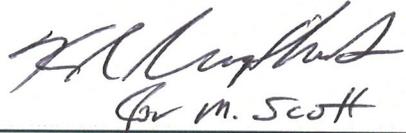




REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-B
COMMISSION MEETING 04.03.13

April 3, 2013

APPROVED BY

For M. Scott

FROM: MIKE SANCHEZ, Planning Manager
Development & Resource Management Department 

THROUGH: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division 

BY: MCKENCIE CONTRERAS, Planner III
Development Services Division 

SUBJECT: CONSIDERATION OF REZONE APPLICATION NO. R-11-004, CONDITIONAL
USE PERMIT APPLICATION NO. C-11-058, AND RELATED ENVIRONMENTAL
ASSESSMENT NO. R-11-004/C-11-058

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Finding of Conformity prepared for Environmental Assessment No. R-11-004/C-11-058 for the purpose of the proposed rezone application.
2. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-11-004 requesting authorization to reclassify the subject property from the R-1-B (*Single Family Residential, minimum 12,500 square foot lot size*) zone district to the R-1 (*Single Family Residential*) zone district.
3. APPROVE the Finding of Conformity prepared for Environmental Assessment No. R-11-004/C-11-058 for the purpose of the proposed Conditional Use Permit application, contingent upon City Council approval of Rezone Application No. R-11-004 and the related environmental assessment.
4. APPROVE Conditional Use Permit Application No. C-11-058 subject to the findings included within the Staff Report to the Planning Commission dated April 3, 2013; compliance with the Conditions of Approval dated April 3, 2013; and, contingent upon City Council approval of Rezone Application No. R-11-004 and the related environmental assessment.

EXECUTIVE SUMMARY

Jeff Cazaly, on behalf of Marstel Investments, has filed Rezone Application No. R-11-004 and Conditional Use Permit Application No. C-11-058 pertaining to approximately 1.86 acres of property located on the west side of North Maroa Avenue south of West Barstow Avenue.

Rezone Application No. R-11-004 proposes to reclassify the property from the R-1-B (*Single Family Residential, minimum 12,500 square foot lot size*) zone district to the R-1 (*Single Family Residential*) zone district.

Conditional Use Permit Application No. C-11-058 has been filed in order to facilitate approval of a 19 unit planned development, which is gated. The units are proposed two-story townhouses with attached garages.

PROJECT INFORMATION

PROJECT	Rezone Application No. R-11-004 proposes to reclassify the property from the R-1-B (<i>Single Family Residential, minimum 12,500 square foot lot size</i>) zone district to the R-1 (<i>Single Family Residential</i>) zone district. Conditional Use Permit Application No. C-11-058 proposes a 19 unit planned development, which is gated. The units are proposed two-story townhouses with attached garages.
APPLICANT	Jeff Cazaly, on behalf of Marstel Investments
LOCATION	5317 North Maroa Avenue; Located on the west side of North Maroa Avenue, south of West Barstow Avenue (APN: 417-070-58) (Council District 2, Councilmember Brandau)
SITE SIZE	Approximately 1.86 acres
PLANNED LAND USE	Existing - Medium Density Residential
ZONING	Existing - <u>R-1-B</u> (<i>Single Family Residential, minimum 12,500 square foot lot size</i>) Proposed - <u>R-1</u> (<i>Single Family Residential</i>)
PLAN DESIGNATION AND CONSISTENCY	Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the proposed R-1 zone district classification and the existing Medium Density Residential planned land use designation for the subject property are found consistent.
ENVIRONMENTAL FINDING	A Finding of Conformity was filed with the Fresno County Clerk's office on March 1, 2013.
PLAN COMMITTEE RECOMMENDATION	The District 2 Plan Implementation Committee unanimously approved the rezone and conditional use permit applications subject to several recommendations discussed later in the report.
STAFF RECOMMENDATION	<u>Recommend Approval (to the City Council) of:</u> (1) Adoption of the Finding of Conformity prepared for Environmental Assessment No. R-11-004/C-11-058 for the Rezone Application; and, (2) Rezone Application No. R-11-004. <u>Recommend Approval (by the Planning Commission) of:</u> (1) Adoption of the Finding of Conformity prepared for Environmental Assessment No. R-11-004/C-11-058 for the Conditional Use Permit application; and, (2) Conditional Use Permit Application No. C-11-058.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Density Residential	R-1-B <i>Single Family Residential District, minimum 12,500 square foot lot size</i> R-1-B (County) <i>Single Family Residential District (12,500)</i>	Church & Single Family Residence
East	Medium-Low Density Residential	R-1 (County) <i>Single Family Residential District (6,000)</i>	Single Family Residential
South	Medium-Low Density Residential	R-1-AH (County) <i>Single Family Residential District (20,000)</i>	Single Family Residential
West	Medium-Low Density Residential	R-1-B (County) <i>Single Family Residential District (12,500)</i>	Condominiums

ENVIRONMENTAL FINDING

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 fully within the scope of the Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

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

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a draft Finding of Conformity for this project. A public notice of the attached Environmental Assessment Application No. R-11-004/C-11-058 was published on March 1, 2013 with no comments or appeals received to date.

BACKGROUND / ANALYSIS

Jeff Cazaly, on behalf of Marstel Investments, previously filed Plan Amendment Application No. A-11-004, Rezone Application No. R-11-004, and Conditional Use Permit Application No. C-11-058 pertaining to approximately 1.86 acres of property located on the west side of North Maroa Avenue south of West Barstow Avenue. The applications proposed the following:

- Plan Amendment Application No. A-11-004 proposed to amend the 2025 Fresno General Plan and Bullard Community Plan from the Medium Density Residential planned land use designation to the Medium-High Density Residential land use designation.
- Rezone Application No. R-11-004 proposed to reclassify the property from the R-1-B (*Single Family Residential, minimum 12,500 square foot lot size*) zone district to the R-2 (*Low Density Multiple Family Residential*) zone district.
- These applications were filed in order to facilitate approval of a proposed 26 unit three-story multiple family residential gated community with private streets and modified property development standards in accordance with Conditional Use Permit Application No. C-11-058.

The entitlements were originally scheduled for Planning Commission on October 19, 2011. However, due to the large community turnout, the applicant requested that the meeting be continued to November 2, 2011. The items to be heard on November 2, 2011 were referred back to staff because the applicant was to hold a neighborhood meeting on November 1, 2011 to address the concerns expressed at the meeting. At the neighborhood meeting on November 1, 2011 at the Seventh Day Adventist Church, located just north of the subject property, the concerns raised by the neighbors in attendance included the height of the proposed buildings, density, noise, lower property values, traffic, and water impacts.

The applicant has since redesigned the project to address some of the concerns from the neighbors. The applicant shared the redesign of the project with the community at a neighborhood meeting on November 13, 2012. The applicant is no longer proposing a plan amendment to change the planned land use but has revised the project to be consistent with the existing medium density residential planned land use designation. The applicant is proposing Rezone Application No. R-11-004 to reclassify the property from the R-1-B (*Single Family Residential, minimum 12,500 square foot lot size*) zone district to the R-1 (*Single Family Residential*) zone district and Conditional Use Permit Application No. C-11-058 for a gated 19 unit planned development.

The redesigned development provides two-story townhouse units with three bedrooms, two and a half bathrooms, and a two car garage. The second story of each unit will be setback further than the first story.

As noted above, Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the FMC illustrates that the proposed R-1 (*Low Density Multiple Family Residential*) zone district is consistent with the existing Medium Density Residential (4.99-10.37 dwelling units/acre) planned land use designation for the subject property, respectively.

Therefore, the development of the subject property at an overall density of approximately 10.18 dwelling units per acre, in a manner which is consistent with the permitted uses and property development

standards of the proposed R-1 (*Single Family Residential*) zone district is determined to be consistent with the existing Medium Density Residential planned land use designation for the subject property.

The subject property is bounded on the north by a church and an existing single family residence. Properties to the east and south of the subject property have been developed with single family residential land uses. Property to the west of the subject property has been developed with condominiums.

Parking

Pursuant to Section 12-306-I-6-c of the FMC, when there is more than one dwelling unit on a single lot there shall be one and one-half parking spaces for each dwelling unit, one of which shall be in a carport or garage. In the event that a requirement for one-half parking space results under this ratio, the parking space requirement shall be increased to the next highest whole number.

The project proposes 19 residential units which requires 29 parking spaces, 19 of which shall be in a carport or garage. The project proposes each unit with a two-car garage. Therefore, all units will have two covered parking spaces. In total, the project provides 38 garage spaces and 20 open parking spaces.

Modification to Property Development Standards

Section 12-105 of the FMC defines planned developments as residential development in which property development standards may be modified or waived to permit design flexibility, subject to the special standards of Subsection 21 of Section 12-306-N, when development is planned in a unified, integrated manner, incorporates design features, results in the efficient use of land, is compatible with the surrounding environment and is consistent with adopted city plans and policies.

The applicant is requesting to modify the rear yard setback requirement along the west property line. Staff supports the reduction of the required rear yard setback to be 15 feet-4 inches for the first story of Building No. 3 as depicted on Exhibit A dated January 10, 2013. The second story of Building No. 3 will be setback 25 feet-6 inches, which exceeds the FMC requirement of 20 feet. The proximity of the first story of Building No. 3 to the property line does not pose a privacy concern, given that a proposed seven foot block wall along the west property line and landscaping will help screen adjacent property from the proposed development. The applicant provides replacement space for the setback reduction on the southwest corner of the subject property as depicted on Exhibit A dated January 10, 2013 for the encroachment.

Land Use Plans and Policies

Objective C-9 of the 2025 Fresno General Plan directs planning for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Supporting policy C-9-j recommends that Medium Density Residential land shall be developed to maximize efficient use and affordability of residential property through a wide range of densities. The 2025 Fresno General Plan supports infill that will revitalize the built-up urban core communities and neighborhoods of Fresno, provide residential development for diverse population, and improve the overall quality of the urban environment. Goal 1 of the Housing Element 2008-2013 (HE) supports implementation of the 2025 Fresno General Plan. The HE also supports higher density neighborhoods that better accommodate a mix of housing within convenient walking or biking distance to commercial services.

Similarly, the goals of the Bullard Community Plan are directed toward: (1) the provision of a diversity of housing types and housing opportunities to meet the needs of all ages and income levels; (2) providing for safe, clean and aesthetically pleasing neighborhoods; and, (3) providing for compatible relationships between differing housing types and densities. The Area 5 Land Use Policy, a specific plan within the Bullard Community Plan, provides history of the area that the subject property is located in. The policy states the type of development at 7.26 dwelling units per acre; however, the policy states it is not a necessary policy as part of the Bullard Community Plan. The applicant is proposing a R-1 planned development at a 10.18 dwelling units per acre density, which is consistent with the 2025 Fresno General Plan, Bullard Community Plan, and the FMC.

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

The two-story design will take advantage of the existing infrastructure in the area. Despite a slight increase in traffic, the existing street system with appropriate improvements from the subject property can readily accommodate increases in traffic. Furthermore, the development of a vacant parcel will create a more aesthetically appealing appearance to the neighborhood and lessen potential conflicts associated with vacant properties such as dumping of trash and vandalism.

Circulation Element Plan Policies and Major Street System Traffic Capacity

The subject site is located on the west side of North Maroa Avenue, south of West Barstow Avenue. The previous submittal for the plan amendment required a traffic impact study (TIS). The modified design no longer requires a plan amendment or TIS. However, the previous TIS prepared by Peters Engineering Group on February 14, 2011 concluded that the project at 26 units would result in a negligible change in the number of vehicle trips expected to be generated at the subject site. Therefore, it can be concluded that the proposed 19 units will also result in a negligible change.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the development of a 19 unit planned development on the subject site is expected to generate an average of approximately 182 average daily trips (ADT). Of these vehicle trips it is projected that 15 will occur during the morning (7 to 9 a.m.) peak hour travel period and 19 will occur during the evening (4 to 6 p.m.) peak hour travel period.

The subject site location is in close proximity to residential and commercial land uses which provide for a pattern of development that is anticipated to have the potential to reduce the number of average daily vehicle trips.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the rezone and conditional use permit applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division and City Engineer dated October 26 and 29, 2013, respectively. These requirements will be incorporated into the project via the entitlement process and generally include: (1) public street improvements; (2) installation of a paved pedestrian path or sidewalk; and, (3) payment of applicable impact fees (including, but not limited to, the Traffic Signal

Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

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

Public Services

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services will be available to serve the proposed project subject to implementation of the 2025 Fresno General Plan policies and the mitigation measures of Master Environmental Impact Report No. 10130; and, conditions related to water and sanitary sewer service identified within the attached memorandum from the DPU, Water division dated June 28, 2012 and the memorandum from the DPPU, Planning and Engineering Division dated July 3, 2012.

The proposed project is required to provide two independent sources of water, meeting Federal and State Drinking Water Act Standards as is typical. The project will be connecting to the City of Fresno water system, which is a grid system with multiple wells tying to it. The system therefore meets the State Drinking Water Standards. Therefore, implementation of the 2025 Fresno General Plan policies and the mitigation measures of Master Environmental Impact Report No. 10130 will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

City police and fire protection services are also available to serve the subject property. The Fresno Fire Department requires a flow of 1,500 gallons per minute (GPM). The existing six inch water main will be acceptable due to results from a flow test performed on November 3, 2011, which generated 1,700 GPM.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that permanent drainage service was available provided the developer could verify to the satisfaction of the City of Fresno that runoff could be safely conveyed to the Master Plan inlet(s). The proposed project will be subject to compliance with the conditions submitted by the FMFCD for the proposed project dated June 18, 2012.

District Committee

The subject property was previously in District 7. On September 25, 2011 the council redistricting took effect and the subject property became part of District 2. Prior to the redistricting, the District 7 Plan Implementation Committee made a formal recommendation at their meeting on May 9, 2011. The Committee unanimously approved the previous plan amendment, rezone, and conditional use permit applications subject to several recommendations discussed below:

- 1) Providing a left turn pocket so that residents could safely turn left into the property coming from south of the property on Maroa Avenue
- 2) Require that residents be forced to turn right (southbound) on Maroa to avoid congestion on Maroa
- 3) Add a bike lane on Maroa
- 4) Add a center turn lane

After discussion with the City Traffic Engineer, the above mentioned recommendations will not be required at this time. The recommendations may be completed in the future as funding becomes available.

The District 2 Plan Implementation Committee reviewed and unanimously approved the proposed rezone and conditional use permit at their meeting on November 26, 2012, subject to the following:

- 1) Add more detail to the elevations, i.e. stone veneer, color variations (including roof color), pop outs
- 2) Add pergola or other detail to common area
- 3) Add stone pillar element at entry gate

The applicant will be required to add additional architectural features to the elevations of the development and a stone pillar element at the entry as recommended. The design of the project depicts structures proposed in the common area similar to the recommendation of the committee.

Conditional Use Permit Findings

Based upon analysis of the conditional use permit application and subject to the applicant's compliance with all of the conditions of approval noted, staff concludes that the following required findings of Section 12-405-A-2 of the FMC can be made.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.

a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,

Finding a: The area of the proposed residential planned development is approximately 1.86 net acres in size. The subject property has been proposed to be developed into 19 units, at an overall density of approximately 10.18 dwelling units/acre. Multi-department/agency review of the proposed development plan (Conditional Use Permit Application No. C-11-058) has demonstrated that there is adequate space to meet all applicable requirements of the Code as established and modified in the Special Permit conditions of approval dated April 3, 2013; including yards, spaces, walls and fences, parking, landscaping and open spaces and other required features.

b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,

Finding b: Staff from the Public Works Department, Transportation Planning section has estimated that the proposed development will generate approximately 15 a.m./19 p.m. peak hour vehicle trips which can be accommodated by the adjacent streets subject to the respective requirements for dedications and improvements of adjacent portions of North Maroa Avenue and the intersection of San Ramon and Nantucket Avenue in accordance with the Department of Public Works memorandum dated October 19, 2012. These requirements are necessary for the traffic generated by the project and to accommodate city services and meet the needs of the proposed subdivision.

c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of this Code.

**Finding
c:**

The staff of the Development and Resource Management Department has determined that the proposed project will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the related conditional use permit application review process.

Conclusion

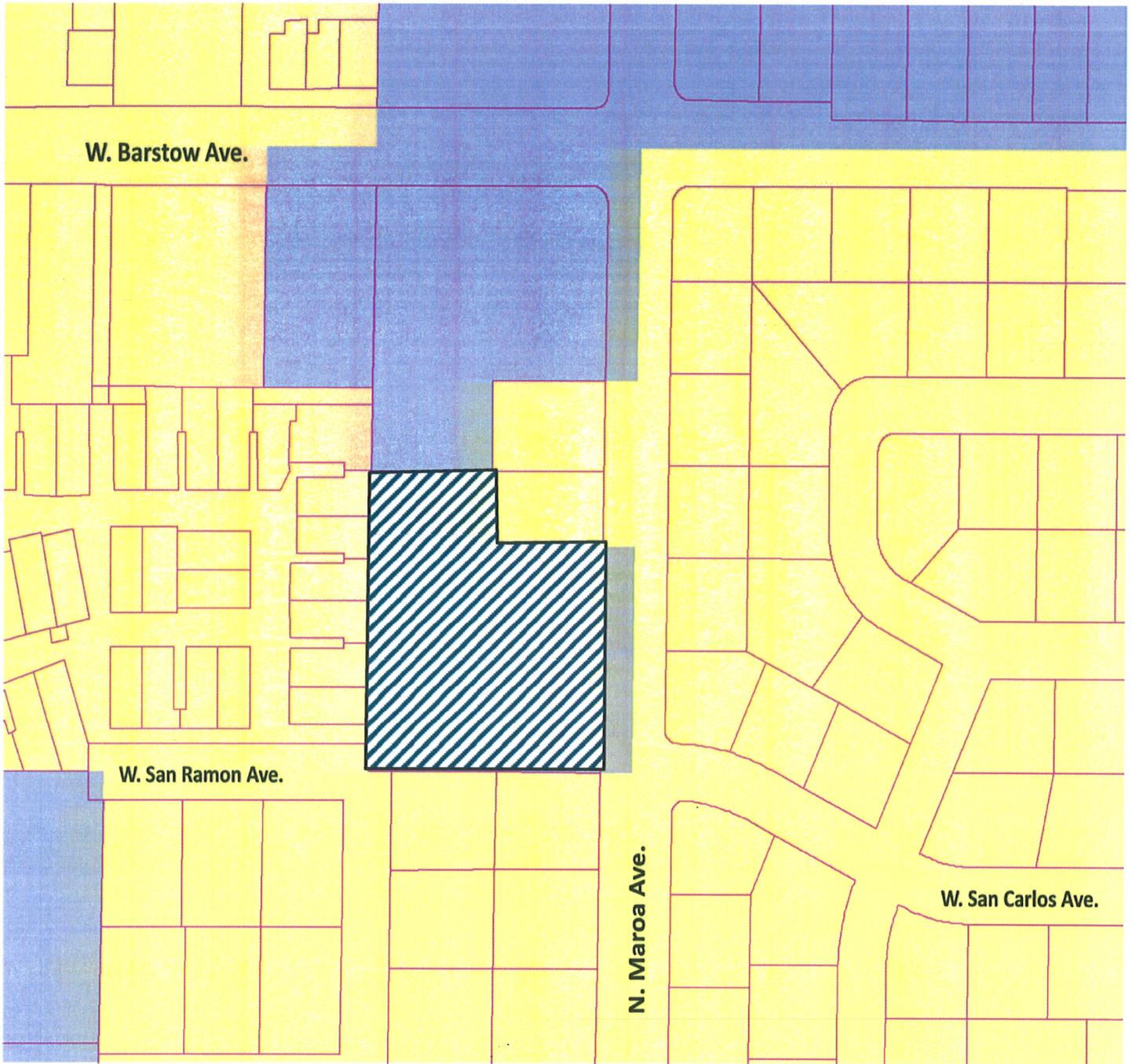
Action by the Planning Commission regarding the rezone application and associated environmental assessment will be a recommendation to Council.

Conditional Use Permit Application No. C-11-058 requires approval by the Planning Commission contingent upon affirmative action by the City Council respective to the proposed rezone application as well as adoption of the recommended finding of a Finding of Conformity for the associated environmental assessment. Unless the Planning Commission decision respective to the conditional use permit is set for hearing to the Council in accordance with Section 12-406-J of the FMC, the decision of the Commission shall be final and effective at 12:01 a.m. on the sixteenth day after the date of the decision, subject to writ of administrative mandamus under 1094.6 of the Code of Civil Procedures.

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Bullard Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Rezone Application No. R-11-004 and Conditional Use Permit Application No. C-11-058 are appropriate for the subject property.

- Attachments: Vicinity Map
2011 Aerial Photograph
Public Hearing Notice Mailing List Vicinity Map
2025 Fresno General Plan Planned Land Use Map
Exhibits for Conditional Use Permit Application No. C-11-058
Conditions of Approval for Conditional Use Permit Application No. C-11-058 dated April 3, 2013 and Agency Comments
Environmental Assessment No. A-11-004/R-11-004/C-11-058, finding of a Mitigated Negative Declaration dated March 1, 2013
Letters received from neighbors

Vicinity Map



Subject Property

VICINITY MAP

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

REZONE APPLICATION NO. R-11-004 &
CONDITIONAL USE PERMIT APPLICATION NO.
C-11-058

PROPERTY ADDRESS

5317 N. Maroa Ave.



Not To Scale

APN: 417-070-58

Zone District: R-1-B to R-1

By: M.Contreras, March 26, 2013

2011 Aerial Photograph

W. Barstow Ave.



Map

Traffic

Subject Property

W. San Ramon Ave.

N. Nantucket Ave.

N. Maroa Ave.

2011 Aerial

Public Hearing Notice Mailing List Vicinity Map



Request: R-11004
500

W BARSTOW AVE

PRIVATE DR

W SAN RAMON AVE

W SAN BRUNO AVE

W SAN JOSE AVE

N NANTUCKET AVE

N MAROA AVE

W SAN MADELE AV

W SAN RAMON AVE

W SAN CARLOS AVE

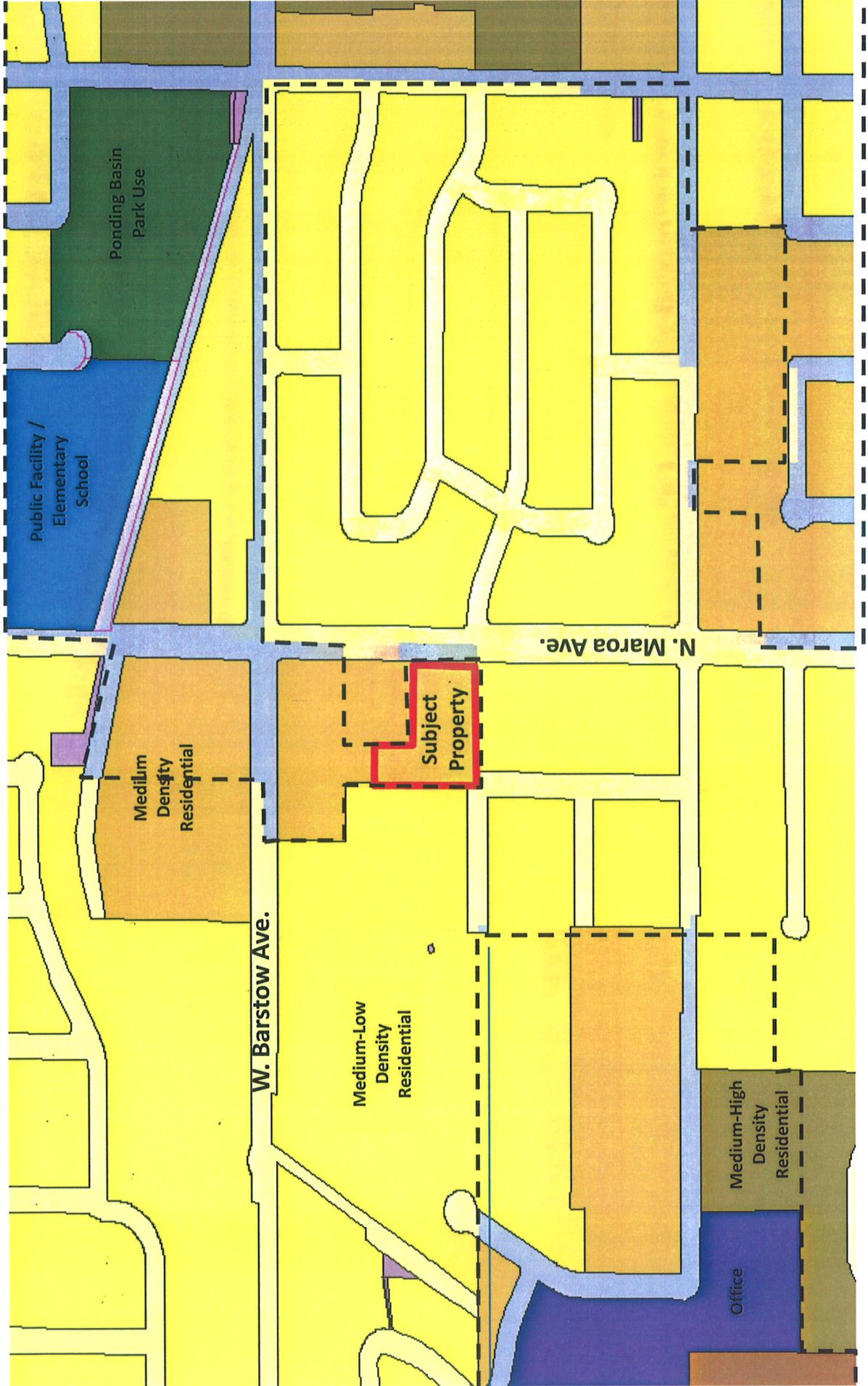
N BUNGALOW LN

W SAN BRUNO AVE

41724037 41724003 724004 41724005 41724006 41724007 41724008 41724040 41725121 725157 725158 41725123 417251

2025 Fresno General Plan Planned Land Use Map

2025 Fresno General Plan Planned Land Use Map



----- City Limits

Exhibits for Conditional Use Permit
Application No. C-11-058

JEFF CAZALY ARCHITECT
 799 W ALYAMA, SUITE 104
 FRESNO, CA 93726
 COMMERCIAL AND INDUSTRIAL DESIGN
 TEL: (555) 231-1882 FAX: (555) 231-1882

CITY OF FRESNO
 APN: 417-070-05
PROPOSED PROJECT FOR :
MARSTEL INVESTMENTS
"MAROA COURT"

CONTRACTOR

PROJECT CONTAINS:
 ARCHITECTURAL
 BUILDING 1 & 2

DATE: 10/06

JOB NUMBER: 10_006

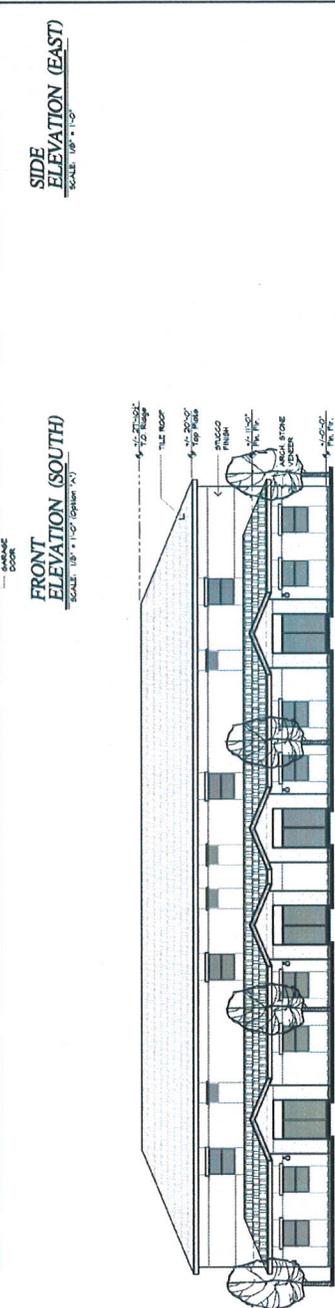


PROJECT: 10_006
 SHEET: A0.3



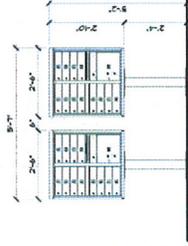
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 SCALE: 1/8" = 1'-0" (SHOWN IN 1/4")

SIDE ELEVATION (WEST)
 SCALE: 1/8" = 1'-0"



SIDE ELEVATION (EAST)
 SCALE: 1/8" = 1'-0"

REAR ELEVATION (NORTH)
 SCALE: 1/8" = 1'-0"



MAILBOX ELEVATION
 SCALE: 1/8" = 1'-0"

APPL. NO. C11058 EXHIBIT E1 DATE 1.10.13
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO, PLANNING & DEVELOPMENT DEPT

FRONT ELEVATION (EAST)
 SCALE: 1/8" = 1'-0" (SECTION A-A)

FRONT ELEVATION (WEST)
 SCALE: 1/8" = 1'-0"

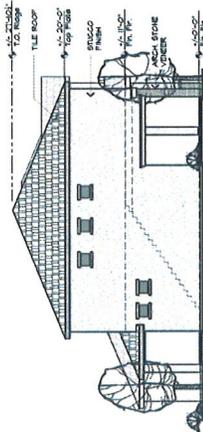
REAR ELEVATION (WEST)
 SCALE: 1/8" = 1'-0"

FRONT ELEVATION (SOUTH)
 SCALE: 1/8" = 1'-0"

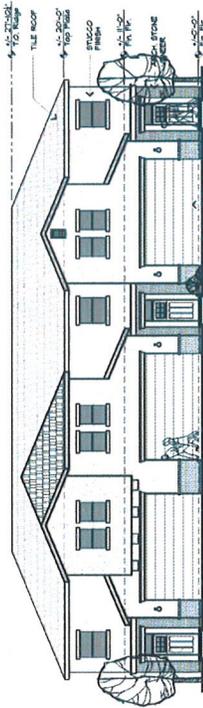
FRONT ELEVATION (NORTH)
 SCALE: 1/8" = 1'-0"

Architectural details and annotations include:
 - TILE ROOF
 - BRICK FINISH
 - STONE FINISH
 - GARAGE DOOR
 - WINDOW
 - DOOR
 - PORCH
 - BALCONY
 - TERRACE
 - DRIVEWAY

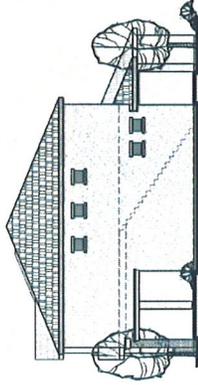
DATE PLOTTED: 1/10/13 10:00 AM



SIDE ELEVATION (EAST)
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION (NORTH)
 SCALE: 1/8" = 1'-0" (COMMON PART)

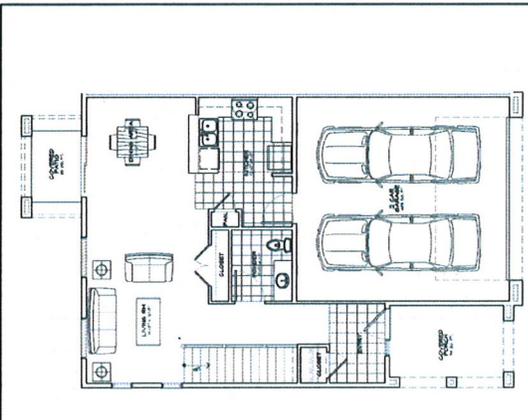


SIDE ELEVATION (WEST)
 SCALE: 1/8" = 1'-0"

