M e m o r a n d u m

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 7, 2013

Reference No.: 2.2c. (11)
Action

From: ANDRE BOUTROS
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING MASTER ENVIRONMENTAL IMPACT REPORT FOR THE 2025 CITY OF FRESNO GENERAL PLAN INCLUDING THE HIGHWAY 180 FRONTAGE ROAD FROM MARKS AVENUE TO HUGHES/WEST DIAGONAL AVENUE PROJECT (RESOLUTION E-13-30)**

ISSUE:

Should the Commission, as a Responsible Agency, accept the Master Environmental Impact Report (MEIR) for the 2025 City of Fresno General Plan including the Highway 180 Frontage Road from Marks Avenue to Hughes/West Diagonal Avenue Project (project) in Fresno County and approve the project for future consideration of funding?

RECOMMENDATION:

Staff recommends that the Commission accept the MEIR and approve the project for future consideration of funding.

BACKGROUND:

The City of Fresno (City) is the CEQA lead agency for the project. The project is located north of State Route 180 in the City of Fresno in Fresno County. The project proposes to construct an approximately 4,300-foot, two-lane industrial frontage road between North Marks Avenue and Hughes/West Diagonal Avenue. The new frontage road will include full street improvements, installation of traffic signals, street lights, sidewalks, curbs and gutters, drive approaches, water lines, sewer lines and storm drains. The project was evaluated as part of the 2025 City of Fresno General Plan which encompasses increased residential density and development intensity in strategic locations within approximately 162 square miles.

On November 19, 2002 the City adopted a MEIR for the 2025 City of Fresno General Plan which designated the project site for light industrial planned uses. The MEIR determined that impacts related to transportation & circulation, air quality, agricultural resources, and noise would be significant and unavoidable as follows: increased traffic and congested levels of service along major street segments, a cumulatively considerable net increase in ozone and particulate matter air pollutants, permanent displacement of vacant land and/or productive agricultural land, potential

conflict between proposed residential uses and agricultural operations, and the generation of excessive noise and/or the location of sensitive uses in areas experiencing excessive noise. Mitigation measures and/or alternatives to the proposed project that would substantially reduce or avoid these significant unavoidable impacts are infeasible.

Findings of Fact were developed which provide that changes or alternations have been required in, or incorporated into, the 2025 City of Fresno General Plan that avoid or substantially lessen the significant environmental effect and that impacts have been reduced to the extent feasible; however, after implementation of the mitigation measures contained in the MEIR, these impacts remain significant and unavoidable. The City adopted the MEIR, Findings of Fact and a Statement of Overriding Considerations for the plan on November 19, 2002. The City found that the significant, unavoidable adverse impacts are acceptable and are outweighed by social, economic and other benefits of the 2025 City of Fresno General Plan. These benefits include, but are not limited to: opportunity for economic enhancement and employment growth, enhanced and accelerated business development, establishment of a diverse economy in order to improve educational, social, economic, employment, and health conditions within the community, job creation, and provision of affordable housing opportunities. The City established a Mitigation Monitoring Program to ensure that the mitigation measures specified for the plan are implemented.

In 2013 the City prepared a project specific Initial Study pursuant to Public Resources Code 21157.1 and conducted a review of the adequacy of the MEIR pursuant to Public Resources Code 21157.6(b)(1). On August 31, 2012 the City adopted a Finding of Conformity and made the following findings: (1) the MEIR remains adequate as no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and no new information has become available; (2) the project is a subsequent project fully within the scope of the MEIR; and (3) with the mitigation measures identified in the MEIR, there is no substantial evidence that the project will have additional effects on the environment that were not identified and analyzed in the MEIR.

On February 27, 2013, the City confirmed that the preferred alternative set forth in the final environmental document is consistent with the project scope of work programmed by the Commission. On April 11, 2013 the City confirmed that the 2002 MEIR remains valid and that there are no new impacts requiring mitigation which have been identified since adoption of the MEIR in 2002.

The project is estimated to cost $7,954,000. The project is funded with SLPP ($2,213,000) and Local ($5,741,000) funds. Construction is estimated to begin in fiscal year 2013/14.

Attachment
- Resolution E-13-30
- Findings of Fact & Statement of Overriding Considerations
- Project Location

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding
06 – Fresno County
Resolution E-13-30

1.1 **WHEREAS,** the City of Fresno (City) has completed a Master Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:

- 2025 City of Fresno General Plan including the Highway 180 Frontage Road from Marks Avenue to Hughes/West Diagonal Avenue Project

1.2 **WHEREAS,** the City has certified that the Master Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation and that the proposed project is a subsequent project that is fully within the scope of the Mater Environmental Impact Report; and

1.3 **WHEREAS,** The project proposes to construct an approximately 4,300-foot, two-lane industrial frontage road between North Marks Avenue and Hughes/West Diagonal Avenue. The new frontage road will include full street improvements, installation of traffic signals, street lights, sidewalks, curbs and gutters, drive approaches, water lines, sewer lines and storm drains. The project is one component of the 2025 General Plan which encompasses increased residential density and development intensity in strategic locations within approximately 162 square miles; and

1.4 **WHEREAS,** the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Master Environmental Impact Report; and

1.5 **WHEREAS,** Findings of Fact made pursuant to CEQA guidelines indicate that specific unavoidable significant impacts related to transportation & circulation, air quality, agricultural resources, and noise make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and

1.6 **WHEREAS,** the City adopted a Statement of Overriding Considerations for the project; and

1.7 **WHEREAS,** the City adopted a Mitigation Monitoring Program for the project; and

1.8 **WHEREAS,** the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.

