



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO. <i>4:00p.m.</i> COMMISSION MEETING 6-30-11
APPROVED BY
DARM DEPARTMENT DIRECTOR
<i>Mark Scott</i> CITY MANAGER

June 30, 2011

FROM: MARK SCOTT, City Manager
City Manager's Office

BY: KEVIN E. FABINO, Planning Manager
Development and Resource Management Department

SUBJECT: CONSIDERATION OF ROEDING REGIONAL PARK FACILITY MASTER PLAN AND FINAL ENVIRONMENTAL IMPACT REPORT FOR THE ROEDING REGIONAL PARK AND FRESNO CHAFFEE ZOO FACILITY MASTER PLANS, SCH. NO. 2008031002

RECOMMENDATION

Staff recommends the City Council take the following action:

- ADOPT RESOLUTION certifying the Final Environmental Impact Report, dated June 14, 2011, which consists of the following: Draft and RE-circulated DRAFT (October 7, 2010 and April 21, 2011 respectively), comments received on the re-circulated DRAFT EIR, the responses to those comments, the Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091, Exhibit B the June 27, 2011 Staff Report Minor Modifications; and Mitigation Monitoring Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines 15097; and the Statement of Overriding Considerations as required by Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, because significant, unavoidable environmental impact may result from the implementation of the Roeding Regional and Fresno Chaffee Zoo Facility Master Plans.
- ADOPT RESOLUTION adopting the City of Fresno, Roeding Regional Park Facility Master Plan, dated June 2009.

EXECUTIVE SUMMARY

At its June 23, 2011 Council Meeting the City Council commenced its consideration of the City of Fresno, Roeding Regional Park Facility Master Plan, filed and prepared jointly by the City of Fresno, Fresno Chaffee Zoo Corporation and Rotary Storyland & Playland and Final Environmental Report (EIR) No. SCH 2008031002), pertaining to Roeding Regional Park located at 850 West Belmont Avenue, Fresno, California. The 148-acre regional park is bounded by West Olive Avenue on the north; West Belmont Avenue on the south; Golden State Boulevard and Union Pacific Rail line on the east; and State Route 99 on the west.

At the June 23, 2011 Council Meeting the City Council received a staff report, related information and environmental documents and received both written and oral public testimony received on this date and close the public comment portion of this Public Hearing. No action to approve or deny was taken. Thereafter, the City Council continued its consideration of this matter to this date and time.

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Staff and the City Attorney's Office have now had the opportunity to review the additional letters and public testimony in detail. The summaries and responses are provided in Exhibit A to this report. In response to the comments, a small number of minor modifications have been made to the Exhibits to this report.

Unless the City Council reopens the public hearing, no further public testimony, either oral or written, will be considered. It is the recommendation of staff that the Council deliberate, but take no further testimony.

After the City Council considers certification of the Final EIR and adoption of the Roeding Park Master Plan, the Planning Commission may consider, at a later publicly noticed hearing, Conditional Use Permit Application No. C-08-186, pursuant to FMC Chapter 12, Article 4, that would entitle the development of Roeding Park, including the expansion of the Fresno Chaffee Zoo, as described in the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans.

PROJECT DESCRIPTION

The City of Fresno's Roeding Regional Park is located generally between State Route 99 and Golden State Boulevard in the southwest portion of the City of Fresno, Fresno County, California. The 148-acre park is bounded by West Olive Avenue on the north; West Belmont Avenue on the south; Golden State Boulevard and Union Pacific Rail line on the east; and State Route 99 on the west. An area encompassing approximately 8.3 acres of commercial, office, and residential development and public streets south of West Olive Avenue, between SR 99 and North West Avenue, is not within Roeding Regional Park.

The Fresno Chaffee Zoo is in the south-central portion of Roeding Regional Park, Rotary Playland is in the southwest corner, and Rotary Storyland is along the west boundary. The proposed zoo expansion area encompasses 21 acres generally east of the existing zoo, and the proposed Rotary Storyland and Playland expansion area encompasses approximately 2 acres adjacent to the existing boundaries of Rotary Storyland and Playland grounds.

The 148-acre Roeding Regional Park consists of three components: the portion devoted to active and passive recreation areas and the PARCS maintenance yard (123 acres), the Fresno Chaffee Zoo (18 acres), and the Rotary Storyland and Playland facilities (7 acres). The planned expansion of the zoo (by 21 acres) and Storyland and Playland (by 2 acres) would reduce the amount of land for active and passive recreation uses, a decrease from 123 acres currently to 100 acres. These 100 acres would include public recreation/open space (76 acres), shared parking areas (9 acres), multiple purpose paths (6 acres), public access roads (5 acres), a non-public access road (2 acres) and a new PARCS maintenance facility (2 acres). Some of the roads and parking included in the active and passive recreation area of Roeding Regional Park would also serve the Fresno Chaffee Zoo and Rotary Storyland and Playland facilities.

The Fresno Chaffee Zoo would expand from 18 acres to 39 acres. The 39 acres would include exhibits (including habitat) (20 acres), landscaping/open space (10 acres), multiple purpose paths (5 acres), buildings (3 acres), non public access roads (1 acre). The Fresno Chaffee Zoo would gain 3 of the 21 additional acres from the PARCS Maintenance Facility, which is presently located adjacent to the northwest boundary of the Chaffee Zoo. The remaining 18 acres will result from the Chaffee Zoo's expansion into an area located in the southeast corner of Roeding Regional Park (the "Expansion Area"). The Expansion Area currently includes several groves of trees, roadways, parking spaces, paved walking paths, grasslands, a picnic grove, a horseshoe pit, and water features.

The total area encompassed by Rotary Playland and Storyland would expand from 7 acres to 9 acres. The 9 acres would encompass the existing Rotary Playland and Storyland and a small expansion area to the north between the existing Lake Washington and the parks roadway, extending to the existing Storyland area.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Commercial/Office and Commercial/General Office Planned Land Use Designation	C-6 <i>(Heavy Commercial District) zone district</i>	Existing retail, general office, government office and non-conforming residential development.
South	Commercial/General Heavy and Public Facility/ Special School Planned Land Use Designation	C-6 <i>(Heavy Commercial District) zone district</i> R-1 <i>(Single Family Residential District) zone district</i>	Existing retail, vacant property and non-conforming residential development.
East	Commercial/General Heavy, Medium Density Residential and Public Facility Planned Land Use Designation	C-6 <i>(Heavy Commercial District) zone district</i> R-1 <i>(Single Family Residential District) zone district</i> R-3 <i>(Medium Density Multiple Family Residential District) zone district</i> C-P <i>(Administrative and Professional Office District) zone district</i>	Existing Golden State Boulevard, Union Pacific Railroad, single family dwelling units and government office development.
West	Commercial/General Heavy Planned Land Use Designation	C-6 <i>(Heavy Commercial District) zone district</i>	Existing State Route 99 and commercial/retail development.

Response to Objections Raised at June 23, 2011, City Council Public Hearing

The City Council received letters from Shute Mihaly & Weinberger, LLP, on behalf of Friends of Roeding Park (dated June 21, 2011 & June 23, 2011), Paula Mickalian (dated June 21, 2011) and George C. Roeding (dated June 23, 2011), detailing their objections. The City Council also received oral testimony from numerous people both in support and opposition to the project during the public comment portion of the meeting, on June 23, 2011.

Although the City is not legally required to answer, or even summarize, the additional comments or public testimony, in order to provide the City Council and public with additional information and understanding of the project and its potential environmental impacts, staff with input from the City Attorney's Office has prepared a memorandum that summarizes and briefly responding to the additional letters and selected public comments made at the hearing has been prepared. See Exhibit A.

It should also be noted that the City of Fresno Staff has been working with both, State of California, Office of Grants and Local Services (OGALS) and the Department of Interior, National Park Service (NPS), to ensure that the City remains in compliance with the Land and Water Conservation Fund (LWCF) grants. It is the opinion of staff that cooperatively collaborating with OGALS and NPS, has lead OGALS to indicate that the first proposed exhibit to be constructed in the Zoo expansion area will not have any contractual or fiscal bearing on the existing grants. This letter is evidence that OGALS and NPS does not currently object to the manner in which the City is processing these approvals, including the City's decision not to prepare a joint CEQA/NEPA document. See Exhibit B.

A letter has also been received from the Scott Barton, Fresno Chaffee Zoo, outline his expertise in the Zoological field and further articulating numerous factors used to establish attendance baseline and growth. See Exhibit C. Lastly, included is a summary of the Roeding Family's involvement with Roeding Park which has been prepared by Page & Turnbull, at the request of a member of the City Council during the City Council meeting of June 23, 2011. See Attachment D.

It is the opinion of the staff that the responses to the objections as listed below together with the information contained within the City Council staff reposts dated June 23 & 30, 2011, the Draft EIR dated October 7, 2010, Re-circulated EIR dated April 21, 2011, the Final EIR dated June 14, 2011, as well as the various technical appendices prepared for the project sufficiently address the concerns raised in both written and oral testimony.

FISCAL IMPACT OF RECOMMENDATION

There will be no impact to the City's General Fund. Affirmative action by the Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant/customer. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant/customer has paid to the city a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Development and Resource Management and Public Works Departments.

CONCLUSION / RECOMMENDATION

The appropriateness of the proposed Roeding Park Facility Master Plan has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan, West Area Community Plan and Redevelopment Plan for the Freeway 99-Golden State Boulevard Corridor Redevelopment Project (Redevelopment Plan); its compatibility with surrounding existing or proposed uses; and, its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by accompanying Environmental Impact Report, SCH No. 2008031002, dated April 21, 2011.

As summarized by this staff report, staff presentation, technical information, public testimony and evidence in the record, staff further recommends the City Council certification of the Final Environmental Impact Report, SCH No. 2008031002, and other informational documents pursuant to the California Environmental Quality Act (CEQA), and adopt the City of Fresno, Roeding Regional Park Facility Master Plan.

- Attachments:
- Exhibit A - Staff Responses To Comment Letters And Public Testimony Received After Publication Of The Final Environmental Impact Report Response To Comments On The Recirculated Draft Environmental Impact Report For The Roeding Regional Park And Fresno Chaffee Zoo Facility Master Plans
 - Exhibit B - State of California, Department of Parks and Recreation, Office of Grants and Local Services, letter dated June 21, 2011
 - Exhibit C - Fresno Chaffee Zoo, letter dated June 28, 2011
 - Exhibit D- Summary of Roeding Family's Involvement, Page & Turnbull
 - Exhibit E- Minor Modifications
 - Exhibit F - Resolution Making Findings and Certifying the Environmental Impact Report and Adopting a Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program
 - Exhibit G - Resolution Adopting the Roeding Regional Park Facility Master Plan

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Exhibit A

Staff Responses To Comment Letters And Public Testimony Received After Publication Of The Final Environmental Impact Report Response To Comments On The Recirculated Draft Environmental Impact Report For The Roeding Regional Park And Fresno Chaffee Zoo Facility Master Plans

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Mark Scott
Interim Director

MEMORANDUM

DATE: June 28, 2011

TO: Honorable Mayor Ashley Swearengin
Council President Larry Westerlund
Council Members

FROM: Kevin Fabino, Planning Manager

CC: James C. Sanchez, City Attorney
Adam U. Lindgren, Special Counsel

RE: **Staff Responses To Comment Letters And Public Testimony Received After Publication Of The Final Environmental Impact Report Response To Comments On The Recirculated Draft Environmental Impact Report For The Roeding Regional Park And Fresno Chaffee Zoo Facility Master Plans**

As required by the California Environmental Quality Act, the City has already responded in writing to all the written comments received on the Recirculated Draft Environmental Impact Report.

Since the close of the public comment period, the City has received a total of four additional letters on the EIR, and oral testimony at the public hearing on June 23rd. Although the City is not legally required to answer, or even summarize, the additional comments, in order to provide the City Council and public with additional information and understanding of the Project and its potential environmental impacts, this memorandum summarizes and briefly responds to the additional letters and selected public comments made at the hearing.

1. Shute Mihaly & Weinberger, LLP, on behalf of Friends of Roeding Park, second comment letter dated June 21, 2011
 - A. **Comment: The FEIR Should Not Be Approved Before The City Has Complied With NEPA.**

Response: As detailed in Response to Comment I-5, there is no legal authority that invariably requires combining NEPA and CEQA review. The commenter has not identified any such authority. The cases cited - all from the D.C. Circuit - suggest that NEPA analysis that begins too late in the planning process may be vulnerable or inadequate; they do not, however, speak to the potential adequacy or inadequacy of the pending CEQA review. The comment does not change our original conclusions that joint review is not a legal mandate.

Furthermore, we note that there has been extensive interaction between the City, the Zoo, NPS, and State Parks concerning the grants. NPS and State Parks understand that the City is proceeding with a CEQA document for the Master Plans, and has not demanded or asserted that the City must comply with NEPA before certifying the EIR and approving the Master Plan.

B. Comment: In Certain Mitigation Measures, It Is Unclear Who Is The Applicant And Who Will Be Responsible For Paying For Proposed Mitigation.

The comment asserts that it is unclear which entity is the "applicant" as used in certain mitigation measures.

Response: Several mitigation measures in the EIR refer to the "applicant." Commenter states that the EIR is uncertain as to who the "applicant" is. The applicants, and their respective roles and responsibilities, are clearly defined in the EIR. The Project Description in the RDEIR states:

"The Lead Agency for the Master Plans Project is the City of Fresno (the City). The Master Plans Project applicants are:

- The City of Fresno Parks, After School, Recreation and Community Services Department (PARCS), which would be responsible for implementing the Roeding Park Facility Master Plan;
- The Fresno Chaffee Zoo Corporation (the Zoo Corporation), a private non-profit public benefit corporation, which would be responsible for implementing the Fresno Chaffee Zoo Facility Master Plan; and
- Rotary Playland and Storyland, both of which are private non-profit public benefit corporations, would be responsible for implementing the Roeding Regional Park Facility Master Plan provisions applicable to the Rotary Storyland and Playland Family Amusement Park (Rotary Storyland and Playland)."

C. Comment: Clarification Needed Regarding A Statement Made In The Staff Report For The June 23rd City Council Hearing.

Response: The staff report stated "Should the City Council consider and certify the Final EIR and make related CEQA certifications, the Chaffee Zoo Facility Master Plan may then be administratively approved, pursuant to the Chaffee Zoo Lease Agreement." Staff agrees that each part of the Master Plans Project may be administratively approved in accordance with the Master Plans Project mitigation measures, the Municipal Code and applicable law.

D. Comment: FEIR Fails To Respond To Concerns Regarding Accurate Attendance Figures.

Response: The comment asserts that reliance on staff's past experience is an "inadequate methodology," and that additional data is required. The comment is not correct. The methodology used in the EIR to estimate future attendance is sound, and provides sufficient

information for the public and decision makers to evaluate the Project. Zoo staff, and particularly Scott Barton, have explained on the record, in writing, and at the public hearings before the Planning Commission and City Council, their expertise and qualifications to provide such evidence. Courts have acknowledged that agencies can rely on staff expertise to support their findings under CEQA.

E. Comment: FEIR Fails To Respond To Comments Regarding Responsible Agencies.

Response: Response to Comment I-3 provides a legal justification for not listing the California Department of Parks and Recreation (CDPR) as a responsible agency. The comment letter does not offer any new argument for including them on the list of responsible agencies. The City and Zoo have been in contact with the CDPR regarding the proposals for Roeding Park and compliance with the requirements of the Land and Water Conservation Fund (LWCF) Act. CDPR has informed the City that the role of the Office of Grants and Local Services of the CDPR is to assist local agencies in complying with requirements of the terms of the LWCF program. CDPR does not have discretionary authority relating to the LWCF program. The NPS is the federal agency that has approval authority related to the LWCF program. Accordingly, CEQA does not require that either NPS or CDPR be listed among the CEQA “responsible agencies.” (See Pub. Resources Code, § 21069; CEQA Guidelines, §§ 15379, 15381.)

Nonetheless, CDPR was provided with notice and a copy of the EIR, and, as noted in the EIR, City staff and the Zoo have consulted extensively with CDPR in preparing the EIR. (See RDEIR at p. 2-41; Response to Comment I-3.) Even assuming for the sake of this response that CDPR is a responsible agency, which it is not, the City has complied with the requirements of CEQA by providing CDPR with notice and a copy of the EIR (CEQA Guidelines, §§ 15082(a) 15086(a)), and disclosing its consultation with CDPR (CEQA Guidelines, § 15129).

F. Comment: FEIR Does Not Adequately Respond To Comments Regarding Potential Inconsistency With The General Plan.

The comment asserts that the FEIR does not adequately document the consistency with the Master Plan, with the City General Plan, and in particular, with policy F-1-e and policy F-3-f. Table 7-1 of the DEIR provides evidence and explanation of the consistency of the Master Plan with these policies. The City's Responses to Comments I-6 and I-7 previously provided additional evidence and explanation to support the Project's consistency with the General Plan overall, and with these policies in particular. As explained in the Responses to Comments, the comment appears to be premised on the flawed assumption that a “Regional Park,” as that term is used in the Fresno General Plan, cannot include a zoo. To the contrary, the Fresno General Plan anticipates that Regional Parks will provide recreational opportunities, which would include zoos, and other recreational opportunities that are frequently located in large public parks.

The City now proposes the following additional language to be added to Table 7-1 to document and expand on Responses to Comments I-6 and I-7.

In the “Consistency Determination” column of Table 7-1 for F-1-e Policy at the end of the current text, add:

Among the active recreation uses currently counted as part of the City’s Regional Parks are amphitheaters, shinjin gardens, and a paintball facility. These paid, active recreation uses demonstrate that Regional Parks, as that term is used in this policy, do not exclude “commercial, programmed recreation space” or recreational opportunities that require admission. Nothing in the General Plan’s classification indicates that such active recreational uses may not be considered as part of a Regional Park, and indeed, the existing uses in the City’s Regional Park directly contradict this notion.

Further, the activities of nature watching and observing wild animals that will occur in the expanded Zoo are consistent with that portion of the policy that refers to “nature-oriented recreational opportunities,” consistent with General Plan Policy F-1-e. Because the zoo features an array of species in their natural setting for public view, a zoo is also consistent with Policy F-1-e, which explains that Regional Parks “may include . . . amenities not normally located in an urban setting.”

Even if the City were to assume that a “Regional Park” could not include a zoo, which it does, the Master Plans Project would still be consistent with General Plan Policy F-1-e. Policy F-1-e states that Regional Parks “are *generally* 100 or more acres.” (Emphasis added.) This statement provides guidance for classifying parks, but it does not establish a minimum size requirement for designation of Regional Parks.

Even if the Zoo, contrary to City’s interpretation, was determined not to be part of the “Regional Park,” the Master Plans Project still provides approximately 76 acres of strictly passive recreational opportunities. This is consistent with the guidance that Regional Parks are *generally* 100 acres, especially given the fact that the next largest classification of parks—Community Parks—“are ideally twenty acres in size.” (Fresno 2025 General Plan, Policy F-1-e.) Accordingly, while the active recreational opportunities contemplated for “Regional Parks” include zoos, even if the Zoo was excluded, the Master Plans Project is consistent with General Plan Policy F-1-e.

In the “Consistency Determination” column of Table 7-1 for F-3-f Policy at the end of the current text, make the following revisions:

Edit the end of the second to last sentence in the first paragraph by adding the underlined reference to the Zoo to read: “. . . through the upgrading of facilities within the remaining park area and within the Zoo.”

At the end of the second paragraph add the underlined text: “Many of the improvements in the Zoo would also provide shade, water and comfort facilities. The Zoo is also a ‘point of attraction’ as a whole and internally

includes many individual 'points of attraction' that represent 'diversified interests and themes.'"

G. Comment: FEIR Does Not Adequately Respond To Comments Regarding Aesthetics.

Response: The comment states that "it seems evident" certain visual representations of the Project are required components of the EIR. The comment cites to no authority to support its conclusory statements regarding aesthetics. There is no authority requiring visual representations in the EIR. The EIR thoroughly describes existing conditions, and the Project's potential impacts, as mandated by CEQA. The analysis provides the public and decision makers with adequate information to deliberate and reach informed conclusions regarding the Project's aesthetic impacts. The City provided further explanation of visual resource analysis in its Response to Comment I-20.

H. Comment: The DEIR's Analysis Of Biological Resources Is Inadequate.

Response: The comment asserts that the RDEIR's biological resources analysis is inadequate, in particular with respect to amphibians. The biological assessment concluded there are no wetlands, riparian habitats, or other sensitive natural communities on-site. (RDEIR, appendix C, pp. 26-28.) Only concrete lined artificial ponds not connected to natural water features exist in the Project area. (RDEIR, appendix C, pp. 26-27.) The comment presents no evidence of any potential impacts to biological resources, including amphibians. The comment cites to cases stating basic CEQA principles with no explanation of their relevance and makes various unsupported conclusory statements. Nothing in the comment undermines the adequacy of the biological resources analysis in the Master Plan Project EIR.

I. Comment: The FEIR Does Not Adequately Respond To Concerns About Air Quality And Greenhouse Gas Impacts.

Response: The comment makes the same argument to which the City already responded in Responses to Comments I-32 to I-34 made by the commenter in their DEIR comment letter.

J. Comment: Water supply.

Response: As explained in Response to Comment I-38, the expansion of the Zoo is consistent with the General Plan and General Plan growth projections, which are accounted for in the UWMP.