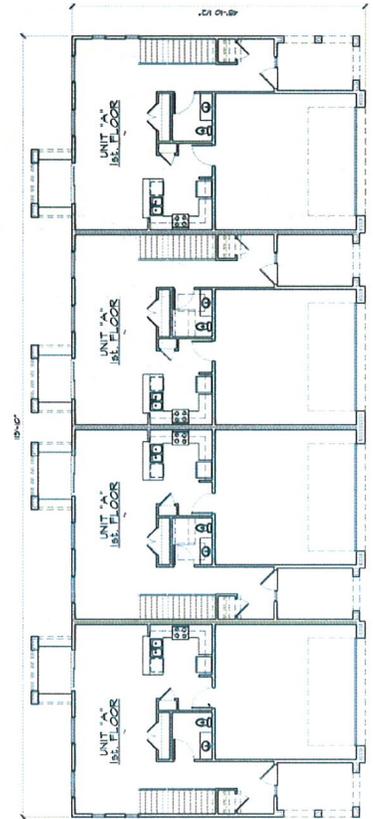
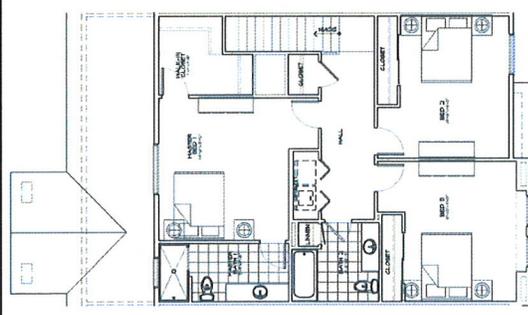
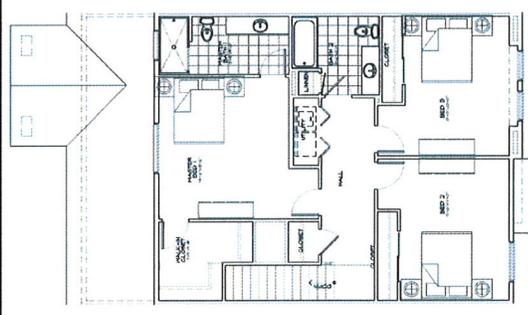
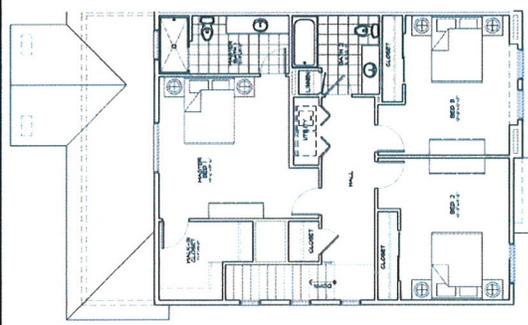


REAR ELEVATION (SOUTH)
 SCALE: 1/8" = 1'-0"

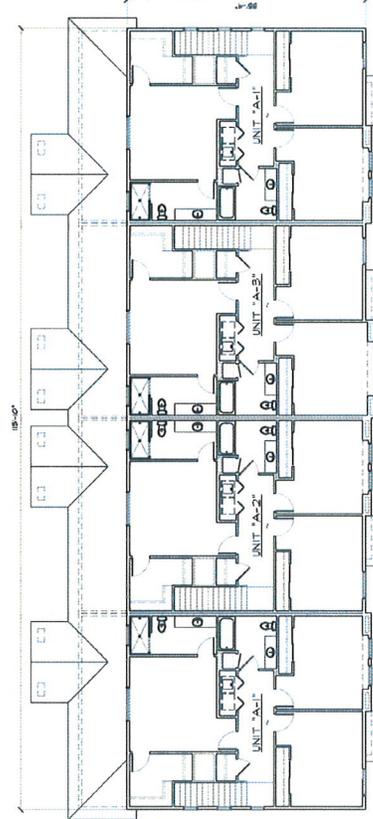
APPL. NO. C-11-058 EXHIBIT E-3 DATE 1.10.13
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



OPTION A-1	1ST FLOOR 108 SF
OPTION A-2	2ND FLOOR 108 SF
TOTAL SQ. FT.	216 SF

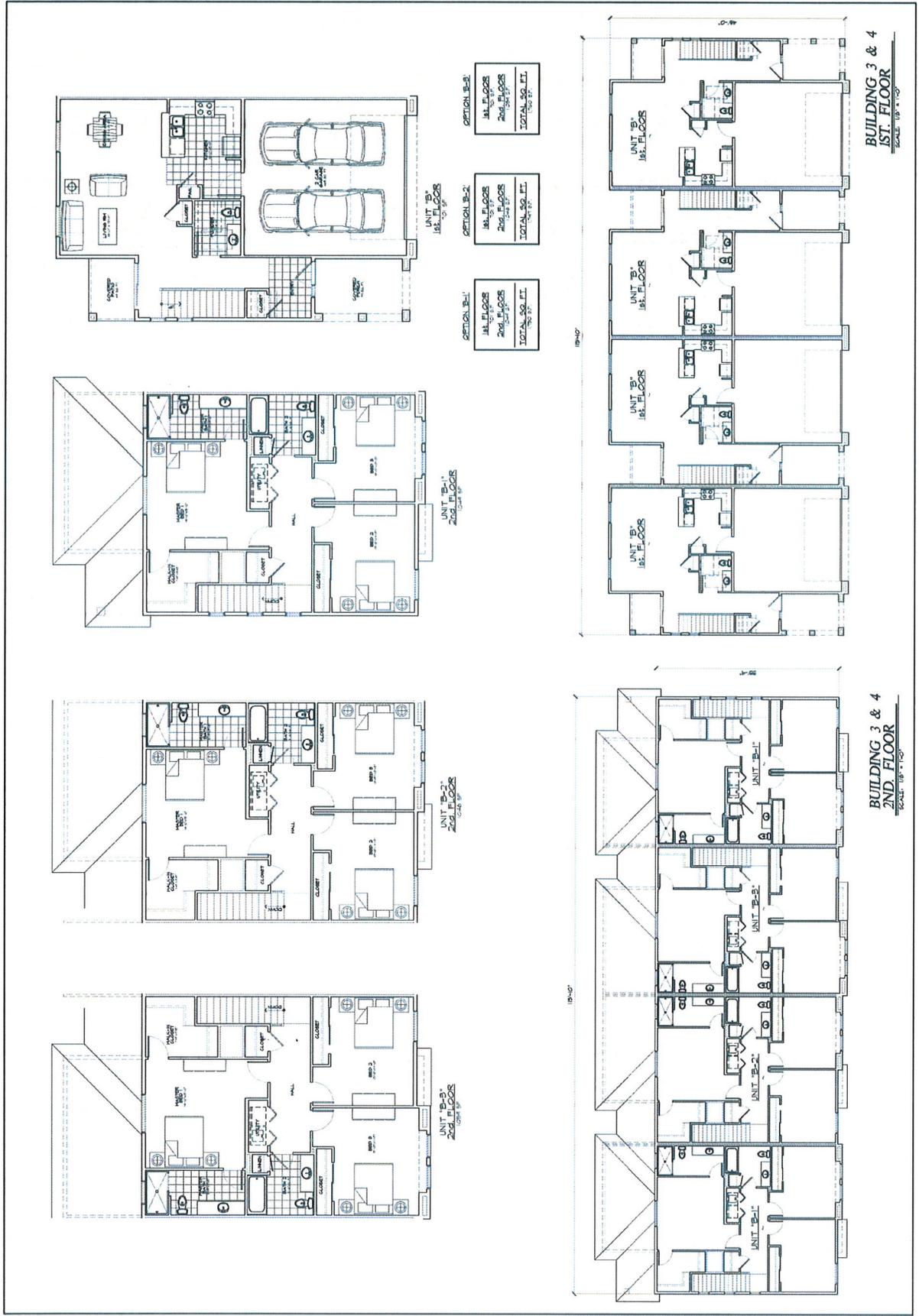


BUILDING NO. 1 & 2
 1ST FLOOR
 SCALE: 1/8" = 1'-0"

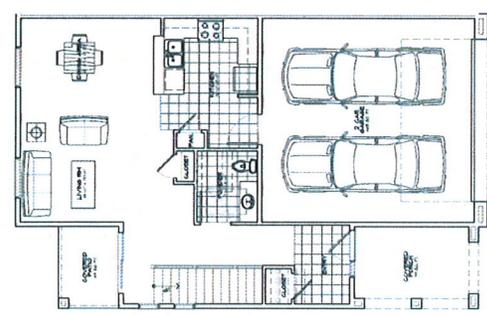


BUILDING NO. 1 & 2
 2ND FLOOR
 SCALE: 1/8" = 1'-0"

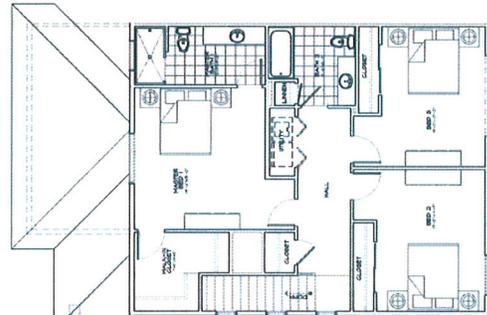
APPL. NO. C11-058 EXHIBIT F-1 DATE 1-10-13
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.



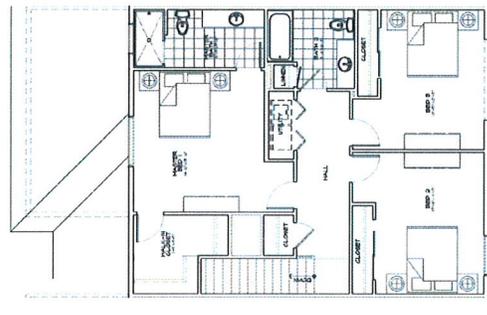
APPL. NO. C-11-058 EXHIBIT F2 DATE 1.10.13
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



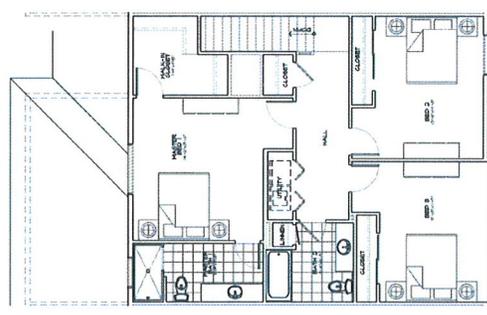
UNIT 1B-1
 1st FLOOR
 SCALE: 1/8" = 1'-0"



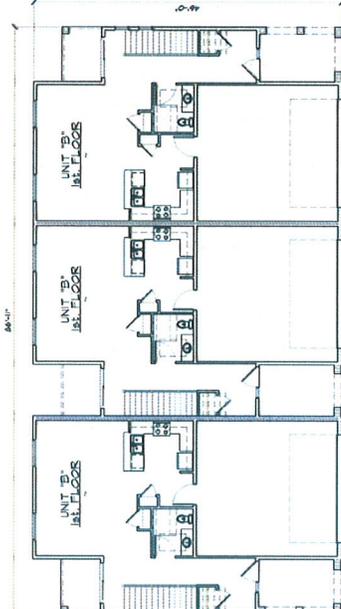
UNIT 1B-2
 1st FLOOR
 SCALE: 1/8" = 1'-0"



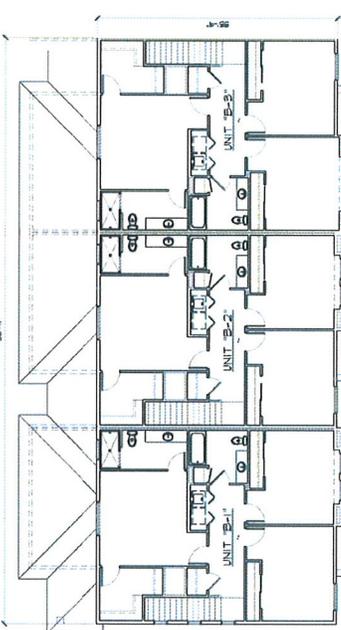
UNIT 2B-1
 2nd FLOOR
 SCALE: 1/8" = 1'-0"



UNIT 2B-2
 2nd FLOOR
 SCALE: 1/8" = 1'-0"



BUILDING 4A
 1ST FLOOR
 SCALE: 1/8" = 1'-0"



BUILDING 4A
 2ND FLOOR
 SCALE: 1/8" = 1'-0"

APPL. NO. C11-058 EXHIBIT F-3 DATE 1.10.13
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

APPL. NO. **C-11-058** EXHIBIT **L-2** DATE **1.16.13**
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

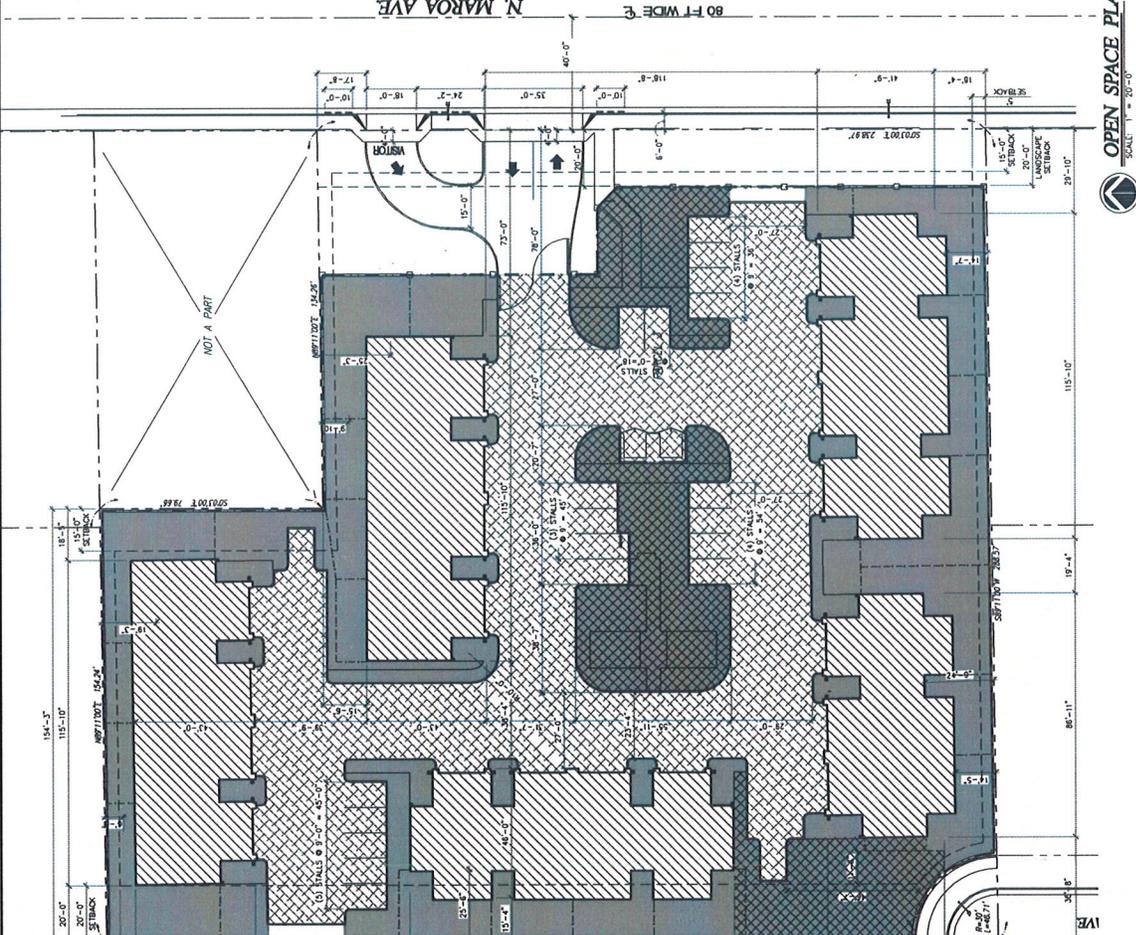
OPEN SPACE SUMMARY

SITE INFORMATION	
DESCRIPTIONS	AREA
GENERAL PLAN LAND USE/ZONING	R-1-B TO R-1-C
DATE	1.16.13
AREA OF CONSIDERATION	71,743 SQ. FT.
PAVING	23,423 SQ. FT. = 32%
BUILDING	21,887 SQ. FT. = 30%
OPEN AREA	26,433 SQ. FT. = 37%

PARKING INFORMATION	
NO. OF PARKING SPACES PROVIDED	58
NO. OF ACCESSIBLE SPACES PROVIDED	1

OPEN SPACE LEGEND :

- CONCRETE AREA OF CONSIDERATION BOUNDARY
- EXISTING PROPOSED PAVED AREA
- INDICATES PROPOSED OPEN SPACE AREA
- INDICATES FOR BEST CREATER THE 1.25% SLOPE OF THE 2.0% MINIMUM OPEN SPACE (8,300 SQ. FT. = 11%)
- INDICATES PROPOSED BUILDING AREA



SCALE: 1" = 20'-0"
OPEN SPACE PLAN
 REVISION: No. R-11-004
 CUP: No. C-11-008

JEFF CAZALY ARCHITECT
 299 W. ATLANTIC STREET, SUITE 101
 FRESNO, CA 93701
 TEL: (559) 281-1888
 FAX: (559) 281-1822
 jca@jeffcazalys.com

PROPOSED PROJECT FOR :
MARSTEL INVESTMENTS
"MAROJA COURT"
 CITY OF FRESNO
 APR. 4/17/09-18

CONTRACT NO. _____
 SHEET CONTAINS:
OPEN SPACE PLAN
 DRAWING NO. _____
 DATE: _____
 SCALE: _____
 PROJECT NO. _____
 SHEET NO. _____

Conditions of Approval and
Agency Comments

**CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT**

CONDITIONS OF APPROVAL

APRIL 3, 2013

CONFITIONAL USE PERMIT APPLICATION NO. C-11-058

5317 NORTH MAROA AVENUE

The Planning Commission will consider approval of Conditional Use Permit Application No. C-11-058 at a noticed public hearing on April 3, 2013 at 6:00 p.m. Staff recommends that the special permit application be approved subject to the conditions listed in this document.

Project Description: Conditional Use Permit Application No. C-11-058 proposes a 19 unit planned development, which is gated. The units are proposed two-story townhouses with attached garages.

CONDITIONS OF APPROVAL

PART A – ITEMS TO BE COMPLETED

The following items are required prior to issuance of building permits (unless otherwise stated):

Planner to check when completed		
<input type="checkbox"/>	1.	Development shall take place in accordance with Exhibits A, E-1, E-2, E-3, F-1, F-2, F-3, and L-1 dated January 10, 2013 and Exhibit L-2 dated January 15, 2013. Transfer all comments and conditions to the corrected exhibit(s) and submit to planner at least 15 days prior to issuance of building permits.
<input type="checkbox"/>	2.	All existing and proposed block fences/wall shall be treated with an anti-graffiti substance. Please indicate this on the site plan.
<input type="checkbox"/>	3.	Revise the operational statement dated June 4, 2012 to reflect redline changes.
<input type="checkbox"/>	4.	Provide a copy of the recorded street/pedestrian dedications to the Department of Public Works.
<input type="checkbox"/>	5.	A flood control fee of \$2,689 is due. This fee is valid through February 23, 2013. Contact the Fresno Metropolitan Flood Control District for a revised fee.
<input type="checkbox"/>	6.	Pay applicable Fresno Unified School District development fee.
<input type="checkbox"/>	7.	Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development Services Division.

<input type="checkbox"/>	8.	Prior to final inspection , a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development and Resource Management Department.
<input type="checkbox"/>	9.	Add applicable notes/details on the site plan from the attached "General Notes and Requirements for Entitlement Applications", unless otherwise noted in these conditions of approval.

PART B – OTHER REQUIREMENTS

1. Planning/Zoning/Environmental Compliance Requirements

- a) Development shall take place in accordance with the R-1 (*Single Family Residential*) zone district and all other applicable sections of the Fresno Municipal Code.
- b) Development shall take place in accordance with the policies of the 2025 Fresno General, Bullard Community Plan, and with the medium density residential planned land use designation.
- c) Development shall take place in accordance with the attached "General Notes and Requirements for Entitlement Applications" as applicable.
- d) Property development standards and the complete list of planning requirements/conditions for this project are contained in the "Project Comments from Planning dated April 3, 2013."
- e) Development and project operation shall take place in accordance with the attached operational stated dated June 4, 2012, with redline revisions.
- f) Any changes to approved elevations that are outside Substantial Conformance are subject to review and approval by the Development and Resource Management Department.

2. City and Other Services

- a) Development shall take place in accordance with the attached memoranda and letters from City of Fresno Departments and partner agencies (the Department of Public Utilities (for water) dated June 28, 2012, the Department of Public Utilities (for sewer) dated July 3, 2012, the Department of Public Utilities (for solid waste) dated June 20, 2012, the Public Works Department, Engineering Division dated October 26 and 29, 2012, Hilary Kimber in the Public Works Department dated May 12, 2011, the Fresno Fire Department dated June 20, 2012-Revised, Fresno Unified School District dated June 11, 2012, County of Fresno Department of Public Health dated June 12, 2012, Fresno Irrigation District dated April 19, 2011, the Fresno Metropolitan Flood Control District dated June 15 and 18, 2012, and the United States Postal Service dated April 14, 2011).

3. Miscellaneous Requirements

- a) The applicant shall comply with the recommendations, listed below) of the District 2 Plan Implementation Committee:
 - i) Add more detail to the elevations, i.e. stone veneer, color variations (including roof color), pop outs
 - ii) Add pergola or other detail to common area
 - iii) Stone pillar element at entry gate
- b) Approval of Conditional Use Permit Application No. C-11-058 is contingent upon City Council approval of Rezone Application No. R-11-004.
- c) A subsequent entitlement will be required in order to revise the current development proposal or authorize an alternative development scheme for the subject property. Further environmental review may also be required for any future revisions dependent upon the level of intensification that may be proposed.
- d) Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
 - i) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
 - ii) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
 - iii) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
- e) Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the health,

safety and welfare of the community, and recommend conditions for development that would on the whole enhance the project and its relationship to the neighborhood and environment.

APPEALS

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Section 12-405 can be made. Discretionary conditions of approval will ultimately be deemed mandatory unless appealed. In the event you wish to appeal any of these conditions, you must state your appeal (in writing or in testimony) at or prior to the Planning Commission hearing for this project scheduled on April 3, 2013 at 6:00 p.m. or thereafter.

BACKCHECK PROCESS

Please Note: To complete the back-check process for building permits relative to planning and zoning issues, submit two copies of this corrected, final site plan, elevations, and landscape plans, together with any fees and title reports for required covenants, and any required studies or analyses to McKencie Contreras in the Development Services Division for final review and approval, at least 15 days before issuance of building permits.

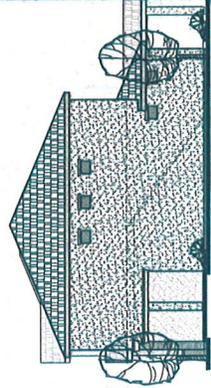
It may be necessary to resubmit these “corrected exhibits” a second time if not all the conditions have been complied with or are not shown on the exhibits. Once the “corrected exhibits” are approved by the Development Services Division, please place these exhibits in the Building Permit plan check sets and contact the Development Services Division, along with Traffic Planning, to set up an appointment to signoff and stamp these exhibits. Please bring one additional copy of the site plan exhibit(s) to this appointment so that the Development Services Division has a final signed-off copy of the site plan.

Copies of the final approved site plan, landscaping, and irrigation plans stamped by the Development Services Division must be submitted for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to the issuance of building permits.

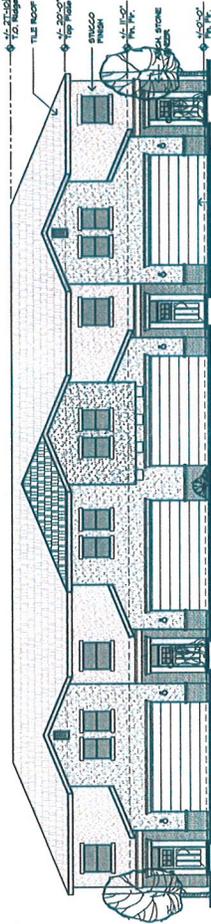
EXPIRATION DATES

The exercise of rights granted by this special permit must be commenced within four years from the date of approval. The date of approval is the date Rezone Application No. R-11, 004 becomes effective. There is no extension. All improvements must be installed prior to the operation of the proposed use.

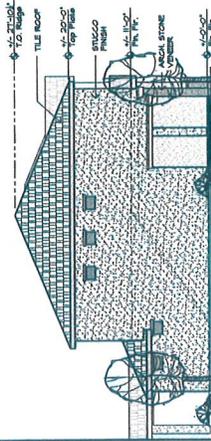
Enclosures: Exhibits A, E-1, E-2, E-3, F-1, F-2, F-3, and L-1 dated January 10, 2013 and Exhibit L-2 dated January 15, 2013
Operational Statement dated June 4, 2012 with redlines
Comments from Partner Agencies & Departments
General Notes and Requirements for Entitlement Applications



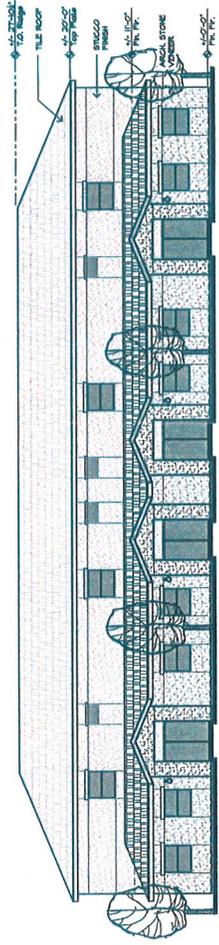
SIDE ELEVATION (EAST)
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION (SOUTH)
 SCALE: 1/8" = 1'-0"

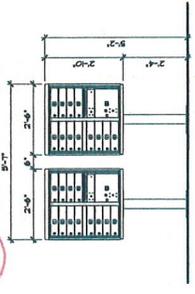


SIDE ELEVATION (WEST)
 SCALE: 1/8" = 1'-0"



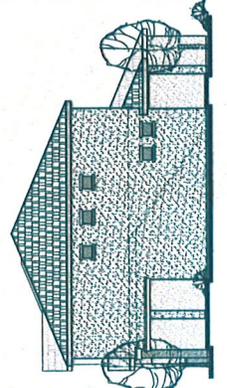
REAR ELEVATION (NORTH)
 SCALE: 1/8" = 1'-0"

** Provide a color & materials schedule.*
** Add additional detail to the elevations. (i.e. stone veneer, color variations)*
** Provide elevation of structure at center of property.*
** Provide elevation of entry gate with pillar element.*

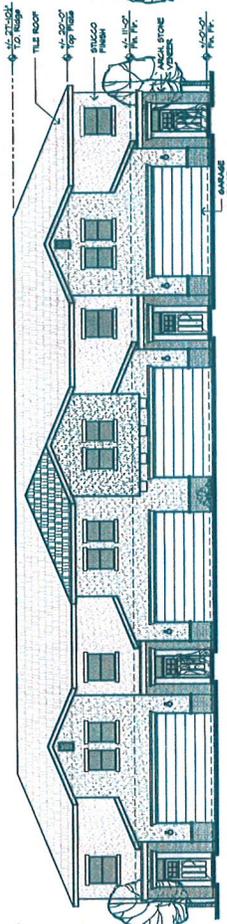


MAILBOX ELEVATION
 SCALE: 1/8" = 1'-0"

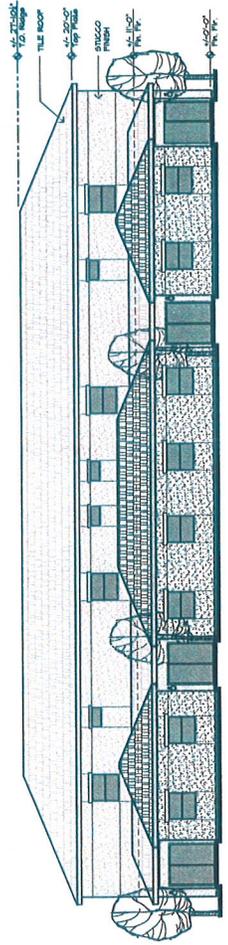
APPL. NO. **C11058** EXHIBIT **E1** DATE **01-10-13**
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.



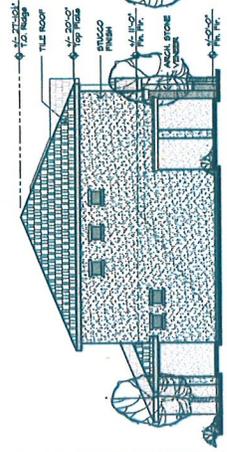
SIDE ELEVATION (NORTH)
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION (EAST)
 SCALE: 1/8" = 1'-0" (EASTERN VIEW)



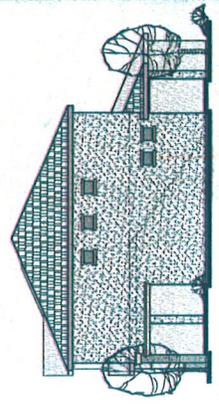
REAR ELEVATION (WEST)
 SCALE: 1/8" = 1'-0"



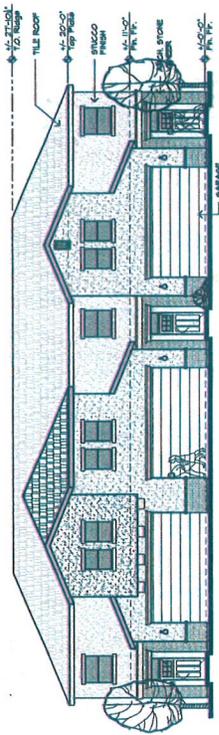
SIDE ELEVATION (SOUTH)
 SCALE: 1/8" = 1'-0"

**See sheet A0.3.*

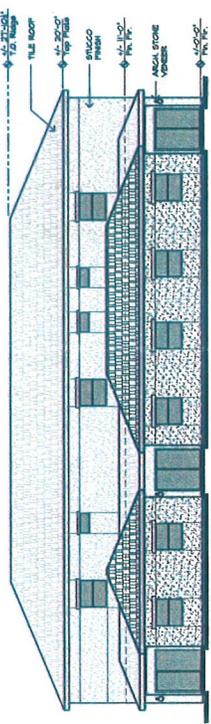
APPL. NO. **C-11050** EXHIBIT **EZ** DATE **01-10-13**
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 CCND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.