2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Master Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations and approve the above referenced project to allow for future consideration of funding.

COUNCIL RESOLUTION NO. 2002-378

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, CERTIFYING THE MASTER ENVIRONMENTAL IMPACT REPORT NO. 10130 AS RELATED TO THE PROPOSED 2025 FRESNO GENERAL PLAN

WHEREAS, on April 3, 2001, the City Council adopted Resolution No. 2001-118 initiating the adoption of a new General Plan, also known as the 2025 Fresno General Plan (hereinafter, "2025 Plan"); and,

WHEREAS, the California Environmental Quality Act (CEQA) requires that an environmental impact report be prepared for any project which may have a significant effect on the environment; and,

WHEREAS, the Director of Planning and Development determined that an environmental impact report (EIR) shall be prepared for the 2025 Plan, and the city contracted with a professional environmental consultant to conduct the requisite studies and analyses of the potential environmental impact and proposed mitigation measures, as applicable, for the 2025 Plan; and,

WHEREAS, on July 17, 2001, the Planning and Development Department duly issued and circulated a Notice of Preparation, pursuant to CEQA Guidelines Section 15082 and Public Resources Code Section 21080.4; and,

WHEREAS, on August 2, 2001, the Planning and Development Department held a scoping meeting pursuant to CEQA Guidelines Section 15082(c) and Public Resources Code Section 21080.4 attended by members of the public and at which written and verbal comments were submitted; and,

WHEREAS, on May 24, 2002, the Planning and Development Department staff exercising their independent judgment, completed the draft master environmental impact report (hereinafter Draft MEIR), and the city provided due public Notice of Availability of the Draft MEIR for public comments pursuant to Public Resources Code Section 21092 and CEQA Guidelines Section 15087; and,

Adopted 11-19-02
Approved 11-21-02
Effective 11-21-02

2002-378

WHEREAS, on May 24, 2002, the city issued a Notice of Completion pursuant to Public Resources Code Section 21161 and CEQA Guidelines Section 15085; and,

WHEREAS, on May 29, 2002, public Notice of Availability of the Draft MEIR was posted in the office of the Fresno County Clerk pursuant to Section 15087(d) of the CEQA Guidelines; and,

WHEREAS, on June 24 and 26, 2002, noticed public information meetings were held by staff in which public testimony, both oral and written, on the adequacy of the Draft MEIR was accepted into the record and for at least 45 days following the date of publication of the public notices, the public was given opportunity to comment, in writing, on the adequacy of the Draft MEIR as an informational document; and,

WHEREAS, at the conclusion of the 45-day public review and comment period, the Planning and Development Department is required to prepare a final EIR (Final MEIR) pursuant to CEQA Guidelines Sections 15088, 15089 and 15132 and which Final MEIR is to include responses to public comments on the Draft MEIR; and,

WHEREAS, on August 17 and 21, 2002, and September 4, 10, 18 and 26, 2002, and October 2 and 16, 2002, the Planning Commission held duly noticed public hearings at which the Commission considered and discussed the adequacy of the proposed Draft MEIR as an informational document and found that the proposed Draft MEIR, as presented, adequately discusses the potential significant impacts of the 2025 Plan; and,

WHEREAS, pursuant to CEQA Guidelines Section 15132 the Final MEIR is required to be completed in compliance with CEQA; and,

WHEREAS, on October 16, 2002, the City of Fresno Planning Commission, after reviewing and considering the information in the Draft MEIR including, but not limited to

the, "Responses to Written Comments" for Draft Master Environmental Impact Report No. 10130 (State Clearinghouse No. 2001071097) and 2025 Fresno General Plan dated October 16, 2002 (and related "Responses to Late Written Comments" dated October 16, 2002); the "errata sheet"; the oral questions and responses received during the noticed public hearing prior to making a recommendation on the merits of the 2025 Plan, recommended that Council certify the proposed MEIR with all recommendations as presented by staff at the public hearings of August 17, and 21, 2002, and September 4, 10, 18, and 26, 2002 and October 2 and 16, 2002. The Planning Commission recommended that the Council review and consider the Draft MEIR, apply the Council's independent judgment and analysis to the review, and then certify the Draft MEIR as the Final MEIR, as having been completed in compliance with CEQA, based on the Commission's recommendations on the proposed Draft MEIR and comments thereon; and,

WHEREAS, on September 24, 2002, the City Council held a duly noticed public workshop at which the Council reviewed the proposed Draft MEIR as an informational document in order that the Council may be better informed on the complexity of and the inter-relationship between the proposed Draft MEIR and the 2025 Plan; and,

WHEREAS, following the workshop overview of the Draft MEIR and 2025 Plan the Council continued the public hearing in order to allow for public participation and testimony regarding the Draft MEIR and 2025 Plan; and,

WHEREAS, on October 22, 2002, the City Council conducted a public hearing and received public testimony and reviewed and considered the information in the Draft MEIR including, but not limited to, the "Responses to Written Comments" for Draft Master

