

|  |          |
|--|----------|
| AGENDA ITEM NO.  | 1 A      |
| COUNCIL MEETING  | 04/05/12 |
| APPROVED BY  |          |
|  |          |
| DEPARTMENT DIRECTOR  |          |
| CITY MANAGER   |          |

April 5, 2012

**FROM:** PATRICK N. WIEMILLER, Director  
Public Works Department

**BY:** SCOTT L. MOZIER, PE, City Engineer/Assistant Director  
Public Works Department, Traffic and Engineering Services Division 

**SUBJECT:**

- AFFIRM ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR PLAN AMENDMENT NO. A-09-10 AND REZONE NO. R-09-20 PREPARED FOR ENVIRONMENTAL ASSESSMENT NO. A-09-10/R-09-20
- ADOPT A RESOLUTION ORDERING THE SUMMARY VACATION OF PORTIONS OF ALLEN AVENUE AND SHEPARD STREET LOCATED AT THE SOUTHEAST CORNER OF HERNDON AND BRYAN AVENUES (LOCATED IN COUNCIL DISTRICT NO. 2)

## RECOMMENDATIONS

Staff recommends that the City Council:

- Affirm adoption of a Mitigated Negative Declaration for Plan Amendment No. A-09-10 and Rezone No. R-09-20 prepared for Environmental Assessment No. A-09-10/R-09-20.
- Adopt the attached resolution ordering the summary vacation of portions of Allen Avenue and Shepard Street located at the southeast corner of Herndon and Bryan Avenues.

## EXECUTIVE SUMMARY

Herndon, LLC is requesting the vacation of portions of Allen Avenue and Shepard Street located at the southeast corner of Herndon and Bryan Avenues as shown on Sheet 3 of Exhibit "B" of the attached resolution. The purpose for the vacation is to eliminate excess public street right-of-way not required for street or highway purposes that can then be incorporated into the development of a fast food restaurant proposed for the southeast corner of Herndon and Bryan Avenues. The Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities within the area proposed for vacation and that the area proposed for vacation is unnecessary for present or prospective public street purposes.

## BACKGROUND

Herndon, LLC is requesting the vacation of portions of Allen Avenue and Shepard Street located at the southeast corner of Herndon and Bryan Avenues as shown on Sheet 3 of Exhibit "B" of the attached resolution. Allen Avenue and Shepherd Street were dedicated for public street purposes by the map of J.C. Forkner Fig Gardens Subdivision No. 10 recorded July 14, 1924 in Volume 10 of Plats at Page 38, Official Records of Fresno County. There is no evidence that improvements were ever constructed within the portions of Allen Avenue and Shepard Street proposed to be vacated.

## REPORT TO THE CITY COUNCIL

Summary Vacation of Portions of of Allen Avenue and Shepard Street

April 5, 2012

Page 2

Improvements for the new alignment of North Bryan Avenue were constructed in portions of Allen Avenue and Shepard Street west of the area proposed to be vacated. The westerly boundary of the area proposed to be vacated is defined by the ultimate right-of-way needed to complete the construction of the new alignment of North Bryan Avenue. This ultimate right-of-way was determined by the City's Engineering Services Division staff. The purpose for the vacation is to eliminate excess public street right-of-way not required for street or highway purposes that can then be incorporated into the development of a fast food restaurant proposed for the southeast corner of Herndon and Bryan Avenues.

The Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities within the area proposed for vacation and that the area proposed for vacation is unnecessary for present or prospective public street purposes.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public street easement that is considered excess right-of-way not required for street or highway purposes and has no public utility facilities within the area to be vacated. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

The applicant's proposed plans for development would require modification if the vacation is denied.

The vacation, if approved by the Council, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder.

The City Attorney's Office has reviewed and approved the attached resolution as to form.

### **ENVIRONMENTAL FINDING**

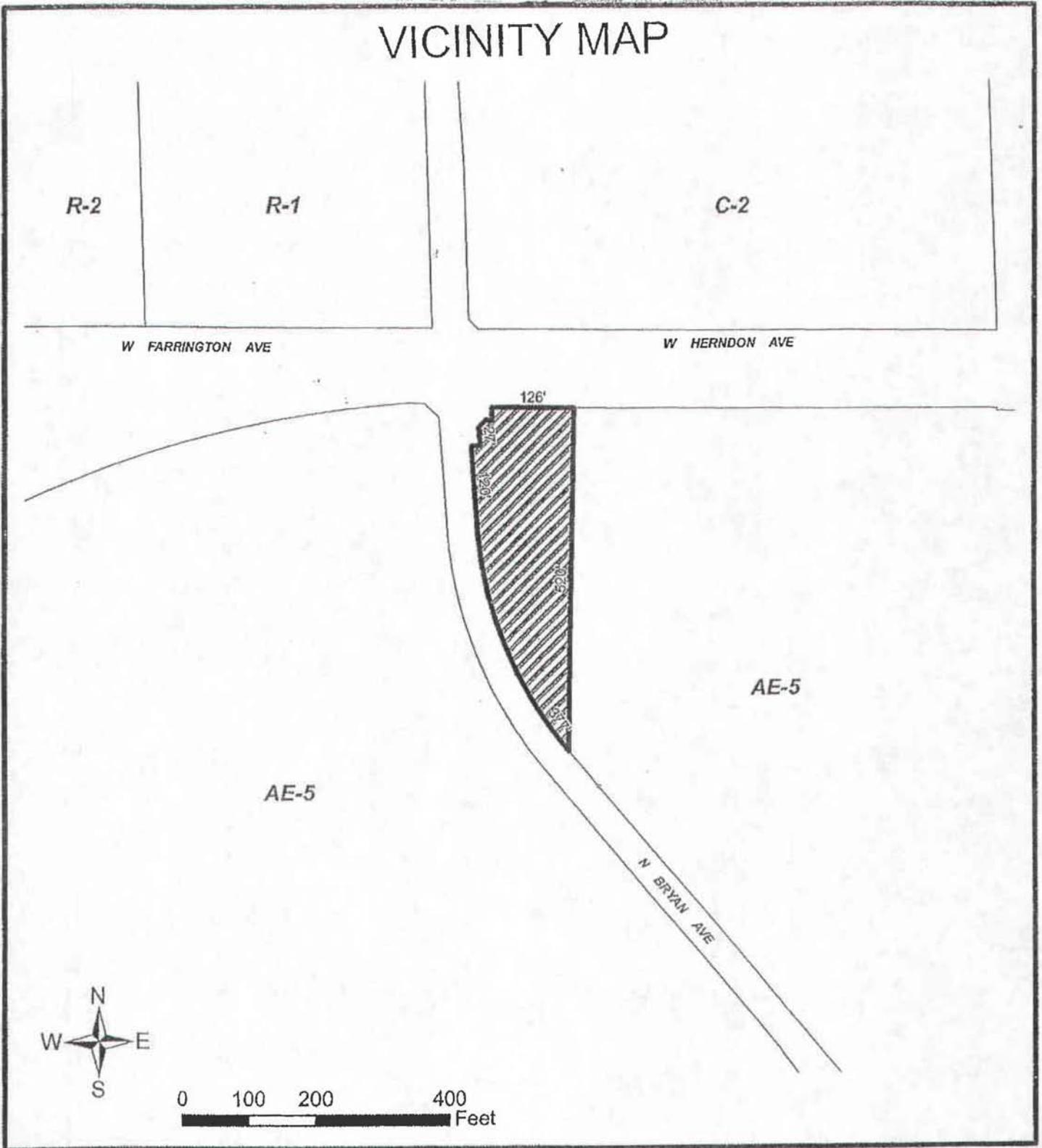
This vacation is included in the project description for a project that was previously environmentally assessed pursuant to the California Environmental Quality Act CEQA. Environmental Assessment (EA) No. A-09-10/R-09-20, a Mitigated Negative Declaration (MND), was prepared for Plan Amendment No. A-09-10 and Rezone No. R-09-20. On July 28, 2011 the City Council adopted said EA No. A-09-10/R-09-20. The Notice of Determination for EA No. A-09-10/R-09-20 was filed on July 29, 2011 and an Addendum to EA No. A-09-10/R-09-20 was prepared on February 10, 2012. The Addendum to EA No. A-09-10/R-09-20 addressed minor technical changes or additions and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Staff has determined that it is appropriate for Council to affirm the adoption of the Mitigated Negative Declaration (MND) prepared for Plan Amendment No. A-09-10 and Rezone No. R-09-20, with its attached Addendum to EA No. A-09-10/R-09-20, given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent environmental assessment have occurred.

### **FISCAL IMPACT**

There will be no impact to the City's General Fund.

Attachments: 1. Vicinity Map  
2. Environmental Assessment No. A-09-10/R-09-20 & Addendum  
3. Resolution

# VICINITY MAP



## ATTACHMENT 1

**ADOPTED MITIGATED NEGATIVE DECLARATION FOR  
ENVIRONMENTAL ASSESSMENT NO. A-09-10/R-09-20**

**(APN 504-091-14ST, SOUTHEAST CORNER OF  
HERNDON AND BRYAN AVENUES)**

**AND**

**ADDENDUM FOR LOCAL STREET VACATIONS  
PROPOSED ON THAT PROPERTY PURSUANT TO  
PUBLIC WORKS FILE No. 11452**

E2011/0000120

# NOTICE OF DETERMINATION

DATE RECEIVED FOR FILING:

TO:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814  
 County Clerk  
County of Fresno  
2221 Kern Street  
Fresno, CA 93721

FILED

JUL 29 2011

FROM: City of Fresno Development and Resource Management Department  
2600 Fresno St., 3rd Floor  
Fresno, CA 93721-3604

By *[Signature]*  
FRESNO COUNTY CLERK  
DEPUTY

**PLEASE POST THIS NOTICE UNTIL  
END OF DAY ON AUGUST 29, 2011**

**SUBJECT:** Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code

**PROJECT TITLE:** **Environmental Assessment No. A-09-10/R-09-20,**  
prepared for City of Fresno Plan Amendment Application No. A-09-10 and  
Rezone Application No. R-09-20

| <u>State Clearinghouse Number<br/>(If subject to Clearinghouse)</u> | <u>Lead Agency &amp; Contact Person</u>   | <u>Area Code/Telephone</u> |
|---|---|----------------------------|
| N / A   | City of Fresno Development and<br>Resource Management Department<br>Sandra Brock, Planner | 559-621-8041               |

**PROJECT LOCATION (INCLUDE COUNTY AND LATITUDE/LONGITUDE):** This project would affect approximately 1 net acre of land on the southeast corner of Herndon and Bryan Avenues, 6798 North Bryan Avenue (Assessor's Parcel No. 504-091-14ST) in the City of Fresno, which is located in the County of Fresno. The subject property is located at; 36°50'11" North Latitude and 119°54'36" West Longitude, in Township 13S, Range 19E, Section 4, Mount Diablo Base & Meridian (see attached map).

**PROJECT DESCRIPTION:** Plan Amendment No. A-09-10 amends the 2025 Fresno General Plan and the Bullard Community Plan from the Medium Density Residential planned land use designation to the Neighborhood Commercial land use designation. Rezone Application No. R-09-20 reclassifies its zone district from AE-5/UGM (*Exclusive Five-Acre Agricultural District/Urban Growth Management Area*) to C-1/UGM/EA (*Neighborhood Shopping Center District/Urban Growth Management Area/Expressway Area Overlay*).

This is to advise and certify that the (Council of the) City of Fresno, the Lead Agency, approved the above-described project on July 28, 2011 and has made the following determinations regarding this project:

1. The project ( will  will not) have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.  
 A determination of project conformity to the 2025 Fresno General Plan Master Environmental Impact Report (City of Fresno MEIR No. 10130 / SCH No. 2001071097) was made.
3. Mitigation measures ( were  were not) made a condition of the approval of the project.
4. A statement of Overriding Considerations ( was  was not) adopted for this project.
5. Findings ( were  were not) made pursuant to the provisions of CEQA.

The above-described environmental assessment, with its finding of Mitigated Negative Declaration, full initial study, comments and responses and record of project approval, is available to the general public at the City of Fresno Development And Resource Management Department, 2600 Fresno Street, 3rd Floor, Fresno, California 93721-3604.

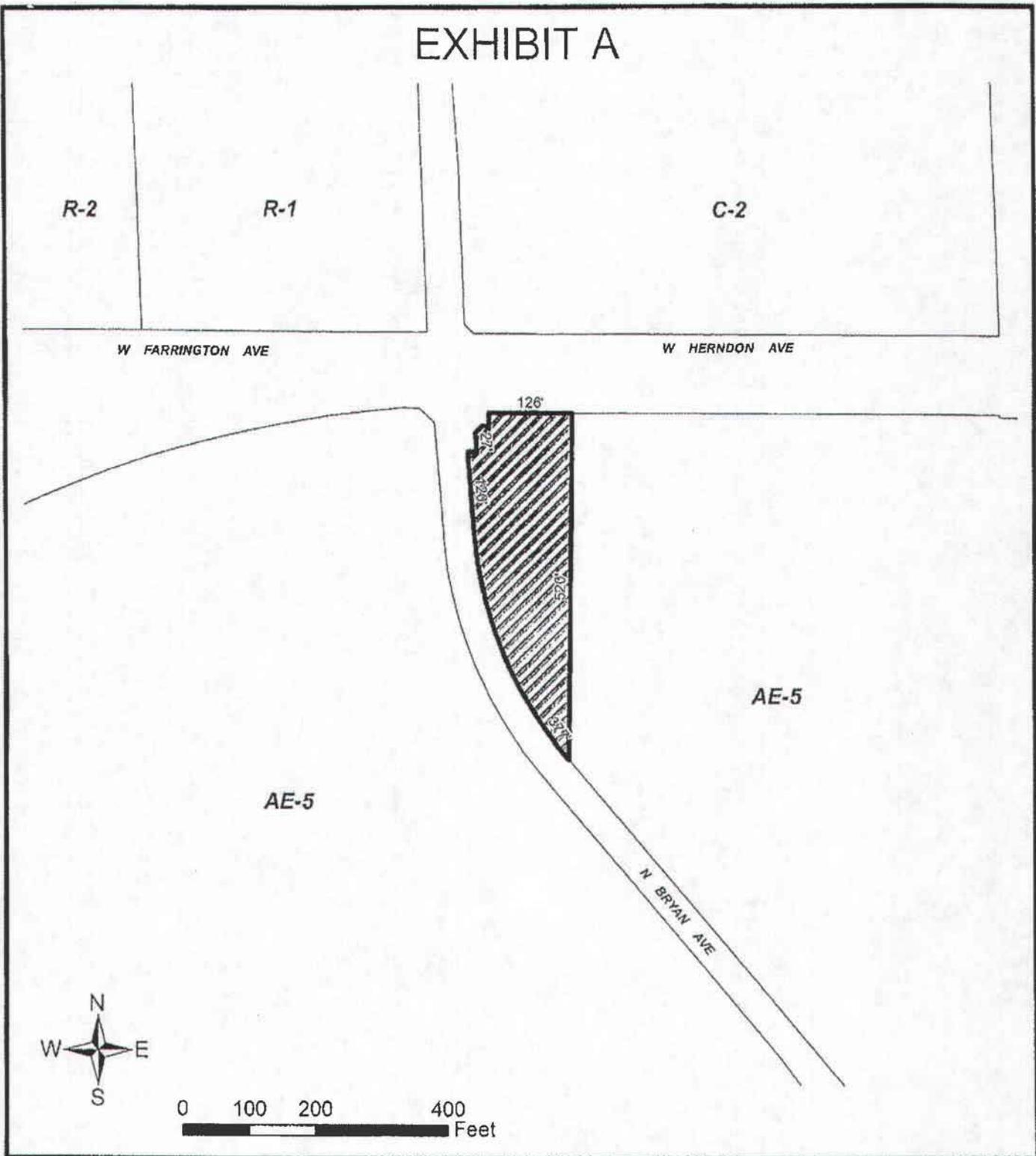
*[Signature]*  
Mike Sanchez  
Planning Manager, City of Fresno

7/28/11  
Date

Attachments: Project Vicinity Map

E2011/0000120

# EXHIBIT A



**R-09-20, A-09-10**  
APN: 504-091-14 ST  
6798 North Bryan Avenue



AE-5/UGM to C-1/UGM/EA, 1.34 Acres  
Medium Density Residential to  
Neighborhood Commercial

STATE OF CALIFORNIA - THE RESOURCES AGENCY  
DEPARTMENT OF FISH AND GAME  
**ENVIRONMENTAL FILING FEE CASH RECEIPT**

**Receipt # E201110000120**

Lead Agency: CITY OF FRESNO Date: 05/23/2011

County Agency of Filing: FRESNO COUNTY CLERK Document No: E201110000120

Project Title: EA NO. A-09-10/R-09-20

Project Applicant Name: HERNDON LLC Phone Number: (559) 498-1026

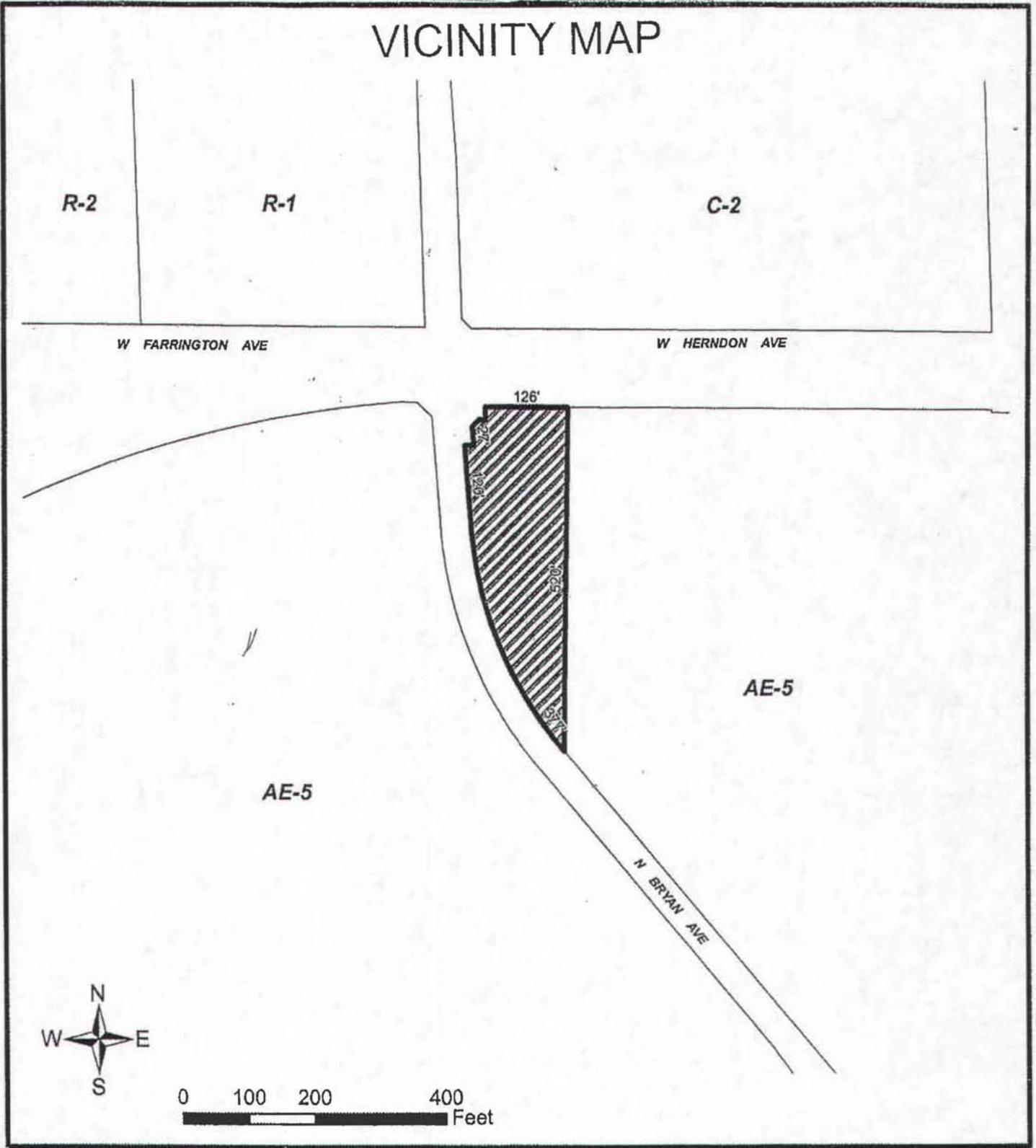
Project Applicant Address: 94 MANHATTAN AVENUE, MANHATTAN BEACH, CA 90266

Project Applicant: PRIVATE ENTITY

|                                |           |                |
|--------------------------------|-----------|----------------|
| <b>NOTICE OF INTENT</b>        | <b>\$</b> | <b>0.00</b>    |
| <b>NOTICE OF DETERMINATION</b> | <b>\$</b> | <b>2044.00</b> |
| <b>ADMINISTRATION FEE</b>      | <b>\$</b> | <b>50.00</b>   |
| <b>Total Received</b>          | <b>\$</b> | <b>2094.00</b> |

Signature and title of person receiving payment: 

# VICINITY MAP



A-09-10, R-09-20  
APN: 504-091-14  
6798 North Bryan Avenue

 AE-5/UGM to C-1/UGM/EA, 1.34 Acres  
Medium Density Residential land use to  
Neighborhood Commercial land use

|   |  |
|---|--|
| <p align="center"><b>CITY OF FRESNO</b></p> <p align="center"><b>NOTICE OF INTENT TO ADOPT A<br/>MITIGATED NEGATIVE DECLARATION</b></p>   | <p>Filed with:</p> <p align="center"><b>FILED</b></p> <p align="center">MAY 23 2011</p> <p align="center">FRESNO COUNTY CLERK<br/>By <i>[Signature]</i> DEPUTY</p> <p>FRESNO COUNTY CLERK<br/>2221 Kern Street, Fresno, CA 93721</p> |
| <p>PROJECT TITLE &amp; ENVIRONMENTAL ASSESSMENT NO.<br/><b>EA No. A-09-10/R-09-20</b></p> <p align="center"><b>Plan Amendment Application No. A-09-10<br/>and Rezone Application No. R-09-20</b></p>  |  |
| <p>APPLICANT:</p> <p>Herndon LLC<br/>94 Manhattan Ave.<br/>Manhattan Beach, CA 90266</p> <p>as agent, acting on behalf of property owner<br/>Central Unified School District<br/>4605 N. Polk Ave.<br/>Fresno, CA 93722</p>   |  |
| <p>PROJECT LOCATION:</p> <p>6798 North Bryan Avenue, 1.1± acre located on the southeast corner of North Bryan and West Herndon Avenues (Assessor's Parcel No. 504-091-14ST)</p> <p>Site Latitude: 36°50'11"N Site Longitude : 119°54'36"W<br/>Twp. 13 S, Range 19 E, Section 4, Mount Diablo Base &amp; Meridian</p>  |  |
| <p><b>PROJECT DESCRIPTION:</b> For the above-described 1.1± acre of property, Plan Amendment Application No. A-09-10 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium density residential planned land use designation to the neighborhood commercial land use designation. Rezone Application No. R-09-20 proposes to reclassify the zone district of the property from AE-5/UGM (<i>Exclusive Five-Acre Agricultural District/Urban Growth Management Area</i>) to C-1/UGM/EA (<i>Neighborhood Shopping Center District/Urban Growth Management Area/Expressway Area Overlay</i>).</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 ("MND") prepared for Plan Amendment No. A-09-02/Air Quality Update to the 2025 General Plan (SCH # 2009051016). Therefore, the Development and Resource Management Department proposes to adopt a Finding of Mitigated Negative Declaration for this project.</p> <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 the MND for the Air Quality Update. After conducting a review of the adequacy of the MEIR and the 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 has become available which was not (<i>cont'd.</i>)</p> |  |

known and could not have been known at the time that the MEIR was certified and the Air Quality MND was adopted. 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.

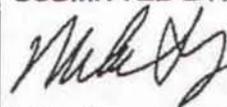
Additional information on the proposed project, including the proposed environmental finding and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor, Fresno, California 93721-3604. Please contact Sandra Brock, Planner, at (559) 621-8041 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commenter's name and address; (2) the commenter'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. Comments may be submitted at any time between the posting date of this notice and the tentatively scheduled Planning Commission hearing on Plan Amendment Application No. A-09-10 and Rezone Application No. R-09-20 on April 20, 2011 at 6:00pm or thereafter. Please direct comments to Sandra Brock, Planner, City of Fresno Development and Resource Management Department, 2600 Fresno Street, 3<sup>rd</sup> Floor, Fresno, California, 93721-3604; or by email to [sandra.brock@fresno.gov](mailto:sandra.brock@fresno.gov); or they can be sent by facsimile to (559) 498-1026.

As noted above, Plan Amendment Application No. A-09-10, Rezone Application No. R-09-20 and this proposed environmental finding have been tentatively been scheduled to be heard by the City of Fresno Planning Commission on June 15, 2011 at 6:00pm or thereafter. This hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2<sup>nd</sup> 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:  
Sandra L. Brock, Planner III

SUBMITTED BY:



Mike Sanchez, Planning Manager  
CITY OF FRESNO DEVELOPMENT AND  
RESOURCE MANAGEMENT DEPARTMENT

DATE: May 23, 2011

**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, Master Environmental Impact Report No. 10130, and Environmental Assessment No. A-09-02 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-09-10/R-09-20**

on

**May 23, 2011**

**APPLICANT:**

Herndon LLC  
94 Manhattan Ave.  
Manhattan Beach, CA 90266  
as agent, on behalf of property owner  
Central Unified School District  
4605 N. Polk Ave.  
Fresno, CA 93722

**PROJECT SITE LOCATION:**

6798 North Bryan Avenue, 1.1± net acre located on the southeast corner of North Bryan and West Herndon Avenues  
Assessor's Parcel No. 504-091-14ST  
Township 13 S, Range 19 E, Section 4, Mount Diablo Base & Meridian,  
Site Latitude: 36°50'11"N      Site Longitude : 119°54'36"W

**PROJECT DESCRIPTION:** For the above-described 1.1± acre of property, Plan Amendment Application No. A-09-10 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium density residential planned land use designation to the neighborhood commercial land use designation. Rezone Application No. R-09-20 proposes to reclassify the zone district of the property from AE-5/UGM (*Exclusive Five-Acre Agricultural District/Urban Growth Management Area*) to C-1/UGM/EA (*Neighborhood Shopping Center District/Urban Growth Management Area/Expressway Area Overlay*). The project also includes a street vacation feasibility study for right-of-way at Bryan and Herndon Avenues.

