



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO. 5:00 pm

COUNCIL MEETING 2/6/14

January 30, 2014

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division

THROUGH: BONIQUES EMERSON, Supervising Planner
Development Services Division

BY: NATHAN BOUVET, Planner III
Development Services Division

APPROVED BY
[Signature]
DARM DEPARTMENT DIRECTOR
[Signature]
CITY MANAGER

SUBJECT: Consideration of Plan Amendment Application No. A-13-003, Rezone Application No. R-13-009, and related Environmental Finding for the property located at the northeast corner of East Nees and North Chestnut Avenues (Council District 6).

1. Consider the environmental finding of Environmental Assessment No. A-13-003/R-13-009/C-13-086, a finding of a Mitigated Negative Declaration, dated November 22, 2013.
2. RESOLUTION – Approving Plan Amendment Application No. A-13-009 to amend the 2025 Fresno General Plan and the Woodward Park Community Plan for ± 9.99 acres from the neighborhood commercial planned land use designation to the medium-high density residential planned land use designation.
3. BILL – Amending the Official Zone Map to reclassify ± 9.99 acres from the C-1/UGM (Neighborhood Shopping Center/Urban Growth Management) zone district to the R-2/UGM (Low Density Multiple Family Residential/Urban Growth Management) zone district.

RECOMMENDATION

Staff recommends the City Council take the following action:

1. ADOPT the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-13-003/R-13-009/C-13-086 for the purpose of the proposed project.
2. ADOPT RESOLUTION approving Plan Amendment Application No. A-13-003 proposing to amend the 2025 Fresno General Plan and the Woodward Park Community Plan for ± 9.99 acres from the neighborhood commercial planned land use designation to the medium-high density residential planned land use designation.
3. ADOPT BILL approving Rezone Application No. R-13-009 requesting authorization to reclassify ± 9.99 acres from the C-1/UGM (Neighborhood Shopping Center/Urban Growth Management) zone district to the R-2/UGM (Low Density Multiple Family Residential/Urban Growth Management) zone district.

Presented to City Council

Date 1/30/14

Disposition

Continue to 2/6/14 @ 5:00 pm.

EXECUTIVE SUMMARY

The proposed project, filed by Bryan Sassano of S.I.M Architects, on behalf of Spencer Enterprises, Inc., pertains to approximately 9.99 net acres of property located on the northeast corner of East Nees and North Chestnut Avenues. The applicant proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from the neighborhood commercial planned land use designated for the site, to the medium-high density residential planned land use designation. The applicant also proposes to reclassify the site from the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district. These applications have been filed in order to facilitate approval of a proposed 160 unit multiple family residential gated community with community building, swimming pool, detached garages, and carports in accordance with Conditional Use Permit Application No. C-13-086.

The proposed project is supported by staff and was approved by the Council District 6 Plan Implementation Committee. In addition, on December 18, 2013, the Fresno City Planning Commission unanimously recommended approval of Plan Amendment Application No. A-13-003 and Rezone Application No. R-13-009 to the City Council.

PROJECT INFORMATION

| | |
|-----------|---|
| PROJECT | See Executive Summary |
| APPLICANT | Bryan Sassano of S.I.M. Architects, on behalf of Spencer Enterprises, Inc. |
| LOCATION | 2610 East Nees Avenue; Located on the northeast corner of East Nees and North Chestnut Avenues (APN: 403-070-53) (Council District 6, Councilmember Brand) |
| SITE SIZE | Approximately 9.99 acres |
| LAND USE | Existing - Neighborhood Commercial Proposed - Medium-High Density Residential |
| ZONING | Existing- C-1/UGM (Neighborhood Shopping Center/Urban Growth Management) Proposed- <u>R-2/UGM</u> (<i>Low Density Multiple Family Residential/Urban Growth Management</i>) |

**PLAN DESIGNATION
 AND CONSISTENCY**

Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the proposed R-2 zone district classification and the proposed Medium-High Density Residential planned land use designation for the subject property may be found consistent.

**ENVIRONMENTAL
 FINDING**

A Finding of a Mitigated Negative Declaration was filed with the Fresno County Clerk's office on November 22, 2013.

**PLAN COMMITTEE
 RECOMMENDATION**

The District 6 Plan Implementation Committee made a formal recommendation on September 17, 2013. The Committee recommended approval of the plan amendment, rezone, and conditional use permit applications by a 4-0-0 vote with three (3) committee members absent.

**PLANNING
 COMMISSION**

On December 18, 2013, the Planning Commission, by a 6-0 vote, recommended that the City Council: (1) Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-13-003/R-13-009/C-13-086; (2) Approve Plan Amendment Application No. A-13-003; and (3) Approve Rezone Application No. R-13-009. The Planning Commission also approved Conditional Use Permit Application No. C-13-086.

**STAFF
 RECOMMENDATION**

Recommend that the City Council: (1) Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-13-003/R-13-009/C-13-086; (2) Approve Plan Amendment Application No. A-13-003; and, (3) Approve Rezone Application No. R-13-009.

BORDERING PROPERTY INFORMATION

| | Planned Land Use | Existing Zoning | Existing Land Use |
|--------------|--------------------------------|---|---------------------------|
| North | Medium-Low Density Residential | R-1/UGM <i>Single Family Residential District/Urban Growth Management</i> | Single Family Residential |
| South | Medium-Low Density Residential | R-1/UGM <i>Single Family Residential District/Urban Growth Management</i> | Single Family Residential |

| | | | |
|-------------|---------------------------------|---|---|
| East | Medium-High Density Residential | R-2/UGM <i>Low Density Multiple Family Residential District/Urban Growth Management</i> | Multiple Family Residential, Single Family Residential & Rural Residences |
| West | Office | C-P <i>Administrative and Professional Office District</i> | Vacant Land & Commercial Office |

ENVIRONMENTAL FINDING

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Woodward Park Community Plan area, including the Master Environmental Impact Report (MEIR) No. 10130 for the 2025 Fresno General Plan (SCH#2001071097) and Mitigated Negative Declaration (MND) No. A-09-02 (SCH#2009051016). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The proposed amendment of the adopted 2025 Fresno General Plan, along with the accompanying rezone and conditional use permit applications, have been determined to not be fully within the scope of MEIR No. 10130 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-13-003/R-13-009/C-13-086 was published on November 22, 2013 with no comments or appeals received within the 20-day public comment period.

BACKGROUND / ANALYSIS

Project Description

Bryan Sassano, on behalf of Steven Spencer of Spencer Enterprises, Inc., has filed Plan Amendment Application No. A-13-003, Rezone Application No. R-13-009, and Conditional Use Permit Application No. C-13-086 pertaining to approximately 9.99 acres of property located on the northeast corner of East Nees and North Chestnut Avenues. The subject property is bounded on the north and south by existing single family residential developments. Property to the east of the subject property has been developed with multiple family residential land uses. Property immediately west of the subject property is vacant land and property further west is developed with commercial office uses.

Plan Amendment Application No. A-13-003 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from the neighborhood commercial planned land use to the medium-high density residential planned land use. Rezone Application No. R-13-009 proposes to reclassify the site from the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district. These applications have been filed in order to facilitate approval of a proposed 160 unit multiple family residential gated community with community building, swimming pool, detached garages, and carports in accordance with Conditional Use Permit Application No. C-13-086.

Density

Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the FMC, the proposed R-2 (*Low Density Multiple Family Residential*) zone district is consistent with the proposed Medium-High Density Residential (10.38-18.15 dwelling units/acre) planned land use designated for the subject property.

The R-2 zone district allows 'one dwelling unit for each two thousand seven hundred (2,700) square feet of lot area plus one dwelling unit for any remaining area of less than two thousand seven hundred (2,700) square feet and more than one thousand three hundred and fifty (1,350) square feet.' The subject site is 435,540 square feet which permits one hundred sixty-two (162) units or 16.3 dwelling units per acre.

Therefore, the development of the subject property at an overall density of approximately 16.0 dwelling units per acre, in a manner which is consistent with the permitted uses and property development standards of the proposed R-2 (*Low Density Multiple Family Residential*) zone

district is determined to be consistent with the proposed Medium-High Density Residential planned land use designation for the subject property.

While this project would provide for a potential increase in population at this individual site beyond that originally planned for in the 2025 Fresno General Plan, it balances its population with other residential development projects in the immediate project vicinity which were not built-out at their full planned density and thus did not accommodate all the population planned for this area. Approximately 331.93 acres of property in the immediate area account for 1,561 dwelling units (4.70 dwelling units per acre); whereas the existing planned land use of medium-low density permits a maximum density of 6.0 dwelling units per acre. Therefore, the area can accommodate 160 dwelling units and a project density of sixteen (16) dwelling units per acre, which is being proposed by the applicant.

Land Use Plans and Policies

The most relevant goals, policies and objectives of the various plans that pertain to the project are discussed below, including, discussion related to the loss of commercial development:

The project includes a proposed amendment to the 2025 Fresno General Plan and the Woodward Park Community Plan for ± 9.99 acres from the neighborhood commercial planned land use designation to the medium-high density residential planned land use designation. In order to change the planned land use designation of the subject site for the purposes of facilitating future development, the proposed project shall meet the goals, objectives and policies of the 2025 Fresno General Plan and Woodward Park Community Plan by providing a project which introduces multiple family residential development in a manner which will maintain a pleasant living environment through reservation of adequate living spaces and protecting the integrity of adjacent neighborhoods. The close proximity of existing and planned community commercial, office commercial, church, and single and multiple family residential uses provides for a unique and diverse context; the proposed development will complement and embellish the existing mix of land uses.

Objective C-12 of the 2025 Fresno General Plan states that "Commercial land uses shall be classified, located, sized, and developed to meet the needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts." The immediate area already has adequate commercial land uses that meet the needs of this area. For example, within one (1) mile of the project site there are approximately 185.75 acres of Office; 98.62 acres of Neighborhood Commercial; 69.28 acres of Commercial Business Park; and 48.6 acres of Community Commercial planned land uses. It has been determined that sufficient commercial opportunities are afforded the residents (current and future) in the immediate vicinity.

Objective C-8 of the Fresno General Plan states that the City should "Facilitate the development of mixed uses to blend residential, commercial and public land uses on one site." The proposed project, although lacking vertical integration of uses, is an integrated project that will blend multifamily residential to single family residential and commercial developments located in the immediate area.

Objective C-9 of the 2025 Fresno General Plan directs planning for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Supporting policy C-9-k recommends that Medium-High Density Residential uses shall be distributed to maximize utilization of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping services, and transportation. New residential projects within this land use category should not be permitted to be developed at a density less than the minimum shown in Table 2 of the General Plan in order to better achieve the goals of the city's Housing Element.

Similarly, the goals of the Woodward Park Community Plan are directed toward: (1) The provision of a diversity of housing types, densities, and locations with respect to housing opportunities; (2) Providing for balanced growth and efficient use of resources and public facilities; and, (3) Providing maintenance of a safe, attractive, and stable community (Residential Uses – Goal 1-3).

Therefore, it is staff's opinion that the proposed plan amendment, rezone, and conditional use permit applications are consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. The proposed project is found; (1) To be consistent with the goals, objectives and policies, including infill development of the applicable 2025 Fresno General Plan and the Woodward Park Community Plan; (2) To be suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject site or adjacent lands.

The proposed density and design will take advantage of the existing infrastructure in the area. The existing street system with appropriate improvements from the subject property can readily accommodate increases in traffic. Furthermore, the development of a vacant parcel will create a more aesthetic appealing appearance to the neighborhood and lessen potential conflicts associated with vacant properties such as dumping of trash and vandalism. The following section(s) will further discuss circulation, traffic, and public services associated with the project site.

Circulation Element Plan Policies and Major Street System Traffic Capacity

The subject property is located on the northeast corner of East Nees and North Chestnut Avenues. The subject property location is in close proximity to residential and commercial land uses which provide for a pattern of development that is anticipated to have the potential to reduce the number of average daily vehicle trips.

The mitigation measures established by the certification of MEIR No. 10130, requires that all plan amendments are required to prepare a Traffic Impact Study (TIS). A TIS, dated July 26, 2013, was prepared for the proposed multi-family complex by Peters Engineering Group. The study has applied the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual. The development of 160 multiple family residential units on the subject site is expected to generate an average of approximately 1,207 average daily trips (ADT). Of these

vehicle trips it is projected that 81 will occur during the morning (7 to 9 a.m.) peak hour travel period and 103 will occur during the evening (4 to 6 p.m.) peak hour travel period. The existing 2025 Fresno General Plan planned land uses for the subject site would generate 7,160 ADT, 164 trips occurring during the a.m. peak hour and 633 trips during the p.m. peak hour.

The proposed plan amendment will change the land use to Medium-High Density Residential, which will substantially reduce the traffic volume, as noted above. The trips would be directed mainly onto Nees Avenue. Chestnut Avenue and Nees Avenue are both designated as arterial streets according to the 2025 Fresno General Plan and the Woodward Park Community Plan. The northbound and southbound approaches include one left-turn lane, one through lane, and one right-turn lane. The eastbound approach includes one left-turn lane, two through lanes, and one right-turn lane. The westbound approach includes one left-turn lane and two through lanes with a shared right turn. The proposed project is expected to construct Nees Avenue to its ultimate width on the westbound approach, which is expected to include construction of a westbound right-turn lane.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

The City of Fresno Traffic Planning section indicates that the project, if approved, would reduce traffic by 4,831 ADT (a 74% reduction), 73 a.m. peak hour trips, and 415 p.m. peak hour trips compared to what's projected if the site was developed as neighborhood commercial. The proposed plan amendment, therefore, represents a significant decrease to total and peak hour traffic.

Public Services

Fresno is one of the largest cities in the United States still relying primarily on groundwater for its public water supply. Surface water treatment and distribution has been implemented in the northeastern part of the City, but the city is still subject to an EPA Sole Source Aquifer designation. While the aquifer underlying Fresno typically exceeds a depth of 300 feet and is capacious enough to provide adequate quantities of safe drinking water to the metropolitan area well into the twenty-first century, groundwater degradation, increasingly stringent water quality regulations, and a historic trend of high consumptive use of water on a per capita basis (some 250 gallons per day per capita), have resulted in a general decline in aquifer levels, increased cost to provide potable water, and localized water supply limitations.

In accordance with the provisions of the 2025 Fresno General Plan and MEIR No. 10130 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project. The City has indicated that groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. The Department of

Public Utilities, Water Division has reviewed the proposed project and has determined that water facilities are available to provide service to the subject site subject to several conditions.

The proposed project will be required to contribute to the completion of the Fresno Metropolitan Flood Control District's (FMFCD) master planned storm drainage facilities. Stormwater ponding basins provide significant opportunity to recharge groundwater with collected storm water run-off and surface water obtained from the Fresno Irrigation District (FID) and United States Bureau of Reclamation on the northern edge of the current urban limit boundary.

When development permits are issued, the subject site will be required to contribute to the completion of the FMFCD's master planned storm drainage facilities, and to preserve the patency of irrigation canals and pipelines for delivering surface water to recharge/percolation basins. Fees to support expansions and service enhancements of the City's water utility, including recharge activities, are also imposed as conditions of approval for special permits.

Occupancy of this site will generate wastewater containing human waste, which is required to be conveyed and treated by the Fresno-Clovis Regional Wastewater Treatment and Reclamation Facility. There will not be any onsite wastewater treatment system. The proposed project will be required to install sewer branches, and to pay connection and sewer facility fees to provide for reimbursement of preceding investments in sewer trunks to connect this site to a public system.

The subject site is located within the city's Urban Growth Management Area and shall comply with the applicable service deliver requirements necessary to provide not less than the minimum acceptable level of fire protection facilities and services appropriate for urban uses. City police and fire protection services are available to serve the subject site. The subject site is located within two miles of Clovis Fire Station No. 43. The City of Fresno and Clovis have an automatic aid agreement.

The demand for parks generated by the project will be within planned service levels of the City of Fresno Parks and Community Services Department and the applicant will pay any required impact fees at the time building permits are obtained.

Any urban residential development occurring as a result of the proposed project will have an impact on the School District's student housing capacity. The School District, through local funding, is in a position to mitigate its shortage of classrooms to accommodate planned population growth for the foreseeable future. The developer will pay appropriate impact fees at time of building permits. Clovis Unified School District currently levies a school facilities fee of \$3.23 per square foot (as of July 11, 2012) for residential development. The fee is adjusted periodically in accordance with law. New development on the subject property will be subject to the fee in place at the time fee certificates are obtained.

Bus transportation is currently provided for grades K-6 students residing further than one mile from school and for grades 7-12 students residing further than two and one-half miles from school. Transportation will be available for students attending the above-identified elementary, intermediate and high schools in accordance with District standards in effect at

the time of enrollment.

Council District Plan Implementation Committees

The District 6 Plan Implementation Committee made a formal recommendation on September 17, 2013. The Committee recommended approval of the plan amendment, rezone, and conditional use permit applications by a 4-0-0 vote with three (3) committee members absent.

Fresno City Planning Commission

On December 18, 2013, the Fresno City Planning Commission considered Plan Amendment Application No. A-13-003 and Rezone Application No. R-13-009 in conjunction with Conditional Use Permit Application No. C-13-086. At the hearing, several residents in the immediate project area spoke in opposition to the project. Issues included project notification, wall heights abutting property to the north, noise and traffic, site security, property values, and potential impacts on the local school district. After discussion and revising several conditions of approval referenced below, the Planning Commission recommended approval of the plan amendment and rezone applications and the related environmental assessment to the City Council and approved the conditional use permit as staff recommended by a vote of 6 to 0, subject to the revised conditions of approval that helped address concerns brought up during the public hearing. The revised/added conditions are as follows:

- All proposed masonry walls facing Muncie and Chestnut Avenues shall be treated with anti-graffiti coating and maintained in perpetuity.
- Wrought iron fencing off East Nees and North Chestnut Avenues (approximately 20' from the property line) shall incorporate a series of decorative stone veneer pilasters with decorative caps spaced thirty-two (32) feet apart in multiples of eight (8), as measured off-center.
- All fences, hedges and walls shall conform to the provisions of Section 12-306-H, except as specified below:
 - a. The construction of a masonry wall as close to eight (8) feet in height, without the requirement for a Variance (i.e., 7.84'), along the northern boundary of the property abutting the three single family residential properties, then a reduction in fence height to six (6) feet for the fence along the northern boundary of the property abutting Muncie Avenue.
 - b. A solid block wall matching the height and design of the existing block wall off East Muncie Avenue shall be constructed along the north property line and extend west to the eastern edge of the residential homes and include pilasters as conditioned herein (i.e., spaced 32' apart).

Public Input

The applicant held a neighborhood meeting on December 11, 2013, and noticed property owners within 500-feet of the subject property, in addition to, residents being formally noticed

by the City pertaining to the Planning Commission meeting scheduled for December 18, 2013. The property owner provided an overview of the project, including renderings of the development, followed by a question and answer session.

Notice of City Council Meeting

The Development and Resource Management Department mailed notices of this City Council hearing to surrounding property owners within 500 feet of the subject property (see attached Noticing Map).

Fiscal Impact of Recommendation

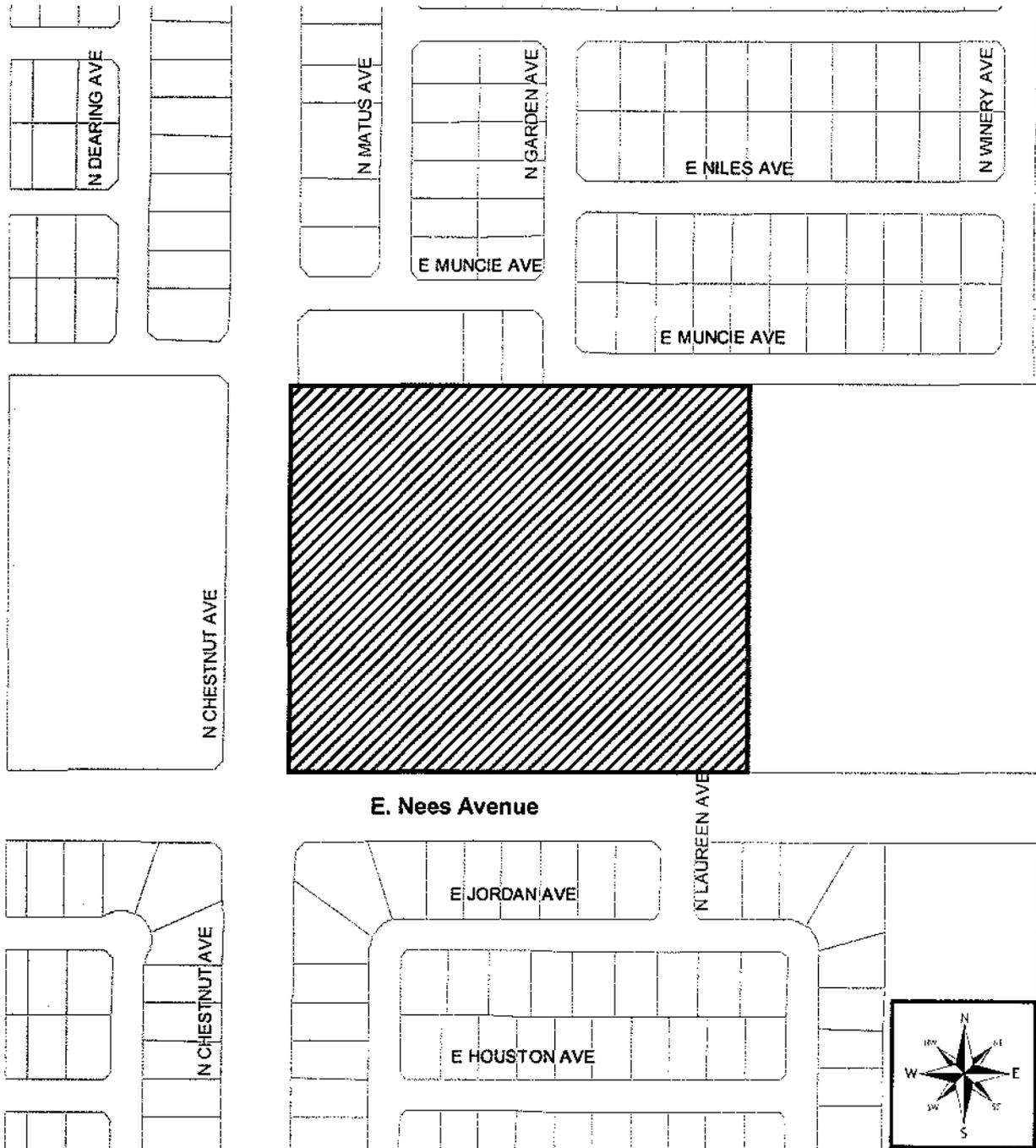
Affirmative action by the Council will result in timely deliverance of the review and processing of the application as is reasonably expected by the applicant/customer. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant/customer has paid to the city a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Development and Resource Management Department.

Attachments: Vicinity Map
Aerial Photograph
Public Hearing Notice Mailing List Vicinity Map
2025 Fresno General Plan Planned Land Use Map
Proposed Zone District Map
Exhibits Submitted with Conditional Use Permit Application No. C-13-086
Environmental Assessment No. A-13-003/R-13-009/C-13-086 dated November 22, 2013
Planning Commission Resolutions Nos. 13249 (EA & Plan Amendment), 13250 (Rezone), and 13251 (CUP)
City Council Resolution for Plan Amendment Application No. A-13-003
City Council Ordinance Bill for Rezone Application No. R-13-009

This page intentionally left blank.