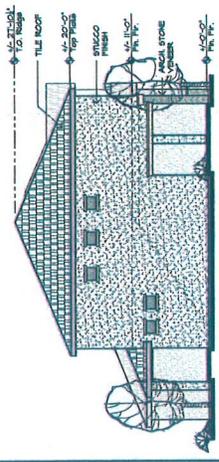
SIDE ELEVATION (WEST)
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION (NORTH)
 SCALE: 1/8" = 1'-0" (Minimum 1/4")



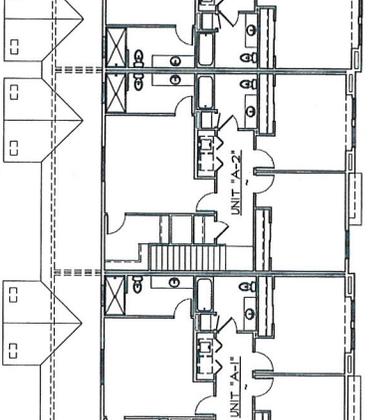
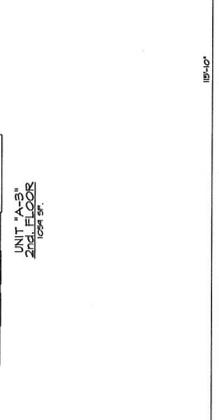
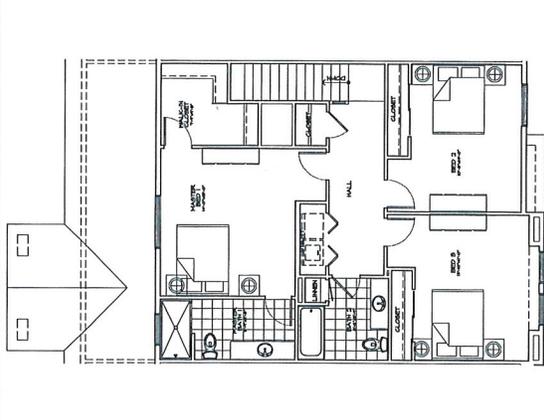
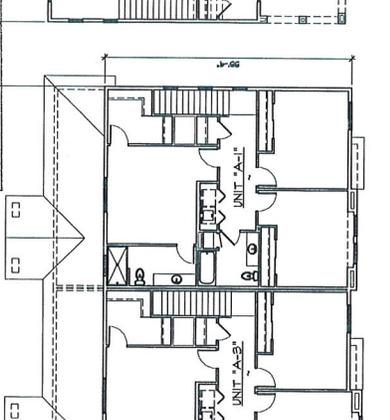
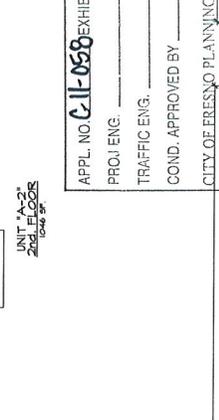
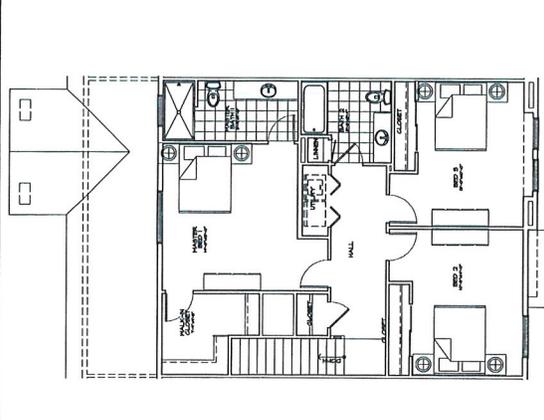
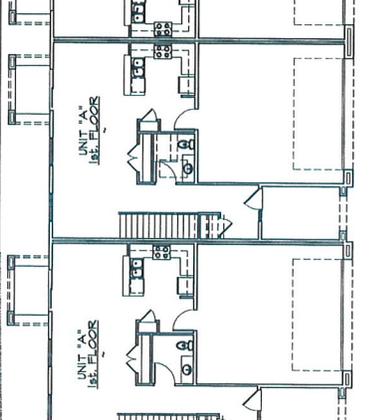
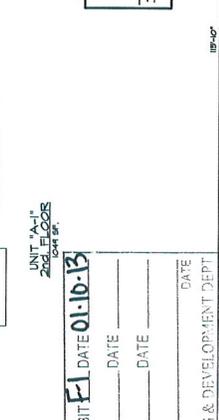
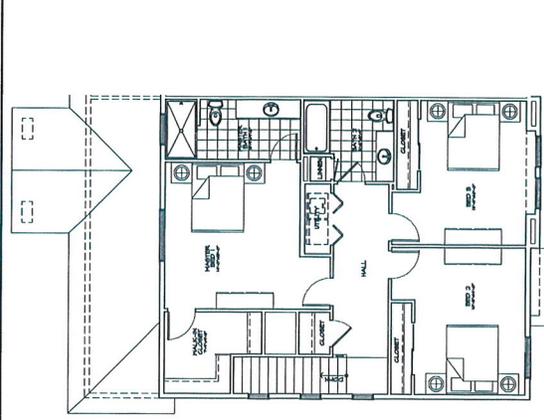
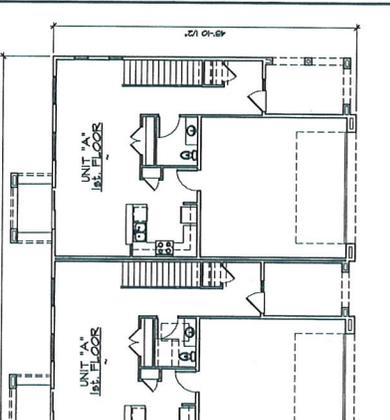
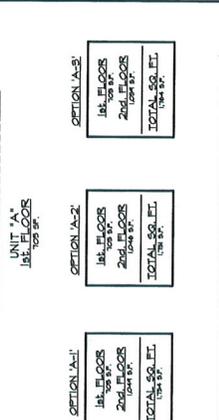
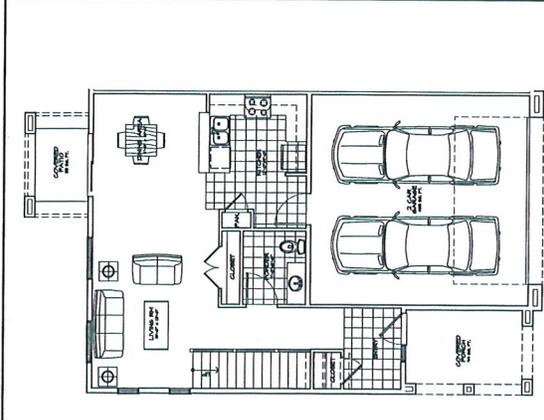
REAR ELEVATION (SOUTH)
 SCALE: 1/8" = 1'-0"



SIDE ELEVATION (EAST)
 SCALE: 1/8" = 1'-0"

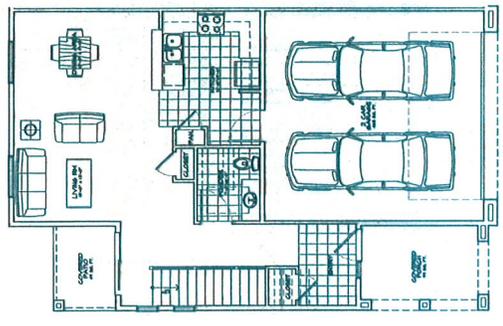
**Sec sheet, A0.3*

APPL. NO. **C-11-068**, EXHIBIT **F-3**, DATE **01-10-13**
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

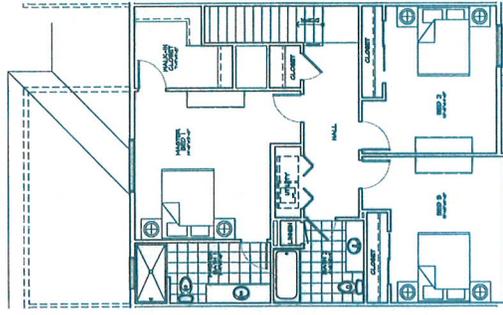
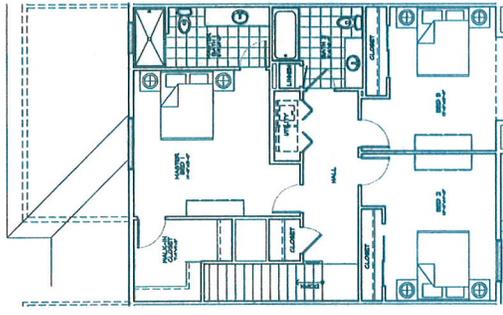
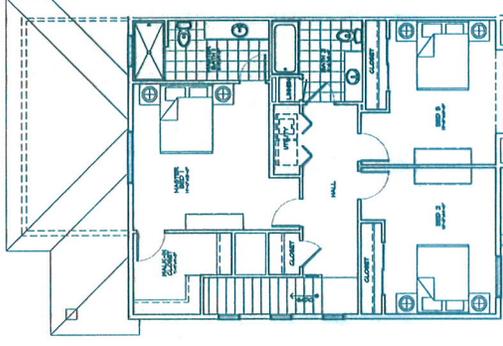


BUILDING NO. 1 & 2
 1ST FLOOR
 SCALE: 1/8" = 1'-0"

BUILDING NO. 1 & 2
 2ND FLOOR
 SCALE: 1/8" = 1'-0"

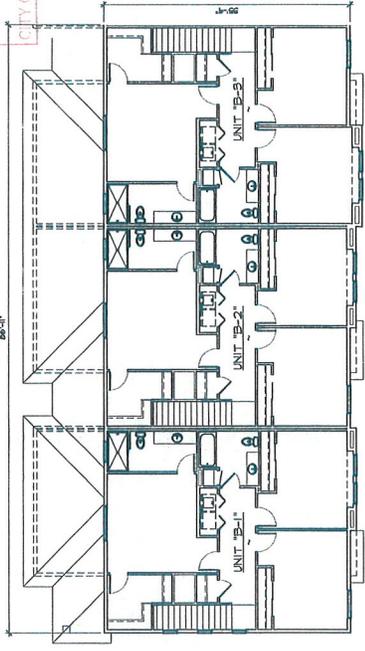
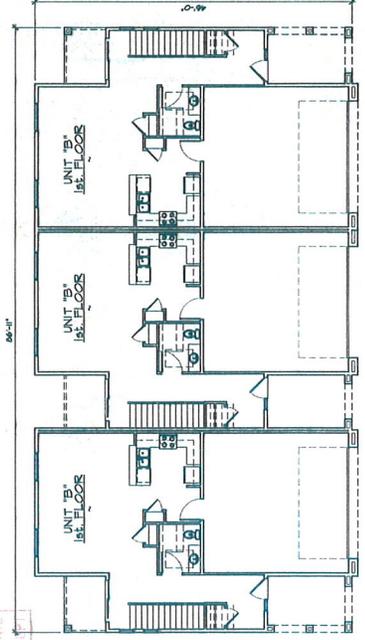


OPTION B-1	1st Floor 1084 SF	2nd Floor 1084 SF	TOTAL SQ. FT. 2168 SF
OPTION B-2	1st Floor 1084 SF	2nd Floor 1084 SF	TOTAL SQ. FT. 2168 SF
OPTION B-3	1st Floor 1084 SF	2nd Floor 1084 SF	TOTAL SQ. FT. 2168 SF



APPL. NO. C-11-058 EXHIBIT F3 DATE: 01-10-13
 PROJ. ENG. _____ DATE: _____
 TRAFFIC ENG. _____ DATE: _____
 COND. APPROVED BY _____ DATE: _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

**Unit C?
 Is this meant
 to be Unit C?
 See Exh A.*



PROPOSED PROJECT FOR:
"MARO COURT"
 CITY OF FRESNO
 APN: 47-07-08

LANDSCAPE PLAN

DATE: 01-10-13

SCALE: 1" = 20'-0"

- CITY OF FRESNO GENERAL NOTES**
- Trees planted in the right-of-way shall be planted by the property owner after the City of Fresno has approved the tree planting plan. The City of Fresno will be responsible for maintaining the trees planted in the right-of-way. The City of Fresno will be responsible for maintaining the trees planted in the right-of-way. The City of Fresno will be responsible for maintaining the trees planted in the right-of-way.
 - 30' from tree covers for visibility
 12' from overheads, stop signs, light poles, and power poles.
 5' from building overhangs
 5' from building corners
 2' from sidewalks, curbs, and street corners
 2' from poles, electrical, and water lines and roof drains
 - Drilling to pierce hardpan shall be required prior to planting each street tree. Newly Planted Inspector (559) 488-4800 two working days in advance of drilling for approved locations. Holes shall be 2 feet in diameter and drilled to a depth of 18 inches. The hole shall be filled with concrete. The hole shall be filled with concrete. The hole shall be filled with concrete.
 - Drilling shall be completed within 14 days for which clearance was obtained for approved locations. Holes shall be 2 feet in diameter and drilled to a depth of 18 inches. The hole shall be filled with concrete. The hole shall be filled with concrete. The hole shall be filled with concrete.
 - Trees shall be maintained in good health. However, trees may not be trimmed or removed if they are in good health. However, trees may not be trimmed or removed if they are in good health. However, trees may not be trimmed or removed if they are in good health.
 - Landscaping must be in place before issuance of the Certificate of Occupancy for the project. A written certification, signed by a landscape architect, shall be submitted to the City of Fresno. A written certification, signed by a landscape architect, shall be submitted to the City of Fresno.
 - Landscaping must be in place before issuance of the Certificate of Occupancy for the project. A written certification, signed by a landscape architect, shall be submitted to the City of Fresno. A written certification, signed by a landscape architect, shall be submitted to the City of Fresno.

CITY OF FRESNO SHADE AND TREE REQUIREMENTS

ONE MEDIUM SIZED TREE (20-30 FEET AT MATURITY) FOR EACH REQUIRED PARKING SPACE, PLUS ONE MEDIUM SIZED TREE FOR EACH RESIDENTIAL UNIT.

PARKING SPACES REQUIRED ON-SITE: 23
 TREES REQUIRED ON-SITE: 23
 PARKING SPACES PROVIDED: 23
 TREES PROVIDED: 23

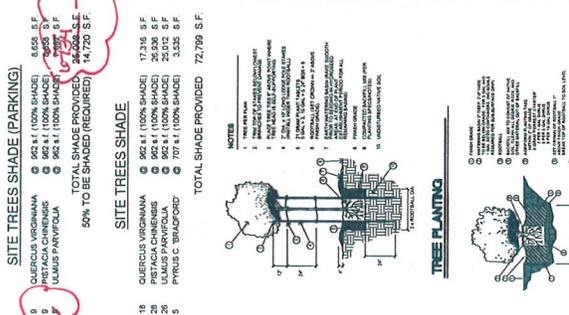
PARKING LOT AREA: 29,441 S.F.
 50% TO BE SHADED: 14,720 S.F.

SITE TREES SHADE (PARKING)

QUERCUS VIRGINIANA 8,625 S.F.
 QUERCUS PARVIFOLIA 8,625 S.F.
 TOTAL SHADE PROVIDED: 17,250 S.F.
 50% TO BE SHADED (REQUIRED): 14,720 S.F.

SITE TREES SHADE

QUERCUS VIRGINIANA 17,250 S.F.
 QUERCUS PARVIFOLIA 17,250 S.F.
 TOTAL SHADE PROVIDED: 34,500 S.F.
 50% TO BE SHADED (REQUIRED): 17,250 S.F.



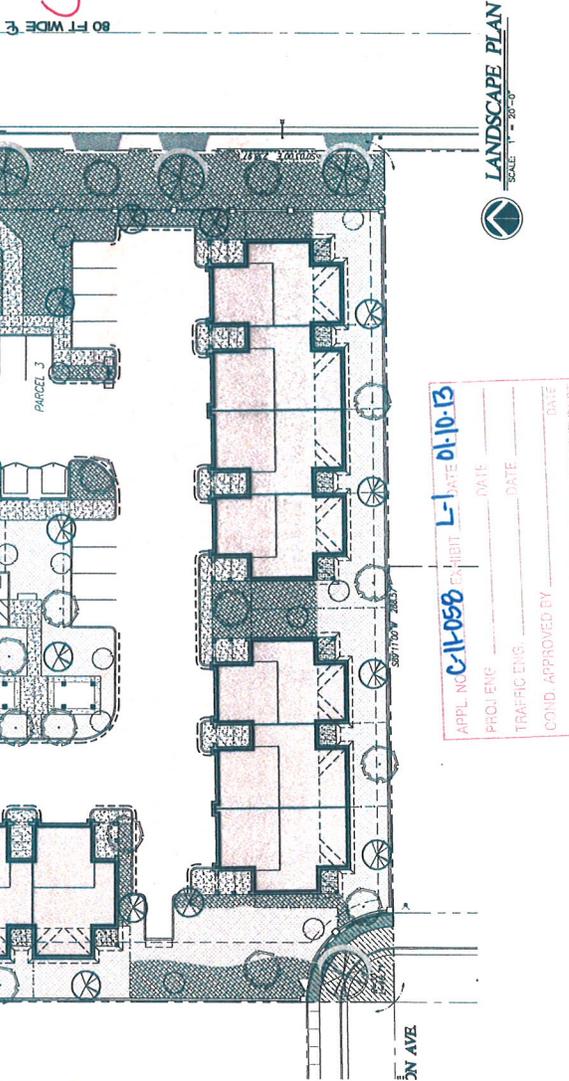
- TREE PLANTING**
- 1. TREE SPECIES
 - 2. TREE SIZE AT PLANTING
 - 3. TREE LOCATION
 - 4. TREE SPACING
 - 5. TREE MAINTENANCE
 - 6. TREE REMOVAL
 - 7. TREE REPLACEMENT
 - 8. TREE PROTECTION
 - 9. TREE WATERING
 - 10. TREE FERTILIZATION
 - 11. TREE PRUNING
 - 12. TREE STAKING
 - 13. TREE BRACING
 - 14. TREE ANCHORING
 - 15. TREE MULCHING
 - 16. TREE SOIL AMENDMENT
 - 17. TREE WIND PROTECTION
 - 18. TREE DRAINAGE
 - 19. TREE IRRIGATION
 - 20. TREE FERTILIZATION
 - 21. TREE PRUNING
 - 22. TREE STAKING
 - 23. TREE BRACING
 - 24. TREE ANCHORING
 - 25. TREE MULCHING
 - 26. TREE SOIL AMENDMENT
 - 27. TREE WIND PROTECTION
 - 28. TREE DRAINAGE
 - 29. TREE IRRIGATION
 - 30. TREE FERTILIZATION
 - 31. TREE PRUNING
 - 32. TREE STAKING
 - 33. TREE BRACING
 - 34. TREE ANCHORING
 - 35. TREE MULCHING
 - 36. TREE SOIL AMENDMENT
 - 37. TREE WIND PROTECTION
 - 38. TREE DRAINAGE
 - 39. TREE IRRIGATION
 - 40. TREE FERTILIZATION
 - 41. TREE PRUNING
 - 42. TREE STAKING
 - 43. TREE BRACING
 - 44. TREE ANCHORING
 - 45. TREE MULCHING
 - 46. TREE SOIL AMENDMENT
 - 47. TREE WIND PROTECTION
 - 48. TREE DRAINAGE
 - 49. TREE IRRIGATION
 - 50. TREE FERTILIZATION

PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WATER SPACING
	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	15 GAL	18	LOW
	PISTACIA CHINENSIS	CHINESE PISTACHE	15 GAL	28	LOW
	ULMUS PARVIFOLIA	CHINESE ELM	15 GAL	26	LOW
	PYRUS C. BRADFORD	BRADFORD PEAR	15 GAL	5	LOW

GROUND COVER

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WATER SPACING
	FESCUE LAWN	FESCUE LAWN	-	-	MED
	MITISANA ORANGE TRAILING DIANNA	MITISANA ORANGE TRAILING DIANNA	-	-	MED
	PROPAGATA MYOPORUM	PROPAGATA MYOPORUM	MED PLANTS	-	MED



LANDSCAPE PLAN

SCALE: 1" = 20'-0"

APPL. NO. C-11-058
 PROJECT ENG. [Signature]
 TRAFFIC ENG. [Signature]
 COND. APPROVED BY [Signature]

DATE: 01-10-13

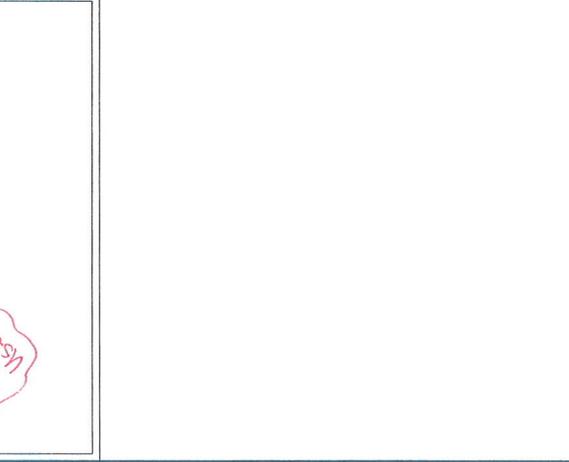
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WATER SPACING
	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	15 GAL	18	LOW
	PISTACIA CHINENSIS	CHINESE PISTACHE	15 GAL	28	LOW
	ULMUS PARVIFOLIA	CHINESE ELM	15 GAL	26	LOW
	PYRUS C. BRADFORD	BRADFORD PEAR	15 GAL	5	LOW

GROUND COVER

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	FESCUE LAWN	FESCUE LAWN	-	-	MED
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	PROPAGATA MYOPORUM	PROPAGATA MYOPORUM	MED PLANTS	-	MED



LANDSCAPE PLAN

SCALE: 1" = 20'-0"

APPL. NO. C-11-058
 PROJECT ENG. [Signature]
 TRAFFIC ENG. [Signature]
 COND. APPROVED BY [Signature]

DATE: 01-10-13

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

June 4, 2012

City of Fresno, Development and Resource Management Department

REZONE and CONDITIONAL USE PERMIT APPLICATION

Location: West side of North Maroa Avenue
between West San Jose and West Barstow Avenues

Address: 5317 North Maroa Avenue

APN: 417-070-58

Community Plan: Bullard

Specific Plan: None

Land Use Designation: Existing: Medium Density Residential
Proposed: Medium Density Residential

Current Zone District: Existing: R-1-B Single Family (12,000 sf min.)
Proposed: R-1 PUD (3500 sf min.)

Property Owner: Marstel Investments
586 West Barstow Avenue
Fresno, CA 93704

Applicant: Marstel Investments
586 West Barstow Avenue
Fresno, CA 93704

Agent: Sol Development Associates, LLC
906 N Street, Ste 100
Fresno, 93721

OPERATIONS STATEMENT and PROJECT DESCRIPTION

The entitlement applications for this project are a Rezone for reclassification from R-1-B to R-1 PUD and a Conditional Use Permit for 19 units of attached townhouses in a gated complex on a 1.86 acre parcel (81,231 sf). There are no previously approved entitlements for this parcel and it is currently of a relatively level grade and clear of structures.

The proposed project is for a market rate complex of nineteen two story townhouses with attached garages and indoor laundry rooms. The proposed units will all be three bedrooms with two and one half bathrooms. Master bedrooms will feature walk-in closets and a master bathroom. All units will be feature 9 foot ceilings, hardwood cabinets and granite counter tops. Each unit will have a covered entry porch area, covered patio and a private fenced back yard. Access to each unit will be by individual front doors and through the attached garages.

The two story buildings are designed with a recessed two story portion at the rear of the units to provide less visual overlook impact on the adjacent properties and only the upstairs master bedroom faces the rear of each unit.

The complex will have ~~four~~ ^{Seven} buildings containing four units each and one building containing three units. The other structures in the complex will be a covered mailbox area and a gated masonry block trash enclosure. The complex will be surrounded by a ~~six~~ ^{Six foot high} foot high masonry block fence except along the Maroa frontage where a combination of masonry block, wrought iron fencing and entrance gates will be installed.

The completed complex will be under professional property management with an on-site resident manager and is expected to operate similarly to other high quality multiple unit complexes in the area.

The accessible street frontage is currently and will remain on North Maroa utilizing a common entrance with card lock activated electric gates complete with visitor key pad call box and directory. The entrance area will include the required by-pass turnaround for visitors unable to enter the complex. North Maroa is a completely developed public collector street and should not require major modifications other than street frontage improvements including sidewalk, driveway entrance approaches and removal of existing drive approaches that will not be utilized. The street frontage will be completely landscaped as will the entire on-site area including the back yards of the individual units. Each unit will have parking in an enclosed two car garage and the site will have an additional 19 standard parking stalls and 1 accessible parking stall; including garages, there will be a total of ~~38~~ ⁵⁸ parking stalls. There is ~~on-street~~ ^{also} parking on North Maroa.

The complex will utilize existing City of Fresno provided domestic water and sewer services in North Maroa and the Solid Waste Department will service on-site trash enclosures.

As with any residential development, access will be twenty-four hours a day but will be limited by controlled access through the electric gates. The facility will have a monitored fire alarm system and exterior lighting mounted on the buildings. Any new signage for the facility will be submitted for a separate permit as required by the City Sign Ordinance.

It is anticipated the great majority of vehicles that will frequent the complex will be passenger vehicles. Daily mail delivery will be the centralized mail boxes located in a covered area in the center of the complex. Delivery vehicles will be those typical of the type necessary to deliver supplies, mail and packages accessing the complex through the controlled entrance gate. Service vehicles will be limited to those that are typically used for repair and maintenance of this type of complex and to service the equipment it contains.

The residential occupancy and operations of the proposed complex should not have a significant adverse effect(s) upon the environment including unusual odor, lighting, noise, traffic, soot, gas emissions, dust or vibration to any degree which might be obnoxious or offensive to persons working, conducting business or living in this area. Since the proposed complex will be entirely residential it is anticipated it will function in a like manner as other similar complexes throughout the area. Outdoor activities will be contained entirely within the complex except for maintenance of the street frontage landscaping. Impacts to the surrounding area are anticipated to be minimal.

Once completed, the proposed complex should easily integrate into the surrounding land uses in that the area is primarily residential. Traffic will enter from and exit directly onto North Maroa which is designed and functions as a "Collector Street" and complex traffic will not travel through any of the surrounding neighborhoods to access employment locations, educational facilities or goods and services. Pedestrian traffic visiting the complex will enter from the public sidewalk on North Maroa through the required pedestrian gate at the entrance.

Adjacent immediately on the north and south sides of the complex are ~~two~~ ^{three} single family residential homes in Fresno County. Also in Fresno County, on the west side is the Village Gardens residential condominium complex with 7 units adjacent to the common property line. The northern most property line is common with property in the City of Fresno and is the Sunnyside Seventh Day Adventist Church. This adjacent portion of the church property is currently a paved parking area. Adjacent to the southwest corner of the complex is the street intersection of North Nantucket and West San Ramon Avenues. The complex will not have vehicular access to this intersection and the frontage will be improved with sidewalk and landscaped. Pedestrian access to this intersection will be limited to that required for landscape maintenance. Across North Maroa to the east are existing single family homes in the County of Fresno.

The proposed complex will be at a very desirable location for connectivity to other uses in the area. It is within one mile of a major retail shopping center, numerous retail stores and office buildings offering a wide variety of goods and services. Additionally, it is within one mile of two elementary schools and a high school. Bike routes are nearby and sidewalks are available on all streets except for on a few residential lots in the County. The location is a half mile from major streets that are on public transit routes.

The proposed development is a residential use infill project and it is believed it will provide a diversity of housing opportunities and densities in the immediate area to help fulfill the stated goals of the 2025 General Plan.

General Notes and Requirements for Entitlement Applications

GENERAL

(Notice: Not all conditions will be applicable to all projects)

1. Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. *This special permit is granted, and the conditions imposed, based upon the Operation Statement provided by the applicant. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement.* Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.
2. No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted.
3. Development shall take place in accordance with the Standards, Specifications, and Standard Drawings of the City of Fresno Public Works Department; <http://www.fresno.gov/Government/DepartmentDirectory/PublicWorks/DeveloperDoorway/Technical+Library/StandardSpecificationsandDrawings.htm>
4. Development shall take place in accordance with all city, county, state and federal laws and regulations.
5. All proposed building(s) or structure(s) constructed on the property must comply with the prevailing California Building Code Standards.
6. Any building modifications and/or additions not included with this application are not approved with this special permit and would be subject to a new special permit.
7. For projects initiated in response to code enforcement action, the exercise of rights granted by this special permit must be commenced by six months. Completion of the project, including improvements, shall occur by 12 months.

FENCES/WALLS, LANDSCAPING, PARKING

8. Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.
9. Future fences shall be reviewed and approved by the Development and Resource Management Department prior to installation.
10. No structures of any kind (*including signs and/or fences*) may be installed or maintained within the required-landscaped areas. No exposed utility boxes, transformers, meters, piping (excepting the

backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on the street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved.

11. Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached *Development Department, Performance Standards for Parking Lot Shading*, including tree species and tree counts.
12. Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years. (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.
13. Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Development and Resource Management Department.
14. Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development Services Division. **(Include this note on the site and landscape plans.)**
15. Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development Department.
16. Future tenant improvements shall be reviewed and approved by the Development and Resource Management Department to ensure that adequate off-street parking is provided.
17. The parking lot design must accommodate the provision of trees in accordance with the attached Parking Lot Shading Policy.
18. A minimum number of accessible parking stalls are required for the proposed project per State of California Building Code, "Development Requirements for Handicapped Accessibility."
19. All accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**
20. All accessible parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from accessible parking stalls and ramps. **(Include this note on the site plan.)**
21. Lighting where provided to illuminate parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. **Depict all proposed lights on the site plan.**

22. Bicycle parking spaces shall be supplied at a rate of 10% of the automobile spaces provided pursuant to Section 12-306-I-2.1c of the Fresno Municipal Code (FMC). Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.
23. All general provisions of Section 12-306-I of the FMC shall apply to all parking areas. http://library.municode.com/HTML/14478/level3/MUCOFR_CH12LAUSPLZO_ART3GECOAPZO.htm#MUCOFR_CH12LAUSPLZO_ART3GECOAPZO_S12-306PRDEST

SIGNAGE

24. All future signs shall be architecturally compatible with the proposed building(s). Provide a set of drawings, with descriptive information, including, materials, design and colors to allow for a preliminary assessment of the future signage. It is recommended that you provide a copy of the signage early in the project process to allow for staff comment.
25. Signs, *other than directional signs, if applicable*, are not approved for installation as part of this special permit. **(Include this note on the site plan.)**
26. All proposed signs shall conform to the current sign ordinance. Applications for a sign permit and requirements for submittal are available at the Development and Resource Management Department's Public Front Counter or online at <http://www.fresno.gov/Government/DepartmentDirectory/PlanningandDevelopment/Planning/SignsandBanners.htm>
27. Window signs are limited to four square feet in area, providing information about hours of operation and emergency, sale or rental information only. Exterior signage such as banners, flags and pennants are prohibited. However, special event banner signs are permitted for 30 days if approved by the Development and Resource Management Department, attached to the building, and not exceeding 32 square feet in area.
28. Permanent window signs over six square feet in area can be submitted for approval under a sign review application (for a current fee of \$150).

MISCELLANEOUS

29. Noise levels shall not exceed the decibel levels described in Section 10-102.b of the FMC at anytime, measured at the nearest subject property line. http://library.municode.com/HTML/14478/level3/MUCOFR_CH10REREPUNUREPRCOUS_ART1NORE.html#MUCOFR_CH10REREPUNUREPRCOUS_ART1NORE_S10-102DE
30. There shall be adequate vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property requiring off-street parking and loading. Vehicular and/or pedestrian access shall be provided and shall remain clear at all times.
31. The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Development and Resource Management Department for 'Official Addresses'. **Only those**

addresses assigned by the City of Fresno will be recognized as 'Official Addresses'. The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.