The City of Fresno has conducted an environmental analysis for the above-described project, contained in the attached initial study. The City of Fresno, as Lead Agency, proposes to adopt a Mitigated Negative Declaration for this project. This Mitigated Negative Declaration is tiered from Master Environmental Impact Report No. 10130 (SCH # 2001071097) certified for adoption of 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 Update ("Air Quality MND"). Copies of the initial study, MEIR and Air Quality MND may be reviewed in the City of Fresno Development and Resource Management Department, at the address noted above.

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.

The proposed project has been determined to be a subsequent project that is not fully within the scope of the MEIR and Air Quality MND. 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.

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,

The completed initial study 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 California Environmental Quality Act and CEQA Guidelines. 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.

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, impacts which require mitigation measures not included in the MEIR Mitigation Measure Checklist. For these impacts, project-specific mitigation measures have been proposed. Both the MEIR mitigation checklist measures and the project-specific mitigation checklist measures will be imposed on this project. 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.

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 and that a finding of Mitigated Negative Declaration is, therefore, appropriate under CEQA Guidelines Section 15178.

PREPARED BY:

Sandra L. Brock, Planner III

SUBMITTED BY:



Mike Sanchez, Planning Manager

DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT

DATE: May 23, 2011

Attachments:

Exhibit A: Initial Study with Impact Checklist (CEQA Guidelines, Appendix G)

Exhibit B: Master Environmental Impact Report Review Summary

Exhibit C: MEIR Mitigation Measure Monitoring Checklist dated March 18, 2011

Exhibit D: Project-Specific Mitigation Monitoring Checklist dated March 18, 2011

# ENVIRONMENTAL ASSESSMENT NO. A-09-10/R-09-20

## EXHIBIT A: INITIAL STUDY

### Environmental Checklist Form (CEQA Guidelines, Appendix G)

1. **Project title:**  
PLAN AMENDMENT APPLICATION NO. A-09-10 AND REZONE APPLICATION NO. R-09-20
2. **Lead agency name and address:**  
City of Fresno Development and Resource Management Department (DARM)  
2600 Fresno Street, 3<sup>rd</sup> Floor  
Fresno, CA 93721-3604
3. **Contact person and phone number:**  
Sandra Brock, Planner III  
Planning Division, DARM (see address above)  
Phone: (559) 621-8041; Fax: (559)- 498-1026; email: sandra.brock@fresno.gov
4. **Project location:** (see attached vicinity map and aerial photo)  
6798 North Bryan Avenue, 1.1± net acre located on the southeast corner of North Bryan  
and West Herndon Avenues (Assessor's Parcel No. 504-091-14ST)  
  
Site Latitude: 36°50'11"N  
Site Longitude: 119°54'36"W  
  
Mount Diablo Base & Meridian, Township 13 S, Range 19 E, Section 4
5. **Project sponsor's names and addresses:**

|   |                |  |
|---|----------------|--|
| Herndon LLC, on behalf of<br>94 Manhattan Ave.<br>Manhattan Beach, CA 90266 | property owner | Central Unified School District<br>4605 N. Polk Ave<br>Fresno CA 93722 |
|---|----------------|--|
6. **General/Community Plan designation:**  
**Existing** - Medium Density Residential  
**Proposed** - Neighborhood Commercial
7. **Zoning:**  
**Existing** - AE-5/UGM (*Exclusive Five-Acre Agricultural District, Urban Growth Management Area*)  
**Proposed** - C-1/UGM/EA (*Neighborhood Shopping Center District, Urban Growth Management Area, Expressway Area Overlay District*)

8. **Description of project:**

For the above-described 1.1± net acre of property, Plan Amendment Application No. A-09-10 (as revised in 2011) proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium density residential planned land use designation to the neighborhood commercial land use designation. Rezone Application No. R-09-20 (as revised in 2011) proposes to reclassify the zone district of the property from AE-5/UGM (*Exclusive Five-Acre Agricultural District/Urban Growth Management Area*) to C-1/UGM/EA (*Neighborhood Shopping Center District/Urban Growth Management Area/Expressway Area Overlay*).

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

|              | <b>Planned Land Use</b>    | <b>Existing Zoning</b>   | <b>Existing Land Use</b>                            |
|--------------|----------------------------|--|---|
| <b>North</b> | Community Commercial       | <b>C-2/UGM/cz</b><br><i>Community Shopping Center District, Urban Growth Management Area, conditions of zoning</i> | vacant and undeveloped land                         |
| <b>East</b>  | Medium Density Residential | <b>AE-5/UGM</b><br><i>Exclusive Five-Acre Agricultural District, Urban Growth Management Area</i>                  | vacant and undeveloped land                         |
| <b>South</b> | Regional Commercial        | <b>C-3/UGM (pending)</b><br><i>Regional Shopping Center District, Urban Growth Management Area</i>                 | vacant and undeveloped land (El Paseo project site) |
| <b>West</b>  | Regional Commercial        | <b>C-3/UGM (pending)</b><br><i>Regional Shopping Center District, Urban Growth Management Area</i>                 | vacant and undeveloped land (El Paseo project site) |

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

City of Fresno: Public Works Department

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

Pursuant to Public Resources Code Section 21157.1(b) and CEQA Guidelines 15177(b)(2), the purpose of this initial study is to analyze whether the subsequent project was described in the City of Fresno Master Environmental Impact Report ("MEIR") No. 10130 for the 2025 Fresno General Plan (SCH # 2001071097), and whether the subsequent project may cause any additional significant effect on the environment which was not previously examined in that MEIR or the Mitigated Negative Declaration ("MND") prepared for Plan Amendment A-09-02/the Air Quality Update to the 2025 Fresno General Plan (SCH # 2009051016).

The environmental factors checked below would be potentially affected by this project:

|  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics             | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" 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 checked="" type="checkbox"/> Land Use/Planning      | <input type="checkbox"/> Mineral Resources                  | <input checked="" type="checkbox"/> Noise                   |
| <input type="checkbox"/> Population /Housing               | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input checked="" 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, with the mitigation imposed through measures included in the MEIR Mitigation Measure Checklist and the Project-Specific Mitigation Measure Checklist (attached as Exhibits C and D), the project will not have additional significant adverse effects on the environment that were not identified in City of Fresno Master Environmental Impact Report No. 10130 (SCH No. 2001071097) certified for the 2025 Fresno General Plan and the Mitigated Negative Declaration approved for Plan Amendment No. A-09-02/ Air Quality Update to the General Plan (SCH No. 2009051016).

Pursuant to CEQA Guidelines Section 15178, a finding of MITIGATED NEGATIVE DECLARATION will be prepared.

X

\_\_\_\_\_  
Sandra L. Brock, Planner III, City of Fresno

May 23, 2011

## EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

1. For purposes of this 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 (see attached Exhibit B for a summary of MEIR findings).
  - 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, the checklist answers must then 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 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 ISSUE  | 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 largely undeveloped and consists primarily of vacant land kept cleared of vegetation for fire protection purposes. The area is planned for intensive urban uses. Therefore, no public or scenic vista would be obstructed by the development of this project and no unique vegetation would be removed.

The configuration of the subject property and its surrounding uses do not direct light or glare onto any sensitive receptors. The project will be subject to the aesthetics mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan. Development of the site will not be permitted to create a new source of substantial light or glare which would affect day or night time views in the project area, given standard City of Fresno requirements for special permits that require all site lighting to be down-directed and shielded in order to minimize light reaching neighboring properties.

The proposed rezoning will provide for an Expressway Area Overlay on Herndon Avenue, a thirty- (30-) foot deep landscaped setback which will enhance the visual character of the area and support "gateway" aesthetic treatment of Herndon Avenue.

Therefore, this project will not damage any scenic resources, nor will it degrade the visual character or quality of the site and its surroundings. As a result, a determination has been made that this project would have a less than significant impact on aesthetics.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, aesthetic related Mitigation Measure No. Q-1 as identified in the attached Exhibit C MEIR Mitigation Measure Monitoring Checklist for this project, dated May 23, 2011.
2. Development proposed in a subsequent special permit filed for the subject property shall conform to aesthetic policies of the Bullard Community Plan and to the 2025 Fresno General Plan Design Standards.

| ENVIRONMENTAL ISSUE   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <b>II. AGRICULTURE AND FORESTRY RESOURCES:</b> 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: |                                |  |                              |           |
| 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?  |                                |  |                              | x         |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?  |                                |  |                              | x         |
| 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))?  |                                |  |                              | x         |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?  |                                |  |                              | x         |
| 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?   |                                |  |                              | x         |

The subject property does not fall into any of the categories listed above and is does not subject to a Williamson Act agricultural land conservation contract. There are no existing agricultural or forestry uses of the subject property. The project does not have the potential to facilitate future conversion of agricultural lands because the subject property is surrounded predominantly by urban uses; any vacant land in the vicinity was removed from agricultural use many years ago. By serving urban service needs in this infill location, the project has the effect of preventing conversion of agricultural lands for commercial development elsewhere in Fresno County. Therefore, no adverse environmental impacts related to agricultural would occur as a result of the proposed project and no project-specific mitigation measures are required.

| 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.) --<br>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 (SJVAPCD) 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         |

Environmental and regulatory setting with regard to air quality

The project 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. Some air pollutants are fairly constant throughout the year in the region, while others vary in concentration according to location and are changeable from day to day and even hour to hour, due to complex interactions of topography, climate, and weather.

Regional factors affect the accumulation and dispersion of air pollutants within the SJVAB. The SJVAB is approximately 250 miles long, averages 35 miles wide, and is the second largest air basin in the state. It is bounded, and its climatological characteristics are essentially defined by geography: The floor of the Valley is flat (with a slight downward gradient to the northwest) and is hemmed in on three sides by mountain ranges:

- the Sierra Nevada to the east rises from 8,000 to 14,000 feet in elevation;
- the Tehachapi mountains in the south range from 5,000 to 8,000 feet in elevation; and

- the Coast Range in the west averages 3,000 feet in elevation.

The Coast Range barrier has an opening to the Pacific Ocean at the Carquinez Straits where the San Joaquin-Sacramento Delta empties into San Francisco Bay and via the Altamont Pass. However, air entering the Valley at these points carries pollutants and pollutant precursors from urbanized coastal areas. (In turn, the SJVAB contributes pollutants and precursors to downwind air basins when air escapes the Valley through mountain passes or high-level flows.) Topography, wind speed and direction, temperature, inversion layers, precipitation, and fog exacerbate the air quality problem in the SJVAB. These factors can combine to create air pollution and affect the ability of the atmosphere to disperse pollutants.

The Valley has a Mediterranean climate, with a high number of sunny days (over 260 per year, on the average) and little or no measurable precipitation for several months of the year. High temperature readings in summer average 95°F. This fosters photochemical reactions in the atmosphere that generate oxidants and particulate matter.

Summertime wind speed and direction data indicate that the Valley's air mass moves from 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.

During the winter, average high temperatures in the winter are in the 50s and the average daily low temperature is 45°F. Temperatures below freezing are unusual, but highs in the 30s and 40s can occur on days with persistent fog and low cloudiness. Wintertime wind speed and direction data indicate that prevailing flows occasionally reverse, with wind originating from the south end of the Valley and blowing in a north-northwesterly direction. While the Valley generally experiences light winds (less than 10 mph), more disturbed weather conditions with stronger ground level winds can generate fugitive dust and exacerbate particulate matter pollution. Winter also predisposes the SJVAB to inversion layers, where warm air in the upper atmosphere caps cold air at lower elevations, with little or no normal convection to mix the air mass. 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.

Occurrences of high barometric pressure at any time of the year tend to cause the Valley atmosphere to stagnate and allow pollutants to concentrate. These factors create a climate conducive to elevated particulate matter (PM10 and PM2.5) concentrations and accumulation of carbon monoxide (CO).

Valley air quality has adverse impacts on human health, a situation rendered more serious due to the elevated proportion of sensitive persons (children and the elderly) in the local population. Childhood and adult asthma are prevalent and there with a high level of asthma mortality in the region. Outdoor recreation is often contraindicated, which has secondary cardiopulmonary effects from lack of physical activity.

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the local regional jurisdictional entity charged with attainment planning, rulemaking, rule enforcement, and monitoring under Federal and State Clean Air Acts and Clean Air Act Amendments. In the early 1990s, this agency was created to replace the separate air pollution authorities formerly administered by individual Valley Counties. The regional SJVAPCD has provided a means to undertake regional climatological studies for understanding transport and evolution of air pollutants, and a comprehensive approach to reducing air pollution in the entire Valley.

The SJVAPCD has promulgated a series of air quality attainment plans pursuant to requirements of Federal and state Clean Air Acts, complementing the efforts of the California Air Resources Board. These plans include a range of strategies to improve air quality through land

use planning and transportation control measures, vehicle inspection programs, industrial point source permit controls, emission offsets, incentive programs to replace higher-polluting equipment/vehicles with newer/cleaner technologies, and even regulations aimed at reducing the amount of pollutants transported into the Valley from the coastal (Bay) area. SJVAPCD Rulemaking efforts have focused on cost-effective technologies and measures which have aimed to reduce the most pollutants at the least cost on a regional basis.

Through these attainment plans and implementing regulations (e.g., Rules), the SJVAPCD has reduced emissions of pollutants and pollutant precursors overall and has achieved attainment of some national ambient air quality standards. However, ozone/oxidant air pollution is a refractive problem, with the SJVAB repeatedly failing to attain National Ambient Air Quality Standards and a current designation of Extreme Non-Attainment, where full Valley attainment is not projected until year 2024.

The 2025 Fresno General Plan, augmented by Plan Amendment No. A-09-02 (the Air Quality Update), contains significant City policy direction for measures to reduce potential air pollution and for consideration of potential air quality and global climate change impacts when development projects are contemplated. While MEIR No. 10130 was certified with adoption of an over-riding consideration for the intractable regional air pollution problem, the MEIR does require that subsequent development projects be analyzed with regard to their potential air quality impacts and that reasonable mitigation be applied. All proposed projects are routed to the SJVAPCD for their review and comment.

2025 Fresno General Plan policies require that 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.

The URBEMIS computer model evaluates the following emissions: ozone precursors (Reactive Organic Gases (ROG) and NOX; CO, SOX; both regulated categories of particulate matter (PM10 and PM2.5); and the greenhouse gas carbon dioxide (CO2). The model incorporates geographically-customized data on local vehicles, weather, and SJVAPCD Rules.

Use of the URBEMIS computer model requires information regarding the proposed development and its setting. Factors relating to the project vicinity be analyzed and entered into the model, such as land use street patterns, and mitigating factors such as local availability of retail goods and services, pedestrian and bicycle amenities, and public transit. This analysis was done using the current information and URBEMIS program features available. The following Table presents URBEMIS analysis results for the proposed project:

The URBEMIS analysis (results below) confirmed the information from the SJVAPCD that the project will not significantly impact local air quality or cause a violation of air quality standards. The air pollution emitted from daily activities of the proposed project will not exceed threshold of significance limits for regulated air pollutants.

## AREA AND OPERATIONAL AIR QUALITY IMPACTS OF THE PROJECT

| <i>[all data given in tons/year]</i> | ROG         | NOx         | CO          | SO <sub>2</sub> | PM10        | PM2.5       | CO <sub>2</sub> |
|--------------------------------------|-------------|-------------|-------------|-----------------|-------------|-------------|-----------------|
| Area Source Emissions                | 0.06        | 0.01        | 0.04        | 0.00            | 0.00        | 0.00        | 9.02            |
| Operational Emissions                | 0.08        | 0.09        | 1.01        | 0.00            | 0.04        | 0.01        | 71.11           |
| <b>Totals</b>                        | <b>0.14</b> | <b>0.10</b> | <b>1.05</b> | <b>0.00</b>     | <b>0.04</b> | <b>0.01</b> | <b>80.13</b>    |
| <b>Threshold of Significance</b>     | 10.00       | 10.00       | 100.00      | 27.375          | 14.60       | N/A         | N/A             |

Because the configuration and intensity of project development is not known at the plan amendment and rezone stage, the San Joaquin Valley Unified Air Pollution Control District (APCD) has provided a letter dated May 5, 2011 (copy attached), advising of several Rules which would, or could, apply to subsequent development of this property, including Indirect Source Review (Rule 9510).

The plan amendment and rezone, in and of themselves, would not evolve hazardous air pollutants or create objectionable odors. Therefore, there are no significant adverse air quality impacts anticipated to occur as a result of the proposed project. However, the public school campus located approximately 670 feet (approximately .13 mile) east of the subject property, and the planned residential development east of the project site, would constitute sensitive receptors for hazardous air pollutants. A project-specific mitigation measure is, therefore, included to require consultation with the San Joaquin Valley Air Pollution Control District when a special permit application is filed for that property, to determine whether a Health Risk Assessment will be required for the proposed development project.

### Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, air quality-related mitigation measures Nos. B-5, B-7, and C-1 through C-4 as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated May 23, 2011.
2. When a subsequent special permit filed is for the subject property, the project shall be re-assessed for potential emissions under the Indirect Source Review Rule, and there shall be consultation with the San Joaquin Valley Air Pollution Control District on whether a Health Risk Assessment is required to be prepared to protect sensitive receptors at Vista School and on adjacent residential property east of the subject site.

| 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, and 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         |
| 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         |

As the attached 2008 aerial photo shows, the subject property is customarily maintained free of vegetation (in compliance with City of Fresno weed abatement standards for fire protection); vegetation removal would not occur pursuant to development of the proposed project. The proposed plan amendment and rezone applications would not create any ground disturbance, nor would the proposed vacation of street right-of-way on Bryan or Herndon Avenues.

The property does not support "wildlife," as defined in the California Fish & Game code as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." This property is not a wildlife nursery site. The project would not result in or have the potential to result in harm, harassment, or "take" of any fish and/or wildlife species (where the term "take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill as defined in the California Fish & Game Code).

The project is surrounded by developed urban uses or similarly denuded vacant urban land. No habitat conservation plans or natural community conservation plans in the region pertain to the subject property or land in the project's immediate vicinity. In the vicinity of the proposed project, there are no riparian habitats, there are no federally protected wetlands or sensitive natural community identified by the California Department of Fish and Game or the U.S. Fish and Wildlife Service; therefore, the project would not result in or have the potential to result in noise, vibration, dust, light, pollution, or an alteration in water quality that may affect fish and/or wildlife directly or from a distance. The proposed project would not, directly or indirectly, affect any sensitive, special status, or candidate species; nor would it modify any habitat that supports them.

The proposed project would not result in, or have the potential to result in, any interference with the movement of any fish and/or wildlife species because no wildlife corridors traverse the subject site. 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.

No General Plan policies regarding biological resources are applicable to the subject property, and no mitigation measures are necessary for potential impacts to those resources. A request will be submitted to the California Department of Fish & Game Region IV office for a formal "No Effect" determination

| 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 CEQA Guidelines §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 the site 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. The subject property lies outside the Herndon-99 Sacred Land Boundary Map (copy attached).

There is no evidence that cultural resources of any type (including historical, archaeological, paleontological, or unique geologic features) exist on the subject property. Past record searches for the region have not revealed the likelihood of cultural resources on the subject property or in its immediate vicinity. Therefore, it is not expected that the proposed project would adversely impact any cultural resources.

It is noted, however, that lack of surface evidence or database records of historical/cultural resources does not preclude the subsurface existence of archaeological resources. Therefore, due to the ground disturbing activities that will occur as a result of the project, the appropriate precautionary measures of MEIR No. 10130 Mitigation Monitoring Checklist will be employed to address unexpected finds of human remains and archaeological or paleontological resources.

Mitigation Measures

The proposed project shall implement and incorporate, as mitigation measures Nos. J-1 through J-4 related to potential cultural and paleontological resources as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated May 23, 2011.

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

| ENVIRONMENTAL ISSUES   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| 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         |

#### Geologic and Regulatory Setting

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 U.S. Geologic Survey 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 current 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).

#### Potential Project Impacts

The topography of the project and its environs is relatively flat with no apparent unique or significant land forms such as vernal pools. The proposed project is not sited on any known area of occurrence of expansive clay, which will be re-verified by the soil report submitted with grading plans. In the National Resource Conservation Service (USDA) Soil Survey Maps, the soil of the subject property is classified as "Exeter loam." This soil type is described in as having slight erosion potential due to its 0% to 2% slopes. A subsurface cemented layer

(colloquially referred to as “hardpan”) impairs drainage, so the property is not suitable for on-site percolation of stormwater runoff (even deep-ripping would be a temporary measure because this soil type will naturally re-form the cemented layer in time). Moreover, a provision of the Fresno Municipal Code prohibits the use of “dry wells” or subsurface French drains, in order to protect the Fresno Sole Source Aquifer.

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; otherwise, a cross-drainage covenant must be executed with affected abutting property owners for drainage over property lines.

Because there are no known geologic hazards or unstable soil conditions known to exist on the site, no adverse environmental effects related to topography, soils or geology are expected as a result of this project. Implementation of the mitigation measures listed in MEIR No. 10130 and the attached Mitigation Measure Monitoring Checklists (Exhibits C and D) will ensure that no adverse environmental effects related to topography, soils or geology will result from the proposed project.

Mitigation Measures

The proposed project shall implement and incorporate, as applicable, seismic safety mitigation measure No. L-1 as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated May 23, 2011.

| <b>ENVIRONMENTAL ISSUES</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|--|---------------------------------------|---|-------------------------------------|------------------|
| VII. GREENHOUSE GAS EMISSIONS --<br>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                |

Environmental and Regulatory Setting

When sunlight strikes the Earth’s surface, some of it is reflected back into space as infrared radiation. When the amount of infrared energy reaching Earth’s surface is about the same as the amount of infrared energy radiated back into space, the average ambient temperature of the Earth’s surface is expected to remain more or less constant. However, when atmospheric conditions prevent re-radiation of this infrared energy, the world’s temperature equilibrium is expected to be disturbed.

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" (GHGs).

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 the earth's atmosphere. It is believed that increased levels of greenhouse gases 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 greenhouse gases (those that enter the atmosphere because of human activities) are carbon dioxide (CO<sub>2</sub>), methane, nitrous oxide and fluorinated gases. Some GHGs exert a much more powerful effect of trapping radiant energy in the atmosphere. The effect of methane, for instance, is 29 times as powerful as that of an equal mass of CO<sub>2</sub>. In order to describe global warming potential of these differing gases, a convention has been established to quantify GHGs in terms of equivalent quantities of CO<sub>2</sub>, and to use metric tonnes as the unit of measure for the CO<sub>2</sub> (hence the abbreviation "MMTCO<sub>2</sub>e," for million metric tonnes of CO<sub>2</sub> equivalent).

A major problem with GHGs is that most of them are not very reactive and that makes them extremely long-lived in the atmosphere. For instance, once CO<sub>2</sub> rises above the troposphere (the portion of the atmosphere where plants may absorb some of it for photosynthesis), there are no natural processes that would effectively remove it. The CO<sub>2</sub> will persist and exert its global warming effect for centuries.

GHGs were not generally thought of as air pollutants because the criterion air pollutants (such as ozone) and air toxics directly affect health at ground level in the general vicinity of their release to the atmosphere. The impacts of GHGs are global and diffuse in nature, and take time to exert effects that could harm humans. However, it has been realized that the climate changes associated with GHGs can drastically harm health and well-being around the world, not only with regard to heat-related illnesses but through broadscale changes in the environment:

- ocean level rise that would displace populations,
- economic and infrastructure damage related to ocean rise as well as heat and storm intensity;
- exacerbation of criteria air pollutants (more air pollutants are formed when the atmosphere is warm);
- spreads of infectious diseases through proliferation of mosquitoes and other vectors carrying "tropical" diseases into temperate climate zones;
- alteration of natural flora and fauna in terrestrial and aquatic environments;
- disruption of agriculture and water supply;

The last point is of particular importance to Fresno. One oft-cited prediction for global climate change is that the Sierra snowpack could be reduced to as little as 20% of its historic levels. This could have dire consequences, since over 70% of California's population relies on the "frozen reservoir" of Sierra snowpack for its water supply. Fresno's aquifer has been declining and the City's Metropolitan Water Resources Master Plan notes that the city will need to make greater use of its surface water entitlements...which are derived from Sierra snowpack.

The State of California formally acknowledges 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" standards established by the federal or state government for greenhouse gases (although some GHGs are regulated as precursors to criteria pollutants regulated by the federal and California Clean Air Acts). However, in AB 32 the State codified a mandate to reduce GHG emissions to 1990 levels by the year 2020. In order to roll back GHG emissions to this level, a reduction of 174 MMTCO<sub>2e</sub> needs 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 GHGs and the need to grow equates to a need to reduce per capita GHG emissions by some 29% from the "business as usual" scenario of continuing the former rate of escalated GHG emissions over time.

It has been recognized that new development projects would incrementally add GHG emissions and could cumulatively exacerbate global climate change problems, even if the projects are, themselves, small in scale and do not involve powerful GHGs. In order to standardize evaluation of projects under CEQA, 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. 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*, which provides methods for quantifying emission reductions via application of a specified list of project-level and municipal-level mitigation measures. 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.

In order to standardize global climate change assessments within the San Joaquin Air Basin, the SJVAPCD adopted a protocol for evaluating land use projects: the 2009 *Guidance for Valley Land Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*. The District determined that the most appropriate assessment criteria would be oriented to performance based standards to streamline the CEQA process for determining significance of project impacts, rather than numerical modeling of GHG emissions and emission reductions. Projects meeting the Best Performance Standards ("BPS") established by the SJVAPCD would be determined to have a less than significant cumulative impact on global climate change. If projects could not demonstrate compliance with BPS, then a quantification of GHG emissions and demonstration of a 29% reduction in GHG emissions below the "business as usual" level will be required to determine that a project would have a less than significant cumulative impact.