Vicinity Map

VICINITY MAP



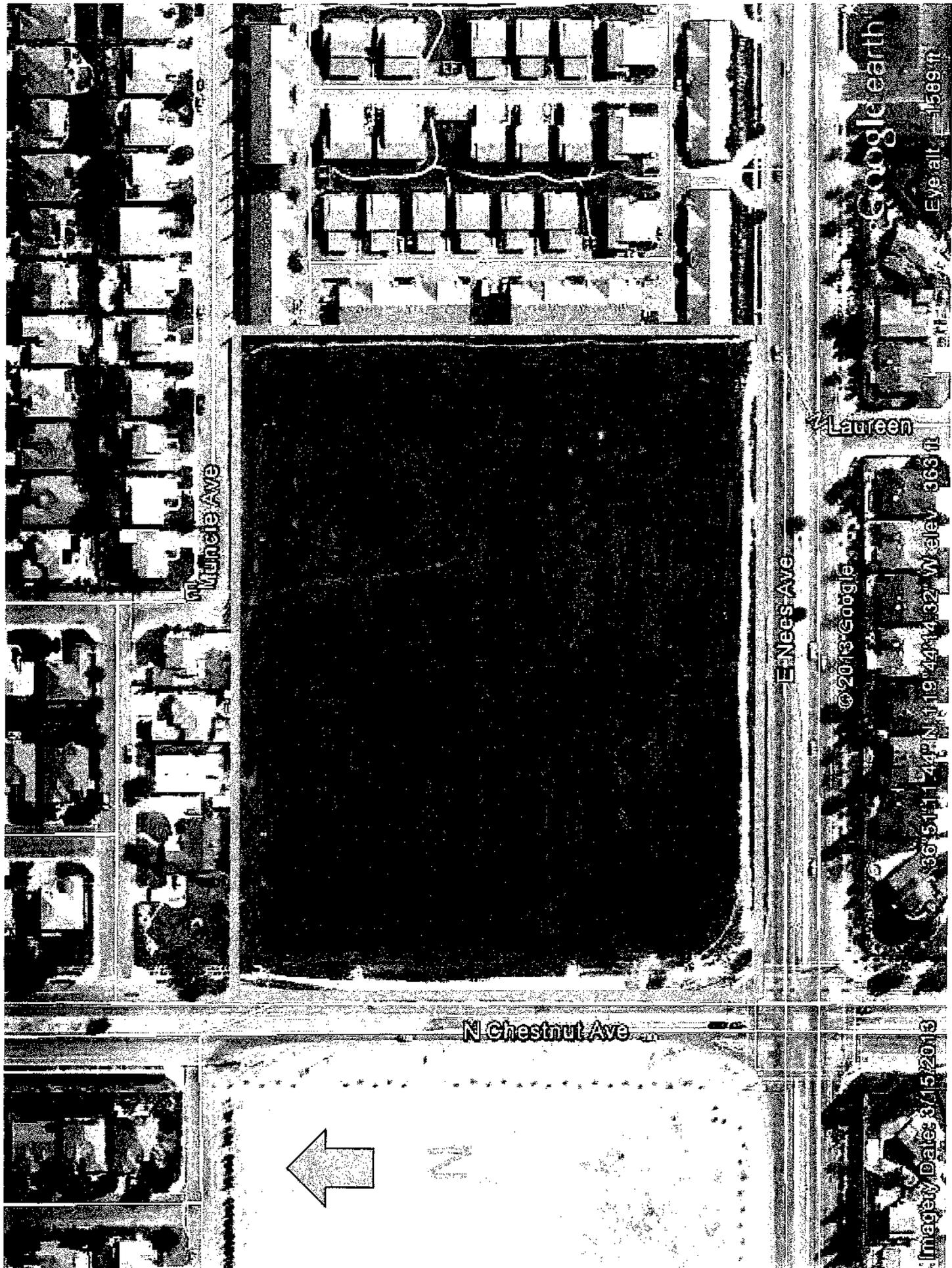
Plan Amendment Application No. A-13-03
Rezone Application No. R-13-009
Conditional Use Permit Application No. C-13-086

LEGEND



Subject Property

Aerial Photograph



Muncie Ave

E Nees Ave

N Chestnut Ave

Laureen

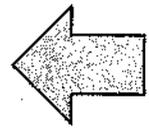
Google earth

Eye alt 1589 ft

© 2013 Google

36° 51' 11.44\"/>

Image Date: 3/15/2013



N

Public Hearing Notice Mailing List
Vicinity Map (500-foot radius)

40432212 40439404
40432213 40439403
40432214 40439402
40432215 40439401

40439201
40439202
40439203
40439204

40439205
40439206
40439207
40439208
40439209
40439210
40439211
40439216

40447003
40447004
40447005
40447006
40447007
40447008
40447009
40447010
40447011
40447012
40447013
40447014

40447015
40447016
40447017
40447018

40447019
40447020
40447021
40447022
40447023
40447024
40446001
40446002
40446003

40446030
40446031
40446032
40446033
40447001
40447002

40439301
40439302
40439303
40439304
40439305
40439306
40439307
40439308
40439309
40439310
40439311
40439312
40439313

40307049

40307053

40307052

40307051
40307050
40307049
40307048
40307047
40307046
40307045
40307044
40307043
40307042
40307041
40307040
40307039
40307038
40307037
40307036
40307035
40307034
40307033
40307032
40307031
40307030
40307029
40307028
40307027
40307026
40307025
40307024
40307023
40307022
40307021

40364419 40364412
40364418 40364413
40364417 40364414
40364416 40364415

40364319 40364312
40364318 40364313
40364317 40364314
40364316 40364315

40364509
40364508
40364507
40364506
40364505
40364504

40367001
40367002
40367003

40367004
40367005
40367006
40367007
40367008
40367009

40367010
40367011
40367012
40367013
40367014
40367015
40367016
40367017
40367018
40367019

40367020
40367021
40367022
40367023
40367024
40367025
40367026
40367027
40367028
40367029

40367030
40367031
40367032
40367033
40367034
40367035
40367036
40367037
40367038
40367039
40367040
40367041
40367042
40367043
40367044
40367045
40367046
40367047
40367048
40367049
40367050
40367051
40367052
40367053
40367054
40367055
40367056
40367057
40367058
40367059
40367060
40367061
40367062
40367063
40367064
40367065
40367066
40367067
40367068
40367069
40367070
40367071
40367072
40367073
40367074
40367075
40367076
40367077
40367078
40367079
40367080
40367081
40367082
40367083
40367084
40367085
40367086
40367087
40367088
40367089
40367090
40367091
40367092
40367093
40367094
40367095
40367096
40367097
40367098
40367099
40367100

3432310
3432311
3432312
3432313

40363219
40363220
40363221

40432314
40432315

40363222
40363223
40363224

40446030
40446031

40366095
40366096
40366097

0446053
0446052
0446051
0446050
0446049
0446048
0446047
0446046
0446045
0446044

40366098
40366099
40366100
40366101
40366102
40366103
40366104
40366105
40366106
40366107
40366108
40366109
40366110
40366111
40366112
40366113
40366114
40366115
40366116
40366117
40366118
40366119
40366120

40446003
40446002
40446001
40447024
40447023
40447022
40447021

40366121
40366122
40366123
40366124
40366125
40366126
40366127
40366128
40366129
40366130
40366131
40366132
40366133
40366134
40366135
40366136
40366137
40366138
40366139
40366140
40366141
40366142
40366143
40366144
40366145
40366146
40366147
40366148
40366149
40366150

40446003
40446002
40446001
40447024
40447023
40447022
40447021

40366151
40366152
40366153
40366154
40366155
40366156
40366157
40366158
40366159
40366160
40366161
40366162
40366163
40366164
40366165
40366166
40366167
40366168
40366169
40366170
40366171
40366172
40366173
40366174
40366175
40366176
40366177
40366178
40366179
40366180
40366181
40366182
40366183
40366184
40366185
40366186
40366187
40366188
40366189
40366190
40366191
40366192
40366193
40366194
40366195
40366196
40366197
40366198
40366199
40366200

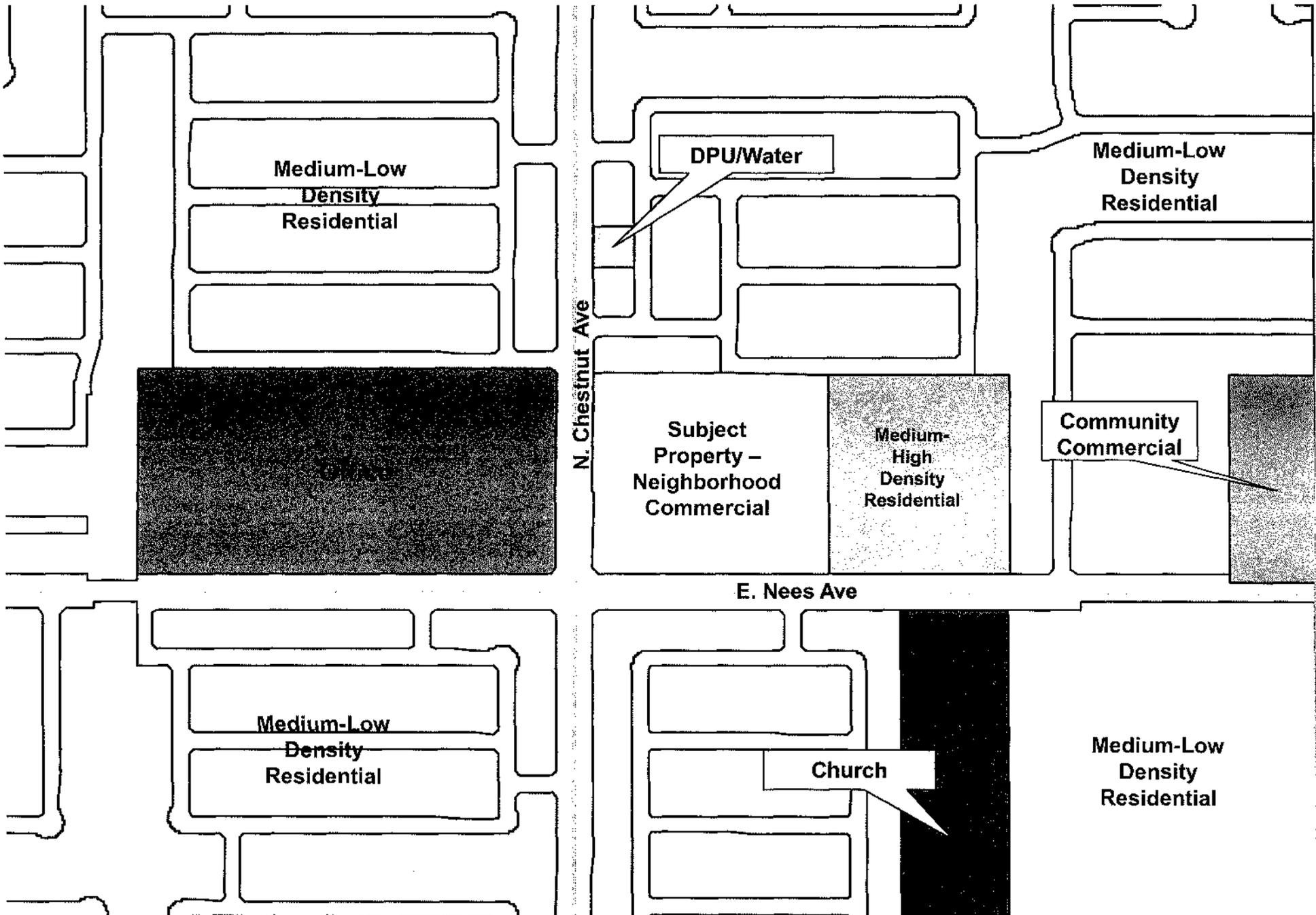
40446003
40446002
40446001
40447024
40447023
40447022
40447021

40366201
40366202
40366203
40366204
40366205
40366206
40366207
40366208
40366209
40366210
40366211
40366212
40366213
40366214
40366215
40366216
40366217
40366218
40366219
40366220
40366221
40366222
40366223
40366224
40366225
40366226
40366227
40366228
40366229
40366230
40366231
40366232
40366233
40366234
40366235
40366236
40366237
40366238
40366239
40366240
40366241
40366242
40366243
40366244
40366245
40366246
40366247
40366248
40366249
40366250

40446003
40446002
40446001
40447024
40447023
40447022
40447021

40366251
40366252
40366253
40366254
40366255
40366256
40366257
40366258
40366259
40366260
40366261
40366262
40366263
40366264
40366265
40366266
40366267
40366268
40366269
40366270
40366271
40366272
40366273
40366274
40366275
40366276
40366277
40366278
40366279
40366280
40366281
40366282
40366283
40366284
40366285
40366286
40366287
40366288
40366289
40366290
40366291
40366292
40366293
40366294
40366295
40366296
40366297
40366298
40366299
40366300

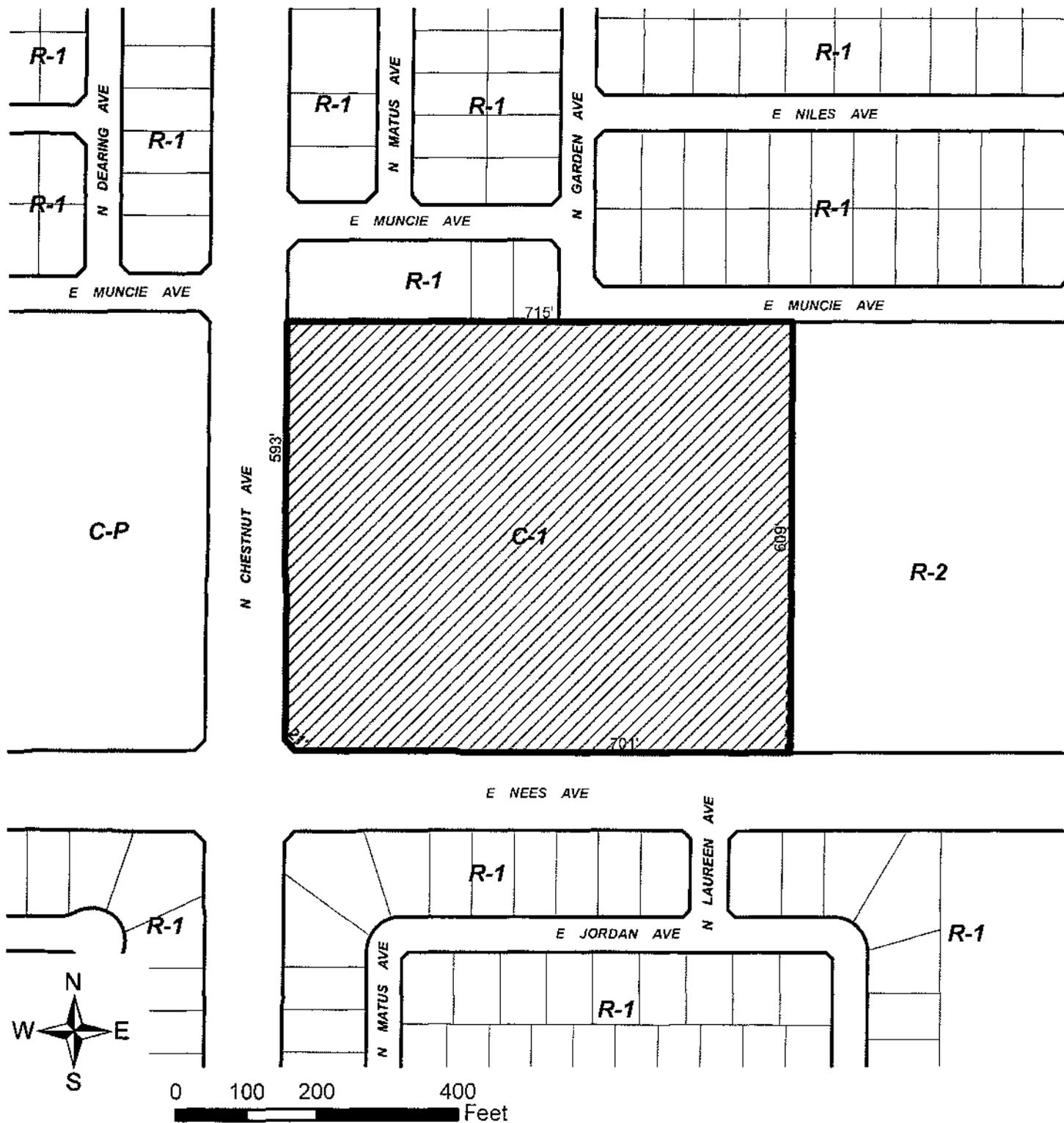
2025 Fresno General Plan
Planned Land Use Map



2025 Fresno General Plan Planned Land Use Map

Proposed Zone District Map

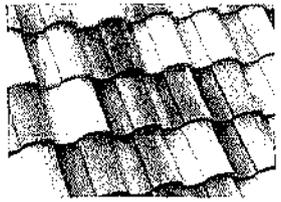
EXHIBIT A



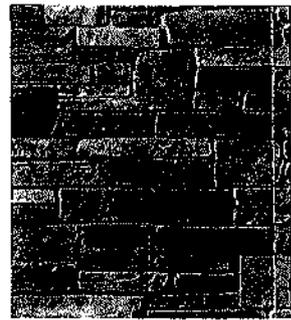
R-13-009
APN: 403-070-53
2610 East Nees Avenue

 C-1/UGM to R-2/UGM, 10.00 Acres

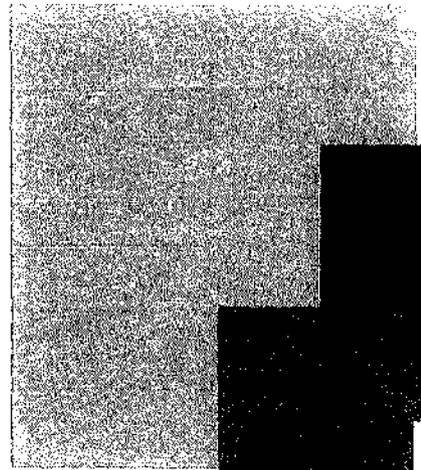
Exhibits for Conditional Use
Permit Application No. C-13-086



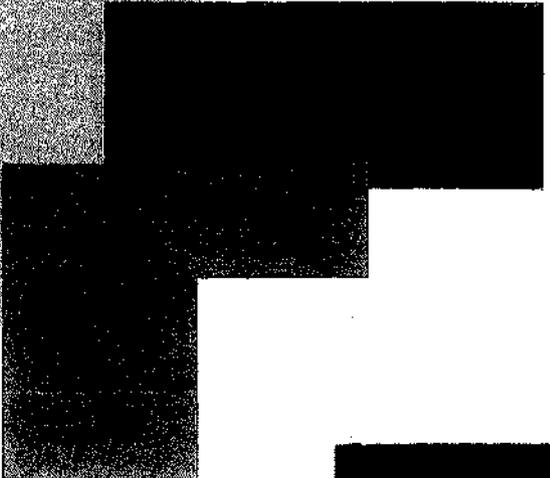
1



2



3, 8, 13, 14



6

4, 10



7

DATE: 11/13/13
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT: SEI - NEES AVENUE APARTMENTS
 CITY OF FRESNO PLUMBING & MECHANICAL DEPT.

5, 9

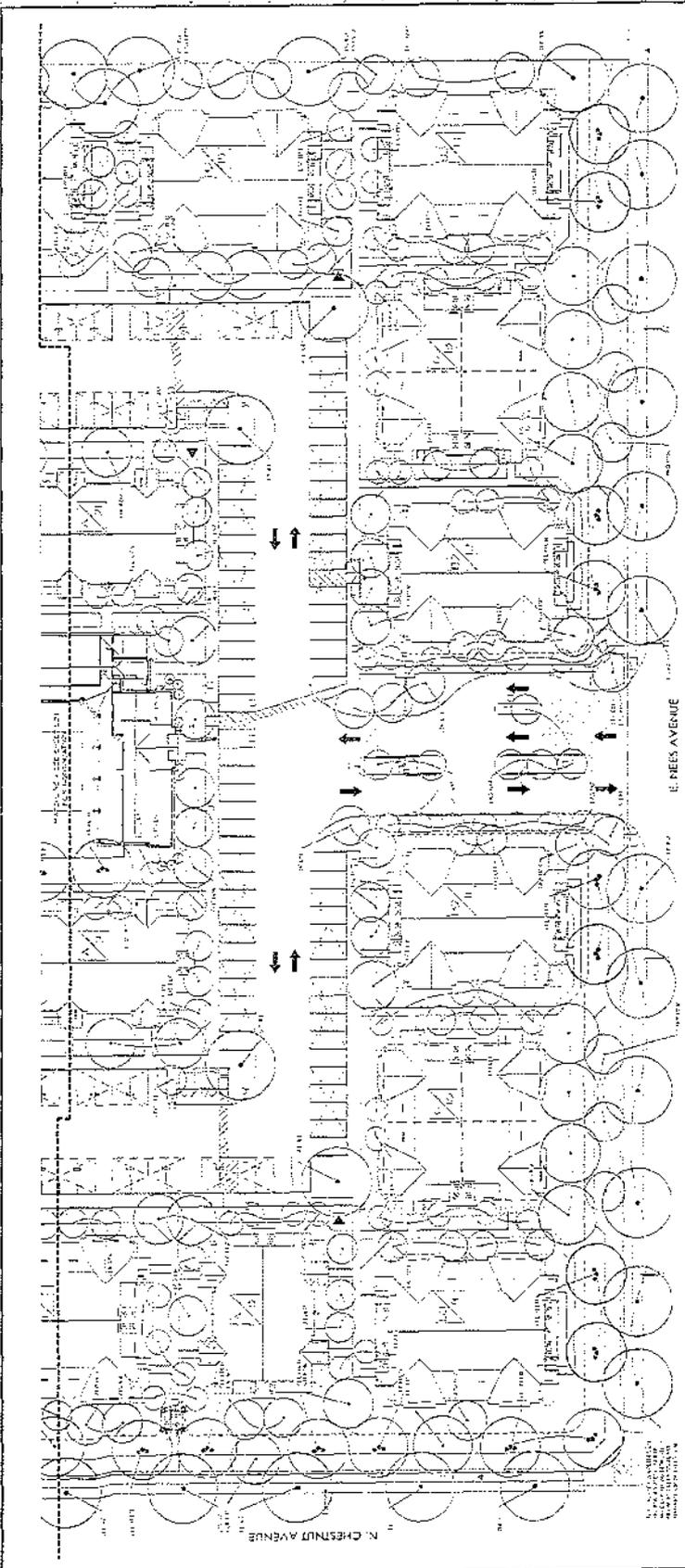
| | MATERIAL | DESCRIPTION/ COLOR |
|----|---------------------------------|--|
| 1 | CONCRETE ROOFTILE | EAGLE ROOFING 'CAPSTRAN' 13773 WALNUT CREEK BLEND |
| 2 | CAST STONE VENEER | CULTURED STONE - COUNTRY LEDGESTONE BUCKS COUNTY |
| 3 | STUCCO, INTEGRAL COLOR | BLUE EAGLE STUCCO - COLOR MATCH TO: PITTSBURG PAINT - #PPG 415-5 / 'WINDMILL' |
| 4 | STUCCO, PAINTED | BEN. JAMIN MOORE - #1546 / 'GARGOYLE' |
| 5 | FOAM TRIM, PAINTED | PITTSBURG PAINT - #PPG 414-4 / 'DUSTY TRAIL' |
| 6 | METAL DOOR, PAINTED | SHERWIN WILLIAMS - #SW 6034 / 'ARRESTING ALBURN' |
| 7 | METAL HANDRAILS, PAINTED | SHERWIN WILLIAMS - #SW 6090 / 'CAVIAR (BLACK) |
| 8 | METAL DOOR E FRAME, PAINTED | PITTSBURG PAINT - #PPG 415-5 / 'WINDMILL' |
| 9 | VENT TRIM, PAINTED | PITTSBURG PAINT - #PPG 414-4 / 'DUSTY TRAIL' |
| 10 | FASCIA | BEN. JAMIN MOORE - #1546 / 'GARGOYLE' |
| 11 | VINYL WINDOW | BEIGE FRAME |
| 12 | STUCCO EXPANSION JOINT | PAINTED TO MATCH ADJACENT STUCCO |
| 13 | METAL GARAGE DOOR, PAINTED | PITTSBURG PAINT - #PPG 415-5 / 'WINDMILL' |
| 14 | METAL CARPORT, PAINTED | PAINTED TO MATCH BUILDING COLOR PITTSBURG PAINT - #PPG 415-5 / 'WINDMILL' |
| 15 | DOOR W/ FULL GLASS | FINISH TO BE SELECTED |
| 16 | DRINKING FOUNTAIN | SEE PLUMBING FIXTURE SCHEDULE |
| 17 | MECH UNIT W/ SCREEN | SEE MECHANICAL PLANS |
| 18 | VINYL WINDOW | BEIGE FRAME - GLASS TO BE 'BLACKED OUT' AT ATTIC SIDE |
| 19 | GARAGE - EXTERIOR LIGHT FIXTURE | LIGHT FIXTURE TO BE SELECTED BY OWNER |
| 20 | 2 x 2 LOUVERED VENT | PAINT TO MATCH ADJACENT WALL, COLOR |

S I M 7591 NORTH INGRAM #101
 FRESNO, CALIFORNIA 93711
 T 559.448.8400 - F 559.448.8407
 ARCHITECTS www.simarchitects.com

PROJECT NAME
SEI - NEES AVENUE APARTMENTS

2610 E. NEES AVENUE, FRESNO, CA (NEC CHESTNUT AND NEES AVENUES)

PROJECT NUMBER: 13-19.1 DATE: 11.19.13 SHEET NAME: **EXTERIOR FINISHES**



12-13-80
12-13-80

- LEGEND**
- 1. 1" DBH - 1" DBH
 - 2. 2" DBH - 2" DBH
 - 3. 3" DBH - 3" DBH
 - 4. 4" DBH - 4" DBH
 - 5. 5" DBH - 5" DBH
 - 6. 6" DBH - 6" DBH
 - 7. 7" DBH - 7" DBH
 - 8. 8" DBH - 8" DBH
 - 9. 9" DBH - 9" DBH
 - 10. 10" DBH - 10" DBH
 - 11. 11" DBH - 11" DBH
 - 12. 12" DBH - 12" DBH
 - 13. 13" DBH - 13" DBH
 - 14. 14" DBH - 14" DBH
 - 15. 15" DBH - 15" DBH
 - 16. 16" DBH - 16" DBH
 - 17. 17" DBH - 17" DBH
 - 18. 18" DBH - 18" DBH
 - 19. 19" DBH - 19" DBH
 - 20. 20" DBH - 20" DBH
 - 21. 21" DBH - 21" DBH
 - 22. 22" DBH - 22" DBH
 - 23. 23" DBH - 23" DBH
 - 24. 24" DBH - 24" DBH
 - 25. 25" DBH - 25" DBH
 - 26. 26" DBH - 26" DBH
 - 27. 27" DBH - 27" DBH
 - 28. 28" DBH - 28" DBH
 - 29. 29" DBH - 29" DBH
 - 30. 30" DBH - 30" DBH
 - 31. 31" DBH - 31" DBH
 - 32. 32" DBH - 32" DBH
 - 33. 33" DBH - 33" DBH
 - 34. 34" DBH - 34" DBH
 - 35. 35" DBH - 35" DBH
 - 36. 36" DBH - 36" DBH
 - 37. 37" DBH - 37" DBH
 - 38. 38" DBH - 38" DBH
 - 39. 39" DBH - 39" DBH
 - 40. 40" DBH - 40" DBH
 - 41. 41" DBH - 41" DBH
 - 42. 42" DBH - 42" DBH
 - 43. 43" DBH - 43" DBH
 - 44. 44" DBH - 44" DBH
 - 45. 45" DBH - 45" DBH
 - 46. 46" DBH - 46" DBH
 - 47. 47" DBH - 47" DBH
 - 48. 48" DBH - 48" DBH
 - 49. 49" DBH - 49" DBH
 - 50. 50" DBH - 50" DBH
 - 51. 51" DBH - 51" DBH
 - 52. 52" DBH - 52" DBH
 - 53. 53" DBH - 53" DBH
 - 54. 54" DBH - 54" DBH
 - 55. 55" DBH - 55" DBH
 - 56. 56" DBH - 56" DBH
 - 57. 57" DBH - 57" DBH
 - 58. 58" DBH - 58" DBH
 - 59. 59" DBH - 59" DBH
 - 60. 60" DBH - 60" DBH
 - 61. 61" DBH - 61" DBH
 - 62. 62" DBH - 62" DBH
 - 63. 63" DBH - 63" DBH
 - 64. 64" DBH - 64" DBH
 - 65. 65" DBH - 65" DBH
 - 66. 66" DBH - 66" DBH
 - 67. 67" DBH - 67" DBH
 - 68. 68" DBH - 68" DBH
 - 69. 69" DBH - 69" DBH
 - 70. 70" DBH - 70" DBH
 - 71. 71" DBH - 71" DBH
 - 72. 72" DBH - 72" DBH
 - 73. 73" DBH - 73" DBH
 - 74. 74" DBH - 74" DBH
 - 75. 75" DBH - 75" DBH
 - 76. 76" DBH - 76" DBH
 - 77. 77" DBH - 77" DBH
 - 78. 78" DBH - 78" DBH
 - 79. 79" DBH - 79" DBH
 - 80. 80" DBH - 80" DBH
 - 81. 81" DBH - 81" DBH
 - 82. 82" DBH - 82" DBH
 - 83. 83" DBH - 83" DBH
 - 84. 84" DBH - 84" DBH
 - 85. 85" DBH - 85" DBH
 - 86. 86" DBH - 86" DBH
 - 87. 87" DBH - 87" DBH
 - 88. 88" DBH - 88" DBH
 - 89. 89" DBH - 89" DBH
 - 90. 90" DBH - 90" DBH
 - 91. 91" DBH - 91" DBH
 - 92. 92" DBH - 92" DBH
 - 93. 93" DBH - 93" DBH
 - 94. 94" DBH - 94" DBH
 - 95. 95" DBH - 95" DBH
 - 96. 96" DBH - 96" DBH
 - 97. 97" DBH - 97" DBH
 - 98. 98" DBH - 98" DBH
 - 99. 99" DBH - 99" DBH
 - 100. 100" DBH - 100" DBH

Sierra Designs, Inc.
 1000 N. CHESTNUT AVENUE
 SUITE 100
 DENVER, CO 80202
 (303) 733-1111

SE 1 - NEES AVENUE APARTMENTS
 TREE AND GROUND COVER PLAN - SOUTH
 SCALE: 1/4" = 1'-0"

L2.2

TREE & GROUND COVER PLAN - SOUTH

This page intentionally left blank.