32. All projects, including projects that involve less than one acre of property, are required to comply with the City of Fresno's Urban Storm Water Quality Management and Discharge Control Ordinance, FMC Chapter 6, Article 7 (FMC Sections 6-701 *et seq.*)

When a project involves one acre or more of construction activity (including, but not limited to, grading) the developer is required to obtain a stormwater discharge permit for construction, with a Notice of Intent (NOI) filed **prior to** commencement of any grading construction activity. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 regarding the required NOI and stormwater discharge permit. Additional information on California's construction stormwater regulation may be obtained from the Water Board via the internet: www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml. Helpful information for preparing and implementing stormwater pollution prevention plans may also be obtained from the California Stormwater Quality Association via its website, www.casqa.org

When a project involves specified nonresidential activities (certain commercial and industrial activities), an ongoing industrial stormwater discharge permit is also required. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 to find out whether your project/business requires an industrial stormwater discharge permit, and to obtain details on securing this permit. Additional information on industrial stormwater discharge regulation may be obtained from this website: www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml, and the California Stormwater Quality Association has additional information on preparing stormwater pollution prevention plans for these activities (www.casqa.org).

33. Screen all roof-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**
34. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**
35. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**
36. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**
37. Connection to a municipal water system is required.
38. Connection to a municipal City of Fresno sewer system is required.

39. City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.
40. Open street cuts are not permitted; all utility connections must be bored.
41. **CROSS-CONNECTION CONTROL.** A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.
42. This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of the Development and Resource Management when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.

FEES

(Not all fees will be applicable to all projects)

43. **NOTICE TO PROJECT APPLICANT:** In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.
44. **CITYWIDE DEVELOPMENT IMPACT FEES**
 - a) Traffic Signal Charge (FMC Section 12-4.1101 to 12-4.1103) This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.
 - b) Fire Facilities Fee (FMC Section 12-4.901 to 12-4.906) (based on building square footage, or residential units)
 - c) Police Facilities Fee (FMC Section 12-4.801 to 12-4.806) (based on building square footage, or residential units)
 - d) Parks Facilities Fee (FMC Section 12-4.701 to 12-4.706) (based on the number of residential units)
45. **CITYWIDE REGIONAL AND NEW GROWTH MAJOR STREET IMPACT FEES (FMC Section 12-4.1006)**

- a) Street Impact Fees shall be due and payable at the time of building permit issuance unless otherwise required by State law.
- b) Street Impact Fees will be a condition on all development entitlements granted.
- c) New construction on vacant parcels shall be calculated on a net acreage (adjusted acre basis) of the entire property subject to the development entitlement based upon planned land use. Notwithstanding, fees shall be based upon actual land use for developments in the C-M zone district and for development projects developed inconsistent with the plan land use.
- d) New construction on property that is partially developed, Street Impact Fees will be applied to the incremental increase proportionate to the respective floor to area ratios (25% for commercial and 40% for industrial). In no case shall anyone pay more than the amount of the total net acreage of the parcel multiplied by the applicable fee rate.
- e) Reuse being more intensive than the original use, the developer shall be required to pay the difference between the current amount of the Street Impact Fee obligation for the old use and the current amount of the Street impact Fee obligation for the new use.

46. FRESNO COUNTY FACILITY IMPACT FEE

- a) Satisfy the Fresno County Facilities Impact Fee obligation. The requirement to pay this fee is currently suspended by Fresno County. However, payment of this fee will be required if the fee has been reinstated at the time of issuance of building permits for this project.

47. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

- a) Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocog.org. Provide proof of payment or exemption prior to issuance of building permits.

48. SCHOOL FEES

- a) School fees must be paid, if required, prior to the issuance of building permits. Contact Central Unified School District. Provide proof of payment (or no fee required) prior to the issuance of building permits.

49. FLOOD CONTROL FEES

- a) Flood Control fees are due, if required, prior to issuance of building permits.

50. SEWER CONNECTION CHARGES (FMC Section 6-304(a)). The following sewer connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New sewer connection charges adopted by the Council prior to the issuance of building permits may also be applied.

- a) Lateral Sewer Charge (based on property frontage to a depth of 100')
- b) Oversize Sewer Charge (based on property frontage to a depth of 100')

Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and

deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP). For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.

51. WATER CONNECTION CHARGES: (FMC Sections 6-507 to 6-513). The following water connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New water connection charges adopted by the Council **prior** to issuance of building permits may also be applied.

- a) Frontage Charge (based on property frontage)
- b) Transmission Grid Main Charge (based on acreage)
- c) Transmission Grid Main Bond Debt Services Charge (based on acreage)
- d) UGM Water Supply Fee (based on living units, living unit equivalents or acreage)
- e) Wellhead Treatment Fee (based on living units or living unit equivalents)
- f) Recharge Fee (based on living units or living unit equivalents)
- g) 1994 Bond Debt Service Charge (based on living units or living unit equivalents)
- h) Service Charges (based on service size required by applicant)
- i) Meter Charges (based on service need)

52. Deferment of the payment of Citywide development impact fees for Fire, Police, Parks, Streets, and Traffic Signals is available for projects located within the Downtown Priority Areas in accordance with the provisions of Resolution Nos. 2009-265 and 2010-19.

DWELLING UNIT DENSITY			
Permitted	4.99-10.37 d.u./acre (Table 2 of the 2025 Fresno General Plan) and one d.u./3,500 square feet of lot area (FMC Section 12-306-N-21-d)		
Proposed	19 d.u. (10.18 d.u./acre) which is within the permitted density		
BUILDING HEIGHT			
Permitted	35 feet for main buildings		
Proposed	Exhibits E-1, E-2, and E-3 dated January 10, 2013 depict a total height of 27 feet-10 ¼ inches, which does not exceed the requirement		
YARDS			
Required Building Setback		Proposed Building Setback	
Front (Maroa)	For lots developed after December 31, 2006, there shall be a front yard of not less than 15 feet.	Front	20 feet is shown to the fence and 29 feet-10 inches is shown to the nearest building
Side (north and south property lines)	5 feet pursuant to Section 12-211.5-E-3-a of the FMC	Side	6 feet-6 inches to the north property line, 14 feet-5 inches to the south property line, and 11 feet-5 inches to the southwest corner as depicted on Exhibit A dated January 10, 2013
Rear	20 feet pursuant to Section 12-212.5-E-4-a of the FMC with exceptions pursuant to Section 12-306-E-4 of the FMC	Rear	15 feet-4 inches to Building 3 and 20 feet to Building 1
Required Landscaping Setback		Proposed Landscaping Setback	
Front	15 feet	Front	15 feet to the proposed six foot wall/fence as depicted on Exhibit A dated January 10, 2013
MODIFIED PROPERTY DEVELOPMENT STANDARD			
<p>Section 12-105 of the FMC defines planned developments as residential development in which property development standards may be modified or waived to permit design flexibility, subject to the special standards of Subsection 21 of Section 12-306-N, when development is planned in a unified, integrated manner, incorporates design features, results in the efficient use of land, is compatible with the surrounding environment and is consistent with adopted city plans and policies.</p> <p>The applicant is requesting to modify the rear yard setback requirement. Staff supports the reduction to the required rear yard setback to be 15 feet-4 inches for the first story of Building No. 3 as depicted on Exhibit A dated January 10, 2013. The second story of Building No. 3 will be 25 feet-6 inches, which exceeds the FMC requirement of 20 feet. Therefore, the proximity of the building will not have a substantial affect given that the use of the first floor of Building No. 3 is for the living room.</p> <p>The applicant provides 536 square feet of replacement space that will be located on the southwest corner of the subject property as depicted on Exhibit A dated January 10, 2013.</p>			
SPACE BETWEEN BUILDINGS			
Main Buildings	N/A		

LOT COVERAGE	
Required	45% of total lot area
Proposed	30% as depicted on Exhibit A dated January 10, 2013
FENCES, HEDGES, WALLS	
Required	<p>Pursuant to Section 12-306-H-2-a, the following applies to the subject property:</p> <p>Fences, hedges, and walls, not greater than six feet in height, shall be permitted on all rear and side property lines, and on or to the rear of all front yard setback lines.</p> <p>No fence, hedge or wall over three feet in height shall be permitted in any required front yard setback area.</p> <p>The Director may approve, with good cause, an increased height of any required fence, hedge or wall to a maximum of seven feet.</p> <p>If a parking area adjoins a property line which is a district boundary with an abutting residential or agricultural district, it shall be separated therefrom by erecting a six foot high wall on said property line next to the parking area, including the length of the driveway. A parking area is defined as providing parking for more than four vehicles.</p>
Proposed	<p>Exhibit A dated January 10, 2013 depicts a six foot high wall/fence combination to the rear of the front yard setback line, a six foot high wall to the north property line, and a seven foot high block wall along the west and south property lines.</p> <p>Fencing to the rear of the front yard setback line shall incorporate wrought iron in areas not used for private yards.</p>
OPEN SPACE	
Required	<p>Landscaping and open space shall be provided in accordance with Section 12-306-N-21-c(2) of the FMC.</p> <p>A minimum of 25% of the site area shall comprise usable open space for residents of the development. Required front yards and street side yards shall not be considered part of the 25% usable open space. Usable open space shall include rear yards, interior side yards and landscaped areas between units and pathways, provided that each of them meet the minimum width and depth requirements set forth below. Usable open space shall also include private patios and balconies. Driveway and parking areas, indoor living areas of dwelling units, garages, carports, equipment rooms, utility rooms and any other buildings used for the maintenance of the development shall not be considered as part of the usable open space. The minimum dimension of a usable open space area shall be eight feet by eight feet. On lot frontages greater than 400 feet, at least one dimension of the usable open space shall be equal to two percent of the frontage length.</p> <p>Open space areas shall be landscaped by the developer in accordance with the approved plan and shall be maintained by the property owner thereafter.</p> <p>For sites greater than one acre in size, a minimum of 40% of the required 25% usable open space shall be developed with gardens, turfed play fields, hard surfaced game courts, recreation rooms, swimming pools or other features designed for the exclusive active recreational use of residents of the development.</p>
Proposed	<p>Exhibit L-2 dated January 15, 2013 depicts 32% open space and 41% of that is usable open space.</p>

OFF-STREET PARKING	
Required	<p>When there is more than one dwelling unit on a single lot there shall be one and one-half parking spaces for each dwelling unit, one of which shall be in a carport or garage. In the event that a requirement for one-half parking space results under this ratio, the parking space requirement shall be increased to the next highest whole number.</p> <p>19 units x 1.5 = 29 parking spaces, 19 of which shall be in a carport/garage</p> <p>The provisions of the General Conditions, Section 12-306-I, shall apply.</p>
Proposed	58 parking spaces proposed (20 open spaces and 38 garage spaces)
ACCESS	
Required	<p>There shall be vehicular access from a dedicated and improved street, alley or recorded private access to off-street parking facilities on the property requiring off-street parking.</p> <p>There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes.</p> <p>There shall be an adequate paved turning area on lots facing on and having access to either Collector or Arterial Streets as identified on the Circulation Element of the Fresno General Plan, to permit motor vehicles to turn around on-site before moving forward into the street.</p> <p>If vehicular access is by way of a driveway parallel with a side lot line, it shall be not less than 10 feet in width, extending from a dedicated and improved street, alley, or recorded private access to the building site, and used for both pedestrian and vehicular access.</p>
Proposed	Please see comments from the Public Works Department.
OUTDOOR ADVERTISING	
Required	Comply with Sections 12-207.5-K of the FMC.
Proposed	Depict any proposed signs on the site plan. Signs shall be architecturally compatible with the proposed development.
LOADING SPACES	
Required	N/A
Proposed	N/A
TREES (On Site)	
Required	<p>The FMC requires each residential parcel of land or lot to have a minimum of one medium-sized tree (30—60 feet at maturity) for each required parking space, plus one medium sized tree for each residential unit.</p> <p>Based on the number of parking spaces required (29) and residential units proposed (19) a minimum of 48 medium-sized trees are required on-site.</p>
Proposed	Exhibit L-1 dated January 10, 2013 depicts 76 trees on-site.

SUMMARY AND COMMENTS

<p>Other:</p> <ol style="list-style-type: none"> 1. Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached <i>Development Department, Performance Standards for Parking Lot Shading</i>, including tree species and tree counts. A minimum of 50% parking lot shading shall be provided.

2. See the attached General Notes and Requirements for Entitlement Applications for additional general notes and requirements.
3. It is recommended that neighborhood outreach be made to the surrounding community.
4. An Indirect Source Review (ISR) must be submitted to the San Joaquin Valley Air Pollution Control District prior to project approval [if one is required]. Provide documentation that this has been submitted to the Air District.

Local Plans and Policies

Bullard Community Plan

- **4.1.2 Goal:**

- Provide for a diversity of housing types and housing opportunities to meet the needs of all ages and income levels.
- Provide for efficient use of land and the public service delivery system while protecting the integrity of established neighborhoods.
- Provide for safe, clean, and aesthetically pleasing neighborhoods free from excessive traffic and noise.
- Provide for a compatible relationship between differing housing types and densities.

Specific Plan and Land Use Policy within the Bullard Community Plan

- 6.11: Area 5 Land Use Policy

- The Area 5 Land Use Policy, adopted by the Board of Supervisors is November of 1967, was intended to address the future development of a number of large odd-shaped parcels with constrained access, located in an area bounded by San Jose Avenue, Maroa Avenue, Colonial Avenue, and the Enterprise Holland Canal. Since these parcels were not conducive to subdividing for single family homes, nor appropriate for higher density apartment development, they were designated for development as planned unit developments at a density of one unite for every 6,000 square feet of lot area, i.e. 7.26 units per acre. This area has developed with a combination of planned developments, single family homes, and churches, although there are several vacant or undeveloped parcels. Inasmuch as the land use designations of the updated Bullard Community Plan reflect the development that has occurred, as well as provide for R-1 planned development potential for undeveloped parcels, inclusion of this policy as part of the Bullard Community Plan is not considered to be necessary.

2025 Fresno General Plan

- ***Subject to General Plan Design Guidelines (attached)***

- **Objective C-9:** Plan for diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities.
- **Policy C-9-j:** Medium density residential land shall be developed to maximize efficient use and affordability of residential property through a wide range of densities. New residential projects within this land use category should be permitted to be developed at a density less than the minimum shown in Table 2 in order to better achieve the goals of the city's Housing Element.
- **Objective C-10:** Promote the development of more compact pedestrian friendly, single-family residential projects to aid in the conservation of resources such as land, energy, and materials.
- **Policy C-10-d:** Encourage the development of two-story homes as a means to conserve land, maintain open space on residential lots, and provide adequate living space.
- **Objective C-15:** Provide infill opportunities that will revitalize the built-up urban core communities and neighborhoods of Fresno, provide residential development for diverse population, and improve the overall quality of the urban environment.
- **Objective C-19:** Develop and implement streetscape plans to establish cohesive and aesthetic major and local street design patterns by using distinctive features.

- **Policy C-19-b:** Properties fronting on major streets shall be improved with landscaped setbacks and sidewalks which reflect a continuity of design, depth, and planting materials. This should include unified design of street furniture and walls.
- **Objective C-20:** As part of the city's project review process, major emphasis will be given to site and building design in order to preserve functionality and community aesthetics.
- **Policy C-20-d:** Development projects shall be designed with appropriate layouts that provide sufficient areas for all proposed activities, for support functions, and for efficient and safe vehicular and pedestrian access.
 - Sufficient space and access shall be provided for support functions (e.g., storage, loading, parking, waste disposal/recycling).
 - Safe vehicular, bicycle, and pedestrian access shall be provided and maintained. Access for the disabled shall be incorporated into project designs as required.
- **Policy C-20-e:** Development projects shall include aesthetic measures which support functionality and add to the appearance and livability of the community.
- **Policy C-20-f:** The project developer shall provide a set of documents and drawings that will allow assessment of the final building project. Materials, texture, and colors shall be noted on the original special permit drawings and on construction plans.
 - Development projects shall appropriately interface with adjacent properties.
 - High-contrast or gaudy building facades, lighting and signage which create disharmony with adjacent properties, or which draw undue attention, should be avoided.
 - Located waste storage/recycling areas at the maximum practical distance from residences and other living quarters.
 - Building facades shall include design features and decorative treatments. Visible sides of buildings shall not develop with featureless, "blank" walls.
 - Landscaping and parking lot shading shall be employed for environmental and aesthetic improvement, while observing safe lines-of-sight along access routes.
 - Exterior lighting shall not create glare for neighboring properties, but shall provide adequate on-site lighting for safety and security purposes.
- **Objective C-21:** Incorporate the following design considerations and practices for single-family clustered project, multi-family, and residential/institutional projects.
- **Policy C-21-a:** An architectural theme shall be established for each development, including visually enhanced architectural features and building materials (which shall be applied throughout the development, particularly where visible to street frontages and adjacent properties).
- **Policy C-21-c:** The design measures should include variations of the building footprints with indentations, projections and offsets; variations in the exterior walls using a variety of materials and features such as balconies, bay windows, verandas and entryways and varied roof forms with slopes, ridges and valleys suggestive of single-family residential structures.
- **Policy C-21-d:** Utilize the cluster planned development criteria and standards where applicable (FMC Section 12-306-N-21).
- **Policy C-21-e:** Design pedestrian and vehicular entrances, walkways, parking areas, open spaces, common facilities, structures, and fencing to inhibit uncontrolled access by nonresidents and facilitate surveillance by residents, property managers and law enforcement or security personnel. Vehicular access gates may be used when they can be safely installed.
- **Policy C-21-f:** Fences and walls along street frontages shall be designed to be architecturally compatible, aesthetically pleasing, and durable with easy pedestrian access to nearby commercial uses.
- **Policy C-21-g:** Ensure adequate covered parking and overall supply of parking to reflect the actual parking demand of these residential projects and permit an evaluation of a variety of measures such as fully-enclosed garages, multi-story parking structures, underground parking and shared facilities. In the comprehensive update of the

zoning ordinance, the standards for the parking requirements for residential projects shall be reevaluated.

- **Objective H-1:** Protect the citizens of the city from the harmful and annoying effects of exposure to excessive noise.
- **Policy H-1-a:** New noise-sensitive land uses impacted by existing or projected future transportation noise sources shall include mitigation measures so that resulting noise levels do not exceed the standards shown below:
 - Residential outdoor activity areas shall not exceed 60 Ldn dB and interior spaces shall not exceed 45 Ldn dB.



Providing Life's Essential Services

DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION

DATE: June 28, 2012

TO: McKENCIE CONTRERAS, Planner III
Development and Resource Management Department – Current Planning Division

THROUGH: MICHAEL CARBAJAL, Chief Engineering Technician
Department of Public Utilities – Water Division

FROM: ROBERT A. DIAZ, Senior Engineering Technician
Department of Public Utilities – Water Division

**SUBJECT: WATER REQUIREMENTS FOR REZONE R-11-004 AND CONDITIONAL USE PERMIT
C-11-058 REVISED**

General

R-11-004, and C-11-58 were filed by Jeff Cazaly, on behalf of Marstel Investments, and pertains to 1.86 acres of property located on the west side of North Maroa Avenue south of West Barstow Avenue. R-11-004 proposes to reclassify the property from the R-1-B (Single Family Residential minimum 12,500 square foot lot size) zone district. C-11-058 proposes a 19-unit planned unit development which is a gated two-story townhouse complex with attached garages.

Water Requirements

The nearest water main to serve the proposed project is a 6-inch main located in North Maroa Avenue. Water facilities are available to provide service to the site subject to the following requirements:

1. On-site water facilities shall be private.
2. Water service and meter box installation shall be required.
3. Connection to the existing 6-inch water main along the southerly portion of the proposed project shall not be allowed.
4. Seal and abandon any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
5. The development shall incorporate water use efficiency for landscaping including the 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.
6. All irrigation clocks/control devices shall be based on evapotranspiration and include the use of soil probes and rain sensors.

7. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Assistant Public Utilities Director.

Water Fees

The following Water Connection Charges are due and shall be paid for the Project:

1. Water service(s) and/or meter(s) installation(s).



DEPARTMENT OF PUBLIC UTILITIES



Providing Life's Essential Services

Date: July 3, 2012

To: McKENCIE CONTRERAS
Planning and Development

From: GREG CONTRERAS, Senior Engineering Technician
Department of Public Utilities, Planning and Engineering Division

Subject: SANITARY SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-11-058,
& REZONE R-11-004 (REVISED)

General

Rezone Application No. R-11-004, and Conditional Use Permit Application No. C-11-058 were filed by Jeff Cazaly, on behalf of Marstel Investments, and pertain to 1.86 acres of property located on the west side of North Maroa Avenue south of West Barstow Avenue. Rezone Application No. R-11-004 proposes to reclassify the property from the R-1-B (*Single Family Residential, minimum 12,500 square foot lot size*) zone district to the R-1 (*Single Family Residential*) zone district. Conditional Use Permit Application No. C-11-058 proposes a 19 unit planned unit development which is a gated two story townhouse complex with attached garages.

Sanitary Sewer Requirements

The nearest sanitary sewer main to serve the proposed project is a 8-inch main located in North Maroa Avenue. The following sewer improvements shall be required prior to providing City sewer service to the project:

1. Installation of sewer house branch(s) shall be required.
2. On-site sanitary sewer facilities shall be private.
3. Abandon any existing on-site private septic systems.
4. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
5. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.

Sanitary Sewer Fees

The following Sewer Connection Charges are due and shall be paid for the Project:

1. Lateral Sewer Charge.
2. Sewer Oversize Charge.
3. Sewer Facility Charge (Non-Residential)
4. Upon connection of this Project to the City Sewer System the owner shall be subject to payment of Sewer Facility charges per Fresno Municipal Code Section 6-304 and 6-305. Sewer Facility Charges consist of two components, a Wastewater Facilities Charge and Trunk Sewer Charge where applicable.
5. Sewer Facility Charges are collected after occupancy on a bi-monthly basis over time based on metered (water or sewer effluent) usage. The developer may contact the Department of Public Utilities/Wastewater-Environmental Control at (559) 621-5153 to receive an estimated cost of the Sewer Facility Charges applicable to the project (based on a constant sewer discharge and loading (Biochemical Oxygen Demand [BOD] and Total Suspended Solids [TSS] levels anticipated) at the current rates in effect, at that time, per Fresno's Master Fee Resolution. The developer shall provide data regarding estimated sewer discharge rates [flow] and loading [BOD/TSS levels] required for calculating the estimated charges.

City of



DEPARTMENT OF PUBLIC UTILITIES

June 20, 2012

TO: MCKENCIE CONTRERAS, Planner II
Development Department, Planning Division

FROM:  CHRIS WEIBERT, Management Analyst II
Department of Public Utilities, Administration

SUBJECT: Entitlement No. R-11-004 and C-11-058
Location: 5317 North Maroa Avenue, APN 417-070-58

The Department of Public Utilities, Solid Waste Division has completed a review of the Revised Exhibit, dated June 5, 2012, for Entitlement No. R-11-004 and C-11-058. The following requirements and conditions are to be placed on this project as Conditions of Approval by the Department of Public Utilities.

Have original comments been met?

Yes. The ADA accessible enclosure is acceptable to Solid Waste Division as long as the interior dimensions of P-33 and P-34 are met, including curb height of 10”.

List Conditions that have not been satisfied; if applicable:

N/A

Is any additional information needed for you to complete your back check? (If yes, list specific information.):

N/A

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

REVISED SITE PLAN TO COMPLY WITH COMMENTS-

PROJECT HAS NOT YET BEEN APPROVED

REQUEST FOR COMMENTS

ENTITLEMENT NO. R-11-001 & C-11-058

Address: 5317 North Maroa Avenue

5th REVIEW

To: Public Works--Louise

(L) 8/15/12

φ

Return Completed Form to:

McKencie Contreras Ph: (559) 621-8066
2600 Fresno Street
Fresno, CA 93721

DATE ROUTED: 08.15.12

BACK CHECK COMMENT DEADLINE: 08.29.12

If no response is received by the comment deadline, it will be assumed that you have no comments to submit.

EXHIBIT

A

DATED: 08.15.12

Have original comments been met? *Still need dimension from curb to property*
No. Provide copy of recorded street/ped
dedications that were req'd on 4-14-11

List conditions that have not been satisfied; if applicable:

Is any additional information needed for you to complete your back check? (if yes, list specific information.):

Dedications can not be determined until s.w. pattern is dimensioned
YES, SEE ABOVE

APPROVED RESUBMIT

Make corrections *Schedule appt for final once deeds are complete*
9-11-12

Reviewed by:

L. Gillio

8678

9-11-12

Name and title

Telephone Number

Date

Attachments:

Exhibits: A dated 8.15.12, A dated 6.05.12, A dated 7.15.11, A dated 6.06.11, & A dated 4.07.11
Previous comments and notes



DATE: REVISION 10-29-12

TO: McKencie Contreras
Development and Resource Management Department

FROM: Louise Gilio, Supervising Engineering Technician
Public Works Department

SUBJECT: Conditions of Approval for C-11-058
APN: 417-070-58
ADDRESS: 5317 North Maroa Avenue

SITE PLAN REQUIREMENTS: Please provide the following information prior to Building Permits:

A. General Requirements

1. **Easements:** Identify and dimension all proposed easements.

B. Offsite Information:

1. **Section Lines:** Identify all section lines.
2. **Dedications:** Identify all proposed dedications. Provide a dimension from the section and center lines to the existing and proposed property lines.
3. **Street Improvements:** Identify existing and proposed dimensions for sidewalk patterns, driveway approaches (provide width).
4. **ADA:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property.

C. Onsite Information:

1. **Parking Lots:** (existing and proposed)
 - a. **Stalls:** Identify the 3' vehicular overhang adjacent to continuous curbing. No obstructions shall be within the 3' overhang. (ground cover is allowable) Where walkways are adjacent to parking the walk shall be 7' wide.
 - b. **Lighting:** Identify the location (not to be within the 3' vehicular overhang)
 - c. **Paving:** per Public Works Standards **P-21, P-22, P-23**

PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 / Louise.Gilio@fresno.gov, in the Public Works Department, Traffic and Engineering Services Division.

Submit the following, as applicable, in a single package to the City of Fresno Public Works Department Traffic and Engineering Services Division (559-621-8650), for review and approval, **prior** to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Signal Plans.

When preparing Street Plans and/or Traffic Control Plans for projects in the City of Fresno contact the Traffic and Engineering Services Division (Randy Schrey) in advance to make sure that sidewalks or an approved accessible path remain open during construction.

Underground all existing off-site overhead utilities within the limits of this site/map as per FMC Section 12-1011 and Resolution No. 78-522/88-229.

If not existing, street work on major streets shall be designed to include Intelligent Transportation Systems (ITS) conduit in accordance with the Public Works ITS specifications.

Survey Monuments and Parcel Configuration

All survey monuments within the area of construction shall be preserved or reset by a person licensed to practice Land Surveying in the State of California.

Street Dedications, Vacations and Encroachment Permits

Identify all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc. within the public right of way. Also, identify the required 4' minimum path of travel along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). **A pedestrian easement may be required if Title 24 requirements cannot be met.**

Maroa Avenue: Collector

1. Dedicate sufficient property for pedestrian purposes behind all driveway approaches and street utilities and/or furniture to provide for a minimum of a 4' clear path.

Intersection of San Ramon and Nantucket Avenues: Local

1. Dedicate property for public street purposes within the limits of this application to meet the current City of Fresno Local Standards, **P-56**. Match existing.

Deed documents for the required dedications must conform to the format specified by the city and shall be prepared the applicant's engineer. The cost of deed document processing and recordation fee must be paid at the time of deed submittal and submitted with verification of ownership **prior** to the issuance of building permits. For information regarding the format or submittal requirements contact the City of Fresno Public Works Department, Traffic and Engineering Services Division (559) 621-8694.

The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division, (559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Provide Street Light Plans to the Traffic and Engineering Services Division. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, Traffic and Engineering Services Division at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

Repair all damaged and/or off grade off-site concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current ADA regulations. All existing sidewalks in excess of 2% maximum cross slope must be brought into compliance **prior** to acceptance by Public Works.

Maroa Avenue: Collector

1. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to match the existing. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, **Section 26-2.11(C)**.
2. Construct a concrete pedestrian walkway behind all driveway approaches and as needed behind utilities, as identified on Exhibit "A". Asphalt concrete paving per City of Fresno Public Works Standard Drawing **P-21** may be substituted for concrete. (Refer to City of Fresno Public Works Standard Drawings **P-1** thru **P-4** for additional information.)
3. Construct driveway approaches to Public Works Standard(s) **P-2** and **P-6**. **Provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches.**
4. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets
5. All existing driveway approaches which no longer provide access to approved vehicle parking areas shall be removed unless otherwise approved by the City Engineer. Such areas shall be reconstructed with curb, gutter, and sidewalk to match existing adjacent street improvements. This work shall be completed and accepted **before** a Permit of Occupancy is issued or the building is occupied per Fresno Municipal Code (FMC) 11-209.

Intersection of San Ramon and Nantucket Avenues: Local

1. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to match the existing. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, **Section 26-2.11(C)**.
2. Construct an underground street lighting system to Public Works Standard **E-2** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-9** for Local Streets.

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
2. Install **30"** state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a **2"** galvanized post with the bottom of the sign **7'** above ground; located behind curb and immediately behind a major street sidewalk. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.

Traffic Impact Study for a 19 unit Planned Unit Development

This development will generate a total of **15 a.m. / 27 19 p.m.** peak hour trips and generate a count of **182 Average Daily Trips (A.D.T.)**, based upon the following:

A Traffic Impact Study is required and has been submitted. Comply with the City Traffic Engineer's mitigated measures as identified in the attached letter dated **10-26-12**.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay its TSMI Fee **at the time of building permit** based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual.

Fresno Major Street Impact (FMSI) Fees:

This entitlement is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees.

Regional Transportation Mitigation Fee (RTMF):

Pay all applicable **RTMF** fees to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148 ext. 200; www.fresnocog.org. Provide proof of payment or exemption **prior** to issuance of building permits.



City Hall 559-621-8800
2600 Fresno Street, Rm. 4064
Fresno, CA 93721-3623
www.fresno.gov



Public Works Department
Patrick Wiemiller, Director

October 26, 2012

McKencie Contreras, Planner
Development and Resource Management Department
City of Fresno
2600 Fresno Street, Third Floor, Room 3076
Fresno, CA 93721

SUBJECT: REVIEW OF REZONE APPLICATION R-11-004 AND CONDITIONAL USE PERMIT APPLICATION C-11-058 FOR THE PROPOSED NORTH WEST CORNER BARSTOW AVENUE AND MAROA AVENUE

We have reviewed Rezone Application R-11-004 and Conditional Use Permit Application C-11-058. The proposed "project" is an approximately 1.86 acre site currently zoned R-1-B (Single Family Residential, minimum 12,500 square foot lot size). The Rezone Application proposes to reclassify the property to R-1 (Single Family Residential). The Conditional Use Permit proposes a 19 unit planned unit development.

GENERAL COMMENTS and CONDITIONS

1. Trip generation was based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (ITE code 210). The proposed project will generate 182 average daily trips (ADT), 15 trips during the AM peak hour and 19 trips during the PM peak hour.
2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee (based on ITE code 210) of \$47.12 per ADT, per the Master Fee Schedule, at the time of building permit. Based on the reported ADT (ITE Code 210) for the proposed project, the fee would be \$8,575.84. Payable at time of building permit.