### Potential Impact of the Proposed Project

Given its small size and limited projected emissions of CO<sub>2</sub>, this project would not be expected to have a significant impact on global climate change. However, as noted above, all projects and activities may cumulatively contribute to significant adverse impacts.

According to the SJVAPCD's *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*, 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 meets this requirement by complying with an approved GHG Mitigation program, established through City of Fresno Plan Amendment No. A-09-02, the Air Quality Update to the 2025 Fresno General Plan.

Plan Amendment A-09-02 augmented the City's Resource Element / Air Quality General Plan Objectives and Policies by adding new General Plan Objective and several supporting policies, as well as expanding the MEIR Mitigation Measure Monitoring Checklist, to address global climate change through municipal activities and regulation of local development. A-09-02 added new appendices to the 2025 Fresno General Plan, including a 2008 California Attorney General's Office guidance document titled, "The California Environmental Quality Act Mitigation of Global Warming Impacts at the Local Agency Level" which contains specific guidance on mitigating greenhouse gas emissions through planning and regulation of development.

Periodic broadscale GHG modeling will be used to validate the efficacy of these measures and guide implementation and further City rulemaking.

As proposed, the project implements many of the general plan policies related to GHGs. The project fosters infill development that will help reduce outward sprawl. Subsequent development of this site with bike lanes on Herndon and Bryan Avenues, typical wide nonresidential sidewalks along those abutting streets, and the 30-foot wide Expressway Area Overlay landscaped setback along West Herndon Avenue will compete and enhance a complete pedestrian sidewalk and trail network along this major street, consistent with the California Attorney General's Office guidance document which directs that projects should "create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking". Through updates in the California Building Code and statewide regulation of appliance standards, the eventual development of this property will conform to 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).

In addition to being in compliance with local planning guidance on reduction of GHGs, this project's potential impacts will be further reduced by worldwide, national and statewide measures to combat adverse global climate change: Updated engine and tire efficiency standards would apply to vehicles that travel to the project; initiatives applicable to air conditioning and refrigeration equipment will continue to reduce fluorocarbon emissions; regional transportation efficiencies will continue; renewable power generation will increase; and landfill and wastewater methane capture will become more efficient; and "carbon capture"/ "carbon sequestration" technologies will increase removal of CO<sub>2</sub> from the atmosphere.

In addition, the plan amendment and rezone do not provide for manufacturing activities that would generate potent industrial GHGs such as SF<sub>6</sub>, HFCs, or PFCs, and those applications do not provide for land uses which would generate methane on site. Buildings eventually constructed on the site will be required to be insulated to current energy efficiency standards. Water conservation technology will also be required for landscaping and plumbing fixtures, which will reduce water vapor emissions and energy consumption involved in municipal well production and water treatment. The subsequent special permit application required prior to development will re-examine the project for its potential impact on global climate change at a level of detail commensurate with the special permit application. Therefore, based upon the available information, the proposed project will not have a potentially significant cumulatively adverse impact on global climate change.

In addition to evaluating what a project's cumulative global climate change impact on the world might be, the Senate Bill 97 changes to CEQA require that the effects of global climate change on projects should also be evaluated and mitigated if possible. If there were a power outage during a heat wave, they may need to close to protect people in the buildings from heat-related illness. It is also likely that drought contingency measures could require shutdown of non-essential water consumption activities.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, mitigation measure No. C-1.e relating to global climate change, as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated May 23, 2011.

| 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  |                              |           |

| ENVIRONMENTAL ISSUES   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| 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         |
| 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 is not near any wildland fire hazard zones, or airport safety zones. It poses no interference with the City's or County's Hazard Mitigation Plans or emergency response plans. The subject property has not been under cultivation for several years. No pesticides or hazardous materials are known to exist on the site.

In the Air Quality section, a project-specific mitigation measure has been included to require consultation with the San Joaquin Valley Air Pollution Control District when the subsequent special permit application is filed for development of this property, to ensure that any required Health Risk Assessment is prepared to protect Vista School (the Assessment may or may not be required, depending on the nature of the ultimate developed configuration of the subject property and its associated traffic). Any businesses locating on the subject property will also be required to file a Hazardous Materials Business Plan with Fresno County Environmental Health, a standard disclosure precaution to ensure proper storage and safety of emergency responders (see attached letter from Environmental Health, dated April 18, 2011).

Mitigation Measure

The proposed project shall conform to the hazardous materials and human health project-specific mitigation measure in the attached Exhibit D, Project-Specific Mitigation Measure Monitoring Checklist dated May 23, 2011

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

| ENVIRONMENTAL ISSUES   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| 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         |

Water Supply, Water Treatment and Delivery Infrastructure

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. The City's network of interconnected water wells/pump stations, recharge facilities, water treatment and distribution systems have been expanded incrementally and upgraded to meet increased water demands and respond to groundwater quality challenges.

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 for the foreseeable future, the aquifer level has been declining and localized water supply limitations with low well yields and limited storage capacity in portions of the semi-confined aquifer have evolved.

One of the issues that the City is attempting to resolve in order to stabilize aquifer levels is its historic trend of high consumptive use of water on a per capita basis (some 250 gallons per day per capita). Under recently adopted California Building Codes and the Master Water Efficient Landscape Ordinance, the project will be required to incorporate fixtures and landscape irrigation fittings that conserve water and reduce consumption, compared to older neighborhood commercial development.

Adverse groundwater conditions have been well-documented by environmental impact reports and technical studies over recent decades, including the EIR prepared for the 1995 Fresno Metropolitan Water Resource Management Plan (SCH No. 95022029), City of Fresno EIRs Nos.10100, and 10117, and MEIR No. 10130 for the 2025 Fresno General Plan.

Insidious groundwater degradation has occurred in the region due to pollution with salinization from wastewater and industrial brine discharges, pesticides (chiefly, dibromochloropropane, or DBCP), nitrates from on-site wastewater systems, methyl-tert-butyl ether (MTBE) from gasoline; solvents such as perchlorethylene (PCE). Fresno also has areas of naturally occurring water contaminants such as arsenic, iron, uranium, and manganese. Increasingly stringent water quality regulations have greatly increased the cost and difficulty of supplying municipal needs via water wells.

Improperly abandoned water wells and dry wells endanger groundwater quality by providing a direct conduit for surface contamination to reach the deeper and cleaner levels of the aquifer. No former domestic or agricultural water wells are in evidence on the subject property at this time. If a well is revealed by subsequent grading activity for this project, it is required to be properly evaluated and abandoned according to procedures of the City Water Division and the most current version of the California Department of Water Resources Well Standards (Bulletin 74-99 or an update thereto).

The City of Fresno works with Fresno Metropolitan Flood Control District (FMFCD), Fresno Irrigation District (FID) and the U.S. Department of the Interior Bureau of Reclamation (USBR) to ensure that the City's acreage-based surface water entitlements and contractual surface water supplies are put to the best possible use. Over the past decade, Fresno and has begun to treat and distribute a share of its surface water via a water treatment plant, instead of solely using its surface water supplies for recharge.

The Department of Public Utilities operates a large and efficient water recharge facility ("Leaky Acres") northwest of Fresno-Yosemite International Airport, and also utilizes suitable FMFCD drainage throughout the metropolitan area basins for its groundwater recharge program. Stormwater ponding basins provide significant opportunity to recharge the aquifer with collected precipitation runoff in the winter as well as surface water obtained from FID (primarily a Kings River supply) and the USBR (supplied by the San Joaquin River) in the months when storms are not anticipated.

When development entitlements are approved, applicants are required to support recharge efforts by contributing toward FMFCD's master planned storm drainage facilities, and to preserve the patency of irrigation canals and pipelines used to deliver surface water to drainage/recharge basins. However, the subject property, however, does not have any irrigation pipelines, as affirmed by Fresno Irrigation District's April 18, 2011 letter (attached).

Future water demand, water supply projections, and measures to make the best use of that supply are contained in the City's most recent (2008) Urban Water Management Plan (UWMP). Current conservation measure implementation involves universal water metering (mandated by the Central Valley Project Improvement Act via the City's contract for its main surface water supply from the San Joaquin River). The City's Metropolitan Water Resource Management Plan is also being updated per requirements of the California Water Code, and is evaluating scenarios for further increased use of treated surface water and recycled wastewater.

The purpose of these management plans is to formulate a strategy to meet the future water needs of the metropolitan area, ensuring a safe and dependable water supply that is economically feasible. The plans address the full range of existing and potential city water supplies focusing on the type and timing of water facilities and programs needed to protect water quality, combat groundwater overdraft; ensure water conservation, and provide contingency measures for drought and/or supply disruptions.

In accordance with the provisions of the 2025 Fresno General Plan and the Bullard Community Plan, the City must make a determination that an adequate source of water is available to serve the project. The City's "iView" GIS informational tool shows that a water main has been installed in West Herndon Avenue along the frontage of the subject property, but that no water main has yet been installed in North Bryan Avenue south of Herndon Avenue to provide a second point of water supply (see attached iView diagram).

The City's Department of Public Utilities January 21, 2010 memorandum on the previous version of Plan Amendment Application No. A-09-10 and Rezone Application No. R-09-20 (copy attached) stated that water utility requirements (conditions) would be addressed when future development applications (special permit applications) are filed. When contacted in 2011 regarding the revised plan amendment and rezone applications reducing the project area to 1.1± net acres and proposing C-1/UGM/EA zoning, the Department of Public Utilities stated that its requirements would be the same.

When a subsequent special permit application is filed for the subject property, conditions of approval will require that the developer of the site provide for installation of a water main in North Bryan Avenue so that the subject site would have two points of water supply. Water supply and water treatment infrastructure needs in the Urban Growth Management Area of Fresno are met by installation of infrastructure elements and/or imposition of development impact fees. A water well, on- or off-site, may also be required by the Department of Public Utilities, depending on water demand involved in the proposed development and the status of water supply sources in the vicinity.

It should be noted that, while the proposed project may be served by conventional groundwater pumping and distribution systems, water demand associated with future development may necessitate increased Citywide utilization of treated surface water with associated cost recovery for treatment facilities and conveyance of an adequate surface water supply, as well as use of recycled wastewater for non-potable uses such as landscape irrigation. To that end, a mitigation measure is being imposed that will require the subject property to be pre-plumbed with "purple pipe" for separate distribution of recycled wastewater, when a supply of recycled water becomes available to the project vicinity. Any subsequent development of the site will be required to incorporate water use efficiency features and provide a landscape water budget, under provisions of the California Model Water-Efficient Landscape Ordinance.

The water conservation and water quality protection mitigation measures of MEIR No. 10130 are required to be implemented by the proposed project as set forth in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist. In summary, these mitigation measures require participation in the development of groundwater recharge either directly within the project or via alternative measures such as paying fees established by the city and Fresno Metropolitan Flood Control District (FMFCD) for recharge facilities.

#### Wastewater Management.

The subject property does not appear to have any remaining on-site waste (septic) disposal system. Any pre-existing septic systems discovered through project grading shall be properly abandoned according to standards of the City's Building and Safety Services Division.

Eventual occupancy of the site will generate sewage, which the Fresno Municipal Code requires to be discharged into the sanitary sewer system. Pursuant to MEIR mitigation measures, adequate sewer main and sewer trunk capacity must be assured for development projects, and adequate treatment capacity must be assured at the city's publicly owned treatment works, the Fresno-Clovis Regional Wastewater Treatment and Reclamation Facility.

The City's "iView" GIS informational tool shows that a sewer main is installed in West Herndon Avenue up to the approximate midpoint of the Herndon/Bryan intersection, and that there is currently no sewer main installed in North Bryan Avenue south of Herndon Avenue. When a special permit application is filed for the subject property, its developer will be required to provide for installation of sewer mains through installation and/or payment of infrastructure impact fees. The appropriate size of those mains will be ascertained at the time of application, based on existing, approved, and proposed development in the area.

The attached Department of Public Utilities memorandum regarding sewer requirements, dated January 21, 2010, was prepared for the previous iteration of Plan Amendment Application No. A-09-10 and Rezone Application No. R-09-20. When the revised version of these applications (with only 1.1± acres proposed for C-1/UGM/EA zoning) was reviewed, the Department of Public Utilities informed Planning staff that the stated requirements would be the same; that sanitary sewer conditions would be addressed when future development (special permit) applications are filed for the subject property.

Some commercial uses of the site could generate oil/grease and grit that would be undesirable in the City's wastewater treatment system. Therefore, the project applicant will be required to install a grease trap and grit trap, and to consult with the Environmental Services Section of the City's Department of Public Utilities Wastewater Division on other improvements and practices to protect the sewer mains and the wastewater treatment process when the subsequent special permit application is filed to develop this site.

#### Drainage, Stormwater Management, and Flood Control

The project will be served by Fresno Metropolitan Flood Control District's master planned storm drainage facilities. As indicated in the attached letter, dated April 14, 2011, FMFCD Drainage Area "EH" was not designed with sufficient capacity to serve commercial uses on the subject property, which have a higher runoff coefficient than planned residential uses.

The letter prescribes a permanent peak reducing facility, a drainage installation capable of receiving and retaining runoff from a "ten-year" storm (one of an intensity expected to occur on the average of once in ten years) so that the discharge from this facility can be accommodated by FMFCD's overall drainage system, which has been designed to accommodate stormwater runoff from "two-year" events. A project-specific mitigation measure has been incorporated into EA No. A-09-10/R-09-20 to ensure that the permanent peak reducing facility is integrated into the subsequent development project (special permit application) for the subject property.

In times of very high precipitation, excess runoff is discharged into FID facilities where it may ultimately enter the San Joaquin River. Lesser amounts of runoff are retained in FMFCD basins and percolated into the Fresno Sole Source Aquifer. This makes stormwater pollution prevention important for all projects, and will necessitate that the issue of stormwater management be revisited for this project when its subsequent special permit application is assessed and reviewed.

#### Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, mitigation measures Nos. D-2 through D-13 and F-3 relating to hydrology (water supply, water quality, and drainage) as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated May 23, 2011.

2. The proposed project shall implement and incorporate the water quality, water supply, and drainage/flood control mitigation measures as identified in the attached Exhibit D, Project Specific Monitoring Checklist dated May 23, 2011.

| 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 proposal keys on an amendment to the 2025 Fresno General Plan and the Bullard Community Plan to order to change the planned land use designation for the subject 1.1± acre, it meets the goals, objectives and policies of the 2025 Fresno General Plan and Bullard Community Plan by providing a project which conforms to policies for locating well-integrated development, providing transitions between intensive commercial and residential development, protects sensitive receptors from roadway noise, and enhances alternatives to roadway vehicular travel.

Neighborhood-level commercial development on the subject property would provide a transition from regional commercial property west of Bryan Avenue and planned medium-density property to the east. Commercial development of these 1.1± acres, with a 30-foot wide Expressway Area Overlay landscaped setback along Herndon Avenue, would provide for installation of pedestrian facilities along its West Herndon and North Bryan Avenue frontages, affording opportunities for non-vehicular travel. The project is not located within any conservation plan areas and will not conflict with any conservation plans.

Impacts to Land Use Plans and Policies

The attached map of planned land uses in the project vicinity shows that the subject property lies between existing Regional Commercial and Medium Density Residential planned land uses, on a remnant lot which the owning public agency (Central Unified School District) is selling because the District has no need of the site.

The size, configuration, and location of this land on a very heavily-traveled roadway (West Herndon Avenue) renders it largely unsuitable for development of its planned Medium Density Residential use. The MEIR for the 2025 Fresno General Plan noted, in Figure VK-3, that the City's 60dB outdoor residential noise limit would be exceeded to a distance of 3,000 to 5,000 feet from West Herndon Avenue, and Figure VK-4 noted that traffic noise impacts could not be fully mitigated for projects developed 301 to 500 feet from Herndon Avenue. The subject property lies entirely within 500 feet of Herndon Avenue. Neighborhood Commercial development is generally not sensitive to traffic noise (except for certain allowable uses such as day care center or medical offices).

The proposed project is considered to be "infill development" because it utilizes a vacant remnant of land in an area otherwise that is fully developed with urban uses.

This project is consistent with the following 2025 Fresno General Plan Goals, Objectives and Policies:

**Goal 9.** Provide activity centers and intensity corridors within plan areas to create a mix of land uses and amenities to foster community identity and reduce travel.

**Objective C-12.** Commercial land uses shall be classified, located, sized and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts.

**Policy C-12-d.** Plan for the appropriate location, size, and distribution of neighborhood and community commercial uses to implement the planned urban form, promote the stability and identity of neighborhood and community areas, and allow efficient access without compromising the operational effectiveness of planned major streets.

- Neighborhoods should be anchored by commercial centers with a mix of uses that meet that area's needs to achieve activity centers that create a sense of place.

**Objective C-17.** Encourage and facilitate urban infill by building and upgrading community and neighborhood public infrastructure and services that will enhance public health and convenience and the overall experience and quality of city living....

**Policy C-20-a.** Utilize plan implementation/advisory committees, as established through adopted community plans and/or specific plans and City Council actions, to review and make recommendations on proposed developments.

This project utilizes land which has little feasible development potential if it remained planned for Medium Density Residential use, and which would otherwise attract nuisances as a vacant lot.

On May 9, 2011 the Council District 2 Plan Implementation Committee reviewed the project and unanimously endorsed it, provided that this project help complete infrastructure in the area.

The proposed neighborhood commercial site would provide pedestrian-accessible amenities which would serve neighborhood-level needs and would reduce driving to other locales.

Similarly, the goals, objectives, and policies of the Bullard Community Plan are directed toward: providing for commercial development that provides an appropriate level of goods and services in accessible locations, and providing for compatibility in uses and architecture at interfaces between differing types of development. Therefore, this project furthers Bullard Community Plan goals, objectives, and policies.

Land Use Impacts Related to Zoning

Pursuant to Table 2 of the 2025 Fresno General Plan (Planned Land Use and Zone District Consistency Matrix) and Fresno Municipal Code Section 12-403-B-1 (Zone District Consistency Table), the C-1/UGM/EA (*Neighborhood Shopping Center District, Urban Growth Management Area, Expressway Area Overlay*) zone district classification proposed for the subject property would be consistent with the proposed Neighborhood Commercial land use designation and would pose no adverse land use impacts.

Therefore, it is staff’s opinion that the proposed project would be consistent with over-arching General and community plan goals, objectives and policies, and that approval of this project will not conflict with any applicable land use plan goal, objective or policy, or any land use regulation of the City of Fresno. Because the project furthers the over-arching goals and objectives of the 2025 Fresno General Plan and Bullard Community Plan, no mitigation for land use impacts is deemed necessary.

| <b>ENVIRONMENTAL ISSUES</b>   | 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 property is not located in an area designated for mineral resource preservation or recovery, and would not utilize an undue amount of aggregate mineral resources, as determined from review of the aggregate mineral classification maps in the Mineral Resource Element of the 2025 Fresno General Plan.

| <b>ENVIRONMENTAL ISSUES</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|---|---------------------------------------|---|-------------------------------------|------------------|
| 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                                   |                  |
| 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.

The 2025 Fresno General Plan contains an over-arching goal directed at preserving the quality of life for the residents of the city, and the primary objective of the General Plan's Noise Element directs specific consideration of noise.

**Goal 1.** Enhance the quality of life for the citizens of Fresno and plan for the projected population with the moderately expanded Fresno urban boundary in a manner which will respect physical, environmental, fiscal, economic and social issues.

**Objective H-1.** Protect the citizens of the city from the harmful and annoying effects of exposure to excessive noise.

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, and it 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.

MEIR No. 10130 prepared for the 2025 Fresno General Plan analyzed the projected noise impacts of full buildout of planned land uses within the City's Sphere of Influence. Figure VK-4 shows that, even with the usual soundwall and setback requirements incorporated into residential developments, the traffic noise from West Herndon Avenue is not expected to be fully mitigable on the subject property. If persons could not be protected from excessive noise, residential development on this parcel would not be consistent with the policies of the General Plan.

Although subsequent development of this 1.1± net acre property will create additional activity and vehicular travel in the area which, themselves, may generate some noise, the construction of commercial buildings and related improvements may also create sound barriers that would protect the planned residential land to the east of the subject property. The special permit application for that development will be re-assessed, and 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, the plan amendment and rezone applications, in and of themselves, will not create any exposure to excessive noise and will prevent residential development on the site which would have exposed people to excessive traffic noise.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, mitigation measures No. K-2 and K-3 relating to noise, as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project dated May 23, 2011.

| 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         |

| <b>ENVIRONMENTAL ISSUES</b>   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? |                                |  |                              | X         |

The subject site is currently vacant and unimproved, with no existing dwelling units and no residents. Therefore, no displacement of homes or residents could occur from the proposed project. As noted above in the Land Use and Noise impact analyses, the 1.1± net acre subject property was highly unsuitable for development of residential uses due to unmitigable traffic noise on West Herndon Avenue, so this project would not necessitate the construction of substantial numbers of housing units elsewhere.

| <b>ENVIRONMENTAL ISSUES</b>   | 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: |                                |  | X                            |           |
| Fire protection?  |                                |  |                              | X         |
| Police protection?  |                                |  |                              | X         |
| Drainage and flood control?   |                                | X  |                              |           |
| Parks?  |                                |  |                              | X         |
| Schools?  |                                |  |                              | X         |
| Other public services?  |                                |  |                              | X         |

Public service departments and agencies have all reviewed the project and submitted any necessary conditions. Fire and Police services are available to serve the proposed project,

The Central Unified School District has adopted school construction fees to mitigate its needs for classroom space to accommodate planned population growth and student generation which

occurs subsequent to development. Central Unified has determined that nonresidential development has some impact on student generation through a linkage to employment, and assesses new and enlarged commercial buildings a developer fee. As a matter of law, the developer is required to pay school construction impact fees at the time of building permit issuance. The school district recognizes that all school facility and student generation impacts from projects are deemed fully mitigated by payment of the developer fees, pursuant to Government Code Section 65996.

As noted above in the analysis of hydrology, Fresno Metropolitan Flood Control District has indicated that is public facilities are not adequate to provide drainage and flood control service for a nonresidential intensity of development at the project location, and a project-specific mitigation measure has been applied to address the need for a facility to reduce peak runoff.

Therefore, the proposed project will not affect public services beyond its share of cumulative impacts as analyzed in MEIR No. 10130 certified for the 2025 Fresno General Plan.

| <b>ENVIRONMENTAL ISSUES</b>  | 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 project removes some land from potential residential development and, therefore, will lessen demand for recreational services and facilities.

| 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                            |           |

Fresno's street network design is the product of careful planning that projects traffic capacity needs based on vehicle trip generation anticipated for planned land uses. The street network provides adequate access to individual properties, collectively affording the community an adequate and efficient circulation system. The hierarchy of street designations and the location of major roadways recognizes the traffic generating characteristics of tributary local streets and the aggregate traffic generation of planned land uses. In recent decades, the city has increased its emphasis on non-vehicular travel, requiring additional infrastructure improvements to serve bicycle, pedestrian, and mass transit modes of travel.

The subject property is located on the southeast corner of West Herndon and North Bryan Avenues. From Bryan Avenue eastward, Herndon Avenue is a planned expressway, a major street designation with center divider and a prohibition of direct access for abutting properties. Bryan Avenue is an arterial street, also requiring a center divider and controls for access points to abutting property. Pursuant to approval of the El Paseo project west of the subject site, Herndon Avenue has been re-designated to a super-arterial street and there is a slight realignment of rights-of-way of both streets pursuant to requirements of the El Paseo EIR. The City of Fresno Public Works Department is conducting a street vacation feasibility study, and a portion of the right-of-way adjustment will occur on the frontage of the subject property. This will result in a slight change in street configuration, required to be reflected in the subsequent special permit application(s) filed for the subject site. The Feasibility Study is still underway and will be re-evaluated for potential environmental impacts when completed.

Area traffic and its associated impacts were re-examined when Plan Amendment Application No. A-09-10 was submitted for review. The 2007 bidirectional traffic counts for the segment of West Herndon Avenue east of Bryan Avenue show 19,049 daily trips, and 2006 bidirectional traffic counts for the segment of North Bryan Avenue south of Herndon Avenue showed 1,985 daily trips.

The City of Fresno requires that a traffic impact study (TIS) be prepared for each plan amendment application, in order to re-evaluate the cumulative analysis contained in the MEIR for the 2025 Fresno General Plan, and in order to determine the need for project-specific mitigation measures. Arch Beach Consulting prepared the TIS for this project. The study encompassed residential area east of the subject 1.1± net acre parcel, land which was deleted from the plan amendment application when it was revised in 2011. The TIS was reviewed by the City's Traffic Engineer, who concurred with its study methodology and findings.

According to factors from the Traffic Engineers (ITE) Trip Generation Manual, buildout of the current Medium Density Residential planned land use would generate 70 average daily trips (ADT) on the subject property, with 7 of those trips during peak travel periods.

Appendix B of the MEIR prepared for the 2025 Fresno General Plan projects that the segment of North Bryan Avenue, from which this project will be required to take its access, would experience fewer than 2,000 average daily trips at full buildout of planned land uses and would operate at Level of Service "C." The El Paseo EIR (State Clearinghouse No. 2008011003) and its traffic analysis projected an increase in the number of vehicle trips but did not project that the General Plan's Level of Service "D" criterion would be exceeded on the segment of North Bryan Avenue south of Herndon Avenue.

On the other hand, the segment of West Herndon Avenue between the "Herndon Diagonal" and North Hayes Avenue was projected by the MEIR traffic analysis to have 57,120 average daily trips and would function at Level of Service "F," hence the over-riding consideration for traffic capacity on Herndon Avenue adopted when the MEIR was certified. It was deemed infeasible and ultimately more deleterious to add additional lanes (width) to several city roadways just to maintain LOS "D" or better for the very limited AM and PM peak travel periods. The finding of over-riding consideration included the Herndon & Bryan intersection and the segments of West Herndon and North Bryan Avenues abutting the subject property. This finding was reiterated during consideration of the El Paseo project and its Environmental Impact Report (EIR), City of Fresno EIR No 10141.