Environmental Assessment No. A-13-003/R-13-009/C-13-086, finding of a Mitigated Negative Declaration dated November 22, 2013

This page intentionally left blank.

Mitigated Negative Declaration

This page intentionally left blank.

CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION

Notice of Intent was filed with:

FRESNO COUNTY CLERK
2221 Kern Street
Fresno, California 93721

The full Initial Study and the Master Environmental Impact Report No. 10130 are on file in the Development and Resource Management Department, Fresno City Hall, 3rd Floor, 2600 Fresno Street, Fresno, California 93721 (559) 621-8277

ENVIRONMENTAL ASSESSMENT NUMBER:
A-13-003/R-13-009/
C-13-086

on

November 22, 2013

APPLICANT:

Steven G. Spencer
Steven Enterprises, Inc.
5286 East Home Avenue
Fresno, CA 93727

PROJECT LOCATION:

9.99 acres of property located at 2610 East Nees Avenue on the northeast corner of Nees and North Chestnut Avenues, in the City and County of Fresno, California.
36°51'11.1744" N Latitude, - 119°44'14.7228" W Longitude
Assessor's Parcel Number: 403-070-53

PROJECT DESCRIPTION:

Steven G, Spencer, of Spencer Enterprises, Inc., has filed Plan Amendment Application No. A-13-003, Rezone Application No. R-13-009, and Conditional Use Permit Application No. C-13-086 pertaining to +/- 9.99 acres of property located on the northeast corner of East Nees and North Chestnut Avenues.

Plan Amendment Application No. A-13-003 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from the neighborhood commercial planned land use designation to the medium-high density residential land use designation. Rezone Application No. R-13-009 proposes to amend the Official Zone Map to reclassify the subject property from the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district. Conditional Use Permit Application No. C-13-086 proposes the construction of a 160-unit multiple family residential, gated development with a community building, swimming pool, detached garages, and carports.

The City of Fresno has conducted an initial study and proposes to adopt a Mitigated Negative Declaration for the above-described project. The environmental analysis contained in the Initial Study and this Mitigated Negative Declaration is tiered from Master Environmental Impact Report No. 10130 (SCH # 2001071097) prepared for the 2025 Fresno General Plan ("MEIR"); and, Mitigated Negative Declaration No. A-09-02 (SCH # 2009051016) prepared for the 2025 Fresno General Plan ("Air Quality MND"). A copy of the MEIR and Air Quality MND may be reviewed in the City of Fresno Development and Resource Management Department as noted above. The proposed project has been determined to be a subsequent project that is not fully within the scope of the Master Environmental Impact Report No. 10130 ("MEIR) or Mitigated Negative Declaration No. A-09-02 (Air Quality MND) prepared for the 2025 Fresno General Plan. Pursuant to Public Resources Code § 21157.1 and California Environmental Quality Act (CEQA) Guidelines § 15177, this project has been evaluated with respect to each item on the attached environmental checklist to determine whether this project may cause any additional significant effect on the environment which was not previously examined in the MEIR. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no

substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available.

This completed environmental impact checklist form, its associated narrative, and proposed mitigation measures reflect applicable comments of responsible and trustee agencies and research and analysis conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the project application and its related environmental assessment application, responses to requests for comment, checklist, initial study narrative, and any attachments thereto, combine to form a record indicating that an initial study has been completed in compliance with the State CEQA Guidelines and the CEQA.

All new development activity and many non-physical projects contribute directly or indirectly toward cumulative impacts on the physical environment. It has been determined that the incremental effect contributed by this project toward cumulative impacts is not considered substantial or significant in itself, and/or that cumulative impacts accruing from this project may be mitigated to less than significant with application of feasible mitigation measures.

Based upon the evaluation guided by the environmental checklist form, it was determined that there are foreseeable impacts from the Project that are additional to those identified in the MEIR, and/or impacts which require mitigation measures not included in the MEIR Mitigation Measure Checklist.

The completed environmental checklist form indicates whether an impact is potentially significant, less than significant with mitigation, or less than significant.

For some categories of potential impacts, the checklist may indicate that a specific adverse environmental effect has been identified which is of sufficient magnitude to be of concern. Such an effect may be inherent in the nature and magnitude of the project, or may be related to the design and characteristics of the individual project. Effects so rated are not sufficient in themselves to require the preparation of an Environmental Impact Report, and have been mitigated to the extent feasible. With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR. Both the MEIR mitigation checklist measures and the project-specific mitigation checklist measures will be imposed on this project.

The initial study has concluded that the proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines.

The finding is, therefore, made that the proposed project will not have a significant adverse effect on the environment.

| | |
|--|---|
| PREPARED BY: Nathan Bouvet, Planner III | SUBMITTED BY: |
| DATE: November 22, 2013 | Bonique Emerson, Supervising Planner DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT |
| Attachments: | -Notice of Intent -Initial Study Impact Checklist and Initial Study (Appendix G) -Master Environmental Impact Report Review Summary -Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013 - Project Specific Mitigation Monitoring Checklist dated November 22, 2013 |

Notice of Intent

This page intentionally left blank.

| | |
|--|---|
| <p style="text-align: center;">CITY OF FRESNO</p> <p style="text-align: center;">NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION</p> | <p>Filed with:</p> <p style="text-align: center;">FILED</p> <p style="text-align: center;">NOV 22 2013</p> <p style="text-align: center;">FRESNO COUNTY CLERK By <u>Blanca H. Avila</u> DEPUTY</p> <p style="text-align: center;">FRESNO COUNTY CLERK 2221 Kern Street, Fresno, CA 93721</p> |
| <p>EA No. A-13-003/R-13-009/C-13-086</p> <p>Plan Amendment Application No. A-13-003, Rezone Application No. R-13-009, and Conditional Use Permit Application No. C-13-086</p> | |
| <p>APPLICANT: Steven G. Spencer Spencer Enterprises, Inc. 5286 East Home Avenue Fresno, CA 93727</p> | |
| <p>PROJECT LOCATION: ± 9.99 acres of property located at the northeast corner of East Nees and North Chestnut Avenues, in the City and County of Fresno, California 36°51'11.1744" N Latitude, - 119°44'14.7228" W Longitude Assessor's Parcel Number: 403-070-53</p> | |
| <p>PROJECT DESCRIPTION:</p> <p>Steven G. Spencer, of Spencer Enterprises, Inc., has filed Plan Amendment Application No. A-13-003, Rezone Application No. R-13-009, and Conditional Use Permit Application No. C-13-086 pertaining to +/- 9.99 acres of property located on the northeast corner of East Nees and North Chestnut Avenues.</p> <p>Plan Amendment Application No. A-13-003 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from the neighborhood commercial planned land use designation to the medium-high density residential land use designation.</p> <p>Rezone Application No. R-13-009 proposes to amend the Official Zone Map to reclassify the subject property from the C-1/UGM (<i>Neighborhood Shopping Center/Urban Growth Management</i>) zone district to the R-2/UGM (<i>Low Density Multiple Family Residential/Urban Growth Management</i>) zone district.</p> <p>Conditional Use Permit Application No. C-13-086 proposes the construction of a 160-unit multiple family residential, gated development with a community building, swimming pool, detached garages, and carports.</p> | |
| <p>The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is not fully within the scope of the Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Development and Resource Management Department proposes to adopt a Mitigated Negative Declaration for this project.</p> | |

With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR or Air Quality MND. After conducting a review of the adequacy of the MEIR and Air Quality MND pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding of a mitigated negative declaration and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604, or for an electronic copy of the environmental finding, and for additional information on the project, please contact Nathan Bouvet at (559) 621-8075 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on December 18, 2013. Please direct comments to Nathan Bouvet, Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to nathan.bouvet@fresno.gov; or comments can be sent by facsimile to (559) 498-1026.

These development applications and this proposed environmental finding have been scheduled to be heard by the Planning Commission on December 18, 2013 at 6:00 p.m. or thereafter. The hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:

Nathan Bouvet, Planner III

SUBMITTED BY:



Bonique Emerson, Supervising Planner
CITY OF FRESNO DEVELOPMENT AND
RESOURCE MANAGEMENT
DEPARTMENT

DATE: November 22, 2013

Exhibit A

**APPENDIX G TO ANALYZE SUBSEQUENT PROJECT
IDENTIFIED IN MEIR NO. 10130 / MND
FOR PLAN AMENDMENT A-09-02 (AIR QUALITY MND) /
INITIAL STUDY**

This page intentionally left blank.

**APPENDIX G TO ANALYZE
SUBSEQUENT PROJECT IDENTIFIED IN MEIR NO. 10130 / MND FOR PLAN AMENDMENT
A-09-02 (AIR QUALITY MND) / INITIAL STUDY**

Environmental Checklist Form

For EA No. A-13-003/R-13-009/C-13-086

1. Project title:

Plan Amendment Application No. A-13-003
Rezone Application No. R-13-009
Conditional Use Permit Application No. C-13-086

2. Lead agency name and address:

City of Fresno
Development and Resource Management Department
2600 Fresno Street, Room 3076
Fresno, CA 93721

3. Contact person and phone number:

Nathan Bouvet, Planner III
City of Fresno
Development and Resource Management Department
(559) 621-8075

4. Project location:

2610 East Nees Avenue
Located on the northeast corner of East Nees and North Chestnut Avenues.
Assessor's Parcel Number: 403-070-53
Site Latitude: 36°51'7.8978"N
Site Longitude: - 119°44'16.656" W
Garfield Park Colony, Township 12 S, Range 20 E, Section 25

5. Project sponsor's name and address:

Steven G. Spencer
Spencer Enterprises, Inc.
5286 East Home Avenue
Fresno, CA 93727

General plan designation:

6. **Existing:** Neighborhood Commercial
Proposed: Medium-High Density Residential
7. **Zoning:**
Existing: C-1/UGM (*Neighborhood Shopping Center/Urban Growth management*)
Proposed: R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*)

8. **Description of project:**

Steven G, Spencer, of Spencer Enterprises, Inc., has filed Plan Amendment Application No. A-13-003, Rezone Application No. R-13-009, and Conditional Use Permit Application No. C-13-086 pertaining to +/- 9.99 acres of property located on the northeast corner of East Nees and North Chestnut Avenues.

Plan Amendment Application No. A-13-003 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from the neighborhood commercial planned land use designation to the medium-high density residential land use designation.

Rezone Application No. R-13-009 proposes to amend the Official Zone Map to reclassify the subject property from the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district.

Conditional Use Permit Application No. C-13-086 proposes the construction of a 160-unit multiple family residential, gated development with a community building, swimming pool, detached garages, and carports.

9. **Surrounding land uses and setting:**

| | Planned Land Use | Existing Zoning | Existing Land Use |
|--------------|---------------------------------|---|---|
| North | Medium-Low Density Residential | R-1/UGM <i>Single Family Residential District/Urban Growth Management</i> | Single Family Residential Planned Development |
| South | Medium-Low Density Residential | R-1/UGM <i>Single Family Residential District/Urban Growth Management</i> | Single Family Residential Planned Development |
| East | Medium-High Density Residential | R-2/UGM <i>Low Density Multiple Family Residential District/Urban Growth Management</i> | Multiple Family Residential Planned Development |
| West | Office | C-P <i>Administrative and Professional Office District</i> | Vacant Land & Commercial Office |

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

City of Fresno (COF) Department of Public Works; COF Department of Public Utilities; COF Building and Safety Services Division; COF Fire Department; Fresno Metropolitan Flood Control District; County of Fresno Department of Public Health; and, San Joaquin Valley Air Pollution Control District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

Pursuant to Public Resources Code Section 21157.1(b) and the California Environmental Quality Act (CEQA) Guidelines 15177(b)(2), the purpose of this Master Environmental Impact Report (MEIR) initial study is to analyze whether the subsequent project was described in the MEIR No. 10130 and whether the subsequent project may cause any additional significant effect on the environment, which was not previously examined in MEIR No. 10130 or the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan (SCH # 2009051016) ("Air Quality MND").

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

| | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population /Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

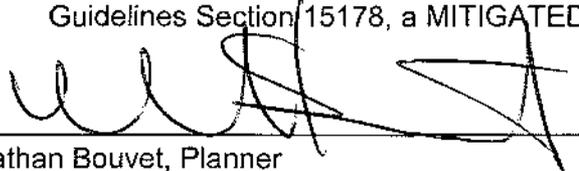
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been

avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



I find that, with the project specific mitigation imposed, the project will not have additional significant adverse effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130, SCH No. 2001071097 and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016. Pursuant to CEQA Guidelines Section 15178, a MITIGATED NEGATIVE DECLARATION will be prepared.

X


Nathan Bouvet, Planner


November 22, 2013

EVALUATION OF ADDITIONAL ENVIRONMENTAL IMPACTS NOT ASSESSED IN THE MEIR or Air Quality MND:

1. For purposes of this MEIR Initial Study, the following answers have the corresponding meanings:
 - a. "No Impact" means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the MEIR or Air Quality MND.
 - b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, but that impact is less than significant;
 - c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, however, with the mitigation incorporated into the project, the impact is less than significant.
 - d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND.
2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
5. A "Finding of Conformity" is a determination based on an initial study that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND.
6. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
7. Earlier analyses may be used where, pursuant to the tiering, program EIR or MIER, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the MEIR or another earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
8. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
9. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
10. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
11. The explanation of each issue should identify:

- a. The significance criteria or threshold, if any, used to evaluate each question; and
- b. The mitigation measure identified, if any, to reduce the impact to less than significance

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| I. AESTHETICS -- Would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | | | X | |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | | | | X |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | | | X | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | | | X | |

The immediate area is substantially developed with residential uses and a commercial/office development west of the proposed site; therefore, no public or scenic vista will be obstructed by the development and no valuable vegetation will be removed. The project will not damage any scenic resources nor will it degrade the visual character or quality of the site and its surroundings. The development is proposed to have several architectural features, including concrete roof tiles, cast stone veneer, and window trims. It will also include dense landscaping throughout the development and an architectural pedestrian entry feature along East Nees Avenue, which includes wrought iron fencing, concrete block pilasters with cast stone veneer, and wood trellis'. Staff will also ensure that lights are located in areas that will minimize light sources to the neighboring properties. Furthermore, the project will have a less than significant impact on aesthetics and development of the site will not create a new source of substantial light or glare which would affect day or night time views in the project area.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the aesthetic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <p>II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. -- Would the project:</p> | | | | |
| <p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p> | | | | X |
| <p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p> | | | | X |
| <p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p> | | | | X |
| <p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p> | | | | X |
| <p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</p> | | | | X |

The subject site is designated as "Farmland of Local Importance" by the 2010 Rural Mapping Edition: Fresno County Important Farmland Map, and thus has no farmland considered to be prime farmland, farmland of statewide importance, or unique farmland. The 2010 Rural Mapping Edition: Fresno County Important Farmland Map defines "Farmland of Local Importance" as "All farmable lands within Fresno County that do not meet the definitions of prime, statewide, or unique".

The subject site is not converting Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. In addition, according to aerial photos that go as far back as 1992, the site has not been under cultivation

for a number of years. The land surrounding the site (north, south, east and west) is designated as "Urban and Built-Up Land" according to the above mentioned map.

The subject site is not under a Williamson Act contract and is not surrounded by sites under a Williamson Act contract. The proposed applications do not conflict with any forest land or Timberland Production or result in any loss of forest land. The proposed project does not include any changes which will affect the existing environment and result in the conversion of Farmland to non-agricultural uses as discussed in previous sections. Therefore, no environmental impacts related to agriculture are anticipated as a result of the proposed project.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| III. AIR QUALITY AND GLOBAL CLIMATE CHANGE - (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) -- Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan (e.g., by having potential emissions of regulated criterion pollutants which exceed the San Joaquin Valley Air Pollution Control Districts adopted thresholds for these pollutants)? | | | X | |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | | | | X |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | | X | | |
| d) Expose sensitive receptors to substantial pollutant concentrations? | | | | X |
| e) Create objectionable odors affecting a substantial number of people? | | | | X |

Setting

The subject site is located in Fresno County and within the San Joaquin Valley Air Basin (SJVAB). This region has had chronic non-attainment of federal and state clean air standards for ozone/oxidants and particulate matter due to a combination of topography and climate. The San Joaquin Valley (Valley) is hemmed in on three sides by mountain ranges, with prevailing winds carrying pollutants and pollutant precursors from urbanized areas to the north (and in turn

contributing pollutants and precursors to downwind air basins). The Mediterranean climate of this region, with a high number of sunny days and little or no measurable precipitation for several months of the year, fosters photochemical reactions in the atmosphere, creating ozone and particulate matter.

Regional factors affect the accumulation and dispersion of air pollutants within the SJVAB.

Air pollutant emissions overall are fairly constant throughout the year, yet the concentrations of pollutants in the air vary from day to day and even hour to hour. This variability is due to complex interactions of weather, climate, and topography. These factors affect the ability of the atmosphere to disperse pollutants. Conditions that move and mix the atmosphere help disperse pollutants, while conditions that cause the atmosphere to stagnate allow pollutants to concentrate. Local climatological effects, including topography, wind speed and direction, temperature, inversion layers, precipitation, and fog can exacerbate the air quality problem in the SJVAB.

The SJVAB is approximately 250 miles long and averages 35 miles wide, and is the second largest air basin in the state. The SJVAB is defined by the Sierra Nevada in the east (8,000 to 14,000 feet in elevation), the Coast Ranges in the west (averaging 3,000 feet in elevation), and the Tehachapi mountains in the south (6,000 to 8,000 feet in elevation). The Valley is basically flat with a slight downward gradient to the northwest. The Valley opens to the sea at the Carquinez Straits where the San Joaquin-Sacramento Delta empties into San Francisco Bay. The Valley, thus, could be considered a "bowl" open only to the north.

During the summer, wind speed and direction data indicate that summer wind usually originates at the north end of the Valley and flows in a south-southeasterly direction through the Valley, through Tehachapi pass, into the Southeast Desert Air Basin. In addition, the Altamont Pass also serves as a funnel for pollutant transport from the San Francisco Bay Area Air Basin into the region.

During the winter, wind speed and direction data indicate that wind occasionally originates from the south end of the Valley and flows in a north-northwesterly direction. Also during the winter months, the Valley generally experiences light, variable winds (less than 10 mph). Low wind speeds, combined with low inversion layers in the winter, create a climate conducive to high carbon monoxide (CO) and particulate matter (PM10 and PM2.5) concentrations. The SJVAB has an "Inland Mediterranean" climate averaging over 260 sunny days per year. The Valley floor is characterized by warm, dry summers and cooler winters. For the entire Valley, high daily temperature readings in summer average 95°F. Temperatures below freezing are unusual. Average high temperatures in the winter are in the 50s, but highs in the 30s and 40s can occur on days with persistent fog and low cloudiness. The average daily low temperature is 45°F.

The vertical dispersion of air pollutants in the Valley is limited by the presence of persistent temperature inversions. Solar energy heats up the Earth's surface, which in turn radiates heat and warms the lower atmosphere. Therefore, as altitude increases, the air temperature usually decreases due to increasing distance from the source of heat. A reversal of this atmospheric state, where the air temperature increases with height, is termed an inversion. Inversions can exist at the surface or at any height above the ground, and tend to act as a lid on the Valley, holding in the pollutants that are generated here.

Regulations

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the local regional jurisdictional entity charged with attainment planning, rule making, rule enforcement, and monitoring under Federal and State Clean Air Acts and Clean Air Act Amendments.

The Master Environmental Impact Report (MEIR) prepared for the 2025 Fresno General Plan requires that the most current version of the URBEMIS computer model be used to analyze development projects and estimate future air pollutant emissions that can be expected to be generated from operational emissions (vehicular traffic associated with the project), area-wide emissions (sources such as ongoing maintenance activities and use of appliances), and construction activities.

CalEEMod is a statewide land use emissions computer model, which has replaced the URBEMIS computer model, is designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects. The model quantifies direct emissions from construction and operations (including vehicle and off-road equipment use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. The mobile source emission factors used in the model (EMFAC2011) includes the Pavley standards and Low Carbon Fuel standards. Further, the model identifies mitigation measures to reduce criteria pollutant and GHG emissions along with calculating the benefits achieved from measures chosen by the user. The GHG mitigation measures were developed and adopted by the California Air Pollution Control Officers Association (CAPCOA).

In addition to the above-mentioned factors, the CalEEMod computer model evaluates the following emissions: ozone precursors (Reactive Organic Gases (ROG)) and NOX; CO, SOX, both regulated categories of particulate matter, and the greenhouse gas carbon dioxide (CO₂). The model incorporates geographically-customized data on local vehicles, weather, and SJVAPCD Rules.

Based upon information provided by SJVAPCD, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM₁₀. SJVAPCD concluded that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

The SJVAPCD has developed the San Joaquin Valley 1991 California Clean Air Act Air Quality Attainment Plan (AQAP), which continues to project nonattainment for the above-noted pollutants in the future. This project will be subject to applicable SJVAPCD rules, regulations, and strategies. In addition, the project may be subject to the SJVAPCD Regulation VIII, Fugitive Dust Rules, related to the control of dust and fine particulate matter. This rule mandates the implementation of dust control measures to reduce the potential for dust to the lowest possible level. The plan includes a number of strategies to improve air quality including a transportation control strategy and a vehicle inspection program.

Based on information provided, at full build-out the proposed project would be equal to or greater than 50 residential dwelling units. Therefore, the proposed project would be subject to

District Rule 9510 (Indirect Source Review). District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees.

The proposed project on the subject site will not expose sensitive receptors to substantial pollutant concentrations. Due to the close proximity of other residential uses surrounding the subject site, there will be no impact in the increase of pollutants. The proposed project is not proposing a use which will create objectionable odors. Therefore, there is no air quality or global climate change impacts perceived to occur as a result of the proposed project.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the air quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.
2. The proposed project shall implement and incorporate the air quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| IV. BIOLOGICAL RESOURCES -- Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | | | | X |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | | | | X |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | | | | X |

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | | | | X |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | | | | X |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | | | | X |

The proposed project would not directly affect any sensitive, special status, or candidate species, nor would it modify any habitat that supports them. There is no riparian habitat or any other sensitive natural community identified in the vicinity of the proposed project by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. No federally protected wetlands are located on the subject site. Therefore, there would be no impacts to species, riparian habitat or other sensitive communities and wetlands. The proposed project would have no impact on the movement of migratory fish or wildlife species or on established wildlife corridors or wildlife nursery sites. No local policies regarding biological resources are applicable to the subject site and there would be no impacts with regard to those plans.

No habitat conservation plans or natural community conservation plans in the region pertain to natural resources, which exist on the subject site or in its immediate vicinity.

Therefore, no actions or activities resulting from the implementation of the proposed project would have the potential to affect floral, or faunal species; or, their habitat. Therefore, there would be no impacts.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the biological resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| V. CULTURAL RESOURCES -- Would the project: | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5? | | | | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | | | | X |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | | | | X |

There are no structures which exist on or within the immediate vicinity of the site that are listed on, or considered to be eligible to the National or Local Register of Historic Places, and the subject site is not within either a designated or proposed historic district.

There is no evidence that cultural resources of any type (including historical, archaeological, paleontological, or unique geologic features) exist on the subject site. Past record searches for the region have not revealed the likelihood of cultural resources on the subject site or in its immediate vicinity. Therefore, it is not expected that the proposed project may impact cultural resources. It should be noted however that lack of surface evidence of historical resources does not preclude the subsurface existence of archaeological resources.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the cultural resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| VI. GEOLOGY AND SOILS -- Would the project: | | | | |

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | | | | X |
| ii) Strong seismic ground shaking? | | | | X |
| iii) Seismic-related ground failure, including liquefaction? | | | | X |
| iv) Landslides? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil? | | | | X |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | | | | X |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | | | | X |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | | | | X |

There are no known geologic hazards or unstable soil conditions known to exist on the site. The existing topography is flat with no apparent unique or significant land forms such as vernal pools. Development of the property requires compliance with grading and drainage standards of the City of Fresno and Fresno Metropolitan Flood Control District Standards. Grade differentials at property lines must be limited to one foot or less, or a cross-drainage covenant must be executed with affected adjoining property owners.

Fresno has no known active earthquake faults, and is not in any Alquist-Priolo Special Studies Zones. The immediate Fresno area has extremely low seismic activity levels, although shaking

may be felt from earthquakes whose epicenters lie to the east, west, and south. Known major faults are over 50 miles distant and include the San Andreas Fault, Coalinga area blind thrust fault(s), and the Long Valley, Owens Valley, and White Wolf/Tehachapi fault systems. The most serious threat to Fresno from a major earthquake in the Eastern Sierra would be flooding that could be caused by damage to dams on the upper reaches of the San Joaquin River.

Fresno is classified by the State as being in a moderate seismic risk zone, Category "C" or "D," depending on the soils underlying the specific location being categorized and that location's proximity to the nearest known fault lines. All new structures are required to conform to current seismic protection standards in the California Building Code.

The highly erodible face of the San Joaquin River bluff, and small areas of expansive clay in the northeastern portion of the city's Sphere of Influence, are the only unstable soil conditions known to exist in the City. Despite long-term overdrafting of groundwater that has lowered the static groundwater level under Fresno by as much as 100 feet over the past century, surface subsidence has not been noted in the vicinity of the city (this is probably due to the geologic strata underlying the city, which features layers of clay and hardpan interleaved with alluvial sand and gravel layers). No adverse environmental effects related to topography, soils or geology are expected as a result of this project.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the geology and soils related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| VII. GREENHOUSE GAS EMISSIONS -- Would the project: | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | | | X | |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | | | | X |

Background

When sunlight strikes the Earth's surface, some of it is reflected back into space as infrared radiation. When the net amount of solar infrared energy reaching Earth's surface is about the same as the amount of energy radiated back into space, the average ambient temperature of the Earth's surface should remain more or less constant.