The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2025 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offset developer improvement costs, and/or construction costs increase/decrease. If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is place at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.

For project specific impacts that are not consistent with the 2025 General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees, the infrastructure costs will not be eligible for reimbursement unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next TSMI fee update and the applicant agrees to pay the new TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements

that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.

3. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.
4. The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocog.org. Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
5. The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.
6. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or jill.gormley@fresno.gov.

Sincerely,



Jill Gormley, TE
Assistant Traffic Engineering Manager
Public Works Department, Traffic & Engineering Services

C: Traffic Engineering Reading File
Scott Tyler, PE, City Traffic Engineer
Mike Sanchez, Planning & Development Dept.
Louise Gilio, Traffic Planning Supervisor
McKencie Contreras, Planning & Development Dept.



PETERS ENGINEERING GROUP

A CALIFORNIA CORPORATION

952 POLLASKY AVENUE
CLOVIS, CALIFORNIA 93612

PHONE (559) 299-1544
FAX (559) 299-1722

Mr. Steve Weil
Marstel Investments
586 West Barstow Avenue
Fresno, California 93704

February 14, 2011

Subject: Limited Traffic Impact Study
Proposed Apartment Complex
Southwest of the Intersection of Barstow and Maroa Avenues
Fresno, California

This report presents the results of a limited traffic impact study for the subject project. The analysis focuses on the anticipated volume of vehicle traffic resulting from the project. The primary purpose of this study is to evaluate the expected net change in traffic generated at the site as a result of the proposed General Plan Amendment (GPA). The scope of the study was discussed with City of Fresno staff prior to beginning the study.

The project site is located southwest of the intersection of Barstow and Maroa Avenues in Fresno, California. The Project proposes to amend the City of Fresno General Plan to allow the construction of 26 apartment units in two-story and three-story buildings on the 1.86-acre site. The site is currently planned for medium-density residential.

Data provided in the Institute of Transportation Engineers (ITE) *Trip Generation, 8th Edition*, were used to estimate the number of trips anticipated to be generated by the existing and proposed land uses at the site for comparison purposes. The amount of traffic that potentially could have been generated by a project constructed based on the current medium-density land use designation is presented in Table 1. The calculation of the planned land use traffic volumes is based on a 1.86-acre site with single-family residential uses constructed to a density of 7.0 dwelling units per acre for a total of 13 single-family residential units. The amount of traffic that potentially will be generated by 26 apartment units is also presented in Table 1.

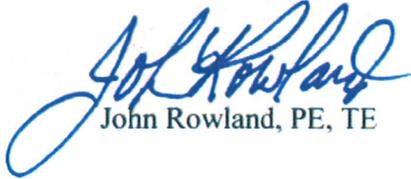
Table 1
Trip Generation Calculations

Land Use	ITE Code	Units	A.M. Peak Hour Traffic Volumes			P.M. Peak Hour Traffic Volumes			Weekday Traffic Volumes	
			Rate Split	Enter	Exit	Rate Split	Enter	Exit	Rate	Total
Single-Family Residential	210	13	0.75 25/75	3	8	1.01 63/37	9	5	9.57	125
Apartment	220	26	0.51 20/80	3	11	0.62 65/35	11	6	6.65	173
Net Change With GPA			-	0	+3	-	+2	+1	-	+45

The results of the trip generation analyses suggest that the proposed GPA will result in a negligible change in the number of vehicle trips expected to be generated at the Project site.

Thank you for the opportunity to perform this traffic impact study. Please feel free to call our office if you have any questions.

PETERS ENGINEERING GROUP


John Rowland, PE, TE



DEPARTMENT OF PUBLIC WORKS

TO: **McKencie Contreras, Planner II**
Planning Division

FROM: **Hilary Kimber, Parks Supervisor II (559-621-1345)**
Public Works, Engineering

DATE: May 12, 2011

SUBJECT: SITE PLAN REVIEW NO. C-11-058

The Department of Public Works offers the following comments regarding 5317 North Maroa Avenue (APN: 417-070-58) located on the west side of North Maroa Avenue south of West Barstow Avenue:

GENERAL REQUIREMENTS

1. The Public Works Department requires one street tree for every 60 lineal feet of street frontage. There are approximately 239 lineal feet of street frontage along N. Maroa Ave. resulting in the requirement of four (4) street trees
2. The existing monolithic sidewalk will not support tree wells; therefore, approved onsite trees planted within 10' of the back of the sidewalk will count towards the street tree requirement. The proposed landscape plan shows four tree locations that would qualify as onsite trees in-lieu-of street trees. Two trees will need to be moved to a minimum of 15' from the drive approach for visibility.
3. Public Works requires a landscape and irrigation plan for all locations within the city right-of-way, or for trees to be planted onsite in-lieu-of street trees to the scale of 1"=20'.



FIRE DEPARTMENT

DATE: June 20, 2012--Revised

TO: McKENCIE CONTRERAS, Planner II
Development and Resource Management Department

FROM: LAURIE SAWHILL, Fire Prevention Inspector II
Fire Department, Fire Prevention and Investigation Division

SUBJECT: 5317 N Maroa, C-11-058, R-11-001

The Fire Department's conditions of approval include the following:

Note on Plans: The new fire hydrant shown shall provide hydrant flow of 1500 GPM. The existing 6 inch main will be acceptable due to the flow test results.

Note on Plans: All required fire access lanes shall be provided and maintained with an approved "all weather" surface capable of supporting 80,000 lb. vehicles (minimum 4" of base rock over compacted or undisturbed native soil or per approved engineered plans) year-around and with 24 feet minimum width or other approved method that would prevent shoulder degradation.

Note on plan: Fire hydrants and access roads shall be installed, tested and approved and shall be maintained serviceable prior to and during all phases of development. The 4 1/2" outlet shall face the access lane.

Note on plan: Vertical access is required for aerial truck ladder set up where buildings or portions of buildings are more than 30 feet in height at the eaves, measured from natural grade. 26' (minimum) driveways shall be located adjacent to at least one (long) side of such building. The drive shall extended 45' beyond each end of the building to allow for access to the corners of the building and to accommodate a set up area out of the collapse zone.

Note on Plan: The entire width of a required access way shall remain unobstructed to a vertical height of 13 feet, six inches.

Provide note on site plan: Provide sign(s) (17 "x22" minimum) at all public entrance drives to the property which state "Warning – Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense – 22658(a) California Vehicle Code – Fresno Police Department 621-2300."

This project was reviewed by the fire department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.



June 11, 2012

REVISED

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

**SUBJECT: REZONE APPLICATION NO. R-11-004
CONDITIONAL USE PERMIT APPLICATION NO. C-11-058
5317 N. Maroa Ave. (APN: 417-070-58)
'Maroa Court' – Proposed 2-story, 19-unit multi-family residential complex**

Dear Ms. Contreras,

Fresno Unified School District submits the following response to your request for review and comment on the above referenced Rezone Application and Conditional Use Permit Application.

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

Any new development on the subject property or conversion of non-habitable to habitable space is subject to development fees of \$2.97 per square foot. **Please note that fees for residential development will increase to \$3.20 per square foot on August 7, 2012.**

1. Attendance area information: The project is presently within the attendance areas of the schools identified below.

Elementary School: Kratt
Intermediate School: Tenaya
High School: Bullard

2. Transportation will be available for students attending the above identified elementary, intermediate and high schools in accordance with District standards in effect at the time of enrollment. The cost of transportation is currently \$51.42 per hour. The cost of providing transportation services to students from the project will add to District transportation expenses.

3. This project could potentially generate 7 K-12 students which may have an impact on nearby schools. Additional transportation could be required if the assigned neighborhood schools cannot accommodate the increased number of students.

Thank you for the opportunity to comment. Please contact me at 457-3074 if you have any questions or require additional information regarding our comments.

Sincerely,



Lisa LeBlanc, Executive Officer
Facilities Management and Planning

LL:hh *llc*



County of Fresno

Department of Public Health

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

June 12, 2012

999999999
LU0016001
PE 2602

McKencie Contreras
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Ms. Contreras:

PROJECT NUMBER: R-11-004, C-11-058

Rezone Application No. R-11-004, and Conditional Use Permit Application No. C-11-058 were filed by Jeff Cazaly, on behalf of Marstel Investments, and pertain to 1.86 acres of property located on the west side of North Maroa Avenue south of West Barstow Avenue.

Rezone Application No. R-11-004 proposes to reclassify the property from the R-1-B (*Single Family Residential, minimum 12,500 square foot lot size*) zone district to the R-1 (*Single Family Residential*) zone district.

Conditional Use Permit Application No. C-11-058 proposes a 19 unit planned unit development which is a gated two story townhouse complex with attached garages.

APN: 417-070-58

ZONING: R-1-B to R-1

ADDRESS: 5317 North Maroa Avenue

Recommended Conditions of Approval:

- Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in your City's municipal code.
- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the development should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.
- All existing water wells encountered during the project shall be properly destroyed by an appropriately licensed contractor.

Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

REVIEWED BY:

Kevin Tsuda

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=Environmental Health
Division, ou=Environmental Health Specialist,
email=ksuda@co.fresno.ca.us, c=US
Date: 2012.06.12 08:53:28 -0700

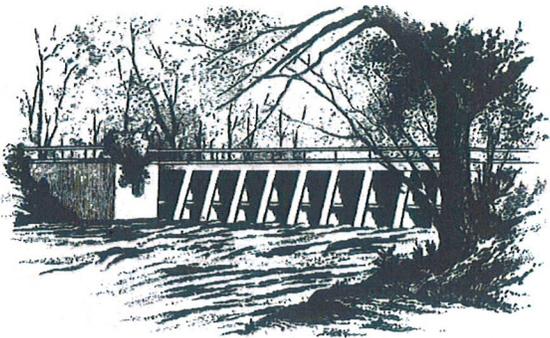
R.E.H.S.

Environmental Health Specialist II

(559) 600-3271

kt

R-11-004, C-11-058 Marstel Investments



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 19, 2011

Ms. McKencie Contreras
City of Fresno
Development & Resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: Plan Amendment No A-11-004, Rezone No R-11-004, Conditional Use Permit No C-11-058, SW Barstow and Maroa

Dear Ms. Contreras:

The Fresno Irrigation District (FID) has reviewed the Plan Amendment No. A-11-004, Rezone No. R-11-004, and Conditional Use Permit No. C-11-058 applications, being filed concurrently, pertaining to property located southwest of Barstow and Maroa avenues, APN: 417-070-58.

FID understands the applicant is requesting:

- Authorization to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium-low density residential planned land use designation to the medium-high density residential land use designation.
- Authorization to reclassify the property from the R-1-B zone district to the R-2 zone district.
- Authorization to develop a gated residential community with private streets and modified property development standards.

FID has the following comments:

1. FID does not own, operate or maintain any facilities located on the applicant's property as indicated on the attached FID exhibit map.
2. For informational purposes; FID's Enterprise Holland-Colony Canal crosses Maroa Avenue approximately 835-feet north of the subject property as shown on the attached FID exhibit map. Should this project expand to include any street

**BOARD OF
DIRECTORS**

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

Ms. McKencie Contreras
Re: A-11-004, R-11-004, C-11-058
April 19, 2011
Page 2 of 2

improvements along Maroa Avenue and in the vicinity of the Canal crossing, FID requires it review and approval of all plans.

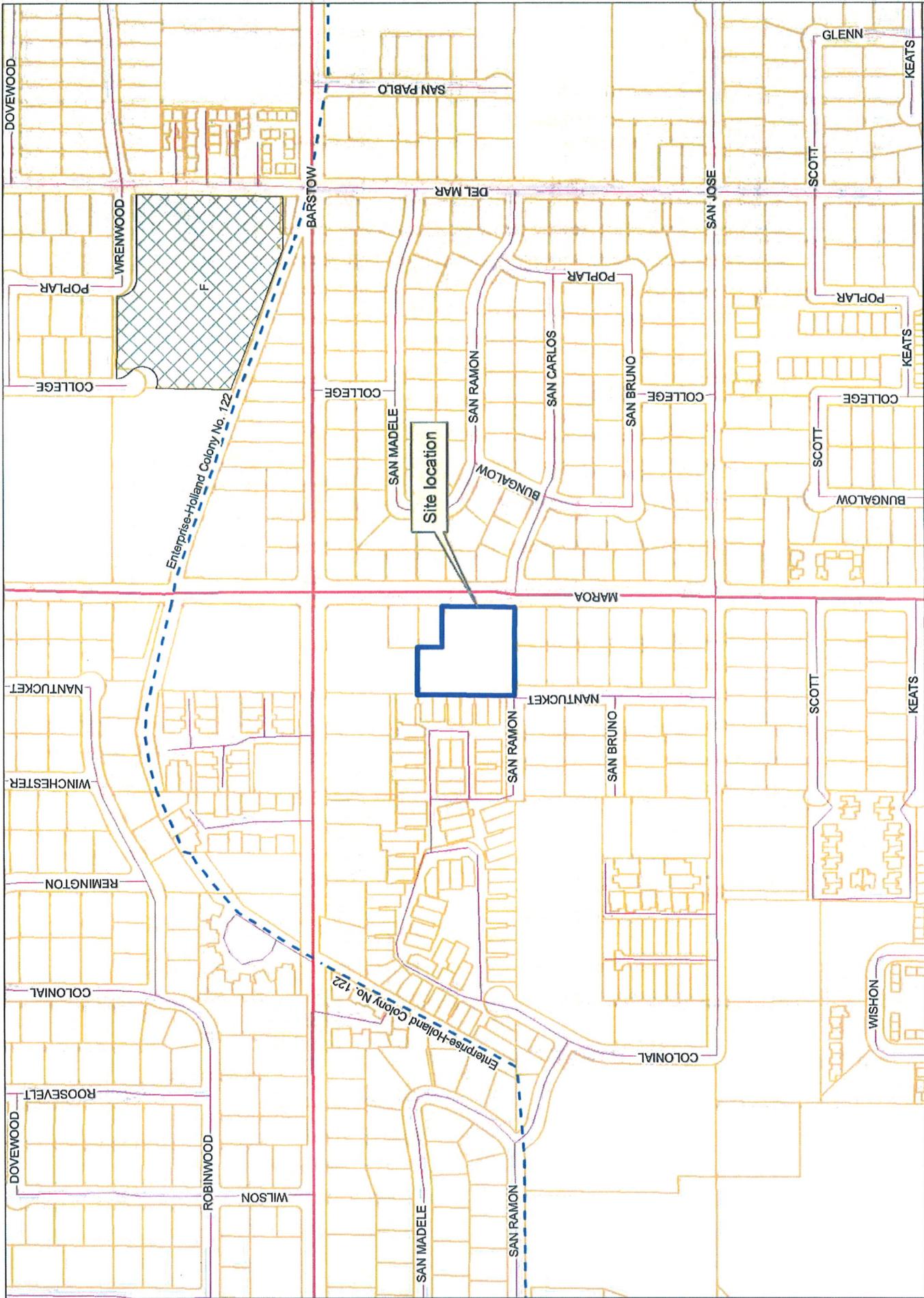
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact James Shields at 233-7161 extension 319 or jshields@fresnoirrigation.com.

Sincerely,



William R. Stretch, P.E.
Chief Engineer

Attachment



FRESNO IRRIGATION DISTRICT



Legend

- FID Canal
- Private Canal
- Abandoned Canal
- FID Pipeline
- Private Pipeline
- Abandoned Pipeline
- Stream Group
- Other-Creek/River
- Other-Pipeline
- FID Boundary
- Railroad
- Streets & Hwys
- Parcel
- FMFCD Acquired Basins
- FMFCD Proposed Basins

0 412.5 825 Feet
1 inch equals 400 feet

3/20/2011
G:\Programs\esr.mxd

550.10 "DD"
210.414

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
REZONE APPLICATION NO. R-11-004, AND
CONDITIONAL USE PERMIT APPLICATION NO. C-11-058

REVISED RESUBMITTAL
(A-11-004 NO LONGER PROPOSED)

FMFCD

Return Completed Form to:

McKencie Contreras
Email: Routing@fresno.gov
Telephone: 559-621-8277
Development and Resource Management
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Rezone Application No. R-11-004, and Conditional Use Permit Application No. C-11-058 were filed by Jeff Cazaly, on behalf of Marstel Investments, and pertain to 1.86 acres of property located on the west side of North Maroa Avenue south of West Barstow Avenue.

Rezone Application No. R-11-004 proposes to reclassify the property from the R-1-B (Single Family Residential, minimum 12,500 square foot lot size) zone district to the R-1 (Single Family Residential) zone district.

Conditional Use Permit Application No. C-11-058 proposes a 19 unit planned unit development which is a gated two story townhouse complex with attached garages.

APN: 417-070-58

ZONING: R-1-B to R-1

ADDRESS: 5317 North Maroa Avenue

DATE ROUTED: June 8, 2012

COMMENT DEADLINE: June 25, 2011

If no response is received by the comment deadline, it will be assumed you have no comments to submit.

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

REFER TO ATTACHED LETTED DATED JUNE 15, 2012 FOR R-11-004REV

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

SAME AS ABOVE

REQUIRED CONDITIONS OF APPROVAL:

SAME AS ABOVE

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

NO

REVIEWED BY: GARY CHAPMAN ENG TECH II 456-3292 6/18/12
Name and Title Telephone Number Date

Council District 2; Bullard Community Plan



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 210.414
550.10

June 15, 2012

Ms. McKencie Contreras
City of Fresno
Development Dept., Planning Division
2600 Fresno Street, Third Floor
Fresno, CA 93721

Dear Ms. Contreras,

**Rezone 2011-004Rev
Drainage Area "DD"**

The proposed rezone lies within the District's Drainage Area "DD". The District's system can accommodate the proposed rezone.

If there are any questions concerning this matter, please feel free to contact us.

Sincerely,

Gary Chapman
Engineering Technician II

GC/lrl

550.10 "DD"

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
REZONE APPLICATION NO. R-11-004, AND
CONDITIONAL USE PERMIT APPLICATION NO. C-11-058

REVISED RESUBMITTAL
(A-11-004 NO LONGER PROPOSED)

FMFCO

Return Completed Form to:

McKencie Contreras
Email: Routing@fresno.gov
Telephone: 559-621-8277
Development and Resource Management
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Rezone Application No. R-11-004, and Conditional Use Permit Application No. C-11-058 were filed by Jeff Cazaly, on behalf of Marstel Investments, and pertain to 1.86 acres of property located on the west side of North Maroa Avenue south of West Barstow Avenue.

Rezone Application No. R-11-004 proposes to reclassify the property from the R-1-B (Single Family Residential, minimum 12,500 square foot lot size) zone district to the R-1 (Single Family Residential) zone district.

Conditional Use Permit Application No. C-11-058 proposes a 19 unit planned unit development which is a gated two story townhouse complex with attached garages.

APN: 417-070-58

ZONING: R-1-B to R-1

ADDRESS: 5317 North Maroa Avenue

DATE ROUTED: June 8, 2012

COMMENT DEADLINE: June 25, 2011

If no response is received by the comment deadline, it will be assumed you have no comments to submit.

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

REFER TO FMFCO NOTICE OF REQUIREMENTS FOR
CUP 2011-058REV.

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

SAME AS ABOVE

REQUIRED CONDITIONS OF APPROVAL:

SAME AS ABOVE

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

NO

REVIEWED BY:

GARY CHAPMAN

ENG. TECH II 456-3292

6/18/12

Name and Title

Telephone Number

Date

Council District 2; Bullard Community Plan

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

File No. 210.413

Page 1 of 4

PUBLIC AGENCY

MCKENCIE CONTRERAS
DEVELOPMENT SERVICES/PLANNING
CITY OF FRESNO
2600 FRESNO STREET, THIRD FLOOR
FRESNO, CA 93721-3604

DEVELOPER

STEVE WEIL - MARSTEL INVESTMENTS
586 N. BARSTOW AVE.
FRESNO, CA 93704

PROJECT NO: 2011-058REV

ADDRESS: 5317 N. MAROA AVE.

APN: 417-070-58

SENT:

6/18/12

Drainage Area(s)	Preliminary Fee(s)
DD	\$2,689.00
TOTAL FEE: \$2,689.00	

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/13 based on the site plan submitted to the District on 6/08/12 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- a.) Fees related to undeveloped or phased portions of the project may be deferrable.
- b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

FR
CUP No. 2011-058REV

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 2 of 4

Approval of this development shall be conditioned upon compliance with these District Requirements.

1. a. Drainage from the site shall BE DIRECTED TO MAROA AVENUE
 b. Grading and drainage patterns shall be as identified on Exhibit No.
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:

Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".
 None required.
3. The following final improvement plans shall be submitted to the District for review prior to final development approval:

 Grading Plan
 Street Plan
 Storm Drain Plan
 Water & Sewer Plan
 Final Map
 Other
 None Required
4. Availability of drainage facilities:

 a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available. TEMPORARY SERVICE IS AVAILABLE THROUGH
 d. See Exhibit No. 2.
5. The proposed development:

Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
 Does not appear to be located within a flood prone area.
6. The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FR
CUP No. 2011-058REV

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 3 of 4

FR
CUP
No. 2011-058REV

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, approved August 1999, (modified December 2002) A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
 - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
 - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. _____ See Exhibit No. 2 for additional comments, recommendations and requirements.


Alan Hofmann
Assistant District Engineer/Design


Gary Chapman
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

BILL ROBINSON - SOL DEVELOPMENT ASSOCIATES, LLC

906 'N' STREET, STE. 101

FRESNO, CA 93721

FR CUP No. 2011-058REV

93704

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
PLAN AMENDMENT APPLICATION NO. A-11-004,
REZONE APPLICATION NO. R-11-004, AND
CONDITIONAL USE PERMIT APPLICATION NO. C-11-058

Return Completed Form to:
McKencie Contreras
Email: Routing@fresno.gov
Telephone: 559-621-8277
Development and Resource Management
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Plan Amendment Application No. A-11-004, Rezone Application No. R-11-004, and Conditional Use Permit Application No. C-11-058 were filed by Jeff Cazaly, on behalf of Marstel Investments, and pertain to 1.86 acres of property located on the west side of North Maroa Avenue south of West Barstow Avenue.

Plan Amendment Application No. A-11-004 proposes to amend the 2025 Fresno General Plan and Bullard Community Plan from the medium-low density residential planned land use designation to the medium-high density residential land use designation.

Rezone Application No. R-11-004 proposes to reclassify the property from the R-1-B (Single Family Residential, minimum 12,500 square foot lot size) zone district to the R-2 (Low Density Multiple Family Residential) zone district.

Conditional Use Permit Application No. C-11-058 proposes a gated residential community with private streets and modified property development standards.

APN: 417-070-58

ZONING: R-1-B to R-2

ADDRESS: 5317 North Maroa Avenue

DATE ROUTED: April 12, 2011

COMMENT DEADLINE: April 22, 2011

If no response is received by the comment deadline, it will be assumed you have no comments to submit.

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

No

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

None

REQUIRED CONDITIONS OF APPROVAL:

See Attached

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

No

REVIEWED BY: Cathy Giles Growth Coordinator (559) 4404267 4-14-11
Name and Title Telephone Number Date

Council District 2; Bullard Community Plan

GROWTH COORDINATOR
UNITED STATES POSTAL SERVICE



APRIL 14, 2011

To the City of Fresno – Planning and Development Department:

It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid.

In addition to completing the Agreement, the Developer shall provide a final map (with address detail) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.

Sincerely,

Cathy S. Gilles
New Growth Coordinator
559 4404267

755 E NEES AVE
FRESNO CA 93720-2196
559-442-4267
FAX: 559-440-4287

MODE OF DELIVERY AGREEMENT - NEW CONSTRUCTION
United States Postal Service - Sacramento District

Project Information

Name of Project:		ZIP CODE:	
Location:	Estimated # Deliveries:	Route Type/Number	
Unit/Office:		City #	Rural#
Estimated Delivery Date (Month and Year)*		Contract#	To Be Determined

USPS Contact Information

Contact Made By:	Date:	Telephone #:
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Builder/Developer Contact Information

Name:	Title:	Phone:
Firm:	Address:	

Equipment Information

TYPE OF PROJECT				TYPE & QUANTITY OF EQUIPMENT			
check type		Deliveries	Floors	QTY	Centralized Equipment	QTY	Non-Centralized Equipment
<input checked="" type="checkbox"/>	Office Bldg.				CBU Type 1 (8)		Curbside 2/post
	Shopping/Strip Mall				CBU Type II (12)		Curbside 3/post
	Apt. / Condo				CBU Type III (16)		Curbside 4/post
	Townhomes				CBU Type IV (13)		Other (Specify)
	Modular Homes				Wallmount Std4C		
	Single Family				Parcel Lockers		
	Other (Specify)						

Purchase/Installation Responsibility

Owner / Developer U.S.P.S. Other: See Comments

Issue Key Responsibility

Owner / Developer U.S.P.S. Other: See Comments

Comments:

See attached maps for designated locations.

Builder/Developer/Property Owner understands that he/she must comply with USPS Cement Pad Specifications. Copy provided.

This Agreement will document that the builder/developer will purchase and install the centralized delivery equipment as indicated above at the specified locations. Locations must be clearly designated on plat maps provided by the builder or developer. Any changes must be approved jointly by both undersigned individuals.

USPS REPRESENTATIVE:

Name: Cathy Gilles
 Title: Growth Coordinator
 Signature: _____ Date: _____
 Phone # 559-440-4267
 FAX # 559-440-4286

PROPERTY OWNER/DEVELOPER/MANAGER:

*Name: _____
 *Title: _____
 *Signature: _____ Date: _____
 *Telephone #: _____
 *FAX #: _____

DISTRICT APPROVAL:

DATE:

Environmental Assessment
dated March 1, 2013

**CITY OF FRESNO – ENVIRONMENTAL ASSESSMENT
 FINDING OF CONFORMITY / MEIR NO. 10130/MND FOR PLAN AMENDMENT A-09-02
 (AIR QUALITY MND)**

Pursuant to Section 21157.1 of the California Public Resource Code (California Environmental Quality Act) the project described below is determined to be within the scope of the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan.

Notice of Intent was filed with:
FRESNO COUNTY CLERK
 2221 Kern Street
 Fresno, California 93721

on
 March 1, 2013

Applicant:
 Jeff Cazaly
 759 West Alluvial Avenue, Suite 101
 Fresno, CA 93711

Initial Study Prepared By:
 McKencie Contreras, Planner
 March 1, 2013

Environmental Assessment Number:
R-11-004/C-11-058

Project Location (including APN): 5317 North Maroa Avenue; located on the west side of North Maroa Avenue south of West Barstow Avenue, in the City and County of Fresno, California (APN: 417-070-58)

Project Description:

Jeff Cazaly has filed Rezone Application No. R-11-004 and Conditional Use Permit Application No. C-11-058 pertaining to approximately 1.86 acres of property. The applicant proposes to reclassify the subject property from the R-1-B (*Single Family Residential, minimum 12,500 square foot lot size*) zone district to the R-1 (*Single Family Residential*) zone district and construct a 19 unit planned development, which is gated. The units are proposed two-story townhouses with attached garages.

The property is located within the jurisdiction of the Bullard Community Plan and the 2025 Fresno General Plan. The Bullard Community Plan and the 2025 Fresno General Plan designate the subject property for medium density residential planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the planned land use designation of medium density residential is consistent with the proposed R-1 zone district. The medium density residential planned land use allows a density of 4.99-10.37 dwelling units per acre. The proposed project is proposing 10.18 dwelling units per acre, which is within the permitted density.

Conformance to Master Environmental Impact Report (MEIR) NO. 10130:

The adopted 2025 Fresno General Plan and the Bullard Community Plan designate the subject site for medium density residential planned land uses. The requested R-1 zone district for the subject property conforms to the existing planned land use designation.

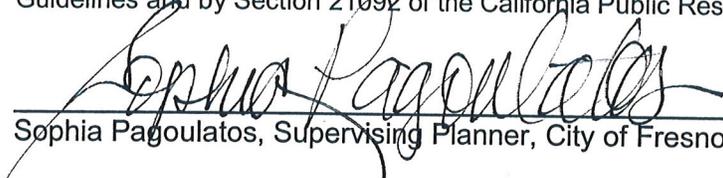
The Development and Resource Management Department staff has prepared an Initial Study (See Attached "Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02 (Air Quality MND)/Initial Study") to evaluate the proposed rezone and conditional use permit applications in accordance with the land use and environmental policies and provisions of lead agency City of Fresno's 2025 Fresno General Plan (SCH # 2001071097), the related Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan (Air Quality MND). The subject property is currently undeveloped but may be further developed at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site. Thus, the rezone and conditional use permit applications will not facilitate an additional intensification of uses beyond that which would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject site. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and the Air Quality MND have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Guidelines Section 15177(b)(3).

Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project, as identified in the MEIR pursuant to Section 21157(b)(2) of the Public Resources Code and CEQA Guidelines Section 15177, falls within the scope of a MEIR, provided that the project does not cause additional significant impacts on the environment that were not previously examined by the MEIR and the Air Quality MND.

Relative to this specific project proposal, the environmental impacts noted in the MEIR and the Air Quality MND, pursuant to the 2025 Fresno General Plan land use designation, include impacts associated with the medium density residential planned land use designation specified for the subject site. Based on this Initial Study, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its, location, land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project is fully within the scope of the MEIR and Air Quality MND because it will not generate additional significant effects on the environment not previously examined and analyzed by the MEIR or Air Quality MND for the reasons set forth in the Initial Study; and (3) other than identified below, there are no new or additional mitigation measures or alternatives required.

In addition, 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 the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. Moreover, as lead agency for this project, the Development and Resource Management Department, per Section 15177(d) of the CEQA Guidelines, has determined that all feasible mitigation measures from MEIR No. 10130 and the Air Quality MND shall be applied to the project as conditions of approval as set forth in the attached Mitigation Monitoring Checklist (See "Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 For the 2025 Fresno General Plan, Mitigation Monitoring Checklist).

Public notice has been provided regarding staff's finding in the manner prescribed by Section 15177(d) of the CEQA Guidelines and by Section 21092 of the California Public Resources Code (CEQA provisions).


Sophia Pagoulatos, Supervising Planner, City of Fresno

3/1/13
Date

Attachments: Notice of Intent to Adopt a Finding of Conformity

Modified Appendix G/ Initial Study prepared for Environmental Assessment No. R-11-004/C-11-058 to analyze a subsequent project identified in Master EIR No. 10130 and the Mitigated Negative Declaration for Plan Amendment No. A-09-02 (Air Quality Update) (SCH No. 2009051016), with attachments

Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 For the 2025 General Plan: Mitigation MEIR Mitigation Monitoring Checklist for Environmental Assessment No. R-11-004/C-11-058

Master Environmental Impact Report (MEIR) Review Summary (Attachment: Status of MEIR Analysis with Regard to Air Quality and Climate Change)

Notice of Intent

CITY OF FRESNO

**NOTICE OF INTENT TO ADOPT A
FINDING OF CONFORMITY**

EA No. R-11-004/C-11-058

Rezone Application No. R-11-004 and Conditional Use Permit
Application No. C-11-058

APPLICANT:

Jeff Cazaly
759 West Alluvial Avenue, Suite 101
Fresno, CA 93711

PROJECT LOCATION:

± 1.86 acres of property located at 5317 North Maroa Avenue on
the west side of North Maroa Avenue, south of West Barstow
Avenue, in the City and County of Fresno, California

36°48'51.2202" N Latitude, - 119°47'58.0272" W Longitude

Assessor's Parcel Number: 417-070-58

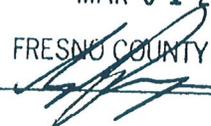
Filed with:

E201310000053

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

FILED

MAR 01 2013

FRESNO COUNTY CLERK
By  DEPUTY

PROJECT DESCRIPTION: Jeff Cazaly, on behalf of Marstel Investments, has filed Rezone Application No. R-11-004 and Conditional Use Permit Application No. C-11-058 pertaining to approximately 1.86 acres of property located on the west side of North Maroa Avenue, south of West Barstow Avenue.