While completion of Veteran's Boulevard may reduce this number of trips, it is likely that this segment of West Herndon will still experience traffic congestion.

With the developed configuration of the subject property having an estimated 20% Floor Area Ratio (square footage of commercial buildings:square footage of the parcel), the City's Traffic Engineer estimates that a fully developed Neighborhood Commercial project would generate 430 daily trips and 43 peak hour trips. The Traffic Engineer's conclusion, as set forth in the May 23 memorandum, is that the proposed project would make an insignificant contribution of trips to the major streets and intersection abutting the subject property. Due to its Herndon Avenue frontage (which, as noted above, precludes direct access) and to its small size and proximity to the Herndon/Bryan intersection, the Traffic Engineer's memorandum outlines access requirements that will apply to subsequent special permits filed for development of the subject property.

The El Paseo EIR, which covered a special permit in addition to a plan amendment and rezone, set forth a level of mitigation specific to and appropriate for the level of detail in the conditional use permit application for the proposed large shopping complex, including specific roadway improvements, signalization, and payment of City and Regional transportation impact fees. The project proposed in Plan Amendment Application No. A-09-10 and Rezone Application No. R-09-20, in addition to being much smaller in scope than the El Paseo project, is not accompanied by any special permit application and is, therefore, not sufficiently elaborated with the level of detail needed to ascertain all the transportation improvements required. However, the policies of the City, California Department of Transportation (Caltrans) District 6, and the Measure C Advisory body will ensure installation of sufficient improvements and collection of traffic impact fees as conditions of approval for the subsequent special permit required to develop this 1.1± net acre property. Pursuant to City plans, codes, and Public Works Standards, pedestrian facilities and bike lanes will have to be installed by the developer of the subject property.

The TIS notes that transit service is currently provided by Fresno Area Express (FAX Routes 22 and 45), and that bus turnout would be required along northbound Bryan Avenue south of Herndon Avenue. The exact location of this bus turnout is to be determined upon review of future entitlements, and will take into consideration driveway locations and the need for right turn queuing on northbound Bryan Avenue.

Caltrans Division 6 staff reviewed the TIS and the project description, and indicated that they had no comment with regard to state transportation facilities. The Public Utilities Commission reviewed the proposed project and had no comments to submit regarding Herndon Avenue railroad crossings.

In summary, with installation of abutting major street improvements (including bicycle and pedestrian facilities), control of access to the site as outlined in the Traffic Engineer's memorandum, and payment of the prescribed traffic/transportation and signalization fees, no significant adverse impacts to transportation or traffic circulation are expected to result from approval of the plan amendment and rezone application and subsequent development of the subject property beyond those traffic impacts determined through MEIR No. 10130 certified for the 2025 Fresno General Plan and EIR No. 2008011003 certified for the El Paseo project.

#### Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, mitigation measures Nos. B-1 through B-7 and C-3 relating to transportation and transportation infrastructure, as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated May 23, 2011.

2. The proposed project shall implement and incorporate the transportation system mitigation measures as noted in the attached Exhibit D, Project Specific Monitoring Checklist dated May 23, 2011.

| ENVIRONMENTAL ISSUES  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| XVII. UTILITIES AND SERVICE SYSTEMS -<br>- 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         |

As noted previously, the 2025 Fresno General Plan requires that the City Department of Public Utilities (DPU) make a determination that adequate sanitary sewer and water supply service will be available to serve the proposed project. When a special permit application is filed for the subject property, the nature of the water demand and wastewater generation will be known for the subject property, and the City of Fresno Department of Public Utilities will be able to make

an appropriate finding and impose any requirements for capacity enhancements. As also noted previously, the project is subject to water conservation mitigation measures in the MEIR and in the project-specific mitigation checklist. The proposed project is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, with oversight from the Environmental Control Section of the DPU Wastewater Division.

The only new water or wastewater facilities anticipated necessary to serve this project would be individual waste and water lines to serve the eventual neighborhood commercial buildings, with one or more water meters, grease traps and grit interceptors, and any on-site hydrants that may be required pursuant to Fire Prevention Bureau review of subsequent special permit applications for the site.

No new public storm drainage facilities are required for this project; however, a private and permanent peak reducing facility will be required to be designed and developed in conjunction with the subsequent special permit for the site's proposed Neighborhood Commercial development, as related in the previously-referenced FMFCD letter dated April 14, 2011. The developer will be required to pay a proportionate share of cost and/or install public drainage services to serve this 1.1 acre site, and on-site drainage features will also be necessary to direct and channel stormwater runoff according the approved drainage and grading plan and stormwater pollution prevention plan.

The project site can be serviced by the DPU Solid Waste Division or by a private contractor, at the applicant's option. The City of Fresno has one of the highest waste diversion (recycling) rates in the nation, so the net quantity of solid waste being sent to a repository from this facility is expected to be small. The designated repository for the City's non-recyclable waste stream is the Fresno County American Avenue Landfill, whose capacity is sufficient for the foreseeable future (over 35 years remaining in current permitted capacity).

#### Mitigation Measures

1. The proposed project shall implement and incorporate measures D-2 through D4, D-9 through D-13, F-1, F-3, and F-5 as outlined in Exhibit C, the MEIR Mitigation Measure Monitoring Checklist dated May 23, 2011.
2. The proposed project shall implement and incorporate the water supply and water quality related mitigation measures as noted in the attached Exhibit D, Project Specific Monitoring Checklist dated May 23, 2011.

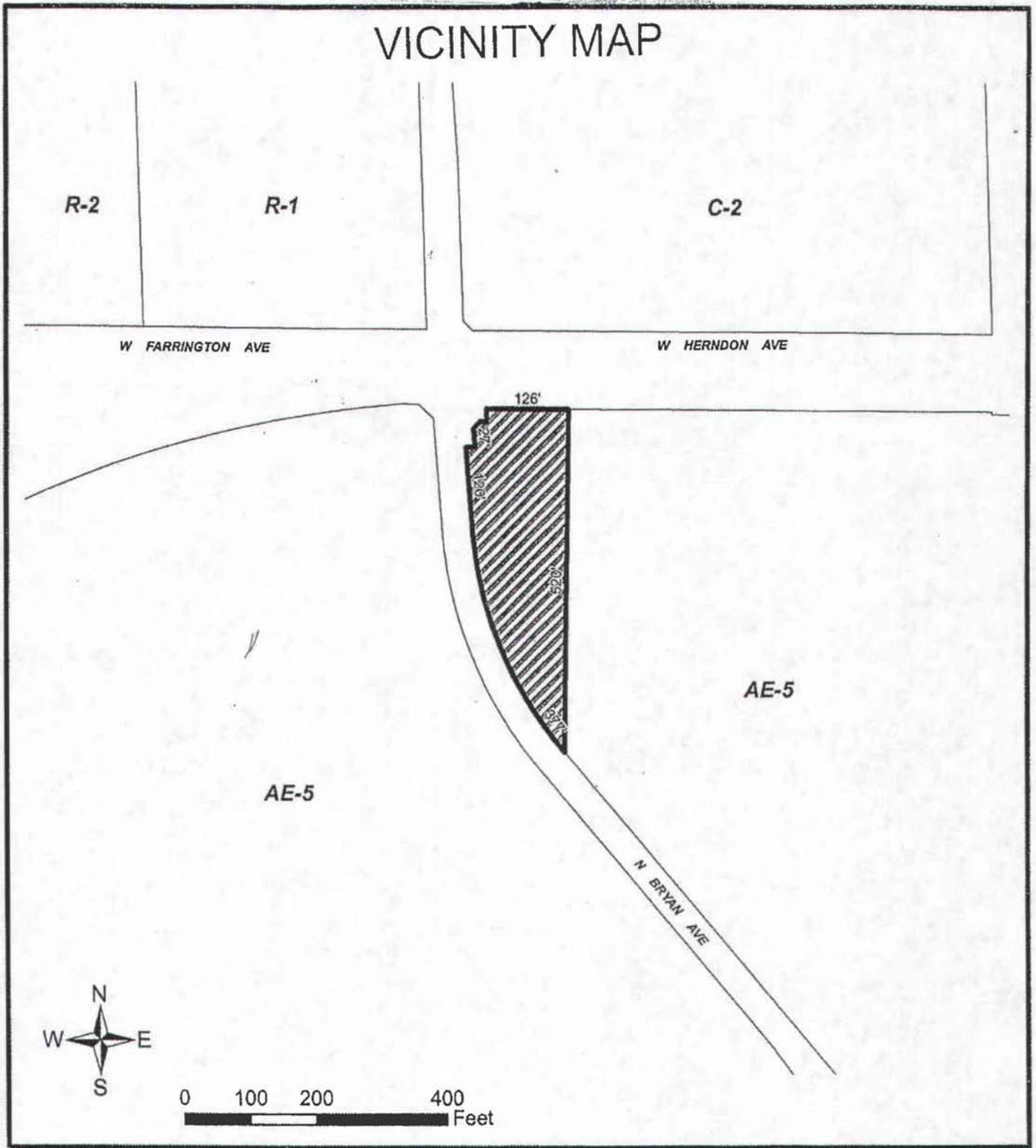
| ENVIRONMENTAL ISSUES   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --   |                                |  |                              |           |
| 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 preceding analysis and mitigation measures required of the proposed project, it may be concluded that 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.

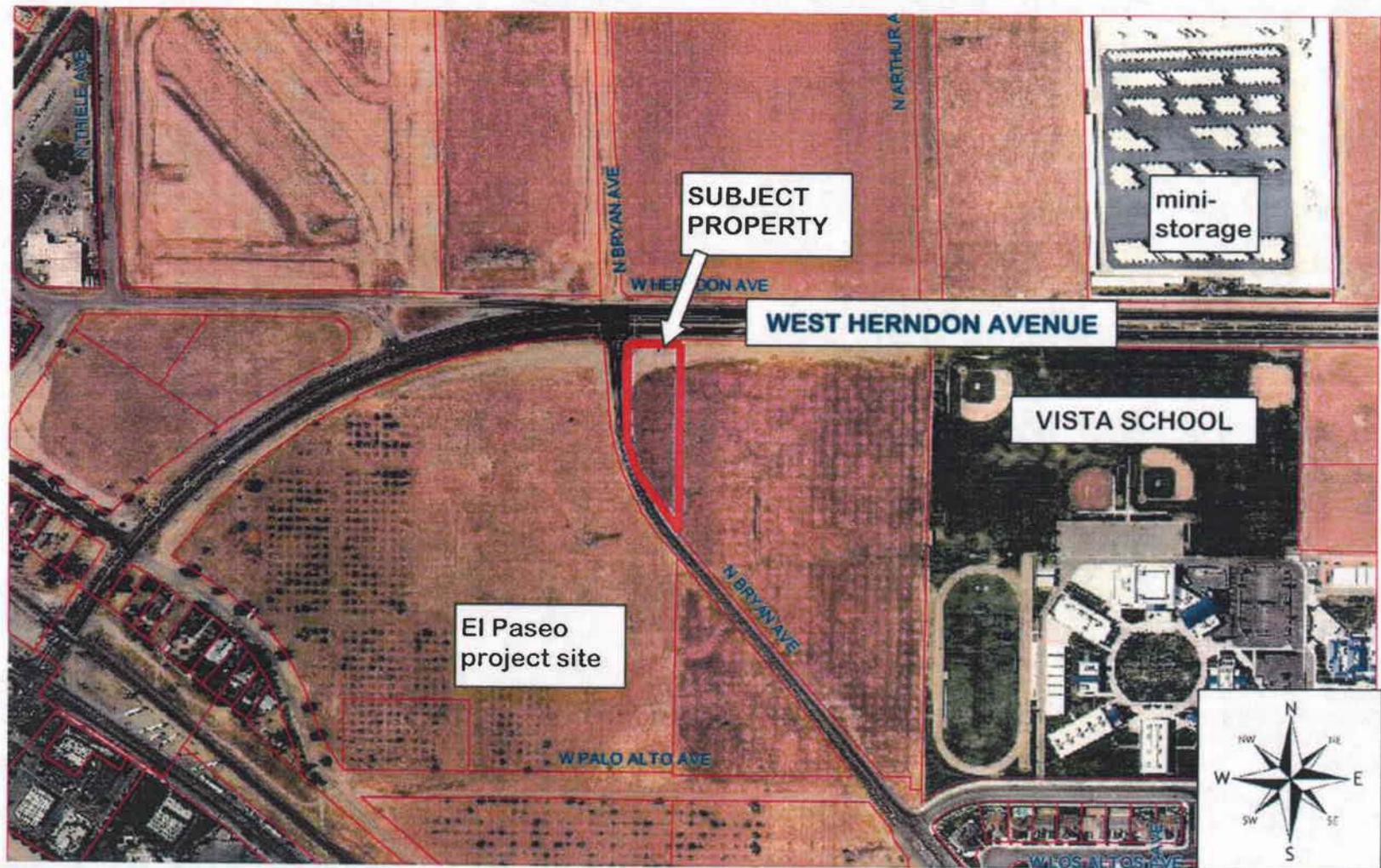
Therefore, there are no mandatory findings of significance, and preparation of an Environmental Impact Report is not warranted for this project.

# VICINITY MAP



A-09-10, R-09-20  
APN: 504-091-14  
6798 North Bryan Avenue

 AE-5/UGM to C-1/UGM/EA, 1.34 Acres  
Medium Density Residential land use to  
Neighborhood Commercial land use



2008 Aerial Photo, site of Plan Amendment A-09-20/Rezone R-09-20  
6798 North Bryan Avenue (APN 504-091-14ST)



May 5, 2011

Sandra Brock  
City of Fresno  
Development and Resource Management  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

**Project: Plan Amendment Application No. A-09-10, Rezone Application No. R-09-20, Public Works File No. 11452 – The Fountains**

**District CEQA Reference No: 20110153**

Dear Ms. Brock:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of an amendment to the 2025 Fresno General Plan and Bullard Community Plan and rezone of 1.1 acres located at 6798 N. Bryan Avenue. The project would result in the redesignation and rezoning of the property from residential and agricultural land use to commercial use. The redesignation and rezone themselves will not have an impact on air quality. However, if approved, future development will contribute to the overall decline in air quality due to construction activities, increased traffic, and ongoing operational emissions. The District offers the following comments:

1. Future development of the project site may require further environmental review and mitigation. Referral documents for future development should include a project summary detailing, at a minimum, project size and proximity to sensitive receptors and existing emission sources.
2. The project does not include development of the property and future uses are unknown at this time. Future development of the project site would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:
  - 50 dwelling units
  - 2,000 square feet of commercial space;

Sayed Sadredin

Executive Director/Air Pollution Control Officer

Northern Region  
4000 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)  
1990 E. Gettysburg Avenue  
Fresno, CA 93720-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region  
3484F Fyffe Court  
Bakersfield, CA 93306-9725  
Tel: 661-392-5500 FAX: 661-392-5585

- 25,000 square feet of light industrial space;
  - 100,000 square feet of heavy industrial space;
  - 20,000 square feet of medical office space;
  - 39,000 square feet of general office space; or
  - 9,000 square feet of educational space; or
  - 10,000 square feet of government space; or
  - 20,000 square feet of recreational space; or
  - 9,000 square feet of space not identified above
3. Future development of the project site may be subject to District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).
4. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Jessica Willis at (559) 230-5818.

Sincerely,

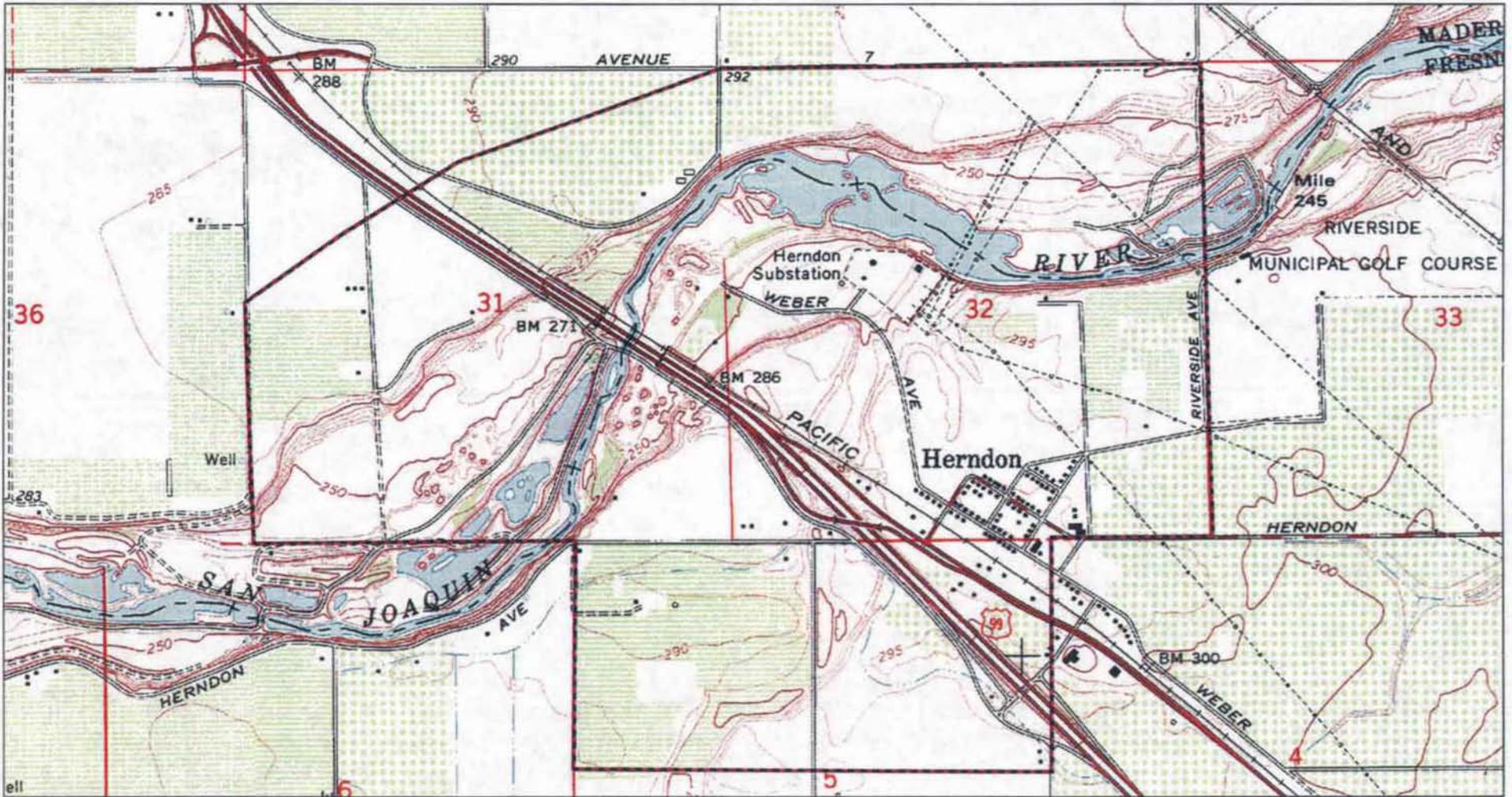
David Warner  
Director of Permit Services



 Arnaud Marjollet  
Permit Services Manager

DW:jw

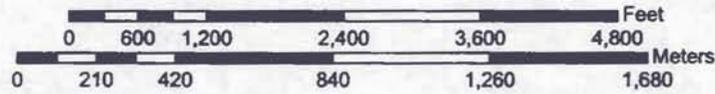
Cc: File



Base Data: CaSIL Website; Teale Albers\_NAD 83  
 Compiled Data: NAD 83\_State Plane, zone 3  
 USGS 7.5 Minute Quadrangle: Herndon, CA; 36119g8  
 Meridian: Greenwich  
 Section No.: 31, 32, and 5  
 Township and Range; (Sections 31 and 32) T 12n R 19e,  
 Quarter Sections; (Section 31) NW, SW, and SE, (Section 32) All  
 Township and Range; (Section 5) T 13n R 19e  
 Quarter Section; (Section 5) NW and NE  
 Final Maps: Sarah Wallace

Date: 05/19/2008

 Sacred Land Boundaries



Native American Heritage Commission (NAHC)  
 Sacred Lands Inventory Map  
 Inventoried Area:  
 Property Ownership: Private and State  
 Mapping: Property of the Dumna Tribal Government.



## County of Fresno

Department of Public Health  
Edward L. Moreno, M.D., M.P.H., Director-Health Officer

April 18, 2011

999999999  
LU0015491  
PE 2602

Sandra Brock  
City of Fresno  
Development Services/Planning Department  
2600 Fresno Street  
Fresno, CA 93721

Dear Ms. Brock:

**PROJECT NUMBER:** A-09-10, R-09-20

Revised **Plan Amendment Application No. A-09-10**, **Rezone Application No. R-09-20**, and a street vacation feasibility study (Public Works File No. 11452) have been filed by Chris Shane on behalf of Herndon, LLC, and pertain to 1.1± acres of property located on the southeast corner of West Herndon and North Bryan Avenues. **Plan Amendment Application No. A-09-10** proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium density residential planned land use designation to the neighborhood commercial planned land use.

**Rezone Application No. R-09-20** proposes a zone district reclassification from AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) to C-1/UGM/EA (*Neighborhood Shopping Center/Urban Growth Management/Expressway Area overlay*). The applicant proposes a fast-food restaurant with drive through service window.

**APN(s):** 504-091-14ST

**ZONING:** AE-5/UGM to C-1/UGM/EA

**ADDRESS:** 6798 North Bryan Avenue

Comments/Concerns:

Since all of the tenants have not been identified for this application, the full range of uses must be considered. The potential adverse impacts could include (but are not limited to) storage of hazardous materials and/or wastes, medical waste, solid waste, water quality degradation, excessive noise, and odors.

Recommended Conditions of Approval:

- Prior to issuance of building permits, tenants of proposed retail food establishments shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 445-3392 for more information.
- Prior to issuance of building permits for all proposed public pools and/or spas, the applicant(s) shall submit complete pool/spa facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Recreational Health Program at (559) 445-3392 for more information.

Sandra Brock  
A-09-10, R-09-20  
April 18, 2011  
Page 2 of 2

- Prior to operation, future tenants may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- The applicant, or any tenant leasing space, should be advised that construction and operating permits may be required by the State of California, Department of Health Services for wholesale food manufacturing. Contact the staff at the Division of Food and Drug at (559) 445-5323 for more information.
- Certain uses allowed may utilize hazardous materials or create hazardous wastes. If a tenant with such uses is proposed, then prior to occupancy the tenant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.
- Certain uses allowed may utilize underground storage tank systems. If a tenant with such uses is proposed, then prior to the issuance of building permits the tenant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.
- Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.

---

REVIEWED BY:

**Janet Gardner**

Digitally signed by Janet Gardner  
DN: cn=Janet Gardner, o=Environmental Health  
Division, ou=Fresno County Public Health  
Department, email=jgardner@fresnocounty.ca.us, c=US  
Date: 2011.04.18 15:16:41 -0700

R.E.H.S., M.P.H.  
Environmental Health Specialist III

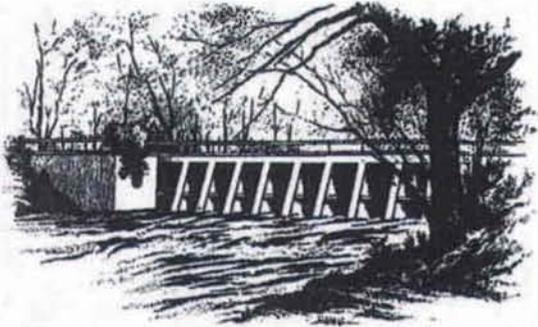
---

(559) 445-3271

jg

cc: Baruti/Casagrande/Tolzmann, Environmental Health Division  
Vince Mendes, Environmental Health Division (CT 4206)

A-09-10, R-09-20 El Paseo



OFFICE OF **E-FILE**

# FRESNO IRRIGATION DISTRICT

TELEPHONE (559) 233-7161  
FAX (559) 233-8227  
2907 S. MAPLE AVENUE  
FRESNO, CALIFORNIA 93725-2218

**YOUR MOST VALUABLE RESOURCE - WATER**

April 18, 2011

Ms. Sandra Brock  
City of Fresno  
Development and Resource Management  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

RE: REVISED Plan Amendment No. A-09-10 and Rezone No. R-09-20  
FID's Radin-Kamp Canal No. 130, S/E Herndon & Bryan avenues

Dear Ms. Brock:

The Fresno Irrigation District (FID) has reviewed the REVISED Plan Amendment No. A-09-10 and Rezone No R-09-20 applications, being filed concurrently by Chris Shane on behalf of Herndon, LLC to request authorization to amend the 2025 Fresno General Plan and the Bullard Community Plan from medium density residential planned land use designation to the neighborhood commercial planned land use and a zone district reclassification from AE-5/UGM to C-1/UGM/EA for the 1.1± acres of property located southeast of Herndon and Blythe avenues, APN: 504-091-14, for the construction of a fast-food restaurant with drive through service window.

FID previously reviewed and commented on the subject site on January 27, 2010 as Plan Amendment No. A-09-10 and Rezone No. R-09-20 applications. Although this new application only pertains to one of the previous three parcels, FID's comments are as follows:

1. FID does not own, operate, or maintain any facilities located within the limits of the proposed development as indicated on the attached FID exhibit map.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact James Shields at 233-7161 extension 319 or [jshields@fresnoirrigation.com](mailto:jshields@fresnoirrigation.com).