Global climate change (colloquially referred to as "global warming") is the term coined to describe very widespread climate change characterized by a rise in the Earth's ambient average temperatures with concomitant disturbances in weather patterns and resulting alteration of oceanic and terrestrial environs and biota. The predominant opinion within the scientific community is that global climate change is occurring, and that it is being caused and/or accelerated by human activities, primarily the generation of "greenhouse gases" (GHG).

GHGs are gases having properties that absorb and emit radiation within the thermal infrared range, and that would cause thermal energy (heat) to be trapped in the earth's atmosphere. It is believed that increased levels of GHGs in the atmosphere can disturb the thermal equilibrium of the earth when natural carbon cycle processes (such as photosynthesis) are unable to absorb sufficient quantities of carbon dioxide and other GHGs in comparison with the amount of GHGs being emitted. It is believed that a combination of factors related to human activities, such as deforestation, emissions of GHG into the atmosphere from carbon fuel combustion, etc. are causing climate change.

Some GHGs occur naturally and are emitted to the atmosphere through both natural processes and human activities. Other GHGs are created and emitted solely through human activities. Water vapor is the most predominant GHG, and is primarily a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans. The major anthropogenic GHGs (those that enter the atmosphere because of human activities) are **carbon dioxide, methane, nitrous oxide and fluorinated gases.**

GHGs were not generally thought of as traditional air pollutants because their impacts are global and diffuse in nature, while the criteria air pollutants and air toxics directly affect the health of people and other living things at ground level in the general region of their release to the atmosphere. However, it has been realized that GHGs and associated climate change could also drastically affect the health of populations not only in the U.S., but around the world through ocean rise that displaces populations, causes economic and infrastructure damage, disrupts agriculture, increases heat-related illnesses, exacerbates effects of criteria air pollutants, spreads of infectious diseases through proliferation of mosquitoes and other vectors carrying "tropical" diseases into temperate climate zones, and alters/endangers natural flora and fauna in terrestrial and aquatic environments. One off-cited example of a predicted change in global climate is that the Sierra snowpack could be reduced to as little as 20% of its historic levels, a dire consequence since it is estimated that over 70% of California's population relies on this "frozen reservoir" for its water supply.

Regulation

The State of California has formally acknowledged these risks and has tasked state and local governments with working toward reduction of potential global climate change. The Governor issued Executive Order No. S-03-05, and subsequently signed Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, which was codified as Health & Safety Code Section 38501 *et seq.*

There are, at this time, no "attainment" concentration standards established by the federal or state government for GHGs (although several of the GHGs are regulated as precursors to criteria pollutants regulated by the federal and California Clean Air Acts). However, the State

has codified a mandate to GHG emissions to 1990 levels by the year 2020. In order to roll back GHG emissions to 1990 levels, a reduction of 174 million metric tons of CO₂e would need to be achieved statewide—against the background of California’s general population increase and the need for ongoing land and economic development. The combination of the need to reduce and the need to grow equate to a need to reduce per capita GHG emissions by some 30%.

It has been recognized that new development projects would potentially add GHG emissions and could exacerbate global climate change problems. In order to standardize evaluation of projects, Senate Bill 97 (codified as Public Resources Code Sections 21083.05 and 21097) requires the State Resources Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act (CEQA). The California Air Pollution Control Officers Association (CAPCOA) produced a comprehensive publication on this topic in August of 2010 titled *Quantifying Greenhouse Gas Mitigation Measures*. The Report provides methods for quantifying emission reductions from a specified list of mitigation measures, primarily focused on project-level mitigation. This document is intended to further support the efforts of local governments to address the impacts of GHG emissions in their environmental review of projects and in their planning efforts.

On December 17, 2009, the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted the guidance: *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* and the policy: *District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency*. The guidance and policy rely on the use of performance based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project specific GHG emissions on global climate change during the environmental review process, as required by CEQA.

Use of BPS is a method of streamlining the CEQA process of determining significance and is not a required emission reduction measure. Projects implementing BPS would be determined to have a less than cumulatively significant impact. Otherwise, demonstration of a 29% reduction in GHG emissions, from business-as-usual, is required to determine that a project would have a less than cumulatively significant impact.

Project’s Impact

The proposed project has been determined to have a less than significant impact on GHGs based on the guidance established by the SJVAPCD in the adopted document titled *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*. According to this document, projects can be determined to have a less than significant impact if they do any of the following: 1) Use a combination of SJVAPCD approved GHG Emission Reduction Measures to meet BPS; 2) Comply with an approved GHG plan or mitigation program; or 3) Reduce GHG emissions by at least 29%. **The proposed project complies with an approved GHG Mitigation program (established through Plan Amendment Application No. A-09-02).**

Plan Amendment Application No. A-09-02, the Air Quality Amendment to the 2025 Fresno General Plan, adopted initial steps to address Fresno’s part in avoiding global climate change, through adoption of new Resource Element / Air Quality General Plan Objectives and Policies. The information in previously-cited CAPCOA and California Attorney General publications has

been used as information resources for GHG mitigation. A new objective has been added to the Air Quality section of the Resource Conservation Element specifically calling for reduction in GHG emissions, with supporting policies and implementation measures. Utilizing a qualitative analysis approach, projects consistent with, and appropriately implementing, air pollution and GHG reduction policies, and which mitigate any potentially significant project-specific GHG impacts, will be deemed to conform to GHG reduction requirements and to contribute to the City's overall GHG reduction goals. Periodic broad scale GHG modeling will be used to validate the efficacy of these measures and guide implementation and further rulemaking. The proposed project will be required to implement all relevant general plan policies related to GHGs. These policies will help to reduce this project's potential GHG impact. One new policy adopted in the City's Air Quality Plan Amendment is described below:

Policy G-1B-b Increase efforts to incorporate GHG emission reductions in land use decisions, facility design, and operational measures subject to City regulation through implementation measures such as the following:

- (4) The City shall utilize guidance from the Institute for Local Government, California Attorney General's Office, California Air Pollution Control Officers Association, and other sources of technical guidance in determining appropriate and feasible mitigation measures which may be incorporated into land use plans, development projects and City operations to achieve GHG emission reductions.

The proposed project complies with this policy because it will comply with several of the measures detailed in the California Attorney General's Office guidance document titled, *The California Environmental Quality Act Mitigation of Global Warming Impacts at the Local Agency Level*". This document offers policy guidance on mitigating GHG emissions. One mitigation measure states that projects should "create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking". The proposed project will be required to maintain sidewalks along the frontage of East Nees and North Chestnut Avenues.

Other GHG Reduction Measures

Through updates in the California Building Code and statewide regulation of appliance standards, this project is also expected to conform to state-of-the-art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication *Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California* (April 2007) and in CARB's *Proposed Early Actions to Mitigate Climate Change in California* (April 2007). Updated engine and tire efficiency standards would apply to project residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO₂, removing it from the atmosphere). In addition, the project does not involve manufacturing activities that would generate other GHGs such as SF₆, HFCs, or PFCs and does not propose any uses which would generate methane on site.

Therefore, based upon the available information, the proposed project will not have a potentially significant adverse impact on GHGs.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the greenhouse gas emissions related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| VIII. HAZARDS AND HAZARDOUS MATERIAL -- Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | | | | X |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | | | | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | | | | X |

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | | | | X |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | | | | X |

There are no known existing hazardous material conditions on the site and the project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project itself will not generate or use hazardous materials is not near any wildland fire hazard zones, and poses no interference with the City's or County's Hazard Mitigation Plans or emergency response plans. The subject site has not been under cultivation for several years. No pesticides or hazardous materials are known to exist on the site and the proposed project will have no environmental impacts related to potential hazards or hazardous materials as identified above.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the hazards and health related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| IX. HYDROLOGY AND WATER QUALITY -- Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements? | | | | X |

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | | X | | |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | | | | X |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | | | | X |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | | | | X |
| f) Otherwise substantially degrade water quality? | | | | X |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | | | | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | | | | X |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow? | | | | X |

Fresno is one of the largest cities in the United States still relying primarily on groundwater for its public water supply. Surface water treatment and distribution has been implemented in the northeastern part of the City, but the city is still subject to an EPA Sole Source Aquifer designation. While the aquifer underlying Fresno typically exceeds a depth of 300 feet and is capacious enough to provide adequate quantities of safe drinking water to the metropolitan area well into the twenty-first century, groundwater degradation, increasingly stringent water quality regulations, and a historic trend of high consumptive use of water on a per capita basis (some 250 gallons per day per capita), have resulted in a general decline in aquifer levels, increased cost to provide potable water, and localized water supply limitations.

Fresno has attempted to address these issues through metering and revisions to the City's Urban Water Management Plan (UWMP). The Fresno Metropolitan Water Resource Management Plan, which has been adopted and the accompanying Final EIR (SCH #95022029) certified, is also under revision. The purpose of these management plans is to provide safe, adequate, and dependable water supplies in order to meet the future needs of the metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably implementable measures and facilities. City water wells, pump stations, recharge facilities, water treatment and distribution systems have been expanded incrementally to mitigate increased water demands and respond to groundwater quality challenges.

The adverse groundwater conditions of limited supply and compromised quality have been well-documented by planning, environmental impact report and technical studies over the past 20 years including the Master Environmental Impact Report No. 10130 (MEIR) for the 2025 Fresno General Plan, Final EIR No.10100, Final EIR No.10117, and Final EIR No. SCH 95022029 (Fresno Metropolitan Water Resource Management Plan), et al. These conditions include water quality degradation due to DBCP, arsenic, iron, and manganese concentrations; low water well yields; limited aquifer storage capacity and recharge capacity; and, intensive urban or semi-urban development occurring upgradient from the Fresno Metropolitan Area.

In accordance with the provisions of the 2025 Fresno General Plan and MEIR No. 10130 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project. The City has indicated that groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. The Department of Public Utilities, Water Division has reviewed the proposed project and has determined that water facilities are available to provide service to the subject site subject to several conditions.

In addition, the proposed project will be required to contribute to the completion of the Fresno Metropolitan Flood Control District's (FMFCD) master planned storm drainage facilities. Stormwater ponding basins provide significant opportunity to recharge groundwater with collected storm water run-off and surface water obtained from the Fresno Irrigation District (FID) and United States Bureau of Reclamation on the northern edge of the current urban limit boundary.

The mitigation measures of MEIR No. 10130 are incorporated herein by reference and are required to be implemented by the attached mitigation monitoring checklist. In summary, these mitigation measures require participation in the development of groundwater recharge in an amount equal to the project's estimated water consumption. Alternative measures to satisfy this

requirement include paying fees established by the city for construction of recharge facilities, the construction of recharge facilities directly by the project, or participation in augmentation/enhancement/enlargement of the recharge capability of FMFCD storm water ponding basins. While the proposed project may be served by conventional groundwater pumping and distribution systems, full development of the 2025 Fresno General Plan boundaries may necessitate utilization of treated surface water due to inadequate groundwater aquifer recharge capabilities.

The Department of Public Utilities works with FMFCD to utilize suitable FMFCD ponding (drainage) basins for the groundwater recharge program, and works with FID to ensure that the City's allotment of surface water is put to the best possible use for recharge.

When development permits are issued, the subject site will be required to contribute to the completion of the FMFCD's master planned storm drainage facilities, and to preserve the patency of irrigation canals and pipelines for delivering surface water to recharge/percolation basins. Fees to support expansions and service enhancements of the City's water utility, including recharge activities, are also imposed as conditions of approval for special permits.

Occupancy of this site will generate wastewater containing human waste, which is required to be conveyed and treated by the Fresno-Clovis Regional Wastewater Treatment and Reclamation Facility. There will not be any onsite wastewater treatment system. The proposed project will be required to install sewer branches, and to pay connection and sewer facility fees to provide for reimbursement of preceding investments in sewer trunks to connect this site to a public system.

The FMFCD has indicated that the proposed rezone lies within the District's Drainage Area "CZ" and the system can accommodate the proposed rezone.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the hydrology and water quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.
2. The proposed project shall implement and incorporate the hydrology and water quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| X. LAND USE AND PLANNING - Would the project: | | | | |
| a) Physically divide an established community? | | | | X |

| | | | | |
|---|--|---|--|---|
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | | X | | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | | | | X |

Although the project includes a proposed amendment to the 2025 Fresno General Plan and Woodward Park Community Plan, in order to change the planned land use designation of the subject site for the purposes of facilitating future development, the proposed project shall meet the goals, objectives and policies of the 2025 Fresno General Plan and Woodward Park Community Plan.

Goal 1-3. of the Woodward Park Community Plan states by providing a project which plans for a diversity of residential types, densities, and locations in order to achieve plan goals with respect to providing housing opportunities, balanced urban growth, efficient use of resources and public facilities, and maintenance of a safe, attractive, and stable community. The surrounding land uses and the subject site, which is surrounded by urban uses, meet the goals of this policy.

Objective C-9 of the 2025 Fresno General Plan directs planning for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Supporting policy C-9-k recommends that Medium-High Density Residential uses shall be distributed to maximize utilization of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping services, and transportation. New residential projects within this land use category should not be permitted to be developed at a density less than the minimum shown in Table 2 in order to better achieve the goals of the city's Housing Element.

Therefore, it is staff's opinion that the proposed plan amendment, rezone, and conditional use permit applications are consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. The proposed project is found; (1) To be consistent with the goals, objectives and policies of the applicable 2025 Fresno General Plan and Woodward Park Community Plan; (2) To be suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject site or adjacent lands.

The project will not conflict with any conservation plans since it is not located within any conservation plan areas.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the land use related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.
2. The proposed project shall implement and incorporate the land use and planning related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| XI. MINERAL RESOURCES -- Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | | | | X |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | | | | X |

The subject site is not located in an area designated for mineral resource preservation or recovery.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| XII. NOISE -- Would the project result in: | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | | | X | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | | | X | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | | | X | |

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | | | X | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | | | | X |

In developed areas of the community, noise conflicts often occur when a noise sensitive land use is located adjacent to a noise generator. Noise in these situations frequently stems from on-site operations, use of outdoor equipment, uses where large numbers of persons assemble, and vehicular traffic. Some land uses, such as residential dwellings, are considered noise sensitive receptors and involve land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise.

Traffic from East Nees and North Chestnut Avenues is a source of noise which could disrupt the habitability. However, the City of Fresno Noise Element of the 2025 Fresno General Plan establishes a land use compatibility criterion of 60dB DNL for exterior noise levels in outdoor activity areas of new residential developments. Outdoor activity areas generally include open areas, private patios, etc. of multiple family residential developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation. Furthermore, the Noise Element also requires that interior noise levels attributable to exterior noise sources not exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

For stationary noise sources, the noise element establishes noise compatibility criteria in terms of the exterior hourly equivalent sound level (L_{eq}) and maximum sound level (L_{max}). The standards are more restrictive during the nighttime hours, defined as 10:00 p.m. to 7:00 a.m. The standards may be adjusted upward (less restrictive) if the existing ambient noise level without the source of interest already exceeds these standards. The Noise Element standards for stationary noise sources are: (1) 50 dBA L_{eq} for the daytime and 45 dBA L_{eq} for the nighttime hourly equivalent sound levels; and, (2) 70 dBA L_{max} for the daytime and 65 dBA L_{max} for the nighttime maximum sound levels. If the existing ambient noise levels equal or exceed these levels, mitigation is required to limit noise to the ambient noise level plus 5 dB. Since the subject site currently is vacant, the proposed project will result in an increase in temporary and/or periodic ambient noise levels in the project vicinity above existing levels. However, as

discussed above, this increase in noise will be mitigated to an acceptable level. Some increases in ambient noise levels will occur during the time of construction, but project construction will be limited to normal business hours (7am to 7pm) to minimize the impact on the adjacent neighborhood.

Construction activities associated with the development of the proposed project could expose persons or structures to excessive groundborne vibration or noise levels. However, this would only be during the construction phase of the proposed project and thus, this is a less than significant impact.

Conditions of approval respective to construction related activity will require incorporation of noise reduction measures into their construction activity.

The proposed project will not expose persons to excessive noise levels. Although the project will create additional activity in the area, the project will be required to comply with all noise policies from the 2025 Fresno General Plan and noise ordinance of the Fresno Municipal Code. Therefore, there will be no exposure to excessive noise.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the noise related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| XIII. POPULATION AND HOUSING -- Would the project: | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | | | X | |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | | | | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | | | | X |

While this project would provide for a potential increase in population at this individual site, it balances its population with other residential development projects in the immediate project vicinity which were not built-out at their full planned density and thus did not accommodate all

the population planned for this area. Approximately 331.93 acres of property in the immediate area account for 1,561 dwelling units (4.70 dwelling units per acre). Most of the property in the area is zoned R-1 (Single Family Residential), which allows for one (1) dwelling unit on a lot no less than 6,000 square feet or approximately 7.26 dwelling units per acre. Therefore, the area can accommodate 160 dwelling units and a project density of sixteen (16) dwelling units per acre, which is being proposed by the applicant subject to a change of zone to an R-2 (Low-Density Multiple Family) residential district.

Furthermore, the subject site is currently vacant and therefore, the proposed project does not have the potential to displace existing housing or residents as a result of development thereon.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| XIV. PUBLIC SERVICES -- | | | | |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| Fire protection? | | | X | |
| Police protection? | | | X | |
| Drainage and flood control? | | | X | |
| Parks? | | | X | |
| Schools? | | | X | |
| Other public services? | | | X | |

The subject site is located within the city's Urban Growth Management Area and shall comply with the applicable service deliver requirements necessary to provide not less than the minimum acceptable level of fire protection facilities and services appropriate for urban uses. City police and fire protection services are available to serve the subject site. The subject site is located within two miles of Clovis Fire Station No. 43. The City of Fresno and Clovis have an automatic aid agreement.

The demand for parks generated by the project will be within planned service levels of the City of Fresno Parks and Community Services Department and the applicant will pay any required impact fees at the time building permits are obtained.

Any urban residential development occurring as a result of the proposed project will have an impact on the School District's student housing capacity. The School District, through local funding, is in a position to mitigate its shortage of classrooms to accommodate planned population growth for the foreseeable future. However, the District recognizes that the legislature, as a matter of law, has deemed under Government Code Section 65996, that all school facilities impacts are mitigated as a consequence of SB 50 Level 1, 2 and 3 developer fee legislative provisions. The developer will pay appropriate impact fees at time of building permits.

The Department of Public Utilities has reviewed the proposed plan amendment, rezone, and conditional use permit applications and has determined that sewer and water facilities are available to provide service to the subject site. The nearest available water main (8") is located in East Commerce Avenue. The nearest sewer mains are located in Chestnut Avenue (15") and East Nees Avenue (10"). Finally, the Fresno Metropolitan Flood Control District (FMFCD) has indicated that the FMFCD system could accommodate the proposed rezone.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the public service related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| XV. RECREATION -- | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | | | X | |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | | | | X |

The proposed project will increase the use of the existing parks; however, the developer will be required to pay park impact fees for the development. The fees will address any physical deterioration of existing parks or recreational facilities. The development will not require expansion of existing recreational facilities. The subject site is located within the Urban Growth Management Area, which addresses the growth in the area.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| XVI. TRANSPORTATION/TRAFFIC -- Would the project: | | | | |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit? | | | X | |
| b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways? | | | | X |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | | | | X |
| e) Result in inadequate emergency access? | | | | X |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | | X | | |

The subject site is located on the north side of East Nees Avenue just east of North Chestnut Avenue. The subject site location is in close proximity to residential and commercial land uses which provide for a pattern of development that is anticipated to have the potential to reduce the number of average daily vehicle trips.

The mitigation measures established by the certification of MEIR No. 10130, requires that all plan amendments are required to prepare a traffic impact study (TIS). A TIS, dated July 26, 2013, was prepared for the proposed multi-family complex by Spencer Enterprises, Inc. The study has applied the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation

Manual. The development of 160 multiple family residential units on the subject site is expected to generate an average of approximately 1,207 average daily trips (ADT). Of these vehicle trips it is projected that 81 will occur during the morning (7 to 9 a.m.) peak hour travel period and 103 will occur during the evening (4 to 6 p.m.) peak hour travel period. The existing 2025 Fresno General Plan planned land uses for the subject site would generate 7,160 ADT, 164 trips occurring during the a.m. peak hour and 633 trips during the p.m. peak hour.

The proposed plan amendment will change the land use to Medium-High Density Residential, which will substantially reduce the traffic volume, as noted above. The trips would be directed mainly onto Nees Avenue. Chestnut Avenue and Nees Avenue are both designated as arterial streets according to the 2025 Fresno General Plan and the Woodward Park Community Plan. The northbound and southbound approaches include one left-turn lane, one through lane, and one right-turn lane. The eastbound approach includes one left-turn lane, two through lanes, and one right-turn lane. The westbound approach includes one left-turn lane and two through lanes with a shared right turn. The proposed project is expected to construct Nees Avenue to its ultimate width on the westbound approach, which is expected to include construction of a westbound right-turn lane.

The TIS analyzed the Chestnut and Nees Avenue Intersection which are currently operating at a LOS C for PM peak hours. The intersection is signalized with eight-phase signal phasing (protected left turns in all four directions). It was determined that the intersections are currently operating at acceptable levels of service and the Traffic Signal Mitigation Impact program.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the plan amendment, rezone, and conditional use permit applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division dated September 4, 2013 and City Engineer dated September 11, 2013, respectively (available for public view at City Hall-Third Floor, 2600 Fresno Street, Fresno, CA 93721). These requirements generally include: (1) Public street improvements; (2) Installation of a paved pedestrian path or sidewalk; and, (3) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

Therefore, no substantial increase in transportation or traffic is expected to result.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the traffic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.

2. The proposed project shall implement and incorporate the traffic related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| XVII. UTILITIES AND SERVICE SYSTEMS - - Would the project: | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | | | | X |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | | X |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | | X |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | | | X | |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | | | | X |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | | | | X |

The Department of Public Utilities has reviewed the proposed plan amendment, rezone, and conditional use permit applications and has determined that sewer and water facilities are available to provide service to the subject site subject to several conditions. The project site will also be serviced by the Solid Waste Division.

The proposed project is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. The impact to storm drainage facilities will be less than significant given that the developer will be required to provide drainage services.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the sewer and water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| XVIII. MANDATORY FINDINGS OF SIGNIFICANCE -- | | | | |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | | | | X |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | | | | X |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | | | | X |

In summary, given the mitigation measures required of the proposed project and the analysis detailed in the preceding Initial Study, the proposed project:

- does not have environmental impacts which will cause substantial adverse effects on human beings, either directly nor indirectly.
- does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish/wildlife or native plant species (or cause their population to drop below

self-sustaining levels), does not threaten to eliminate a native plant or animal community, and does not threaten or restrict the range of a rare or endangered plant or animal.

- does not eliminate important examples of elements of California history or prehistory.
- does not have impacts which would be cumulatively considerable even though individually limited.

Therefore, there are no mandatory findings of significance and preparation of an Environmental Impact Report is not warranted for this project.

K:\Master Files - 2013\PLAN AMENDMENT\A-13-003, R-13-009, C-13-086, 2610 East Nees Avenue 160 apts -- NB\EAVA-13-003, R-13-009, C-13-086 Appendix G.docx

This page intentionally left blank.

Exhibit B

**Master Environmental Impact Report (MEIR) Review
Summary- November 22, 2013**

This page intentionally left blank.

EXHIBIT C

MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) REVIEW SUMMARY

Projected Population and Housing. The City of Fresno experienced a period of notable growth in the construction of single family residences over the first five-year period of the 2025 Fresno General Plan (2003 through 2007). However, this development has occurred within the parameters anticipated by the General Plan and the mitigation measures established by Master Environmental Impact Report (MEIR 10130/SCH 2001071097). The General Plan and its MEIR utilized a projected population growth rate for purposes of land use and resource planning. This projection anticipated an annual average population growth of approximately 1.9 percent over the 23-year planning period. Population estimates provided by the State of California Department of Finance (DOF) indicate a population growth of approximately 60, 000 people between 2002 and 2007 with a growth rate varying from 1.47 to 1.97 percent per year. These estimates are well within the growth projections of the General Plan and MEIR.

As of May 2013, the City has processed 136 plan amendment applications since the adoption of the 2025 Fresno General Plan. These applications have resulted in changes of planned land use that affected approximately 1,586 acres, representing approximately one percent of the land area within the 2025 Fresno General Plan boundary. The impacts of these amendments are minimal and not significant in relation to the balance of the density and intensity of the land uses impacted by the plan amendment applications.

Based upon this, many of the assumptions relied upon for the MEIR to address other impacts, such as traffic, air quality, need for public utilities, services and facilities and water supplies are still valid to the extent that these assumptions relied upon projected population growth during the General Plan planning period. For this reason and the others provided below, the Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known pursuant to CEQA Guideline Section 15179(b)(1) and the MEIR may still be relied upon.

Transportation and Circulation. Subsequent to the certification of the MEIR the City of Fresno has required the preparation of approximately 200 site specific traffic impact studies and had required the provision of street, intersection signalization and transportation improvements in accordance with the adopted mitigation measures of the MEIR. The City's Traffic Engineer reports that through review of these approximately 200 traffic impact studies, the City has not seen traffic counts substantially different than those predicted by the MEIR. Concurrently with these efforts, the City adopted a new program for traffic signal and major street impact fees to pay for planned improvements throughout Fresno (not just in new growth areas, as has been the case with the previous impact fee program). These fees will more comprehensively provide for meeting transportation infrastructure needs and will expedite reimbursement for developments, which construct improvements that exceed the project's proportionate share of the corresponding traffic or transportation capacity needs.

In addition to the local street system, the City has entered into an agreement with the California Department of Transportation to collect impact fees for state highway facilities which may be impacted by new development projects. The City participates in the Fresno County

MEIR REVIEW SUMMARY

Page 2

Transportation Authority, which recently was successful in obtaining voter re-authorization of a half-cent sales tax to be dedicated to a wide range of transportation facilities and programs (including mass transit). The City is also an active participant in ongoing regional transportation planning efforts, such as a freeway deficiency study, a corridor study for one or more additional San Joaquin River crossings, and the State's "Blueprint for the Valley" process. All these studies were commenced after the MEIR was certified, but none of them is yet completed. Therefore, it cannot be concluded that Fresno's environmental setting or the MEIR analysis of traffic and circulation have materially changed since November of 2002.

