

**California State University, Fresno  
Campus Pointe Project**

**Findings of Fact**

(Pursuant to Sections 21081 and 21081.6 of the Public Resources Code  
and Sections 15091 and 15093 of the CEQA Guidelines)

Revised Environmental Impact Report – November 2011  
(State Clearinghouse Number 2005121164)

## 1.0 INTRODUCTION

This Statement of Findings addresses the environmental effects associated with the California State University, Fresno Campus Pointe Project (project) located on the California State University, Fresno (Fresno State) campus in Fresno, California. These findings are made pursuant to the California Environmental Quality Act (CEQA) under Sections 21081 and 21081.6 of the Public Resources Code and Sections 15091 of the CEQA Guidelines, Title 14, Cal. Code Regs. 15000, et. Seq. The Revised EIR dated November 2011 is comprised of the following documents:

- The Campus Pointe Project Draft EIR (September 2006) [‘DEIR’]
- The Campus Pointe Project Final EIR (February 2007) [‘2007 FEIR’]
- The Campus Pointe Revised EIR (August 2011) [‘REIR’]
- Response to Comments on REIR and Errata dated November 2011

The potentially significant impacts were identified in the foregoing environmental documents, as well as additional facts found in the complete record of proceedings.

Public Resources Code 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The California State University (CSU) Board of Trustees is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines. Section 15091 of the CEQA Guidelines states, in part, that:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
  - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with Public Resource Code 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered

"acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

Section 15093 of the CEQA Guidelines states that:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091. As required by CEQA, the Board of Trustees, in adopting these findings, also adopts a Mitigation Monitoring and Reporting Program for the project. The Board of Trustees finds that the Mitigation Monitoring and Reporting Program, which is incorporated by reference and made a part of these findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

The Final EIR for the project identified potentially significant effects that could result from project implementation. However, the CSU Board of Trustees finds that the inclusion of certain mitigation measures as part of the project approval will reduce most, but not all, of those effects to less than significant levels. Those impacts that are not reduced to less than significant levels are identified and overridden due to specific project benefits in a Statement of Overriding Considerations.

In accordance with CEQA and the CEQA Guidelines, the Board of Trustees adopts these findings as part of its certification of the Final EIR for the project. Pursuant to Section 21082.1(c)(3) of the Public Resources Code, the Board of Trustees also finds that the Final EIR reflects the Board's independent judgment as the lead agency for the project.

## **1.2. Organization and Format of Findings**

Section 1.0 contains a summary description of the project and background facts relative to the environmental review process. Section 2.0 discusses the CEQA finding of independent judgment. Section 3.0 identifies the impacts of the project that were studied in the EIR. Section 3.1 of these Findings identifies the significant impacts of the project that cannot be mitigated to a less than significant level, even though all feasible mitigation measures have been identified and incorporated into the project.

Section 3.2 identifies the potentially significant effects of the project that would be mitigated to a

less than significant level with implementation of the identified mitigation measures. Section 3.3 identifies the project's potential environmental effects that were determined not to be significant and, therefore, do not require mitigation measures. Section 4.0 discusses the feasibility of project alternatives. Section 5.0 discusses findings with respect to mitigation of significant adverse impacts, and adoption of the Mitigation Monitoring and Reporting Program (MMRP).

### 1.3 Summary of Project Description

The Board of Trustees of California State University (lead agency) proposes to develop the Campus Pointe Project adjacent to the main California State University Fresno campus. The proposed project is located adjacent to the southeast corner of the main Fresno State campus northeast of the intersection of Shaw and Chestnut Avenues. The project site is bounded by Shaw Avenue on the south, State Route 168 on the east, undeveloped land south of Barstow Avenue on the north, and Chestnut Avenue on the west.

The project is proposed as a mixed-use development as follows:

Retail	150,000 square feet
Movie Theater	55,000 square feet
Offices/Live Work Lofts	190,000 square feet
Hotel	145,000 square feet (240 rooms)
Senior Housing	180 units
Multi Family Housing (Workforce)	144 units
Multi Family Housing (Basic)	216 units

In addition, the project will provide for 2,980 parking spaces to serve the proposed development. The project will provide for approximately 956,000 square feet of floor space and will accommodate an estimated 1,382 residents.

The exact size and unit counts are expected to vary slightly as project designs are finalized; however, any changes must result in development that is less than or equal to the amounts analyzed in the DEIR. No changes have been proposed or included in project components that have already been constructed that result in an increase in intensity of use or impacts to ensure that there are no substantial new environmental issues or affects.

The Campus Pointe project site is owned by the California State University. The site will be leased to the California State University, Fresno, Association, Inc. which will in turn sub-lease the site to the developer, Kashian Enterprises of Fresno, California.

### 1.4. Project Objectives

CEQA states that the statement of project objectives should be clearly written and define the underlying purpose of the project, in order to permit the development of a reasonable range of alternatives and aid the Lead Agency in making findings.

The proposed project is intended to provide housing for a variety of tenants, and a premier lodging, entertainment, and retail center at Fresno State to serve the campus, the residents of the Fresno/Clovis Metropolitan Area, and Central California. Specifically, objectives of the proposed project are:

1. To support Fresno State's educational mission by providing state-of-the-art hotel, theater, housing, and related academic facilities on campus.
2. To provide a venue for Central California that can host a variety of events currently not available in this region.
3. To provide an on-campus venue for University academic, cultural, and entertainment events that are easily accessible to students, faculty, staff, the Fresno/Clovis community, and regional and statewide patrons.
4. To provide an architectural landmark and economic catalyst for the University and the surrounding nine-county region.

These project objectives guided the plan development and approval process and the identification of physical improvements necessary and appropriate for the CSU Fresno campus to implement its campus mission, values, and vision statement.

### **1.5. Environmental Review Process**

#### **The Campus Pointe Project Draft EIR (2006) ['DEIR']**

In accordance with the requirements of CEQA and the CEQA Guidelines, a Draft EIR was prepared by the California State University, Fresno, to address the potential significant environmental effects associated with the development of the Campus Pointe Project.

To determine the number, scope and extent of environmental issues to be addressed in this EIR, the University prepared a Notice of Preparation (NOP) and circulated it for 30 days, beginning, December 22, 2005 and ending January 24, 2006, to interested public agencies, organizations, community groups, and individuals in order to receive input on the proposed project. The University also held a Draft EIR scoping meeting on December 12, 2005, to obtain public input on the proposed scope and content of the EIR. Interested parties attended the meeting and provided input.

The Draft EIR was circulated for a 45-day public review period, as required by state law, beginning September 15, 2006 and ending October 30, 2006. During this public review period, the University received written comments on the Draft EIR. CSU Fresno also held a meeting October 12, 2006, in conjunction with circulation of the Draft EIR to obtain public input regarding the Draft EIR. Interested parties attended the meeting and provided input.

#### **The Campus Pointe Project Final EIR (2007) ['2007 FEIR']**

On May 16, 2007, the Board of Trustees of the California State University certified and approved the Final Environmental Impact Report ("Final EIR") for the Campus Pointe Project at California State University, Fresno ("Project"). The Final EIR was then challenged in the Superior Court of the State of California, County of Fresno, on June 14, 2007 by LandValue 77, LLC, LandValue Management, LLC and James Huelskamp (collectively "LandValue"). The Court issued a Statement of Decision ("SOD") and Judgment on July 1, 2009 upholding the validity of the Project's Final EIR in all but three discrete areas related to (1) traffic and overflow parking for the Save Mart Center, (2) water, and (3) air quality. The Court of Appeal affirmed the July 1, 2009 Superior Court judgment except for modifications to

Paragraph 2 which have been incorporated into the Superior Court judgment issued on June 10, 2011. The Superior Court issued a peremptory writ of mandate and Judgment on June 10, 2011 ordering the CSU Board of Trustees (Lead Agency) to:

[S]et aside, in part, the Resolution of the Board of Trustees Certifying the final Environmental Impact Report and Approval of the Campus Master Plan Revision and Amendment to the 2006-07 Non-State Capital Outlay Program for Campus Pointe at California State University, Fresno (RCPBG 05 07-10), and to reconsider its opinion and judgment, in light of this Court's accompanying combined statement of decision, and to take such further action as is specially enjoined upon them by law, but judgment does not limit or control in any way the discretion legally vested in the [Board of Trustees], as follows:

- (a) Respondents are to respond to the City of Fresno's comments concerning the project's impact on traffic caused by elimination of overflow parking for the Save Mart Center.
- (b) Respondents are to revise its comments in its water supply analysis.
- (c) Respondents are to discuss the applicability of the San Joaquin Valley Unified Air Pollution Control District Rule 9510 to the project.