2. Paula Mickalian, comment letter dated June 21, 2011

A. Comment: The Letter Urges The Council To Deny The Proposed Master Plans As A Policy Matter.

Response: No response needed.

3. Shute Mihaly & Weinberger, LLP, on behalf of Friends of Roeding Park, third comment letter dated June 23, 2011

A. **Comment: The Letter Submits An Article From The Fresno Bee Regarding Easter Sunday Attendance At Roeding Park.**

Response: The EIR addresses and analyzes impacts, including parking during special events and peak demand, specifically including Easter. (e.g., RDEIR 9-1.)

4. George C. Roeding, Roeding Horticultural Services, dated June 23, 2011

A. **Comment: The Commenter Is A Certified And Consulting Arborist. The Comment Asserts That Soil Compaction Kills Trees.**

Response: As indicated in the letter and Mr. Roeding's oral testimony, the soil compaction issue is the result of "permitting cars to park on the lawns in Roeding Park." Based on information provided by the City of Fresno Parks, After School, Recreation and Community Services Department (PARCS), there are days that the PARCS Department has permitted parking on the lawn in two areas of the park. The first area is located in the northwest corner of Roeding Regional Park south of the proposed relocated Park Maintenance building. The second location is in the southeast corner of Roeding Regional Park in the area of the proposed Fresno Chaffee Zoo expansion. Both of the lawn parking areas are void of trees, but there are trees that are located around the perimeter of the lawn areas. According to PARCS, there have been approximately 2 to 5 days per year where parking on lawns have been allowed (i.e., Easter, Mother's Day, and Special Events). The proposed Master Plans Project includes 1,305 parking spaces which includes 1,205 on-site parking spaces and 100 additional off-site parking spaces along Golden State Boulevard. The on-site parking stalls exceed the City's parking requirement by 543 spaces. The proposed Master Plans Project would result in the removal of one of the lawn parking areas that have been used during special occasions, leaving the lawn area in the northwest portion of Roeding Regional Park available for future special occasions after the expansion of Fresno Chaffee Zoo into the southeastern portion of the park. The use of the lawn areas up to 5 times per year is considered infrequent and the proposed Master Plans Project does not propose to increase the frequency of use of the lawn areas.

As indicated in the RDEIR at page 9-5, "under the Proposed Master Plans, the number of special events that currently are held at Roeding Regional Park are not proposed to be increased." Therefore, there is no impact from this Project. The continued use of traffic management controls, such as quickly collecting tolls at the park entrances and providing on-site grass parking or off-site parking, if necessary, would still be needed, but the Project "would not increase an impact on the existing parking availability during special events." Therefore, any effects related to soil compaction resulting from lawn parking would not increase as a result of the Project, but rather will occur with or without the Project.

5. Oral testimony of Gabriel Ross, Shute Mihaly & Weinberger, LLP, on behalf of Friends of Roeding Park, June 23, 2011

A. **Comment: Approvals From The State And Federal Governments Are Required Pursuant To The Land And Water Conservation Fund Act.**

The commenter restates the positions articulated in the commenter's written correspondence, specifically, that approval of the Master Plans Project is a conversion of use, requiring compliance with the LWCF Act procedures, which require two approvals, one from NPS and one from State Parks. The commenter asserts that these approvals will require a new set of environmental review under NEPA, and that "the best thing for you to do is to send this project back and do both of those sets of environmental review [CEQA and NEPA] at the same time."

Response: As indicated in Response to Comment I-3, National Parks Service (NPS) is the Federal agency with approval authority for conversions under the LWCF Program. The City and Zoo have, and continue to, consult with NPS regarding the requirements for compliance with the LWCF Program, including any necessary environmental review under NEPA. The City and Zoo are committed to ensuring the requirements of the LWCF Act and NEPA are met, prior to any conversion of public outdoor recreation space at Roeding Park. There is no legal requirement, however, that any required NEPA review occur concurrently with the CEQA review. The commenter says "the best thing for you to do is to send this project back and do both of those sets of environmental review [CEQA and NEPA] at the same time." But again, even the commenter does not assert that the law requires a NEPA determination on the grants before the City has the legal right to certify this EIR on the Master Plans. (See also, Response I. to Shute Mihaly & Weinberger Letter, dated June 21, 2011, above.)

6. Oral testimony of Brianna R. Fairbanks, Shute Mihaly & Weinberger, LLP on behalf of Friends of Roeding Park, June 23, 2011

A. **Comment: Peak Demand Impacts Not Adequately Addressed.**

The commenter restated comments in her letter dated June 23rd concerning Easter Sunday and special event and peak park demand.

Response: This comment is responded to above in response to her letter.

B. **Comment: The FEIR Does Not Adequately Respond To Comments Regarding Potential Inconsistency With The General Plan.**

Response: The comment, in part, restated or alluded to comments that the attorney's law firm previously made regarding the consistency of the General Plan. These comments are addressed in the Responses to Comments and above in item 1(F) of this memorandum.

C. Comment: EIR Does Not Analyze The Impact Of The Reduction Of Open Space Would Have On The Low Income Community.

The commenter stated that the EIR is legally inadequate because it does not include an analysis of the Project's impacts on low income communities. In particular, the comment pointed out that some open space that is currently free to the public will be incorporated into the Zoo and no longer free.

Response: Social impacts of a proposed project are not significant effects on the environment under the California Environmental Quality Act. Social factors may be considered as a secondary indirect impact in evaluating the significance of a particular physical impact, but they are not significant impacts in and of themselves. Social impacts can be the basis of a finding of significance of a physical impact. CEQA requires an analysis of secondary social and economic indirect impacts when appropriate.

The Master Plan Project RDEIR does consider the impact of the Project on the availability of open space. The RDEIR states that the "Master Plans Project would not result in a net reduction in recreational space or regional parkland available to the public, and thus will not affect the City's ability to provide an adequate supply of recreational space to the Community." (RDEIR, p. 7-16.) Commenters submitted no evidence of social or economic impacts of the Project, only speculation. There is also no evidence of a physical environmental impact that is made significant because of indirect social or economic impacts. The Fresno Bee article submitted by Ms. Fairbanks shows only that Woodward and Roeding parks are popular on Easter Sunday and that parking can be a challenge. No change in the EIR is required based on these comments or the article.

7. Oral testimony of Richard Harriman on behalf of Roeding Family, Valley Advocates, Lisa Flores, Donald Byrd and Janet Moore

A. Comment: Equal Protection Violation.

Response: Comments raised the issue of equal access to the open space and park resources. In particular, Commenter asserted that project approval would violate the Equal Protection Clause of the U.S. Constitution by restricting free access to open space. The comments were general in nature, generally asserting that the Project disproportionately affected the park access available to minorities. The comments did not specify a particular fundamental right that is being violated.

Under the Equal Protection Clause, discrimination based on race, alienage, or national origin is only justified when there is a compelling state interest, otherwise known as the strict scrutiny test. In order to invoke strict scrutiny review of an agency decision, it must be shown that the governing body intentionally discriminated against a member of a protected class on the basis of that person's protected characteristic. Strict scrutiny review is also invoked if an ordinance impinges on a fundamental right. Equal protection claims are brought under the Federal Civil Rights Act. (42 U.S.C. § 1983.)

The commenter presented no evidence that the Project is motivated by intentional racial discrimination, and there is no such evidence. The commenter also failed to identify any particular fundamental right that would be violated by project approval.

The commenter largely relied on the fact that portions of the park that are now free would be incorporated into the Zoo, access to which requires paying admission. Commenter makes the assumption that this will disproportionately affect minority populations. Commenter cited no evidence of discriminatory intent or affect. Commenter asserts that the City failed to provide a marketing study prepared by the Zoo Corporation that purportedly shows the proportion of minorities who came to the Zoo versus those who only used the free portions of the park. Commenter cited *Gray v Madera County* (2008) 167 Cal.App.4th 1099, *A Association of Irrigated Residents v Madera County* (2003) 107 Cal.App.4th 1383, and *Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296 to support the general assertion that information available to the public agency that is not made available to the public can be grounds for invalidation of an EIR.¹ All three of those cases were based in CEQA and none of them involved equal protection issues.

Even if there is evidence that this Project was motivated by discrimination against the poor, which there is not, courts have held that discrimination against the poor does not equate to discrimination against a racial minority even if there is a statistical correlation between poverty and race.

In the absence of intentional discrimination against a protected class or the violation of a fundamental right, the rational basis test would apply to an equal protection challenge. The rational basis test is deferential to the governing body's determination. The test is whether it is at least fairly debatable that the action is rationally related to legitimate government interest. In this case, there is an abundance of evidence in the record of the legitimate government interests that are forwarded by the Master Plans Project.

B. Comment: Due Process.

Commenter suggests that the City violated the Due Process Clause of the Fifth Amendment of the U.S. Constitution by allegedly not providing adequate notice of the proposed Project.

Response: There are two elements of procedural due process claims: (1) the government action was adjudicative or administrative in nature; and (2) the government action resulted in the deprivation of a person's fundamental property interest.

First, this approval is legislative in nature, not adjudicative or administrative, because it applies to a broad segment of the population and is not based on facts peculiar to any individual. Second, the commenters did not provide any evidence of a protected property interest that would be affected by project approval. The commenters assert that adequate notice was not provided to "user groups of the Roeding Park area." Procedural due process protections do not extend to undefined "user groups" with no identifiable property interest. (See *Laupheimer v State* (1988) 200

¹ Commenter made this assertion in the context of the soil compaction issue raised by Mr. Roeding and the Equal Protection issue.

Cal.App.3d 440, 455 [public generally did not have a significant property interest requiring report of a timber harvesting plan to be made available before the public hearing].) There is no individual protected property interest associated with the City's provision of park services. There is no legal basis for a procedural due process claim against the City.

Generally, the City exceeded all of its normal notification procedures in their attempts to inform the public about the Project. Every resident within 350 feet of the park was notified in advance of every public hearing. In addition, notices regarding the Project were repeatedly published in the newspaper. The City made a concerted effort to exceed minimum due process requirements in notifying the public.

C. Comment: Approval Would Violate The Clinton Executive Order Regarding Environmental Justice.

Response: Commenters referenced President Clinton's executive order pertaining to environmental justice. That executive order requires Federal actions to take environmental justice into consideration. As discussed in previous responses to comments pertaining to NEPA, there is no federal action or federal approval required at this time. Thus, President Clinton's executive order does not apply. Regardless, the Project was designed with all segments of the population in mind and the EIR does address access to open space issues.

Exhibit B

State of California, Department of Parks and Recreation,
Office of Grants and Local Services, letter dated June 21, 2011



June 21, 2011

Scott Barton, Executive Director
Fresno Chaffee Zoo
894 West Belmont Avenue
Fresno, CA 93728

Dear Mr. Barton,

This letter is in response to the inquiry the Office of Grants and Local Services (OGALS) received from Fresno Chaffee Zoo. OGALS is including representatives from the City of Fresno on this response as they are the grantee.

As described in your letter and indicated on the maps we received May 26, 2011, you are seeking our input on a new Sea Lion Cove Exhibit planned within the existing boundaries of the Fresno Chaffee Zoo. Additionally, you are seeking OGALS' direction if the Sea Lion Cove Exhibit would implicate or need National Park Service (NPS) approval for the Land and Water Conservation Fund funded projects within Roeding Park.

Based on the items forwarded to OGALS, the Sea Lion Cove Exhibit and support facilities would replace the existing camel, prairie dog and sarus cranes exhibit and will be located exclusively within the existing zoo footprint (6(f)(3) map boundary. The exhibit will not result in any new uses or construction on existing parkland, and will continue to be for public outdoor recreation use.

After reviewing the maps and information you have provided, the Sea Lion Cove project is consistent with the LWCF program guidelines set forth in the Land and Water State Assistance Program Manual, Chapter 3 (c)(4)(p) page 3-13, Zoo facilities.

The Life Support Systems (LSS) facility that provides filtration for the Sea Cove exhibit, and the keeper facility that is an animal off-exhibit holding space, animal food preparation and small administrative office for Zoo staff is consistent with the LWCF program guidelines set forth in LWCF Manual Chapter 3 (c)(5)(a,b) page 3-13, Guidelines for eligible support facilities and Operation and maintenance facilities.

As presented, this exhibit will not have any contractual or fiscal bearing on the six other contracts within Roeding Park. No further approvals are needed from NPS. However, this approval does not apply to approval of any other exhibits or expansions proposed at Chaffee Zoo.

As a reminder, the City of Fresno contractually agreed to abide by Section 6(f)(3) of Public Law 988-578 which states, "No property acquired or developed with assistance

Scott Barton
June 21, 2011
Page Two

under this section shall, without approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses." If you anticipate any future changes to other than public outdoor recreation use, please contact us immediately.

If we can be of further assistance please contact Jeanne Ekstrom, Project Officer at (916) 651-7756 or jmeks@parks.ca.gov, Cynthia Wong, Supervisor, at (916) 651-8574 or cwong@parks.ca.gov, or myself at (916) 651-7743 or bbaker@parks.ca.gov.

Sincerely,



Barbara Baker, Manager
Office of Grants and Local Services

cc: John P. Kinsey, Esq.
Kevin Fabino, Planning Manager, City of Fresno
Patti Keating, Chief, Office of Grants and Local Services
Cynthia Wong, Supervisor, Office of Grants and Local Services
Dian Chun, Supervisor, Office of Grants and Local Services
Jeanne Ekstrom, Project Officer, Office of Grants and Local Services
Karen Sims, Project Officer, Office of Grants and Local Services

Exhibit C

Fresno Chaffee Zoo, letter dated June 26, 2011



Fresno Chaffee Zoo • 894 West Belmont Avenue • Fresno, California 93728
Phone (559) 498-5910 • Fax (559) 264-9226

June 28, 2011

Kevin Fabino
City of Fresno
2600 Fresno Street
Fresno, CA 93728

Re: Roeding Regional Park and Fresno Chaffee Zoo Facilities Master Plans

As you are aware, I serve as the Executive Director of the Fresno Chaffee Zoo Corporation. I have over 30 years of experience working in the Zoological field, including extensive experience in the management of Zoological Facilities across the United States, as well as the design, construction and opening of zoo exhibits and attractions.

Prior to becoming the Executive Director of the Fresno Chaffee Zoo Corporation, I served as the General Curator for the Reid Park Zoo in Tucson, Arizona; the Associate Director of the Brevard Zoo in Melbourne, Florida; the Zoological Manager at Disney's Animal Kingdom in Orlando, Florida; and the Curator of the Tracy Aviary in Salt Lake City, Utah. I served on the Board of Regents for the Association of Zoos and Aquariums ("AZA") from 2003 until 2009, and was appointed Chair of the Board of Regents in 2007. I have also served as a Co-Administrator and Instructor at AZA Professional Schools: *Managing for Success*, and has been a Guest Lecturer at the University of Washington, the University of Utah, and the University of Arizona. I have enclosed a copy of my resume for your reference.

Over the course of my career in the Zoological field, I have managed and overseen all aspects of Zoo operations, including long-term strategic planning; finance; marketing and development; the planning, construction and opening of new exhibits and attractions; exhibit renovation; program development; and zoo attendance. Among other things, I am required to evaluate the impact of new zoo exhibits and attractions on attendance. In connection with this duty, I stay informed of new zoo exhibits and attractions across the Zoological community worldwide, and review statistics regarding the attendance at those zoos both before and after the introduction of the new attraction.

In the zoo industry, there are no specific formulas that govern attendance growth. While numerous factors, including management practices, ticket pricing, new attractions, and even the weather, can result in increases or decreases in attendance, the single most important factor is the opening of new attractions. New zoo attractions (whether within the existing zoo footprint or within an expansion area) will usually result in an increase in attendance (although this is not always the case). Zoos generally expect that new attractions will generate an increase in attendance upon the opening of attraction. However, when no new exhibits are built, it is my professional experience that annual zoo attendance often plateaus, or decreases. An example of this is the Zoo's Sting Ray Bay attraction, which I believe contributed to an increase in visitation in 2007 and 2008. No new attractions were added in 2009, and the Zoo's visitation in that year declined slightly.

The completion of new attractions contemplated under the Master Plans Project will occur gradually over a period of 10 to 15 years. Based on my experience in the Zoo industry, I estimate that the gradual unveiling of new attractions over a 10 to 15-year period would result in a steady rate of growth of between approximately 2.5 to 5 percent each year. Because the new attractions would open gradually, and over a relatively long period of time, I estimate that growth would likewise gradually increase over this period. As such, the Zoo conservatively did not assume any plateaus or declines in attendance.

Using this method, the Zoo estimated an increase from 425,000 (approximate average current average annual attendance) to 700,000 within a period of 15 years. This results in a 3.38% annual growth rate $[(700,000/425,000)^{(1/15)} - 1 = 3.38\%]$, which is in the middle of the 2.5 to 5 percent growth estimate.

Please let me know if you have any questions regarding the above analysis.

Very truly yours,



Scott Barton

Enclosure: Resume of Scott Barton

Scott Barton
Fresno Chaffee Zoo
894 W, Belmont
Fresno, CA 93728
559-498-5915
sbarton@fresnochaffeezoo.com

Education

Bachelor of Arts, Biology **Graduated 1982**
California State University, Fresno

Coursework included biology, ecology, ornithology, mammalogy, comparative vertebrate anatomy, and comparative physiology. Graduate level coursework completed in physiological ecology of vertebrates and advanced ornithology.

Professional Experience

Executive Director **May 2009 to present**
Fresno Chaffee Zoo

Oversee all operations for Fresno Chaffee Zoo, including animal care, veterinary services, education, marketing and development, facilities and grounds maintenance, finance, and human resources. Work closely with the Zoo's Board of Directors and Zoo Staff to ensure excellent animal care, guest service, and work place. Responsible for the implementation of Measure Z funding, including \$ 60+ million in capital, and long-term strategic planning for the zoo.

Reid Park Zoo **January 2004 to present**
General Curator

Management of the animal care and groundskeeping staffs. Oversee all animal care and well-being, including daily husbandry, exhibit design, staff development, conservation, and other related activities. Work closely with various teams to achieve our institutions goals. Achievements include several successful exhibit renovations and openings: spotted-necked otters, Visayan warty pigs, white rhinoceros, African elephant exhibit, and LEED certified platinum Conservation Learning Center. Tenure includes clean USDA inspections every year . Many media interviews and projects, including Zoo News, a monthly local TV program. During my tenure at Reid Park Zoo the zoo has seen five years of increasing attendance for the first time in the zoo's history, with the last two years breaking all previous attendance records.

Brevard Zoo, Melbourne, FL **November 2002 to January 2004**
Associate Director

Oversight of the day-to-day operation of the zoo, including animal collection, grounds, exhibit renovation, special events, customer service, gift shop, and café. During my tenure the Brevard Zoo completed the largest project to date; Expedition Africa, leading to the zoo's record attendance. Involved in the planning and implementation of special events, donor tours, and working closely with the zoo's Board of Directors toward goals.

Disney's Animal Kingdom, Orlando, FL
Zoological Manager

March 1998 to November 2002

Opening Team Zoological Manager for Disney's Animal Kingdom (DAK). Worked closely with a number of teams to successfully open DAK and establish operating procedures and policies.

Curator (temporary assignment)

Responsible for closing Discovery Island, overseeing the closing team and successfully placing 1100 animals in zoos all over the world.

Tracy Aviary, Salt Lake City, UT
Curator

1996 to March 1998

Responsible for overseeing animal collection and grounds. Developed collection plan and staff development programs, improved animal care procedures, and created a successful intern program. Worked closely with the Board of Directors in managing the budget, developing programs, and securing additional funding.

Woodland Park Zoo, Seattle WA
Area Supervisor

1988 to 1996

Supervised several areas of the zoo, including Tropical Rain Forest, Day and Night Houses (Reptiles and Nocturnal animals), great apes, and Australasia. Supervisor for the AZA Exhibit award winning Tropical Rain Forest during design, construction, and opening.

Keeper

1984 to 1988

Bird department, responsible for the care and maintenance of collection and exhibits.

Fresno Chaffee Zoo, Fresno, CA
Keeper

1980 to 1984

Worked in a number of areas and with a variety of species of birds, reptiles and mammals. Also served as the zoo's veterinary technician.

Strengths and Accomplishments:

- AZA Board of Regents member 2003 – 2009
- Chair of AZA Board of Regents 2007
- Instructor, AZA Professional Schools: Guest Service, Conservation
- Co-Administrator and Instructor at AZA Professional Schools: *Managing for Success*
- Instructor for Team Building program at Disney's Animal Kingdom
- Trip Leader for Travel Programs tours: Tanzania, Kenya, Galapagos, and the Amazon
- Guest Lecturer: University of Washington, University of Utah, University of Arizona
- Strong guest service focus, including inspiring staff, exhibit design, groundskeeping, and graphics.
- Substantial experience with media, including a monthly local TV show.
- Project Manager for Reid Park Zoo's *Giraffe Encounter* and *Kenya Get Wet*
- Extensive experience in exhibit design, construction, and opening zoo exhibits
- Extensive experience in progressive animal care and animal transport

Exhibit D
Summary of Roeding Family's Involvement
Page & Turnbull

The following summary of the Roeding Family's involvement with Roeding Park was prepared using research gathered for preparation of the Historic Resource Assessment Report, dated November 11, 2009.