Rezone Application No. R-11-004 proposes to reclassify the property from the R-1-B (*Single Family Residential, minimum 12,500 square foot lot size*) zone district to the R-1 (*Single Family Residential*) zone district.

Conditional Use Permit Application No. C-11-058 proposes to construct a 19 unit planned development, which is gated. The units are proposed two-story townhouses with attached garages.

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 fully within the scope of the Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

With the mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR or Air Quality MND. After conducting a review of the adequacy of the MEIR and Air Quality MND pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was

certified as complete and the Air Quality MND was adopted, has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604, or for an electronic copy of the environmental finding, and for additional information on the project, please contact McKencie Contreras at (559) 621-8066 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on March 26, 2013. Please direct comments to McKencie Contreras, Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to McKencie.Contreras@fresno.gov; or comments can be sent by facsimile to (559) 498-1026.

These development applications and this proposed environmental finding has been tentatively scheduled to be heard by the Planning Commission on Wednesday, March 27, 2013 at 6:00 p.m. or thereafter. The hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY: McKencie Contreras, Planner	SUBMITTED BY:  Sophia Pagoulatos, Supervising Planner CITY OF FRESNO DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
DATE: March 1, 2013	

E201310000053

Appendix G

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

Environmental Checklist Form

For EA No. R-11-004/C-11-058

1. Project title:

Rezone Application No. R-11-004
Conditional Use Permit Application No. C-11-058

2. Lead agency name and address:

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

3. Contact person and phone number:

McKencie Contreras, Planner III
City of Fresno
Development and Resource Management Department
(559) 621-8066

4. Project location:

5317 North Maroa Avenue
Located on the west side of North Maroa Avenue south of West Barstow Avenue, in the City and County of Fresno, California
Assessor's Parcel Number(s): 417-070-58
Site Latitude: 36°48'51.2202"N
Site Longitude: - 119°47'58.0272" W
Mount Diablo Base & Meridian, Township 13 S, Range 20 E, Section 9

5. Project sponsor's name and address:

Jeff Cazaly
Jeff Cazaly Consulting
759 West Alluvial Avenue, Suite 101
Fresno, CA 93711

6. General plan designation:

Existing: Medium Density Residential

7. **Zoning:**

Existing: R-1-B (*Single Family Residential District, minimum 12,500 square foot lot size*)

Proposed: R-1 (*Single Family Residential District*)

8. **Description of project:**

Jeff Cazaly, on behalf of Marstel Investments, has filed Rezone Application No. R-11-004 and Conditional Use Permit Application No. C-11-058 pertaining to approximately 1.86 acres of property located on the west side of North Maroa Avenue south of West Barstow Avenue.

Rezone Application No. R-11-004 proposes to reclassify the property from the R-1-B (*Single Family Residential, minimum 12,500 square foot lot size*) zone district to the R-1 (*Single Family Residential*) zone district.

Conditional Use Permit Application No. C-11-058 proposes a 19 unit planned development, which is gated. The units are proposed two-story townhouses with attached garages.

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

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Density Residential	R-1-B <i>Single Family Residential District, minimum 12,500 square foot lot size</i> R-1-B (County) <i>Single Family Residential District (12,500)</i>	Church & Single Family Residence
East	Medium-Low Density Residential	R-1 (County) <i>Single Family Residential District (6,000)</i>	Single Family Residential
South	Medium-Low Density Residential	R-1-AH (County) <i>Single Family Residential District (20,000)</i>	Single Family Residential
West	Medium-Low Density Residential	R-1-B (County) <i>Single Family Residential District (12,500)</i>	Condominiums

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

DETERMINATION: (To be completed by the Lead Agency)

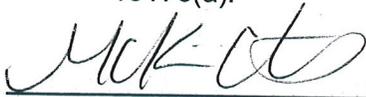
On the basis of this initial evaluation:

I find that the proposed project 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 such that no new additional mitigation measures or alternatives may be required. All applicable mitigation measures contained in the Mitigation Monitoring Checklist shall be imposed upon the proposed project. A FINDING OF CONFORMITY will be prepared.

I find that the proposed project is a subsequent project identified in the MEIR and Air Quality MND but that it is not fully within the scope of the MEIR and Air Quality MND because the proposed project could have a significant effect on the environment that was not examined in the MEIR or Air Quality MND. However, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project specific mitigation measures and all applicable mitigation measures contained in the MEIR Mitigation Monitoring Checklist will be imposed upon the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project is a subsequent project identified in the MEIR but that it MAY have a significant effect on the environment that was not examined in the

MEIR or Air Quality MND, and an ENVIRONMENTAL IMPACT REPORT is required to analyze the potentially significant effects not examined in the MEIR or Air Quality MND pursuant to Public Resources Code Section 21157.1(d) and CEQA Guidelines 15178(a).



McKencie Contreras, Planner

03.01.13

Date

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

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

or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

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

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

The immediate area is substantially developed with residential uses; therefore, no public or scenic vista will be obstructed by the development and no valuable vegetation will be removed. The project will not damage any scenic resources within a state scenic highway, given that one is not located within the proximity of a scenic highway. It will not degrade the visual character or quality of the site and its surroundings given that the character of the neighborhood is residential. Furthermore, development of the site will not create a new source of substantial light or glare which would affect day or night time views in the project area, given that during the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties. As a result, the project will have a less than significant impact on aesthetics. The project will be subject to the aesthetics mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan. Conditions to ensure the project is aesthetically appealing will be further defined during the entitlement process to ensure that the development is consistent with all plans and design guidelines.

Mitigation Measures

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. -- Would the project:				
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 site is designated as "Urban Built-Up Land" by the 2006 Rural Mapping Edition: Fresno County Important Farmland Map, and thus has no farmland considered to be prime farmland, farmland of statewide importance, or unique farmland. The subject site is not currently under cultivation. In addition, according to aerial photos that go as far back as 1992, the site has not been under cultivation for a number of years. The land surrounding the site to the north, south, east and west is designated as "Urban and Built-Up Land" by the above mentioned map.

It is also not under a Williamson Act contract and is not surrounded by sites under a Williamson Act contract. It does not conflict with existing zoning for agricultural uses given that the existing R-1-B zoning is for residential homes with urban standards. The proposed entitlements do not

conflict with any forest land or Timberland Production or result in any loss of forest land. The proposed project does not include any changes which will affect the existing environment and result in the conversion of Farmland to non-agricultural uses. Therefore, no environmental impacts related to agriculture are anticipated as a result of the proposed project.

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

Setting

The subject site is located in Fresno County and within the San Joaquin Valley Air Basin (SJVAB). This region has had chronic non-attainment of federal and state clean air standards for ozone/oxidants and particulate matter due to a combination of topography and climate. The San Joaquin Valley (Valley) is hemmed in on three sides by mountain ranges, with prevailing winds carrying pollutants and pollutant precursors from urbanized areas to the north (and in turn contributing pollutants and precursors to downwind air basins). The Mediterranean climate of this region, with a high number of sunny days and little or no measurable precipitation for several months of the year, fosters photochemical reactions in the atmosphere, creating ozone and particulate matter.

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

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

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

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

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

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

Regulations

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the local regional jurisdictional entity charged with attainment planning, rule making, rule enforcement, and

monitoring under Federal and State Clean Air Acts and Clean Air Act Amendments.

The Master Environmental Impact Report (MEIR) prepared for the 2025 Fresno General Plan requires that the most current version of the URBEMIS computer model be used to analyze development projects and estimate future air pollutant emissions that can be expected to be generated from operational emissions (vehicular traffic associated with the project), area-wide emissions (sources such as ongoing maintenance activities and use of appliances), and construction activities. As of July 1, 2012 the California Emissions Estimator Model (CalEEMod) was the newest computer emissions estimating model. Therefore, CalEEMod is replacing URBEMIS.

CalEEMod calculates criteria pollutant and greenhouse gas (GHG) emissions from a variety of land uses. CalEEMod also calculates the benefits of implementing mitigation measures, including GHG mitigation measures.

The model quantifies direct emissions from construction and operations (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. The model incorporates Pavley standards and Low Carbon Fuel standards into the mobile source emission factors. Further, the model identifies mitigation measures to reduce criteria pollutant and GHG emissions along with calculating the benefits achieved from measures chosen by the user. The GHG mitigation measures were recently developed and adopted by the California Air Pollution Control Officers Association (CAPCOA).

The CalEEMod model generated the following for the proposed use.

CONSTRUCTION AND OPERATIONAL AIR QUALITY IMPACTS OF THE PROJECT

<i>[all data given in tons/year]</i>	ROG	NOx	CO	SO ₂	PM10	PM2.5	CO ₂
Area Source Emissions	0.81	2.58	1.88	0.00	0.22	0.19	268.91
Operational Emissions	0.39	0.78	2.04	0.00	0.27	0.09	298.89
Totals	1.2	3.36	3.92	0.00	0.49	0.28	567.80
Level of Significance	10	10	100	27.375	14.6	N/A	N/A

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

The proposed project is not subject to District Rule 9510 (Indirect Source Review). The project will not significantly impact local air quality, no violations of air quality standards will occur and no net increase of pollutants will occur. The proposed project on the subject site will not expose

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

Mitigation Measures

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

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

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

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

Mitigation Measures

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				

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

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

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

Mitigation Measures

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				

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

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

Fresno has no known active earthquake faults, and is not in any Alquist-Priolo Special Studies Zones. The immediate Fresno area has extremely low seismic activity levels, although shaking may be felt from earthquakes whose epicenters lie to the east, west, and south. Known major faults are over 50 miles distant and include the San Andreas Fault, Coalinga area blind thrust fault(s), and the Long Valley, Owens Valley, and White Wolf/Tehachapi fault systems. The most serious threat to Fresno from a major earthquake in the Eastern Sierra would be flooding that

could be caused by damage to dams on the upper reaches of the San Joaquin River.

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

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

Mitigation Measures

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

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

Background

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

Global climate change (colloquially referred to as "global warming") is the term coined to describe very widespread climate change characterized by a rise in the Earth's ambient average temperatures with concomitant disturbances in weather patterns and resulting alteration of

oceanic and terrestrial environs and biota. The predominant opinion within the scientific community is that global climate change is occurring, and that it is being caused and/or accelerated by human activities, primarily the generation of "greenhouse gases" (GHG).

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

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

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

Regulation

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

There are, at this time, no "attainment" concentration standards established by the federal or state government for GHGs (although several of the GHGs are regulated as precursors to criteria pollutants regulated by the federal and California Clean Air Acts). However, the State has codified a mandate to reduce GHG emissions to 1990 levels by the year 2020. In order to roll back GHG emissions to 1990 levels, a reduction of 174 million metric tons of CO₂e would need to be achieved statewide—against the background of California's general population increase and the need for ongoing land and economic development. The combination of the

need to reduce and the need to grow equate to a need to reduce per capita GHG emissions by some 30%.

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

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

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

Project's Impact

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

Plan Amendment Application No. A-09-02, the Air Quality Amendment to the 2025 Fresno General Plan, adopted initial steps to address Fresno's part in avoiding global climate change, through adoption of new Resource Element / Air Quality General Plan Objectives and Policies. The information in previously-cited CAPCOA and California Attorney General publications has been used as information resources for GHG mitigation. A new objective has been added to the Air Quality section of the Resource Conservation Element specifically calling for reduction in GHG emissions, with supporting policies and implementation measures. Utilizing a qualitative

analysis approach, projects consistent with, and appropriately implementing, air pollution and GHG reduction policies, and which mitigate any potentially significant project-specific GHG impacts, will be deemed to conform to GHG reduction requirements and to contribute to the City's overall GHG reduction goals. Periodic broad scale GHG modeling will be used to validate the efficacy of these measures and guide implementation and further rulemaking. The proposed project will be required to implement all relevant general plan policies related to GHGs. These policies will help to reduce this project's potential GHG impact. One new policy adopted in the City's Air Quality Plan Amendment is described below:

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

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

The proposed project complies with this policy because it will comply with several of the measures detailed in the California Attorney General's Office guidance document titled, *The California Environmental Quality Act Mitigation of Global Warming Impacts at the Local Agency Level*" (updated January 07, 2008). This document offers policy guidance on mitigating GHG emissions. One mitigation measure states that projects should "create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking". The proposed project will be required to maintain sidewalks along the frontage of North Maroa Avenue and at the southwestern corner of the property where West San Ramon and North Nantucket Avenues meet.

Other GHG Reduction Measures

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

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

Mitigation Measures

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

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

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

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

Mitigation Measures

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

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

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

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

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

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

The subject site does not appear to be located within a flood prone area. It is located within "Zone X" (Panel 1560H of the FIRM Flood Insurance Rate Map), which is in an area determined to be outside the 0.2% annual chance floodplain.

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

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

The mitigation measures of MEIR No. 10130 are incorporated herein by reference and are required to be implemented by the attached mitigation monitoring checklist. In summary, these mitigation measures require participation in the development of groundwater recharge in an amount equal to the project's estimated water consumption. Alternative measures to satisfy this requirement include paying fees established by the city for construction of recharge facilities, the construction of recharge facilities directly by the project, or participation in augmentation/enhancement/enlargement of the recharge capability of FMFCD storm water ponding basins. While the proposed project may be served by conventional groundwater pumping and distribution systems, full development of the 2025 Fresno General Plan boundaries may necessitate utilization of treated surface water due to inadequate groundwater aquifer recharge capabilities.

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

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

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

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

Mitigation Measures

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

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

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

The proposed project shall meet the goals, objectives, and policies of the 2025 Fresno General Plan and Bullard Community Plan by providing a project which introduces higher density residential development in a manner which will maintain a pleasant living environment through reservation of adequate living spaces and protecting the integrity of adjacent neighborhoods. The close proximity of existing and planned neighborhood commercial, office commercial, school, and single and multiple family residential uses provides for a unique and diverse context, which the future development will complement and embellish.

Objective C-9 of the 2025 Fresno General Plan directs planning for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Supporting policy C-9-j recommends that Medium Density Residential land shall be developed to maximize efficient use and affordability of residential property through a wide range of densities.

Objective C-15 of the 2025 Fresno General Plan supports infill opportunities that will revitalize the built-up urban core communities and neighborhoods of Fresno, provide residential development for diverse population, and improve overall quality of the urban environment. Objective C-16 supports the creation of a more efficient, economical, and livable urban form by concentrating development within older, built-up core communities and neighborhoods where determined appropriate to implement intensity corridors and activity centers and by focusing resources in order to achieve specifically identified urban core community revitalization performance measures. It is evident from the two above mentioned policies that the development of vacant land in the urban core is a high priority to the City of Fresno. The proposed project will meet the intent of these two objectives because it will result in a development that will provide an attractive, safe neighborhood for families in the urban core. It creates a higher density development that will integrate well into the existing surrounding residential and commercial uses.

Similarly, the goals of the Bullard Community Plan are directed toward: (1) The provision of a diversity of housing types and housing opportunities to meet the needs of all ages and income levels; (2) Providing for safe, clean and aesthetically pleasing neighborhoods; and, (3) Providing for compatible relationships between differing housing types and densities.

Therefore, it is staff's opinion that the proposed rezone and conditional use permit applications are consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. The

proposed project is found; (1) To be consistent with the goals, objectives, and policies of the applicable 2025 Fresno General Plan and Bullard Community Plan; (2) To be suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject site or adjacent lands.

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

Mitigation Measures

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

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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. Some land uses, such as residential dwellings, are considered noise sensitive receptors and involve land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise.

The City of Fresno Noise Element of the 2025 Fresno General Plan sets noise compatibility standards for transportation and stationary noise sources. Traffic on adjacent major streets is often considered to be a transportation noise source. Noise sources not related to traffic on public roadways, railroads or airports are considered to be stationary noise sources. Stationary noise sources can include commercial and other non-residential uses and operations located in close proximity to a sensitive receptor.

For transportation sources, the Noise Element establishes land use compatibility criteria in terms of the Day-Night Average Level (DNL). The exterior noise exposure criterion is 60 dB DNL within outdoor activity areas of residential land uses. Outdoor activity areas generally include common outdoor recreation areas and individual patios or decks of multi-family developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation.

The Noise Element also requires that interior noise levels attributable to exterior transportation noise sources not exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

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

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

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

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

Mitigation Measures

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

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

ENVIRONMENTAL ISSUES	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 proposed to be designated for Medium Density Residential planned land uses (4.99-10.37 dwelling units per acre). Although the development will be intensifying the use of the currently undeveloped site, the subject site is planned for Medium Density Residential planned land uses by the 2025 Fresno General Plan. The proposed project of 19 dwelling units will be developed at 10.19 dwelling units per acre, which is consistent with the planned land use designation. Properties within the vicinity of the subject site have been developed and continue to develop at the intensity and scale designated by the 2025 Fresno General Plan. Therefore, the proposed project will not either directly or indirectly induce substantial population growth in the area. Furthermore, the subject site is currently vacant and therefore, the proposed project does not have the potential to displace existing housing or residents as a result of development thereon.

No population and housing impacts will result from the proposed project beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Other public services?			X	

The subject site is located less than 1.25 miles of two fire stations (#11 and #20) and within the City of Fresno police area. Therefore, police and fire protection services are available to serve the subject site. The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the FMFCD system could accommodate the proposed rezone and permanent drainage service is available.

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

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

The Department of Public Utilities has reviewed the proposed rezone and conditional use permit applications and has determined that sewer and water facilities are available to provide service to the subject site subject to several conditions.

Therefore, the proposed project will not affect public services beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan.

Mitigation Measures

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

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

The subject site is located less than 1.75 miles of two neighborhood parks; Robinson and Cary Parks. The proposed project will not result in the physical deterioration of existing parks or recreational facilities; and, will not require expansion of existing recreational facilities or affect recreational services beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

The subject site is located on the west side of North Maroa Avenue, south of West Barstow Avenue.

A limited traffic impact study (TIS) was prepared for the original proposal, which included a plan amendment and 26 units. The project has been modified and no longer requires a plan amendment. The proposed project includes 19 units on 1.86 acres.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the development of a 19 unit planned development on the subject site is expected to generate an average of approximately 182 average daily trips (ADT). Of these vehicle trips it is projected that 15 will occur during the morning (7 to 9 a.m.) peak hour travel period and 19 will occur during the evening (4 to 6 p.m.) peak hour travel period.

The subject site location is in close proximity to residential and commercial land uses which provide for a pattern of development that is anticipated to have the potential to reduce the number of average daily vehicle trips.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the rezone and conditional use permit applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division and City Engineer dated October 26 and 29, 2013, respectively. These requirements will be incorporated into the project via the entitlement process and generally include: (1) Public street improvements; (2) Installation of a paved pedestrian path or sidewalk; and, (3) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

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

Therefore, no substantial increase in transportation or traffic is expected to result from the proposed project.

Mitigation Measures

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

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

The proposed project is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. The impact to storm drainage facilities will be less than significant given that existing facilities can accommodate the proposed rezone.

Mitigation Measures

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 MEIR mitigation measures required of the proposed project and the analysis detailed in the preceding Initial Study, the proposed project:

- does not have environmental impacts which will cause substantial adverse effects on human beings, either directly nor indirectly.
- does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish/wildlife or native plant species (or cause their population to drop below self-sustaining levels), does not threaten to eliminate a native plant or animal community, and does not threaten or restrict the range of a rare or endangered plant or animal.
- does not eliminate important examples of elements of California history or prehistory.
- does not have impacts which would be cumulatively considerable even though individually limited.

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

Exhibit i: Limited Traffic Impact Study from Peters Engineering Group dated February 14, 2011

Exhibit ii: Review of Traffic Impact Study memorandum from Jill Gormley dated October 26, 2012

Exhibit iii: Public Works Department, Traffic Engineering Division memorandum dated October 29, 2012

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PETERS ENGINEERING GROUP

A CALIFORNIA CORPORATION

952 POLLASKY AVENUE
CLOVIS, CALIFORNIA 93612

PHONE (559) 299-1544
FAX (559) 299-1722

Mr. Steve Weil
Marstel Investments
586 West Barstow Avenue
Fresno, California 93704

February 14, 2011

Subject: Limited Traffic Impact Study
Proposed Apartment Complex
Southwest of the Intersection of Barstow and Maroa Avenues
Fresno, California

This report presents the results of a limited traffic impact study for the subject project. The analysis focuses on the anticipated volume of vehicle traffic resulting from the project. The primary purpose of this study is to evaluate the expected net change in traffic generated at the site as a result of the proposed General Plan Amendment (GPA). The scope of the study was discussed with City of Fresno staff prior to beginning the study.

The project site is located southwest of the intersection of Barstow and Maroa Avenues in Fresno, California. The Project proposes to amend the City of Fresno General Plan to allow the construction of 26 apartment units in two-story and three-story buildings on the 1.86-acre site. The site is currently planned for medium-density residential.

Data provided in the Institute of Transportation Engineers (ITE) *Trip Generation, 8th Edition*, were used to estimate the number of trips anticipated to be generated by the existing and proposed land uses at the site for comparison purposes. The amount of traffic that potentially could have been generated by a project constructed based on the current medium-density land use designation is presented in Table 1. The calculation of the planned land use traffic volumes is based on a 1.86-acre site with single-family residential uses constructed to a density of 7.0 dwelling units per acre for a total of 13 single-family residential units. The amount of traffic that potentially will be generated by 26 apartment units is also presented in Table 1.

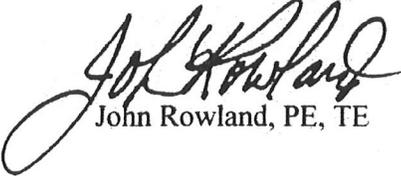
Table 1
Trip Generation Calculations

Land Use	ITE Code	Units	A.M. Peak Hour Traffic Volumes			P.M. Peak Hour Traffic Volumes			Weekday Traffic Volumes	
			Rate Split	Enter	Exit	Rate Split	Enter	Exit	Rate	Total
Single-Family Residential	210	13	0.75 25/75	3	8	1.01 63/37	9	5	9.57	125
Apartment	220	26	0.51 20/80	3	11	0.62 65/35	11	6	6.65	173
Net Change With GPA			-	0	+3	-	+2	+1	-	+45

The results of the trip generation analyses suggest that the proposed GPA will result in a negligible change in the number of vehicle trips expected to be generated at the Project site.

Thank you for the opportunity to perform this traffic impact study. Please feel free to call our office if you have any questions.

PETERS ENGINEERING GROUP


John Rowland, PE, TE





City Hall 559-621-8800
2600 Fresno Street, Rm. 4064
Fresno, CA 93721-3623
www.fresno.gov



Public Works Department
Patrick Wiemiller, Director

October 26, 2012

McKencie Contreras, Planner
Development and Resource Management Department
City of Fresno
2600 Fresno Street, Third Floor, Room 3076
Fresno, CA 93721

SUBJECT: REVIEW OF REZONE APPLICATION R-11-004 AND CONDITIONAL USE PERMIT APPLICATION C-11-058 FOR THE PROPOSED NORTH WEST CORNER BARSTOW AVENUE AND MAROA AVENUE

We have reviewed Rezone Application R-11-004 and Conditional Use Permit Application C-11-058. The proposed "project" is an approximately 1.86 acre site currently zoned R-1-B (Single Family Residential, minimum 12,500 square foot lot size). The Rezone Application proposes to reclassify the property to R-1 (Single Family Residential). The Conditional Use Permit proposes a 19 unit planned unit development.

GENERAL COMMENTS and CONDITIONS

1. Trip generation was based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (ITE code 210). The proposed project will generate 182 average daily trips (ADT), 15 trips during the AM peak hour and 19 trips during the PM peak hour.
2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee (based on ITE code 210) of \$47.12 per ADT, per the Master Fee Schedule, at the time of building permit. Based on the reported ADT (ITE Code 210) for the proposed project, the fee would be \$8,575.84. Payable at time of building permit.

The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2025 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offset developer improvement costs, and/or construction costs increase/decrease. If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is place at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.

For project specific impacts that are not consistent with the 2025 General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees, the infrastructure costs will not be eligible for reimbursement unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next TSMI fee update and the applicant agrees to pay the new TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements

that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.

3. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.
4. The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocog.org. Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
5. The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.
6. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or jill.gormley@fresno.gov.

Sincerely,



Jill Gormley, TE
Assistant Traffic Engineering Manager
Public Works Department, Traffic & Engineering Services

C: Traffic Engineering Reading File
Scott Tyler, PE, City Traffic Engineer
Mike Sanchez, Planning & Development Dept.
Louise Gilio, Traffic Planning Supervisor
McKencie Contreras, Planning & Development Dept.



DATE: REVISION 10-29-12

TO: McKencie Contreras
Development and Resource Management Department

FROM: Louise Gilio, Supervising Engineering Technician
Public Works Department

SUBJECT: Conditions of Approval for C-11-058

APN: 417-070-58

ADDRESS: 5317 North Maroa Avenue

SITE PLAN REQUIREMENTS: Please provide the following information prior to Building Permits:

A. General Requirements

1. **Easements:** Identify and dimension all proposed easements.

B. Offsite Information:

1. **Section Lines:** Identify all section lines.
2. **Dedications:** Identify all proposed dedications. Provide a dimension from the section and center lines to the existing and proposed property lines.
3. **Street Improvements:** Identify existing and proposed dimensions for sidewalk patterns, driveway approaches (provide width).
4. **ADA:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property.

C. Onsite Information:

1. **Parking Lots:** (existing and proposed)
 - a. **Stalls:** Identify the 3' vehicular overhang adjacent to continuous curbing. No obstructions shall be within the 3' overhang. (ground cover is allowable) Where walkways are adjacent to parking the walk shall be 7' wide.
 - b. **Lighting:** Identify the location (not to be within the 3' vehicular overhang)
 - c. **Paving:** per Public Works Standards **P-21, P-22, P-23**

PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 / Louise.Gilio@fresno.gov, in the Public Works Department, Traffic and Engineering Services Division.

Submit the following, as applicable, in a single package to the City of Fresno Public Works Department Traffic and Engineering Services Division (559-621-8650), for review and approval, **prior** to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Signal Plans.

When preparing Street Plans and/or Traffic Control Plans for projects in the City of Fresno contact the Traffic and Engineering Services Division (Randy Schrey) in advance to make sure that sidewalks or an approved accessible path remain open during construction.

Underground all existing off-site overhead utilities within the limits of this site/map as per FMC Section 12-1011 and Resolution No. 78-522/88-229.

If not existing, street work on major streets shall be designed to include Intelligent Transportation Systems (ITS) conduit in accordance with the Public Works ITS specifications.

Survey Monuments and Parcel Configuration

All survey monuments within the area of construction shall be preserved or reset by a person licensed to practice Land Surveying in the State of California.

Street Dedications, Vacations and Encroachment Permits

Identify all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc. within the public right of way. Also, identify the required 4' minimum path of travel along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). **A pedestrian easement may be required if Title 24 requirements cannot be met.**

Maroa Avenue: Collector

1. Dedicate sufficient property for pedestrian purposes behind all driveway approaches and street utilities and/or furniture to provide for a minimum of a 4' clear path.

Intersection of San Ramon and Nantucket Avenues: Local

1. Dedicate property for public street purposes within the limits of this application to meet the current City of Fresno Local Standards, **P-56**. Match existing.

Deed documents for the required dedications must conform to the format specified by the city and shall be prepared the applicant's engineer. The cost of deed document processing and recordation fee must be paid at the time of deed submittal and submitted with verification of ownership **prior** to the issuance of building permits. For information regarding the format or submittal requirements contact the City of Fresno Public Works Department, Traffic and Engineering Services Division (559) 621-8694.

The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division,(559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Provide Street Light Plans to the Traffic and Engineering Services Division. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, Traffic and Engineering Services Division at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

Repair all damaged and/or off grade off-site concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current ADA regulations. All existing sidewalks in excess of 2% maximum cross slope must be brought into compliance **prior** to acceptance by Public Works.

Maroa Avenue: Collector

1. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to match the existing. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, **Section 26-2.11(C)**.
2. Construct a concrete pedestrian walkway behind all driveway approaches and as needed behind utilities, as identified on Exhibit "A". Asphalt concrete paving per City of Fresno Public Works Standard Drawing **P-21** may be substituted for concrete. (Refer to City of Fresno Public Works Standard Drawings **P-1** thru **P-4** for additional information.)
3. Construct driveway approaches to Public Works Standard(s) **P-2** and **P-6**. **Provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches.**
4. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets
5. All existing driveway approaches which no longer provide access to approved vehicle parking areas shall be removed unless otherwise approved by the City Engineer. Such areas shall be reconstructed with curb, gutter, and sidewalk to match existing adjacent street improvements. This work shall be completed and accepted **before** a Permit of Occupancy is issued or the building is occupied per Fresno Municipal Code (FMC) 11-209.

Intersection of San Ramon and Nantucket Avenues: Local

1. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to match the existing. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, **Section 26-2.11(C)**.
2. Construct an underground street lighting system to Public Works Standard **E-2** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-9** for Local Streets.

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
2. Install **30"** state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a **2"** galvanized post with the bottom of the sign **7'** above ground; located behind curb and immediately behind a major street sidewalk. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.

Traffic Impact Study for a 19 unit Planned Unit Development

This development will generate a total of **15 a.m. / 27 19 p.m.** peak hour trips and generate a count of **182 Average Daily Trips (A.D.T.)**, based upon the following:

A Traffic Impact Study is required and has been submitted. Comply with the City Traffic Engineer's mitigated measures as identified in the attached letter dated **10-26-12**.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay its TSMI Fee **at the time of building permit** based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual.

Fresno Major Street Impact (FMSI) Fees:

This entitlement is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees.

Regional Transportation Mitigation Fee (RTMF):

Pay all applicable **RTMF** fees to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148 ext. 200; www.fresnocog.org. Provide proof of payment or exemption **prior** to issuance of building permits.



City Hall 559-621-8800
2600 Fresno Street, Rm. 4064
Fresno, CA 93721-3623
www.fresno.gov



Public Works Department
Patrick Wiemiller, Director

October 26, 2012

McKencie Contreras, Planner
Development and Resource Management Department
City of Fresno
2600 Fresno Street, Third Floor, Room 3076
Fresno, CA 93721

SUBJECT: REVIEW OF REZONE APPLICATION R-11-004 AND CONDITIONAL USE PERMIT APPLICATION C-11-058 FOR THE PROPOSED NORTH WEST CORNER BARSTOW AVENUE AND MAROA AVENUE

We have reviewed Rezone Application R-11-004 and Conditional Use Permit Application C-11-058. The proposed "project" is an approximately 1.86 acre site currently zoned R-1-B (Single Family Residential, minimum 12,500 square foot lot size). The Rezone Application proposes to reclassify the property to R-1 (Single Family Residential). The Conditional Use Permit proposes a 19 unit planned unit development.

