Views of the officials with jurisdiction over each Section 4(f) property
- v. Degree to which each alternative meets the Purpose and Need
- vi. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and
- vii. Substantial differences in costs among alternatives

Not all uses of Section 4(f) properties have the same magnitude of impact, and not all features of Section 4(f) properties have the same quality or significance. A qualitative analysis of the permanent use of the Fulton Mall Historic Landscape was done to assist in understanding the net impact of each prudent and feasible alternative on that Section 4(f) property. This analysis considered the impacts of each alternative on the Fulton Mall and the Fulton Street/Fulton Mall Historic District after implementation of the avoidance, minimization, and mitigation measures described in the Measures to Minimize Harm section in the Environmental Assessment. The results of this analysis are discussed for each alternative in order of the criteria listed above.

i. Ability to mitigate adverse impacts to each Section 4(f) resource

Fulton Mall Historic Landscape

For Alternatives 1, 2 and 5 through 8, the measures discussed in Section 1.6 Measures to Minimize Harm above would minimize and mitigate impacts to many of the contributing features that qualify the Fulton Mall Historic Landscape as eligible for the National Register, including the statues, water features, mosaic benches, arbors, etc. However, every alternative discussed would result in the destruction of the Mall as a historic property by the change in historic use from pedestrian to mixed modes of transportation including vehicular, introduction of traffic to what is now a pedestrian mall, demolition of the stained concrete pavement and

hardscape, demolition of water features, and relocations of artwork. See Table A-3 Least Harm Balancing Criteria for specific information of the disposition of features.

One of the important elements of the Mall that contributes to its eligibility under Criterion A as an urban park is its ability to host special events in the downtown area. (Please note that the Fulton Mall is not legally defined as a “park,” and does not meet the definition of a park under Section 4(f).) Alternative 1 as well as Alternatives 5-8 would provide for the continuation of these special events by allowing vendor booths and exhibits along the on-street parking stalls. Temporarily closed-off streets, wide promenade or pedestrian-only areas would accommodate more vendor booths and make events easier to maneuver. Alternative 2, because of the curving road, would make vendor booth placement more challenging and provide less accessibility. For these reasons, Alternative 2 would least successfully mitigate for this impact.

It is Caltrans assessment that the build alternatives would have a similar impacts on the Fulton Mall Historic Landscape. The impacts associated with the build alternatives are anticipated to be of a degree that it is likely that the Fulton Mall Historic Landscape would cease to exist as a historic property eligible for inclusion in the NRHP.

While Alternative 2 would retain a greater number of character defining features in their present locations, this difference would be minimal, consisting of just seven statues more than under Alternative 1 being returned in the same location as they are currently in, five additional statues under Alternative 5, one additional statue under Alternative 6, and fewer statues under Alternatives 7 and 8. Alternatively, the incorporation of the wide promenade as detailed in Alternative 1 would be more consistent with Garret Eckbo’s original design intent of the Fulton Mall’s design as a “social space, a focus of community interest and events, a promenade and rendezvous with friends, a play area for children, and a meeting place for teenagers.” (People in Landscape, quoted from National Register nomination form). The promenade would allow for prominent display for artwork and other character defining features of the existing mall, as well as a wide area with benches and areas for groups to congregate. Eckbo advocated in his 1950 book *Landscapes for Living* for “an understanding of natural landscape with ideas for accommodating human use,” and this alternative attempts to mimic that ideal. Under any build alternative the adverse effect of the proposed project would be equally destructive in nature, resulting in the Fulton Mall’s inability to subsequently be considered an historic property and is therefore equal in terms of effects.

Fulton Street/Fulton Mall Historic District

The impacts to the Fulton Street/Fulton Mall Historic District would be of a lesser nature in that a major character-defining feature from its latter period of significance, the Fulton Mall Historic Landscape, would be permanently altered as described above. However, the construction of the Landscape occurred very late in the District’s period of significance. None of the 38

contributing buildings that make up the district would be impacted by the project because there are measures to minimize harm during construction.

The transition of the pedestrian mall to a city street, as it was for most of its period of significance, may affect the District's eligibility for listing on the NRHP should it be re-evaluated at a later date.

The transition of the pedestrian mall to a city street would better reflect the earlier period of significance of the District. The incorporation of the wide promenade as detailed in Alternative 1 would be more consistent with Garret Eckbo's original design intent of the Fulton Mall as a "social space, a focus of community interest and events, a promenade and rendezvous with friends, a play area for children, and a meeting place for teenagers." (Garret Eckbo, *People In Landscape*, quoted from National Register nomination form). The promenade would allow for prominent display for artwork and other character defining features of the existing mall, as well as a wide area with benches and areas for groups to congregate. Because the majority of the District's period of significance, 1914 through 1970, predates the existence of the 1964 Mall, the transition to a city street would more closely resemble the original District.

As discussed above, Alternative 1 as well as Alternatives 5-8 would provide for the continuation of special events by allowing vendor booths and exhibits along the on-street parking stalls. Temporarily closed-off streets, wide promenade or pedestrian-only areas would accommodate more vendor booths and make events easier to maneuver. Alternative 2, because of the curving road, would make vendor booth placement more challenging and provide less accessibility. For these reasons, Alternative 2 would least successfully mitigate for this impact.

The introduction of the street restores historic elements of the District, but alternatives that leave only portions of the Mall or use vignettes would not include such restoration. Alternatives 2 and 5 through 8 create a somewhat disconnected pattern not consistent with the District's period of significance which included a downtown business district with local through-street rather than a street which contains multiple dead ends intertwined with a pedestrian mall. (These alternatives are also not consistent with the Fulton Mall Landscape's overall fabric and vision of master landscape architect Eckbo as the master architect, which included a 6-block pedestrian mall with no cross streets rather than an assortment of shorter blocks of pedestrian mall.)

Individual NRHP Listed/Eligible Buildings

There would be no Section 4(f) use of the 12 listed and individually eligible historic properties adjacent to Fulton Mall, which also make up 12 of the 38 contributing properties in the District because the measures discussed in Section 1.6 would avoid construction impacts. There would additionally be no operational impacts to these buildings.

ii. Relative severity of the remaining harm, after mitigation, to the protected activities and attributes or features

Fulton Mall Historic Landscape

As stated above, Alternatives 1, 2 and 5 through 8 would result in the destruction of the Fulton Mall as a historic property by the introduction of traffic to what is now a pedestrian mall, the permanent removal of its historic hardscape and concrete pavement and the relocation or removal of other features.

Disposition of the important features of the Fulton Mall Historic Landscape under each alternative is discussed in Attachment A Mall Features Inventory below.

The Fulton Mall Historic Landscape was determined eligible for the National Register of Historic Places (NRHP) under two criteria; Criterion A for its importance as an urban park at the local level of significance, and under Criterion C at the national level of significance for its landscape architecture, as the work of a master (Garrett Eckbo), and as an excellent example of Modernist design ideas' influence on landscape architecture.

Alternative 1 would better mimic Eckbo's vision of a promenade and focus of community interest and events as discussed in Criterion A. With its 28-foot wide promenade upon which would be displayed sculptures, water features and mosaic benches, this alternative would retain a higher degree of the property's integrity of the overall location, materials, association and feeling of the Fulton Mall's historic function and intent under Criterion A as an urban park over the length of the project. Additionally, 29% of the stained concrete with river rock aggregate, as opposed to 15% under Alternative 2, would be reconstructed. This alternative provides 57, or 32% more trees than Alternative 2, which increases shade and makes this alternative attractive, in summer months particularly, to those who would stroll along the promenade and admire the artwork placed there. In addition, the consistent sidewalk widths along the length of the street would more easily accommodate vendors and the 18 annual events described in Section 1.4 above.

Alternative 2 is characterized by curves that would retain a greater degree of integrity of location, design, workmanship and materials in terms of the Mall's original design intent and of the individual character defining features as described under Criterion C. This difference, however, would be minimal, as just seven more statues would remain in place than under Alternative 1. The five vignette areas located along the Mall would allow art and fountain features to be more equally distributed on both sides of the street. The vignette areas would create natural areas for gathering.

Alternatives 5 through 8 are characterized by rebuilding to varying degrees of portions of the pedestrian mall, which would result in the appearance of a higher degree of the property's integrity as a designed landscape under Criterion C. However, these alternatives would not preserve the overall design and feel of the Fulton Mall's historic function and original design intent under Criterion A. These sections create a disconnected pattern that is inconsistent with

the period of significance of the Fulton Street/Fulton Mall Historic District. They are also inconsistent with the Fulton Mall Landscape's overall fabric and of master landscape architect Eckbo's vision, which included a 6-block pedestrian mall with no cross streets, rather than an assortment of shorter blocks of pedestrian mall. The consistent sidewalk widths along the length of the street would more easily accommodate vendors and the 18 annual events described in Section 1.4 above.

Each alternative would result in the destruction of the pedestrian-only design intent of Fulton Mall as a historic property, but Alternatives 5 through 8 do this to a lesser degree. However, as explained below under Criteria v through vii, these alternatives do not meet purpose and need. Alternatives 1 and 2 are equivalent to each other in remaining harm after mitigation.

Given the fact that the Fulton Mall Landscape would cease to be a historic property, efforts to retain some of the features and feeling of the historic landscape created by a master landscape architect show that Alternatives 1 and 2 are again equivalent in remaining harm after mitigation and that also meet purpose and need, as explained below in Criteria v through vii.

Fulton Street/Fulton Mall Historic District

Alternatives 1, 2 and 5 through 8 would permanently alter a major contributing element of the Fulton Street/Fulton Mall Historic District during the last four years of its period of significance, the hardscape and pedestrian use of the Fulton Mall Historic Landscape which were built in 1964. However, the District's contributing buildings will remain as contributing elements and the spatial relationship of these buildings to the street (relatively uniform setbacks with sidewalks in front and a vehicular street) would remain in place. Depending on the alternative chosen, after construction is complete, the District would need to be reevaluated to determine whether it still retains the historic characteristics that qualified it as eligible for the National Register, and therefore, a Section 4(f) property.

The transition of the pedestrian mall to a city street, most especially Alternative 1 with its wide promenade and straight street, would better reflect the period of significance of the District. In addition, if Alternative 1 is selected, elements that existed during the District's period of significance would be restored and reintroduced into Alternative 1. This includes reintroduction of a local street to the pedestrian Mall, which may improve the District's historic integrity for its earlier period of significance, further contributing to the eligibility of the Fulton Street/Fulton Mall Historic District. Alternatives 1 as well as 5 through 8 would provide for the continuation of special events by allowing vendor booths and exhibits along the on-street parking stalls within closed-off streets, wide promenade or pedestrian-only areas. Alternative 2 would less successfully mitigate for this impact, because the curving road would make placement of vendor booths and exhibits more difficult.

Alternatives 2 and 5 through 8 create a somewhat disconnected pattern not consistent with the District's period of significance which included a downtown business district with local through-street rather than a street which contains multiple dead ends intertwined with a pedestrian mall.

Individually Listed or Eligible Historic Buildings

Each alternative would avoid adverse impacts to all of the 12 NRHP listed or eligible buildings within the project's Area of Potential Effects in the Fulton Street/Fulton Mall Historic District (8 of which are located within the architectural Area of Potential Effects) because there would be measures in place to avoid harm, as discussed in Section 1.6 above. Therefore, in terms of relative severity of remaining harm, there is no change. Each of these twelve Section 4(f) properties will retain integrity and National Register eligibility.

iii. Relative significance of each Section 4(f) property

There are 14 Section 4(f) properties within the project APE. The 12 individually listed and eligible properties discussed in Section 1.3 as well as the Fulton Street/Fulton Mall Historic District are all significant at the local level. The Fulton Mall Historic Landscape is significant at both the national and local levels of significance.

- Bank of Italy, 1001 Fulton Mall: listed at the local level of significance as an excellent example of a hotel property type in the opening decades of the 20th century
- Hotel Californian, 851 Van Ness: listed at the local level of significance as an outstanding example of a residential hotel in the Italian Renaissance Revival Style with Beaux Arts details and is considered one of architect H. Rafael Lake's seminal structures.
- The Alexander Pantages Theatre, 1400 Fulton Street: listed at the local level of significance as "an eclectic blend of Spanish Colonial Revival and Italian Renaissance elements" that was designed by noted theatre architect Marcus Pritieca.
- The San Joaquin Light and Power Corporation Building, 1401 Fulton Street: listed at the local level of significance local level of significance for its Italian Renaissance Revival style architecture
- Pacific Southwest Building/Security Bank, 1060 Fulton Mall: determined eligible at the local level of significance for its Renaissance Revival style architecture
- Mattei Building/Guarantee Savings and Loan, 1177 Fulton Mall: determined eligible, presumably at the local level of significance for its direct association with the development of downtown Fresno in the early 20th century, and as an excellent example of Classical Revival commercial architecture designed by noted local architect Eugene Mathewson.
- E. Griffith-McKenzie/Helm Building, 1101 Fulton Mall: determined eligible at the local level of significance for its direct association with the development of downtown Fresno in the early 20th century, and as an excellent example of Renaissance Revival commercial architecture in Fresno designed by noted architect George Kelham
- Mason Building, 1044 Fulton Mall: determined eligible, presumably at the local level of significance, as an excellent example of Renaissance Revival commercial architecture in Fresno designed by noted architect Eugene Mathewson.

- Radin-Kamp Department Store/J.C. Penney Building, 959 Fulton Mall: determined eligible, presumably at the local level of significance, as a rare intact example of an early 20th century department store building in Fresno and as a representative example of noted local architectural firm Felchlin, Shaw & Franklin.
- T.W. Patterson Building, 2014 Tulare Street: determined eligible, presumably at the local level of significance, for its direct association with the development of downtown Fresno in the early 20th century, and as an excellent example of Classical Revival commercial architecture in Fresno designed by noted California architectural firm R.F. Felchlin and Co.
- Gottschalk's Department Store: determined eligible, presumably at the local level of significance, the flagship store for Gottschalk's, an important regional department store, and as one of the most prominent examples of Late Moderne commercial architecture in Fresno.
- The Fresno Photo Engraving Building, 748-752 Fulton Street: determined eligible at the local level of significance as a rare intact example of an International style commercial building in Fresno
- Fulton Street/Fulton Mall Historic District: considered eligible for the purposes of this project only at the local level of significance for its association with early- to mid-20th century commercial development in Downtown Fresno.
- Fulton Mall Historic Landscape, Downtown Fulton Street between Tuolumne and Inyo Streets: determined eligible at the national level of significance for its landscape architecture, as the finest example of post WWII era federal urban renewal pedestrian mall design, as the work of a master, Garrett Eckbo, and as an excellent example of Modernist design ideas' influence on landscape architecture, and at the local level of significance for its importance as an urban park.

The Fulton Mall Reconstruction Project would use two Section 4(f) properties, the Fulton Mall Historic Landscape and the Fulton Street/Fulton Mall Historic District. The project would not result in the use of the 12 individually NRHP listed and eligible buildings or the contributing buildings within the Fulton Street/ Fulton Mall Historic District.

iv. Views of the officials with jurisdiction over each Section 4(f) property

State Historic Preservation Officer

On February 24, 2014, the State Historic Preservation Officer submitted a comment letter on the Section 4(f) Evaluation prepared for the proposed project. Comments included a recommendation that Caltrans “adopt Alternative 3 or 4, both of which propose Restoration and Completion, because they result in fewer impacts to historic properties. If these alternatives are not feasible, I recommend Caltrans select Alternative 7. This alternative opens Fulton Mall to traffic but also preserves three blocks of the mall to act as a pedestrian mall. This allows more of the Eckbo landscape to be retained in place and captures the essence of the pedestrian mall.”

The letter also asked for additional discussion as to why these three alternatives were found not to meet the purpose and need for the project. The SHPO commented that “Of the two build alternatives that Caltrans considers to meet the purpose and need of the project, Alternative 2 clearly results in the least harm to the historic resource. While both Alternatives 1 and 2 preserve a like number of historic features, Alternative 2 preserves more of these features in place thereby preserving the context of Eckbo’s original landscape design. Alternative 2 also preserves more of the landscape and captures the organic feeling that was such an important part of Eckbo’s original design.

During the conference held on May 13, 2014 and as described in Section 1.7 above, SHPO staff stated that because both of the build alternatives result in the destruction of the Fulton Mall as a historic property, the SHPO had chosen not to pursue the comment that Alternative 2 is preferable to Alternative 1. The SHPO participated in the development of the MOA as a signatory party and signed the MOA.

Advisory Council on Historic Preservation

On May 5, 2014 the ACHP officially commented on the SFAE, asking for clarification on Caltrans’ coordination with other applicable laws, TIGER grant funding, and role of Section 106 consultation as it contributed to the selection of a preferred alternative.

On May 13, 2014 a teleconference including the Caltrans, ACHP, OHP, City of Fresno, DFP, and DFC was held to address the specific questions raised by ACHP’s letter. Caltrans Deputy District Director Christine Cox-Kovacevich described the selection of the preferred alternative process, the Section 106 role in that process, and answered specific questions regarding Caltrans process to date. ACHP staff Kelly Yasaitis Fanizzo stated the meeting minutes are an appropriate documentation of Caltrans’ response to ACHP. The ACHP participated in the development of the MOA as a signatory party and signed the MOA.

v. Degree to which each alternative meets the Purpose and Need

Purpose and Need:

- *Increase mobility and access in the Fulton Mall study area by providing more convenient multi-modal access options on the Mall and its cross streets.*

Alternatives 1 and 2, which fully restore the street grid, both increase mobility and vehicle access along the entire length of the Fulton Mall and its cross streets. The introduction of city streets provides for more convenient multi-modal access and provides convenient, direct (without having to drive around a superblock) access to the nearby future High-Speed Train and Bus Rapid Transit stations.

Alternative 1 would add 190 new on-street parking spaces along the Fulton Mall and its cross streets, while Alternative 2 would add 82 new spaces. Parking is a critical component of the

increase in access to the buildings located along the Mall. Research led by Norman Garrick of the University of Connecticut in 2007 concluded that “*On-street parking plays a crucial role in benefiting activity centers on numerous levels... users of downtowns consistently valued on street parking spaces over and above off-street surface lots and garages.*” Today’s shoppers tend to be composed of young families who are time-stressed and prefer convenient shopping destinations, and single parents or two-income families that accomplish more shopping in less time than was common in the early 1960s. Modern shoppers often have purpose-driven shopping habits, and prefer to park directly in front of their destination store, make a quick purchase, and continue with their other responsibilities. Economic and retail development guru Robert Gibbs stated in his book that on-street parking has been proven to increase the amount of pedestrian use by six times compared to comparable areas without on-street parking. (Principles of Urban Retail Planning and Development, January 2012)

Alternatives 5 through 8, each of which partially restores the street grid, increase mobility and access in the study area to some degree by reintroducing traffic to areas of the Mall and its cross streets. The introduction of city streets again provides for more convenient multi-modal access and provides convenient access to the nearby future High-Speed Train and Bus Rapid Transit stations. However, by retaining sections of pedestrian mall within the project area, mobility and access are somewhat limited. A portion of the Mall “superblock,” which frequently requires drivers to travel out-of-direction to reach their destinations, would remain under each alternative. Traffic circulation would be hindered as drivers could need to make multiple turns to reach their destinations.

Alternative 5 would provide 38 on-street parking spaces, Alternative 6 would include 95 spaces, and Alternative 7 would provide 121 spaces. Alternative 8 would provide the most parking access of these four alternatives, with 147 spaces.

Alternative 1 would create significantly more parking than any other alternative. For this reason, it is superior in the vehicular access it provides to the businesses located along the Mall. These on-street parking spaces can also double as vendor booth spaces during events.

The center blocks of the Mall contain the largest amount of storefront property used for retail and entertainment, as shown in Figure 1-1 below:

Table A-2 Placement of Ground-Floor Retail Space Along the Fulton Mall

| | Total | Alternative 5 | Alternative 6 | Alternative 7 | Alternative 8 |
|--|---------|---------------|---------------|---------------|---------------|
| Ground-Floor Space along the Fulton Mall in Pedestrian-Only Blocks | 497,265 | 497,265 | 359,315 | 303,690 | 189,790 |
| Percentage of Total | 100% | 100% | 72% | 61% | 38% |

Source: City of Fresno, Fulton Mall Ground Floor Use Survey, 06/2011

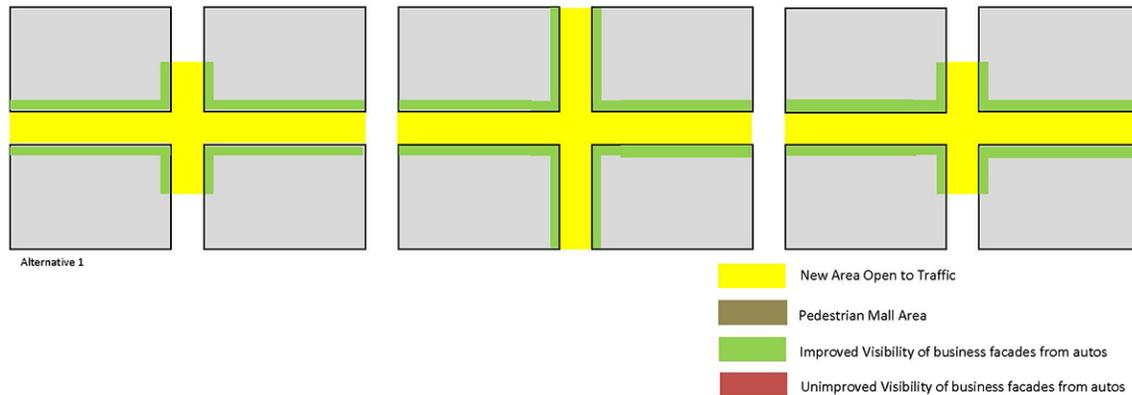
Alternative 5 would not provide on-street parking in front of 100 percent of the ground-floor space facing the current Fulton Mall, while Alternative 8, which provides the greatest improvement in vehicle access of these four alternatives, would not provide on-street parking for 38 percent of this space. By failing to provide on-street parking near this heart of the retail and entertainment center of the Mall, Alternatives 5 through 8 fail to improve vehicle access and mobility to a degree that would satisfy this element of the Purpose and Need for the project.

The straight street layout of Alternative 1 would best accommodate larger delivery vehicles that currently park on the mall to make deliveries. Smaller transit and paratransit vehicles would also find the straight streets with more parking easier to navigate.

Alternative 1 would provide better vehicle accessibility than any other alternative for people with visual disabilities, due to its straight curb line and consistent dimensions.

- *Improve visibility of businesses, offices and other amenities in the Fulton Mall study area by improving traffic circulation, thereby encouraging additional economic development in the area.*

Alternatives 1 and 2 improve visibility of businesses, offices and other amenities by providing vehicle access along the entire length of the Fulton Mall and its cross streets. (In the figures below, green represents the new areas open to traffic. Red shows the areas that would have no improvement in visibility from automobile traffic. Yellow represents the new areas open to traffic, while brown shows areas that are still pedestrian-only space.)



Both of these alternatives increase visibility and improve traffic circulation with the addition of a street to the pedestrian mall. The resulting transportation improvements are anticipated to encourage dense downtown infill housing development that would help the Fresno region grow more sustainably, resulting in increased economic vitality.

The ease of navigating the straight street of Alternative 1 accommodates more scanning by drivers of the area's sidewalks and storefronts, thus improving visibility over Alternative 2.

Alternative 1 provides greater encouragement for economic development in the area. This is the result of 190 new on-street parking spaces within the Fulton Mall area, as opposed to 82

spaces with Alternative 2, which increase visibility and access, which in turn encourages economic development and increased retail sales.

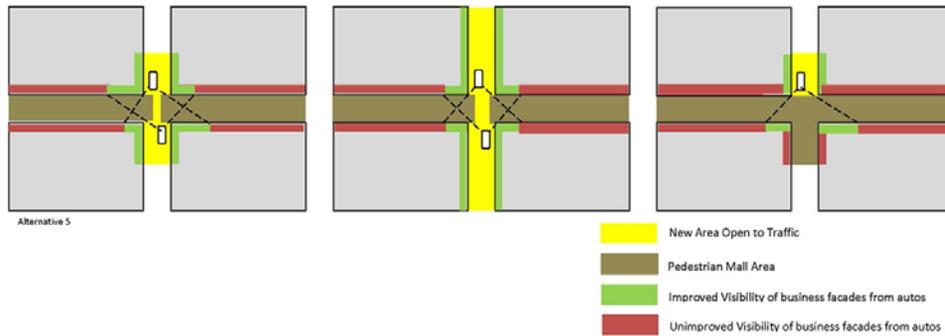
| <i>Specific Details:</i> | <i>Alternative 1</i> | <i>Alternative 2</i> |
|---|-----------------------------------|----------------------------------|
| <i>Annual gross retail sales (and percent increase from no build)</i> | <i>\$79.1 million (+146%)</i> | <i>\$55.4 Million (+73%)</i> |
| <i>Ground floor vacancy</i> | <i>9%</i> | <i>15%</i> |
| <i>Construction Cost</i> | <i>\$19.9 million</i> | <i>\$19.7 million</i> |
| <i>30-year cost of maintenance and operations</i> | <i>\$ 3.7 million</i> | <i>\$ 4.3 million</i> |

Source: Fulton Mall Economic Impact Analysis, 2011

Alternatives 5 through 8 each improve visibility of businesses, offices and other amenities to varying degrees.

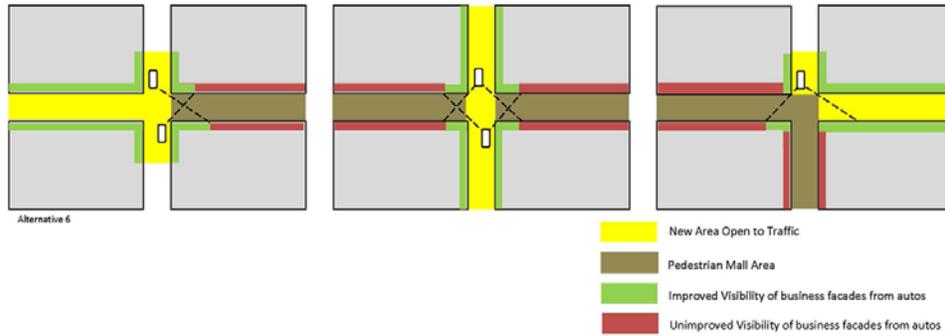
Under Alternative 5, the cross streets of Merced, Mariposa, and Kern would be opened as complete streets as provided in Alternatives 1 and 2. Fulton Street would remain a pedestrian-only mall.

Increases in the visibility of business storefronts for drivers would occur only for businesses located along the cross streets. The storefronts located along the Mall, many of which are not currently visible to traffic, would remain as they are.



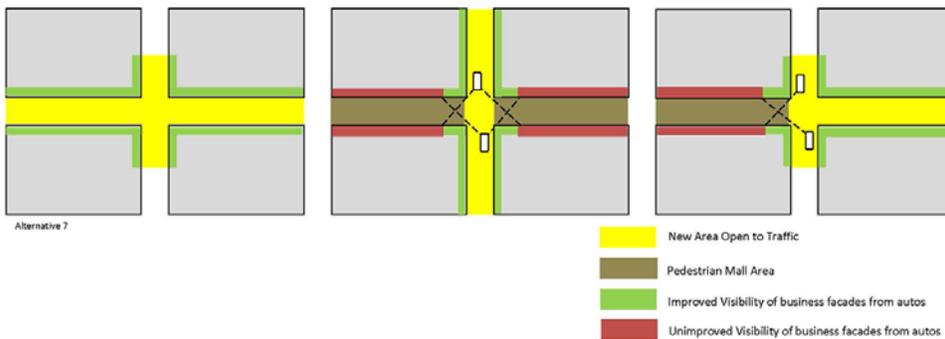
In Alternative 6, four blocks of the Fulton Mall and a portion of Kern Street Mall are maintained as pedestrian-only facilities. Fulton Street’s northernmost and southernmost blocks would be opened to vehicular traffic along the eastern side of the Mall right-of-way.

Increases in the visibility of business storefronts for drivers would occur for businesses along the cross and end streets. The storefronts located within these blocks, many of which are not currently visible to traffic, would remain as they are.



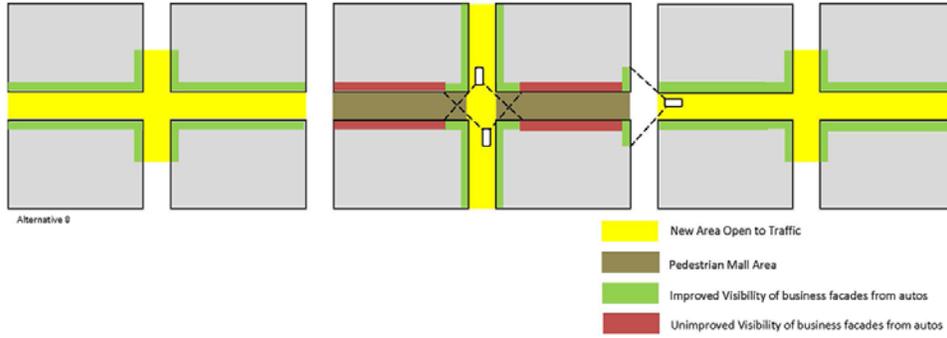
Alternative 7 would maintain three blocks of the Fulton Mall, keeping the Fulton Mall between Fresno and Kern streets as a pedestrian-only facility. It would transform the two northern blocks of Kern, Mariposa, Merced and Fulton streets into standard streets.

Increases in the visibility of business storefronts for drivers would occur for businesses located in the outer block areas, but not for those located along the three pedestrian-only blocks. Storefronts located in this area, many of which are not currently visible to traffic, would remain as they are.



Alternative 8 provides the largest improvement to visibility, maintaining two of the six blocks of the Fulton Mall, keeping the Fulton Mall between Tulare Street and Fresno Street pedestrian-only. It would transform the two northern and two southern blocks of Kern Street, Merced Street and Fulton Street into standard streets.

Increases in the visibility of business storefronts for drivers would occur for businesses located in the outer block areas, but not for those located along the two pedestrian-only blocks. This alternative would open the maximum number of blocks, while still maintaining some part of the original Fulton Mall. However, storefronts located in the pedestrian-only blocks, which are not currently visible to traffic, would remain as they are.



Alternatives 5 through 8 all offer partial solutions to the lack of visibility currently experienced along the Fulton Mall and its cross streets. However, the buildings and businesses located along the blocks that would remain closed to traffic would not benefit at all from increased visibility.

These center blocks of the Mall contain the largest amount of storefront property used for retail and entertainment, as shown in Table A-12 above and repeated here:

| | Total | Alternative 5 | Alternative 6 | Alternative 7 | Alternative 8 |
|--|---------|---------------|---------------|---------------|---------------|
| Ground-Floor Space along the Fulton Mall in Pedestrian-Only Blocks | 497,265 | 497,265 | 359,315 | 303,690 | 189,790 |
| Percentage of Total | 100% | 100% | 72% | 61% | 38% |

Source: City of Fresno, Fulton Mall Ground Floor Use Survey, 06/2011

The alternatives that retain pedestrian-only access along the center blocks of the Mall would leave between 38 and 100 percent of the Fulton Mall ground-floor space with no improvement to visibility. Under these conditions, additional economic development within those blocks is not as likely to happen. Economic data contained in the Economic Impact Analysis prepared in 2012 for the project show that economic development under Alternative 5 would increase the overall gross sales revenues from 32.1 million to \$38.9 million, a 6.8 million or 21% improvement. Although analyses were not done for the other alternatives in this section, the lack of visibility and access to the important center blocks of the Mall indicates that the improvements in gross sales revenues experienced would be significantly less than the \$47 million (47%) increase anticipated with Alternative 1. This factor alone would compromise these alternatives to a point where it would be unreasonable to expect the City of Fresno to proceed with the project, and causes these alternatives not to meet this element of the project Purpose and Need.

Traffic circulation would be somewhat improved, though as discussed in the “access and mobility” purpose bullet, the Mall “superblock” frequently requires drivers to travel out-of-direction to reach their destination. This would, for Alternatives 5 through 8, substantially limit the improvements to traffic circulation.

- *Increase the Fulton Mall study area’s consistency with the requirements and goals of proposed land use plans, including the draft Fulton Corridor Specific Plan and draft Downtown Neighborhoods Community Plan, by making the area more accessible to the public, thereby encouraging greater public use of the area and bolstering future economic development opportunities.*

Applicable plan requirements and goals include:

- *“Complete Streets” Concept Implementation. Provide transportation facilities upon a “Complete Streets” concept that facilitates and balances use of all travel modes (pedestrians, bicyclists, motorists, and transit users), meeting the transportation needs of all ages and abilities and providing mobility for a variety of trip purposes.*

Each of the alternatives discussed in this section meets this goal to some degree.

However, Alternatives 5 through 8 preclude the use of certain areas of the project study area for motorists and transit users, due to the continuation of the pedestrian-only mall setting.

- *Create “complete streets” in the Downtown Neighborhoods so that all streets accommodate the needs of all potential users - vehicles, pedestrians, cyclists, transit vehicles and freight.*

Alternatives 1 and 2 accomplish this goal by allowing all types of transportation within the project study area. Alternatives 5 through 8 do not allow for vehicles, transit or freight in pedestrian-only areas.

- *Physically improve the Downtown Neighborhoods’ roadways and manage the transportation system to enhance safety and quality of life.*

Each of these alternatives would improve the Downtown Neighborhoods’ roadways, to varying degrees. Alternatives 1 and 2 provide the best transportation system because they include complete connectivity to the street grid. Alternatives 5 through 8 provide less connectivity due to the location of the “superblock” in the middle of Downtown Fresno.

- *Reestablish an interconnected street grid comparable to Fresno’s original grid pattern in order to increase walkability and improve connections to parks, open space, schools, and neighborhood centers.*

Alternatives 1 and 2 accomplish this goal by reintroducing city streets throughout the project study area. Each of Alternatives 5 through 8 would partially reestablish an interconnected street grid comparable to Fresno’s original grid pattern, though each would, to varying degrees, leave a section of pedestrian-only facility that would not accomplish this goal.

- *Provide a comprehensive transportation, circulation, and parking system that improves quality of life in Downtown.*

Each alternative in this section would accomplish this to varying degrees, depending on what area would remain as a pedestrian-only facility.

- *Install new or retain existing on-street parking (parallel or angles) along all streets, except where precluded by lack of curb-side access or right-of-way. The type of parking shall depend on the adjacent land use and roadway classification.*

The alternatives discussed in this section would provide between 38 and 190 on-street parking spaces. Each alternative meets this goal to a varying degree, with Alternative 5 providing the least and Alternative 1 providing the most on-street parking.

- *Make parking convenient and easy to find.*

Each alternative would increase the ease of parking in the Fulton Mall study area to varying degrees.

On February 27, 2104, the Fresno City Council voted to amend the 2025 General Plan and Central Area Community Plan to change the designation of the Fulton Mall area from a pedestrian mall to a local street. Alternatives 1 and 2 are consistent with this amendment. Alternatives 5 through 8 would not be consistent with the amendment in the areas that would remain as a pedestrian mall.

Summary

Alternative 1 best meets the Purpose and Need for the project, due to the following reasons described above:

- Best improvement in vehicular mobility and access, due to the addition of more parking spaces than other alternatives, the straight street alignment, and best access for those with visual disabilities
- Best improvement in visibility
- Biggest increase in economic development
- Equivalent or slightly superior than Alternative 2 and superior to other alternatives in consistency with local plans.

vi. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and

As discussed in Chapter 2 of the Final Environmental Assessment, minimization and/or mitigation measures would be required in the following areas: Visual Impacts, Relocation Impacts, Economic Impacts, Utilities/Emergency Services, Traffic and Transportation/Pedestrian and Bicycle Facilities, Water Quality and Storm Runoff, Hazardous Waste/Materials, Air Quality, Noise and Biological Environment. Upon implementation of these measures, the impacts to resources not protected by Section 4(f) would be minimal.

vii. Substantial differences in costs among alternatives

Alternatives 1, 2 and 5 through 8 are all anticipated to cost roughly \$20 million. There is no substantial difference in cost between any of the alternatives. The TIGER grant funding

procured by the City could be used to construct either Alternative 1 or 2, but would not be available for Alternatives 5 through 8 because those alternatives do not match the project description described in the grant application.

Summary

Each alternative would result in the destruction of the Fulton Mall, a National Register of Historic Places eligible property and in the destruction of a major contributing element of the Fulton Street/Fulton Mall Historic District, as well as their permanent use under Section 4(f), as shown in Figures A-5 through Figures A-10. Alternative 5 best minimizes the impacts to the Section 4(f) properties though it fails to meet the Purpose and Need for the project. Of Alternatives 1 and 2, Alternative 1 causes a slightly lesser amount of harm after mitigation. Alternative 1 also best meets the Purpose and Need for the project. There are no adverse impacts to resources not protected by Section 4(f) after mitigation under either alternative. There is essentially no difference in the costs of the two alternatives. Alternative 1 best meets all of the criteria listed under the Least Harm Analysis, as summarized in Table A-3 below.

The proposed action (Alternative 1) includes all possible planning to minimize harm to the Fulton Mall Historic Landscape and Fulton Street/Fulton Mall Historic District. Alternative 1 also avoids harm to the twelve National Register listed/eligible buildings within the Area of Potential Effects resulting from such use. Alternative 1 causes the least overall harm in light of the statute's preservation purpose.