Brief Summary:

Frederick C. Roeding, originally of Germany, became an established merchant in California during the Gold Rush Era and shortly thereafter purchased speculative land in the San Joaquin Valley. He sold much of his land holdings, but cultivated some acreage to establish the Fancher Creek Nursery in Fresno. In his later years, Roeding offered to sell some of the nursery land to the City of Fresno with the stipulation that the City maintain and appropriately cultivate the land. Initially, the City was unable to financially back Roeding's offer; however, in 1903, the City of Fresno accepted 72 acres from the Roeding Family. In exchange, the City agreed to invest approximately \$3,500 annually into the park for the duration of 10 years. In 1908, Marianna Roeding deeded an additional 50 acres to the City in exchange for \$2,850 of annual maintenance and improvements. By 1913, the City had acquired approximately 120 acres of nursery for use as a public park, but had not substantially improved the property; the park at this time still contained open irrigation ditches and tree specimens in rows. To fulfill their agreement with the Roedings and improve the park, the City of Fresno Park Commission proposed a \$50,000 bond to establish overall organization of the park, improve the infrastructure, increase public access, create more formal landscaping, and establish both passive and active recreational uses. Although the improvements were contested by the son of Frederick C. Roeding, George C. Roeding, who desired that the park remain an arboretum of unique plant species, the Commission approved the proposed changes and began implementing them in 1916. In 1921, the City acquired an additional 40 acres and continued to make improvements at Roeding Park. Around this time, George C. Roeding and his family—the last of the Roeding Family to remain in the Fresno area—relocated to the Bay Area. George C. Roeding continued to operate the family business, now called California Nurseries, from Niles, near Fremont, California.

Context with Citations:

Frederick Christian Roeding, the founder of Roeding Park in Fresno, was born in Germany in 1824 and came to California in 1849 to seek his wealth in the gold mines. In the 1850s, he established a merchandise store in San Francisco called Larco & Company, and in 1868, helped establish the German Savings Bank in San Francisco, where he served as Vice President and cashier. Frederick C. Roeding and his wife, Marianna, had five children between 1868 and 1876: George C., Emma, Mary, Frederick, and Henry.¹ In 1869, Roeding purchased 80,000 acres in the San Joaquin Valley in Fresno. By 1872, he began selling some of his land holdings and in 1878, Roeding retired as a merchant in San Francisco. In 1884, Roeding founded the Fancher Creek Nurseries in Fresno where his son George C. would serve as manager, and four years later retired from his positions at the German Savings Bank.²

Frederick and Marianna Roeding initially offered the City of Fresno 230 acres for the development of a park; however, the City turned down the offer on the grounds that the \$3,500 a year required for maintenance and development of the park was too great.³ In 1903, a new City Council accepted the 72 acres of nursery land that Frederick Roeding deeded to the City for use as a public park. In return, the City would spend approximately \$3,500 annually to maintain and make improvements at the park. In February of 1908, Marianna Roeding deeded an additional 46 acres with the stipulation that the City spend approximately \$2,850 annually on the park. With this 1908 gift, Frederick's son, George C. encouraged the planting of ornamental trees and shrubs under his direction for \$3,000.

¹ 1880 U.S. Census Records, San Francisco. Available: Ancestry.com

² "Frederick Roeding Dies in San Francisco at Age of 86: The Donor of Roeding Park Passes Away from Stroke of Paralysis. Was Large Landholder in Fresno County in the Early Days," *The Fresno Morning Republican*. 19 July 1910.

³ "Monument Commemorates 35th Anniversary of Gift," *Fresno Bee*. 23 May 1939.

George C. Roeding described his plans for Roeding Park, which he envisioned as a beautiful landscape comprised of unique plant species:

“There is nothing, in my opinion which has such an enlightening and beneficial influence on a community as a beautiful park, where old and young people have an opportunity of enjoying the beauties of nature, unfolded, you might say, through the efforts of a landscape artists, who by science and a combination of colors in plants imitates nature as closely as the environments of soil and climate will permit him to do. A breathing spot for those who cannot afford to go away from home during the summer months will do more to aid to their comfort and to make them content with their surroundings than any other one thing.”⁴

The Fresno Park Commission was responsible for the maintenance and development of Roeding Park. In 1907, the Commission was comprised of W.P. Lyon, president; George L. Hoxie, city engineer; Charles A. Chambers, secretary; members G. Clarence Freman and S. George; and Johannes Reimers, landscape gardener. The Commission at this time, referred to Frederick’s son George C. Roeding as a “prominent and successful businessman.”⁵ Frederick C. Roeding passed away in 1910, but his son, George C. Roeding continued the family business at Fancher Nurseries. George C. lived in Fresno with his wife, Elizabeth, son, George C., Jr., and daughters Marianne, Eleanor, and Evelyn.⁶ Roeding, Sr. operated Fancher Creek Nurseries and the nurseries and sales yards in Modesto and Sacramento under the auspices of the George Roeding Company.

In 1913, the Park Commission began to outline approximately \$50,000 worth of improvements it planned to make at Roeding Park in order to meet the stipulations of its deed with the Roeding Family. The park at this time contained open irrigation ditches, few circulation paths, and lacked overall organization. The *Fresno Morning Republican* reported in December of 1913 that the park resembled a working orchard more strongly than a public park: “The desire is also to do away in these open and frequented spots in the park with the unsightly open ditches and headgates necessary under the present system of watering by irrigation in the manner of a fruit orchard or alfalfa farm.”⁷ George Roeding, however, did not support the improvements the Park Commission proposed for Roeding Park.⁸ His objections prompted the Park Commission to bring landscape artist Stephen Child to Fresno to review the changes proposed for Roeding Park. The report he issued to the Park Commission reviewed the changes proposed to the: roads and drives; traffic roads; entrances; foot-paths; shelters, pergolas and other structures; and planting. Childs notes that the public City Park must, “to meet varying needs and tastes such a park must have other features, recreational, athletic, and so on. As far as area and funds allow, these should be provided, but never permitted to interfere with the central purpose.”⁹ The central purpose of the park remained to serve as a reprieve from urban living; a park with a combination of active and passive park uses would appeal to both young and old residents of Fresno. Childs outlined a number of recommendations for the park, including a planting scheme that would, “modify the present stiff, nursery row appearance securing a natural grove-like arrangement.”¹⁰ In the fall of 1916, improvements at Roeding Park began.¹¹

⁴ “Embellishment Work Proposed at Roeding Park Contemplates a \$50,000 Bonded Indebtedness,” *The Fresno Morning Republican*. 20 July 1913.

⁵ “Roeding Park is called Boston Common of Fresno,” *The Fresno Morning Republican*. 8 December 1907.

⁶ 1910 U.S. Census Records, Fresno. Available: Ancestry.com

⁷ “Much Work Done at Roeding Park: Over 16,000 Feet of New Paths have been opened and surfaced,” *Fresno Morning Republican*. 21 December 1913.

⁸ “Fresno’s Yesterdays,” *Fresno Bee*. 11 March 1935.

⁹ Child, Stephen. “Report of Stephen Child on Roeding Park Received by Local Park Commission: Landscape Artist Generally Approves of Alterations; Disapproves Change in Main Drive; All Roads Should be Narrower,” *The Fresno Morning Republican*. 11 April 1915.

¹⁰ Child, Stephen. *The Fresno Morning Republican*. 11 April 1915.

¹¹ “Start Roeding Park Improvements Soon,” *Fresno Morning Republican*. 4 October 1916. p. 14.

Meanwhile, the Roeding Family had begun to shift their interests from Fresno to the Bay Area. George C. Roeding, Sr. moved the corporate headquarters of the George Roeding Company to the American Bank Building at California and Montgomery Streets in San Francisco and purchased the California Nurseries at Niles.¹² His brother Frederick, a Spring Water Valley Company executive, lived in Berkeley and his brother Henry, an engineer, lived in San Francisco.¹³ The two Roeding sisters lived in Germany.

In Fresno, the Parks Commission continued to make improvements at Roeding Park and began to discuss the acquisition of additional land. In 1921, opinion articles appeared in the *Fresno Morning Republican* in support of the purchase of more park land.¹⁴ The City opted to purchase 40 more acres for Roeding Park, bringing its total acreage to approximately 160 acres.¹⁵

In 1928, George Roeding, Sr. died, leaving the California Nurseries to his son, George Roeding, Jr. In his obituary, George is described as, "one of Fresno's leading citizens, he having quite early in life located there, engaging in the nursery business in which he made such a pronounced success."¹⁶ In 1930, George Roeding, Jr. lived with his wife Frances and son, Bruce, in Washington in Alameda County.¹⁷ By the 1940s, he had relocated with his family to Niles, the location of the California Nursery Company.¹⁸ George C. Roeding, Jr. was very involved in the Fremont local community. He served as Chairman of the Fremont's first Recreation Commission and was appointed to the East Bay Regional Park Board in 1962.¹⁹

¹² Sanooval, John. "An Informal History of California: The California Nursery," *Argus*. Fremont, California: 30 June 1974, p. 4.

¹³ 1920 U.S. Census Records. Berkeley and San Francisco. Available: Ancestry.com

¹⁴ "More of It," *Fresno Morning Republican*. 6 October 1921. p. 4.

¹⁵ Sanooval, John. "An Informal History of California: The California Nursery," *Argus*. Fremont, California: 30 June 1974, p. 4.

¹⁶ Curis, W.D. "George C. Roeding," *Los Angeles Times*. 28 July 1928. Proquest Historical Newspapers, pg. A4.

¹⁷ 1930 U.S. Census Records, Washington, Alameda County. Available: Ancestry.com

¹⁸ "Sale of Track: Supervisors Enjoined From Auctioning Fairgrounds Land; Monday set for Hearing of Taxpayers' Suit for Permanent Order." *Oakland Tribune*. Oakland, California: 9 June 1942. p. 1

¹⁹ "Parks Board Post Given to Roeding," *Daily Review* Hayward, California: 21 June 1962. p. 1.

Exhibit E
Minor Modifications

Exhibit F

Resolution Making Findings and Certifying the Environmental
Impact Report and Adopting a Statement of Overriding
Considerations, and Mitigation Monitoring and Reporting Program

RESOLUTION NO. 2011-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRESNO, MAKING FINDINGS AND CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE ROEDING REGIONAL PARK AND FRESNO CHAFFEE ZOO FACILITY MASTER PLANS (SCH NO. 2008031002), AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Fresno Chaffee Zoo Corporation, the City of Fresno Parks, After School, Recreation and Community Services Department ("PARCS"), and Roeding Park Playland and Fresno Storyland (collectively, "Project Proponents") have proposed to redevelop the 148-acre Roeding Regional Park ("Project Site"), including expansion of the Fresno Chaffee Zoo from 18 to 39 acres, expansion of Playland and Storyland, and improvement of existing facilities and circulation throughout Roeding Regional Park, as further set forth in the applications and proposed approvals for the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans ("Master Plans Project" or "Project"); and

WHEREAS, the Project Proponents seek approval of two conditional use permits and potential subsequent approvals, including improvement plans, grading permits, building permits, and landscapes plans, in order to implement the Master Plans Project; and

WHEREAS, in accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. ("CEQA")) the City of Fresno ("City") determined that an Environmental Impact Report ("EIR") was required to evaluate the impacts of the proposed Master Plans Project; and

WHEREAS, the City issued a Notice of Preparation on February 25, 2008, and subsequently issued a revised, second Notice of Preparation on July 1, 2009; prior to circulating a draft environmental impact report and issuing a final environmental impact report, on January 21, 2011 which included written responses to all comments received on the draft environmental impact report; and

WHEREAS, rather than certify the January 21, 2011 final environmental impact report, the City elected to revise the original draft environmental impact report, and circulate a revised report ("Recirculated Draft EIR" or RDEIR"); and

WHEREAS, the City issued a revised Notice of Preparation ("Revised NOP") on March 4, 2011, and circulated the RDEIR for a 45-day public/agency review beginning on April 22, 2011; and

WHEREAS, the City prepared written responses to comments received on the RDEIR and prepared a Final EIR, which consists of the RDEIR (incorporated by reference), all comments received on the RDEIR, written responses to comments received on the RDEIR, and revisions to the RDEIR (collectively, "EIR"); and

WHEREAS, the City Council reviewed and carefully considered the information in the Record, as defined in Section III of the CEQA Findings, attached as Exhibit A, including the EIR, at a duly noticed public hearing held on June 23, 2011, and, by this Resolution, based on the CEQA Findings contained in Exhibit A, certifies the EIR attached as Exhibit B, as an objective and accurate document that reflects the independent judgment of the City Council in the identification, discussion and mitigation of the Project's environmental impacts, as well as adopts the Statement of Overriding Considerations for those impacts that cannot be mitigated to less-than-significant levels and the Mitigation Monitoring and Reporting Program, attached as Exhibit C.

NOW THEREFORE BE IT RESOLVED, that based on the entirety of the Record before it, as defined in Section III of Exhibit A to this Resolution, the City Council of the City of Fresno does hereby find as follows:

1. The foregoing Recitals are true and correct and made a part of this Resolution.
2. The exhibits and attachments, including the CEQA Findings and Statement of Overriding Consideration (attached as Exhibit A), the Environmental Impact Report including the RDEIR and Final EIR (attached as Exhibit B), and the Mitigation Monitoring and Reporting Program (attached as Exhibit C), the Minor Modifications (attached as Exhibit D), are each incorporated by reference and made a part of this Resolution, as if set forth fully herein.
3. The documents and other material constituting the record for these proceedings are located at the Development and Resource Management Department for the City of Fresno, 2600 Fresno Street—Third Floor, Fresno, CA 93721, and in the custody of Planning Manager, Kevin Fabino.
4. Based on the City Council's independent judgment and analysis, the City Council makes the findings regarding the Master Plans Project's significant and unavoidable impacts, potentially significant impacts, and less than significant impacts; makes the findings regarding the proposed mitigation measures, and the Project alternatives; and adopts the Statement of Overriding Considerations, finding that the benefits of the Project outweigh the Project's significant and unavoidable environmental impacts, for the reasons, and as further set forth in Exhibit A ("CEQA Findings"), attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED, that based on the entirety of the Record, the City Council does hereby make the CEQA Findings included in Exhibit A, including adopting the Statement of Overriding Considerations as set forth in Section X of the CEQA Findings; certify the Final Environmental Impact Report for the Roeding Regional Park

and Fresno Chaffee Zoo Facility Master Plans (SCH No. 2008031002) including the Minor Modifications (attached as Exhibit D), attached as Exhibit B; and adopt the Mitigation Monitoring and Reporting Program, attached as Exhibit C.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its passage and adoption.

CLERK'S CERTIFICATION

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

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the forgoing Resolution was adopted by the Planning Commission of the City of Fresno, at a regular meeting held on the _____ day of _____, 2011.

AYES :
NOES :
ABSENT :
ABSTAIN :

REBECCA E. KLISCH
City Clerk

By: _____

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

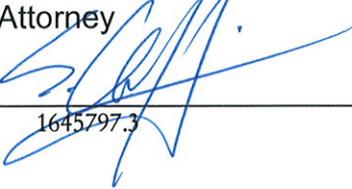
By:  _____
1645797.3

Exhibit A

CEQA Findings (including Statement of Overriding Consideration)

EXHIBIT A

City of Fresno
Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans

Final Environmental Impact Report
(SCH No. 2008031002)

**Findings of Fact,
& Statement of
Overriding Considerations**

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I. INTRODUCTION

The California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* (“CEQA”), states that if a project would result in significant environmental impacts, it may be approved if feasible mitigation measures or feasible alternatives are proposed which avoid or substantially lessen the impact or if there are specific economic, social, or other considerations which justify approval notwithstanding unmitigated impacts.

Therefore, when an environmental impact report (“EIR”) has been completed which identifies one or more potentially significant or significant environmental impacts, the approving agency must make one or more of the following findings for each identified significant impact:

1. Changes or alternatives which avoid or substantially lessen the significant environmental effects as identified in the EIR have been required or incorporated into the project; or
2. Such changes or alternatives are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or
3. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. (Pub. Resources Code, § 21081).

As “lead agency” under California Code of Regulations, title 14, Section 15367, the City of Fresno (“City”) hereby adopts the following CEQA findings relating to the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans Recirculated Draft Environmental Impact Report dated April 21, 2011 (“Recirculated Draft EIR” or “RDEIR”) and the Final Environmental Impact Report (“Final EIR”) certified by the City on _____, June 30, 2011. The Recirculated Draft EIR and the Final EIR are collectively referred to herein as the “EIR.”

II. PURPOSE AND BACKGROUND

A. The Project

The City of Fresno’s Roeding Regional Park is located generally between State Route 99 and Golden State Boulevard in the southwest portion of the City of Fresno, Fresno County, California. The 148-acre park is bounded by West Olive Avenue on the north; West Belmont Avenue on the south; Golden State Boulevard and Union Pacific Rail line on the east; and State Route 99 on the west. An area encompassing approximately 8.3 acres of commercial, office, and residential development and public streets south of West Olive Avenue, between SR 99 and North West Avenue, is not within Roeding Regional Park.

The Fresno Chaffee Zoo is in the south-central portion of Roeding Regional Park, Rotary Playland is in the southwest corner, and Rotary Storyland is along the west boundary. The proposed zoo expansion area encompasses 21 acres generally east of the existing zoo, and the proposed Rotary Storyland and Playland expansion area encompasses approximately 2 acres adjacent to the existing boundaries of Rotary Storyland and Playland grounds.

The 148-acre Roeding Regional Park consists of three components: the portion devoted to active and passive recreation areas and the PARCS maintenance yard (123 acres), the Fresno Chaffee Zoo (18 acres), and the Rotary Storyland and Playland facilities (7 acres). Following implementation of the Master Plans, in addition to the expanded Chaffee Zoo and Rotary Storyland and Playland facilities, Roeding Park would consist of public recreation/open space (approximately 76 acres), parking (approximately 9 acres), multiple purpose paths (approximately 6 acres), public access roads (approximately 5 acres), a non-public access road (approximately 2 acres) and a new PARCS maintenance facility (approximately 2 acres). Some of the roads and parking included in the active and passive recreation area of Roeding Regional Park would also serve the Fresno Chaffee Zoo and Rotary Storyland and Playland facilities.

The Fresno Chaffee Zoo would expand from 18 acres to 39 acres. The 39 acres would include exhibits (including habitat) (20 acres), landscaping/open space (10 acres), multiple purpose paths (5 acres), buildings (3 acres), non public access roads (1 acre). The Fresno Chaffee Zoo would gain 3 of the 21 additional acres from the PARCS Maintenance Facility, which is presently located adjacent to the northwest boundary of the Chaffee Zoo. The remaining 18 acres will result from the Chaffee Zoo's expansion into an area located in the southeast corner of Roeding Regional Park (the "Expansion Area"). The Expansion Area is presently developed for park use and provides recreational opportunities for the public. The Expansion Area currently includes several groves of trees, roadways, parking spaces, paved walking paths, grasslands, a picnic grove, a horseshoe pit, and water features.

The total area encompassed by Rotary Playland and Storyland would expand from 7 acres to 9 acres. The 9 acres would encompass the existing Rotary Playland and Storyland and small expansion areas adjacent to the boundaries of each facility. Lake Washington and the adjacent public picnic area are considered public recreation open space, although those areas presently abut the Fresno Chaffee Zoo, and Rotary Playland and Storyland.

The implementation of the proposed project will require two discretionary approvals by the lead agency. These discretionary approvals are as follows: approval of Conditional Use Permit Application No. C-08-186 for the uses proposed in the Fresno Chaffee Zoo Facility Master Plan and the Roeding Regional Park Facility Master Plan, and Conditional Use Permit for the proposed Storm Drain Facility. Other subsequent approvals may be required if so decided by the approving agency. These subsequent approvals could include; improvement plans, grading permits, building permits, and landscapes plans.

B. Purpose of the Project

The objectives sought by the Master Plans Project as described in the Roeding Regional Park Facility Master Plan, the Fresno Chaffee Zoo Facility Master Plan, and by Rotary Storyland are as follows:

Roeding Park Facility Master Plan Project Objectives

Master Plan Primary Objective

Provide a comprehensive roadmap for the future development of Roeding Park, including Rotary Playland and Rotary Storyland, over the next 10 to 20 years.

Master Plan Drivers / Specific Objectives

1.0 Circulation

1.1 Eliminate redundant park and zoo roads and paths to maximize landscape and park attraction land uses.

1.2 Develop a more organized and simplified visitor circulation and way finding system.

1.3 Provide better visitor amenities with plenty of options for cooling and shade.

2.0 Land Use

2.1 Preserve existing valuable trees whenever possible and develop a reforestation plan.

2.2 Improve existing botanical displays and create an organized campus horticulture plan.

3.0 Arrival and Entry

3.1 Create a centralized parking hub for Roeding Park that can handle peak days.

3.2 Drastically improve vehicular and pedestrian circulation throughout the park.

3.3 Create a distinct, memorable, gateway experience when entering the park.

3.4 Reconstruct the Fresno Chaffee Zoo, Rotary Playland and Storyland entry zones to be more user friendly and easier to find.

4.0 Visitor Amenities

4.1 Improve amenities including shade, benches, picnic areas, play areas, and restrooms.

4.2 Improve picnic and event (corporate, weddings, etc.) facilities.

4.3 Create new attractions and amenities that encourage longer stay times.

5.0 Mission Drivers

5.1 Become a destination attraction for the City of Fresno.

5.2 Provide stewardship of the public open space and recreation areas within the existing park.

5.3 Acknowledge park features which link events, activities, cultural or aesthetic values, buildings or structures which provide valuable insight into potential historic periods and patterns of Park development.