### **The Campus Pointe Project Revised EIR (2011) ['REIR']**

California State University, Fresno (University) determined that the appropriate response document to address the peremptory writ of mandate and Judgment of the Fresno County Superior Court was the circulation of a Revised Environmental Impact Report (REIR). The REIR addressed only aspects and phases of this specific development project (CEQA Guidelines §15161) and included information supporting responses to the Court's specific concerns. The document represented a revision to the May 2007 Final EIR for the Campus Pointe project. The revision was circulated for public and agency review beginning August 12, 2011 and ending September 26, 2011 and provided additional information to comply with the order of the Fresno County Superior Court. The University requested that reviewers limit their comments to the revised chapters or portions of the REIR in accordance with CEQA Guidelines 15088.5(f)(2).

Section 15088 of the CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues received from parties who reviewed the Draft EIR and prepare a written response addressing each of the comments. The intent of the Final EIR is to provide a forum to air and address comments pertaining to the information and analysis contained within the Draft EIR, and to provide an opportunity for clarifications, corrections, or minor revisions to the Draft EIR as needed.

This Final EIR assembles in one document all of the environmental information and analysis prepared for the proposed project, including comments on the information and analysis contained in the Draft EIR and responses by the University to those comments.

Pursuant to Section 15132 of the State CEQA Guidelines, the Final EIR for the Campus Pointe Project consists of the following:

- (a) The Draft EIR dated September 2006, the final EIR dated May 2007, and the REIR dated August 2011, including all of its appendices, are incorporated by reference in this REIR dated November 2011.
- (b) Lists of persons, organizations, and public agencies commenting on the Draft EIR and the REIR.
- (c) Copies of all letters received by the University during the Draft EIR and REIR public review periods and responses to significant environmental points concerning the Draft EIR and REIR raised in the letters on both documents.
- (d) Revisions to the Draft EIR and REIR.
- (e) Any other information added by the Lead Agency.

**2.0 CEQA FINDING OF INDEPENDENT JUDGMENT**

The EIR for the Campus Pointe Project reflects the University's independent judgment. The University has exercised independent judgment in accordance with Public Resources Code 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

Having received, reviewed and considered the information in the EIR, as well as any and all other information in the record, the Board of Trustees of the California State University hereby makes findings pursuant to and in accordance with Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

**3.0. FINDINGS OF FACT**

**3.1 Environmental Effects of the Project Which are Considered Unavoidable Significant Impacts**

This section identified the significant unavoidable impacts that require a statement of overriding considerations to be issued by the Board of Trustees, pursuant to Section 15093 of the CEQA Guidelines, if the Campus Pointe Project is approved. Based on the analysis contained in the EIR, the following impacts have been determined to fall within the "significant unavoidable impacts" category: loss of prime agricultural soils; traffic impacts; impacts to air quality attributable to operational emissions from project-related traffic; and noise impacts associated with traffic.

**1. Loss of Prime Agricultural Soils**

**Summary of Potential Impacts**

An evaluation of the impacts to prime agricultural soils associated with the Campus Pointe Project is found in Section 2.0, Land Use and Planning, of the Draft EIR.

According to the California Department of Conservation, as shown on the Fresno County Important Farmland Map, 2005, the project site is designated as Prime Farmland. Immediately surrounding the site are Urban and Built-Up Land to the west and south, and Prime Farmland to the north:

Although the project site is located in an urban area, is designated for public facilities; and a portion of the site is currently used for parking, approximately 75 percent of the site, or 34 acres, is currently used as part of the University's farm laboratory. The conversion of this land from agricultural use could be considered a detriment to the University's agricultural program. The construction of the proposed Campus Pointe Project would remove approximately 45 acres of Prime Farmland from agricultural use.

The University's farm laboratory has recently re-cultivated a 69-acre campus-owned parcel located contiguous to the City of Clovis, which will partially offset the total acreage being removed from productivity to accommodate the Save Mart Center and the Campus Pointe Project. The 69-acre parcel was cultivated in the past, but had been dormant for several years. Even though the 69-acre parcel is being cultivated, the loss of Prime Farmland and productive agricultural land is considered a significant and unavoidable impact, because the project site will be permanently converted to non-agricultural uses.

### **Mitigation Measures**

The Board of Trustees finds that there are no feasible measures available to mitigate the loss of prime agricultural soils attributable to project construction to a level less than significant.

The loss of prime farmland is considered significant and unavoidable.

### **Cumulative Impacts**

The conversion of agricultural land to other uses due to growth in and around the Fresno-Clovis metropolitan area was determined to be a significant and unavoidable cumulative impact of the implementation of the Fresno County General Plan, the 2025 Fresno General Plan, and the 1993 Clovis General Plan. Cumulative impacts to farmland remain significant and unavoidable, because conversion of substantial acreage of agricultural land will still likely occur in order to accommodate the region's increasing population and industrial base.

### **Findings**

The Board of Trustees finds that there are no feasible mitigation measures that would reduce the identified significant impact to a level below significant. Therefore, these impacts must be considered unavoidably significant. Pursuant to Section 21081(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other benefits, make infeasible the alternatives identified in the EIR and the identified impacts to prime agricultural soils are thereby acceptable because of specific overriding considerations (see Statement of Overriding Considerations).

## **2. Traffic and Circulation**

### **Summary of Potential Impacts**

An evaluation of the traffic impacts associated with the Campus Point Project is found in Section 3.0, Traffic and Circulation, of the Draft EIR. Revisions and updates to portions of this section are provided in the Section 2: Traffic and Circulation of the REIR. The REIR also includes an updated event parking analysis and clarifications regarding the traffic impacts resulting from the relocation of event parking from Overflow Lot East to other campus lots.

For the "Existing Base plus Project" scenario, the signalized intersections of Bullard Avenue/Cedar Avenue, Barstow Avenue/Cedar, and Shaw Avenue/Chestnut Avenue are projected to operate at LOS "E" or worse conditions during the AM and/or PM Peak hour periods under "Existing Base plus Project" scenario. This is due to the increased traffic experienced under "Existing Base plus Project" conditions with no geometric improvements at the study intersections. In addition, the unsignalized intersections of Barstow Avenue/Woodrow Avenue, Barstow Avenue/Chestnut Avenue, North Parking Lot Entrance/Chestnut Avenue, and Matoian Way/Chestnut Avenue are projected to operate at LOS "F" under this scenario.

Also, the intersections of Barstow Avenue/Maple Avenue, Barstow Avenue/Woodrow Avenue, Barstow Avenue/Chestnut Avenue, Gettysburg Avenue/Woodrow Avenue, Chestnut Avenue/ Matoian Way, and Matoian Way/Woodrow Avenue are projected to meet the MUTCD Peak-Hour Volume Warrant 3 (Urban Areas) under "Existing Base plus Project" PM peak hour conditions.

For the "Year 2025 Base" scenario, the signalized intersections of Bullard Avenue/Cedar Avenue, Bullard Avenue/Chestnut Avenue; Barstow Avenue/Cedar Avenue, Shaw Avenue/Chestnut Avenue, Barstow Avenue/Willow Avenue, and Bullard Avenue/Willow Avenue are projected to operate at peak hour LOS "E" or worse for "year 2025 base" conditions. The unsignalized intersections of Barstow Avenue/Maple Avenue, Barstow Avenue/Woodrow Avenue, and Gettysburg Avenue/Woodrow Avenue are projected to operate at LOS "E" or worse under this scenario.

The intersections of Barstow Avenue/Maple Avenue, Barstow Avenue/Woodrow Avenue, Gettysburg Avenue/Woodrow Avenue, Chestnut Avenue/Matoian Way, and Matoian Way/Woodrow Avenue are projected to meet the MUTCD Peak-Hour Volume Warrant 3 (Urban Areas) under projected "Year 2025 Base" AM and/or PM peak hour conditions. This is a result of increased traffic volumes and no improvements at the study intersections beyond "Existing" conditions.