GENERAL COMMENTS and CONDITIONS

1. Trip generation was based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (ITE code 210). The proposed project will generate 182 average daily trips (ADT), 15 trips during the AM peak hour and 19 trips during the PM peak hour.
2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee (based on ITE code 210) of \$47.12 per ADT, per the Master Fee Schedule, at the time of building permit. Based on the reported ADT (ITE Code 210) for the proposed project, the fee would be \$8,575.84. Payable at time of building permit.

The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2025 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offset developer improvement costs, and/or construction costs increase/decrease. If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is in place at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.

For project specific impacts that are not consistent with the 2025 General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees, the infrastructure costs will not be eligible for reimbursement unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next TSMI fee update and the applicant agrees to pay the new TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements

that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.

3. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.
4. The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocog.org. Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
5. The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.
6. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or jill.gormley@fresno.gov.

Sincerely,



Jill Gormley, TE
Assistant Traffic Engineering Manager
Public Works Department, Traffic & Engineering Services

C: Traffic Engineering Reading File
Scott Tyler, PE, City Traffic Engineer
Mike Sanchez, Planning & Development Dept.
Louise Gilio, Traffic Planning Supervisor
McKencie Contreras, Planning & Development Dept.

MEIR Review Summary

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 132 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 1,422 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

MEIR REVIEW SUMMARY

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(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 Rezone Application No. R-11-004 and Conditional Use Permit Application No. C-11-058, 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.

MEIR REVIEW SUMMARY

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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

MEIR REVIEW SUMMARY

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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 CO₂ emissions (equivalent to 2,414,877 vehicular miles not driven).
- Replacement of a significant number of vehicles in the municipal fleet with clean air vehicles (please refer to the following table).

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

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

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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 Rezone Application No. R-11-004 and Conditional Use Permit Application No. C-11-058, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

SUPPORTING DATA AND ANALYSIS

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

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

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

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

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

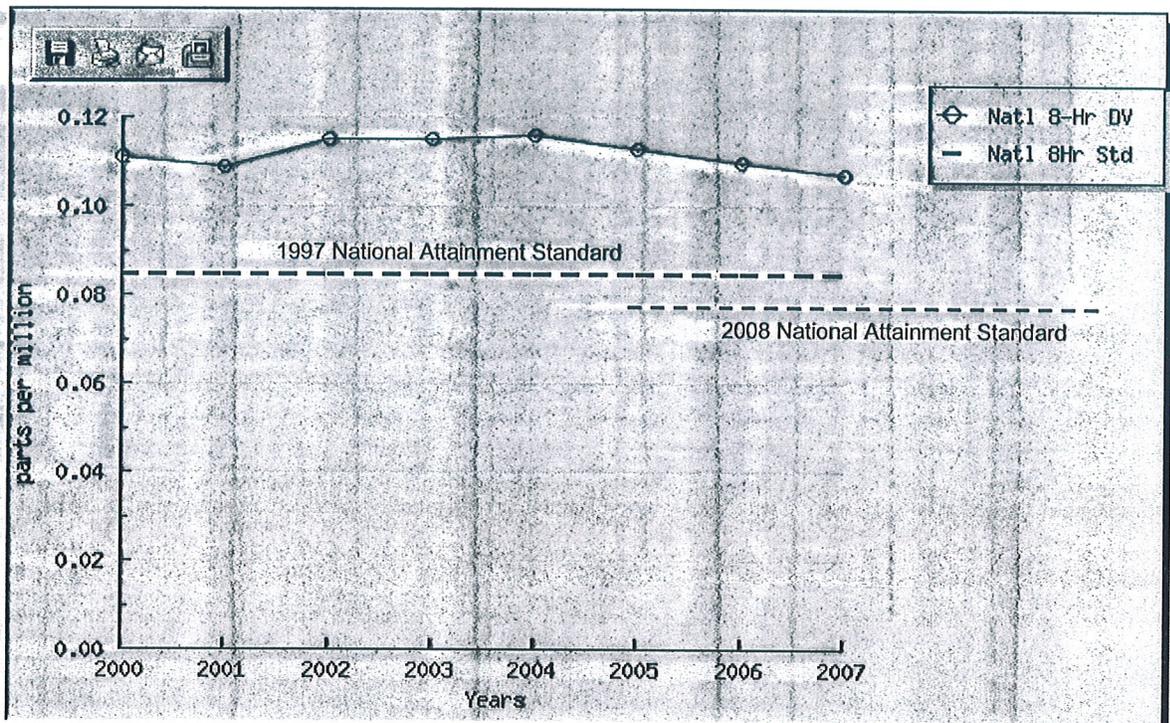
There are no new (*i.e.*, unforeseen in the MEIR) reasonable mitigation measures which have become available since late 2002 that would assure the reduction of cumulative (city-wide) air quality impacts to a less than significant level at project buildout, even with full compliance with attainment plans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

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

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



Ozone Trends Summary: San Joaquin Valley Air Basin



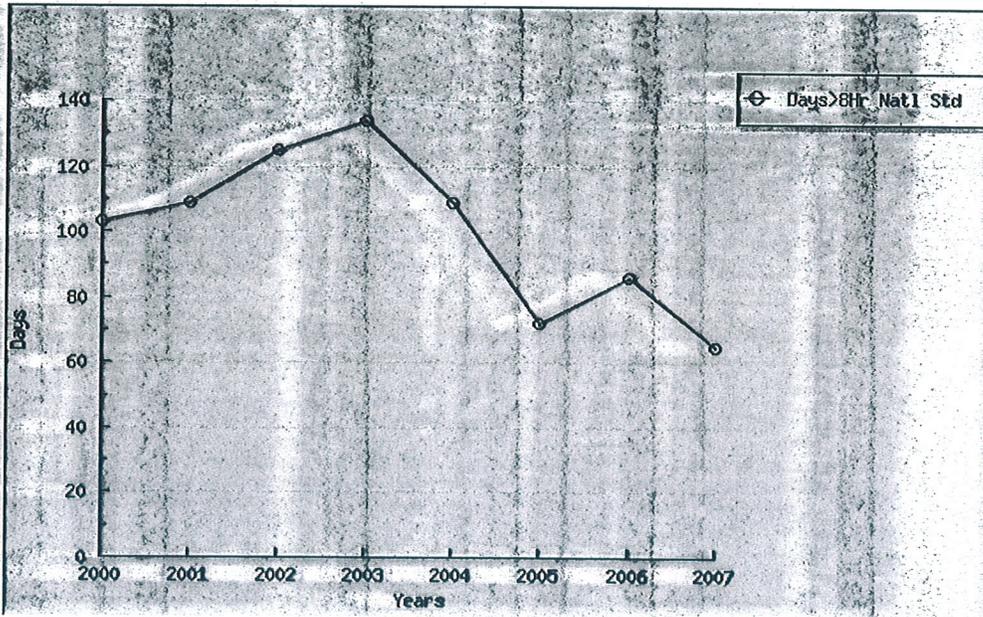
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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

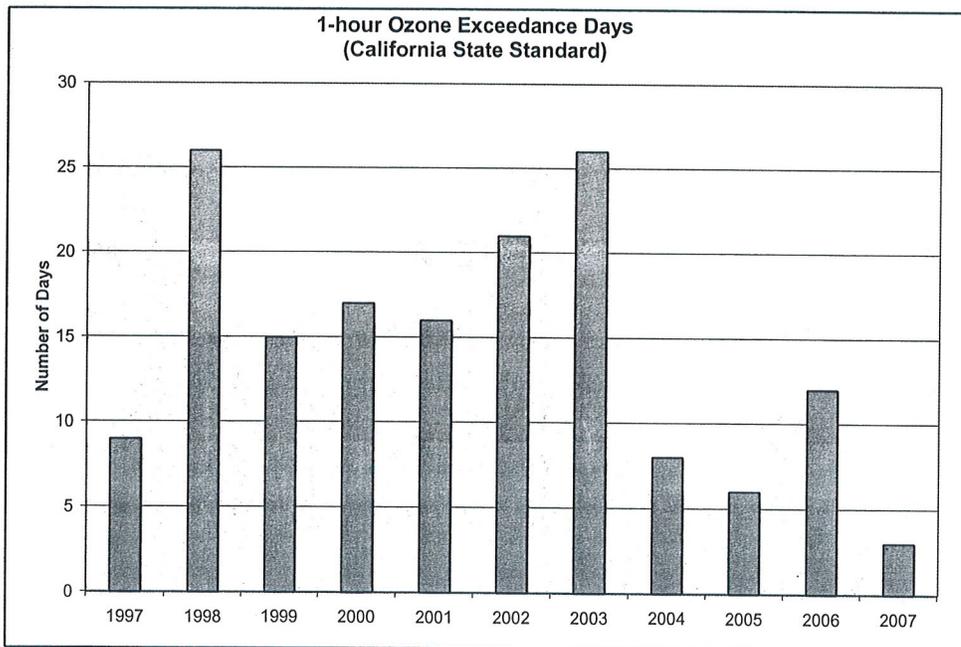
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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

Ozone Trends Summary: San Joaquin Valley Air Basin



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

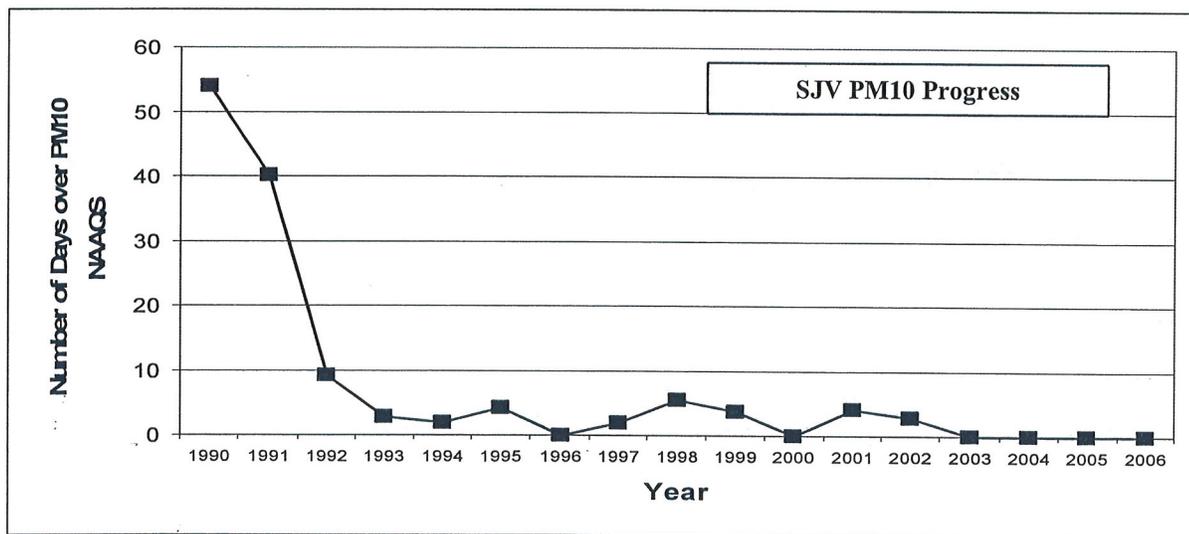


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

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

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

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



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

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

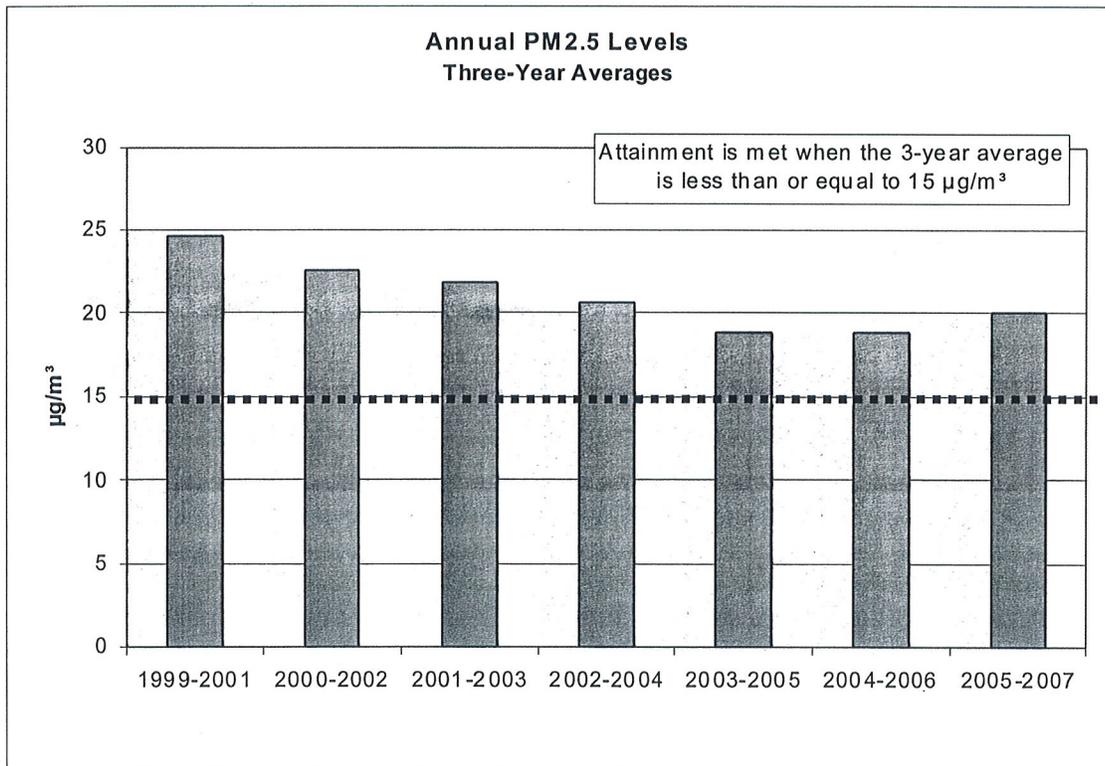
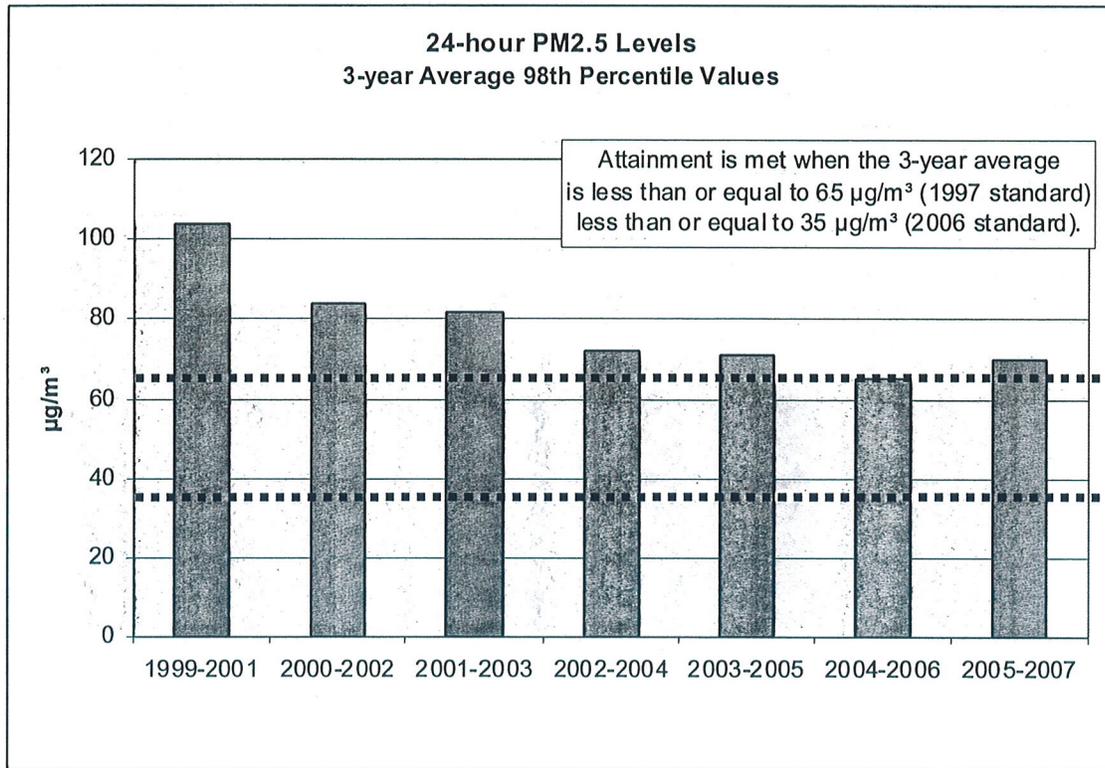
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MEIR Mitigation Monitoring Checklist

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

Project/EA No. R-11-004/C-11-058

Date: March 1, 2013

Mitigation Monitoring Checklist

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

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

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

<p>B-2. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining LOS E.</p>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning; Development & Resource Management Dept.</p>			X		X

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

Project/EA No. R-11-004/C-11-058

Date: March 1, 2013

MEIR Mitigation Monitoring Checklist

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

A - Incorporated into Project
B - Mitigated

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D - Responsible Agency Contacted

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

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

Project/EA No. R-11-004/C-11-058

Date: March 1, 2013

MEIR Mitigation Monitoring Checklist

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

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Project/EA No. R-11-004/C-11-058

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MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs.</p> <ul style="list-style-type: none"> a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. 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. 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. 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. 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</p>	<p>Development & Resource Management Dept.</p>	<p align="center">X</p>			<p align="center">X</p>		

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

Project/EA No. R-11-004/C-11-058

Date: March 1, 2013

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE						
			A	B	C	D	E	F	
<p>C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.</p>	Ongoing	Development & Resource Management Dept and SJVAPCD	X			X			
<p>C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.</p>	Ongoing	Various city departments						X	
<p>C-4. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as:</p> <ul style="list-style-type: none"> a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use. 	Ongoing	Fresno Area Express						X	

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FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. R-11-004/C-11-058

Date: March 1, 2013

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE STATUS						
			A	B	C	D	E	F	
D-1. The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Development & Resource Management Dept.	X		X	X			
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing (City-wide); and prior to approval of land use entitlement as applicable	Department of Public Utilities and Development & Resource Management Dept.			X	X	X		
D-3. The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities			X	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		

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			A	B	C	D	E	F
<p>D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.</p>	Ongoing	Development & Resource Management Dept.			X		X	
<p>D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect:</p> <ul style="list-style-type: none"> a. Allowable construction in this area from being damaged by the intensity of flooding in the riverbottom; b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and c. Public health, safety and general welfare from the effects of flood events. 	Ongoing	Development & Resource Management Dept.					X	X
<p>D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).</p>	Ongoing	Development & Resource Management Dept.					X	X
<p>D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update</p>	Ongoing	Department of Public Utilities	X			X	X	

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FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. R-11-004/C-11-058

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

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

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<p>D-12. All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:</p> <table border="1"> <thead> <tr> <th rowspan="2">FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)</th> <th colspan="2">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 AFTER 01/01/2025</th> </tr> </thead> <tbody> <tr> <td>Single family residential</td> <td>3.8</td> <td>3.5</td> </tr> <tr> <td>Multi-family residential</td> <td>6.5</td> <td>6.2</td> </tr> <tr> <td>Commercial and institutional</td> <td>2</td> <td>1.9</td> </tr> <tr> <td>Industrial</td> <td>2</td> <td>1.9</td> </tr> <tr> <td>Landscaped open space</td> <td>3</td> <td>2.9</td> </tr> <tr> <td>South East Growth Area</td> <td>3.4</td> <td>3.2</td> </tr> </tbody> </table> <p>NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan</p>		FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:		01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024 AFTER 01/01/2025	Single family residential	3.8	3.5	Multi-family residential	6.5	6.2	Commercial and institutional	2	1.9	Industrial	2	1.9	Landscaped open space	3	2.9	South East Growth Area	3.4	3.2	Prior to approval of development project	Department of Public Utilities				X		X
FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:																															
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**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. R-11-004/C-11-058

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

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**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
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Project/EA No. R-11-004/C-11-058

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			A	B	C	D	E	F	
<p>E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered:</p> <ul style="list-style-type: none"> a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. 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. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue. 	Ongoing	Development & Resource Management Dept.							X
<p>F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.</p>	Ongoing	Dept. of Public Utilities and Development & Resource Management Dept.	X		X	X			
<p>F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.</p>	Ongoing	Dept. of Public Utilities				X			

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

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

Project/EA No. R-11-004/C-11-058

Date: March 1, 2013

MEIR Mitigation Monitoring Checklist

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

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 B - Mitigated
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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY							
			A	B	C	D	E	F	
Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.									
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall include siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement	Development & Resource Management Dept.							X
I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net 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

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Project/EA No. R-11-004/C-11-058

Date: March 1, 2013

MEIR Mitigation Monitoring Checklist

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

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

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FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. R-11-004/C-11-058

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MEIR Mitigation Monitoring Checklist

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

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FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. R-11-004/C-11-058

Date: March 1, 2013

MEIR Mitigation Monitoring Checklist

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

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Letters from neighbors

McKencie Contreras

From: Bette Head [bnbhead14@yahoo.com]
Sent: Monday, October 17, 2011 11:40 AM
To: McKencie Contreras
Subject: Fw: Rezoning Application

--- On Mon, 10/17/11, Bette Head <bnbhead14@yahoo.com> wrote:

From: Bette Head <bnbhead14@yahoo.com>
Subject: Rezoning Application
To: McKencie.Contreras@frsno.gov
Date: Monday, October 17, 2011, 6:35 PM

The purpose of this email is to register our opposition to Plan Amendment Application No A-11-004, Rezone Application No. R-11-004, and Conditional Use Permit Application No. C-11-058.

We are not in opposition to developing the property located on the west side of North Maroa Avenue south of West Barstow Avenue. We are opposed to changing the site from single family residential to multiple family residential.

William & Bette Head
466 W. San Ramon #101
Fresno, CA 93704
478-4547

Robert G. Schnell
Martha F. Schnell
5258 N. Maroa Ave.
Fresno, CA 93704
(559) 448-8410

PC Mtg 10-19-11
VIII-A

October 17, 2011

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

RE:

Plan Amendment Application No. A-11-004, Rezone Application No. R-11-004, and Conditional Use Permit Application No. C-11-058, filed by Jeff Cazaly, on behalf of Marstel Investments and pertains to approximately 1.86 acres of property located on the west side of North Maroa Avenue, south of West Barstow Avenue.

Dear Sirs:

We live in and own a home approximately 200 south of, and across the street from, the subject property. We strongly object to the proposed changes to the 2025 FRESNO GENERAL PLAN, the proposed changes to the zoning of the subject property, the proposed conditional use permit applied for, and the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-004/R-11-004/C-11-058 for the purpose of the proposed plan amendment and rezone applications. This proposed project will change the character of our neighborhood significantly for the worse.

We also object to the short notice the residents have been given about this project. This project has been under consideration by your department for at least several months, yet we were not given notice of it and the involved planning and zoning changes until 6 business days prior to the Planning Commission's meeting for their final approval of the planning and zoning changes. Residents feel that the "city" has intentionally delayed mailing legal notification until the last day that it would be possible that the residents would receive their notice by the 10 day requirement so that we would not have enough time to investigate and oppose the proposed project if we so desired. Many residents (including us) did not receive their notices until October 11.

Reasons we are opposed to the proposed changes:

1. Conflict with existing land use plan and zoning.

The project conflicts with the existing 2025 FRESNO GENERAL PLAN, the existing BULLARD COMMUNITY PLAN, and existing zoning. The existing 2025 FRESNO GENERAL PLAN was developed in 2002. Since that time there has been little development or change in the area of the project. Hence the plan that was a good plan in 2002 is still a good plan. There is no shortage of empty apartments in the area so there is no need for additional higher density housing here. Residents of the area bought their houses based in a good part the fact that the community planning and zoning that existed lead them to believe that this parcel would be developed as single-family residences. There is no reason this property

could not be developed in a manner more consistent with its current designation in the general plan and its current zoning.

2. Change from MEDIUM DENSITY RESIDENTIAL planned use designation to MEDIUM-HIGH RESIDENTIAL planned use designation:

Maximum dwelling units per acre for MEDIUM DENSITY RESIDENTIAL is 10.37. Maximum dwelling units per acre for MEDIUM-HIGH RESIDENTIAL is 18.15. This is 1.75 time as many dwelling units. This is a significant change. Moreover, the current zoning requires lot size minimum of 12,500 square feet. This allows 3.48 dwellings per acre without considering the space taken up by access roads. The proposed planned use designation allows 18.15 dwellings per acre. The new planned use designation allows 5.22 times as many dwelling units per acre than now allowed. This is a very significant change. This change in dwelling unit density will result in increased traffic, foot traffic, noise, congestion, drinking, drugs, and crime.

While the proposed density of the project is only 13.98 dwelling units per acre, there is no certainty that the project will be built as planned. It may encounter financial problems or other obstacles and never be completed. Once the planned use and zoning have been changed it is unlikely they will be changed back and we, the neighborhood residents, will be stuck with 18.15 dwelling units per acre on the next project that is proposed.

3. Change of zoning from R-1-B to R-2 and Conditional use permit:

Current zoning requires minimum lot size of 12,500 square feet. This allows 3.48 dwellings per acre without considering the space taken up by access roads. After the change in zoning and approval of conditional use permit the density of the project will be 13.98 dwelling units per acre. The new number of units per acre will be 4.02 times the currently allowed units per acre. This is a very significant change. It is our opinion that this change in dwelling unit density will result in increased traffic, foot traffic, noise, congestion, drinking, drugs, and crime.

4. Aesthetics:

In our opinion the project would have a substantial adverse effect on the general aesthetics of our neighborhood. Each item a, b, & d on your table on page 7 of Appendix G will have a less than significant impact, but, Item c will be significant to neighbors immediately to the West, to the North, to the South and across the street to the East.

Neighbors to the West and North will have a 36-foot apartment building 10 feet from their yards, while neighbors to the South will have a 36-foot apartment building 15 feet from their yards. Obscure glass will do little good when the windows are open and the tenants are staring down into the neighbors' yards. Even if there were no windows, a 36-foot high building that close will be an eyesore. Neighbors across the street to the East will have the three story apartments to look at instead of the neighborhood single story home that the planning department led them to believe would be built when they purchased their homes. All residents of the neighborhood will have to put up with the trash, turned over shopping carts, etc. that almost always accompany these kind of projects after a few years.

5. Noise:

26 dwelling units are going to increase noise significantly in the immediate area of the project. While the steady noise coming from the apartments may not be over the decibel

limit allowed by law, there will be loud noise intermittently that will disturb current residents. There are going to 4½ times as many residents in the apartments as there would be allowed under the current zoning. There will be at least 4½ times as much noise. Since the apartment residents will typically be younger and less stable than the current residents of our neighborhood, there is likely to be much more than 4½ times the noise.

6. Property Values:

Historically, single-family homes in close proximity to apartment complexes have lower property values than equivalent homes in neighborhoods that do not have the apartments. Buyers shy away from homes close to apartments because they are unsure that the property will maintain its value. It is not politically correct to address this problem, but it is a fact. When apartments appear, property values go down.

7. Traffic:

This project will have a significant impact on traffic, not so much by the increased number of trips down Maroa, as by the left turns in and out of the complex. Combined with the traffic in and out of San Carlos 150 feet to the South, there is liable to be congestion and confusion created during rush hours. There is not room on Maroa to put a turn lane without reducing traffic to one lane each way. If that is done traffic will back up to Shaw during rush hour. This is what happened the last time anyone closed a lane during afternoon rush hour.

Peters Engineering’s traffic trip calculations are misleading. They compare project’s anticipated daily trips to the anticipated daily trips if the number of dwelling units on the project parcel was the maximum allowed by MEDIUM DENSITY RESIDENTIAL planned use designation. If the maximum number of dwelling units allowed on project parcel by current R-1-B zoning is used the following table is generated.

Land Use	Units allowed on parcel	AM Peak Hour Traffic Volumes		PM Peak Hour Traffic Volumes		Weekday Traffic Volumes	
		Enter	Exit	Enter	Exit	Rate	Total
Single Family	6	1.4	3.7	4.2	2.3	9.57	58
Apartment	26	3	11	11	6	6.65	173
Net Change		+ 1.6	+ 7.3	+ 6.8	+ 3.2		+ 115

8. Parking:

While it might appear that the parking provided is sufficient, it isn’t. At least half of the garages will be used for storage instead of parking. This leaves 20 garage spaces and 26 open parking places or 46 parking places altogether. If the tenants in each unit had 1½ cars things would be great and there would be 7 parking places for visitors. But the tenants in most units will have 2 cars, and some will have 3 or 4 cars (roommates). Then there will be visitors. There will almost always be cars parked on the street, both sides of the street, for a few hundred feet in each direction.

9. Environmental Assessment:

We object to the adoption of a Mitigated Negative Assessment Declaration for the project because many, if not most, of the conclusions reached are based on a change in dwelling unit density from the highest allow for MEDIUM DENSITY RESIDENTIAL, 10.37 dwelling units per acre to the planned 13.98 dwelling units per acre, a ratio of 1.35, or 35% increase. The correct ratio would be the currently allowable 3.48 dwelling units per acre to the proposed project's 13.98 dwelling units per acre, a ratio of 4.02 or a 302% increase.



Robert G. Schnell
5258 N. Maroa Ave.
Fresno, CA 93704



Martha F. Schnell
5258 N. Maroa Ave.
Fresno, CA 93704

10/19/11
Date

Letter to Planning Commission
RE: CUP C-11-058 and related actions for approval

October 19, 2011

TO: CITY OF FRESNO
PLANNING COMMISSION
2600 FRESNO ST.
FRESNO, CA 93721

FROM: ADAM B. LEE, P.E.

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-11-004; REZONE APPLICATION NO. R-11-004; CONDITIONAL USE PERMIT APPLICATION NO. C-11-058; AND, RELATED ENVIRONMENTAL ASSESSMENT NO. A-11-004/R-11-004/C-11-058

DATE: OCTOBER 17, 2011

CC: JASON & JANE ISAAC
5290 N. NANTUCKET AVENUE
FRESNO, CA 93704

To the Chair and Members of the Planning Commission:

As a registered civil engineer I have over eight years of experience with planning, master planning, land use entitlements, and civil improvement plans here in the County of Fresno for various agencies including the City of Fresno. I have reviewed the staff report prepared for the required actions to allow for the proposed development of a 26-unit three-story multiple family residential gated community with private streets and modified development standards. This review has been completed on behalf of the adjacent homeowners, Jason and Jane Isaac who live immediately south of the proposed project. Their adjacent lot is zoned R-1-AH (County) with a Medium-Low Density Residential Land Use, and includes a single-story home on an approximately 13,400 sq.ft. (104' x 129') sized lot. The Isaacs understand the need for and positive benefits of constructing infill projects in lieu of continued expansion along the fringes of the City that contribute to increase traffic and other negative impacts associated with that type of growth, however rezoning the adjacent property as R-2 is too extreme for this location. Support would be provided if this project had been proposed per the current R-1-B zoning within the Medium-Density Residential Land Use category.

This letter will address several areas of concern regarding the 26-unit multi-family residential gated community and related approvals. The issues include water, fire access, modified property standards, and landscaping.

Water Issues

Water issues include concerns regarding the fire-flow requirement, two independent sources requirement and the deferred water use analysis.