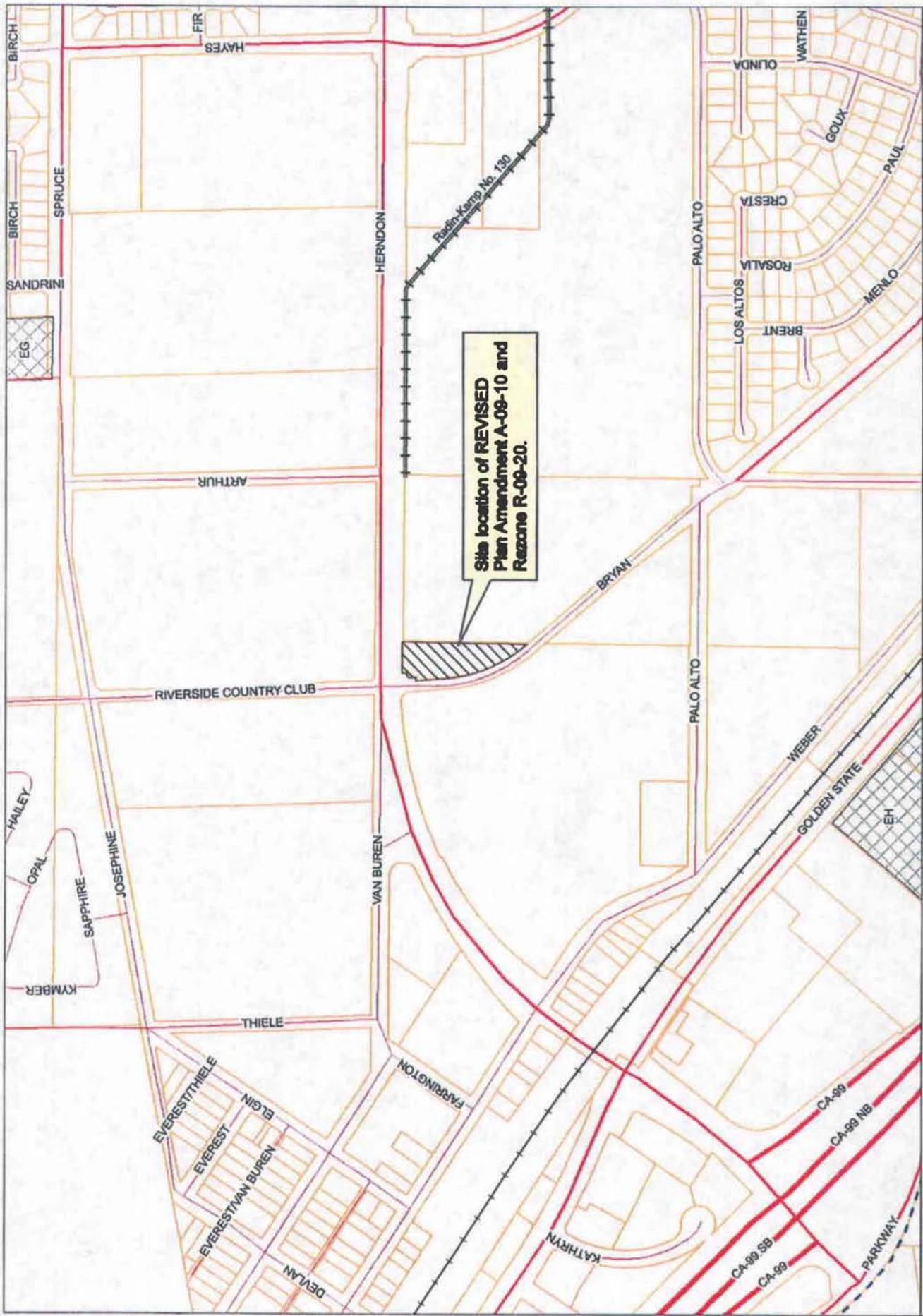
Sincerely,

William R. Stretch, P.E.  
Chief Engineer

Attachment

G:\Agencies\City\Plan Amendment\A-09-10 R.doc

**BOARD OF DIRECTORS** President: JEFF NEELY, Vice-President: RYAN JACOBSEN  
JEFF BOSWELL, STEVE BALLS, GEORGE PORTER, General Manager GARY R. SERRATO



Site location of REVISED  
Plan Amendment A-09-10 and  
Rezone R-09-20.

**Legend**

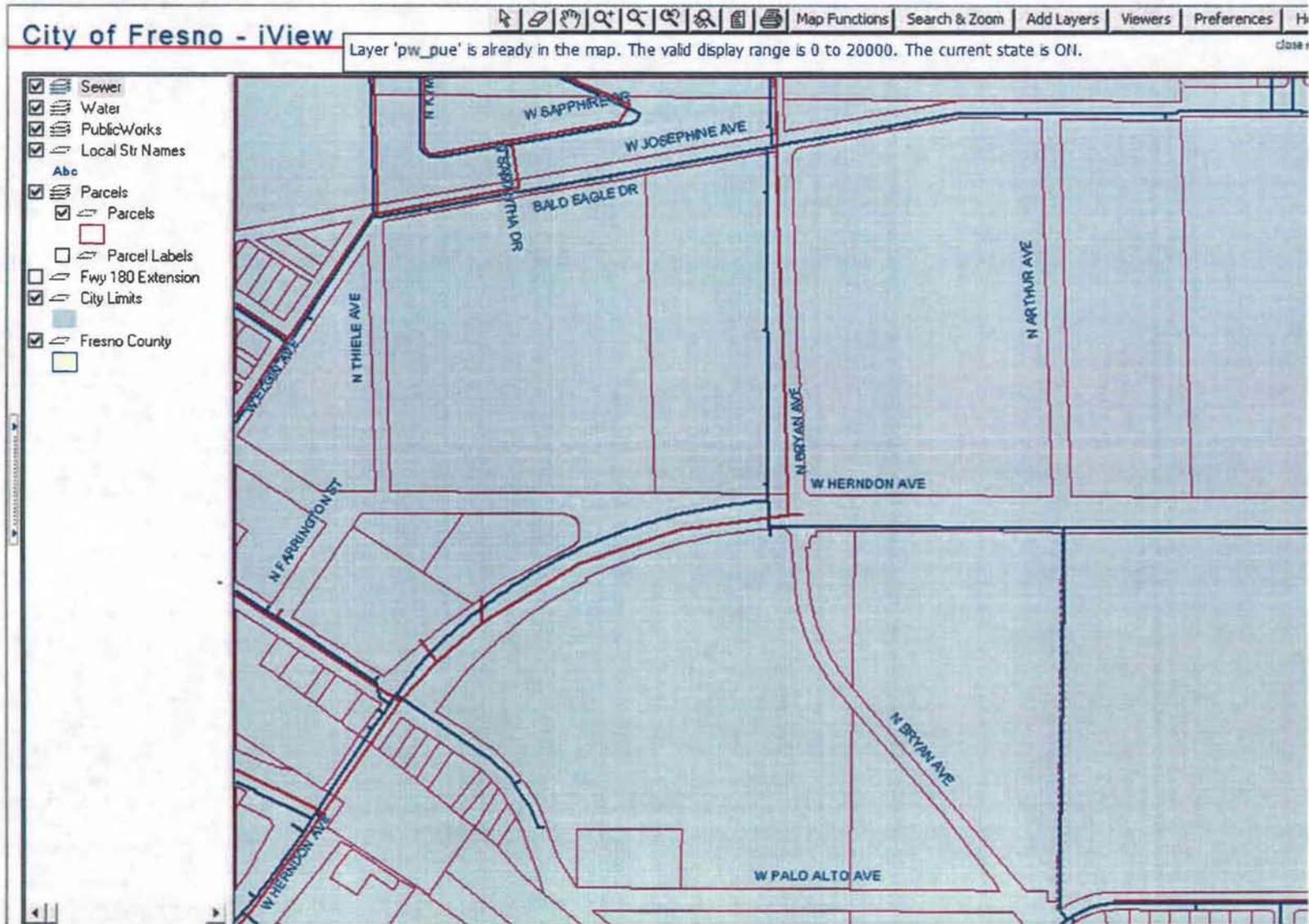
- FID Canal
- Private Canal
- Abandoned Canal
- FID Pipeline
- Private Pipeline
- Abandoned Pipeline
- Stream Group
- Clear-Crossed
- Other Pipeline
- FID Boundary
- Railroad
- Streets & Highways
- Parcel
- PARCOP Approved Boundaries
- PARCOP Proposed Boundaries

**PRESNO IRRIGATION DISTRICT**

1 inch equals 500 feet

0 600 1,200 Feet

© 2001  
G.F. Associates, Inc.



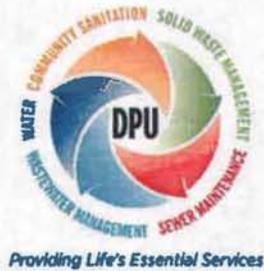
**A-09-10/R-09-20: water and sewer mains installed in project vicinity (Spring 2011)**

(Sewer mains are brown lines; Water mains are blue lines)





**DEPARTMENT OF PUBLIC UTILITIES – ADMINISTRATION**



**DATE:** January 21, 2010

**TO:** MIKE SANCHEZ, Supervising Planner  
Planning & Development Department

**FROM:** ROBERT A. DIAZ, Senior Engineer Technician  
Department of Public Utilities, Administration

**SUBJECT:** WATER REQUIREMENTS FOR REZONE 09-020 AND PLAN  
AMENDMENT APPLICATION A-09-010.

**General**

A-09-010 and R-09-020 have been filed by Chris Shane of Gryphon Capital on behalf of O&S Holdings, LLC, and pertain to 14.22 acres of property located on the southeast corner of West Herndon and North Bryan Avenues, 6605 North Bryan Avenue, APN 504-091-13, 14ST. A-09-010 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium density residential planned land use designation for the 14.22 acre site to office commercial, 12.89 acres, and neighborhood commercial, 1.33 acres. R-09-020 proposes a zone district reclassification from the AE-5-UGM, Exclusive Five Acre Agricultural-Urban Growth Management, to the C-P-UGM-cz, Administrative and Professional Office-Urban Growth Management-conditions of zoning, zone district for 12.89 acres and C-1-UGM-cz, Neighborhood Shopping Center-Urban Growth Management-conditions of zoning, for 1.33 acres. The applicant proposes a mixed use development consisting of multiple family residential condominiums at a maximum density of 30 units per acre, specialty retail uses, two restaurants, and one hotel with 110 rooms on the C-P zoned portion of the property. The proposed C-1 portion of the property would be developed with a fast-food restaurant with drive through service window.

**REQUIREMENTS**

Water conditions shall be addressed on future development applications.



**DEPARTMENT OF PUBLIC UTILITIES – ADMINISTRATION**



**DATE:** January 21, 2010

**TO:** MIKE SANCHEZ, Supervising Planner  
Planning & Development Department

**FROM:** ROBERT A. DIAZ, Senior Engineer Technician  
Department of Public Utilities, Administration

**SUBJECT:** SEWER REQUIREMENTS FOR REZONE 09-020 AND PLAN AMENDMENT  
APPLICATION A-09-010.

**General**

A-09-010 and R-09-020 have been filed by Chris Shane of Gryphon Capital on behalf of O&S Holdings, LLC, and pertain to 14.22 acres of property located on the southeast corner of West Herndon and North Bryan Avenues, 6605 North Bryan Avenue, APN 504-091-13, 14ST. A-09-010 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium density residential planned land use designation for the 14.22 acre site to office commercial, 12.89 acres, and neighborhood commercial, 1.33 acres. R-09-020 proposes a zone district reclassification from the AE-5-UGM, Exclusive Five Acre Agricultural-Urban Growth Management, to the C-P-UGM-cz, Administrative and Professional Office-Urban Growth Management-conditions of zoning, zone district for 12.89 acres and C-1-UGM-cz, Neighborhood Shopping Center-Urban Growth Management-conditions of zoning, for 1.33 acres. The applicant proposes a mixed use development consisting of multiple family residential condominiums at a maximum density of 30 units per acre, specialty retail uses, two restaurants, and one hotel with 110 rooms on the C-P zoned portion of the property. The proposed C-1 portion of the property would be developed with a fast-food restaurant with drive through service window.

**REQUIREMENTS**

Sanitary sewer conditions shall be addressed on future development applications.



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 210.414 "EH"  
210.83 "EH"  
400.21 "EH"  
410.201 "EH"

April 14, 2011

Ms. Sandra Brock, Current Planning  
City of Fresno, Planning & Development Department  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

Dear Ms. Brock,

**Revised Rezone 2009-020**  
**Revised Plan Amendment Application No. A-09-10**  
**The Fountains at El Paseo**

The proposed rezone lies within the District's Drainage Area "EH". The District's existing Master Plan drainage system is designed to serve medium density residential land uses and therefore does not have capacity to serve the proposed commercial land use.

The developer shall be required to mitigate the impacts of the increased runoff for the project from the proposed commercial land use to a rate that would be expected if developed to medium density residential. The developer shall use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Implementation of the mitigation measures may be deferred until the time of development. The permanent peak-reducing facility must be designed to reduce runoff from a ten-year storm produced by a commercial density development, to a two-year discharge, which would be produced by the property if developed medium density residential.

Should street improvements become a requirement of the rezone, Master Plan facilities maybe required and the City and developer should contact the District.

The District will need to review and approve the site's final improvement plans for all development (i.e. grading, street improvement and storm drain), prior to implementation for compliance to District Master Plan.

Should you have any questions concerning this matter, please feel free to contact the District.

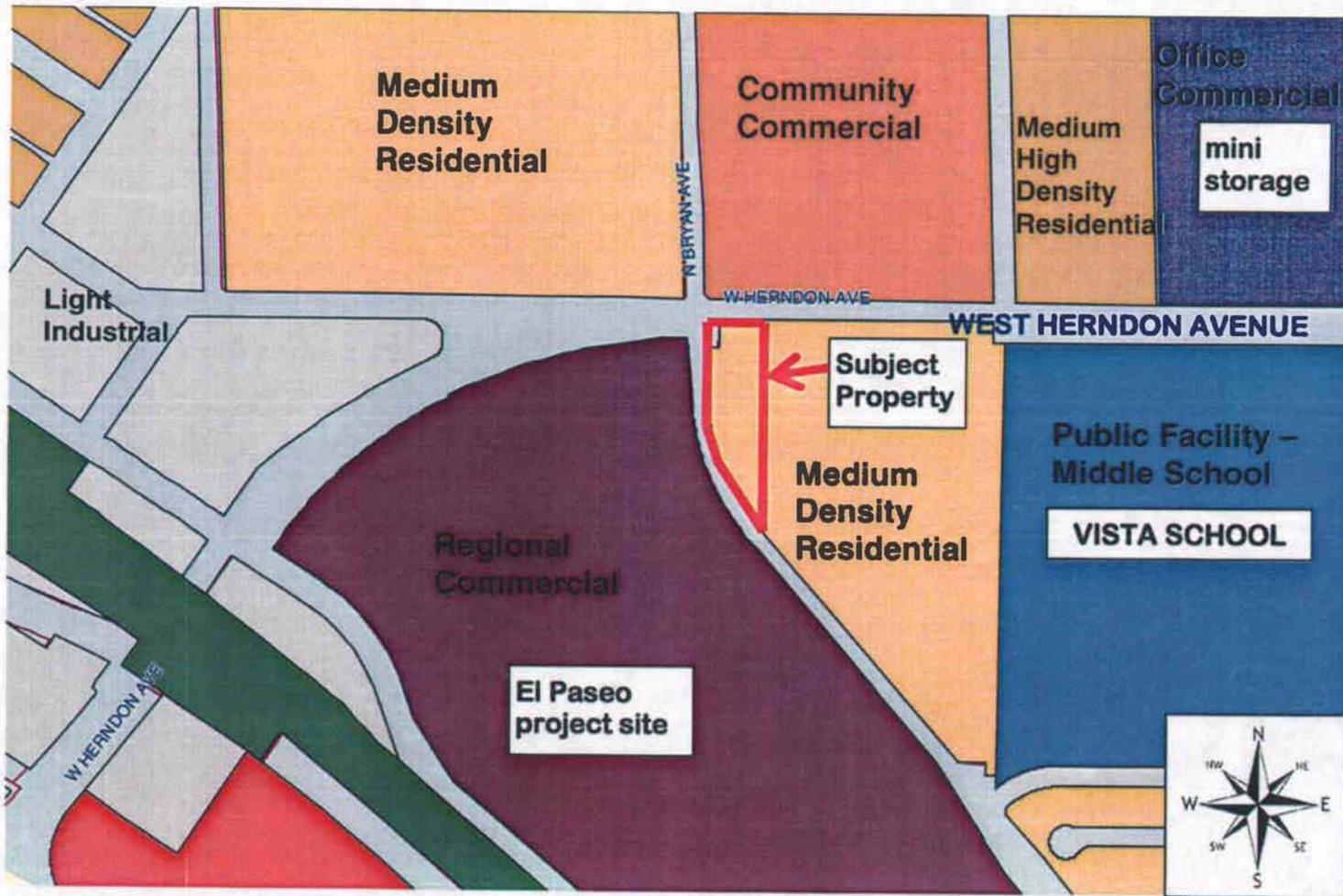
Sincerely,

A handwritten signature in cursive script that reads "Gary Chapman".

Gary Chapman  
Engineering Technician II

GC/Irl

K:\Rezone letters\fresno rezone\2009\2009-020revised(eh).doc



**Current land uses, site of Plan Amendment A-09-20/Rezone R-09-20  
6798 North Bryan Avenue (APN 504-091-14ST)**

City of



## PUBLIC WORKS DEPARTMENT

### MEMORANDUM

May 23, 2011

TO: MIKE SANCHEZ, PLANNING MANAGER  
Current Planning, Development Services Division  
Development and Resource Management Department

FROM: BRYAN D. JONES, TE, PTP, AICP, TRAFFIC DIVISION MANAGER  
Traffic Engineering Division  
Public Works Department *Bryan Jones (for Bryan Jones)*

SUBJECT: PLAN AMENDMENT APPLICATION No. A-09-10 (REVISED)  
REZONE APPLICATION No. A-09-20 (REVISED)  
TRAFFIC IMPACT STUDY PREPARED BY ARCH BEACH CONSULTING

Upon review of the above-referenced Traffic Impact Study and the revised general plan amendment and rezone applications for the subject 1.1± acre parcel on the southeast corner of Bryan and Herndon Avenues, our determination is the following:

The MEIR for the 2025 Fresno General Plan, along with the subsequent traffic impact analysis for the El Paseo project, have thoroughly evaluated this project area and its transportation systems. A 1.1± net acre medium density residential housing project on the subject property would generate approximately 70 daily trips and 7 trips during the peak hour. The Plan Amendment proposes neighborhood commercial land use on this 1.1± acre. Assuming a Floor Area Ratio of 20%, the project would generate approximately 430 daily trips and 43 trips during the peak hour. The Plan Amendment's increases to trip generation to and from this parcel are insignificant to the operations of Herndon and Bryan Avenues and to the Herndon/Bryan intersection.

This 1.1± acre parcel shall not have access to Herndon Avenue, and is limited to a right turn in and right turn out driveway on its property frontage on Bryan Avenue. However, the proposed signalized intersection on Bryan Avenue for the "Anchor A" tenant of the El Paseo project, (west of Bryan Avenue) could allow a southbound left-turn into the adjacent parcel south of the subject property (provided that cross-access easements are secured for use of this potential access by the subject 1.1± acre parcel. The signalized intersection on Bryan Avenue for El Paseo "Anchor A" could also allow a southbound U-turn on that would allow southbound vehicles to turn north and thereby access the subject property via a right-turn-in driveway on the subject parcel itself.

The subject property will be required to provide full frontage improvements on the south side of West Herndon Avenue and the east side of North Bryan Avenue, as well as provide for construction of the northbound lanes of Bryan Avenue from the signalized intersection location for the "Anchor A" tenant north to Herndon Avenue and two southbound lanes of Bryan Avenue from Herndon Avenue to the signalized intersection for the El Paseo project's "Anchor A" tenant. A raised median is required to restrict access on Bryan Avenue on this segment (from Herndon Avenue south to the proposed signalized intersection for the El Paseo "Anchor A" tenant). These street improvements will be required in conjunction with subsequent special permit(s) filed for the subject 1.1± acre property.

Please let me know if you have any further questions.

## EXHIBIT B

### 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.

The City has processed 128 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 1,000 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 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-09-10/Rezone R-09-20 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.

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 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 GWt of energy (equivalent to operation of 286 homes per year) and has resulted in reduction of 966 tons of CO<sub>2</sub> 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  |
| <b>473</b> | <b>Total "Clean Air" Vehicles in the City of Fresno fleet</b>  |

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 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-09-10/Rezone R-09-20 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.

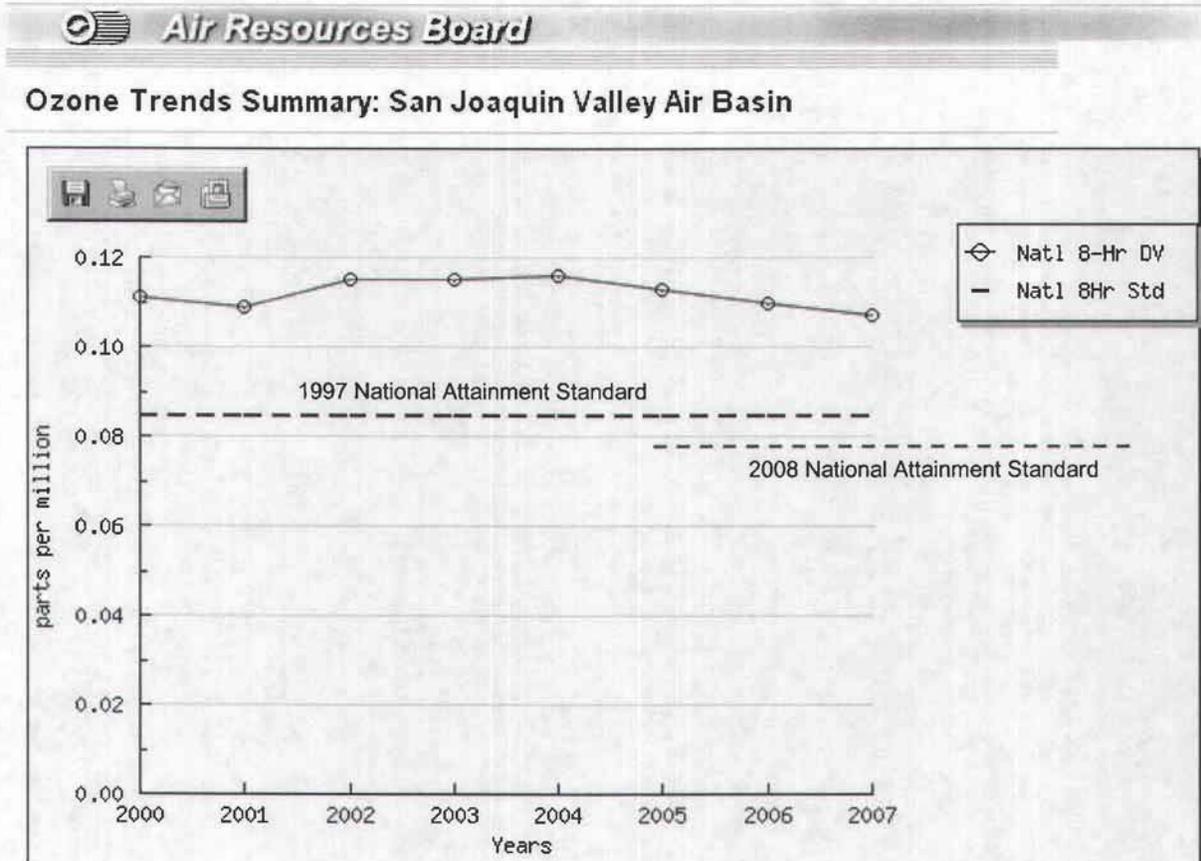
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted 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):



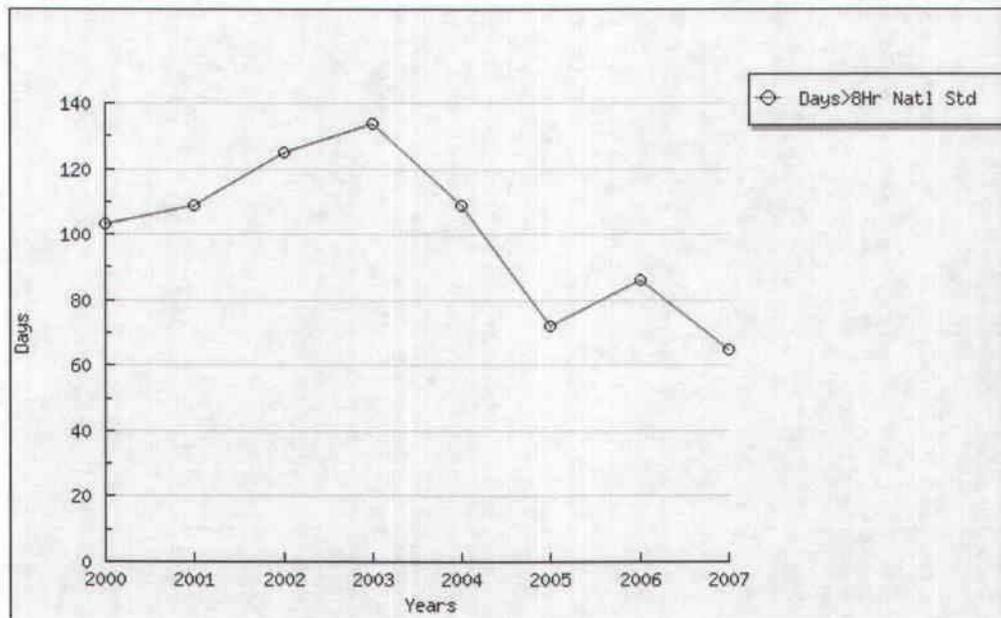
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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.