Therefore, Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known based upon traffic impacts pursuant to CEQA Guideline Section 15179(b)(1).

Air Quality and Global Climate Change Staff has worked closely with the regional San Joaquin Valley Air Pollution Control District (SJVAPCD) since the November 2002 certification of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR). Potential air quality impacts have been analyzed for every environmental assessment initial study done for City development projects. Projects are required to comply with SJVAPCD rules and regulations via conditions of approval and mitigation measures formulated in the MEIR.

Overall, revisitation of these issues leads to the conclusion that, while there have been changes in air quality laws, planning requirements, and rules and regulations since certification of the MEIR, the actual environmental setting has not evidenced degradation of air quality. (Because air quality and global climate change are matters of some public controversy, additional documentation has been supplied on this issue; please refer to the appended full analysis with supporting data.)

In conjunction with SJVAPCD attainment plans and attendant rules and regulations that were adopted prior to the certification of the MEIR, policies in the 2025 Fresno General Plan and MEIR mitigation measures aimed at improving air quality appear to be working. Since 2002, data show that pollutant levels have been steadily decreasing for ozone/oxidants and for particulate matter (10 microns and 2 microns in size). Recent adoption of new air quality attainment plans by SJVAPCD, calling for broader and more stringent rules and regulations to achieve compliance with national and state standards, is expected to accelerate progress toward attainment of clean air act standards.

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment No. A-13-003; Rezone No. R-13-009; and CUP No. C-13-086 or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate

MEIR REVIEW SUMMARY

Page 3

change would have a significantly adverse impact upon the City of Fresno or specific development projects.

Staff is not aware of any particular circumstance or information that would make impacts to air quality a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Therefore, Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known based upon air quality impacts pursuant to CEQA Guideline Section 15179(b)(1).

Water Supply, Quality and Hydrology. The City of Fresno has initiated, continued and completed numerous projects addressing general plan and MEIR provisions relating maintaining an adequate supply of safe drinking water to serve present and future projected needs. A water meter retrofit program to meter service to all consumers by the end of the year 2012 is underway, in compliance with State law that predated the MEIR and with new regulations affecting the U.S. Bureau of Reclamation Central Valley Project. (While the federal regulation has trumped a voter-approved City charter amendment that specifically prohibited using meters for residential development, the City's plans and policies have always contained measures calling for water conservation and for seeking ways to reduce average consumption of households. Metering is recognized as the best implementation measure for this, and does not constitute a change in the City's environmental setting or the analysis and mitigation in the 2025 Fresno General Plan MEIR.) After certification of the MEIR, the City commenced operation of its northeast area surface water treatment facility; initiated and began construction of additional groundwater wells with granular activated carbon filtration systems as necessary to remediate groundwater contamination that was discussed in the MEIR and its mitigation measures; provided for additional groundwater recharge areas; and expanded its network of water transmission main pipeline improvements allowing for improved distribution of water supply.

As called for in 2025 General Plan policies and MEIR mitigation measures, the City has implemented several programs for preventing water pollution: In conjunction with Fresno Metropolitan Flood Control District and the Regional Water Quality Control Board (RWQCB) City inspectors assist in enforcing the National Pollutant Discharge Elimination System Stormwater Pollution Prevention regulations. The Planning and Development Department also consults with RWQCB on specific development projects which may require on-site wastewater treatment, and provides project-specific conditions and even supplemental environmental analysis for such projects, with specific mitigation measures. The City's Department of Public Utilities has enhanced its industrial pretreatment permitting program for industrial wastewater generators who discharge to the Fresno-Clovis Wastewater Treatment and Reclamation Facility.

Staff is not aware of any particular circumstance or information that would make impacts to water supply, quality and hydrology a reasonably foreseeable impact or more severe impact from that identified in the MEIR. The Director of Public Utilities finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known based upon traffic impacts pursuant to CEQA Guideline Section 15179(b)(1).

Agricultural Resources. The implementation of applicable policies since adoption of the 2025 Fresno General Plan has encouraged the development of urban uses in a more systematic pattern that avoids discontinuity and the creation of vacant by-passed properties. These efforts, together with the requirement to record "right-to-farm" covenants, facilitate the continuation of existing agricultural uses within the city's planned urban growth boundary during the interim

MEIR REVIEW SUMMARY

Page 4

period preceding orderly development of the property as anticipated by the General Plan. Staff is not aware of any particular circumstance or information that would make impacts from loss of agricultural resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of agricultural resources pursuant to CEQA Guideline Section 15179(b)(1).

Demand for Utilities and Service Systems. The City of Fresno has continued to provide for utilities and service systems commensurate with the demands of increased population and employment within its service area, implementing policies of the 2025 Fresno General Plan and conforming to MEIR mitigation measures. Programmatic measures have been continued, expanded or initiated to increase the efficiencies of providing services in a manner that will reduce potential impacts upon the natural and human environment. These improvements have included bringing the City's first surface water treatment plant on-line to distribute treated surface water, thereby preventing a worsening of groundwater overdraft in northeast Fresno; converting a substantial portion of the City's service vehicle fleet to alternative fuels; and expanding recycling and conservation measures (including contracting with a major material sorting and recycling facility and a green waste processor to comply with AB 939 solid waste reduction mandates) to more judiciously use resources and minimize adverse impacts the environment. Adoption of City-wide police and fire facility development impact fees and a contract to consolidate fire service with an adjacent fire prevention district have been accomplished to assure the provision of adequate firefighting capacity to serve a broader geographic extend of urban development and more intensive and mixed-use development throughout the metropolitan area.

Because these changes were anticipated in, or provided for by, the 2025 Fresno General Plan and its MEIR mitigation measures, they do not constitute a significant or adverse alteration of Fresno's environmental setting. Staff is not aware of any particular circumstance or information that would make impacts from increased demand for utilities and service systems and public facilities a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to increased demand for utilities, service systems, and public facilities pursuant to CEQA Guideline Section 15179(b)(1).

Demand for Recreational Facilities. The City of Fresno has adopted and City-wide parks facility and Quimby Act fee which provides for the acquisition of new open space and recreation facilities as well as improvements to existing facilities and programs to provide a broader range of recreation opportunities. Staff is not aware of any particular circumstance or information that would make impacts from increased demand for recreational facilities a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to increased demand for utilities, service systems, and public facilities pursuant to CEQA Guideline Section 15179(b)(1).

Biological Resources. The City continues to evaluate all development proposals for potential impacts upon natural habitats and associated species dependent upon these habitats. The City supports continuing efforts to acquire the most prominent habitats where appropriate, such as

portions of the San Joaquin River environs. When development or public works projects have been proposed in this area, they have been subject to site-specific evaluation through supplemental environmental analyses, and appropriate mitigation measures and conditions applied as derived from consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The City has imposed MEIR mitigation measures related to Biological Resources on projects that identified potential impacts to biological resources. Staff finds that this has adequately addressed any potential impact to biological resources. Staff is not aware of any particular circumstance or information that would make impacts from loss of biological resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of biological resources pursuant to CEQA Guideline Section 15179(b)(1).

Potential Disturbance of Cultural Resources. The City of Fresno has implemented numerous efforts to identify historic and cultural resources, and provide thorough consideration as to their value and contributions to understanding or historic and cultural heritage.

Additionally, staff follows the MEIR mitigation measures for potential cultural resources. Staff is not aware of any particular circumstance or information that would make impacts to cultural resources a reasonably foreseeable impact that was not identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of cultural resources pursuant to CEQA Guideline Section 15179(b)(1).

Within the last five years, the City has lost two lawsuits (Valley Advocates v. COF and Heritage Fresno v. RDA, City of Fresno) related to historical resources that related to six particular buildings at two different particular sites. The CEQA projects at issue were reviewed under independent CEQA documents, not under the MEIR as subsequent projects (*i.e.*, one under a separate EIR and one under a categorical exemption). These projects are site specific and are not reasonably expected to create additional impacts to cultural resources that would affect a finding under Section 15179. These particular projects may be properly assessed under the MEIR focused EIR procedures or mitigated negative declaration procedures under Section 15178 and not affect the overall MEIR findings.

Generation of Noise. The City of Fresno continues to implement mitigation measures and applicable plan policies to reduce the level of noise to which sensitive noise receptors are exposed. These efforts include identification of high noise exposure areas, limiting the development of new noise sensitive uses within these identified areas and conducting noise exposure studies and requiring implementation of appropriate design measures to reduce noise exposure. Staff finds that these efforts have adequately addressed any potential impacts that may have arisen related to noise and is not aware of any facts or circumstance that would make noise impacts have a more severe impact than that identified in the MEIR. Additionally, staff is not aware of any information or data that was not known at the time that the MEIR was certified that would be able to mitigate noise impacts beyond that identified and contemplated by the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to noise impacts pursuant to CEQA Guideline Section 15179(b)(1).

Geology and Soils. The City of Fresno has a predominantly flat terrain with few geologic or soil quality constraints. The City continues to apply applicable local and state construction codes and standards and continues to adopt new standards as appropriate to insure the safety of residents and protection of property improvements.

Staff finds that these codes and standards have adequately addressed any potential impacts that may have arisen related to geology and soils and is not aware of any facts or circumstance that would make impacts related to geology and soils a reasonably foreseeable impact not addressed in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known regarding impacts related to geology and soils pursuant to CEQA Guideline Section 15179(b)(1).

Hazards and Potential Generation of Hazardous Materials The City continues to implement General Plan policies and assure compliance with MEIR mitigation measures as new development is planned and constructed, and as Code Enforcement activities are conducted, in order to prevent flood damage, structural failures due to soil and geologic instability, and wildfire losses. Development in the vicinity of airports has been reviewed and appropriately conditioned with regard to adopted and updated airport safety and noise policies. In consultation with Fresno County Environmental Health and the California Environmental Protection Agency Department of Toxic Substances Control, industrial and commercial facilities that use, handle, or store potentially hazardous materials are appropriately sited, conditioned, and inspected periodically by the Fresno Fire Department to prevent adverse occurrences. Homeland Security regulations have been taken into consideration when reviewing food production, processing and storage facilities, and the City has conducted and participated in multiple emergency response exercises to develop response plans that would protect life, health, and safety in the event of railroad accidents and other potential hazards.

Staff finds that these procedures, as outlined in the 2025 Fresno General Plan and its MEIR (as well as in related regulations and codes pertaining to hazards and hazardous materials) have adequately addressed potential impacts that may have arisen related to hazards. Staff is not aware of any facts or circumstance that would make impacts related to hazards and hazardous materials reasonably foreseeable impacts not addressed in the MEIR. Staff finds that the circumstances have not materially changed from the time the MEIR was certified and/or new information is not known related to impacts from hazards and hazardous materials pursuant to CEQA Guideline Section 15179(b)(1).

Demand for Energy. The City of Fresno has taken a number of steps to reduce energy consumption, both “in house” to set an example, and in the policy arena. The most notable “in-house” actions are the following:

- Construction of solar panel generator facilities at the Municipal Services Center (MSC) and at Fresno-Yosemite International Airport. The MSC facility, completed in 2004, generates 3.05 GWh of energy (equivalent to operation of 286 homes per year) and has resulted in reduction of 966 tons of CO₂ emissions (equivalent to 2,414,877 vehicular miles not driven).

- Replacement of a significant number of vehicles in the municipal fleet with clean air vehicles (please refer to the following table).

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

| | |
|-----|--|
| 50 | CNG Transit Buses |
| 4 | CNG Trolleys |
| 6 | CNG Handi-Ride Buses |
| 59 | Retrofitted Diesel Powered Buses with REV (reduced emission vehicle) engines and diesel particulate traps |
| 2 | Hybrid (gasoline-electric) Transit Buses |
| 2 | Hybrid (diesel-electric) Transit Buses |
| 12 | Compressed Natural Gas (CNG) Pickups, Vans and Sedans |
| 7 | Flex Fuel Pickups, Vans and Sedans (CNG/Unleaded Fuel) |
| 3 | Compressed Natural Gas (CNG) Street Sweepers |
| 52 | Hybrid (gasoline-electric) Sedans and Trucks |
| 34 | Electric Vehicles |
| 5 | Propane Powered Vehicles |
| 103 | LNG Powered Refuse Trucks |
| 59 | Retrofitted Diesel Powered Refuse Trucks with combination lean NOx catalyst and diesel particulate filters |
| 9 | Retrofitted Diesel Powered Street Sweepers with combination lean NOx catalyst and diesel particulate filters |
| 1 | Plug-In CNG/Electric Hybrid Refuse Truck |
| 56 | Heavy duty diesel trucks and construction equipment equipped with exhaust after-treatment devices |
| 9 | Off Road Equipment with exhaust after-treatment devices |

| | |
|------------|---|
| 473 | Total “Clean Air” Vehicles in the City of Fresno fleet |
|------------|---|

In the development standards policy arena, the City is taking numerous steps to increase residential densities and connectivity between residential and commercial land uses, thus facilitating more walking, biking and transit ridership (which has increased 22% in recent months) and saving energy:

- Amended the zoning code to allow development of mixed use projects in all commercial zone districts citywide, and in the C-M and M-1 zone districts within the Central Area.
- Amended the zoning code to allow density bonuses for affordable housing projects. Such bonuses permit density increases of approximately 30%.
- Amended zoning code to eliminate the “drop down” provision, which permitted development at one density range less than that shown on the adopted land use map.
- Amended the zoning code to increase heights in various residential and commercial zone districts and reduce the minimum lot size in the R-1 zone district from 6,000 to 5,000 square feet.
- Initiated the Activity Center Study, which is defining the potential Activity Centers located in Exhibit 6 of the 2025 Fresno General Plan and proposing design classifications and increased density ranges for these centers and corresponding transportation corridors.

Staff is not aware of any facts or circumstance that would make impacts related to energy demands reasonably foreseeable impacts that were not addressed in the MEIR. Staff finds that the circumstances have not materially changed from the time the MEIR was certified and/or new information is not known related to energy demand impacts pursuant to CEQA Guideline Section 15179(b)(1).

Mineral Resources. The City of Fresno has adopted plan policies and City ordinance provisions consistent with requirements of the State of California necessary to preserve access to areas of identified resources and for restoration of land after resource recovery (surface mining) activities. Staff finds that these policies and Fresno Municipal Code provisions have adequately addressed any potential impacts that may have arisen related to mineral resources and is not aware of any facts or circumstance that would make loss of mineral resources a reasonably foreseeable impact not addressed in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of mineral resources pursuant to CEQA Guideline Section 15179(b)(1).

School Facilities. The City of Fresno continues to consult with affected school districts and participate in school site planning efforts to assure the identification of appropriate location alternatives for planned school facilities. Staff is not aware of any information from the school districts or otherwise to demonstrate that adequate school facilities are not being accommodated under the current General Plan and/or that the need for school facilities is expected to cause impacts not identified in the MEIR. Staff finds that the circumstances have

MEIR REVIEW SUMMARY

Page 9

not changed from the time the MEIR was certified and/or new information is not known related to need for school facilities pursuant to CEQA Guideline Section 15179(b)(1).

Potential Aesthetic Impacts. Design Guidelines were appended to the 2025 Fresno General Plan through the plan adoption process conducted concurrently with MEIR analysis. As noted previously, General Plan policies encourage and promote infill development and the City of Fresno Planning and Development Department has implemented design guidelines for reviewing infill housing development proposals. The Department has prepared detailed design guidelines for the Tower District Specific Plan area and the Fulton-Lowell Specific Plan area, both of which contain enclaves of unique structures. The City has adopted policies promoting incorporation of public art within private development projects, which will contribute to a more appealing visual environment, benefitting users of the private property as well as the surrounding community. In addition, the City of Fresno and the City of Fresno Redevelopment Agency have funded public improvements which improve the general aesthetic. Staff is not aware of any situation or circumstances where there are reasonably foreseeable aesthetic impacts not identified and assessed in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related aesthetic impacts pursuant to CEQA Guideline Section 15179(b)(1).

Appendix: Status of MEIR Analysis With Regard to Air Quality and Climate Change

APPENDIX

STATUS OF MEIR ANALYSIS WITH REGARD TO AIR QUALITY AND CLIMATE CHANGE

EXECUTIVE SUMMARY

Planning staff has worked closely with the regional San Joaquin Valley Air Pollution Control District (SJVAPCD) since the November 2002 certification of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR). Potential air quality impacts have been analyzed for every environmental assessment initial study done for City development projects. Projects are required to comply with SJVAPCD rules and regulations via conditions of approval and mitigation measures formulated in the MEIR.

Overall, revisitation of these issues leads to the conclusion that, while there have been changes in air quality laws, planning requirements, and rules and regulations since certification of the MEIR, the actual environmental setting has not evidenced degradation of air quality. In conjunction with SJVAPCD attainment plans and attendant rules and regulations that were adopted prior to the certification of the MEIR, policies in the 2025 Fresno General Plan and MEIR mitigation measures aimed at improving air quality appear to be working. Since 2002, data show that pollutant levels have been steadily decreasing for ozone/oxidants and for particulate matter (10 microns and 2 microns in size). Recent adoption of new air quality attainment plans by SJVAPCD, calling for broader and more stringent rules and regulations to achieve compliance with national and state standards, is expected to accelerate progress toward attainment of clean air act standards.

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment No. A-13-003; Rezone No. R-13-009; and CUP No. C-13-086 or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

SUPPORTING DATA AND ANALYSIS

While there have been changes in air quality regulations since the November 2002 certification of the 2025 Fresno General Plan MEIR, the actual environmental setting has not evidenced degradation of air quality.

The adverse air quality impacts associated with the myriad of human activities potentiated by the long range general plan for the Fresno metropolitan area can be expected to remain significant and unavoidable, and cannot be completely mitigated through the General Plan or through project-level mitigation measures. In order to provide a suitable living environment within the metropolitan area, the General Plan and its MEIR included numerous air pollution reduction measures.

The 2025 Fresno General Plan and its MEIR gave emphasis to pursuing cleaner air as an overarching goal. The urban form element of the General Plan was designed to foster efficient transportation and to support mass transit and subdivision design standards are being implemented to support pedestrian travel. Strong policy direction in the Public Facilities and Resource Conservation elements require that air pollution improvement be a primary consideration for all land development proposals, that development and public facility projects conform to the 2025 Fresno General Plan and its EIR mitigation measures, and that the City work conjunctively with other agencies toward the goal of improving air quality.

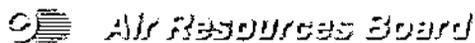
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted to cleaner fuels. Lighter-duty vehicle fleets are also incorporating alternative fuels and "hybrid" vehicles. Mass transit system improvements are supporting increased ridership. Construction of sidewalks, paseos, bicycle lanes and bike paths is being required for new development projects, and are being incorporated into already-built segments of City rights-of-way with financing from grants, gas tax, and other road construction revenues. Traffic signal synchronization is being implemented. The Planning and Development Department amended the Fresno Municipal Code to ban all types of residential woodburning appliances, thereby removing the most prominent source of particulate matter pollution from new construction.

Pursuant to a specific MEIR mitigation measure, all proposed development projects are evaluated with the "Urbemis" air quality impact model that evaluates potential generation of a range of air pollutants and pollutant precursors from project construction, project-related traffic, and from various area-wide non-point air pollution sources (e.g., combustion appliances, yard maintenance activities, etc.). The results of this "Urbemis" model evaluation are used to determine the significance of development projects' air quality impacts as well as the basis for any project-specific air quality mitigation measures.

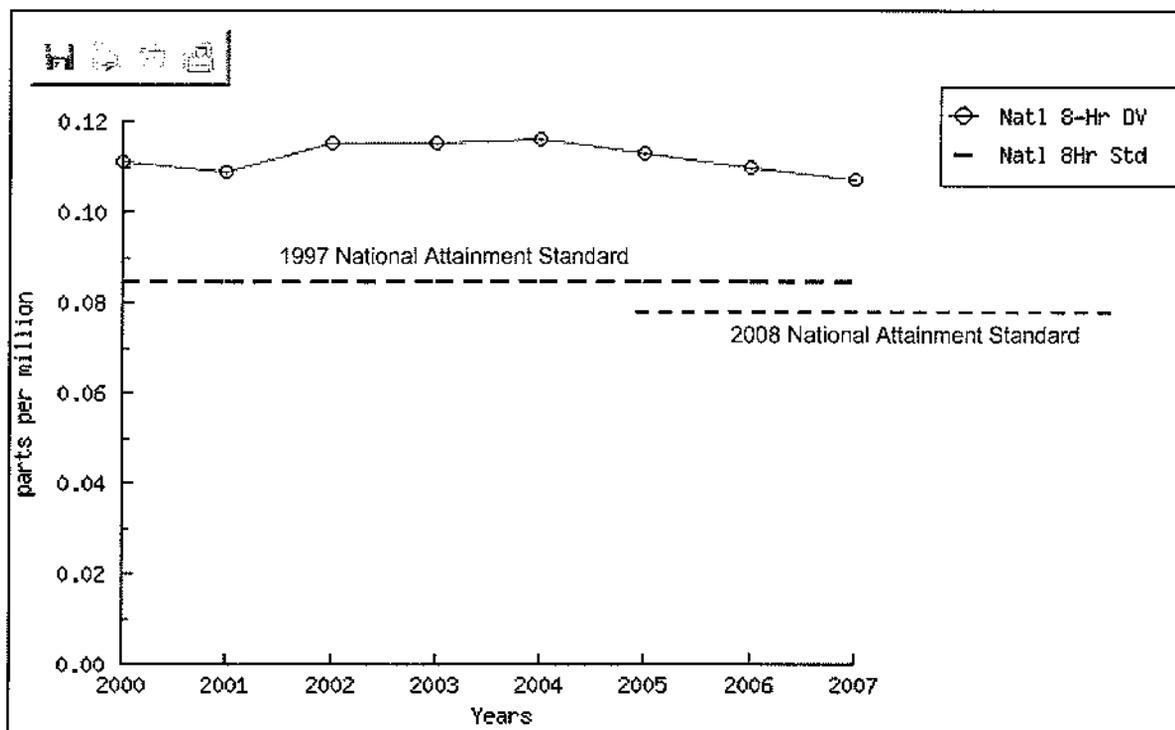
There are no new (*i.e.*, unforeseen in the MEIR) reasonable mitigation measures which have become available since late 2002 that would assure the reduction of cumulative (city-wide) air quality impacts to a less than significant level at project buildout, even with full compliance with attainment plans and rules promulgated by the California Air Resources Board and the San Joaquin Valley Air Pollution Control District.

Through implementation of regional air quality attainment plans by the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD), as supported by implementation of 2025 Fresno General Plan policies and MEIR mitigation measures, air pollution indices have shown improvement. Progress is being made toward attainment of federal and state ambient air quality standards.

Ozone/oxidant levels have shown gradual improvement, as depicted in the following graphs and charts from the California Air Resources Board (graphics with an aqua background) and from the San Joaquin Valley Air Pollution Control District (those with no background color):



Ozone Trends Summary: San Joaquin Valley Air Basin



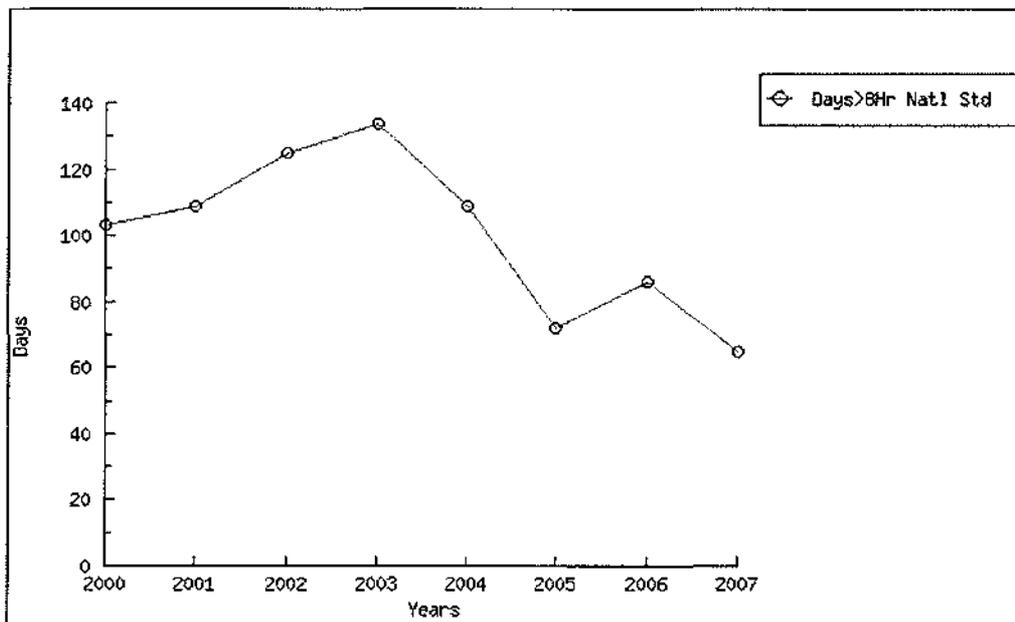
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

Under the 1997 standard, in effect through the end of 2007, "Attainment" would be achieved if the three-year average were less than, or equal to, 84 parts per billion (ppb), or 0.084 parts per million (ppm). In 2008, a new National 8-Hour Ozone Attainment standard went into effect: a three year average of 75 ppb (0.075 ppm). Data and attainment status for 2008 is expected to become available in 2009."