Least Overall Harm Evaluation Summary

| Criteria | Alternative 1 | Alternative 2 | Alternative 5 | Alternative 6 | Alternative 7 | Alternative 8 |
|---|---|--|--|---|---|--|
| i. Ability to mitigate adverse impacts to each Section 4(f) resource | Historic Landscape = 1 Historic District = 4 Historic Buildings = 5 TOTAL = 10 10/3=3.3 | Historic Landscape = 1 Historic District = 3 Historic Buildings = 5 TOTAL = 9 9/3=3 | Historic Landscape = 5 Historic District = 5 Historic Buildings = 5 TOTAL = 15 15/3=5 | Historic Landscape = 4 Historic District = 4 Historic Buildings = 5 TOTAL = 13 13/3=4.3 | Historic Landscape = 2 Historic District = 3 Historic Buildings = 5 TOTAL = 10 10/3=3.3 | Historic Landscape = 2 Historic District = 3 Historic Buildings = 5 TOTAL = 10 10/3=3.3 |
| Fulton Mall Historic Landscape | Mitigation to contributing features includes restoration of all 23 statues, with 6 retained in current locations; 9 mosaic benches retained, with 5 in current locations. Best available mitigation for special events (a historic use) due to wide promenade. With mitigation, somewhat resembles Mall's overall original design. Recordation of the Mall to HALS standards prior to project construction; conservation and maintenance plan for restored features; monitoring plan for archaeological resources; public education on the history of the mall through interpretive materials and social media; | Mitigation to contributing features includes restoration of all 23 statues, with 13 retained in current locations; 9 mosaic benches retained, with 3 in current locations. Not conducive for special events (a historic use) due curving street. Retains more features in place than Alternative 1. Less able to resemble Mall's overall original design. Recordation of the Mall to HALS standards prior to project construction; conservation and maintenance plan for restored features; monitoring plan for archaeological resources; public education on the history of the mall through interpretive materials and social media; economic incentives | Mitigation to contributing features includes restoration of all 23 statues, with 11 retained in current locations; 9 mosaic benches retained, with 7 in current locations. Special events (a historic use) could still be held along remaining mall portions. Retains most features in place. Best able to resemble Mall's overall original design. Recordation of the Mall to HALS standards prior to project construction; conservation and maintenance plan for restored features; monitoring plan for archaeological resources; public education on the history of the mall through interpretive materials and social media; economic incentives | Mitigation to contributing features includes restoration of all 23 statues, with 7 retained in current locations; 9 mosaic benches retained, with 5 in current locations. Special events (a historic use) could still be held along remaining mall portions. Better able to resemble Mall's overall original design. Recordation of the Mall to HALS standards prior to project construction; conservation and maintenance plan for restored features; monitoring plan for archaeological resources; public education on the history of the mall through interpretive materials and social media; economic incentives | Mitigation to contributing features includes restoration of all 23 statues, with 5 retained in current locations; 9 mosaic benches retained, with 3 in current locations. Special events (a historic use) could still be held along remaining mall portions. Less able to resemble Mall's overall original design. Recordation of the Mall to HALS standards prior to project construction; conservation and maintenance plan for restored features; monitoring plan for archaeological resources; public education on the history of the mall through interpretive materials and social media; economic incentives | Mitigation to contributing features includes restoration of all 23 statues, with 3 retained in current locations; 9 mosaic benches retained, with 3 in current locations. Special events (a historic use) could still be held along remaining mall portions and on- street parking spots. Less able to resemble Mall's overall original design. Recordation of the Mall to HALS standards prior to project construction; conservation and maintenance plan for restored features; monitoring plan for archaeological resources; public education on the history of the mall through interpretive materials and social media; economic incentives |

- 5 – Best meets all elements of the criterion
- 4 – Meets most elements of the criterion very well
- 3 – Meets a majority of the elements of the criterion to some degree
- 2 – Meets some elements of the criterion to a lesser degree
- 1 – Does not meet the criterion at all

| Criteria | Alternative 1 | Alternative 2 | Alternative 5 | Alternative 6 | Alternative 7 | Alternative 8 |
|--|---|--|---|--|--|--|
| Fulton Street/Fulton Mall Historic District | Would better reflect the entire period of significance of the District. Sidewalk vault lights and elements that existed during District's period of significance could be restored. Vibration and monitoring plan and ESA protections would prevent damage to district buildings during construction, and monitoring plan for architectural, archaeological and Native American resources included. | Creates disconnected pattern not consistent with District's period of significance. Sidewalk vault lights and elements that existed during District's period of significance not restored but would remain in place beneath the sidewalk concrete. Vibration and monitoring plan and ESA protections would prevent damage to district buildings during construction, and monitoring plan for architectural, archaeological and Native American resources included. | Best reflects the historic character of the district and is consistent with District's period of significance. Sidewalk vault lights and elements that existed during District's period of significance not restored but would remain in place beneath the sidewalk concrete. Vibration and monitoring plan and ESA protections would prevent damage to district buildings during construction, and monitoring plan for architectural, archaeological and Native American resources included. | Better reflects the historic character of the district and is consistent with District's period of significance. Sidewalk vault lights and elements that existed during District's period of significance not restored but vault lights would remain in place beneath sidewalk concrete. Vibration and monitoring plan and ESA protections would prevent damage to district buildings during construction, and monitoring plan for architectural, archaeological and Native American resources included. | Creates disconnected pattern not consistent with District's period of significance. Sidewalk vault lights and elements that existed during District's period of significance not restored but would remain in place beneath the sidewalk concrete. Vibration and monitoring plan and ESA protections would prevent damage to district buildings during construction, and monitoring plan for architectural, archaeological and Native American resources included. | Creates disconnected pattern not consistent with District's period of significance. Sidewalk vault lights but would remain in place beneath the sidewalk concrete and elements that existed during District's period of significance not restored. Vibration and monitoring plan and ESA protections would prevent damage to district buildings during construction, and monitoring plan for architectural, archaeological and Native American resources included. |
| 12 Listed/Individually Eligible Buildings within APE | Vibration and monitoring plan and ESA protections would prevent damage to these buildings during construction. | Same as Alternative 1. | Same as Alternative 1. | Same as Alternative 1. | Same as Alternative 1. | Same as Alternative 1. |

- 5 – Best meets all elements of the criterion
- 4 – Meets most elements of the criterion very well
- 3 – Meets a majority of the elements of the criterion to some degree
- 2 – Meets some elements of the criterion to a lesser degree
- 1 – Does not meet the criterion at all

| Criteria | Alternative 1 | Alternative 2 | Alternative 5 | Alternative 6 | Alternative 7 | Alternative 8 |
|--|--|--|--|---|---|---|
| <p>ii. Relative severity of the remaining harm, after mitigation, to the protected activities and attributes or features (How well does mitigation lessen the remaining harm to protected activities and attributes or features?)</p> | Historic Landscape = 2 Historic District = 3 Historic Buildings = 5 TOTAL = 10 10/3=3.3 | Historic Landscape = 2 Historic District = 2 Historic Buildings = 5 TOTAL =9 9/3=3 | Historic Landscape = 5 Historic District = 5 Historic Buildings = 4 TOTAL = 14 15/3=4.6 | Historic Landscape = 4 Historic District = 4 Historic Buildings = 4 TOTAL = 12 13/3=4 | Historic Landscape = 3 Historic District = 4 Historic Buildings = 4 TOTAL = 11 12/3=3.6 | Historic Landscape = 2 Historic District = 3 Historic Buildings = 4 TOTAL = 9 9/3=3 |
| <p>Fulton Mall Historic Landscape (How well does mitigation lessen the remaining harm to protected activities and attributes or features?)</p> | Results in destruction of Mall as historic/4(f) property. Retains all statues (6 in place) and mosaic benches (5 in place). Results in ineligibility of the Mall even after mitigation. | Results in destruction of Mall as historic/4(f) property. Restores all statues (13 in place) and mosaic benches (3 in place). Results in ineligibility of the Mall even after mitigation. | Best maintains the original concept of the Mall by retaining the historic spatial relationship of the features of the mall to one another with minimal changes at three intersections. Retains 6 blocks of the Mall as pedestrian- only. Restores all statues (11 in place) and mosaic benches (7 in place). Leaves most | Best maintains the original concept of the Mall by retaining the historic spatial relationship of the features of the mall to one another Retains 4 blocks of the Mall as pedestrian- only and would remove two blocks and all cross streets. Restores all statues (7 in place) and mosaic benches (5 in place). However, the | Results in destruction of Mall as historic/4(f) property by retaining only 3 of 6 blocks of the Mall as pedestrian-only, and none of the cross streets. Restores all statues (5 in place) and mosaic benches (3 in place), all fountains demolished but 14 rebuilt (8 in place, 4 scaled). However, the Mall likely will not remain eligible even after | Results in destruction of Mall as historic/4(f) property by retaining only 2 of 6 blocks of the Mall as pedestrian-only, and none of the cross streets. Restores all statues (3 in place) and mosaic benches (3 in place). However, the Mall likely will not remain eligible even after mitigation. |
| <p>Fulton Street/Fulton Mall Historic District (How well does mitigation lessen the remaining harm to protected activities and attributes or features?)</p> | Removes a major character-defining feature of the District, but does not affect its contributing buildings and would better resemble the District during the first 50 years of its period of significance. District less likely to remain eligible after mitigation. | Removes a major character-defining feature of the District, but would not affect its contributing buildings. District least likely to remain eligible after mitigation under this alternative. | District would retain the most features and historic fabric in their original locations in all blocks in this alternative and the contributing buildings would not be affected. District likely would remain eligible after mitigation. | District would retain the most features and historic fabric in their original locations in 4 blocks under this alternative and the contributing buildings would not be affected. District likely would remain eligible after mitigation. | District would retain the fewer features and historic fabric in their original locations: on 3 blocks under this alternative but the contributing buildings would not be affected. District is less likely to remain eligible after mitigation. | District would retain the fewer features and historic fabric in their original locations: on 2 blocks under this alternative but the contributing buildings would not be affected. District is less likely to remain eligible after mitigation. |

- 5 – Best meets all elements of the criterion
- 4 – Meets most elements of the criterion very well
- 3 – Meets a majority of the elements of the criterion to some degree
- 2 – Meets some elements of the criterion to a lesser degree
- 1 – Does not meet the criterion at all

| Criteria | Alternative 1 | Alternative 2 | Alternative 5 | Alternative 6 | Alternative 7 | Alternative 8 |
|---|--|--|---|---|---|---|
| 12 Listed/Individually Eligible Buildings within APE (How well does mitigation lessen the remaining harm to protected activities and attributes or features?) | The individually listed and eligible buildings would retain their historic status and integrity. No adverse effect to buildings. Provides best access and visibility and increases potential for renovation of historic buildings located on the mall. | The individually listed and eligible buildings would retain their historic status and integrity. No adverse effect to buildings. Provides good access and visibility and increases potential for renovation of historic buildings located on the mall. | The individually listed and eligible buildings would retain their historic status and integrity. No adverse effect to buildings. Provides worst access and visibility and increases potential for renovation of historic buildings located on the mall. | The individually listed and eligible buildings would retain their historic status and integrity. No adverse effect to buildings. Provides no improvements to access and visibility along 4 blocks of the Mall, and so greatly limits potential for renovation of 7 historic buildings located along those blocks. | The individually listed and eligible buildings would retain their historic status and integrity. No adverse effect to buildings. Provides no improvements to access and visibility along 3 blocks of the Mall, and so greatly limits potential for renovation of 7 historic buildings located along those blocks. | The individually listed and eligible buildings would retain their historic status and integrity. No adverse effect to buildings. Provides no improvements to access and visibility along 2 blocks of the Mall, and so greatly limits potential for renovation of 5 historic buildings located along |
| iii. Relative significance of each Section 4(f) property. National significance = 3 State significance = 2 Local significance = 1 | Historic Landscape: 3+1 = 4 FS/FM Historic District = 1 Historic Buildings = 1 Total = 6 | Historic Landscape: 3+1 = 4 FS/FM Historic District = 1 Historic Buildings = 1 Total = 6 | Historic Landscape: 3+1 = 4 FS/FM Historic District = 1 Historic Buildings = 1 Total = 6 | Historic Landscape: 3+1 = 4 FS/FM Historic District = 1 Historic Buildings = 1 Total = 6 | Historic Landscape: 3+1 = 4 FS/FM Historic District = 1 Historic Buildings = 1 Total = 6 | Historic Landscape: 3+1 = 4 FS/FM Historic District = 1 Historic Buildings = 1 Total = 6 |
| Fulton Mall Historic Landscape | Significant under NRHP Criteria A at national level of significance and C at local level of significance. | Same as Alternative 1. | Same as Alternative 1. | Same as Alternative 1. | Same as Alternative 1. | Same as Alternative 1. |
| Fulton Street/Fulton Mall Historic District | Significant under NRHP Criterion A at local level of significance. | Same as Alternative 1. | Same as Alternative 1. | Same as Alternative 1. | Same as Alternative 1. | Same as Alternative 1. |
| 8 Listed/Individually Eligible Buildings within APE | All are significant under NRHP criterion A and/or C at local level of significance. | Same as Alternative 1. | Same as Alternative 1. | Same as Alternative 1. | Same as Alternative 1. | Same as Alternative 1. |
| iv. Views of the officials with jurisdiction over each Section 4(f) property | 2 | 3 | 2 | 2 | 4 | 2 |
| Views of the State Historic Preservation Officer | Not mentioned | Preferred over Alternative 1 because it retains more features in place, although all of the fountains will be new construction. | Not mentioned | Not mentioned | Preferred over Alternatives 1 and 2 because it keeps 3 blocks of the existing Mall as pedestrian-only | Not mentioned |

- 5 – Best meets all elements of the criterion
- 4 – Meets most elements of the criterion very well
- 3 – Meets a majority of the elements of the criterion to some degree
- 2 – Meets some elements of the criterion to a lesser degree
- 1 – Does not meet the criterion at all

| Criteria | Alternative 1 | Alternative 2 | Alternative 5 | Alternative 6 | Alternative 7 | Alternative 8 |
|---|--|---|--|---|---|---|
| v. Degree to which each alternative meets Purpose and Need | 5 | 3 | 1 (Note: this alternative was removed from further consideration in the draft Environmental Assessment because it did not meet the purpose and need of the project at a level that would support its moving forward for further study) | 1 (Note: this alternative was removed from further consideration in the draft Environmental Assessment because it did not meet the purpose and need of the project at a level that would support its moving forward for further study) | 1 (Note: this alternative was removed from further consideration in the draft Environmental Assessment because it did not meet the purpose and need of the project at a level that would support its moving forward for further study) | 2 (Note: this alternative was removed from further consideration in the draft Environmental Assessment because it did not meet the purpose and need of the project at a level that would support its moving forward for further study) |
| <i>Increase mobility and access in the Fulton Mall study area by providing more convenient multi-modal access options on the Mall and its cross streets.</i> | Fully increases mobility and access along the entire length of Fulton Mall and its cross streets. Improves access to 100% of ground floor space along Fulton Mall. Adds 190 new on-street parking spaces. Best meets this criterion. The straight street best accommodates large delivery trucks, transit and paratransit vehicles. Provides best accessibility for people with visual disabilities. Fully meets this criterion. | Fully increases mobility and access along the entire length of Fulton Mall and its cross streets. Improves access to 100% of ground floor space along Fulton Mall. Adds 82 new on-street parking spaces. Adequately meets this criterion. | Increases mobility and access along cross streets only. Improves access to 0% of ground floor space along Fulton Mall. Adds 38 new on-street parking spaces. Does not meet this criterion. | Increases mobility and access cross streets and 2 blocks of Fulton Mall. Improves access to 28% of ground floor space along Fulton Mall. Adds 95 new on-street parking spaces. Does not meet this criterion. Although new parking is somewhat adequate, the fact that only 28% of ground floor space receives improvements in access and visibility causes this alternative to not meet this criterion. | Increases mobility and access cross streets and 3 blocks of Fulton Mall. Improves access to 39% of ground floor space along Fulton Mall. Adds 121 new on-street parking spaces. Does not meet this criterion. Although new parking is adequate, the fact that only 39% of ground floor space receives improvements in access and visibility causes this alternative to not meet this criterion. | Increases mobility and access cross streets and 4 blocks of Fulton Mall. Improves access to 62% of ground floor space along Fulton Mall. Adds 147 new on-street parking spaces. Although new parking is adequate, the fact that only 62% of ground floor space receives improvements in access and visibility causes this alternative to not meet this criterion. |
| <i>Improve visibility of businesses, offices and other amenities in the Fulton Mall study area by improving traffic circulation, thereby encouraging additional economic development in the area.</i> | Fully improves visibility along entire length of Fulton Mall and cross streets. Provides greatest incentive for economic development, with retail sales increase of 146%. | Fully improves visibility along entire length of Fulton Mall and cross streets. Provides greatest incentive for economic development, with retail sales increase of 73%. | Improves visibility only along cross streets. Improves visibility of 0% of ground floor space along Fulton Mall. Does not meet this criterion. | Improves visibility only along cross streets and 2 blocks of Fulton Mall. Improves visibility of 28% of ground floor space along Fulton Mall. Does not meet this criterion. | Improves visibility only along cross streets and 3 blocks of Fulton Mall. Improves visibility of 39% of ground floor space along Fulton Mall. Does not meet this criterion. | Improves visibility only along cross streets and 4 blocks of Fulton Mall. Improves visibility of 62% of ground floor space along Fulton Mall. Because visibility to over half of the project area is not improved, this alternative does not meet this criterion. |

- 5 – Best meets all elements of the criterion
- 4 – Meets most elements of the criterion very well
- 3 – Meets a majority of the elements of the criterion to some degree
- 2 – Meets some elements of the criterion to a lesser degree
- 1 – Does not meet the criterion at all

| Criteria | Alternative 1 | Alternative 2 | Alternative 5 | Alternative 6 | Alternative 7 | Alternative 8 |
|---|--|--|---|---|--|---|
| Increase the Fulton Mall study area's consistency with the requirements and goals of proposed land use plans, including the draft Fulton Corridor Specific Plan and draft Downtown Neighborhoods Community Plan, by making the area more accessible to the public, thereby encouraging greater public use of the area and bolstering future economic development opportunities. | Alternative 1 satisfies all of the 7 proposed General/Specific Plan goals listed in this evaluation. It is also consistent with the General and Specific Plan amendments adopted by the Fresno City Council on February 5, 2014. Fully meets this criterion. | Alternative 2 satisfies all of the 7 proposed General/Specific Plan goals listed in this evaluation. It is also consistent with the General and Specific Plan amendments adopted by the Fresno City Council on February 5, 2014. Fully meets this criterion. | Alternative 5 fully satisfies 1 of the goals, and partially satisfies 5 of the goals proposed General/Specific Plan goals listed in this evaluation. It is also consistent with the General and Specific Plan amendments adopted by the City Council on February 5, 2014. Partially meets this criterion, to a lesser degree than other alternatives. | Alternative 5 fully satisfies 1 of the goals, and partially satisfies 5 of the goals proposed General/Specific Plan goals listed in this evaluation. It is also consistent with the General and Specific Plan amendments adopted by the City Council on February 5, 2014. Partially meets this criterion, less so than Alternatives 1, 2, 7 or 8. | Alternative 5 fully satisfies 1 of the goals, and partially satisfies 5 of the goals proposed General/Specific Plan goals listed in this evaluation. It is also consistent with the General and Specific Plan amendments adopted by the Fresno City Council on February 5, 2014. Partially meets this criterion, less than Alternatives 1, 2 or 8. | Alternative 5 fully satisfies 1 of the goals, and partially satisfies 5 of the goals proposed General/Specific Plan goals listed in this evaluation. It is also consistent with the General and Specific Plan amendments adopted by the Fresno City Council on February 5, 2014. Partially meets this criterion, less than Alternatives 1 or 2. |
| vi. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f) | 5 | 5 | 5 | 5 | 5 | 5 |
| Impacts to non-protected resources | Minimal impacts to non Section 4(f) properties. | Minimal impacts to non Section 4(f) properties. | Minimal impacts to non Section 4(f) properties. | Minimal impacts to non Section 4(f) properties. | Minimal impacts to non Section 4(f) properties. | Minimal impacts to non Section 4(f) properties. |
| vii. Substantial differences in costs among alternatives | 5 | 5 | 2 | 2 | 2 | 2 |
| Cost by alternative. Substantial difference? Funding Available? | Approximately \$19.9 million No substantial difference. TIGER grant funding available. | Approximately \$19.8 million No substantial difference. TIGER grant funding available. | Approximately \$20 million No substantial difference. TIGER grant not available. Amendment not likely. No other funding identified. | Approximately \$20 million No substantial difference. TIGER grant not available. Amendment not likely. No other funding identified. | Approximately \$20 million No substantial difference. TIGER grant not available. Amendment not likely. No other funding identified. | Approximately \$20 million No substantial difference. TIGER grant not available. Amendment not likely. No other funding identified. |
| Total Score | 29.6 | 28 | 25.6 | 24.3 | 24.9 | 23.3 |

- 5 – Best meets all elements of the criterion
- 4 – Meets most elements of the criterion very well
- 3 – Meets a majority of the elements of the criterion to some degree
- 2 – Meets some elements of the criterion to a lesser degree
- 1 – Does not meet the criterion at all

1.9 Description of Section 6(f) Properties

Section 6(f)(3) of the Land and Water Conservation Fund Act (16 U.S. Code §4601-4) contains provisions to protect federal investments in park and recreation properties and the quality of those assisted properties. The law recognizes the likelihood that changes in land use or development may make some properties that received federal funding obsolete over time, particularly in rapidly changing urban areas. At the same time, the law discourages casual discards of park and recreation facilities by ensuring that changes or conversions from recreation use would bear a cost that assures taxpayers their investments in the park and recreation properties will not be squandered. The Land and Water Conservation Fund Act include a clear mandate to protect grant-assisted areas from conversions: Section 6(f)(3)—“No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.”

This “anti-conversion” requirement applies to all parks and other sites that have been the subject of Land and Water Conservation Fund grants of any type, whether for acquisition of parkland, development, or rehabilitation of facilities.

When an application for Section 6(f) funding is submitted, a dated project boundary map is included that shows the park area to be covered by Section 6(f)(3) anti-conversion protections. The map does not have to be a formal survey document, but it must contain enough site-specific information to ensure that both the applicant (grantee) and the administering agency agree on the proper boundaries of the covered site at the time of project approval. The map also provides the location, size indicators, and a picture of key facilities and landmarks to help later project inspectors better identify and evaluate the site. Under the Land and Water Conservation Fund Act, this recreational resource must be suitably replaced within three years if the land it occupies is converted to other uses.

Two tot lots (recreational areas for children) at each end of the Fulton Mall are subject to Section 6(f). Figure A-11 shows the current locations of the lots. Tot lot 1 just south of Merced Street at Fulton Street measures 806 square feet. Tot lot 2 just north of Kern Street at Fulton Street measures 966 square feet. Together, they measure a total of 1,772 square feet. These lots include playground equipment and sand areas at walkway level. The Fresno City Parks Department has authority over these lots. The tot lots are not considered separate Section 4(f) resources, but Mall features.

The Fresno City Parks Department applied for and received a Land and Water Conservation Fund grant of \$49,730 in November 2005 for the tot lots. The department also received matching

funds of \$58,040 from the Proposition 12–2000 Bond Act and the Proposition 40–2002 Resources Bond. The grants were used to develop these recreational areas for children. The lot areas were already included and improvements took place within the existing sandy areas. Land and Water Conservation Fund funds provided playground equipment and some soft-fall material in Americans with Disabilities Act-access areas around the equipment.

According to Land and Water Conservation Fund guidelines, the new property must be created within three years of the conversion of the original site. City of Fresno officials met with staff at the Department of Parks and Recreation in Sacramento on May 23, 2012 to discuss options for the disposition of the existing tot lots. The input received at this meeting and subsequent emails in 2012 and 2013 have led to a plan for the replacement of the affected Section 6(f) resource in the project area. Attachment B includes coordination to date between the City of Fresno and the Fresno County Economic Opportunities Commission. The letter includes a map and two photographs of the proposed location and a proposed plan of how the tot lots would be replaced.

During construction, removal of the tot lots would have a temporary adverse impact. Replacement of the tot lots with equal square footage of active play space within the project area would reduce or eliminate the long-term effects by the loss of two tot lots on the Mall.

The two tot lots would be relocated and consolidated into one larger tot lot at the Fresno County Economic Opportunities Commission campus near the intersection of Mariposa and Congo Alley. This location, close to Mariposa Plaza, would still be easily used by families visiting downtown for shopping and other business. The larger lot could also be used by families going to the Fresno County Economic Opportunities Commission. The commission serves families and children.

Potential noise impacts to the relocated tot lot were analyzed. The tot lot would be relocated to an area adjacent to Congo Alley and approximately 72 feet from the right-of-way of Mariposa Mall. The traffic noise impact to the relocated tot lot is expected to be less than 67 dBA. Mariposa Street would have less traffic volume than Fulton Street, and Fulton Street was shown to have a maximum noise level of 52.9 dBA at the building facade adjacent to the roadway. The relocated tot lot will be 72 feet farther back from the road right-of-way, which would reduce noise levels further.

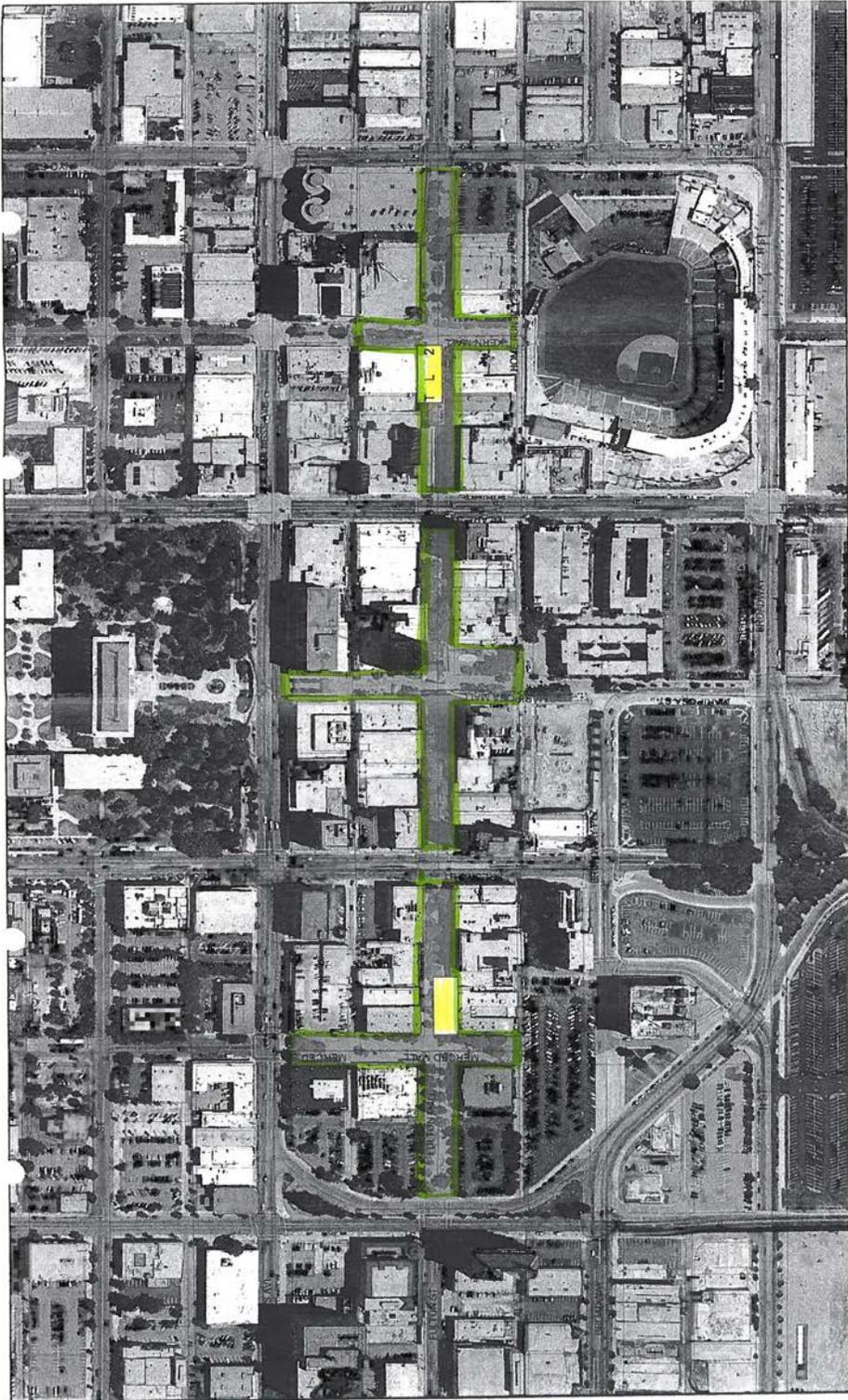


Figure A-11 Current Location of Section 6(f) Tot Lots

1.10 Resources Evaluated Relative to the Requirements of Section 4(f)

This section discusses parks, recreational facilities, wildlife refuges, and historic sites found within or next to the project area that do not trigger Section 4(f) protection because either (1) they are not publicly owned, (2) they are not open to the public, (3) they are not National Register-eligible historic properties, (4) the project does not permanently use the property and does not hinder the preservation of the property, or (5) the proximity impacts do not result in a constructive use.

For this analysis, public parks, recreation areas, and wildlife refuges within a quarter mile of the project limits were identified.

In accordance with Federal Highway Administration regulations and guidance, the requirements for protection of historic properties under Section 4(f) are triggered only by significant historic properties defined as sites on or eligible for listing on the NRHP, or sites otherwise determined significant by the Federal Highway Administration Administrator (23 CFR Section 774.11 [e][1]). Properties within the Fulton Mall Reconstruction Project Area of Potential Effects either listed on the NRHP or eligible for the NRHP were found. See Figure A-12 for the general location of properties discussed in this section and relationship to project area.

It was determined that the following historic properties and Courthouse Park located outside the APE would not be used by the proposed project because the project would not hinder the preservation of the property.

There are 14 Section 4(f) properties within the APE: twelve historic buildings, one historic district, and one historic landscape and that are discussed in Section 1.3 above.

Historic Properties and Cultural Resources in the Vicinity of the Fulton Mall Revitalization Project

The following historic properties within the vicinity of the project but are physically located outside the project APE.

- Hotel Fresno, 1257 Broadway Plaza
- Southern Pacific Railroad Depot, 1033 H Street
- Southern Pacific Lines Pullman Shed, 1713 Tulare Street
- The Crest Theater, 1160 Broadway Plaza
- Fresno Sheriff's Office, 2200 Fresno Street
- Railroad Warehouse, 735 H Street
- California Transit Company, 701 L Street
- Fresno County Office of Education, 2314 Mariposa Mall
- Fresno Police Headquarters, 2323 Mariposa Mall

- Midland Savings and Loan, 2150 Tulare Street
- Joseph Giardina Property, 517 Van Ness Avenue
- Giardina Property, 521 Van Ness Avenue
- The Pilibos Building, 830 Van Ness Avenue
- L.C. Wesley Super Garage, 862 Van Ness Avenue
- Fresno County Courthouse, 1100 Van Ness Avenue
- Fresno County Hall of Records, 2281 Tulare Street
- Fresno Bee Building, 1545 Van Ness Avenue
- Hotel Virginia, 2125-2139 Kern Street

Hotel Fresno—determined eligible for the National Register of Historic Places

This property at 1257 Broadway Plaza is listed on the Local Register (HP#166) and eligible for the NRHP with SHPO concurrence, May 10, 2011. The Hotel Fresno was completed in 1912 and was designed by Edward Foulkes who trained at M.I.T and the Ecole des Beaux-Arts in Paris. The building is a 7-story concrete structure consisting of a system of concrete columns and beams. Stylistically the design is a form of neoclassicism that reflects the Second Renaissance Revival of the late 19th century as well as some of the principles of the Ecole des Beaux-Arts. The plan was reportedly adapted from that of the Palace Hotel in San Francisco, thus the building wraps around a full two-story foyer (court) formerly glassed over. The building is the oldest extant hotel in the City and was up through the 1960s the site of numerous elegant events and social gatherings.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this historic property, and the provisions of Section 4(f) are not triggered.

Southern Pacific Railroad Depot—listed on NRHP

The depot is located at 1033 H Street and is listed on the Local Register (HP#011) and listed on the NRHP. This 1889 depot replaced Fresno's original wood building. It is Queen Anne in style and constructed of brick with a slate bellcast hip roof. Between 1914 and 1929 additional freight space was added to extend the building to the south and 50 feet of office space was added to the north. Most of the original small-paned windows were replaced, arched doorways were enlarged and additional dormers were added. Unfortunately the brick was also plastered at this time and much of the original character was lost in the process.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur.

Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Southern Pacific Lines Pullman Shed—determined eligible for the NRHP

The Pullman Shed is located at 1713 Tulare Street and is listed on the Local Register (HP#272) and eligible for the NRHP, Fulton Corridor Survey (draft). The 1917 structure consists of a steel-reinforced, concrete-clad shed with an open interior which (once) accommodated four tracks. Pullman sheds provided covered protection for Pullman sleeping cars, prior to the days before air conditioning. Pullman passengers could board the train prior to the late night arrival of the through train. According to staff at the California Railroad Museum, Sacramento, the Fresno Pullman Shed may be the only surviving example of the property type in the United States.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. Construction activities next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

The Crest Theater—determined eligible for the NRHP

This theater is located at 1160 Broadway Plaza and is listed on the Local Register (HP#270) and eligible for the NRHP with SHPO concurrence in 2012. The Crest Theater building is a movie theater and commercial complex designed in a late Retro Moderne style, with a mix of Art Deco and Streamline Moderne elements. The building is reinforced concrete clad in stucco and is rectangular in plan. It was designed to have its main theatre entrance on a diagonal facing the corner of Broadway (Plaza) and Fresno Street in downtown Fresno. The theatre opened July 7, 1949 with a world premier showing of “You’re My Everything” with Hollywood stars Roddy McDowell and George Jessel in attendance. The Neon and argon lit tower sign is referred to in the trade as a “spectacular” and was reportedly the tallest neon sign in the San Joaquin Valley.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Note: The following 11 properties were evaluated in a Fulton Corridor Historic Survey that was prepared as support of a CEQA document done for the City of Fresno's draft 2035 General Plan/Fulton Corridor Specific Plan/Downtown Neighborhoods Community Plan. These properties have not been evaluated under Section 106 of the National Historic Preservation Act, but they appear to meet the National Register of Historic Places eligibility criteria, as provided for in that act.

Fresno Sheriff's Office—appears to meet the NRHP eligibility criteria

This property appears to meet the National Register eligibility criteria as a potential contributor to a NRHP District and to a California Register of Historical Resources (California Register) District through the Fulton Corridor Historic Survey (draft). Located on Mariposa Street and the corner of P Street, this building displays many of the characteristics of the Mid-Century Modern/International Style. Rising five stories, the building is rectangular in plan and capped with a flat roof. A low, unelaborated parapet wall encircles the roof. Symmetrical rows of ribbon windows, sheltered beneath façade-long sills, mark each floor. It was built in 1969. Because the project area includes only the Fulton Mall itself and no adjacent buildings, this resource would not be used for the proposed project. Therefore, the provisions of Section 4(f) are not triggered.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Railroad Warehouse—appears to meet the NRHP eligibility criteria

This warehouse at 735 H Street appears to meet the NRHP eligibility criteria as a potential contributor to a NRHP District and to a California Register District through the Fulton Corridor Historic Survey (draft). The property is located on the northwest corner of H Street and Mono Street and includes a one-story industrial warehouse of Masonry construction. The estimated construction date is 1910.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

California Transit Company—appears to meet the NRHP eligibility criteria

This property at 701 L Street appears to meet the NRHP eligibility criteria as a potential contributor to a NRHP District and to a California Register District through the Fulton Corridor

Historic Survey (draft). The one-story brick masonry building is located on the northwest corner of L Street and Mono Street and was constructed in 1936. It is associated with Fresno's pre-World War II industrial development.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Fresno County Office of Education—appears to meet the NRHP eligibility criteria

This property at 2314 Mariposa Mall appears to meet the NRHP eligibility criteria as a potential contributor to a NRHP District and to a California Register District through the Fulton Corridor Historic Survey (draft). This three-story Mid-Century Modern building was built in 1950 and was designed by noted local architect David Horn. The building is located at the corner of Mariposa and M Streets and displays alternating bands of ribbon windows, recessed within a narrow course of concrete wall, framed on each side by thin, cantilevered projections.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Fresno Police Headquarters—appears to meet the NRHP eligibility criteria

This property at 2323 Mariposa Mall appears to meet the NRHP eligibility criteria as a potential contributor to a NRHP District and to a California Register District through the Fulton Corridor Historic Survey (draft). This Mid-century Modern style building was constructed in 1960 and designed by Walter Wagner and Associates. It is rectangular in plan, three stories in height and capped with a flat roof which is defined by a broad, uninterrupted fascia and shallow closed eaves. Other character defining features include bands of steel-frame windows which are set off by brick-clad spandrels.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Midland Savings and Loan—appears to meet the NRHP eligibility criteria

This property located at 2150 Tulare Street to meet the NRHP eligibility criteria as a potential contributor to a NRHP District and to a California Register District through the Fulton Corridor

Historic Survey (draft). This two-story building blends the features typical of Mid-Century Modernism and New Formalism. A landscaped peristyle court is located on the northern elevation. The building was constructed in 1965 and designed by Eugene H. Houghman of the Los Angeles firm of Ternstrom and Skinner. It features three 22-foot-tall ceramic relief walls designed by renowned local artist Stan Bitters.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Joseph Giardina Property—appears to meet the NRHP eligibility criteria

This property located at 517 Van Ness Avenue appears eligible for the NRHP as a contributor to a NRHP District and to a California Register District through the Fulton Corridor Historic Survey (draft). This circa 1895 1-story Queen Anne style home is wood framed and sided with brick veneer. Typical features of the style include the asymmetrical composition and the use of various textures including fish-scale shingles on the façade gable and a decorative sunburst in the apex. It is identical in design to the home adjacent to it and located at 521 Van Ness Avenue.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Giardina Property—appears to meet the NRHP eligibility criteria

This property located at 521 Van Ness Avenue appears to meet the NRHP eligibility criteria as a potential contributor to a NRHP District and to a California Register District through the Fulton Corridor Historic Survey (draft). This circa 1895 1-story Queen Anne style home is wood framed and sided with brick veneer. Typical features of the style include the asymmetrical composition and the use of various textures including fish-scale shingles on the façade gable and a decorative sunburst in the apex. It is identical in design to the home adjacent to it and located at 517 Van Ness Avenue.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

The Pilibos Building—appears to meet the NRHP eligibility criteria

This property located at 830 Van Ness Avenue is listed on the Local Register (HP#277) and appears to meet the NRHP eligibility criteria and California Register eligibility criteria through the Fulton Corridor Historic Survey (draft). This rectangular plan building is of steel frame construction with stucco and tile cladding and a flat roof. It was designed by the noted Mid-Century Modern architect, Robert Stevens, with applied ceramic façade tiles by artist Stan Bitter. The building was completed in 1961.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

L.C. Wesley Super Garage—appears to meet the NRHP eligibility criteria

This property located at 862 Van Ness Avenue appears to meet the NRHP eligibility criteria and California Register eligibility criteria through the Fulton Corridor Historic Survey (draft). This 1931 garage is a rare example of Art Deco in Fresno and was designed by H. Rafael Lake. The first floor accommodates parking whereas the second story is reserved for office use. Character defining features include the smooth stucco surfaces, the flat roof accented by horizontal coping, piers with stylized stepped capitals and a square Ziggurat-style tower at the northwest corner.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Fresno County Courthouse—appears to meet the NRHP eligibility criteria

This property located at 1100 Van Ness Avenue appears to meet the NRHP eligibility criteria individually and as a potential contributor to a NR District as well as the California Register and Local Register through the Fulton Corridor Historic Survey (draft). This 8-story building is a rare example of New Formalism in Fresno's downtown and was designed by the noted local architectural firm, Walter Wagner and Associates. The building was completed in 1966 and is thus (currently) less than 50 years of age. It has a rectangular plan, flat roof and wide cantilevered eaves. The façade is divided into bays by concrete-clad piers that terminate at the ground in a pilotis which creates a colonnade around the building.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur.

Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Fresno County Hall of Records—listed on the NRHP

This property located at 2281 Tulare Street is listed on the Local Register (#017) and is listed on the NRHP. The three-story PWA Deco Moderne government-office building is constructed of reinforced concrete with a predominant L-shape plan. Notable exterior features include a series of cast aluminum spandrel panels, sets of decorative terra cotta medallions and a zigzag, stylized floral parapet frieze band which wraps the entire building. The building was constructed during the height of the Depression (1935-1937) and funded in part from a Public Works Administration grant. It was designed by Allied Architects, a consortium of Fresno architects. An addition was constructed in 1954-1955.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Fresno Bee Building—listed on the NRHP

This property located at 1545 Van Ness Avenue is listed on the Local Register (#119) and is listed on the NRHP. The Fresno Bee Building is located on the southwest corner of Van Ness Avenue and Calaveras Street. It was constructed in 1922 in a Renaissance Revival style and designed by Sacramento architect Leonard F. Starks. The original 6-story structure measured 75x100 feet and was built of reinforced concrete with cast cement ornamentation and a veneer of rose-colored Cannon brick.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located well outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Hotel Virginia—listed on the NRHP

This property is located at 2125-2139 Kern Street and is listed on the Local Register (#173) and listed on the NRHP. The Hotel Virginia was constructed in 1922 by the R.F. Felchlin Company as a two-part commercial block building with an “E” or double court hotel plan. Designed by Raymond Shaw, the family hotel was constructed as part of an overall building campaign that transformed the City’s downtown following World War I. It is the only remaining family/working class hotel built for a general clientele and it has architectural merit due to the elaborate sheet metal and formed plaster cornice, the sheet metal marquee/portico entrance to the hotel and the use of Flemish bond for the alley and rear elevations.

The project construction area includes only the Fulton Mall itself and no adjacent buildings. This building is located outside of the construction area, but construction activities, if any, next to the building would be monitored, as described above, to ensure that no impacts occur. Therefore, there would be no permanent use of this resource, and the provisions of Section 4(f) are not triggered.

Eighteen other cultural resources were determined not eligible for the NRHP. They are listed below but are not discussed further:

- Immigration Solution/Good Neighbor Medical Clinic, 1929 Fresno Mall
- El Caballero, 829 Fulton Mall
- Fallas Paredes, 1136 Fulton Mall
- Kinneys Shoes, 845 Fulton Mall
- Berkeley's Department Store, 887 Fulton Mall
- Mammoth Mall (Woolworths), 900 Fulton Mall
- Kress Building, 1118 Fulton Mall
- Office Building, 1127-1139 Fulton Mall
- Proctors Jewelers, 1199 Fulton Mall
- The Brix Building, 1221 Fulton Mall
- California Historical Landmark #873
- Leslie's Jewelers/Botanica San Judas, 1029–1031 Fulton Mall
- China Express/El Bronco, 931–035 Fulton Mall
- Hermanos, 927 Fulton Mall
- Family Town, 926 Fulton Mall
- El Patron/Beauty Town, 917 Fulton Mall
- Inyo/Van Ness Spiral Parking Garage, 801 Van Ness Avenue
- Potential Fulton Street/Fulton Mall Historic District

Parks

Courthouse Park

Courthouse Park, a public park, is one block east of the Fulton Mall, and is bounded by Van Ness Avenue, M Street, Fresno Street, and Tulare Street. The park is connected to the Fulton Mall and Eaton Plaza by the Mariposa pedestrian mall.

While Courthouse Park, home to numerous memorials, is the location the Fresno County Courthouse and has been a site of community activities since the 1870s, it has not been identified as historic. This property is highlighted in Figure A-7. Due to the one-block distance from Fulton Mall, Courthouse Park would not be used by the proposed project.

Chukchansi Park

Chukchansi Park, a city-owned professional baseball stadium, 1800 Tulare Street, is bounded by Tulare Street, Fulton Mall, Inyo Street and H Street; the Kern Street portion of Fulton Mall ends at Chukchansi Park and the park is within the project APE. However, because it is not open for public use, Chukchansi Park, which was completed in 2002, is not a Section 4(f) property, by definition.

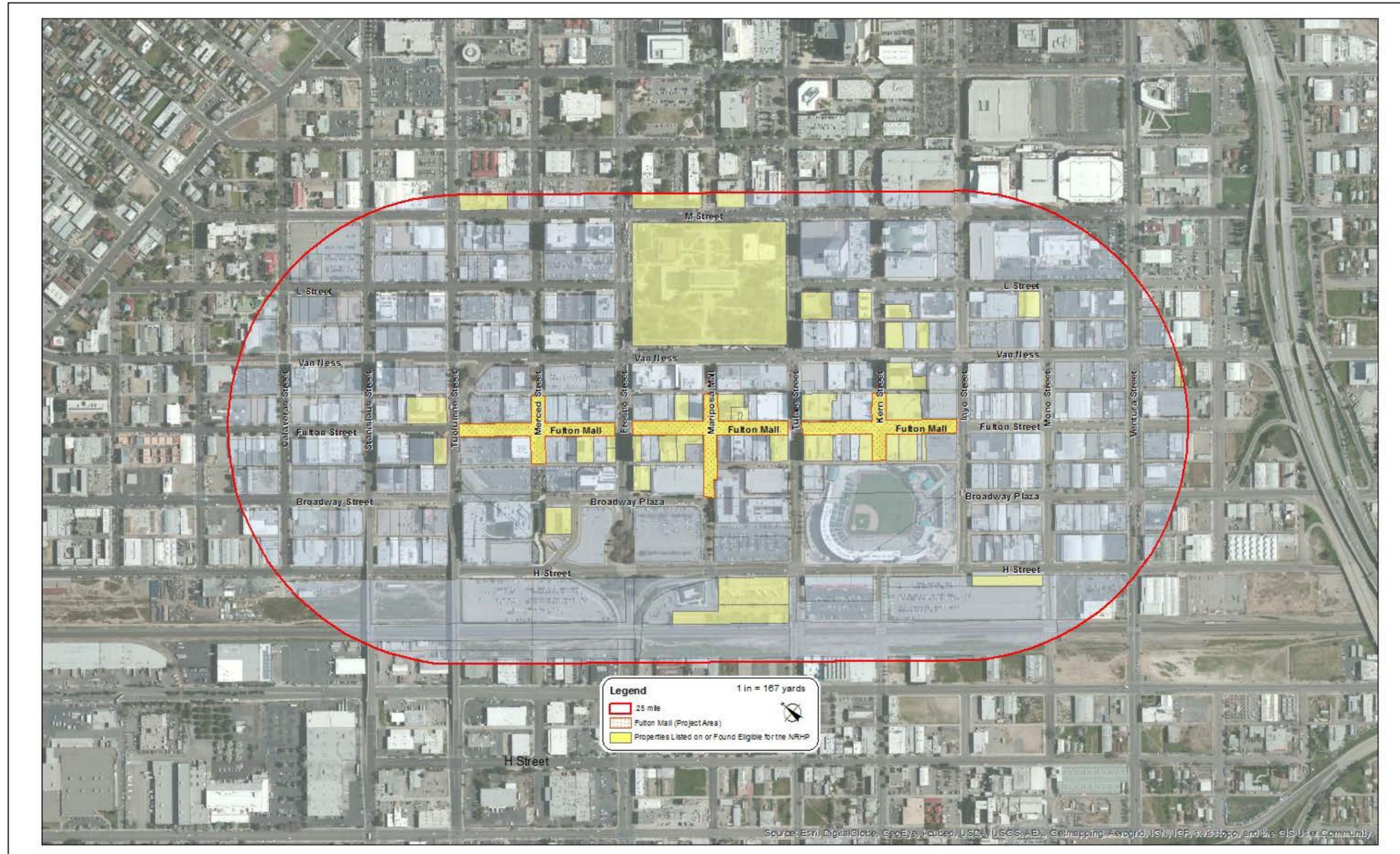


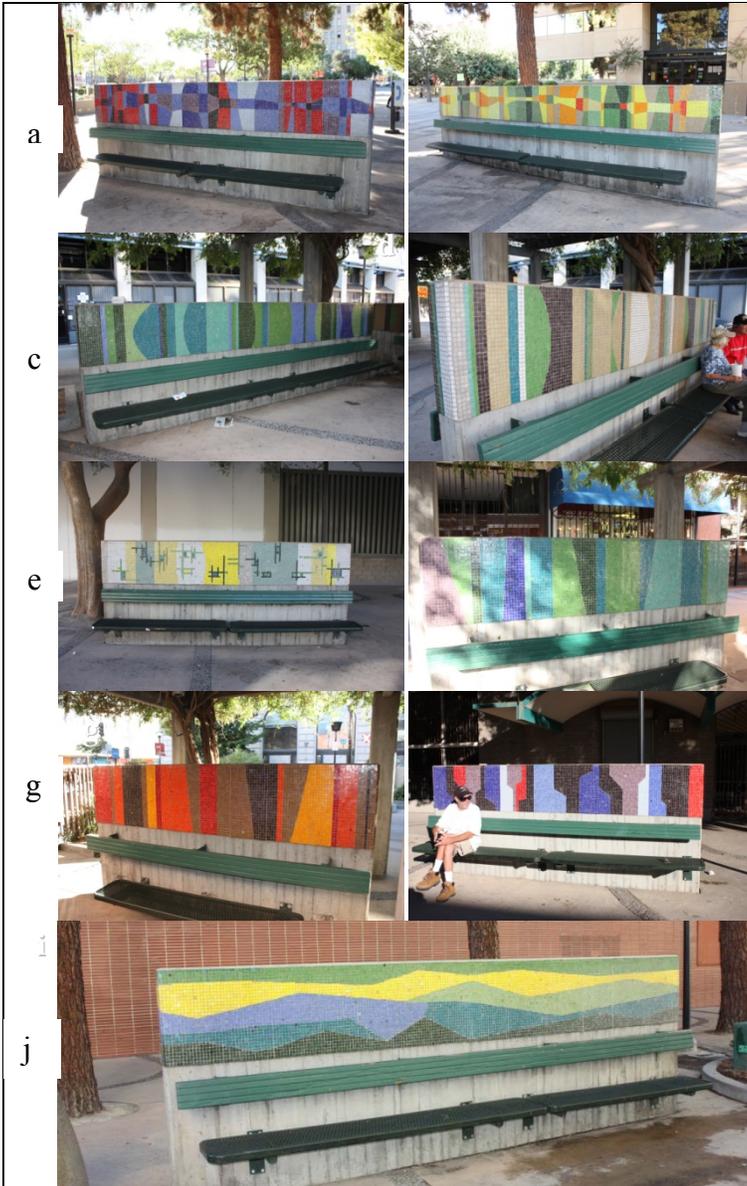
Figure A-12 Properties within 0.25 Mile of the Fulton Mall Project

Attachment A Mall Features Inventory

The following are photographs and brief descriptions of Mall Features. For further information on the condition of these features, refer to the City of Fresno's Fulton Mall Reconstruction Alternatives Analysis Report, published in November 2013.