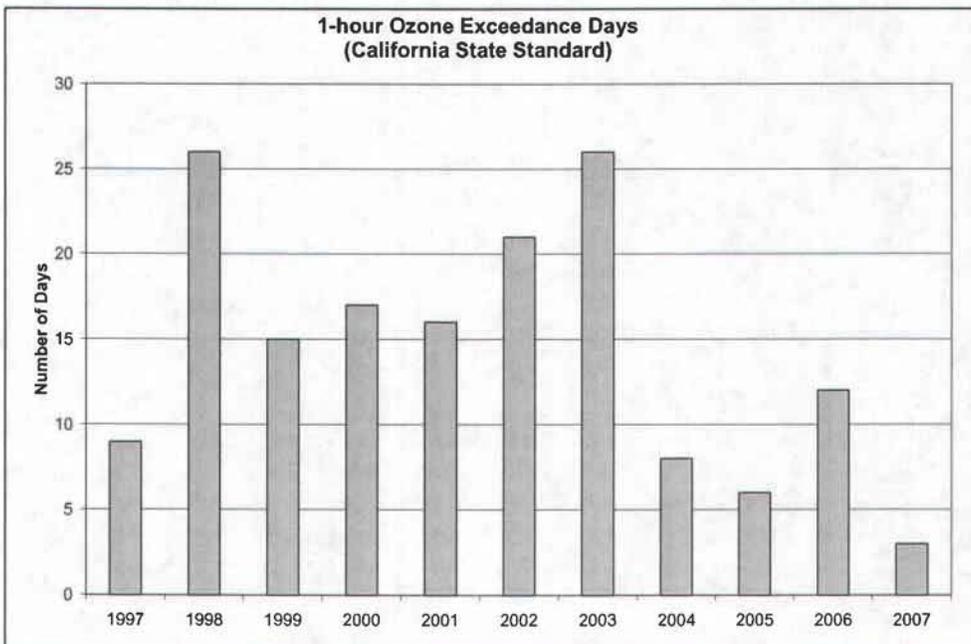
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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:

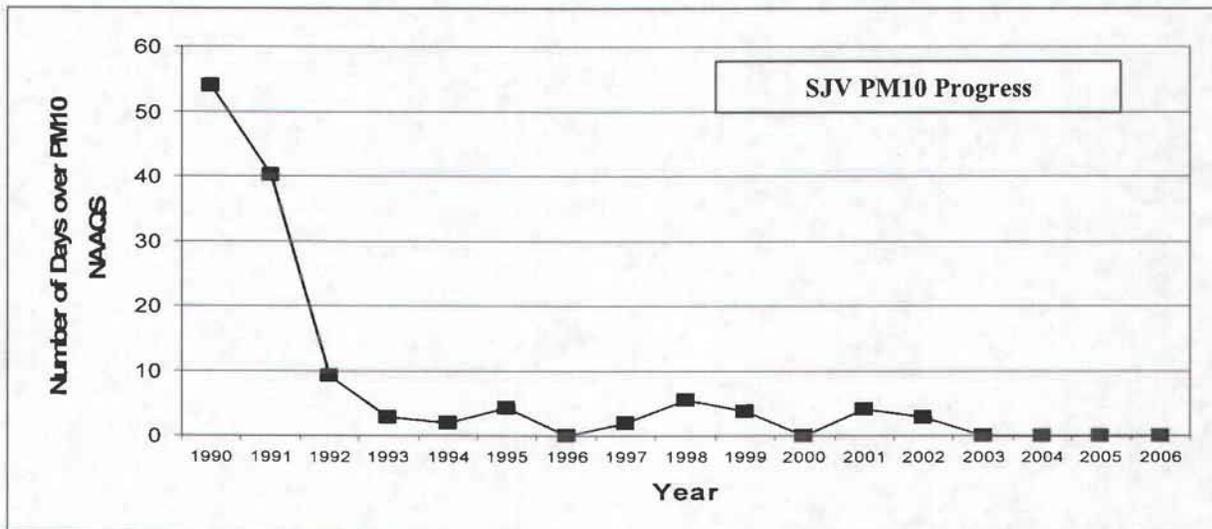


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of 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:



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.

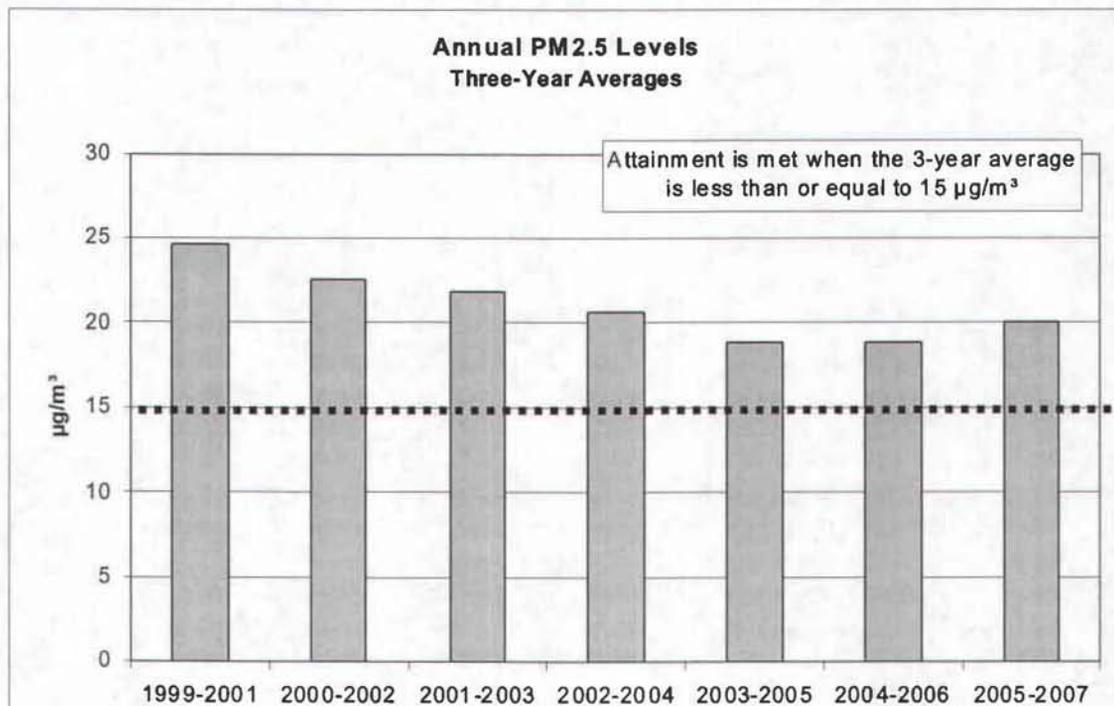
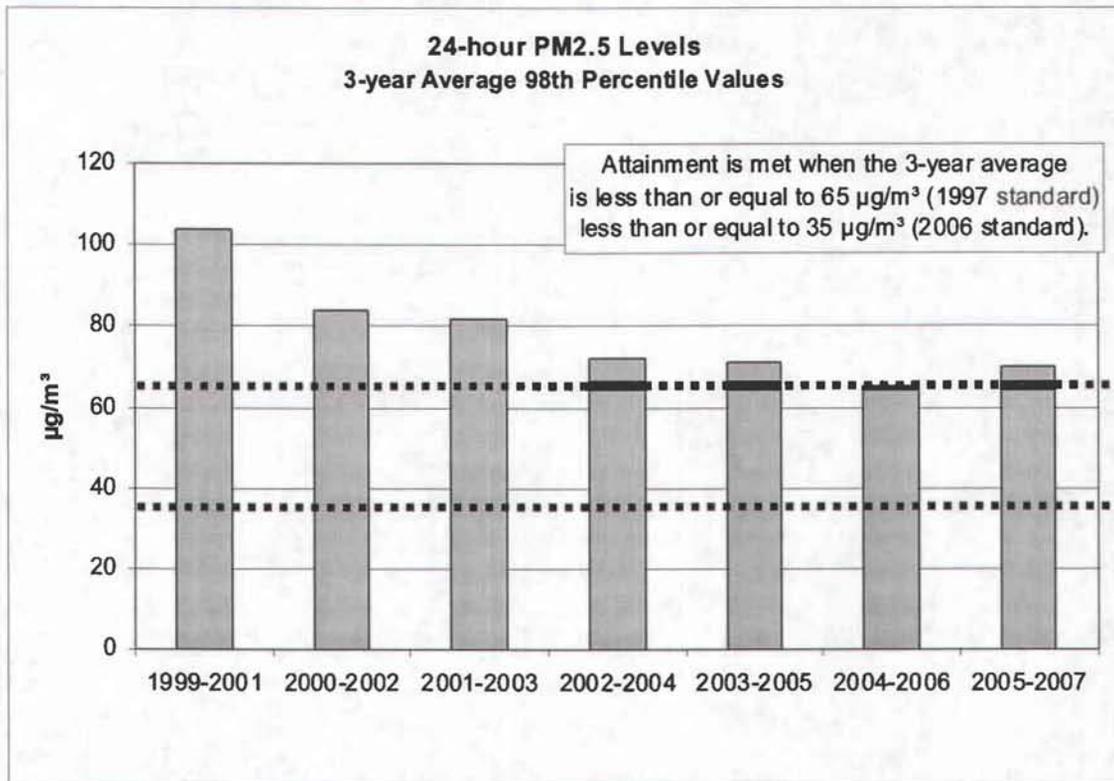
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated 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 (CO<sub>2</sub>), 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 (CH<sub>4</sub>), 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, CH<sub>4</sub> exerts about 20 times the greenhouse gas effect of CO<sub>2</sub>;
- \*nitrous oxide (N<sub>2</sub>O), produced in large part by soil microbes and enhanced through application of fertilizers. N<sub>2</sub>O 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. N<sub>2</sub>O is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N<sub>2</sub>O 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.
- \*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 (SF<sub>6</sub>) is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF<sub>6</sub> exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO<sub>2</sub> 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:

- Δ Codification of the state's goal by requiring that California's GHG emissions be reduced to 1990 "baseline" levels by 2020.
- Δ 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 CO<sub>2</sub> 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 SF<sub>6</sub>, 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 CO<sub>2</sub> and N<sub>2</sub>O 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 CO<sub>2</sub>, 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<sub>2.5</sub>) 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**  
**MEIR Mitigation Measure Monitoring Checklist for EA No. A-09-10/R-09-20**  
**May 23, 2011**

**INCORPORATING MEASURES FROM MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / CERTIFIED FOR THE 2025 FRESNO GENERAL PLAN (SCH No. 2001071097) AND THE FINDING OF MITIGATED NEGATIVE DECLARATION APPROVED FOR ENVIRONMENTAL ASSESSMENT NO. A-09-02, RELATING TO PLAN AMENDMENT NO. A-09-02, THE AIR QUALITY UPDATE TO THE FRESNO GENERAL PLAN**

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>B-1.</b> 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;<br>Development & Resource Management Dept. | X |   |   | X |   |   |
| <b>B-2.</b> 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;<br>Development & Resource Management Dept. | X |   |   | X |   |   |

**MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20**

**May 23, 2011**

| MITIGATION MEASURE  | WHEN IMPLEMENTED                                 | COMPLIANCE VERIFIED BY  | A | B | C | D | E | F |
|---|--|---|---|---|---|---|---|---|
|   |  |   |   |   |   |   |   |   |
| <p><b>B-3.</b> 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>  | <p>Prior to approval of land use entitlement</p> | <p>Public Works Dept./Traffic Planning;<br/>Development &amp; Resource Management Dept.</p> | X |   |   | X |   |   |
| <p><b>B-4.</b> 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> | <p>Prior to approval of land use entitlement</p> | <p>Public Works Dept./Traffic Planning;<br/>Development &amp; Resource Management Dept.</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

**MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20**

**May 23, 2011**

| MITIGATION MEASURE  | WHEN IMPLEMENTED   | COMPLIANCE VERIFIED BY  | A | B | C | D | E | F |
|---|--|---|---|---|---|---|---|---|
|   |  |   |   |   |   |   |   |   |
| <b>B-5.</b> 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;<br>Development & Resource Management Dept. | X |   |   | X |   |   |
|   |  |   |   |   |   |   |   |   |
| <b>B-6.</b> 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;<br>Development & Resource Management Dept. | X |   |   | X |   |   |
|   |  |   |   |   |   |   |   |   |
| <b>B-7.</b> 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;<br>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

**MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20**

**May 23, 2011**

| MITIGATION MEASURE   | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY                             | A | B | C | D | E | F |
|--|------------------|--|---|---|---|---|---|---|
|  |                  |  |   |   |   |   |   |   |
| <p><b>C-1.</b> 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 |   |   |
|  |                  |  |   |   |   |   |   |   |
| <p><b>C-2.</b> 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.</p>  | Ongoing          | Development & Resource Management Dept and SJVAPCD |   |   |   | X |   |   |
|  |                  |  |   |   |   |   |   |   |

A - Incorporated into Project  
 B - Mitigated

C - Mitigation in Process  
 D - Responsible Agency Contacted

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

**MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20**

**May 23, 2011**

| MITIGATION MEASURE   | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY   | A | B | C | D | E | F |
|--|------------------|--|---|---|---|---|---|---|
|  |                  |  |   |   |   |   |   |   |
| <b>C-3.</b> 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 |   |
| <b>C-4.</b> 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:<br>a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions.<br>b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit.<br>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.<br>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 |   |
| <b>D-1.</b> 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 |   |

A - Incorporated into Project  
 B - Mitigated

C - Mitigation in Process  
 D - Responsible Agency Contacted

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

**MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20**

**May 23, 2011**

| MITIGATION MEASURE   | WHEN IMPLEMENTED   | COMPLIANCE VERIFIED BY   | A | B | C | D | E | F |
|--|--|--|---|---|---|---|---|---|
|  |  |  |   |   |   |   |   |   |
| 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 |   |
| 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 | X | 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 |   |
| 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.  | 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

**MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20**

**May 23, 2011**

| MITIGATION MEASURE   | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY                  | A | B | C | D | E | F |
|--|------------------|---|---|---|---|---|---|---|
|  |                  |   |   |   |   |   |   |   |
| <p><b>D-6.</b> 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 |
| <p><b>D-7.</b> 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 |
| <p><b>D-8.</b> 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 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> | 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

**MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20**

**May 23, 2011**

| MITIGATION MEASURE   | WHEN IMPLEMENTED                          | COMPLIANCE VERIFIED BY         | A | B | C | D | E | F |
|--|---|--------------------------------|---|---|---|---|---|---|
|  |   |                                |   |   |   |   |   |   |
| <b>D-9.</b> 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.) | Ongoing                                   | Department of Public Utilities |   |   | X | X | X |   |
| <b>D-10.</b> 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.  | Prior to approval of land use entitlement | Department of Public Utilities |   |   | X | X | X |   |
| <b>D-11.</b> 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.                    | Prior to approval of development project  | 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

| MITIGATION MEASURE  | WHEN IMPLEMENTED   | COMPLIANCE VERIFIED BY   | A                | B | C                             | D                             | E                | F                         |     |     |     |                          |     |     |     |                              |   |     |     |            |   |     |     |                       |   |     |     |                        |     |     |     |  |                                |  |  |  |   |  |   |
|---|--|--|------------------|---|-------------------------------|-------------------------------|------------------|---------------------------|-----|-----|-----|--------------------------|-----|-----|-----|------------------------------|---|-----|-----|------------|---|-----|-----|-----------------------|---|-----|-----|------------------------|-----|-----|-----|--|--------------------------------|--|--|--|---|--|---|
|   |  |  |                  |   |                               |                               |                  |                           | X   |     | X   |                          |     |     |     |                              |   |     |     |            |   |     |     |                       |   |     |     |                        |     |     |     |  |                                |  |  |  |   |  |   |
| <p><b>D-12.</b> 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<br/><br/>(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<br><br>(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 |  |  |  | X |  | X |
| FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES<br><br>(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

**MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20**

**May 23, 2011**

| MITIGATION MEASURE  | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY                  | A | B | C | D | E | F |
|---|------------------|---|---|---|---|---|---|---|
|   |                  |   |   |   |   |   |   |   |
| <b>D-13.</b> 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 | X | X |   |
| <b>E-1.</b> 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 |   |   |   | X |   |
| <b>E-2.</b> 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 |   |
| <b>E-3.</b> 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

**MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20**

**May 23, 2011**

| MITIGATION MEASURE  | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY  | A | B | C | D | E | F |
|---|------------------|---|---|---|---|---|---|---|
|   |                  |   |   |   |   |   |   |   |
| <p><b>E-4.</b> 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> <ul style="list-style-type: none"> <li>a. Including a buffer zone of sufficient width between proposed residences and the agricultural use.</li> <li>b. Restricting the intensity of residential uses adjacent to agricultural lands.</li> <li>c. Informing residents about possible exposure to agricultural chemicals.</li> <li>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.</li> <li>e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.</li> </ul> | Ongoing          | Development & Resource Management Dept.                               |   |   |   |   |   | X |
| <p><b>F-1.</b> 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 |   |   |
| <p><b>F-2.</b> 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 | X | X |   |
| <p><b>F-2-a.</b> The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.</p>  | Ongoing          | Dept. 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

**MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20**

**May 23, 2011**

| MITIGATION MEASURE  | WHEN IMPLEMENTED                                  | COMPLIANCE VERIFIED BY  | A | B | C | D | E | F |
|---|---|---|---|---|---|---|---|---|
|   |   |   |   |   |   |   |   |   |
| <b>F-3.</b> 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 | X |   |
| <b>F-4.</b> 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 | X |   |
| <b>F-5.</b> 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 | 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

**MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20**

**May 23, 2011**

| MITIGATION MEASURE  | WHEN IMPLEMENTED                                  | COMPLIANCE VERIFIED BY  | A | B | C | D | E | F |
|---|---|---|---|---|---|---|---|---|
|   |   |   |   |   |   |   |   |   |
| <b>G-1.</b> 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/<br>Development & Resource Management Dept.       |   |   |   |   |   | X |
| <b>H-1.</b> 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. &<br>Development & Resource Management Dept. |   |   |   |   |   | X |
| <b>I-1.</b> 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 Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.  | Ongoing/prior to approval of land use entitlement | Development & Resource Management Dept.                                 |   |   |   |   |   | X |
| <b>I-2.</b> 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 |

**A** - Incorporated into Project  
**B** - Mitigated

**C** - Mitigation in Process  
**D** - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20

May 23, 2011

| MITIGATION MEASURE   | WHEN IMPLEMENTED  | COMPLIANCE VERIFIED BY                  | A | B | C | D | E | F |
|--|---|---|---|---|---|---|---|---|
|  |   |   |   |   |   |   |   |   |
| 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 loss 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 |
| 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 |

A - Incorporated into Project  
 B - Mitigated

C - Mitigation in Process  
 D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20

May 23, 2011

| MITIGATION MEASURE   | WHEN IMPLEMENTED   | COMPLIANCE VERIFIED BY  | A | B | C | D | E | F |
|--|--|---|---|---|---|---|---|---|
|  |  |   |   |   |   |   |   |   |
| <p><b>J-1.</b> 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:</p> <ul style="list-style-type: none"> <li>a. Amending construction plans to avoid the resources.</li> <li>b. Setting aside sites containing these resources by deeding them into permanent conservation easements.</li> <li>c. Capping or covering these resources with a protective layer of soil before building on the sites.</li> <li>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.</li> <li>e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.</li> </ul> | Ongoing/prior to approval of land use entitlement              | Development & Resource Management Dept.   |   |   |   |   | X |   |
| <p><b>J-2.</b> 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.</p>   | Ongoing/prior to submittal of land use entitlement application | Development & Resource Management Dept.   |   |   |   |   | X |   |
| <p><b>J-3.</b> 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.</p>  | Ongoing  | Development & Resource Management Dept./ Historic Preservation Commission 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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20

May 23, 2011

| MITIGATION MEASURE  | WHEN IMPLEMENTED   | COMPLIANCE VERIFIED BY   | A | B | C | D | E | F |
|---|--|--|---|---|---|---|---|---|
|   |  |  |   |   |   |   |   |   |
| <p><b>J-4.</b> 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), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.</p>  | Ongoing  | Development & Resource Management Dept./ Historic Preservation Staff |   |   |   |   | X |   |
| <p><b>K-1.</b> The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.</p>  | Ongoing  | Development & Resource Management Dept.                              | X |   |   |   | X |   |
| <p><b>K-2.</b> 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"> <li>■ Site Planning. See Chapter V for more details.</li> <li>■ Barriers. See Chapter V for more details.</li> <li>■ Building Designs. See Chapter V for more details.</li> </ul> | Ongoing/upon submittal of land use entitlement application | 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

**MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-09-10/R-09-20**

**May 23, 2011**

| MITIGATION MEASURE   | WHEN IMPLEMENTED                          | COMPLIANCE VERIFIED BY                  | A | B | C | D | E | F |
|--|---|---|---|---|---|---|---|---|
|  |   |   |   |   |   |   |   |   |
| <b>K-3.</b> 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 |   |
| <b>L-1.</b> 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 |   |
| <b>N-1.</b> 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 |   |
| <b>Q-1.</b> 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

**EXHIBIT D**

**CITY OF FRESNO**

**PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST**

**ENVIRONMENTAL ASSESSMENT (EA) No. A-09-10/R-09-20**

**May 23, 2011**

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 Conditional Use Permit Application No. C-07-058. Verification of implementation of these mitigation measures, in addition to the applicable measures specified for this project per the Master Environmental Impact Report (MEIR) Mitigation Monitoring Checklist prepared for this project (pursuant to MEIR No. 10130 certified for the 2025 Fresno General Plan) will be required upon the application for permits to construct and operate the project described in the Initial Study for EA No. A-09-10/R-09-20.

**AESTHETICS:** Development of the subject project is subject to design consistency with nearby uses and landscaping, and the project is not permitted to evolve light or glare that could adversely affect adjacent property.

| <b>MITIGATION MEASURE</b>  | <b>IMPLEMENTED BY</b> | <b>WHEN IMPLEMENTED</b>                        | <b>VERIFIED BY</b>   |
|--|-----------------------|--|--|
| The future development (special permit application) shall conform to aesthetic policies of the Bullard Community Plan and the 2025 Fresno General Plan Design Guidelines | Applicant             | Prior to approval of subsequent special permit | City of Fresno<br>Development and<br>Resource Management<br>Department |

HAZARDOUS MATERIALS AND HUMAN HEALTH: Subsequent tenants of the proposed project may be subject to requirements for filing hazardous materials business plans or other health-related regulations

| MITIGATION MEASURE   | IMPLEMENTED BY | WHEN IMPLEMENTED   | VERIFIED BY  |
|--|----------------|--|--|
| The proposed project shall conform to the requirements outlined in the letter from Fresno County Environmental Health, dated April 18, 2011 (copy attached). | Applicant      | Upon commencement of activities or receipt of materials at the site which are subject to regulation as specified in the letter from Environmental Health | Fresno County Environmental Health<br><br>City of Fresno Fire Department |

WATER QUALITY: Improperly abandoned onsite wells and septic systems may cause groundwater degradation, as could car wash wastewater that enters the storm drainage system. Nonresidential sewage discharge of the Fresno- Clovis Regional Wastewater Treatment and Reclamation Facility require removal of grease and inert particulate matter. Stormwater contamination may occur during construction of the project.

| MITIGATION MEASURE  | IMPLEMENTED BY | WHEN IMPLEMENTED   | VERIFIED BY  |
|---|----------------|--|--|
| Any on-site water well or dry well that may be revealed by subsequent grading activity for this project, is required to be properly evaluated and abandoned according to procedures of the City Water Division and the most current version of the California Department of Water Resources Well Standards (Bulletin 74-99 or an update thereto). | Applicant      | Prior to, and during construction, if on-site wells are discovered | City of Fresno Development and Resource Management Department Building and Safety Division<br><br>City of Fresno Department of Public Utilities Water Division |

WATER QUALITY: (continued)

| MITIGATION MEASURE   | IMPLEMENTED BY | WHEN IMPLEMENTED   | VERIFIED BY   |
|--|----------------|--|---|
| Any pre-existing septic systems discovered through project grading shall be properly abandoned according to standards of the City's Building and Safety Services Division.   | Applicant      | Prior to, and during construction, if on-site wastewater disposal systems are discovered | City of Fresno<br>Development and Resource Management<br>Department Building and Safety Division  |
| Prior to commencing construction, the project applicant shall have a stormwater pollution prevention plan (SWPPP) prepared by a qualified party, and shall file a Notice of Intent with the Regional Water Quality Control Board (RWQCB) and any application necessary to obtain a construction stormwater discharge permit. | Applicant      | Prior to commencement of construction activity at the project site                       | Central Valley Regional Water Quality Control Board<br><br>Fresno Metropolitan Flood Control District<br><br>City of Fresno<br>Development and Resource Management Department |

WATER SUPPLY: Development of the subject property could cumulatively add to the overdraft of the Fresno Sole Source Aquifer/Kings Groundwater Basin and increase costs and difficulties for supplying water to the City of Fresno.

| MITIGATION MEASURE  | IMPLEMENTED BY | WHEN IMPLEMENTED  | VERIFIED BY   |
|---|----------------|---|---|
| The proposed development is required to incorporate water use efficiency features and provide a landscape water budget, under provisions of the California Model Water-Efficient Landscape Ordinance and is required to pre-plumb the subject property for recycled water for eventual non-potable use on landscaping and other feasible uses | Applicant      | During design of underground utilities and landscaping and irrigation for the project site, to be verified during the subsequent special permit and construction plan check phases of development of the site | City of Fresno<br>Development and Resource Management<br>Department<br><br>City of Fresno Department of Public Utilities Water Division |

**DRAINAGE/FLOOD CONTROL:** The lack of sufficient public drainage facilities to Basin EH requires that this site provide for peak reduction of stormwater runoff flows. Also, if there is a potential grade differential of one foot or more, drainage from this property could traverse abutting parcels.

| MITIGATION MEASURE  | IMPLEMENTED BY | WHEN IMPLEMENTED   | VERIFIED BY   |
|---|----------------|--|---|
| A peak reducing facility shall be provided to serve subsequent nonresidential development of the subject property, as required by the Fresno Metropolitan Flood Control District in its April 14, 2011 letter (copy attached) | Applicant      | During the design phase of the subsequent special permit application | Fresno Metropolitan Flood Control District<br><br>City of Fresno Development and Resource Management Department |

**TRANSPORTATION SYSTEM:** The proposed project will have a small but incremental effect on cumulative traffic impacts at the intersection of an expressway and an arterial street. In addition to being required to provide its proportionate share of mitigation for roadway, signalization, and transit needs as assessed upon the subsequent special permit required for development of this site, it is also required to prevent adverse localized traffic and transportation impacts through restrictions on access and provision of infrastructure to allow safe vehicular access.

| MITIGATION MEASURE  | IMPLEMENTED BY | WHEN IMPLEMENTED   | VERIFIED BY   |
|---|----------------|--|---|
| The proposed project shall conform to the requirements outlined in the memorandum from the City of Fresno Traffic Engineer to dated May 23, 2011 (copy attached). | Applicant      | Prior to issuance of construction permits for the project site | City of Fresno Public Works Traffic Engineering Division<br><br>City of Fresno Development and Resource Management Department |

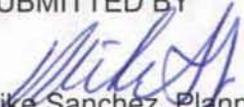
**ADDENDUM TO EA No. A-09-10/R-09-20 Mitigated Negative Declaration  
For proposed local street vacations related to  
Plan Amendment No. A-09-10 and Rezone No. R-09-20,  
Public Works File No. 11452**

The project description on page 2 of the preceding Initial Study would be amended to include Public Works File No. 11452, a vacation feasibility study. The Public Works File Number was included when the project was routed for comment in preparation of the Initial Study. No comments were received from responsible or trustee agencies regarding this project feature. The required engineered drawings for the street vacation were finalized at the end of 2011, after Plan Amendment A-09-10 and Rezone R-09-20 were approved, and were stamped by the Land Surveyor on January 13, 2012. Those drawings, attached hereto as "Exhibit A" and "Exhibit B", show the relationship of the proposed street vacation to the subject property. Approval of the local street vacation subject to discretionary approval by the Fresno City Council.