The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

Correspondingly, the number of days per year in which the National 8-hour Ozone Standard has been exceeded have also decreased since the end of 2002:

Ozone Trends Summary: San Joaquin Valley Air Basin



In 1997, the Federal Clean Air Act repealed the former National 1-hour Ozone standard. However, the California Clean Air Act retains this air pollution parameter. The days per year in which the State of California 1-hour ozone standard has been exceeded have also shown a generally decreasing trend in the time since the 2025 Fresno General Plan MEIR was certified:

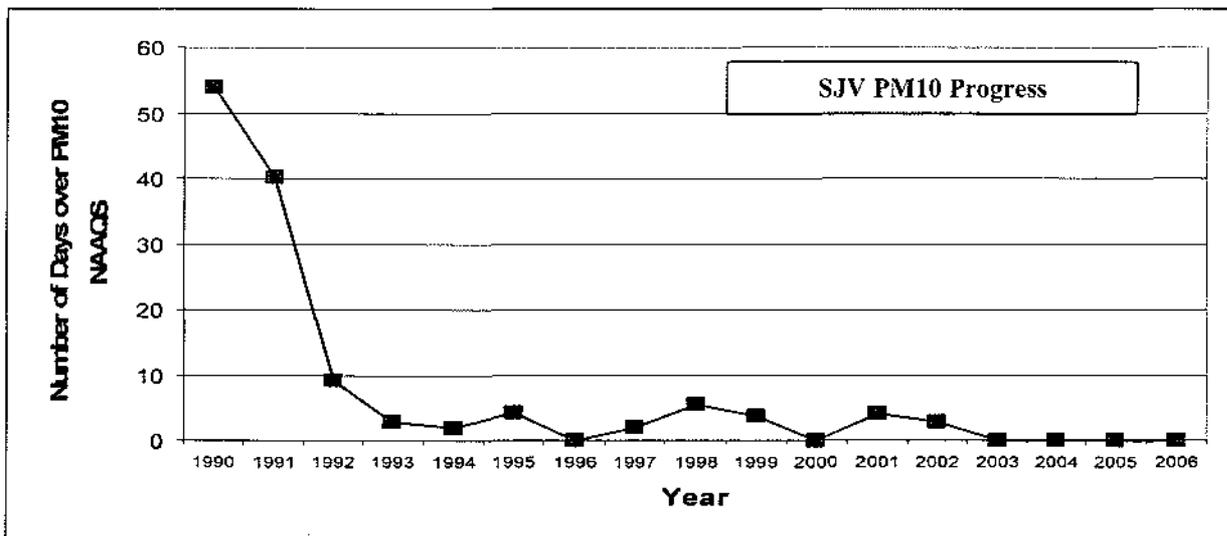


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of progress toward full attainment is not sufficient to reach the national ambient air quality standards by the target date established by the attainment plan. Mobile sources (vehicle engines) are the primary source for ozone precursors, and the regulation of mobile sources occurs at the national and state levels and is beyond the direct regulatory reach of the regional air pollution control agency. As noted in the 2025 Fresno General Plan MEIR and reflected in the Statement of Overriding Considerations made when the MEIR was certified, potentially significant and unavoidable adverse air quality impacts are inherent in population growth and construction in the City of Fresno, given the Valley's climatology and the limitations on regulatory control of air pollutant precursors.

In 2004, the San Joaquin Valley Air Pollution Control District, in conjunction with the California Air Resources Board, approved a re-designation for the San Joaquin Valley Air Basin to "Extreme Nonattainment" status for ozone, approving a successor air quality attainment plan that projects San Joaquin Valley attainment of the national 8-hour ozone standard by year 2023. This designation and its accompanying attainment plan were submitted to the U.S. Environmental Protection Agency (USEPA) in November of 2004. To date, no formal action has been taken by USEPA to date on the proposed designation or the attainment plan; the Valley remains in "Severe Non- attainment" as of this writing.

The change from "Severe" to "Extreme" ozone Nonattainment would represent an extension of the deadline for attainment, but since the regional air basin would not have achieved attainment by the original deadline, this does not materially affect environmental conditions for the City of Fresno as they were analyzed in the MEIR for the 2025 Fresno General Plan. The proposed revised ozone attainment plan includes not only all the measures in the preceding ozone attainment plan, but additional measures for regulating a wider range of activities to attain ambient air quality standards.

The Valley's progress toward attaining national and state standards for PM-10 (particulate matter less than 10 microns in diameter) has been greater since certification of the MEIR:



MEIR REVIEW SUMMARY

Page 15

As the preceding chart reveals, levels of PM-10 air pollution have decreased since 2002. When the MEIR was certified, the San Joaquin Valley Air Basin was designated in "Serious Nonattainment" for national standards. As of 2007, the number of days where standards were exceeded has decreased to the extent that the Valley has been deemed to be in Attainment. Under Federal Clean Air Act Section 107(d)(3), PM-10 attainment plans and associated rules and regulations remain in place to maintain this level of air quality. New and expanded regulations proposed to combat "Extreme" ozone pollution and PM-2.5 (discussed below) would be expected to provide even more improvement in PM-10 pollution situation.

The 2025 Fresno General Plan provided policy direction in support of "indirect source review" as a method for controlling mobile source pollution. Although vehicle engines and fuels are outside the purview of local and regional jurisdictions in California, approaching mobile source pollution indirectly, through regulation and mitigation of land uses which generate traffic, is an alternative approach.

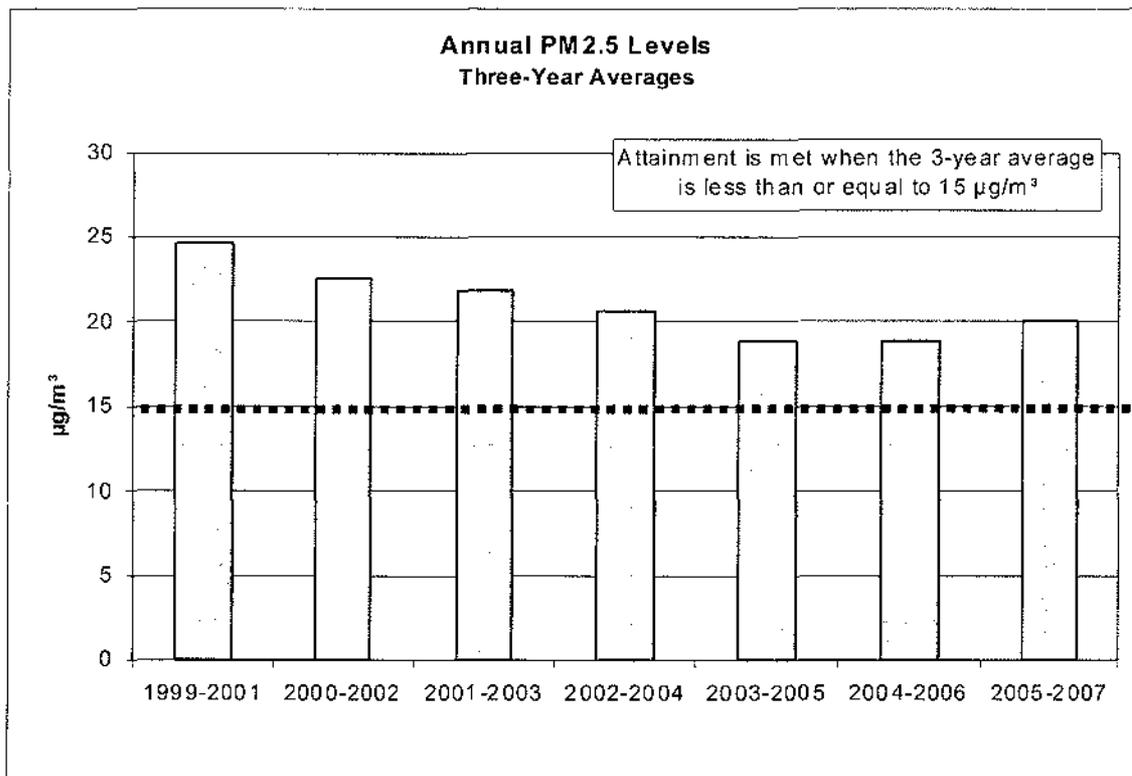
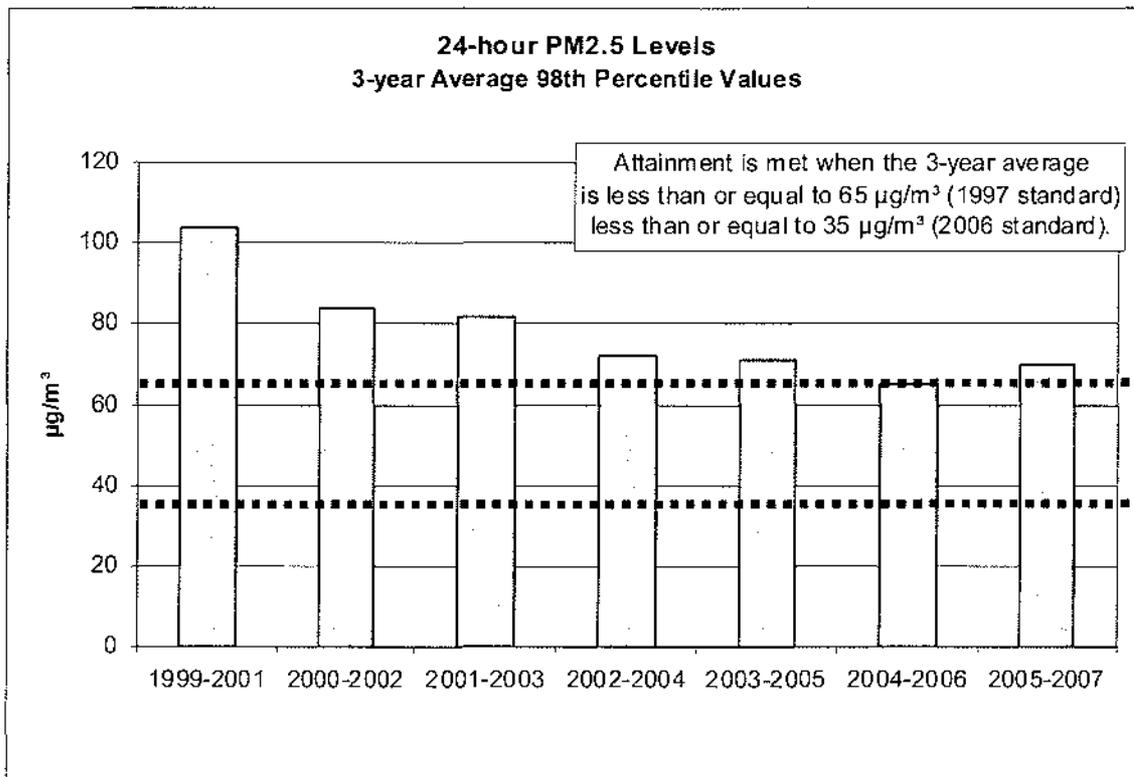
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated under Rule 9510 and are implementing many aspects of the Rule, such as clean air design (pedestrian and bike facilities; proximal siting of residential and commercial land uses; low-pollution construction equipment; dust control measures; cleaner-burning combustion appliances, etc.).

It is anticipated that full implementation (release of mitigation impact fees for various clean air projects throughout the San Joaquin Valley) and subsequent augmentation of the Indirect Source Review Rule will accelerate progress toward attainment of federal and state ozone standards, and will be an important component of the attainment plan for PM-2.5 (very fine particulate matter) and for greenhouse gas reductions to combat global climate change.

PM-2.5 is a newly-designated category of air pollutant, the component of PM-10 comprised of particles 2.5 microns in diameter or smaller. The 1997 Clean Air Act Amendments directed that this pollutant be brought under regulatory control, but federal and state standards/designations had not been finalized when the 2025 Fresno General Plan MEIR was drafted and certified. In the intervening time, the San Joaquin Valley Air Basin has been classified as being in "Nonattainment" for the 1997 federal PM-2.5 standard and for the State PM-2.5 standard.

An attainment demonstration plan for the federal 1997 PM-2.5 standard has been adopted by the SJVAPCD and approved by the California Air Resources Board, and forwarded to the EPA for approval (status as of mid-2008). The attainment plan would achieve compliance with the 1997 federal Clean Air Act PM-2.5 standard by year 2014, in conjunction with California Air Resources Board (and US EPA) action to improve diesel engine emissions. The San Joaquin Valley Air Basin has not yet been classified under the more stringent revised federal 2006 PM-2.5 standard; this classification is expected by 2009.

As with ozone and PM-10 pollution, levels of PM-2.5 have already been reduced by already-existing air quality improvement planning policies, mitigation measures, and regulations. The following charts depict historic PM-2.5 monitoring data for the regional air basin. Once the expected SJVAPCD attainment plan is implemented measures specific to PM-2.5 control, the rate of progress toward attainment of federal and state PM-2.5 standards will accelerate.



When the 2025 Fresno General Plan and its MEIR were approved in late 2002, the planning and environmental documents did not directly or separately analyze potential global warming and climate change impacts. However, the general policy direction for consideration of air quality parameters in development project evaluations and for reducing those air pollutants which are already under regulation would operate to control these potential adverse impacts.

"Global warming" is the term coined to describe a widespread climate change characterized by a rising trend in the Earth's ambient average temperatures with concomitant disturbances in weather patterns and resulting alteration of oceanic and terrestrial environs and biota. When sunlight strikes the Earth's surface, some of it is reflected back into space as infrared radiation. When the net amount of solar energy reaching Earth's surface is about the same as the amount of energy radiated back into space, the average ambient temperature of the Earth's surface would remain more or less constant. Greenhouse gases potentially disturb this equilibrium by absorbing and retaining infrared energy, trapping heat in the atmosphere—the "greenhouse gas effect."

The predominant current opinion within the scientific community is that global warming is occurring, and that it is being caused and/or accelerated via generation of excess "greenhouse gases" [GHGs], that natural carbon cycle processes (such as photosynthesis) are unable to absorb sufficient quantities of GHG and cannot keep the level of these gases or their warming effect under control. It is believed that a combination of factors related to human activities, such as deforestation and an increased emission of GHG into the atmosphere from combustion and chemical emissions, is a primary cause of global climate change.

The predominant types of anthropogenic greenhouse gases (those caused by human activity), are described as follows. It should be noted that the starred GHGs are regulated by existing air quality policies and rules pursuant to their roles in ozone and particulate matter formation and/or as potential toxic air contaminants.

- carbon dioxide (CO₂), largely generated by combustion activities such as coal and wood burning and fossil fuel use in vehicles but also a byproduct of respiration and volcanic activity;
- *methane (CH₄), known commonly as "natural gas," is present in geologic deposits and is also evolved by anaerobic decay processes and animal digestion. On a ton-for-ton basis, CH₄ exerts about 20 times the greenhouse gas effect of CO₂;
- *nitrous oxide (N₂O), produced in large part by soil microbes and enhanced through application of fertilizers. N₂O is also a byproduct of fossil fuel burning: atmospheric nitrogen, an inert gas that makes up a large proportion of the atmosphere, is oxidized when air is exposed to high-temperature combustion. N₂O is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N₂O is one component of "oxides of nitrogen" (NOX), long recognized as precursors of smog-causing atmospheric oxidants.
- *chlorofluorocarbons (CFCs), synthetic chemicals developed in the late 1920s for use as improved refrigerants (e.g., "Freon™"). It was recognized over two decades ago that this class of chemicals exerted powerful and persistent greenhouse gas effects. In 1987, the Montreal Protocol halted production of CFCs.

MEIR REVIEW SUMMARY

Page 18

- *hydrofluorocarbons (HFCs), another class of synthetic refrigerants developed to replace CFCs;
- *perfluorocarbons (PFCs), used in aluminum and semiconductor manufacturing, have an extremely stable molecular structure, with biological half-lives tens of thousands of years, leading to ongoing atmospheric accumulation of these GHGs.
- *sulfur hexafluoride (SF₆) is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF₆ exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO₂ on a ton-for-ton basis.
- water vapor, the most predominant GHG, and a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans.

In an effort to address the perceived causes of global warming by reducing the amount of anthropogenic greenhouse gases generated in California, the state enacted the Global Warming Solutions Act of 2006 (Codified as Health & Safety Code Section 38501 *et seq.*). Key provisions include the following:

- ▲ Codification of the state's goal by requiring that California's GHG emissions be reduced to 1990 "baseline" levels by 2020.
- ▲ Set deadlines for establishing an enforcement mechanism to reduce GHG emissions:
 - By June 30, 2007, the California Air Resources Board ("CARB") was required to publish "discrete early action" GHG emission reduction measures. Discrete early actions are regulations to reduce greenhouse gas emissions to be adopted by the CARB and enforceable by January 1, 2010;
 - By January 1, 2008, CARB was required to identify what the state's GHG emissions were in 1990 (set the "baseline") and approve a statewide emissions limit for the year 2020 that is equivalent to 1990 levels. (These statewide baseline emissions have not yet been allocated to regions, counties, or smaller political jurisdictions.) By this same date, CARB was required to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions.
 - By January 1, 2011, CARB must adopt emission limits and emission reduction measures to take effect by January 1, 2012.

As support for this legislation, the Act contains factual statements regarding the potential significant impacts on California's physical environment that could be caused by global warming. These include, an increase in the intensity and duration of heat waves, the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snow pack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

On August 24, 2007, California also enacted legislation (Public Resources Code §§ 21083.05 and 21097) requiring the state Resources Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act. By July 1, 2009, the Governor's Office of Planning and Research (OPR) is required to prepare

guidelines for the mitigation of greenhouse gas emissions, and transmit those draft regulations to the Resources Agency. The Resources Agency must then certify and adopt the guidelines by January 1, 2010.

The recently-released update of the Urbemis computer model (used by the City of Fresno Planning and Development Department for environmental assessments, pursuant to a specific MEIR mitigation measure) does provide data on the amounts of CO₂ and oxides of nitrogen (NOX) potentially generated by development projects. However, at this point in time, neither CARB nor the SJVAPCD has determined what the 1997 baseline or current "inventory" of GHGs is for the entire state nor for any region or jurisdiction within the state. No agency has adopted GHG emission limits and emission reduction measures, and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions (there is an absence of regulatory guidance). Therefore, the City is unable to productively interpret the results of the Urbemis model with regard to GHGs, and there is currently no way to determine the significance of a project's potential impact upon global warming.

The 2025 Fresno General Plan provides an integrated combination of residential, commercial, industrial, and public facility uses allowing for proximate location of living, work, educational, recreational, and shopping activities within Fresno metropolitan area. This combination of uses has been identified as a potential mitigation measure to address global warming impacts in a document published by the California Attorney General's Office entitled, *The California Environmental Quality Act Mitigation of Global Warming Impacts* (updated January 7, 2008). Specifically, this document describes this mitigation measure as follows, "Incorporate mixed-use, infill and higher density development to reduce vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods"—echoing objectives and policies of the 2025 Fresno General Plan adopted in late 2002.

The General Plan contains a mix of land uses would be expected to generate fewer vehicle miles traveled per capita, leading to reduced emissions of greenhouse gases from engine emissions. It provides for overall denser development with high-intensity enclaves, associated with increased public transit use. The plan fosters mixed use and infill development (being implemented by mixed-use zoning ordinances added to the Fresno Municipal Code, as directed by 2025 Fresno General Plan) policies. The urban form element distributes neighborhood-level and larger commercial development, public facilities such as schools, and recreational sites throughout the metropolitan area, reducing vehicle trips.

Any manufacturing activities that would generate SF₆, HFCs, or PFCs would be subject to subsequent environmental review at the project-specific level, as would any uses which would generate methane on site. The City of Fresno has adopted an ordinance prohibiting installation of any woodburning fireplaces or woodburning appliances in new homes, which would reduce CO₂ and N₂O from wood combustion.

Through updates in the California Building Code and statewide regulation of appliance standards, City development projects conform to state-of-the art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication *Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California* (April 2007) and in CARB's *Proposed Early Actions to Mitigate Climate Change in California* (April 2007). The City has further incentivized "green" building projects by providing subsidies for solar photovoltaic equipment for single-family residential construction, by reducing development standards (including reductions in required parking spaces, which further reduces

air pollutant and GHG emissions), and by improving its landscape and shading standards (a topic included in the Design Guidelines adopted with the 2025 Fresno General Plan).

Updated engine and tire efficiency standards would apply to residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO₂, removing it from the atmosphere).

Due to the lack of data or regulatory guidance that would indicate the 2025 Fresno General Plan had a significant adverse impact upon global climate change, the relatively small size of the Fresno Metropolitan Area in conjunction with the worldwide scope of GHG emissions, and the emphasis in the 2025 Fresno General Plan upon integrated urban design and air pollution control measures, it could not be concluded in 2002 nor at present that the 2025 Fresno General Plan would have a significant adverse impact on global climate change.

As to potential impacts of global warming upon the 2025 Fresno General Plan: the city is located in the Central Valley, in an urbanized area on flat terrain distant from the Pacific coast and from rivers and streams. It is outside of identified flood prone areas. Based on its location we conclude that Fresno is not likely to be significantly affected by the potential impacts of global climate change such as increased sea level and river/stream channel flooding; nor is it subject to wildfire hazards. While Fresno does contain areas with natural habitat (the San Joaquin Bluffs and Riverbottom), a change in these areas' biota induced by global warming would not leave them bereft of all habitat value—it would simply mean a change in the species which would be encountered in these areas. The 2025 Fresno General Plan preserves this habitat open space area for multiple objectives (protection from soil instability and flood inundation; conservation of designated high-quality mineral resources), so any natural resource species changes in those areas would not constitute a significant adverse impact to the city or a loss of resource area.

Fresno has historically had high ambient summer temperatures and an historic heat mortality level that is among the highest in the state (5 heat-related deaths annually per 100,000 population). Due to the prevalence of air conditioning in dwellings and commercial buildings, an increase in extreme heat days from global warming is not expected by the California Air Resources Board Research Division to significantly increase heat-related deaths in Fresno, as opposed to possible effects in cooler portions of the state such as Sacramento or Los Angeles areas (reference: *Projections of Public Health Impacts of Climate Change in California: Scenario Analysis*, by Dr. Deborah Dreschler, Air Resources Board, April 9, 2008). Increased summertime temperatures which may be caused by global warming will be mitigated by the City's landscaping standards to provide shade trees, by statewide energy efficiency standards which insulate dwellings from heat and cold, and by urban design standards which require east-west orientation of streets and buildings to facilitate solar gain. Fresno has a heat emergency response plan and provides cooling centers and free transportation to persons who do not have access to air conditioning.

Secondary health effects of global warming could include increases in respiratory and cardiac illnesses attributable to poor air quality. The San Joaquin Valley Air Pollution Control District provides daily advisories and warnings in times of high ozone levels to help senior citizens and

other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (PM_{2.5}) standards by Year 2014 and to attainment of oxidant/ozone standards by Year 2023, and would adopt additional Rules and emission controls as necessary to decrease emissions inventories by those target dates. There is insufficient information to indicate that global climate change would prevent attainment of air quality parameters affecting health.

Pursuant to 2025 Fresno General Plan policy and MEIR mitigation measures, the City's Department of Public Utilities and Fire Department are required to affirm that adequate water service can be provided to all development projects for potable and fire suppression uses. The City derives much of its water supply from groundwater, using its surface water entitlements from the Kings and San Joaquin Rivers primarily to recharge the aquifer. A high percentage of Fresno's annual precipitation is captured and percolated in ponding basins operated by Fresno Metropolitan Flood Control District. If global climate change leads to a longer rainy season and/or more storm events throughout the year, groundwater supplies could be improved by additional percolation.

The City of Fresno currently treats and distributes only some 20% of its 150,000 acre-foot/year (AFY) surface water entitlement for the municipal water system, directing another 50,000 to 70,000 AFY to recharge activities via ponding basins. Presently, the City is unable to recharge the full balance of its annual entitlement in average and wet years, and releases any unused surface water supplies to area irrigation districts for agricultural use in the metropolitan area, (which further augments groundwater recharge through percolation of irrigated water).

Future surface water plant construction projects envisioned by the 2025 Fresno General Plan would account for less than 120,000 acre-feet per year of the surface supply. The General Plan direction for future Metropolitan Water Resource Management Plans includes exploring the use of recycled treated wastewater for non-potable uses such as landscape irrigation, which would further effectively extending the City's water supply.

If the global climate change were to cause a serious and persistent decrease in Sierra snowpack, some of Fresno's water supply could be affected. However, historic records show that the very long-term prevailing climatic pattern for Central California has included droughts of long (often, multi-year) duration, interspersed with years of excess precipitation. Decades before global climate change was considered as a threat to California's water system, state and local agencies recognized a need to augment water storage capacity for excess precipitation occurring in wet years, to carry the state through the intervening dry years.

The potential for episodic and long-term drought is considered in the city's Metropolitan Water Resource Plan and in its the Urban Water Management Plan Drought Contingency component, to accommodate reductions in available water supplies. In times of extended severe regional or statewide drought, a reprioritization of water deliveries and reallocation for critical urban supplies vs. agricultural use is possible, but it is too speculative at this time to determine what the statewide reprioritization response elements would be (the various responses of statewide and regional water agencies to these situations are not fully formulated and cannot be predicted with certainty). Because the true long term consequences of climate change on California's and Fresno's water system cannot be predicted, and, it is too speculative at this time to conclude that there could be a significant adverse impact on water supply for the 2025 Fresno General Plan due to global climate change.

As noted above, it is theorized that global warming could lead to more energy in the atmosphere and to increased intensity or frequency of storm events. Fresno's long-term weather pattern is that rainfall occurs during episodic and fairly high-intensity events. The Fresno Metropolitan Flood Control District (FMFCD) drainage and flood control Master Plan, which sets policies for drainage infrastructure and grading in the entire Fresno-Clovis area, is already predicated on this type of weather pattern. FMFCD sizes its facilities (which development potentiated by the 2025 Fresno General Plan will help to complete) for "two-year storm events," storms of an intensity expected in approximately 50 percent of average years; however, the urban drainage system design has additional capacity built into the street system so that excess runoff from more intense precipitation events is directed to the street system. The City's Flood Plan Ordinance and grading standards require that finished floor heights be above the crowns of streets and above any elevated ditchbanks of irrigation canals. FMFCD project conditions also preserve "breakover" historic surface drainage routes for runoff from major storms. Ultimately, drain inlets and FMFCD basin dewatering pumps direct severe storm runoff into the network of Fresno Irrigation District canals and pipelines still extant in the metropolitan area, with outfalls beyond the western edge of the metropolitan area.

Scientific information, analytical tools, and standards for environmental significance of global warming and green house gases were not available to the Planning and Development Department in 2002 when the 2025 Fresno General Plan and its MEIR were formulated and approved--and at this point, there is still insufficient data available to draw any conclusions as to the potential impacts, or significance of impacts, related to global climate change for the 2025 Fresno General Plan. Similarly, there is insufficient information to conclude that global warming may have a potentially significant adverse impact upon the 2025 Fresno General Plan. In a situation when it would be highly speculative to estimate impacts or to make conclusions as to the degree of adversity and significance of those impacts, the California Environmental Quality Act allows agencies to terminate the analysis. In that regard, there is no material change in status from the degree of environmental review on this topic contained in the 2025 Fresno General Plan MEIR.

Exhibit C

**2025 Fresno General Plan, MEIR Mitigation Measure
Checklist, dated November 22, 2013**

This page intentionally left blank.

