

Fresno judge dismisses lawsuit to stop Fulton Mall project

By George
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Looking north from Gottschalk's on Fulton Street in 1936. THE FRESNO BEE |[Buy Photo](#)

It's time for Plan B if a group of citizens is to succeed in its effort to keep Fulton Corridor as a pedestrian mall.

Mayor Ashley Swearingin, on the other hand, adds another victory to her record as she tries to open Fresno's pivotal downtown corridor to vehicular traffic.

Superior Court Judge Dennis Peterson has said no to an advocacy group that sued to stop Swearingin.

The Downtown Fresno Coalition asked the court to decertify City Hall's environmental report on Fulton Mall, effectively halting a construction project that would spell the end of the 50-year-old mall.

The coalition claimed City Hall both rushed and botched the report, violating state law. Perhaps more importantly, the coalition added, City Hall is threatening a national treasure that, once gone, could never return in original form.

City officials said due process and the people's interest were followed to the letter.

Peterson, in a 43-page ruling, reviewed the Fulton Corridor project's complex history and individually tackled nine legal questions.

Peterson said City Hall did not have its mind made up when starting the environmental reporting process. Once this fundamental issue was out of the way, Peterson dismissed the other eight issues — for example, were project

alternatives sincerely considered, was the project description too narrow — with speed and certainty.

Peterson booted the lawsuit out of his court.

Swearingin Tuesday said she is pleased.

Peterson's decision "means the reconstruction of Fulton Street can begin and our vision to revitalize the Fulton Mall will finally move forward," Swearingin said.

Downtown Fresno Coalition Co-Chairman Doug Richert said his group is disappointed but unbowed.

"You don't give up after losing one game," Richert said. "We will appeal."

Swearingin's Fulton Mall project is to be funded with state and federal money. The lawsuit before Peterson involved state funds, which is why it was filed in state court. Richert said the coalition has already filed a lawsuit in federal court over City Hall's handling of Uncle Sam's money and environmental procedures.

The escalating legal fight is merely the keeping of a years-old vow by both Swearingin and Fulton Mall supporters.

The mayor took office in January 2009 promising to revitalize downtown and older Fresno neighborhoods. She was touting the wisdom of opening the six-block Fulton Corridor between Tuolumne and Inyo avenues to cars midway through her first four-year term.

The best parts of Fulton Mall — its public art, its urban feel, its open invitation to walkers of all ages — would be retained, Swearingin said. At the same time, she added, Fulton Street would regain the vehicular traffic so important in this modern age to commerce and civic energy.

Along the way, Swearingin landed about \$16 million from a federal grant to help pay for the construction project and convinced a City Council majority to embrace her vision.

Critics have said from Day One that Fulton Mall's only problem is a long history of City Hall indifference.

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