Environmental Impact Report No. 10130 (State Clearinghouse No. 20001071097) and 2025 Fresno General Plan dated October 22, 2002 (and related "Responses to Late Written Comments" dated October 16, 2002); the "errata sheet"(contained in the Planning Commission Resolution recommending certification of the MEIR); and all recommendations as presented by staff at the public hearings of September 24, 2002 and October 22, 2002 and after considerable discussion continued the public hearing to November 19, 2002; and,

WHEREAS, on November 19, 2002, the City Council considered and discussed the adequacy of the proposed Draft MEIR as an informational document and found that the proposed Draft MEIR, as presented, adequately discusses the potential significant impacts of the 2025 Plan and that the Council applied its own independent judgment and analysis to the review, and hereby takes action to certify the Draft MEIR as the Final MEIR, as having been completed in compliance with CEQA, based on the findings noted below.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

2. Compliance with CEQA. The Final Master Environmental Impact Report (FMEIR) for the 2025 Fresno General Plan, attached hereto as Exhibit "A" and incorporated herein by this reference (including the "Responses to Written Comments" for Draft MEIR No. 10130 dated October 22, 2002 and "Responses to Late Written Comments" for Draft MEIR No. 10130 dated October 16, 2002), was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA).

3. FMEIR Reviewed and Considered. The City Council certifies that the FMEIR has been completed in compliance with CEQA; that it has been presented to the Council and that the Council has reviewed and considered the information contained in the FMEIR, and all of the information contained therein has substantially influenced all aspects of the decision by the Council. The FMEIR is a material part of this resolution.

4. Findings Regarding Significant But Mitigable Effects. Section 21081(a) of the Public Resources Code requires the City Council to make certain findings regarding the significant effects of the 2025 Plan. As reported in the FMEIR for the 2025 Plan, the City Council hereby finds that with regard to the following effects, "changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment" (Section 21081(a)(1)). The City Council, exercising their independent judgment, determines that such findings are supported by substantial evidence in the record. Those effects addressed by this finding are:

Effects	FMEIR Pages
Impact on Water Supply, Quality and Hydrology	V-D1 through V-D18
Increased Demand for Utilities and Service Systems	V-F1 through V-F13
Increased Demand for Public Services	V-G1 through V-G8
Increased Demand for Recreational Opportunities	V-H1 through V-H4
Loss of Biological Resources	V-I1 through V-I8
Potential Disturbance of Cultural Resources	V-J1 through V-J5
Geology and Soils Impacts	V-L1 through V-L5
Increased Demand for Energy	V-N1 through V-N3
Potential Aesthetic Impacts	V-Q1 through V-Q3

In addition, the Council hereby finds that there are no mitigation measures identified in the FMEIR which are within the responsibility of another public agency and have been, or can be and should be adopted by the other agency. (Section 21081(a)(2)).

5. Findings Regarding Unavoidable Significant Impacts/Statements of Overriding Considerations.

a. The FMEIR identified the following impacts as Significant and Unavoidable:

Impacts	FMEIR Pages
Transportation and Circulation	V-B1 through V-B28
Air Quality	V-C1 through V-C34
Preservation of Agricultural Land	V-E1 through V-E10
Noise	V-K1 through V-K16

b. In accordance with Section 21081 of the Public Resources Code and Sections 15091 and 15093 of the CEQA Guidelines, in order to approve the 2025 Plan, the City Council must make a statement, supported by findings, as to the specific economic, social, or other considerations which outweigh the unavoidable environmental impacts. The City Council has balanced the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project and has determined that some of the adverse environmental effects are acceptable.

c. The City Council adopts the Statement of Overriding Considerations, attached hereto as Exhibit "B" and incorporated herein by this reference, which makes findings (Section A) for each significant adverse and unavoidable impact identified in the FMEIR, and by finding that specific economic, social or other considerations (Section B) make infeasible certain mitigation measures and project alternatives identified in the FMEIR.

6. Revised Mitigation Measures/Additional Information/Recirculation Findings. As a result of the public review and comment period and the public hearing process, certain modifications to the 2025 Plan and the mitigation measures and information published in the Draft MEIR, were determined to be necessary, desirable and appropriate. All said revised mitigation measures, and the necessary revisions, clarifications, additions and deletions to the 2025 Plan and Draft MEIR are identified in Exhibit "C" to this Resolution, and are hereby incorporated by reference. Exhibit "C" also includes substantial evidence (required by CEQA Guidelines Section 15088.5(e)) supporting the City's decision not to recirculate the FMEIR.

7. Alternatives.

a. In accordance with the Public Resources Code and CEQA Guidelines, the FMEIR examined a range of reasonable alternatives to the 2025 Plan which could feasibly attain the basic objectives of the project and evaluated the comparative merits of the alternatives, including the "No Project"; "Intensified Development Within the Present General Plan Boundaries"; "Reduced intensity General Plan"; "Modifications to the Proposed Project".

b. The City Council adopts the Findings Supporting Rejection of Alternatives, attached hereto as Exhibit "D" and incorporated herein by this reference, which makes findings for the approval of the 2025 Fresno General Plan and the rejection of each alternative analyzed in the FMEIR including the environmentally superior alternative. The City Council, exercising their own independent judgment, determines that such findings are supported by substantial evidence in the record.