Vacation of portions of portions of local streets which were dedicated but never improved and never used for public travel (streets that are sometimes called "paper streets"), as proposed in Public Works File No. 11452 and the attached exhibits, will not alter the impacts of the project as described in the Mitigated Negative Declaration (MND). Vacation of these streets would be an implementation measure for the plan amendment and rezone approved by City Council on July 28, 2011. The Notice of Determination for EA No. A-09-10/R-09-20 was filed on July 29, 2011.

This modification is not a substantial change to the project. Pursuant to CEQA Guidelines Sections 15162(a), (b) and (c) and 15164, this Addendum is prepared to the Mitigated Negative Declaration for EA No. A-09-10/R-09-20, as the local street vacation is only a minor technical elaboration of the project and none of the conditions described in §15162 have occurred to necessitate preparation of a subsequent MND:

- The proposed street vacations do not involve new significant environmental effects, and do not substantially increase the severity of previously identified significant effects; therefore, the approval of the requested street vacation does not require a major revision in the previous MND;
- No substantial changes have occurred with respect to the circumstances under which the project is undertaken that would require major revisions in the previous MND due to involvement of new significant environmental effects or increased severity of adverse environmental effects;
- No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the MND was adopted, shows that the project would have more significant effects than were discussed in the previous MND; nor to show that the previously examined effects would be substantially more severe; nor to show that potential mitigation measures previously thought to be infeasible would be feasible; to show that project alternatives or other mitigation measures other than those adopted would substantially reduce one or more significant adverse environmental effects which would not be reduced to such an extent by the mitigation measures adopted for EA No. A-09-10/R-09-20.

|   |  |
|---|--|
| ADDENDUM PREPARED BY<br><br>Sandra L. Brock, Planner III | SUBMITTED BY<br><br>Mike Sanchez, Planning Manager |
| DATE: February 10, 2012   | CITY OF FRESNO DEVELOPMENT AND<br>RESOURCE MANAGEMENT DEPARTMENT   |

Attachments: Exhibits A and B for proposed local street vacation

## EXHIBIT "A"

APN 504-091-14ST  
Street vacation

A portion of Allen Avenue and Shepard Street as shown on the map of J.C. Forkner Fig Gardens Subdivision No. 10 recorded in Volume 10 of Plats at Page 38, Fresno County Records and situated in the northwest quarter of Section 4, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof in the City of Fresno, County of Fresno, State of California, more particularly described as follows:

COMMENCING at the southwest corner of Section 33, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, said southwest corner being on the north line of said northwest quarter of Section 4; thence S 89°55'44" E, along said north line of the northwest quarter of Section 4; a distance of 126.42 feet to the northerly prolongation of the west line of Lot 1 of said J.C. Forkner Fig Gardens Subdivision No. 10; thence S 0°20'16" W, along said northerly prolongation, a distance of 40.00 feet to the northwest corner of Lot 1 of said J.C. Forkner Fig Gardens Subdivision No. 10; thence continuing S 0°20'16" W, along the west line of said Lot 1, a distance of 59.50 feet to the point of intersection with a line that is parallel with and 100.00 feet south of that reference line in Herndon Avenue as shown and described in that Deed of Easement recorded June 10, 2004 as Document No. 2004-0128098, Official Records of Fresno County and that Deed of Easement recorded June 25, 2004 as Document No. 2004-0140115, Official Records of Fresno County, said point of intersection also being the TRUE POINT OF BEGINNING of this description; thence S 89°50'31" W, along said parallel line, a distance of 25.14 feet; thence S 42°30'52" W, a distance of 30.15 feet to a point on a line that is parallel with and 66.00 feet easterly of, as measured at right angles, of that "centerline of future street right of way" (Bryan Avenue) as shown on that Record of Survey recorded in Book 54 of Record of Surveys at Pages 25-29, Fresno County Records; thence S 4°48'48" E, along last said parallel line, a distance of 143.74 feet to the beginning of a tangent curve concave easterly and having a radius of 584.00 feet; thence southerly, along the arc of said curve, concentric with and 66.00 feet easterly of said "centerline of future street right of way", through a central angle of 14°15'13", an arc distance of 145.28 feet to the beginning of a reverse curve concave westerly and having a radius of 153.74 feet; thence southerly, along the arc of said reverse curve, through a central angle of 9°19'40", an arc distance of 25.03 feet to the beginning of a reverse curve concave easterly and having a radius of 153.74 feet; thence southerly, along the arc of last said reverse curve, through a central angle of 11°07'29", an arc distance of 29.85 feet to the north line of Lot 2 of said J.C. Forkner Fig Gardens Subdivision No. 10; thence S 89°55'44" E, along said north line of Lot 2 and non-tangent to last said curve, a distance of 81.93 feet, more or less, to the northeast corner of said Lot 2; thence N 0°23'56" E, along the northerly prolongation of the east line of said lot 2, a distance of 60.00 feet to the southeast corner of said Lot 1; thence N 89°55'44" W, a distance of 94.73 feet, more or less, to the southwest corner of said Lot 1 to the southwest corner of said Lot 1; thence N 0°20'16" E, along the west line of said Lot 1, a distance of 300.25 feet to the TRUE POINT OF BEGINNING.

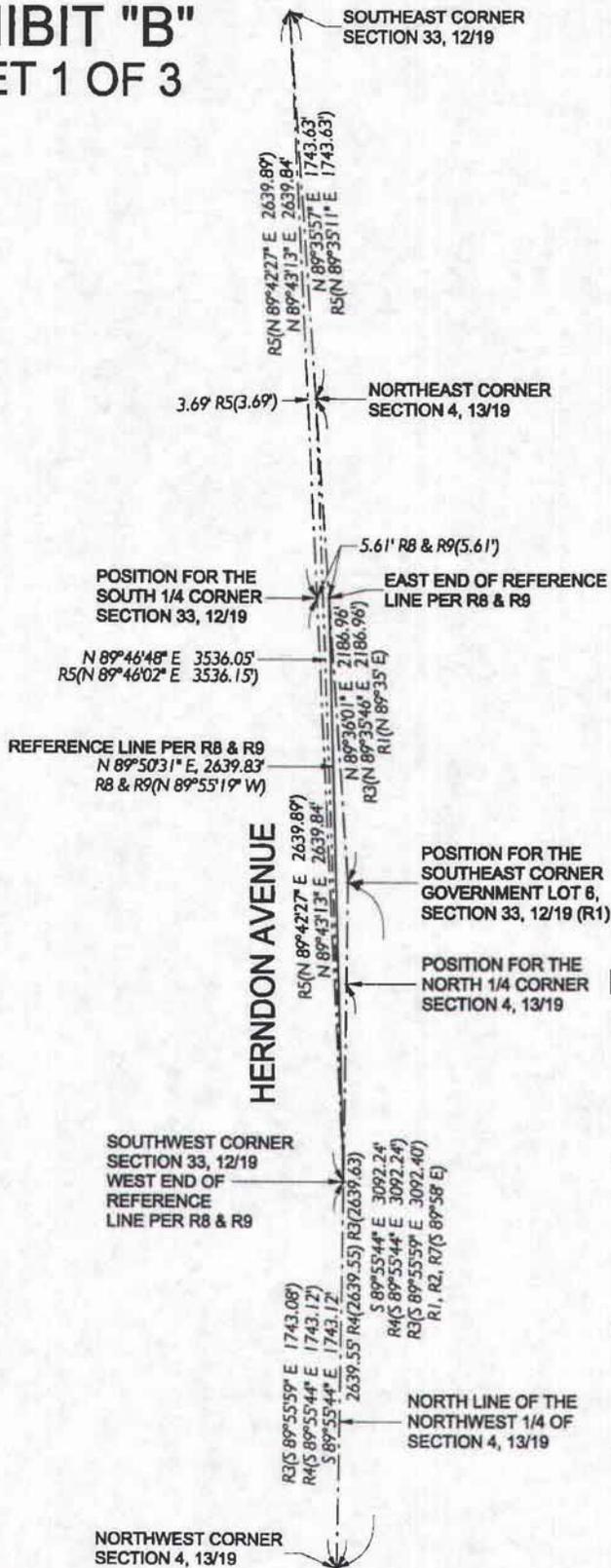
Contains an area of 14,617 square feet, more or less.



PWF 11452

# EXHIBIT "B"

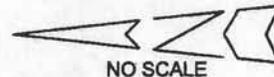
## SHEET 1 OF 3



DATA SHOWN IS PER RECORD DATA OR CALCULATED FROM RECORD DATA FROM THE FOLLOWING SOURCES:

- R1 = MAP OF J.C. FORKNER FIG GARDENS SUBDIVISION NO. 3, VOLUME 8 OF PLATS AT PAGE 79, F.C.R.
- R2 = MAP OF J.C. FORKNER FIG GARDENS SUBDIVISION NO. 10, VOLUME 10 OF PLATS AT PAGE 38, F.C.R.
- R3 = RECORD OF SURVEY, BOOK 48 OF RECORD OF SURVEYS AT PAGES 3 & 4, F.C.R.
- R4 = RECORD OF SURVEY, BOOK 54 OF RECORD OF SURVEYS AT PAGES 25-29, F.C.R.
- R5 = RECORD OF SURVEY, BOOK 52 OF RECORD OF SURVEYS AT PAGE 77, F.C.R.
- R6 = GRANT DEED RECORDED 9/13/1866 IN BOOK 5356 AT PAGE 92, O.R.F.C.
- R7 = DEED OF EASEMENT RECORDED 11/5/2002 AS DOCUMENT NO. 2002-0198284, O.R.F.C.
- R8 = DEED OF EASEMENT RECORDED 6/10/2004 AS DOCUMENT NO. 2004-0128098, O.R.F.C.
- R9 = DEED OF EASEMENT RECORDED 6/25/2004 AS DOCUMENT NO. 2004-0140115, O.R.F.C.
- R10 = DEED OF EASEMENT RECORDED 11/05/2002 AS DOCUMENT NO. 2002-0198283, O.R.F.C.

**NOTE #1 FOR SHEET 2:**  
THE BEARING FOR THE MOST SOUTHERLY LINE OF THAT EASEMENT FOR PUBLIC STREET PURPOSES AS SHOWN AND DESCRIBED IN THAT DEED OF EASEMENT RECORDED AS DOCUMENT NO. 2002-0198283, O.R.F.C. (R10) IS SHOWN AS S 89°50'15" W. UPON EXAMINATION OF THE OTHER DATA OF SAID EASEMENT IT HAS BEEN DETERMINED THAT THE BEARING HAS TO BE S 89°50'15" W AS SHOWN FOR SAID LINE ON THIS EXHIBIT "B".



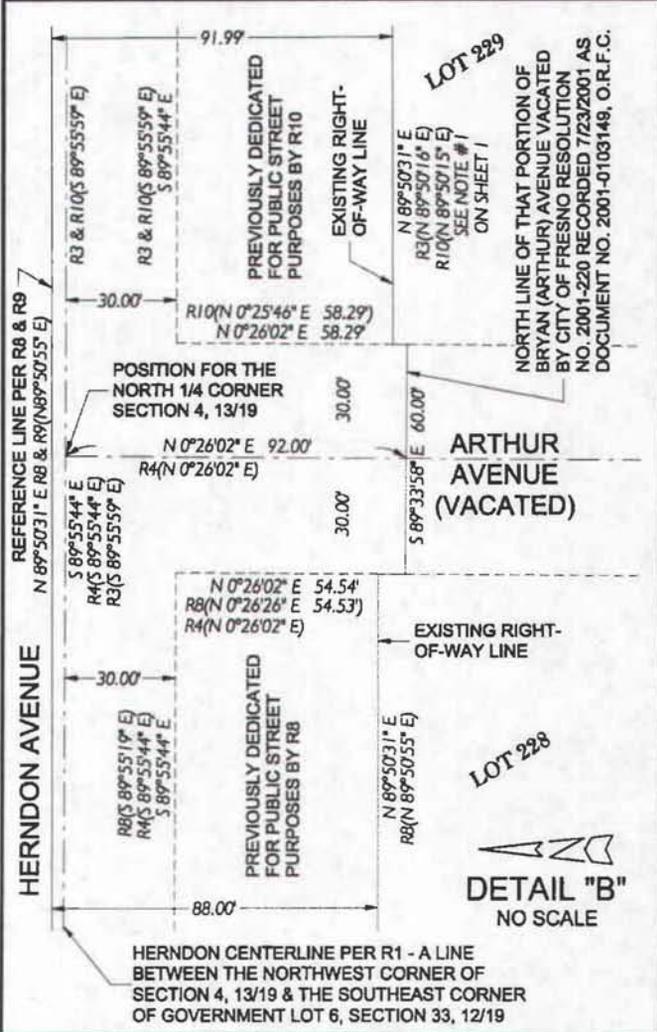
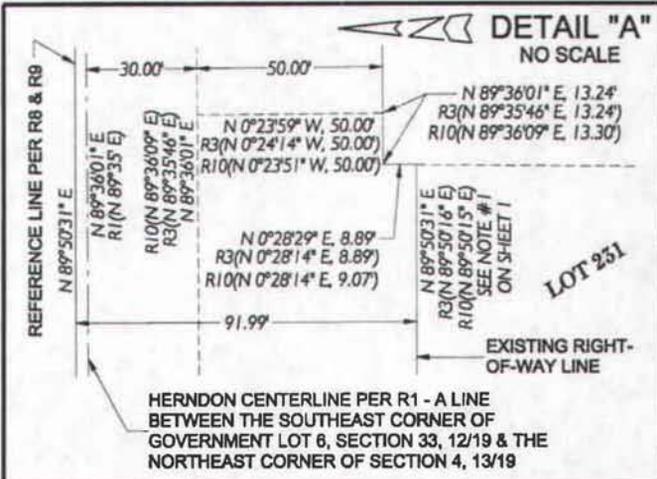
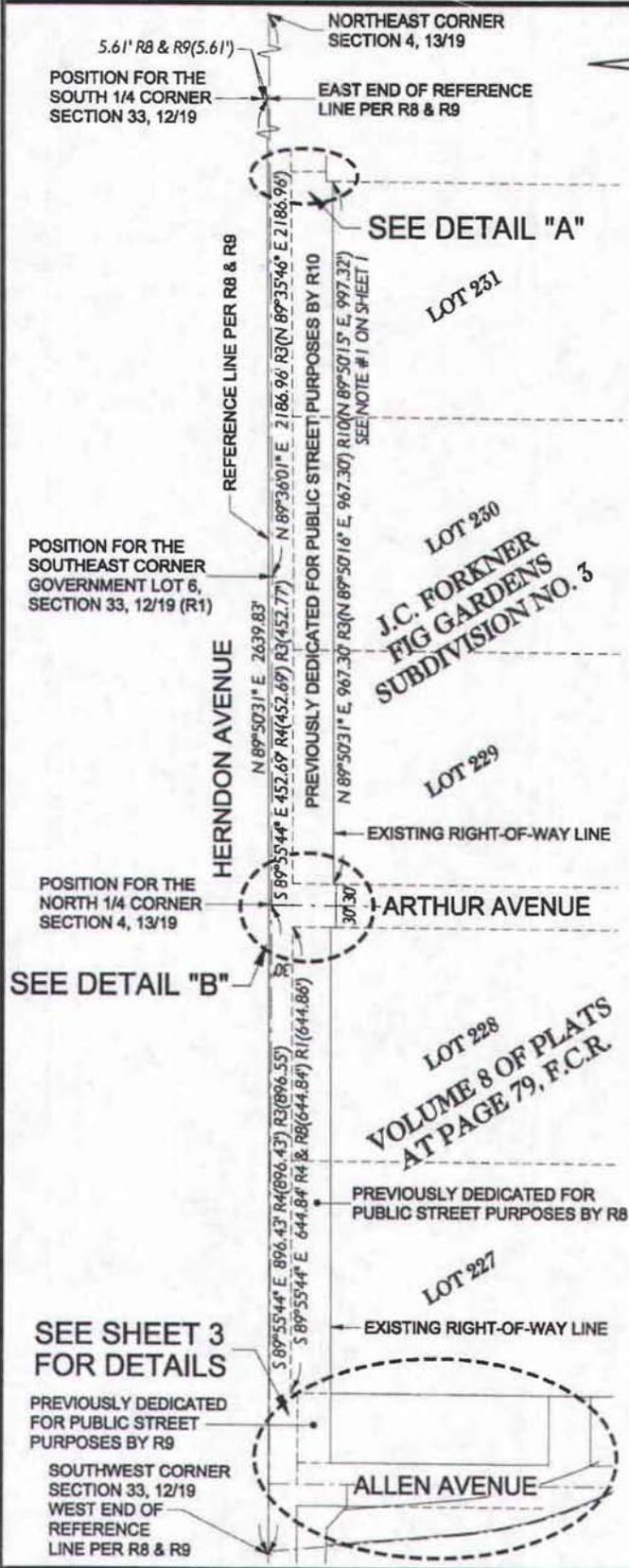
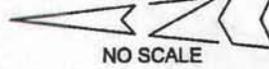
NOTE: NORTH-SOUTH SCALE EXAGGERATED FOR CLARITY



|  |  |                   |             |       |
|--|--|-------------------|-------------|-------|
| REF. & REV.<br>PWF 11452<br>PLATS 1342 & 1343  | CITY OF FRESNO<br>DEPARTMENT OF PUBLIC WORKS | PROJ. ID. ES00003 | CO          | SQ002 |
|  |  | FUND NO. 10101    | ACT ID      | ABAN  |
| DRAWING SHOWING THE ESTABLISHMENT OF THE REFERENCE LINE PER DOCUMENTS NO. 2004-0128098 & 2004-0140115, O.R.F.C. USING RECORD DATA FROM VARIOUS SOURCES |  | ORG. NO. 180201   |             |       |
|  |  | DR. BY A.J.       | SHEET NO. 1 |       |
|  |  | CH. BY H.B.       | OF 3 SHEETS |       |
|  |  | DATE DEC 21, 2011 |             |       |
|  |  | SCALE NO SCALE    |             |       |

# EXHIBIT "B"

## SHEET 2 OF 3



REF. & REV.  
 PWF 11452  
 PLATS 1342 & 1343

**CITY OF FRESNO**  
 DEPARTMENT OF PUBLIC WORKS

DRAWING SHOWING THE PREVIOUS DEDICATIONS FOR PUBLIC STREET PURPOSES ALONG HERNDON AVENUE EAST OF THE NEW BRYAN AVENUE ALIGNMENT

|           |               |           |          |
|-----------|---------------|-----------|----------|
| PROJ. ID. | ES00003       | CO        | SQ002    |
| FUND NO.  | 10101         | ACT ID    | ABAN     |
| ORG. NO.  | 180201        |           |          |
| DR. BY    | AJ.           | SHEET NO. | 2        |
| CH. BY    | H.B.          | OF        | 3 SHEETS |
| DATE      | DEC. 21, 2011 |           |          |
| SCALE     | NO SCALE      |           |          |

# EXHIBIT "B"

## SHEET 3 OF 3

POINT OF COMMENCEMENT  
SOUTHWEST CORNER  
OF SECTION 33, 12/19

SEE DETAIL "C"  
HERNDON AVENUE

REFERENCE  
LINE PER  
R8 & R9

S 89°55'44" E, 3.82'  
R4(S 89°55'44" E, 3.82')  
R7(S 89°58' E, 3.87')

S 89°55'44" E, 122.60'  
R4(S 89°55'44" E, 122.60')

S 89°55'44" E, 221.57'  
R7(S 89°58' E, 221.61')

N 89°50'31" E  
NORTH LINE OF THE  
NORTHWEST 1/4 OF  
SECTION 4, 13/19

N 89°55'44" E, 95.11'  
R4(S 89°55'44" E, 95.11')  
R2(S 89°58' E, 95')

NORTHEAST  
CORNER  
OF LOT 1  
PREVIOUSLY DEDICATED  
FOR PUBLIC STREET  
PURPOSES BY R9



INDICATES PUBLIC STREET  
EASEMENT TO BE VACATED

AREA TO BE VACATED = 14617 S.F. ±

**NOTE #2:**

THE BEARING FOR THE WEST LINE OF LOT 1 AS SHOWN ON RECORD OF SURVEY BOOK 54, PAGE 25 (R4), AS S 0°20'16" E APPEARS TO BE IN ERROR. THE BEARING OF THE CENTERLINE OF ALLEN AVENUE SHOWN ON SAID RECORD OF SURVEY AS N 0°20'16" E (S 0°20'16" W) WAS USED INSTEAD.

**CURVE TABLE**

|    | RADIUS  | DELTA     | LENGTH |
|----|---------|-----------|--------|
| C1 | 153.74' | 9°19'40"  | 25.03' |
| C2 | 153.74' | 11°07'29" | 29.85' |
| C3 | 153.74' | 2°27'51"  | 6.61'  |

**LINE TABLE**

|    | BEARING       | LENGTH |
|----|---------------|--------|
| L1 | S 0°20'16" W  | 40.00' |
| L2 | S 0°20'16" W  | 59.50' |
| L3 | S 89°50'31" W | 25.14' |
| L4 | S 42°30'52" W | 30.15' |
| L5 | S 89°55'44" E | 12.74' |
| L6 | S 0°23'56" W  | 40.00' |

**RADIAL TABLE**

| R# | BRG FROM RP   |
|----|---------------|
| R1 | N 70°55'59" E |
| R2 | S 80°15'39" W |
| R3 | S 69°08'10" W |
| R4 | S 66°40'19" W |

R7(R=650.00') R4(R=650.00') R=650.00'  
R7(D=35°41'09") R4(D=35°41'32") D=35°41'32"  
R7(L=404.84') R4(L=404.91') L=404.92'

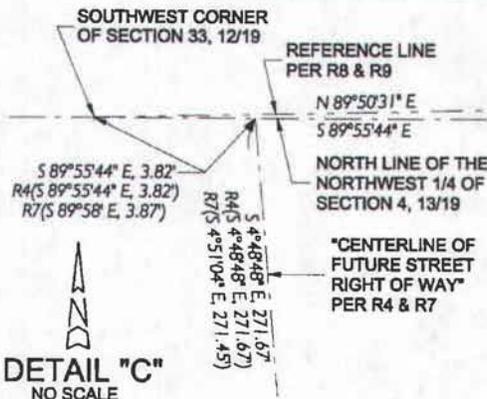
SHEPARD STREET

BRYAN AVENUE

LOT 1 OF R2

LOT 227  
J.C. FORKNER FIG GARDENS  
SUBDIVISION NO. 3  
VOLUME 8 OF PLATS AT PAGE 79, F.C.R.

LOT 2 OF R2



|   |  |                   |               |             |
|---|--|-------------------|---------------|-------------|
| REF. & REV.<br>PWF 11452<br>PLATS 1342 & 1343 | CITY OF FRESNO<br>DEPARTMENT OF PUBLIC WORKS | PROJ. ID. ES00003 | CO            | SQ002       |
|   |  | FUND NO. 10101    | ACT ID        | ABAN        |
| PUBLIC STREET TO BE VACATED                   |  | DR. BY            | AJ.           | SHEET NO. 3 |
|   |  | CH. BY            | H.B.          | OF 3 SHEETS |
|   |  | DATE              | DEC. 21, 2011 |             |
|   |  | SCALE             | NO SCALE      |             |

**Recording Requested By:**  
Public Works Department  
City of Fresno  
No Fee-Gov't. Code Sections  
6103 and 27383

**When Recorded, Mail To:**  
City Clerk  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721-3623

---

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. \_\_\_\_\_

ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF PORTIONS OF ALLEN AVENUE AND SHEPARD STREET LOCATED AT THE SOUTHEAST CORNER OF HERNDON and BRYAN AVENUES

WHEREAS, the Council has elected to proceed under the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Division 9, Part 3 of the California Streets and Highways Code), and specifically Chapter 4 (commencing with Section 8330) thereof, to summarily vacate portions of Allen Avenue and Shepard Street located at the southeast corner of Herndon and Bryan Avenues; and

WHEREAS, the portions of the public street easement proposed to be vacated are described in Exhibit "A" and shown on Exhibit "B", which are attached and incorporated in this Resolution; and

WHEREAS, the purpose of the proposed vacation is to eliminate excess public street right-of-way not required for street or highway purposes that can then be incorporated into the development of a fast food restaurant proposed for the southeast corner of Herndon and Bryan Avenues; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities within the area proposed

for vacation and that the area proposed for vacation is unnecessary for present or prospective public street purposes; and

WHEREAS, the provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public street easement that is considered excess right-of-way not required for street or highway purposes and has no public utility facilities within the area to be vacated. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required; and

WHEREAS, this vacation is included in the project description for a project that was previously environmentally assessed pursuant to the California Environmental Quality Act ("CEQA") and Council has determined that there is no substantial evidence that the vacation of the public street easements may have additional significant effects on the environment that were not identified in Environmental Assessment (EA) No. A-09-10/R-09-20, a Mitigated Negative Declaration (MND) that was prepared for Plan Amendment No. A-09-10 and Rezone No. R-09-20, and that no new or additional mitigation measures or alternatives may be required; and

WHEREAS, on July 28, 2011 the City Council adopted EA No. A-09-10/R-09-20, a Mitigated Negative Declaration (MND) that was prepared for Plan Amendment No. A-09-10 and Rezone No. R-09-20; and

WHEREAS, the Notice of Determination for EA No. A-09-10/R-09-20 was filed on July 29, 2011 and an Addendum to EA No. A-09-10/R-09-20 was prepared on February 10, 2012; and

WHEREAS, the Addendum to EA No. A-09-10/R-09-20 addressed minor technical changes or additions and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred; and

WHEREAS, it is appropriate for Council to affirm the adoption of EA No. A-09-10/R-09-20, a Mitigated Negative Declaration (MND) prepared for Plan Amendment No. A-09-10 and Rezone No. R-09-20, with its attached Addendum to EA No. A-09-10/R-09-20, given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent environmental assessment have occurred; and

WHEREAS, the Council desires to summarily vacate portions of Allen Avenue and Shepard Street located at the southeast corner of Herndon and Bryan Avenues as described in Exhibit "A" and shown on Exhibit "B".