*Feature Inventory prepared by Elliot Balch, Downtown Revitalization Manager, City of Fresno

| | |
|---|---|
| <p>a</p>  | <p>1 (a-d) Sculpted pipes by Stanley C. Bitters Fired clay</p> <p><i>About:</i> In four locations on Merced Mall (a) and Fulton Mall (b, c, d), set within fountains 8 (a), 29 (b), and 38 (c), 7 (d). <i>In NRHP app.:</i> Described as part of contributing objects #1, #10, and #21. <i>Condition:</i> Present. Paint largely faded except in a.</p> <p>In all alternatives all sculptures would be restored and replaces as described below:</p> <p><i>In Alt. 1:</i> c would be returned to current location, a, b, and d would be relocated to new locations on the same block.</p> <p><i>In Alt. 2:</i> c and d would be returned to their current location, a and b would be relocated to new locations on the same block.</p> <p><i>In Alt 5:</i> b and d would be returned to current location, a and c would be relocated to new locations on the same block. .</p> <p><i>In Alt 6:</i> b would be returned to current location, a, c, & d would be relocated to new locations on the same block.</p> <p><i>In Alt 7:</i> b would be returned to current location, a, c, and d would be relocated to new locations on the same block.</p> <p><i>In Alt 8:</i> a-d would be relocated to new locations on the same block.</p> |
| <p>b</p>  | <p>c</p>  |
| <p>d</p>  | |



2 (a-i)

Mosaic benches by Joyce Aiken and Jean Ray Laury
Tile

About: Approximately 5 feet tall and of varying lengths. In nine locations on Fulton Mall (**a, b, c, d, f, g**), Mariposa Mall (**e**), and Kern Mall (**h, i**).

In NRHP app.: Mentions the presence of mosaic benches, but not as contributing features.

Condition: Present, intact. Bench seats below are replacements of the originals.

In all Alternatives the benches will be restored prior to replacement as described below.

In Alt. 1: 3 benches restored and returned to their current locations, 6 benches restored and relocated to new locations on the same block.

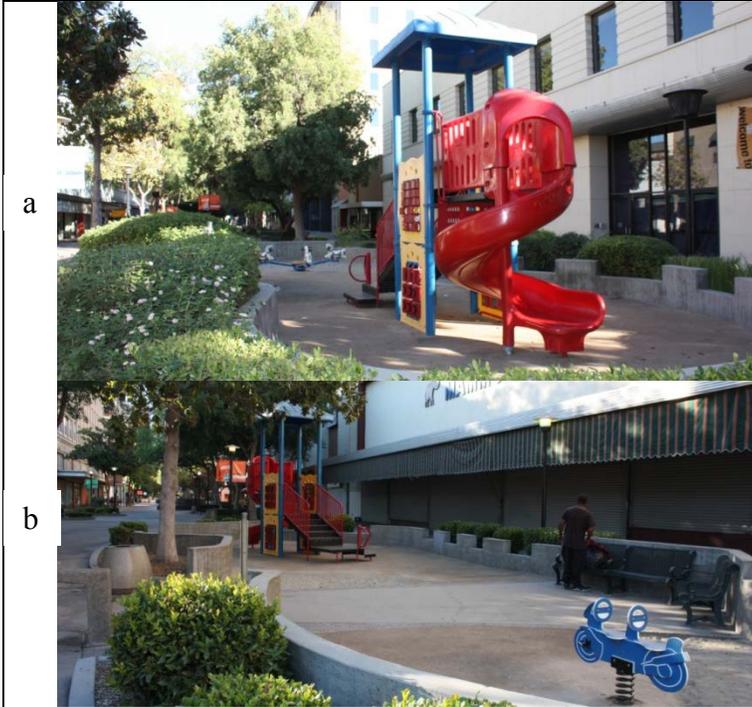
In Alt. 2: 3 benches restored and returned to their current locations, 6 benches restored and relocated to new locations on the same block.

In Alt. 5: 7 benches restored and returned to their current locations, 2 benches restored and relocated to new locations on the same block.

In Alt. 6: 5 benches restored and returned to their current locations, 4 benches restored and relocated to new locations on the same block.

In Alt. 7: 3 benches restored and returned to their current locations, 6 benches restored and relocated to new locations on the same block.

In Alt. 8: 3 benches restored and returned to their current locations, 6 benches restored and relocated to new locations on the same block.



3 (a-b)

Playgrounds or tot lots

About: Combined federally and state-funded recreational area of 1,772 sq. ft. Original to the Fulton Mall landscape, remodeled in 2008 by the City of Fresno.

In NRHP app.: Mentioned, but not as contributing features.

Condition: Original equipment removed in favor of contemporary replacements. Some damage to equipment in **a**.

In Alt. 1: Both tot lots removed in favor of replacement site at Fresno County EOC property.

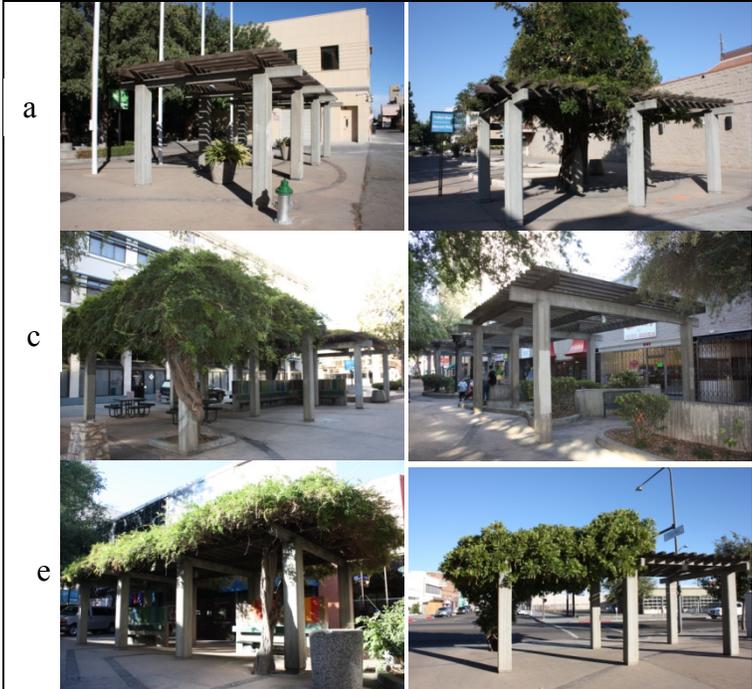
In Alt. 2: Same as Alt. 1.

In Alt. 5: Both retained in place.

In Alt. 6: Both retained in place.

In Alt. 7: 1 retained in place, 1 moved to EOC property.

In Alt. 8: Both moved to EOC property



4 (a-f)

Pergolas

About: Spaced timbers atop 9½-foot-tall concrete columns.

In NRHP app.: Mentioned, but not as contributing features.

Condition: Present, intact.

In Alt. 1: 1 returned to current location, 5 demolished.

In Alt. 2: 1 returned to current location, 5 demolished.

In Alt. 5: 4 returned to current location, 2 demolished.

In Alt. 6: 3 returned to current location, 3 demolished.

In Alt. 7: 2 returned to current location, 4 demolished.

In Alt. 8: 2 returned to current location, 4 demolished.



5

The Visit by Clement Renzi, 1965
Bronze

About: 6 feet tall, 7 feet wide, on 1-foot-tall base.

In NRHP app.: Mentioned, but not as a contributing feature.

Condition: Present, intact.

In Alt. 1: Restored and relocated, same block.

In Alt. 2: Restored and returned to current location.

In Alt. 5: Restored and returned to current location.

In Alt. 6: Restored and relocated, same block.

In Alt. 7: Restored and relocated, same block.

In Alt. 8: Restored and relocated, same block.



6

Water feature

About: 164 feet long and up to 21 feet wide. Fed by water feature 7.

In NRHP app.: Contributing object #25.

Condition: Not functioning.

In Alt. 1: Demolished and new feature built to resemble original at smaller scale at new location on the same block

In Alt. 2: New construction same location.

In Alt. 5: Demolished and new feature built to resemble original, same location.

In Alt. 6: Demolished and new feature built to resemble original at smaller scale at new location on the same block

In Alt. 7: Demolished and new feature built to resemble original at smaller

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| | <p>scale at new location on the same block.</p> <p><i>In Alt. 8:</i> Demolished and new feature built to resemble original at smaller scale at new location on the same block.</p> |
|  | <p style="text-align: center;">7</p> <p>Water feature with rounded rectangular concrete structures and sculpted ceramic pipes by Stanley C. Bitters</p> <p><i>About:</i> Overall 23 × 18 feet, and up to 6 feet tall. Functions as part of fountain 6.</p> <p><i>In NRHP app.:</i> Contributing object #26.</p> <p><i>Condition:</i> Not functioning.</p> <p><i>In Alt. 1:</i> Demolished and new feature built to resemble original at smaller scale at new location on the same block</p> <p><i>In Alt. 2:</i> Demolished and new feature built to resemble original at same location.</p> <p><i>In Alt. 5:</i> Demolished and new feature built to resemble original at same location.</p> <p><i>In Alt. 6:</i> Demolished and new feature built to resemble original at smaller scale at new location on the same block</p> <p><i>In Alt. 7:</i> Demolished and new feature built to resemble original at smaller scale at new location on the same block location, same block.</p> <p><i>In Alt. 8:</i> Demolished and new feature built to resemble original at smaller scale at new location on the same block</p> |



8

Pool with fountain spouts

About: 60 feet long, 32.5 feet wide.
Contains work **1(a)**.

In NRHP app.: Contributing object #21.

Condition: Functioning, but with irrigation problems.

In Alt. 1: Demolished and new feature built to resemble original at smaller scale at new location on the same block

In Alt. 2: Demolished and new feature built to resemble original at smaller scale at new location on the same block.

In Alt. 5: Demolished and new feature built to resemble original at smaller scale at new location on the same block.

In Alt. 6: Demolished and new feature built to resemble original at smaller scale at new location on the same block.

In Alt. 7: Demolished and new feature built to resemble original at smaller scale at new location on the same block.

In Alt. 8: Demolished and new feature built to resemble original at smaller scale at new location on the same block.



9

Pool with fountain spouts

About: 12 feet in diameter. Contains work **10**.

In NRHP app.: Not described.

Condition: Not functioning.

In Alt. 1: Demolished and new feature built to resemble original at new location, same block.

In Alt. 2: Demolished and new feature built to resemble original at new location on the same block.

In Alt. 5: Demolished and new feature built to resemble original in different location, same block.

In Alt. 6: Demolished and new feature built to resemble original in different location, same block.

In Alt. 7: Demolished and new feature built to resemble original in different location, same block.

In Alt. 8: Demolished and new feature built to resemble original in different location, same block.



10

Talos by James Lee Hansen, 1959
Bronze

About: 5 feet tall on 2-foot-tall base. Set in pool **9**.

In NRHP app.: Mentioned, but not as a contributing feature.

Condition: Present and intact after repairs from vandalism completed in 2012.

In Alt. 1: Restored and relocated, same block.

In Alt. 2: Restored and relocated, same block

In Alt. 5: Restored and relocated, same block.

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| | <p><i>In Alt. 6:</i> Restored and relocated, same block.</p> <p><i>In Alt. 7:</i> Restored and relocated, same block.</p> <p><i>In Alt. 8:</i> Restored and relocated, same block.</p> |
| <p>a</p>  <p>b</p>  | <p>11 (a–b)</p> <p>Two pools with fountain spouts</p> <p><i>About:</i> 36 feet long by up to 3.6 feet wide (a) and 71.5 feet long by up to 24 feet wide (b). Pool a contains work 12.</p> <p><i>In NRHP app.:</i> Contributing objects #22 (a) and #24 (b).</p> <p><i>Condition:</i> Functioning after repairs to a from vandalism completed in 2012.</p> <p><i>In Alt. 1:</i> Demolished and new feature built to resemble original, same block.</p> <p><i>In Alt. 2:</i> Demolished and new feature built to resemble original, same block.</p> <p><i>In Alt. 5:</i> Demolished and new feature built to resemble original, same block.</p> <p><i>In Alt. 6:</i> Demolished and new feature built to resemble original, same block.</p> <p><i>In Alt. 7:</i> Demolished and new feature built to resemble original, same block.</p> <p><i>In Alt. 8:</i> Demolished and new feature built to resemble original, same block.</p> |
|  | <p>12</p> <p><i>Rite of the Crane</i> by Bruno Groth, 1964 Bronze</p> <p><i>About:</i> 6 feet high. Set in pool 11a.</p> <p><i>In NRHP app.:</i> Contributing object #23.</p> <p><i>Condition:</i> Present and intact.</p> <p><i>In Alt. 1:</i> Restored and relocated, same block.</p> <p><i>In Alt. 2:</i> Restored and relocated, same block.</p> <p><i>In Alt. 5:</i> Restored and relocated, same</p> |

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| | <p>block. <i>In Alt. 6:</i> Restored and relocated, same block. <i>In Alt. 7:</i> Restored and relocated, same block. <i>In Alt. 8:</i> Restored and relocated, same block.</p> |
|  | <p>13 Pool</p> <p><i>About:</i> 12 feet in diameter. Work 14 functions as the fountain for this pool. <i>In NRHP app.:</i> Not described. <i>Condition:</i> Present, functioning. <i>In Alt. 1:</i> Demolished and new feature built to resemble original, same block. <i>In Alt. 2:</i> Demolished and new feature built to resemble original in current location. <i>In Alt. 5:</i> Demolished and new feature built to resemble original in current location. <i>In Alt. 6:</i> Demolished and new feature built to resemble original in current location. <i>In Alt. 7:</i> Demolished and new feature built to resemble original, same block. <i>In Alt. 8:</i> Demolished and new feature built to resemble original, same block.</p> |
|  <p style="text-align: center;">August 2011 August 2013</p> | <p>14 Aquarius Ovoid by George Tsutakawa, 1962 Bronze</p> <p><i>About:</i> 3 feet tall, approx. 3 feet wide. Set in pool 13. <i>In NRHP app.:</i> Contributing object #20. <i>Condition:</i> Present; interior “ovoid” stolen in 2013. <i>In Alt. 1:</i> Restored and relocated, same block, set in a smaller pool. <i>In Alt. 2:</i> Restored and returned to current</p> |

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| | <p>location. <i>In Alt. 5:</i> Restored and returned to current location. <i>In Alt. 6:</i> Restored and returned to current location. <i>In Alt. 7:</i> Restored and relocated, same block. <i>In Alt. 8:</i> Restored and relocated, same block.</p> |
|  | <p>15 Two connecting pools</p> <p><i>About:</i> Pools of different heights overlap with adjacent planters. Diameters approx. 10½ feet. <i>In NRHP app.:</i> Part of contributing object #18. <i>Condition:</i> Not functioning. <i>In Alt. 1:</i> Demolished. <i>In Alt. 2:</i> Demolished and new feature built to resemble original in current location. <i>In Alt. 5:</i> Demolished and new feature built to resemble original in current location. <i>In Alt. 6:</i> Demolished and new feature built to resemble original in current location. <i>In Alt. 7:</i> Demolished. <i>In Alt. 8:</i> Demolished.</p> |
|  | <p>16 Trisem by T. Newton Russell, 1966 Granite boulders on stained concrete podium</p> <p><i>About:</i> 12-foot-tall sculpture on 3-foot-tall podium. <i>In NRHP app.:</i> Contributing object #19. <i>Condition:</i> Present, intact. <i>In Alt. 1:</i> Restored and relocated, same block.</p> |

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| | <p><i>In Alt. 2:</i> Restored and returned to current location.</p> <p><i>In Alt. 5:</i> Restored and returned to current location.</p> <p><i>In Alt. 6:</i> Restored and returned to current location.</p> <p><i>In Alt. 7:</i> Restored and relocated in same block.</p> <p><i>In Alt. 8:</i> Restored and relocated in same block.</p> |
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17

Pool with fountain bubblers

About: 56 feet long and 30 feet wide (max.).

In NRHP app.: Contributing object #17.

Condition: Not functioning.

In Alt. 1: Demolished.

In Alt. 2: Demolished

In Alt. 5: Demolished and new feature built to resemble original in current location.

In Alt. 6: Demolished and new feature built to resemble original in current location.

In Alt. 7: Demolished.

In Alt. 8: Demolished.



18

Guarantee Fountain or Dancing Waters by Stanley C. Bitters, 1964

Cast concrete forms in pool surrounded by ceramic tile

About: Pool diameters of approx. 13 and 20 feet. Emits water from a total of 12 points, spraying over pool edges.

In NRHP app.: Contributing object #16.

Condition: Not functioning.

This feature contains both a sculpture and a water feature component. The sculpture component will be restored

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| | <p>replaced as described below.</p> <p><i>In Alt. 1:</i> Demolished and new feature built to resemble original on Kern Street.</p> <p><i>In Alt. 2:</i> Demolished and new feature built to resemble original, same location.</p> <p><i>In Alt. 5:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 6:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 7:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 8:</i> Demolished and new feature built to resemble original in current location.</p> |
|  | <p>19</p> <p>Pool</p> <p><i>About:</i> 16 × 11 feet overall. Under a pergola 2(d) described above.</p> <p><i>In NRHP app.:</i> Not described.</p> <p><i>Condition:</i> Not functioning.</p> <p><i>In Alt. 1:</i> Demolished.</p> <p><i>In Alt. 2:</i> Demolished.</p> <p><i>In Alt. 5:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 6:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 7:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 8:</i> Demolished and new feature built to resemble original in current location.</p> |



20

Pool with fountain bubblers

About: 13 feet in diameter. Contains work **21**.

In NRHP app.: Not described.

Condition: Not functioning.

In Alt. 1: Demolished and new feature built to resemble original in current location.

In Alt. 2: Demolished and new feature built to resemble original in current location.

In Alt. 5: Demolished and new feature built to resemble original in current location.

In Alt. 6: Demolished and new feature built to resemble original in current location.

In Alt. 7: Demolished and new feature built to resemble original in current location.

In Alt. 8: Demolished and new feature built to resemble original in current location.



21

Valley Landing by Gordon Newell, 1965
San Joaquin Valley granite

About: Approximately 4½ feet tall. Set in pool **20**.

In NRHP app.: Mentioned, but not as a contributing feature.

Condition: Present, intact.

In Alt. 1: Restored and returned to current location.

In Alt. 2: Restored and returned to current location.

In Alt. 5: Restored and returned to current location.

In Alt. 6: Restored and returned to current location.

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| | <p><i>In Alt. 7:</i> Restored and returned to current location. <i>In Alt. 8:</i> Restored and returned to current location.</p> |
|  | <p>22 Clock Tower by Jan de Swart, 1964 Wood and fiberglass</p> <p><i>About:</i> Approximately 60 feet tall. <i>In NRHP app.:</i> Contributing object #13. <i>Condition:</i> Present; believed to be in need of rehabilitation for purposes of safety and longevity. <i>In Alt. 1:</i> Restored and relocated outside right-of-way, toward the center of the overall open space. <i>In Alt. 2:</i> Restored and rehabilitated in approximate current position, but lifted on a podium amid a traffic roundabout. <i>In Alt. 5:</i> Restored and relocated, same block. <i>In Alt. 6:</i> Restored and relocated, same block. <i>In Alt. 7:</i> Restored and relocated, same block. <i>In Alt. 8:</i> Restored and relocated, same block.</p> |
|  | <p>23 Big A by Peter Voulkos, 1965 Aluminum and bronze</p> <p><i>About:</i> Sits on 9-foot by 7-foot podium. <i>In NRHP app.:</i> Contributing object #15. <i>Condition:</i> Present, intact. <i>In Alt. 1:</i> Restored and relocated, same block. <i>In Alt. 2:</i> Restored and relocated, same block. <i>In Alt. 5:</i> Restored and relocated, same block.</p> |

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| | <p><i>In Alt. 6:</i> Restored and relocated, same block.</p> <p><i>In Alt. 7:</i> Restored and relocated, same block.</p> <p><i>In Alt. 8:</i> Restored and relocated, same block.</p> |
|  | <p>24</p> <p>Pool with fountain bubblers</p> <p><i>About:</i> 8 feet in diameter.</p> <p><i>In NRHP app.:</i> Not described.</p> <p><i>Condition:</i> Not functioning.</p> <p><i>In Alt. 1:</i> Demolished.</p> <p><i>In Alt. 2:</i> Demolished.</p> <p><i>In Alt. 5:</i> Demolished.</p> <p><i>In Alt. 6:</i> Demolished.</p> <p><i>In Alt. 7:</i> Demolished.</p> <p><i>In Alt. 8:</i> Demolished.</p> |
|  | <p>25</p> <p><i>La Grande Laveuse</i> by Pierre-Auguste Renoir, 1917 Bronze on travertine base</p> <p><i>About:</i> Approx. 4 feet high on 2-foot-tall podium.</p> <p><i>In NRHP app.:</i> Contributing object #14.</p> <p><i>Condition:</i> Present, intact.</p> <p><i>In Alt. 1:</i> Restored and relocated, same block.</p> <p><i>In Alt. 2:</i> Restored and relocated, same block.</p> <p><i>In Alt. 5:</i> Restored and relocated, same block.</p> <p><i>In Alt. 6:</i> Restored and relocated, same block.</p> <p><i>In Alt. 7:</i> Restored and relocated, same block.</p> <p><i>In Alt. 8:</i> Restored and relocated, same block.</p> |



26

Arbre Échelle by François Stahly, 1964

About: Approximately 10 feet high.

In NRHP app.: Contributing object #12.

Condition: Present, intact.

In Alt. 1: Restored and returned to current location.

In Alt. 2: Restored and returned to current location.

In Alt. 5: Restored and returned to current location.

In Alt. 6: Restored and returned to current location.

In Alt. 7: Restored and returned to current location.

In Alt. 8: Restored and returned to current location.



a



b

c

27 (a-c)

Former fountains (now planters)

About: Overall 122 feet long, and up to 27 feet wide.

In NRHP app.: Not contributing features. The fountain conversion is mentioned in the application.

Condition: These fountains were converted to planters in the 1980s. Planters are intact.

In Alt. 1: Demolished.

In Alt. 2: Demolished.

In Alt. 5: Demolished and new feature built to resemble original in current location.

In Alt. 6: Demolished and new feature built to resemble original in current location.

In Alt. 7: Demolished and new feature built to resemble original in current location.

In Alt. 8: Demolished and new feature

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| | <p>built to resemble original in current location.</p> |
|  | <p>28</p> <p>Orion by Bernard (Tony) Rosenthal, 1966 Bronze on Academy granite</p> <p><i>About:</i> 5-foot-tall sculpture on 9-foot-tall base.</p> <p><i>In NRHP app.:</i> Contributing object #11.</p> <p><i>Condition:</i> Present, intact.</p> <p><i>In Alt. 1:</i> Restored and relocated, same block.</p> <p><i>In Alt. 2:</i> Restored and Returned to current location.</p> <p><i>In Alt. 2:</i> Restored and returned to current location.</p> <p><i>In Alt. 5:</i> Restored and returned to current location.</p> <p><i>In Alt. 6:</i> Restored and returned to current location.</p> <p><i>In Alt. 7:</i> Restored and returned to current location.</p> <p><i>In Alt. 8:</i> Restored and returned to current location.</p> |
|  | <p>29</p> <p>Multilevel pool</p> <p><i>About:</i> 108 feet long by 32 feet wide. Contains work 1(b) described above.</p> <p><i>In NRHP app.:</i> Contributing object #10.</p> <p><i>Condition:</i> Functioning.</p> <p><i>In Alt. 1:</i> Demolished and new feature built to resemble original, different location, same block, smaller scale.</p> <p><i>In Alt. 2:</i> Demolished and new feature built to resemble original, different location, same block.</p> <p><i>In Alt. 5:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 6:</i> Demolished and new feature</p> |

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| | <p>built to resemble original in current location.</p> <p><i>In Alt. 7:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 8:</i> Demolished and new feature built to resemble original, different location, same block, smaller scale.</p> |
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30

Mother and Child by Raimondo Puccinelli, 1940
 Porphyry on Academy granite

About: Approx. 2½ feet high on a 3-foot-tall base.

In NRHP app.: Contributing object #9.

Condition: Present, intact.

In Alt. 1: Restored and relocated, same block.

In Alt. 2: Restored and relocated, same block.

In Alt. 5: Restored and returned to current location.

In Alt. 6: Restored and returned to current location.

In Alt. 7: Restored and returned to current location.

In Alt. 8: Restored and relocated, same block.



31

(a-c)

c Three pools with fountain bubblers

About: Each oval approximately 25 feet long. Pools contain works 32a (a), 32b (b), and 32c (c).

In NRHP app.: Not described.

Condition: Functioning intermittently.

In Alt. 1: Demolished and new feature built to resemble original in same

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|---|--|
| <p>a</p> <p>b</p> <p>c</p> | <p>location.</p> <p><i>In Alt. 2:</i> Demolished and new feature built to resemble original in same location.</p> <p><i>In Alt. 5:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 6:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 7:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 8:</i> Demolished and new feature built to resemble original in current location.</p> |
|  <p>a</p> <p>b</p> <p>c</p> | <p>32 (a–c)</p> <p><i>Three Fires</i> by Claire Falkenstein, 1966 a. <i>Smoldering</i>; b. <i>Leaping</i>; c. <i>Spreading</i> Copper and Venetian glass</p> <p><i>About:</i> Tallest (b) is 18 feet high. Set in pools 31a (a), 31b (b), and 31c (c).</p> <p><i>In NRHP app.:</i> Contributing objects #6 (a), #7 (b), and #8 (c).</p> <p><i>Condition:</i> Temporarily removed in 2013 due to imminent threat of theft. Previously the glass had broken off and been lost over time.</p> <p><i>In Alt. 1:</i> Restored and returned to current location.</p> <p><i>In Alt. 2:</i> Restored and returned to current location.</p> <p><i>In Alt. 5:</i> Restored and returned to current location.</p> <p><i>In Alt. 6:</i> Restored and returned to current location.</p> <p><i>In Alt. 7:</i> Restored and returned to current location.</p> <p><i>In Alt. 8:</i> Restored and returned to current location.</p> |



33

Pool

About: Diameter approx. 8 feet. Work **34** functions as the fountain for this pool.

In NRHP app.: Included in the description of contributing object #5.

Condition: Not functioning.

In Alt. 1: Demolished and new feature built to resemble original, new location, same block.

In Alt. 2: Demolished and new feature built to resemble original, new location, same block.

In Alt. 5: Demolished and new feature built to resemble original, new location, same block.

In Alt. 6: Demolished and new feature built to resemble original, new location, same block.

In Alt. 7: Demolished and new feature built to resemble original, new location, same block.

In Alt. 8: Demolished and new feature built to resemble original, new location, same block.



34

Ellipsoid VI by Charles O. Perry, 1964
Bronze

About: Approximately 4 feet high. Set in pool **33**.

In NRHP app.: Contributing object #5.

Condition: Present, intact.

In Alt. 1: Restored and relocated, same block, set in a smaller pool.

In Alt. 2: Restored and relocated, same block, set in smaller pool.

In Alt. 5: Restored and relocated, same block, set in a smaller pool.

In Alt. 6: Restored and relocated, same block, set in a smaller pool.

| | |
|---|---|
| | <p><i>In Alt. 7:</i> Restored and relocated, same block, set in a smaller pool. <i>In Alt. 8:</i> Restored and relocated, same block, set in a smaller pool.</p> |
|  | <p>35 <i>The Yokuts Indian</i> by Clement Renzi, 1974 Bronze</p> <p><i>About:</i> 7 feet tall on 1-foot-tall base. <i>In NRHP app.:</i> Contributing object #4. <i>Condition:</i> Present, intact.</p> <p><i>In Alt. 1:</i> Restored and relocated, same block. <i>In Alt. 2:</i> Restored and returned to current location. <i>In Alt. 5:</i> Restored and returned to current location. <i>In Alt. 6:</i> Restored and relocated, same block. <i>In Alt. 7:</i> Restored and relocated, same block. <i>In Alt. 8:</i> Restored and relocated, same block.</p> |
|  | <p>36 <i>Obos</i> by George Tsutakawa, 1964 Bronze</p> <p><i>About:</i> Approximately 10 feet high. Set in pool 37. <i>In NRHP app.:</i> Contributing object #3. <i>Condition:</i> Present, intact.</p> <p><i>In Alt. 1:</i> Restored and relocated same block, set in smaller pool. <i>In Alt. 2:</i> Restored and returned to current location. <i>In Alt. 5:</i> Restored and returned to current location. <i>In Alt. 6:</i> Restored and relocated, same block, set in smaller pool. <i>In Alt. 7:</i> Restored and relocated, same block, set in smaller pool.</p> |

| | |
|---|--|
|  | <p><i>In Alt. 8:</i> Restored and relocated, same block, set in smaller pool.</p> <p>37</p> <p>Serpentine water feature</p> <p><i>About:</i> 176 feet long, up to 25 feet wide. Work 34 functions as the fountain at the north end of this pool.</p> <p><i>In NRHP app.:</i> Contributing object #2.</p> <p><i>Condition:</i> Functioning intermittently.</p> <p><i>In Alt. 1:</i> Demolished and new feature built to resemble original, different location same block, smaller scale.</p> <p><i>In Alt. 2:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 5:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 6:</i> Demolished and new feature built to resemble original, different locations, same block, smaller scale.</p> <p><i>In Alt. 7:</i> Demolished and new feature built to resemble original in different location, same block, smaller scale.</p> <p><i>In Alt. 8:</i> Demolished and new feature built to resemble original in different location, same block, smaller scale.</p> |
|  | <p>38</p> <p>Multilevel pool</p> <p><i>About:</i> 13½ feet long by 10 feet wide. Contains work 1(c) described above.</p> <p><i>In NRHP app.:</i> Contributing object #1.</p> <p><i>Condition:</i> Not functioning.</p> <p><i>In Alt. 1:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 2:</i> Demolished and new feature built to resemble original in current location.</p> |

| | |
|--|--|
| | <p><i>In Alt. 5:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 6:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 7:</i> Demolished and new feature built to resemble original in current location.</p> <p><i>In Alt. 8:</i> Demolished and new feature built to resemble original in current location.</p> |
|  | <p>Stained concrete</p> <p><i>About:</i> 265,000 square feet.</p> <p><i>In NRHP app.:</i> Contributing character-defining feature.</p> <p><i>Condition:</i> Concrete failing at various locations.</p> <p><i>In Alt. 1:</i> Demolished and 76,000 square feet of new concrete designed to resemble the original will be installed.</p> <p><i>In Alt. 2:</i> Demolished and 41,000 square feet of new concrete designed to resemble the original will be installed</p> <p><i>In Alt.5:</i> Significant (possibly complete) demolition due to concrete failure.</p> <p><i>In Alt 6:</i> Significant (possibly complete) demolition due to concrete failure.</p> <p><i>In Alt 7:</i> Significant (possibly complete) demolition due to concrete failure.</p> <p><i>In Alt.8:</i> Significant (possibly complete) demolition due to concrete failure.</p> |

Attachment B Section 6(f) Coordination



State of California • Natural Resources Agency

Edmund G. Brown Jr., Governor

DEPARTMENT OF PARKS AND RECREATION
P.O. Box 942896 • Sacramento, CA 94296-0001

Major General Anthony L. Jackson, USMC (Ret), Director

April 29, 2014

Irma Yepez-Perez
Grant Writer
City of Fresno, PARCS Department
848 M Street, 3rd Floor
Fresno, CA 93721

Re: Project Number: 06-01547 -- Fulton Mall Play Area Development
Conversion of the Fulton Mall Tot Lots Projects (06-01547 and 02-10-035)

Irma Yepez-Perez,

The Tot Lots were funded by the above two grants; the first is a Federal Land and Water Conservation Fund (LWCF) project and the second is a State Parks project. While the State does not have any objection to the moving of the State project to a new location the funding was jointly made with LWCF and prior to the State approving the move we must first obtain National Park Service (NPS) approval.

While the process is relatively complex and lengthy the current issue is that NPS must approve all proposals for a Conversion before land is removed from public outdoor recreation use. The final approval is an amendment to the contract that changes the 6(f)(3) Boundary Map.

The State has received the December 18, 2013 letter formally requesting the relocation of the project along with documentation including the PD/ESF and appraisals. The State has reviewed those documents and has found them to be in order.

NPS confirmed in February that this is a conversion.

Since that time the City has indicated that in lieu of a fee simple purchase that they intend to purchase a permanent easement on the intended replacement property. The State has received a copy of the revised PD/ESF and drafts of the Deed of Easement and Memorandum of Unrecorded Grant Agreement.

The City has also indicated that they do not intend to acquire the property until after they have received NPS approval.

During the evaluation process the State has confirmed that the acquisition of one parcel of land may be used in satisfaction of multiple parcels in a conversion and the permanent easement (properly executed) would satisfy the land tenure requirements. The appraised values and size of the lots had also been determined to be acceptable.

Given the above information the State does not foresee any concerns that would deny the approval of the relocation of the Tot Lots to the new property but the fact remains that as of this date the City does not own the property and hence an approval from NPS would not be possible until such time as the City takes title to the replacement property.

If you have any questions please do not hesitate to contact me at Bill.Meyer@parks.ca.gov or (916) 651-1406.

Sincerely,



Bill Meyer
Project Officer

City of



Parks, After School, Recreation and Community Services
Bruce A. Rudd, PARCS Director

848 M Street, 3rd Floor
Fresno, California 93721-2760
(559) 621-2900 FAX (559) 498-1104
www.fresno.gov

December 18, 2013

Ms. Jean Lacher, Chief
Office of Grants and Local Services
Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296

Re: City of Fresno, Fulton Mall Stewardship Conversion
Project Number: 06-01547 – Fulton Mall Play area Development

Dear Ms. Lacher:

In response to your letter dated November 7, 2013 regarding the above mentioned project, please find attached the information requested. This includes:

- Current 6(f)(3) map
- Completed LWCF Proposal Description and Environmental Screening Form (PD/ESF)
- New Property Appraisal
- Photographs of proposed new site
- SHPO Concurrence letter

In September the U.S. Department of Transportation announced that the City of Fresno was successfully awarded a TIGER grant to fund the City's Fulton Mall Reconstruction Project ("Mall Project"). These six blocks of Fulton were once Fresno's "Main Street," and even today are lined with the richest and densest collection of historic buildings anywhere in central California. Reopening this street to a mix of vehicles, bicycles, and pedestrians will bring much-needed access and visibility to Fulton's buildings and businesses. Based on the examples of hundreds of other cities across the nation that have successfully reopened their pedestrian malls, this improvement is an essential step in the process of revitalization and economic development in Downtown Fresno.

As you are aware, the two Tot Lots constructed with LWCF and Proposition 40 funds are in the Fulton Mall right-of-way today, and will need to be relocated to

Ms. Jean Lacher, Chief
December 18, 2013
Page 2

accommodate the planned changes and new use of this landscape resulting from the Mall Project. The City plans to continue providing the public outdoor recreation use and has initiated conversations with the Fresno County Economic Opportunities Commission (EOC) to relocate the Tot Lots to EOC property in the Executive Plaza Campus immediately adjacent to Fulton Mall and their Head Start Program. The proposed new site (see attached picture) will be converted from an underutilized, concrete parking pad to dedicated new park land.

The City has commenced the LWCF conversion process by conducting an appraisal of the proposed new site. Per attached appraisal letter from Hamilton Associates, the two existing Tot Lot sites (806 and 966 sq.ft. = 1,712 square feet total) would be replaced by a new larger site of 2,940 feet valued at \$29,000. The new location will allow for increased use of the Tot Lot during the week due to its proximity to the EOC Head Start program, and it will continue to serve the general public at Fulton Mall when the Head Start children are not present, particularly on weekends and during large community events that are regularly held at Mariposa Plaza (Cinco De Mayo, Holiday Parade, and Fresno Downtown Ice Rink, among other events annually which attract well over 100,000 people), less than 50 feet away. In accordance with LWCF guidelines, the new conversion Tot Lot site will help improve the public's park experience by offering immediate access to this recreational amenity to families enjoying the special events. Moreover, the combined Tot Lots will bring together a larger play experience for area children and provide greater opportunities for exploration and creativity. In extensive research conducted on innovation, educator Tony Wagner identified an important pattern: "A childhood of creative play leads to deep-seated interests. Play, passion and purpose, these are the forces that drive young innovators."

Upon your approval, the City will continue negotiations with EOC to purchase the property. It is important to note that our PARCS Department works in partnership with the EOC Local Conservation Corp (LCC) to help maintain several of our parks, and we will coordinate similar Adopt-A-Park efforts at the new Tot Lot site.

Additionally, the City has prepared a Draft Environmental Impact Report (EIR) for the entire Mall Project which incorporates the proposed new Tot Lot site. The Draft EIR is circulating now and available at www.fresno.gov/fultonmall. The City is also working with Caltrans, in the role of the lead agency for NEPA, Section 106, and other federal reviews, and Caltrans is preparing to release a Draft Environmental Assessment (EA) for the project toward the end of this month. Consultation with the State Historic Preservation Officer (SHPO) on this federal undertaking was initiated in November 2013. Both the current location of the Tot Lots as well as the proposed new location were within the boundaries of the Area of Potential Effects (APE) Map that was submitted and approved by the SHPO for the Fulton Mall Reconstruction Project. On

Ms. Jean Lacher, Chief
December 18, 2013
Page 3

December 10, 2013, the City's Historic Preservation Project Manager prepared a specific APE map for the new Tot Lot location and submitted this with supporting documentation to Bill Meyer, Project Officer, who agreed that the Section 106 consultation was complete for the Conversion project. This information is included as an appendix to the enclosed PD/ESF, submitted for your review and approval. Please also see the attached proposed timeline for implementation.

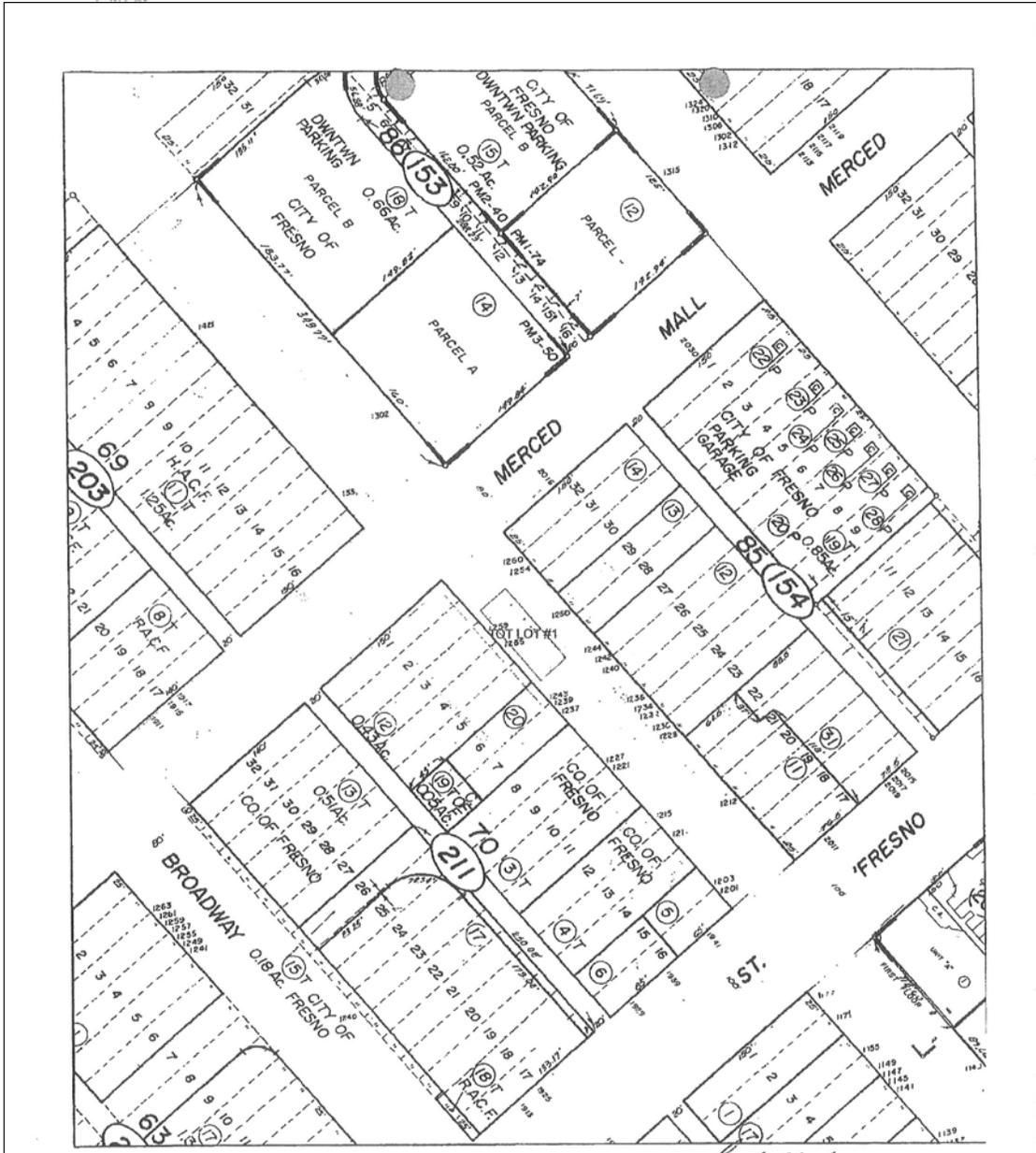
In summary, we believe that the new Tot Lot site will offer an improved location for the general public and the children from the EOC Head Start program. We look forward to working in partnership with you. Should you need additional information, please contact Irma Yepez-Perez at (559) 621-2957 or Irma.Yepez-Perez@fresno.gov, or for further discussion you can also contact me at (559) 621-7775.

Sincerely,



Bruce A. Rudd
City Manager/PARCS Director

Enclosures



Section 6 (f)(3) Boundary Map
Fulton Mall Tot Lot Rehabilitation Project

Randall L. Cooper
Randall L. Cooper, Director
Parks, Recreation & Community Services
Authorized Representative
Date: May 11, 2005



Section 6 (f)(3) Boundary Map
 Fulton Mall Tot Lot Rehabilitation Project

Randall L. Cooper
 Randall L. Cooper, Director
 Parks, Recreation & Community Services
 Authorized Representative
 Date: May 11, 2005



State of California • Natural Resources Agency

Edmund G. Brown Jr., Governor

DEPARTMENT OF PARKS AND RECREATION
P.O. Box 942896 • Sacramento, CA 94296-0001
(916) 653-7423

Major General Anthony L. Jackson, USMC (Ret), Director

November 7, 2013

Bruce Rudd
Assistant City Manager
City of Fresno, PARCS Department
2600 Fresno Street
Fresno, CA 96721

Re: Federal Land and Water Conservation Fund
Fulton Mall-Stewardship Conversion
Project Number: 06-01547 – Fulton Mall Play Area Development

Dear Bruce Rudd:

The Office of Grants and Local Services (OGALS) provides this letter to the City of Fresno (City) as guidance about a possible stewardship conversion of the Fulton Mall Play Area Development (Tot Lots). OGALS understands that the City is considering a reconstruction project on the Fulton Mall which would result in demolishing the Tot Lots and building replacement Tot Lots at a nearby location, which is yet to be determined.

This above mentioned project received grant funding from the Federal Land and Water Conservation Fund (LWCF) grant program; therefore as the grantee for the project, the City is the lead agency responsible for meeting the Federal Section 6 (f)(3) conversion requirements of LWCF if the City proceeds with demolishing the Tot Lots.

An important part of the LWCF grant program is the requirement that all property acquired or developed with LWCF assistance be maintained perpetually in public outdoor recreation use. Section 6(f)(3) of the LWCF Act protects parklands that receive LWCF assistance and safeguards park and recreation facilities by ensuring that investments in public outdoor recreation will not be lost. The Section 6(f)(3) requirement applies to all sites that have received LWCF assistance, whether for acquisition of parkland, development or rehabilitation of facilities.

Section 6(f)(3). No property acquired or developed with assistance under this section shall, without the approval of the Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if s/he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as is deemed necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

Bruce Rudd
November 7, 2013
Page 2

Please be advised that if the City decides to formally request a stewardship conversion under the LWCF program, it will not be eligible for new LWCF grants or allowed to receive LWCF payments for existing active LWCF grants until the park land substitution requirements in accordance with 36 CFR 59.3(c) have been fulfilled. Therefore, the City will be restricted in this manner until the conversion requirements are met and must formally request and complete the National Park Service (NPS) conversion process.

NPS must approve all proposals for a conversion before land is removed from public outdoor recreation use. In addition, NPS must approve the proposed replacement park location. The final approval is an amendment to the contract that changes the 6(f)(3) boundary map and the conversion process ends when replacement park property is developed and open to the public, approved by the National Park Service.

OGALS is finalizing a LWCF Post Completion Park Stewardship Guide, which will soon be available at www.parks.ca.gov/grants/lwcf. This guide will include a section explaining the conversion process. Enclosed are directions taken from the draft Stewardship Guide. Please also refer to the National Park Service LWCF State Assistance Manual found at: <http://www.nps.gov/ncrc/programs/lwcf/manual/lwcf.pdf>

To confirm the City's understanding that the removal of Tot Lots from Fulton Mall would require the conversion process, please provide a letter to Project Officer Bill Meyer within 30 days. Additionally, please include a description of the City's next steps and an estimated timeline for completing those steps.

As a reminder, OGALS role is to serve as the liaison to NPS and provide technical assistance to local agencies that wish to pursue the conversion process. Therefore, if you have any questions, please contact Bill at (916) 651-1406 or Bill.Meyer@parks.ca.gov. You may also reach me at (916) 651-8597 or Jean.Lacher@parks.ca.gov.

Sincerely,



Jean Lacher, Chief
Office of Grants and Local Services

Enclosure

cc: Irma Yopez-Perez, City of Fresno, PARCS Department
Viktor Patiño, Manager, Office of Grants and Local Services
Jana Clarke, Supervisor, Office of Grants and Local Services
Bill Meyer, Project Officer, Office of Grants and Local Services



Appendix B Title VI Policy Statement

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49
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www.dot.ca.gov



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March 2013

NON-DISCRIMINATION POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, national origin, sex, disability, religion, sexual orientation, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

For information or guidance on how to file a complaint based on the grounds of race, color, national origin, sex, disability, religion, sexual orientation, or age, please visit the following web page: http://www.dot.ca.gov/hq/bep/title_vi/t6_violated.htm.

Additionally, if you need this information in an alternate format, such as in Braille or in a language other than English, please contact the California Department of Transportation, Office of Business and Economic Opportunity, 1823 14th Street, MS-79, Sacramento, CA 95811. Telephone: (916) 324-0449, TTY: 711, or via Fax: (916) 324-1949.

A handwritten signature in blue ink, appearing to read "Malcolm Dougherty".

MALCOLM DOUGHERTY
Director

"Caltrans improves mobility across California"

Appendix C Interagency Consultation on Air Quality

From: Joseph.Vaughn@dot.gov [<mailto:Joseph.Vaughn@dot.gov>]
Sent: Monday, August 05, 2013 9:14 AM
To: Goewert, Terry@DOT
Cc: connor.karina@epa.gov; Brady, Mike J@DOT; Romero, Ken J@DOT
Subject: RE: PM10 & 2.5 Assessment for Fresno Fulton Mall-6005-EPA and FHWA concurrence requested.

FHWA concurs that this is not a project of air quality concern.

Joseph Vaughn
Air Quality Specialist/MPO Coordinator
FHWA, CA Division
(916) 498-5346

From: Goewert, Terry@DOT [<mailto:terry.goewert@dot.ca.gov>]
Sent: Tuesday, July 30, 2013 3:46 PM
To: Cari Anderson; Aaron Hoyt; Bagde, Abhijit J@DOT; Alexandra Marcucci; Mahaney, Ann@DOT; Ben Giuliani; [Truncated]
Subject: PM10 & 2.5 Assessment for Fresno Fulton Mall-6005-EPA and FHWA concurrence requested.

Hello interagency consultation partners,

Caltrans, as lead NEPA agency, is providing the attached PM 10 & 2.5 Hotspot Assessment for the Fresno Fulton Mall project. As part of the environmental review, it is requested that the IAC partners concur that this project is not a Project of Air Quality Concern (POAQC). Please reply to all with concurrence or comments by 5:00 pm on August 13, 2013. An interagency conference call will be held upon request.

This project is being processed as a NEPA Environmental Assessment, EPA and FHWA concurrence is requested.

Please contact me with any questions.

Terry Goewert
Air Quality Specialist-Associate Environmental Planner
Central Region Environmental Engineering
559.445.6426 phone-----fax: 559.445.6236
Address: 855 M Street, Suite 200, Fresno, CA 93721

Appendix D Minimization and/or Mitigation Summary

Visual Impacts

Following are the recommended mitigation and minimization measures to reduce potential visual impacts associated with Alternatives 1 and 2. The first set of mitigation measures are recommended for both Alternatives 1 and 2. The second set of mitigation measures are recommended for Alternative 1 only, and the third set are recommended for Alternative 2 only. No mitigation and minimization measures are recommended for the No-Build Alternative.

Alternatives 1 and 2

V-1 All crosswalks within the project area shall not use typical white wide hatched lines, but shall include offset color concrete strips similar to other intersections in the vicinity of Fulton Mall such as Kern Street/Van Ness Avenue, Kern Street/L Street, and Inyo Street/Van Ness Avenue.

V-2 Drainage structures such as inlets within the sidewalk areas and the face of the curbs shall be designed to visibly blend in with the color and tone of the setting.

V-3 Trees that are removed shall be replaced with a new tree at a 1:1 ratio within the Fulton Mall right-of-way. The replacement trees shall be consistent with the landscape palette and design provided in the draft Fulton Corridor Specific Plan.

V-4 Replacement trees to be planted shall be of varying sizes that range from 15-gallon to 36-inch box. Each replacement tree shall have root barriers to prevent sidewalk upheaval from roots.

V-5 Trash receptacles shall blend in with the landscape by including an exterior color that is similar to the patterned pavement of the sidewalk.

Alternative 1

V-6 All 20 sculptures would be removed during construction activities. Prior to being returned, they shall be refurbished, and then located in prominent viewable areas within the Mall.

Alternative 2

V-7 Subsequent to removal of all 20 sculptures during construction activities, 14 of the 20 sculptures shall be returned to their approximate current location. The six remaining sculptures shall be returned to a new location within the Mall. Prior to

being returned, they shall be refurbished and then located in prominent viewable areas within the Mall.

V-8 The roadway pavement within the vignette areas shall include integrally colored concrete with a similar tone as the proposed sidewalk.

Cultural Resources (Architectural History)

Agreement among the Advisory Council for Historic Preservation, Office of Historic Preservation, the City of Fresno, and Caltrans was reached through the Section 106 consultation process of the National Historic Preservation Act regarding the measures presented in this Section 4(f) Evaluation. The final set of these measures included in the Memorandum of Agreement executed on May 16, 2014 would resolve the anticipated adverse effect, including all possible planning to minimize harm as defined in 23 Code of Federal Regulations 774.17. These measures are included below:

9. The City, in consultation with CSO, District and SHPO, will develop a Mitigation and Monitoring plan, concurrently with final design and prior to award of contract currently planned for December 2014, to include Stipulations a-d listed below:
 - e) The City, in consultation with CSO, District, and SHPO, so as to avoid inadvertent damage to historic properties and ensure the protection of their material and structural integrity, will develop a Noise and Vibration Monitoring and Mitigation Plan (NVMMP): (1) The NVMMP shall be prepared prior to the start of any construction activities that would result in vibration and will identify procedures for a pre-construction survey of buildings to identify existing cracks, location of basement or underground utility structures and other structural issues, to determine a baseline measure and establish protocol in the event that construction hastens damage; (2) define a pre-construction analysis of anticipated vibration impacts to determine effect thresholds and appropriate measures that might be required to minimize vibration risks during construction; (3) define vibration and analysis methods to be used during construction and outline specific protective response provisions should adverse effects to structural and/or material integrity occur during construction; and (4) vibration minimizing techniques as identified in the NVMMP, construction plans and ESA action plan will be used within six feet of basement areas. Existing sidewalk vault lights uncovered during construction either will be rehabilitated or reconstructed to the Secretary of the Interiors Standards for Rehabilitation or Reconstruction, as applicable,

and incorporated into the new sidewalk design or documented and encased in a manner so as to ensure preservation in place concurrent with construction.

- f) The NVMMP will be coordinated with the Caltrans Standard Special Provisions, Caltrans Environmental Commitments Record, and will be included as notes in the construction plans for contractors. The City shall be responsible for repairing any material or structural damage, including cosmetic cracks caused to any historic property as a result of vibration. Any required repairs to restore a historic property to its condition prior to the construction work shall be carried out in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
 - g) The City, in consultation with CSO, District and the SHPO will prepare an Archaeological Monitoring Plan to identify ground disturbing activities to be monitored by an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology. One or more Native Americans representing the local tribal communities will be invited to monitor identified construction activities.
 - h) The City, in consultation with CSO, District and SHPO will prepare an Environmentally Sensitive Area (ESA) Action Plan that will establish the placement of ESA fencing during construction around the extant basement features identified in the *Supplemental Finding of Effect Document for the Fulton Mall Reconstruction Project*, in order to protect them from proximity impacts. The ESA fencing will be monitored by a professional who meets the Secretary of the Interior's Professional Qualification Standards in Architectural History. If ESA fencing cannot be maintained, and basements are damaged as a result of project activities, any associated basement features will be rehabilitated in accordance with the Secretary of the Interior Standards for Rehabilitation. Additional measures may be developed to mitigate for potential adverse effects identified post damage and in consultation with signatories and concurring parties to this MOA.
10. Prior to any work that would adversely affect any characteristics that qualify the Fulton Mall as an individual property or as a character defining feature of the Fulton Street/ Fulton Mall Historic District, Caltrans shall ensure Historic American Landscape Survey (HALS) documentation consistent with National Park Service standards is completed and will

consult with the National Park Service Pacific West Region office as to the required level of documentation. Upon completion and approval, the District will distribute HALS documentation to the NPS for transmittal to the Library of Congress; the Office of Historic Preservation; the California Room of the California State Library; the University of California Berkley, Environmental Design Archives, Garrett Eckbo collection; the Regional Information Center at California State University (CSU) Bakersfield; the Madden Library Special Collections Research Center at CSU Fresno; Fresno County Library; Fresno City and County Historical Society Archives; City of Fresno Historic Preservation Manager; Caltrans District 6; and Caltrans Headquarters Library and History Center.

11. The City in consultation with the CSO, District, the SHPO and concurring parties will develop an Interpretive Program that documents the project area history including the Fulton Mall, the Fulton Street/Fulton Mall Historic District and individually eligible properties. The interpretive program would include:
 - a) A website and smart-phone application (app) to be made available to the public that will provide an interactive experience for visitors. The website and app would employ GPS/GIS, social media, 3-D imaging, including Lidar data and other electronic technologies, combining historic themes and contexts with present-day conditions and artwork in order to guide visitors to and around Fulton Street. The website and smart-phone app would be made available to the public within 12 months of completion of the project.
 - b) The City will prepare interpretive panels or plaques or wayside exhibits and identify appropriate locations in consultation with the District, CSO, the SHPO and concurring parties to this MOA. The wording on the panels or plaques or wayside exhibits will be prepared by a professional who meets the Secretary of Interior Professional Qualification Standards in Architectural History and shall be reviewed by the SHPO and concurring parties within 15 days of submission. The plaques will be fabricated within sufficient time for their placement at approved locations by the contractor during construction and under the direction of Caltrans Professionally Qualified Staff who is certified as a Principal Architectural Historian, as described in Attachment 1 to the Section 106 PA.
12. No less than four months prior to construction, the City in consultation with CSO, District and the SHPO will develop a restoration plan for the

twenty-three identified sculptures within the Fulton Mall. The sculptures will be conserved, stored and reinstalled in appropriate areas in consultation with CSO, District, SHPO and the concurring parties and designated in the final construction plans. The scope of this work will be incorporated in the construction contract and be completed by the Contractor under the direction of a qualified conservator described below.

- a) The Build Contractor will contract with an established and qualified art conservator. The conservator must have demonstrable experience in the field of objects conservation with a Masters Degree in Art Conservation, or related field with a certificate in Art Conservation, plus a minimum of 5 years of experience in that field that includes at least three major successful projects. The conservator/s shall adhere to the Code of Ethics of the American Institute for the Conservation of Historic and Artistic Works (AIC) included in Attachment B.
- b) The City and the District will consult with the SHPO on any potential conservators. This consultation will not exceed 15 days. The conservator will be hired within a timeframe sufficient to supervise the following: examination of the artwork, determination of the method of safe removal, conservation of the artwork and reinstallation within the APE.

13. The City in consultation with CSO, District and SHPO shall be responsible for reevaluation of historic properties within the APE within one year of completion of the project. The evaluations will be completed by a person or persons who meet the Secretary of Interior's Professional Qualifications Standards for Architectural History and shall be submitted to the SHPO and/or the Keeper of the National Register to ascertain whether the remaining contributing elements of the Fulton Mall and the Fulton Street/Fulton Mall Historic District retain sufficient integrity to remain eligible for listing in the NHRP, The City will also consider the those properties for potential listing on the City of Fresno's Local Register of Historic Resources.

14. The City, through consultation with the City's Historic Preservation Commission and its public review process, will develop proposed design guidelines that can be applied to individual buildings within the project area to ensure that their rehabilitation will be sympathetic to the historic nature of the area. Within 18 months of execution of this MOA, City staff shall bring these proposed design guidelines before the City Council for consideration. The City may consider such guidelines separately, for

incorporation into amendments to the City’s zoning ordinance, or as part of the amendment or adoption of land use plans covering the project area, including the Draft Fulton Corridor Specific Plan and Downtown Development Code. Any approved guidelines shall be consistent with the City’s Historic Preservation Ordinance, which permits the development of locally designated resources consistent with the Secretary of the Interior’s Standard for the Treatment of Historic Properties.

15. City staff will, within 18 months of the completion of the project, develop and present to City Council for approval two local programs that will provide financial incentive to owners of individual buildings for the rehabilitation of buildings in a manner consistent with the Secretary of the Interior Standards for Rehabilitation as discussed below in a) and b).
 - c) A Preservation Mitigation Fund (Fund) with dedicated or discretionary funding, to help support efforts to preserve and maintain historic and cultural resources. The express purpose of the Fund is to foster and support the preservation, rehabilitation, restoration, and interpretation of historic resources within Fresno. The City will determine the application procedures, selection process, funding levels, schedule, and any other issues relating to the Fund. Funding procedures will be established to make the Fund available for use within 5 years of the completion of the project.
 - d) Develop an Ordinance to establish the City as a Mills Act entity.
16. If any of the mitigation measures cannot be completed as proposed or the City fails to approve agreed-upon proposed measures described in this MOA, the signatories and concurring parties will consult to develop alternative mitigation measures within sixty days of notification of failure to adopt.

Archaeology

A-1 Certain construction activities would be monitored by an archaeologist who meets the Secretary of the Interior’s Professional Qualification Standard for Archaeology and Historic Preservation. Prior to construction, a monitoring plan would be developed to determine which activities would be monitored.

Relocation Impacts

R-1 The City of Fresno and the Downtown Fresno Partnership would provide alternate locations within the Fulton Mall for each vendor with a business license while construction activities occur within their licensed location.

R-2 The City of Fresno and the Downtown Fresno Partnership would allow each mobile cart vendor to resume their business in accordance with their business license, and in accordance with the Downtown Fresno Partnership's vendor management program. The locations of the carts shall be provided on the sidewalk in the general vicinity of their current location if possible.

Economic Impacts

E-1 Construction of sidewalks immediately adjacent to business entrances/exits shall be completed during non-business hours to the extent possible to minimize impacts to businesses.

Utilities/Emergency Services

U-1 During construction activities, if disruption of utility service is required, the contractor shall coordinate with the utility provider, provide written notice to each of the affected customers, and limit the disruption.

Traffic and Transportation/Pedestrian and Bicycle Facilities

T-1 If one of the Mall Open to Traffic alternatives is selected, the project design shall consider issues such as design speed, sight distance, and bicycle and pedestrian treatments to enhance traveler safety. Specifically, if Alternative B (Reconnect the Grid with Vignettes) is selected, the placement of art pieces in the project design shall consider drivers' ability to see pedestrians and cyclists at likely interaction points, such as intersections and mid-block crossings.

T-2 Prior to the beginning of construction, a construction traffic management plan shall be prepared to address potential impacts to the transportation facilities. The plan shall ensure that acceptable operating conditions are maintained on local roadways as well as detours or facilities for bicyclists, pedestrians and transit users.

Water Quality and Storm Runoff

WQ-1 Prior to the issuance of grading permits, compliance with all applicable requirements of the National Pollutant Discharge Elimination System Permit Program, which includes the preparation and participation with the Construction General Permit and implementation of a Storm Water Pollution Prevention Plan and Best Management Practices, would be required. Notice of Construction shall be submitted to the Central Valley Regional Water Quality Control Board at least 30 days before the start of construction, and submission of a Notice of Construction Completion shall be submitted upon completion of construction and stabilization of the project site.

WQ-2 Prior to the issuance of grading permits, specific locations of relocated storm drain inlets within the existing Mall shall be approved by the City of Fresno Public Works Department.

WQ-3 Prior to the issuance of grading permits, a response plan for accidental spills during construction activities shall be prepared.

Hazardous Waste/Materials

HW-1 Coordination with the Central Valley Regional Water Quality Control Board for closure and well destruction of the three monitoring wells within the project boundaries is recommended.

HW-2 Surveys to determine the presence or absence of lead-based paint and asbestos-containing construction materials would be conducted prior to construction.

HW-3 Occupational exposure to lead is regulated by both the federal Occupational Safety and Health Administration (OSHA) (29 Code of Federal Regulations 1926.62) and California Occupational Safety and Health Administration (OSHA) (Title 8, GISO 5198 and CSO 1532.1). Based on the federal and California Occupational Safety and Health Administration, if the proposed project would include disturbing paints that contain lead (any amount of detectable lead), the above-noted regulations should be followed.

HW-4 If asbestos-containing construction materials are encountered in the project, the San Joaquin Valley Unified Air Pollution Control District should be notified prior to any demolition and/or renovation activities. If asbestos-containing materials are left in place, an Operations and Maintenance Program could be developed for the management of those materials.

Air Quality

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

- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Limit area subject to excavation, grading and other construction activity at any one time.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1%.

- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
- Install wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds exceed 20 miles per hour. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20% opacity limitation.
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The San Joaquin Valley Air Pollution Control District's phone number shall also be visible to ensure compliance with applicable regulations.

AQ-2 During construction, the following additional construction equipment exhaust control measures shall be implemented:

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

Noise

N-1 Do not exceed 86 dBA at 50 feet from the job site activities from 9:00 p.m. to 6:00 a.m.

N-2 Equip an internal combustion engine with the manufacturer-recommended muffler.

N-3 Do not operate an internal combustion engine on the job site without the appropriate muffler.

N-4 If adverse construction noise impacts are anticipated, project plans and specifications must identify abatement measures that would minimize or eliminate adverse construction noise impacts on the community. When construction noise abatement is identified, Caltrans will consider the benefits achieved and the overall adverse social, economic, and environmental effects and costs of the construction noise abatement measures.

N-5 The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

N-6 The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise-sensitive receptors nearest the project site, to the degree possible.

N-7 The project proponent shall mandate that the construction contractor prohibit the use of personal or commercial music or sound amplification on the project site during construction.

N-8 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.

Biological Environment

BE-1 Trees selected for the replacement planting of the approximately 160 trees to be removed would need to be selected from the City of Fresno Master Tree List to limit the potential for unacceptable or nuisance trees to be planted within the city.

BE-2 Avoidance and minimization measures to decrease potential impacts to nesting birds are required. It is recommended that construction activities occur outside of the nesting season, which extends from February 15 through September 1. If construction activity must proceed during the nesting season, a pre-construction bird survey must be conducted within 30 days of tree removal. If an active nest is observed, a suitable buffer would be placed around the active nest and no construction activities may begin without the approval of an onsite monitoring biologist. If no active nests are observed, construction activity would have no effect on nesting migratory birds and no further measures would be required.

BE-3 Avoidance and minimization measures to decrease potential impacts to bat species roosting within the buildings associated with Fulton Mall are required. It is recommended that activity occur outside of the maternity roosting season, which

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

BE-4 Noxious weeds must be handled in accordance with both Caltrans Highway Design Manual topic 110.5 “Control of Noxious Weeds – Exotic and Invasive Species” and Executive Order 13112 “Invasive Species” and by methods approved by Caltrans’ landscape architect and/or vegetation control specialist.

Appendix E Section 106 Concurrence

MEMORANDUM OF AGREEMENT

BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE FULTON MALL RECONSTRUCTION PROJECT, CITY OF FRESNO, FRESNO COUNTY, CALIFORNIA

WHEREAS, the Federal Highway Administration (FHWA) has assigned and the California Department of Transportation (Caltrans, including all subordinate divisions defined below) has assumed FHWA responsibility for environmental review, consultation, and coordination pursuant to 23 USC 327, which became effective on October 1, 2012 and applies to this undertaking; and

WHEREAS, CSO has consulted with the State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation (AHP) pursuant to stipulation X.C and XI of the January 2014 *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (Section 106 PA), and where the Section 106 PA so directs, in accordance with 36 CFR Part 800, the regulation that implements Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), as amended, regarding the Undertaking's adverse effect finding pursuant to 36 CFR Part 800.6(a)(1); and

WHEREAS, for the purposes of this agreement, the City of Fresno (City) is the project proponent, Caltrans District 6 (District) provides administration of the Federal Tiger Grant funded project on behalf of FHWA and is responsible for completion of environmental studies for the project described in this agreement. Caltrans Headquarters Division of Environmental Analysis is responsible for the oversight of District environmental responsibilities and Caltrans Headquarters Cultural Studies Office (CSO) is responsible for coordination of the Section 106 process; and

WHEREAS, the City proposes an undertaking (Undertaking), as described in the draft Environmental Assessment as Alternative 1, to convert the pedestrian-only Fulton Mall to a street by reintroducing vehicle traffic lanes to the existing pedestrian mall, for the purposes of increasing mobility and access by providing more convenient multi-modal access, improving visibility of businesses, offices and other amenities to encourage additional economic development, and increasing consistency with existing and proposed land use plans within the project study area; and

WHEREAS, the consulting parties do not all agree with Caltrans' selection of Alternative 1 as the preferred alternative, but have participated in developing mitigation measures to resolve the adverse effects of the alternative, and to ensure that the mitigation measures meet the public interest of the City; and

WHEREAS, the City in association with the District and in consultation with the SHPO has conducted intensive surveys of the Fulton Mall, incorporating the eleven blocks of the existing pedestrian mall, additional street rights of way, and properties that line the mall. Determinations and Findings have been presented to the public as described in this agreement; and

WHEREAS, the Area of Potential Effects (APE) for the Undertaking was established to include all areas within the vicinity of the Fulton Mall Reconstruction Project that may contain historic properties that would be directly or indirectly affected by the Undertaking. The APE included the maximum existing and proposed right-of-way, project construction easements (temporary and permanent), staging areas, and temporary or permanent changes in access (ingress or egress). The APE for the Undertaking is included as Attachment A to this MOA; and

WHEREAS, Caltrans has determined in the Supplemental Finding of Adverse Effect that the Undertaking will have no adverse effect on twelve historic properties within the APE for the undertaking which are either listed or eligible for listing on the National Register of Historic Places (NRHP), including: the Bank of Italy, the Hotel Californian, the Alexander Pantages Theater, the San Joaquin Light and Power Corporation Building, The Pacific Southwest Building, the Mattei Building/Guarantee Savings and Loan, the E. Griffith-McKenzie/Helm Building, the Mason Building, the Radin-Kamp Department Store/J.C. Penney Building, the T.W. Patterson Building, the Gottschalks Department Store, the Fresno Photo Engraving Building. (complete descriptions are contained in the Supplemental Finding of Adverse Effect); and

WHEREAS, Caltrans has determined that the Undertaking will have an adverse effect on two historic properties within the APE for the Undertaking: the Fulton Mall, which has been determined by the Keeper of the National Register to be eligible for the NRHP and the Fulton Street/Fulton Mall Historic District which has been determined to be eligible for inclusion in the NRHP for purposes of this Undertaking only; and

WHEREAS, Caltrans has considered alternatives to the Undertaking, determined that the design of the Undertaking precludes the possibility of avoiding adverse effects to historic properties during the Undertaking's implementation, and has further determined that it will resolve adverse effects of the Undertaking on the subject historic properties through the execution and implementation of this Memorandum of Agreement (MOA); and

WHEREAS, the project design for each proposed alternative included restoration and relocation of (in place where possible) character defining features as identified within the Supplemental Finding of Adverse Effect, including all 23 statues, and to rebuild mosaic benches and trellises

water features and install new ribboned concrete aggregate in order to suggest the original design of the landscape; and

WHEREAS, Caltrans has invited the following parties to consult on this Undertaking: Downtown Fresno Coalition, Downtown Fresno Partnership, Big Sandy Rancheria, Kings River Choinumni Farm Tribe, Chowchilla Tribe of Yokuts, Cold Springs Rancheria of Mono Indians, Dumna Wo-Wah Tribal Government, Dunlap Band of Mono Indians, Mr. Frank Marquez, North Fork Mono Tribe, North Fork Rancheria, Picayune Rancheria, Santa Rosa Tachi Rancheria, Sierra Nevada Native American Coalition, Table Mountain Rancheria, The Choinumni Tribe of Yokuts, Traditional Choinumni Tribe, Fresno County Public Works and Planning Department; and

WHEREAS, the Downtown Fresno Coalition and the Downtown Fresno Partnership have participated in the consultation and have been invited to concur in this MOA; and

WHEREAS, the terms of this MOA are intended to resolve adverse effects of the Undertaking for the purposes of Section 106 only, and separately from the Section 106 process the CSO, District, and the City are analyzing impacts and providing mitigation measures pursuant to requirements under the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA) and Section 4(f) of the U.S. Department of Transportation Act; and

WHEREAS, the public has been given an opportunity to comment on the proposed Undertaking and its potential to adversely affect historic properties through the Section 106 process, and the public circulation of the Draft Environmental Assessment; and

WHEREAS, the parties to this MOA agree that the undertaking cannot advance to the final design phase until the environmental review is complete and that preliminary designs and proposed plans may change as necessary to accommodate local, state, and federal design standards;

NOW, THEREFORE, Caltrans, the City, SHPO and ACHP agree that if the Undertaking proceeds, the Undertaking shall be implemented in accordance with the following stipulations to take into account the effects of the Undertaking on historic properties (NRHP-eligible or listed properties), and further agree that these stipulations shall govern the Undertaking and all of its parts.

STIPULATIONS

Caltrans shall ensure that the following measures and stipulations are carried out:

I. AREA OF POTENTIAL EFFECTS (APE)

1. If the final design of the project requires a modification to the APE and the Undertaking may affect historic properties in a manner not described in the Supplemental Finding of Adverse Effect, the District shall notify the consulting parties and provide a summary and

map of the revisions to the APE and an assessment of the potential effects to historic properties, consistent with the requirements of Stipulation VIII.A and Attachment 3 of the Section 106 PA, no later than 30 days following the notification. The parties shall consult to reach agreement on the assessment of effects to historic properties. If additional mitigation measures are needed to resolve any adverse effects then the MOA will amended in accordance with Stipulation IV.5. If the parties to this MOA cannot reach such agreement, then the parties shall resolve the dispute in accordance with Stipulation IV.4 below.

II. TREATMENT OF HISTORIC PROPERTIES

1. The City, in consultation with CSO, District and SHPO, will develop a Mitigation and Monitoring plan, concurrently with final design and prior to award of contract currently planned for December 2014, to include Stipulations a-d listed below:
 - a) The City, in consultation with CSO, District, and SHPO, so as to avoid inadvertent damage to historic properties and ensure the protection of their material and structural integrity, will develop a Noise and Vibration Monitoring and Mitigation Plan (NVMMP): (1) The NVMMP shall be prepared prior to the start of any construction activities that would result in vibration and will identify procedures for a pre-construction survey of buildings to identify existing cracks, location of basement or underground utility structures and other structural issues, to determine a baseline measure and establish protocol in the event that construction hastens damage; (2) define a pre-construction analysis of anticipated vibration impacts to determine effect thresholds and appropriate measures that might be required to minimize vibration risks during construction; (3) define vibration and analysis methods to be used during construction and outline specific protective response provisions should adverse effects to structural and/or material integrity occur during construction; and (4) vibration minimizing techniques as identified in the NVMMP, construction plans and ESA action plan will be used within six feet of basement areas. Existing sidewalk vault lights uncovered during construction either will be rehabilitated or reconstructed to the Secretary of the Interiors Standards for Rehabilitation or Reconstruction, as applicable, and incorporated into the new sidewalk design or documented and encased in a manner so as to ensure preservation in place concurrent with construction.
 - b) The NVMMP will be coordinated with the Caltrans Standard Special Provisions, Caltrans Environmental Commitments Record, and will be included as notes in the construction plans for contractors. The City shall be responsible for repairing any material or structural damage, including cosmetic cracks caused to any historic property as a result of vibration. Any required repairs to restore a historic property to its condition prior to the construction work shall be carried out in

accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

- c) The City, in consultation with CSO, District and the SHPO will prepare an Archaeological Monitoring Plan to identify ground disturbing activities to be monitored by an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology. One or more Native Americans representing the local tribal communities will be invited to monitor identified construction activities.
 - d) The City, in consultation with CSO, District and SHPO will prepare an Environmentally Sensitive Area (ESA) Action Plan that will establish the placement of ESA fencing during construction around the extant basement features identified in the *Supplemental Finding of Effect Document for the Fulton Mall Reconstruction Project*, in order to protect them from proximity impacts. The ESA fencing will be monitored by a professional who meets the Secretary of the Interior's Professional Qualification Standards in Architectural History. If ESA fencing cannot be maintained, and basements are damaged as a result of project activities, any associated basement features will be rehabilitated in accordance with the Secretary of the Interior Standards for Rehabilitation. Additional measures may be developed to mitigate for potential adverse effects identified post damage and in consultation with signatories and concurring parties to this MOA.
2. Prior to any work that would adversely affect any characteristics that qualify the Fulton Mall as an individual property or as a character defining feature of the Fulton Street/ Fulton Mall Historic District, Caltrans shall ensure Historic American Landscape Survey (HALS) documentation consistent with National Park Service standards is completed and will consult with the National Park Service Pacific West Region office as to the required level of documentation. Upon completion and approval, the District will distribute HALS documentation to the NPS for transmittal to the Library of Congress; the Office of Historic Preservation; the California Room of the California State Library; the University of California Berkley, Environmental Design Archives, Garrett Eckbo collection; the Regional Information Center at California State University (CSU) Bakersfield; the Madden Library Special Collections Research Center at CSU Fresno; Fresno County Library; Fresno City and County Historical Society Archives; City of Fresno Historic Preservation Manager; Caltrans District 6; and Caltrans Headquarters Library and History Center.
 3. The City in consultation with the CSO, District, the SHPO and concurring parties will develop an Interpretive Program that documents the project area history including the

Fulton Mall, the Fulton Street/Fulton Mall Historic District and individually eligible properties. The interpretive program would include:

- a) A website and smart-phone application (app) to be made available to the public that will provide an interactive experience for visitors. The website and app would employ GPS/GIS, social media, 3-D imaging, including Lidar data and other electronic technologies, combining historic themes and contexts with present-day conditions and artwork in order to guide visitors to and around Fulton Street. The website and smart-phone app would be made available to the public within 12 months of completion of the project.
 - b) The City will prepare interpretive panels or plaques or wayside exhibits and identify appropriate locations in consultation with the District, CSO, the SHPO and concurring parties to this MOA. The wording on the panels or plaques or wayside exhibits will be prepared by a professional who meets the Secretary of Interior Professional Qualification Standards in Architectural History and shall be reviewed by the SHPO and concurring parties within 15 days of submission. The plaques will be fabricated within sufficient time for their placement at approved locations by the contractor during construction and under the direction of Caltrans Professionally Qualified Staff who is certified as a Principal Architectural Historian, as described in Attachment 1 to the Section 106 PA.
4. No less than four months prior to construction, the City in consultation with CSO, District and the SHPO will develop a restoration plan for the twenty-three identified sculptures within the Fulton Mall. The sculptures will be conserved, stored and reinstalled in appropriate areas in consultation with CSO, District, SHPO and the concurring parties and designated in the final construction plans. The scope of this work will be incorporated in the construction contract and be completed by the Contractor under the direction of a qualified conservator described below.
- a) The Build Contractor will contract with an established and qualified art conservator. The conservator must have demonstrable experience in the field of objects conservation with a Masters Degree in Art Conservation, or related field with a certificate in Art Conservation, plus a minimum of 5 years of experience in that field that includes at least three major successful projects. The conservator/s shall adhere to the Code of Ethics of the American Institute for the Conservation of Historic and Artistic Works (AIC) included in Attachment B of this MOA.
 - b) The City and the District will consult with the SHPO on any potential conservators. This consultation will not exceed 15 days. The conservator will be hired within a timeframe sufficient to supervise the following: examination of the artwork, determination of the method of safe removal, conservation of the artwork and reinstallation within the APE.

5. The City in consultation with CSO, District and SHPO shall be responsible for reevaluation of historic properties within the APE within one year of completion of the project. The evaluations will be completed by a person or persons who meet the Secretary of Interior's Professional Qualifications Standards for Architectural History and shall be submitted to the SHPO and/or the Keeper of the National Register to ascertain whether the remaining contributing elements of the Fulton Mall and the Fulton Street/Fulton Mall Historic District retain sufficient integrity to remain eligible for listing in the NHRP. The City will also consider those properties for potential listing on the City of Fresno's Local Register of Historic Resources.
6. The City, through consultation with the City's Historic Preservation Commission and its public review process, will develop proposed design guidelines that can be applied to individual buildings within the project area to ensure that their rehabilitation will be sympathetic to the historic nature of the area. Within 18 months of execution of this MOA, City staff shall bring these proposed design guidelines before the City Council for consideration. The City may consider such guidelines separately, for incorporation into amendments to the City's zoning ordinance, or as part of the amendment or adoption of land use plans covering the project area, including the Draft Fulton Corridor Specific Plan and Downtown Development Code. Any approved guidelines shall be consistent with the City's Historic Preservation Ordinance, which permits the development of locally designated resources consistent with the Secretary of the Interior's Standard for the Treatment of Historic Properties.
7. City staff will, within 18 months of the completion of the project, develop and present to City Council for approval two local programs that will provide financial incentive to owners of individual buildings for the rehabilitation of buildings in a manner consistent with the Secretary of the Interior Standards for Rehabilitation as discussed below in a) and b).
 - a) A Preservation Mitigation Fund (Fund) with dedicated or discretionary funding, to help support efforts to preserve and maintain historic and cultural resources. The express purpose of the Fund is to foster and support the preservation, rehabilitation, restoration, and interpretation of historic resources within Fresno. The City will determine the application procedures, selection process, funding levels, schedule, and any other issues relating to the Fund. Funding procedures will be established to make the Fund available for use within 5 years of the completion of the project.
 - b) Develop an Ordinance to establish the City as a Mills Act entity.
8. If any of the mitigation measures cannot be completed as proposed or the City fails to approve agreed-upon proposed measures described in this MOA, the signatories and

concurring parties will consult to develop alternative mitigation measures within sixty days of notification of failure to adopt.

III. TREATMENT OF HUMAN REMAINS OF NATIVE AMERICAN ORIGIN

1. The parties to this MOA agree that human remains and related items discovered during the implementation of the terms of this MOA and of the Undertaking will be treated in accordance with the requirements of §7050.5(b) of the California Health and Safety Code (HSC). If pursuant to HSC §7050.5(c), the Fresno County coroner/medical examiner determines that the human remains are or may be of Native American origin, then the discovery shall be treated in accordance with the provisions of California Public Resources Code §5097.98 (a)-(d). Caltrans shall ensure that, to the extent permitted by applicable law and regulation, the views of Tribes and the Most Likely Descendent(s), as determined by the California Native American Heritage Commission, are taken into consideration when decisions are made about the disposition of Native American materials and records.

IV. ADMINISTRATIVE PROVISIONS

1. Definitions
 - a) The definitions provided at 36 CFR § 800.16 are applicable throughout this MOA.
2. Professional Qualifications and Standards
 - a) District will ensure that the actions and products required by Stipulations II.1.a through II.1.b of this MOA will be carried out by or under the direct supervision of persons meeting the *Secretary of the Interior's Professional Qualification Standards (48 FR 44738-39) (PQS)*, as defined in Attachment I of the Section 106 PA, in the relevant field of study.
 - b) All written documentation prescribed by Stipulation II of this MOA shall conform to the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716-44740)* as well as to applicable standards and guidelines established by the SHPO
3. Discoveries and Unanticipated Effects.

If District determines after construction of the Undertaking has commenced, that the Undertaking will affect a previously unidentified property that may be eligible for the NRHP, or affect a known historic property in an unanticipated manner, District will address the discovery or unanticipated effect in accordance with 36 CFR §800.13(b)(3). District at its discretion may hereunder assume any discovered property to be eligible for inclusion in the NRHP in accordance with 36 CFR §800.13(c).

4. Resolving Objections

- a) Should any party to this MOA object at any time in writing to the manner in which the terms of this MOA are implemented, to any action carried out or as proposed with respect to implementation of the MOA, District shall immediately notify the other parties of the objection, request their comments on the objection within fifteen (15) days, following receipt of Caltrans' notification, and proceed to consult with the objecting party for no more than thirty (30) calendar days to resolve the objection.
- b) If such objection cannot be resolved within the thirty (30) day timeframe, District will:
 - a. Forward all documentation relevant to the dispute, including District proposed resolution, to the ACHP. District will also provide a copy to all signatories and concurring parties. The ACHP will provide District with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, District will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. District will then proceed according to its final decision.
 - b. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, District may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, District will prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to this MOA, and provide them and the ACHP with a copy of such written response.
- c) District will carry out all other actions subject to the terms of this MOA that are not subject to the dispute.
- d) At any time during the implementation of the Stipulations in this MOA, should a member of the public raise an objection in writing pertaining to such implementation to any signatory party to this MOA, that signatory party shall immediately notify District. District shall immediately notify the other signatory parties in writing of the objection. Any signatory party may choose to comment in writing on the objection to District. District shall establish a reasonable time frame for this comment period. District shall consider the objection, and in reaching its decision, District will take all comments from the other signatory parties into account. Within 15 days following the closure of the comment

period, District will render a decision regarding the objection and respond to the objecting party. District will promptly notify the other signatory parties of its decision in writing, including a copy of the response to the objecting party. District decision regarding resolution of the objection will be final. Following issuance of its final decision, District may authorize the action subject to dispute hereunder to proceed in accordance with the terms of that decision.

5. Amendments

- a) Any signatory party to this MOA may propose that this MOA be amended, whereupon all signatory parties shall consult to consider such amendment. The amendment will be effective on the date a copy signed by all of the original signatories is filed with the ACHP. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation IV.6.a below.

6. Termination

- a) Any signatory party can propose to terminate the MOA. The signatory party proposing termination shall, in writing, notify the other MOA parties, explain the reasons for proposing termination, and consult with the other parties for at least 30 days to seek alternatives to termination. Such consultation shall not be required if Caltrans proposes termination because the Undertaking no longer meets the definition set forth in 36 CFR §800.16(y).
- b) Once the MOA is terminated, and prior to work continuing on the undertaking, District must either (a) execute an MOA pursuant to 36 CFR §800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR §800.7. District shall notify the signatories as to the course of action it will pursue.

7. Duration of MOA

- a) Unless terminated pursuant to Section 6 of this stipulation, or unless it is superseded by an amended MOA, this MOA will be in effect for five years following execution by the signatory parties. The signatory parties may consult prior to this expiration date to consider an amendment pursuant to Stipulation 5 to extend the duration of the MOA if necessary.

8. Reporting

- a) The City shall provide the signatory and concurring parties to this agreement annual updates and will post these updates to District project website as to the progress of the completion of the stipulations described above by December 31st

of each year, beginning December 31, 2015. Such report shall include any scheduling changes proposed, any problems encountered, failures to adopt proposed mitigation measures, and any disputes and objections received in District and the City's efforts to carry out the terms of this MOA.

9. Effective Date

This MOA will take effect on the date that it is executed by Caltrans, the SHPO, and the ACHP.

MEMORANDUM OF AGREEMENT

SIGNATORY PARTIES

California Department of Transportation

By: Katrina C. Pierce Date: 5/13/2014

Katrina Pierce, Chief
Division of Environmental Analysis

California State Historic Preservation Officer

By: Carol Roland-Nawi Date: 5-13-2014

Carol Roland-Nawi
State Historic Preservation Officer

Advisory Council on Historic Preservation

By: John Fowler Date: 5/16/14

John Fowler, Executive Director
Advisory Council on Historic Preservation

INVITED SIGNATORIES

California Department of Transportation

By: Sharri Bender-Ehlert Date: 5/15/2014

Sharri Bender-Ehlert
District Director
District 6, Fresno

MEMORANDUM OF AGREEMENT

City of Fresno

By: Bruce Rudd Date: 5/15/14
Bruce Rudd, City Manager
City of Fresno

CONCURRING PARTIES

Downtown Fresno Coalition

By: _____ Date: _____
Linda Zachritz
Co-Chairperson

Downtown Fresno Partnership

By: Craig Scharton Date: 5/15/14
Craig Scharton
Executive Director



Preserving America's Heritage

May 5, 2014

Mr. Kelly Hobbs
Section 106 Coordinator
Cultural Studies Office
Caltrans Division of Env. Analysis
1120 N Street
Sacramento, CA 95814

Ref: *Supplemental Finding of Adverse Effect for the Fulton Mall Reconstruction Project
City of Fresno, California*

Dear Mr. Hobbs:

The Advisory Council on Historic Preservation (ACHP) recently received your request for our review and comment on the referenced Supplemental Finding of Adverse Effect for the Fulton Mall Reconstruction Project pursuant to Section 106 of the National Historic Preservation Act. The ACHP has been formally participating in the consultation process for the Fulton Mall Reconstruction Project since February 2014. In a letter dated April 24, 2014, we provided you with our comments on the preliminary draft Memorandum of Agreement (MOA) for this undertaking. We wanted to take this opportunity to provide you with our comments on the Supplemental Finding of Adverse Effect.

In Chapter 3 of the Supplemental Finding, Caltrans describes the consultation that took place with several parties through March 2014, and specifically with the ACHP in February and March of 2014. While the text provides only brief summaries of these initial conference calls involving the ACHP, we would like the record to include the fact that in each discussion, the ACHP asked about Caltrans' consideration of alternatives to avoid and minimize adverse effects to historic properties as well as the timing of the environmental review processes for this proposed undertaking occurring under the California Environmental Quality Act, the National Environmental Policy Act, and Section 4(f) of the U.S. Department of Transportation Act. We expressed concern about how the Section 106 consultation would be coordinated with relevant decision points in those parallel reviews.

We have no comments on the identification of historic properties and assessment of effect in Chapters 4 and 5. Chapter 7 describes the alternatives considered but rejected, and states, on page 86, that "[t]he alternatives discussed in this section are not consistent with the requirements of the TIGER grant funding (\$16 million) that the City has secured for construction of the proposed project." As we have stated at various points during this consultation process, we remain concerned more broadly about the timing of the TIGER grant funding approval and this Section 106 consultation, as the proposed use of TIGER grant funds in this instance appears to have limited the consideration of alternatives to avoid or minimize adverse effects to historic properties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION
1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

We note that in recent consultation, Caltrans appears to be making a good faith effort to solicit feedback and suggestions on ways it might modify the project to minimize adverse effects to the Fulton Mall Historic Landscape and to the Fulton Street/Fulton Mall Historic District. We are also encouraged by the development of proposed mitigation measures that consider alternate mitigation strategies and the community's interest in historic preservation more broadly in downtown Fresno.

In light of our recent consultation and reviewing the Supplemental Finding of Effect, we have the following questions:

- Do any options remain to consider modifications to the existing alternatives to minimize adverse effects to historic properties? For example, as discussed during the consultation meetings, could Mariposa Street remain closed to vehicular traffic, or could the clocktower be retained in place under Alternative 1 or 2?
- What, if any, opportunities exist for further consultation on the undertaking as it advances to final design phase?
- What is the process for finalizing the MOA when a preferred alternative has not been selected?
- What would be the post-agreement strategy if an alternative is not selected prior to the MOA being finalized?

We believe we are reaching a critical juncture in the consultation process, as we understand Caltrans would like to execute the MOA in the next few weeks. Before the MOA can be executed however, Caltrans needs to either select a preferred alternative for this undertaking or propose a process for post-agreement consultation leading to the selection of the preferred alternative so that the consulting parties can assess and fully understand the effects of this undertaking on historic properties. We respectfully request Caltrans provide the consulting parties with a narrative or other evidence to show how it has or is considering their comments and input on the alternatives discussion. Further, Caltrans should explain how the input it has received was, or is to be, factored into the selection of a preferred alternative. In selecting the preferred alternative, Caltrans should clarify how the specific proposed action will meet the public interest, including consideration of historic preservation values shared by consulting parties during the Section 106 consultations.

We look forward to continuing consultation with Caltrans and the consulting parties to seek ways to minimize and mitigate the adverse effects to historic properties that are likely to result from this undertaking.

Thank you for providing us with this information. Please feel free to contact Kelly Fanizzo at (202) 606-8507 or kfanizzo@achp.gov with any questions.

Sincerely,



Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, License, and Assistance Section
Office of Federal Agency Programs

Ms. Medin
May 2, 2014
Page 2 of 2

- T.W. Patterson Building, 2014 Tulare Street, Fresno (determined eligible for the NRHP)
- Gottschalk's Department Store, Fresno (determined eligible for the NRHP)
- Fresno Photo Engraving Building, 748-752 Fulton Street, Fresno, CA (determined eligible for the NRHP)

Project activities would not result in the loss or impairment of character defining features. In addition a vibration mitigation and monitoring work plan will be prepared prior to construction. Ground Penetrating Radar will be utilized to identify the existence of basements along the Fulton Mall Historic Landscape. Identified basements will be demarcated and appropriate vibration minimizing techniques established. Associated basement doors and glass block will be protected with ESA fencing. A vibration specialist will monitor construction activities to ensure no structural and/or cosmetic damage is caused by vibration impacts. A Principal Architectural Historian will monitor general construction activities including establishment and enforcement of the ESA fencing.

Caltrans has also found that the undertaking will have an adverse effect on the Fulton Street/Fulton Mall Historic District and the Fulton Mall Historic Landscape, properties determined eligible for listing in the NRHP. All of the build alternatives would result in physically destroying identified character defining features of each property in a manner that would diminish the integrity of each property. Based on review of the submitted documentation, I concur.

Based on my review of the submitted documentation, I concur with the foregoing findings.

Thank you for considering historic properties during project planning. If you have any questions, please contact Natalie Lindquist of my staff at (916) 445-7014 or email at natalie.lindquist@parks.ca.gov.

Sincerely,



Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
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calshpo@parks.ca.gov
www.ohp.parks.ca.gov



March 27, 2014

Reply To: FHWA_2013_0819_001

Jeanne Day Binning, Ph.D.
Branch Chief, Central California Cultural Resource Branch
Caltrans District 6
855 M Street, Suite 200
Fresno, CA 93721

Re: Supplemental Determinations of Eligibility for the Proposed Fulton Mall Reconstruction Project, Fresno, CA

Dear Ms. Binning:

Thank you for consulting with me about the subject undertaking in accordance with the January 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (PA)*.

Caltrans has found that the Fresno Photo Engraving building at 748-752 Fulton Street is eligible for the National Register of Historic Places (NRHP) under Criterion C as a rare intact example of an International style commercial building in the City of Fresno.

Caltrans has also determined that the Downtown Autocare Building located at 760 Fulton Street is not eligible for the NRHP:

Based on review of the submitted documentation, I concur with the foregoing determinations.

Thank you for considering historic properties during project planning. If you have any questions, please contact Natalie Lindquist of my staff at (916) 445-7014 or email at natalie.lindquist@parks.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Carol Roland-Nawi, Ph.D.".

Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**



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November 21, 2013

Reply To: FHWA_2013_0819_001

Jeanne Day Binning, Ph.D.
Branch Chief, Central California Cultural Resource Branch
Caltrans District 6
855 M Street, Suite 200
Fresno, CA 93721

Re: Response to Request for Additional Information Regarding the Proposed Fulton Mall Reconstruction Project, Fresno, CA

Dear Ms. Binning:

Thank you for your letter of November 5, 2013, which continues consultation regarding the proposed Fulton Mall Reconstruction Project in Fresno, CA. You are consulting with me in accordance with the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (PA)*.

Based upon review of your revised documentation I am still of the belief that both the Fulton Street/Fulton Mall Historic District and the Luftenburg Bridal Building hold a strong potential to be eligible for the National Register of Historic Places (NRHP). Based upon both e-mails as well as phone calls from Caltrans, I understand that the time constraints this project is under would make additional research with regards to these historic properties difficult while still meeting project deadlines.

Taking this into account, Caltrans is requesting that Fulton Street/Fulton Mall Historic District be assumed eligible for the NRHP for the purposes of this project. Any building built prior to 1970 that is located within the boundaries of the historic district would be considered a contributor to the historic district and therefore considered eligible. I concur. Since the Luftenburg Bridal Building falls within the boundaries of the historic district, I would like to keep its status as an individual property indeterminate at this time. If you have any objections to what I have proposed please contact me within 15 days.

Thank you for considering historic properties during project planning. If you have any questions, please contact Natalie Lindquist of my staff at (916) 445-7014 or email at natalie.lindquist@parks.ca.gov.

Sincerely,

Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

Appendix F Comments and Responses

Appendix F contains comments that were received from various agencies and the public during the circulation of the Draft Environmental Assessment and Section 4(f) Evaluation, as well as Caltrans' responses to those comments. The public circulation period took place between January 10, 2014 and February 24, 2014.

1. Agency Comments

1.1. San Joaquin Valley Air Pollution Control District



February 13, 2014

Kirsten Helton
Department of Transportation
District 6
855 M Street, Suite 200
Fresno, CA 93721

Project: Draft Environmental Assessment (EA) and Section 4(f) Evaluation for the Fulton Mall Reconstruction Project

District CEQA Reference No: 20140016

Dear Ms. Helton:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Assessment (DEA) for the Fulton Mall Reconstruction Project, consisting of a proposal to reconstruct Fulton Mall as a complete street by reintroducing vehicle traffic lanes to the existing pedestrian mall, located in Downtown Fresno, CA. The District offers the following comments:

1. For the tables presented in the *Air Quality Analysis Report* titled "Annual Construction Emissions" (Table 19 and 20), although the title refers to an annual emission value the tables identify the project construction emissions in tons per day. The District recommends clarifying if these values are in "tons per day" or "tons per year." In relation, the District recommends the values be also presented in "tons per year" for consistency in applying the District's significance thresholds for Reactive Organic Gases (ROG), Nitrogen Oxides (NOx), Particulate Matter 10 microns or less in size (PM10) and Particulate Matter 2.5 microns or less in size (PM2.5), which are listed in tons per year at the bottom of each Table.
2. The *Air Quality Analysis Report* states on page 36, "The (San Joaquin Valley) Air Basin consists of Kings Madera, San Joaquin, Merced, Stanislaus, and Fresno counties; as well as a portion of Kern County." The District recommends adding a comma between Kings and Madera to separate the listing of these two counties. The District also recommends adding Tulare County to the list.

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

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

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

www.valleyair.org www.healthyairliving.com

Printed on recycled paper.

District CEQA Reference No. 20140016

3. The *Air Quality Analysis Report* states on page 20, “The 2007 Ozone Plan contains measures to reduce ozone and particulate matter precursor emissions to bring the Basin into attainment with the federal 8-hour ozone standard.” While the 2007 Ozone Plan included control measures to reduce NO_x, which is precursor for both ozone and particulate matter emissions, the Plan did not focus on reducing other particulate matter precursors. Therefore, the District recommends that the reference to particulate matter be removed from the above statement.
4. The *Air Quality Analysis Report* includes the District’s air quality plans (page 20-21); however the DEIR did not include the 2013 Plan for the Revoked 1-Hour Ozone Standard. Therefore, the District recommends including a discussion on the 2013 Plan for the Revoked 1-Hour Ozone Standard. More information on the 2013 Plan for the Revoked 1-Hour Ozone Standard can be found on the District’s website at the following link: www.valleyair.org/Air_Quality_Plans/Ozone_Plans.htm.
5. The *Air Quality Analysis Report* states on page 23, “Because the area exceeds these health-based ambient air quality standards, ozone is the main criteria pollutants of concern for the Project area.” The District recommends revising the above statement to state, both ozone and PM_{2.5} are the main criteria pollutants of concern for the Project area since the Project area is designated nonattainment for the federal and State ozone and PM_{2.5} standards.
6. Table 22: *Operational Re-entrained Road Dust by Alternative* on page 61 of the *Air Quality Analysis Report* summarizes the California Emissions Estimator Model (CalEEMod) emission outputs (Appendix F) for annual PM₁₀ emissions from annual vehicle miles traveled (VMT) in Table 21: *Annual Vehicle Miles Traveled by Alternative*. The CalEEMod emission outputs appear to calculate the annual PM₁₀ based on zero (0) annual VMT, which differs from the annual VMT provided in Table 21. Therefore, the District recommends re-analyzing the operational re-entrained road dust to include the annual VMT provided in Table 21, or provide clarification to the difference in VMT being presented at these two locations.
7. The District agrees that the Fulton Mall Reconstruction Project is subject to District Rule 9510 (Indirect Source Review) and that Air Impact Assessment (AIA) application must be submitted to begin rule compliance (pages 21-22 of *Air Quality Analysis Report*). The District would like to add that any applicant subject to Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than receiving final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If the approval of the Draft EIR constitutes last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of applicable fees be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>

District CEQA Reference No. 20140016

If you have any questions or require further information, please call Angel Lor at (559) 230-5808.

Sincerely,

David Warner
Director of Permit Services



For: Arnaud Marjollet
Permit Services Manager

DW: al

Cc: File

Response to Comment from San Joaquin Valley Air Pollution Control District

1. Tables 19 and 20 of the Air Quality Analysis Report calculated annual construction emissions. The heading for the emissions was inadvertently identified as tons per day, but the calculations are tons per year. A project errata sheet has been prepared to revise the headings for Tables 19 and 20 to read “Emissions (tons per year).
2. A project errata sheet has been prepared to revise page 36 of the Air Quality Analysis Report to add a comma between Kings and Madera and to add Tulare County.
3. A project errata sheet has been prepared to amend page 20 of the Air Quality Analysis Report to say: The 2007 Ozone Plan contains measures to reduce ozone ~~and particulate matter~~ precursor emissions to bring the Basin into attainment with the federal 8-hour ozone standard.
4. A project errata sheet has been prepared to add the following language to the Air Quality Attainment Plans section found on pages 20 and 21 of the Air Quality Analysis Report:

SJVAPCD's 2013 Plan for the Revoked 1-Hour Ozone Standard

The SJVAPCD prepared and adopted the 2013 Plan for the Revoked 1-Hour Ozone Standard to replace the SJVAPCD's 2004 Extreme Ozone Attainment Demonstration Plan (EOAD Plan).

In 2004, the SJAVPCD adopted the 2004 EOAD Plan to address EPA's 1-hour ozone standard. However, since EPA revoked this standard in 2005, EPA did not act on this plan until 2010, when a court decision required EPA action. EPA's 2010 action approved the 2004 EOAD Plan, but subsequent litigation led to a court finding that EPA had not properly considered new information available since the SJVAPCD adopted the plan in 2004. EPA thus withdrew its plan approval in November 2012, and the SJVAPCD and ARB withdrew this plan from consideration. Therefore, the 2004 EOAD Plan is not a federally-approved plan.

The SJVAPCD's 2013 Plan for the Revoked 1-Hour Ozone Standard was approved by the SJVAPCD Governing Board on September 19, 2013. The modeling confirms that the Air Basin will attain the revoked 1-hour ozone standard by 2017.

5. A project errata sheet has been prepared to revise the statement on Page 23 of the Air Quality Analysis Report to read “Because the area exceeds these health-based ambient air quality standards, ozone and PM_{2.5} is the main criteria pollutants of concern for the Project area.”
6. A project errata sheet has been prepared to revise Table 22 on Page 61 in the Air Quality Analysis Report has been modified as follows:

| Year | Annual Tons PM10 | | |
|-----------------------------|--|--------------------------------------|---|
| | Alternative 1 Com(Build Alternative) | Alternative 2 (Build Alternative) | Alternative 3 (No Project/No Build Alternative) |
| 2010 | 0.00 <u>0.02</u> | 0.00 <u>0.02</u> | 0.00 |
| 2015 | 0.00 <u>0.02</u> | 0.00 <u>0.02</u> | 0.00 |
| 2035 | 0.00 <u>0.21</u> | 0.00 <u>0.21</u> | 0.00 |
| Notes: Source: MBA 2013. | | | |

7. Caltrans will comply with the Air District requirements for an AIA and Rule 9510 Indirect Source Review.

1.2. U.S. Department of the Interior



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush Street, Suite 515
San Francisco, CA 94104

IN REPLY REFER TO:
(ER 14/0020)

Filed Electronically

24 February 2014

Kirsten Helton
Senior Environmental Planner
California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721

Subject: Draft Environmental Assessment and Section 4(f) Evaluation for the Fulton Mall
Reconstruction Project, Fresno County, CA

Dear Ms. Helton:

The Department of the Interior has received and reviewed the subject document and has no comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC
OEPC Staff Contact: Dave Sire

Response to Comment from U.S. Department of the Interior

- Your response to the submission of the Draft Environmental Assessment is acknowledged and included in the project record.

1.3. Office of Historic Preservation

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY
OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
 1725 23rd Street, Suite 100
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EDMUND G. BROWN, JR., Governor



February 24, 2014

Kristen Helton, Senior Environmental Planner
 California Department of Transportation
 855 M Street, Suite 200
 Fresno, CA 93721

Re: Comments on the Section 4(f) Evaluation for the Proposed Fulton Mall Reconstruction Project, Fresno, CA

Dear Ms. Helton

Thank you for the opportunity to comment on the Section 4(f) Evaluation for the Proposed Fulton Mall Reconstruction Project.

The proposed project has the potential to adversely impact Fulton Mall, a property formally determined eligible by the Keeper of the National Register of Historic Places (Keeper). The Keeper found the property eligible under Criterion C for Landscape Architecture for three reasons. First, it is the finest example of pedestrian mall design resulting from the federal government's urban renewal programs of the early post World War Two era. Second, it is one of the major achievements of its designer, Garrett Eckbo, who was a master and leading theoretician and practitioner of 20th-Century landscape architecture. Finally, as a fully realized expression of Eckbo's design philosophy, the Fulton Mall is an excellent example of the influence of Modernist design ideas on landscape architecture. The property was also determined eligible under Criterion A for recreation and social history because of the important way it provides a venue for human interaction and social events in central Fresno.

I recommend Caltrans adopt Alternative 3 or 4, both of which propose Restoration and Completion, because they result in fewer impacts to historic properties. If these alternatives are not feasible, I recommend Caltrans select Alternative 7. This alternative opens Fulton Mall to traffic but also preserves three blocks of the mall to act as a pedestrian mall. This allows more of the Eckbo landscape to be retained in place and captures the essence of the pedestrian mall.

1

The Section 4(f) analysis dismisses the three alternatives I have mentioned above as not meeting the purpose and need of the project but doesn't provide much in the way of economic analysis to support this claim. It appears that Alternative 7 would open up 7 blocks of the mall to traffic therefore allowing traffic flow, parking, and intermodal opportunities while doing less harm to the historic resource. Alternative 7 also maintains those three blocks as an urban park in its current form.

2

Of the two build alternatives that Caltrans considers to meet the purpose and need of the project, Alternative 2 clearly results in the least harm to the historic resource. While both Alternatives 1 and 2 preserve a like number of historic features, Alternative 2 preserves more of these features in place thereby preserving the context of Eckbo's original landscape design. Alternative 2 also preserves more of the landscape and captures the organic feeling that was such an important part of Eckbo's original design.

3

Ms. Helton
February 24, 2014
Page 2 of 2

If you have any questions, please contact Natalie Lindquist of my staff at (916) 445-7014 or email at natalie.lindquist@parks.ca.gov .

Sincerely,

A handwritten signature in black ink that reads "Carol Roland-Nawi, Ph.D." in a cursive script.

Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

Response to Comment from Office of Historic Preservation

1. Alternatives 3 and 4 were found not to be prudent alternatives under Section 4(f) in Section 1.5 Alternatives Analysis of the Section 4(f) evaluation. Alternative 7 was found not to meet the Purpose and Need of the project. These alternatives were listed as Alternatives Considered but Eliminated from Further Discussion in Section 1.7 of the final Environmental Document.
2. Discussion had been added to Section 1.5 Alternatives Analysis to analyze whether these alternatives can be considered prudent and feasible under Section 4(f). As stated in response to comment 1 above, the alternatives referred to were found not to be prudent alternatives.
3. The Supplemental Finding Adverse Effect prepared in April 2014 stated the following:

It is Caltrans' assessment that Alternative 1 and 2 would have a similarly destructive impact on the Fulton Mall Historic Landscape. While a quantified approach was undertaken in this document in order to assess direct impacts it should be emphasized that the introduction of vehicular traffic, under either build alternative, would qualitatively have a catastrophic effect on the integrity of the Fulton Mall Historic Landscape through the demolition of all historic concrete, hardscape, and water features. The impacts associated with either build alternative are anticipated to be of a degree that the Fulton Mall Historic Landscape would cease to exist as a historic property eligible for inclusion in the NRHP.

While Alternative 2 would retain a greater degree of integrity of location in terms of individual CDFs and may therefore be more amenable to some consulting parties, this difference would be minimal, consisting of just seven statues being returned to their original locations as they are currently in. Alternatively, the incorporation of the wide promenade as detailed in Alternative 1 would be more consistent with Garret Eckbo's original design intent of the Fulton Mall's design as a "social space, a focus of community interest and events, a promenade and rendezvous with friends, a play area for children, and a meeting place for teenagers." Again these differences would have to be weighed in light of the overall catastrophic loss of integrity brought about by the proposed project's demolition of most of the historic fabric in general and the Fulton Mall's likely inability to convey any of Eckbo's original design intent or the mall's historic significance subsequent to construction of Alternative 1 or 2. In this light, it is Caltrans assessment that under either Alternative 1 or 2 the adverse effect of the

proposed project would be equally destructive in nature resulting in the Fulton Mall's inability to subsequently be considered an historic property and is therefore equal in terms of effects.

Furthermore the introduction of new construction that mimics the original Fulton Mall Historic Landscape CDFs as called for in the project plans introduces the problem of creating a false sense of history. This is true for both build Alternatives but particularly so for Alternative 2. The construction of Alternative 2 with the reconstructed vignettes that represent what the Fulton Mall Historic Landscape looked like prior to construction would be particularly problematic as none of the incorporated features, with the exception of the said sculptures and/or mosaic benches, would be historic in nature. It would be a recreation inconsistent with the original design of the Fulton Mall Historic Landscape. Coupled with the loss of the Fulton Mall as a historic property this would falsely give the impression that these aspects of the Fulton Mall Historic Landscape were preserved. Although the same element of creating a false sense of history does exist under Alternative 1 it does so to a lesser extent by reintroducing the said historic features and newly constructed features into a newly designed context.

Additionally while the adverse effects to the Fulton Street/Fulton Mall Historic District would be similar due to the loss of the Fulton Mall Historic Landscape and the associated impact to the period of significance as represented in the last 6 years identified in the period of significance; the incorporation of Alternative 1 with a straight vehicular thoroughfare would more closely resemble the district's historic setting as it appeared during its first fifty years of significance.

The SHPO concurred with the findings made in the Supplemental Findin of Adverse Effect on May 2, 2014.

2. Public Comments

2.1. 5599787256

From: 5599787256@mms.att.net [mailto:5599787256@mms.att.net]
Sent: Tuesday, February 04, 2014 7:21 PM
To: Helton, Kirsten J@DOT
Subject:

Alternative 1. Please.

Response to Comment from 5599787256

- Your support of Alternative 1, which has been selected as the preferred alternative, is acknowledged and included in the project record.

2.2. Abston, Nick

From: [Nick Abston](#)
To: [Helton, Kirsten J@DOT](#)
Subject: Fulton mall
Date: Tuesday, February 04, 2014 7:22:17 PM

Kristen,

There are many downtowns that are vibrant with culture and commerce, but I believe Fresno has the potential to surpass many of them. The buildings on the Fulton Mall and surrounding vicinity are exquisite and unique. If we open the mall up to traffic, people will feel safe to shop and live in the area. Currently I work off of Van Ness and Stanislaus and my office employees are always looking for new places to enjoy lunch. Thank you so much for the hard work you have put towards this project. If you ever need some graphic design done don't hesitate to ask.

Nick Abston
352.362.6339

Sent from my iPhone

Response to Comment from Nick Abston

- Your support of the project is acknowledged and included in the project record.

2.3. Anderson, Rochelle

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Rochelle Anderson
ADDRESS: 3100W. Nelson Ave CITY: Fresno ZIP: 93706
REPRESENTING: FLYP

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:
Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721
(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

I am a strong supporter of the reconstruction project. Fulton Mall is in dire need of revitalization. I am in favor of Alternative (1) it offers more user friendly parking, family friendly seating, and gives a trendy feel to the Fulton Mall. It's time for change, as Nike would say "Just Do It".

Please comment by February 24, 2014



Response to Comment from Rochelle Anderson

- Your support of Alternative 1, which has been selected as the preferred alternative, is acknowledged and included in the project record.

2.4. Bhatchet, Amanda

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Amanda Bhatchet
ADDRESS: 570 E McKinley CITY: Fresno ZIP: 93726
REPRESENTING: Self - Downtown Academy - FLYP

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:
Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721
(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):
I believe in downtown Fresno - Fulton Mall
because I believe in Fresno. Downtown has been
neglected, severely - from business to
residential opportunities to art to culture.
I know it will be revitalized - I can visualize
it and am already looking forward to
expanding revitalization to the west side.
When ~~there~~^{with} no funding for downtown,
there's no other option than Tisha grant
RE-CON-STRUCT!!! PLEASE!!!

Please comment by February 24, 2014



Response to Comment from Amanda Bhatchet

- Your support of the project is acknowledged and included in the project record.

2.5. Davis, Ashleigh

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Ashleigh Davis
ADDRESS: 414 W Santa Ana Ave CITY: Clavis ZIP: 93612
REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:
Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721
(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

The Fulton Mall needs desperate help! Anything that can be done to increase traffic to this part of town is necessary and welcome. Opening the street to traffic, both car + foot, would really give it new life. Outdoor dining, restaurants and cultural attractions would really enhance the experience and bring some positive attention to the neighborhood. There are beautiful buildings everywhere and they need to be used to their full potential!

Please comment by February 24, 2014



Response to Comment from Ashleigh Davis

- Your support of the project is acknowledged and included in the project record.

2.6. Freund, Mitch

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Mitch Freund

ADDRESS: 2890 Huntington Blvd #150 CITY: Fresno ZIP: 93721

REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:
Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721

(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

I think opening the Fulton Mall to traffic is a great idea and should be implemented as soon as possible. It will help the businesses, and the entire Fresno community. I support Option 1.

Please comment by February 24, 2014



Response to Comment from Mitch Freund

- Your support of Alternative 1, which has been selected as the preferred alternative, is acknowledged and included in the project record.

2.7. Golik, Gabriella

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Gabriella Golik

ADDRESS: 3711 W. Lewis CITY: Fresno ZIP: 93711

REPRESENTING: Downtown Academy (ASLA) (FLYP)

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:

Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721
(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

The Alternative #2 the fountains 1

seem more intact - I would want to

know more information regarding 2

the funding needed to keep those (additional

in running order & w/ our drought 3

situation will it even be feasible.

Please comment by February 24, 2014



Response to Comments from Gabriella Golik

1. Alternative 1 would rebuild 5 fountains in place and would rebuild and relocate 11 fountains to new locations within the project area. Alternative 2 would rebuild 9 of the existing fountains in their current locations and would rebuild and relocate 8 fountains to new locations within the project area.
2. Rebuilt fountains will create lower maintenance burdens compared to the current fountains, which frequently need repair and which often draw more power than they should. The Fulton Mall currently has 20 fountains, 7 of which are currently working. All necessary funds to repair and relocate the fountains are included in the project costs. The City of Fresno will be responsible for all maintenance of the fountains. With respect to a comparison of Alternatives 1 and 2, the cost to operate and maintain the fountains in would be similar.
3. The rebuilt fountains would use recirculated water, which would help to reduce water usage and make fountain operation feasible. If the current drought worsens, cities statewide will need to reevaluate the usage of water for all landscaping projects, including this one.

2.8. Hill, Thua

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Thua Hill

ADDRESS: 2881 Huntington Blvd #112 CITY: Fresno ZIP: 93721

REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:
Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721
(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

Please, revitalize the Fulton Mall
& create more business and potential by
opening the streets to vehicle traffic!
It needs to be done! ~~to open the streets~~

Please comment by February 24, 2014



Response to Comment from Thua Hill

- Your support of the project is acknowledged and included in the project record.

2.9. Jauregui, Mario

From: [mariojbiz_](#)
To: [Helton, Kirsten J@DOT](#)
Subject: Fulton Mall Project
Date: Tuesday, February 04, 2014 7:13:14 PM

Hello my name is Mario Jauregui. I am a part of the downtown academy class. I would like to suggest for alternative 1 for the project to be chosen.

Response to Comment from Mario Jauregui

- Your support of Alternative 1, which has been selected as the preferred alternative, is acknowledged and included in the project record.

2.10. Lange, Jenna

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Jenna Lange

ADDRESS: 1803 Arden Dr. W. CITY: Fresno ZIP: 93703

REPRESENTING: self

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:

Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721

(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

I'm so excited about this option. The mall
needs to be opened up in order to thrive,
for businesses to succeed (and revitalize downtown)
and to get people invested in what
downtown Fresno has to offer - which is so
much!

Please comment by February 24, 2014



Response to Comment from Jenna Lange

- Your support of the project is acknowledged and included in the project record.

2.11. Leonard, Kim

FULTON MALL
RECONSTRUCTION PROJECT
Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Kim Leonard
ADDRESS: 3143 Madison CITY: Fresno ZIP: 93706
REPRESENTING: Self, downtown academy

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:
Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721
(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

Alternative 1 is the absolute best option.
There's a proven record of economic vitality
returning once a pedestrian mall has traffic
restored and I can't wait to see the
growth in a vibrant downtown-~~that~~
the downtown Fresno deserves!

Please comment by February 24, 2014



Response to Comment from Kim Leonard

- Your support of Alternative 1, which has been selected as the preferred alternative, is acknowledged and included in the project record.

2.12. Meadows, Jennifer

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Jennifer Meadows
ADDRESS: 2878 E. Paul Ave CITY: Fresno ZIP: 93710
REPRESENTING: Downtown Academy FLYP

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:
Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721
(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

Option #1 is needed!
I think that the infrastructure of the existing Fulton Mall is outdated and needs to be replaced. Also, adding the road through the mall will give a chance for businesses and owners to make a real change. Downtown Fresno is a ghost town, change must happen to bring it back. There are no funds for option #3, therefore I do not believe it should be an option.

Please comment by February 24, 2014



Response to Comment from Jennifer Meadows

- Your support of Alternative 1, which has been selected as the preferred alternative, is acknowledged and included in the project record.

2.13. Meadows, Michael Joseph

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Michael Joseph Meadows

ADDRESS: 2578 E. Paul Ave CITY: Fresno ZIP: 93710

REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:

Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721
(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

While the importance of maintaining historical buildings, parks, and places is part of the fabric of the U.S. dating back to Roosevelt (Teddy) it was always tempered under the belief that there was a balance between progress and conservation. The city of Fresno, like many cities struggling through post-modern growing pains is faced with a need to move forward in progress while maintaining the past. Alternative 1 allows for substantial potential growth but still offers protection to the historical art and buildings by giving the city and community increased revenue through taxes and private investment. This option also provides the balance between progress and conservation. (Do buildings will be torn down)

Please comment by February 24, 2014



Response to Comment from Michael Joseph Meadows

- Your support of Alternative 1, which has been selected as the preferred alternative, is acknowledged and included in the project record.

2.14. Miller, Rebecca



FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Rebecca Miller

ADDRESS: 752 E Carmen Ave CITY: Fresno ZIP: 93728

REPRESENTING: Self

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:

Mail to: Caltrans Central Region Environmental Division
 Kirsten Helton, Senior Environmental Planner
 855 M Street Suite 200
 Fresno, CA 93721
 (559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

In the economic, social, and environmental interests of
Fresno and the Central Valley, open the Fulton
Mall to all vehicular + other traffic. I hope best
efforts are made to minimize "gentrification" + displacement
of current businesses + homeless. However, the current
state of the mall is not working. Option 2 is preferable
as it saves features or is more aesthetically pleasing.
A relatively small change to one street in our city
will help to bolster the well-being of every resident +
will improve the city's brand + identity. Open the mall!!

Please comment by February 24, 2014



Response to Comments from Rebecca Miller

1. Potential gentrification impacts are discussed in Section 2.1.2.2 Environmental Justice of the final Environmental Assessment. The document states the following:

“Gentrification is the process by which an area of a city where poor people live becomes an area where middle-class people live as they buy the houses and repair them. In the case of the Fulton Mall, there are currently residential units in the upper floors of a few buildings and these are mainly rented by elderly low-income people. With improved access, developers plan to create additional residential units in other buildings, which could potentially be unaffordable to people with lower incomes. However, to help avoid this situation the City of Fresno’s “Downtown Neighborhood Community Plan” (Draft 2011) includes Goals and Policies which include a range of housing opportunities, including affordable housing.”
2. Your support of Alternative 2 is acknowledged and included in the project record. Alternative 1 has been selected as the preferred alternative.

2.15. Moffat, Sarah

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Sarah Moffat

ADDRESS: 2500 Tolave Street ^{Suite 4200} CITY: Fresno ZIP: 93721

REPRESENTING: Flup

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:

Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721
(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

I believe option 1 is the most feasible option for Fulton Mall. It maintains the beauty of greenery of trees, keeps artwork ~~as~~ to be highlighted and finally opens mall to traffic which is definitely needed. To leave the mall as is while we have funding to ~~not~~ re-introduce traffic would be irresponsible. There are no funds to fix the current mall as is which to me make it a non option. Support mall business by opening mall

Please comment by February 24, 2014

creating easy access for all humans



Response to Comments from Sarah Moffat

- Your support of Alternative 1, which has been selected as the preferred alternative, is acknowledged and included in the project record.

2.16. Olsson, Erik

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: ERIK OLSSON

ADDRESS: 887 E. WATROUVE LN CITY: FRESNO ZIP: 93730

REPRESENTING: VIKING CONSTRUCTION

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:

Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721
(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

OPTION #1 OPEN UP FULTON
MALL AND LETS GET SOME PARKING,
RETAIL SHOPS PEOPLE
WOULD ACTUALLY VISIT!

Please comment by February 24, 2014



Response to Comments from Erik Olsson

- Your support of Alternative 1, which has been selected as the preferred alternative, is acknowledged and included in the project record.

2.17. Perez, Ramon L., Latrisha F., and Samantha T.



Comment Card

RAMON L. PEREZ JR., LATRISHA F. PEREZ, & SAMANTHA T. PEREZ

NAME: _____
 ADDRESS: 851 VAN NESS AVE. CITY: FRESNO ZIP: 93721
Rooms: # 708 & 709
 REPRESENTING: SELF

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:
Mail to: Caltrans Central Region Environmental Division
 Kirsten Helton, Senior Environmental Planner
 855 M Street Suite 200
 Fresno, CA 93721
 (559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

We want the Fulton Mall to stay a pedestrian mall but with improvements to the art, fountains, lighting, security, & getting new businesses down here without building a road. If a road goes through here it will cause more damage than help improve the mall. In fact if a road is put in, it will kill all the businesses on The Fulton Mall, in effect killing the Fulton Mall altogether. So please ~~we~~ don't put a road through the Fulton Mall.

1
2

Please comment by February 24, 2014



Response to Comments from Ramon L., Latrisha F. and Samantha T. Perez

1. Alternative 1 has been selected as the preferred alternative in the final Environmental Assessment. Alternatives that do not include the construction of a local street were determined not to meet the Purpose and Need of the project.
2. At the present time, and as forecasted over the next 20 years, the need is for existing vehicles to be provided access and visibility to the businesses and storefronts located along the Fulton Mall. Any alternative that does not provide access and visibility fails to meet the Purpose and Need for the project. Section 2.1.2.1 Economic Impacts discusses this need.

2.18. Shapiro, Courtney

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Courtney Shapiro
ADDRESS: 1610 E. Cromwell CITY: Fresno ZIP: 93720
REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:
Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721
(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

I am in favor of opening the Fulton Mall to traffic. I believe this would jumpstart the revitalization of the downtown area. We need to stop sprawling & bring back the downtown to its former glory. As a parent I don't feel like the current Fulton mall is safe for my children. I would like to take them to a ball game & enjoy the downtown area after, rather than rushing to my car & locking the doors.

Please comment by February 24, 2014



Response to Comment from Courtney Shapiro

- Your support of the project is acknowledged and included in the project record.

2.19. Stumpf, Veronica



FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: Veronica Stumpf
 ADDRESS: 2045 E. Ashlan Ave., #102 CITY: Fresno ZIP: 93726
 REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:
Mail to: Caltrans Central Region Environmental Division
 Kirsten Helton, Senior Environmental Planner
 855 M Street Suite 200
 Fresno, CA 93721
 (559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

There will always be people who treasure the mall's history
and art. They will fight for Alternative 3. Pay attention
to their concerns & discuss them. The Plan states
that the mall's art will be refurbished and relocated
in the CBD/Fulton Mall. I think this needs to
be emphasized. Stress that opening the mall isn't going
to destroy the history of art. I think this will make
more people... not all... support opening the mall

1
2
3

Please comment by February 24, 2014



Response to Comments from Veronica Stumpf

1. Alternative 3 was withdrawn from further consideration because it failed to meet the Purpose and Need of the project, and because it was determined not to be prudent under Section 4(f). A full discussion of the reasons for these determinations is contained in the Section 4(f) Evaluation, Section 1.5 Alternatives Analysis.
2. Restoration and relocation of the Fulton Mall art is discussed in detail in Attachment A Mall Features Inventory in the Section 4(f) Analysis. A full description of each art piece and potential restoration methods is included in the City of Fresno's Fulton Mall Reconstruction Alternatives Analysis Report, available online at http://www.fresno.gov/NR/rdonlyres/E74E6B88-33E5-4191-A4CA-44E6F57D6C79/0/AA_Report_Final_sm.pdf.
3. The disposition of the art currently located on the Fulton Mall is discussed in Section 1.8 Least Harm Analysis of the Section 4(f) Evaluation, and again in the City of Fresno's Fulton Mall Reconstruction Alternatives Analysis Report mentioned above.

2.20. Bitters, Stan

FULTON MALL

RECONSTRUCTION PROJECT

Open Format Public Hearing | Tuesday, February 4, 2014

Comment Card

NAME: STAN BITTERS

ADDRESS: 1471 N WHITNEY CITY: FRESNO ZIP: 93703

REPRESENTING: MALL-SAVE

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or:

Mail to: Caltrans Central Region Environmental Division
Kirsten Helton, Senior Environmental Planner
855 M Street Suite 200
Fresno, CA 93721

(559) 445-6461 or email at kirsten.helton@dot.ca.gov

I would like the following comments to be considered (please print):

IN THE EVENT THAT COUNCIL REJECTS THE
MAYORS PLAN AND THE FEDS DON'T WANT
THE MONEY BACK - CAN THE MONEY BE
USED TO REPLACE EXISTING CEMENT FLOOR?

Please comment by February 24, 2014



Response to Comment from Stan Bitters

- It is Caltrans' understanding that the TIGER grant, as currently defined, can be used only to add street lanes to the existing Fulton Mall, and it is unlikely that this funding could be used to simply replace the existing aggregate.

2.21. Fields, Jill Ph.D., California State University, Fresno



Discovery. Diversity. Distinction.

To: Caltrans

Re: Fulton Mall

Date: February 4, 2014

Dear Caltrans Staff:

I am writing to oppose the destruction of the Fulton Mall currently proposed by Mayor Swearingin. Here's why:

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

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

In addition, the plans to destroy the Mall tout the purported safety of the reestablished street by incorporating design features and speed limits that will keep traffic slow. As anyone who drives knows, optimal speed for maximizing fuel

Department of History
California State University, Fresno
5340 N. Campus Drive M/S 5521 • Fresno, California 93740-8019
P 559.278.2153 F 559.278.5321 www.FresnoState.edu/historydept

THE CALIFORNIA STATE UNIVERSITY



1

2

efficiency is not 15 miles per hour. The very plan to keep traffic slow on the former pedestrian mall will actually increase particulate levels significantly. The safety currently enjoyed by Fulton Mall pedestrians and the disabled will be diminished not only by the presence of cars, but also by breathing higher amounts of particulate matter.

2

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

3

Thank you for considering my comments. I urge you to support restoration of the Fulton Mall for the health, safety, and well-being of all in our community and those who visit it.

4

Sincerely,

Jill Fields, Ph.D.

Professor of History and Founding Coordinator, Jewish Studies Certificate Program

Response to Comment from Jill Fields, Ph.D., California State University, Fresno

1. This comment refers to a DEIR, or draft Environmental Impact Report. The City of Fresno prepared a DEIR to comply with the requirements of the California Environmental Quality Act. This document is a final Environmental Assessment, which complies with the requirements of the National Environmental Policy Act. As stated in Section 1.2.1 Purpose of the draft Environmental Assessment, the purpose of the project is to improve mobility, access and visibility in the project area. The addition of a local street to the Fulton Mall will meet the Purpose and Need for the project. Meeting this objective is anticipated to provide incentive for future project development and the reoccupation of existing vacant office and retail space in the Fulton Mall area. Section 2.1.3 Traffic and Transportation/ Pedestrian and Bicycle Facilities of the final Environmental Assessment evaluates the impact of the projected traffic and states that “Future traffic conditions are evaluated based on the assumption that land use plans currently anticipated by the City will occur. A list of proposed developments is included in Table 2-2. The proposed project does not propose any additional traffic-generating land uses. The Pedestrian Mall alternative is not expected to affect traffic volumes, but is instead expected to accommodate traffic that will exist in the future.”
2. The Air Quality Analysis Report prepared for the project determined that particulate matter would not substantially differ compared to particulate matter generated without the project. City design standards are enacted to provide safety for all modes of transportation, including autos, bicycles and pedestrians. The straight street lines provided by Alternative 1, the preferred alternative, and the low speed limit (15 miles per hour) are designed to help keep pedestrians safe.
3. Preservation of the Fulton Mall was evaluated in Alternatives 3 and 4, which were eliminated from further consideration due to the fact that they did not meet the Purpose and Need for the project. (See Section 1.7 Alternatives Considered but Eliminated from Further Discussion.)
4. Your support of restoration of the Fulton Mall is acknowledged and included in the project record. Alternative 1 has been selected as the preferred alternative, as discussed in Section 1.6 Identification of a Preferred Alternative in the final Environmental Assessment.

2.22. Valentino, John M.

FULTON MALL 2-8-14

Three to four times per week I ride my bicycle to and around the Fulton Mall. These up close encounters combined with the controversy surrounding changes to the mall, caused me to think about my former college professor and Fulton Mall landscape architect, Garrett Eckbo. I understand it was one of his favorite projects. As I contemplated how Mr Eckbo might feel about the Mall's problems, I decided to find an almost forgotten personal note he gave me about 36 years ago in response to a presentation I gave at an educational conference in Newport Beach. "Thoughtful" was less complimentary than I remembered, but I'll take "thoughtful" from Garrett Eckbo. We all knew him to be introspective and already firmly established as one of a handful of the most important 20th Century figures in Landscape Architecture. His contemporary, Robert Royston described him as "... a clear and social thinker, and he can really see the whole picture." I wonder how Garrett Eckbo would perceive our current "whole picture" in Fresno?

There are indications he would be analytical and not nostalgic. He believed, "Design shall be dynamic, not static. We do not want to live in a static world." He advocated "use of the best available means to provide for specific needs of the specific inhabitants." His biographer wrote of Eckbo, "Critical of past thinking, not so much for its role in earlier times, as for the way older landscapes exerted their influence of twentieth century conditions – conditions obviously greatly altered. We must ask why we turn to the distant past for solutions to the problems of today. Instead, Garrett Eckbo would direct us to learn from society and the site – with faith in our ability to create our own landscapes appropriate to our own situations and times."

I fantasize that my former college professor could ride with me and look at the Fulton Mall today. As he neared the end of his life in the late 20th century he wrote, "The landscape architects and conservation people are focused on green open space within, around and between cities, and the salvation of the natural landscape. This is all well and good, but it misses the chief point of contention in the world landscape – the gap between structural and landscape visions. The former embodies the central outlook of the leading business/economic view of the world. It tolerates landscape visions but if they get in its way, will not hesitate to ride over and destroy them. Its way embodies maximum profit for the chief protagonists. The only way to save this world from the implications of this split attitude is to merge the two visions into a social/cultural/natural approach. That is the task for the ongoing century." And that is our task in Fresno. Fifty years of legacies and innate strengths on the Mall can be honored and even celebrated, while adjusting to today's reality. While not our first preference in a perfect world, changes involving returning some auto traffic to the Fulton Mall is currently an action that I support and it is not unfathomable to me that Garrett Eckbo would agree. As Mr. Eckbo stated more than once, we should learn from the site and society, and apply our best abilities and creativity for the best landscape for this situation at this time.

John M Valentino

Response to Comment from John M. Valentino

- Your support of the project is acknowledged and included in the project record.

2.23. Downtown Fresno Partnership

DOWNTOWN FRESNO PARTNERSHIP

February 23, 2014

Kirsten Helton, Senior Environmental Planner
California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721
Via email: Kirsten.Helton@dot.ca.gov

Dear Ms. Helton:

The Downtown Fresno Partnership (DFP) is pleased to submit this letter with comments on the Environmental Assessment and Section 4(f) Evaluation (hereinafter the Draft Environmental Document, or DED) prepared by the California Department of Transportation (Caltrans) for the proposed Fulton Mall Reconstruction Project (the Project) in the City of Fresno. As you know, the Partnership is also a Consulting Party on the Section 106 evaluation of the Project.

The Partnership has a unique connection to the Project and the Project Area. The Partnership is a 501(c)(6) nonprofit organization formed to support the success of businesses and properties in Downtown Fresno. Since 2011, the Partnership has operated a property and business improvement district whose property-owner members pay an annual assessment. These assessments total nearly \$600,000; the remainder of the Partnership's nearly \$1.5 million annual budget is arrived at through earned income. Among Downtown property owners, those along the Fulton Mall pay these assessments at the highest per-square-foot rate, in return for the highest level of district-funded services. The Partnership's budget includes hosting major festivals, parades, and smaller events on the Fulton Mall; "Ambassador" guides whose daily patrols extend throughout Downtown with a focus on the Fulton Mall; beautification measures such as plantings and graffiti removal, which are focused on the Fulton Mall; half the cost of cleaning the Fulton Mall artwork collection for many years running; the major seasonal attraction of the ice rink on the Fulton Mall; and funding murals in the area surrounding the Fulton Mall. In 2013 the Partnership hosted events on 138 days, bringing a total of 260,000 people to Downtown Fresno; 80 % of these event days included activities on the Fulton Mall. Partnership staff members are in daily contact with current and prospective Downtown property owners and investors, business owners, residents, and the general public.

By virtue of its membership and operational activities, the Partnership is also the leading advocate for Downtown Fresno stakeholders such as property and business owners. For many years, the challenges to business presented by the Fulton Mall as a pedestrian mall, as well as the condition of the now 50-year-old Fulton Mall landscape, have been in the very top tier of challenges confronted by these stakeholders. It is for this reason that the property owner-led

DOWNTOWN FRESNO PARTNERSHIP

board of the Partnership has not only advocated passionately for the Project, but has committed \$250,000 of Partnership cash resources toward the Project's construction budget. We see the rebuilding of the Fulton Mall as a beautiful and functional "Main Street" as an existential issue not only for the rich stock of buildings in the Project Area, but for the business owners who occupy them, many of them immigrant families, some of whom have risked it all in pursuit of the American dream.

Downtown Fresno and its stakeholders are not alone in this challenge or their approach to it. As a longtime member of the International Downtown Association (IDA), and now as an IDA board member, I have heard from my peers around the country who manage other current and former downtown pedestrian malls about the challenges such malls present. My colleague Ron Redmond, Executive Director of the Church Street Marketplace in Burlington, Vermont, operates one of the nation's few successful pedestrian malls near the University of Vermont, and has said that he regularly advises other cities against installing pedestrian malls, because the fundamentals of the Church Street context that drive foot traffic there are so rare. My IDA board colleague David Diaz, who is President and CEO of the Downtown Raleigh Alliance, has said that the 2005 reopening of the pedestrian mall on Fayetteville Street, in the area his organization manages, has been the single biggest factor in unleashing the nearly \$3 billion of investment that has happened in Downtown Raleigh since. My colleague and Mr. Diaz's predecessor in Raleigh, Nancy Hormann, has reported that before Fayetteville Street was reopened, the conditions of economic inactivity and urban decay not only affected Fayetteville Street itself, but surrounding streets as well. Beyond these anecdotal examples, from my position as a leader in the field of downtown revitalization nationally, I can say with confidence that, based on the high numbers of pedestrian malls that have failed compared to those that have succeeded, the industry by and large sees American cities' experiments with downtown pedestrian malls as a mistake.

The Partnership was therefore pleased to find in the DED a robust analysis of the economic and quality-of-life challenges in the Project Area today that have evolved in great part due to limited transportation functionality within the Project Area. We appreciate the identified Purposes of the Project and strongly concur with all of the findings identified in the Need. Based on our experience locally and my experience nationally, the Partnership believes the two identified Project Build Alternatives are the only way to achieve the Project's Purpose and Need. In particular the Partnership has consistently advocated for Alternative 1 — even before the design of this Alternative had evolved to its present state which mitigates many of the Project's impacts on the cultural and aesthetic resources within the Fulton Mall landscape. From a business owner's perspective, having double the on-street parking, a predictable (i.e., straight) lane configuration, and double the accommodation of booth space during special events are tremendous advantages in addition to the presence of vehicle lanes, wide sidewalks, and street trees which are common to both alternatives.

We also concur with the evaluation leading to the elimination of each of the Alternatives 3 through 10, as well as the No-Build Alternative. None of these alternatives is funded; but perhaps more importantly, we believe that even if they were somehow funded, they would not

DOWNTOWN FRESNO PARTNERSHIP

meet most of the basic objectives of the Project as stated in the Purpose and Need. Alternatives 3 and 4 would improve the condition of the landscape, but would do nothing to ameliorate the fundamental challenge to storefront visibility and accessibility presented by the exclusion of vehicle traffic in the Project Area. We can speak from experience, in negotiating investments of limited City resources just to provide the necessary level of downtown maintenance, and having weathered the end of redevelopment incentive funding for downtowns across California in 2011, that the prospect of heavy subsidies to businesses in Alternative 4 is unrealistic.

Alternatives 5 through 8 all purport to present a partial solution, but fail to solve a fundamental challenge presented by the Fulton Mall today: the disruption of the historic street grid. We and our constituents find that downtown visitors are regularly confused by the closure of streets and resulting superblocks in this part of Downtown Fresno. In considering these alternatives, we are particularly distressed by the value proposition for buildings and businesses located along the blocks that would remain closed to traffic in each proposal. The center blocks of the Fulton Mall contain some of the greatest historic buildings in central California, all designed around Fulton as an open street, and the Partnership has been integrally involved in working with investors in these buildings. New investors in the Helm, Pacific Southwest, Bank of Italy, JC Penney, and Luftenburg's buildings, some of whom are represented on our board of directors, have clearly stated that their interest in developing these mostly vacant buildings is predicated on the expectation that the Project, as envisioned in the Project Build Alternatives, be constructed. The center blocks also have the most usable storefront spaces for retail and entertainment. Generally speaking, Alternatives 5–8 would not provide new access or visibility to these buildings and businesses. In the end, constructing these options would cost roughly the same as the Project Build Alternatives, and fundamentally alter at least half the Fulton Mall, yet produce little benefit to transportation functionality or the resulting economics in the Project Area. As the DED rightly concludes, even if these alternatives were funded, they would not meet the Purpose and Need of the Project.

Finally, we agree that Alternatives 9 and 10 are not feasible.

As noted above, the Partnership is integrally involved with the maintenance of the Fulton Mall artwork collection, along with the general upkeep of the landscape today. We therefore read with interest the Draft Section 4(f) Evaluation included in the DED.

Although the criteria for the eligibility of buildings along the Fulton Mall to the identified National Register-eligible historic district — other than having been built before 1971 — seem unclear, we agree that the area is integral to the history of Fresno, and that the buildings in the Project Area help to tell that story. Downtowns, including ours, have everything to gain from embracing the historic importance of these areas to life in the cities and regions surrounding them. In the case of the Fulton Mall Area, prosperity and a high rate of diverse occupancy are an important part of that history, especially in the 90 years before the street was closed to traffic, and we are keen to reintroduce the value of a vibrant Downtown to the region as a whole in the 21st-century economy of the next 90 years.

DOWNTOWN FRESNO PARTNERSHIP

Consistent with the correct finding that Project Alternatives 3–8 do not meet the Project Purpose and Need, we agree that these six alternatives are not prudent under Section 4(f). We also agree with the infeasibility of Alternatives 9 and 10.

The central question under Section 4(f), then, is how to minimize harm through the Project Build Alternatives. For the Partnership and our constituents, the Fulton Mall Area is and should be a space with a diversity of uses. Although we do not feel a pedestrian mall has been a successful way to achieve them, in many ways the goals of Victor Gruen and Garrett Eckbo in creating the Fulton Mall are the same goals we are laboring to achieve today. Businesses depend on the Fulton Mall because it alone provides access to most of the businesses and buildings within the Project Area. The Fulton Mall is an important space for special events designed to draw foot traffic and produce both cultural and economic benefits. The Fulton Mall hosts an impressive collection of public artwork that is meant to be seen and appreciated on a regional level. The Partnership's operations are integral to all of these aspects of the Fulton Mall's historic character.

Having participated actively in planning for the Project, particularly in recent months as the Project Build Alternatives have evolved from a conceptual stage to a 30% level of design, we have been impressed with the level of care that has been taken to consider this range of uses and values going forward. Based on our work in the Project Area every day, we believe the Fulton Mall intrinsically *wants* to be a vibrant, prosperous place that welcomes residents of the region and visitors from a broad range of socioeconomic and cultural backgrounds. This place is important to our community for much more than just the exact configuration and size of certain landscape elements. Therefore, we would urge that the approach to the least-harm analysis under Section 4(f) consider the enhanced functionality of the space for a range of uses as an essential metric for reducing harm. 2

We believe that when the totality of factors affecting the future of the Fulton Mall is considered, Build Alternative 1 emerges as clearly superior under Section 4(f). Compared with Alternative 2, Alternative 1 provides more than double the on-street parking, which serves the area economically and also buffers the sidewalks from vehicle traffic; 50% more trees as well as more consistent shading of sidewalks from the afternoon sun; more than double the number of available vendor spaces during special events; and a beautiful, wide, consistent promenade on the east side of the right-of-way that encourages people-watching and recreation as well as foot traffic. It is true that Alternative 1 would retain 16 of the 20 fountains, as opposed to the 17 of Alternative 2, and that five of the fountains retained in Alternative 1 would be reduced in scale, as opposed to one in Alternative 2. However, the quality of the setting is critical to the success of any fountain. Reducing some of the largest fountains in size, rather than rebuilding them at the same size, will help them better fit in the new scale of the east-side promenade, and allow adults and children to walk and play more freely around them. The space created also provides greater opportunities in Alternative 1 to introduce new artwork over time. 3

DOWNTOWN FRESNO PARTNERSHIP

We believe the extensive work put into the designs for the Project has brought them to a point where Alternative 1 in particular maximizes the mitigation of adverse impacts to the 4(f) resource (and indeed, creates some positive impacts), while also maximizing the ability to meet the Project's stated Purpose and Need. Therefore, we enthusiastically recommend selecting Alternative 1 for the Project under Section 4(f) as well as through the various review and consultation processes occurring simultaneously under other applicable federal laws.

3

Thank you for the opportunity to comment on the Environmental Assessment and Section 4(f) Evaluation for the proposed Fulton Mall Reconstruction Project. We commend Caltrans for your diligence in preparing the documentation for this important and exciting project for our community.

Sincerely,



E. Kate Borders
President/CEO
kborders@downtownfresno.org
559-978-2673

Response to Comments from Downtown Fresno Partnership

1. A complete discussion of Alternatives 5 through 8 can be found in the Section 4(f) Evaluation, Section 1.5 Alternatives Analysis. This section discusses the issues outlined in this comment. Section 1.7 Alternatives Considered but Eliminated from Further Discussion in the final Environmental Assessment dismisses these alternatives from evaluation because they are not prudent under Section 4(f) and fail to meet the project's stated Purpose and Need.
2. The Least Harm Analysis included in the final Environmental Assessment is based on the following factors:
 - i. Ability to mitigate adverse impacts to each Section 4(f) resource
 - ii. Relative severity of the remaining harm, after mitigation, to the protected activities and attributes or features (document even if harm is substantially equal)
 - iii. Relative significance of each Section 4(f) property
 - iv. Views of the officials with jurisdiction over each Section 4(f) property
 - v. Degree to which each alternative meets the Purpose and Need
 - vi. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and
 - vii. Substantial differences in costs among alternatives

Functionality of space is discussed under Criterion v, and states that “on-street parking spaces can double as vendor booth spaces during events.”

3. Your support of Alternative 1, which has been selected as the preferred alternative, is acknowledged and included in the project record.

2.24. Bruce Judd Consulting Group



Bruce Judd Consulting Group

Ms. Kirsten Helton
Senior Environmental Planner
California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721

Via Email: Kirsten.Helton@dot.ca.gov

February 22, 2014

Re: Comments on the Fulton Mall Reconstruction Project

Dear Ms. Helton:

This letter is in response to "The Fulton Mall Reconstruction Project Environmental Assessment and Section 4(f) Evaluation" (referred to here as Environmental Assessment).

Resume

I am the principal with the Bruce Judd Consulting Group. Previously, I was the co-founder of Architectural Resources Group in San Francisco in 1980. Over the course of my career, I have directed more than 250 planning, rehabilitation, and expansion projects for architecturally significant buildings throughout the west. I am a nationally recognized expert in the field of historic preservation with extensive experience with the application of *The Secretary of the Interior's Standards for Preservation*. For eight years I served as a President-appointed Expert Member of the Advisory Council on Historic Preservation (AHP), the federal agency that oversees and advises on national preservation matters, and participated on the Committee for Preservation and Security for the White House and Capitol. For nine years, I served as a member of the Board of Trustees of the National Trust for Historic Preservation. My qualifications meet The Secretary of the Interior's Historic Preservation Professional Qualifications Standards in Architecture, Historic Architecture, Architectural History, and History. A copy of my Curriculum Vitae is attached to this letter.

On-site Review and Documents Reviewed

I have spent time in Fresno visiting the site and meeting with City staff and elected

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Bruce Judd Consulting Group

officials to better understand the proposed project, the purpose and need for the proposed project, the alternatives, and their impact on historic resources.

I have reviewed many of the documents relative to the project including:

- 1) The Fulton Corridor Specific Plan, Public Draft, October 14, 2011;
- 2) The Fulton Mall Reconstruction Alternatives Analysis Report, dated November 13, 2014;
- 3) The Fulton Mall Reconstruction Project Finding of Adverse Effect by Caltrans, dated December 2013;
- 4) The Fulton Mall Reconstruction Project Environmental Assessment and Section 4 (f) Evaluation, dated January, 2014;
- 5) A Summary White Paper on the Fulton Mall from the Cultural Landscape Foundation, dated October 15, 2010;
- 6) the Draft Environmental Impact Report for the Fulton Mall Reconstruction Project, City of Fresno, California State Clearinghouse Number 2013101046, dated November 26, 2013;
- 7) the Historic Resources Technical Report prepared by Historic Resources Group, September 2013; and
- 8) the Fulton Mall Alternative Plans, Economic Impact Analysis, dated June 24, 2011.

I have also reviewed several letters including:

- 1) Comments on the Draft Environmental Impact Report for the Fulton Mall Reconstruction Project, dated January 13, 2014, signed by representatives of the National Trust for Historic Preservation, The Cultural Landscape Foundation, the California Historical Society and the California Preservation Foundation;
- 2) letter from the Downtown Fresno Coalition, dated December 6, 2013;
- 3) letter from the Advisory Council on Historic Preservation Regarding the Fulton Mall Reconstruction Project dated January 23, 2014;
- 4) letter from the Department of Transportation to the Advisory Council on Historic Preservation dated January 23, 2014; and
- 5) letter from City of Fresno Historic Preservation Project Manager Karana Hattersley-Drayton, dated February 20, 2014.

Significance

It is clear that the Fulton Mall, "the Mall," is one of Garrett Eckbo's most significant works, has a high degree of design integrity, and is unique in its public display of modern art integrated into an outdoor public mall.

Build Alternatives

The Environmental Assessment proposed two options for reconstruction of the Mall:

Build Alternative 1 - Traditional Main Street

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Page 2 of 5.



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Build Alternative 2 - Modified Main Street with Vignettes

Build Alternative 1- "Traditional Main Street." This option would reopen the Fulton Mall to a vehicular two-way street, with one lane of vehicular traffic traveling in each direction for the full length of the Mall and for three cross streets. There would be parallel parking on each side of the street and sidewalks would include a 14-foot wide sidewalk on one side of the street and a 28-foot wide promenade on the other. The promenade is intended to reflect the pedestrian experience of the original mall. This option would include the original fountains, art and approximately 22 mature, existing shade trees in addition to newly planted trees.

Build Alternative 2 – "Modified Main Street with Vignettes." This option is similar to Build Alternative 1, but would include reconstructing elements of the Fulton Mall in five to six specific locations, described as "vignettes." The vignettes are intended to preserve existing trees and features of the original design including sculptures, fountains, the pavement pattern, and mature trees. The street would have two lanes of traffic in gentle curves in the areas of the vignettes and would be straight between them. This would permit preservation of more of the Mall's historic features, including one more fountain, and approximately five more mature, existing shade trees.

In both alternatives, most fountains will need to be reconstructed due to the poor condition of the materials; damaged, rusting and missing irrigation piping and electrical wiring; and lighting that has completely failed. Also, the fountains do not meet current drainage standards and in some cases do not drain at all.

I believe that both Build Alternatives 1 and 2 will meet most of the Project criteria and work well for Fresno, but I think that Build Alternative 1 is the better option. The 28 foot-wide promenade on one side, comes closer to the original mall design providing a much wider space for pedestrians, giving the artwork more space and will come closer to the feeling of the original mall. It provides better accessibility as well as more on-street parking, which will encourage more people to come to the area.

Build Alternative 2 would provide a pedestrian space that will vary in width along the mall. Because the roadway will curve for portions of the mall, there may be traffic safety (or perceived safety) issues and there will be less separation from moving vehicles. Finally the artwork and larger fountains will be restricted to spaces created by the curving roadway.

Project Alternatives

The Environmental Assessment referenced several project alternatives that were not selected for additional study; two of these alternatives are addressed below.

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Of these, Alternative 6 – “Keep Four Center Blocks Closed”¹ has prompted some comments. This Alternative would maintain the middle four blocks of Fulton Mall for pedestrian traffic and open Fulton Street’s northernmost and southernmost blocks and cross streets to vehicular traffic.

Alternative 6.3.4 “Keep South and Center Three Blocks Closed”² in the Draft Environmental Impact Report is a variation of the above alternative that maintains three blocks of the Mall for pedestrians only.

Several reviewers’ comments have suggested that Alternative 6.3.4 should be considered the best option for further review and development.

These alternatives have several disadvantages to Build Alternatives 1 and 2. They will affect more than 50% of the Mall, including the loss of the pedestrian portions designed to be the “gateways” into the Mall from the north and south.

1

They will reduce the pedestrian-only portions of the mall from about 4,000 feet in length to about 1,900 feet. This is a conversion of about 54% of the mall to a street.

Currently the mall is divided into three long pedestrian superblock sections, each about 1,260 linear feet in total length. These alternatives propose to have six smaller sections of pedestrian mall, each of about 400 linear feet. This alters the original notion of a continuous landscape.

2

The most significant and larger historic buildings are located towards the center of the mall. Build Alternatives 1 and 2 allow traffic to flow past these buildings, thereby increasing interest and activity to the most valuable historic buildings on the Mall. Conversely, Alternative 6.3.3 and Alternative 6.3.4 allow traffic flow only on the end points of the mall, where the least significant buildings are located, and prohibit traffic flow that allows Fresno’s most historic buildings to be seen by appreciated by passersby. The northern and southern blocks, the end points, disproportionately have non-historic buildings and vacant land compared to the central blocks.

3

Historic Character

While not discussed in the Environmental Assessment, historic character is determined not just by physical condition but how historic resources are used for culture, business, and recreation. If the historic buildings along the Fulton Mall can not be used as intended

4

¹ Also identified as Alternative 6.3.3 in the Draft Environmental Impact Report for the Fulton Mall Reconstruction Project, and originally as Option 4A in the draft Fulton Corridor Specific Plan and Fulton Mall Alternative Plans, Economic Impact Analysis.

² Also identified as Alternative 6.3.4 in the Draft Environmental Impact Report for the Fulton Mall Reconstruction Project, and originally as Option 4A in the draft Fulton Corridor Specific Plan.



Bruce Judd Consulting Group

this also diminishes their historic character. Most of the buildings on the mall were designed to face on a street with sidewalks and cars, as do almost all commercial buildings found in downtown areas.

4

Conclusion

It is my determination that Build Alternative 1 will result in preserving the best of the Fulton Mall's historic properties and should be the selected alternative to move forward for construction. It meets the largest number of Project Purpose and Need criteria, while preserving what makes the Eckbo design important.

5

Please feel free to contact me if you have any questions or regarding the above.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce D. Judd".

Bruce D. Judd, FAIA

Supporting the protection, preservation and restoration of America's resources.

Response to Comments from Bruce Judd Consulting Group

1. This comment refers to a DEIR, or draft Environmental Impact Report. The City of Fresno prepared a DEIR to comply with the requirements of the California Environmental Quality Act. This document is a final Environmental Assessment, which complies with the requirements of the National Environmental Policy Act. The alternatives mentioned, Alternatives 6 and 6.3.4, were identified as Alternatives 7 and 8 in the final Environmental Assessment and Section 4(f) Evaluation. The comments regarding these two alternatives are acknowledged.
2. Your comment is acknowledged. Alternatives 7 and 8 would indeed have an adverse effect to the Fulton Mall historic property. They would also constitute a “use” under Section 4(f), which is discussed in the Section 4(f) Evaluation, Section 1.5 Alternatives Analysis.
3. Discussion of the effect of alternatives that leave a portion of the Fulton Mall as a pedestrian-only facility (Alternatives 5 through 8) has been added to Section 1.5 Alternatives Analysis of the final Section 4(f) Evaluation.
4. Caltrans’ Lease Overall Harm Analysis, prepared as part of the Section 4(f) Analysis, discusses the use of the Fulton Mall Landscape and Fulton Mall/Fulton Street Historic Districts for cultural, business and recreation uses. Part of the reasoning for selecting Alternative 1 as the preferred alternative is that it better allows for continuation of outdoor special events that are currently held upon the Mall.
5. Your support of Alternative 1, which has been selected as the preferred alternative, is acknowledged and included in the project record.

2.25. Richert, Doug

From: dougrichert@att.net
To: [Helton, Kirsten J@DOT](mailto:Helton_Kirsten_J@DOT)
Subject: Environmental and Assessment and Section 4(f) for the Fulton Mall Reconstruction Project public comment
Date: Monday, February 24, 2014 4:59:27 PM

I find the Environmental and Assessment and Section 4(f) for the Fulton Mall Reconstruction Project inadequate, inaccurate, and/or unbiased in the following Chapters, in part and in whole.

1.2 pp.1-2 Project History: No mention is made of the planning changes in the 1988 Bullard Community Plan and others that allowed multistory buildings to be built outside Downtown Fresno. The impact of the corresponding loss of professional jobs to the area is neither mention in Project Area History nor analyzed in subsequent chapters.

1

1.2 p.5 Purpose and Need: Figure 1-2 clearly shows that the reintroduction of traffic to Fulton has no impact on access to the proposed High Speed Rail Station. Fresno and Tulare streets are the East-West access points from SH 99 and SH 41. Anyone driving to the HSR station west of the tracks will not even cross Fulton. Fulton's accessibility to automobile traffic had less than insignificant impact on access to the proposed High Speed Rail Station.

2

1.2.2 p.7 The count of 14 metered on-street parking stalls is incorrect. There are more spaces in the project study area on Fresno Street alone. Either build alternative adds less than 200 on street parking spaces. This is less than 7% of the current parking available. Many city studies stress the "park once" concept of large parking structures will be still be necessary due to the small number of additional spaces added.

3

1.2.2 p.9 Access and parking is only one of four factors of Fulton’s office building vacancy rate according to the Fresno Market and Economic Analysis of 2011, p.35. Inefficient layouts, cost of rehabilitation, and uncertain reuse plans are cited equally by the study.

4

1.2.2 pp10-11. Table 1-2 and Table 1-3 give an inaccurate and biased account of crime in the Project Study Area and Downtown Fresno as a whole. Statistics are misused to suggest the Project Study Area has a crime problem because of the pedestrian Mall. The time frame for the crime cited is too short of a period to be statistically meaningful. An eight month period cannot account for seasonal variations alone. The use of per acre versus per capita basis is also highly suspect. Crime statistics available from the FBI are listed in a per capita basis.

5

1.2.2 p.12 Increase consistency with Land Use Plans. The project fails to meet currently adopted land use plans. While there are proposed changes, until they are adopted and codified, it is unknown if the Project is even legal.

6

2.1.1.1 p.39 Table 2-2 demonstrates the dangers of the Environmental and Assessment and Section 4(f) for the Fulton Mall Reconstruction Project relying on proposed, not approved, land uses. The very first proposed project, the CVS build, has been rejected by the Fresno Planning commission. It is unknown what other changes to land use may occur that would render any proposed mitigation inadequate.

7

2.1.2.2 p.58-64 The response to the impact to residents is inadequate. There are currently no ordinances or policies to protect, preserve, or require affordable housing in the proposed Project. Since the proposed project is not being considered under existing land uses and zoning, it is impossible to know if mitigating policies for affordable housing will be adopted.

8

Environmental and Assessment and Section 4(f) for the Fulton Mall Reconstruction Project inadequate, inaccurate, and/or unbiased in the following Chapters, in part and in whole.

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1.2 p.5 Purpose and Need: Figure 1-2 clearly shows that the reintroduction of traffic to Fulton has no impact on access to the proposed High Speed Rail Station. Fresno and Tulare streets are the East-West access points from SH 99 and SH 41. Anyone driving to the HSR station west of the tracks will not even cross Fulton. Fulton's accessibility to automobile traffic had less than insignificant impact on access to the proposed High Speed Rail Station.

9

1.2.2 p.7 The count of 14 metered on-street parking stalls is incorrect. There are more spaces in the project study area on Fresno Street alone. Either build alternative adds less than 200 on street parking spaces. This is less than 7% of the current parking available. Many city studies stress the "park once" concept of large parking structures will be still be necessary due to the small number of additional spaces added.

1.2.2 p.9 Access and parking is only one of four factors of Fulton's office building vacancy rate according to the Fresno Market and Economic Analysis of 2011, p.35. Inefficient layouts, cost of rehabilitation, and uncertain reuse plans are cited equally by the study.

1.2.2 pp10-11. Table 1-2 and Table 1-3 give an inaccurate and biased account of crime in the Project Study Area and Downtown Fresno as a whole. Statistics are misused to suggest the Project Study Area has a crime problem because of the pedestrian Mall. The time frame for the crime cited is too short of a period to be statistically meaningful. An eight month

Response to Comments from Doug Richert

1. The project history section is intended to give a brief, concise overview of the project. The possible effects of the 1988 Bullard Plan do not contribute to the evaluation of impacts of the Fulton Mall Reconstruction Project and so have not been added to the Project History text. Additional historical information can be found in the Historic Property Survey Report, August 2013.
2. The project eliminates the barrier that the “superblock” currently imposes, thereby increasing mobility for automobiles traveling in the downtown area. This improvement in mobility will increase the ease with which drivers are able to access the High-Speed Train station.
3. There are currently six parking spaces on Fresno Street within the project study area outlined in Figure 1-2 Project Location Map. Section 1-2 of the final Environmental Assessment states the following: Managed on-street stalls are essential for competitive shopping districts and offer convenient parking for an impulse visit. Research led by Norman Garrick of the University of Connecticut in 2007 concluded: “We found that on-street parking plays a crucial role in benefiting activity centers on numerous levels . . . users of downtowns consistently valued on-street parking spaces over and above off-street surface lots and garages.”
4. The scope of this project is intended to address mobility, visibility, access and consistency with local plans in the project study area. The other three vacancy factors discussed in this comment are beyond the scope of this project and are being addressed separately by the City of Fresno. The proposed Fulton Corridor Specific Plan and the proposed Downtown Neighborhoods Community Plan cite the lack of street parking as an impediment to economic growth in the project area.
5. The City of Fresno Police Department did not collect data for the Fulton Mall specifically prior to 2012. Updated data for 2013 are now available, but since this would still result in a short time period for meaningful statistics, text regarding graffiti in Section 1.2.2 Need of the final Environmental Assessment has been deleted.
6. Text has been added in several sections of the document, including Section 1.2.2 Need, Increase Consistency with Land Use Plans and Section 2.1.1.2 Consistency with State, Regional and Local Plans and Programs to show that on February 27, 2104, the Fresno City Council voted to amend the 2025 General Plan and Central Area Community Plan to change the designation of the Fulton Mall area from a

pedestrian mall to a local street, making both project alternatives consistent with existing as well as proposed land use plans.

7. The CVS project has been rejected by the Planning Commission, but still may be appealed to the City Council for approval. Caltrans' Standard Environmental Reference guidance for the evaluation of existing and future land use plans requires that an Environmental Assessment "discuss development trends in the project vicinity and the community at large... Includ(ing):
 - a. Name of each development.
 - b. Jurisdiction of development.
 - c. Status of each development (built, under construction, or proposed).
 - d. Size of each development."

Section 2.1.1.1 Existing and Future Land Use and Table 2-2 outline proposed projects within the project study area at the time of document preparation. Although there is potential that these projects would not be built, this is the best information available to evaluate the impacts of a proposed project to future land use in the project area.

8. The City of Fresno's Downtown Neighborhood Community Plan includes the following policy regarding affordable housing: 2.9.1: Support the provision of new and retention of existing affordable housing in the Downtown Neighborhoods." This policy includes the Fulton Mall and surrounding areas.
9. Comment #9 is a reiteration of the comments stated in numbers 1 through 8. The comments have been addressed in responses 1 through 8 above.

2.26. Law Office of Sara Hedgpeth-Harris

Law Office of

Sara Hedgpeth-Harris

A Professional Law Corporation

♦♦♦♦

February 24, 2014

By Email

Kirsten Helton, Senior Environmental Planner
California Department of Transportation
855 M Street, suite 200
Fresno, CA 93721
Kirsten.Helton@dot.ca.gov

Re: Environmental Assessment and Section 4(f) Evaluation for the Fulton Mall Reconstruction Project (EA 06-0R200).

Dear Ms. Helton:

I have been retained by the Downtown Fresno Coalition ("DFC") to submit these comments to the Environmental Assessment ("EA") and Section 4(f) Evaluation for the Fulton Mall Reconstruction Project. DFC is a §106 consulting party for the Project.

I. An EIS Must Be Prepared.

First of all, the description of this project as a "reconstruction project" is inaccurate and extremely disingenuous since it is undisputed that the TIGER grant funds will be used to demolish the Fulton Mall and no funds will be used to reconstruct the Mall. An EA is appropriate when the significance of an environmental impact is unclear. 23 C.F.R. §771.115(c). It has been patently clear from the outset that this project's impacts will be significant. No reasonable person could seriously question whether the use of federal funds to demolish the Fulton Mall will have a significant impact on the quality of the human environment. An Environmental Impact Statement ("EIS") is therefore required by federal law. 42 U.S.C. § 4332(2)(C). The purpose of this letter is to identify some of the most potentially significant impacts the project will have on the quality of the environment.

1

A. The Project Will Demolish A Nationally Recognized Historical Resource.

As acknowledged in Caltrans' December 2013 Findings of Adverse Effect ("FAE") for the project, the Keeper of the National Register of Historic Places has determined that the Fulton Mall is of significant importance as an urban park and that the Mall is "*exceptionally significant at the national level of significance...*for its landscape architecture, as the finest example of post WWII era federal urban renewal pedestrian

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mall design, as the work of a master, Garrett Eckbo, and as an excellent example of Modernist design ideas' influence on landscape architecture." (FAE, p. 11.)

2

B. The Project Will Demolish An Urban Park That Serves A Disadvantaged Community.

For purposes of NEPA and Section 4(f), Caltrans must assume the project will demolish an historical urban park. The City's claim that the Fulton Mall is not an urban park resource ignores reality. Not only is it inconsistent with findings of the Keeper of the National Register of Historic Places, it is inconsistent with the findings and conclusions of the August 2013 Historical Property Survey Report. It also contradicts the City's descriptions of the Fulton Mall in its grant application for state and federal grant funds¹ to improve the Mall. As reflected in the attached grant application for the Fulton Mall Children's Play Equipment Replacement Project, the City claims that the Fulton Mall is "a 7.3 acre linear urban park located in the heart of Downtown Fresno." (Exhibit A, p. 1.)

3

C. The Project Will Have An Adverse Impact On Community Character And Cohesion.

The City's application for park fund grants also paints a more accurate and complete picture of the community that is impacted by the demolition of this urban park. For example, it accurately explains that the Fulton Mall provides "a very high percent of the under-served and economically disadvantaged population in the Fresno Metropolitan area" with "access to a public park and recreation resources." (Exhibit A, p. 2.) In describing the need for park funds, the grant application accurately reflects that the tot lots are in front of buildings that house the offices of the U.S. Customs and Immigration Services and Fresno County Juvenile Dependency Court which hears primarily child welfare cases. Exhibit A, p. 3. This demonstrates that the funds were needed to improve the park so that children have access to a safe and convenient place to play while their families access the services they need.

4

The Community Impact Analysis ("CIA") that was prepared by the City lists the numerous federal, state and county offices that are housed on Fulton Mall including: U.S. Army Recruiting, U.S. Social Security Administration, Internal Revenue Service, Fresno Housing Authority, Fresno County Department of Public Health and Court Appointed Special Advocates ("CASA"). On a daily basis, these agencies serve the needs of a regional, county and local population of elderly, disabled and low-income families who visit the Fulton Mall and who utilize it as a park. Yet the City's CIA fails to consider how replacing this urban park with a street will impact the community that currently benefits from its existence. For example, it fails to address the potential traffic congestion that will occur when the thousands of people who currently access these

¹ As reflected in the EA, State Proposition 40 and Federal Land and Water Conservation Funds were used to improve the tot lots.

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offices by walking on the Mall attempt to access them by driving their cars. It also fails to address the safety implications if children must cross the congested street to play on the tot lot equipment.

While the City may be able to change its policies with respect to the Fulton Mall, it cannot change the community that is currently served--*and that will continue to be served*--by the Mall. Furthermore, the City cannot avoid assessing the impact that the demolition of this urban park will have on the impacted community by limiting the study area population to those who live within the narrow geographical confines of a single census tract.

Without an accurate description of the setting and context, the EIS for this project cannot provide an accurate assessment of the project's impacts on the human environment. DFC is informed and believes that the City has possession of studies and reports that contain the information needed to accurately describe the community that the Fulton Mall currently serves on a daily basis.² Caltrans must insist that the City provide this information so that the EIS can provide an honest and accurate assessment of how the demolition of this urban park will impact the area's minority and low income community.

D. The Project Will Have Growth Inducing Impacts.

According to the CIA, "growth is anticipated to occur through the reoccupation of the ground floors of existing vacant buildings as vehicle access and parking become available." p. 37. The City projects a significant increase in the development of residential units in the area as a result of the project, yet the City fails to provide any estimates regarding the anticipated population increase. Again, the City cannot ignore the direct and indirect impacts on the environment by restricting its assessment of growth impacts to the confines of the Mall area. Without a good faith estimate of how many more people will be drawn to the area as a reasonably foreseeable consequence of the Project's success, it is not possible to understand the Project's potential impacts on traffic conditions, air quality, sewer and water infrastructure, and public services (such as police and fire) in the Fulton Corridor and Downtown area.

E. The Project Will Impact Existing Minority Businesses.

The CIA's analysis of the impact to businesses on the Mall is limited to the following comment: "Based on the types of businesses currently located on the Fulton Mall, many

² DFC also objects to the use of inadequate and incomplete data regarding the incidences of crime in the area as compared with other areas in Fresno. According to the Department of Justice Uniform Crime Reporting Statistics, there were 25,737 incidences of property crime and 2,748 violent crimes reported in the City of Fresno. Without any meaningful analysis or comparison of the Fulton Mall area with other areas of the City, the EA attempts to give the impression that the Fulton Mall is a high crime area. If crime is to be used as a factor in the decision regarding whether to approve this project, DFC insists that the EIS include accurate data and that it provides a good faith assessment of crime in the area.

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may be minority owned. Several retail businesses appear to serve the Hispanic community. Restaurants are mainly Hispanic or other ethnic foods." CIA, p. 67. The EA limits its consideration to the five mobile cart vendors that operate within the area, and claims they will not be impacted because they will be allowed to move to other locations within the general vicinity. EA, p. 33. Neither the EA nor the CIA provides the information necessary to assess the impacts to numerous existing minority owned businesses that are housed within the buildings that line the Mall as a consequence the demolition project.

6

F. The Project Will Impact Existing Utilities.

The City acknowledges in the EIR prepared for the Project that water and sewer facilities in the area are inadequate to serve increased use. Yet the EA fails to address the reasonably foreseeable effects of increased use of these facilities if the Project induces more people to work, shop, conduct business, visit and live in the Fulton Corridor and Downtown Fresno. Nor does the EA discuss mitigation measures that should be imposed and enforced in order to avoid overwhelming these critical public facilities.

7

G. The Traffic Impacts Are Potentially Significant.

The City's traffic analysis fails to take into account the foreseeable effects of increased traffic volume in the Fulton Corridor area if the underlying goals of the Project are achieved. The City's conclusion that the Project will not attract additional vehicle traffic is inconsistent with projections in the TIGER grant narrative that the Project is expected to increase parking revenue in the area by 482%. (TIGER Narrative, p. 6.) It is unreasonable to assume that parking revenues will increase by such a phenomenal amount without an associated increase in vehicle traffic. The City's claim that the project will merely shift existing traffic patterns is inconsistent with the City's goal of increasing the number of people who visit the area in their cars. The EIS should provide a good faith estimate of how many more vehicles will be drawn to the area as a reasonably foreseeable consequence of the Project and address the potential for increased congestion.

8

H. Air Quality Impacts are Potentially Significant.

Without accurate data regarding the projected increase in vehicle traffic in the downtown area, it is impossible to accurately assess vehicle emissions.

9

I. The Project Is Not Consistent With The Adopted Community Plans.

The adopted plan for the Fulton Mall, as set forth in the Central Area Community Plan ("CACP"), is to "[i]mprove and maintain the Fulton Mall as an exciting, physically and visually superior pedestrian environment for the people of Fresno, the San Joaquin Valley and the world." (CACP, p. 84.) The goal of retaining the Fulton Mall as a "pedestrian-only environment" is identified by the CACP as "fundamental" to the adopted plan.

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(CACP, p. 84.) The proposed amendments that would allow for the demolition have not been approved by the Fresno City Council. Even assuming those amendment are approved, the project remains inconsistent with the 2025 General Plan's commitment to "[s]afeguard Fresno's heritage by preserving resources which reflect important cultural, social, economic, and architectural features so that community residents will have a foundation upon which to measure and direct physical change." (Policy Objective G-11.) Nor is eliminating the Fulton Mall compatible with the General Plan's strategy to "[p]erpetuate, protect, enhance, and revitalize historic resources." (Policy G-11-c.) The proposed reconstruction of Fulton Mall is also inconsistent with General Plan policies against auto-oriented development. (Policy E-9.) Approval of the Project without first determining that existing water and sewer facilities are sufficient to handle the growth that the Project is projected to facilitate is also inconsistent with General Plan policies. (Policy Objectives E-18, E-20, Policy E-22-d). Additionally, elimination of the Fulton Mall does not conform to the General Plan goal of equitably distributing parks. (Policy F-1-d.)

10

II. The §4(f) Analysis Is Inadequate.

Federal funds cannot be used for the destruction of historical resources or urban parks except in extraordinary circumstances where "there is no feasible and prudent alternative to the use of such land." 49 U.S.C. § 303(a); 23 U.S.C.A. § 138. There must be "truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes" must "reach[] extraordinary magnitudes." *Citizens to Preserve Overton Park, Inc. v. Volpe* (1971) 401 U.S. 402, 413, ~~abrogated on other grounds by~~ *Califano v. Sanders* (1977) 430 U.S. 99. The §4(f) analysis in this case does not identify what "truly unusual factors" exist in this case.

According to the City, the Fulton Mall must be demolished because economic development will not occur unless traffic can circulate through the area and park adjacent to the businesses that line the Mall. The City relies upon evidence that economic development occurred in other cities when their pedestrian malls were replaced with collector streets. However, there is no evidence that any of these pedestrian malls were historical resources of the magnitude of the Fulton Mall or that they were urban parks that served the needs of a very high percent of the under-served and economically disadvantaged population.

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In essence the City has determined that the need for easier access to the businesses that line the Fulton Mall trumps the need to protect a historical resource and an urban park. However, under the mandate of federal law the protection of these resources is paramount and federal funds can only be used to destroy the Mall if: (1) alternative access routes are unavailable; or (2) alternative access routes present "uniquely difficult problems"; or (3) "the cost or community disruption resulting from alternative routes [reach] extraordinary magnitudes." *Stop H-3 Ass'n v. Dole* (9th Cir. 1984) 740 F.2d 1442, 1449, *quoting Overton Park, supra*, 401 U.S. at 413, 416. The mandate to protect the Fulton Mall

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imposes a very stringent requirement of proof that its continued existence so disrupts the community that it poses a problem of extraordinary magnitude. *Stop H-3 Ass'n v. Dole, supra*, 740 F.2d at 1452. The mere fact that it would be easier to access and park in front of businesses if the Mall did not exist does not rise to the level of extraordinary magnitude that would justify its destruction. Nor is there anything unique or extraordinary about the need to increase economic development in the area. The need for downtown economic revitalization is not a unique problem. On the other hand, it is unique that a downtown has a historic resource and urban park of the stature of the Fulton Mall.

11

Furthermore, even assuming for the sake argument that the need for easier vehicle access presents sufficiently unusual and extraordinary circumstances to justify the destruction of a historical resource and urban park, the §4(f) analysis provides no proof that "the program or project includes all possible planning to minimize harm to these resources." 49 U.S.C.A. § 303; 23 U.S.C.A. § 138. To the contrary, the analysis reflects that planning to minimize harm is conceptual and incomplete and there is no plan for mitigating for the loss of urban park space. EA, pp. 50-54.

III. The Title VI Analysis is Inadequate.

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C.A. § 2000d. As discussed above, the demolition of the Fulton Mall will have a disproportionately adverse impact on the minority community in the Fresno area. The data necessary to analyze the extent to which members of minority groups will benefit or disproportionately suffer from the demolition of the Fulton Mall must be disclosed and analyzed. The EA's conclusion that the demolition of the will not adversely impact the minority community uses an unreasonably narrow study area and fails to accurately identify the community that the Mall currently serves; those who will undeniably be impacted by its loss. For the same reason the EA's analysis of environmental justice is inadequate.

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IV. The Use of Federal Funds for This Project is Inconsistent with DOT's Strategic Plan.

The DOT's Strategic Plan is a "transformational shift" away from funding new auto-oriented transportation projects to funding projects that support transit-oriented development.³ With regard to the livable communities strategic goal, the Strategic Plan identifies the need to move away from the historical pattern of transportation spending that resulted in auto-dependent communities. This project demolishes pedestrian and transit-oriented infrastructure and replaces it with an auto-oriented street.

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³ http://www.dot.gov/sites/dot.dev/files/docs/990_355_DOT_StrategicPlan_508lowres.pdf

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Although the EA claims replacing the Mall with a street will make it easier to access a future High Speed Rail Station and a future BRT station, it fails to explain how the existence of the Mall makes it difficult to access these stations. The BRT station will be located where the main station for FAX buses currently is located which is one block east of the Fulton Mall on Van Ness. It is currently accessible by car and is within easy walking distance from the from the Mall. The HSR station will be located one block west of the Fulton Mall on H Street. It will be accessible by car from H Street and is within easy walking distance from the Mall. The EA fails to explain how the demolition of the Mall is necessary to provide access to public transit.

The Fulton Mall Reconstruction Project is clearly auto-oriented--not transit-oriented. It is planned for in the 2014 RTP as a "streets and roads capacity increasing project." By design, the Project encourages our dependence on automobiles. The objective is to incentivize more individual vehicle trips to the Fulton Corridor area. Eliminating the Fulton Mall and replacing it with a street so that people can see the buildings from their cars does not incentivize more public transportation or alternatives to individual vehicle transportation.

13

One of DOT's goals is to augment Federal funds spent for walking and bicycling facilities to "increase safe, convenient, and attractive facilities for non-motorists." (DOT Strategic Plan, p. 49.) As it currently exists, the Mall provides a safe, convenient facility for non-motorists. It would be attractive if the City would make an effort to obtain DOT funding to make it more attractive.

Another DOT goal is to "transform the way transportation serves the American people by encouraging transportation that is less carbon-intensive... and active transportation that produces zero emissions like biking and walking." (DOT Strategic Plan, p. 56.) The DOT plans to meet the challenge by promoting "the use of bike/pedestrian modalities for daily activities through investment in on-and off- street bike/pedestrian infrastructure." (DOT Strategic Plan, p. 59.)

In short, the demolition of a pedestrian mall/urban park that is worthy of listing in the National Register of Historic Resources to make way for a traditional collector street with parallel parking is not consistent with DOT's transformational policy shift.

V. Conclusion

It is apparent from the content of this EA, the contract between Caltrans and the City, and the TIGER Grant Agreement that the EA was prepared to support a Finding of No Significant Impact. That cannot happen. An EIS must be prepared because there is substantial reason to believe that the demolition of the Fulton Mall to make way for a traditional collector street will have a significant impact on the human environment. The EIS must include a good faith analysis of the impacts discussed in this letter based upon reliable data that is readily available to the City of Fresno. The §4(f) analysis must

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provide an objective assessment of the justification for destroying the Fulton Mall that meets the stringent standards of federal law as explained in *Preserve Overton Park, Inc., supra*, 401 U.S. 402, 413. The Title VI analysis must assess, based upon reliable information, how the minority community that currently utilizes the Mall will be impacted by its demolition and how the impact will be mitigated.

Finally, the Downtown Fresno Coalition believes there is nothing of cultural or historical significance in the San Joaquin Valley that approaches the stature of Garrett Eckbo's Fulton Mall masterpiece and the incredible artwork that is integrated into his design. Caltran's 2013 Finding of Adverse Effect confirms their belief. Although the City of Fresno acknowledges that the loss is significant, it has decided to sacrifice the Mall on a gamble that the revitalization of downtown Fresno depends upon whether people can see the buildings and storefronts along Fulton Street as they drive by in their cars. My clients believe the City is overestimating the value of a street and significantly underestimating the significance of losing the Fulton Mall.

14

Sincerely,



Sara Hedgpeth-Harris

cc: Downtown Fresno Coalition

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EXHIBIT A

**FULTON MALL CHILDREN'S PLAY EQUIPMENT
REPLACEMENT PROJECT**

Project Summary

The City of Fresno Parks, Recreation and Community Services Department proposes to expand recreational opportunities at the Fulton Mall by replacing two children's play structures located on either end of the one-half mile long mall. The new play equipment will meet local and State health and safety standards and Federal Americans With Disabilities Act (ADA) access requirements for the physically challenged. The Department owns and operates the Fulton Mall, which is a 7.3-acre linear urban park located in the heart of Downtown Fresno. The estimated total cost of the proposed scope of work is \$100,000.

Compliance with 2002 California Outdoor Recreation Plan

1. *Priority Statewide Outdoor Recreation Needs*

The proposed replacement of children's play equipment on the Fulton Mall supports the Priority Recreation Venue 6. The play equipment is more than 40 years old and is unsafe and fails to meet Federal ADA standards for providing access for the physically challenged.

2. *Identification of CORP Priority Issues*

Issue I: The status of parks and recreation

- This project will promote the economic, social, and cultural benefits to the community and involves a high degree of community support. The Fulton Mall is located in Downtown Fresno and serves a diverse social, ethnic/racial and economic make-up of people comprising the Fresno Metropolitan Areas population. The Downtown Association and the Downtown Fresno Coalition support this project as a means to further revitalize Downtown Fresno. Replacing the

play equipment will attract children and possibly visit adjacent merchants providing a wide range of food and retail products. Use of the play equipment will be available year-round at no cost to the public.

Issue III: Access to public parks and recreation resources

- The Downtown Fulton Mall, with its many retail and food stores, serves a very high percent of the under-served and economically disadvantaged population in the Fresno Metropolitan Area. The Fulton Mall is located in and surrounded by neighborhoods eligible for Community Development Block Grant Program funding, Redevelopment Agency funding and within the Cities Enterprise Zone District. All of the elementary schools within a mile radius of the Fulton Mall are eligible for reduced lunch subsidies.
- This project will replace 40-year-old outdated, overused and worn out children's play equipment at two tot lots on either end of the one-half mile Fulton Mall. The play area and the equipment will be fully accessible for the physically challenged.

Issue IV: Protecting and managing natural resources

The Fulton Mall is one of the largest remaining pedestrian malls in the United States. Several major special events take place annually on the Mall or at the contiguous Grizzly Baseball Stadium or connecting Eaton Plaza attracting thousands of visitors annually. These include the Art/Wine Celebration, Cinco de Mayo Celebration, Classic Car Show, Sudz in the City, Taco Festival, and the Mexican Independence Celebration. Surrounding the Mall is Armenia Town, Chinatown, Uptown Art District, African America Museum of History, Mexican American Art Museum, Fresno Metropolitan Art, Science and Natural History Museum and a large number of art studios and art galleries. Many of these events, facilities and organizations are recent additions to the Downtown Fresno landscape. Their decision to remain or relocate to Downtown Fresno is based somewhat on

policies, goals and plans developed and approved by the Fresno City Council to aggressively pursue revitalization of the downtown area. Although dwarfed by the recent surge in downtown construction activity, the decision to submit for LWCF Program funding to replace the play equipment on the Fulton Mall is another positive effort directed towards meeting the overall commitment. This is one of many projects that will help to celebrate and strengthen the city's diverse ethnic makeup and cultural history.

Need for the Project

3. Outdoor Recreation Opportunities

In March of 1964, the City of Fresno broke ground for the Fulton Mall. The architect of record, Gruen, Eckbo, Dean and Williams, envisioned a park-like atmosphere with living trees, shrub beds, flower planters, lawn sections, water pools, fountains and a flow of pedestrian traffic that meandered through a central retail business area. Created to attract people and based on advanced City planning concepts, the Mall represents more than restoring life to what had been a decaying business street. The best of the old buildings were kept as a foundation for the plan. The Fulton Mall was the result of many years of public and private sectors working together to revitalize a downtown area. The City of Fresno has received recognition from the American Institute of Architects (AIA) for the Fulton Mall by receiving the AIA National Citation for Excellence in Community Architecture Award.

Today, through concerted revitalization efforts, the Fulton Mall remains a center focus and gathering place for the community. The Mall has two existing children's play structures located at either end of its one-half mile axis. One play structure is located in front of the Fresno County Juvenile Dependency Court, which hears primarily child welfare cases. The other play structure is located directly in front of the Federal Immigration and Naturalization Service. It is not uncommon

to see children playing on this equipment during all times of the day. These pieces of apparatus are over 40 years old and pose a safety hazard for young children. Additionally, these pieces of equipment have limiting access by virtue of inaccessibility to the developmentally challenged population in our community (Americans with Disabilities Act standards).

This proposal will improve and provide new recreational opportunities for children and families from all walks of life. Our community has become a powerful kaleidoscope of cultural and linguistic of diversity. The current population of Fresno is 427,652 (Census 2000 Supplementary Survey Profile, Fresno City, Table 1. Profile of General Demographic Characteristics). The population ethnicity of the City reflects a culturally rich environment [Hispanic (43%), Black (12%), White (36%), and Asian (9%)]. Within the five-mile service area, 37.64% of the population have a median income less than \$24,999 (U.S. Census Bureau, Census 2000, Median HH Income), which is well below the median income for the City of Fresno (\$28,336) and the State of California (\$41,779) (California Department of Finance, Demographic Unit, Median Household Income California, 2001). The following demographics are a snapshot of the current conditions within the City of Fresno in the year 2003.

- Average Family Size: 3.76
- 38% of the population is under the age of 18
- Percent below poverty level:

| | |
|---------------------------------|-------|
| Total population | 30.8% |
| Related children under 18 years | 44.6% |
| Under five years (44.7%) | |
| Five to 17 years (47.1%) | |
| 18 years and over (26.1%) | |

- 219 births per 1,000 are women 15 - 19 years of age
- 36% of the population over the age of 25 years has attained less than a high school equivalency
- Local median household income is \$32, 4112, as compared to and the State of California (\$41,779)
- Seasonal unemployment ranges from 9.4% to 18.2%

Sources: Census 2000 Supplementary Survey Profile, Fresno City, Table 1. Profile of General Demographic Characteristics
California Department of Finance, Demographic Unit, Median Household Income California, 2001
U.S. Census Bureau, Census 2000 Redistricting

Additionally, the Fulton Mall and surrounding area has received Federal Empowerment Zone designation. The Central San Joaquin Valley Empowerment Zone is an interagency task force directed to focus on the economic development of the Central San Joaquin Valley, as designated by Executive Order 13173. This Order was created to increase Federal assistance to an area defined as an economically distressed region. The benefit of this designation is directed toward encouraging business development by offering the private sector a number of incentives (e.g., tax savings by locating and/or expanding operations, wage credits, Section 179 deductions, commercial revitalization deduction, and environmental clean up cost deduction).

The City of Fresno has also received Enterprise Zone designation. Similar to Empowerment Initiative, the purpose of this Zone is to promote economic development. The Zones provide IRS tax credit eligibility to businesses based on locating within the zone(s). This translates into available funds going back into expanding a business and ultimately creating more jobs. Businesses can also

receive additional credits by hiring employees who live in the zone(s).

4. Public Involvement

In addition to public comments received by the Parks, Recreation and Community Services Department with regard to the need to replace and provide ADA access to the two children's play areas located on the Fulton Mall, both the Downtown Association (DTA) and the Downtown Fresno Coalition (DFC) have indicated their support to provide the needed improvements. The DTA represent over 180 merchants and businesses located along the Mall while the DFC is comprised of civic-minded volunteers who support preservation and revitalization of downtown Fresno.

5. Population and Population Density

The Fulton Mall is located in the Downtown Central Business District (CBD) and on a daily basis serves as the work place, shopping and/or business destination for thousands of people. On the weekends, the Fulton Mall is a major shopping destination for outlying rural areas providing a broad range of retail and commercial services. The City of Fresno is 110 square miles in size and has a population of approximately 427,652 people equaling a density greater than 1,000 people per square mile. This is amplified in the CBD due its role as a regional service provider.

Project-Specific Criteria

6. Cost-Use-Benefit

The two existing children's play areas on the Fulton Mall are over 40 years old and do not meet current Local, State and Federal (ADA) standards. Over the years several of the play apparatuses have become worn to the point that they had to be removed for safety reasons, leaving a noticeable void in the play area (See attached pictures). Although the remaining play equipment is heavily used, the removed equipment lessens the opportunity for more children to experience the joy of play at the same time. Conversely, this situation creates a potential hazard by having too many

children playing on less equipment at the same time. By removing the old equipment (if possible, we may restore a few pieces of the existing equipment) and installing new, attractive and physically/creatively challenging equipment, use of the two play areas will increase noticeably. Also, by installing soft-fall surface material, the play areas will be fully accessible by the physically challenged. This will offer new opportunities to this under-served population.

Assuming the new equipment will endure heavy use for a minimum of 25 years, the annual cost to the Land and Water Conservation Fund of \$2,000 is well worth the investment. The local match requirement of \$50,000 will be provided by State Prop 12 Per Capita Park Bond Act Funds.

7. Accessibility

The existing two children's play areas on the Fulton Mall are open daily throughout the year at no cost to the public. Even under their present condition, the equipment in these areas receives heavy use. Parents will sit on adjacent benches, shaded by mature trees, and enjoy conversation or food purchased at nearby outdoor vendors or restaurants. Often an adult or older sibling will watch the children while other family member's shop at the many adjacent retail stores along the Mall.

8. Priority Acquisitions (Acquisition Projects only)

Not applicable since this is a Development project.

9. Suitability (Development Projects only)

This project entails the replacement of old, worn and ADA non-compliant children's play equipment at two existing tot lots located on the Fulton Mall in Downtown Fresno. The new equipment will meet all Local, State and Federal health and safety standards and provide full accessibility to the physically challenged.

The initial California Environmental Quality Act (CEQA) study has been completed. The mitigated negative declaration concludes that an Environmental Impact Report (EIR) need not be

prepared for the project and that all requirements of CEQA and the Fresno Environmental Quality Ordinance have been met. The proposed project has also received clearance from the State Clearinghouse. All required National Environmental Quality Act (NEPA) requirements will also be met.

Applicant-Specific Criteria

10. Readiness

Project implementation and completion [project consultant selection (60 days); project design, construction drawings, bid documents (90 days); advertising (45 days); award and notice to proceed (30 days); construction and acceptance by City (60 days)], will occur within one year after grant award and execution of a contract with the State Parks and Recreation Department. Funding from the Prop 12 Per Capita State Park Bond Act will provide the required LWCS Program local match. These funds are currently available in the Department FY 04 capital budget and will be carried-over into FY 05.

11. Performance

As indicated, the project will begin immediately after execution of an agreement with the State Department of Parks and Recreation. The Department has selected and assigned key personnel based upon expertise and experience with projects similar in scope (LeRoy Milavich, Department Management Analyst; Michael McHatten, Parks Division Manager; Monte Clugston, Parks Supervisor I responsible for the Fulton Mall; Ken Tigson, Project Manager from the Public Works Department. They will be responsible for implementing all aspects of the project.

12. Operation and Maintenance

Upon completion of the project, the Parks Division will maintain the improvements. The Parks Division currently maintains the Fulton Mall on a daily basis, along with 1,235 acres of

additional park open space located at 66 other sites.

A Parks Supervisor I is assigned full time to Fulton Mall to provide supervision for all work and activities taking place on the Mall. A daily maintenance schedule is followed to ensure proper attention is given to all Mall improvements. The fiscal year 2004 Parks Division budget for the operating and maintenance of the Fulton Mall is \$412,100.

13. Additional Program Requirements

a) Toxins

No toxins have been identified in the Fulton Mall or adjacent properties that would adversely impact the proposed project.

b) Relocation of Persons and Businesses

The proposed project will not displace persons or businesses. If awarded, Federal monies will be directly injected into the local economy. This project will promote local businesses and enhance the local economy.

c) Overhead Utility Lines

There are no overhead lines around the existing Fulton Mall and adjoining privately owned property.

d) Flood Hazard Area

The Fulton Mall is not in a Flood Hazard Area.

Response to Comments from Law Office of Sara Hedgpeth-Harris

1. The term “reconstruction” has a different meaning in historic preservation than in the project name. The Secretary of the Interior defines “reconstruction” as “the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time.” Although this definition does not accurately describe the project from a Section 106 viewpoint, the project had been called by this name for a number of years prior to the application for federal TIGER funding, which triggered both Section 106 and Caltrans’ involvement. Caltrans determined that, for consistency’s sake, it would be a better choice to continue with the name that had been used for the project.

Caltrans’ Standard Environmental Reference states that “NEPA requires that an EIS is prepared when the proposed federal action (project) *as a whole* has the potential to “significantly affect the quality of the human environment.” The determination of significance is based on context and intensity. Some impacts determined to be significant under the California Environmental Quality Act may not be of sufficient magnitude to be determined significant under the National Environmental Policy Act. Caltrans determined that the Fulton Mall Reconstruction Project had the following potentially significant issues: public controversy, cultural resources/Section 106, individual Section 4(f), and Section 6(f). It was not anticipated that the accumulation of these impacts would require the preparation of an Environmental Impact Statement, and that the project qualified as a Class III action, a Complex Environmental Assessment. Under 23 USC 327, as amended by MAP-21...Complex EAs are defined as those EAs that have complex issues or impacts in that they may include multiple location alternatives, debate related to purpose and need, strong public controversy, issues related to logical termini or independent utility, individual Section 4(f) determinations, complex Endangered Species Act issues, numerous cumulative impacts, or high mitigation costs.” Caltrans has determined through preparation of the environmental assessment that an Environmental Impact Statement is not warranted for this project.

2. Comment noted.
3. Caltrans is aware of continuing discussion as to whether the Fulton Mall is a “park” or a “pedestrian mall.” The City of Fresno established the Fulton Mall as a pedestrian mall pursuant to the Pedestrian Mall Law of 1960 (California Streets & Highways Code, section 11000 et seq.). The nomination of the Fulton Mall for listing in the National Register of Historic Places and descriptions of the Mall in a City grant application do not negate the legal description of the Mall. As Section

2.1.1.3 Parks and Recreational Facilities states: “Two parks— Courthouse Park and Cultural Arts District Park —are within the 655-acre draft Fulton Corridor Specific Plan area. No parks sit within the project study area.” As no relocations are required by the project, Section 2.1.2.2 Environmental Justice discusses impacts of the project to “Day Users” of the Mall. This section states that “After the project is completed, features of the Mall that currently draw visitors would be reestablished, including access to benches, fountains, and artwork currently found along the Mall. The addition of 20-foot sidewalks would provide a park-like setting for those who wish to linger.” While Caltrans acknowledges that the Fulton Mall is an historic landscape with the feel of an urban park, the project does not in fact demolish a park.

4. The project would not affect the public’s ability to access the services listed in the comment, including the U.S. Army Recruiting, U.S. Social Security Administration, Internal Revenue Service and others. In fact, by adding a local street and on-street parking places, access and visibility to these services would be improved. These agencies would continue to serve the “needs of a regional, county and local population of elderly, disabled and low-income families” without interruption.

The Traffic Impact Study prepared for the project found that there would not be a problem with potential traffic congestion due to the addition of a local street and on-street parking spaces. The street, parking spaces and sidewalks would accommodate those attempting to access either existing or future businesses along the Mall.

The two tot lots currently located on the Mall, one near the corner of Merced and Fulton and the other near the corner of Kern and Fulton, would be relocated and combined into one larger tot lot near the Fresno County Economic Opportunities Commission campus near the intersection of Mariposa and Congo Alley, a location also convenient for those with small children. City design standards are enacted to provide safety for all modes of transportation, including autos, bicycles and pedestrians. The straight street lines provided by Alternative 1, the preferred alternative, and the low speed limit (15 miles per hour) are designed to help keep pedestrians safe.

The Community Impact Assessment studied both residents who live within the project study area as well as those who use the Mall for temporary activities. These people have been labeled “day users.” The beginning of Chapter 2 states that “Residents within the study area are located within three apartment complexes that are each separated by at least one block, and are not considered a neighborhood.” Section 2.1.2.2 Environmental Justice contains a separate section to discuss impacts to day users of the Mall.

After the project is completed, features of the Mall that currently draw visitors would be reestablished, including access to benches, fountains, and artwork currently found along the Mall. The addition of 20-foot sidewalks would provide a park-like setting for those who wish to linger. Therefore, it is Caltrans' determination that the impacts to Community Character and Cohesion are minimal. Caltrans has determined that the information presented in the Community Impact Assessment is adequate and obtained from typically used sources, such as the 2010 U.S. Census, and has no knowledge of any studies and reports in the possession of the City of Fresno that would change the determination made in this document.

5. As stated in the beginning of Chapter 2 of the final Environmental Assessment, "Alternatives 1 and 2 have the potential to influence business growth within the project study area through the reoccupation of existing vacant buildings, which on a city level could result in a substantial benefit to the economy by providing a catalyst for additional development in the downtown area. These influences are discussed in the Economics section of this document. However, no direct or indirect impacts of growth are anticipated beyond the immediate influence of the proposed action." Removal of the "superblock," which creates a physical barrier that hinders mobility, visibility and access to the buildings that line the Fulton Mall, is anticipated to create increased economic vitality and the decrease of office vacancy rates in these buildings to equal other buildings located in the downtown area. This economic growth would foster additional retail jobs and other types of employment that would be housed in these buildings and the development of residential uses in the area. This project does not propose any new buildings or land uses or zoning uses beyond what is set forth in the 2025 Fresno General Plan and the City's current Zoning Ordinance, nor does the project call population growth beyond what was projected in the 2025 Fresno General Plan. Caltrans has determined that the project is therefore growth-accommodating rather than growth-inducing.
6. This project is not a demolition project, but rather the addition of a local street to what is currently a pedestrian-only mall. The improvement in mobility, access and visibility of storefronts has the potential to generate a beneficial impact to all businesses located on the Mall. The Fulton Mall Urban Decay Study states a potential increase in average retail sales from \$92.00 per square foot to \$150.80 per square foot. Ground-floor vacancies would potentially decrease from 26 percent to 9 percent, which would attract additional shoppers to the Mall. The opportunity to serve a wider market would be beneficial to all retail businesses on the Mall. The project is not expected to have an adverse impact to minority-owned and -run businesses.

7. No wastewater would be directly generated due to Alternatives 1 and 2, and the project would result in no direct impacts to wastewater facilities. The beginning of Chapter 2 of this Environmental Assessment discusses the potential of the project to induce growth and states that “Alternatives 1 and 2 have the potential to influence business growth within the project study area through the reoccupation of existing vacant buildings, which on a city level could result in a substantial benefit to the economy by providing a catalyst for additional development in the downtown area.” These influences are discussed in the Economics section of this document. However, no direct or indirect impacts of growth are anticipated beyond the immediate influence of the proposed action. Growth is also discussed in Section 2.3 Cumulative Impacts, and the potential impacts from cumulative growth were determined not to be substantial, therefore the project would not considerably contribute to a substantial cumulative impact on water and wastewater facilities. As a result, no mitigation measures would be required.

The City of Fresno has separately approved three utility projects within the project study area, including storm drain replacement, water line replacement and sewer line replacement, which address the condition of the old infrastructure that needs replacement. These projects are not included within the scope of this project, nor are they required for this project to achieve independent utility.

8. Section 2.1.3 Traffic and Transportation/Pedestrian and Bicycle Facilities of the final Environmental Assessment evaluates the impact of the projected traffic and states that “Future traffic conditions are evaluated based on the assumption that land use plans currently anticipated by the City will occur. A list of proposed developments is included in Table 2-2. The proposed project does not propose any additional traffic-generating land uses. The Pedestrian Mall alternative is not expected to affect traffic volumes, but is instead expected to accommodate traffic that will exist in the future.” The project is intended to relocate expected traffic in the downtown area to the businesses and features found along the Fulton Mall.
9. Data regarding the project increase in vehicle traffic in the downtown area contained within this final Environmental Assessment have been determined by Caltrans to be adequate. The final Environmental Assessment finds in Chapter 2 that “The project would not generate significant quantities of criteria air pollutants or ozone precursors, contains no meaningful potential for mobile source air toxics effects, and would not generate localized CO impacts from project operation” and that there are therefore no significant Air Quality impacts resulting from this project. On August 13, 2013, as a result of the Interagency Consultation on Air

Quality, FHWA concurred that the project is not a “project of air quality concern.” (See Appendix C)

10. While the Central Area Community Plan contains a goal to retain the Fulton Mall as a “pedestrian-only environment,” the City has moved away from that goal in their proposed General and Specific Plan updates, and is now focused upon revitalizing the Fulton Mall area, one aspect of which includes the re-introduction of traffic to the Mall. To that end, the Fresno City Council voted on February 25, 2014 to amend the 2025 General Plan and Central Area Community Plan to change the designation of the Fulton Mall area from a pedestrian mall to a local street, making both project alternatives consistent with existing as well as proposed land use plans. Achieving the Purpose and Need of the project to maximize sustainable development and economic productivity will encourage the investment in and rehabilitation and preservation of the currently designated historic properties in and around the project area.
11. As stated in the Section 4(f) Evaluation, Section 1.5 Alternatives Analysis, Caltrans’ analysis of avoidance alternatives uses the feasible and prudent standards of Section 4(f). This assessment is based on the definition of “feasible and prudent avoidance alternative” in Section 774.17 of 23 Code of Federal Regulations. An alternative is not prudent if:
 - i. It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;
 - ii. It results in unacceptable safety or operational problems;
 - iii. After reasonable mitigation, it still causes:
 - a) Severe social, economic, or environmental impacts;
 - b) Severe disruption to established communities;
 - c) Severe disproportionate impacts to minority or low income populations; or
 - d) Severe impacts to other federally protected resources;
 - iv. It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;
 - v. It causes other unique problems or unusual factors; or
 - vi. It involves multiple factors listed above, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

Using these criteria, Caltrans has determined that Alternatives 1 and 2 are prudent alternatives under Section 4(f). While anecdotal information regarding the performance of other converted pedestrian malls may have been included, the historic significance of those malls would not have been relevant to the discussion. Additionally, there are no alternative routes that would serve to meet the Purpose and Need of improving mobility, access, visibility and consistency with local plans in the project area. All measures to minimize harm have been finalized and recorded in the Memorandum of Agreement between the SHPO, Caltrans, the City of Fresno and the Advisory Council on Historic Properties, dated May 16, 2014 and are included in Section 1.6 Measures to Minimize Harm of the final Section 4(f) evaluation.

12. A copy of Caltrans' Title VI Policy Statement is included in Appendix B of this document. Evaluation of disproportionately adverse impacts to minority communities is discussed in Section 2.1.2.2 Environmental Justice. Caltrans' Standard Environmental Reference defines Environmental Justice in the following manner: "There are three fundamental principles at the core of environmental justice as expressed in the FHWA's Transportation & Environmental Justice Case Studies publication and the FHWA Environmental Justice Website:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure full and fair participation by all potentially affected communities in the transportation-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

There will be no relocations, residential or business, as a direct result of this project. Therefore, analysis of impacts for people within all census tracts who use the Fulton Mall is limited to those who use the Mall for temporary activities, which have been labeled "day users." Section 2.1.2.2 Environmental Justice contains a separate section to discuss impacts to day users of the Mall. Impacts of the project would be the same for all day use populations, so there are no disproportionately high and adverse effects to any population.

13. The project eliminates the barrier that the "superblock" currently imposes, thereby slightly increasing mobility for automobiles traveling in the downtown area. This increase in mobility includes an improvement for those whose destination is either the proposed High Speed Rail or Bus Rapid Transit stations, who would no longer need to detour two or three blocks to reach their destinations. The addition of a

local street along the currently pedestrian-only mall would allow public transit to provide service along what was once Fulton Street. The fact that the project is listed as a “streets and roads capacity increasing project” in no way precludes the improvement to public transit.

The TIGER grant defines this project as “a complete street, meaning that streets are designed to be used for driving, bicycling, walking or public transportation. The reconstruction would occur over 11 city blocks and would reintroduce vehicle traffic lanes while maintaining bicycle and pedestrian accommodations.” The TIGER grant was awarded to the City of Fresno by the Federal Highway Administration and is not an action over which Caltrans has jurisdiction. It is assumed by this award that the grant is consistent with Department of Transportation policies.

14. This Environmental Assessment was prepared to evaluate the impacts of proposed project alternatives against the No-Build Alternative in order to provide needed information to objectively select a preferred alternative. A contract was entered into between the City of Fresno and Caltrans to allow Caltrans staff to perform “enhanced” Local Assistance oversight of the project. These enhanced activities included early review and some rewriting of draft documents, and in no way were intended to prejudice the findings of this Environmental Assessment. Please see the response to Comment 1 for information on why an Environmental Impact Statement was not prepared. The Section 4(f) Analysis and Environmental Justice discussion included in the final Environmental Assessment have been determined by Caltrans to be adequate.

Caltrans acknowledges the Downtown Fresno Coalition’s belief regarding the local significance of the Fulton Mall. However, it is Caltrans’ determination that after using the “thumb on the scale” approach to Section 4(f) evaluation that Federal Highway Administration guidance recommends, the No-Build Alternative is not a prudent alternative, and Alternative 1, the preferred alternative, best preserves the pedestrian experience found on the Fulton Mall today.

2.27. Coomes, Mary

February 19, 2014

Mary Coomes
604 N. Broadway
Fresno, CA 93728

Kirsten Helton
Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721

Re: Fulton Mall, EIR Comments

Dear Kirsten Helton:

I am writing to submit my objection to replacing the historic Fulton Mall with a new roadway for automobile traffic. I would request that you please share my comments with all appropriate bodies involved in the decision-making process. Putting a street through an area that now contains mature trees, playgrounds, and an historically significant multi-block work of art is counter to federal and Air District mandates to improve our air quality, and violates the direction for development outlined in the Fresno General Plan.

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The EIR admits, but drastically understates the fact that the plan to put car traffic on the mall will increase car traffic in the area, and therefore, will increase auto emissions. The EIR states that the option calling for a new street with car traffic "would appear to result in slightly more Average Daily Trips than the No Build scenario (1.2)." City representatives have repeatedly suggested that putting car traffic on the Fulton Mall will encourage car trips to the mall and hence it must be understood that this will increase traffic in the valley, on local streets, and in the neighborhood. This car traffic, they assume, will create economic activity, and it is the very basis for the use of TIGER grant money for the project. Director of downtown redevelopment, Elliot Balch told the *Collegian* that the mall will attract new visitors: "it's accessible pretty quickly if you think about it," Balch said. "In 45 minutes, we could get 1.6 million people from this area and its surrounding communities, like Madera and Fresno counties. Even areas like Lemoore (Erica Heinisch, "Traffic Returning to Fulton Mall," *Collegian*, Sept. 24, 2013)." He also focused on drawing Fresno State students to visit the mall. The assumption is that these trips will be car trips, hence opening these blocks to car traffic. If the project succeeds in the way that Balch describes it, and in the way that the TIGER grant application suggests, there will be a very significant increase in air pollution. Moreover, increased air pollution will have a more significant impact on communities near the Fulton Mall, and those near the freeways used to reach the mall by car. Any increase in air pollution whatsoever is unacceptable in a place with some of the worst air in the nation, and where rates of childhood asthma mean suffering and tragedy for so many local families.

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The danger to health also extends beyond air quality to the safety of people who now utilize the Fulton Mall's as a park and as a safe place for children and the handicapped. The playgrounds on the Fulton Mall are among the very few in this area of town. Indeed, Fresno, and this part of Fresno in particular, have among the lowest acreage of park space in the nation. Removing play structures that are well-utilized in their present locations is not an improvement, but rather has a negative health impact. Adding car traffic to the area will make the mall less safe for children and less safe for the handicapped, especially those in wheelchairs who will now have to negotiate car traffic when crossing the mall.

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The General Plan dictates that the future development should encourage pedestrian and bike traffic, walkable neighborhoods and pedestrian-friendly features. Federal and Air District mandates say that we must improve our unhealthy air. Replacing a pedestrian mall with a street that invites car traffic violates the democratically and legally established direction that Fresno must take. It is my opinion that it also violates basic common sense.

5

Sincerely,

Mary Coomes

Response to Comment from Mary Coomes

1. Your objection to the build alternatives is acknowledged and included in the project record.
2. The Air Quality Analysis Report, July 2013, states that the project would not generate significant quantities of criteria air pollutants or ozone precursors, contains no meaningful potential for mobile source air toxics effects, and would not generate localized CO impacts from project operation. The project is not anticipated to have a significant impact to Air Quality. On February 27, 2104, the Fresno City Council voted to amend the 2025 General Plan and Central Area Community Plan to change the designation of the Fulton Mall area from a pedestrian mall to a local street, making both project alternatives consistent with existing as well as proposed land use plans.
3. Section 2.1.3 Traffic and Transportation/Pedestrian and Bicycle Facilities of the final Environmental Assessment evaluates the impact of the projected traffic and states that “Future traffic conditions are evaluated based on the assumption that land use plans currently anticipated by the City will occur. A list of proposed developments is included in Table 2-2. The proposed project does not propose any additional traffic-generating land uses. The Pedestrian Mall alternative is not expected to affect traffic volumes, but is instead expected to accommodate traffic that will exist in the future.” Please see the response to Comment 2 for discussion on Air Quality impacts.
4. The two tot lots currently located on Fulton Mall, one near the corner of Merced and Fulton and the other near the corner of Kern and Fulton, would be relocated and combined into one larger tot lot near the Fresno County Economic Opportunities Commission campus near the intersection of Mariposa and Congo Alley, so there would be no loss of playground area within the project study area. City design standards are enacted to provide safety for all modes of transportation, including autos, bicycles and pedestrians. The straight street lines provided by Alternative 1, the preferred alternative, and the low speed limit (15 miles per hour) are designed to help keep pedestrians safe. Approximately 50 percent of the Fulton Mall, as it currently exists, is not compliant with the Americans with Disabilities Act (ADA). After construction of the project, the Mall would be 100 percent ADA compliant.
5. Your opposition to the project build alternatives is acknowledged and included in the project record. Alternative 1 has been selected as the preferred alternative, as discussed in Section 1.6 Identification of a Preferred Alternative in the final Environmental Assessment.

2.28. Tokmakian, Harold; McKnight, Ray; Zachritz, Linda

February 24, 2014

Kirsten Helton, Senior Environmental Planner
California Department of Transportation
855 “M” Street, Suite 200
Fresno, CA 93721

RE: Comments on Environmental Assessment and Section 4(f) Evaluation for the Fulton Mall Reconstruction Project Prepared by the California Department of Transportation

Dear Ms. Helton:

We offer the following comments regarding the Environmental Assessment (EA) and Section 4(f) Evaluation for the Fulton Mall Reconstruction Project Prepared by the California Department of Transportation issued in January 2014.

1.1 Introduction

pp. 1-2 The discussion of Project Area History omits an explanation of why the City of Fresno initiated the revitalization project that resulted in the construction of the Fulton Mall. Fulton Street was losing status as Fresno’s main retail center as businesses were being attracted to the Manchester Center and other locations to the north. The Gruen Plan and the construction of the Mall was intended to reverse this trend.

1

p. 5 This discussion contains an inaccurate account of the decisions made by the Fulton Corridor Specific Plan Community Advisory Committee. The account fails to make it clear that the Committee chose three options of what to do about the Mall to be presented to the Fresno City Council. One of these options was to restore and preserve the Fulton Mall.

2

1.2.1 Purpose

p. 5 The EA provides NO conclusive data that “improving traffic [autos]” will improve economic development. This claim is contrary to data collected from national pedestrian shopping experience.

3

Third bullet on page 5: Any reference to “proposed land use plans” (FCSP and DNP) should be deleted here and throughout the EA. The decision to approve, deny, or amend these studies is political and there is NO assurance adoption will occur.

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1.2.2 Need

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| <p>p. 6 Realization of the High-Speed Rail Station and the Bus Rapid Transit Station is still an open question. Both have a questionable future.</p> | 5 |
| <p>pp. 6-7. The Fulton Mall Economic Impact analysis is arguably based on an erroneous premise and false assumptions. There are no hard data that “worker spending” is linked to lack of through streets and on-street parking. The statement is conclusory. No data are cited to support the claim that “insufficient quantity of parking” exists in the Study Area.</p> | 6 |
| <p>p. 10 Table 1-2 Quality of Life Indicators: Mall Area vs. Downtown Fresno The figures citing historic building vacancies are obviously designed to justify a predetermined outcome. Three of the “historic buildings” on the Fulton Mall are privately owned and are uninhabitable. Any meaningful comparison of vacancy rates should include only properties that are currently habitable. The figures about “larceny-theft, annual crimes per acre” are questionable and incomplete.</p> | 7 |
| <p>p. 11 Illustrations and alleged statistics about graffiti only testify to the City’s lack of stewardship in maintaining Fulton Mall.</p> | 8 |
| <p>p. 12 Increase Consistency with Land Use Plans All references to drafts or studies that have yet to achieve legal standing must be deleted, including the draft 2035 General Plan update, the Fulton Corridor Specific Plan, and the Downtown Neighborhoods Community Plan, plus any reference to their goals. A wish list for a hypothetical future cannot be used in this EA. The 2025 General Plan is the only legal basis for public policy.</p> | 9 |
| <p>1.3 Project Description p. 13 The third paragraph on this page is especially specious and laughable. The “independent utility” term is not supported by data as to traffic needs of downtown. The Downtown Transportation and Infrastructure Study Draft Report (Wilbur Smith Associates July 2007) found that Fulton is not a functional part of the downtown circulation system. This EA has provided no research to refute this finding.</p> | 10 |
| <p>1.4 Project Alternatives p. 13 The reference to a proposed General Plan 2035 has no legal basis since these studies are only wishful thinking and without legislative due process.</p> | 11 |
| <p>The range of alternatives does not meet the test of 1.2.1 Purpose. Alternatives that “improve visibility” (an undefined phrase) are not provided. Alternatives that examine multi-modal choices have not been identified in 1.4.1. Why have electric trams or electric people movers not been studied and considered? These choices would be feasible under the DOT TIGER criteria.</p> | 12 |

Twenty-two feet of roadway is unnecessary to accommodate trams. Internal combustion vehicles are an obsolete consideration for TIGER fund projects. | 12

p. 19 No research data have been presented to support statements that sculptures and fountains will be preserved. The relocation of sculptures, fountains, and mosaic benches will destroy the integrity of the Eckbo design of the Fulton Mall. | 13

1.5 Comparison of Alternatives

p. 23 Criterion 1, referring to a “legislative mandate” outlined by TIGER 2013 grant guidelines, should be eliminated from consideration of alternatives. Requirements for receiving a possible funding source cannot logically be made into a part of a project’s purpose. What is this so-called mandate, and where in the guidelines is it found? | 14

p. 25 The research basis for the findings in Table 1-3 are arbitrary and reveal a predetermined bias towards putting a roadway through the Mall. | 15

The results of the evaluation are not consistent with the stated purpose of the project. Has the EA predetermined the outcome of the Project by referring to “driver expectations”? Shouldn’t pedestrian expectations regarding safety be considered when vehicles are introduced into what was a pedestrians-only public park? | 15

pp. 28-30 Table 1-4 Comparison of Project Alternatives

So-called “findings” are speculative and conclusory. | 16

Land Use. There is no basis for claiming “increased economic activity.” As for security, it is a fact that drive-by access to shops and pedestrians will increase crime. | 16

Consistency. The 2035 General Plan update is a politics-policy issue and represents wishful thinking. It may never happen. All references to it and conclusions based on it should be deleted. | 17

Parks and Recreational Facilities. This narrow consideration of the tot lots alone evades the undeniable fact that open space and the qualities of an urban park will be lost if Alternatives 1 or 2 are built. As a de facto urban park, the Fulton Mall is a recreational space for the residents of the area, which includes a large number of elderly and handicapped people who live in the residential facilities mentioned elsewhere in the EA. Also, the loss of this park space will affect the Hispanic community, which comprises two-thirds of the population of this Census Tract. | 18

Economic Impacts. The claims made here are highly speculative, as is borne out by previous questionable studies, for example, the cost/benefit study for the baseball stadium and other “market” studies conducted for downtown Fresno. Factual experience overrides “studies” which are often concocted to satisfy the people and agencies that pay for them. | 19

Environmental Justice. The EA data by being limited to Census Tract 1 overlooks the impacted population, largely Hispanic, in Census Tracts 2, 3, 5.01, 5.02, and 6. All of these tracts are within the central area, and the residents shop at Fulton Mall. The 2010 Census shows that of the 22,218 persons in these tracts, 15,048 (68%) are Hispanic. To | 20

limit attention to Census Tract 1 is, de facto, to suppress the evidence of the economic injustice inherent in Alternatives 1 and 2. 20

Visual/Aesthetics. Here we have the absurd claim that the visual/aesthetic character of a resultant Fulton Street would be improved by parked cars and traffic driving by. The ability of bicycle riders and pedestrians to enjoy what aesthetic value remains would be seriously impaired by the need for them to watch out for passing autos, especially those that will not observe the slow pace promised by the promulgators of this project. 21

Research conducted by the Urban Simulation Laboratory, College of Environmental Design, University of California at Berkeley, found that the pedestrian experience was far superior to other forms of visual experience.

Impacts on 4(f) Properties. The EA presents no basis for concluding that Alternatives 1 and 2 have met the “prudent and feasible criteria outlined in that act.” This assertion must be supported. 22

p. 30 The paragraph following Table 1-4 gives the distinct impression that either Alternative 1 or Alternative 2 will be chosen and the destruction of the Fulton Mall is a settled matter. The EA does not support such a position. Furthermore, the comments provided above should make it clear that there are no grounds for a FONSI and that a decision must be made to proceed with an Environmental Impact Study. 23

2.1.2.2 Environmental Justice

p. 58 The important facts regarding Census Tract 1 are that most of the people living there are very poor and rent their homes. Well over half of them are Hispanic and live in crowded conditions. The Mall is presently their open space, uncluttered by fumes and noise produced by internal combustion engines.

It is important, however, to understand fully the socio-economic nature of the area served by the Fulton Mall by including Census Tracts 2, 3, 5.01, 5.02, and 6. This profile of residents of the area emerges: a Hispanic population living in poverty as renters. The Project will have an adverse effect on this population, leading to socio-cultural and environmental and inequities. 24

Destroying the physical environment that has been available to this population for the last half-century constitutes a priori case of environmental injustice.

p. 60 It is nonsensical and misleading to claim that “the population is 73.4% white.” It is more accurate and meaningful to state that 77% of the population of Census Tract 1 are from racial minorities (Hispanic, African-American, and Asian). 25

For the other Census Tracts cited above (2, 3, 5.01, 5.02, 6) the minority populations range between 83% and 95%. **The demographic profile provided by the EA is therefore incomplete and inadequate.**

APPENDIX A DRAFT SECTION 4(f) EVALUATION

Section 4(f) of the Department of Transportation Act of 1966 states

“It is hereby declared to be the policy of the United States government that special effort should be made to preserve historic sites. The Secretary may approve a project only if

- (1) there is no prudent and feasible alternative to using that land; and
- (2) the project includes all possible planning to minimize harm to the historic site resulting from the use.”

1.4 List and Description of Section 4(f) Properties

p. A-14 The discussion is factually incorrect regarding the recommendation of the California State Historical Resources Commission. The SHRC’s recommendation was that the Fulton Mall be listed on the National Register of Historic Places. 26

Based upon compelling research conducted by the Downtown Fresno Coalition, the claim that “the Mall land and right-of-way are owned in fee simple by the landowners that line the Mall” is unfounded. Evidence has not been presented by the City of Fresno or Caltrans to the contrary. We therefore stand by our position that Fulton Mall is publicly owned land and possess documentation to support our position. 27

p. A-45 As stated earlier, requirements for receiving a possible funding source cannot logically be made into a necessary part of a project. 28

All of the following mitigation measures fail to meet the requirements and test found in 49 U. S. C. 303 (c).

p. A-51 EA, Section 2.1.6: CR-2 , which calls for sending documentation of “characteristics” of the Fulton Mall to the Library of Congress and other institutions in order “to document the characteristics of the mall in perpetuity” is an insulting effort to claim “mitigation.” Has documentation of Pennsylvania Station in New York City been regarded as a satisfactory mitigation effort to compensate for its destruction?

p. A-52-53 EA, Section 2.1.6: CR-3 , which calls for the City, in consultation with the Caltrans Headquarters Cultural Studies Office, District 6, and State Historic Preservation Officer, to “develop an interpretive project that results in the documentation of the Fulton Mall’s history and meaning to the general public by means of social media output” is another absurd and inadequate mitigation measure. What is meant by the vague terms “interpretive project” and “social media output”? Are future generations expected to look into Facebook, if it still exists, to learn about the Fulton Mall by seeing some photos of it? If the Fulton Mall has “meaning to the general public,” then that meaning should be respected by preserving the Mall as designed by Garrett Eckbo. 29

p. A-53 EA, Section 2.1.6: CR-4, which calls for the development of “ an interpretive project that includes at minimum three interpretive panels placed at various locations

along the current boundaries of the Fulton Mall that documents the history of Downtown Fresno and the Fulton Mall” is another inadequate and insulting effort to compensate for the destruction of an important historical resource.

p. A-52 EA, Section 2.1.6: CR-6, a mitigating measure for Alternative 1, proposes moving the street to one side of the right-of-way to create a wider sidewalk on one side of the street. The stated purpose is “to maintain the urban park ambience of the mall.” An urban park ambience (note correct spelling) cannot be achieved by having automobiles twenty feet or less from the people seeking peace and quiet.

29

p. A-53-54 EA, Section 2.1.6: CR-8 is concerned with the disposition of sculptures displaced by the Project. The use of the phrase “whenever possible” and the repetition of “approximate” make it obvious that the configuration of the Eckbo design for the Fulton Mall will be destroyed by the Project.

1.8 Coordination

At this point in time inter-agency coordination is incomplete. The Advisory Council on Historic Preservation (ACHP) requested all documents pertaining to this project by letter dated 1/23/2014. Subsequently, by letter dated 2/10/2014, ACHP notified Caltrans “The Fulton Mall Reconstruction Project has the potential to have substantial impacts on important historic properties and may have the potential for presenting procedural problems. Accordingly, we will participate in consultation with Caltrans on this undertaking.” This information has been omitted from the EA and coordination is therefore incomplete.

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p. A-55—Discussion here is concerned with the communication from the State Historic Preservation Officer stating Caltrans’ efforts to “seek and consider the views of the public with regards to this project” were inadequate. Caltrans’ response was to send letters seeking comment from a number of professional organizations. This does not constitute adequate solicitation of public views. More effort should have been made to solicit the views of the largely minority population of the area surrounding the Fulton Mall and this solicitation must be documented.

31

p.A-56—Section 106 requires that agencies (Caltrans) take into account the effects of their undertakings on historic properties. This process for the Fulton Mall has determined that the entire Mall, including the pavement, various landscape forms, fountains, sculptures, and mosaic benches are historic property. The initial research found that the Project will have an “adverse effect” on the Mall. This determination must be included in the NEPA document. Therefore, the Section 106 process of the EA is incomplete.

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1.9 Least Harm Analysis

p. A-56 Has the “Final Section 4(f) analysis been completed that is mentioned here?

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The Downtown Fresno Coalition reserves the right to comment on the 4(f) analysis after Caltrans has completed its Final Section 4(f) analysis.

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APPENDIX D MINIMIZATION AND/OR MITIGATION SUMMARY

All of the following mitigation measures fail to meet the requirements and test found in 49 U. S. C. 303 (c).

p. D-2

CR-2 which calls for sending documentation of “characteristics” of the Fulton Mall to the Library of Congress and other institutions in order “to document the characteristics of the mall in perpetuity” is an insulting effort to claim “mitigation.” Has documentation of Pennsylvania Station in New York City been regarded as a satisfactory mitigation effort to compensate for its destruction?

pp. D-2-3

CR-3 which calls for the City, in consultation with the Caltrans Headquarters Cultural Studies Office, District 6, and State Historic Preservation Officer, to “develop an interpretive project that results in the documentation of the Fulton Mall’s history and meaning to the general public by means of social media output” is another absurd and inadequate mitigation measure. What is meant by the vague terms “interpretive project” and “social media output”?

Are future generations expected to look into Facebook, if it still exists, to learn about the Fulton Mall by seeing some photos of it? If the Fulton Mall has “meaning to the general public,” then that meaning should be respected by preserving the Mall as designed by Garrett Eckbo.

p. D-3

CR-4 which calls for the development of “an interpretive project that includes at minimum three interpretive panels placed at various locations along the current boundaries of the Fulton Mall that documents the history of Downtown Fresno and the Fulton Mall” is another inadequate and insulting effort to compensate for the destruction of an important historical resource.

CR-6, a mitigating measure for Alternative 1, proposes moving the street to one side of the right-of-way to create a wider sidewalk on one side of the street. The stated purpose is “to maintain the urban park ambience of the mall.” An urban park ambience (note correct spelling) cannot be achieved by having automobiles twenty feet or less from the people seeking peace and quiet.

34

CR-8 is concerned with the disposition of sculptures displaced by the Project. The use of the phrase "whenever possible" and the repetition of "approximate" makes it obvious that the configuration of the Eckbo design for the Fulton Mall will be destroyed by the Project.

p. D-4

CR-16 is patently disingenuous. No rational person can believe that what is left of Eckbo's design if either Alternative is built will allow "sufficient integrity for listing in the National Register of Historic Places." Note that CR-7 and CR-8 are shot through with phrases like "to the maximum extent possible" when calling for retaining features of the original design and putting sculptures back in place. Also we should note that on these pages the phrase "Fulton Mall Historic Landscape" is used. Is this an acknowledgment that Fulton Mall will no longer exist?

We will appreciate your careful attention to these comments.

Sincerely,


by RM
Harold Tokmakian, AICP
2721 E. Garland
Fresno, CA 93726

 
Ray McKnight Linda Zachritz

34

Response to Comments from Harold Tokmakian, Ray McKnight and Linda Zachritz

1. Suggested text has been added to the Project Area History in Section 1.1 of the final Environmental Assessment.
2. Text has been added to the Project Area History in Section 1.1 of the final Environmental Assessment to describe the alternatives that the Fulton Corridor Specific Plan Community Advisory Committee recommended for further study.
3. This section of the Environmental Assessment is a statement of the goals that the proposed project is designed to attain. Discussion of potential economic impacts by alternative, including documentation regarding improved economic development as a result of the introduction of automobile traffic to the Mall, is contained in Chapter 2, Section 2.1.2.1 Economic Impacts. A Community Impact Assessment prepared for the project found that a lack of vehicle access and convenient parking spaces result in a lack of visibility for drive-by vehicular traffic. The study concludes that these factors contribute to the abnormally high (for the downtown area) vacancy rates and low retail sales, and that the preferred alternative has the best potential to influence business growth through the reoccupation of existing vacant buildings. Data to support these findings is contained in the Community Impact Assessment and contributing studies.

The commenters did not include the data referenced from the “national pedestrian shopping experience,” nor could Caltrans locate this data, so it is not possible to reply to whether the claim of improved economic development is contrary to this data.

4. Reference to “proposed land use plans” is intended to convey the City’s intent to move in a certain direction. These plans have been circulated to the public, comments have been received, and they are intended for adoption later in 2014 with only minor revisions. Additionally, text has been added in several sections of the document including Section 1.2.2 Need, Increase Consistency with Land Use Plans, and Section 2.1.1.2 Consistency with State, Regional and Local Plans and Programs to show that on February 27, 2014, the Fresno City Council voted to amend the 2025 General Plan and Central Area Community Plan to change the designation of the Fulton Mall area from a pedestrian mall to a local street, making both project alternatives consistent with existing as well as proposed land use plans.

5. The High-Speed Rail Station and the Bus Rapid Transit Station are both planned projects within the City of Fresno, as described in Section 2.1.1.1 Existing and Future Land Use and Table 2-2 Proposed Projects within the Project Study Area. This document evaluates the impact of the project on the environment with the assumption of completion of planned development projects, so reference to these planned projects is appropriate.
6. Worker spending is discussed in Section 2.1.2.1 Economic Impacts, which includes data based on research presented in the Fulton Mall Economic Impact Analysis, Gibbs Planning Group, Inc., June 2011. The data regarding “insufficient quantity of parking” were also taken from this study. The missing citation has been added to Section 1.2.2 Need.
7. Although there are currently vacant buildings on Fulton Mall, there are no buildings that are uninhabitable. The Bank of Italy building, which has been vacant for approximately 40 years, is currently in the planning process for major renovations. The comparison of vacancy rates includes all properties on the Mall because only a comparison that includes all potential properties would be valid. Figures about larceny-theft and annual crimes per acre have been updated to include 2013 data, which are now available. Please see Section 1.2.2 Need.
8. The illustrations and statistics regarding graffiti were included in the draft document to illustrate the current condition of the Fulton Mall without apportioning responsibility for that condition, which is not relevant to the project need. Text and illustrations regarding graffiti have been deleted from the final Environmental Assessment as a result of public comments.
9. Please see the response to Comment 4.
10. The Federal Highway Administration’s guidance on the development of logical project termini and independent utility states that “In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each environmental impact statement (EIS) or finding of no significant impact (FONSI) shall:
 - Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
 - Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and

- Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.” (NEPA and Transportation Decisionmaking, The Development of Logical Project Termini, November 1993)

The Fulton Mall Reconstruction Project is usable and a reasonable expenditure in and of itself, does not require that additional transportation projects be made to be of use, and so meets Federal Highway Administration’s independent utility requirements.

The Purpose and Need for the project call for improvements to mobility, access and visibility in this area. Analysis has found that the project would accomplish these improvements within the study area. Access and visibility are important components to a function downtown circulation system.

11. Please see the response to Comment 4.

12. Each of the alternatives evaluated improves visibility of Fulton Mall storefronts from cross streets, as demonstrated in Figure 1-3. The use of electric trams on the Fulton Mall should have been included as an option of Alternative 3 in the draft document, and has been added to Section 1.7 Alternatives Considered but Eliminated from Further Discussion of the final Environmental Assessment as well as Section 1.5 Alternatives Analysis of the Section 4(f) evaluation. Although the Electric Tram System would potentially avoid the use of Section 4(f) properties and an adverse impact to historic properties, it is not consistent with the requirements of the TIGER grant funding and has no alternative funding sources, and does not meet the project’s stated Purpose and Need. For these reasons the Electric Tram System has been eliminated in this final Environmental Assessment.

The TIGER grant defines this project as “a complete street, meaning that streets are designed to be used for driving, bicycling, walking or public transportations. The reconstruction would occur over 11 city blocks and would reintroduce vehicle traffic lanes while maintaining bicycle and pedestrian accommodations.” Caltrans’ determination is that the proposed alternatives meet the requirements set forth by the TIGER funding. The TIGER grant was awarded to the City of Fresno by the Federal Highway Administration and is not an action over which Caltrans has jurisdiction. It is assumed by this award that the grant is consistent with Department of Transportation policies.

13. The section referred to is the Project Description, which identifies the work proposed for each alternative discussed in this document. Each alternative includes the restoration of all 23 sculptures (3 of which are currently in

storage) and all of the 9 mosaic benches, and reconstruction of many of the water features (16 under Alternative 1 and 17 with Alternative 2 of the 20 existing fountains). Because restoration of these features is included in the Project Description, that work must be included in the project construction contract. Details regarding the restoration of each piece can be found in the Fulton Mall Reconstruction Alternatives Analysis Report, November 2013. Caltrans acknowledges and states in the Finding of Adverse Effect included in Volume 3 of this document that the project would destroy the integrity of the Eckbo design of the Fulton Mall.

14. The term “legislative mandate” has been removed from Criterion 1, which has been restated to say “Does this alternative satisfy the *requirements* outlined in the Transportation Investment Generating Economic Recovery (TIGER) 2013 grant guidelines?” The requirements for receiving the TIGER grant funding are not part of the project’s stated Purpose, which is outlined in Criterion 2 in Section 1.5 Comparison of Alternatives, but are included in a comprehensive screening of project alternatives to determine which should be carried forward for additional study in the draft Environmental Assessment.
15. Table 1-3 Summary of Alternatives Screening Analysis summarizes screening criteria that were developed by the Project Development Team to determine which alternatives should be carried forward in the draft environmental document for further study. The criteria are based on guidance from Caltrans’ Project Development Procedures Manual and discuss relevant project issues including Purpose and Need, project funding, City design standards as well as Section 106 and Section 4(f) impacts. The results of this evaluation are consistent with the three elements of the project’s stated purpose that are individually discussed in the table. The discussion of “driver expectations” does not predetermine the outcome of the Environmental Assessment, as each alternative, including the No-Build, is evaluated against this criterion, and driver expectation is an important consideration in project design. Pedestrian safety, although not called out in the Screening Analysis, is a very important component of project design and City design standards and so is included as part of the Criterion 3 consideration. Lastly, the Fulton Mall, although used as a park-like pedestrian space and determined eligible for the National Register of Historic Places in part as an example of an urban park, has never been designated as a “park” by the City of Fresno.
16. Table 1-4 is a summary of the findings from Chapter 2’s evaluation of impacts. The basis for the “increased economic activity” determination is found in Section 2.1.2.1 Economic Impacts. References to security have been removed.

17. Please see the response to Comment 4.
18. The tot lots alone are discussed in the Section 2.1.1.3 Parks and Recreational Facilities and summarized in Table 1-4 because they are the only parks within the project study area. Although Caltrans recognizes that some members of the public have expressed a belief that Fulton Mall is a City park, it has never been designated as such. The wide promenade included in Alternative 1 will continue to allow pedestrian space and access to the art included on the Mall for everyone, including residents of the area, the elderly and disabled as well as the Hispanic community.
19. Factual experience becomes available only after a project has been completed. Proposed projects must therefore rely upon studies prepared by independent, qualified consultants.
20. Caltrans' Standard Environmental Reference defines Environmental Justice in the following manner: "There are three fundamental principles at the core of environmental justice as expressed in the FHWA's Transportation & Environmental Justice Case Studies publication and the FHWA Environmental Justice Website:
 - To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
 - To ensure full and fair participation by all potentially affected communities in the transportation-making process.
 - To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations."

There are no residents of Census Tracts 2, 3, 5.01, 5.02 or 6 within the project study area. Therefore, analysis of impacts for people within all census tracts who use Fulton Mall is limited to those who use the Mall for temporary activities, which have been labeled "day users." Section 2.1.2.2 Environmental Justice contains a separate section to discuss impacts to day users of the Mall. Impacts of the project would be the same for all day use populations, so there are no disproportionately high and adverse effects to any population.

21. The draft Environmental Assessment stated that the visual/aesthetic character of the Mall would be changed in a positive way "due to the clean pavement and maintained street, sidewalk, lighting fixtures, and artwork." Although some of these improvements could be initiated without the addition of the

street, the assessment that the visual quality of the Mall would improve with implementation of the project is valid.

22. Section 1.5 Alternatives Analysis, Non-Avoidance Alternatives in the final Section 4(f) Evaluation discusses the prudent and feasible criteria for Alternatives 1 and 2.
23. The paragraph following Table 1-4 Comparison of Project Alternatives, which contains discussion of Alternatives 1, 2 and the No-Build, states that “After the public circulation period, all comments will be considered, and Caltrans in cooperation with the City of Fresno will select a preferred alternative and make the final determination of the project’s effect on the environment.” The selection of a preferred alternative could include selection of either build alternative or the No-Build Alternative.

Caltrans’ Standard Environmental Reference states that “NEPA requires that an EIS is prepared when the proposed federal action (project) *as a whole* has the potential to ‘significantly affect the quality of the human environment.’ The determination of significance is based on context and intensity. Some impacts determined to be significant under CEQA may not be of sufficient magnitude to be determined significant under NEPA.” On February 15, 2013, Caltrans District staff communicated to Caltrans Headquarters’ Environmental Coordinator that the Fulton Mall Reconstruction Project had the following potentially significant issues: public controversy, cultural resources/Section 106, individual Section 4(f), and Section 6(f). Staff recommended, because it was not anticipated that the accumulation of these impacts would require the preparation of an Environmental Impact Statement, that a Complex Environmental Assessment be prepared. Headquarters concurred with the determination, stating on that same date “that this project is a Class III action, a Complex Environmental Assessment. Under 23 USC 327, as amended by MAP-21...Complex EAs are defined as those EAs that have complex issues or impacts in that they may include multiple location alternatives, debate related to purpose and need, strong public controversy, issues related to logical termini or independent utility, individual Section 4(f) determinations, complex Endangered Species Act issues, numerous cumulative impacts, or high mitigation costs.” Caltrans has determined through preparation of the environmental assessment that an Environmental Impact Statement is not warranted for this project.

24. Please see response to Comment 20.
25. The entire statement included in Section 2.1.2.1 is “The population in Tract 1 is 73.4% white. This is the highest percentage of white population compared to each of the five remaining tracts in the downtown area (the area between

Highway 99, Highway 41, and Highway 180) as well as compared to the City of Fresno (49.6%). Because ethnicity is different than race and Hispanic persons could be of any race, a review of the persons that are of Hispanic origin compared to non-Hispanic was done. The percentage of Hispanic persons within Tract 1 (55.7%) is less than the percentage of Hispanic persons in the other tracts in the downtown area; however, Tract 1 has a greater percentage of Hispanic population than the City of Fresno as a whole (46.9%).” The demographic data provided were obtained from the 2010 U.S. Census and is complete and accurate as stated.

26. The 36 CFR 800 Part 60.6(g) states that “Upon notification, any owner or owners of a private property who wish to object shall submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, as appropriate, and objects to the listing. *In nominations with multiple ownership of a single private property or of districts, the property will not be listed if a majority of the owners object to listing.* Also, 36 CFR 800 Part 60.6 (n), which is cited in the Historic Property Survey Report, goes on to state: (n) If the owner of a private property or the majority of such owners for a district or single property with multiple owners have objected to the nomination prior to the submittal of a nomination, the State Historic Preservation Officer shall submit the nomination to the Keeper only for a determination of eligibility pursuant to subsection (s) of this section.” Because the majority of owners of the Fulton Mall objected to the nomination prior to the submittal, the SHRC could not recommend listing the Mall in the National Register of Historic Places. SHRC minutes state that at its April 30, 2010 meeting, the SHRC unanimously approved a motion “to request the SHPO forward the nomination to the Keeper to be determined eligible for listing.” On August 20, 2010, the Keeper determined Fulton Mall eligible for inclusion in the National Register.
27. California Civil Code Section 831 states that “An owner of land bounded by a road or street is presumed to own to the center of the way, but the contrary may be shown.” Based on this code, in the absence of evidence of other ownership, street and alley vacations automatically revert to the adjacent property owner. In the case of Fulton, Caltrans has seen no evidence that the City has ever purchased or otherwise received ownership interest in the Fulton Mall from the adjacent property owners. The City’s interest, as with other streets, is not one of ownership but of a public right-of-way easement. Although the comment states that the Downtown Fresno Coalition possesses documentation to support its position that the Fulton Mall is publicly owned, no such documentation has been presented to Caltrans.

28. Section 1.5 Alternatives Analysis states that “As the [TIGER] grant is currently written, this funding would not be available for any alternative that fails to reintroduce vehicle traffic to the 11 city blocks within the project study area, and the City would need to either amend the grant, if possible, or seek an alternate funding source to pursue such options.” This statement does not limit the City to pursuing only alternatives discussed in this document, but states that an amendment to the grant or other funding would need to be procured if the City were to select a different alternative.
29. The referenced code, 49 USC 303(c) outlines the prudent and feasible and minimization of harm requirements that are discussed in Section 1.5 Alternatives Analysis and Section 1.6 Measures to Minimize Harm of the Section 4(f) Analysis document. The mitigation measures included to minimize harm have been revised as a result of consultation with the State Historic Preservation Officer and Advisory Council on Historic Preservation and documented in the Memorandum of Agreement dated May 16, 2014.
30. The draft Environmental Assessment was released on January 10, 2014. The letters from the Advisory Council on Historic Preservation were received on January 23 and February 10, 2014, after the release of the draft environmental document. These communications as well as further coordination, including a series of phone conferences which took place between February and May 2014 with these two bodies have been included in the final Environmental Assessment in Chapter 3 Comments and Coordination.
31. Caltrans’ efforts to “seek and consider views of the public with regards to this project” have been deemed sufficient by the State Historic Preservation Officer and Advisory Council on Historic Preservation, as evidenced by the completion of a Memorandum of Agreement dated May 16, 2014. Consultation between the SHPO, ACHP, City of Fresno, Caltrans, the Downtown Fresno Coalition and the Downtown Fresno Partnership took place in a series of meetings held between March and May, 2014.
32. Documentation of an adverse effect to the Fulton Mall was included in the draft Environmental Assessment and is included in the final document in Section 2.1.5 under Environmental Consequences.
33. The final Section 4(f) Analysis is included as part of this document.
34. Appendix D of the Final Environmental Assessment outlined mitigation measures required as a result of the National Environmental Policy Act, Section 4(f) and other federal laws. The mitigation measures listed in the comment are designed to mitigate Section 106 impacts. While some of these

measures may double as Section 4(f) mitigation, this section is not intended as a comprehensive listing of measures to minimize harm under Section 4(f).

3. Public Hearing Comments Provided to Court Reporter

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| 1 | IN RE: |) |
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| 3 | Caltrans Fulton Mall Project |) |
| 4 | Open Forum Public Hearing |) |
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| 10 | CALTRANS FULTON MALL PROJECT | |
| 11 | 2014 TULARE STREET, MEZZANINE LEVEL | |
| 12 | FRESNO, CALIFORNIA | |
| 13 | FEBRUARY 4, 2014; 4:24 P.M. | |
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| 21 | ATKINSON-BAKER, INC. | |
| 22 | COURT REPORTERS | |
| 23 | www.depo.com | |
| 24 | 1-800-288-3376 | |
| 25 | REPORTED BY: MELINDA TRAVIS, CSR NO. 12094 | |
| | FILE NO.: A801093 | |

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FEBRUARY 4, 2014; 4:24 P.M.

FRESNO, CALIFORNIA

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MS. KIRSTEN HELTON: The Fulton Mall Reconstruction Project open forum public hearing is officially open at 4:24 p.m.

MR. ROMAN PEREZ: I'm Roman Perez, and this is Samantha and Latricia Francine Perez. We stay in one room, and she stays next door. It's 851 Van Ness Avenue. Me and her live at 709, and she's in 708. The ZIP is 93721.

Now, me and my family are staunch believers in Option 3, you know. We believe that if they could upgrade, you know, the mall, do all the necessary upgrades with the sidewalks and fountains and trees and whatever and lighting and security and all that stuff without having to put a road in, you know -- because I think this way: If they put in a road, you know, it's going to -- just going to basically destroy the mall. After they put the road in, there's not going to be any mall left. You know, the way I see it, they can do all the necessary upgrades they want, buildings and stuff, without putting a road in.

If they put a road in -- there's more bad things that can happen if they have a road in than

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1 without. The way we see it, it stays a pedestrian mall
2 the way it is now but with upgrades, you know, and
3 lighting and the sidewalks fixed and fountains and all
4 that, but no road.

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5 I put a comment in the comment box telling them
6 basically the same thing.

7 MR. STAN BITTERS: Stan Bitters, 1471 North
8 Whitney 93703.

9 I have a question. Is there anything in the
10 TIGER grant that would allow us to essentially redo the
11 cement floor exactly as is instead of asphalt? Is there
12 any way we can turn anything to use those funds? Okay.

2

13 Another thought was, a while back the City,
14 apparently, trying to finagle their way with some
15 results, established that from the building line to the
16 middle of the mall was part of the building, therefore,
17 the ownership. And so the question is, is that part of
18 a historical building? Is that part of a historical
19 reference all the way out to the middle of the mall?

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20 Third issue would be -- I have a plan. My plan
21 is to preserve the mall; replace the cement and add much
22 more sculpture to the mall to become significant enough
23 that it will become very much appreciated as a tourist
24 interest and flock to Fresno and invest all this money
25 in hotels, restaurants, and small shops. I feel this is

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1 a much better direction than parking meters for an
2 income to the City. Therefore, I feel very strong about
3 this. And we ought to encourage even more streets to
4 become malls to the rapid train as a significant entrée
5 of people getting off, coming into the mall, walking to
6 the mall. So I would like to see a plan that allows
7 some mall-like experience from that train to the regular
8 mall. Okay.

4

9 I think in reference to this historical
10 designation from the state as well as the federal
11 government, I question why we're even going through all
12 this charade of redoing the mall because it would not
13 allow it under historical conditions.

5

14 If to enact the TIGER grant the mall needs a
15 transportation solution, I would suggest that we could
16 do that by looking at electric vehicles as
17 transportation to take care of that issue, and,
18 therefore, allow us to do the cement replacement. We
19 should be looking at the future in terms of
20 transportation. It may be that someday they're all
21 electric, they're running by themselves, or whatever.
22 There will be no kind of diesel or gas engine. So we
23 should be looking to the future. And to designate a
24 street and do more pollution in this community is
25 asinine.

6

1 MS. LINDA ZACHRITZ: Linda Zachritz, 2014
2 Tulare Street, Suite 703, Fresno 93721.

3 My comment is on pages 10 and 11 of the
4 environmental document. There are reported crime
5 statistics regarding theft and graffiti. And the
6 comparison was made for -- I think there needs to be an
7 analysis over a broader period of time. The time period
8 covered is April 23rd, I think, from 2012 to November 4,
9 2012. Those -- those dates look concocted. It needs to
10 be for a five-year period. And it purports to compare
11 all of Fresno and the rest of downtown to the Fulton
12 Mall. Since the city is claiming the Fulton Mall is a
13 retail area, it needs to be compared to another retail
14 area, specifically like Fashion Fair, which is
15 pedestrian only, and which is also a half mile long like
16 the mall. And without that, the crime statistics look
17 manufactured at best and worthless -- manufactured at
18 worst and worthless at best.

19 At about page D2 -- I'm not sure if this is the
20 4F document -- D2, CR2, -3, and -4, it appears that the
21 document purports to say that as a mitigation measure
22 the City will document what it destroys. And I just
23 think that should be noted as laughable as a mitigation
24 measure and CalTrans ought to step back and reevaluate
25 whether that has any validity, to make that

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1 representation.

2 MR. STAN BITTERS: We have experienced, in the
3 last few weeks, a red flag on the pollution in this
4 community; therefore, certainly we can't handle any more
5 activity that purports the gasoline engine be activated
6 any more than it is.

10

7 I will be submitting our plan.

8 MS. PATTY BARTUCCI: Patty Bartucci, 851 Van
9 Ness Avenue, Apartment 313, Fresno, California 93721.

10 I'm a resident of downtown. I moved here a
11 year and a half ago. I think it's the safest place to
12 be. I love the mall. You can walk without any traffic.
13 If they bring cars in here, there's going to be traffic.
14 There's going to be a lot of problems with people
15 getting hit by cars and stuff like that.

11

16 I just don't think it's going to make --
17 they're going to tear out the mall. And they say
18 they're going to put the lines back in the road, but I
19 don't think they're going to do that. And all of the
20 fountains and stuff are all going to have to be moved.
21 It's going to be ugly. I don't think it's really going
22 to do us any good.

12

23 They can put electric trams in. I think
24 everybody says that, because they say there's going to
25 be parking in front of the stores. There's probably

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14

1 going to be room for two cars. People are going to have
2 to park in those parking lots. So they can just get a
3 tram and run it up and down the street, and it would be
4 fine.

14

5 The city -- it's a national park, and the City
6 is tearing down the national park. It can be saved.
7 It's a beautiful park. It's like an art museum out
8 there. If you walk down it, it's really nice. I don't
9 see that it's not safe at all. I walk down it, and I'm
10 white, so it's no big deal, you know. I don't go out at
11 night, you know. You know, it's really nice. I live in
12 the Californian, and I enjoy that. And everybody that's
13 handicapped with wheelchairs and stuff like that,
14 they're going to have a hard time with all this traffic.

15

16

17

15 And then they're going to give us a park from
16 Kern -- on Kern Street, this little square, and it's got
17 two -- it's already got three fountains, and they're
18 going to bring in the big dancing waters. There's not
19 going to be any room for a park. It's stupid. It's
20 asinine. So that's all I'm going to say.

18

21 MR. MICHAEL McMINASSIAN: Michael McMinassian.

22 I think it's pretty alarming that it has such a
23 high rate of vandalism, you know, just that one section
24 of Fulton Mall, compared to the rest of downtown Fresno.
25 Maybe if they had it more well-lit, more people on the

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1 street, it won't be causing so much taxpayers' dollars
2 to clean all that up. Somebody has to pay for it, and
3 somebody has to clean it.

19

4 I live in Clovis, and they're always out there
5 cleaning and keeping it clean. And I think through
6 Facebook you can report it, and the Clovis Police
7 Department will send somebody to go clean it. I don't
8 think they have funding down here to do that. I think
9 it would be nice if they did.

20

10 MR. WINSTON WILBERT: Winston Wilbert. I live
11 at 851 Van Ness.

12 You know, since I live downtown here and the
13 mall would go in right here, I feel that I don't see any
14 improvement in the quality of life for those who live
15 downtown or shop downtown -- because people who live
16 downtown love to shop downtown -- just by adding a
17 street, because if you add a street, then you take out
18 the casualness and relaxation of the -- just being able
19 to walk through the mall; that leaves. Because I like
20 walking down the mall and being able to see this shop,
21 that shop, this store, that store without congestion
22 of -- like Van Ness, where you have to cross the
23 streets, you have to watch the light.

21

24 And the mall is special the way it is. It's
25 special. I don't see how a street is just going to, you

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1 know, destroy that harmony of being able to -- you know,
2 for the pedestrian, you know. It's just letting in
3 cars, which makes no sense. People, okay, already
4 invited. Cars don't need to be invited to the party,
5 you know. I don't get it. I don't see why they're
6 making a parking lot out of it, the mall. That's my
7 opinion.

22

8 There's enough parking garages around downtown
9 here as it is. Why do cars have to -- you know, moving
10 back and forth down the street. People get out and
11 walk, see it, exercise. It's good for you. You need
12 that. It's part of life. We're -- we need to walk.

23

13 We need to ride bikes. We need more bikes.
14 People need more bicycles. People should be encouraged
15 to get more bikes to ride, get more physically fit. And
16 less automobile congestion, I think, would be an
17 improvement. They need more places to lock their bikes
18 up. They should build something, like posts -- like
19 bike posts, where people can walk by and see. "I can
20 bring my bike next time. I can lock my bike up here and
21 go in the shop." But there's no places like that.
22 There's no posts by the government or city where you can
23 lock your bike up, where it's safe. You have to look
24 for, like, a light pole or something to lock your bike
25 up. You should have bike racks where you can have your

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1 bike and lock it up and go to the store and shop down
2 here.

3 . It should not encourage automobiles. If we
4 have automobiles in here, then they'll want to build
5 parking spaces for those cars, which they have been
6 doing. But they don't want to build anything for
7 bicycles, which they're not doing and don't plan on
8 doing, which they should do. You know, with the heart
9 attack rates going up, cancer rates going up, exercise
10 is a component of staving off that and living longer
11 with the diets people have and sanitary habits.
12 Automobiles and more traffic is going to increase the
13 rate of heart attacks in this country. That's all.
14 It's going to do -- because it's just saying "don't ride
15 your bike. Take a car and come out to the mall. We'll
16 make it more assessible to you" instead of "come out to
17 the mall where -- with your bicycle. You know, take
18 your bike to the mall."

19 Parks & Recreation should have something to say
20 about it too, because it's something that they are
21 interested in, as far as, you know, seeing people
22 enjoying the outdoor, you know, activities. And
23 shopping is really like an outdoor activity. It's
24 coming outside. It's not sitting around the house all
25 day watching television. But you don't just jump in the

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1 car. You want to go someplace where you can walk and
2 ride the bike. It's a day out. You know, you walk with
3 your girlfriend, your boyfriend, your wife, your
4 husband, whoever, you know. You ride your bike with
5 them. That's fine. Just sitting next to my girlfriend
6 in the car and -- my wife in the car is fine -- my
7 daughter or my son. People experience -- it's part of
8 the trip -- it could be part of a trip coming downtown.

9 You know, people want to see something. People
10 want to come and look at something, not necessarily buy
11 anything, but just see. Downtown should be sightseeing.
12 People from other cities will come here to visit Fresno.
13 They should be able to see something. Fresno represents
14 seeing. Just like Vegas, people go to see it -- to do
15 things, of course, but to see it. So what does Fresno
16 have to see? Say if I'm from out of town and I come
17 into this city, why am I coming? To see what? To do
18 what? So I think things connected with what Fresno
19 County is famous for -- you know, I guess it's dairy,
20 wine, wine tasting or fruits and vegetables, markets,
21 and things like that. Fresno County is rural. It's
22 like rural. So people are -- the fair, like the Fresno
23 Fair -- just like that, those kind of things that go on
24 like that are all part of, I think, Fresno that's
25 special. So that's what people like about Fresno.

24

11

1 Anything that was less technical, you know, more simple,
2 country-type living is Fresno. Less cars and
3 congestion, more simple life, simple lifestyle, that's
4 what I like.

5 If you just -- if everybody does just what
6 everybody else does, like monkey see, monkey do -- "This
7 city is doing this. Let's copy them. Let's do what
8 they're doing." That's not Fresno. It's taking away
9 from what the Sunshine State can do. This is the
10 Sunshine State, and everything to do with the sunshine
11 should be -- grown in the sunshine, born in sunshine.
12 There's so much sunshine here. They should plant
13 things, plant more things, plant flowers and trees and
14 things.

15 There's a lot of poverty. It would probably --
16 I see a lot of homeless people downtown all the time.
17 That takes away from whatever you may do around here,
18 because they will -- too many people are homeless,
19 sleeping downtown. Right here in the mall every night
20 they're in the garbage cans. Too many people are going
21 in them, looking for stuff, and emptying it all out;
22 littering everything out on the streets right down near
23 the mall. I don't know what to do about that. I don't
24 know what to do about it. That definitely is not going
25 to help any kind of project. Because it's a serious

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1 homeless problem down here, and it's getting worse over
2 the years. You've got some good things going; you have
3 some bad things going. Something should be done to help
4 those people, to clear those -- to help the needs of
5 those people. They must need something. They're
6 sleeping out here. Their needs are not being addressed.
7 But I think there's always hope. I think there's always
8 hope. And it has to be worked out one step at a time.
9 But just the streets -- it's not going to address all
10 the other problems. It's not going to address none of
11 them. That's it now. That's all I have got to say.

12 -oOo-

13 (Meeting concluded at 7:35 p.m.)
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REPORTER'S CERTIFICATE

I, MELINDA TRAVIS, CSR No. 12094, a Certified Shorthand Reporter, certify:

That the foregoing meeting was taken before me at the time and place therein set forth;

That the statements made at the time were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Dated this 13th day, February, 2014.

MELINDA TRAVIS, CSR No. 12094

Response to Comments Provided to Court Reporter on February 4, 2014

Mr. Roman Perez

1. Alternative 3, which included providing upgrades such as sidewalks, fountains, trees, lighting and security did not meet the Purpose and Need of the project stated in Section 1.2 of the final Environmental Assessment, which is to improve mobility, access, visibility and consistency with local plans within the project study area. The project would indeed result in the destruction of an historic property (the Fulton Mall,) but would retain a 28-foot promenade which will contain all of the artwork and fountains currently found on the Mall. Safety features for all forms of transportation will be built into the design of the project.

Mr. Stan Bitters

2. It is Caltrans' understanding that the TIGER grant, as currently defined, can be used only to add street lanes to the existing Fulton Mall, and it is unlikely that this funding could be used to simply replace the existing aggregate.
3. The ownership of the Fulton Mall rests with the buildings adjacent to the Mall, with an easement held by the City of Fresno for the area of the Mall. The Mall is considered a separate historic property for the purposes of Section 106.
4. Preservation of the Fulton Mall was evaluated in Alternatives 3 and 4, which were eliminated from further consideration because they did not meet the Purpose and Need for the project. (See Section 1.7 Alternatives Considered but Eliminated from Further Discussion.)
5. The Section 4(f) Analysis has determined that there is no prudent and feasible alternative to adding a street to the Fulton Mall. In cases where there is no prudent and feasible alternative, it is possible to adversely affect an historic property. As discussed in Section 1.6 Measures to Minimize Harm in the Section 4(f) analysis, mitigation measures have been incorporated into the project to minimize impacts to the historic properties to the greatest extent possible while still meeting the Purpose and Need for the project.
6. At the present time, and as forecasted over the next 20 years, the need is for existing vehicles to be provided access and visibility to the businesses and storefronts located along the Fulton Mall. Any alternative that does not provide access and visibility fails to meet the Purpose and Need for the project.

Ms. Linda Zachritz

7. The City of Fresno Police Department did not collect data for the Fulton Mall specifically prior to 2012. Updated data for 2013 are now available, but since this would still result in a short period for meaningful statistics, text regarding graffiti in Section 1.2.2 Need of the final Environmental Assessment has been deleted.

8. A comparison of the Fulton Mall with Fashion Fair would not be an appropriate comparison because Fashion Fair Mall is a privately owned enclosed mall that is closed at night and for which private security is provided. Comparison of Fulton Mall with the rest of the downtown area is meant to determine whether there is a difference between graffiti rates within the study area and those of the surrounding area. Data regarding graffiti have been deleted from the final Environmental Assessment. See Response #6 above for details.
9. Under the provisions of Section 106 of the amended National Historic Preservation Act of 1966, federal agencies *must* produce documentation to Heritage Documentation Programs standards for buildings [or landscapes] that are listed, or are eligible for listing, in the National Register of Historic Places, to mitigate the adverse effects of federal actions such as demolition or substantial alteration. Mitigation measure CR-2, in Section 2.1.5 of the draft and final Environmental Assessment, is included to comply with these requirements but does not in any way mitigate the impacts of the project below the level of significant impact. Other mitigation measures are included to create a comprehensive mitigation strategy to provide the appropriate level of mitigation for the project.

Mr. Stan Bitters

10. The Air Quality Analysis Report, July 2013, states that the project would not generate significant quantities of criteria air pollutants or ozone precursors, contains no meaningful potential for mobile source air toxics effects, and would not generate localized CO impacts from project operation. The project is not anticipated to have a significant impact to air quality.

Ms. Patty Bartucci

11. City design standards are enacted to provide safety for all modes of transportation, including autos, bicycles and pedestrians. The straight street lines provided by Alternative 1, the preferred alternative, and the low speed limit (15 miles per hour) are designed to help keep pedestrians safe.
12. Your comments are included as part of the record in this final Environmental Assessment.
13. Please see response to Comment 11.
14. The use of electric trams on the Fulton Mall is an alternative that was considered very early on in the process and eliminated from further consideration in the draft Environmental Assessment. This information should have been included in the draft document, and has been added to Section 1.7 Alternatives Considered but

Eliminated from Further Discussion of the final Environmental Assessment as well as Section 1.5 Alternatives Analysis of the Section 4(f) evaluation.

15. The Fulton Mall was determined eligible for the National Register of Historic Places in part for its significance as an urban park, however it is not a “national park.” Retaining the Fulton Mall as it presently exists would not meet the stated Purpose and Need of the project.
16. The safety of current Mall users was not evaluated in this final Environmental Assessment. Figures regarding graffiti have been deleted from this document.
17. Approximately 50 percent of the Fulton Mall, as it currently exists, is not compliant with the Americans with Disabilities Act (ADA). After construction of the project, the Mall would be 100 percent ADA compliant.
18. Fountains will be reconstructed and scaled to fit the area of the promenade or remaining Mall where they will be placed.

Mr. Michael McMinassian

19. Your comment is included as part of the record in this final Environmental Assessment.
20. The City of Fresno and the Downtown Fresno Partnership both currently provide funding for graffiti removal.

Mr. Winston Wilbert

21. Your comment is noted and included as part of the record in this final Environmental Assessment. The wide 28-foot promenade area included in Alternative 1, the preferred alternative, provides a greater opportunity for walking in a mall-like setting, rather than the standard sidewalk widths found on Van Ness.
22. Section 1.2.2 Need of the final Environmental Assessment states that “Managed on-street stalls are essential for competitive shopping districts and offer convenient parking for an impulse visit. Research led by Norman Garrick of the University of Connecticut in 2007 concluded: “We found that on-street parking plays a crucial role in benefiting activity centers on numerous levels . . . users of downtowns consistently valued on-street parking spaces over and above off-street surface lots and garages” (*Fresno, California Fulton Pedestrian Mall Alternative Plan Research*, Gibbs Planning Group, Inc. June 24, 2011 and *Appendix A #4 of Fresno Fulton Corridor Specific Plan (Draft)*, pages A-11 and 12).”
23. Section 1.2.2 Need of the final Environmental Assessment states that “Most (75%) of Fulton Mall’s 2,788 parking spaces are located in structures. While structured parking is acceptable for office and regional shopping centers, it is

inconvenient for downtown workers, young families and visitors seeking an impulse purchase or with little time to shop. (*Fulton Mall Economic Impact Analysis*, Gibbs Planning Group, Inc. June 24, 2011).”

24. The use of bicycles will be allowed within the project area. The intent of a “complete street” is to allow use by automobiles, bicycles, pedestrians and other modes of transportation within the same area.
25. Alternative 1, the preferred alternative, would provide a total of 154 trees as well as other landscaping within the Fulton Mall area.
26. The project is intended to address the need for improved mobility, access, visibility and consistency with land use plans in the project study area. Addressing poverty and associated issues within the downtown area is beyond the scope of this project.
27. Please see response to Comment 25.

List of Technical Studies

Community Impact Assessment, August 2013

Transportation Impact Report, July 2013

Preliminary Environmental Study, February 2013

Technical Memorandum, Sole-Source Aquifer/Water Quality Assessment, November 2013

Supplemental Assessment to Fulton Corridor Phase I ESA, May 2013
Supporting Documents

Air Quality Analysis Report, August 2013

Noise Study Report, August 2013

Natural Environment Study, Minimal Impacts, July 2013

Visual Impact Assessment, August 2013

Paleontological Identification Report, August 2013

Cultural Resource Studies, including

Historic Properties Survey Report

Supplemental Historic Properties Survey Report

Finding of Effect

Supplmental Finding of Effect

Memorandum of Agreement