The agency comment letter from the City of Fresno Fire Department dated April 14, 2011 specifies to "provide fire hydrant flow of 1500 gpm with a minimum 8" water main." With building sizes of up to 7,476 sq.ft. per application Exhibit A – Site Plan dated July 18, 2011 there is a potential that, depending on the building construction type specified per the California Fire Code, the necessary fire flow could exceed this requirement. Also, Page 5 of the staff report is inconsistent with Exhibit A, and calculating the square footage for Building 6 when using, "first option is a 1,518 square foot ...unit... with a one car garage" and "second option is a 1,939 square foot ...unit with a two car garage" results in a total of 10,792 square feet. Along with the fire flow concern it should be noted that the minimum pressure at the fire hydrant should be such that the 20 psi residual pressure is only adequate if the buildings each have booster pumps for the

October 19, 2011

internal fire sprinkler systems. If booster pumps are not proposed then the hydrant pressure must be greater to provide the adequate residual pressure to the third floor sprinklers.

Based upon the information available it is unclear how the project will meet its requirement for "two independent sources of water" per item 8 of the agency comment letter from the City of Fresno Department of Public Utilities – Water Division. This letter also requires in Item 3 that, "connection to the existing 6-inch water main along the southerly portion of the proposed project shall not be allowed." With only frontage along Maroa Avenue providing one water source access point, it has not been specified how this project will meet the Federal and State Drinking Water Act Standards.

Perhaps the greatest concern with regards to water is the requirement per Item 6 of the agency comment letter from the City of Fresno Department of Public Utilities – Water Division. "The existing land use for the project site identified in the 2025 General Plan has a water allocation of up to 3.5 af/ac/yr. The developer shall provide a detailed water useage analysis ... showing that the projects water demand is 3.5 af/ac/yr or less, subject to approval by the Director of Public Utilities. If greater, the developer, in conjunction with the Department of Public Utilities, shall identify and implement a water supply mitigation program to offset the projects water demand exceeding 3.5 af/ac/yr. The item is been inadequately addressed in Appendix G – Environmental Checklist on page 21, in table IX. Hydrology and Water Quality. Item B, with an impact of "Less Than Significant with Mitigation Incorporated".

The only mitigation mentioned in on Page 23 of Appendix G, "The mitigation measures of MEIR No. 10130 are incorporated herein by reference and are required to be implemented by the attached mitigation monitoring checklist. In summary, these mitigation measures require participation in the development of groundwater recharge in an amount equal to the projects estimated water consumption." Upon reviewing Appendix G – MEIR Mitigation Monitoring Checklist, Mitigation Measure D-2 requires that "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 impact." This mitigation measure has a when implemented requirement of "prior to approval of land use entitlement."

The first issue is the inconsistency between the agency comment letter that only requires a mitigation program to offset the water demand that exceeds the original land use. This conflicts with the Appendix G test on Page 23 that appears to require mitigation of the entire estimated water consumption. Using the site acreage of 1.86 acres provided in the report that means the exceed water demand accounted for in the 2025 planning documents is 6.51 af/yr. Table 6-4 in Chapter 6 of the 2008 City of Fresno Urban Water Management Plan specifies a unit factor of 6.2 af/ac/yr for multi-family residential use, this would total a consumptive use of 11.5 af/yr. The resulting mitigation is either 5.3 af/yr or the entire 11.5 af/yr depending on the clarification provided to actual consumption amount required to be mitigated.

The second issue is that a specific water use analysis evaluation is required prior to approval of the land use entitlement. To approve the CUP as recommend by staff without this would jeopardize the legality of this Mitigated Negative Declaration.

This action needs to include the specific mitigation required of this project and provide proof that this mitigation also does not impact the environment or has been analyzed previously in the City's 2025 MEIR. The text appears to indicate that ground water recharge is to be used for mitigation. This requires significant earthwork to grade a recharge basin and could potentially exceed the thresholds for air quality available to this project. Use of an incomplete and/or missing water resources analysis would not meet the requirements of the CEQA Guidelines.

Emergency Access

The proposed entry access and internal private street layout only provides only entry access for fire and other emergency personnel. The California Fire Code typically requires that the maximum road length allowable with one access point is 150 feet. The distance to Bldg. 1 exceeds 150 feet in direct violation of the Building Code. Please see the attached Exhibit 'A' for an alternative project layout that would provide for a second gate only for emergency-access entrance to the project.

Also of potential concern is the aerial truck access requirements required per the agency comment letter from the City of Fresno Fire Department dated April 14, 2011 which specifies that, "aerial truck setup areas shall be a minimum of 30 feet wide for not less than 60 feet when part of through fire lanes." This is of concern because the site as currently designed only provides for 25-foot-wide lanes, which all except for the private road in front of Bldg. 1 should be considered fire lanes due to the looped road with only one access point. It is unclear if the site plan as laid out has the additional 10 feet (five feet per lane) in either the north-south or the east-west direction to accommodate this requirement.

Modified Property Standards

Page 5 of the staff report only includes modifications to the rear yard setback of Building No.1, reducing said setback from 20 feet to 10 feet-10 3/8 inches. A concern here would be that the applicant has not had a licensed surveyor resolve the property boundary. It may turn out that the northern boundary is shorter than noted per its legal description, will the City be willing to stick with the required setback all the way to the nearest 1/8 of an inch or will the Applicant be allowed to use a few extra inches? It would be costly for the applicant to re-design Building No.1 to make it just a few inches shorter. Also per Exhibit A – Site Plan dated July 18, 2011, the southwest corner of Building No. 4 has been excluded for the requested modifications although it appears to be even closer than Building No. 1 to the rear setback of the property line at the intersection of W. San Ramon and N. Nantucket.

Additionally the required setback from the eastside of Building No. 1 is shown as 10 feet-10 inches. If this is to also be defined as front yard like the remaining eastern edge, the setback requirement shall be 20-feet and Building No. 1 would be in violation of the property development standards for R-2 zoning. Please clarify and or make the appropriate modification request.

The CUP should not be approved without the proper analysis of all apparent violations of the required setbacks per Section 12-212.5-E.

Page 5 of the Staff Report also fails to analyze the building height exception discussed on Page 9, Part D – Planning/Zoning Requirements; Item 5.a&b of the Conditional Use Permit. The R-2 zone district only allows for a maximum height of 35 feet, while this project as proposed has a roof ridgeline of 37'-8" and a parapet at a 38'-4" height (per Exhibit E-1, E-2, E-3, E-4, and E-5; Exterior Elevations). Item 5.a includes a note that incorrectly interprets the Exceptions language provided by Section 12-212.5-D.3 of the FMC, included in full below:

"Exceptions: Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, sky-lights, towers, church steeples, flagpoles, chimneys, smokestacks, silos, water tanks or wireless masts or similar structures may be erected above the height limit prescribed in this Section when approved by the Director upon finding that the structure may be safely erected and maintained at such height without damaging the surrounding properties taking into consideration the surrounding conditions and circumstances. No roof structures, or any space above the height limit shall be allowed for the purpose of providing additional living or floor space."

Per the FMC, exceptions are allowed for parapets, but not such exception is allowed for the ridgeline. It is my understanding that a request for variance can be requested and considered regarding a roof height greater than 35-feet. I could find no such request in this Staff Report. Also, the variance would only allow for a 10% deviation from the maximum height for an allowable maximum of 38'-6" (which the plans as shown would conform to). Without inclusion of the proper variance request, the height exception appears to be in violation of the FMC.

Landscaping

Part D – Planning/Zoning Requirements; Item 7.c provides specific requirements for a minimum 25% useable open space. Exhibit A – Site Plan dated July 18, 2011, only provides for a total landscape area of 35,568 sq.ft. or 43% of the project site. The condition states that a minimum of 20,307 square feet of useable open space shall be provided. It is requested that the useable open space per the paragraph of requirements provided in the Conditions of Approval be calculated and provided prior to Planning Commission taking any action on this CUP. The Conditions state that “the Director may permit a portion of the 25% open space standard to be provided off-site if such area is available for the exclusive use of residents of the development.” Proper analysis cannot be completed without further specification by the Applicant of total open space versus useable open space. To approve as recommended by staff without this would jeopardize the legality of this CUP.

The Landscaping Plan as propose specifies for the planting of 15 gallon Chinese Pistache around the project perimeter adjacent to the existing residential units and church parking lot. The visual impact to the existing residential units is such that a minimum it is requested for the tree plantings to install 24 inch box sized trees to provide a greater immediate screening from the proposed project. It is also preferred that the proposed trees be specified as evergreens. The proposed Chinese Pistache will lose their leaves during the winter season which greatly reduces their effectiveness at screening the new buildings.

Conclusion

It is requested that the Planning Commission should continue this hearing to the next meeting (or beyond if needed for make all of the appropriate corrects, findings and additional analysis) and leave open the record for additional public comment at the next meeting upon being able to review a revised Staff Report to corrections to the multiple CEQA issues and inconsistencies along with the incomplete analysis of the requested Modified Property Standards among other things mentioned in the letter.

Also requested is that the project site plan layout as planned provide for step-down development with reduced building heights for the individual buildings adjacent to existing residential units to the south, west and the northeast corner of the project. This precedent has already been set with previous approval of other 3-story multi-family unit development projects within the City of Fresno.

Also requested is that the planning commission consider the attached proposed alternative layout (Exhibit A) which significantly reduces the visual impacts to the properties to the south and also provides for a convenient secondary gated emergency-assess entrance to the project that is missing from the proposed site plan.

Thank you for the consideration that these comments will be given. As stated in the opening to this letter the adjacent landowners are not opposed to development occurring on the lot to the north of them and look forward to the day when it will not be a weed filled dirt area that blows seeds from it weeds into their landscaping and also dust and allergies to their home, which affects their family. However, this R-2 development as proposed is too extreme for this area.

Letter to Planning Commission
RE: CUP C-11-058 and related actions for approval

October 19, 2011

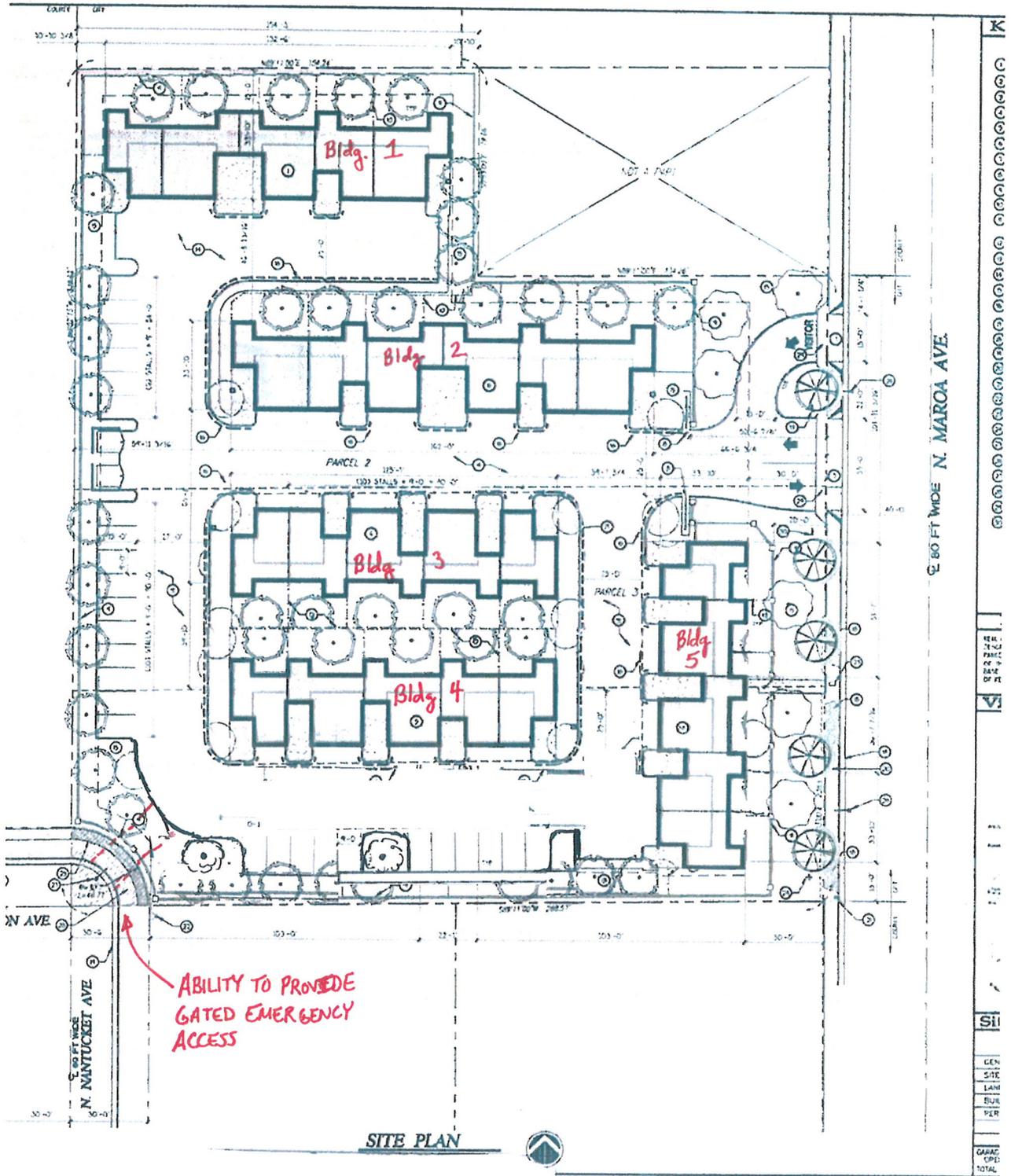
Sincerely,



Adam B. Lee
RCE 69,104
12744 Road 34 ¾
Madera, CA 93636



EXHIBIT A



PROPOSED ALTERNATE SITE PLAN LAYOUT

October 27, 2011

Development and Resources Management Department
2600 Fresno Street, Room 3076
Fresno, California 93721

RECEIVED

NOV 1 2011

Planning Division
Planning & Development Dept
CITY OF FRESNO

Re: **Project: Maroa Three Story Apartments**

To Whom It May Concern:

I am writing you this letter since I am unable to attend the meeting of November 2nd where I could voice my displeasure in person.

I purchased my home in the Maroa Heights area in 1999. The main reason for buying this area was because of the age, upkeep and overall security of this area.

In an economy where home's value has dropped drastically, I find this to new proposed project will not only jeopardized my security that I cherish in the area were I live, but it will also further contribute to lowering my home's value.

I would have no issue with a nice set of condo or a set of single family homes, but one has to only look at what apartment additions have done to many of the now blighted area of Fresno.

I ask that you seriously reconsider this project and protect a lovely established area of Fresno.

Sincerely,



Lori Holloman Snow
292 West San Madele Ave
Fresno, CA 93704

Oct 29, 2011

Planning Commission
City of Fresno

RECEIVED

NOV 1 2011

Planning Division
Planning & Development Dept
CITY OF FRESNO

I would like to state my objections to the approval of 3-story apartments on the West side of Moroa opposite W. San Carlos.

We are County still on the East side of Moroa between Barstow and San Jose, with all our streets feeding into Moroa on the West. That includes San Madel, San Ramon, San Carlos and San Evans.

When we head West to stores etc. we stop at the Stop Sign at San Carlos and Moroa. Sometimes one has to wait several minutes before pulling out to Moroa, esp. on a left turn. Meanwhile we looking out for foot traffic and bikes as there are schools nearby as well as joggers and dog walkers.

Any more traffic coming right at us
from the proposed apartment site would
be just too much.

It would therefore be much better
to have just 2 residential homes, or
possibly a few one story condos with
a right turn only.

I've lived here for a long time
and have been happy to see it's
still a lovely family oriented neigh-
borhood. We'd all like to keep it that
way.

Thank you

Nancy J. Pierce



(559) 439-5701

Concerning the 3 story Apts Maroa
To Planning Commission

I am writing this letter
on behalf of my husband &
and myself.

We have lived at this
same residence for 36½ years,
and we strongly oppose the
project slated. The acreage
on N Maroa between W Barstow
and West San Ramon Ave.

There are already sufficient
apartments in this surrounding
area within a 1 mile radius.

Two story apartments

1. On Barstow Ave between San
Pablo & Blackstone
2. On San Pablo Caldesa south
of Barstow
3. On San Jose Ave between
Delmar Ave and the dead in
back tops hopping mall
4. On Barstow between Blackstone
& Fresno St.

over

5. On Shaw between Maroa and Palm
6. On Bullard between Maroa Ave and Delmar Ave.

There are also one apartments

1. On Delmar Ave near Shaw Blvd
2. On San Jose between Delmar Ave and Maroa Ave.
3. On St College between St College and Bungalow
4. On Barstow and Delmar Ave
5. On Barstow between Palmer Ave and Blackstone

We urge you to vote this down it would bring too much congestion to an already congested traffic problem

Sincerely

Gilberto (Elizabeth
Perez)

Gilberto Perez, Elizabeth Perez

McKencie Contreras

From: Kris Steer [krissteer@yahoo.com]
Sent: Thursday, November 03, 2011 4:51 PM
To: McKencie Contreras
Subject: Zone change meeting Maroa/Barstow property 11/01/2011

Dear Ms. Contreras:

I would like to submit my comments as a resident who is effected by the proposed development above.

The main objection to this project is the proposed **height elevation of 3 stories** that does not conform to the residential neighborhood even remotely. Although we are a mixed use neighborhood, with condos, apartments and single lot residences none of these exceed **3 stories**. This goes against the original intent of the zoning designation for the immediate area surrounding this project. Other points about the development as shown at the neighborhood meeting:

Proposed height violates the **privacy of residences** proximal to the development especially those single story units abutting the project. There appears to be insufficient lot clearance to other neighbors adjacent properties.

Health and safety concerns as **waste disposal for the project** will be adjacent to back walls shared by condo residents properties.

The area is a County Island (Fig Garden) and project does not meet the original **Bullard Community Plan 2025**

It's dishonest of the developer to say he wants to "work with the neighborhood" when it is clear there is no motivation for him to change the architectural height to conform to the area standards as he had not provided alternative projects for that space such as two level units, or single units surrounding the perimeter where neighbors live.

It's hard to understand how one person's financial interests seem to trump all the many long-time resident's quality of life and disintegrating home security.

Sincerely,
Kristi Steer
497 W. San Ramon Ave.
Fresno, Ca.93704
(559) 448-8405

McKencie Contreras

From: Mike Sanchez
Sent: Thursday, February 23, 2012 3:41 PM
To: McKencie Contreras
Subject: FW: From Web Form: Zoning Change - Marstel Maroa Project Proposal - City of Fresno Planning Commission
Attachments: PCA11022011.pdf; VIIA.pdf; VIIIA.pdf

Add to your file

Mike Sanchez
Planning Manager
Development and Resource Management
559.621.8040
mike.sanchez@fresno.gov

From: NewPlan
Sent: Thursday, February 23, 2012 11:23 AM
To: Mike Sanchez
Subject: FW: From Web Form: Zoning Change - Marstel Maroa Project Proposal - City of Fresno Planning Commission

From: mrhodes@westlandswater.org [<mailto:mrhodes@westlandswater.org>]
Sent: Tuesday, January 24, 2012 10:24 AM
To: NewPlan
Cc: mrhodes@westlandswater.org
Subject: From Web Form: Zoning Change - Marstel Maroa Project Proposal - City of Fresno Planning Commission

Name: Mark Rhodes
Address1: 276 W. San Madele Ave.
Address2:
City: Fresno
State: CA
Zip Code: 93704

Phone: (559) 439-3519
Email: mrhodes@westlandswater.org
Fax:

Preferred Contact Method: Email

Subject: Zoning Change - Marstel Maroa Project Proposal - City of Fresno Planning Commission
Question/Comment

I request that the City of Fresno strongly appose and not adopt the Mitigated negative Declaration, Plan Amendment No. A-11-004, Rezone Application No. R-11-004, and Conditional Use Permit Application No. C-11-058. The City has not yet adopted the Negative Declaration with proposed changes to the Fresno General Plan and Bullard Community Plan, the proposed zoning changes from R-1 single family to R-2 medium high density, or the proposed 26 unit apartment complex. We hope that the City will reject the proposed changes or that legal action will not have to be taken. Residents do not want this project in our neighborhood. This is not the location for such a project. The intersection alone at Maroa and Barstow is one of the most dangerous in the area already. Those closest to the proposed project do not want three story apartments looking into their back yards and taking away their privacy. This project has everything wrong with it for this area. It will jeopardize our safety and security and the defeat the primary reasons residents chose to live in this location originally. If the City dose adopt the Negative Declaration we requested that the County Board of Supervisors bring this to a vote to appose such action after it is posted with the State Clearing House in Sacramento

McKencie Contreras

From: Graham, Betty (CDPH-DDWEM) [Betty.Graham@cdph.ca.gov]
Sent: Friday, December 14, 2012 12:10 PM
To: McKencie Contreras
Subject: RE: Development on North Maroa between West San Jose and West Barstow Avenues

McKencie

Thank you for forwarding the site plans for the proposed development on North Maroa.

I note that the scope of the project has been reduced from what was originally proposed. I think additional modifications are warranted to mitigate the incompatibility between the proposed use and the existing uses which surround the property.

The proposed development (two story, 100% rental units) is surrounded by single story, single family, owner occupied units. Whereas Maroa is a busy street that is perhaps more compatible with higher density uses, the two story rental units are located around the perimeter of the property with rear yard setbacks of only 10 feet. The impact of the new use is on the existing low density uses. The center is devoted to parking and circulation with garages fronting on what could be a common area. I would recommend a development fronting onto Maroa with the units clustered in the middle of the property and the perimeter landscaped as a common area.

Please include me in any distribution mailings as this proposal moves through the City's review process.

Betty Graham
510 620-3454
1496 Palm Ave.
Richmond, CA 94805

From: McKencie Contreras [<mailto:McKencie.Contreras@fresno.gov>]
Sent: Wednesday, November 28, 2012 1:45 PM
To: Graham, Betty (CDPH-DDWEM)
Subject: RE: Development on North Maroa between West San Jose and West Barstow Avenues

Good Afternoon—Attached are requested exhibits.

McKencie Contreras, Planner
City of Fresno
Development and Resource Management Department
Development Services Division
2600 Fresno Street, Third Floor, Room 3076
Fresno, CA 93721

Office: 559-621-8066
Fax: 559-498-1026
McKencie.Contreras@fresno.gov

From: Graham, Betty (CDPH-DDWEM) [<mailto:Betty.Graham@cdph.ca.gov>]
Sent: Friday, November 16, 2012 4:19 PM
To: McKencie Contreras
Subject: Development on North Maroa between West San Jose and West Barstow Avenues

March 15, 2013

Fresno City Planning Commission
2600 Fresno Street
Fresno, CA 93721

Re: vacant parcel, West side of North Maroa Ave between West San Jose and West Barstow Avenues

To: City of Fresno planning commissioners

My name is Deirdre Lattner. I am a homeowner across the street from the proposed development of the property named above. I have lived in my home for 29 years. I have been anxious to see the vacant lot across the street developed. I am not anti-development. I am in favor of **appropriate** development of the property that will enhance, preserve and stabilize the value of our established neighborhood. It is my request that the proposed development be approved within the existing R-1-B zoning development standards and with the condition that the project be limited to one story in order to preserve the character, integrity and consistency of adjacent properties and the neighborhood. It is also my argument that the proposed project does not meet a growing population or economic need and therefore does not warrant a zoning change to accommodate for such demographic changes. I also want to address how the location of this project does not fit the vision of the new General Plan. I'm hoping I can present a viable argument that just because a development can be constructed doesn't mean that it should be.

It is my understanding that the project being considered for development has had to undergo many studies and analysis to insure that the proposed project meets all of the physical requirements and

standards of the Ordinance Code regarding land use regulations and planning (part VII). I have seen that a great deal of time, energy and money has been spent to conform to the physical requirements. The Development and Resource Management Department recommends that a finding of conformity be adopted based on these findings. However, In addition to the physical requirements, additional considerations and conformities have to be addressed. According to section 855-N (#22-B) the proposed development also should show that the project produces a more functional, enduring and desirable environment as well as have no adverse impact to adjacent existing and planned uses on adjacent properties. Design elements to be considered include architecture, **building height, Mass**, open spaces, off street parking and several others. To my knowledge no one has provided any demographic evaluation to determine the appropriateness of the proposed project in our older established residential neighborhood. This is my effort to bring these considerations to the front of the conversation.

Municipal Code 12-209 Property Development standards, R-1-B

The property site is currently located in an R-1-B zoning district. MC 12-209 reads that all regulations for this district are deemed necessary for the protection of the quality of the residential environment. Section 12-209.5 expressly prohibits in the R-1-B district multiple family residential developments. The city of Fresno infill Design Guidelines states that infill development shall reinforce the community character and shall respect the neighborhood pattern including setbacks, orientation, and scale i.e. **height, Mass** etc. and two story homes shall be harmonious with the existing neighborhood.

1988 BULLARD COMMUNITY PLAN – Area 5 land use policy sect 6.11

It is my argument that the intent of the Bullard Community Plan (BCP) was that area 5 did not need to be included in the updated plan because development that has already occurred reflects the policy changes of the Plan.

The plan states that: There are a number of large odd-shaped parcels with constrained access. Since these parcels are not conducive to subdividing for single family homes, nor appropriate for **higher** density apartment development they were designated for development as planned unit developments at a density of 1 unit for every 6,000sf of lot area, i.e. 7.26 units per acre. This area has developed with a combination of planned developments, single family homes and churches, although there are several vacant or underdeveloped parcels. In as much as the land use designations of the updated BCP reflect the development that has occurred, as well as provide for R-1 planned development potential for undeveloped parcels, inclusion of this policy as part of the BCP is not considered to be necessary.

Over the last few decades we have seen R1 development which provided this neighborhood with the kind of diverse multi-family dwellings needed to support a growing population. The R1 zoned lots were developed at the intersection of our major cross streets at Barstow, Bullard and Sierra Avenues. The other vacant lots were purposely given R1B zoning to conform to the development that has already occurred. Although no mention of structure height is addressed in the BCP all structures constructed on the street have been single story. The rezoning needed to develop the proposed complex is in complete contrast with intent of the BCP.

The 2025 plan focuses strategies on the revitalization and enhancement of the established urban core neighborhoods. The plan identified this area to be bound by Ashlan, Chestnut, Jensen and West avenues. The 2025 General Plans vision is to enhance the value of the older established neighborhoods where devaluation has occurred as identified and to preserve and stabilize the valuation of older neighborhoods outside these boundaries.

The decline of established neighborhoods has been moving North as the cities growth has moved north. Our neighborhood is just two city blocks north of the identified boundaries. In order to preserve the neighborhoods outside of these boundaries great caution needs to be had with approving land development that conflict with the existing uses. Approving alternatives to the purposed use of infill lots changes the appeal of these neighborhoods which would have an adverse impact not only to adjacent homes but to the entire neighborhood. The change of land use zoning to accommodate a higher density development could set precedence for future development on other like parcels located within the Bullard High School community.

Demographic and need for future growth

I understand that an important aspect of the planning commission is to determine the appropriateness of a proposed project based on the need of the community. If the Bullard High School neighborhoods were growing at a pace that housing needs were not adequate, I would understand the need for the Planning Commission to consider zoning changes to meet the housing demand. I am claiming that there is not a demand for higher density housing and the proposed development doesn't provide for affordable housing or a growing demographic population.

According to a comprehensive housing market analysis prepared by the U.S. Department of Housing and Urban Development (Office of Policy Development and Research as of May 1, 2012) since 2010 the population growth within the entire Fresno-Madera housing market grew fastest among the population of residents ages 55 and older. The slowest growth occurred among residents younger than age 19 and those ages 35 to 54. Since 2000-2010 the residents ages 55 and older increased from approximately 17% to 20%.

The need for suitable housing for the aging population is already being met with the construction of the Palm View Gardens, a 74-unit apartment complex for seniors and The Terraces at San Joaquin Gardens, a 168-unit skilled Nursing facility which is currently under construction. The proposed two story apartment does not meet the physical needs for an aging population.

The analysis prepared by the HUD showed that an estimated demand for the forecast period (3 years) to be greatest for new units in the \$950-\$1349 rent range. The proposed project anticipates rents to be in the range of \$1550-\$1650. This does not provide for the demand of affordable housing. The size of the proposed units is 1700sf with 3 bedrooms and 2.5 baths (larger than my home). Any demand for this size of housing and rent could be met by the renting of single-family unoccupied homes in the area as well as the many larger apartment complexes in the area.

Maroa Avenue between Shaw Avenue and Herndon Avenue currently has 8 single story apartment and condominium complexes of varying size and rents. The immediate areas bordered by Shaw, Herndon, Palm and Blackstone has a myriad of diverse housing including housing for low income residents located behind the retail shopping center on Blackstone and Barstow and high income residents surrounding Fig

Garden Village shopping center at Palm and Shaw avenues. Medium income housing options are scattered throughout these borders. The softness of home sales coupled with unoccupied homes produced by economic downturn and resident deaths has also provided additional single-family home rentals. Consideration for zoning changes for the development of higher density housing should be reserved for areas of the city that are experiencing or projected to experience a greater demand for housing with expected population growth or the revitalization of new housing options in declining neighborhoods as identified in the 2025 General Plan.

Adverse effect on adjacent properties and neighborhood

I found it very difficult to obtain objective data to claim a decrease in property values of the adjacent homes and other homes on the street. I spoke with several real estate appraisers that informed me that they empathized with my fight but it would be expensive for me to pay for the kind of research they would need to do in order to validate their opinion that the property values would be affected. They explained that they would need to site very similar circumstances that demonstrate change in property values. They told me that there probably wouldn't be a significant devaluation to my property because the negative feature of an undeveloped vacant lot could be a trade-off of a negative feature of a two story apartment complex. It is my findings that the proposed apartment complex does not enhance the value of the properties surrounding the project but just trades one negative feature with another negative feature. It is my obvious conclusion that the appropriate development of a single-story PUD or condominium project would certainly enhance the value of our homes by replacing the negative feature of a vacant lot with a positive feature. The project does not create a more enduring and desirable environment as 855-N of ordinance code requires. Zoning changes

should be reserved for infill developments that enhance the aesthetic value of the neighborhood.

Neighborhood Opposition

Since the initial hearing in 2011 the neighborhood has banded together to oppose a development that would contradict the physical appearance of the neighborhood. A significant crowd of neighbors showed up to the initial hearing to voice their opposition. The developer held a community meeting at the corner church where approximately 100 neighbors showed up to voice their opposition. The developer has continually voiced that they listened to our concerns and modified their plans accordingly to reduce the density from 26 units to 19 units and reduced the height from three stories to two stories. In truth, the complex was modified after they learned of the costly ordinance requirements and the need to amend the General Plan as well as a zoning change from a R1B to an R2. The outcry of the neighbors has not been to stop the development but to call for a modification that would meet the units per square feet of the existing R1B zoning use and to limit the building to one story in order to conform to the existing single-story homes adjacent to it.

It is my sincere hope that you give great weight to my findings in considering your recommendation to the city council.

Sincerely,

A handwritten signature in black ink that reads "Doreen R. Latta". The signature is written in a cursive style with a large, looped initial "D".

Deirdre Lattner and Louis Lattner
5356 N. Maroa Ave.
Fresno, CA
559-431-8753

PS. I apologize that this is so long. If I had more time it would have been shorter.