8. Mitigation Monitoring. Pursuant to Public Resources Code Section 21081.6, the mitigation monitoring program set forth in Exhibit "E", is hereby adopted and incorporated herein by this reference to ensure that all mitigation measures adopted for the 2025 Fresno General Plan are fully implemented.

9. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Fresno, City Hall, 2600 Fresno Street, Fresno, CA, 93721.

10. Certification. Based on the above facts and findings, the City Council of the City of Fresno hereby certifies the Draft MEIR (Exhibit "A" attached hereto) together with all the changes noted in Exhibit "C", attached hereto and including Exhibit "E", attached hereto, as the Final MEIR for the 2025 Fresno General Plan as accurate and adequate. The City Council further certifies that the FMEIR was completed in compliance with CEQA and the CEQA Guidelines. The Director of Planning and Development is directed to file a Notice of Determination as required by the Public Resources Code and CEQA Guidelines.

///

///

///

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the19th day of November, 2002.

AYES : Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
NOES : Boyajian
ABSENT : None
ABSTAIN : None

Mayor Approval:	November 21	, 2002
Mayor Approval/No Return:	N/A	, 2002
Mayor Veto:	N/A	, 2002
Council Override Vote:	N/A	, 2002

REBECCA E. KLISCH
City Clerk

BY: Rebecca E. Klisch
~~Deputy~~

APPROVED AS TO FORM

HILDA CANTÚ MONTOY
CITY ATTORNEY

BY: _____
Deputy

K:\2025 General Plan\2025 GP EIR Council Reso MEIR-10130.wpd

2002-378

EXHIBIT A

- DRAFT MASTER ENVIRONMENTAL IMPACT REPORT NO. 10130 DATED MAY, 2002 (State Clearinghouse No. 2001071097)

- "RESPONSES TO WRITTEN COMMENTS" FOR DRAFT MASTER ENVIRONMENTAL IMPACT REPORT NO. 10130 DATED OCTOBER 22, 2002

- "RESPONSES TO LATE WRITTEN COMMENTS" FOR DRAFT MASTER ENVIRONMENTAL IMPACT REPORT NO. 10130 DATED OCTOBER 16, 2002

2002 - 378

EXHIBIT B

STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS AND OVERRIDING CONSIDERATIONS

Based upon the objectives identified in the 2025 Fresno General Plan and Master EIR and through the extensive public participation, the Fresno City Council has determined that the 2025 Fresno General Plan should be approved and that any remaining unmitigated environmental impacts attributable to the 2025 Fresno General Plan are outweighed by the following specific economic, fiscal, social, environmental, land-use and other overriding considerations.

A. Findings Regarding Significant Unavoidable Impacts

Public Resources Code Section 21081(a)(3) requires the City Council to determine if any mitigation measures or project alternatives are infeasible, due to overriding considerations. Following are four of the impact areas, identified in the MEIR, in which mitigation measures have been judged to be infeasible. In other words, the 2025 Fresno General Plan will cause significant and unavoidable impacts in the following areas:

1. Transportation and Circulation

Implementation of the 2025 Fresno General Plan will result in congested levels of traffic along key identified major street segments; cause congested levels of service (i.e. Level of Service (LOS) worse than D) during the interim period when full street improvements are not present at or near a development project site. The following are the facts, findings statement and analysis associated with expected unmitigable impacts regarding transportation and circulation:

Findings - Evidence and Explanation in Support of Findings

a. The MEIR establishes numerous mitigation measures (B-1 through B-7, and C-3) intended to reduce the production of air emissions that are precursors of ozone (smog) and PM-10 (particulates) air pollutants. The 2025 Fresno General Plan, as the project, specifies numerous general plan goals (1, 3, 5, 6, 7, 9, 11,14, 16) and dozens of implementing objectives and policies (C-3-a through C-4-d, C-8-a through C-8-g and E-7-a through E-9-cc) that particularly direct the planning and implementation of land use and transportation strategies to provide a more balanced transportation system that reduces reliance upon the single-occupant automobile as the only reasonable and reliable means of transportation. The general plan includes numerous policy measures to mitigate vehicular traffic impacts through the planning and implementation of a multi-modal transportation system that includes travel utilizing pedestrian, bicycle, bus, light rail, people-mover or other form of advanced technology, high-speed rail, aircraft and private automobile facilities. Devotion of the City's financial and administrative resources to the construction of expanded vehicle capacity of the major street and highway system would provide additional motor vehicle travel capacity while reducing resources available to provide a more balance multi-modal transportation system.

b. Goals and objectives of the 2025 Fresno General Plan (1, 2, 3, 5, 6, 8, 9, 11, 12, 14) emphasize strategies to increase the over-all intensity of urban development including strategically located mixed use centers and intensity corridors. This land use strategy is intended to result in high travel demands upon designated major street and highway routes which have been designated as transit routes and corridors. In order to establish sufficiently

high travel demand to provide enhanced levels of public transportation, it can reasonably be expected that vehicular traffic levels and associated congestion will have to increase along transit corridors to considerably higher levels than that which has historically occurred within the Fresno Metropolitan Area.

c. The City of Fresno has planned for and implemented a comprehensive major street system based upon a grid network of one-half mile spaced north-south and east-west streets. This major street network, together with a system of freeways constructed for state highway routes extending through the metropolitan area, has historically provided a level of service for vehicle traffic operations at a high standard, Level of Service (LOS) D. The City of Fresno has established a comprehensive strategy for providing appropriate major street improvements including adopted major street standards, land development evaluation procedures, standards and requirements applicable to property development entitlements, and urban growth management service delivery standards and impact fees.