5.4 Create unique experiences that distinguish Roeding Park from Woodward Park and other nearby recreation sites.

5.5 Facilitate the expansion of the Fresno Chaffee Zoo in an efficient, phased and environmentally sensitive manner.

Fresno Chaffee Zoo Facility Master Plan Project Objectives

Master Plan Primary Objectives

Provide a comprehensive roadmap for future development, with a special focus on Measure Z project packaging, phasing and implementation over the next seven years.

Expand and enhance the Fresno Chaffee Zoo utilizing Measure Z funding in a manner consistent with the objectives of Measure Z.

Phase and implement the expansion and enhancement of the Fresno Chaffee Zoo in a timeframe consistent with that contemplated under Measure Z.

Expand and enhance the Fresno Chaffee Zoo to meet established Association of Zoos and Aquariums (AZA) standards.

Maintain the Fresno Chaffee Zoo, in expanded and enhanced form, in and around its existing location in the southern portion of Roeding Park.

To the extent practical, respect the integrity of the existing Zoo horticultural and architectural theme.

Master Plan Drivers / Specific Objectives

1.0 Circulation

1.1 Eliminate redundant park and zoo roads and paths to maximize habitat land use.

1.2 Develop a more organized and simplified visitor circulation and way finding system.

1.3 Provide better visitor amenities with plenty of options for cooling and shade.

1.4 Create a dedicated zoo service perimeter access road to minimize sharing of visitor roads.

2.0 Land Use

2.1 Redevelop the 39 acre zoo campus over time to maximize exhibit/animal land use.

2.2 Preserve existing valuable trees wherever possible and develop a reforestation plan.

2.3 Improve existing botanical displays and create an organized campus horticulture plan.

3.0 Arrival and Entry

3.1 Create a centralized parking hub for Roeding Park and the Fresno Chaffee Zoo that can handle peak days.

3.2 Drastically improve vehicular and pedestrian circulation throughout the park.

3.3 Create a distinct, memorable, gateway experience when entering the park.

3.4 Reconstruct the zoo entry sequence to be user-friendly and easy.

4.0 Visitor Amenities

4.1 Improve amenities including shade, benches, picnic areas, play areas, and restrooms.

4.2 Improve visitor services including main gift shop, café, snack / vending, and stroller rental.

4.3 Guest services, ticketing and memberships need improving.

5.0 Exhibits and Attractions

5.1 Strive for doubling the existing exhibit area land use (existing at 22%).

5.2 Create habitat zones that allow for clear viewing, up-close views and multi-species views.

5.3 Test developing larger, more flexible habitat zones to maximize management options.

5.4 Need more and better revenue generators: rides, shows, event facilities, etc.

6.0 Collection Plan and Animal Health

6.1 Develop a zoo exhibit organization model that does not “box in the collection plan.”

6.2 Add more active, vocal and charismatic species to the collection plan.

6.3 New and expanded vet hospital, quarantine, and propagation facilities are required.

7.0 Mission Drivers

7.1 Develop new facilities, habitats, interpretive packages, and programming to showcase the zoo’s efforts in animal conservation, science and education.

7.2 Become a destination attraction and create memorable, whole family experiences and special encounters.

7.3 Rebuild and manage the zoo campus over time to become more sustainable and to educate visitors and staff about conservation and the environment.

Rotary Storyland and Playland Project Objectives

Master Plan Primary Objective

Continue to provide affordable entertainment to children and families throughout the Central Valley.

Master Plan Drivers / Specific Objectives

1.0 Circulation

1.1 Develop a more organized and simplified visitor circulation and way finding system.

1.2 Provide better visitor amenities with plenty of options for cooling and shade.

2.0 Land Use

2.1 Preserve existing valuable trees whenever possible. Rotary Storyland and Playland is committed to replanting 3 new trees for every tree that needs to be removed.

2.2 Utilize the proposed Rotary Storyland and Playland expansion property to the maximum extent possible. This objective will be accomplished through the renovation of existing attractions and amenities and introduction of new ones.

3.0 Arrival and Entry

3.1 Create a new Rotary Playland entrance north of the existing entrance in order to take advantage of the proposed relocation of the Fresno Chaffee Zoo main entrance.

3.2 Reconstruct the Rotary Storyland and Playland entry zones to be more user-friendly and easier to find.

3.3 Create a distinct, memorable, gateway experience when entering the Rotary Storyland and Playland.

4.0 Visitor Amenities

4.1 Improve amenities including shade, benches, picnic areas, play areas, and restrooms.

4.2 Improve existing visitor amenities such as the Rotary Playland concession stand.

4.3 Introduce new visitor amenities including the outdoor picnic and assembly pavilion, indoor party facility, and toddler playground to encourage longer stay times.

5.0 Mission Drivers

5.1 Become a destination attraction for the City of Fresno.

5.2 Cultivate a new identity for Rotary Storyland and Playland as being a viable, unique, fun and safe entertainment venue for families throughout the Central Valley.

5.3 Expand the customer base by marketing to those who have never visited Rotary Storyland and Playland or have not visited in the past five years.

5.4 Continue to develop deeper partnerships with City of Fresno PARCS Department and the Fresno Chaffee Zoo to make Roeding Park a destination location for the entire Central Valley.

(Recirculated Draft EIR, p. 2-14 – 2-16.)

C. Purpose of the EIR

The EIR was prepared in accordance with CEQA, Public Resources Code sections 21000-21178, and the CEQA Guidelines, California Code of Regulations, title 14, sections 15000-15387, to address the environmental impacts associated with the project described above. As required by Section 15121 of the CEQA Guidelines, the EIR assesses the potential environmental impacts resulting from approval, construction, and operation of the Project, and identifies feasible means of minimizing potential adverse environmental impacts. The City is the lead agency for the environmental review of the Project and the EIR was prepared under the direction and supervision of the City.

D. Procedural Background

Following is an overview of the environmental review process for the Project that has led to the preparation of the EIR.

1. The Recirculated Draft EIR follows preparation and circulation of a Draft EIR for the Project (“Original Draft EIR”). As to the Original Draft EIR, in accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City prepared an Initial Study and a Notice of Preparation (“NOP”) of an Environmental Impact Report and filed them with the Office of Planning and Research (“OPR”) on February 25, 2008. Subsequently, revisions were made to the project and a second NOP was issued on July 1, 2009. The revised Initial Study and second NOP were circulated to the public, local and state agencies, and other interested parties to solicit comments on the Project. A public scoping meeting was held on March 26, 2008, Fresno City Hall, 2600 Fresno Street, Room 2165N, Fresno, California to further address concerns. Environmental issues and alternatives raised by comments received on the NOPs during the public review period were considered for inclusion in the Original Draft EIR. In response to comments received concerning the Original Draft EIR, a Final EIR was issued on January 21, 2011, though never certified or considered for certification. The January 21, 2011 Final EIR contains copies of all comments received on the Original Draft EIR and written responses to those comments. Both the Original Draft EIR and the January 21, 2011 Final EIR are a part of the Record of these proceedings.
2. The City elected to revise the Original Draft EIR and circulate this Recirculated Draft EIR. In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation (“Revised NOP”) of an Environmental Impact Report and filed it with the Office of Planning and Research (“OPR”) on March 4, 2011. The Revised NOP was circulated to the public, local and state agencies, and other interested parties to solicit comments on the Project. Environmental issues and alternatives raised by comments received on the NOPs during the public review period were considered for inclusion in the Recirculated Draft EIR.
3. The Recirculated Draft EIR was circulated for public review on October 11, 2010. Copies of the Recirculated Draft EIR were available at the City offices and the local public library. In addition, the Recirculated Draft EIR was made available on the City’s website and Project information was made available in PDF format or on CD by request.
4. A formal Notice of Availability (“NOA”) of the Recirculated Draft EIR was prepared and circulated on April 22, 2011, as required by CEQA. The NOA was circulated to responsible agencies, adjacent property owners and interested parties, including any person who filed a written request for such a notice, and was published in the Fresno Bee.

5. The public comment period for the Recirculated Draft EIR was April 22, 2011 through June 6, 2011.
6. In response to comments received concerning the Recirculated Draft EIR, the Final EIR was issued on June 14, 2011, at least 10 days prior to certification by the City Council. The Final EIR contains copies of all comments received on the Recirculated Draft EIR and responses to those comments. The Final EIR also contains errata revisions to the Recirculated Draft EIR and supplemental information deemed necessary in response to comments on the Recirculated Draft EIR.
7. Copies of the Final EIR were sent to the commenting responsible agencies. All other commenters received notice with instructions for accessing the Final EIR. Copies of the Final EIR were available at the City offices and the local public library. In addition, the Final EIR was made available on the City's website and Project information was made available in PDF format or on CD by request.
8. On June 14, 2011, the City circulated formal notice of the availability of the Final EIR to commenting agencies and individuals. Notice was also published in the Fresno Bee.
9. Pursuant to Public Resources Code Section 21092.5, the City provided a written response in the form of the Final EIR to all public agencies commenting on the Recirculated Draft EIR, 10 days prior to certifying the EIR.
10. On _____, June 30, 2011, the City Council certified the Final EIR, including Minor Modifications to the Final EIR intended to address comments received after the close of the comment period, and passed a resolution approving the Project.

III. DESCRIPTION OF THE RECORD

The record of proceedings for the City Council's decision on the Project includes, but is not limited to, the following documents:

- All Notices of Preparation, including the Revised NOP, and all other public notices issued by the City in conjunction with the Project;
- All applications for approvals and development entitlements related to the Project and submitted to the City;
- The Original Draft EIR for the Project (October 7, 2010), and all technical appendices thereto; All comments submitted by agencies or members of

the public during the public comment period on the Original Draft EIR; the January 21, 2011 Final EIR for the Project, including comments received on the Original Draft EIR, written responses to those comments, and the revisions to the Original Draft EIR and technical appendices;

- The Recirculated Draft EIR for the Project (April 21, 2010) and technical appendices;
- All comments submitted by agencies or members of the public during the public comment period on the Recirculated Draft EIR;
- The Final EIR for the Project, including comments received on the Recirculated Draft EIR, responses to those comments, and the Recirculated Draft EIR and technical appendices (dated April 21, 2011 and June 14, 2011), as well as Minor Modifications to the Final EIR intended to address comments received after the close of the comment period (attached to the June 30, 2011 Staff Report as “Exhibit B” and hereby incorporated into the Final EIR by reference);
- The Mitigation Monitoring and Reporting Program for the Project;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, or consultants to the City with respect to the City’s compliance with the requirements of CEQA and with respect to the City’s action on the Project;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the Recirculated Draft EIR or Final EIR;
- The City of Fresno 2025 General Plan and associated Master Environmental Impact Report; Plan Amendment No A-09-02, Air Quality Update for the City of Fresno 2025 Fresno General Plan Resource Conservation Element and associated Initial Study/Mitigated Negative Declaration; the Zoning Code, and any other relevant City planning documents;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public comment period on June 6, 2011;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project; and

- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

The City Council has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Council or City staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City Council was aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to City staff or consultants, who then provided advice to the City Council. For that reason, such documents form part of the underlying factual basis for the Council's decisions relating to the adoption of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

IV. DISCRETIONARY ACTIONS

The Project involves the following actions and approvals by the City:

1. Certification of the Environmental Impact Report based on these Findings contained in this Exhibit A.
2. Adoption of the Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations
3. Adoption of the Roeding Regional Park -Master Plans.
4. Approval of Conditional Use Permit Application No. C-08-186 for the uses proposed in the Fresno Chaffee Zoo Facility Master Plan and the Roeding Regional Park Facility Master Plan
5. Approval of and a Conditional Use Permit for the proposed Storm Drain Facility

The following findings, as well as the accompanying statement of overriding considerations in Section X, have been prepared to comply with the requirements of CEQA (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). In addition to the above discretionary approvals, the EIR identifies subsequent approvals for which the EIR could be used if they are required by the City of Fresno, including: improvement plans, grading permits, building permits, and landscape plans.

V. GENERAL FINDINGS

A. Terminology of Findings

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which an Environmental Impact Report (“EIR”) is required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*)).

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The agency must therefore glean the meaning of these terms from the other contexts in which the terms are used.

Public Resources Code Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such Projects.” (Pub. Resources Code, § 21002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less-than-significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant.

Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

These findings constitute the City Council members' best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City Council adopts a resolution approving the Project.

B. Certification of Final EIR

The Final EIR for the Project is hereby certified pursuant to the CEQA (Pub. Resources Code, § 21000 et seq.). (CEQA Guidelines, § 15090.) The City Council hereby certifies that the Final EIR has been completed in compliance with the requirements of CEQA. The City Council further certifies that the Final EIR was presented to it and that it considered the information contained in the Final EIR prior to approving the Project. Finally, the City Council certifies that the Final EIR reflects the City Council's independent judgment and analysis.

C. Changes to the Recirculated Draft EIR

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The City Council recognizes that the Final EIR incorporates information obtained by the City since the Recirculated Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. These changes are set forth in section 4.0 of the FEIR. This information was incorporated into the Final EIR to clarify and further refine the environmental analysis of the Project. This is not significant new information that would trigger recirculation.

Notably, CEQA case law emphasizes that “[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) “CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.’ [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process.” (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.)

In sum, the information added to the EIR merely clarifies or amplifies the prior information, or makes insignificant modifications; therefore, the Recirculated Draft EIR does not need to be recirculated again.

D. Evidentiary Basis for Findings

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project and the EIR. The findings and determinations constitute the independent findings and determinations by this City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Recirculated Draft and Final EIRs in support of various conclusions reached below, the City Council has no quarrel with, and thus incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the Council’s approval of all mitigation measures recommended in the Final EIR, and the reasoning set forth in responses to comments in the Final EIR. The City Council further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this City Council with respect to any particular subject

matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

E. Findings Regarding Mitigation Measures

1. Mitigation Measures Adopted

Except as otherwise noted, the Mitigation Measures herein referenced are those identified in the Recirculated Draft EIR or as modified in the Final EIR.

2. Effect of Mitigation Measures

Except as otherwise stated in these findings, in accordance with CEQA Guidelines Sections 15091, 15092, and 15093, the City finds that the environmental effects of the Project:

- Will not be significant; or
- Will be mitigated to a less-than-significant level by the mitigation measures adopted by the City; or
- Will remain significant after mitigation, but specific economic, legal, social, technological, or other considerations outweigh the unavoidable adverse environmental effects.

The City finds that the mitigation measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not already analyzed in the Recirculated Draft EIR.

F. Findings Regarding Cumulative Impacts

Under State CEQA Guidelines Section 15130(b)(1), the cumulative impact analysis in an EIR can be based (1) a list of past, present, and probable future projects producing related or cumulative impacts, or (2) a summary of projections contained in an adopted general plan or in a related planning document, or in a prior environmental document which has been adopted or certified which described or evaluated regional or area wide conditions contributing to the cumulative impact. The Recirculated Draft EIR uses the second approach as a basis for cumulative analysis, as further described below.

The projections used for the cumulative impact analysis in the Recirculated Draft EIR are included in the following documents:

The City of Fresno 2025 Fresno General Plan and Master Environmental Impact Report No. 10130 – 2025 Fresno General Plan (MEIR);

Plan Amendment No A-09-02, Air Quality Update for the City of Fresno 2025 Fresno General Plan Resource Conservation Element and associated Initial Study/Mitigated Negative Declaration No. A-09-02, adopted in June 2009;

The Council of Fresno County Governments (COG) travel model;

Transportation Research Board National Cooperative Highway Research Program Report 255 entitled *Highway Traffic Data for Urbanized Area Project Planning and Design*.

Notwithstanding the “summary of projections” methodology described above, the RDEIR has still made a reasonable attempt to discover, disclose, and discuss related past, present, and future projects, even those under review by other agencies. One such project is the California High Speed Rail (HSR) project.

1. Finding Regarding Status of California High Speed Rail

The California High Speed Rail Authority (CHSRA) was established in 1996 to plan, design, and ultimately construct and operate a state-of-the-art high speed train system stretching from Sacramento to San Diego, and between San Francisco, San Jose, and Oakland. By 2000, CHSRA had developed investment-grade forecasts of ridership, revenue, cost, and benefits of the system. In 2004, CHSRA and the Federal Railroad Administration issued a Draft Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and in November 2005 the EIR/EIS was certified. In October 2007, the City of Fresno completed a Downtown Transportation and Infrastructure Study (DTIS) which addressed the prospect of both high-speed rail and railroad consolidation. The study acknowledged that the City does not have control over decisions concerning the implementation of either of these projects, and that neither project is currently funded, thereby making these projects, “major unknowns at this point in time.”

In November 2008, Proposition 1A, which called for \$9 billion to be allocated for implementing the high speed rail system and \$950 million to be used for improvements to other rail services that connect to the high-speed train service, passed with 52.6 percent of the vote. The monies are to be raised through general obligation bonds that are paid off over a 30-year period.

The Fresno portion of the HSR project is currently in design and environmental analysis phase. The CHSRA released a Draft Scoping Report in January 2010 and a Preliminary Report in April 2010. CHSRA also released a Supplemental Alternatives Analysis Report (Working Draft) for the Fresno portion of HSR, dated June 2010. The Authority has repeatedly delayed issuance of a project-level EIR for the Fresno portion of the project, to continue refining design issues. (Sheehan, *High-Speed Rail Line Environmental Data Delayed*, Fresno Bee (Mar. 4, 2011).) The available program-level analysis and alternative analysis identify the portion of the Fresno segment of the HSR that is located in the vicinity of Roeding Regional Park, and set forth for further consideration, potential alignments adjacent to the Union Pacific Railroad (UPRR) tracks. Based on information that has been provided to the City of Fresno, there are 12 alternative alignments that are to be carried forward for evaluation. Eight of the 12 alternatives would align HSR on the west side of the UPRR tracks. Each of these eight alternatives would

encroach onto the eastern portion of Roeding Regional Park. The magnitude of encroachment ranges from approximately 60 feet to approximately 130 feet into the Park. The alternatives that would encroach 60 feet into the Park, could include an elevated structure that would extend over a relocated Golden State Boulevard. Golden State Boulevard would be relocated approximately 60 feet into the eastern portion of Roeding Park. Relocation of Golden State Boulevard under these alternative alignments would remove approximately 3.8 acres of parkland. The alternative alignments that would encroach approximately 130 feet into the eastern portion of Roeding Park would reduce the parkland by approximately 4.2 additional acres (for a total of 8 acres). The four remaining alternatives would align HSR on the east side of the UPRR tracks, without any encroachment into the Park. The alignment that is ultimately selected cannot be predicted, however, it should be noted that the decision is anticipated to be informed by Section 4(f) of the Department of Transportation (DOT) Act of 1966, which restricts approval of the use of land from public parks and recreation areas for transportation projects.

The 12 alternatives include either an elevated rail system or an at-grade system. Within the last month, the CHSRA has reversed course on whether the rail system will be elevated or at-grade, and at the time of publication of the RDEIR, the issue remained unresolved. (Sheehan, *Ground-Level Tracks Studied For High-Speed Rail*, Fresno Bee (Mar. 26, 2011).) The CHSRA is expected to hold public meetings within the City to obtain further information from the public regarding the alternative alignments. (Personal Communication with Bruce Rudd, Assistant City Manager, City of Fresno, April 19, 2011.) Environmental evaluations for the various alternatives are currently being conducted; however, the detail engineering designs of the at-grade, elevated, and tunnel rail systems are not currently available for public review.

The Authority has not published or made available a "project description" for the project-level design of the HSR route through Fresno, nor identified a "preferred alternative" for alignment, nor provided any assurance that the 12 alignments currently under consideration constitute the universe of all alignments to be considered by the CHSRA. Since the publication of the Preliminary Alternative Analysis, representatives of the City and CHSRA have met regularly to discuss the alignments proposed in the Preliminary Alternative Analysis as well as additional alignment alternatives not presented in the Preliminary Alternative Analysis. Nonetheless, at this time, the City has not been provided information from the CHSRA as to which alignment or alignments the CHSRA will designate as the preferred alignments for purposes of analysis in its project-level EIR. According to the City, the CHSRA is expected to complete the Draft EIS/EIR for public review for the Fresno to Bakersfield Section of the High Speed Rail Project by approximately the beginning of 2012. (Personal Communication with Bruce Rudd, Assistant City Manager, City of Fresno, April 19, 2011.)

On May 4, 2011, the City of Fresno submitted a letter to the CHSRA strongly indicating that the best option for the HSR alignment between SR-41 and Olive Avenue is a combined trench incorporating both the Union Pacific and the new HSR tracks. Under this alternative, Golden State Boulevard can be reconstructed on top of the depressed HSR track parallel to Roeding Park. This alternative results in no Section 4(f) impacts to the Roeding Park and is the best option for downtown development around the HSR station.

On May 5, 2011, the CHSRA was presented with and accepted the Supplemental Alternatives Analysis Report for Fresno-Bakersfield. This report provided an update and described new alignments and station alternatives for the Fresno-Bakersfield HST section, which had not been previously analyzed. The CHSRA also scheduled a series of public meetings (May 16-May 19, 2011) to receive public input from various cities through the Central San Joaquin Valley (Corcoran, Fresno, Hanford, and Bakersfield).

It should also be noted that on May, 10, 2011, the California Legislative Analysis Office issues a report containing several recommendations. The report recommends only appropriations for state administration of the project; seek flexibility on use of Federal Funds; reconsider where construction of the line should start based upon statewide benefit from generated ridership and revenues to be financially viable; and, improvements to the day-to-day responsibility and strategic development of the project.

2. Finding Regarding Analysis of High Speed Rail

In establishing the scope of a project's cumulative impact analysis, a lead agency "need not consider unknown, remote, or speculative future projects." (Miller and Starr, California Real Estate (2001), § 25A:16, *Consideration of cumulative effects*.) Given the scope and magnitude of the unresolved design, alignment, and location issues, the City Councils finds that the Fresno portion of the HSR project would not constitute a reasonably foreseeable probable future "project" requiring cumulative impact analysis under CEQA. (See Guidelines, § 15355(b); see also *Del Mar Terrace Conservancy, Inc. v. City Council of the City of San Diego* (1992) 10 Cal.App.4th 712 (finding that there was no "defined project" requiring analysis where a future roadway segment was contemplated, but specific alignments had not been planned)). Accordingly, the City Council finds that CEQA does not require consideration of the HSR project as part of the Master Plan Project cumulative analysis.

Even if HSR could be considered a reasonably foreseeable probable future project, the cumulative impacts of the HSR project are too speculative to require review as part of the Master Plans Project RDEIR. When future development is unspecified and uncertain, an EIR is not required to include speculation about future environmental consequences of such development. (*Env't Protection Information Center v. Dep't of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 502; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 395.) The scope of an EIR's analysis of potential future consequences is guided by the standard of reasonableness and practicality, under which lead agencies need not undertake a premature evaluation of the environmental consequences of undefined possible future actions. (*Env't Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018.) This is particularly true with respect to cumulative impact analyses, where neither a "project" level of detail, nor exhaustion of analysis is required. (See Guidelines, § 15130(b); *Ass'n of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383.) Accordingly, a lead agency may exercise its discretion to determine whether a future activity has reached a sufficiently advanced planning stage to provide meaningful information for a cumulative impacts analysis. (See *Pala*

Band of Mission Indians v. County of San Diego (1998) 68 Cal.App.4th 556, 576.) Here, the design, location, and alignment of the HSR project are still unresolved. New alignments—which would have substantially different cumulative impacts when evaluated in conjunction with the Master Plans Project—are being proposed, even as this RDEIR is being drafted. There has been no resolution as to the extent to which HSR may physically encroach on Roeding Regional Park, or if it will at all. After ruling out at-grade alternatives, the CHSRA is now considering them again. While there are projections regarding the frequency of HSR trips through Fresno, these projections assume the completion of HSR between San Francisco and Los Angeles; however that connection remains unfunded and far more speculative. Accordingly, it is difficult if not impossible to accurately project and analyze the specific cumulative impacts that the Master Plans Project may have in conjunction with HSR when the CHSRA has not yet even designed the project.

To the extent that HSR is even a reasonably foreseeable probable future project, the City Council finds that it has not reached a sufficiently advanced planning stage to afford meaningful analysis of its cumulative impacts. Evaluation of cumulative impacts, without further information regarding where the rail line will be located, whether it will be above, at, or below grade, the type of trains (and other technology) that will be used, and frequency of trips, would be speculative, and is not required by CEQA. “Evaluation of future environmental effects must await the future decisions that could cause the effects.” (*Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188, 196.) According to Section 15145 of the State CEQA Guidelines, “if, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” Accordingly, after a thorough investigation including review of the published documents, environmental reports, news reporting, and personal communications among CHSRA staff and City staff, the City Council finds the potential cumulative impacts of the High Speed Rail Project with the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans Project to be too speculative for evaluation.

Once the detail design elements of the High Speed Rail Project are proposed, the environmental document for the High Speed Rail Project will evaluate the direct and indirect impacts on the Master Plans Project. If the impacts result in substantial alterations to the Master Plans, the City may need to revise the Master Plans thus potentially requiring additional environmental documentation.

For the reasons set forth above, the City Council finds that analysis of the cumulative impacts of the projects in light of the HSR project is not required under CEQA; nonetheless, the City Council notes that in the interest of providing the reviewing agencies and the public with full disclosure of the available information and a meaningful opportunity to review and comment on the Master Plans Project’s impacts, the RDEIR’s cumulative impacts analysis includes analysis of HSR where appropriate and reasonably feasible. Likewise, these findings include findings for cumulative impacts identified in the RDEIR, notwithstanding the fact that no such findings are required by CEQA. To put the analysis and findings in their proper context, it is important to note that an EIR’s discussion of cumulative impacts need not provide the same level

of detailed analysis that is provided for the project-specific effects. (Guidelines, § 15130(b).) An exhaustive analysis is not required. (*Ass'n of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383.) General, qualitative analysis is sufficient, as long as impacts are not minimized or ignored. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 728; *Fairview Neighbors v. County of Ventura* (1999) 70 Cal.App.4th 238.)

G. Location and Custodian of Records

Pursuant to Public Resources Code Section 21081.6 and California Code of Regulations, title 14, Section 15091, the City is the custodian of the documents and other materials that constitute the record of proceedings upon which the City's decision is based, and such documents and other material are located at: City of Fresno, Development and Resource Management Department, 2600 Fresno Street, Fresno, CA 93721, in the custody of Planning Manger, Kevin Fabino.

VI. FINDINGS REGARDING MONITORING/REPORTING OF CEQA MITIGATION MEASURES

A Mitigation Monitoring and Reporting Program (MMRP), which is attached as Exhibit B to this Resolution, was prepared for the Project and was approved by the City Council by the same resolution that has adopted these findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

VII. FINDINGS REGARDING ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

A. Effects Not Found to Be Significant

Based on the initial study, the discussion in the Final EIR, and other supporting information in the record, the City Council finds that the Project would have no impact or a less than significant impact associated with the specific issues identified below:

1. Aesthetics

Impact 20.1: The proposed Master Plans Project would not have a substantial adverse effect on a scenic vista: Based on a review of the City of Fresno 2025 Fresno General Plan, there are currently no local or State designated scenic vistas located on or around the proposed project area. Although the project could have a potentially significant impact on scenic resources, there are no local or state designated scenic vistas that will be adversely affected by the implementation of the proposed project. Therefore, the project will have no impact on scenic vistas. (RDEIR p. 20-1.)

2. Agriculture and Forestry Resources

Impact 20.2: The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use: The project site does not contain active agricultural land; therefore, it would not be eligible for an Important Farmland designation, and the development of the proposed project would not result in the conversion of Important Farmland to non-agricultural use. No impact would occur.

Impact 20.3: The project will not conflict with existing zoning for agricultural use, or a Williamson Act contract: The project site does not contain any active agricultural land and, therefore, would not be eligible for a Williamson Act contract. The project site is completely developed with a park, zoo, and amusement park and no agricultural land or operations exist on or near it. These conditions preclude the possibility of the proposed project conflicting with an active Williamson Act contract or an agricultural zoning designation. No impacts would occur.

Impact 20.4: The project will not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)): The project is surrounded by an urban environment, and contains an urban forest on-site. However, the mostly ornamental and non-native vegetation does not constitute forest land or timberland, as the property is not zoned for timber preservation or production. Therefore, the proposed Master Plan will have no impact on forest lands or zoned Timberland Production lands.

Impact 20.5: The project will not result in the loss of forest land or conversion of forest land to non-forest use: The project is surrounded by an urban environment, and contains an urban forest on-site. However, the mostly ornamental and non-native vegetation does not constitute forest land or timberland, as the property is not zoned for timber preservation or production. Therefore, the proposed Master Plan will have no impact on forest lands or convert forest land to non-forest use.

Impact 20.6: The project will not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use: The project site is surrounded on all sides by urban, built-up land uses, and there is no active farmland in the project vicinity. This condition precludes the possibility of the development of the proposed project creating pressures to convert surrounding farmland to non-agricultural use. No impacts would occur. (RDEIR pp. 20-1 – 20-2.)

3. Biological Resources

Impact 20.7: The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service:

The Master Plans Project will not affect riparian or other sensitive natural communities. Although a mature urban forest comprised largely of non-native ornamental trees exists across Roeding Regional Park and provides both foraging and nesting habitat for a number of avian species, as well as the non-native fox squirrel, such a forest does not constitute a sensitive natural community nor provide any sensitive habitat to native wildlife or special status species. In addition, as previously mentioned, several human-made concrete-lined ponds are present in the study area. While a number of tree species occur along the margins of these ponds and on islands, no riparian tree species were observed. No impacts would occur.

Impact 20.8: The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means: The Biological Resources Assessment prepared for the proposed project indicated that there are no federally-protected wetlands or other waters of the United States on the project site. While vegetative qualities might otherwise indicate that a wetland habitat is present, the ponds on-site are all concrete lined and not connected to any natural drainages. Therefore, the proposed project will have no impact on Waters of the United States. This condition precludes the possibility of project impacts to these features. No impacts would occur.

Impact 20.9: The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Since there are no local policies or ordinances protecting biological resources, the implementation of the Master Plans Project would result in no impacts on local policies and ordinances.

Impact 20.10: The project will not conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan. No habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan, is in effect for the area of the Master Plans Project. Therefore, the proposed project will have no effect on such plans. (RDEIR pp. 20-2 – 20-3.)

4. Geology and Soils

Impact 20.11: The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

a.) Rupture of a known earthquake fault, as delineated on the most recent Alquist Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42;

b.) Strong seismic ground shaking;

c.) Seismic-related ground failure, including liquefaction;

d.) Landslides.

Impact 20.12: The project will not result in substantial soil erosion or the loss of topsoil.

Impact 20.13: The project will not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Impact 20.14: The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

Based on information in the City of Fresno 2025 Fresno General Plan, there are no Alquist-Priolo Earthquake Fault Zones located within the City, which also includes the project site. The project area is located on a deep alluvial basin and may be affected by strong seismic events; however, compliance with the City of Fresno building regulations would reduce the potential exposure of people and structures to substantial adverse effects such as faulting, ground failure and unstable soils.

As discussed in Impact 14.4 in Chapter 14, Hydrology and Water Quality, of the Recirculated Draft EIR, substantial erosion on the project site would not occur because the proposed storm drain system would convey stormwater to existing onsite landscape areas or the proposed drainage basin.

Due to the relatively flat terrain on the project site, no landslide impacts are expected to occur with the implementation of the Proposed Master Plans. Based on the City of Fresno 2025 Fresno General Plan, areas of the City, other than the northern portion of the City, are not susceptible to expansive soils.

Overall, the project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, resulting from any of the following: seismic hazards, landslides, soil erosion, unstable geologic unit or soils, or expansive soils.

Impact 20.15: Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? Roeding Regional Park, the Fresno Chaffee Zoo, and Rotary Playland and Storyland would remain connected to the City's wastewater collection and treatment system. No septic or alternative wastewater systems are proposed. Therefore, no impacts would occur. (RDEIR pp. 20-3 – 20-4.)

5. Hazards and Hazardous Materials

Impact 20.16: The project is not located within the Fresno-Chandler Executive Airport Land Use Plan, and would not result in a safety hazard for people residing or working in the project area? Although the Fresno-Chandler Executive Airport is within 2 miles of the project site, the airport's land use plan indicates the project site is located outside the land use plan area. Therefore, the proposed project would not be exposed to safety hazards due to the operation of the Fresno-Chandler Executive Airport.

Impact 20.17: The project is not within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the project area. There are no private airstrips located within the vicinity of the project site.

Impact 20.18: The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Except for the Fresno Chaffee Zoo's emergency protocols plan, no adopted emergency response plans or emergency evacuations plans have been identified that apply to the Master Plans Project. The Master Plans Project has no apparent design or operational characteristics that would impair or physically interfere with implementation of the emergency protocols plan.

Impact 20.19: The project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The project site is located in an urban, built-up area. Based on a review of the California Department of Forestry and Fire Protection website, there are no fire hazard zones (i.e., wildland fire hazards) located in a State Responsibility Area on or in the vicinity of the project site. The nearest fire hazard zones are located approximately 60 miles to the west (west of I-5) and approximately 30 miles to the east (east of the City of Fresno). Based on a review of the City of Fresno 2025 Fresno General Plan, the City has not identified any wildland fire hazard zones within the City. Therefore, the proposed project would not expose persons or structures to wildland fire hazards. No impacts would occur. (RDEIR pp. 20-4 – 20-5.)

6. Hydrology, Drainage, and Water Quality

Impact 20.20: The project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Based upon the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, the project site is not within a 100-year flood hazard area. Further, the proposed project does not propose construction of any residential dwellings. Therefore, the project would not place housing within a 100-year flood hazard area or place within a 100-year flood hazard area structures that would impede or redirect flood flows. No impact would occur.

Impact 20.21: The project will not place within a 100-year flood hazard area structures that would impede or redirect flood flows. Based upon the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, the project site is not within a 100-year flood hazard area. No impact would occur.

Impact 20.22: The project will not expose people or structures to significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. The project would not expose people or structures to hazards resulting from the failure of a dam or levee because of its significant distance from the nearest dam. Big Dry Dam is located approximately 12 miles northeast of the project site. Further, Big Dry Creek Reservoir has a

storage capacity of 30,000 acre-feet (AF) and the reservoir has never been filled to a level greater than 15,000 AF during any flood event. No impact would occur.

Impact 20.23: The project will not expose people or structure to inundation by seiche, tsunami, or mudflow. Based upon the Draft Master Environmental Impact Report No. 10130, Fresno General Plan and field observations, the project site does not contain, or is not located near, any large inland bodies of water that could be susceptible to a seiche. The project site is more than 100 miles from the Pacific Ocean and, therefore, is not prone to tsunami hazards. The project site is located in a flat, urbanized area and would not be susceptible to mudflow inundation. Therefore, no impact would occur. (RDEIR pp. 20-5 – 20-6.)

7. Land Use and Planning

Impact 20.24: The project will not physically divide an established community. The proposed project includes modification to, and is located entirely within, the existing Roeding Regional Park facility and would not physically divide an established community.

Impact 20.26: The project will not conflict with a habitat conservation plan or natural community conservation plan. The project site is not within the boundaries of a habitat conservation plan or natural community conservation plan. This condition precludes the possibility of the proposed project conflicting with the provisions of such a plan. Therefore, impacts would occur. (RDEIR p. 20-6.)

8. Mineral Resources

Impact 20.27: The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. The project site is not located in an area designated for mineral resource extraction by the City of Fresno 2025 General Plan or any other local land use plan. In addition, the project site is not located in a mineral resource zone designated by the California Division of Geology and Mines. Therefore, the proposed project would not result in the loss of availability of a known mineral resource or affect a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impacts will occur.

Impact 20.28: The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The project site is not located in an area designated for mineral resource extraction by the City of Fresno 2025 General Plan or any other local land use plan. (RDEIR pp. 20-6 – 20-7.)

9. Noise

Impact 20.29: The project is not located with the Fresno-Chandler Executive Airport Land Use Plan and the project will not expose people residing or working in the project area to excessive noise levels. The nearest public airport/airstrip is the Fresno-Chandler Executive Airport, which is located approximately 1.25 miles south of the project site. The project site is

not located within the Fresno-Chandler Executive Airport Land Use Plan. Implementation of the proposed project would not affect airport operations, nor would implementation of the proposed project result in the development or relocation of any new noise-sensitive land uses in closer proximity to the Fresno-Chandler Executive Airport. There are no existing private airstrips within two miles of the project area. As a result, implementation of the proposed project would not result in increased exposure of individuals to excessive aircraft noise levels. For these reasons, the project would not result in any noise impacts associated with existing airports and airstrips.

Impact 20.30: The project is not located within the vicinity of a private airstrip, and would not expose people residing or working in the project area to excessive noise levels. The nearest public airport/airstrip is the Fresno-Chandler Executive Airport, which is located approximately 1.25 miles south of the project site. The project site is not located within the Fresno-Chandler Executive Airport Land Use Plan. There are no existing private airstrips within two miles of the project area. As a result, implementation of the proposed project would not result in increased exposure of individuals to excessive aircraft noise levels. (RDEIR p. 20-7.)

10. Population, and Housing

Impact 20.31: The project will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). Based upon the Master Plans, the project would not induce substantial population growth either directly (for example, proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). The project does not involve the construction of new homes or businesses (except for concessionaires within the zoo). Moreover, it does not involve the extension of roads or other infrastructure outside the project site, except for a proposed ponding basin on vacant land immediately south of Roeding Regional Park for the purpose of serving facilities within Roeding Regional Park.

Impact 20.32: The project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The Master Plans Project would not displace existing housing or people. No housing exists within the project site, and no people reside within the site. Although the Master Plans Project would result in the transfer of land presently used as active and passive recreation areas to the Fresno Chaffee Zoo (21 acres) and Rotary Playland and Storyland (2 acres), the land uses contained within Roeding Regional Park will continue to be recreational in nature since such active commercial recreation is consistent with the City's vision for providing open space and recreational opportunity to the community. Therefore, although the recreational amenity may be altered, the Master Plans project would not displace users of the amenities within Roeding Regional Park. Therefore, no impacts would occur with the implementation of the Master Plans Project.

Impact 20.33: The project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. The Master Plans Project would not displace

existing housing or people. No housing exists within the project site, and no people reside within the site. (RDEIR pp. 20-7 – 20-8.)

11. Transportation and Traffic

Impact 20.33: The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The nearest airport/airstrip to the project site is the Fresno-Chandler Executive Airport, which is approximately 1.25 miles south of the site. The project has no design or operational characteristics that relate to air traffic and is not within an Fresno-Chandler Executive Airport safety zone. (RDEIR p. 20-8.)

12. Public Service and Utilities

Impact 20.34: The project would not result in substantially adverse physical impacts associated with the provision of new or physically altered school facilities, or the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives. The project would have no direct physical impacts upon schools. There is one school located within 0.25 mile of the project site, which includes Kenya's Little Ark Preschool to the north. The project could indirectly affect the Fresno Unified School District by increasing the number of employees at the zoo; however, the majority of the long-term jobs at the zoo are expected to be filled by local residents. There may be a few jobs that require expertise not available locally. These few jobs could attract new employees to live in Fresno and the children of these few employees would need to be housed in District schools. However, the project will be subject to the payment of existing statutory school impact fees to offset the costs associated with housing any new students. The payment of these fees constitutes "full and complete mitigation of the impacts" on the provision of adequate school facilities. (Government Code Section 65995[h]). (RDEIR p. 20-8.)

B. Less-Than-Significant Impacts Without Mitigation

Based on the Final EIR and the record, the City Council finds that the Project would have *less-than-significant* environmental impacts associated with the specific issues identified below, as addressed in the EIR.

1. Parks and Recreation

a. Impacts

Impact 3.1: The Master Plans Project would not reduce the amount of regional park land available to the public: The Project, after completion, would not result in the net reduction of regional parkland. Specifically, although the Master Plans Project would result in the transfer of

land presently used as active and passive recreation areas to the Fresno Chaffee Zoo (21 acres) and Rotary Playland and Storyland (2 acres), the land uses contained within Roeding Regional Park will continue to be recreational in nature and such active commercial recreation is consistent with the City's vision for providing open space and recreational opportunity to the community. Moreover, the Master Plans Project would not result in the generation of additional population within the City that would affect service ratios for Regional Parkland. As such, the Master Plans Project would result in a *less than significant* impact on the City's ability to meet its service ratios for Regional Parkland within the City. (Recirculated Draft EIR, pp. 3-9 – 3-10.)

Impact 3.2: Although the Master Plans Project would increase the intensity of use of existing parkland at Roeding Regional Park, the projected increases would not adversely impact environmental resources within the parkland areas of Roeding Regional Park, or park facilities: Under the Master Plans Project, the land area at Roeding Regional Park devoted to parkland uses will decrease from 118 acres to 98 acres. Because the number of visitors at Roeding Regional Park is projected to increase, and the amount of space dedicated to active and passive recreation areas would decrease, the Master Plans Project would increase the intensity of use of the remaining areas (i.e., parkland) in Roeding Regional Park after implementation of the project.

The projected increase in visitors, however, would not generate usage to an extent that such increase would have an adverse impact on the active and passive recreation areas of Roeding Regional Park. Specifically, the active and passive recreation areas of Roeding Regional Park are currently under-utilized during non-peak hours. Based on statistics for incoming vehicles, and attendance figures at the Fresno Chaffee Zoo and Rotary Storyland and Playland, only approximately 10 percent of Roeding Regional Park's estimated 600,000 annual visitors utilize the active and passive recreation areas during their stay at Roeding Regional Park, notwithstanding the fact that parkland currently represents 118 acres of Roeding Regional Park's 148 acres.

The Master Plans Project also includes new design elements and facilities to more efficiently manage the open space areas of the park, and to accommodate projected increases in parkland users. This includes the development of a new park plaza hub and pedestrian pathways designed to concentrate parking, better manage pedestrian usage of parkland, and create additional efficiencies in utilization of open space. The new play areas, relocated dog park, and enhanced picnic areas will also result in a more efficient usage of open space, as users of the active and passive recreation areas generally cluster around those areas.

As such, the projected increase in usage of the active and passive recreation areas of Roeding Regional Park would not generate usage to an extent that significant adverse impacts to park facilities and parkland would result. Increased parkland usage, therefore, would result in a *less than significant* impact to parkland facilities. (Recirculated Draft EIR, pp. 3.10 – 3.12.)

Cumulative Impacts to Parks and Recreation: The Master Plans Project would not result in the net reduction of regional parkland. Specifically, although the Master Plans Project would result in the transfer or land presently used as active and passive recreation areas to the Fresno Chaffee Zoo (21 acres) and Rotary Playland and Storyland (2 acres), the land uses contained

within Roeding Regional Park will continue to be recreational in nature. Thus, the Master Plans Project's impacts to Parks and Recreation is *less than cumulatively considerable*. (Recirculated Draft EIR, p. 22-3.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in *less-than-significant* impacts to parks and recreation aesthetics and visual resources with respect to the reduction of amount of regional park land available to the public, the intensification of the use of parkland areas, and cumulative impacts to parks and recreation.

2. Cultural Resources

a. Impacts

Impact 4.5: The Master Plans Project would result in the modification of vehicular entrances, streets, sidewalks, landscape and infrastructure within the historic district, affecting the potential historic district's integrity of setting: The Master Plans Project includes reconfiguration of existing vehicular and pedestrian paths to accommodate changes to visitor circulation patterns through the site. These changes include the addition of a new main entrance along Golden State Boulevard and reconfiguration of vehicle and pedestrian paths in the northwest portion of the park near the tennis courts and along the middle-eastern edge of the potential historic district boundary. Changes also include the addition of new pedestrian circulation paths near the proposed Plaza Hub and in the zoo expansion area. The potential impact associated with the introduction of a new entrance along Golden State Boulevard was thoroughly analyzed. In recent history (i.e., since the 1930s), an entrance into the park was not provided along Golden State Boulevard, but along Belmont Avenue and Olive Avenue. Although the new entry will re-route some public vehicular traffic to the eastern edge of the park and alter the entry sequence currently experienced by visitors, the historical layout of the park included an entrance along the eastern edge of Roeding Regional Park as early as the 1920s, and during a portion of the period of historic significance.

In general, the character of the existing circulation patterns will be retained, including the overall scale and character of the historic, meandering, tree-lined circulation paths. The changes proposed to the entry patterns, streets, sidewalks, landscape and infrastructure will be designed to be compatible with the historic character and will generally follow the Secretary of the Interior's Standards for Rehabilitation. These changes will not adversely impact the ability of the potential historic district to convey its significance nor the district's eligibility for listing in the California Register of Historical Resources and therefore the impact is *less-than-significant*. (Recirculated Draft EIR, pp. 4-25 – 4-26.)

Impact 4.6: The Master Plans Project would result in the relocation of four moveable contributing features (objects) of the potential Roeding Regional Park Historic District: Several contributing features within the potential Roeding Regional Park Historic District will be relocated as part of the Master Plans Project. Moveable contributing features that are planned for

relocation include: the historic concrete benches, George C. Roeding Monument, George Washington Memorial, and the Frederick and Marianne Roeding Monument. The existing setting and location of these monuments are not critical to the integrity of these features, or what make the features contributors to the potential historic district. Furthermore, these objects are capable of being easily moved, and in the past, have been moved around the park as certain areas have changed over time. Accordingly, the relocation of these features within the boundaries of the potential historic district will be a *less than significant impact* to the potential historic district. (Recirculated Draft EIR, p. 4-26.)

Impact 4.7: The Master Plans Project would result in the demolition or alteration of many non-contributing features (buildings, structures, and landscape features within the potential Roeding Regional Park Historic District): Nine non-contributing features of the potential Roeding Regional Park Historic District will be demolished as part of the Master Plans Project. Non-contributing features planned for demolition include the City Maintenance Yard, the Elephant House, Seal Pool, Monkey Island, Giraffe Barn, Bear Grottoes, Walk-Through Aviary, Ape Grottoes, and Hippo Exhibit. Additionally, several non-contributing features will be altered under the Master Plans Project: Rotary Storyland and Playland, the Lion House, the Amphitheater, the Palm Point Picnic Shelter, and the Rhino Exhibit. Non-contributing features do not contribute to the historic significance of the historic district as outlined in the Final Roeding Regional Park Historic Resource Assessment. Therefore, the demolition or alteration of non-contributing features will result in a *less than significant impact* on the potential historic district. (Recirculated Draft EIR, pp. 4-26.)

Impact 4.9: The Master Plans Project would result in the demolition of noncharacter-defining elements of the Zookeeper's House—a contributing architectural feature of the potential Roeding Regional Park Historic District: The Zookeeper's House (also known as the Chaffee Office) has undergone some architectural changes over time, including the construction of an addition to the building sometime around 1960. As part of the Master Plans Project, this later addition will likely be removed when the building is rehabilitated. According to the Conditional Use Permit for the site, the building will remain in its current location and a maintenance plan for the building will be developed. Although the demolition of the addition will alter the appearance of the Zookeeper's Office, this element is not a character-defining feature of the building. The work will be carried out according to a maintenance plan based on the Secretary of the Interior's Standards for Rehabilitation that will be developed for the building. Therefore, the alteration of noncharacter-defining features of the Zookeeper's House, so long as they are carried out according to the Standards, would result in a *less than significant impact* on the potential historic district. (Recirculated Draft EIR, p. 4-28.)

Cumulative Impacts to Cultural Resources: The Master Plans Project will adversely affect a number of contributing features of the potential Roeding Regional Park Historic District including the ponds and picnic groves, as well as the Zoo Administrative Office. However, mitigation measures requiring the relocation and protection of these features on site will reduce the project impact to a less than significant level. Since the integrity of the potential Roeding Regional Park Historic District will be maintained, no impact would remain that could contribute

to a cumulative impact associated with other development in the General Plan area. Thus Project impacts associated with cultural resources are *less than cumulatively considerable*. (Recirculated Draft EIR, pp. 22-3 – 22-4.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in *less-than-significant* impacts to cultural resources with respect to: impacts to the integrity of the historic district due to the modification of vehicular entrances, streets, sidewalks, landscape and infrastructure within the potential historic district; impacts related to the relocation of four moveable contributing features within the potential historic district; impacts to the potential historic district resulting from the demolition or alteration of many non-contributing features within the potential district; impacts to the potential historic district resulting from the demolition of the Zookeeper's House and cumulative cultural resource impacts.

3. Aesthetics

a. Impacts

Impact 5.6: Construction of the off-site storm drainage basin will alter the visual characteristics of the proposed basin site: Construction of a storm drainage basin at the proposed location will change the visual character of the site from a vacant, undeveloped parcel to open space. Any existing vegetation and weeds would be removed from the site and the property would be excavated. A conceptual design of the ponding basin is provided in the Master Plans. The drainage basin will be required to be constructed consistent with the City of Fresno Public Works and Development and Resources Management Department standards that exist at the time of construction for storm drainage basin improvements. These standards require a variety of aesthetic, public safety and other mitigation to reduce the visual impact of these facilities on surrounding neighborhoods such as sidewalks, landscaping, fencing, and maintenance. Thus, the Project will result in less than significant aesthetic impacts from the construction of the off-site storm drainage basin. (RDEIR p. 5-33.)

Cumulative Impacts to Aesthetic Resources: Implementation of the Master Plans Project would result in substantial changes to the visual character of Roeding Regional Park, the Fresno Chaffee Zoo, and Rotary Playland and Storyland. These changes will primarily result from planned improvements to the various facilities, expansion of the zoo and related changes to the park. All potential aesthetic impacts can be mitigated to insignificance. The 2025 Fresno General Plan, Master Environmental Impact Report (GPMEIR) found that all potential aesthetic impacts of plan implementation could be mitigated to a less than significant level and did not identify any cumulative impacts. Other projects in the vicinity would be required to comply with applicable lighting and design/aesthetics requirements. Therefore, the Project's impacts associated with aesthetic resources are *less than cumulatively considerable*. (Recirculated Draft EIR, p. 22-4.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in *less-than-significant* impacts to aesthetic resources with respect to construction of the off-site storm drainage basin and cumulative aesthetic resource impacts.

4. Biological and Natural Resources

a. Impacts

Impact 6.4: The Master Plans Project may interfere with fish or wildlife movement corridors: Wildlife movement corridors are characterized by the regular movements of one or more species through relatively well-defined areas and are often associated with ridgelines, wetland complexes and well-developed riparian habitats of major rivers and creeks. Species observed during the site survey are marked with an asterisk in Appendix C, Table 2 of the RDEIR. A number of terrestrial vertebrate species, primarily birds use this site. Some migratory species may pass through from time to time. Home range and dispersal movements of some species may be expected within Roeding Regional Park. However, the site does not function as a "movement corridor." Furthermore, the diversity of wildlife using the park, including migratory birds, and zoo is limited by the urban interface and major roads, the railroad, and the highway surrounding the site. Therefore, no detailed studies of wildlife movement were conducted within the project site. The Master Plans Project may alter home range and dispersal movements of some terrestrial vertebrates using the site, but these effects will be minor. Therefore, the Master Plans Project will have a *less than significant* impact on wildlife movement.

Impact 6.5: The Master Plans Project would result in a reduction of foraging habitat for certain avian species during construction: Although Roeding Regional Park provides relatively low quality habitat for native wildlife, the park does provide habitat for several bird species. Moreover, five special status species may use the park as foraging grounds during migration or as transients. These include the merlin, sharp-shinned hawk, Cooper's hawk, yellow warbler, and ferruginous hawk. A substantial number of mature trees may be removed over the timeframe within which the project would be under construction (see Recirculated Draft EIR Chapter 5, Aesthetics, section 5.1.) Most of the trees will be replaced but with smaller trees. Until the replacement trees mature, there will be a reduction in foraging habitat on the Master Plans Project site. Loss of this foraging habitat would be a less than significant impact because similar habitat is regionally abundant and removal/replanting will occur in phases over time. (Recirculated Draft EIR, p. 6-13.)

Cumulative Impacts to Biological Resources: The GPMEIR found the cumulative effect on biological resources not to be cumulatively considerable given the relatively small amount of habitat and foraging area within the jurisdiction of the City of Fresno 2025 Fresno General Plan and the direct impact mitigation measures provided to assure that impacts to riparian, wetlands and other sensitive habitats will be avoided or replaced. The Master Plans Project would have potential adverse effects on nesting birds due to construction activities and the removal of trees and could adversely affect bat species due to restoration of the Lisenby bandstand. Mitigation

measures would reduce the potential effect on nesting birds and bat species to a less than significant level. Project and cumulative impacts with respect to loss of habitat were not found to be potentially significant in the project biological assessment. When considered in the context of the GPMEIR finding that General Plan biological resource impacts are not significant after mitigation and not cumulatively considerable, the impacts of the Master Plans Project would be *less than considered cumulatively considerable*. (Recirculated Draft EIR, p. 22-5.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in *less-than-significant* impacts to biological and natural resources with respect to: fish and wildlife movement corridors; reduction of foraging habitat for certain avian species during construction; and cumulative impacts to biological and natural resources.

5. Land Use and Public Land Use Policy

a. Impacts

Cumulative Land Use and Public Land Use Policy Impacts: An extensive project consistency analysis was conducted and presented in Chapter 7 of the Recirculated Draft EIR, Land Use and Public Land Use Policy, Tables 7-1, 7-2, 7-3 and 7-5. The consistency analysis concluded that the project would be consistent with all of the City's land use policies, objectives, and goals with the implementation of various mitigation measures identified in various chapters of the Recirculated Draft EIR. These mitigation measures include: Mitigation Measures 4.1, 4.2, 4.3, 4.4(a) through 4.4(c); 5.1(a) through 5.1(f), 5.2(a) through 5.2(e), 5.4(a) through 5.4(h), 5.5(a) through 5.5(e); 8.3(a) and 8.4(a); and 22.2(a) 22-6 and 22.2(b). In addition, the project would be consistent with the City's Zoning Ordinance. Therefore, after the implementation of the recommended mitigation measures, the project would be *less than cumulatively considerable*. (Recirculated Draft EIR, pp. 22-5 – 22-6.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in *less-than-significant* impacts to land use and public land use policy with respect to cumulative impacts to land use and public land use policy.

6. Transportation and Traffic

a. Impacts

Impact 8.5 – The project would have a less than significant impact on roadways in 2014: The proposed Master Plans will increase traffic volumes along roadways in 2014 in the vicinity of Roeding Regional Park. To determine potential impacts of the proposed Master Plans on the surrounding roadways for the year 2014, the 2014 level of service without the project (see Recirculated Draft EIR Table 8-14) is compared to the 2014 level of service with the project

(see Recirculated Draft EIR Table 8-15). Table 8-14 and Table 8-15 show the level of service along each study roadway segment. As shown in Table 8-15, each of the study roadway segments are projected to operate at an adequate level of LOS C or D in 2014 with the project. Therefore, the proposed project would result in a *less than significant* impact on the study roadway segments in 2014. (RDEIR pp. 8-24 – 8-26.)

Impact 8.6 – The project would have a less than significant impact on roadways in 2030: The proposed Master Plans will increase traffic volumes along roadways in 2030 in the vicinity of Roeding Regional Park. To determine potential impacts of the proposed Master Plans on the surrounding roadways for the year 2030, the 2030 level of service without the project (see Recirculated Draft EIR Table 8-16) is compared to the 2030 level of service with the project (see Recirculated Draft EIR Table 8-17). Table 8-16 and 8-17 show the level of service along each study roadway segment. In comparing the LOS in Table 8-16 and Table 8-17, the analyzed roadway segments will either operate at an adequate level of LOS C or D with project traffic or the project traffic will not exacerbate an existing roadway segment (i.e., Year 2030 Without Project) operating at LOS F by causing a 15 percent or greater increase to the segment's volume to capacity ratio (i.e. Belmont Avenue eastbound between Site Access and Golden State Boulevard, and Belmont Avenue westbound between Weber Street and Golden State Boulevard). Therefore, the proposed project would result in a *less than significant* impact on the study roadway segments in 2030. (RDEIR pp. 8-26 – 8-29.)

Impact 8.7 – The Master Plans project would not substantially increase hazards due to the location of the tollbooth at the Golden State Boulevard entrance: The Master Plans project includes a new site entrance along Golden State Boulevard. The new site entrance includes a tollbooth that is proposed along Park Boulevard and approximately 600 feet west of the Golden State Boulevard site entrance. The Caltrans Highway Design Manual presents a method for determining the required storage length in left-turn pockets at unsignalized intersections which can be used to roughly estimate the required distance between the tollbooth(s) and Golden State Boulevard. The storage length should accommodate the average number of vehicles expected to arrive during a two-minute period within the peak hour. Based on this method, for 379 vehicles entering the site during the peak hour at the proposed Golden State site entrance, the required storage length would be calculated as follows: 2 minutes x (379 vehicles/60 minutes) x 25 feet/vehicle = 316 feet. Rounding up to the next increment of 25 feet, the storage length should be approximately 325 feet. If tolls are collected at more than one tollbooth, the required storage length may be divided by the number of booths to determine the required distance between the booths and Golden State Boulevard. As a result, the location of the proposed tollbooth along Park Boulevard would result in a *less than significant* traffic hazard impact. (RDEIR p. 8-29.)

Impact 8.8 – The Master Plans project would not substantially increase hazards to visitors/pedestrians in areas that currently do not have sidewalks. The implementation of the Master Plans project would potentially increase pedestrian circulation to and from the site. Pedestrian access along Olive and Belmont Avenues currently provides sidewalk systems that lead to the park. With the construction of the Golden State Boulevard entrance, it is likely pedestrians would cross the railroad tracks to access this entrance; however, no sidewalks are

provided along Golden State Boulevard. The Traffic Study prepared by Peters Engineering estimates 1 pedestrian per hour walking to the park. With the installation of the fence along Golden State Boulevard that would block access to the railroad tracks, pedestrians would be forced to walk either to Olive Avenue or Belmont Avenue to access the crosswalks at these intersections. Therefore, impacts related to pedestrians accessing sidewalks would be less than significant because project design features (i.e., sidewalks along Belmont Avenue, Olive Avenue, and Golden State Boulevard) would direct pedestrians to the safest route via sidewalks to the park. (RDEIR p. 8-29)

Impact 8.9 – The Master Plans project would have a less than significant impact on Fresno Area Express (FAX) bus lines. Fresno Area Express (FAX), which is operated by the City of Fresno, provides public transit service to Roeding Regional Park. Bus Routes 33 and 35 have stops near park entrances or within the park. Bus Route 33 (Belmont Crosstown) operates on West Belmont Avenue along the south edge to Roeding Regional Park. Route 33 has an eastbound stop on West Belmont Avenue near the park entrance at North Delno Avenue and a westbound stop within the park, approximately 100 yards from the zoo entrance. Route 33 operates on weekdays between 6:00 a.m. and 8:00 p.m. at 30-minute intervals and on weekends between 8:00 a.m. and 7:00 p.m. at 60-minute intervals. Bus Route 35 (Olive Crosstown) operates on West Olive Avenue along the north edge of Roeding Regional Park. Route 35 has an eastbound stop and a westbound stop near the West Olive Avenue park entrance. Route 35 operates on weekdays between 6:00 a.m. and 10:00 p.m. at 30-minute intervals and on weekends between 7:00 a.m. and 7:00 p.m. at 45-minute intervals. The Master Plans Project would not result in bus capacity issues, according to FAX, because of the limited demand for boarding in the area and a majority of the stops near Roeding Regional Park are near the end of the routes. Therefore, implementation of the proposed Master Plans Project will have a less than significant impact on Fresno Area Express (FAX) operations. (RDEIR p. 8-30.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in *less-than-significant* impacts to transportation and traffic with respect to: impacts on roadways in 2014; impacts on roadways in 2030; increase in hazards due to the location of the tollboth at the Golden State Boulevard entrance; hazards to visitors/pedestrians in areas that do not have sidewalks; and impacts to the Fresno Area Express (FAX) bus lines.

7. Parking

a. Impacts

Impact 9.1: The Proposed Master Plans Project will provide parking stalls to adequately accommodate projected parking demand during peak visitor season: As shown in the RDEIR's parking analysis, the project will supply 1,305 on- and off-site parking stalls to meet future peak daily parking demand resulting from full build-out of the Master Plans Project during the peak visitor season (i.e., months of May and June) of 1,137 vehicles. 24 of these stalls will be compliant with the Americans with Disabilities Act ("ADA") standards, which meets the number

required by the ADA. The number of on-site stalls, 1,205, also exceeds the 662 parking spaces required by the City's Zoning Ordinance Parking Requirements. Finally, the continued use of a traffic management plan would be required for special events, but because the Project does not call for an increase in the number of special events over the existing number of special events, no the project would not result in a new impact. Thus, the project would result in *less than significant* parking impacts. (RDEIR pp. 9-4 – 9-5.)

Cumulative Parking Impacts: The proposed Master Plans Project would provide 1,305 onsite and offsite parking spaces for the Roeding Regional Park, Fresno Chaffee Zoo, and Rotary Playland and Storyland. The provision of 1,305 parking spaces exceeds the projected demand of 1,137 parking spaces. The project will provide adequate parking during the peak visitor season and will not contribute to cumulative parking impacts. Therefore, project impacts associated with parking are *less than cumulatively considerable*. (RDEIR p. 22-10.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in *less-than-significant* impacts to parking and cumulative parking.

8. Air Quality

a. Impacts

Impact 10.2: The Master Plans Project construction emissions would be under the SJVAPCD significance thresholds. Short-term construction emissions of criteria air pollutants (i.e., ROG, NOX, PM10, and PM2.5) attributable to the proposed project were estimated using URBEMIS 2007 (version 9.2.4) computer program based on the conceptual construction schedules and related information identified in Recirculated Draft EIR Table 10-6. Estimated construction-generated annual emissions associated with the proposed Master Plans Project are summarized in Recirculated Draft EIR Table 10-10. Based on the modeling conducted, the Master Plans Project would generate maximum annual emissions of approximately 1.34 tons/year of ROG, 4.06 tons/year of NOX, 2.70 tons/year of CO, 2.78 tons/year of PM10, and 0.70 tons/year of PM2.5. Estimated construction-generated emissions would not exceed the SJVAPCD's significance thresholds of 10 tons/year of ROG, 10 tons/year of NOX, or 15 tons/year PM10. Construction-generated emissions of ozone-precursor pollutants (i.e., ROG and NOX) would not be anticipated to result in a significant impact.

In addition, the project is required to comply with SJVAPCD Regulation VIII (Fugitive PM10 Prohibitions). Although not incorporated into the emissions modeling analysis, mandatory compliance with Regulation VIII would further reduce emissions of fugitive dust from the project site, and adequately minimize the project's potential to adversely affect adjacent sensitive receptors to localized PM10 impacts. Although there is no significance threshold for PM2.5, it is a non-attainment pollutant. Compliance with Regulation VIII would reduce emissions of fugitive dust PM2.5 as well. Using a conservative threshold of 10 tons/year, PM2.5

emissions would also be under the threshold and would result in a *less than significant* impact. (RDEIR pp. 10-32 – 10-33.)

Impact 10.3: Project generated increases of criteria air pollutants would not contribute to existing and future non-attainment air quality conditions and would not conflict with or obstruct implementation of applicable air quality attainment plans. Due to the region's non-attainment status for ozone, PM2.5, and PM10, if Master Plans Project generated emissions of either of the ozone precursor pollutants (i.e., ROG and NOX) or PM10 would exceed the SJVAPCD's significance thresholds, then the project would be considered to conflict with the attainment plans. In addition, if the project would result in a change in land use and corresponding increases in vehicle miles traveled, the project may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans.

Predicted long-term operational emissions would not exceed SJVAPCD significance thresholds, nor would the proposed Master Plans result in changes in land use designations that would conflict with the 2025 Fresno General Plan. As a result, the proposed Master Plans Project would not conflict with emissions inventories contained in regional air quality attainment plans or result in a significant contribution, on a project level or cumulative basis, to the region's air quality non-attainment status.

Since the project will comply with all applicable rules and regulations, the project complies with the applicable attainment plans and the State Implementation Plan. In addition, the project's construction would not cumulatively or individually significantly contribute to existing and future nonattainment conditions. As a result, the project's cumulative contribution to regional air quality conditions would be considered *less than significant*. (RDEIR pp. 10-33 – 10-35.)

Impact 10.4: Net increases of operational ozone-precursor and particulate matter pollutants from Master Plans Project improvements would not exceed San Joaquin Valley Air Pollution Control District significance thresholds. Long-term operational emissions of criteria air pollutants (i.e., ROG, NOX, PM10, and PM2.5) attributable to the proposed Master Plans Project were estimated using URBEMIS 2007 (version 9.2.4) computer program. The URBEMIS computer program is designed to model stationary, area, and mobile-source emissions for land use development projects. Modeling was conducted for near-term (i.e., year 2014) and buildout (year 2030) conditions. Modeling was conducted based on the default parameters contained in the model for Fresno County and vehicle trip generation rates obtained from the transportation analysis prepared for this project. Predicted annual emissions were adjusted to reflect total emissions associated with weekday and weekend vehicle trip generation. Predicted increases in project-generated emissions were calculated based on a comparison of predicted emissions, with and without implementation of the proposed project. However, the traffic analysis prepared for this project does not differentiate between projected increases in traffic volumes that would occur without project implementation those that would occur with project implementation. Therefore, to ensure a conservative analysis, predicted increase in vehicle traffic volumes for the

future scenario years, in comparison to existing traffic volumes, were assumed to be attributable to the proposed project. Estimated annual emissions are summarized in Recirculated Draft EIR Table 10-11.

Based on the modeling conducted, estimated increases in operational emissions associated with the proposed Master Plans Project would be predominantly associated with increases in vehicle trips to and from the site. Mobile-source emissions are expected to gradually decrease in future years due to projected improvements in vehicle emissions standards. Based on the conservative assumption that total predicted increases in vehicle trip generation would be attributable to the proposed project improvements, implementation of the proposed project would result in maximum increases of approximately 2.3 tons/year of ROG, 4.2 tons/year of NOX, 26 tons/year of CO, 4.2 tons/year of PM10, and 0.9 tons/year of PM2.5. Predicted increases in emissions of ROG and NOX would not exceed corresponding SJVAPCD-recommended significance thresholds of 10 tons/year, nor would predicted increases of PM10 exceed the SJVAPCD recommended significance threshold of 15 tons/year. Although there is no significance threshold for PM2.5, it is a non-attainment pollutant. Using a conservative threshold of 10 tons/year, PM2.5 emissions would also be under that threshold and would result in a less than significant impact. As a result, the impact of the project's long-term operations is considered *less than significant*. (RDEIR pp. 10-35 – 10-36.)

Impact 10.5: Predicted localized mobile-source CO concentrations resulting from the Master Plans Project will not exceed applicable ambient air quality standards. The SJVAPCD has established that preliminary screening can be used to determine with fair certainty that the effect a project has on any given intersection would not cause a potential CO hotspot. Therefore, the SJVAPCD has established that if neither of the following criteria are met at all intersections affected by the developmental project, the project can be said to have no potential to create a violation of the CO standard:

- A traffic study for the project indicates that the Level of Service (LOS) on one or more streets or at one or more intersections in the project vicinity will be reduced to LOS E or F; or
- A traffic study indicates that the project will substantially worsen an already existing LOS F on one or more streets or at one or more intersections in the project vicinity.

If either of the above criteria can be associated with any intersection affected by the project, the applicant/consultant would need to conduct a CO Protocol Analysis to determine significance.

Using the CALINE4 model, potential CO hot spots were analyzed at the intersections meeting the criteria listed above and are contained in Recirculated Draft EIR Table 10-12. The methods follow those in the CO Protocol. Based on the modeling conducted, predicted maximum 1-hour and 8-hour CO concentrations would not exceed the more stringent CO State standard. Because traffic volumes and traffic flow conditions at other intersections and during

other periods of the day would be anticipated to be less than those used for this modeling, predicted CO concentrations at other locations would, likewise, not be anticipated to exceed applicable air quality standards. As a result, the Master Plans Project's contribution to localized concentrations of mobile-source CO would be considered less than significant and concentrations of CO at project impacted intersections would not exceed the ambient air quality standards and would, therefore, be *less than significant*. (RDEIR pp. 10-37 – 10-38.)

Impact 10.6: Implementation of the Master Plans Project will not result in increased exposure to toxic air contaminants and would not expose sensitive receptors to substantial pollutant concentrations. The SJVAPCD significance threshold for toxic air contaminants is as follows:

- Exposure to toxic air contaminants (TAC) would be considered significant if the probability of contracting cancer for the Maximally Exposed Individual (i.e., maximum individual risk) would exceed 10 in 1 million or would result in a Hazard Index greater than 1.

Particulate exhaust emissions from diesel-fueled engines (diesel-exhaust PM or DPM) were identified as a TAC by the ARB in 1998. Implementation of the proposed Master Plans Project would result in the generation of diesel PM emissions during construction from the use of offroad diesel equipment for site grading and excavation, paving, demolition, and other construction activities. Health-related risks associated with diesel-exhaust emissions are primarily associated with longterm exposure and associated risk of contracting cancer. For residential land uses, the calculation of cancer risk associated with exposure to TACs is typically calculated based on a 70-year period of exposure. The use of diesel-powered construction equipment for the proposed project, however, would be temporary and episodic and would occur over a relatively large area. Equipment may be in operation while visitors are at the park and/or zoo; however, the visitors would be onsite for a short time period. The Office of Environmental Health Hazard Assessment's Air Toxics Hot Spots Program Guidance Manual contains guidance for assessing exposure over 9 years. The visitors would not be onsite for 9 years. The California Air Pollution Control Officers Association's document, Health Risk Assessments for Proposed Land Use Projects, indicates, "This guidance does not include how risk assessments for construction projects should be addressed in CEQA. As this is intended to be a 'living document,' the risks near construction projects are expected to be included at a later time as the toxic emissions from construction activities are better quantified. State risk assessment policy is likely to change to reflect current science, and therefore this document will need modification as this occurs." For these reasons, diesel-exhaust PM generated by project construction, in and of itself, would not be expected to create conditions where the probability of contracting cancer is greater than 10 in 1 million for nearby receptors.

Construction would also emit criteria pollutants such as PM10, PM2.5, and nitrogen dioxide. However, these emissions would be relatively low and are not anticipated to be at a level to result in a significant impact. Health risks associated with short-term construction activities would be considered *less than significant*.

Implementation of the proposed Master Plans Project would not result in the installation of any major onsite stationary sources of TACs. In addition, no major stationary sources of TACs have been identified within one-half mile of the proposed project site. However, the project site is located adjacent to State Route 99 (SR99), which extends in a north-south direction along the western boundary of the site. Diesel-powered trucks traveling along the adjacent segments of SR99 are a source of diesel-exhaust PM. Traffic volumes along the adjacent segment of SR-99 average approximately 124,000 vehicles per day. As a result, SR99 is defined as a major transportation corridor (i.e., greater than 100,000 vehicles per day) that could potentially adversely affect sensitive land uses located within approximately 500 feet of the roadway. Over time, implementation of the Master Plans Project could result in an increase in the number of FAX and school buses traveling to and from the onsite facilities. However, as previously discussed, these sources are subject to existing regulatory requirements that would substantially reduce diesel-exhaust PM emissions from these on-road sources. In accordance with current regulatory requirements, transit operators are required to achieve overall fleet emission reductions of approximately 85 percent by year 2009. Emissions from these sources are projected to continue to decline in future years with continued implementation of the ARB's Diesel Risk Reduction Plan and introduction of newer more efficient fleet vehicles. In comparison to existing conditions, emissions associated with future increases in transit use would be largely offset by reductions in transit-related emissions required by existing regulations, as well as continued improvements in emissions technology and ongoing replacement of transit fleet vehicles.

For the evaluation of proposed development projects, the SJVAPCD recommends that a more detailed exposure assessment be prepared for newly proposed or relocated sensitive land uses that are located within 500 feet of a major transportation corridor, in accordance with recommendations identified in the ARB's Air Quality and Land Use Handbook (refer to Table 10-5.) Roeding Regional Park, Rotary Playland and Storyland, Lake Washington, and the Fresno Chaffee Zoo are considered sensitive receptors. Existing project site land uses located within 500 feet of SR99 include the existing Rotary Playland and Storyland, Lake Washington, and the western-most portion of Roeding Regional Park. The Fresno Chaffee Zoo is not within 500 feet of SR99. Implementation of the proposed Master Plans Project would result in expansions of Rotary Playland and Storyland, both of which would occur within 500 feet of SR99, and the potential use of some of the westernmost portion of Roeding Regional Park for open festivals and a dog park. The relocated park maintenance facility would also be located within the westernmost portion of Roeding Regional Park. It can also be expected that more people will visit the Rotary facilities and use the park because of the project. Neither expansion of the Rotary facilities nor development of the park projects would result in people being exposed on a long-term basis to mobile-source emissions from SR99. Most Rotary employees are part-time, and people visit these facilities only occasionally and then for only a few hours. For these reasons and based on conversations with SJVAPCD staff, further assessment of increased exposure to TACs would not be warranted. For the above discussed reasons, long-term operation of the proposed project would not be anticipated to result in an incremental increase in the exposure of sensitive land uses to toxic air contaminants that would exceed SJVAPCD-recommended

significance threshold of 10 in one million. As a result, this impact is considered *less than significant*.

No major stationary sources of TACs have been identified in the project area. SR99, which is located adjacent to and west of the project site, is considered a major source of diesel-exhaust PM due to heavy-duty diesel fueled trucks traveling along this corridor. However, implementation of the proposed project would not result in an increase in diesel-fueled trucks along this corridor. In comparison to existing conditions, emissions associated with future increases in transit use would be largely offset by reductions in transit-related emissions required by existing regulations, as well as, continued improvements in emissions technology and the ongoing replacement of transit fleet vehicles. Consequently, implementation of the proposed project would not result in a cumulative contribution to existing TAC concentrations in the project area.

As discussed in the previous impact sections, the project would emit criteria pollutants and greenhouse gases during construction and operation. Although the EPA found that greenhouse gases endanger public health or welfare, exposure from greenhouse gases does not result in direct health effects.

Operation of the project could attract more people to the zoo and park; thereby potentially increasing the emissions from motor vehicles. However, the project also involves increasing pedestrian and bicycle accessibility, reducing its emissions profile, which could encourage people to use alternative transportation to get to the zoo and would reduce onsite emissions from motor vehicles. The criteria pollutants emitted by the project would not be substantial and would be below the SJVAPCD significance thresholds. Therefore, sensitive receptors would not be exposed to substantial pollutant concentrations and this impact is *less than significant*. (RDEIR pp. 10-38 – 10-40.)

Impact 10.7: Implementation of the Master Plans Project will not result in an increased exposure to odorous emissions. The SJVAPCD recommends the following for addressing odorous emissions:

- Odor impacts associated with the proposed project would be considered significant if the project has the potential to frequently expose members of the public to objectionable odors. For projects locating near a source of odors where there is no nearby development that may have filed complaints, and for odor sources locating near existing sensitive receptors, the SJVAPCD requires the determination of potential conflict to be based on the distance and frequency at which odor complaints from the public have occurred in the vicinity of a similar facility. For existing odor sources, a significant impact would occur if the existing facility has: (1) more than one confirmed complaint per year; or (2) three unconfirmed complaints averaged over a three year period.

The construction of the proposed Master Plans Project would result in diesel-exhaust emissions from on-site diesel equipment and evaporative emissions associated with the use of architectural coatings. Emissions from such sources may be considered objectionable to some individuals. However, emissions associated with short-term construction activities would be intermittent and temporary and would dissipate rapidly from the source with an increase in distance. As a result, substantial reoccurring emissions of odors during construction would not be anticipated to occur. Therefore, construction activities would not be anticipated to generate odors that would affect a substantial number of people and would be a less than significant impact.

According to the SJVAPCD, no odor complaints have been received pertaining to existing onsite operations. No existing odorous emission sources are located in the vicinity of the proposed Master Plans Project site. In addition, the long-term operation of the proposed project would not involve the use of any major odor emission sources. Any new exhibits at the zoo would involve best management practices to reduce potential odors. Consequently, long-term operation of the proposed project would not be anticipated to result in the creation of or frequent exposure to an objectionable odor. Increased exposure of individuals to odors would, therefore, be considered *less than significant*. (RDEIR 10-40 – 10-41.)

Impact 10.8: Implementation of the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable national or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). The SJVAPCD Guidelines (2002) sets forth guidance for the analysis of a project's cumulative air quality impacts. As discussed in Impact 10.3, the project is consistent with the applicable air quality attainment plans. The air quality attainment plans address the air quality of the basin as a whole and attempt to achieve attainment of the ambient air quality standards. Therefore, because the project would not impede the air quality attainment plans efforts to reduce the cumulative condition, the project would not result in a cumulative impact.

As discussed in Impact 10.2, the project would not result in a project-specific impact from construction related emissions. Therefore, the project would not cumulatively contribute to an exceedance of the criteria pollutants during construction. The project would be required to comply with the SJVAPCD Indirect Source Review (ISR). To reduce construction emissions, ISR requires a reduction of 20 percent NOX emissions and 45 percent PM10 exhaust emissions. ISR also requires a 33.3 percent reduction of the project's operational baseline NOX emissions over a period of ten years, which equates to an approximate 25 percent reduction in the first year. ISR requires a reduction of 50 percent of the project's operational baseline PM10 emissions over a period of ten years. These emission reductions can be met through a combination of on-site measures or off-site fees.

Operational annual emissions with approximate ISR reductions are summarized in Recirculated Draft EIR Table 10-13. As shown in Table 10-13, operational emissions would not exceed the SJVAPCD recommended thresholds; according to the SJVAPCD Guidelines, because emissions would be under the thresholds, there would be a less than significant cumulative

impact. In other words, emissions below the threshold would not be cumulatively considerable. Operational emissions of ROG and NOX decline in future years accounting for growth because as time goes on, the older vehicles will be retired and new cleaner vehicles will be placed in service. New vehicles have fewer emissions due to advances in technology and compliance with increasingly stringent emission control standards.

The SJVAPCD 2007 Ozone Plan calls for a 75 percent reduction in NOX and a 25 percent reduction in ROG. The 2007 Ozone Plan states that reducing ROG emissions will not change the fact that NOX emissions in the SJVAB will need to be reduced to 160 tons per day. The project's emissions of NOX in 2014, with ISR and mitigation measure reductions, are approximately 0.008 tons per day, or 0.005 percent of the emissions that are needed to bring the SJVAB into attainment for 8-hour ozone. Furthermore, Rule 9510 provides a defined emission reduction amount in the 2007 Ozone Plan and the 2003 PM10 Plan to mitigate the cumulative impact of new development on these pollutants. Therefore, projects that comply with Rule 9510 will not interfere with plans to attain air quality standards.

In addition, the project is incorporating various project design features that would reduce greenhouse gases, some of which would also reduce criteria pollutants (identified under Impact 10.1). The enhanced zoo and park will attract local residents and provide local recreational activities for residents, thereby decreasing the vehicle miles that would be traveled to go to a farther recreational opportunity for families. The emissions in this analysis were estimated by assuming that all future growth in trips to the zoo/park would be attributable to the improvements that make up the project. The improvements may reduce vehicle miles traveled to other family destinations by providing improved local recreational facilities.

In summary, ozone precursor emissions and particulate matter emissions would not cumulatively combine with other sources of pollutants to cause or significantly contribute to an exceedance of the ambient air quality standards. If not controlled, the combined emissions of many projects can cumulatively contribute to higher ozone levels that can lead to health impacts. However, ozone is being controlled through numerous controls on sources of ozone precursors. Therefore, the health impacts from ozone in the SJVAB will continue to decline even with the approval of the proposed Master Plans project.

As noted in Impact 10.5, based on CO modeling conducted, implementation of the proposed Master Plans Project would not be anticipated to contribute to cumulative localized concentrations of CO that would exceed applicable ambient air quality standards.

As a result, the proposed project's cumulative contribution to local air quality conditions would be considered *less than significant*. (RDEIR pp. 10-41 – 10-43.)

Impact 10.9: The Project would not be significantly affected by climate change consequences. Research has indicated that climate change could result in damaging consequences in California such as a reduced water supply, increased wildfires, increased flooding, and increased heat waves. The project would not be significantly impacted by those climate change consequences. First with respect to water supply, a vast network of man-made

reservoirs and aqueducts captures and transports water throughout the state from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snowpack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snowpack, increasing the risk of summer water shortages. One of the major impacts of climate change is a loss of natural snowpack, particularly the Sierra Nevada snowpack. Snowmelt provides an annual average of 15 million acre-feet of water, released between April and July each year (Department of Water Resources 2008). The California Department of Water Resources projects that the Sierra snowpack will experience a 25 to 40 percent reduction from its historic average by 2050. Climate change is also anticipated to bring warmer storms that result in less snowfall at lower elevations, reducing the total snowpack. The project would obtain a portion of its water from the Sierra snowpack. Therefore, it is possible that impacts from climate change could deplete the project's water supply. However, water conservation measures in Mitigation Measure 10.1(b) would reduce the project's water demand. This impact is *less than significant*.

Second, with respect to wildfires, climate change could result in increased wildfires throughout the State. However, the project is in an suburban area surrounded by existing development. Therefore, impacts from the potential increase in wildfires from climate change is *less than significant*.

Third, with respect to flooding the combination of increasingly severe winter storms, rising mean sea levels, other climactic fluctuations like El Niño, and high tides is expected to cause more frequent and severe flooding, erosion, and damage to coastal structures. Many California coastal areas are at significant risk for flood damage. However, as discussed in Recirculated Draft EIR Chapter 14, Hydrology and Water Quality, Impact 14.2, potential flooding impacts are less than significant. Therefore, any increase in flooding as a result of climate change is *less than significant*.

Fourth, another potential climate change impact is an increase in heat waves. The project may attract more visitors and may increase the number of animals on the site. The project will have an increased number of buildings, which would allow visitors to enter a cool location to escape any dangerously high temperatures. In addition, any new animals would be taken care of by the zoo personnel to ensure that they are not damaged by high temperatures. Therefore, this impact is *less than significant*.

Cumulative Greenhouse Gas Emissions: The Master Plans Project could potentially generate greenhouse gas emissions that could be considered significant. Mitigation measures are proposed to achieve more than a 29-percent reduction which is SJVAPCD's performance standard. Therefore, the project's contribution of greenhouse gas emissions is *less than cumulatively considerable*. (RDEIR p. 22-11.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in *less-than-significant* impacts to air quality with respect to: Project-generated criteria air

pollutants; net increases of operational ozone-precursor and particulate matter pollutants; increased exposure to toxic air contaminants; increased exposure to odorous emissions; cumulative impacts from the emission of criteria air pollutants; impacts on the Project from the effects of climate change; and cumulative greenhouse gas emissions.

9. Noise

a. Impacts

Impact 11.2: Construction-generated noise would result in increased levels, however, these levels would not expose sensitive noise receptors to noise levels in excess of applicable standards or result in a substantial temporary or periodic increase in ambient noise levels that would cause harm to individuals. Implementation of the proposed Master Plans project would include the construction of various features, including a proposed storm water drainage basin, animal exhibits, roadways, pedestrian pathways, new event and interpretive structures; as well as, construction of a new zoo maintenance yard, and redevelopment of various existing features and structures, such as parking lots, picnic areas, Rotary Playland, and Storyland would also occur. The nearest noise-sensitive land uses in the vicinity of the proposed Master Plans project site consist of residential dwellings located near the northwestern boundary of the project site, along NW Avenue, to the east of the project site, across Golden State Boulevard, and to the south of the project site, across Belmont Avenue. Predicted construction-generated noise levels at the nearest residential land uses associated with some of the more construction-intensive features of the proposed Master Plans project were calculated and are summarized in Table 11-12. As depicted in Table 11-12, the highest predicted construction-generated noise levels would be associated with the construction of the proposed storm water drainage basin, which would be located adjacent to and south of Belmont Avenue, between Teilman Avenue and Pacific Avenue. Noise levels at residential dwellings located near the proposed storm water drainage basin could reach levels of approximately 85 dBA Leq/Lmax. Predicted noise levels at the nearest residential dwelling located north the proposed Park Maintenance Facility could reach levels of approximately 81 dBA Leq/Lmax. Construction-generated noise levels at other nearby residential land uses would range from approximately 62 to 69 dBA Leq/Lmax. The proposed project includes hourly restrictions for construction activities, in accordance with the City's noise ordinance standards that restrict construction activities to daytime hours of 7 a.m. to 10 p.m., excluding Sundays, and emergency work. Even though noise-generating construction activities would comply with the City's noise ordinance, a review of the potential for the noise levels to cause physical harm was conducted. The predicted noise levels at nearby noise-sensitive land uses of a maximum of 85 dBA Leq/Lmax which would not exceed levels typically recognized as causing physical harm (e.g., 90 dBA over an 8 hour period of exposure to 115 dBA over 15 minutes or less period of exposure). Therefore, noise levels during construction activities would result in *less than significant* noise impacts to the existing surrounding uses. (RDEIR 11-25 – 11-27.)

Impact 11.3: Implementation of the Master Plans Project would not result in a substantial permanent increase in transportation noise levels at noise-sensitive land uses.

Predicted increases in traffic noise levels for weekday (i.e. worst-case) conditions are depicted in Recirculated Draft EIR Table 11-13. Increases in traffic noise is considered significant if the project would result in a substantial permanent increase in noise levels at noise sensitive land uses and exceed applicable outdoor noise standards established by the City of Fresno. Both criteria must be met for an impact to constitute a “significant” noise impact. Based on the modeling conducted for near-term year 2014 conditions, traffic noise levels along area roadways, without project implementation, would range from approximately 58.28 to 64.62 dBA Ldn/CNEL at 50 feet from the centerline of the near travel lane. With project implementation, near-term increase in traffic noise levels along these same roadway segments would range from 0.02 to approximately 1.05 dB. No increases in traffic noise levels would be predicted to occur along Olive Avenue, from the site access to Golden State Boulevard. Under future year 2030 conditions, traffic noise levels along area roadways, without project implementation, would range from approximately 60.71 to 67.71 dBA Ldn/CNEL at 50 feet from the centerline of the near travel lane. With project implementation, future increase in traffic noise levels along these same roadway segments would range from 0.17 to approximately 1.05 dB. Because none of the traffic noise increases for 2014 and 2030 exceeded 1.5 dBA, a substantial permanent increase in noise levels would not occur. Therefore, a review of the second criteria for a significant noise impact which is an exceedance of applicable outdoor noise standards is not required. The proposed project would result in a *less than significant* noise impact. (RDEIR pp. 11-27 – 11-28.)

Impact 11.4: The on-site and offsite structures nearest to the proposed construction activities would not be exposed to excessive groundborne vibrations. For transient sources of vibrations (i.e., a single isolated vibration event, such as blasting or drop balls), a peak particle velocity (ppv) threshold of 0.5 inches per second (in/sec) is sufficient to avoid structure damage for most buildings, including modern industrial/commercial buildings, new residential structures, older residential structures, as well as many historic and some old buildings (see Recirculated Draft EIR Table 11-8). For the protection of “fragile” structures, a more conservative threshold for transient sources of 0.2 in/sec ppv is typically recommended. This same threshold typically represents the level at which vibrations would be “distinctly perceptible” to humans (see Recirculated Draft EIR Table 11-9).

The standards for continuous/frequently intermittent sources (including impact pile drivers, pogo-stick compactors, crack-and-seat equipment, and vibratory compaction equipment) are lower. For example, a ppv threshold of 0.5 in/sec ppv is recommended to avoid structure damage for modern industrial/commercial buildings and new residential structures, while a threshold of 0.3 ppv is recommended for older residential structures. For the protection of fragile structures, a more conservative threshold of 0.1 in/sec ppv is typically recommended (see Recirculated Draft EIR Table 11-8).

Based on the foregoing standards, long-term operational activities associated with the Master Plans Project would not involve the use of any equipment or processes that would result in potentially significant levels of ground vibration. Increases in ground-borne vibration levels attributable to the proposed project would be primarily associated with short-term construction-

related activities. Ground-borne vibration levels associated with construction equipment are summarized in Recirculated Draft EIR Table 11-14. Based on the vibration levels presented in Table 11-14, ground vibration generated by construction equipment would be less than 0.09 inches per second ppv at 25 feet. Given that the nearest off-site structure would be located in excess of 25 feet from construction activities, predicted vibration levels at the nearest off-site structures would not be anticipated to exceed even the conservative threshold for “fragile” buildings 0.2 in/sec ppv for transient sources of vibrations, or the conservative threshold of 0.1 in/sec ppv for continuous/frequently intermittent sources. As a result, potential structural damage to nearby existing structures, as well as increased levels of annoyance to occupants of nearby structures, would be considered *less than significant*. (RDEIR pp. 11-29 – 11-30.)

Cumulative Noise impacts under Year 2014 traffic conditions: Predicted increases in future cumulative traffic noise levels at the outdoor activity areas of these nearest residential land uses are summarized in Recirculated Draft EIR Table 22-1. Under future year 2014 conditions, in comparison to existing traffic noise levels, with project implementation, would range from approximately 0.42 to 1.38 dBA at 50 feet from the near-travel-lane centerline. Under future cumulative Year 2014 conditions, impacts to noise-sensitive land uses located along these roadway segments from traffic noise levels in comparison to existing conditions would be *less than cumulatively considerable*. (RDEIR pp. 22-11 – 22-14.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in *less-than-significant* impacts to noise impacts with respect to: construction-generated noise; substantial permanent increases in transportation noise levels; groundborne vibrations; and cumulative noise impacts from traffic in the 2014 condition.

10. Water Supply

a. Impacts

Impact 12.1: Implementation of the Master Plans Project would result in an increase in demand for water on the project site. Implementation of the Master Plans Project will result in an increase in demand for water on the project site. Recirculated Draft EIR Table 12-1 provides the existing and projected water consumption for the project site. As shown in Table 12-1, the estimated water use at the project site for the year 2014 is projected to increase to 455 AFY (0.41 mgd) which represents an approximately 5 percent increase in water use compared to existing demand. For the year 2030, the estimated water demand on the project site is projected to be 495 AFY (0.45 mgd) which represents an approximately 15 percent increase in water use compared to existing demand. The proposed project’s increase water demand of 64 AF/YR was not specifically accounted for in the growth scenario analyzed in the UWMP; however, general growth within the City was accounted for and the Proposed Master Plans could be considered part of the City’s general growth. The City of Fresno’s 2008 Urban Water Management Plan forecasts the total water supplies available for all users to increase from 157,600 AF/YR in 2005 to 249,000 AF/YR in 2030. The UWMP states that the total water demand for 2030 based on

growth projections is 276,700 which is approximately 10 percent greater than the projected available water supplies. To ensure that total water supplies are not exceeded by total water demand, the UWMP identifies the need for demand management measures that include conservation programs. These water conservation programs are projected to reduce demand by approximately 10 percent so that water demand does not exceed available supply in the future. As a result, the City has sufficient available water supply to serve the Proposed Master Plans Project. Given that the water demand of the Proposed Master Plans Project is consistent with the City's projections for water demand due to growth projections within their service area, the proposed project would result in a *less than significant* impact on the City of Fresno's water supplies. (RDEIR 12-2 – 12-4.)

Impact 12.2: Implementation of the Master Plans Project would not result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The proposed domestic water service for the Master Plans Project has five points of connection with the City of Fresno's potable water distribution system (see Recirculated Draft EIR Figure 2-8). Two connections are to a 12-inch water main located in Olive Avenue. The remaining three connections are to a 12-inch water main located in Belmont Avenue. Two of the connections to the Belmont Avenue water main already exists; however, one of the existing connections will be removed. Therefore, the project will require four new connections. The existing 8-inch water main connection will be abandoned and replaced by a new 12-inch water main. The existing 8-inch water main installed in 2001 is being abandoned because its location conflicts with new buildings and landscape plantings proposed under the Master Plans Project. New water mains installed to replace this water main (including the proposed 12-inch main) will be owned, operated, and maintained by the City of Fresno PARCS Department. The proposed system, which will consist of 12-inch and 10-inch mains within the park, will provide 2,000 gallons per minute fire flow to 9 fire hydrants located throughout the park. Five of the hydrants will be located adjacent to the zoo. The proposed locations of the fire hydrants are depicted on Figure 2-8 in Chapter 2, Project Location and Description. Each fire hydrant will have at least two connections to the City's water main system and will provide overlapping coverage for a 600-foot radius around each hydrant. The City's water main grid system typically provides potable water in sufficient quantities at 35 to 60 psi. The Master Plans' system will also provide flow to building fire suppression systems and for domestic and landscape irrigation uses at the Roeding Regional Park, the Fresno Chaffee Zoo, and Rotary Playland and Storyland. Implementation of the proposed water distribution system will occur as different phases of the Master Plans Project are constructed. The Proposed Master Plans Project will result in the construction of new water facilities as well as the relocation of existing water facilities within Roeding Regional Park. The construction of the new water facilities and relocation of existing water facilities will contribute to the project's potential impact on cultural resources, aesthetics due to tree removal, biological resources, air quality, and noise. These environmental impacts are addressed in Recirculated Draft EIR Chapter 4, Cultural Resources; Chapter 5, Aesthetics; Chapter 6, Biological Resources; Chapter 10, Air Quality; and Chapter 11, Noise. No additional impacts beyond those addressed in the other Chapters of the EIR would occur. Therefore, additional environmental impacts associated with the construction

of the new water facilities and relocation of existing water facilities would not occur, and these impacts are considered to be *less than significant*. (RDEIR pp. 12-4 – 12-5.)

Cumulative water supply impacts. As described under Impact 12.1, the Master Plans Project would have less than significant impacts on the City of Fresno’s water and sewer systems. And the project’s impact on the City’s water supply will be *less than cumulatively considerable* as it relates to other development in the General Plan area. (RDEIR p. 22-16.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in *less-than-significant* impacts to demand for water supply, impacts resulting from the construction of new water facilities, and cumulative impacts to water supply.

11. Public Services and Utilities—Wastewater

a. Impacts

Impact 13.1: The Master Plans Project will generate wastewater from the project site, however, there is adequate treatment capacity to serve the project's demand. Implementation of the Master Plans Project will generate the demand for sanitary sewer service generated by Roeding Regional Park including the PARCS Facility, Rotary Playland and Storyland, and the Fresno Chaffee Zoo. The demand will result primarily from the required maintenance of an increased number of zoo animal exhibits and the projected increased number of visitors to the park, zoo, and Rotary facilities. The current estimated average daily demand at the project site is 0.10 million gallons per day (mgd) as shown in Recirculated Draft EIR Table 13-1. However, as shown in Table 13-1, the estimated wastewater generation at the project site for the year 2014 is projected to decrease to 0.07 mgd, which represents a 30 percent reduction in the generation of wastewater compared to the existing generation. The primary reason for the decrease in the generation of wastewater is the planned substantial reduction in the generation of wastewater from the Fresno Chaffee Zoo Exhibit pool water. For the year 2030, the estimated wastewater generation at the project site is projected to decrease to 0.09 mgd, which represents a 10 percent reduction in the generation of wastewater compared to the existing generation.

Wastewater generated at the project site is currently conveyed to the City of Fresno Regional Wastewater Treatment Plant (WWTP). The WWTP currently has an average daily flow of 68 mgd and a capacity of 88 mgd. Therefore, the WWTP currently has 20 mgd of remaining capacity. The project’s anticipated decrease in wastewater generation from the project site will not affect the treatment capacity at the WWTP. Therefore, the generation of wastewater by the proposed Master Plans will result in a *less than significant* project impact on the WWTP. (RDEIR pp. 13-3 – 13-4.)

Impact 13.2: The Master Plans Project will require construction of new sanitary sewer improvements to serve the Project, however, the construction of these improvements would not cause significant environmental effects. The proposed sewer system for the Master Plans Project

is designed to provide pipeline capacity that will convey wastewater from the park, zoo, and Rotary facilities to one of two primary sewer mains (see Recirculated Draft EIR Figure 2-9). The Master Plans Project would result in the removal of much of the existing sewer pipe within Roeding Regional Park due to the improper alignment and sizing of the pipe to accommodate the proposed Master Plans Project and the need to eliminate the sanitary sewer system from receiving stormwater runoff, which occurs with the existing sewer system. Approximately 9,400 lineal feet of existing sewer mainline ranging in diameter from 42 inches to 6 inches would be removed and replaced with 8,000 lineal feet of new sewer mains. Approximately 3,400 lineal feet of existing sewer mainline would be retained. Under the Master Plans, most of Roeding Regional Park would discharge into the existing 42-inch trunk sewer. This line has capacity to accommodate flows anticipated by the uses within the Master Plans Project and downstream users. Discharge to the existing 10-inch collector under the Master Plans would be limited in order to provide capacity for downstream users. The new Master Plans mainline pipelines are designed to convey the estimated average daily flow for the site with the pipes half-full and the peak daily flow with the pipes 80-percent full. Removal and replacement of portions of the existing 42-inch Trunk Sewer will be required to realign the pipeline around the outside of the proposed zoo construction area. The trunk sewer will require by-pass pumping to keep the pipeline in service during the construction period. Connections to the existing and realigned portions of the 42-inch Trunk Sewer and the 10-inch collector will require the approval of the City of Fresno Department of Public Utilities. The realigned portions of the 42-inch Trunk Sewer will be constructed using poly-vinyl chloride (PVC) lined concrete pipe. New sewer main pipelines for the zoo may be constructed using solid wall PVC pipe that meets the City of Fresno Standard Specifications and Drawings. Sewer manholes will be constructed at angle points in the onsite sewer mains and at intervals not to exceed 500 feet. Cleanouts will not be allowed to be used in lieu of manholes. As discussed in Chapter 14, Hydrology and Water Quality, stormwater flows will be directed to the proposed stormwater system and not to the sewer collection system. Implementation of the proposed sewer facilities will take place as different phases of the Master Plans are constructed. The design and construction of wastewater collection system improvements will be subject to approval by the City of Fresno Department of Public Utilities. The approval process by the Department of Public Utilities will require compliance with all applicable federal, state, and local standards. The construction of the new sewer facilities and relocation of existing sewer facilities will contribute to the project's potential impact on cultural resources, aesthetics due to tree removal, biological resources, air quality, and noise. These environmental impacts are analyzed in Chapter 4 Cultural Resources, Chapter 5 Aesthetics, Chapter 6 Biological Resources, Chapter 10 Air Quality, and Chapter 11 Noise and mitigation is proposed where appropriate. No additional impacts, beyond those addressed in the other Chapters of the EIR, would occur. Therefore, the construction of the new sewer facilities and relocation of existing sewer facilities would result in *no additional or significant* environmental impacts. (RDEIR pp. 13-4 – 13-5.)

Impact 13.3: The Master Plans Project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. The quantity of wastewater that is conveyed from the project site to the WWTP is projected to decrease. The constituents as well as the concentrations of the constituents associated with the wastewater are

not expected to substantially change. Currently, the WWTP operates under a Waste Discharge Requirement issued by the Central Valley Regional Water Quality Control Board. The discharge requirement governs most of the plant operations, including the quantity of wastewater that may be treated, quality of treated wastewater, operation of the infiltration basins, testing and monitoring, and reporting. The implementation of the proposed Master Plans will decrease wastewater flows to the WWTP by 0.03 mgd in 2014 and by 0.01 mgd in 2030. Therefore, the proposed Master Plans Project will not impact the remaining 20 mgd capacity available at the WWTP. Since the proposed project will result in similar constituents and concentration of constituents such as Biological Oxygen Demand and Total Suspended Solids the wastewater treatment requirements of the applicable Regional Water Quality Control Board would not be exceeded because the remaining treatment capacity would not be impacted. This is a *less than significant* impact. (RDEIR p. 13-6.)

Cumulative Wastewater impacts. The Master Plans Project would have less than significant impacts on the City of Fresno's water and sewer systems. The generation of wastewater flow from the project would be less than the current generation and would have no contribution to cumulative impacts on the offsite sewer mains and the regional wastewater treatment plant. Therefore, the project's effects with respect to wastewater is *less than cumulatively considerable*.

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in *less- than-significant* impacts from wastewater generated from the project, from new wastewater facilities, and from cumulative wastewater impacts.

12. Hydrology and Water Quality

a. Impacts

Impact 14.3: The proposed project would not significantly deplete groundwater supplies or interfere with groundwater recharge. The proposed project will increase water demand by 446 AF/YR. Although the proposed project was not specifically accounted for in the growth scenario analyzed in the UWMP; general growth within the City was accounted for, and the Proposed Master Plans could be considered part of the City's general growth. The majority of the City's water is provided by groundwater. The UWMP states that the total water demand for 2030, based on growth projections, is 276,700, which is approximately 10 percent greater than the projected available water supplies. To ensure that total water supplies (i.e., the majority is groundwater) are not exceeded by total water demand, the UWMP identifies the need for demand management measures that include conservation programs. These water conservation programs are projected to reduce demand by approximately 10 percent so that water demand does not exceed available supply in the future. Some of the water conservation programs are currently in place while other programs are projected to be in place as discussed in Chapter 8 of the UWMP. As a result, the City has sufficient available water supply to serve the Proposed Master Plans Project. Given that the water demand of the Proposed Master Plans Project is

consistent with the City's projections for water demand due to growth projections within their service area, the proposed project would result in a less than significant impact on the City of Fresno's water supplies; and therefore, the project would result in a *less than significant* impact on groundwater supplies.

The primary groundwater recharge areas are the FMFCD drainage basins that are located throughout the City of Fresno. The nearest drainage basin to the project site is located south of Belmont Avenue and west of the Union Pacific Railroad. Currently, a portion of the stormwater that is generated on the project site is conveyed to landscape areas of Roeding Regional Park and the remainder of the stormwater is conveyed to the existing sewer system. Implementation of the Proposed Master Plans will include a storm drain system that will convey stormwater to a proposed storm drainage basin. The proposed basin will provide groundwater recharge capabilities. In addition, any potential basin overflow is proposed to be directed to an existing FMFCD storm drain that conveys stormwater to the FMFCD drainage basin system. Because the proposed Master Plans Project will convey stormwater flows to a drainage basin, the project would not interfere substantially with existing groundwater recharge. Therefore, implementation of the proposed Master Plans Project would result in *less than significant* impacts on groundwater recharge. (RDEIR pp. 14-11 – 14-12.)

Impact 14.4: The proposed project would alter the existing drainage pattern of the site or area; however, this alteration would not result in substantial erosion or siltation onsite or offsite. Implementation of the Master Plans Project will increase long-term stormwater runoff from the project site during operational activities. The increase in stormwater flows would be diverted to existing landscape areas or to the proposed storm drain system. Conveyance of stormwater to the existing landscape areas would not result in erosion or siltation onsite since the landscaped areas do not provide exposed dirt areas that could erode. Conveyance of stormwater to the storm drain system would ultimately direct stormwater to the proposed drainage basin. The proposed drainage basin would eliminate the potential for offsite erosion or siltation. Therefore, the Proposed Master Plans would result in *less than significant* onsite or offsite erosion or siltation due to the alteration of the existing onsite drainage pattern. (RDEIR p. 14-12.)

Cumulative impacts to storm drainage system. The Master Plans Project will result in increased storm water runoff, which cannot be accommodated by the existing storm water drainage system. This impact is rendered less than significant by mitigation measures described in Chapter 14, which includes the construction of an off-site drainage basin. The storm drainage system for the project will be designed to handle all project drainage needs, and there will not be any cumulative contribution to other drainage areas. Therefore, the project's effects with respect to storm drainage are *less than cumulatively considerable*. (RDEIR 22-16.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in *less-than-significant* impacts to hydrology and water quality with respect to the

depletion of groundwater supplies or the interference with groundwater recharge, increase in erosion or siltation on or offsite, and cumulative storm drain impacts.

13. Public Services and Utilities – Solid Waste

a. Impacts

Impact 15.1: Implementation of the Master Plans Project will increase local demand for landfill space. Solid waste from the City of Fresno is disposed of in the American Avenue Landfill, operated by the County of Fresno, Department of Public Works and Planning. The landfill has a total capacity of 44.4 million cubic yards and a remaining capacity of 32.1 million cubic yards, with an estimated closure date of December 2043. The average daily tonnage of waste received at the landfill is 2,200 tons per day (CIWMB, 2006 and 2009). Based on an average daily tonnage of 2,200 tons per day for 362 operating days per year, approximately 796,400 tons per year of solid waste is deposited in the American Avenue landfill. Implementation of the Master Plans Project would result in the generation of an additional 449 tons per year of solid waste (City of Fresno, 2009). This amount represents 0.056 percent of the approximately 796,400 tons of waste received per year at the American Avenue landfill. Accordingly, the American Avenue landfill has sufficient permitted capacity to accommodate the disposal needs of the Master Plans Project.

Roeding Regional Park, the Fresno Chaffee Zoo and Rotary Storyland and Playland have had substantial success in implementing City programs geared toward reducing the volume of solid waste sent to landfill facilities. The City of Fresno provides recycling containers throughout each of the facilities. Furthermore, in 2007, the Fresno Chaffee Zoo initiated a waste diversion program whereby the separation of green waste, recyclables, and E-waste from non-diversion waste materials is facilitated through the provision of disposal stations throughout the zoo for each waste type. In recognition of these efforts, the Fresno Chaffee Zoo was awarded an EPA Environmental Award for Outstanding Achievement for Region IX in 2007 and the Mayor's Business Recycling Award in 2008. These efforts will continue with implementation of the Master Plans Project. In addition, the project is subject to a City ordinance adopted in 2005, which requires recycling of construction and demolition materials for any building relocation or demolition project that generates at least 8 cubic yards of material (City of Fresno, Solid Waste Division). The project will continue to comply with State and local waste reduction regulations, policies and programs to reduce the volume of solid waste deposited at the American Avenue landfill. Based on the foregoing, the Master Plans Project's contribution to the overall waste stream and associated demand for landfill space will be *less than significant*. (RDEIR p. 15-2.)

Impact 15.2: The Master Plans project would comply with federal, state and local statutes and regulations related to solid waste. The City of Fresno's existing solid waste diversion rate of 71% is the direct result of numerous waste diversion programs implemented by the City in response to AB 939. The programs such as the three-cart residential program, public outreach and education campaign, commercial recycling programs, construction and demolition waste ordinance, mandatory recycling ordinance, and the Zero Waste Goal have all had the beneficial effect of bringing the City of Fresno into conformance with the mandates of AB 939.