For the "Year 2025 Base plus Project" scenario, the signalized intersections of Bullard Avenue/Cedar Avenue, Bullard Avenue/Chestnut Avenue, Barstow Avenue/Cedar Avenue, Barstow Avenue/Chestnut Avenue, Shaw Avenue/Maple Avenue, Shaw Avenue/Chestnut Avenue, Barstow Avenue/Willow Avenue, and Bullard Avenue/Willow Avenue are projected to operate at peak hour LOS "E" or worse under AM and/or PM peak hour periods for "Year 2025 Base plus Project" conditions. The unsignalized intersections of Barstow Avenue/Maple Avenue, Barstow Avenue/Woodrow Avenue, Gettysburg Avenue/Woodrow Avenue, Chestnut Avenue/Matoian Way are projected to operate at LOS "E" or worse conditions under this scenario. In addition, the intersections of Barstow Avenue/Maple Avenue, Barstow Avenue/Woodrow Avenue, Gettysburg Avenue/Woodrow Avenue, Chestnut Avenue/Matoian Way, and Matoian Way/Woodrow Avenue are projected to meet the MUTCD Peak-Hour Volume Warrant 3 (Urban Areas) under projected "Year 2025 Base plus Project" AM and/or PM peak hour conditions.

For the "Existing Base plus Project Special Event" scenario, eight study intersections are projected to operate at LOS "E" or worse conditions during the PM Peak hour. The unsignalized intersections at Barstow Avenue/Maple Avenue, Barstow Avenue/Woodrow Avenue, Gettysburg Avenue/Woodrow Avenue, North Parking Lot Entrance/Woodrow Avenue, and Matoian Way/Woodrow Avenue are projected to meet the MUTCD Peak-Hour Volume Warrant 3 (Urban Areas) for signalization during the PM peak plus event scenario.

For the "Year 2025 Base plus Project Special Event" scenario, thirteen study intersections are projected to operate at LOS "E" or worse conditions during the PM Peak hour. The unsignalized study intersections at Barstow Avenue/Maple Avenue, Barstow Avenue/Woodrow Avenue, Gettysburg

Avenue/Woodrow Avenue, North Parking Lot Entrance/Woodrow Avenue, and Matoian Way/Woodrow Avenue are projected to meet the MUTCD Peak-Hour Volume Warrant 3 (Urban Areas) during events during the PM peak plus event scenario.

### **Mitigation Measures**

Because the mitigation of traffic deficiencies under existing conditions are the responsibility of other agencies and cannot be relied upon, the Board of Trustees finds that available feasible measures may not mitigate traffic impacts to a level less than significant. If implemented, however, the following mitigation measures would reduce identified impacts to a less than significant level. (Note that where selected mitigation measures have been implemented since publication of the Draft EIR (2006) and are now complete, these are parenthetically identified as 'Complete' in the lists of mitigation measures that follow.

### **Existing Conditions**

1. *Bullard Avenue/Cedar Avenue* intersection: Widen the northbound approach to accommodate three through lanes.
2. *Barstow Avenue/Cedar Avenue* intersection: Widen the eastbound approach to include dual left turn lanes.
3. *Barstow Avenue/Chestnut Avenue* intersection: Install a roundabout and provide for left turn channelization on the northbound and southbound approach. (complete)
4. *Barstow Avenue/Willow Avenue* intersection: Widen/re-stripe the eastbound approach to accommodate a left-turn lane, a through lane, and a shared through-right lane.
5. *Bullard Avenue/Willow Avenue* intersection: Widen the northbound and southbound approaches to accommodate dual left turn lanes and an additional eastbound through lane.

### **Existing Base plus Project Conditions**

In addition to mitigation measures recommended under "Existing" conditions, the following mitigation measures are recommended:

1. *Bullard Avenue/Cedar Avenue* intersection: Widen the westbound approach to include dual left turn lanes.
2. *Barstow Avenue/Woodrow Avenue* intersection: Widen the eastbound approach to accommodate a dedicated through lane and a dedicated right turn lane subject to university design and Campus Master Plan requirements.
3. *Shaw Avenue/Chestnut Avenue* intersection: Widen the southbound approach to include a dual left turn lane, a shared through-left lane and a dedicated right-turn lane; modify the existing signal to split phasing on the northbound and southbound approaches; widen the eastbound approach to include dual left-turn lanes; widen the westbound approach to include dual right-turn lanes; extend left-turn lanes for eastbound and westbound approaches; and add northbound

shared through left-turn lane and right turn lane.

4. *Shaw/168 Freeway* interchange: Add additional turn lane for the eastbound off-ramp to Shaw Avenue.

### **Year 2025 Base Conditions**

In addition to mitigation measures recommended under "Existing plus Project" conditions, the following mitigation measures are recommended:

1. *Bullard Avenue/Chestnut Avenue* intersection: Widen the northbound approach to include a single through lane and a shared through-right turn lane; widen the southbound approach to accommodate dual through lanes; and widen the eastbound approach to include three through lanes.
2. *Barstow Avenue/Cedar Avenue* intersection: Widen the northbound approach to include dual left turn lanes; widen the southbound approach to include dual left turn lanes; and widen the westbound approach to include two through lanes and a dedicated right turn lane.
3. *Barstow Avenue/Maple Avenue* intersection: Install a traffic signal subject to university design and Campus Master Plan requirements.
4. *Shaw Avenue/Maple Avenue* intersection: Widen the eastbound approach to dual left turn lanes.
5. *Gettysburg Avenue/Woodrow Avenue* intersection: Install a traffic signal.
6. *Chestnut Avenue/Matoian Way* intersection: Install a roundabout.
7. *Barstow Avenue/Willow Avenue* intersection: Widen the southbound approach to accommodate dual left-turn lanes and an additional through lane.
8. *Bullard Avenue/Willow Avenue* intersection: Widen the eastbound approach to accommodate a left-turn lane, three through lanes, and a right-turn lane; widen the westbound approach to accommodate a left-turn lane, two through lanes, and a right-turn lane.

### **Year 2025 Base plus Project Conditions**

No additional mitigation is required beyond those measures recommended under "Year 2025 Base."

### **Special Event Conditions**

Mitigation measures requiring additional roadway improvements beyond those measures recommended under "Year 2025 Base for special event traffic are not feasible. Mitigation measures required for the 1999 Save Mart Center EIR will continue to be implemented with the construction of the Campus Pointe Project. The following mitigation measures from the Save Mart Center (SMC) EIR will reduce impacts of relocating parking from East Overflow Lots that will be removed with the construction of the project to other lots west of Chestnut Avenue:

## **Save Mart Center 4.2-5**

Prepare and approve a Traffic Control Plan for the proposed Event Center in consultation with the Cities of Fresno and Clovis and Caltrans. This Plan shall address the different sizes and types of events that will be held, and shall include, at a minimum, the following:

### Toll Booth Operation

- (a) provide a total of nine toll booths for sold-out events, and a proportionate number for under capacity events.
- (b) If feasible, set the parking fee at a level that minimizes the need to make change (e.g., \$5).
- (c) Provide a sign at each toll booth or electronic message center as follows: “parking fee \$XX. Please have money ready.”
- (d) Provide the opportunity to purchase a parking pass with the event tickets, or include the parking fee in the ticket price.
- (e) Provide shuttle buses between offsite parking/gathering places and the Event Center.
- (f) Provide incentives for multiple occupancy vehicles (priority parking locations).
- (g) Included parking in the purchase of tickets, and direct those ticket holders to specific lots by way of northern access routes.
- (h) Provide changeable message signs directing traffic to northern access points.
- (i) Through the use of coning, increase the number of traffic lanes to access northern access routes before and after events.

### Traffic Controls

- (j) Provide traffic controls as shown in Figure 4.2-8 of the Save Mart Center DEIR

### General Control Plan

- (k) Conduct a public outreach program to encourage maximum use of vehicle capacity, and to enhance the campus community’s and general population’s understanding of planned circulation and parking controls.

Comments on the REIR indicated that the Traffic Management Committee initiated to implement the Save Mart Center EIR mitigation measures listed above should be reactivated which has occurred.

The following mitigation measure is included to confirm the University’s commitment to event coordination and to ensure relocation of parking for Save Mart Center events is addressed in the Traffic Operations Plan:

- 9. Prior to relocation of the remaining parking spaces in the Overflow East Lot, the University will

update the Save Mart Center Traffic Control Plan (Appendix A-1) approved November 3, 2003 to reflect the relocation of the Overflow East Lot to campus parking lots west of Chestnut Avenue. The updated Traffic Control Plan shall be prepared in coordination with the Joint Traffic Management Committee consisting of representatives from the University, the Cities of Fresno and Clovis, Caltrans, and the California Highway Patrol. In the interim, event specific traffic operations plans with parking lot use requirements will continue to be prepared by the University Police Department in coordination with local law enforcement agencies and the Highway Patrol to minimize event traffic impacts.

## **Cumulative Impacts**

Direct project impacts in this area include roadway segments operating below acceptable standards. Cumulative impacts can occur when less-than-significant impacts from project-level traffic combine with existing or planned future projects to cause a roadway segment to operate at unacceptable levels of service. Even with approved mitigation in place, some roadway segments and intersections are expected to operate below acceptable levels, and cumulative traffic impacts remain significant and unavoidable.

## **Findings**

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce Project traffic impacts. Pursuant to Section 21081(a)(1) of the Public Resources Code, changes or alterations have been required in, or incorporated into, the project which would mitigate, in part, the significant traffic impacts attributable to increased vehicle trips identified in the Final EIR. However, the mitigation of existing traffic deficiencies is the responsibility of other agencies and can not be relied upon. In the event these improvements are not constructed or caused to be constructed by the responsible agencies, traffic impacts would not be reduced to a level below significant. In this instance, there are no feasible mitigation measures that would reduce the identified significant impacts. Therefore, these impacts must be considered unavoidably significant even after implementation of all feasible traffic mitigation measures. Pursuant to Section 21081(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other benefits, make infeasible the alternatives identified in the EIR and the identified traffic impacts are thereby acceptable because of specific overriding considerations (see Statement of Overriding Considerations).

### **3. Air Quality**

#### **Summary of Potential Impacts**

The Draft EIR contained an evaluation of the air quality impacts associated with the Campus Pointe Project is found in Section 4.0, Air Quality, of the Draft EIR. The evaluation was updated in the Revised EIR in Section 3.0 to address issues identified by the Court. No changes in impact findings were identified in the Revised EIR.

The Court ruled that the air impact section of the Draft EIR was inadequate because there was no discussion or analysis of the San Joaquin Valley Air Pollution Control District's Rule 9510 - Indirect Source Review (ISR). The REIR contains a discussion of the ISR rule on pages 31 through 33 of the REIR. An analysis of the air quality benefits of rule compliance is found on pages 38 and 39 for construction emissions and pages 42 and 43 for operational emissions. Although Rule 9510 reduces project emissions by 33 percent of the baseline emissions over ten years, the project was found to

exceed the SJVAPCD threshold of significance for oxides of nitrogen (NOx) of 10 tons per year. The REIR on pages 46 and 47 also includes an analysis of the effectiveness mitigation measures 18 through 21 in reducing emissions of reactive of organic gases (ROG) and NOx. The analysis although found that the measures would reduce project impacts, but emissions would remain significant and unavoidable.

**Operation-related Impacts.** The emissions from the project are described in terms of operation emissions (mobile source) and area emissions such as water heaters and lawn maintenance equipment.

The Fresno area is extreme non-attainment for federal air quality standards for ozone and serious non-attainment for particulates. The District has established guidelines for evaluating land use changes and the potential impact on air quality. Nitrogen oxides and reactive organic gases are regulated as ozone precursors. Significance criteria have been established for ROG and NOx at 10 tons per year each.

Vehicle emissions have been estimated for the year 2012 using the URBEMIS 2007 model from the California Air Resources Board. URBEMIS 2007 predicts carbon monoxide, reactive organic gases, nitrogen oxides, oxides of sulfur, and particulate matter emissions from motor vehicle traffic associated with new land uses. Results indicate that project emissions are considered significant based on the District's levels of significance. Residential developments typically result in area source emissions from natural gas, electricity and consumer product use. Results of the URBEMIS analysis for such residential uses as consumer product use, natural gas consumption and landscape maintenance indicate that the project will not exceed District thresholds for area emissions.

The emissions from the project are described in terms of operation emissions (mobile source) and area emissions. The total emissions from the proposed project exceed the District's threshold for ROG or NOx. Therefore, the proposed project is considered individually significant for NOx and ROG.

Although modeling forecasts that the project will exceed ozone precursor thresholds established by the air district, the project contains many features that will reduce emissions. These features are not easily modeled but would have an overall beneficial impact on air quality. Included in the project are the following components:

- The project contains mixed uses, including retail, offices, residential, and educational facilities. This combination of uses incorporated into the campus setting will encourage walking, bicycling, and use of transit. Even when autos are used, mixed use facilitates the combining of trips to reduce overall vehicle miles traveled.
- The Campus Pointe Project is linked to the balance of the CSU Fresno campus by a Comprehensive system of walking and bike trails.
- The project will have transit stops within the site to facilitate transit use. In addition, the developers will work closely with Fresno FAX and Clovis Transit to encourage bus use.

The project will include a park and ride lot so that commuters to the site will enjoy priority parking and transfers to local transit systems.

### **Mitigation Measures**

The Board of Trustees finds that there are no feasible measures available to mitigate the air quality

impacts attributable to increased vehicular emissions to a level less than significant. However, the following feasible mitigation measures would partially reduce the identified impacts.

1. Provide transit-enhancing infrastructure including: transit shelters, benches, street lighting and route signs.
2. Increased attention shall be focused on Smart Growth including pedestrian-oriented and transit-oriented development (TOD). The TOD concept involves a mixed-use community within a typical 2,000-foot walking distance of a transit stop and core commercial area. The design, configuration and mix of uses emphasize a pedestrian-oriented environment and reinforce the use of alternative modes of transportation.

TOD designs can help to reduce the number of auto trips and vehicle miles traveled by creating opportunities to walk and bike, while enhancing the area's quality of life and protecting affordable housing goals.

3. Provide pedestrian enhancing infrastructure that includes: sidewalks and pedestrian paths, direct pedestrian connections, street trees to shade sidewalks and pedestrian safety design/infrastructure.
4. Provide bicycle enhancing infrastructure that includes: bike paths connecting to a bikeway system.

### **Cumulative Impacts**

The project would contribute to impacts to regional air quality. The region is presently considered "non-attainment" for ozone precursors and PM10. Cumulative development will exceed the significance thresholds identified by the air district for these emissions and this is considered a significant and unavoidable cumulative impact. Cumulative increases for other pollutants are not considered significant because neither project-level nor regional (cumulative) thresholds are exceeded. The mitigation identified in Section 4.0 of the Draft EIR and Section 3.5 of the REIR identifies several design criteria that would be required of the project to partially mitigate cumulative air quality impacts. Finally, the project has completed the On-Site Air Pollution Mitigation Checklist in the Rule 9510 Air Impact Assessment (AIA) Application required by Rule 9510 and identified the measures applicable to the project. The AIA Application was approved by the SJVAPCD on August 8, 2008 and is included in Appendix B-1 of the REIR. At the project level, there are no other feasible measures known.

### **Findings**

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the project air quality impacts attributable to operational- and vehicular-related emissions. Pursuant to Section 21081(a)(1) of the Public Resources Code, changes or alterations have been required in, or incorporated into, the project which would mitigate, in part, the significant air quality impacts attributable to construction and increased vehicle trips identified in the Final EIR. However, there are no feasible mitigation measures that would reduce the identified significant impact to a level below significant. Therefore, these impacts must be considered unavoidably significant even after implementation of all feasible air quality mitigation measures. Pursuant to Section 21081(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other benefits, make

infeasible the alternatives identified in the EIR and the identified air quality impacts are thereby acceptable because of specific overriding considerations (see Statement of Overriding Considerations).

#### **4. Noise**

##### **Summary of Potential Impacts**

An evaluation of the noise impacts associated with the Campus Pointe Project is found in Section 5.0, Noise, of the Draft EIR and within the Final EIR.

The noise study for the EIR by VRPA Technologies was prepared using the program SOUND 2000. To verify the earlier results, a second acoustical study was prepared by RBF Consulting using the Traffic Noise Model version 2.5 (TNM 2.5). The Federal Highway Administration (FHWA) has replaced SOUND 2000 with TNM as the national traffic noise model required for use on Federal projects.

Traffic noise was modeled along State Route 168, Shaw Avenue, and Chestnut Avenue, which border the site. For residential noise receptors adjacent to these roadways, noise levels would range from 48.4 dBA to a maximum of 65.3 dBA on the second level. Based on the modeling results, some residential units facing SR168 would exceed the City of Fresno's standard of 60 dBA without implementation of mitigation measures.

The previous noise study concluded that the project would require a 20-foot soundwall along the eastern border to mitigate noise levels at the project site. However, as indicated within the supplemental analysis, only structures closest to SR-168 would experience noise levels above the City's 60 dBALdn Standard. The supplemental report finds that noise would be better attenuated by architectural treatments at outdoor activity areas at the residential units. In this manner, buildings specific architectural treatments would provide attenuation of noise to outdoor activity areas. The outdoor activity areas for the apartments, however, would still be expected to be above the City of Fresno's noise abatement criteria by 2-3 dBA.

The analysis of construction noise found that the project could lead to a temporary increase in noise levels in the immediate project area. Typical construction noise levels range from 80 dBA to 87 dBA. Construction of the remaining project phases could result in a significant impact for current project residents.

##### **Mitigation Measures**

The Board of Trustees finds that there are no feasible measures available to mitigate the impact of traffic noise to a level less than significant. However, the following feasible mitigation measures would partially reduce the identified impacts:

1. Hours of construction shall be limited to 7:00 am to 7:00 pm, Monday through Saturday.
2. The applicant shall follow the State Noise Insulation Standards (California Code of Regulations, Title 24) and Chapter 35 of the Uniform Building Code (UBC) concerning interior noise exposure for multi-family housing, hotels and motels.
3. Mechanical ventilation or air conditioning shall be provided for all residential units so that windows and doors may remain closed for the required acoustical insulation. The fresh air inlet duct shall be of sound attenuating construction and shall consist of ten feet of straight or curved

ducts plus one sharp 90-degree bend.

4. Outdoor activity areas for hotel or residential uses should be enclosed within the building envelope and shielded by structures: The buildings would provide noise attenuation for outdoor activity areas.
5. Discourage outdoor activity areas and balconies for hotel and residential uses facing State Route 168 and Shaw Avenue. Other balconies at oblique angles to major streets should be designed with parapet walls to shield traffic noise. Balconies or patios located at buildings that face State Route 168 shall incorporate a noise barrier that is at least 6 feet high as measured from the second level floor. Acceptable materials for the construction of the barrier shall have a weight of 3.5 pounds per square foot of surface area and may be composed of the following: masonry block, stucco veneer over wood framing (or foam core), glass, Plexiglass or Lexan (1/4 inch thick). The barrier may also be constructed out of a combination of the above listed materials. This measure shall only apply to useable balconies.

### **Cumulative Impacts**

Direct project impacts in this area include increases in noise during construction, increase in ambient noise from increased traffic, and exposure of future project residents to noise. At the project-level, there are few feasible measures available for mitigating regional noise increases.

A number of program-level measures could be implemented to mitigate cumulative traffic impacts, the single largest contributor to community noise. The Cities of Fresno and Clovis should consider these mechanisms for the dual purpose of improving ambient noise levels by decreased traffic noise in the region.

### **Findings**

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the project traffic-related noise impacts. Pursuant to Section 21081(a)(I) of the Public Resources Code, changes or alterations have been required in, or incorporated into, the project that would mitigate, in part, the significant traffic-related noise impacts. However, there are no feasible mitigation measures that would reduce the identified significant impact to a level below significant. Therefore, these impacts must be considered unavoidably significant even after implementation of all feasible construction-related noise mitigation measures. Pursuant to Section 21081(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other benefits, make infeasible the alternatives identified in the EIR and the identified traffic-related noise impacts are thereby acceptable because of specific overriding considerations (see Statement of Overriding Considerations).

### **3.2 Environmental Effects Discussed in the EIR Which Can Be Avoided or Substantially Lessened to Less Than Significant Levels with Implementation of the Identified Mitigation Measures**

This section identifies significant adverse impacts of the project that require findings to be made under Section 21081 of the Public Resources Code and Section 15091 of the CEQA Guidelines. Based on information in the EIR, the Board of Trustees finds that, based upon substantial evidence in the record, adoption of the mitigation measures set forth below will reduce the identified significant impacts to less

than significant levels. Based on the analysis contained in the EIR, the following impacts have been determined to fall within the category of impacts that can be reduced to less than significant levels with implementation of the mitigation measures set forth below: Aesthetics; Drainage; Air Quality - Construction; Public Facilities – Water Supply and Wastewater; and Cultural Resources.

## **1. Aesthetics**

### **Summary of Potential Impacts**

An evaluation of the aesthetics impacts associated with the Campus Point Project is found in Section 8.0, Aesthetics, of the Draft EIR.

Based on the nature of the proposed project, residential uses would be highly visible from surrounding roads. Views from Shaw Avenue and State Route 168 would be altered; in particular, historical views of open space would be removed to be replaced with sound wall and landscaping treatment as seen further to the south adjacent to Chestnut Avenue south of Shaw. New views will be typical of the urban setting found in new developments in the metropolitan area. Views, however, will be altered significantly from existing open and agricultural viewsheds.

While the proposed development would alter the existing views in the vicinity of the project site, the project site is not considered an aesthetic resource, nor is it located along a scenic highway or considered part of a scenic vista. The project site is within an urban environment and existing views in the area are limited by urban development and landscaping. Because the proposed project would not obstruct major view corridors, changes to the views in the area would be considered a less-than-significant impact.

The proposed project would introduce additional light-producing buildings and fixtures into this area of the city. The buildings would be lighted and sidewalks and pedestrian areas fronting the streets would have lighting. The parking lots for the proposed project would also be lighted; however, the lots would be primarily located in the center of the project or to the north of the buildings, away from Shaw Avenue. The University has implemented a unified landscaping plan, which requires that parking areas be designed with broad canopy deciduous trees for shading. These trees would also serve to reduce the effect of lighting on adjacent areas. However, if parking and/or building lights from the project are not properly oriented, they could be directed toward residences or cause a general increase in the ambient light in the area. This is considered a significant impact.

### **Mitigation Measures**

The Board of Trustees finds that, based upon substantial evidence in the record, the potential aesthetic impacts of the Campus Pointe Project will be reduced to less than significant levels by implementation of the following mitigation measures:

1. The developer shall incorporate landscape, wall treatment, signage, and architectural standards for the development of residential, commercial, and office mixed uses.
2. A minimum 20-foot landscaped area shall parallel the northerly side of Shaw Avenue.
3. Project entries along Chestnut Avenue shall incorporate special entry features, such as extensive landscaping and low profile entry signs.

4. The configuration of exterior light fixtures shall emphasize close spacing and lower intensity light directed downward, away from off-site receptors, in order to minimize the effects of light and glare on adjacent areas.

### **Cumulative Impacts**

Direct project impacts in this issue area include alteration of the character and appearance of the project area and alteration of the viewshed along major roads. These impacts are direct project impacts specific to the project circumstances and location. Because of this, these impacts would not compound over time, or persist and worsen. Further analysis is not required. Gradual change in the character and appearance of the region as urban growth continues over time, is another area of potential cumulative impact, to which the project would incrementally contribute.

### **Findings**

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the potential aesthetic impacts of the project to less than significant levels. Accordingly, the Board of Trustees finds that, pursuant to Section 21081(a)(1) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the potentially significant aesthetic impacts as identified in the Final EIR.

## **2. Drainage**

### **Summary of Potential Impacts**

An evaluation of the drainage impacts associated with the Campus Point Project is found in Section 6.0, Drainage, of the Draft EIR.

The proposed Campus Point Project would result in the conversion of an existing paved parking lot and tilled agricultural fields to a site with a considerable amount of impervious surfaces. It is proposed that the Campus Point Project upgrade existing campus drainage basins to accommodate the additional flows from the project. The basins should be sized to accommodate the entire storm water flow from the development in accordance with the campus design requirements. A connection to the existing campus storm water system should be made for emergency relief purposes only.

Enlarging the existing basins will provide a method to mitigate the effect on the existing storm drainage system caused by the development of the proposed Campus Point Project. Localized pooling of water within the site will be minimized by the construction of an underground pipeline system. The additional ponding capacity to be constructed, sized in accordance with the methods outlined in the Fresno States' Storm Drainage Master Plan will provide for the disposal of the additional storm water generated by the project.

### **Mitigation Measures**

The Board of Trustees finds that, based upon substantial evidence in the record, the potential drainage impacts of the Campus Point Project will be reduced to less than significant levels by implementation of the following mitigation measure:

1. A storm drainage master plan will be required for the project. The purpose of the plan is to provide a storm drainage collection and disposal system for the proposed project that includes the improvement of existing basins on the campus. The storm drainage system and detention basin facility will be designed in accordance with standards in the Fresno State Storm Drainage System Master Plan.

### **Cumulative Impacts**

Direct project impacts in this area include increased runoff and impacts to water quality. Cumulative impacts could occur in both these areas of direct impact, when project runoff from any number of small less-than-significant or fully mitigable sources compounds to cause a significant cumulative effect. The Fresno Metropolitan Flood Control District has planned facilities for serving growth in the area. To the extent that new growth areas are identified and that currently unplanned land uses occur, amendment of the District Master Plan and upgrading of facilities will ensure full mitigation for potential cumulative impacts.

### **Findings**

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the potential drainage impacts of the project to less than significant levels. Accordingly, the Board of Trustees finds that, pursuant to Section 21081(a)(1) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the potentially significant drainage impacts as identified in the Final EIR.

### **3. Air Quality — Construction Impacts**

#### **Summary of Potential Impacts**

An evaluation of the air quality impacts associated with the Campus Pointe Project is found in Section 4.0, Air Quality, of the Draft EIR. The evaluation was updated in the Section 3 of the REIR using the latest models and air quality information.

The annual emissions from construction of the project will be less than the applicable San Joaquin Valley Air Pollution Control District emission thresholds. Construction emissions are, therefore, considered less than significant. Although project emissions are predicted to be insignificant, the Fresno area and the San Joaquin Valley are designated non-attainment for particulates for both state and federal standards. Fugitive particle emissions will occur during construction and control measures are required and enforced by the District under Regulation VIII.

#### **Mitigation Measures**

The Board of Trustees finds that, based upon substantial evidence in the record, the potential construction air quality impacts of the Campus Pointe Project will be reduced to less than significant levels by implementation of the following mitigation measures:

1. Compliance with Regulation VIII under the San Joaquin Valley Air District for all construction sites will constitute sufficient mitigation to reduce PM10 impacts to a level considered less-than significant.

The following mitigation measures from the GAMAQI are required to be implemented at all construction sites:

2. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
3. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
4. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
5. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
7. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
8. Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

Additional enhanced control measures are desirable where feasible and include:

9. Traffic speeds on unpaved roads shall be limited to 15 mph.
10. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.

Additional mitigation measures should be considered for reducing emissions from construction emissions. The District's GAMAQI suggests the following measures:

11. Use of alternative fueled or catalyst equipped diesel construction equipment.
12. Minimize idling time (e.g., 10 minute maximum).
13. Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.
14. Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
15. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.

16. Implement activity management (e.g. rescheduling activities to reduce short-term impacts).
17. A heavily vegetated, no spray buffer zone will be implemented between the project and adjacent agricultural lands to the north. The width of this buffer zone will be determined based on the chemicals used for spraying and the frequency of application.

### **Cumulative Impacts**

The project would contribute to impacts to regional air quality. The region is presently considered a maintenance area for PM10 which requires the air basin to exercise continued diligence to ensure standards are not exceeded in the future. Cumulative development will exceed the significance thresholds identified by the air district for these emissions and this is considered a significant and unavoidable cumulative impact.

### **Findings**

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the potential construction air quality impacts of the project to less than significant levels. Accordingly, the Board of Trustees finds that, pursuant to Section 21081(a)(1) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the potentially significant construction air quality impacts as identified in the Final EIR.

## **4. Public Facilities and Services**

### **Summary of Potential Impacts**

An evaluation of the public facility impacts associated with the Campus Point Project is found in Section 7.0, Public Facilities and Services, of the Draft EIR. Revisions to the section are found in Section 4: Water in the REIR to provide clarification requested by the court regarding a reference to the project, explanation of the project phasing and water requirements to serve the project, and discussion of the reliability of the project water supply.

**Water Supply.** Due to the distance of the proposed Campus Pointe Project from existing campus water wells and elevated storage tank, the existing water system may not have been able to provide adequate pressure to serve the domestic and fire flow water needs. The existing Fresno State water system has the well capacity and storage capabilities to accommodate the additional demand on the system. Several pipelines extending into this portion of the campus, however, are dead-end pipelines that, individually, are not capable of meeting the demands of the facility. Also, two water sources should be made available to serve the site for the purposes of assuring adequate flow for fire protection.

To mitigate these concerns, the project reached an agreement with the City of Fresno to extend the 30" water transmission main to the south in North Chestnut Avenue from East Sample Avenue to East Shaw Avenue to allow distribution of treated surface water from the City's surface water treatment facility in northeast Fresno to the project and to other previously unserved parts of Fresno. The main was installed during the widening and reconstruction of Chestnut Avenue. The project will be connected to the main with a looped system within the development. This water line was part of the planned improvements in Chestnut Avenue to serve portions of the City of Fresno north of the campus. This water connection will reduce impacts to the campus system and allow more adequate flow and pressure to the proposed Campus Pointe Project, as well as provide a multiple source of water to accommodate the fire protection

needs. While there is adequate water supply to serve the proposed project, the existing infrastructure required expansion to provide adequate flows to the project site.

The City's 30 mgd surface water treatment plant is on a 38-acre site located at the northeast corner of Behymer and Chestnut Avenues. The surface water treatment plant is completed and on-line. The purposes of the surface water treatment plant are to supply domestic water for the City of Fresno and to provide in-lieu groundwater recharge by reducing dependence on water wells for municipal supply. In-lieu recharge, which is the use of treated surface water for direct municipal supply, will reduce withdrawals from water wells and put a much greater volume of surface water to beneficial use than could otherwise be accommodated by direct recharge via percolation at the ponding basins in the area.

**Wastewater.** The proposed Campus Pointe Project would create a need for additional collection facilities and disposal capacity for the wastewater generated from the facility. Campus Pointe project engineers are estimating sanitary sewage discharge from the project of 245,250 gallons per day (gpd) average at total build out. A 12-inch sewer line is being proposed for discharging the sewage from the project. Design capacity of a 12-inch gravity sewer line is 515,000 gpd, which is more than twice the estimated need. The Campus Pointe Project would only require a 10-inch sewer line; however, for future expansion, a 12-inch line is proposed for the ultimate buildout of the area.

According to the City of Fresno Public Works Department, the City is capable and willing to provide sanitary sewer services for the project; subject to payment of City's adopted Sewer Connection Fees at time of building construction and connection to the Fresno Public Sewer System. Connection to the Fresno Sewer System will also be predicated on connection to the system at a location approved by the City of Fresno, which may also include requirements to provide specific collection system enhancements deemed necessary to mitigate any current or future line capacity limitations in the Fresno Sewer System as a direct result of the project.

### **Mitigation Measures**

The Board of Trustees finds that, based upon substantial evidence in the record, the potential public services and facilities impacts of the Campus Pointe Project will be reduced to less than significant levels by implementation of the following mitigation measures:

#### **Water**

1. A 12" City of Fresno water main shall be constructed from the new 30 inch main in Chestnut Avenue to the proposed Campus Pointe Project.

#### **Wastewater**

2. The sewer main to be installed for the proposed Campus Pointe Project shall connect to the campus sewer system at or near an existing connection to the City of Fresno Wastewater Collection System.
3. In consultation with the City of Fresno, incorporate into the design of the sewer system serving the Campus Pointe Project, connection to the existing sewer located in Dakota Avenue west of the intersection with Chestnut Avenue. As an alternative, connect to the existing 15-inch in Maple Avenue at Shaw Avenue which would include replacement/upgrading capacity downstream from Dakota Avenue.

## **Cumulative Impacts**

Cumulative development may result in a substantial continued decline in groundwater elevations without aggressive recharge programs, water conservation, and alternative water sources. Increased use of surface water may be required to both recharge the groundwater, and/or as a direct source of domestic supply. If surface water is secured to recharge the underground supply as planned by the City of Fresno and other regional agencies, significant and unavoidable cumulative impacts to groundwater will not result.

With regard to wastewater collection and disposal, adequate capacity exists for the proposed project. While the project may contribute to the eventual need for expansion of the regional wastewater treatment plant, such expansion will be accompanied by extensive environmental and permitting procedures to mitigate environmental effects. As a result, no significant cumulative impacts are anticipated.

## **Findings**

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the potential water supply and wastewater impacts of the project to less than significant levels. Accordingly, the Board of Trustees finds that, pursuant to Section 21081(a)(1) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the potentially significant water supply and wastewater impacts.

## **5. Cultural Resources**

### **Summary of Potential Impacts**

An evaluation of the cultural resources impacts associated with the Campus Point Project is found in Section 9.0, Cultural Resources, of the Draft EIR.

A field survey yielded no evidence of prehistoric or historic archaeological resources within the property boundaries. Any proposed improvements or modifications within the parcel will have no adverse impacts on known cultural resources. Since by its nature, a walkover can only assess the potential for encountering surface cultural resource remains, customary caution is advised in development activities within the project area and measures are recommended should resources be unearthed during construction.

### **Mitigation Measures**

The Board of Trustees finds that, based upon substantial evidence in the record, the potential cultural resources impacts of the Campus Pointe Project will be reduced to less than significant levels by implementation of the following mitigation measures:

1. Should unanticipated cultural resource remains be encountered during construction or land modification activities, work must stop, and the appropriate Lead Agency shall be contacted immediately to determine appropriate measures to mitigate adverse impacts to the discovered resources. Cultural resource remains may include artifacts, shell, bone, altered soils, features, foundations, trash pits and privies, etc.
3. If human remains are discovered during land modification activities, then the procedures

described in Section 7050.5 of the California Health and Safety Code shall be followed. These procedures require notification of the County Coroner. If the County Coroner determines that the discovered remains are those of Native American ancestry, then the Native American Heritage Commission must be notified by telephone within 24 hours. Sections 5097.94 and 5097.98 of the Public Resources Code, describe the procedures to be followed after the notification of the Native American Heritage Commission.

### **Cumulative Impacts**

Because project impacts will be mitigated to a less than significant level, no adverse cumulative impacts to cultural resources are anticipated.

### **Findings**

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce impacts to cultural resources of the project to less than significant levels. Accordingly, the Board Of Trustees finds that, pursuant to Section 21081(a)(1) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the potentially cultural resources impacts as identified in the Final EIR.

### **3.3 Environmental Effects Found to Be Less Than Significant**

#### **3.3.1 Environmental Effects Discussed in the EIR Found to Be Less Than Significant and Not Requiring Mitigation**

This section identifies impacts of the project that are less than significant and do not require mitigation measures. Based on information in the EIR, the Board of Trustees finds that based upon substantial evidence in the record, the following impacts have been determined to fall within this category: Air Quality – Localized carbon monoxide (CO) Impacts and Greenhouse Gas and Climate Change Impacts, Biotic Resources and Solid Waste Disposal.

#### **1. Air Quality**

##### **Summary of Potential Impacts**

An evaluation of the impacts to Air Quality resources associated with the Campus Point Project is found in Section 4.0, Air Quality of the Draft EIR and Section 3.0 of the REIR. The REIR provided an updated air quality analysis and a greenhouse gas and climate change impact analysis.

Localized impacts from carbon monoxide emissions were analyzed using the CALINE4 model. The analysis found that emissions would not exceed the State and federal 1-hour and 8-hour carbon monoxide standards. Thus, negative or adverse impacts from carbon monoxide will not occur due to the project.

The greenhouse gas analysis in the REIR quantifies project greenhouse gas emissions using the URBEMIS 2007 emission model and emission factors approved by the California Air Resources Board. The analysis also quantifies emission reductions that will apply to the project from State regulations and project design features that reduce greenhouse gases. The results of the analysis indicate that the project provides reductions in excess of those required to demonstrate consistency with targets set by ARB to reduce greenhouse gas emissions to 1990 levels by 2020. The project also achieves reductions in excess

of thresholds adopted by the San Joaquin Valley Air Pollution Control District for greenhouse gas emissions. Thus, negative or adverse impacts from greenhouse gas emissions will not occur due to the project.

### **Cumulative Impacts**

The carbon monoxide analysis analyzed the cumulative impacts from current and planned projects under current and 2025 conditions and found the impacts to be less than significant. Greenhouse gas and climate change impacts are inherently cumulative. Individual projects make an insignificant contribution to this global impact. Therefore, the appropriate framework for determining cumulative significance is the project's cumulative contribution using consistency with plans adopted to address the impact as the basis of significance. The ARB adopted its Scoping Plan to achieve California's greenhouse gas reduction targets required by AB 32. The REIR contains an analysis that demonstrates consistency with the State's targets; therefore, the project will not result in a significant cumulative impact from greenhouse gas emissions.

### **Findings**

The Board of Trustees finds that, based upon substantial evidence in the record, the potential localized carbon monoxide impacts and greenhouse gas and climate change impacts of the project are less than significant and no mitigation measures are required.

## **2. Biotic Resources**

### **Summary of Potential Impacts**

An evaluation of the impacts to biotic resources associated with the Campus Point Project is found in Section 5.0, Biotic Resources, of the Draft EIR dated September 2006.

The search of the California Department of Fish and Game's (CDFG's) Natural Diversity Data Base showed that a variety of sensitive wildlife, plants, and habitats occur in the general region of the project site. However, no sensitive species or habitats were observed on, adjacent to, or in the vicinity of the project site during site surveys by the EIR biological consultant. Habitats for these sensitive species such as vernal pools, livestock ponds without fishes, ponds, alkaline soils, adobe-heavy clay soils, hardpan soils, rocky cliffs, alkali sink scrub habitat, valley saltbush scrub habitat, elderberry bushes, grasslands with rolling hills, large nesting trees, cottonwood-willowforest, riparian habitat, ponds with cattail vegetation, marshes, swamps, creeks, sloughs, or rivers) were not observed on or adjacent to the project site, and thus sensitive species do not occur on or adjacent to the project site. Thus, negative or adverse significant impacts will not occur to sensitive species, sensitive habitats, or biological resources due to construction of the project.

### **Cumulative Impacts**

Because the site has no sensitive habitats or sensitive plant and animal species, site development will not contribute to the cumulative loss of biotic resources.

### **Findings**

The Board of Trustees finds that, based upon substantial evidence in the record, the potential biotic impacts of the project are less than significant and no mitigation measures are required.

### **3. Solid Waste Disposal**

#### **Summary of Potential Impacts**

An evaluation of the public facility—solid waste impacts associated with the Campus Point Project is found in Section 7.0, Public Facilities and Services, of the Draft EIR.

The proposed project would generate an estimated 2,000 tons of solid waste per year. This would increase the amount of solid waste transported to the American Avenue Landfill. However, the landfill currently accepts 620,500 tons per year, and the additional 2,000 tons per year only represents a 0.32 percent increase of solid waste to the landfill. The landfill has the capacity to expand to a total of 440 acres, and presently only occupies a little more than a third of its total capacity amount. Therefore, the 0.32 percent increase due to the proposed project could be accommodated at the American Avenue Landfill without substantially lessening its expected life. Therefore, this impact is considered to be less than significant.

#### **Cumulative Impacts**

Because the project could be accommodated at the American Avenue Landfill without substantially lessening the landfill's expected life, site development will not contribute to cumulative solid waste impacts.

#### **Findings**

The Board of Trustees finds that, based upon substantial evidence in the record, the potential solid waste impacts of the project are less than significant and no mitigation measures are required.

### **4. Noise**

#### **Summary of Potential Impacts**

An evaluation of the impacts from noise associated with the Campus Point Project is found in Section 5.0, Noise of the Draft EIR. The analysis found that noise level increases from project traffic would have a negligible impact on sensitive land uses. Therefore, this impact is considered to be less than significant.

#### **Cumulative Impacts**

The noise analysis includes traffic generated by the project along with cumulative traffic from existing and planned development on roads affected by the project. The existing traffic noise levels at residential locations adjacent to Shaw Avenue exceeds the 60 dB Leq noise standard; however, the increased noise level from the project would be negligible along these roadway segments. Therefore, traffic noise would not result in a significant impact to sensitive land uses in the area.

#### **Findings**

The Board of Trustees finds that, based upon substantial evidence in the record, the potential traffic noise impacts of the project are less than significant and no mitigation measures are required.

### **3.3.2 Environmental Effects Determined Not to be Significant in the NOP Scoping Process and Not Discussed in the EIR**

Section 15128 of the CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were, therefore, not discussed in detail in the EIR. Section 7.0, Effects Not Found to Be Significant, of the Draft EIR addresses the potential environmental effects that have been found not to be significant as a result of the distribution of a Notice of Preparation (NOP), the responses to the NOP and the NOP scoping process. Based on the NOP scoping process, potential impacts on the following resources were determined to be less than significant without the implementation of mitigation measures and are, therefore, not discussed in detail in this EIR: Population and Housing; Geotechnical/Soils; Mineral Resources; Public Services (Libraries, Parks, Schools, Campus Police, Fire Protection) and Public Utilities.

### **4.0 FINDINGS REGARDING CONSIDERATIONS THAT MAKE ALTERNATIVES ANALYZED IN THE EIR INFEASIBLE**

Based on the entire record, the Board of Trustees finds that the EIR identified and considered a reasonable range of feasible alternatives to the proposed project which are capable, to varying degrees, of reducing identified impacts.

The EIR evaluates three alternatives in accordance with CEQA guidelines: The alternatives are No Project, which assumes that no development occurs on the project site; Reduced Intensity, which reduces the size of the Campus Pointe Project and the proposed uses which would reduce traffic impacts; and Altered Site Plan, which would place the Campus Pointe Project farther north on the project site and moves the parking to the front of the site adjacent to Shaw Avenue. The No Project Alternative was considered the environmentally superior alternative. When the No Project Alternative is the environmentally superior alternative, CEQA requires identification of another environmentally superior alternative from the remaining alternatives. The Reduced Intensity Project Alternative is considered the superior alternative after the No Project Alternative. Neither alternative was found to be feasible. A summary of each alternative and the feasibility of each is provided below.

#### **No Project Alternative**

CEQA requires the evaluation of a No Project alternative in order to compare the effects of a proposed project to the existing, or reasonably foreseeable future, conditions on a site. The No Project Alternative can be defined either as "no development" on the project site, or as "no action" taken on the proposed project. For the Draft EIR, the "no development" and "no action" alternatives are the same because the Campus Master Plan would continue agricultural use on the site. The site specific impacts of the No Project Alternative are best described in the existing setting portions of the various analysis sections.

**Environmental Effects.** Under the No Project Alternative, there would be no impacts associated with compatibility between adjacent uses and the project because the site would not be developed. The loss of agricultural land would not occur. There would be no increase in traffic, so there would be no increased impacts to area roadways, air quality, or traffic noise. The No Project Alternative would not create the need for drainage improvements nor increase the demand for utilities. Impacts under the No Project Alternative would be less severe than impacts under the proposed project.

**Relation to Project Objectives.** The No Project alternative would prevent attainment of the basic project objectives as identified in Section 1.4, above.

**Feasibility.** The No Project alternative is infeasible because it would not meet any of the project objectives; it would prevent CSU Fresno from providing housing for a variety of tenants, and to support Fresno State's educational mission by providing an on-campus venue for University academic, cultural, and entertainment events that are easily accessible to students, faculty, staff, the Fresno/Clovis community, and regional and statewide patrons.. The No Project alternative would not provide any of the benefits outlined in the Statement of Overriding Considerations.

### **Reduced Intensity Alternative**

The Reduced Intensity Alternative would reduce the size of the project. Because significant project impacts are primarily related to traffic, traffic noise and air quality, the Reduced Intensity Alternative removes the retail portion of the project which is the major traffic generator. From Table 3-3 of the EIR, it is shown that the 150,000 square feet of retail proposed on the site generates approximately 31 percent of total traffic and 39 percent of peak hour traffic. The project site would also be reduced by an estimated 15 acres by removing retail commercial uses.

**Environmental Effects.** The Reduced Intensity Alternative would reduce land use impacts and also reduce impacts to traffic, traffic noise and air quality. The Reduced Intensity Alternative, however, would reduce the mixed-use benefits of the project as it removes the retail portion, one of the primary mixed-use components of the project. Significant effects of the Reduced Intensity Alternative would be similar to the project, but less severe because substantially fewer acres would be disturbed and fewer traffic-related impacts would occur. As a result, the alternative's contribution to significant cumulative impacts would be less. Provision of services to the project under this alternative may become less efficient and/or more costly because the basic service and utility infrastructure is still required; the revenue base over which to spread the cost, however, is substantially lower.

**Relation to Project Objectives.** The Reduced Intensity Alternative would prevent attainment of many of the basic project objectives as identified in Section 1.4, above. The Reduced Intensity Alternative would not enable CSU Fresno to meet its basic project objective of providing an on-campus venue for University academic, cultural, and entertainment events that are easily accessible to students, faculty, staff, the Fresno/Clovis community, and regional and statewide patrons. Although on-campus housing to aid in faculty and staff recruitment would be retained, the synergy of being located within a mixed-use development would be lost. The retail component is important to provide an active pedestrian destination for residents, students, and visitors intended for a mixed use project. Under this alternative, the project would not provide a retail center at Fresno State to serve the campus, the residents of the Fresno/Clovis Metropolitan Area, and Central California.

**Feasibility.** The Reduced Intensity Alternative is infeasible because it would prevent attainment of many of the basic project objectives as identified in Section 1.4, above; it would negatively impact the University's ability to recruit and retain quality faculty and staff in support of its educational, mission; and, it would not provide many of the benefits outlined in the Statement of Overriding Considerations.

### **Altered Site Plan Alternative**

Under this alternative, the senior housing and apartments, now shown on the site plan adjacent to the west-bound off ramp of State Route 168, would be moved to the northern portion of the site adjacent to Chestnut Avenue and the proposed retail component of the project. Moving these residential buildings to the rear of the site addresses potentially significant project impacts identified for project noise and aesthetics.

**Environmental Effects.** Significant effects of the Altered Site Plan Alternative would be similar to the project, but less severe because residential units would be moved to less noise sensitive areas and site aesthetics would be improved. As a result, the alternative would generally contribute a smaller portion to cumulative impacts.

**Relation to Project Objectives.** The Altered Site Plan Alternative would shift non-residential uses south on the site adjacent to Shaw and Chestnut Avenues, reducing accessibility to students, faculty, and staff from the main campus to the west. This shift would also increase private vehicle trips to the retail components of the site and reduce walkability, two main principles of the mixed-use project. As such, the Altered Site Plan Alternative would inhibit attainment of a basic project objective identified in Section 1.4, above. The alternative would reduce the effectiveness of the mixed-use project and negatively impact accessibility to the on-campus venue.

**Feasibility.** The Altered Site Plan Alternative is infeasible because it would inhibit attainment of a basic project objective as identified in Section 1.4, above. By shifting non-residential uses to the south portion of the site, the alternative would negatively impact the effectiveness of the mixed-use project and accessibility to students, faculty, and staff from the main campus to the west to the on-campus venue.

## **5.0 FINDINGS WITH RESPECT TO MITIGATION OF SIGNIFICANT ADVERSE IMPACTS, AND ADOPTION OF MITIGATION MONITORING PLAN**

Based on the entire record before the Board of Trustees, and having considered the unavoidable significant impacts of the project, the Board of Trustees hereby determines that all feasible mitigation within the responsibility and jurisdiction of the CSU has been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. The feasible mitigation measures are discussed in Section 3.1 and 3.2, above, and are set forth in the Mitigation Monitoring and Reporting Program.

The CSU Board of Trustees is vested with "full power and responsibility in the construction and development of any state University campus, and any buildings or other facilities or improvements connected with the California State University" (California Education Code 66606). CEQA provides that each public agency shall mitigate or avoid the significant effects on the environment of projects it approves or carries out whenever it is feasible to do so (Public Resources Code 21001.1[b]). In mitigating or avoiding a significant effect of a project on the environment, a public agency may exercise only those express or implied powers provided by law other than under CEQA (PRC 21004). The California State University (CSU) has specific powers to mitigate effects that occur within its jurisdiction, namely within the campus, but limited powers for those that occur outside of the project site.

Local agencies frequently impose fees for the mitigation of projects and cumulative impacts to finance the fair share cost of infrastructure improvements needed to accommodate growth. Such imposition of fees can occur only for those entities that are within the jurisdiction of that local agency. Government Code 54999 et. seq. does allow local entities to negotiate with the State for the imposition of "capital facilities fees" for the connection of specified utility services. Therefore, insofar as CSU agrees with a local entity for a capital facilities fee, such as needed expansion of a wastewater treatment facility to accommodate university growth, that amount may be assessed CSU. Utilities covered under 54999 include water, light, heat, communications, power, garbage service, flood control, drainage, sanitation and sewage collection, treatment, and disposal.

Additionally, pursuant to the recent State Supreme Court decision (*City of Marina v Board of Trustees*

of the California State University), the CSU and the University acknowledge responsibility to negotiate with local agencies in order to determine the amount of a voluntary mitigation payment (process subject to Chapter 13.7 of Government Code Section 67685) that would fund the University's fair share of the off-site improvements required to mitigate or avoid the environmental effects of this project (i.e. off-site roadways and intersections).

The Board of Trustees finds that each mitigation measure within the responsibility and jurisdiction Of the CSU is a binding condition of project approval, fully enforceable by the Board. Section 21081.6 of the Public Resources Code requires the Board of Trustees to adopt a monitoring or compliance program regarding the changes in the Project and mitigation measures imposed to lessen or avoid significant effects on the environment. The Mitigation Monitoring and Reporting Program for the California State University, Fresno Campus Pointe Project is hereby adopted by the Board of Trustees because it fulfills the CEQA mitigation monitoring requirements:

- The Mitigation Monitoring Program is designed to ensure compliance with the changes in the project and mitigation measures imposed on the project during project implementation; and
- Measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements or other measures.