Realization of the forecasted population and economic growth during the project's 23 year implementation period, however, could generate travel demands that exceed traffic volume design capacities on approximately 25 percent of the major street segments. Increasing the capacity of major streets by widening the public right-of-way and street pavement beyond that provided by existing standards would necessitate substantial acquisition of properties that have been developed without providing building setbacks (yard areas) and site design measures to accommodate the additional street width.

Conclusions: Vehicle Traffic Impacts Infeasible to Completely Mitigate

The vehicular traffic level of service (LOS) of E and F projected for a portion of the major streets and highways network is considered a significant and unavoidable adverse impact which can not be completely mitigated. The mitigation measures B-1 through B-7 identified by the Final MEIR (also included within Exhibit E of this resolution) and the numerous policy measures of the 2025 Fresno General Plan are feasible and will be incorporated into the project in accordance with CEQA Guidelines Section 15126.4. However, there are no reasonable mitigation measures available to only the City of Fresno which would reduce this impact to a less-than-significant level while allowing for the implementation of other appropriate alternative transportation facilities. Therefore, this impact would remain significant and unavoidable.

2. Air Quality

Implementation of the 2025 Fresno General Plan will result in a cumulatively considerable net increase in ozone and PM-10 air pollutants, for which the San Joaquin Valley Area Basin is not in compliance with applicable Federal Air Quality Standards. The following are the facts, findings statement and analysis associated with expected unmitigable impacts of the degradation of air quality:

Findings - Evidence and Explanation in Support of Findings

a. The MEIR establishes numerous mitigation measures (B-1 through B-7;C-1, C-2 and C-3) intended to reduce the production of air emissions that are precursors of ozone (smog) and PM-10 (particulates) air pollutants. The 2025 Fresno General Plan, as the project, specifies numerous general plan goals (1, 3, 5, 6, 7, 9, 11,14, 16) and dozens of implementing

objectives and policies (E-1-h through E-1-l, E-2-a, E-7-a through E-9-cc, G-1-a through G-1-q) that direct the planning and implementation of land use, transportation and other strategies to provide alternatives to the predominant reliance upon the single-occupant automobile for transportation as well as other measures to reduce air pollution emissions. However, it is acknowledged that these measures are both costly and long-rang strategies that rely upon numerous decisions and actions for successful implementation. Many of these decisions, upon which successful implementation is dependent, are not within the purview of the City of Fresno. These decisions include the necessary support of substantial government financial resources, statutory authority to effectuate changes, and the exercise of individual preference or choice with respect to types of living environments and modes of travel. Attempts to predict the success of these secondary means of reducing air pollution emissions have proven to not be highly accurate.

b. The 2025 Fresno General Plan and the MEIR acknowledge that human activities are accommodated and endorsed within the Fresno Metropolitan Area which are anticipated to generate direct and indirect emissions of air pollution constituents (MEIR pages). Although the San Joaquin Valley is sparsely populated in comparison to the major metropolitan areas of California, geophysical and meteorological factors combine to cause conditions during which the area experiences episodes of poor air quality that exceed Federal and State air quality standards. Implementing objectives and policies of the 2025 Fresno General Plan emphasize strategies to increase the over-all intensity of urban development including strategically located mixed use centers and intensity corridors (2025 Fresno General Plan Policies C-2-a through C-2-k, C-3-a through C-8-g and C-15-a through C-17-c). These land use strategies are intended to result in high travel demands upon identified major street and highway routes, which have also been designated as transit routes and corridors. It can reasonably be expected that vehicular traffic and associated congestion will have to increase to substantially higher levels along these transit corridors in order to establish sufficiently high travel demand to justify enhanced levels of public transportation. Again, the degree to which these strategies are implemented is dependent upon economic, social and fiscal factors beyond the control of the City of Fresno.

Conclusions: Degradation of Air Quality Impacts Infeasible to Mitigate

The adverse air quality impacts associated with the myriad of activities associated with the long range general plan for the Fresno metropolitan area can be expected to be significant and unavoidable, and can not be completely mitigated by measures within the control of the City of Fresno. The mitigation measures C-1 through C-3 identified by the Final MEIR (also included within Exhibit E of this resolution), and the numerous policy measures of the 2025 Fresno General Plan are feasible and will be incorporated into the project in accordance with CEQA Guidelines Section 15126.4. However, there are no reasonable mitigation measures available only to the City of Fresno which would assure the reduction of air quality impacts to a less-than-significant level.

In order to provide a suitable living environment within the metropolitan area, the plan strives to facilitate expanded economic growth that will support increased employment opportunities. This is a particularly high priority considering the acutely severe local economic conditions, which include rates of unemployment typically ranging between 12 and 15 percent. Therefore, this impact would remain significant and unavoidable.