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
 ENVIRONMENTAL ASSESSMENT NO. A-09-02 FINDING OF MITIGATED NEGATIVE DECLARATION
 FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

Mitigation Monitoring Checklist

Following is the mitigation monitoring checklist from MEIR No. 10130 as applied to the above-noted project's environmental assessment, required by City Council Resolution No. 2002-378 and Exhibit E thereof (adopted on November 19, 2002) to certify the MEIR for the 2025 Fresno General Plan Update. On June 25, 2009, through its Resolution No. 2009-146, the City Council adopted Environmental Assessment No. A-09-02 confirming the finding of a Mitigated Negative Declaration prepared for General Plan Amendment Application No. A-09-02 which updated the Air Quality Section of the Resource Conservation Element of the 2025 Fresno General Plan and incorporated additional and revised mitigation measures as necessary within the following monitoring checklist.

- A** - Incorporated into Project
- B** - Mitigated
- C** - Mitigation in Progress
- D** - Responsible Agency Contacted
- E** - Part of City-wide Program
- F** - Not Applicable

NOTE: Letters B-Q in mitigation measures refer to the respective sections of Chapter V of MEIR No. 10130

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | A | B | C | D | E | F |
| B-1. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of service (LOS) D or better in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS D. | Prior to approval of land use entitlement | Public Works Dept./Traffic Planning; Development & Resource Management Dept. | | | | X | | X |
| B-2. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining LOS E. | Prior to approval of land use entitlement | Public Works Dept./Traffic Planning; Development & Resource Management Dept. | | | | X | | X |

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|---|---|---|----------|---|---|----------|---|----------|
| | | | | | | | | |
| <p>B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.</p> | Prior to approval of land use entitlement | Public Works Dept./Traffic Planning; Development & Resource Management Dept. | | | | | | X |
| <p>B-4. For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors:</p> <p>a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services.</p> <p>b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of Traffic Impact Studies.</p> | Prior to approval of land use entitlement | Public Works Dept./Traffic Planning; Development & Resource Management Dept. | X | | | X | | |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|---|--|---|---|---|---|---|---|---|
| | | | B-5. Circulation and site design measures shall be considered for development projects so that local trips may be completed as much as possible without use of, or with reduced use of, major streets and major street intersections. Appropriate consideration must also be given to compliance with plan policies and mitigation measures intended to promote compatibility between land uses with different traffic generation characteristics. | Prior to approval of land use entitlement | Public Works Dept./Traffic Planning; Development & Resource Management Dept. | X | | |
| B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile. | Prior to approval or prior to funding of major street project. | Public Works Dept./Traffic Planning; Development & Resource Management Dept. | X | | | X | | |
| B-7. Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably as bicycle lanes, shall be provided on all new major streets and shall be considered when designing improvements for existing major streets. | Ongoing | Public Works Dept./Traffic Planning; Development & Resource Management Dept. | X | | | | X | |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|--|------------------|---|---|---|---|---|---|---|
| <p>C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs.</p> <p>a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals.</p> <p>b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements.</p> <p>c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations.</p> <p>d. Adopted state and SJVAPCD protocols, standards, and thresholds of significance for greenhouse gas emissions shall be utilized in assessing and approving proposed development projects.</p> <p>e. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.</p> | Ongoing | Development & Resource Management Dept. | X | | | X | | |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|--|------------------|--|---|---|---|---|---|---|
| | | | | | | | | |
| C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate. | Ongoing | Development & Resource Management Dept and SJVAPCD | X | | | X | | |
| C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR. | Ongoing | Various city departments | | | | | X | |
| C-4. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as: a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use. | Ongoing | Fresno Area Express | | | | | X | |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|--|--|--|---|---|---|---|---|---|
| | | | | | | | | |
| D-1. The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer. | Ongoing | Dept of Public Utilities and Development & Resource Management Dept. | X | | X | | X | |
| D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts. | Ongoing (City-wide); and prior to approval of land use entitlement as applicable | Department of Public Utilities and Development & Resource Management Dept. | | | X | X | X | |
| D-3. The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies. | Ongoing | Department of Public Utilities | | | | | X | |
| D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards. | Ongoing | Development & Resource Management Dept. | X | | | X | X | |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|--|------------------|---|---|---|---|---|---|---|
| <p>D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.</p> | Ongoing | Development & Resource Management Dept. | | | | | X | |
| <p>D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect:</p> <p>a. Allowable construction in this area from being damaged by the intensity of flooding in the riverbottom;</p> <p>b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and</p> <p>c. Public health, safety and general welfare from the effects of flood events.</p> | Ongoing | Development & Resource Management Dept. | | | | | X | X |
| <p>D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).</p> | Ongoing | Development & Resource Management Dept. | | | | | X | X |
| <p>D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update</p> | Ongoing | Department of Public Utilities | X | | X | X | | |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | | | | | | | |
|---|---|--------------------------------|---|---|---|---|---|---|--|
| | | | A | B | C | D | E | F | |
| <p>this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.</p> | | | | | | | | | |
| <p>D-9. The City shall continue its current water conservation programs and implement additional water conservation measures to reduce overall per capita water use within the City with a goal of reducing the overall per capita water use in the City to its adopted target consumption rate. The target per capita consumption rate adopted in 2008 is a citywide average of 243 gallons per person per day, intended to be reached by 2020 (which includes anticipated water conservation resulting from the on-going residential water metering program and additional water conservation by all customers: 5% by 2010, and an additional 5% by 2020.)</p> | Ongoing | Department of Public Utilities | | | X | X | | | |
| <p>D-10. All development projects shall be required to comply with City Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. Project conditions shall include, but are not limited to, water use efficiency for landscaping, use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.</p> | Prior to approval of land use entitlement | Department of Public Utilities | X | | | | X | | |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|--|---|---------------------------------------|---|---|---|---|---|---|
| <p>D-11. When and if the City adopts a formal management plan for recycled and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.</p> | <p>Prior to approval of development project</p> | <p>Department of Public Utilities</p> | | | | X | | X |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|-------------------------------|--|--|---|---|-------------------------------|-------------------------------|------------------|---------------------------|-----|-----|-----|--------------------------|-----|-----|-----|------------------------------|---|-----|-----|------------|---|-----|-----|-----------------------|---|-----|-----|------------------------|-----|-----|-----|--|--|--|--------------------------------|--|--|--|--|
| | | | | | | | | X | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>D-12. All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:</p> <table border="1"> <thead> <tr> <th rowspan="2">FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)</th> <th colspan="3">PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:</th> </tr> <tr> <th>01/01/2005 THROUGH 12/31/2010</th> <th>01/01/2010 THROUGH 12/31/2024</th> <th>AFTER 01/01/2025</th> </tr> </thead> <tbody> <tr> <td>Single family residential</td> <td>3.8</td> <td>3.5</td> <td>3.5</td> </tr> <tr> <td>Multi-family residential</td> <td>6.5</td> <td>6.2</td> <td>6.2</td> </tr> <tr> <td>Commercial and institutional</td> <td>2</td> <td>1.9</td> <td>1.9</td> </tr> <tr> <td>Industrial</td> <td>2</td> <td>1.9</td> <td>1.9</td> </tr> <tr> <td>Landscaped open space</td> <td>3</td> <td>2.9</td> <td>2.9</td> </tr> <tr> <td>South East Growth Area</td> <td>3.4</td> <td>3.2</td> <td>3.2</td> </tr> </tbody> </table> <p>NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan</p> | | | FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.) | PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals: | | | 01/01/2005 THROUGH 12/31/2010 | 01/01/2010 THROUGH 12/31/2024 | AFTER 01/01/2025 | Single family residential | 3.8 | 3.5 | 3.5 | Multi-family residential | 6.5 | 6.2 | 6.2 | Commercial and institutional | 2 | 1.9 | 1.9 | Industrial | 2 | 1.9 | 1.9 | Landscaped open space | 3 | 2.9 | 2.9 | South East Growth Area | 3.4 | 3.2 | 3.2 | Prior to approval of development project | | | Department of Public Utilities | | | | |
| FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.) | PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 01/01/2005 THROUGH 12/31/2010 | 01/01/2010 THROUGH 12/31/2024 | AFTER 01/01/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Single family residential | 3.8 | 3.5 | 3.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Multi-family residential | 6.5 | 6.2 | 6.2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Commercial and institutional | 2 | 1.9 | 1.9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Industrial | 2 | 1.9 | 1.9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Landscaped open space | 3 | 2.9 | 2.9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| South East Growth Area | 3.4 | 3.2 | 3.2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|---|------------------|---|---|---|---|---|---|---|
| | | | | | | | | |
| D-13. The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings. | Ongoing | Department of Public Utilities | | | | | X | |
| E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land. | Ongoing | Development & Resource Management Dept. | | | | | X | |
| E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries. | Ongoing | Development & Resource Management Dept. | | | X | | X | |
| E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas. | Ongoing | Development & Resource Management Dept. | | | | | | X |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|--|------------------|---|---|---|---|---|---|---|
| | | | | | | | | |
| <p>E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered:</p> <p>a. Including a buffer zone of sufficient width between proposed residences and the agricultural use.</p> <p>b. Restricting the intensity of residential uses adjacent to agricultural lands.</p> <p>c. Informing residents about possible exposure to agricultural chemicals.</p> <p>d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences.</p> <p>e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.</p> | Ongoing | Development & Resource Management Dept. | | | | | | X |
| <p>F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.</p> | Ongoing | Dept. of Public Utilities and Development & Resource Management Dept. | X | | X | X | | |
| <p>F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.</p> | Ongoing | Dept. of Public Utilities | | | | X | | |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|--|---|---|---|---|---|---|---|---|
| | | | | | | | | |
| F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation. | Ongoing | Dept. of Public Utilities | | | | | X | X |
| F-3. The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. This shall include provision of tertiary treatment facilities to produce recycled water for landscape irrigation and other non-potable uses. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts. | Ongoing | Dept. of Public Utilities | | | X | X | | |
| F-4. The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded. | Ongoing/prior to approval of land use entitlement | Dept. of Public Utilities and Development & Resource Management Dept. | X | | | | X | |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|---|---|---|--|-------------------------------|---------------------------|---|---|---|
| | | | F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts. | Ongoing/prior to construction | Dept. of Public Utilities | X | | |
| G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts. | Ongoing/prior to construction | Fire Dept/Police Dept/ Development & Resource Management Dept. | | | | | | X |
| H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts. | Ongoing/prior to construction | Parks and Recreation Dept. & Development & Resource Management Dept. | | | | | | X |
| I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife | Ongoing/prior to approval of land use entitlement | Development & Resource Management Dept. | | | | | | X |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | | | | | | |
|--|---|---|---|---|---|---|---|---|
| | | | A | B | C | D | E | F |
| Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval. | | | | | | | | |
| I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall including siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed. | Ongoing/prior to approval of land use entitlement | Development & Resource Management Dept. | | | | | | X |
| I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net less of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost. | Ongoing/prior to approval of land use entitlement and during construction | Development & Resource Management Dept. | | | | | | X |
| I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved. | Ongoing/prior to approval of land use entitlement and during construction | Development & Resource Management Dept. | | | | | | X |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |
| I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection). | Ongoing/prior to approval of land use entitlement and during construction | Development & Resource Management Dept. | | | | | | X |
| I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species. | Ongoing/prior to approval of land use entitlement and during construction | Development & Resource Management Dept. | | | | | | X |
| J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. | Ongoing/prior to approval of land use entitlement | Development & Resource Management Dept. | X | | X | | X | |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|--|--|---|---|---|---|---|---|---|
| | | | | | | | | |
| e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft. | | | | | | | | |
| J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures. | Ongoing/prior to submittal of land use entitlement application | Development & Resource Management Dept. | X | | | | | X |
| J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists. | Ongoing | Development & Resource Management Dept./ Historic Preservation Commission staff | X | | | | | X |
| J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), | Ongoing | Development & Resource Management Dept./ Historic Preservation Staff | | | | | | X |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|---|--|---|---|---|---|---|---|---|
| the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant. | | | | | | | | |
| K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes. | Ongoing | Development & Resource Management Dept. | X | | X | | X | |
| <p>K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 Fresno General Plan.)</p> <p>The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4.</p> <ul style="list-style-type: none"> ■ Site Planning. See Chapter V for more details. ■ Barriers. See Chapter V for more details. ■ Building Designs. See Chapter V for more details. | Ongoing/upon submittal of land use entitlement application | Development & Resource Management Dept. | X | | | X | | |
| K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below. | Ongoing/prior to building permit issuance | Development & Resource Management Dept. | | | | | X | |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-13-003/R-13-009/C-13-086

Date: November 22, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | A | B | C | D | E | F |
|--|------------------|---|---|---|---|---|---|---|
| | | | | | | | | |
| L-1. Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology. | Ongoing | Development & Resource Management Dept. | | | | | X | |
| N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required. | Ongoing | Development & Resource Management Dept. | X | | | X | | |
| Q-1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use. | Ongoing | Development & Resource Management Dept. | | | | | X | X |

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

This page intentionally left blank.

Exhibit D

**Project Specific Mitigation Monitoring Checklist,
dated November 22, 2013**

This page intentionally left blank.

PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST
For Plan Amendment Application No. A-03-003, Rezone Application No. R-13-009, and
Conditional Use Permit Application No. C-13-086

This monitoring checklist for the above noted environmental assessment is being prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), as required under Assembly Bill 3180, and is intended to establish a project-specific reporting/monitoring program for Plan Amendment Application No. A-13-003, Rezone Application No. R-13-009, and Conditional Use Permit Application No. C-13-086. Verification of implementation of these mitigation measures, in addition to the applicable measures specified for this project per the Mitigation Monitoring Checklist prepared for this project pursuant to Master Environmental Impact Report No. 10130 - 2025 Fresno General Plan, will be required upon the application for subdivision of the project site, special permits, or grading on the project site. The captions below refer to corresponding sections of the Initial Study checklist for this project, using the Appendix G format from the CEQA Guidelines.

MITIGATION MEASURES FOR ENVIRONMENTAL ASSESSMENT NO. A-13-003/R-13-009/C-13-086

| MITIGATION MEASURE | IMPLEMENTED BY | WHEN IMPLEMENTED | VERIFIED BY |
|---|----------------|---|---|
| Project shall implement and incorporate, as appropriate all mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 22, 2013. | Applicant | Processing and review of project proposal prior to approval. | City of Fresno Development & Resource Management Department |
| Pay applicable Indirect Source Review off-site mitigation fee. | Applicant | Prior to issuance of permits. | City of Fresno Development & Resource Management Department and San Joaquin Valley Air Pollution Control District |
| Project shall comply with all of the requirements stipulated within the attached memorandum from the Department of Public Utilities-Water Division dated August 6, 2013. | Applicant | Prior to issuance of building permits for future residential units. | City of Fresno Development & Resource Management Department; |

PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST FOR EA NO. A-13-003/R-13-009/C-13-086

November 22, 2013

Page 2

| | | | |
|--|------------------|--|--|
| | | | <p>City of Fresno Department of Public Utilities, Water Division; Fresno Metropolitan Flood Control District.</p> |
| <p>Project shall comply with all of the requirements stipulated within the attached memorandum from the Department of Public Utilities-Sewer Division dated August 14, 2013.</p> <ul style="list-style-type: none"> -The project developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100. -On-site sanitary sewer facilities shall be private. -Installation of sewer house branch(s) shall be required. -Separate sewer house branches are required for each lot. -Abandon any existing on-site private septic systems. -The project shall comply with City of Fresno Ordinances, Standards, Specifications, and Conditions related to providing sanitary sewer service. -The following sewer connection charges are due and shall be paid for the project: <ol style="list-style-type: none"> 1) Sewer Lateral Charge 2) Sewer Oversize Service Area #1 3) Trunk Sewer Charge: Herndon 4) Upon connection of this project to the City sewer system the owner shall be subject to | <p>Applicant</p> | <p>Prior to issuance of building permits for future residential units.</p> | <p>City of Fresno Development & Resource Management Department; City of Fresno Department of Public Utilities, Planning and Engineering Division; Fresno Metropolitan Flood Control District.</p> |

PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST FOR EA NO. A-13-003/R-13-009/C-13-086

November 22, 2013

Page 3

| | | | |
|---|------------------|--|---|
| <p>payment of sewer facility charges per Fresno Municipal Code Section 6-304 and 6-305. Sewer facility charges consists of two components, a Wastewater Facilities Charge and Trunk Sewer Charge where applicable.</p> | | | |
| <p>Approval of any future development entitlements on the subject site must comply with all goals and policies contained in the 2025 Fresno General Plan and the Woodward Park Community Plan.</p> | <p>Applicant</p> | <p>Entitlement processing</p> | <p>City of Fresno Development & Resource Management Department.</p> |
| <p>Project shall comply with all of the requirements stipulated within the attached memorandums and red-lined set of plans from the Fire Department dated August 29, 2013.</p> | <p>Applicant</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Development & Resource Management Department; City of Fresno Fire Department</p> |
| <p>Project shall comply with all of the requirements stipulated within the attached memorandums and red-lined set of plans from the Public Utilities Department – Administration (Solid Waste) dated September 3, 2013.</p> | <p>Applicant</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Development & Resource Management Department. Public Utilities Department - Administration</p> |
| <p>Project shall comply with all of the requirements stipulated within the attached memorandum from the Public Works Department-Traffic and Engineering Services Division dated September 4, 2013 (Mario Rocha) and September 6, 2013 (Ann Lillie).</p> | <p>Applicant</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Development & Resource Management Department.</p> |

PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST FOR EA No. A-13-003/R-13-009/C-13-086

November 22, 2013

Page 4

| | | | |
|---|------------------|--|--|
| <p>Project shall comply with all of the requirements stipulated within the attached memorandum from the United States Post Office dated August 5, 2013.</p> | <p>Applicant</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Development & Resource Management Department. United States Postal Service</p> |
| <p>Project shall comply with all of the requirements stipulated within the attached review of the Traffic Impact Study memorandum from the Public Works Division – Traffic and Engineering Services (Jill Gormley) dated August 28, 2013.</p> | <p>Applicant</p> | <p>Prior to issuance of building permits, street work permits, etc. for future residential units</p> | <p>City of Fresno Development & Resource Management Department; City of Fresno, Public Works Department, Traffic Engineering Division</p> |

| | | | |
|---|------------------|---|---|
| <p>Project shall comply with all of the requirements stipulated within the attached memorandum from the City Traffic Engineer dated August 28, 2013 related to the Traffic Impact Study prepared for the proposed project.</p> <p>-This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of \$47.12 per ADT at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual and the Master Fee Schedule. The TSMI fee based on the project description and the current fee is \$56,873.84. The fee shall be paid at time of building permit.</p> <p>-The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against signal installation/ modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2025 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offsets developer improvement costs, and/or construction costs increase/decrease.</p> | <p>Applicant</p> | <p>Prior to recordation of Final Map; or, as may be deemed appropriate by the City Traffic Engineer prior to respective approvals for building, street work permits, etc.</p> | <p>City of Fresno Development & Resource Management Department; City of Fresno, Public Works Department, Traffic Engineering Division</p> |
|---|------------------|---|---|

| | | | |
|--|--|--|--|
| <p>If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is place at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.</p> <p>Project specific impacts that are not consistent with the 2025 General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees are not eligible for TSMI fee reimbursement unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next TSMI fee update and the applicant agrees to pay the new TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.</p> <p>-This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.</p> | | | |
|--|--|--|--|

| | | | |
|---|------------------|--|--|
| <p>-The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocog.org. Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.</p> <p>-The project shall construct bike lanes on the project's frontage along Chestnut and Nees Avenues to connect with adjacent bike lanes existing northbound on Chestnut Avenue and westbound on Nees Avenue. The bike lanes shall meet City of Fresno Public Works Standards.</p> <p>-The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.</p> <p>-The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.</p> | | | |
| <p>Project shall comply with all of the requirements stipulated within the attached memorandum from the Department of Public Health – County of Fresno Division dated August 7, 2013.</p> | <p>Applicant</p> | <p>Prior to issuance of building permits for future residential units.</p> | <p>City of Fresno Development & Resource Management Department; County of Fresno Department of Public Health</p> |

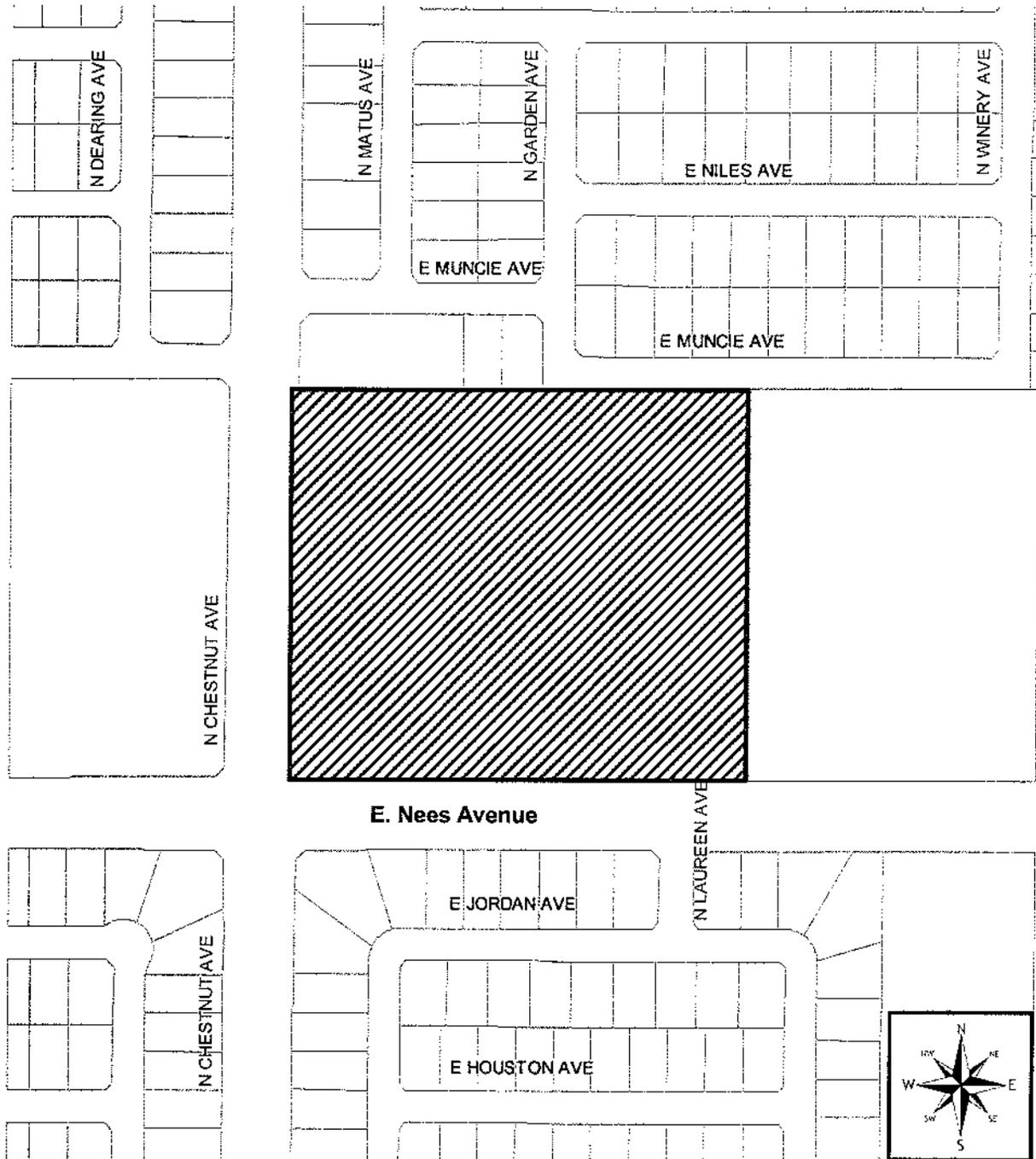
This page intentionally left blank.

Exhibit E

Project Vicinity Map

This page intentionally left blank.

VICINITY MAP



Plan Amendment Application No. A-13-03
Rezone Application No. R-13-009
Conditional Use Permit Application No. C-13-086

LEGEND



Subject Property

This page intentionally left blank.

Exhibit F

Conceptual Site Plan

This page intentionally left blank.

This page intentionally left blank.

Planning Commission Resolution Nos. 13249 (EA & Plan
Amendment), 13250 (Rezone), and 13251 (CUP)

This page intentionally left blank.

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13249**

The Fresno City Planning Commission at its regular meeting on December 18, 2013, adopted the following resolution relating to Plan Amendment Application No. A-13-003.