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:

1. Based upon the review and consideration of the environmental documentation provided, the adoption of the proposed vacation is in the best interest of the City of Fresno. The Council finds that: 1) the vacation falls within the scope of Environmental Assessment (EA) No. A-09-10/R-09-20 a Mitigated Negative Declaration (MND) prepared for Plan Amendment No. A-09-10 and Rezone No. R-09-20 with its attached Addendum to EA No. A-09-10/R-09-20; 2) no substantial changes are proposed in the project which require significant revisions to the previous environmental finding due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 3) no substantial changes will occur with respect to the circumstances under which the project is undertaken. Accordingly, given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent environmental assessment have occurred, the Council affirms the adoption of EA No. A-09-10/R-09-20, a Mitigated Negative Declaration (MND) prepared for Plan Amendment No. A-09-10 and Rezone No. R-09-20 with its attached Addendum to EA No. A-09-10/R-09-20.

2. The portions of public street easement of those portions of Allen Avenue and Shepard Street located at the southeast corner of Herndon and Bryan Avenues as described in Exhibit "A" and shown on Exhibit "B" are hereby vacated.

3. The City Clerk of the City of Fresno shall certify to the passage of this Resolution and shall cause a certified copy, attested by the Clerk under the seal of the City of Fresno, to be recorded in the Office of the County Recorder of the County of Fresno, State of California.

4. This vacation shall become effective on the date this resolution is recorded.

5. From and after the date this resolution is recorded, the portions of Allen Avenue and Shepard Street located at the southeast corner of Herndon and Bryan Avenues as described in Exhibit "A" and shown on Exhibit "B" shall no longer constitute a public street easement.

///

///

///

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 Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

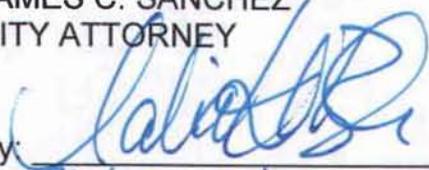
Mayor Approval: \_\_\_\_\_, 2012  
Mayor Approval/No Return: \_\_\_\_\_, 2012  
Mayor Veto: \_\_\_\_\_, 2012  
Council Override Vote: \_\_\_\_\_, 2012

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
CITY ATTORNEY

By:  8/15/12  
 , Deputy

PW File No. 11452

Adopt Summary Vac. of portions of Allen Avenue and Shepard Street.

## EXHIBIT "A"

APN 504-091-14ST  
Street vacation

A portion of Allen Avenue and Shepard Street as shown on the map of J.C. Forkner Fig Gardens Subdivision No. 10 recorded in Volume 10 of Plats at Page 38, Fresno County Records and situated in the northwest quarter of Section 4, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof in the City of Fresno, County of Fresno, State of California, more particularly described as follows:

COMMENCING at the southwest corner of Section 33, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, said southwest corner being on the north line of said northwest quarter of Section 4; thence S 89°55'44" E, along said north line of the northwest quarter of Section 4; a distance of 126.42 feet to the northerly prolongation of the west line of Lot 1 of said J.C. Forkner Fig Gardens Subdivision No. 10; thence S 0°20'16" W, along said northerly prolongation, a distance of 40.00 feet to the northwest corner of Lot 1 of said J.C. Forkner Fig Gardens Subdivision No. 10; thence continuing S 0°20'16" W, along the west line of said Lot 1, a distance of 59.50 feet to the point of intersection with a line that is parallel with and 100.00 feet south of that reference line in Herndon Avenue as shown and described in that Deed of Easement recorded June 10, 2004 as Document No. 2004-0128098, Official Records of Fresno County and that Deed of Easement recorded June 25, 2004 as Document No. 2004-0140115, Official Records of Fresno County, said point of intersection also being the TRUE POINT OF BEGINNING of this description; thence S 89°50'31" W, along said parallel line, a distance of 25.14 feet; thence S 42°30'52" W, a distance of 30.15 feet to a point on a line that is parallel with and 66.00 feet easterly of, as measured at right angles, of that "centerline of future street right of way" (Bryan Avenue) as shown on that Record of Survey recorded in Book 54 of Record of Surveys at Pages 25-29, Fresno County Records; thence S 4°48'48" E, along last said parallel line, a distance of 143.74 feet to the beginning of a tangent curve concave easterly and having a radius of 584.00 feet; thence southerly, along the arc of said curve, concentric with and 66.00 feet easterly of said "centerline of future street right of way", through a central angle of 14°15'13", an arc distance of 145.28 feet to the beginning of a reverse curve concave westerly and having a radius of 153.74 feet; thence southerly, along the arc of said reverse curve, through a central angle of 9°19'40", an arc distance of 25.03 feet to the beginning of a reverse curve concave easterly and having a radius of 153.74 feet; thence southerly, along the arc of last said reverse curve, through a central angle of 11°07'29", an arc distance of 29.85 feet to the north line of Lot 2 of said J.C. Forkner Fig Gardens Subdivision No. 10; thence S 89°55'44" E, along said north line of Lot 2 and non-tangent to last said curve, a distance of 81.93 feet, more or less, to the northeast corner of said Lot 2; thence N 0°23'56" E, along the northerly prolongation of the east line of said lot 2, a distance of 60.00 feet to the southeast corner of said Lot 1; thence N 89°55'44" W, a distance of 94.73 feet, more or less, to the southwest corner of said Lot 1 to the southwest corner of said Lot 1; thence N 0°20'16" E, along the west line of said Lot 1, a distance of 300.25 feet to the TRUE POINT OF BEGINNING.

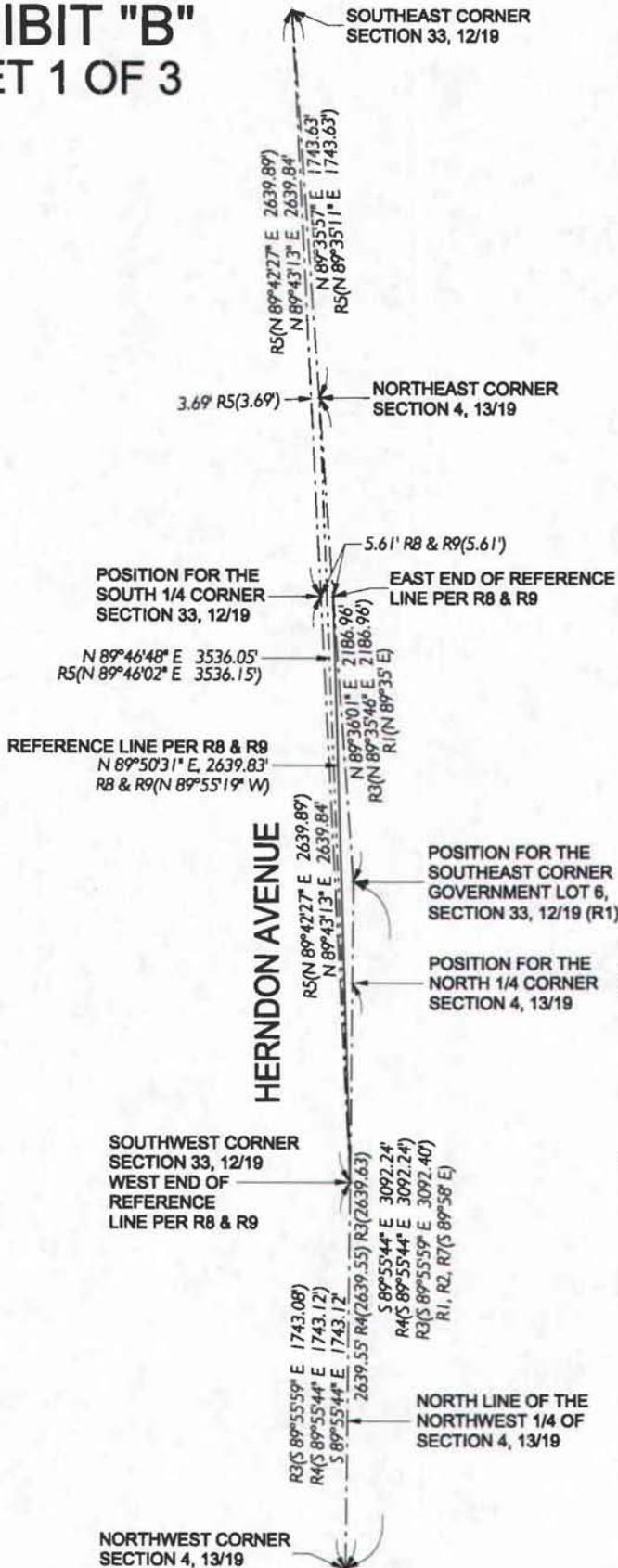
Contains an area of 14,617 square feet, more or less.



PWF 11452

# EXHIBIT "B"

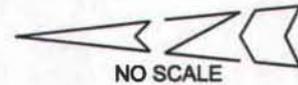
## SHEET 1 OF 3



DATA SHOWN IS PER RECORD DATA OR CALCULATED FROM RECORD DATA FROM THE FOLLOWING SOURCES:

- R1 = MAP OF J.C. FORKNER FIG GARDENS SUBDIVISION NO. 3, VOLUME 8 OF PLATS AT PAGE 79, F.C.R.
- R2 = MAP OF J.C. FORKNER FIG GARDENS SUBDIVISION NO. 10, VOLUME 10 OF PLATS AT PAGE 38, F.C.R.
- R3 = RECORD OF SURVEY, BOOK 48 OF RECORD OF SURVEYS AT PAGES 3 & 4, F.C.R.
- R4 = RECORD OF SURVEY, BOOK 54 OF RECORD OF SURVEYS AT PAGES 25-29, F.C.R.
- R5 = RECORD OF SURVEY, BOOK 52 OF RECORD OF SURVEYS AT PAGE 77, F.C.R.
- R6 = GRANT DEED RECORDED 9/13/1966 IN BOOK 5356 AT PAGE 92, O.R.F.C.
- R7 = DEED OF EASEMENT RECORDED 11/5/2002 AS DOCUMENT NO. 2002-0198284, O.R.F.C.
- R8 = DEED OF EASEMENT RECORDED 6/10/2004 AS DOCUMENT NO. 2004-0128098, O.R.F.C.
- R9 = DEED OF EASEMENT RECORDED 6/25/2004 AS DOCUMENT NO. 2004-0140115, O.R.F.C.
- R10 = DEED OF EASEMENT RECORDED 11/05/2002 AS DOCUMENT NO. 2002-0198283, O.R.F.C.

NOTE #1 FOR SHEET 2:  
 THE BEARING FOR THE MOST SOUTHERLY LINE OF THAT EASEMENT FOR PUBLIC STREET PURPOSES AS SHOWN AND DESCRIBED IN THAT DEED OF EASEMENT RECORDED AS DOCUMENT NO. 2002-0198283, O.R.F.C. (R10) IS SHOWN AS S 86°50'15" W. UPON EXAMINATION OF THE OTHER DATA OF SAID EASEMENT IT HAS BEEN DETERMINED THAT THE BEARING HAS TO BE S 89°50'15" W AS SHOWN FOR SAID LINE ON THIS EXHIBIT "B".



NOTE: NORTH-SOUTH SCALE EXAGGERATED FOR CLARITY



REF. & REV.  
 PWF 11452  
 PLATS 1342 & 1343

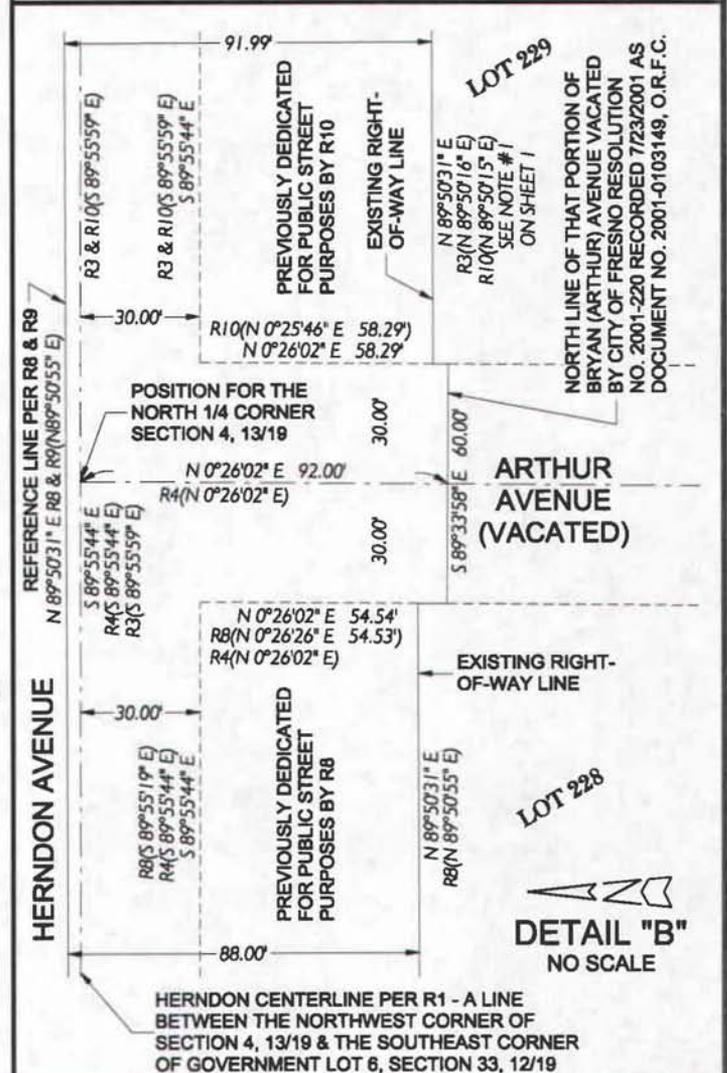
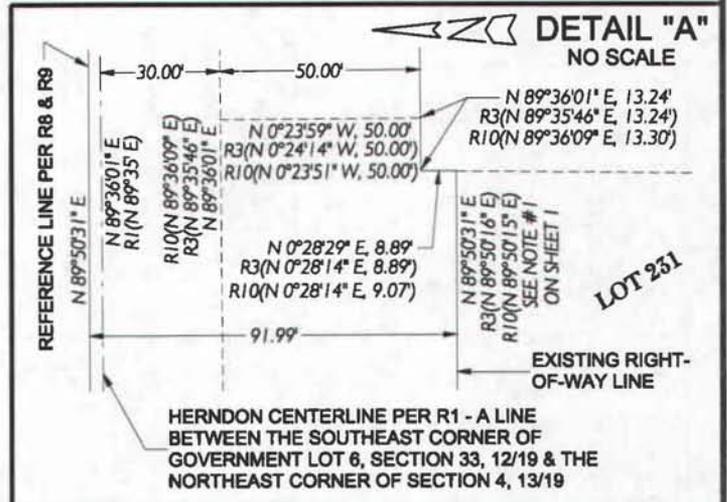
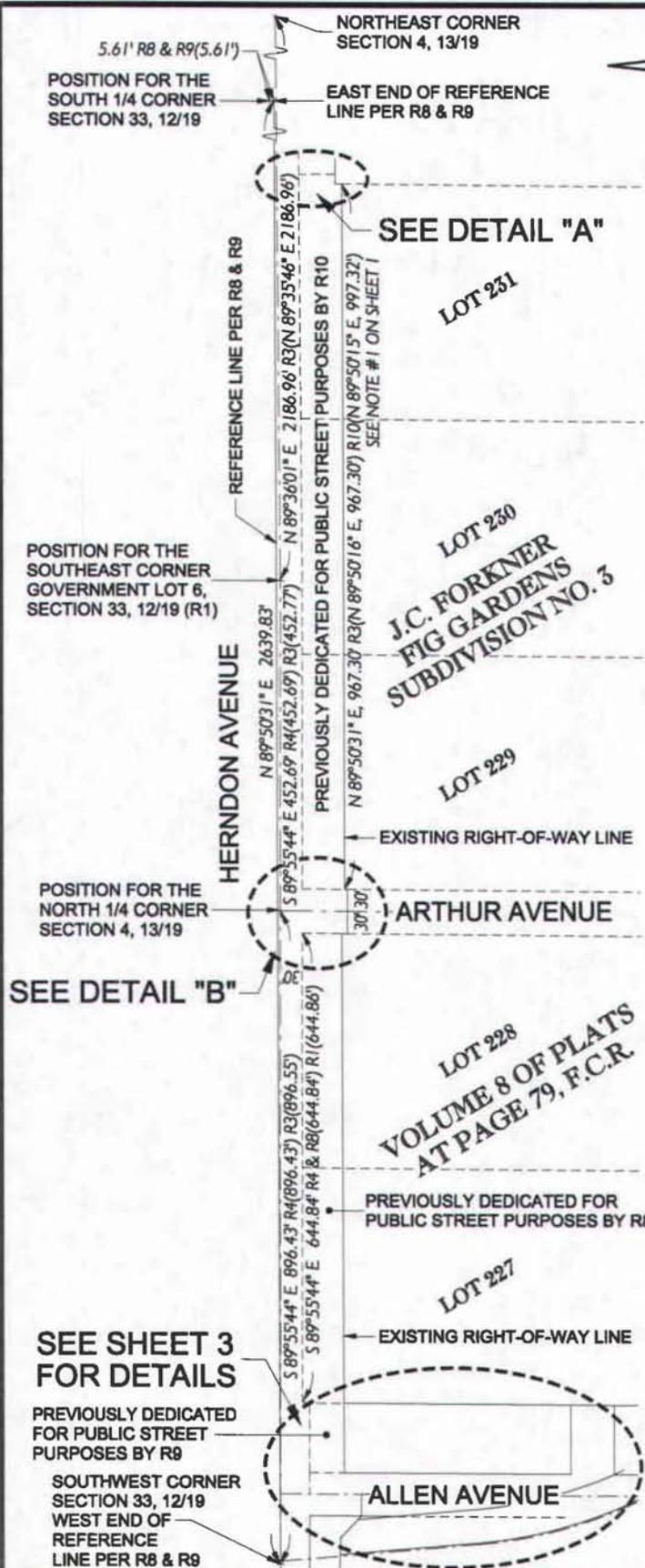
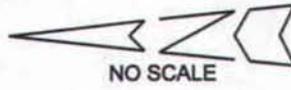
**CITY OF FRESNO**  
 DEPARTMENT OF PUBLIC WORKS

DRAWING SHOWING THE ESTABLISHMENT OF THE REFERENCE LINE PER DOCUMENTS NO. 2004-0128098 & 2004-0140115, O.R.F.C. USING RECORD DATA FROM VARIOUS SOURCES

|           |               |           |          |
|-----------|---------------|-----------|----------|
| PROJ. ID. | ES00003       | CO        | SQ002    |
| FUND NO.  | 10101         | ACT ID    | ABAN     |
| ORG. NO.  | 180201        |           |          |
| DR. BY    | A.J.          | SHEET NO. | 1        |
| CH. BY    | H.B.          | OF        | 3 SHEETS |
| DATE      | DEC. 21, 2011 |           |          |
| SCALE     | NO SCALE      |           |          |

# EXHIBIT "B"

## SHEET 2 OF 3



REF. & REV.  
**PWF 11452**  
 PLATS 1342 & 1343

**CITY OF FRESNO**  
 DEPARTMENT OF PUBLIC WORKS

DRAWING SHOWING THE PREVIOUS DEDICATIONS FOR PUBLIC STREET PURPOSES ALONG HERNDON AVENUE EAST OF THE NEW BRYAN AVENUE ALIGNMENT

|           |               |           |          |
|-----------|---------------|-----------|----------|
| PROJ. ID. | ES00003       | CO        | SQ002    |
| FUND NO.  | 10101         | ACT ID    | ABAN     |
| ORG. NO.  | 180201        |           |          |
| DR. BY    | A.J.          | SHEET NO. | 2        |
| CH. BY    | H.B.          | OF        | 3 SHEETS |
| DATE      | DEC. 21, 2011 |           |          |
| SCALE     | NO SCALE      |           |          |

# EXHIBIT "B" SHEET 3 OF 3

POINT OF COMMENCEMENT  
SOUTHWEST CORNER  
OF SECTION 33, 12/19

SEE DETAIL "C"  
HERNDON AVENUE

REFERENCE  
LINE PER  
R8 & R9

S 89°55'44" E, 3.82'  
R4(S 89°55'44" E, 3.82')  
R7(S 89°58' E, 3.87')

S 89°55'44" E, 122.60'  
R4(S 89°55'44" E, 122.60')

S 89°55'44" E, 221.57'  
R7(S 89°58' E, 221.61')

N 89°50'31" E

NORTH LINE OF THE  
NORTHWEST 1/4 OF  
SECTION 4, 13/19

NORTHEAST  
CORNER  
OF LOT 1

PREVIOUSLY DEDICATED  
FOR PUBLIC STREET  
PURPOSES BY R9



INDICATES PUBLIC STREET  
EASEMENT TO BE VACATED  
AREA TO BE VACATED = 14617 S.F. ±

NOTE #2:  
THE BEARING FOR THE WEST LINE OF LOT 1 AS  
SHOWN ON RECORD OF SURVEY BOOK 54,  
PAGE 25 (R4), AS S 0°20'16" E APPEARS TO BE IN  
ERROR. THE BEARING OF THE CENTERLINE OF ALLEN  
AVENUE SHOWN ON SAID RECORD OF SURVEY  
AS N 0°20'16" E (S 0°20'16" W) WAS USED INSTEAD.

### CURVE TABLE

|    | RADIUS  | DELTA     | LENGTH |
|----|---------|-----------|--------|
| C1 | 153.74' | 9°19'40"  | 25.03' |
| C2 | 153.74' | 11°07'29" | 29.85' |
| C3 | 153.74' | 2°27'51"  | 6.61'  |

### LINE TABLE

|    | BEARING       | LENGTH |
|----|---------------|--------|
| L1 | S 0°20'16" W  | 40.00' |
| L2 | S 0°20'16" W  | 59.50' |
| L3 | S 89°50'31" W | 25.14' |
| L4 | S 42°30'52" W | 30.15' |
| L5 | S 89°55'44" E | 12.74' |
| L6 | S 0°23'56" W  | 40.00' |

### RADIAL TABLE

| R# | BRG FROM RP   |
|----|---------------|
| R1 | N 70°55'59" E |
| R2 | S 80°15'39" W |
| R3 | S 69°08'10" W |
| R4 | S 66°40'19" W |

"CENTERLINE OF  
FUTURE STREET  
RIGHT OF WAY"  
PER R4 & R7

SHEPARD STREET

R7(R=650.00') R4(R=650.00') R=650.00'  
R7(D=35°41'09") R4(D=35°41'32") D=35°41'32"  
R7(L=404.84') R4(L=404.91') L=404.92'

SOUTHWEST CORNER  
OF SECTION 33, 12/19

REFERENCE LINE  
PER R8 & R9

N 89°50'31" E  
S 89°55'44" E

NORTH LINE OF THE  
NORTHWEST 1/4 OF  
SECTION 4, 13/19

"CENTERLINE OF  
FUTURE STREET  
RIGHT OF WAY"  
PER R4 & R7

DETAIL "C"  
NO SCALE

NO SCALE

ALLEN  
AVENUE

S 40°30'20" E, 56.55'  
R4(S 40°30'20" E, 56.55')  
R7(S 40°32'13" E, 56.91')

LOT 2  
OF R2

R=686.63'  
D=17°10'39"  
L=205.86'

VARIES

S 49°29'40" W  
RADIAL  
S 40°30'20" E

S 49°29'40" W, 50.00'

BRYAN  
AVENUE

LOT 1  
OF R2

LOT 1  
OF R2

APN 504-091-14ST

R=584.00'  
D=14°15'13"  
L=145.28'

R2(S 89°58' E, 95.25')  
N 89°55'44" W, 94.73' ±

R2(S 0°21' W, 360')  
S 0°23'56" W, 359.75'

R2(60.00')

R2(S 89°55'44" E, 81.93' ±

APN 504-091-14ST

APN 504-091-14ST

APN 504-091-14ST

APN 504-091-14ST

LOT 227  
J.C. FORKNER FIG GARDENS  
SUBDIVISION NO. 3

VOLUME 8 OF PLATS AT PAGE 79, F.C.R.

REF. & REV.

PWF 11452  
PLATS 1342 & 1343

CITY OF FRESNO  
DEPARTMENT OF PUBLIC WORKS

PUBLIC STREET TO BE VACATED

PROJ. ID. ES00003 CO SQ002  
FUND NO. 10101 ACT ID ABAN  
ORG. NO. 180201

DR. BY AJ.  
CH. BY H.B.  
DATE DEC. 21, 2011  
SCALE NO SCALE

SHEET NO. 3  
OF 3 SHEETS