3. Preservation of Agricultural Land

Implementation of the 2025 Fresno General Plan will result in the permanent displacement of 9,333 acres of vacant land and/or productive agricultural land; and residential uses may conflict with agricultural operations which typically result in generation of pesticide residues, noise and dust. The following are the facts, findings statement and analysis associated with expected unmitigable impacts of the loss of productive agricultural resources:

Findings - Evidence and Explanation in Support of Findings

a. The MEIR identifies numerous mitigation measures (E-1, E-2, E-3 and E-4) intended to reduce the impacts upon agricultural land that is actively cultivated within or adjacent to the planned urban boundary. The 2025 Fresno General Plan, as the project, specifies numerous general plan goals (1, 3, 5, 6, 7, 9, 11,14, 16) and implementing objectives and policies (objective G-5 and policies G-5-a through G-5-g and objective G-6 and policies G-6-a through G-6-d) that direct the planning and implementation of land use, public facility expansion and resource management strategies to facilitate the continued cultivation of agricultural lands within the planned urban boundary until such time as urban development is necessary and appropriate. These strategies are particularly applicable to properties that will constitute the transition area between urban and agricultural areas.

b. The MEIR and the 2025 Fresno General Plan identify numerous mitigation measures (D-1 through D-9) and goals and policies (goals 1, 3, 5, 6, 7, 9, 11,14, 16) together with numerous policies contained in the Regional Cooperation, Urban Form, Economic Development, Public Facilities, Open Space and Resource Conservation Elements) to provide comprehensive strategies to maintain water quantity and quality, support the attainment of air quality standards and manage the projected demand for urban development in a manner that limits adverse impacts upon agricultural operations within and adjacent to the planned urban area. In addition, the Final MEIR responses to written comments (L-1 through L-35, BB-1 through BB-5) further elaborate upon the plan's strategies to protect and enhance the area's agricultural resources.

Conclusions: Loss of Productive Agricultural Resources

The conversion of agricultural land to urban uses within the planned urban boundary to accommodate the projected population and employment growth of the 2025 Fresno General Plan is a significant and unavoidable adverse impact, which can not be completely mitigated by measures within the control of the City of Fresno. The mitigation measures identified above (also included within Exhibit E of this resolution), and the numerous policy measures of the 2025 Fresno General Plan are feasible and will be incorporated into the project in accordance with CEQA Guidelines Section 15126.4. However, there are no reasonable mitigation measures available to only the City of Fresno which would assure the reduction of impacts upon agricultural land within the planned urban area to a less-than-significant level.

In order to provide a suitable living environment within the metropolitan area, the plan strives to facilitate expanded economic growth that will support increased employment opportunities. This is a particularly high priority considering the acutely severe local economic conditions, which include rates of unemployment typically ranging between 12 and 15 percent. Therefore, this impact would remain significant and unavoidable.

4. Noise

Implementation of the 2025 Fresno General Plan will result in the generation of excessive noise and /or may locate noise sensitive uses in areas experiencing excessive noise. The following are the facts, findings statement and analysis associated with expected unmitigable impacts of the generation of noise:

Findings - Evidence and Explanation in Support of Findings

The innumerable activities associated with urban living environments typically generate noise that contributes to the ambient noise levels that occur within the community. Exterior area noise levels may increase particularly due to increased transportation activities such as automobile and truck vehicular travel. The MEIR identifies numerous mitigation measures (K-1, K-2 and E-3) intended to reduce the impacts of increased noise upon sensitive land uses. The 2025 Fresno General Plan, as the project, specifies numerous general plan goals (1, 3, 5, 6, 7, 9, 11,14, 16) and implementing objectives and policies (objective H-1and policies H-1-a through H-1-m) directed to reducing exposure to excessive noise levels.

Conclusions: Generation of Noise

The conversion of agricultural land to urban uses within the planned urban boundary to accommodate the projected population and employment growth of the 2025 Fresno General Plan is a significant and unavoidable adverse impact, which can not be completely mitigated by measures within the control of the City of Fresno. The mitigation measures identified above (also included within Exhibit E of this resolution), and the numerous policy measures of the 2025 Fresno General Plan are feasible and will be incorporated into the project in accordance with CEQA Guidelines Section 15126.4. However, there are no reasonable mitigation measures available to only the City of Fresno which would assure the reduction of impacts upon agricultural land within the planned urban area to a less-than-significant level.

In order to provide a suitable living environment within the metropolitan area, the plan strives to facilitate expanded economic growth that will support increased employment opportunities. This is a particularly high priority considering the acutely severe local economic conditions, which include rates of unemployment typically ranging between 12 and 15 percent. Therefore, this impact would remain significant and unavoidable.

B. General Overriding Considerations

The City of Fresno hereby determines that specific economic, legal, social, technological and other considerations related to the proposed project outweigh the unavoidable adverse environmental effects identified in the Final MEIR, including any effects not mitigated because of the infeasibility of mitigation measures and the adverse environmental effects are considered acceptable. This Statement of Overriding Considerations warrants rejection of project alternatives set forth in the Final MEIR, including the no project alternative, and justifies finding the adverse environmental effects from the project acceptable, which cannot otherwise be avoided or substantially lessened.