WHEREAS, Plan Amendment Application No. A-13-003 has been filed with the City of Fresno by Bryan Sassano of S.I.M. Architects, on behalf of Spencer Enterprises, Inc., and pertain to approximately 9.99 acres of property located on the northeast corner of East Nees and North Chestnut Avenues; and,

WHEREAS, Plan Amendment Application A-13-003 proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan from the Neighborhood Commercial planned land use designation to the Medium High Density Residential (10.38-18.15 dwelling units per acre) planned land use designation; and,

WHEREAS, on December 18, 2013, the Fresno City Planning Commission conducted a public hearing to review the proposed plan amendment, consider the associated Mitigated Negative Declaration prepared for Environmental Assessment No. A-13-003/R-13-009/C-13-086, received public testimony and considered the Development and Resource Management Department's report recommending approval of the proposed plan amendment and environmental assessment; and,

WHEREAS, the Fresno City Planning Commission has reviewed the environmental assessment prepared for this plan amendment, Environmental Assessment No. A-13-003/R-13-009/C-13-086, dated November 18, 2013, and is satisfied that the appropriate measures of development will adequately reduce or alleviate any potential adverse impacts either generated from the proposal, or impacting the proposal from an off-site source, and hereby concurs with the issuance of a Mitigated Negative Declaration; and,

WHEREAS, the Planning Commission reviewed the subject plan amendment application in accordance with the land use policies of the 2025 Fresno General Plan and Woodward Park Community Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Fresno, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Commission finds in accordance with its own independent judgment that there is no substantial evidence in the record, with project specific mitigation measures imposed, that Plan Amendment Application No. A-13-003 may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") or Mitigated Negative Declaration No. A-09-02 (Air Quality MND); and, that no new or additional mitigation measures or alternatives may be required. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), the Commission finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR

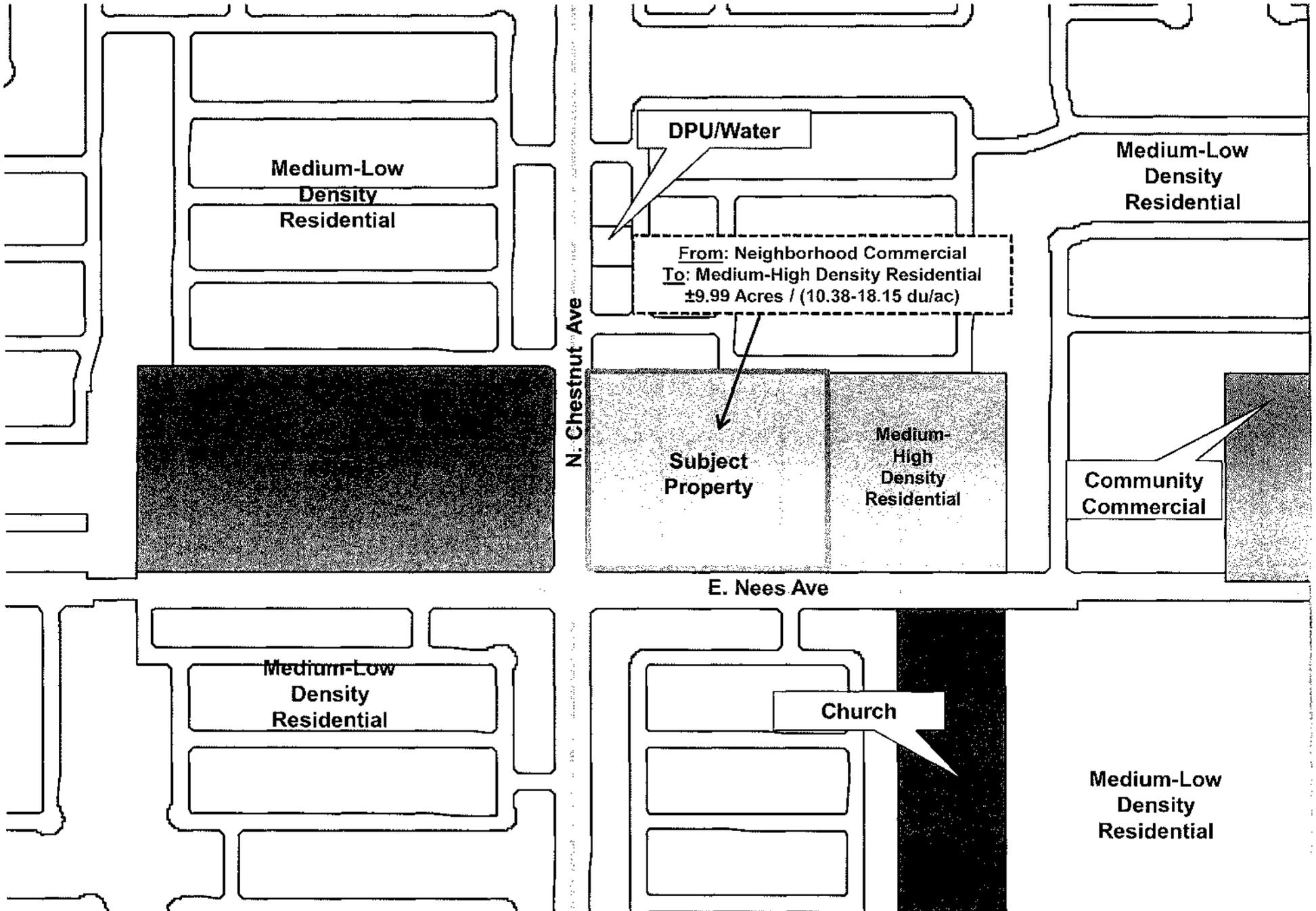


Exhibit A for Plan Amendment Application No. A-13-003

This page intentionally left blank.

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13250**

The Fresno City Planning Commission, at its regular meeting on December 18, 2013, adopted the following resolution relating to Rezone Application No. R-13-009.

WHEREAS, Rezone Application No. R-13-009 has been filed with the City of Fresno to rezone the subject property as described below:

REQUESTED ZONING: R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district

EXISTING ZONING: C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district

APPLICANT: Bryan Sassano, on behalf of Spencer Enterprises, Inc.

LOCATION: Property located on the northeast corner of East Nees and North Chestnut Avenues

APN: 403-070-53

DESCRIPTION
OF PROPERTY

TO BE REZONED: From: C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district.

As described and depicted on the attached Exhibit "A".

APN: 403-070-53

WHEREAS, the above-named applicant is requesting a zoning change on the above property from the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district and will maintain consistency with the 2025 Fresno General Plan and Woodward Park Community Plan (subject to the approval of the related plan amendment request); and,

WHEREAS, the Fresno City Planning Commission on December 18, 2013, reviewed the subject rezone application in accordance with the policies of the 2025 Fresno General Plan and the Woodward Park Community Plan; and,

WHEREAS, during the December 18, 2013 hearing, the Commission received a staff report and related information, environmental documents and considered testimony regarding the requested zoning change.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Fresno, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Commission finds in accordance with its own independent judgment, that there is no substantial evidence in the record that, with mitigation measures imposed, Rezone Application No. R-13-009 may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") or Mitigated Negative Declaration No. A-09-02 (Air Quality MND); and, that no new or additional mitigation measures or alternatives may be required. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), the Commission finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR or Air Quality MND were certified as complete, has become available. Accordingly, the Commission recommends Council adopt the Finding of Conformity prepared for Environmental Assessment No. A-13-003/R-13-009/C-13-086.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that the requested R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district for the subject property be approved.

The foregoing Resolution was adopted by the Fresno City Planning Commission, upon a motion by Commissioner Holt, seconded by Torossian.

VOTING: Ayes - Medina, Hansen-Smith, Reed, Vasquez, Holt, and Torossian
 Noes - None
 Not Voting - None
 Absent - None

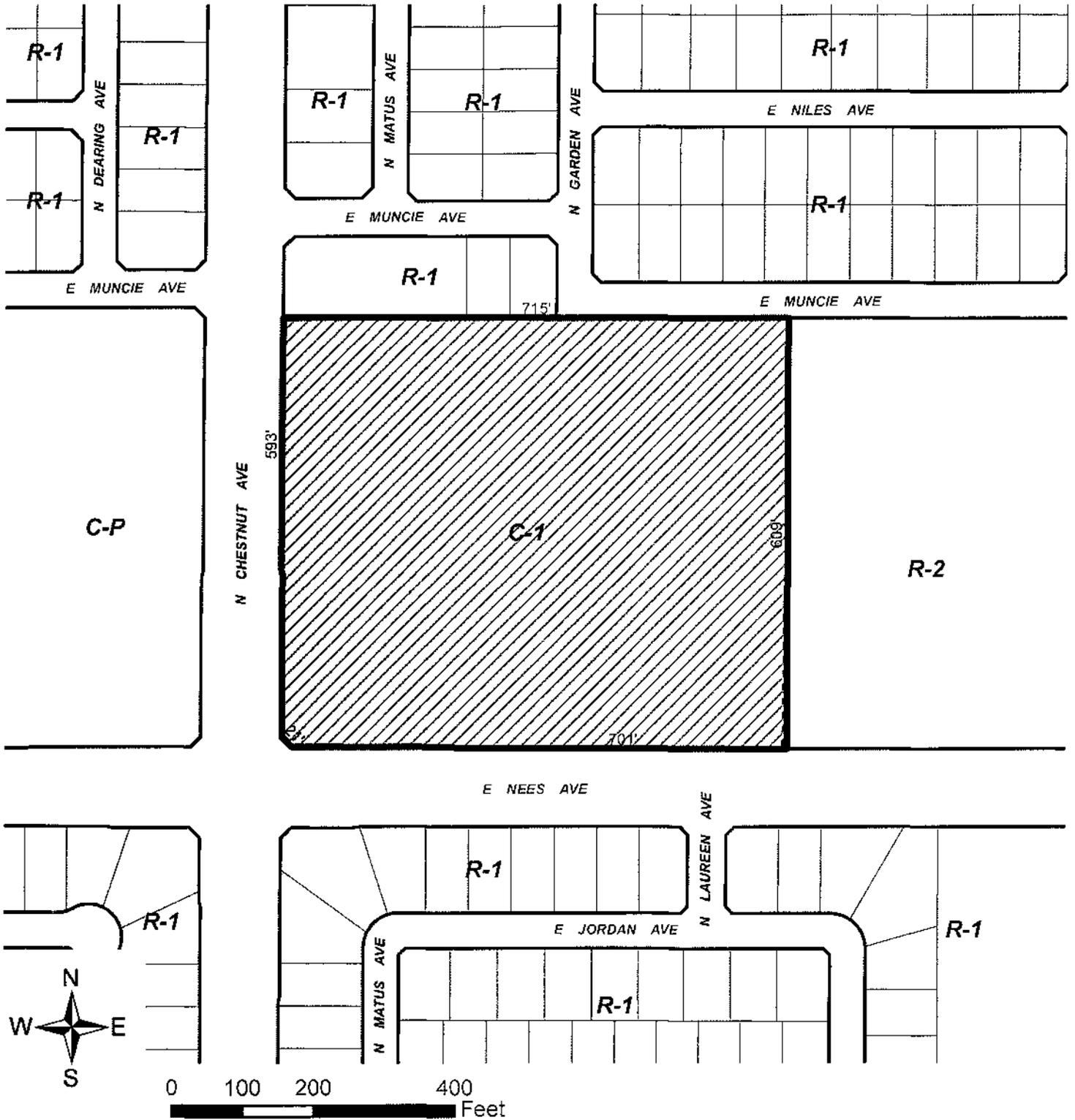
DATED: December 18, 2013



Jennifer K. Clark, Secretary
Fresno City Planning Commission

Resolution No. 13250
Rezone Application No. R-13-009
Filed by Bryan Sassano
Action: Recommend Approval

EXHIBIT A



R-13-009
 APN: 403-070-53
 2610 East Nees Avenue



C-1/UGM to R-2/UGM, 10.00 Acres

This page intentionally left blank.

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13251**

The Fresno City Planning Commission, at its meeting on December 18, 2013, adopted the following resolution relating to Conditional Use Permit Application No. C-13-086.

WHEREAS, Conditional Use Permit Application No. C-13-086 has been filed with the City of Fresno by Bryan Sassano of S.I.M Architects, on behalf of Spencer Enterprises, Inc., for approximately 9.99 acres of property located on the northeast corner of East Nees and North Chestnut Avenues; and,

WHEREAS, Conditional Use Permit Application No. C-13-086 seeks authorization for the development of a 160 unit multiple family residential gated community with community building, swimming pool, detached garages, and carports; and,

WHEREAS, on September 17, 2013 the District 6 Plan Implementation Committee recommended approval of the proposed project; and,

WHEREAS, on December 18, 2013, the Fresno City Planning Commission, reviewed the subject conditional use permit application in accordance with the policies of the 2025 Fresno General Plan and Woodward Park Community Plan; and,

WHEREAS, the Commission conducted a public hearing to review the proposed conditional use permit, received testimony from the applicant and the public, and considered the Development and Resource Management Department's report recommending approval of the proposed conditional use permit subject to special permit conditions; and,

WHEREAS, the Fresno City Planning Commission considered the proposed conditional use permit relative to the staff report and environmental assessment issued for the project; and,

WHEREAS, the Fresno City Planning Commission invited testimony with respect to the proposed conditional use permit.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record to indicate that Conditional Use Permit Application No. C-13-086 may have a significant effect on the environment with the implementation of the mitigation measures as identified by the Mitigated Negative Declaration which was prepared for Environmental Assessment No. A-13-003/R-13-009/C-13-086 dated November 22, 2013.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby approves Conditional Use Permit Application No. C-13-086 authorizing the development

of a 160 unit multiple family residential gated community with a community building, swimming pool, detached garages, and carports subject to the Development and Resource Management Department Conditions of Approval dated December 18, 2013 and the following:

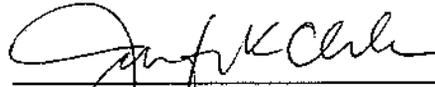
- 1) All proposed masonry walls facing Muncie and Chestnut Avenues shall be treated with anti-graffiti coating and maintained in perpetuity.
- 2) Wrought iron fencing off East Nees and North Chestnut Avenues (approximately 20' from the property line) shall incorporate a series of decorative stone veneer pilasters with decorative caps spaced thirty-two (32) feet apart in multiples of eight (8), as measured off-center.
- 3) All fences, hedges and walls shall conform to the provisions of Section 12-306-H, except as specified below:
 - a. The construction of a masonry wall as close to eight (8) feet in height, without the requirement for a Variance (i.e., 7.84'), along the northern boundary of the property abutting the three single family residential properties, then a reduction in fence height to six (6) feet for the fence along the northern boundary of the property abutting Muncie Avenue.
 - b. A solid block wall matching the height and design of the existing block wall off East Muncie Avenue shall be constructed along the north property line and extend west to the eastern edge of the residential homes and include pilasters as conditioned herein (i.e., spaced 32' apart).

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Holt, seconded by Commissioner Torossian.

VOTING: Ayes - Medina, Hansen-Smith, Reed, Vasquez, Holt, and Torossian
 Noes - None
 Not Voting - None
 Absent - None

PLANNING COMMISSION RESOLUTION No. 13251
Conditional Use Permit Application No. C-13-086
December 18, 2013
Page 3

DATED: December 18, 2013



Jennifer K. Clark, Secretary
Fresno City Planning Commission

Resolution No. 13251
Conditional Use Permit No. C-13-086
Filed by Bryan Sassano of S.I.M.
Architects, on behalf of Spencer
Enterprises, Inc.
Action: Approved

This page intentionally left blank.

City Council Resolution for Plan
Amendment Application No. A-13-003

This page intentionally left blank.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WOODWARD PARK COMMUNITY PLAN (PLAN AMENDMENT APPLICATION NO. A-13-003)

WHEREAS, on November 19, 2002, by Resolution No. 2002-379, the City Council adopted the 2025 Fresno General Plan which correspondingly adopted the Woodward Park Community Plan and by Resolution No. 2002-378 certified Master Environmental Impact Report No. 10130 which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno's designated urban boundary line and extended sphere of influence; and,

WHEREAS, Bryan Sassano, on behalf of Steven Spencer of Spencer Enterprises, Inc., has filed an application to amend the 2025 Fresno General Plan and the Woodward Park Community Plan for ± 9.99 acres from the neighborhood commercial planned land use designation to the medium-high density residential planned land use designation; and,

WHEREAS, the environmental assessment conducted for the proposed plan amendment resulted in the filing of a Mitigated Negative Declaration on November 22, 2013; and,

WHEREAS, on December 18, 2013, the Fresno City Planning Commission held a public hearing to consider Plan Amendment Application No. A-13-003 and the associated mitigated negative declaration prepared for Environmental Assessment No. A-13-003/R-13-009/C-13-086; and,

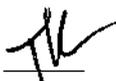
WHEREAS, the Fresno City Planning Commission took action, as evidenced in

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution for A-13-003

Resolution No. _____

Planning Commission Resolution No. 13249 to recommend approval of Plan Amendment Application No. A-13-003, which proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan for ± 9.99 acres from the neighborhood commercial planned land use designation to the medium-high density residential planned land use designation; and,

WHEREAS, on January 30, 2014, the Fresno City Council held a public hearing to consider Plan Amendment Application No. A-13-003 and received both oral testimony and written information presented at the hearing regarding Plan Amendment Application No. A-13-003

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Council finds in accordance with its own independent judgment that there is no substantial evidence in the record that, with the project specific mitigation imposed, Plan Amendment Application No. A-13-003 may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") or Mitigated Negative Declaration No. A-09-02, and that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and Mitigated Negative

Declaration No. A-09-02/SCH No. 2009051016 was adopted; and, that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Accordingly, the Council adopts the Mitigated Negative Declaration prepared for Environmental Assessment No. A-13-003/R-13-009/C-13-086 dated November 22, 2013.

2. The Council finds the adoption of the proposed plan amendment as recommended by the Planning Commission is in the best interest of the City of Fresno.
3. The Council of the City of Fresno hereby adopts Plan Amendment Application No. A-13-003 amending the 2025 Fresno General Plan and Woodward Park Community Plan planned land use designation for ± 9.99 acres from the neighborhood commercial planned land use designation to the medium-high density residential planned land use designation, as depicted by Exhibit "A" attached hereto and incorporated herein by reference.

CLERK'S CERTIFICATION

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

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 30th day of January, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

By _____

APPROVED AS TO FORM:

DOUGLAS T. SLOAN
City Attorney

By _____
Talia Kolluri-Barbick
Deputy City Attorney

Plan Amendment Application No.
A-13-003, Filed by Bryan Sassano
of S.I.M. Architects, on behalf of
Spencer Enterprises, Inc.
APN(s): 403-070-53

Date: _____

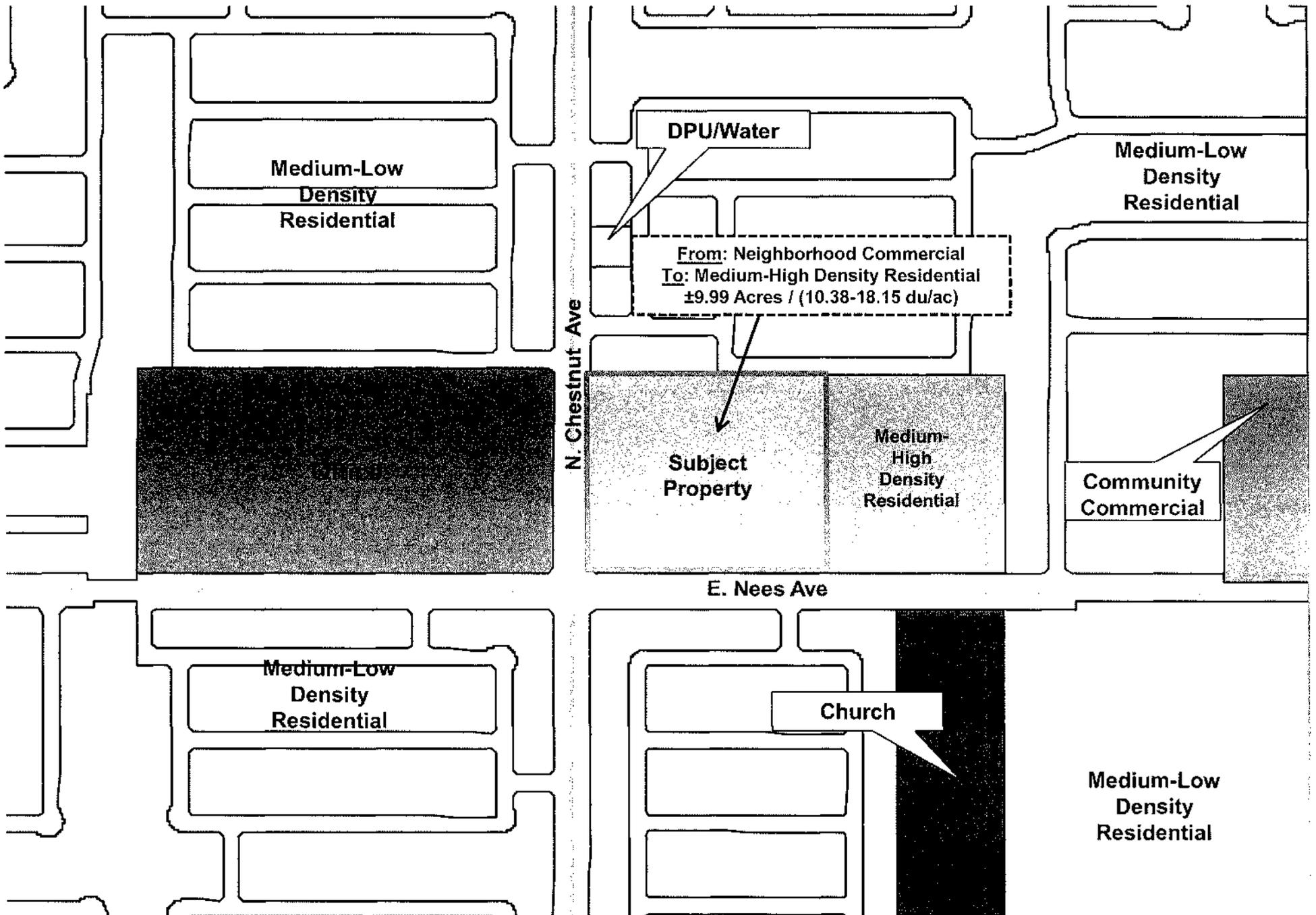


Exhibit A for Plan Amendment Application No. A-13-003

This page intentionally left blank.

City Council Ordinance Bill for
Rezone Application No. R-13-009

This page intentionally left blank.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF FRESNO

WHEREAS, Rezone Application No. R-13-009 has been filed by Bryan Sassano, on behalf of Steven Spencer of Spencer Enterprises Inc., with the City of Fresno to rezone property as described herein below; and,

WHEREAS, on September 17, 2013, the District 6 Plan Implementation Committee recommended approval of the rezone application; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 18th day of December, 2013, to consider Rezone Application No. R-13-009 and related Environmental Assessment No. A-13-003/R-13-009/C-13-086, during which the Commission considered the environmental assessment and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 13250 of the rezone application to amend the Official Zone Map for ± 9.99 acres from the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district; and,

WHEREAS, the Council of the City of Fresno, on the 30th day of January, 2014, received the recommendation of the Planning Commission.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and upon

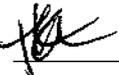
Date Adopted:

Page 1 of 4

Ordinance for Rezone No. R-13-009

Date Approved:

Effective Date:

City Attorney Approval: 

Ordinance No.

review and consideration of the environmental documentation provided, the adoption of the proposed rezoning is in the best interest of the City of Fresno. The Council finds in accordance with its own independent judgment that with the project specific mitigation imposed, there is no substantial evidence in the record that Rezone Application No. R-13-009 may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016; and, that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 was adopted; and, that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 was adopted, has become available. Accordingly, the Council adopts the Mitigated Negative Declaration prepared for Environmental Assessment No. A-13-003/R-13-009/C-13-086 dated November 22, 2013.

SECTION 2. The Council finds the requested R-2 (*Low Density Multiple Family Residential*) zone district is consistent with the proposed Medium-High Density Residential planned land use designation of the 2025 Fresno General Plan and the Woodward Park Community Plan as specified in Section 12-403-B of the Fresno Municipal Code,

respectively.

SECTION 3. The Council finds that the zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the C-1 (*Neighborhood Shopping Center*) zone district to the R-2 (Low Density Multiple *Family Residential*) zone district, as depicted in the attached Exhibit "A".

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

///

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 30th day of January 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2014

Mayor Approval/No Return: _____, 2014

Mayor Veto: _____, 2014

Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

By _____

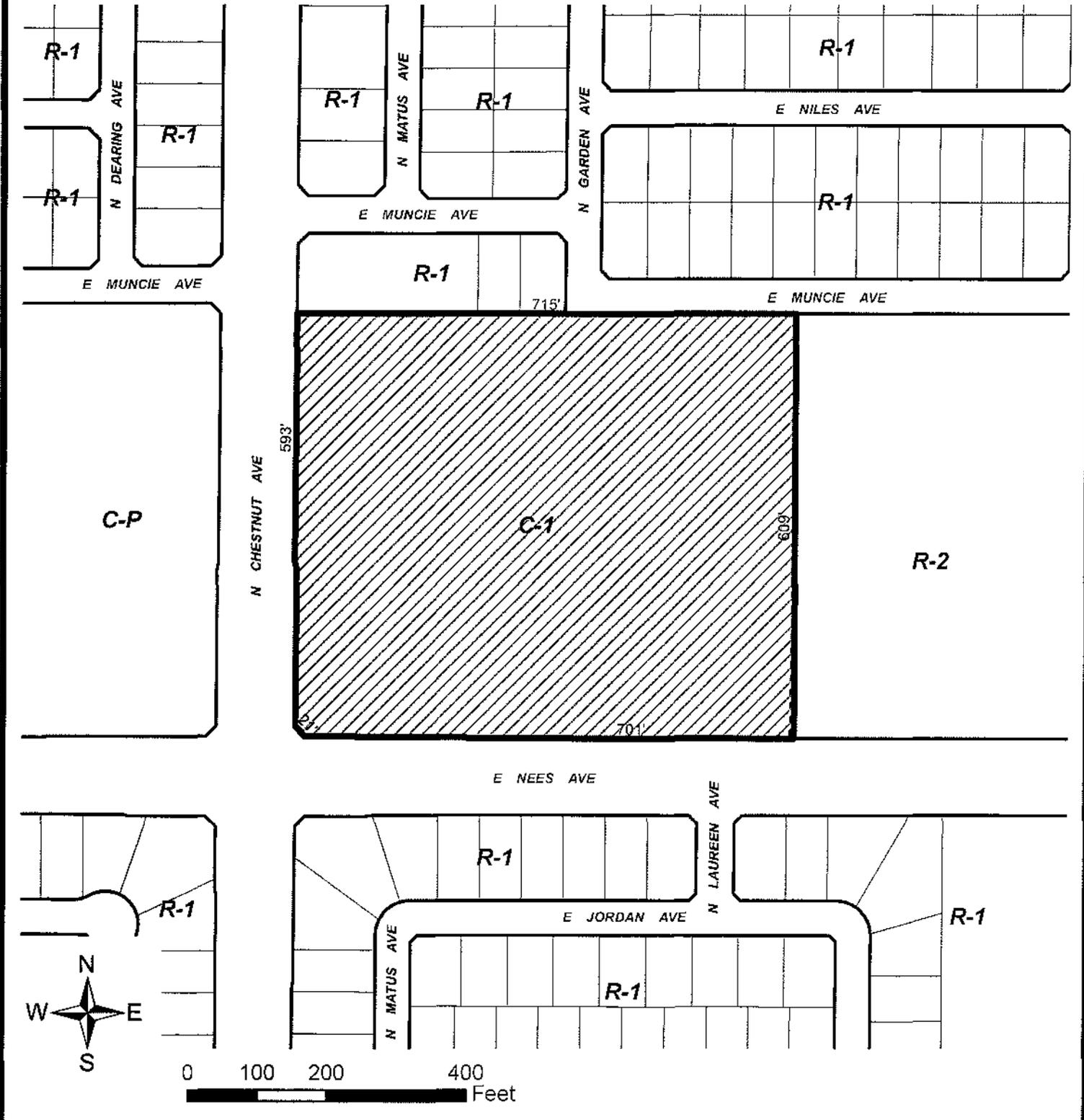
APPROVED AS TO FORM:

DOUGLAS T. SLOAN
City Attorney

By _____
Talía Kolluri-Barbick
Deputy City Attorney

Attachment: Exhibit A

EXHIBIT A



R-13-009
APN: 403-070-53
2610 East Nees Avenue

 C-1/UGM to R-2/UGM, 10.00 Acres

This page intentionally left blank.