The City of Fresno further determines that, based on the findings herein and the evidence in the record, the benefits identified below are each one, in and of themselves, sufficient to make a determination that the adverse environmental effects are acceptable. Furthermore,

having balanced the adverse environmental effects, which cannot otherwise be avoided or substantially lessened, against each of the benefits, the City of Fresno hereby adopts this Statement of Overriding Considerations by reference as if set forth in full.

1. Economic Considerations

a. Fresno County and the Fresno Metropolitan Area has historically experienced considerably higher rates of unemployment (12 to 15 percent or greater average annual unemployment) than most areas of California. In order to provide adequate opportunity for economic enhancement and employment growth it will be necessary to make available substantial land area and resources to accommodate new business and industrial developments.

Substantial Evidence

Working Papers for Fresno General Plan, March, 1997.

Central California Futures Institute, 2000. Population Projections for Fresno County.

Report of Mayor's Office of Economic Advisors, July 10, 2002.

2025 Fresno General Plan and Master Environmental Impact Report No. 10130

b. The critical need for business and economic development and investment within the Fresno Metropolitan Area is demonstrated by the designation of the area as an Empowerment Zone by the Federal Department of Housing and Urban Development, as authorized by the 2000 Community Tax Relief Act. It is further recognized by the State of California when it designated Fresno as an Enterprise Zone. Enhanced and accelerated business and industrial development is critical to the area's desire to provide improved social, educational and employment conditions within an area where the population is characterized by a much higher proportion of low and moderate household income, a lower level educational and job skills attainment, and a lack of adequate housing.

Substantial Evidence

News Release by U.S. Department of Housing and Urban Development - HUD No. 02-088FREZ.

U. S. Department of Commerce, Bureau of Census, 2000 U.S. Census, Table DP-1 Profile of General Demographic Characteristics: 2000.

c. Fresno County and the Fresno Metropolitan Area have historically been highly dependent upon agriculture and related services as a major component of economic activity. It is apparent that substantial expansion and diversification of the area's economic base is appropriate to provide adequate resources to sustain the area's present and projected future population. It is noted that the median income of households within the City of Fresno has declined from approximately 96 percent of the national median income in the year 1979 to 77 percent in the year 1999.

Substantial Evidence

U. S. Department of Commerce, Bureau of Census as cited in the City of Fresno Housing Element update, June, 2002.

Report of Mayor's Office of Economic Advisors, July 10, 2002.

d. For the Fresno Metropolitan Area to effectively compete for economic development and investment and increased employment opportunities, it must plan and implement a comprehensive plan as represented by the 2025 Fresno General Plan to provide adequate land area for a range of housing opportunities, public facilities and implementation strategies to achieve these purposes.

Working Papers for Fresno General Plan, March, 1997.

City of Fresno General Plan Housing Element, June 2002.

Central California Futures Institute, 2000. Population Projections for Fresno County.

Report of Mayor's Office of Economic Advisors, July 10, 2002.

2025 Fresno General Plan and Master Environmental Impact Report No. 10130

2. Social Impacts

a. The Fresno Metropolitan Area and surrounding region has historically relied upon agricultural and related activities as the principal economic base to sustain the community. While agriculture and expanded processing and related value added activities will remain a major component of the local economy, it is apparent that a more diverse economy must be established in order to improve educational, social, economic, employment and health conditions within the community. Improved economic conditions necessitates both more efficient use of presently urbanized areas but additional land area of appropriate size and location to accommodate expanded business and industrial opportunities.

Substantial Evidence

Working Papers for Fresno General Plan, March, 1997.

Central California Futures Institute, 2000. Population Projections for Fresno County.

Report of Mayor's Office of Economic Advisors, July 10, 2002.

3. Job Creation

a. The loss of jobs and failure to create new employment opportunities has led to continued unemployment in the Fresno Metropolitan Area and surrounding region. Numerous 2025 General Plan goals (1, 2, 4, 7, 13, 14, 16) and implementing objectives and policies (policy B-2-b, objective D-1 and policies D-1-a through D-1-h, objective D-2 and policies D-2-a through D-2-d, objective D-3 and policies D-3-a through D-3-c) identify economic development and associated job creation as a primary concern for the future well-being of the community.

Substantial Evidence

Working Papers for Fresno General Plan, March, 1997.

Central California Futures Institute, 2000. Population Projections for Fresno County.

2025 Fresno General Plan

b. In view of increasing traffic constraints and continued failure to attain air quality improvement objectives, it is appropriate to strive for an integrated urban community with adequate employment to sustain the area's population and reduce the necessity to commute to employment located outside of the Fresno Metropolitan Area. The provision of adequate employment necessitates pursuing the development of both more intensive enterprises that utilize highly trained employees and enterprises that consume larger areas of land and utilize less highly trained employees.

Substantial Evidence

Working Papers for Fresno General Plan, March, 1997.

Central California Futures Institute, 2000. Population Projections for Fresno County.

Report of Mayor's Office of Economic Advisors, July 10, 2002.

2025 Fresno General Plan and Master Environmental Impact Report No. 10130

4. Provisions of Affordable Housing

a. For the Fresno Metropolitan Area to effectively compete for economic development and investment, it is necessary to provide a full range of housing opportunities that relies upon implementation of a comprehensive plan as represented by the 2025 Fresno General Plan and the updated Housing Element to provide adequate land area, public facilities and implementation strategies to achieve these purposes.

Substantial Evidence

Working Papers for Fresno General Plan, March, 1997.

Central California Futures Institute, 2000. Population Projections for Fresno County.

City of Fresno General Plan Housing Element, June 2002.

b. The 2025 Fresno General Plan plans for additional land area to be developed for residential uses together with supporting office, retail commercial and public facilities necessary to support a balanced neighborhood environment. The general plan also provides for land use intensification and mixed use development expected to be necessary for the development and operation of an integrated multi-modal transportation system. The additional land area is necessary to provide a transition from the more dispersed lower density residential developments that have been predominantly developed over the past 50 years. To provide a full range of residential types that are necessary and desirable to meet

the demands of households with a very wide range of economic resources, increased residential densities and expanded residential areas will result in environmental consequences that can be modified or reduced but can not be avoided nor eliminated. Considering the overall health, safety and welfare of the community's residents, these environmental consequences are justified.

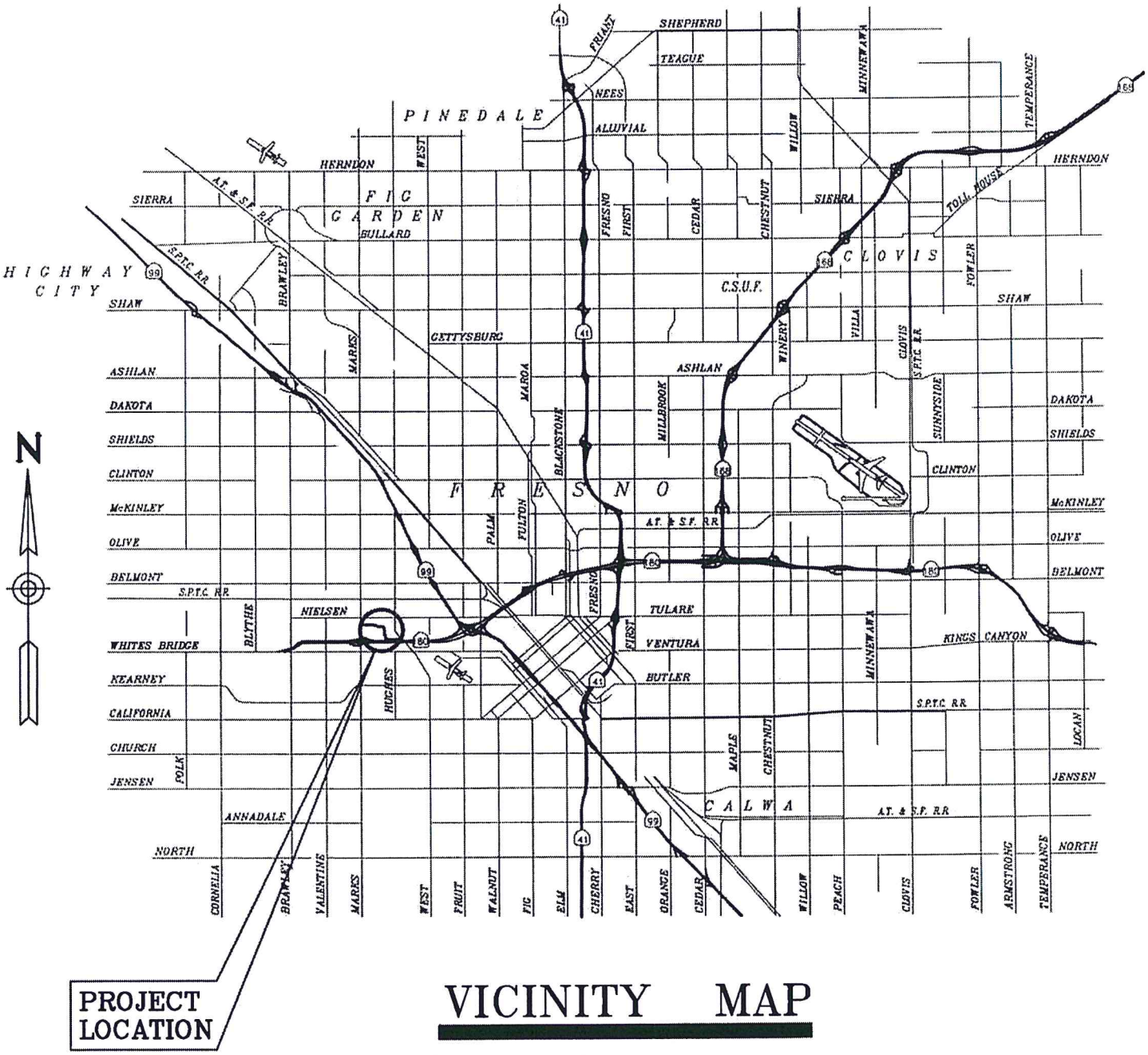
Substantial Evidence

Working Papers for Fresno General Plan, March, 1997.

Central California Futures Institute, 2000. Population Projections for Fresno County.

City of Fresno General Plan Housing Element, June 2002.

2025 Fresno General Plan and Master Environmental Impact Report No. 10130



VICINITY MAP

NOT TO SCALE

LOCATION OF THE HWY 180 FRONTAGE ROAD PROJECT FROM MARKS AVENUE TO THE HUGHES/WEST DIAGONAL

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS