City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-E & VIII-F

COMMISSION MEETING 12/1/10

APPROVED BY

DEPARTMENT DIRECTOR

December 1, 2010

FROM: KEVIN FABINO, Planning Manager
Development and Resource Management Department

THROUGH: MIKE SANCHEZ, Planning Manager
Development Services Division

BY: BONIQUE SALINAS, Planner III
Development Services Division

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Development Services Division

SUBJECT: CONSIDERATION OF VESTING TENTATIVE TRACT MAP NO. T-5978, CONDITIONAL USE PERMIT APPLICATION NO. C-10-069, VESTING TENTATIVE TRACT MAP NO. T-5786, CONDITIONAL USE PERMIT APPLICATION NO. C-10-093, REZONE APPLICATION NO. R-10-03 AND ENVIRONMENTAL ASSESSMENT NO. C-10-69/T-5978/R-10-003/C-10-093/T-5786

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. RECOMMEND APPROVAL to the City Council of Environmental Assessment No. C-10-69/T-5978/R-10-003/C-10-093/T-5786 dated October 29, 2010, which recommends that a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 be adopted for the proposed project.

2. APPROVE Vesting Tentative Tract Map No. 5978/UGM subject to compliance with the Conditions of Approval dated December 1, 2010.

3. APPROVE Conditional Use Permit Application No. C-10-069 subject to compliance with the Conditions of Approval dated December 1, 2010.

4. APPROVE Vesting Tentative Tract Map No. 5786/UGM subject to compliance with the Conditions of Approval dated December 1, 2010.

5. APPROVE Conditional Use Permit Application No. C-10-093 subject to compliance with the Conditions of Approval dated December 1, 2010.

6. RECOMMEND APPROVAL to the City Council of Rezone Application No. R-10-003 to rezone an approximately 2.30 acre portion of the subject property from the R-2-A/cz (*Low Density Multiple Family Residential District, One Story/with conditions of zoning*) zone district to the R-1 (*Single Family Residential*) zone district.

EXECUTIVE SUMMARY

North Star Engineering, Inc., on behalf of Visionary Home Builders of California, property owner and California Street Partners, property owner, has filed Conditional Use Permit Application No. C-10-69 and Vesting Tentative Tract Map No. 5978 pertaining to approximately 18.90 acres of property located on the south side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue, and Rezone Application No. R-10-003, Conditional Use Permit Application No. C-10-093, and Vesting Tentative Tract Map No. 5786 pertaining to 17.44 acres of property located on the west side of South Elm Avenue between East Church and East Jensen Avenues. The two development projects are adjacent to one another and total approximately 36.34 acres.

Vesting Tentative Tract Map No. 5978 and Conditional Use Permit Application No. C-10-69 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 35 duplex lots; a 79-unit apartment complex on one Outlot; and an additional six Outlots proposed to be dedicated for open space and water well purposes.

Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 31 duplex lots; a 79-unit apartment complex on one Outlot; and, an additional five Outlots proposed to be dedicated for open space purposes.

Rezone Application No. R-10-003 proposes to rezone an approximately 2.30 acre portion of the subject property from the R-2-A/cz (*Low Density Multiple Family Residential District, One Story/with conditions of zoning*) zone district to the R-1 (*Single Family Residential*) zone district in order to facilitate approval of Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093. The remainder of the site is already zoned R-1 (*Single Family Residential*).

The proposed overall density is approximately 7.98 dwelling units/acre.

The project proposed is consistent with the existing medium and medium high density residential planned land uses designated for the subject site by the 2025 Fresno General Plan and Edison Community Plan.

PROJECT INFORMATION

PROJECT Vesting Tentative Tract Map No. 5978 and Conditional Use Permit Application No. C-10-69 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 35 duplex lots; a 79-unit apartment complex on one Outlot; and an additional six Outlots proposed to be dedicated for open space and water well purposes.

Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 31 duplex lots; a 79-unit apartment complex on one Outlot; and, an additional five Outlots proposed to be dedicated for open space purposes.

APPLICANT	Visionary Homebuilders of California, Inc. Northstar Engineering Group California Street Partners
LOCATION	Located on the south side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue, **(Council District 3, Councilmember Sterling)**
SITE SIZE	Approximately 36.34 acres
PLANNED LAND USE	Medium Density Residential (4.99-10.37 du/acre) (a small portion (2.26 acres) of the site is planned Medium-High Density Residential
ZONING	Proposed - R-1/UGM (*Single Family Residential District/Urban Growth Management*)
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 FMC, the R-1 zone district classification of the subject property and the Medium Density Residential planned land use designation for the subject property is consistent. The portion of the subject property being rezoned is planned both medium and medium-high density residential. Pursuant to Section 12-403-B-2, a zone district change that is not strictly consistent with the Zone District Consistency Table may be approved subject to several conditions. The proposed project complies with all of these conditions. With a density transfer allowed pursuant to Section 12-403-B-4, the proposed project complies with the allowable densities in the medium and medium-high planned land uses.
ENVIRONMENTAL FINDING	Finding of a Conformity filed on October 29, 2010.
PLAN COMMITTEE RECOMMENDATION	There is no Plan Implementation Committee in Council District 3.
STAFF RECOMMENDATION	Recommend that the Planning Commission approve Vesting Tentative Tract Map No. 5978, Conditional Use Permit Application No. C-10-069, Vesting Tentative Tract Map No. 5876 and Conditional Use Permit Application No. C-10-093 subject to compliance with the Conditions of Approval dated December 1, 2010, and recommend approval to City Council of Rezone Application No. R-10-003.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Density Residential	**R-1** *Single Family Residential*	Single Family Residential
East	Medium Density Residential Medium High Density Residential	**R-2/cz** *Low Density Multiple Family Residential/Conditions of Zoning* **C-6** *General Heavy Commercial*	Multi-Family Development Commercial
South	Medium Density Residential Medium High Density Residential	**R-A** *Single Family Residential-Agricultural* **R-2** *Low Density Multiple Family Residential* **C-6** *General Heavy Commercial*	Agricultural Multi-Family Development Vacant
West	Open Space/Ponding Basin Medium Density Residential	**R-A** *Single Family Residential-Agricultural* **R-1** *Single Family Residential*	Ponding Basin Single Family Residential

ENVIRONMENTAL FINDING

The Development and Resource Management Department staff have prepared an initial study and environmental checklist and evaluated the proposed development in accordance with the land use and environmental policies and provisions of the 2025 Fresno General Plan, the related Master Environmental Impact Report (MEIR) No. 10130 (SCH # 2001071097), and Mitigated Negative Declaration (MND) No. A-09-02 (SCH # 2009051016). The subject property has been proposed to be developed at an intensity and scale that is permitted by the Medium and Medium-High Denisty Residential planned land use designations and the R-1 (*Single Family Residential)* zone district classification for the subject site. Thus, the proposed project will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designations. 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 property. 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 MND No. A-09-02 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 and MND No. A-09-02 as provided by CEQA 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 significant impacts on the environment that were not previously examined by the MEIR. Relative to the specific project proposal, the environmental impacts noted in the MEIR, pursuant to the 2025 Fresno General Plan land use designation, include

impacts associated with the Medium and Medium-High Density planned land use designations specified for the subject property. Based on the initial study prepared, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR or MND No. A-09-02 for the reasons discussed within the environmental assessment for the subject project; and, (3) No new additional mitigation measures are required because the proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR or MND.

Therefore, the project proposal has been determined to be within the scope of the MEIR and MND as defined by Section 15177 of the CEQA Guidelines and staff has properly published a Finding of Conformity to MEIR No. 10130 dated October 29, 2010. 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 MND adopted; and, that no new information, which was not know and could not have been known at the time that the MEIR was certified as complete or the MND was adopted, has become available.

BACKGROUND / ANALYSIS

North Star Engineering, Inc., on behalf of Visionary Home Builders of California, property owner and California Street Partners, property owner, has filed Conditional Use Permit Application No. C-10-69 and Vesting Tentative Tract Map No. 5978 pertaining to approximately 18.90 acres of property located on the south side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue, and Rezone Application No. R-10-003, Conditional Use Permit Application No. C-10-093, and Vesting Tentative Tract Map No. 5786 pertaining to 17.44 acres of property located on the west side of South Elm Avenue between East Church and East Jensen Avenues. The two development projects are adjacent to one another and total approximately 36.34 acres.

Vesting Tentative Tract Map No. 5978 and Conditional Use Permit Application No. C-10-69 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 35 duplex lots; a 79-unit apartment complex on one Outlot; and an additional six Outlots proposed to be dedicated for open space and water well purposes.

Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 31 duplex lots; a 79-unit apartment complex on one Outlot; and, an additional five Outlots proposed to be dedicated for open space purposes.

Rezone Application No. R-10-003 proposes to rezone an approximately 2.30 acre portion of the subject property from the R-2-A/cz (*Low Density Multiple Family Residential District, One Story/with conditions of zoning*) zone district to the R-1 (*Single Family Residential*) zone district in order to facilitate approval of Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093. The remainder of the site is zoned R-1 (*Single Family Residential*).

The Subdivision Map Act (Section 66400 et. Seq. of the California Government Code) requires that a proposed subdivision not be approved unless the map, together with its design and improvements, is found to be consistent with the applicable general plan and applicable specific plan. 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), development in accordance with the proposed R-1 (*Single Family Residential*) zone district is

consistent with the existing Medium Density Residential land use if it proposes residential densities between 4.99 and 10.37 dwelling units per acre. The proposed project's overall density is 7.98 units to the acre.

Approximately 2.26 acres of the site is planned Medium-High Density Residential which allows for residential densities of 10.38-18.15 dwelling units per acre. When the densities are blended (transferred) across the entire site, the allowable density range for the entire 36 acre site is 194-394 dwelling units. The project proposes a total of 290 dwelling units and is thus consistent with the planned land uses designated for the subject site by the 2025 Fresno General Plan.

Therefore, the future subdivision and development of the subject property at an overall density of approximately 7.98 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 (as proposed by Tentative Tract Map Nos. 5978 and 5786) are determined to be consistent with the Medium Density Residential and Medium-High Density Residential planned land use designations of the subject property.

The subject property is bounded by single family residential development across Church Avenue to the north, multi-family and commercial development to the east, multi-family and vacant land to the south, and a single family neighborhood and a ponding basin to the west.

Land Use Plans and Policies

The proposed project is consistent with the goals, policies, and recommendations of both the 2025 Fresno General Plan and the Edison Community Plan and policies within the 2025 Fresno General Plan support the proposed project. For example, objective C-9 of the 2025 Fresno General Plan states that the city should "plan 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." The proposed development proposes duplexes which is a type of housing that is similar to single family development in that each unit will have a garage and a traditional front yard and backyard. However, duplexes allow for a slightly higher density than traditional single family neighborhoods, thus making efficient use of land.

The 2025 Fresno General Plan also states that the City shall encourage the development of two-story homes as a means to conserve land, maintain open space on residential lots, and provide adequate living space. The proposed project proposes all two-storey structures (in both the duplex buildings and the multi-family developments) and is thus consistent with this policy.

Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies.

Conditional Use Permit Application (CUP)

In addition to submitting a vesting tentative tract map for each of the two sites, the applicant has submitted Conditional Use Permit Application No. C-10-069 and Conditional Use Permit Application No. C-10-093. Pursuant to Section 12-306-N-21 of the Fresno Municipal Code (FMC), a CUP is required in order to create a planned development. As part of the CUP, an applicant may request a modification of development standards, including lot size, setbacks and yard areas. Conditional Use Permit Application No. C-10-069 and Conditional Use Permit Application No. C-10-093 are requests to create multiple family residential public street planned developments with modified property development standards.

In addition to the proposed duplexes, Outlot C of Vesting Tentative Tract Map No. 5978 and Outlot A of Vesting Tentative Tract Map No. 5786 are each proposed to be developed with a 79-unit apartment complex. These complexes will contain shared open space areas and each will have its own community building with a community meeting room, computer room and a daycare center. Operation of the proposed daycare centers will be subject to state licensing requirements.

Lot Area/Dimensions/Setbacks

Lots within planned developments may have modified lot widths, depths and areas. All of the proposed lots within the subdivisions contain at least 5,000 square feet and meet all lot width and lot depth requirements. The applicant has requested minor modifications to setback requirements on a few lots.

Pursuant to Section 12-1011 (f) (3) of the FMC, double frontage lots which abut two approximately parallel streets...shall not be approved except where access rights to one of the streets have been relinquished. Proposed lots 1-5 of Vesting Tentative Tract Map No. 5786 are double frontage lots and, as such, will be required to relinquish vehicular (not pedestrian) access rights along South Clara Avenue.

Street and Access Points

The subject property is located on the south side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue. The adjacent segment of East Church Avenue is planned as a two-lane undivided Collector and the adjacent segment of South Elm Avenue is planned as an Arterial by the 2025 Fresno General Plan. The project will be required to construct all frontage improvements to City Standards. Right-of-way dedications and/or vacations will also be required along adjacent public streets in accordance with City of Fresno requirements to provide for the necessary improvements.

Vesting Tentative Tract Map No. 5978 proposes two major street access points from East Church Avenue and will also provide two additional access points on the south side of the tract to neighboring Vesting Tentative Tract Map No. 5786. In addition to these points of access between the two subdivisions, Vesting Tentative Tract Map No. 5786 will also provide one major street access point from South Elm Avenue, with a second access point to South Elm Avenue from East Grove Avenue. Interior public streets have been proposed in accordance with the Department of Public Works' standard 56-foot right-of-way residential street geometric standard, which utilizes a 36-foot wide street section with parking and sidewalks with parkstrips on both sides of the street. Traffic calming measures are required within all subdivisions for proposed street segments exceeding 800 feet in length and at four-way intersections.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the Department of Public Works, Traffic Engineering Division has assessed that the proposed 290 unit residential development is projected to generate 179 vehicle trips during the morning (7 to 9 a.m.) peak hour travel period and 232 vehicle trips during the evening (4 to 6 p.m.) peak hour travel period.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the tentative map applications and has determined that the streets adjacent to and near the subject property will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to requirements for adjacent major street improvements, right-of-way dedications, and payment of applicable impact fees as listed within the City of Fresno Department of Public Works memorandums dated October 6, 2010.

The developer of this project will be required to pay the Traffic Signal Mitigation Impact (TSMI) Fee per dwelling unit at the time of building permit, based on the trip generation rates set forth in the latest

edition of the ITE Trip Generation Manual and the Master Fee Schedule. The project will also be required to pay all applicable New Growth Area fees and City-wide regional street impact fees. The California Department of Transportation (Caltrans) has not identified any project related impacts to the State Highway System; state facility impact fees are not required in association with the proposed project.

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 has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the 2025 Fresno General Plan policies and the mitigation measures of Master Environmental Impact Report No. 10130. The applicant has been required to construct a water supply well. This requirement for a well, in combination with the other water conditions required of this project, will ensure that this site will have an adequate, reliable, and sustainable water supply for the project site's urban domestic and public safety consumptive purposes.

The City of Fresno Fire Department has conditioned the proposed project with requirements for installation of fire hydrants and the provision of adequate fire flows per Public Works Standards. The Fire Department has required that East Grove Avenue be widened to full public street width or vacated and the second access point for Vesting Tentative Tract Map No 5786 be maintained as "emergency access only". The Public Works Department has conditioned the project to widen East Grove Avenue to the full public street width.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the construction of the Master Plan facilities will provide drainage services to the subject site. Specific requirements from the FMFCD are contained in there "Notice of Requirements" dated September 28, 2010.

Landscaping/Walls

Given that the proposed subdivisions are located adjacent to and abutting two major streets (South Elm and East Church Avenues), the development will be required to install landscaping and irrigation with landscaped buffer strips along both South Elm and East Church Avenues. A six-foot high concrete/masonry wall is required to be constructed at the rear of the landscaped areas along South Elm and East Church Avenues and along the rear of several of the interior landscaped/open space areas.

There are several outlots on Vesting Tentative Tract Map Nos. 5978 and 5786 that are proposed to be dedicated for common open space purposes. The multi-family complex contained on Outlot C of Vesting Tentative Tract Map No. 5978 provides a large park-like open space area for the residents of the development. In addition, each duplex unit will have a fairly large private backyard. Thus, ample open space area has been provided for all residents of the proposed project.

The proposed subdivisions also show a sidewalk pattern that includes a parkstip. This parkstip, which will be located between the sidewalk and the curb, will contain the required street trees. Street trees within a parkstrip in a residential neighborhood provide a more pleasant walking experience for pedestrians, and improve the overall look of the street.

Several Outlots proposed on Vesting Tentative Tract Map No. T-5786 provide a continuous pathway from one side of the subdivision to South Elm Avenue. This pathway not only provides access to South Elm Avenue from both of the proposed subdivisions, but also provides the residents of the residential neighborhood to the west of the subject site easier access to South Elm Avenue. The proposed subdivisions are extremely pedestrian friendly because they provide ample landscaped pathways and open space areas that will provide for a more comfortable walking experience.

Maintenance

One of the early concerns raised by staff was the continued maintenance of the duplex lots. Duplex and triplex lots are sometimes poorly managed because they are often owned by absentee landlords who do not provide ongoing site management. The applicants (Visionary Homebuilders) have indicated that they intend to own and manage the entire site themselves. They do not intend to sell any of the duplex lots. However, given that the proposed projects include subdivision maps, the owners of the project will have the right to sell each duplex lot individually once the final map records. The applicant has agreed to enter into a covenant with the City of Fresno that guarantees prior that to the sale of any duplex lot, a homeowner's association must be formed. Until then, it will be the responsibility of the owner of the subject site to maintain the common areas on the site.

Rezone Application

A small portion (2.26 acres) of the 17.44 acre site proposed to be developed under Conditional Use Permit Application No. C-10-093 is currently zoned R-2-A/cz (*Low Density Multiple Family Residential District, One Story/with conditions of zoning*). The R-2-A zone district limits development to a single story. Given that the project proposes two story structures, the applicant originally requested to rezone the site to the R-2 (*Low Density Multiple Family Residential)* zone district to permit two story structures. However, to maintain consistency across the entire site, staff requested the applicant rezone the site to the R-1 (*Single Family Residential)* zone district.

The portion of the subject property being rezoned is planned both Medium and Medium-High Density residential. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the FMC, the requested R-1 zone district classification is consistent with the Medium Density Residential planned land use designation, but not the Medium-High Density planned land use designation. Pursuant to Section 12-403-B-2, a zone district change that is not strictly consistent with the Zone District Consistency Table may be approved subject to several conditions. The proposed project complies with all of these conditions.

With a density transfer allowed pursuant to Section 12-403-B-4, the proposed project complies with the allowable densities in the medium and medium-high planned land uses.

The condition of zoning that currently exists on the subject property is also proposed to be removed under rezone Application No. R-10-003. This condition of zoning was established in Rezone Application No. R-8170 and stated that the development density of the subject property shall not be less than 4.99 units per acre. Given that the Fresno Municipal Code no longer allows projects to be developed at a density less than the planned land use allows, this condition of zoning is no longer relevant. Staff recommends that this condition of zoning be removed.

Conditional Use Permit Application Findings (Planned Development)

Conditional Use Permit Application No. C-10-069 and Conditional Use Permit Application No. C-10-093 each propose a multi-family public street planned development. Based upon analysis of the conditional use permit applications and subject to the applicants' compliance with all of the Conditions

of Approval dated December 1, 2010, staff concludes that the following required findings of Section 12-405-A-2 of the Fresno Municipal Code can be made.

1. 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,

   Conditional Use Permit Application No. C-10-069 and Conditional Use Permit Application No. C-10-093 will comply with all applicable codes, including, landscaping, walls, etc., given that the special conditions of project approval will ensure that all conditions are met.

2. 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,

   The Public Works, Traffic Engineering Division reviewed the proposed project and assessed the adjacent streets to ensure that the proposal would not have significant impacts on traffic and the surrounding community.

3. 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 the FMC.

   The site is vacant and with the adoption of the 2025 Fresno General Plan, the city analyzed the impacts of converting vacant land into urban uses and determined that it is necessary to convert land within the sphere of influence in an attempt to provide housing, growth, employment opportunities, etc.

Tentative Tract Map Findings

The Subdivision Map Act (California Government Code Section 66400 et. seq.) requires that a proposed subdivision not be approved unless the map, together with its design and improvements, is found to be consistent with the General Plan and any applicable specific plan (Finding No. 1 below).

State law further provides that the proposed subdivision map be denied if any one of the Finding Nos. 2 - 5 below is made in the negative. In addition, State law requires that a subdivision be found to provide for future passive and natural heating or cooling opportunities in the subdivision development (Finding No. 6 below).

1. The proposed subdivision map, together with its design and improvements, is consistent with the City's 2025 Fresno General Plan and Edison Community Plan which designate the site for Medium Density and Medium-High Density Residential land uses. The project design meets the density, intensity, objectives, policies, and programs specified in the 2025 Fresno General Plan and Edison Community Plan for the creation and development of single family residential lots within this plan designation.

2. This site is physically suitable for the proposed type and density of development, because conditions of approval will ensure adequate access and drainage on and off the site. Furthermore, the subject property is of sufficient size to accommodate the development of the subject property at the density proposed, while affording sufficient open spaces and amenities as necessary to ensure the sustainability of the development

3. The proposed subdivision design and improvement is not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat, because all agricultural uses on the subject property have been discontinued. The subject property remains fallow without trees, vegetation, or irrigation to sustain and attract wildlife; or, provide a suitable habitat to species other than vermin.

4. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems, because the conditions of approval have shown and will ensure that the subdivision conforms to city health and safety standards.

5. The proposed subdivision design will not conflict with public easements within or through the site, because the project design and conditions of approval will assure noninterference with any existing or proposed easements on the subject property.

6. The design of the subdivision provides, to the extent feasible, for future passive and natural heating or cooling opportunities in the subdivision, because of the appropriate use and placement of landscaping plant materials and because of the orientation of the proposed lots.

The subdivision map, subject to the recommended conditions of approval, complies with the design and property development standards of the Zoning Ordinance and local Subdivision Ordinance. Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that these findings can be made.

Action by the Planning Commission regarding the conditional use permits and tentative tract maps are final unless appealed in accordance with the FMC Sections 12-406-I and 12-1019, respectively. Planning Commission's recommendation on the rezone application will be considered by City Council.

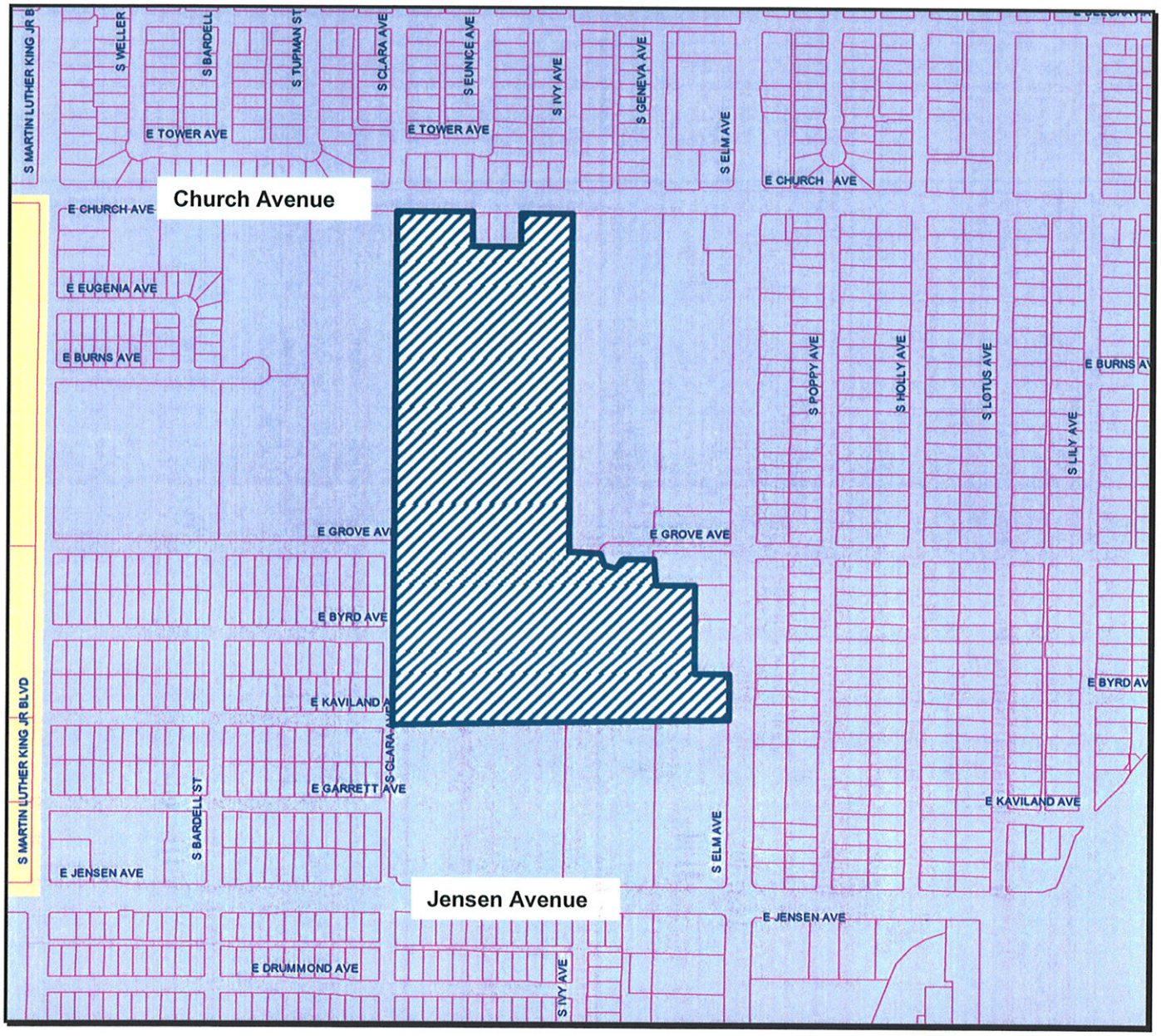
CONCLUSION

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 Edison 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 the proposed project is appropriate for the project site.

Attachments:
- Exhibit A: Vicinity Map
- Exhibit B: 2010 Aerial Photograph of Site
- Exhibit C: Public Hearing Notice Mailing List Vicinity Map
- Exhibit D: Tentative Tract Map No. T-5978
- Exhibit E: Exhibits for Conditional Use Permit Application No. C-10-069
- Exhibit F: Conditions of Approval for Vesting Tentative Tract Map No. T-5978 dated December 1, 2010, including memoranda from responsible or commenting agencies
- Exhibit G: Conditions of Approval for Conditional Use Permit Application No. C-10-069 including memoranda from responsible or commenting agencies not included in Tentative Tract Map conditions of approval.
- Exhibit H: Tentative Tract Map No. T-5786
- Exhibit I: Exhibits for Conditional Use Permit Application No. C-10-093
- Exhibit J: Conditions of Approval for Vesting Tentative Tract Map No. T-5786, dated December 1, 2010, including memoranda from responsible or commenting agencies
- Exhibit K: Conditions of Approval for Conditional Use Permit Application No. C-10-093 including memoranda from responsible or commenting agencies not included in Tentative Tract Map conditions of approval.
- Exhibit L: Environmental Assessment No. C-10-69/T-5978/R-10-003/C-10-093/T-5786, a Finding of Conformity dated October 29, 2010

Exhibit A
Vicinity Map

VICINITY MAP



Tentative Tract Map No. 5978 and Tentative Tract Map No. 5786

1348 East Church Avenue and 2542 South Elm Avenue

LEGEND

Subject Property

Exhibit B

2008 Aerial Photograph of Site

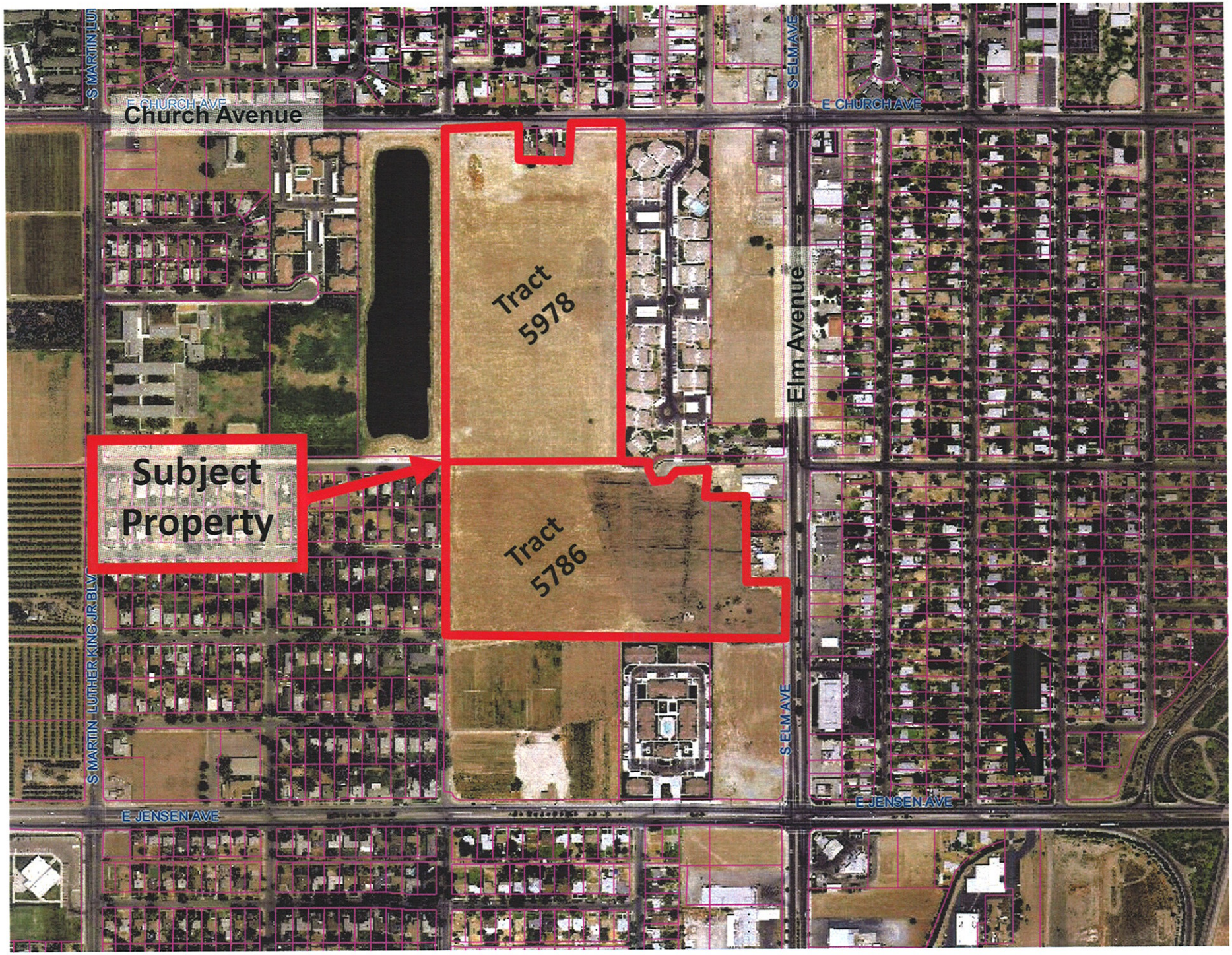

S MARTIN LU
E CHURCH AVE
Church Avenue
S ELM AVE
E CHURCH AVE
Tract 5978
Elm Avenue
Subject Property
Tract 5786
S MARTIN LUTHER KING JR BLV
S ELM AVE
E JENSEN AVE
E JENSEN AVE
N

Exhibit C

Noticing Map (350-foot radius)

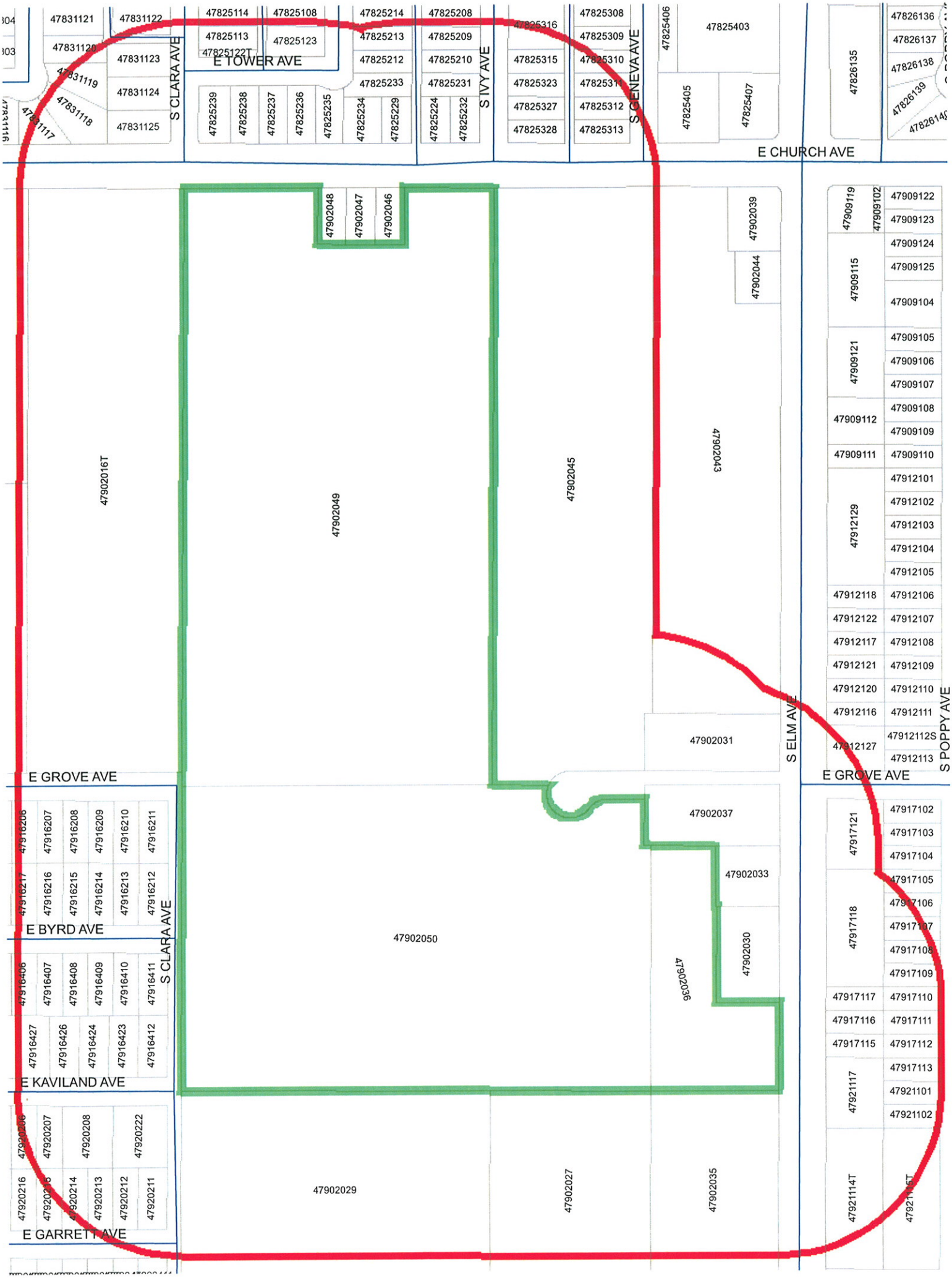

E TOWER AVE
S CLARA AVE
S IVY AVE
S GENEVA AVE
E CHURCH AVE
S ELM AVE
S POPPY AVE
E GROVE AVE
E BYRD AVE
E KAVILAND AVE
E GARRETT AVE
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Exhibit D

Tentative Tract Map No. T-5978

TRACT 5978

"A PLANNED DEVELOPMENT"
VESTING TENTATIVE SUBDIVISION MAP
FRESNO, CALIFORNIA

PROPERTY LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 24 OF FRESNO COLONY, ACCORDING TO MAP THEREOF RECORDED IN BOOK 2 AT PAGE 6 OF PLATS, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM ANY PORTION OF SAID LAND LYING WITHIN PARCEL MAP NO. 85-59 OF PARCEL MAPS, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED IN BOOK 48, PAGES 90 AND 91 OF PARCEL MAPS, FRESNO COUNTY RECORDS.

APN: 479-020-49

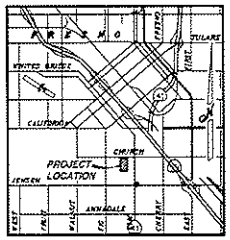
UTILITY INFORMATION

SEWER AND WATER CITY OF FRESNO 2600 FRESNO STREET FRESNO, CA 93721 PHONE: (559) 498-1431	STORM DRAIN FRESNO METROPOLITAN FLOOD CONTROL DISTRICT 5469 EAST OLIVE AVENUE FRESNO, CA 93727 PHONE: (559) 456-3292	CABLE TELEVISION: COMCAST 2441 NORTH GROVE INDUSTRIAL DRIVE FRESNO, CA 93727 PHONE: (559) 251-0210 EXT 4232
GAS AND ELECTRIC PACIFIC GAS AND ELECTRIC COMPANY 855 "M" STREET FRESNO, CA 93724-0001 PHONE: (559) 263-5635	TELEPHONE PACIFIC BELL 5556 EAST OLIVE AVENUE, RM. L-150-30 FRESNO, CA 93727 PHONE: (559) 454-3778	

LEGEND

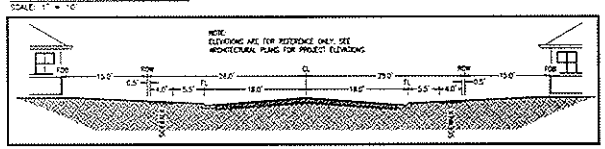
SYMBOL	DEFINITION
	2' CONTOURS (EXISTING)
	SEWER FORCE MAIN (EXISTING)
	SEWER LINE (EXISTING)
	STORM LINE (EXISTING)
	WATER LINE (EXISTING)
	OVERHEAD LINE (EXISTING)
	TREE (EXISTING)
	RIGHT OF WAY (FUTURE)
	PROJECT BOUNDARY
	CENTER LINE
	PROPOSED LOT LINE
	EXISTING LOT LINE
	DRAINAGE FLOW DIRECTION

VICINITY MAP



56' STREET CROSS SECTION

SCALE: 1" = 10'



CONTACT INFORMATION

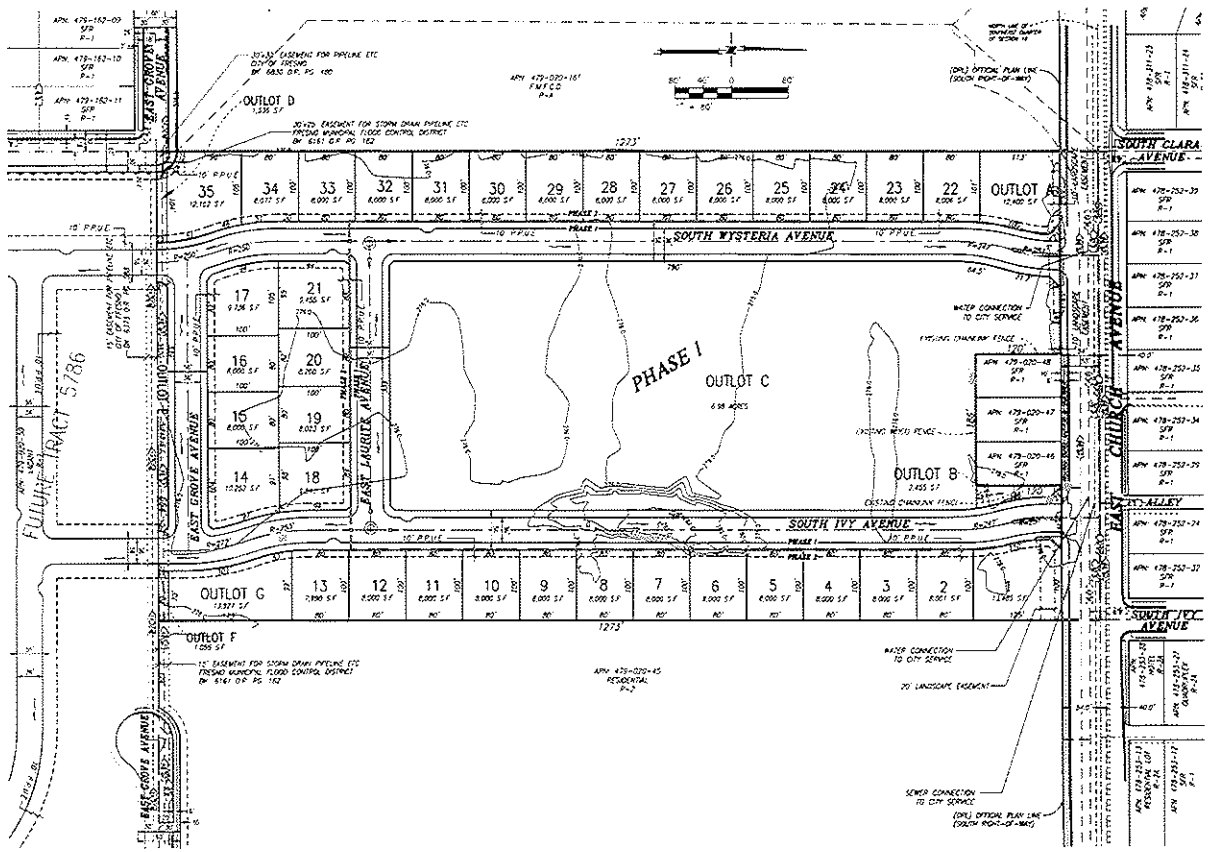
OWNER/DEVELOPER: VISIONARY HOME BUILDERS OF CALIFORNIA
375 N. SAN JOAQUIN STREET
STOCKTON, CA 95202
T. (209) 466-6611
F. (209) 466-5465
CONTACT: JOSH YEAKO

ENGINEER: NORTHSTAR ENGINEERING GROUP, INC
909 14TH STREET
MODESTO, CA 95354
T. (209) 524-3525
F. (209) 524-3526
CONTACT: ANTHONY CANNELLA

ARCHITECT: SAN JOAQUIN DESIGN GROUP
7872 N. PERSHING AVENUE
STOCKTON, CA 95207
T. (209) 478-4013
F. (209) 478-0784
CONTACT: BILL JOHNSTON

NOTES

1. SITE ADDRESS: 1348 EAST CHURCH AVE
2. SITE APN: 479-020-49
3. SITE SIZE: 18.9 ACRES
4. CURRENT GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL
5. CURRENT ZONING: R-1
6. EXISTING LAND USE: VACANT
7. PROPOSED LAND USE: A MULTI-FAMILY PROJECT CONTAINING BOTH HIGH DENSITY APARTMENTS AND MEDIUM DENSITY DUPLEXES.
   - OUTLOT A: PHASE 1 – THIS AREA WILL BE DEDICATED TO THE CITY FOR THE FUTURE CONSTRUCTION OF A WATER WELL
   - OUTLOT B: PHASE 1 – ADDITIONAL COMMUNITY OPEN SPACE
   - OUTLOT C: PHASE 1 – APARTMENT COMPLEX – SEE C.U.P. SUBMITTAL UNDER SEPARATE APPLICATION FOR DETAILED INFORMATION OF THE DEVELOPMENT PLAN
   - OUTLOT D: PHASE 2 – OPEN SPACE, THIS AREA CORRELATES WITH AN EXISTING STORM DRAIN EASEMENT ON SITE.
   - OUTLOT E: PHASE 2 – OPEN SPACE, THIS AREA CORRELATES WITH AN EXISTING STORM DRAIN EASEMENT ON SITE.
   - OUTLOT F: PHASE 2 – OPEN SPACE, THIS AREA CORRELATES WITH AN EXISTING STORM DRAIN EASEMENT ON SITE.
   - OUTLOT G: PHASE 1 – ADDITIONAL COMMUNITY OPEN SPACE
   - LOTS 1-35: PHASE 2 – THESE LOTS WILL CONTAIN THE DUPLEX UNITS. THE TYPICAL AND MINIMUM LOT SIZE WILL BE 80'x100' 8000 S.F. SEE C.U.P. SUBMITTAL UNDER SEPARATE APPLICATION FOR DETAILED INFORMATION OF THE DEVELOPMENT PLAN
8. CONTOUR LINES SHOWN AND LABELED IN 2' INCREMENTS
9. NO STRUCTURES OR FACILITIES ARE PROPOSED TO BE REMOVED OR RELOCATED WITH THIS APPLICATION
10. ALL RIGHTS OF WAY WIDTHS AND ALIGNMENTS PROPOSED ARE BASED FROM THE CITY OF FRESNO STANDARD SPECIFICATIONS.
11. THIS SITE LIES ENTIRELY WITHIN THE ZONE X DESIGNATION PER FEMA MAP 06019C0710L DATED SEPTEMBER 26, 2006 AND IS NOT SUBJECT TO FLOODING.
20. THE DEVELOPER RESERVES THE RIGHTS TO EXTEND THE EXPIRATION DATE OF THIS TENTATIVE MAP PURSUANT TO SECTION 66452.6 OF THE "SUBDIVISION MAP ACT".
21. PURSUANT TO SECTION 66456.1 OF THE "SUBDIVISION MAP ACT", THE DEVELOPER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS FOR THIS PROJECT.
22. IF THE SUBDIVIDER CHOOSES TO FILE MULTIPLE FINAL MAPS, A PHASING PLAN WILL BE COORDINATED WITH THE CITY OF FRESNO PUBLIC WORKS.
23. THERE ARE FOUR (4) SMALL TREES LOCATED WITHIN THE BOUNDARY OF THE SUBDIVISION TO BE REMOVED PRIOR TO CONSTRUCTION.
24. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO WELLS, CESSPOOLS, SEWERS, CULVERTS, STORM DRAINS, DUMP SITES OR OTHER UNDERGROUND STRUCTURES ON THIS PROPERTY.
25. THIS SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR PASSIVE NATURAL HEATING OR COOLING OPPORTUNITIES AND OTHER MEASURES THAT CONSERVE NONRENEWABLE ENERGY RESOURCES.
26. PROPOSED SEWER, WATER, CONCRETE CURBS, GUTTERS AND SIDEWALKS, STREET LIGHTS AND STREET PAVEMENT TO BE INSTALLED PER CITY OF FRESNO STANDARD SPECIFICATIONS.
27. GRADE DIFFERENCES OF SIX INCHES OR MORE ARE ACCURATELY SHOWN TO A DISTANCE OF TWO HUNDRED FEET FROM THE PROPOSED SUBDIVISION BOUNDARY.



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PRELIMINARY: NOT FOR CONSTRUCTION

NO.	DESCRIPTIONS	DATE	APPROVED
	REVISIONS		

TRACT 5978
VESTING TENTATIVE SUBDIVISION MAP
FRESNO, CALIFORNIA

NorthStar Engineering Group, Inc.
Engineering • Surveying • Planning
7500 N. Pershing Avenue
Stockton, CA 95207
(209) 524-3525 Phone
(209) 524-3526 Fax

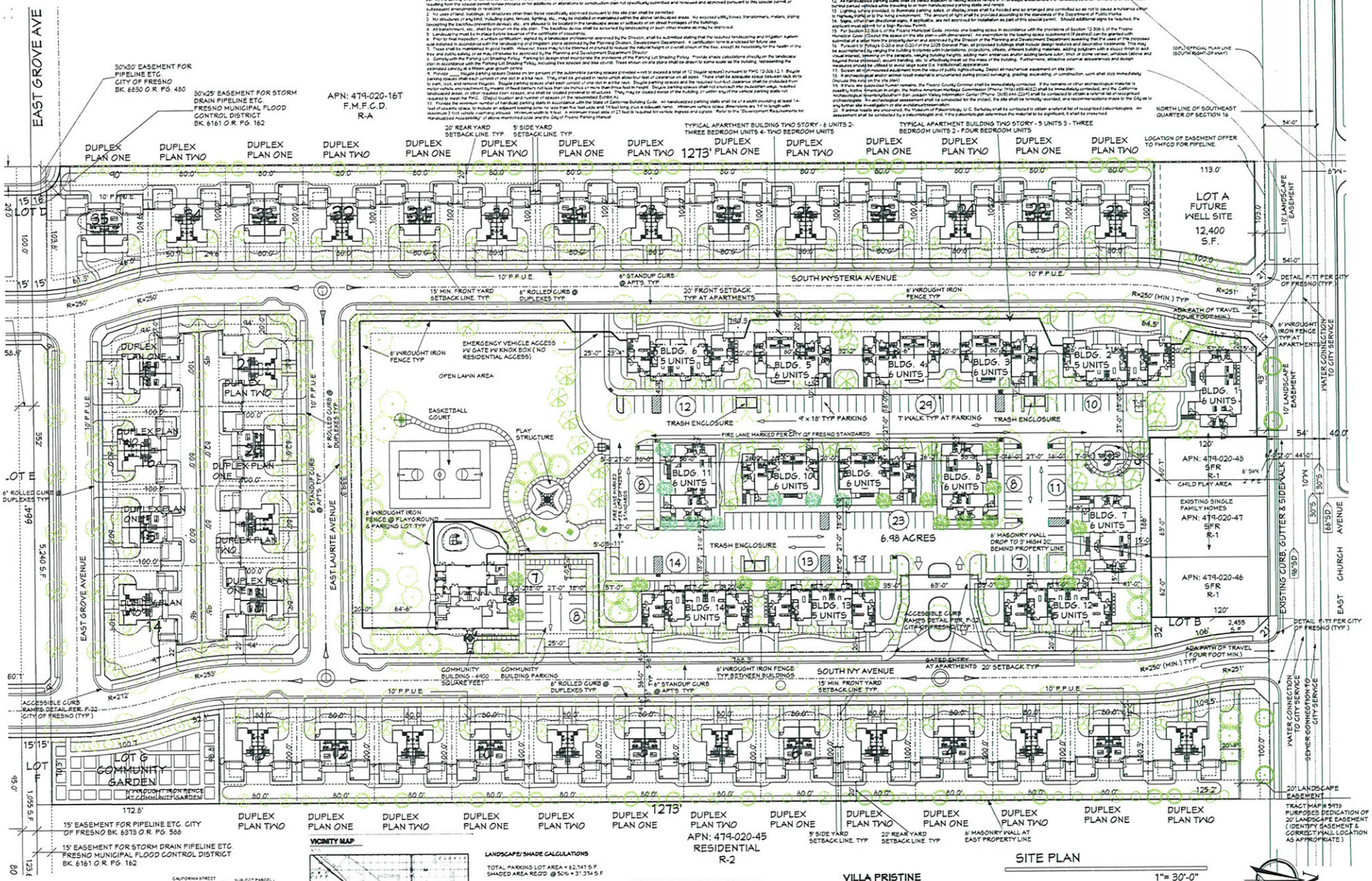
JOB NO. 09-049
DATE 07/20/10
DESIGNED
DRAWN
CHECKED
APPROVED

SHEET NUMBER
01
OF 01

Exhibit E

Exhibits for Conditional Use Permit Application No. C-10-069

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. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan 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. No structures of any kind, including signs, fences, lighting, etc., may be installed or maintained within the above landscaped areas. No exposed utility boxes, transformers, meters, piping (excepting the backflow prevention devices), etc., are allowed to be located in the landscape areas or setbacks and front yard frontages of the buildings.
4. 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.
5. Landscaping must be in place before issuance of the certificate of occupancy.
6. Prior to final inspection, a certified arborist, registered landscape architect or landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system has been installed in accordance with the landscaping and irrigation plans approved by the Planning Division, Development Department. A certification form is provided for future use.
7. Trees shall be maintained free of disease and 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 Planning and Development Department Director.
8. Comply with the Parking Lot Shading Policy. Parking lot design shall incorporate the provisions of the Parking Lot Shading Policy. Provide shade calculations directly on the landscape plan in accordance with the Parking Lot Shading Policy, including tree species and tree canopy. Trees shown on site plans shall be drawn to same scale as the building, representing the estimated canopy at a fifteen year growth period.
9. Provide ____ Bicycle parking spaces (based on ten percent of the automobile parking spaces provided—not to exceed a total of 12 bicycle spaces) pursuant to FMC 12-306-12.1. Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be provided 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 shall each consist of one slot in a bike rack. Bicycle parking spaces shall be located outside pedestrian areas, required motor vehicle encroachment by means of fixed barriers not less than six inches or more than three feet in height. Bicycle parking spaces shall not encroach into pedestrian areas, required landscaped areas, or other required open spaces, and shall be located proximate to structures. They may be located inside of the building, or within sight of the vehicle parking stalls not required to meet the FMC. (Depict location and number of spaces on the residential Exhibit A).
10. Provide the minimum number of handicap parking stalls in accordance with the State of California Building Code. All handicapped parking stalls shall be of a width providing at least 14-feet of usable space, to include an adjacent loading zone no less than five feet wide and 14 feet long, plus a sidewalk ramp. Minimum vehicle space dimensions are 14' in length with maximum 3 foot vehicle overhang allowed. Minimum width is 9 feet. A minimum travel aisle of 21 feet is required for vehicle ingress and egress. Refer to the "Development Requirements for Handicapped Accessibility" of above mentioned code and the City of Fresno Parking Manual.
11. All handicapped stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1021 of the Fresno Municipal Code shall be towed away. The international symbol and towaway warning shall be painted conspicuously on seven-foot poles.
12. All handicapped parking stalls shall be paved adjacent to facility access ramps or in straight areas where the handicapped shall not have to unload or walk behind parked vehicles while traveling to or from handicapped parking stalls and ramps.
13. Lighting, where provided, to illuminate parking, sales, or display areas shall be installed and so arranged and controlled so as not to cause a nuisance glare 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.
14. Signs, other than directional signs, if applicable, are not approved for installation as part of this special permit. Should additional signs be required, the applicant must submit for a Sign Review Permit.
15. Per Section 12-306-L of the Fresno Municipal Code, provide one loading space in accordance with the provisions of Section 12-306-L of the Fresno Municipal Code. (Depict the space on the site plan—with dimensions). An exemption to the loading space requirement (if desired) can be granted with submittal of a letter from the property owner and approved by the Director of the Planning and Development Department asserting that the uses of the proposed building do not require a loading space.
16. Pursuant to Policy G-3.2a-e and G-3.2d of the 2025 General Plan, all proposed buildings shall include design features and decorative treatments. This may be accomplished by varying the building materials, colors, and textures. Materials, adding polychrom with a shade finish to add visual interest, trimming on the parapets, varying building heights, adding main entrances and/or adding texture color, brick or stone veneer, windows (above and beyond those required), accent banding, etc. to effectively break up the mass of the building. Furthermore, attractive uniform appearances and design measures should be utilized to avoid large scale (i.e. institutional) appearances.
17. Screen all roof-mounted equipment from the view of public rights-of-way. Depict all mechanical equipment on site plan.
18. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. Disturb this mound on the site plan.
19. 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 (916) 653-4082 shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (559) 278-2234) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological 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.
20. If animal fossils are encountered, 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.



SITE PLAN

1"= 30'-0"

PAVING CONSTRUCTION SHALL BE DONE PER CITY OF FRESNO PUBLIC WORKS (I.E., P-41, P-42 & P-43)

VILLA PRISTINE
PROPOSED MULTI FAMILY COMMUNITY
CHURCH AVENUE FRESNO, CALIFORNIA

TRACT 5978

PROJECT DATA

GROSS/ NET SITE AREA = 15.49 ± ACRES

OVERALL DENSITY: 144 UNITS / 15.49 ± AC. = 9.30 / AC.

MULTIFAMILY SITE AREA = 10.2 ± ACRES

DUPLEX SITE AREA = 5.2 ± ACRES

ADDRESS = 1343 EAST CHURCH AVENUE

APN = 479-02-49

GENERAL PLAN PLANNED LAND USE: MEDIUM DENSITY RESIDENTIAL (4.99 - 12.31 DWELLING UNITS / AC.)

EXISTING/PROPOSED ZONING: R-1 (SINGLE FAMILY RESIDENTIAL)

PROJECT UNIT MIX

APARTMENTS	DUPLEXES
14 APARTMENT BUILDINGS	35 DUPLEXES
79 APARTMENT UNITS	70 - DUPLEX UNITS
10 - FOUR BEDROOM UNITS	34 - THREE BEDROOM UNITS - PLAN ONE
33 - THREE BEDROOM UNITS	36 - FOUR BEDROOM UNITS - PLAN TWO
36 - TWO BEDROOM UNITS	

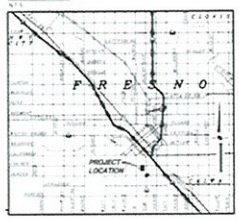
PARKING

APARTMENTS
REQUIRED - 1 1/2 PER UNIT = 119 SPACES
PROVIDED - 120 SPACES
HANDICAP SPACES REQUIRED - 5 SPACES
HANDICAP SPACES PROVIDED - 8 SPACES

COMMUNITY BUILDING
PROVIDED - 15 SPACES

DUPLEXES
REQUIRED - 2 COVERED SPACES PER UNIT
PROVIDED - 2 COVERED SPACES PER UNIT

VICINITY MAP



LANDSCAPE/ SHADE CALCULATIONS

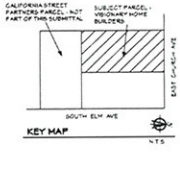
TOTAL PARKING LOT AREA = 62,741.5 S.F.
SHADED AREA REQ'D @ 50% = 31,374.5 S.F.

30'- 35' DIAMETER TREES
FULL: 4 @ 962.5 S.F. = 3,850 S.F.
3/4: 5 @ 711.5 S.F. = 3,557.5 S.F.
1/2: 19 @ 491.5 S.F. = 9,339.5 S.F.
1/4: 3 @ 240.5 S.F. = 720.5 S.F.

20'- 30' DIAMETER TREES
FULL: 0 @ 707.5 S.F. = 0.0 S.F.
1/2: 21 @ 354.5 S.F. = 7,434.5 S.F.
1/4: 0 @ 177.5 S.F. = 0.0 S.F.

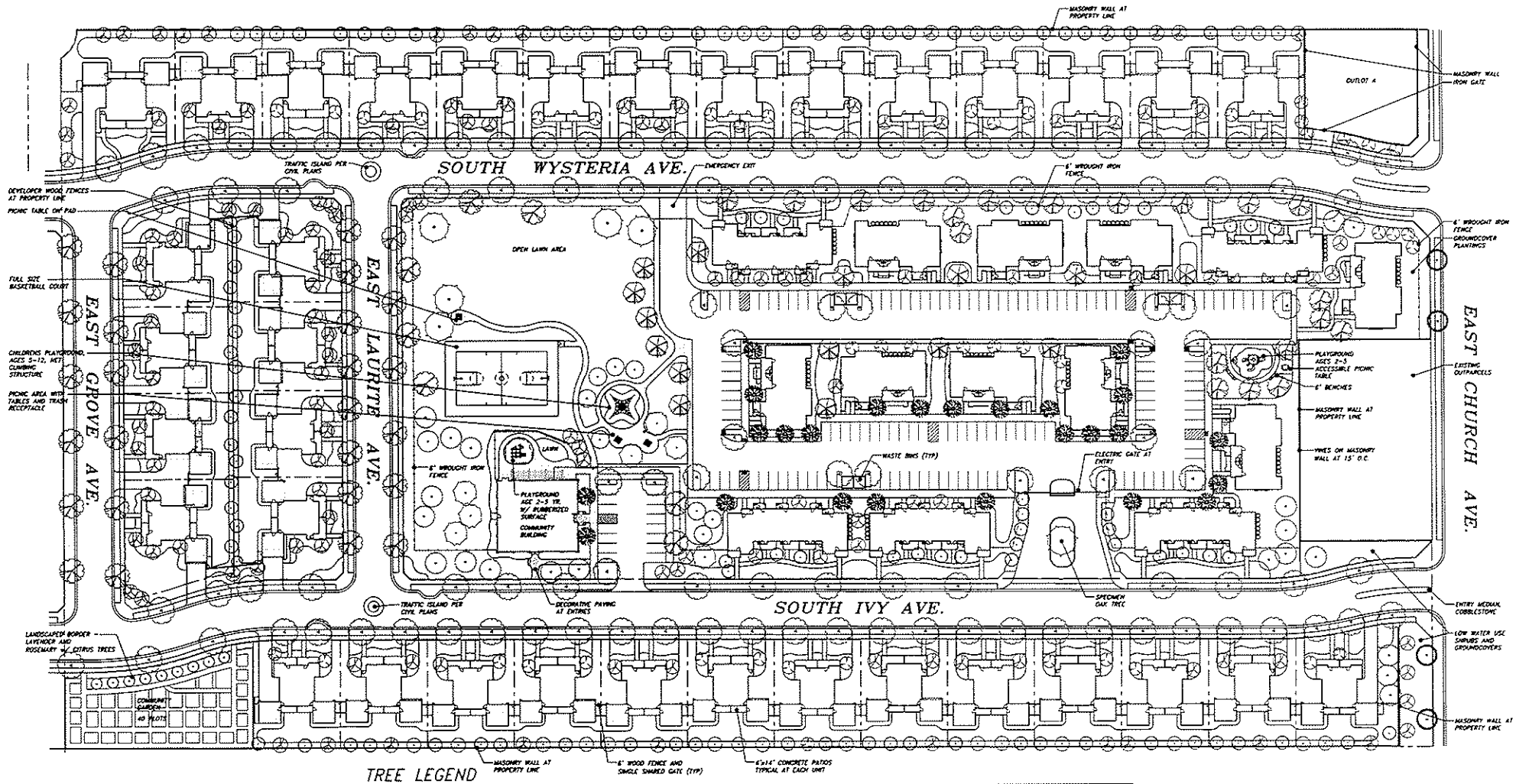
15'- 20' DIAMETER TREES
FULL: 0 @ 314.5 S.F. = 0.0 S.F.
1/2: 22 @ 157.5 S.F. = 3,454.5 S.F.
1/4: 0 @ 78.5 S.F. = 0.0 S.F.

TOTAL SHADED AREA PROVIDED = 32,962.5 S.F.



San Joaquin Design Group
Architecture & Planning
7877 N. Pershing Ave. - Stockton, Ca. 95207
Tel: (209) 478-4013 Fax: (209) 478-0266

VISIONARY HOME BUILDERS
315 NORTH SAN JOAQUIN STREET
STOCKTON, CALIFORNIA
(209) 466-6611



TREE LEGEND

Symbol	Size	Botanical Name	Common Name	Quantity
	24" Box	Quercus suber	Cork Oak	6
	24" Box	Quercus wislizenii	Interior Live Oak	7
	15 Gal.	Arbutus unedo	Strawberry Tree	37
	15 Gal.	Chionanthus retusus (Male)	Chinese Fringe Tree	32
	15 Gal.	Chilopsis lashkenensis 'Pink Dawn'	Pink Dawn Chilopsis	99
	15 Gal.	Cinnamomum camphora	Camphor Tree	4
	15 Gal.	Fraxinus a. 'Autumn Applause'	American Ash	105
	15 Gal.	Lagerstroemia f. 'Muskogee'	Crape Myrtle Standard	79
	15 Gal.	Pistachia chinensis 'Keith Davey'	Chinese Pistache	51
	15 Gal.	Pyrus c. 'Aristocrat'	Aristocrat Flowering Pear	29
	15 Gal.	Schinus molle	California Pepper Tree	29
	15 Gal.	Zelkova s. Village Green	Zelkova	29

Symbol	Size	Botanical Name
	Sod Lawn	Warm season turf

ODYSSEY LANDSCAPE CO.
& LANDSCAPE ARCHITECTURE
5400 W. HIGHWAY 12, LODI, CA
(209) 369-6197 (209) 369-6965 FAX
www.odysseylandscape.com
ODYSSEY DESIGN GROUP

VILLA PRISTINE MULTI FAMILY COMMUNITY

TRACT 5492, CHURCH STREET, FRESNO, CA

REAR ELEVATION

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

LEFT ELEVATION

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

RIGHT ELEVATION

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

FRONT ELEVATION

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

TWO STORY APARTMENT - 5 UNITS

VILLA PRISTINE FRESNO, CALIFORNIA

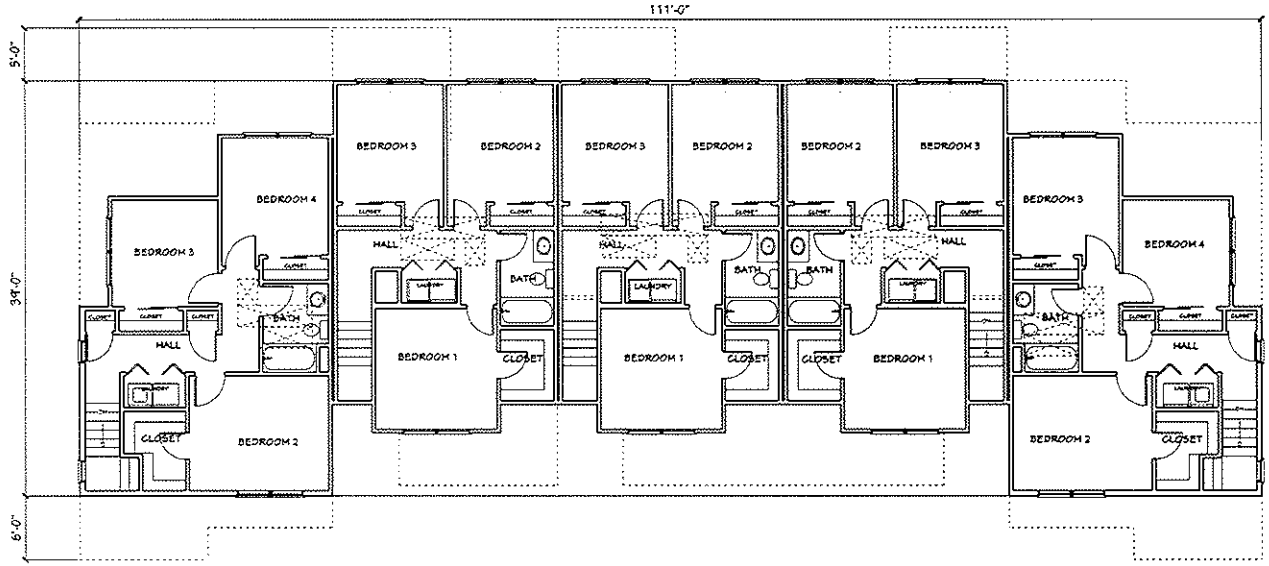
San Joaquin Design Group

Architecture & Planning

7677 N. Pershing Ave. - Stockton, Ca. 95207
Tel: (209) 478-4013 Fax: (209) 478-0266

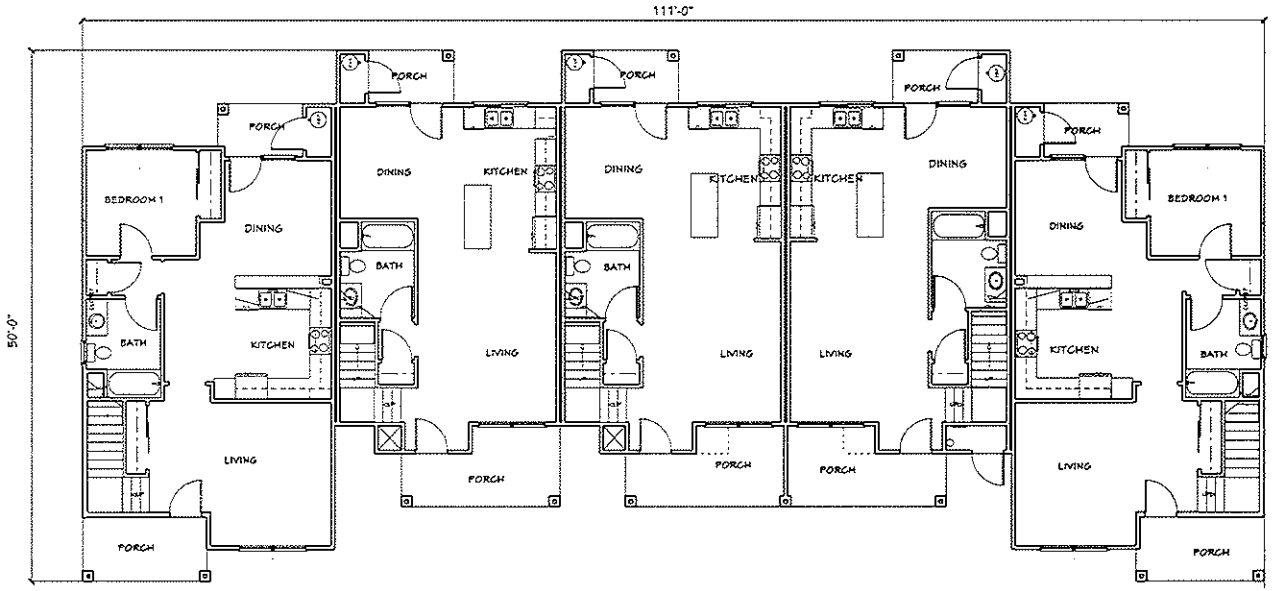
VISIONARY HOME BUILDERS

315 NORTH SAN JOAQUIN STREET
STOCKTON, CALIFORNIA
(209) 466-6811



SECOND FLOOR

SCALE: 3/16" = 1' - 0"



UNIT MIX

5 UNITS

3 - 3 BEDROOMS/ 2 BATH UNITS - 1260 SQ. FT.

2 - 4 BEDROOM/ 2 BATH UNITS - 1477 SQ. FT.

FIRST FLOOR

SCALE: 3/16" = 1' - 0"

FOUR BEDROOM | THREE BEDROOM | THREE BEDROOM | THREE BEDROOM | FOUR BEDROOM

MULTISTORY APARTMENTS - 5 UNITS

VILLA PRISTINE FRESNO, CALIFORNIA

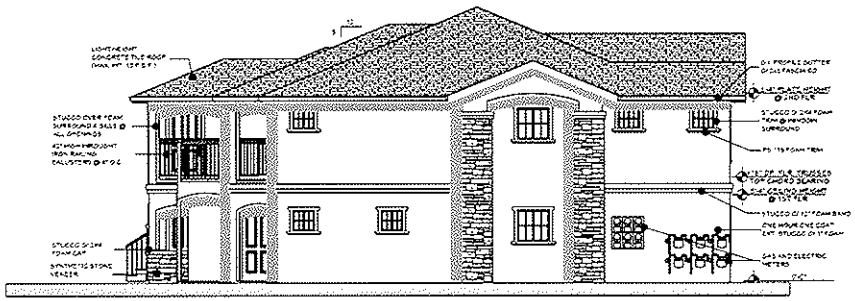
San Joaquin Design Group

Architecture & Planning

7877 N. Pershing Ave. - Stockton, Ca. 95207
Tel: (209) 478-4013 Fax: (209) 478-0266

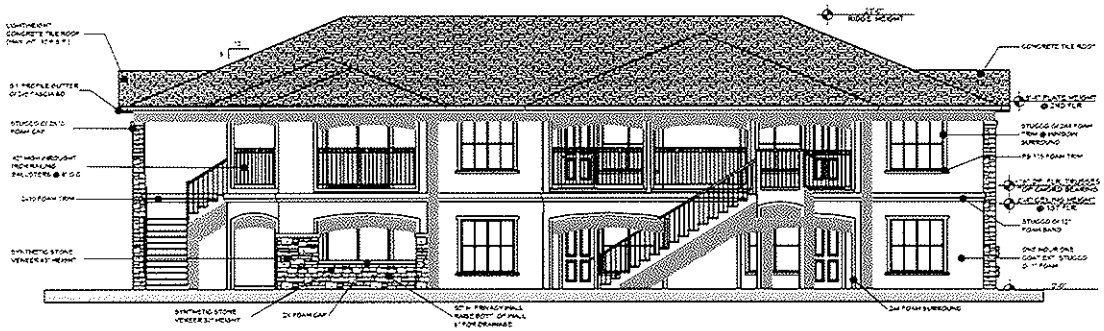
VISIONARY HOME BUILDERS

315 NORTH SAN JOAQUIN STREET
STOCKTON, CALIFORNIA
(209) 466-6811



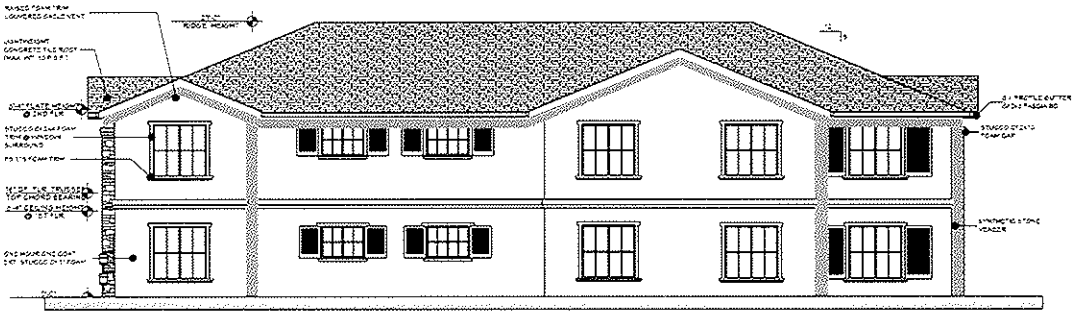
RIGHT ELEVATION

SCALE 3/16"=1'-0"



FRONT ELEVATION

SCALE 3/16"=1'-0"



REAR ELEVATION

SCALE 3/16"=1'-0"

LEFT ELEVATION

SCALE 3/16"=1'-0"

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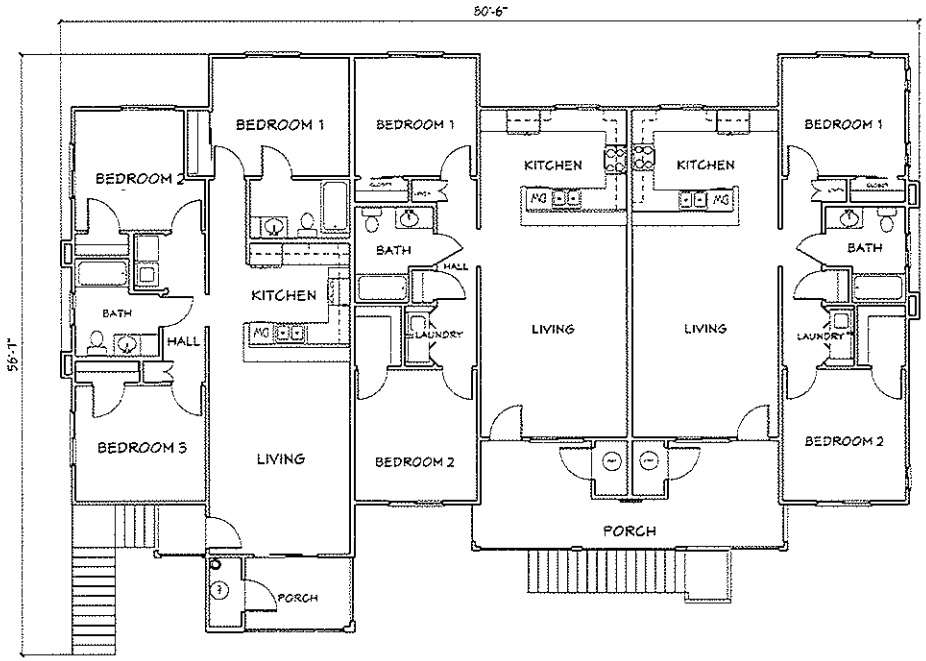
TWO STORY APARTMENT - 6 UNITS

VILLA PRISTINE

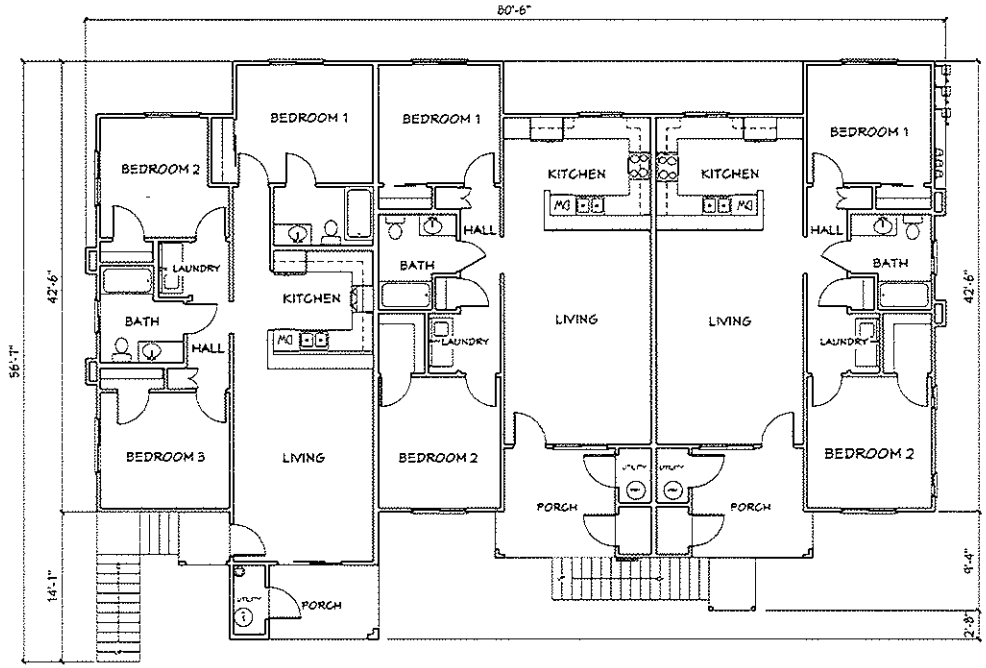
FRESNO, CALIFORNIA

VISIONARY HOME BUILDERS

315 NORTH SAN JOAQUIN STREET
STOCKTON, CALIFORNIA
(209) 466-8011



SECOND FLOOR PLAN



FIRST FLOOR PLAN

SCALE 3/16"=1'-0"

UNIT MIX

2 - THREE BEDROOMS - 1,114 SQ. FT.

4 - TWO BEDROOMS - 962 SQ. FT.

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TWO STORY APARTMENT - 6 UNITS

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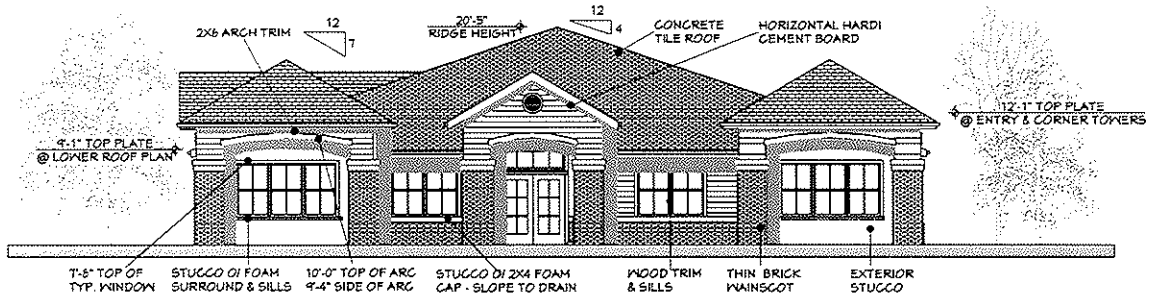
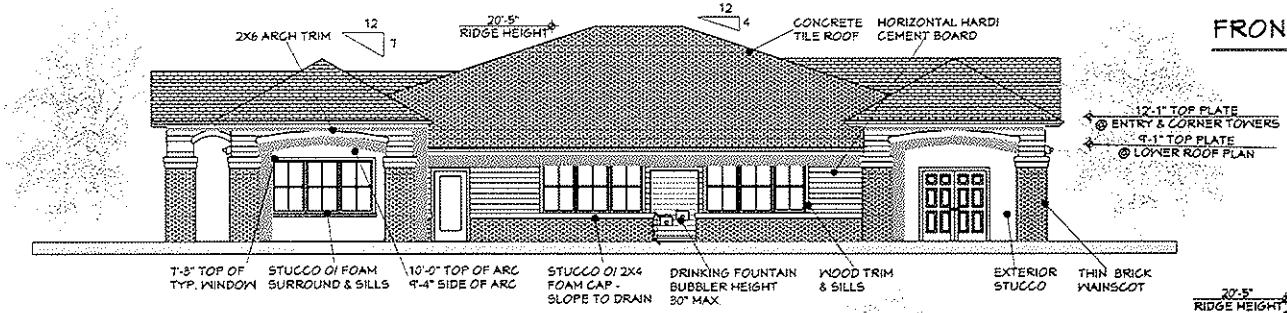
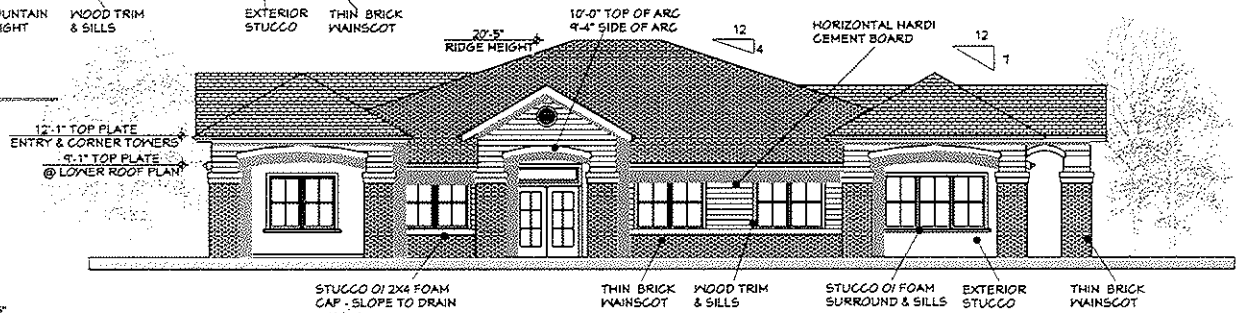


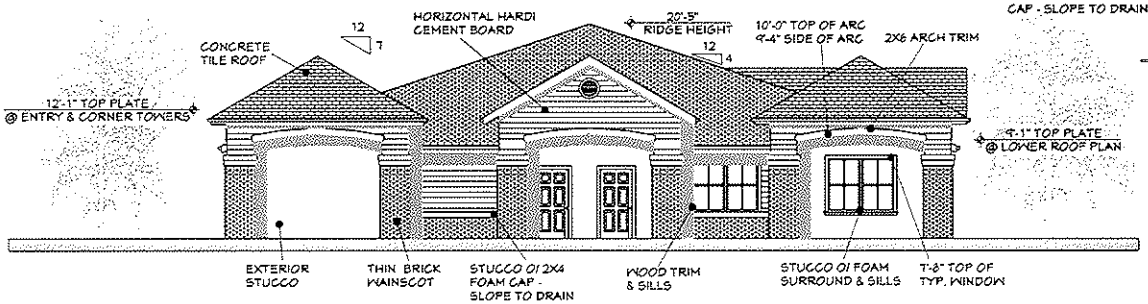
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

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COMMUNITY BUILDING

SCALE: 3/16" = 1' - 0"

VILLA PRISTINE FRESNO, CALIFORNIA

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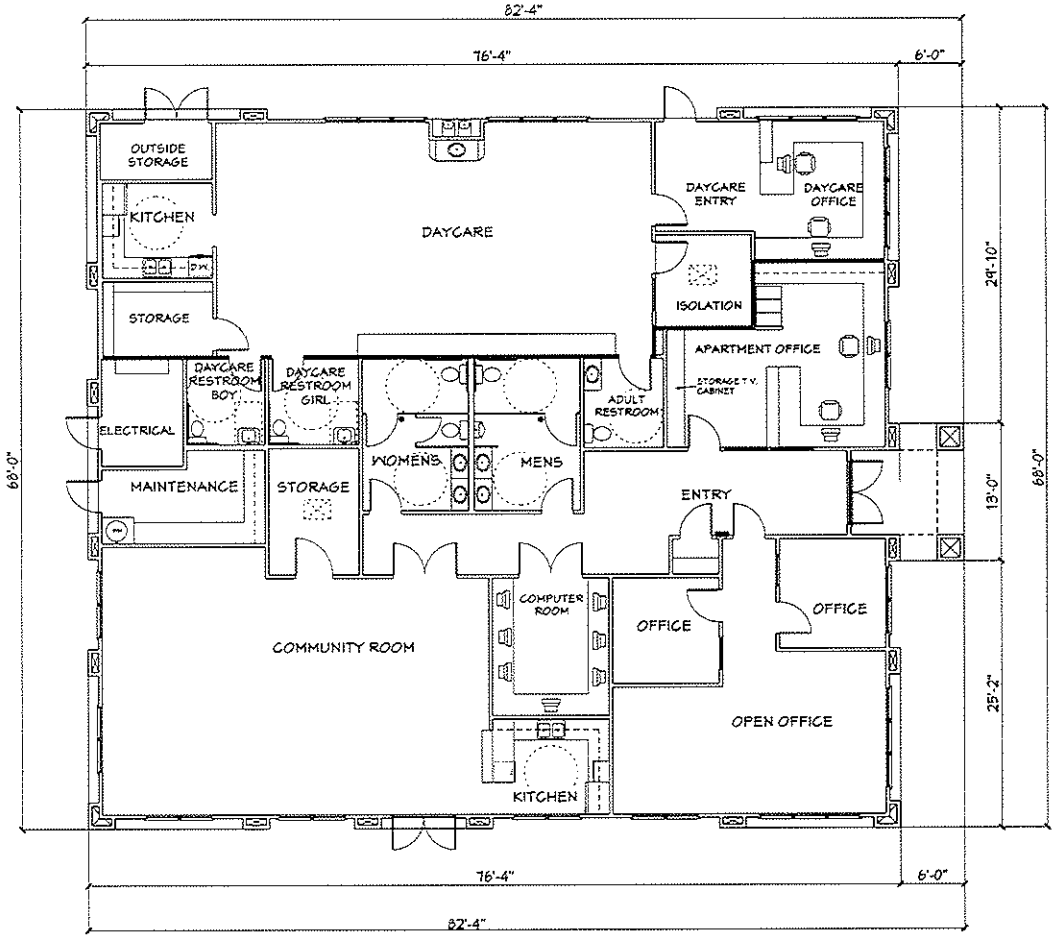

FLOOR PLAN

SCALE: 3/16" = 1'-0"

4875 SQUARE FEET

COMMUNITY BUILDING

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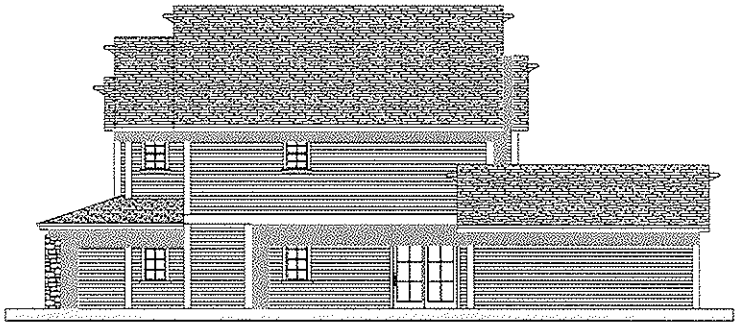
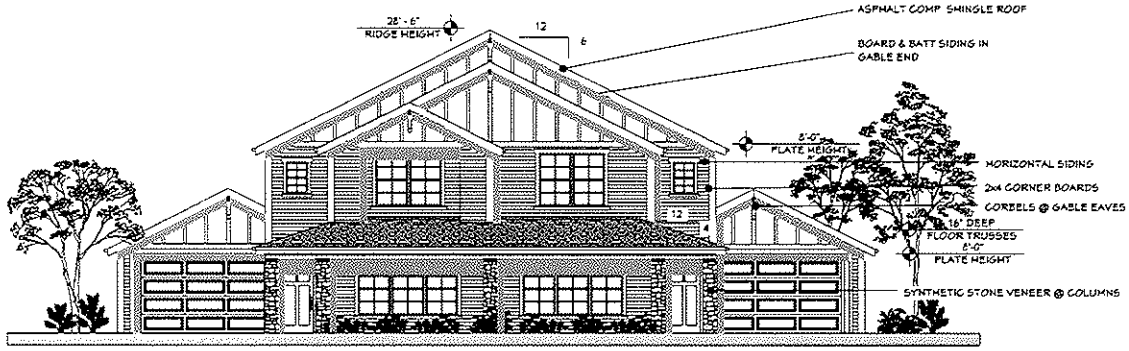


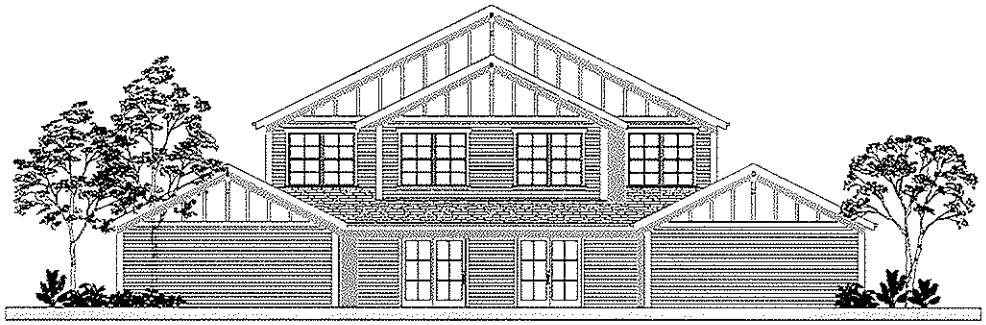
DUPLEX PLAN ONE ELEVATION A- RIGHT

SCALE 3/16" = 1'-0"



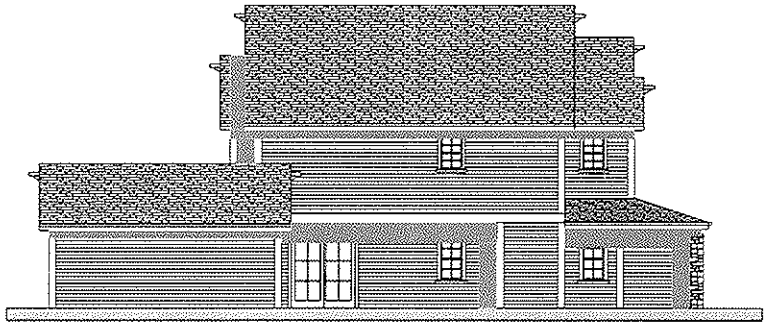
DUPLEX PLAN ONE ELEVATION A- FRONT

SCALE 3/16" = 1'-0"



DUPLEX PLAN ONE ELEVATION A- REAR

SCALE 3/16" = 1'-0"



DUPLEX PLAN ONE ELEVATION A- LEFT

SCALE 3/16" = 1'-0"

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PROPOSED DUPLEXES

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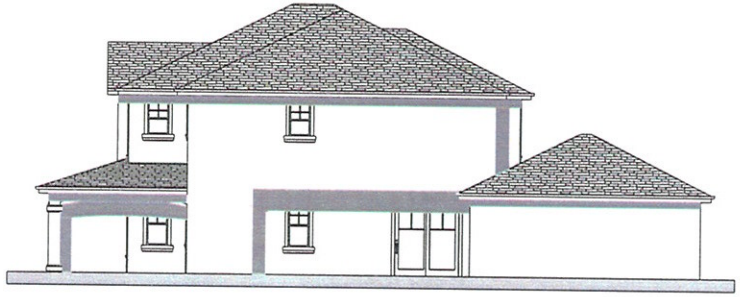
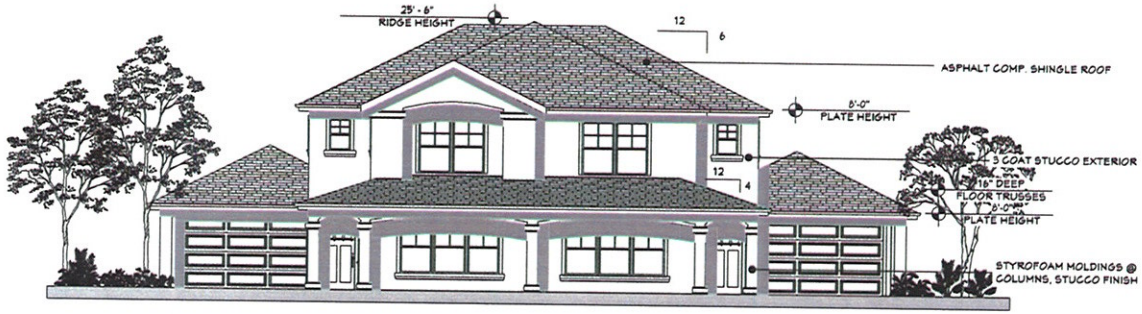


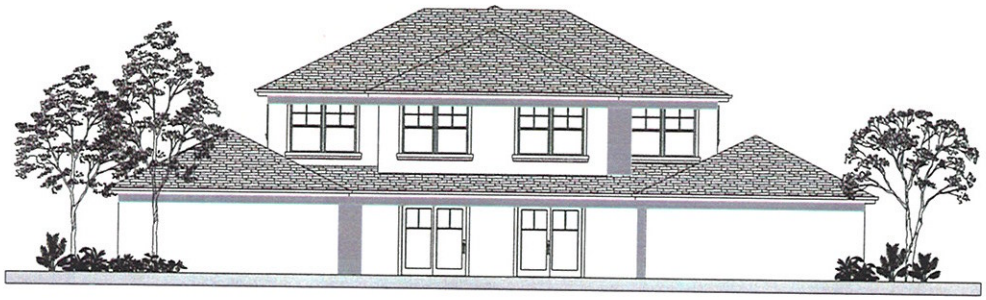
DUPLEX PLAN ONE ELEVATION B- RIGHT

SCALE: 3/16" = 1' - 0"



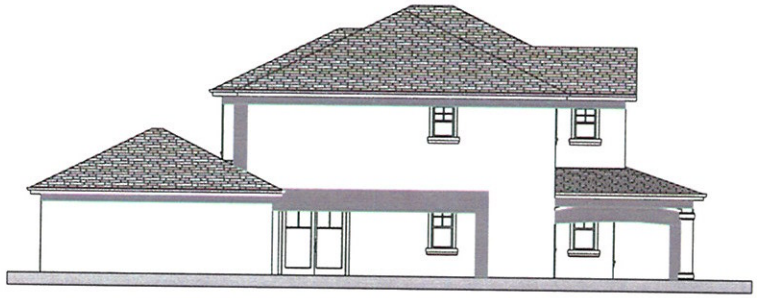
DUPLEX PLAN ONE ELEVATION B- FRONT

SCALE: 3/16" = 1' - 0"



DUPLEX PLAN ONE ELEVATION B- REAR

SCALE: 3/16" = 1' - 0"



DUPLEX PLAN ONE ELEVATION B- LEFT

SCALE: 3/16" = 1' - 0"

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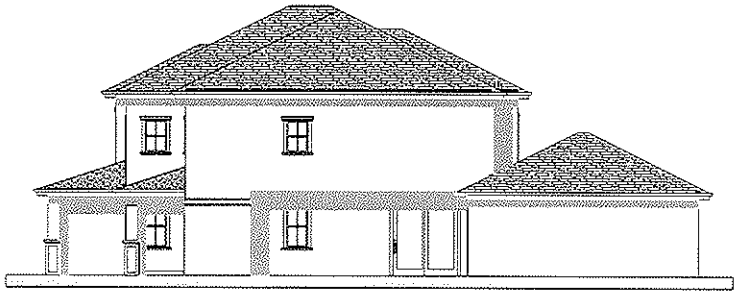
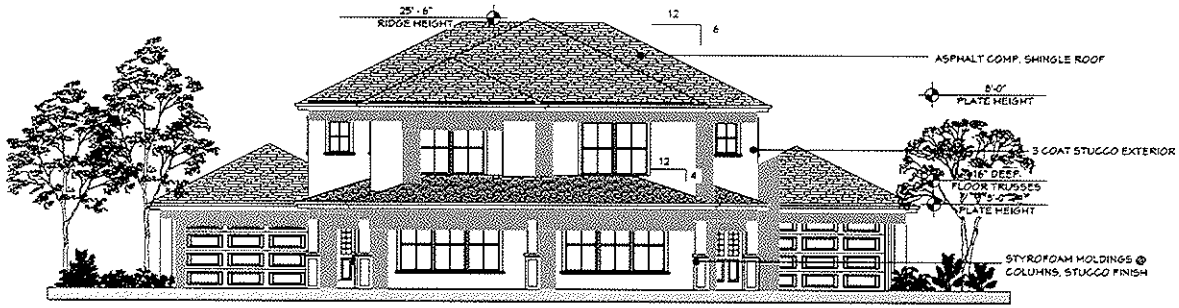


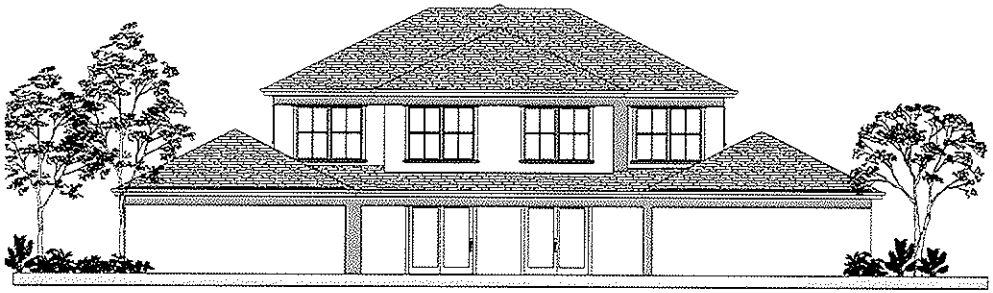
DUPLEX PLAN ONE ELEVATION C- RIGHT

SCALE 3/16" = 1'-0"



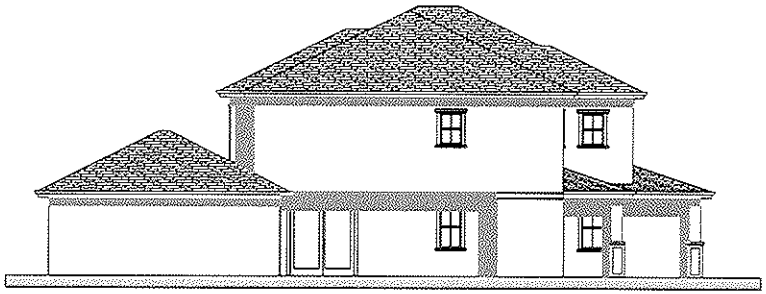
DUPLEX PLAN ONE ELEVATION C- FRONT

SCALE 3/16" = 1'-0"



DUPLEX PLAN ONE ELEVATION C- REAR

SCALE 3/16" = 1'-0"



DUPLEX PLAN ONE ELEVATION C- LEFT

SCALE 3/16" = 1'-0"

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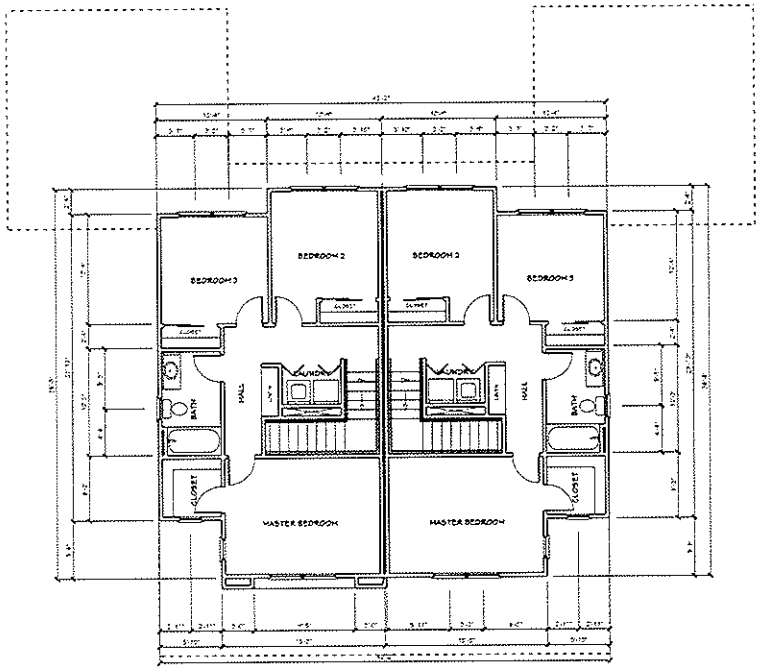
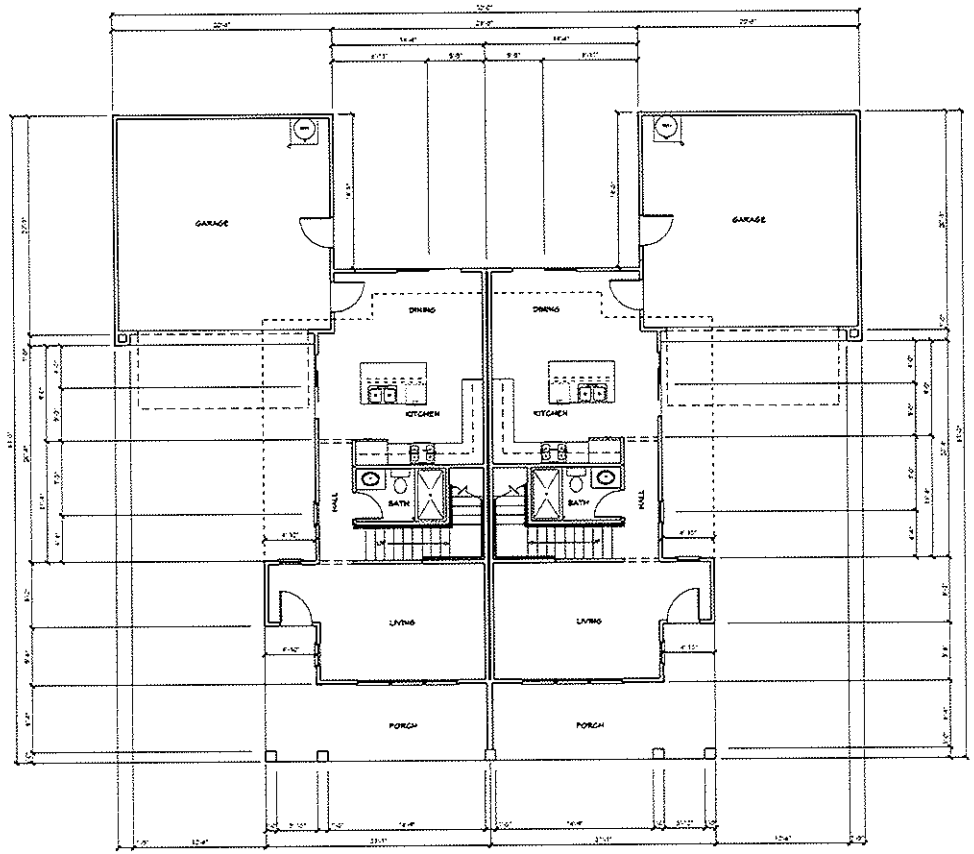


DUPLEX PLAN ONE - SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"



SQUARE FOOTAGE	
FIRST FLOOR	652 SQ. FT.
SECOND FLOOR	658 SQ. FT.
TOTAL FLOOR AREA	1310 SQ. FT.
GARAGE	426 SQ. FT.
PORCH	160 SQ. FT.

DUPLEX PLAN ONE - FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0"

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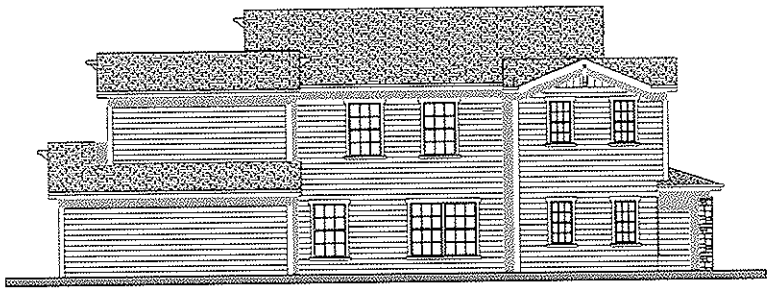
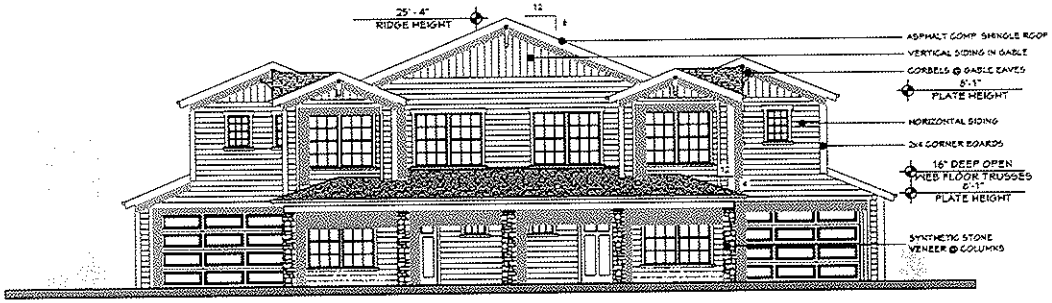


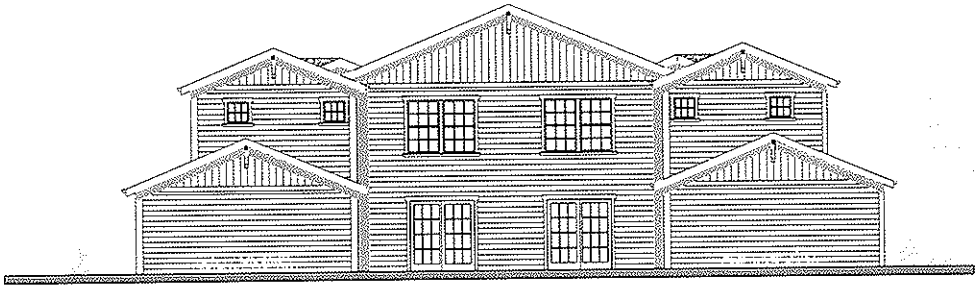
DUPLEX PLAN TWO ELEVATION A- RIGHT

SCALE: 3/16" = 1'-0"



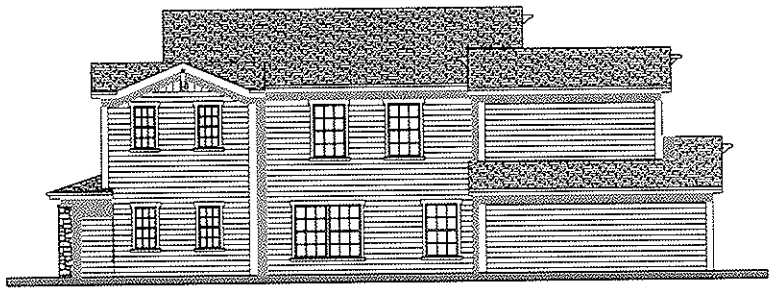
DUPLEX PLAN TWO ELEVATION A- FRONT

SCALE: 3/16" = 1'-0"



DUPLEX PLAN TWO ELEVATION A- REAR

SCALE: 3/16" = 1'-0"



DUPLEX PLAN TWO ELEVATION A- LEFT

SCALE: 3/16" = 1'-0"

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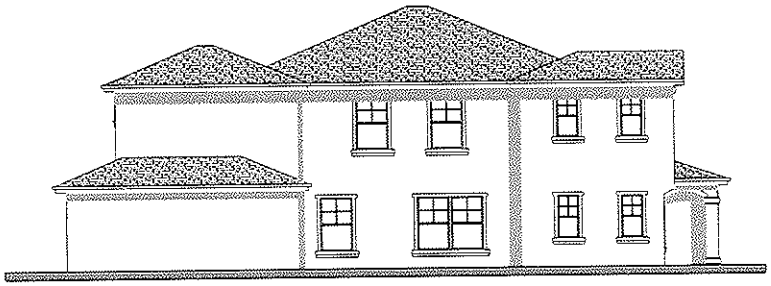
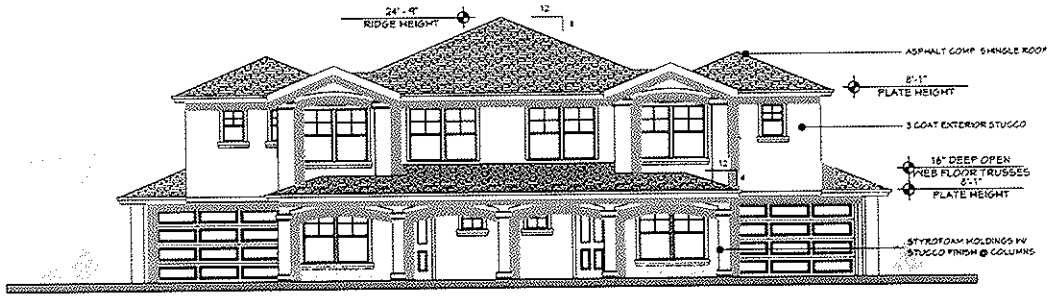


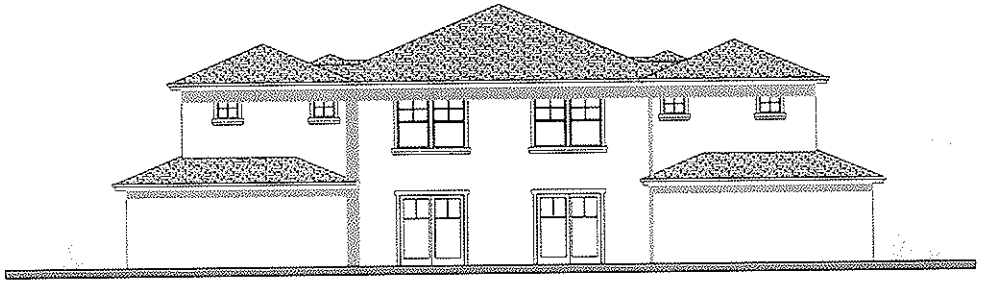
DUPLEX PLAN TWO ELEVATION B- RIGHT

SCALE: 3/16" = 1'-0"



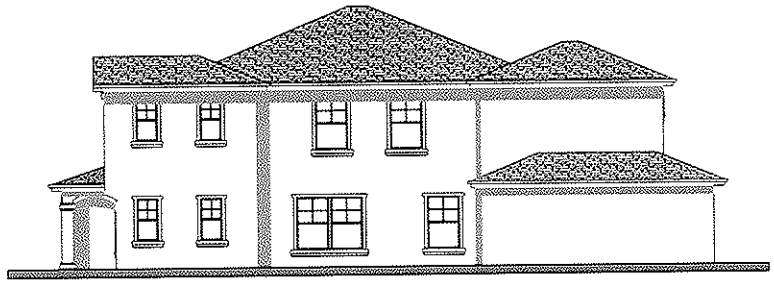
DUPLEX PLAN TWO ELEVATION B- FRONT

SCALE: 3/16" = 1'-0"



DUPLEX PLAN TWO ELEVATION B- REAR

SCALE: 3/16" = 1'-0"



DUPLEX PLAN TWO ELEVATION B- LEFT

SCALE: 3/16" = 1'-0"

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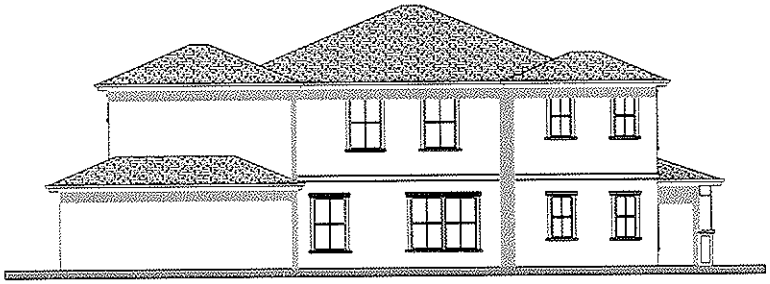
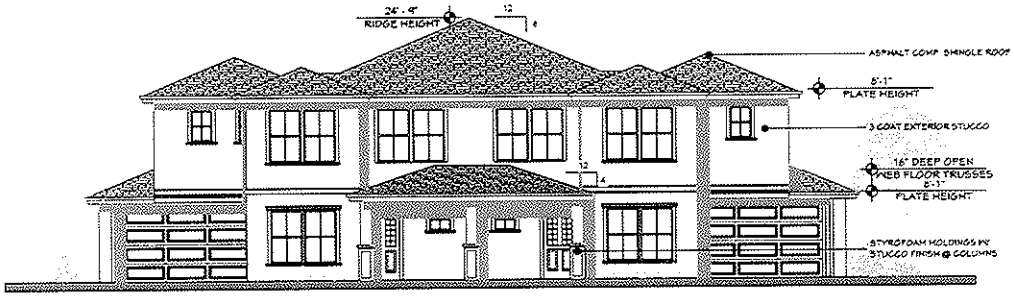


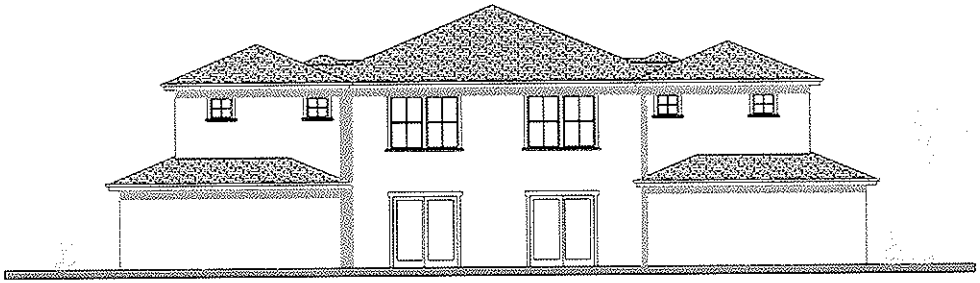
DUPLEX PLAN TWO ELEVATION C- RIGHT

SCALE: 3/16" = 1'-0"



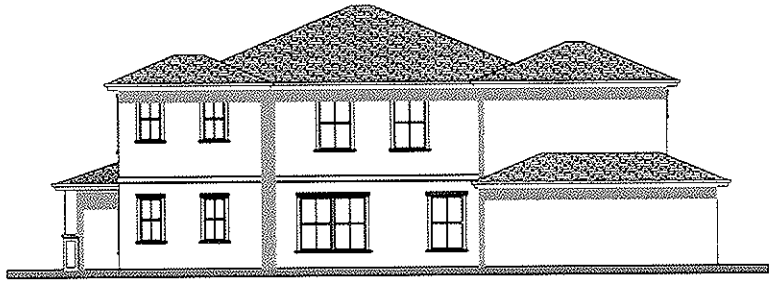
DUPLEX PLAN TWO ELEVATION C- FRONT

SCALE: 3/16" = 1'-0"



DUPLEX PLAN TWO ELEVATION C- REAR

SCALE: 3/16" = 1'-0"



DUPLEX PLAN TWO ELEVATION C- LEFT

SCALE: 3/16" = 1'-0"

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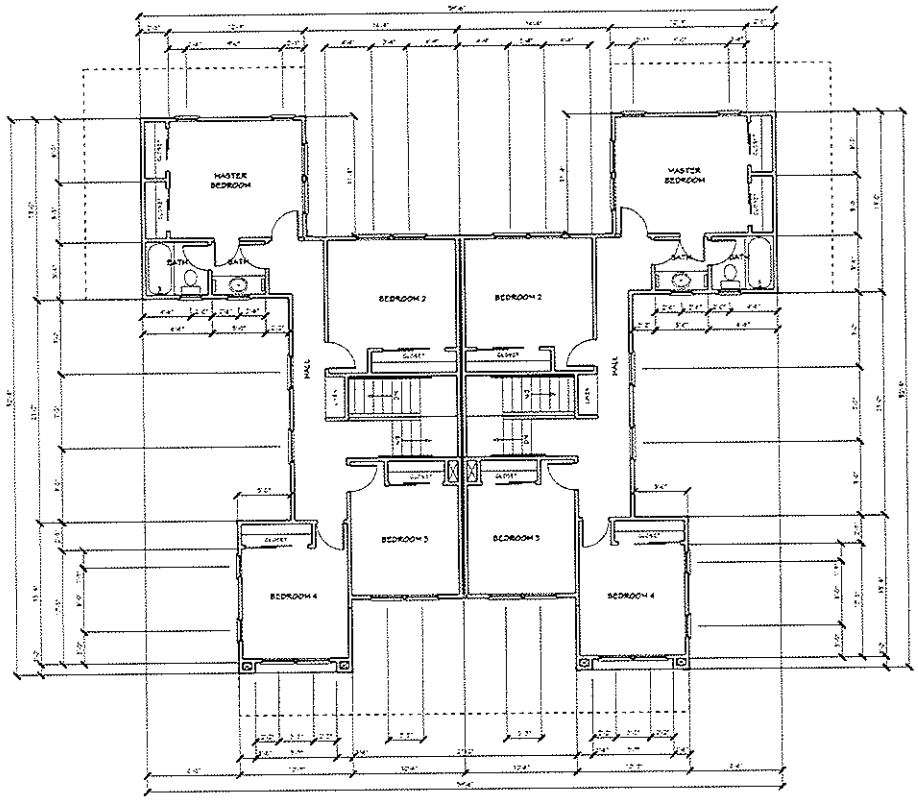
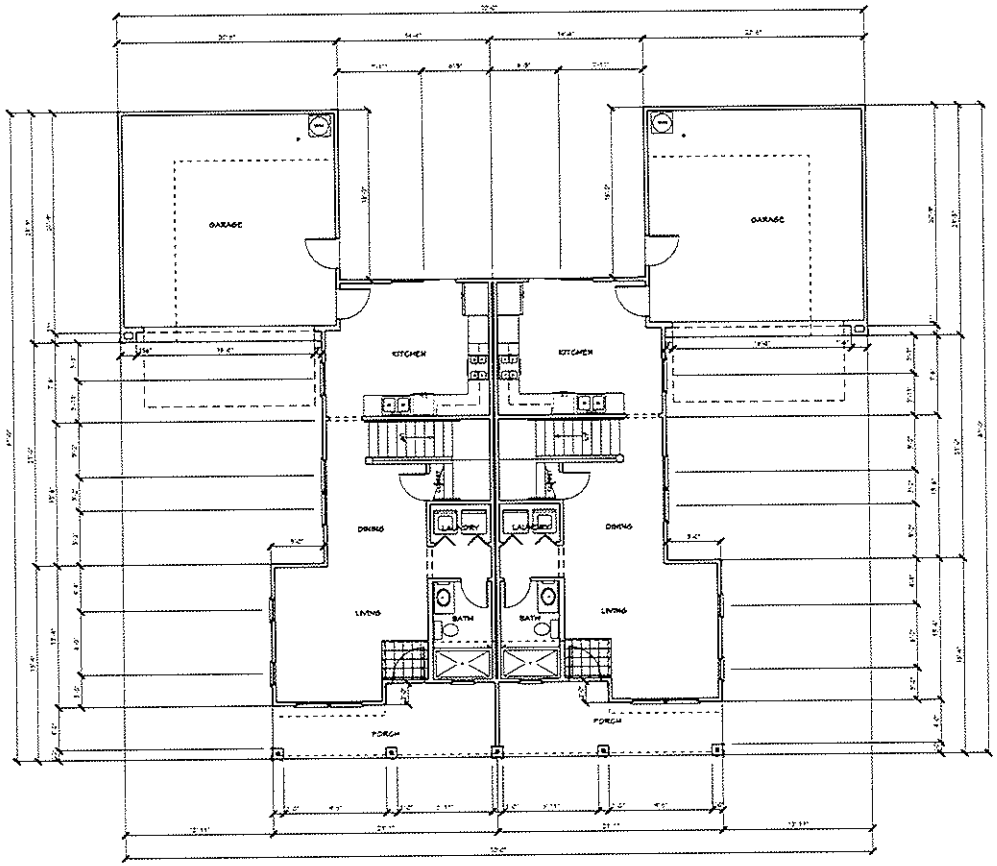


DUPLEX PLAN TWO - SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"

SQUARE FOOTAGE	
1ST FLR	860 SQ FT
2ND FLR	625 SQ FT
TOTAL MAIN BLDG	1305 SQ FT
GARAGE	425 SQ FT
PORCH	125 SQ FT



DUPLEX PLAN TWO - FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0"

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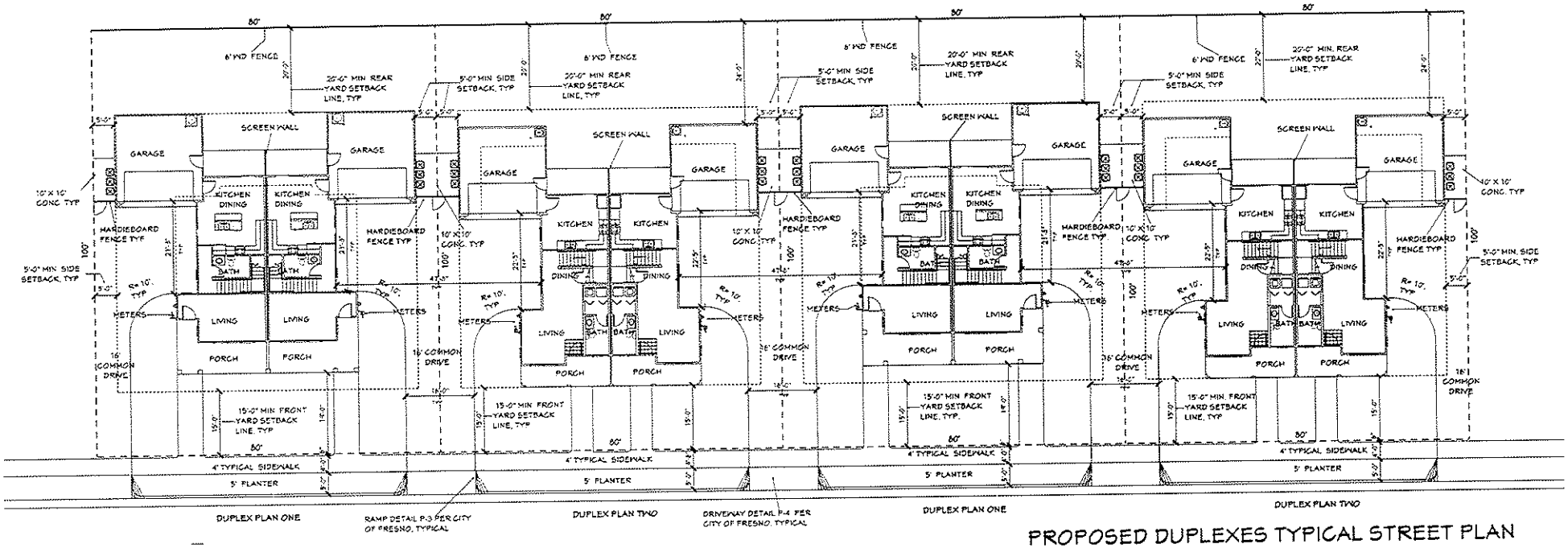
PROPOSED DUPLEXES STREETSCAPE

3/32"=1'-0"



PROPOSED DUPLEXES TYPICAL STREET PLAN

3/32"=1'-0"

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#1. #1544
WAYNESBORO TAUPE
(BENJAMIN MOORE PAINT)

① STUCCO FOAM TRIM WINDOW SURROUND
② WOOD WINDOW TRIM

#2. #2137-30
DURANGO
(BENJAMIN MOORE PAINT)

① CORBELS

#3. #1060
BLANCHED ALMOND
(BENJAMIN MOORE PAINT)

① EXTERIOR STUCCO

#4. #1061
BRUNSWICK BEIGE
(BENJAMIN MOORE PAINT)

① EXTERIOR STUCCO

#5. #1225
ABBEY BROWN
(BENJAMIN MOORE PAINT)

① DOORS
② ALL METAL RAILINGS

#6. #2165-20
GOLDEN MEADOW
(BENJAMIN MOORE PAINT)

① STUCCO FOAM CAP
② GUTTERS, FASCIA
③ STAIR TOWER PLATE

#7. #232
WINTER WHEAT
(BENJAMIN MOORE PAINT)

① STAIRWELL CEILING, STAIRWELL WALLS
② COLUMNS, STUCCO FOAM TRIM BAND AT COLUMN TOP
③ PORCH CEILINGS, WALLS

#8. #302
PONDEROSA - ARCADIA
(EAGLE ROOFING PRODUCTS)

① CONCRETE ROOF TILES

#9. BLUE CREEK
STACK STONE
(TEJAS TEXTURED STONE)

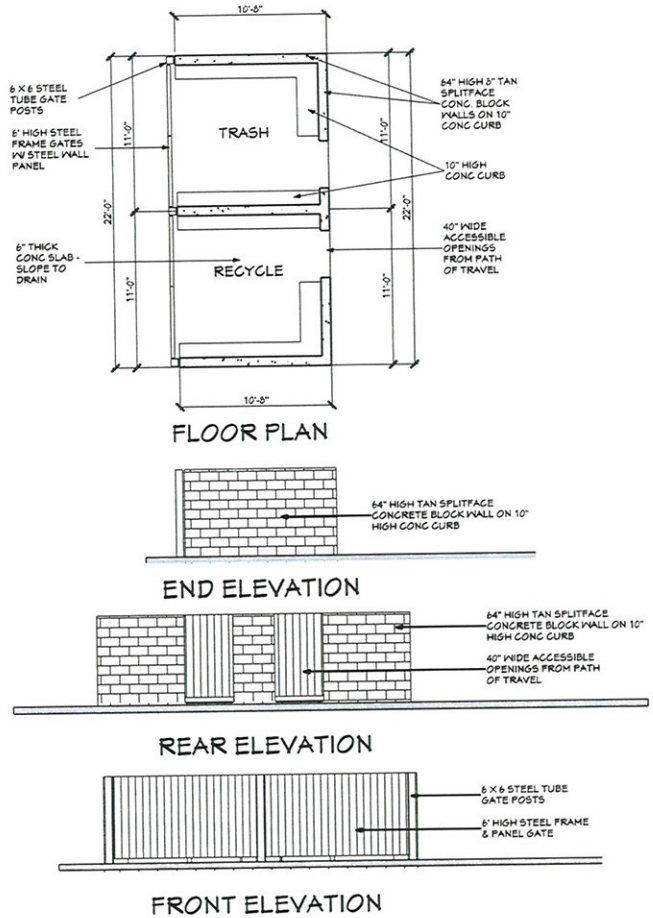
① SYNTHETIC STONE VENEER

San Joaquin Design Group
Architecture & Planning
7877 N. Pershing Ave. - Stockton, Ca. 95207
Tel: (209) 478-4013 Fax: (209) 478-0266

VILLA PRISTINE

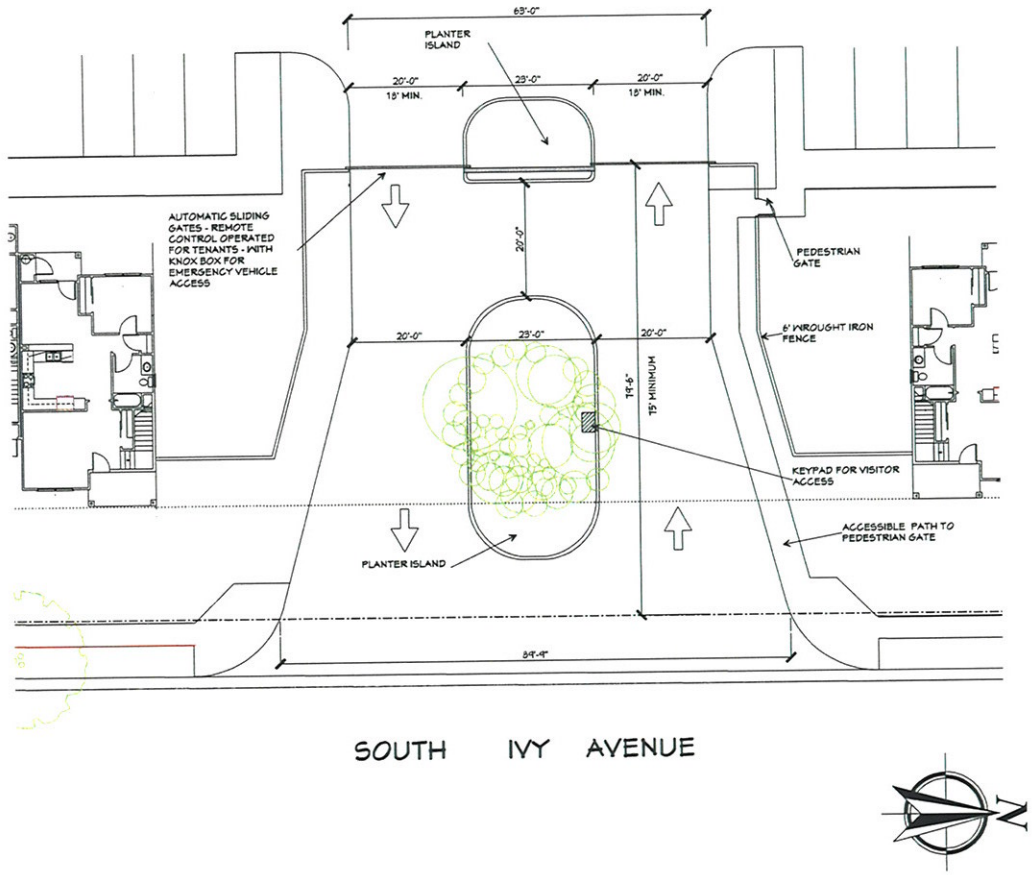
FRESNO, CALIFORNIA

VISIONARY HOME BUILDERS
315 NORTH SAN JOAQUIN STREET
STOCKTON, CALIFORNIA 95202
(209) 466- 6811



TYPICAL TRASH ENCLOSURE

1/4" = 1'-0"



GATED ENTRY DETAIL

1"= 10'-0"

VILLA PRISTINE
PROPOSED MULTI FAMILY COMMUNITY
CHURCH AVENUE
FRESNO, CALIFORNIA

San Joaquin Design Group

Architecture & Planning

7877 N. Pershing Ave. - Stockton, Ca. 95207
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VISIONARY HOME BUILDERS

315 NORTH SAN JOAQUIN STREET
STOCKTON, CALIFORNIA
(209) 466-6811

LANDSCAPE/SHADE CALCULATION

TOTAL PARKING LOT AREA = 62,747 S.F.

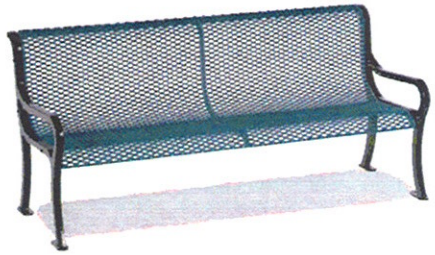
SHADED AREA REQ'D. @ 50% = 31,374 S.F.
SHADE TREE AREA COVERAGE:

30-35' DIAMETER TREES
FULL: 9 @ 962 SQ. FT. = 8,658 S.F.
3/4 : 5 @ 711 SQ. FT. = 3,557 S.F.
HALF: 19 @ 481 SQ. FT. = 9,139 S.F.
QUARTER: 3 @ 240 SQ. FT. = 720 S.F

20-30' DIAMETER TREES
FULL: 0 @ 707 SQ. FT. = S.F.
HALF: 21 @ 354 SQ. FT. = 7,434 S.F.
QUARTER: 0 @ 177 SQ. FT. = 0 S.F

15'-20' DIAMETER TREES
FULL: 0 @ 314 SQ. FT. = S.F.
HALF: 22 @ 157 SQ. FT. = 3,454 S.F.
QUARTER: 0 @ 79 SQ. FT. = 0 S.F

TOTAL SHADED AREA PROVIDED = 32,962 S.F.



WABASH VALLEY 6' DIAMOND BENCH

WABASH VALLEY 8' PICNIC TABLE

LANDSCAPE STRUCTURES MINI SPACENET CLIMBER #142428A

LANDSCAPE STRUCTURES NATURE EXPLORER

ODYSSEY LANDSCAPE CO.
& LANDSCAPE ARCHITECTURE
5400 W. HIGHWAY 12, LODI, CA
(209) 369-6197 (209) 369-5965 FAX
www.odysseylandscape.com

VILLA PRISTINE MULTI FAMILY COMMUNITY

TRACT 5492, CHURCH STREET, FRESNO, CA

Visionary Home Builders
Stockton, CA

Exhibit F

Conditions of Approval for Vesting Tentative Tract Map No T-5978 dated December 1, 2010, including memoranda from responsible or commenting agencies

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL
DECEMBER 01, 2010

VESTING TENTATIVE TRACT MAP NO. 5978
"A PLANNED DEVELOPMENT"

SOUTH SIDE OF EAST CHURCH AVENUE BETWEEN SOUTH MARTIN LUTHER KING JR. BOULEVARD AND SOUTH ELM AVENUE

All tentative maps are subject to the applicable provisions of the State Subdivision Map Act, Fresno Municipal Code (FMC), City policies, and City of Fresno Standard Specifications. The following specific conditions are applicable to this vesting tentative map:

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, 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 the imposition of the fees, dedications, reservations or exactions imposed on the development project.

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 5978, the subdivider may prepare a Final Map in accordance with the approved tentative map, and Conditional Use Permit Application No. C-10-69.

2. An Air Impact Assessment (AIA) application for the proposed project shall have been submitted to the San Joaquin Valley Air Pollution Control District prior to the submittal/acceptance of any phase of the Final Map for recordation/processing.

3. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.

4. Submit grading plans and a soils report to the City of Fresno Planning and Development Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.

5. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

6. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.

7. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.

8. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Article 10, Chapter 12, "Subdivision of Real Property;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.

9. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.

10. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.

11. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

GENERAL INFORMATION

12. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.

    a) 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 details) 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.

i) Attached for the subdivider/developer's use is a copy of the Mode of Delivery Agreement – New Construction Form.

13. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of Fresno Municipal Code Chapter 12, Article 10, Subdivision of Real Property.

14. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.

15. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.

16. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.

17. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.

18. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.

19. An archaeological 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 measures.

20. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.

21. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written

application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

If the subdivider elects to apportion the assessment, the application shall contain the following information:

a) A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;

b) A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and

c) Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.

d) The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

ZONING & PROPERTY DEVELOPMENT STANDARDS

22. As a proposed "Planned Development" subdivision, approval of Vesting Tentative Tract Map No. 5978 is contingent upon approval of Conditional Use Permit Application No. C-10-69; authorizing the planned development of the subject property.

23. The subject property is zoned R-1 (*Single Family Residential District*). Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the R-1 (*Single Family Residential*) zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-10-69.

24. Outlot "C" of Vesting Tentative Tract Map No. 5978 shall be utilized for multiple family residential, open space, and ancillary use purposes in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-10-69.

25. Outlot "A" of Vesting Tentative Tract Map No. 5878 shall be utilized for public water well purposes subject to approval of a conditional use permit application authorizing the development of the well site.

Lot Area and Dimensions

26. Pursuant to Section 12-306-N-21 of the FMC the Director of the Development and Resource Management Department or the Planning Commission may modify the property development standards of the underlying zone district if determined that the proposed development conforms to the provisions of the abovementioned section. However, in no case shall proposed parcels be less than the following minimum standards:

    a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 5978.

Building Setbacks

27. Building setbacks shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-10-69.

Fences, Hedges & Walls

28. Fences Hedges and Walls shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-10-69.

LANDSCAPING AND OPEN SPACE

29. Dedicate a minimum 10-foot wide landscape easement along the entirety of those portions of the north property lines of proposed Outlots "A" and "C" of Vesting Tentative Tract Map No. 5978, which front onto East Church Avenue.

30. Dedicate a minimum 20-foot wide landscape easement along the entirety of the north property line of Lot 1 of Vesting Tentative Tract Map No. 5978, which fronts onto East Church Avenue.

31. Two to five percent (2%-5%) of the site (less major street dedications) should consist of common passive/active open space in accordance with: the City of Fresno Proposed Guidelines for Landscape Open Space and Pedestrian Walkway Requirements for Residential Development; the Conditions of Approval for Conditional Use Permit Application No. C-10-69; and, the following:

    a) All subdivisions that are 10 net acres in area or greater shall provide a minimum of 2.5 percent of the site with aggregate open space.

        i) Outlot "E" of Vesting Tentative Tract Map No. 5978 shall be utilized for public open space purposes and improved in conjunction with Outlot "E" of Vesting Tentative Tract Map No. 5786.

            - NOTE: As Outlot "C" of Vesting Tentative Tract Map No. 5978 contains area around the proposed Community Building site of approximately two acres of open space with play structures, open play areas and a basketball and tennis court, which has been proposed to be made available for the residents of the planned development, aggregate open space requirements for this map are determined to have been met.

        ii) As Outlot "E" of Vesting Tentative Tract Map No. 5978 will be utilized for open space purposes and improved in conjunction with Outlot "E" of Vesting Tentative Tract Map No. 5786, thereby meeting the recommended minimum requirements to qualify for fee credit against the City's Parkland Dedication/In-Lieu Fee (Quimby Act) and/or Park Facilities Fee, Outlot "E" of Vesting Tentative Tract Map No. 5978 may be applied as a fee credit against the City's Parkland Dedication/In-Lieu Fee (Quimby Act) and/or Park Facilities Fee, as appropriate.

        iii) Outlot "G" of Vesting Tentative Tract Map No. 5978 shall be utilized for either public open space purposes; or, for additional community open space as a

community garden in accordance with Conditional Use Permit Application No. C-10-69.

b) Landscaped pedestrian connections/walkways shall be provided for all subdivisions in order to promote "walkability", link neighborhoods and to provide residents the opportunity to reach destinations, including (but not limited to) residences, bus stops, trails, parks (including mini, neighborhood, community, regional parks, etc.), schools, shopping centers, other subdivisions, etc.

   i) Outlots "D" and "F" of Vesting Tentative Tract Map No. 5978 shall be utilized for public open space purposes for pedestrian connectivity and shall be improved in conjunction with Outlots "D" and "F" of Vesting Tentative Tract Map No. 5786.

   ii) Outlot "D" of Vesting Tentative Tract Map No. 5978 shall be expanded to include that portion of property depicted as a 10-foot wide Public Utility Easement (PUE) along East Grove and South Clara Avenues; adjacent to proposed Lot 35 of Vesting Tentative tract Map No. 5786.

c) Major street entryways should contain enhanced landscaping (and irrigation systems), surface materials, and fencing/wall treatments that respectively improve and better define a project's visual image and character.

   i) Outlot "B" of Vesting Tentative Tract Map No. 5978 shall be utilized for public open space and enhanced entryway purposes.

32. All proposed landscaped open spaces, pedestrian connections, entryways, and pathways shall be improved in accordance with the approved landscape improvement plans, which are to be submitted to the Development and Resource Management Department for review and approval prior to Final Map approval.

    - NOTE: Lighting details shall be provided with the submittal of the landscape improvement plans.

33. Maintenance of all Outlots proposed within the boundary of Vesting Tentative Tract Map No. 5978 shall be provided pursuant to the Maintenance Obligations stipulated herein below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

34. Landscaping, which is compliant with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards," shall be required adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

35. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscape easements as determined by the Planning and Development Department. Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage; or, one tree per home (whichever is greater) by the developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards and AB 1881 Model Water Efficient Landscape Ordinance.

36. Comply with all of the: (1) Street Tree; (2) Buffer Landscape & Maintenance; (3) Median Island Landscape; and, (4) Outlot requirements stipulated within the Department of Public Works memorandum from the Parks Supervisor dated November 23, 2010.

STREETS AND RIGHTS-OF-WAY

37. The following street names shall be corrected on the tentative map:

Street Name	Status	Required Change
East Laurite Avenue	Change	East Booker Avenue
(blank on the southwest corner of Lot 35)	Add	South Clara Avenue

38. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.

39. Comply with all of the requirements stipulated within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated October 06, 2010.

SANITARY SEWER SERVICE

The nearest sanitary sewer mains to serve the proposed project is a 30-inch main located in East Church Avenue. An existing 14-inch private Winery Stillage Waste Pipeline shall not be disturbed or utilized for sewer service by the proposed subdivision. The following sewer conditions shall be required prior to providing City sewer service to the project:

40. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated September 13, 2010.

WATER SERVICE

The neares water main to serve the proposed project is a 10-inch main located in East Church Avenue, and an 8-inch main located in East Grove Avenue. The following water improvements shall be required prior to providing water service to the project:

41. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Water Division memorandum dated August 30, 2010.

SOLID WASTE SERVICE

This tract will be serviced as both Single Family Residential and Multiple Family Residential properties with basic container service for duplex lots and bin service for the proposed apartment complex on Outlot "C" of Vesting Tentative Tract Map No. 5978, subject to the following conditions:

42. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Solid Waste Division memorandum dated September 22, 2010.

FIRE SERVICE

Fire service is available to the proposed tract subject to the following requirements:

43. Comply with all of the requirements stipulated within the attached Fresno Fire Department memorandum dated September 08, 2010.

FLOOD CONTROL AND DRAINAGE

44. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letters to the Planning and Development Department dated September 28, 2010.

COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

45. Comply with all of the requirements stipulated within the attached County of Fresno Department of Public Health memorandum dated September 13, 2010.

RIGHT-OF-WAY ACQUISITION

46. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.

47. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.

48. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.

49. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.

50. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

MAINTENANCE OBLIGATIONS

51. The long term maintenance of all the items listed below is the ultimate responsibility of the owner/developer.

    a) Maintenance of all landscaping, hardscaping and other common features included within Outlot "C" of Vesting Tentative Tract Map No. 5978.

    b) Maintenance of all landscaping, irrigation systems and hardscaping (i.e., curbs, gutters, valley gutters, sidewalks, off-street parking areas associated with the project (including medians, landscape easements, and outlots).

    c) Maintenance of all decorative concrete, masonry walls, fences, pilasters and/or entry treatments to the tract.

    d) Maintenance of all street lights, street trees and street signage within the boundary of the tentative map.

52. Comply with all the requirements stipulated within the attached Public Works Department memorandum respective to Communities Facilities District Maintenance dated November 22, 2010.

    a) If the owner/developer chooses to be annexed into the City's CFD for maintenance purposes, then an Annexation Request Package shall be submitted to the Public Works Department for review, processing, and approval.

        - NOTE: Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available on-line on the City of Fresno website (http://www.fresno.gov) under the Public Works Department Developer Doorway.

    b) Construction plans for all features to be maintained by a CFD for a final map shall be included in the final map submission to the Development Department for processing. Where applicable, this shall include a Street Tree Location and Street Tree Species (by street) map. Landscaping plans shall contain actual tree and plant counts by species and include the areas (in square feet) of turf, shrubs and trees, and sidewalks or other paved areas within all landscaped areas.

        - NOTE: The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require that landscape and irrigation plans be submitted with landscape buffer plans for approval prior to inclusion into the CFD.

    c) Proceedings to place the Final Map into a CFD shall not commence until the Final Map has been annexed into the City of Fresno and the Final Map, Landscape and Street Construction Plans are considered to be technically correct.

    d) If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, he/she shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will

have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. The developer/subdivider shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.

53. Should the City Council or owner/developer choose not to include all of the maintenance items or certain items listed above in a CFD, then the property owner/developer shall be responsible for establishing a Home Owners' Association (HOA) or other property based management mechanism which provides for the maintenance of these items in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.

    a) The subdivider shall establish a Home Owners' Association (or other approved mechanism) to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City pursuant to Section 12-1026 of the Fresno Municipal Code. The agreement with the City described herein, shall among other things, specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.

        - NOTE: Should the owner/developer elect to establish a Home Owners' Association to perform maintenance obligations and assure that said obligations are met, then the owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.

    b) The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Development and Resource Management Department for review two weeks prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Development and Resource Management Department Guidelines for preparation of CC&Rs dated January 11, 1985.

54. Prior to the sale of any of the duplex lots proposed to be created by Vesting Tentative Tract Map No. 5978, the owner/developer shall establish a homeowner's association for the maintenance of the aforementioned items in accordance with all of the provisions related to HOA's contained herein.

    a) In the instance duplex lots are sold, then the CC&Rs for the required HOA shall include terms and provisions respective to enforcement of maintenance of private yards and properties within the limits of the subdivision.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

- Applicable Flood Fees as determined by the Fresno Metropolitan Flood Control District.

SEWER CONNECTION CHARGES	*FEE RATE*
a. Lateral Sewer Charge [1]	$0.10/sq. ft. (to 100' depth)
b. Oversize Charge [1]	$0.05/sq. ft. (to 100' depth)
c. Trunk Sewer Charge [2] Service Area:	N/A
d. Wastewater Facilities Charge - Outlot "C": - Lots 1-35:	 S.T.E.P.** $2,119 /living unit [3]
e. Fowler Trunk Sewer Interim Fee Surety [1]	N/A
f. Copper Avenue Sewer Lift Station Charge [1]	N/A
g. House Branch Sewer Charge [2]	N/A
h. Millbrook Overlay Sewer [1]	N/A

WATER CONNECTION CHARGES	*FEE RATE*
i. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule
j. Frontage Charge [1]	$6.50/lineal foot
k. Transmission Grid Main Charge [1]	$643/gross acre (parcels 5 gross acres or more)
l. Transmission Grid Main Bond Debt Service Charge [1]	$243/gross acre (parcels 5 gross acres or more)
m. Water Supply Fee [2] Service Area:	N/A
n. Well Head Treatment Fee [2] Service Area:	N/A
o. Recharge Fee [2] Service Area:	N/A
p. 1994 Bond Debt Service [1] Service Area:	N/A

CITYWIDE DEVELOPMENT IMPACT FEES	*FEE RATE*
q. Fire Facilities Impact Fee – Citywide [4] - Residential, Mulit-Family	$439/living unit
r. Park Facility Impact Fee – Citywide [4] - Residential, Mulit-Family	$1853/living unit
s. Quimby Parkland Dedication Fee [2] - Residential, Mulit-Family	$911/living unit
t. Citywide Regional Street Impact Fee [3] - Residential, Mulit-Family	$13,846.00/adj. acre
u. New Growth Area Major Street Fee [3] - Residential, Mulit-Family	N/A
v. Police Facilities Impact Fee – Citywide [4] - Residential, Mulit-Family	$508/living unit
w. Traffic Signal Charge [1] - Residential, Mulit-Family	$316.65/living unit

Notes:

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits.

The Board of Directors of the Fresno County Regional Transportation Mitigation Fee Agency approved Resolution No. 2009 – 01 requiring the payment of Regional Transportation Mitigation Fee. The effective date of this resolution is January 1, 2010. Contact the Council of Fresno County Governments (FCOG) to determine this fee obligation. Confirmation by the FCOG is required before the City of Fresno can issue building permits.

**Upon occupancy of the project, the subdivider shall pay the appropriate sewer facility charge pursuant to the Simple Tiered Equity Program (STEP) as determined by the Department of Public Utilities, Wastewater Division, Environmental Services Section (559-621-5153).

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III
Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559.621.1345)
Engineering Division

DATE: August 30, 2010 **REVISED November 23, 2010**

SUBJECT: Tract 5978 (APN: 479-020-49) located on the south side of East Church Avenue between South Martin Luther King Jr. Blvd. and South Elm Avenue. The Department of Public Works has reviewed the Tentative Tract Subdivision Map proposed by North Star Engineering Group, on behalf of Visionary Home Builders of California, on engineering plans dated July 20, 2010. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in the street right-of-ways, landscape easements, and outlots:

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per home (whichever is greater) by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards and AB 1881.

   The designated street tree for East Church Ave is:

Ulmus parvifolia 'Varietals'	**Chinese Evergreen Elms and/or**
Cinnamomum camphora	**Camphor Tree**

2. Street Tree Planting by Developer: For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 60' of street frontage, or one tree per lot having street frontage, whichever is greater. Tree planting shall be within a 10' Public Planting and Utility Easement.

   a. Street tree inspection fees shall be collected for each 60' of public street frontage or one tree per lot whichever is greater.

   b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."

   c. Landscape plans for all public use areas, such as parkways, buffers, medians and trails, shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all residential street tree plantings.

   d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications and Drawings of the City of Fresno.

e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.

BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS

1. The subdivider shall provide long term maintenance for all proposed landscaped areas by either petitioning for annexation in the Community Facilities District or by forming a Home Owner's Association.

2. Maintenance Service through Annexation into the Community Facilities District. Landscape and Irrigation plans are required and shall be submitted to the Department of Public Works for review and approval prior to a Council approval of the final map. Plans shall be numbered to conform to and be included in the Department of Public Works street construction plan set for the final map. Fees are applicable when the subdivider elects to have landscaping maintained by annexing into the City's Community Facilities District.

A. Landscaping shall comply with Landscape Buffer Development Standards approved by the City Council on October 2, 1990. Landscape and irrigation plans shall comply with Sections 12-306-23 & 24 and 14-121 of the Fresno Municipal Code regarding Water Efficient Landscaping and Buffer landscaping and AB 1881.

B. Should the proposed landscape buffers and/or parkway strips be located next to an existing buffer and/or parkway strip, the planting concept shall simulate the adjacent landscape design to present a more uniform appearance on the street. Variances in the landscape concept will be acceptable, but the design of the new landscape buffer and/or parkway strip shall strive to mimic the existing as much as possible.

C. Landscape plans shall indicate grades on a cross-section detail to include fencing or wall details. All fencing shall be placed outside the landscape easement. Maximum slopes shall not exceed 4:1 with 1 foot of level ground between the slope and the back of the side walk and/or face of fence. Erosion control measures shall be implemented on all slopes of 4:1, including the use of synthetic erosion control netting in combination with ground cover species approved by the Department of Public Works/Engineering Services Division.

D. The water meter(s) serving the buffer landscaping shall be sized for the anticipated service flows.

E. No private flags, signs or identification of any kind shall be permitted in the right-of-way, within the City - controlled easement or on the fence or wall facing the street.

F. Landscaping in the right-of-way and landscape setback adjacent to water well sites shall be the responsibility of the City of Fresno Water Division and may not be included in the CFD.

OUTLOTS

1. The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require approving landscape and irrigation plans to be submitted with landscape buffer plans prior to inclusion into the CFD.

2. Outlots which are utilized for water well purposes will not be included in the CFD. The Water Division Department in Public Utilities will provide the maintenance for all plant material and irrigation systems on and adjacent to the well site.

City of
FRESNO

DATE: October 6, 2010

TO: Will Tackett, Planner III
Development Department, Planning Division

THROUGH: Bryan Jones, TE, PTP, AICP City Traffic Engineer / Division Manager
Public Works Department, Traffic and Engineering Services Division

FROM: Louise Gilio, Traffic Planning Supervisor
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Public Works Conditions of Approval
TT 5978, 1348 E Church Avenue
(Church Avenue between Martin Luther King and Elm)
Visionary Home Builders of California/ Northstar Engineering Group Inc.

The Public Works Department, Traffic Planning Section, has completed its review and the following requirements are to be placed on this tentative map as a condition of approval by the Public Works Department.

General Conditions:

1. Curb Ramps: Provide curb ramps at all corners within the limits of this subdivision.
2. **Pedestrian Easements: Major Streets: Include the 2' dedication for a pedestrians within the street right of way.**
3. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.
4. Intelligent Transportation Systems (ITS): Street work on major streets shall be designed to include ITS in accordance with the Public Works ITS Specifications, where not existing.
5. Entrances: (local street / major street intersections) Dedicate a minimum of **66'** of street right of way and construct concrete medians to a modified Public Works Standard **P-86**. **No parking is allowed within the limits of the proposed median.**
6. Design local streets with a minimum of 250' radius.
7. Local street lengths exceeding 800' and four way intersections require traffic calming measures. Construct permanent traffic circles per Public Works Standards Submit a **modified P-85** for review and approval. Identify and provide cross sections on the map. **No parking is allowed adjacent to the circles.**
8. Outlots: If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, subdivider shall prove to the City that the outlot is free of toxic or hazardous materials pursuant to the requirements of City Administrative Order 8-1, including, but not limited to, performing a Phase I Soils Investigation. The soils Investigation report shall be submitted to the Public Works Department for review and approval. The subdivider must obtain Public Works approval of the soils investigation report and complete any mitigation work identified by the soils investigation prior to subdivider's submittal of the Final Map to the Development Department. Any and all costs associated of the soils investigation and any required mitigation work shall be performed at the sole expense of the subdivider.

9. Plan Submittal: Submit the following plans, as applicable, in a single package, to the Planning and Development Department for review and approval: Street Construction, Signing, Striping, Traffic Signal and Streetlight and Trail Lighting, Signing and Striping.
10. Street widening and transitions shall also include utility relocations and necessary dedications.

Frontage Improvement Requirements:

Major Streets:

Church Avenue: Collector

1. Dedicate **54' (+ 2' for pedestrians north of Wisteria and south of Ivy)** of property, from section line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards. (Reference Official Plan Line No. 6)
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5,** transition as needed
   A. Church north of Wisteria and south of Ivy: The curb shall be constructed to a **12' residential pattern.** Construct a 6' residential sidewalk.
   B. Church between Wisteria and Ivy: The curb shall be constructed to a 8' pattern with 6' sidewalks and street trees in a landscape easement.
3. Construct 20' of permanent paving (measured from face of curb) within the limits of this subdivision.
4. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.
5. Relinquish direct vehicular access rights to Church Avenue from all lots within this subdivision.

Interior Streets:
Dedicate, design and construct all curb, gutter, sidewalk, (both sides), permanent paving, cul-de-sacs, easements and underground street lighting systems on all interior local streets to Public Works Standards. All driveways shall be constructed to Public Works Standards **P-1** and **P-6**. Sidewalk patterns shall comply with Public Works Standard **P-56** for 56' streets.

Specific Mitigation Requirements: This tract will generate **92 a.m. / 120 p.m.** peak hour trips; a Traffic Impact Study (TIS) has been submitted. Comply with the mitigation measure requirements of the Traffic Engineering Manager..

1. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
2. Provide a minimum of **75'** from the proposed gate to the back of walk, for vehicle stacking at both entrances and redesign to provide for an onsite turn around.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay the current Traffic Signal Mitigation Impact Fee (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 for single family units and apartments (fee rate as shown in the Master Fee Schedule). Duplex units to be calculated as single family units per Bryan Jones.

This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan

circulation element and included in the Nexus Study for the TSMI fee. Project specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated 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. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.

Fresno Major Street Impact (FMSI) Fee :

This Map 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.

State of California Department of Transportation (Caltrans) Fees: No comment

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

DPU
Providing Life's Essential Services

Date: September 13, 2010

To: WILL TACKETT, Planner III
Planning and Development

From: DOUG HECKER, Supervising Engineering Technician
Department of Public Utilities, Planning and Engineering Division

Subject: SEWER REQUIREMENTS FOR VESTING TENTATIVE TRACT 5978, CONDITIONAL USE PERMIT NO. C-10-069

General

T-5978 & C-10-069 have been filed by North Star Engineering Group, Inc., on behalf of Visionary Home Builders of California, property owner, and pertain to approximately 18.90 acres of property located on the south side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue, 1348 East Church Avenue, APN 479-020-49. T-5978 and C-10-069 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of 35 duplex lots, a 79-unit apartment complex on one Outlot, and an additional six Outlots proposed to be dedicated for open space and public water well purposes.

Sanitary Sewer Service

The nearest sanitary sewer main to serve the proposed project is a 30-inch main located in East Church Avenue. An existing 14-inch private Winery Stillage Waste Pipeline shall not be disturbed or utilized for sewer service by the proposed subdivision. The following sewer conditions shall be required prior to providing City sewer service to the project:

1. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developers' final map and engineered plan & profile improvement drawing for City review.

2. Project shall connect to the existing southerly 30-inch sanitary sewer main located within East Church Avenue.

3. Connection to the existing 14-inch private Winery Stillage Waste Pipeline shall not be allowed.

4. Retain existing fifteen (15) foot easement for the existing 14-inch Winery Stillage Waste Pipeline located on the north side of the proposed subdivision and within E. Grove Avenue.

5. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.

6. Separate sewer house branches are required for each lot.

7. Abandon any existing on-site private septic systems.

8. Street easements and/or deeds shall be recorded prior to approval of improvement plans.

9. All sewer main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the sewer main. The planting plan, for any proposed landscape within the easement, shall be approved by the Department of Public Utilities. No trees shall be located within 8-feet of the sewer main.

10. All underground street utilities shall be installed prior to permanent street paving.

11. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed additions to the City Sewer System.

12. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.

13. 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. Sewer Lateral Charge

2. Oversize Sewer Charge

3. Wastewater Facilities Charge (Residential Only)

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION

DPU
Providing Life's Essential Services

DATE: August 30, 2010

TO: WILL TACKETT, Planner III
Planning and Development

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 TENTATIVE TRACT MAP 5978 AND CONDITIONAL USE PERMIT C-10-069**

General

Vesting Tentative Tract Map No. 5978 and Conditional Use Permit Application No. C-10-069, have been filed by North Star Engineering Group, Inc., on behalf of Visionary Home Builders of California, property owner and pertain to approximately 18.90 acres of property located on the south side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue. Vesting Tentative Tract Map No. 5978 and Conditional Use Permit Application No. C-10-069 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 35 duplex lots; a 79-unit apartment complex on one Outlot; and an additional six Outlots proposed to be dedicated for open space and public water well purposes.

Water Service

The nearest water main to serve the proposed project is a 10-inch main located in East Church Avenue, and an 8-inch water main located in East Grove Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.

2. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a flow amount to meet a total demand of 1,000 gallons per minute, sufficient to serve peak water demand for the project and for fire suppression purposes, or an alternative flow amount that is acceptable to the Public Utilities Director and Fire Department Chief (or their designees). Well site(s) shall be of a size(s) and at a location(s) acceptable to the Water Systems Manager.

3. Water well construction shall include wellhead treatment facilities, if required.

4. The developer shall provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities.

5. All irrigation clocks/control devices shall be based on evapotranspiration and include the use of soil probes and rain sensors.

6. 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.

7. All public water facilities shall be constructed in accordance with Public Works Department standards, specifications, and policies.

8. All water main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the water main. The planting plan, for any proposed landscape within the easement, shall be approved by the Department of Public Utilities. No Trees shall be located within 8-feet of the water main.

9. All water mains within an easement shall be clearly marked with signage above indicating the exact location and type of facility below.

10. 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.

11. 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.

12. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.

13. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

Water Fees

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

1. Wet-ties, water service(s), and meter(s) installations to be performed by the City Water Division.

2. Frontage Charge.

3. Transmission Grid Main Charge.

4. Transmission Grid Main Bond Dept Service Charge.

City of
FRESNO
DEPARTMENT OF PUBLIC UTILITIES

September 22, 2010

TO: Will Tackett, Planner III
Development Department, Planning Division

THROUGH: Robert Weakley, Chief of Operations
Department of Public Utilities, Solid Waste Division

FROM: Chris Weibert, Management Analyst II
Department of Public Utilities, Administration

SUBJECT: TT 5978 & C-10-069, Solid Waste Conditions of Approval
Location: South side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue (APN 479-020-49)

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map 5978 & C-10-069 that was submitted by North Star Engineering Group, Inc., on behalf of Visionary Home Builders of California. The following requirements and conditions are to be placed on this vesting tentative tract map and conditional use permit as a condition of approval by the Department of Public Utilities.

General Requirements:

- The Multi-Family residential area of Tract 5978 will be serviced with bin service.
- Developer shall provide a minimum of three, 2-cell trash enclosures on this property constructed to current standards. The developer shall provide signage to clearly identify all recycling or solid waste collection and the materials accepted therein.
- Developer shall provide a minimum of 18' feet of unobstructed clearance at the entrances and exits gates and also along the path the solid waste vehicles travel.
- Owner shall provide a minimum of 40 cubic yards of solid waste and recycling services per week.
- There will be no separate billing for Solid Waste services. The City of Fresno shall be provided with the name and address of a property management company or homeowners association for billing purposes.
- The Single-Family residential area (duplexes) of Tract 5978 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.

- The owners, lessees or other tenants of the residential dwellings on service day, before 5:30 a.m., shall place their solid waste containers at the edge of the curb approximately 4 feet apart and shall not block any vehicle accesses, nor be placed within any traffic circle, in accordance with the City of Fresno's Solid Waste Management Division Standards.

- Per Municipal Code, Section 6-205 Solid Waste, Recycling and Green Waste Disposal Regulations, Section (c)(11). No solid waste container nor residential rubbish shall be allowed to remain at the curbline after 8:00 p.m. on the collection day.

- Per Municipal Code, Section 6-205 Solid Waste, Recycling and Green Waste Disposal Regulations, Section (c)(10). No material container shall be stored in the front yard or side yard on a street as said yards are described in Chapter 12, Articles 2 and 3 of this Code, unless the container is screened from view from the street in accordance with that article of the Code.

Special Conditions:

If project is going to be constructed in phases, all streets shall connect to one another or a temporary turnaround shall be provided. Turnaround shall be clear of all vehicles and shall be large enough to accommodate a solid waste vehicle with a turning radius of 44' feet.

City of

FRESNO

FIRE DEPARTMENT

Date: September 08, 2010

To: WILL TACKETT, Planner II
Planning and Development Department , Advance Planning

From: MIKE SCHMIDT, Supervising Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: T-5978 & C-10-069 have been filed by North Star Engineering Group, Inc., on behalf of Visionary Home Builders of California, property owner, and pertain to approximately 18.90 acres of property located on the south side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue, 1348 East Church Avenue, APN 479-020-49. T-5978 and C-10-069 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of 35 duplex lots, a 79-unit apartment complex on one Outlot, and an additional six Outlots proposed to be dedicated for open space and public water well purposes.

Hydrants

Developer must install on-site hydrants(s). See Plan for location(s). Provide fire hydrant flow of 2500 GPM with a minimum 8" water main.

Public streets hydrant(s) must be installed. Coordinate street hydrant locations with Public Works.

Fire hydrants shall be installed, tested, approved, and all surface access roads shall be installed and made serviceable prior to and during the time of construction. The hydrant 4 1/2" outlet shall face the access lane.

Note: Fire flow may be reduced to 1500 GPM if all multi-family units are eprinklered with

NFPA 13 sprinkler systems.

General

Two means of ingress/egress must be provided. This access must be maintained during all phases of development.

All construction work on this project is subject to interruption if the road system becomes impassable for fire apparatus due to rain or other obstacles. 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-round and with 24 feet minimum width or other approved method that would prevent shoulder degradation.

All openings in the perimeter of a building shall be accessible from within 150 feet of a public street or private driveway.

Streets highlighted on the plan shall be identified as fire lanes as provided in the California Vehicle Code, Section 22500.1. Designate highlighted curbs as fire lanes (red curb with "Fire Lane" in 3" white letters every 50 feet or approved signs every 50 feet).

Provide sign(s) (17" X 22" minimum) at all public entrance drives to the property "Warning - Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense - 22658 California Vehicle Code - Fresno Police Department 621-2300."

All gates on common access drives shall be equipped with approved Police/Fire bypass locks (BEST LOCKS: Padlock 21B700 series or Cylinder lock 1W7B2). Gates/fences shall not obstruct the minimum width required for fire lanes.

Clarify if curbs will be rolled or square: Plan notes indicate rolld curbs and section appears to show square curbs. Provide approved divided entrance width at access points into the tract per Traffic Engineering Div. standards.

This tract is within 1 mile of Fire Station #7.

This project is subject to City of Fresno fire service fees.

Emergency Access Only Roadways

Emergency accesses are required to be dedicated fire protection easements.

The entrance to all emergency accesses shall be posted with permanent signs: "FIRE ACCESS (6" LETTERS) vehicles removed at owner's expense (2" letters) FRESNO POLICE DEPARTMENT 621-2300 (1" letters).

All gates on the "emergency access roadway" shall be fitted with a Police/Fire bypass lock (BEST LOCKS: Padlock 21B700 series or Cylinder lock 1W7B2). Gates/fences shall not obstruct the minimum width required for fire lanes.

Pedestrian Access

Pedestrian access shall be provided to all exterior areas of buildings where necessary to assure compliance with the "150 foot rule."

All Pedestrian gates, where required for compliance with the "150 foot rule", shall remain unlocked or be provided with Police/Fire bypass locks (BEST LOCKS: Padlock 21B700 series

or Cylinder lock 1W7B2). Gates/fences shall not obstruct the minimum width required for fire lanes.

Required pedestrian access ways shall be designed to facilitate the carrying of ground ladders and the advancing of fire hose lines. Gates shall be a minimum 4 feet wide.

See plan for location of required pedestrian gate (4' minimum width)at N.W. area of project.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

File No. 210.45

PUBLIC AGENCY

WILL TACKETT
PLANNING AND DEVELOPMENT DEPARTMENT
CITY OF FRESNO
2600 FRESNO STREET, ROOM 3043
FRESNO, CA 93721-3604

DEVELOPER

JOSE NUNO, VISIONARY HOME BUILDERS OF CALIFORNIA
315 N. SAN JOAQUIN STREET
STOCKTON, CA 95202

FR TRACT No. 5978

PROJECT NO: **5978**
ADDRESS: **SWC ELM AND CHURCH**
APN: **479-020-49**

SENT: 9/28/10

Drainage Area(s)	Preliminary Fee(s)
II1	$1,050.00
II1	$15,978.00
II1	$18,405.00

TOTAL FEE: $35,433.00

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 approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Contact the FMFCD project engineer prior to approval of the final map for the fee.

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.

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

1. ____ a. Drainage from the site shall BE DIRECTED TO
   X b. Grading and drainage patterns shall be as identified on Exhibit No. 1
   ____ 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:
   X 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:
   X Grading Plan
   X Street Plan
   X Storm Drain Plan
   X Water & Sewer Plan
   X 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).
   X 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.)
   X 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 TRACT No. 5978

FR TRACT No. 5978

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. X See Exhibit No. 2 for additional comments, recommendations and requirements.

Gerald E. Lakeman
District Engineer

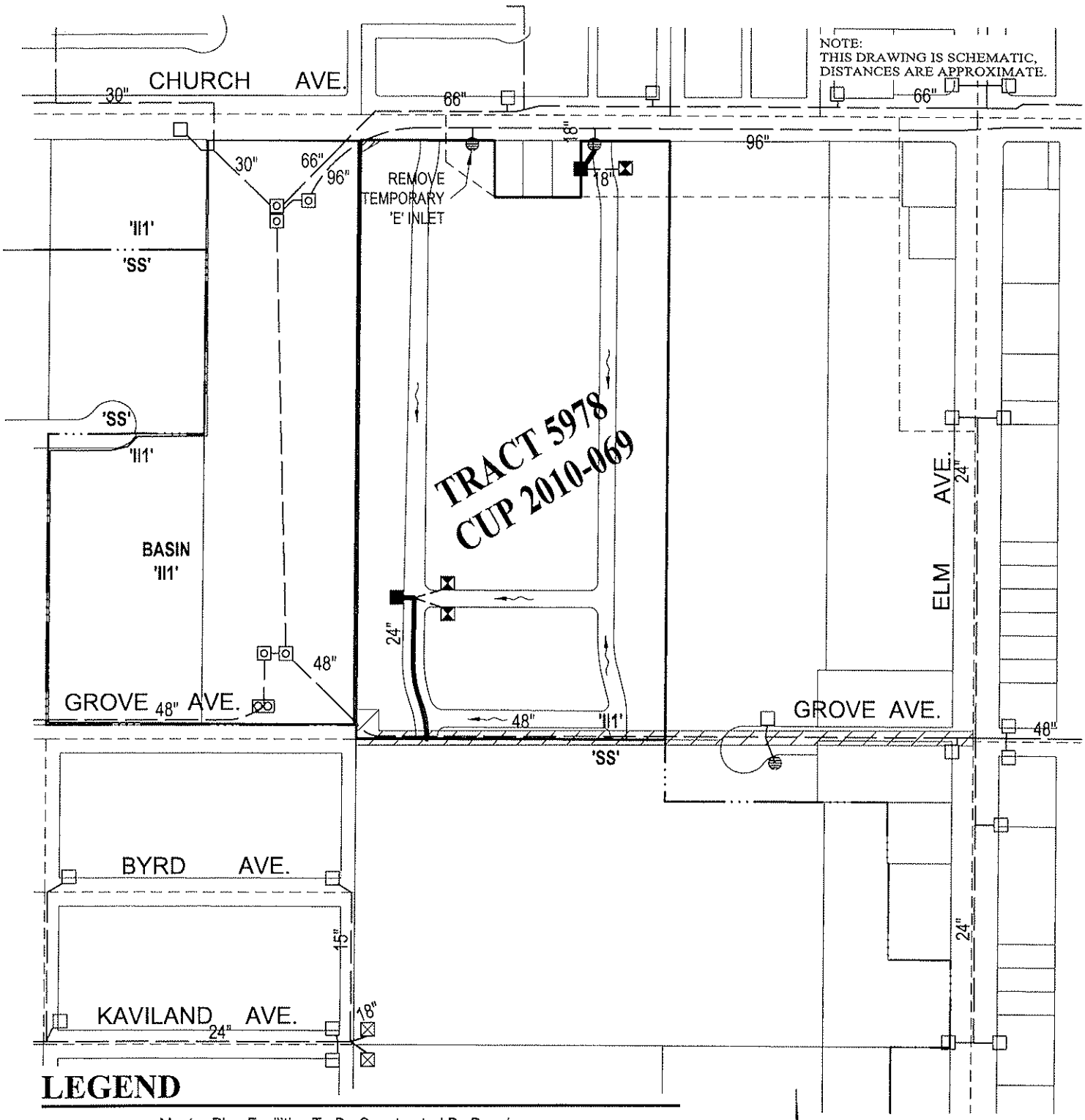
Rick Lyons
Project Engineer

CC:

ANTHONY CANNELLA, NORTHSTAR ENGINEERING GROUP, INC.
909 14TH STREET
MODESTO,CA 95354

BILL JOHNSON, SAN JOAQUIN DESIGN GROUP
7877 N. PERSHING AVE.
STOCKTON, CA 95207

FR TRACT No. 5978



LEGEND

- Master Plan Facilities To Be Constructed By Developer - Pipeline (size Shown) & Inlet.
- Existing Storm Drainage Easement Location
- Existing Master Plan Facilities
- Future Master Plan Facilities
- Direction Of Drainage
- Inlet Boundary
- Drainage Area Boundary
- Existing Temporary Inlet
- Non-Master Plan Facilities To Be Constructed By Developer - Inlets & Laterals

SCALE = 1"=300'

N

TRACT 5978
CUP 2010-069
DRAINAGE AREA: "II1"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

K:\Autocad\DWGS\0EXHIBIT\TRACTS\5978.dwg

DRAWN BY: WT DATE: 9/22/10
REVISED BY: --- DATE: ---

OTHER REQUIREMENTS
EXHIBIT NO. 2

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee of the drainage area served by the facilities. A Development Agreement shall be executed with the District to effect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that Developer's Master Plan costs for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City or District.

The District has been notified that Fresno Unified School District has expressed plans to develop a school site that will relocate a portion of the Storm Water Management Basin "III" to the southerly portion of the proposed development (Tract 5978). Thus, District comments and conditions in this Notice of Requirements for Tract 5978 are applicable only for Tentative Tract Map 5978 dated August 24, 2010. Anticipating FUSD's project will proceed, subsequent submittals will be addressed by the District at such time when revised Tentative Tract Maps are provided to the City of Fresno for distribution and request for comments.

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

There are existing easements within this project as shown on Exhibit No. 1. No encroachments into the easement shall be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

No surface run-off shall be directed towards the District basin.

Development No. Tract 5978

OTHER REQUIREMENTS
EXHIBIT NO. 2

The District desires a single chain link fence or block wall between the tract and the FMFCD storm water basin, with a preference towards chain link fence. A six-foot (6') high chain link fence and mow strip is already located on District's property, albeit slightly off of the property line. Some cost saving would be feasible for the developer if he agreed to use the existing fence between the properties.

The developer of Tract 5978/CUP 2010-069 identifies a secondary six-foot (6') block wall adjacent to the existing District chain link fence that would make the District chain link fence unnecessary and create an inaccessible and unmaintainable area between the fences. As the District prefers a single fence between the proposed development of Tract 5978/CUP 2010-069 and the basin, either the existing fence shall remain as the sole fence, or the developer must build a new 6-foot high block wall and the District will remove its chain link fence.

However, the District must have certainty as to the integrity of the fence between the basin and the adjoining property. Thus, the District will accept a six-foot (6') block wall constructed on the District side of the property line, allowing the District to own and maintain the west facing side of the wall and the adjoining land owner responsible for maintaining the easterly wall facing the proposed development. If the developer of Tract 5978/CUP 2010-069 prefers to construct the proposed six-foot (6') block wall with any portion extending into the developer's property, the District will require the developer to dedicate rights to the District to maintain the integrity of the fence and the westerly side of the wall via an easement.

Any proposal other than the use of the existing chain link fence will require the developer to construct a mow strip extending 15- inches westerly of the wall.

As the current basin has the fence and mow strip already existing, no fee credit will be provided for any fence improvement between the basin and the tract.

Should the developer be willing to use the existing chain link fence only if the perimeter of the basin were landscaped, the developer should contact the District to see if arrangements and cost sharing can be considered. Expenditures by the developer for landscaping within the basin is creditable against the drainage fee obligation or reimbursable from future drainage fee revenue in Drainage Area II.

Development No. Tract 5978

OTHER REQUIREMENTS
EXHIBIT NO. 2

With the option to utilize the existing chain link fence, the developer would be required to compensate the District for the land outside and easterly of the existing fence. This land area is 0.031 acres and it would be deeded to the developer prior to the final map so that the land would be incorporated into the lots.

The District requests that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of grades at our mutual property line prior to preparing a grading plan.

The drainage fee identified on this notice reflects a reduction credit of fifty-five percent (55%) of the drainage fee amount otherwise payable by the proposed development of Tract 5978/CUP 2010-069. This credit is applied to development entitlements within Drainage Areas "RR" and "II_1" which are obligated under ordinance to pay a "full cost" drainage fee, but which are also subject to an increased Benefit Assessment on their annual property tax bill for completion of the Drainage Area "RR" and "II_1" systems. As this increased levy will fund a portion of a project which will complete the storm drain facilities in Drainage Areas "RR" and "II_1", the "full cost" drainage fee rates for these drainage areas can be, and are by this fifty-five percent (55%) reduction, proportionately reduced.

The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6 inch curb. Should wedge curb (4.5 inches height) be used the same criteria shall apply whereby flow remains below the top of curb. Any extensions or pipe size increases due to meeting the requirement listed above shall be at the developer's expense.

Development No. Tract 5978

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

September 13, 2010

999999999
LU0015763
PE 2602

Will Tackett
City of Fresno
Planning & Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Tackett:

PROJECT NUMBER: T-5978, C-10-069

Vesting Tentative Tract Map No. 5978 and Conditional Use Permit Application No. C-10-069, have been filed by North Star Engineering Group, Inc., on behalf of Visionary Home Builders of California, property owner, and pertain to approximately 18.90 acres of property located on the south side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue. Vesting Tentative Tract Map No. 5978 and Conditional Use Permit Application No. C-10-069 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 35 duplex lots; a 79-unit apartment complex on one Outlot; and, an additional six Outlots proposed to be dedicated for open space and public water well purposes.

APN: 479-020-49 **Zoning: R-1** **Address: 1348 East Church Avenue**

Recommended Conditions of Approval:

- 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.

- The Fresno County Department of Public Health is concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.

Prior to destruction of any existing agricultural well(s), 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.

- 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 municipal code.

- Section 113789 of the California Health and Safety Code (California Retail Food Code) exempts child day care facilities, community care facilities, residential care facilities for the elderly, and residential care facilities for the chronically ill, which has the same meaning as a residential care facility, as defined in Health & Safety Code Section 1568.01. These facilities are not deemed to be FOOD FACILITIES, and, therefore, are exempt from this part. As such, this Division has no regulatory jurisdiction on the daycare facility. Section 114437 delegates the authority to the State Department of Social Services.

The project should be routed to the following agency for comment:

California State Department of Social Services
Community Care Licensing
770 E. Shaw Ave., Suite 330
Fresno, CA 93710-7708
(559) 243-8080

- Should a swimming pool or spa be proposed, then prior to the issuance of building permits, the applicant must submit complete pool/spa facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Recreational Health Program at (559) 445-3392 for more information.

REVIEWED BY:

Glenn Allen Digitally signed by Glenn Allen DN: cn=Glenn Allen, o=Environmental Health Division, ou=Public Health, email=gallen@co.fresno.ca.us, c=US Date: 2010.09.13 17:21:53 -07'00'

R.E.H.S., M.S.
Supervising Environmental Health Specialist

(559) 445-3271

ga

T-5978, C-10-069 Visionary

City of
FRESNO

PUBLIC WORKS DEPARTMENT

DATE: November 22, 2010

TO: WILL TACKETT, Supervising Planner
Planning and Development Department

FROM: JOE PAFF, Senior Engineering Technician
Public Works Department

SUBJECT: CONDITIONS FOR TENTATIVE TRACT NO. 5978 AND MASTER CONDITIONAL USE PERMIT NO. C-10-069 RELATING TO A COMMUNITY FACILITIES MAINTENANCE DISTRICT

1. The property owner shall be responsible for providing for the maintenance of certain public improvements associated with TT5978 and C-10-069.

2. The following improvements are eligible to be maintained by a City Community Facilities Maintenance District (CFD).

3. Should the property owner choose not to include the maintenance of these items in a CFD, the property owner shall provide for the maintenance of all of the items in a manner approved by the City of Fresno City Engineer.

Improvements eligible for inclusion in the a CFD:

A. The property owner shall be responsible for providing for the maintenance of the curbs and gutters, valley gutters, sidewalks, street lights and street signage within the street right-of-way of East Grove Avenue adjacent to this project.

B. The property owner shall be responsible for providing for the maintenance of the curbs and gutters, valley gutters, sidewalks, street lights and street signage within the local public street rights-of-way within this project.

4. Maintenance of any landscaping, hardscaping or any other feature within Outlot C shall be the responsibility of the property owner and is NOT eligible for inclusion in a CFD.

5. Maintenance of all landscaping and hardscaping associated with this project shall be the responsibility of the property owner and is NOT eligible for inclusion in a CFD.

6. Outlots B, D, E, F and G shall remain private and shall not become property of the City.

7. All features to be placed into a CFD must have construction plans approved by the City of Fresno Department Public Works.

If you have any questions, please call me at 621-8695

Exhibit G

Conditions of Approval for Conditional Use Permit Application No. C-10-069 including memoranda from responsible or commenting agencies not included in Tentative Tract Map conditions of approval.

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

DECEMBER 01, 2010

CONDITIONAL USE PERMIT APPLICATION NO. C-10-69

"A PLANNED DEVELOPMENT"

SOUTH SIDE OF EAST CHURCH AVENUE BETWEEN SOUTH MARTIN LUTHER KING JR. BOULEVARD AND SOUTH ELM AVENUE

PART A - PROJECT INFORMATION

1.	Assessor's Parcel No(s):	479-020-49
2.	Street Location:	Located on the south side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue. **(Council District 3, Councilmember Sterling)**
3.	Existing Zoning	"R-1" (*Single Family Residential District)*
4.	Proposed Zoning	"R-1" (*Single Family Residential District)*
5.	Planned Land Use:	Medium Density Residential (4.99-10.37 dwelling units/acre)
6.	Plan Areas:	Edison Community Plan
7.	Project Description:	Requests authorization to establish a public street planned development with modified property development standards for lots proposed to be created by Vesting Tentative Tract Map No. 5978.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The City of Fresno Planning Commission, on December 01, 2010, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E", "F" & "L" of Conditional Use Permit Application No. C-10-69.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

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 Fresno Municipal Code (FMC) Section 12-405.A can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. C-10-69 and Vesting Tentative Tract Map No. T-5978.

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:

1. 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;

2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,

3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

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 Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. (Include this note on the site plan.)

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. (Include this note on the site plan.)

Transfer all red line notes, etc., shown on the original site plan exhibit(s) to the final site plan(s). CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by December 01, 2014 (four years from the date of Director approval). The time limits for any special permit conditionally granted in conjunction with an approved tentative tract map shall be automatically extended upon the extension of such tentative tract map pursuant to Section 12-1005.1 of the FMC.

To complete the back-check process for building permit relative to planning and zoning issues, submit copies of this corrected, final site plan, together with copies of the elevations,

landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Planning Division for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division **must be substituted** for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please contact Will Tackett at (559) 621-8063 or via e-mail at Will.Tackett@fresno.gov to schedule an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets.

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 the imposition of the 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.

PART C - 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, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relating to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 / Louise.Gilio@fresno.gov of the City of Fresno Public Works Department, Engineering Division, Traffic Section.

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

   a) Exhibit "A" is required to include 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 existing and proposed public rights-of-way.

   b) Provide and identify a minimum four (4) foot wide path of travel along the sidewalk directly in front of all properties created within the subdivision as required by Title 24 of the California Administration Code. An on-site pedestrian easement may be required if Title 24 requirements

cannot be met within the existing public right-of-way.

c) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface private structures and appurtenances extending within the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts/Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.

d) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:

   i) Dedications shall take place in accordance with the Conditions of Approval for Vesting Tentative Tract Map No. 5978.

e) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:

   i) There are no vacations required at this time.

2. STREET IMPROVEMENTS

a) All public improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering Services Division at (559) 621-8693, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.

b) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.

c) Design and construct curb, gutter, AC paving, and residential sidewalk patterns to Public Works standards, specifications, and policies. Plans shall be prepared by a registered Civil Engineer.

   - NOTE: Reference Conditions of Approval for Vesting Tentative Tract Map No. 5978 for requirements respective to major and interior local public streets.

d) Provide curb ramps at all corners within the limits of this subdivision.

e) Install streetlights on all frontages to City Standards as determined by the City Traffic Engineer. Street lighting plans are required and must be approved by the Public Works Department/Engineering Services prior to commencement of the work.

f) Underground all existing off-site overhead utilities within the limits of this site as per FMC

Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.

g) Provide parkway landscaping. Street trees shall be planted every 60 feet on center. Plans shall be prepared by a landscape architect.

h) Submit four copies of a Geometric Approval Drawing (GAD) to Traffic Engineering for review and approval, per the attached checklist, prior to submittal of street plans.

i) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

a) All survey monuments within the area of construction shall be preserved and if disturbed, shall be reset by a person licensed to practice Land Surveying in the State of California. (Include this note on the site plan.)

PART D - PLANNING/ZONING REQUIREMENTS

1. PLANNING

a) Development is subject to the following plans and policies:

i) "R-1," *Single Family Residential District (Section 12-211 of the FMC)*
ii) 2025 Fresno General Plan
iii) Edison Community Plan

2. ZONING

a) Approval of Conditional Use Permit Application No. C-10-69 is contingent upon approval of Vesting Tentative Tract Map No. 5978.

3. USES PERMITTED

a) As a planned development pursuant to Sections 12-211 and 12-306-N-21, the subject property is authorized for development with multiple family residential uses in accordance with Conditional Use Permit Application No. C-10-69 and Vesting Tentative Tract Map No. 5978.

b) Upon demonstration of evidence satisfactory to the Director of the Development and Resource Management Department that a State Fire Marshal clearance and an operating license from the State Department of Social Services have been obtained, the proposed community building on Outlot "C" of Vesting Tentative Tract Map No. 5978 may be used as a child day care center in accordance with the following:

i) Facilities and off-street parking shall be provided in accordance with Exhibit(s) "A", "E" & "F"

of Conditional Use Permit Application No. C-10-69.

ii) Any child day care center, large or small, operating at the proposed community building on Outlot "C" of Vesting Tentative Tract Map No. 5978 shall comply with the provisions of Section s12-306-N-45-c through 12-306-N-45-h of the FMC.

- NOTE: The use of a six-foot high wrought iron fencing around outdoor play areas associated with a child day care operation is approved contingent upon the wrought iron fence meeting the requirements of Section 12-306-n-45-g of the FMC.

4. POPULATION DENSITY

a) Pursuant to the Medium Density Residential planned land use designation for the subject property; the subject property shall be developed in accordance with Vesting Tentative Tract Map No. 5978 and Exhibit(s) "A" of Conditional Use Permit Application No. C-10-69.

i) Based upon the number of dwelling units (du) allowed per acre, respective to the Medium Density Residential planned land use designation, the subject property is required to be developed with between 4.99-10.37 du/acre to meet the density requirements of the 2025 Fresno General Plan and FMC.

- NOTE: Pursuant to Vesting Tentative Tract Map No5978 and Conditional Use Permit Application No. C-10-69, the subject property is proposed to be developed at an overall density of approximately 7.88 du/acre.

ii) 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.

5. BUILDING HEIGHT

a) No building or structure erected in the R-1 (*Single Family Residential*) zone district shall have a height greater 35 feet.

b) All accessory buildings on the subject property, or lots proposed to be created by Vesting Tentative Tract Map No. 5978 shall comply with the requirements and provisions of the development standards of the FMC for the R-1 zone district and are subject to the provisions of Section 12-306-N-1 (Accessory Buildings) of the FMC.

- NOTE: Exceptions. Over height structures may be approved by the City of Fresno Planning Commission or Director of the Planning and Development Department. However, no roof structure or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.

6. BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

Setbacks shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-10-69 and the Conditions of Approval for Vesting Tentative Tract Map No. 5978.

a) Any proposed deviation from the building setbacks established by Exhibit(s) "A" of Conditional Use Permit Application No. C-10-69 requires a revision to Conditional Use Permit Application No. C-10-69.

b) Spaces between buildings shall be provided in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibit(s) "A" of Conditional Use Permit Application No. C-10-69 and the Conditions of Approval for Vesting Tentative Tract Map No. 5978.

c) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

7. LOT COVERAGE

a) Lot coverage shall be permitted in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibit(s) "A" of Conditional Use Permit Application No. C-10-69 and the Conditions of Approval for Vesting Tentative Tract Map No. 5978.

8. OPEN SPACES AND LANDSCAPING

The subdivider shall provide and maintain all landscaping (and irrigation systems) in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5978, and the following:

a) A landscape and irrigation plan prepared by a landscape professional, shall be submitted to the Planning Division and approved for all open space and recreational areas within the development. These plans must be reviewed and approved prior to obtaining building permits.

b) A minimum of 25 percent of the site area shall comprise usable open space for residents of the development.

   i) A minimum of 40 percent of the required 25 percent usable open space provided on Outlot "C" of Vesting Tentative Tract Map No. 5978 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.

c) Outlots of Vesting Tentative Tract Map No. 5978, which are proposed to be dedicated for open space purposes shall be landscaped by the developer in accordance with the approved landscape and irrigation plans and shall thereafter be maintained by the property owner/subdivider in a manner which provides appropriate security and is deemed acceptable to

both the City of Fresno Development and Resource Management and Public Works Departments.

d) A landscape screen comprised of small sized trees (attaining a height of approximately 15-20 feet in height at maturity) shall be planted, as appropriate, along the southerly and westernmost property lines of the adjacent residential lots, which front onto East Church Avenue and share said property lines with Outlot "C" of Vesting Tentative Tract Map No. 5978 (i.e., south property line of APN[s]: 479-020-46, 47 & 48; and, west property line of APN: 479-020-48), in order to screen existing residential properties from proposed second story windows.

e) All yards (including private) and areas designated for open space purposes shall be landscaped and maintained in accordance with Sections 12-306-N-24 of the FMC.

   i) All yards and landscaped areas located adjacent to street frontage shall be provided automatic irrigation systems.

   ii) All yards (including private) and areas designated for open space purposes shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.

f) All required Walls or fences, which are accessible to the public, shall incorporate an adjacent landscaped buffer area pursuant to the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."

g) Provide a minimum of 268 medium sized trees on-site per FMC Section 12-306-N-24-g and in accordance with the following:

   i) Provide a minimum of one medium size tree for each required parking space, plus one medium sized tree for each residential unit.

      - NOTE: One medium size tree is defined as attaining a height of 30-60 feet at maturity. Two small size trees, up to 30 feet high at maturity may be substituted for one medium size tree.

h) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.

      - NOTE: Street trees shall be planted by the property owner and shall be inspected by the City pursuant to the payment of street tree inspection fees.

   i) Fresno Municipal Code requires one (1) street tree per 60 linear feet of public street frontage.

      - NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant a minimum of one (1) tree (of similar type and size) for every 60 linear feet of street frontage on private property within ten

feet of the back of the sidewalk.

- NOTE: An approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not in the public right of way. A copy of this plan shall be kept at the job site at all times.

ii) Call (559) 621-5600 to notify the Public Works Department Construction Management Division 72 hours prior to tree hole drilling/tree planting in the public right-of-way, in order to verify tree locations, to obtain inspection of drilling operations, and to check backfilling procedures and safety barriers.

iii) All planting, irrigation and related work within the city right-of-way shall comply with the City of Fresno Public Works Department Standard Specifications, Section 25 and 26.

iv) All landscaping and related work to be performed within the city right-of-way shall be done by a qualified contractor and requires a street encroachment permit from the Public Works Department prior to commencement. Call (559) 621-8685 for information on encroachment permits and required insurance and bonding.

i) All trees shall be maintained in good health. 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 Planning and Development Department. (Include this note on the site plan and landscape plan.)

j) All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and any such vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.

k) Landscaping shall be kept free from weeds and undesirable grasses.

l) Landscaping must be in place before issuance of the certificate of occupancy for each individual dwelling.

i) 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 Planning Division. (Include this note on the site and landscape plans.)

- NOTE: The hold on occupancy may be released at the discretion of the Development and Resource Management Department to subjectively accommodate inappropriate planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).

- NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.

ii) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Development and Resource Management Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Planning Division. (Include this note on the site and landscape plans.)

9. FENCES, HEDGES, AND WALLS

Fences, hedges and walls shall be provided in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5978 and, the following:

a) All proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Development and Resource Management Department. (Include this note on the site plan.)

i) Clearly depict any proposed/existing fences, hedges and walls on Exhibit(s) "A" of Conditional Use Permit Application No. C-10-69. Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Development and Resource Management Department.

ii) Submit a rendering depicting the fence, hedge or wall height, material, location etc. for review and approval.

- NOTE: Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.

b) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC except as may be modified herein below.

- NOTE: Without exception, all present and future fences, hedges, and walls shall not exceed three feet in height within the corner cut-off area defined at Section 12-306-H-3-e of the FMC; and, shall conform to all aspects of the corner cut-off provisions of Section 13-227 (Obstruction to Visibility at Intersection) and 13-228 (Intersection Visibility, Investigation and Enforcement. Lien.) of the FMC.

c) Fences, hedges, and walls, not greater than six feet in height, shall be permitted on all rear and interior side property lines and on or to the rear of all front and street side yard setback lines.

d) No fence, hedge, or wall over three feet in height shall be permitted in any required front yard setback area or within the required side yard setback area on the street side of a corner lot.

e) Construct a six-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code along the south property line of proposed Outlot "A" of Vesting Tentative Tract Map No. 5978.

i) The required six-foot high solid masonry wall shall be reduced to a maximum three feet in height within the front yard setback area of Lot 22 of Vesting Tentative Tract Map No. 5978.

- NOTE: All other fences, hedges and walls to be located on proposed Outlot "A" of Vesting Tentative Tract Map No. 5978 shall be provided in accordance with the conditional use permit required to authorize the development of the proposed outlot as a City of Fresno water well site.

f) Construct a seven-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code along the west property line of the adjacent residential lot, which fronts onto East Church Avenue (i.e., west property line of APN: 479-020-48).

   i) The required seven-foot high solid masonry wall shall be reduced to a maximum three feet in height within the front yard setback area of the adjacent residential lot, which fronts onto East Church Avenue (i.e., APN: 479-020-46).

g) Construct a seven-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code along the south property line of the adjacent residential lots, which front onto East Church Avenue (i.e., south property line of APN[s]: 479-020-46, 47 & 48).

h) Construct a six-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code along the west property line of Outlot "B" of Vesting Tentative Tract Map No. 5978.

   g) The required six-foot high solid masonry wall shall be reduced to a maximum three feet in height within the front yard setback area of the adjacent residential lot, which fronts onto East Church Avenue (i.e., Assessor's Parcel Number [APN] 479-020-46).

i) Construct a six-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code at the rear of the 20-foot wide landscape easement along the north property line of Lot 1 of Vesting Tentative Tract Map No. 5978.

   i) The required six-foot high solid masonry wall shall be reduced to a maximum three feet in height within the front yard setback area of Lot 1 of Vesting Tentative Tract Map No. 5978.

j) Construct a six-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H along shared property line between Outlot "D" and Lot 35 of Vesting Tentative Tract Map No. 5978.

   i) The required six-foot high solid masonry wall shall be reduced to a maximum three feet in height within the front yard setback area of Lot 35 of Vesting Tentative Tract Map No. 5978.

k) 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. ACCESS

a) There shall be vehicular access from a dedicated and improved street, alley or recorded private access to off-street parking facilities.

b) There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes.

c) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.

d) Provide vehicular and/or pedestrian access as noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-10-69 and as indicated per Conditions of Approval for Vesting Tentative Tract Map No. T-5978.

i) Pedestrian walkways and handicap access shall be clearly delineated on the site plan.

10. OUTDOOR ADVERTISING AND MARKETING

a) Signs, *other than directional signs, if applicable*, are not approved for installation as part of this special permit. Submit for a separate Master Sign Program or Sign Review Application. Applications and requirements for submittal are available at the Planning Division's Public Front Counter. (Include this note on the site plan).

11. BUILDING ELEVATIONS

Building elevations for all residential dwellings in the subject planned development shall be subject to review and approval by the Development and Resource Management Department in accordance with the following:

a) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans. Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way (or private street) or shall be placed on the ground outside of the required yards.

- NOTE: When placed on the ground outside of required yards, condensing units shall be screened from view of the public right-of-way with structures, fencing and/or landscaping as may be appropriate.

b) Pursuant to Policy numbers C-20-f, C-21-a, C-21-b and C-21-c of the 2025 Fresno General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless "blank" walls. Design measures should be utilized to avoid large scale, massive, monolithic, and repetitive "institutional" visual appearances. This may be accomplished by varying the building footprint with indentations, projections, offsets, different building materials, or adding polyfoam with a stucco finish to add visual interest and to break up monotonous walls. Submit elevations inclusive of modifications

for review and approval.

i) The designated synthetic stone veneer shall be incorporated, to a minimum 30-inch height, along the rear elevation of the proposed apartment building on Outlot "C" of Vesting Tentative Tract Map No. 5978, which faces East Church Avenue.

ii) Second-story windows should be directed, to the extent feasible, away from adjacent single-story residential uses; or, adequate setback and landscape screening shall be provided to protect the privacy of adjacent properties.

- NOTE: See Open Spaces and Landscaping section contained herein above for further information regarding landscape screening requirements for interface between adjacent properties.

iii) Roofing material shall consist of: architectural grade composition roofing guaranteed by the manufacturer for at least 20 years; cement or clay tile; treated wood shakes; and/or, architectural-grade metal and coated non-glare decorative metal roofing products.

iv) Garage doors with decorative features (which may include windows) shall be provided for each dwelling on all lots within the subdivision which front onto, and gain access from a street.

v) Where proposed attic vents shall be decorative, consistent with the style and character of each structure.

PART E - CITY AND OTHER SERVICES

1. TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

a) Comply with all of the requirements stipulated within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated October 06, 2010 and any requirements noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-10-69.

2. SOLID WASTE COLLECTION

a) Comply with all of the requirements stipulated within the attached Department of Public Utilities, Solid Waste Division memorandum dated September 22, 2010.

3. FIRE PROTECTION REQUIREMENTS

a) Comply with all of the requirements stipulated within the attached City of Fresno Fire Department memorandum dated September 08, 2010.

4. STREET TREES, BUFFER, PARKWAY AND MEDIAN ISLAND LANDSCAPING

a) Comply with all of the requirements stipulated within the attached Department of Public Works Engineering Division memorandum from the Parks supervisor dated November 23, 2010.

5. FLOOD CONTROL REQUIREMENTS

   a) Comply with all of the requirements stipulated within the attached Fresno Metropolitan Flood Control District memorandum dated September 28, 2010.

6. PUBLIC UTILITIES REQUIREMENTS

   a) Comply with all of the requirements of the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated September 13, 2010.

   b) Comply with all of the requirements stipulated within the attached Department of Public Utilities, Water Division memorandum dated August 30, 2010.

7. COUNTY OF FRESNO, DEPARTMENT OF COMMUNITY HEALTH

   a) Comply with all of the requirements stipulated within the attached County of Fresno Department of Public Health memorandum dated September 13, 2010.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

1. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.

2. 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 archaeological 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.

3. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved.

Unless the Planning Commission decision 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.

Exhibit H

Tentative Tract Map No. T-5786

TRACT 5786

VESTING TENTATIVE SUBDIVISION MAP
FRESNO, CALIFORNIA

PROPERTY LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

NORTH 1/2 OF LOTS 55 AND 56 OF FRESNO COLONY, ACCORDING TO THE MAP THEREOF RECORDED AUGUST 1, 1881, IN PLAT BOOK 2, PAGE 8, FRESNO COUNTY RECORDS

EXCEPTING THEREFROM THE EAST 306.04 FEET OF THE NORTH 130 FEET OF SAID LOT 56.

EXCEPTING THEREFROM THE SOUTH 130 FEET OF THE NORTH 260 FEET OF THE EAST 153 FEET OF SAID LOT 56. ALSO

EXCEPTING THEREFROM THE SOUTH 200 FEET OF THE EAST 150 FEET OF THE NORTH 460 FEET OF SAID LOT 56

EXCEPTING THEREFROM THAT PORTION OF LOT 56 OF FRESNO COUNTY, ACCORDING TO THE MAP THEREOF RECORDED AUGUST 1, 1881, IN BOOK 2, PAGE 8 OF PLATS, FRESNO COUNTY RECORDS, DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH 1/2 OF SAID LOT, THENCE (1) ALONG THE SOUTH LINE OF THE NORTH 1/2 OF SAID LOT, NORTH 89°46'48" WEST, 15.00 FEET; THENCE (2) ALONG THE WEST LINE OF THE EAST 15 FEET OF SAID LOT, NORTH 0°25'43" EAST, 203.45 FEET TO THE SOUTH LINE OF THE LAND DESCRIBED IN THE DEED TO RAYMOND ARNETT, RECORDED DECEMBER 19, 1956, IN BOOK 3859, PAGE 60 AS DOCUMENT NO. 87902, FRESNO COUNTY RECORDS; THENCE (3) ALONG LAST SAID SOUTH LINE, SOUTH 89°46'35" EAST, 15.00 FEET TO THE EAST LINE OF SAID LOT; THENCE (4) ALONG SAID EAST LINE, SOUTH 0°25'43" WEST, 203.44 FEET TO THE POINT OF BEGINNING

APN: 479-020-36 AND 479-020-50

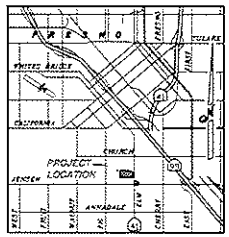
UTILITY INFORMATION

SEWER AND WATER: CITY OF FRESNO 2600 FRESNO STREET FRESNO, CA 93721 PHONE (559) 498-1401	STORM DRAIN FRESNO METROPOLITAN FLOOD CONTROL DISTRICT 5469 EAST OLIVE AVENUE FRESNO, CA 93725 PHONE (559) 456-3292	CABLE TELEVISION COMCAST 2441 NORTH GROVE INDUSTRIAL DRIVE FRESNO, CA 93727 PHONE (559) 252-8210 EXT 4222
GAS AND ELECTRIC PACIFIC GAS AND ELECTRIC COMPANY 650 "O" STREET FRESNO, CA 93760-0001 PHONE (559) 263-5630	TELEPHONE: PACBELL 3335 EAST OLIVE AVENUE RM E-100-DE FRESNO, CA 93702 PHONE (559) 454-3778	

LEGEND

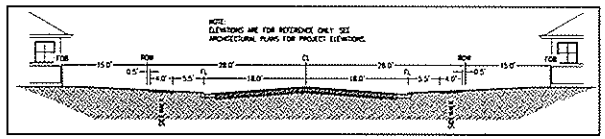
SYMBOL	DEFINITION
	2' CONTOURS (EXISTING)
	SEWER FORCE MAIN (EXISTING)
	SEWER LINE (EXISTING)
	STORM LINE (EXISTING)
	WATER LINE (EXISTING)
	OVERHEAD LINE (EXISTING)
	RIGHT OF WAY (FUTURE)
	PROJECT BOUNDARY
	CENTER LINE
	PROPOSED LOT LINE
	EXISTING LOT LINE
	DRAINAGE FLOW DIRECTION

VICINITY MAP



56' STREET CROSS SECTION

SCALE: 1" = 10'

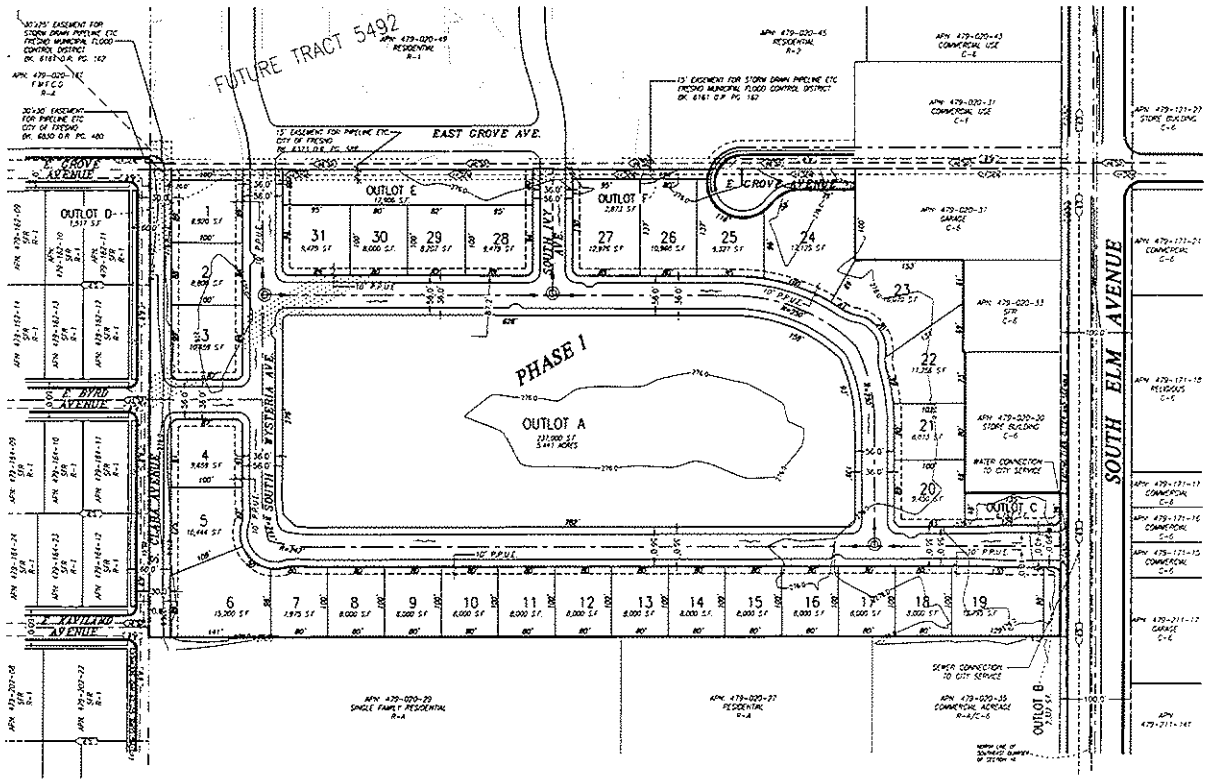


CONTACT INFORMATION

OWNER/DEVELOPER: CALIFORNIA STREET PARTNERS, LLC
3485 LAKEMOTE CIRCLE
STOCKTON, CA 95219
CONTACT: FIRST PATEL, MO MANAGING PARTNER
T (209) 406-2340
AMRIK SIDHU, MO MANAGING PARTNER
T (209) 607-5432

ENGINEER: NORTHSTAR ENGINEERING GROUP INC
900 14TH STREET
MODESTO CA 95354
T (209) 524-5525
F (209) 524-3026
CONTACT: ANTHONY CANNELLA

ARCHITECT: SAN JOAQUIN DESIGN GROUP
7837 N. PERSHING AVENUE
STOCKTON, CA 95207
T (209) 478-4013
F (209) 478-0266
CONTACT: BILL JOHNSTON



NOTES

1. SITE ADDRESS: 2547 S. ELM AVE., FRESNO, CA 93706
2. SITE APN: 479-020-36 AND 479-020-50
3. SITE SIZE: 17.44 ACRES
4. CURRENT GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL
5. CURRENT ZONING: R-1 AND R-2-A
6. EXISTING LAND USE: VACANT
7. PROPOSED LAND USE: A MULTI-FAMILY PROJECT CONTAINING BOTH HIGH DENSITY APARTMENTS AND MEDIUM DENSITY DUPLEXES.
   - OUTLOT A: PHASE 1 – APARTMENT COMPLEX – SEE C.U.P. SUBMITTAL UNDER SEPARATE APPLICATION FOR DETAILED INFORMATION OF THE DEVELOPMENT PLAN
   - OUTLOT B: PHASE 1 – ADDITIONAL COMMUNITY OPEN SPACE
   - OUTLOT C: PHASE 1 – ADDITIONAL COMMUNITY OPEN SPACE
   - OUTLOT D: PHASE 2 – OPEN SPACE. THIS AREA CORRELATES WITH AN EXISTING STORMDRAIN EASEMENT ON SITE
   - OUTLOT E: PHASE 2 – OPEN SPACE. THIS AREA CORRELATES WITH AN EXISTING STORM DRAIN EASEMENT ON SITE
   - OUTLOT F: PHASE 2 – OPEN SPACE. THIS AREA CORRELATES WITH AN EXISTING STORM DRAIN EASEMENT ON SITE
   - LOTS 1-31: PHASE 2 – THESE LOTS WILL CONTAIN THE DUPLEX UNITS. THE TYPICAL AND MINIMUM LOT SIZE WILL BE 80'x100', 8000 S.F. SEE C.U.P. SUBMITTAL UNDER SEPARATE APPLICATION FOR DETAILED INFORMATION OF THE DEVELOPMENT PLAN
8. CONTOUR LINES SHOWN AND LABELED IN 2' INCREMENTS
9. NO STRUCTURES OR FACILITIES ARE PROPOSED TO BE REMOVED OR RELOCATED WITH THIS APPLICATION.
10. ALL RIGHTS OF WAY WIDTHS AND ALIGNMENTS PROPOSED ARE BASED FROM THE CITY OF FRESNO STANDARD SPECIFICATIONS
11. THIS SITE LIES ENTIRELY WITHIN THE ZONE X DESIGNATION PER FEMA MAP 06019C0325E DATED SEPTEMBER 26, 2006 AND IS NOT SUBJECT TO FLOODING
20. THE DEVELOPER RESERVES THE RIGHTS TO EXTEND THE EXPIRATION DATE OF THIS TENTATIVE MAP PURSUANT TO SECTION 66452.6 OF THE "SUBDIVISION MAP ACT".
21. PURSUANT TO SECTION 66456.1 OF THE "SUBDIVISION MAP ACT", THE DEVELOPER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS FOR THIS PROJECT
22. IF THE SUBDIVIDER CHOOSES TO FILE MULTIPLE FINAL MAPS, A PHASING PLAN WILL BE COORDINATED WITH THE CITY OF FRESNO PUBLIC WORKS
23. THERE ARE NO TREES LOCATED WITHIN THE BOUNDARY OF THE SUBDIVISION
24. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO WELLS, CESSPOOLS, SEWERS, CULVERTS, STORM DRAINS, DUMP SITES OR OTHER UNDERGROUND STRUCTURES ON THIS PROPERTY
25. THIS SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR PASSIVE NATURAL HEATING OF COOLING OPPORTUNITIES AND OTHER MEASURES THAT CONSERVE NONRENEWABLE ENERGY RESOURCES.
26. PROPOSED SEWER, WATER, CONCRETE CURBS, GUTTERS AND SIDEWALKS, STREET LIGHTS AND STREET PAVEMENT TO BE INSTALLED PER CITY OF FRESNO STANDARD SPECIFICATIONS

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PRELIMINARY: NOT FOR CONSTRUCTION

NO.	DESCRIPTIONS	DATE	APPROVED
	REVISIONS		

TRACT 5786
VESTING TENTATIVE SUBDIVISION MAP
FRESNO, CALIFORNIA

NorthStar Engineering Group, Inc.
CIVIL ENGINEERS / SURVEYORS / PLANNERS
900 14th Street, Modesto, CA 95354
(209) 524-5525 Fax (209) 524-3026

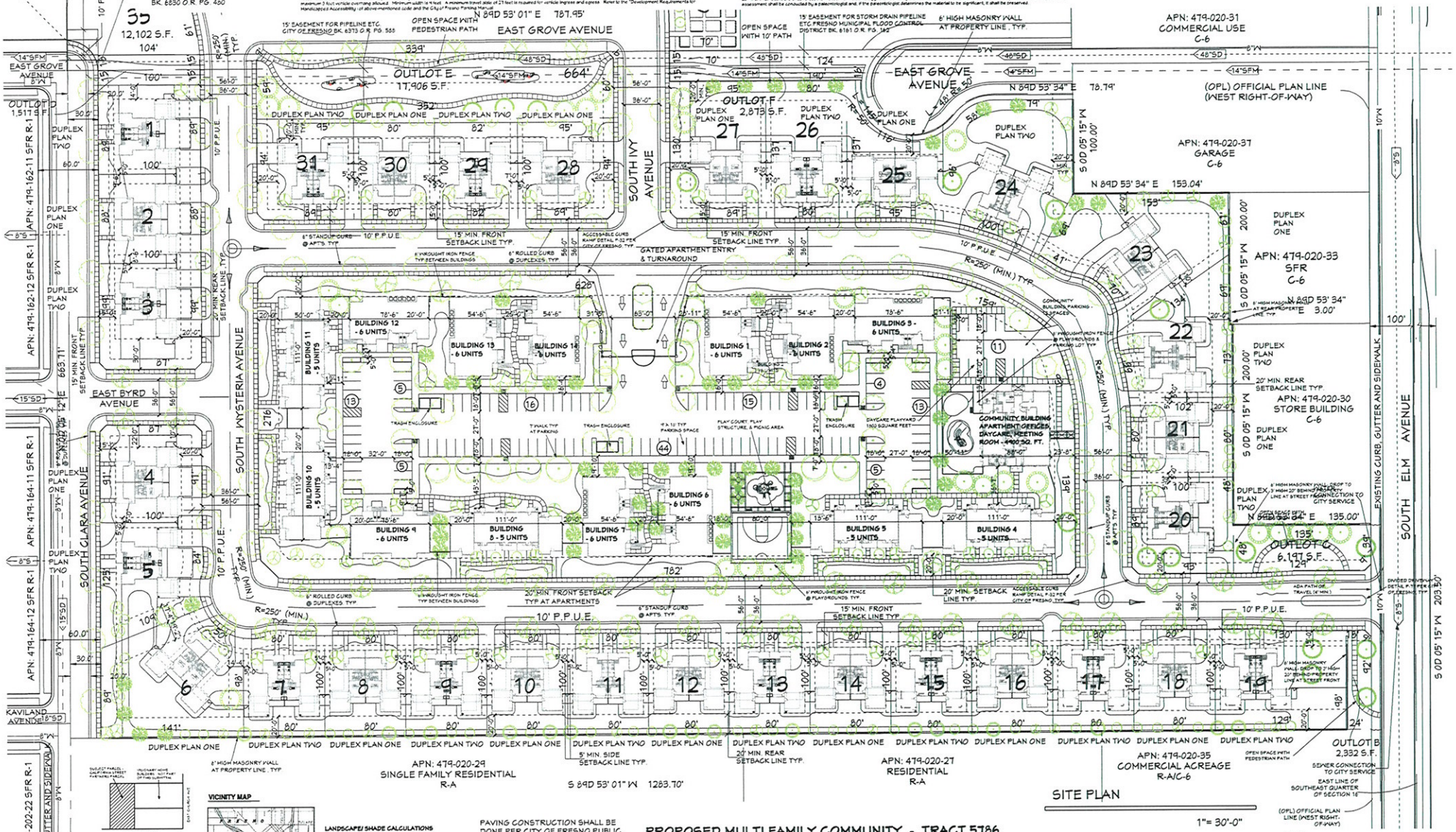
JOB # 10R-663
DATE 11/23/09
SCALE 1" = 60'
DRAWN
CHECKED
APPROVED

SHEET NUMBER
01
OF 01

Exhibit I

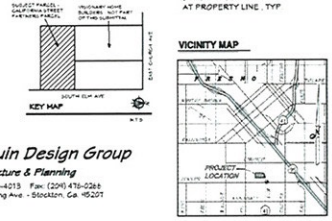
Exhibits for Conditional Use Permit Application No. C-10-093

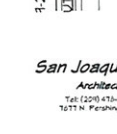
1. Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan 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. No structures of any kind, including signs, fences, lighting, etc., may be installed or maintained within the above 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 street frontages of the buildings.
4. 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.
5. Landscaping must be in place before issuance of the certificate of occupancy.
6. Prior to final occupancy, 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 Planning Division, Development Department. A certification form is enclosed for future use.
7. Trees shall be maintained in good health. However, these trees may be pruned or planed 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 Planning and Development Department Director.
8. Comply with the Parking Lot Shading Policy. Parking lot design shall incorporate the provisions of the Parking Lot Shading Policy. Provide shade calculations directly on the landscape plan in accordance with the Parking Lot Shading Policy, including tree species and tree counts. Trees shown on site plans shall be drawn to same scale as the building, representing the estimated canopy at a fifteen-year growth period.
9. Provide ____ (bicycle parking spaces (based on ten percent of the automobile parking spaces provided – not to exceed a total of 10 bicycle spaces) pursuant to FMC 12-306-i.2.1. Bicycle parking space shall consist of one slot in a bike rack. They shall be grouped in racks such that 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 shall each consist of one slot in a bike rack. 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 feet in height. Bicycle parking spaces shall not encroach into pedestrian walk, required landscaped areas, or other required open spaces, and shall be located proximal to structures. They may be located inside of the building, or within any of the vehicle parking stalls not required to meet the FMC. (Design location and number of spaces on the revised DRRR #4)
10. Provide the minimum number of handicap parking stalls in accordance with the State of California Building Code. All handicapped parking stalls shall be of a width providing at least 14-feet of usable space. Include an adjacent loading zone no less than five feet wide and 14 feet long, plus a sidewalk ramp. Minimum vehicle space dimensions are 14' in length with maximum 2-foot vehicle overhang allowed. Minimum aisle width is 5 feet. A minimum travel aisle of 27 feet is required for vehicle ingress and egress. Refer to the "Development Requirements for Handicapped Accessibility" of above-mentioned code and the City of Fresno Parking Manual.
11. All handicapped stalls shall be marked with the international symbol of access and a warning that vehicles in violation of Section 10-1011 of the Fresno Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles.
12. All handicapped parking stalls shall be paved 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 handicapped parking stalls and ramps.
13. 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.
14. Signs, other than directional signs, if applicable, are not approved for installation as part of this special permit. Should additional signs be required, the applicant must submit for a Sign Review Permit.
15. Per Section 12-306-L of the Fresno Municipal Code, provide one loading space in accordance with the provisions of Section 12-306-L of the Fresno Municipal Code. (Display this space on the site plan – with dimensions). An exception to the loading space requirement (if desired) can be granted with submittal of a letter from the property owner and approved by the Director of the Planning and Development Department, asserting that the uses of this mixed-used
16. Pursuant to Policy's G-20-e and G-20-f of the 2025 General Plan, all proposed buildings shall include design features and decorative treatments. This may be accomplished by varying the building footprint with indentations, projections, offsets, different building materials, adding porches with a stucco finish to add visual interest, trimming on the parapets, varying building heights, adding main entrances and/or adding texture color, brick or stone veneer, windows (above and beyond those proposed), accent banding, etc. to effectively break up the mass of the building. Furthermore, attractive external appearances and design measures should be utilized to avoid large scale (i.e. institutional) appearances.
17. Screen all roof-mounted equipment from the view of public rights-of-way. (Depict all mechanical equipment on site plan.
18. 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)
19. 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 archaeological 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 saving/preservation.
20. 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 paleontological remains determined to be material to be significant, it shall be preserved.



SITE PLAN

1"= 30'-0"





LANDSCAPE/ SHADE CALCULATIONS

TOTAL PARKING LOT AREA = 40,371.5 S.F.
SHADED AREA REQ'D @ 50% = 24,189 S.F.

30- 35' DIAMETER TREES
FULL 6 @ 962.9 S.F. = 5,772.5 S.F.
3/4 2 @ 721.5 S.F. = 1,442.5 S.F.
1/2 2 @ 481.5 S.F. = 1,962.5 S.F.
1/4 0 @ 240.5 S.F. = 0.0 S.F.

20- 20' DIAMETER TREES
FULL 0 @ 321.5 S.F. = 0.0 S.F.
1/2 20 @ 354.5 S.F. = 7,090.0 S.F.
1/4 0 @ 177.5 S.F. = 0.0 S.F.

TOTAL SHADED AREA PROVIDED = 25,334.5 S.F.

PAVING CONSTRUCTION SHALL BE DONE PER CITY OF FRESNO PUBLIC WORKS (I.E., P-41, P-42 & P-43)

PROPOSED MULTI FAMILY COMMUNITY - TRACT 5786

PROJECT DATA

GROSS SITE AREA = 17.44 ACRES

NET SITE AREA = 16.74 ACRES

OVERALL DENSITY = 141 UNITS/ 17.44 ACRES = 8.09/ ACRE

MULTIFAMILY SITE AREA = 5.44 ± ACRES

DUPLEX SITE AREA = 11.35 ACRES

OUTLOTS & EASEMENTS = .85 ACRES

ADDRESS = 2542 SOUTH ELM AVENUE

A.P.N = 479-20-36 & 479-20-50

GENERAL PLAN PLANNED LAND USE: MEDIUM DENSITY RESIDENTIAL (4 MH - 10.31 DWELLING UNITS / AC)

EXISTING PROPOSED ZONING: R-1 & R-2-A (SINGLE FAMILY RESIDENTIAL)

UNIT MIX

APARTMENTS
74 APARTMENT UNITS
14 APARTMENT BUILDINGS
5 - 5 UNIT MULTISTORY APARTMENT BUILDINGS
9 - 6 UNIT TWO STORY APARTMENT BUILDINGS
13 - FOUR BEDROOM UNITS
20 - THREE BEDROOM UNITS
36 - TWO BEDROOM UNITS

DUPLEXES
31 DUPLEXES
62 DUPLEX UNITS
30 THREE BEDROOM UNITS - PLAN ONE
32 FOUR BEDROOM UNITS - PLAN TWO

PARKING

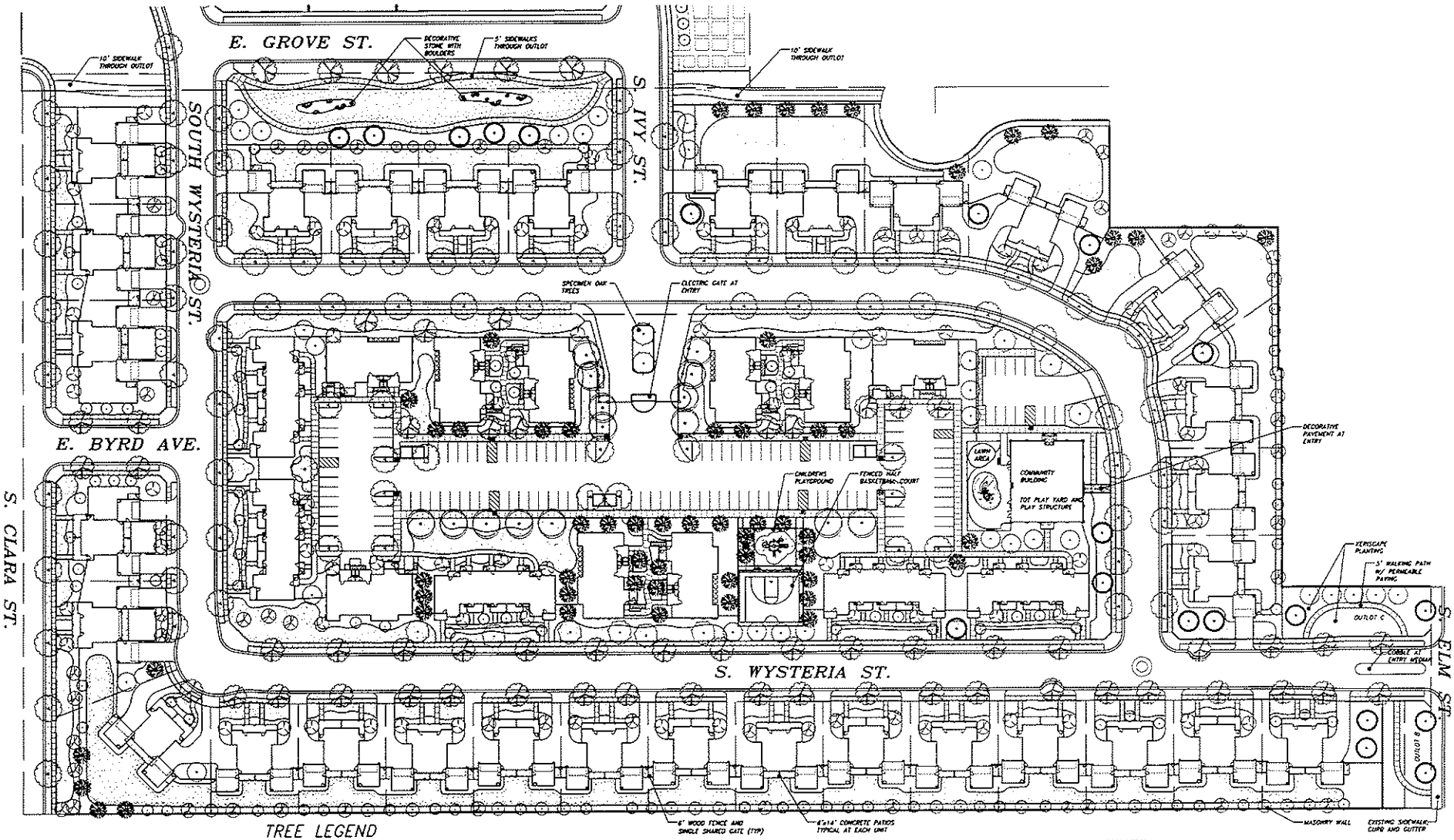
APARTMENTS
REQUIRED - 1 1/2 PER UNIT =111 SPACES
PROVIDED - 120 SPACES
HANDICAP SPACES REQUIRED = 5 SPACES
HANDICAP SPACES PROVIDED = 6 SPACES

COMMUNITY BUILDING
PROVIDED - 11 SPACES

DUPLEXES
REQUIRED - 2 COVERED SPACES PER UNIT
PROVIDED - 2 COVERED SPACES PER UNIT

San Joaquin Design Group
Architecture & Planning
Tel: (209) 478-4013 Fax: (209) 478-0288
1677 N. Pershing Ave. - Stockton, Ca. 95205

CALIFORNIA STREET PARTNERS
2300 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



TREE LEGEND

Symbol	Size	Botanical Name	Common Name	Quantity
	24" Box	Quercus suber	Cork Oak	5
	24" Box	Quercus wislizenii	Interior Live Oak	9
	15 Gal.	Arbutus u. 'Marina'	Strawberry Tree	56
	15 Gal.	Chionanthus retusus (male)	Chinese Fringe Tree	16
	15 Gal.	Chitalpa tashkentensis 'Pink Dawn'	Pink Dawn Chitalpa	59
	15 Gal.	Fraxinus o. 'Autumn Applause'	American Ash	85
	15 Gal.	Lagerstroemia f. 'Muskogee'	Crape Myrtle	91
	15 Gal.	Platanus acerifolia 'Columbia'	Sycamore	15
	15 Gal.	Pistachio chinensis 'Keith Davey'	Chinese Pistache	47
	15 Gal.	Pyrus c. 'Aristocrat'	Aristocrat Flowering Pear	66
	15 Gal.	Schinus molle	California Pepper Tree	30
	15 Gal.	Ulmus parvifolia 'Drake'	Drake Elm	22

Sod Lawn - Warm season turf

ODYSSEY LANDSCAPE CO.
& LANDSCAPE ARCHITECTURE
5400 W. HIGHWAY 12, LODI, CA
(209) 369-6197 (209) 369-6965 FAX
www.odysseylandscape.com

PROPOSED APARTMENTS FOR CALIFORNIA STREET PARTNERS

CHURCH STREET, FRESNO, CA

REAR ELEVATION

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

LEFT ELEVATION

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

RIGHT ELEVATION

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

FRONT ELEVATION

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

TWO STORY APARTMENT - 5 UNITS

SOUTH ELM AVENUE FRESNO, CALIFORNIA

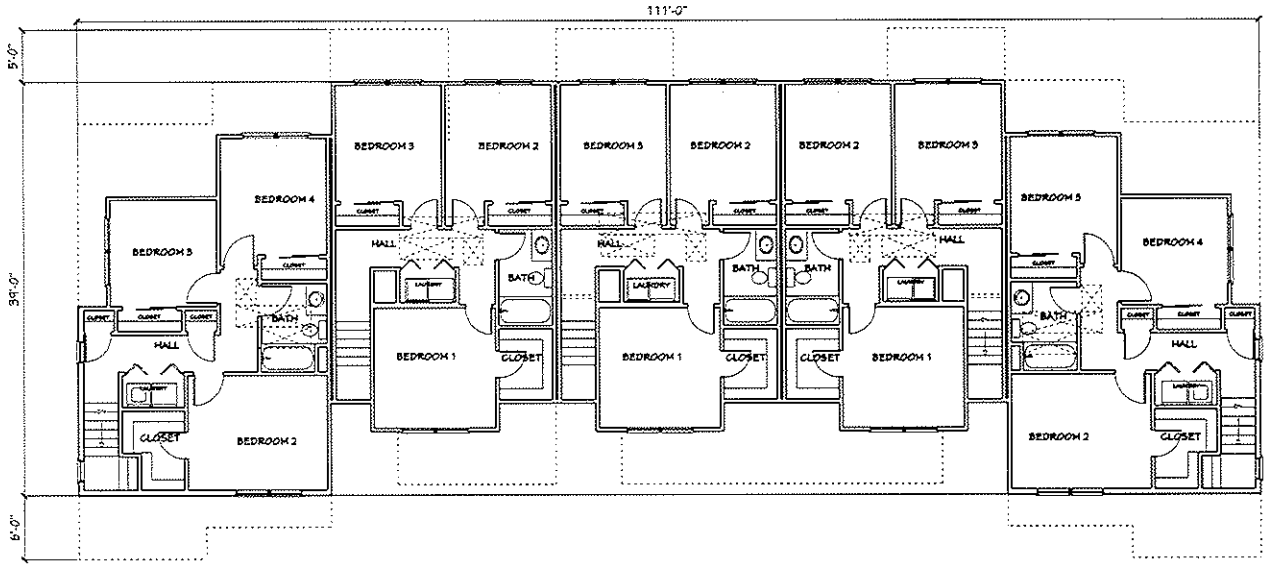
San Joaquin Design Group

Architecture & Planning

7877 N. Pershing Ave. - Stockton, Ca. 95207
Tel: (209) 478-4013 Fax. (209) 478-0266

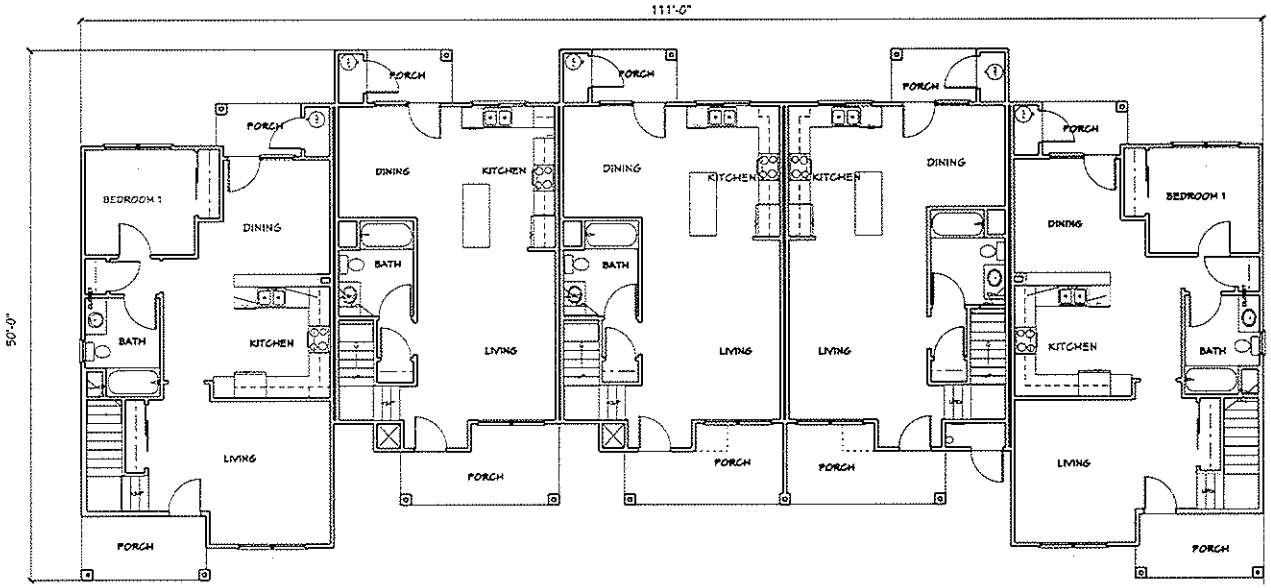
CALIFORNIA STREET PARTNERS

2000 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



SECOND FLOOR

SCALE: 3/16" = 1' - 0"



UNIT MIX

5 UNITS

3 - 3 BEDROOMS/ 2 BATH UNITS - 1260 SQ. FT.

2 - 4 BEDROOM/ 2 BATH UNITS - 1477 SQ. FT.

FIRST FLOOR

SCALE: 3/16" = 1' - 0"

FOUR BEDROOM | THREE BEDROOM | THREE BEDROOM | THREE BEDROOM | FOUR BEDROOM

MULTISTORY APARTMENTS - 5 UNITS

SOUTH ELM AVENUE FRESNO, CALIFORNIA

San Joaquin Design Group

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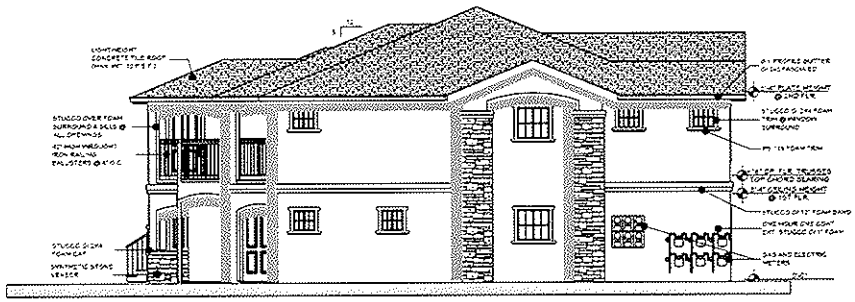
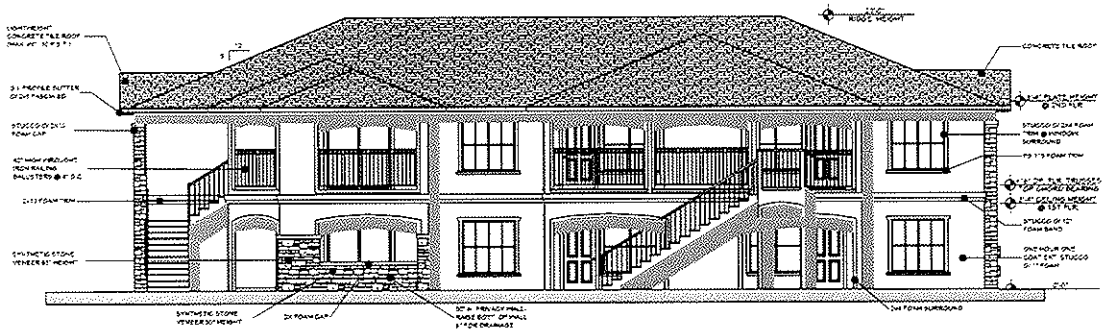
Tel: (209) 473-4013 Fax: (209) 478-0266

CALIFORNIA STREET PARTNERS
2800 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



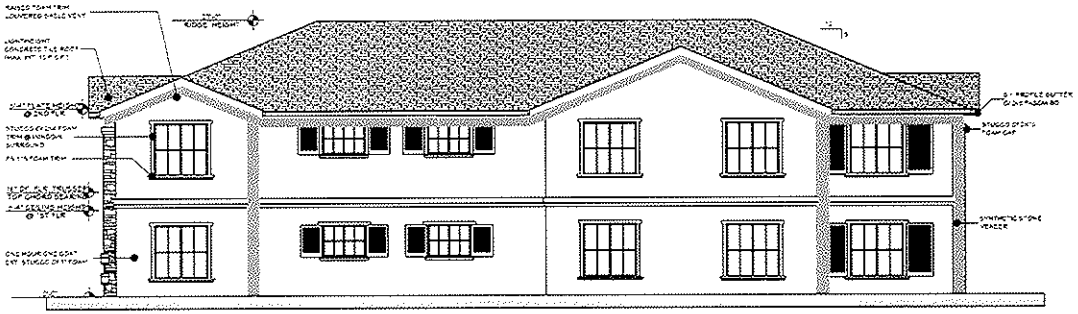
RIGHT ELEVATION

SCALE 3/16"=1'-0"



FRONT ELEVATION

SCALE 3/16"=1'-0"



REAR ELEVATION

SCALE 3/16"=1'-0"

LEFT ELEVATION

SCALE 3/16"=1'-0"

San Joaquin Design Group

Architecture & Planning

7677 N. Pershing Ave. - Stockton, Ca. 95207

Tel: (209) 478-4013 Fax: (209) 478-0266

TWO STORY APARTMENT - 6 UNITS

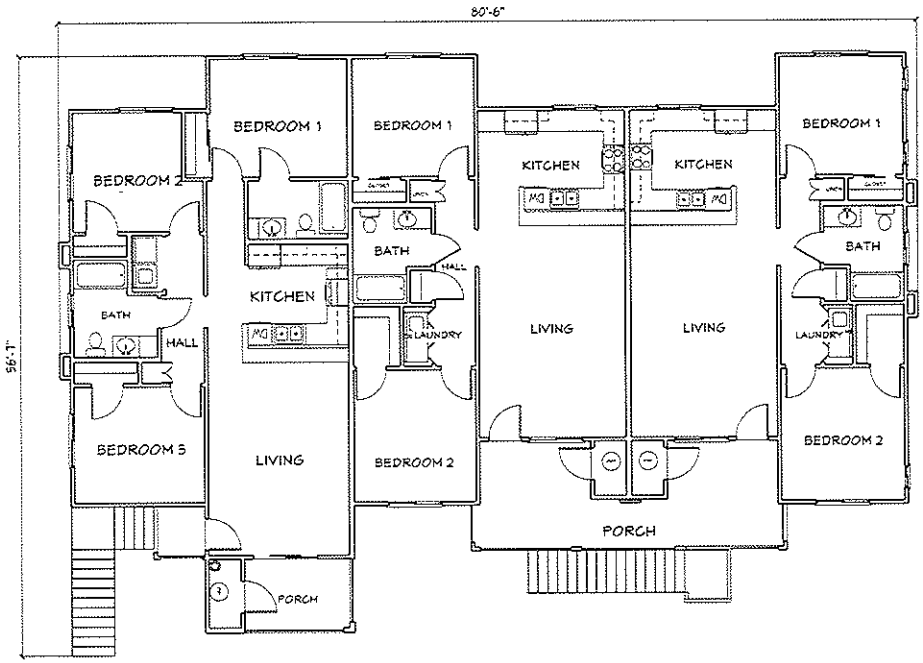
SOUTH ELM AVENUE

FRESNO, CALIFORNIA

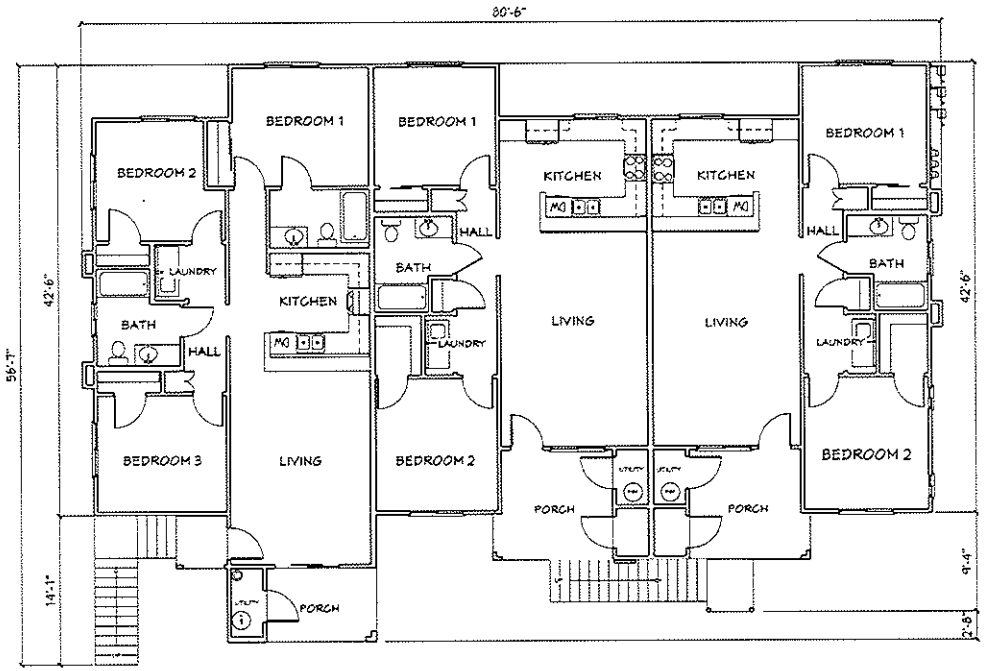
CALIFORNIA STREET PARTNERS

2600 NORTH CALIFORNIA STREET

STOCKTON, CALIFORNIA



SECOND FLOOR PLAN



FIRST FLOOR PLAN

SCALE 3/16"=1'-0"

UNIT MIX

2 - THREE BEDROOMS -1,114 SQ. FT.

4 - TWO BEDROOMS - 962 SQ. FT.

San Joaquin Design Group

Architecture & Planning

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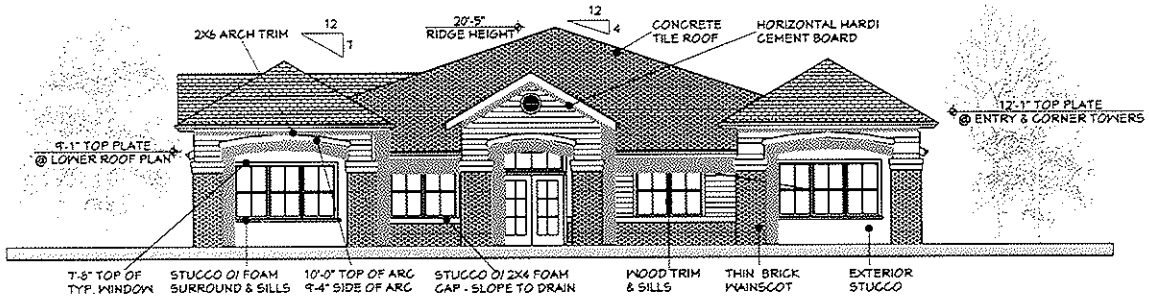
TWO STORY APARTMENT - 6 UNITS

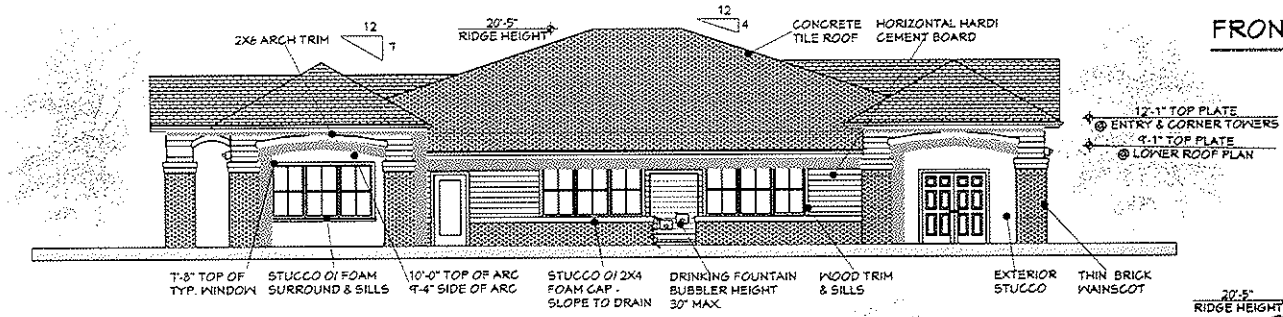
SOUTH ELM AVENUE
FRESNO, CALIFORNIA

CALIFORNIA STREET PARTNERS

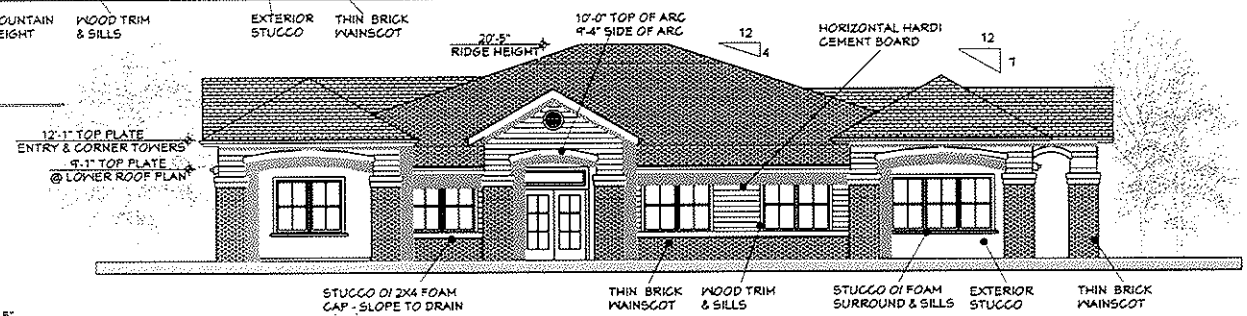
2800 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



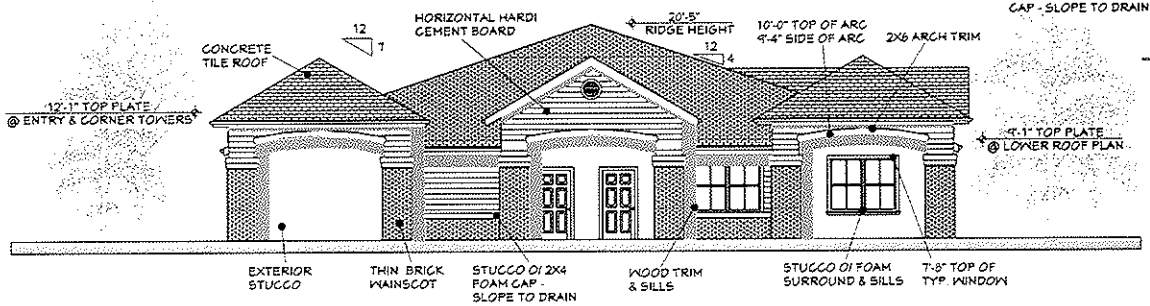
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

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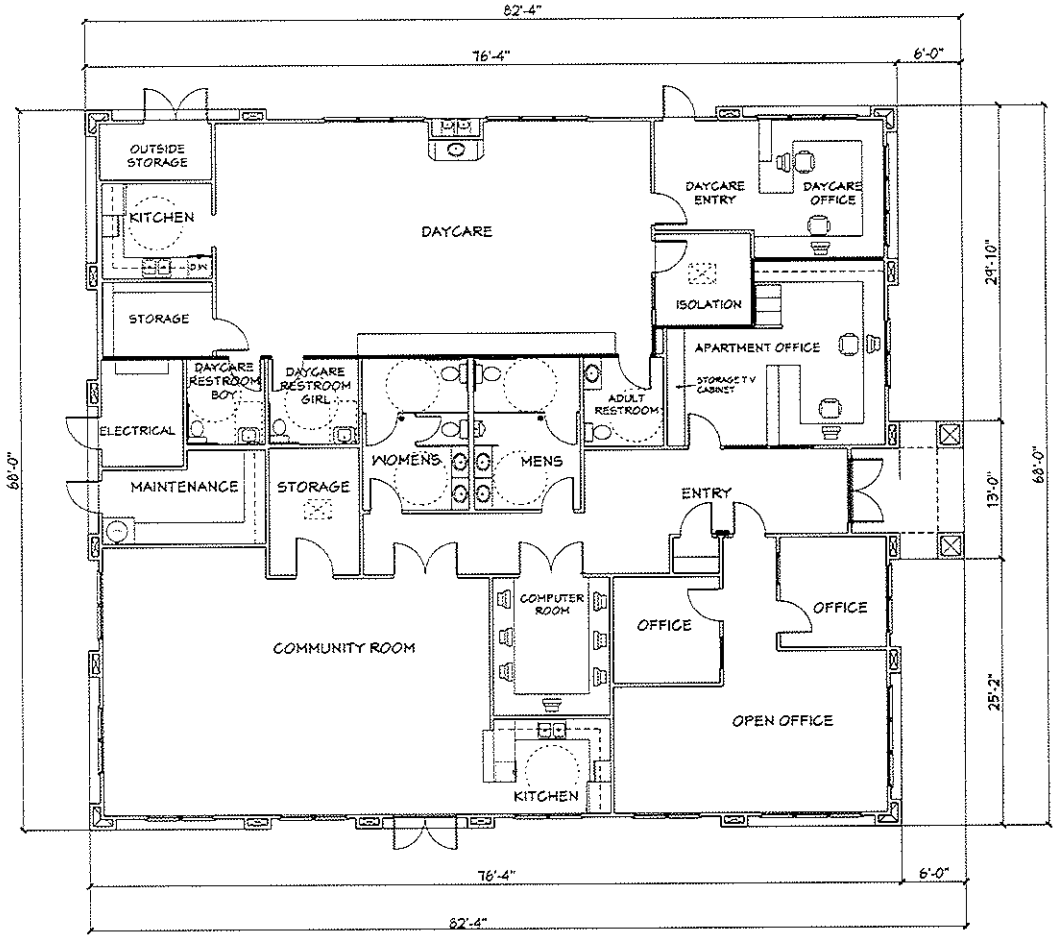
COMMUNITY BUILDING

SCALE: 3/16" = 1' - 0"

SOUTH ELM AVENUE FRESNO, CALIFORNIA

CALIFORNIA
STREET
PARTNERS

2600 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



FLOOR PLAN

SCALE: 3/16" = 1'-0"

4875 SQUARE FEET

COMMUNITY BUILDING

SOUTH ELM AVENUE FRESNO, CALIFORNIA

San Joaquin Design Group

Architecture & Planning

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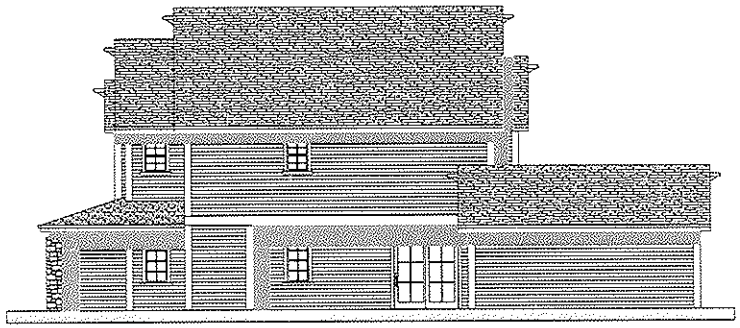
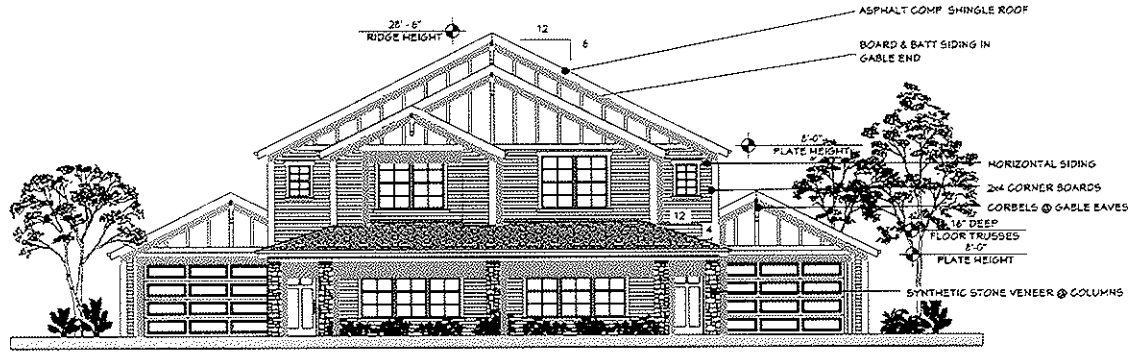
CALIFORNIA STREET PARTNERS

2600 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



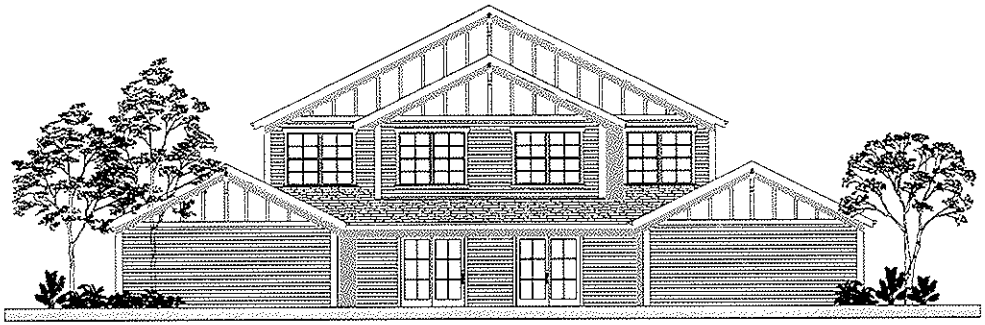
DUPLEX PLAN ONE ELEVATION A- RIGHT

SCALE: 3/16" = 1'-0"



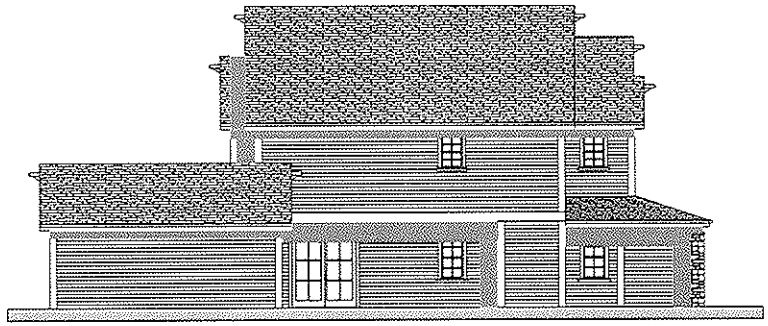
DUPLEX PLAN ONE ELEVATION A- FRONT

SCALE: 3/16" = 1'-0"



DUPLEX PLAN ONE ELEVATION A- REAR

SCALE: 3/16" = 1'-0"



DUPLEX PLAN ONE ELEVATION A- LEFT

SCALE: 3/16" = 1'-0"

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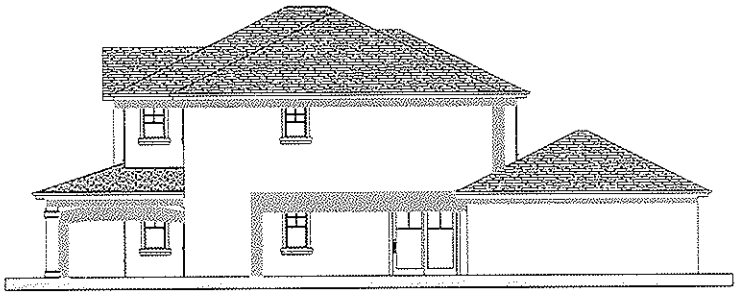
PROPOSED DUPLEXES

SOUTH ELM AVENUE
FRESNO, CALIFORNIA

DECEMBER 22, 2009

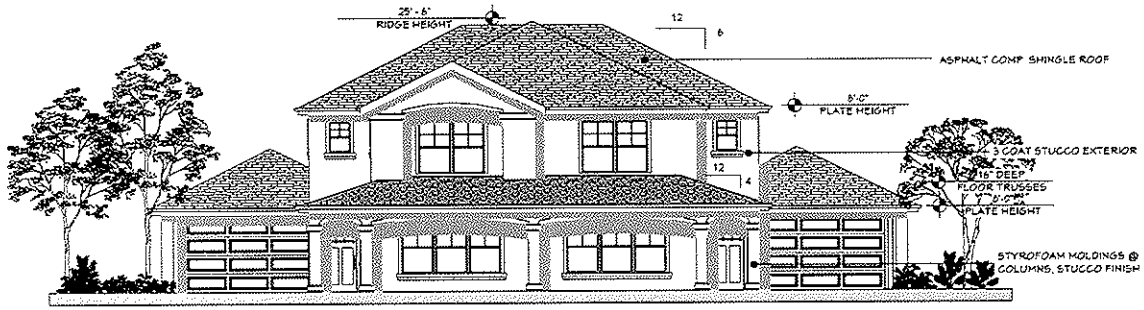
CALIFORNIA STREET PARTNERS

2800 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



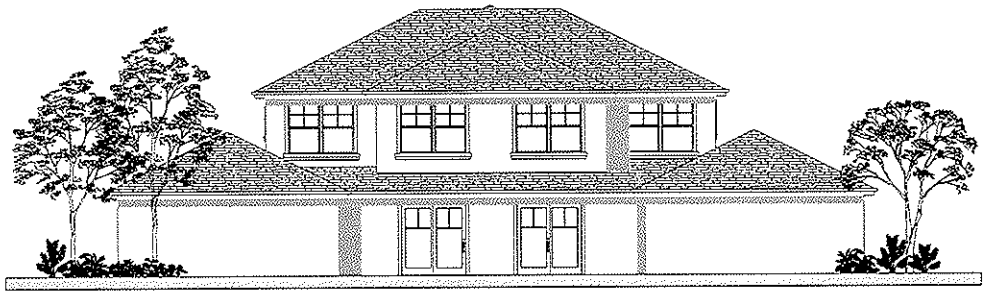
DUPLEX PLAN ONE ELEVATION B- RIGHT

SCALE: 3/16" = 1'-0"



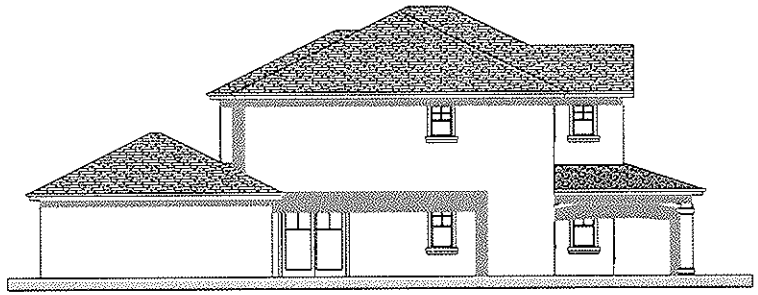
DUPLEX PLAN ONE ELEVATION B- FRONT

SCALE: 3/16" = 1'-0"



DUPLEX PLAN ONE ELEVATION B- REAR

SCALE: 3/16" = 1'-0"



DUPLEX PLAN ONE ELEVATION B- LEFT

SCALE: 3/16" = 1'-0"

San Joaquin Design Group

Architecture & Planning

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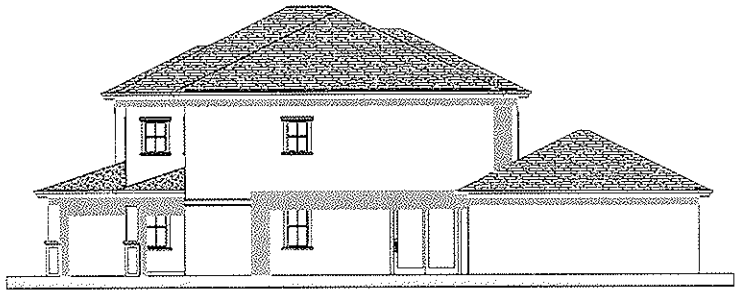
PROPOSED DUPLEXES

SOUTH ELM AVENUE
FRESNO, CALIFORNIA

DECEMBER 22, 2009

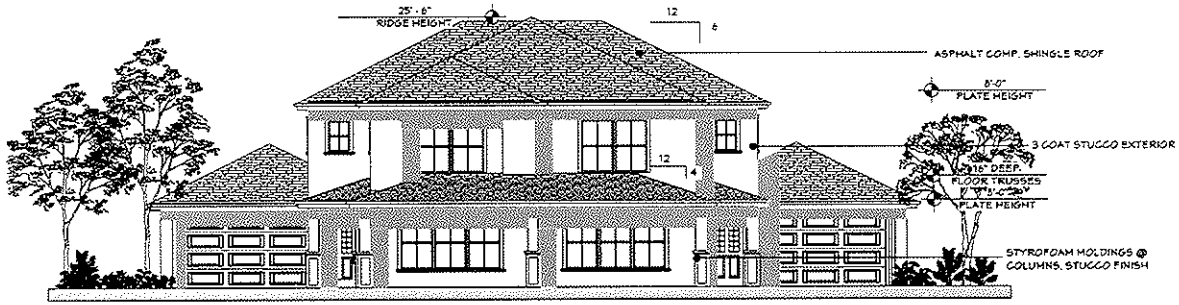
CALIFORNIA
STREET
PARTNERS

2800 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



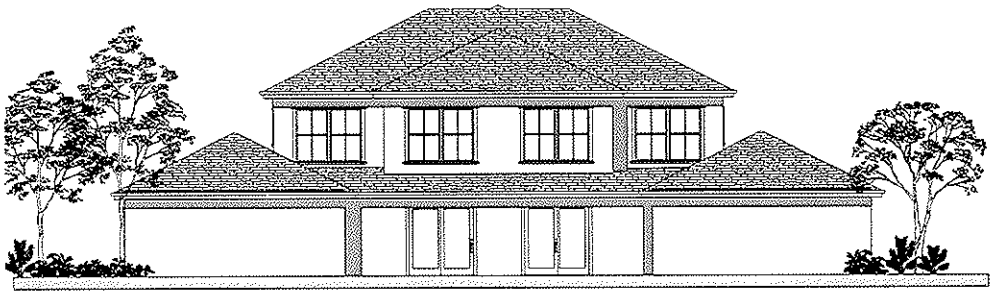
DUPLEX PLAN ONE ELEVATION C- RIGHT

SCALE: 3/16" = 1'-0"



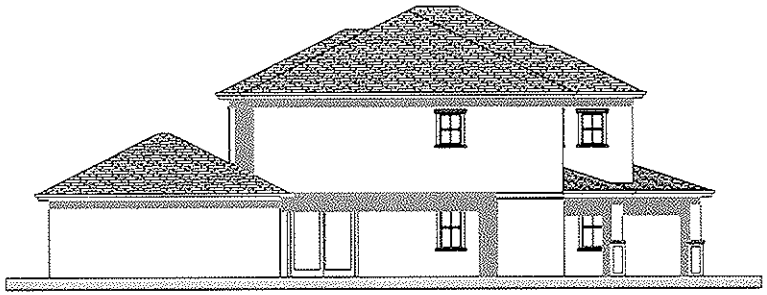
DUPLEX PLAN ONE ELEVATION C- FRONT

SCALE: 3/16" = 1'-0"



DUPLEX PLAN ONE ELEVATION C- REAR

SCALE: 3/16" = 1'-0"



DUPLEX PLAN ONE ELEVATION C- LEFT

SCALE: 3/16" = 1'-0"

San Joaquin Design Group

Architecture & Planning

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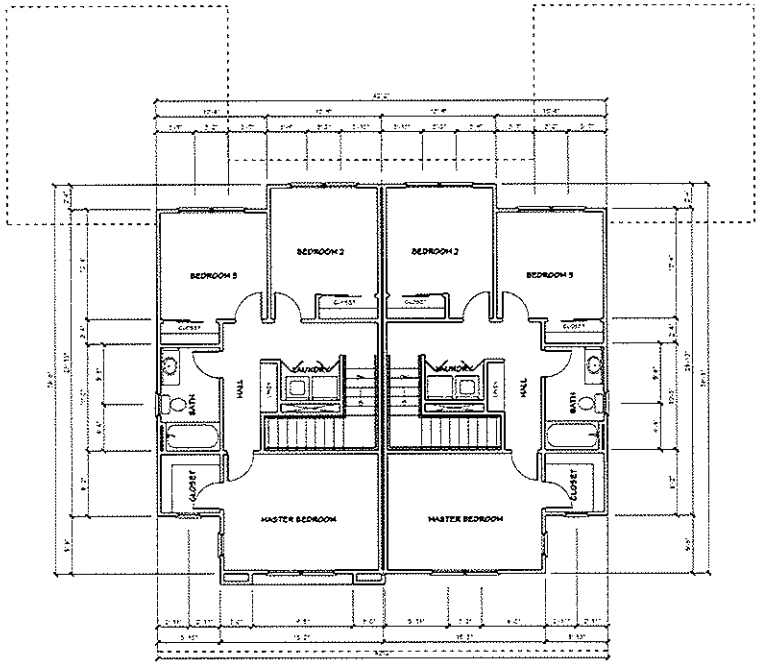
PROPOSED DUPLEXES

SOUTH ELM AVENUE
FRESNO, CALIFORNIA

DECEMBER 22, 2009

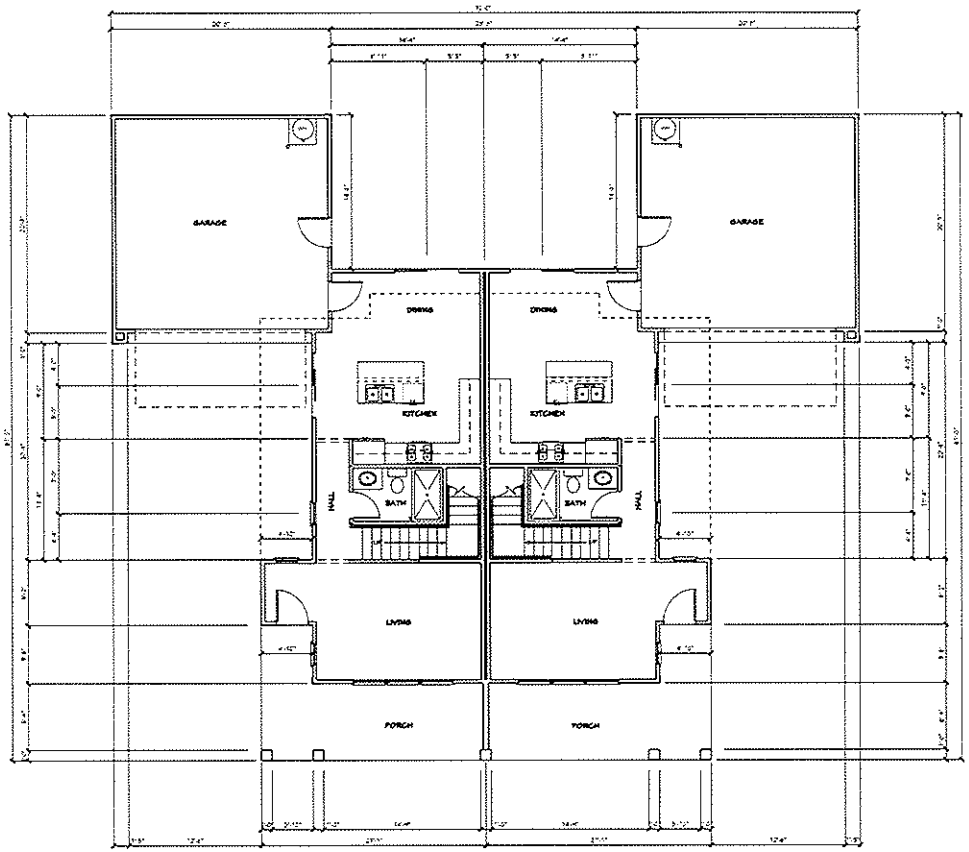
CALIFORNIA STREET PARTNERS

2800 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



DUPLEX PLAN ONE - SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"



SQUARE FOOTAGE	
FIRST FLOOR	652 SQ. FT.
SECOND FLOOR	658 SQ. FT.
TOTAL FLOOR AREA	1310 SQ. FT.
GARAGE	438 SQ. FT.
PORCH	160 SQ. FT.

DUPLEX PLAN ONE - FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0"

San Joaquin Design Group

Architecture & Planning

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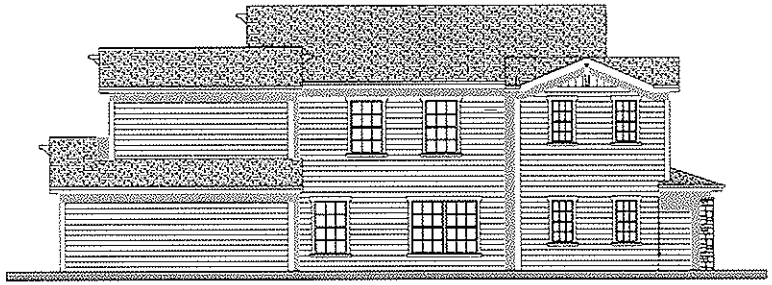
PROPOSED DUPLEXES

SOUTH ELM AVENUE
FRESNO, CALIFORNIA

DECEMBER 22, 2009

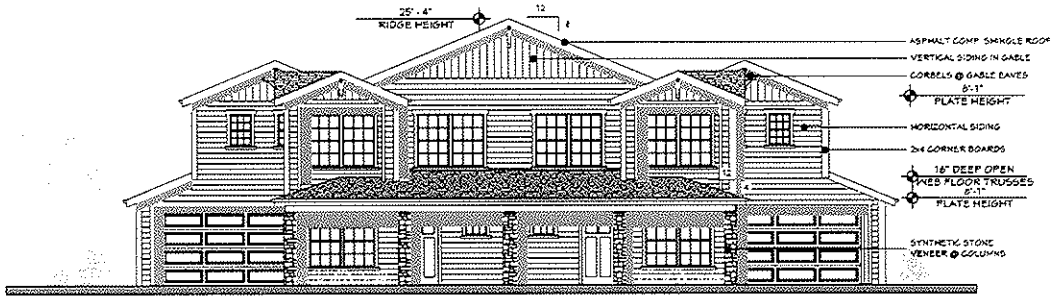
CALIFORNIA STREET PARTNERS

2800 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



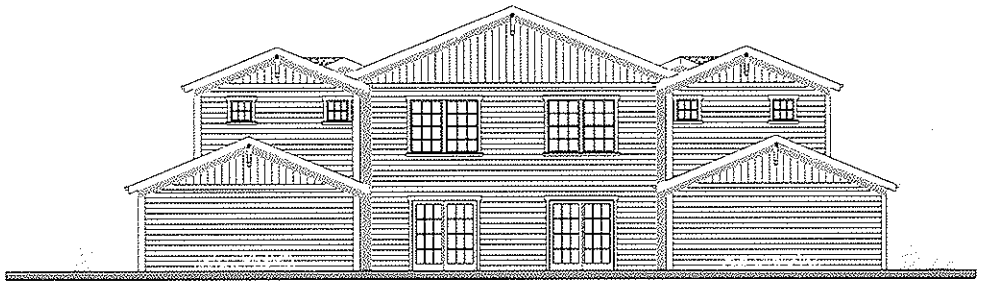
DUPLEX PLAN TWO ELEVATION A- RIGHT

SCALE: 3/16" = 1'-0"



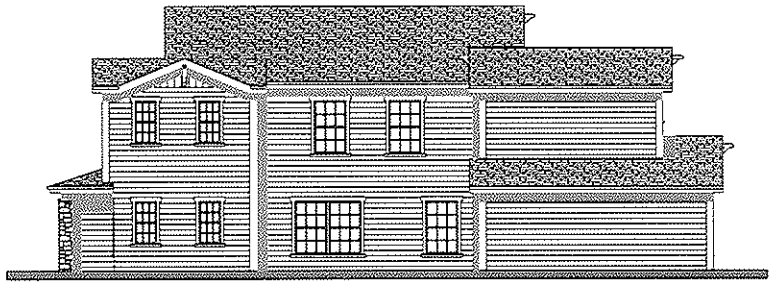
DUPLEX PLAN TWO ELEVATION A- FRONT

SCALE: 3/16" = 1'-0"



DUPLEX PLAN TWO ELEVATION A- REAR

SCALE: 3/16" = 1'-0"



DUPLEX PLAN TWO ELEVATION A- LEFT

SCALE: 3/16" = 1'-0"

San Joaquin Design Group

Architecture & Planning

7877 N. Pershing Ave. - Stockton, Ca. 95207
Tel: (209) 478-4013 Fax: (209) 478-0266

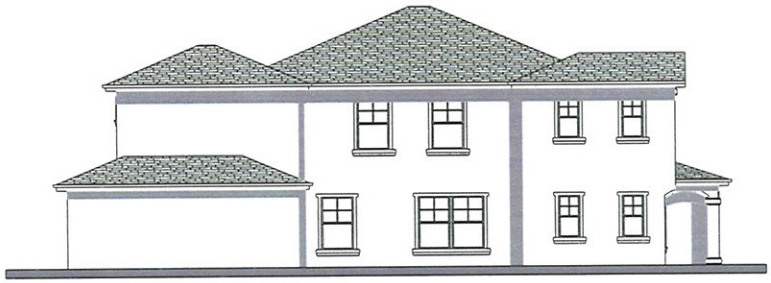
PROPOSED DUPLEXES

SOUTH ELM AVENUE
FRESNO, CALIFORNIA

DECEMBER 22, 2009

CALIFORNIA STREET PARTNERS

2800 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



DUPLEX PLAN TWO ELEVATION B- RIGHT

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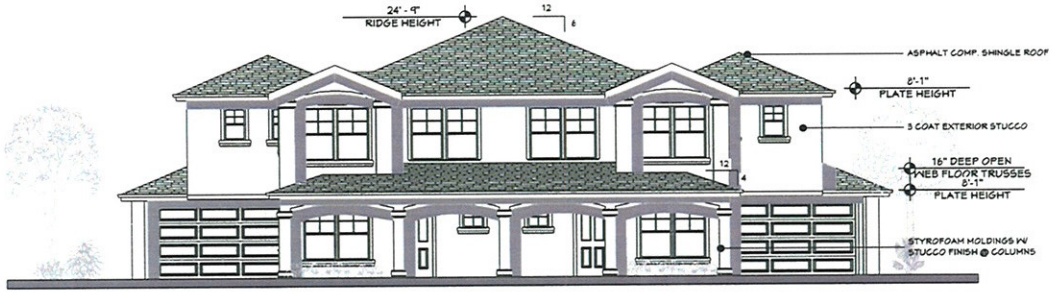
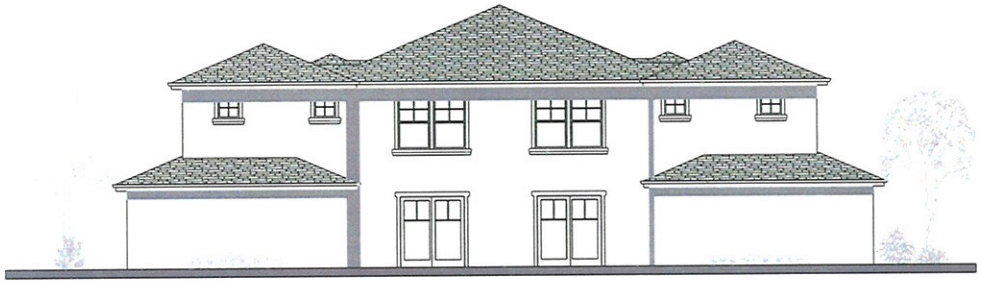


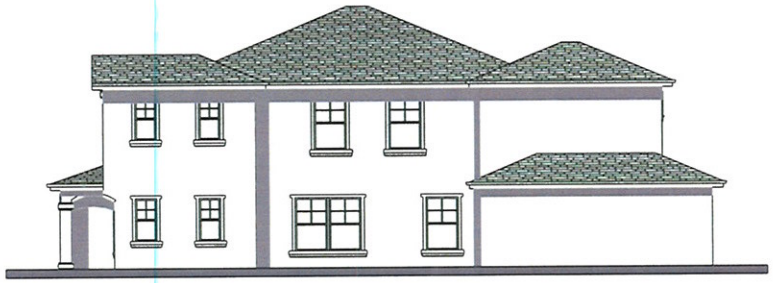
DUPLEX PLAN TWO ELEVATION B- FRONT

SCALE: 3/16" = 1'-0"



DUPLEX PLAN TWO ELEVATION B- REAR

SCALE: 3/16" = 1'-0"



DUPLEX PLAN TWO ELEVATION B- LEFT

SCALE: 3/16" = 1'-0"

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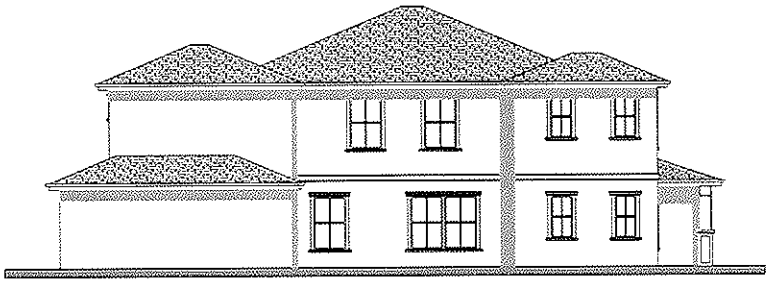
PROPOSED DUPLEXES

SOUTH ELM AVENUE
FRESNO, CALIFORNIA

DECEMBER 22, 2009

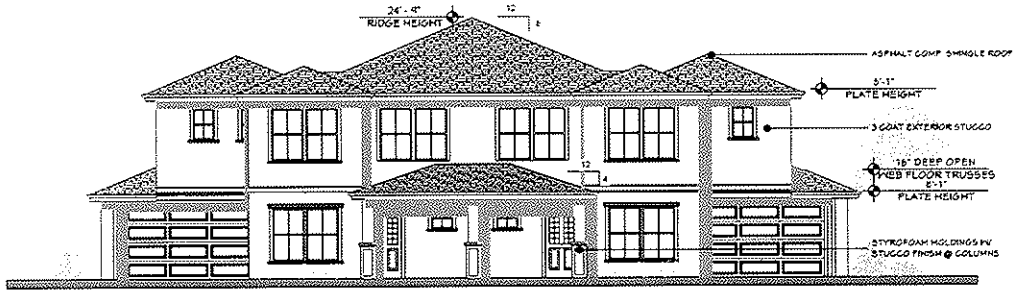
CALIFORNIA STREET PARTNERS

2800 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



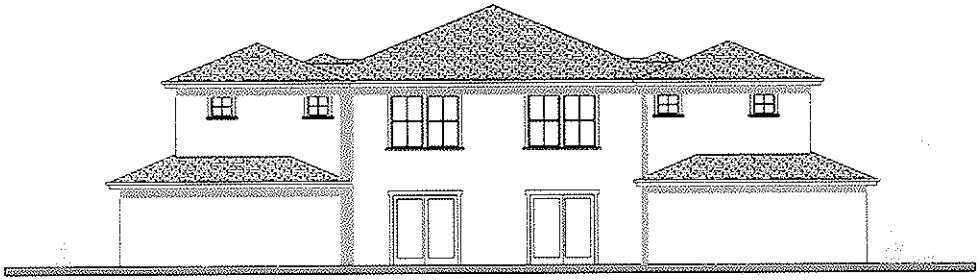
DUPLEX PLAN TWO ELEVATION C- RIGHT

SCALE: 3/16" = 1'-0"



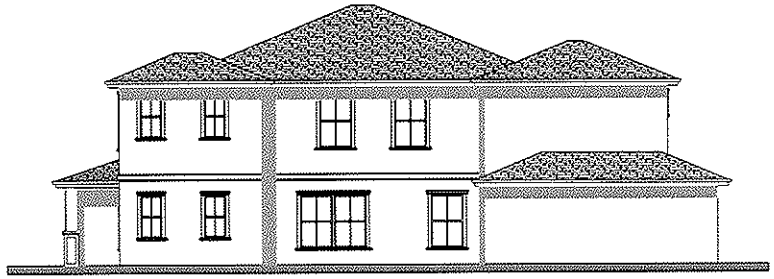
DUPLEX PLAN TWO ELEVATION C- FRONT

SCALE: 3/16" = 1'-0"



DUPLEX PLAN TWO ELEVATION C- REAR

SCALE: 3/16" = 1'-0"



DUPLEX PLAN TWO ELEVATION C- LEFT

SCALE: 3/16" = 1'-0"

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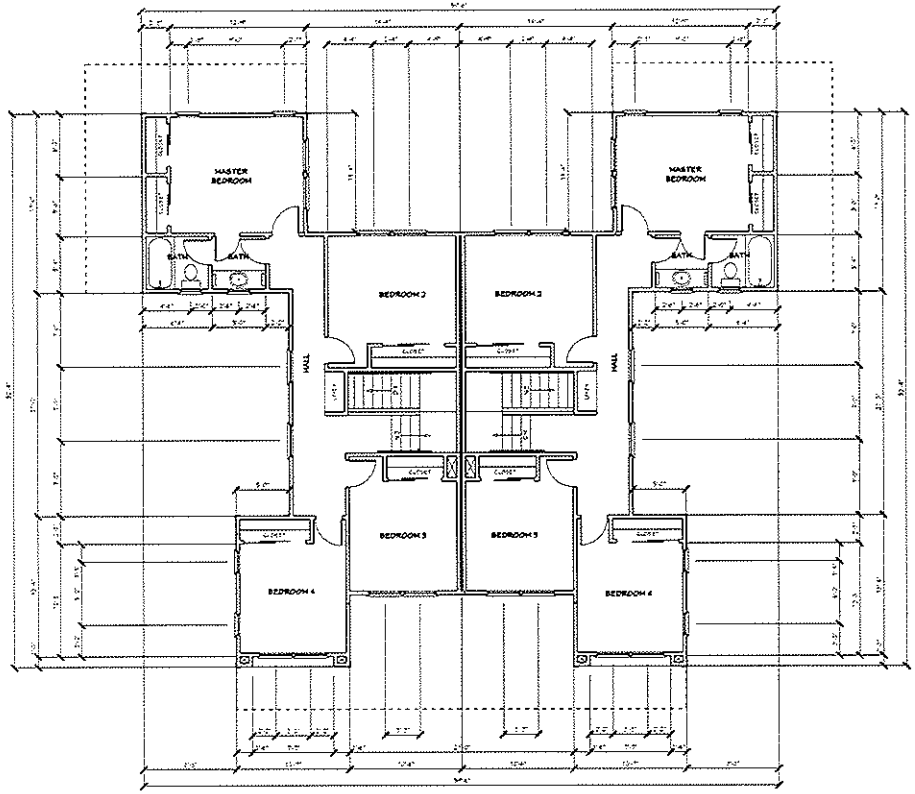
PROPOSED DUPLEXES

SOUTH ELM AVENUE
FRESNO, CALIFORNIA

DECEMBER 22, 2009

CALIFORNIA STREET PARTNERS

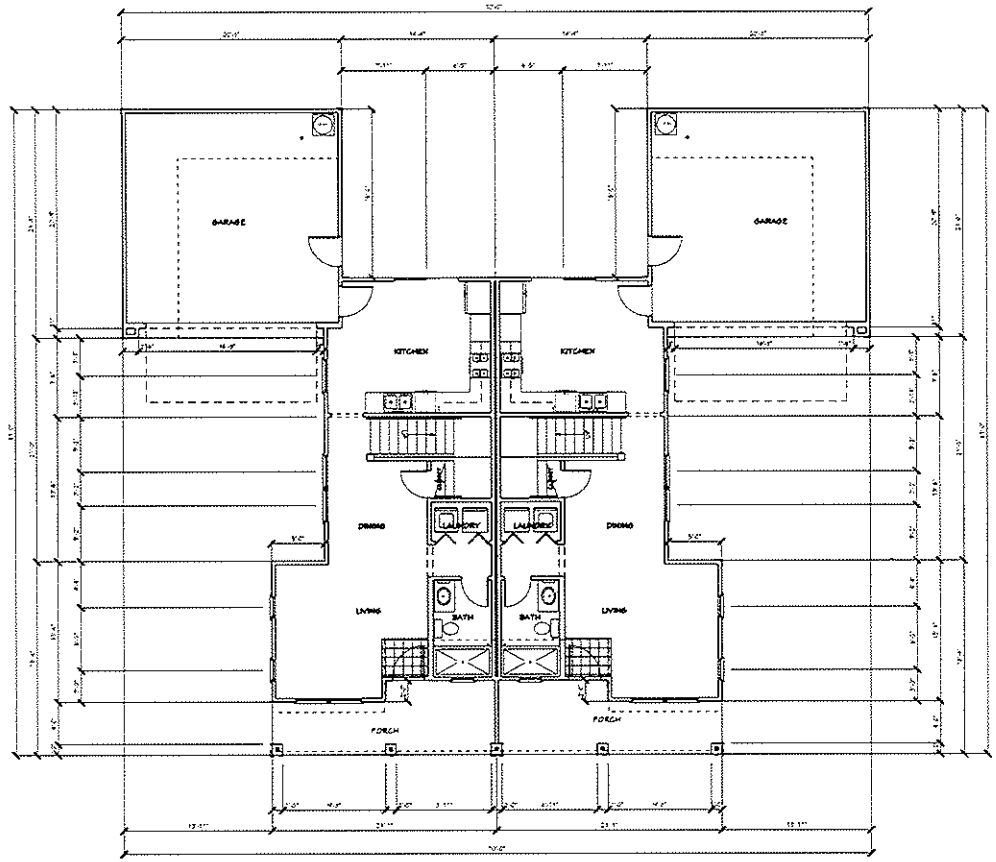
2800 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA



DUPLEX PLAN TWO - SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"

SQUARE FOOTAGE	
1ST FLR.	850 SQ. FT.
2ND FLR.	525 SQ. FT.
TOTAL MAIN BLDG	1305 SQ. FT.
GARAGE	420 SQ. FT.
PORCH	125 SQ. FT.



DUPLEX PLAN TWO - FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0"

San Joaquin Design Group

Architecture & Planning

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PROPOSED DUPLEXES

SOUTH ELM AVENUE
FRESNO, CALIFORNIA

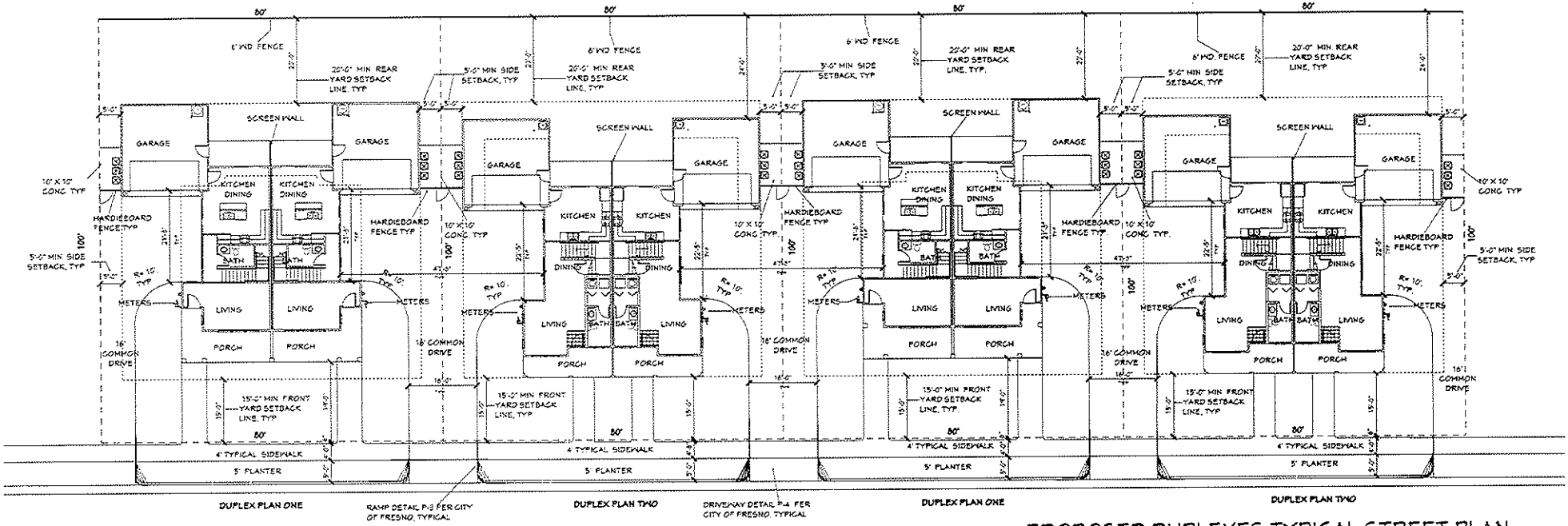
DECEMBER 22, 2009

CALIFORNIA STREET PARTNERS

2800 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA

PROPOSED DUPLEXES STREETSCAPE

3/32"=1'-0"



PROPOSED DUPLEXES TYPICAL STREET PLAN

3/32"=1'-0"

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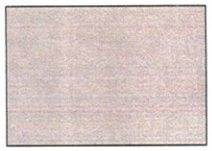
PROPOSED DUPLEXES

SOUTH ELM AVENUE
FRESNO, CALIFORNIA

JULY 22, 2010

CALIFORNIA STREET PARTNERS

2600 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA

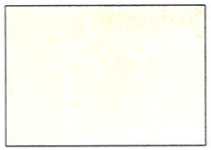


#1. #1544
WAYNESBORO TAUPE
(BENJAMIN MOORE PAINT)

① STUCCO FOAM TRIM WINDOW SURROUND
② WOOD WINDOW TRIM

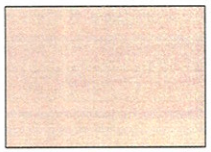
#2. #2137-30
DURANGO
(BENJAMIN MOORE PAINT)

① CORBELS



#3. #1060
BLANCHED ALMOND
(BENJAMIN MOORE PAINT)

① EXTERIOR STUCCO

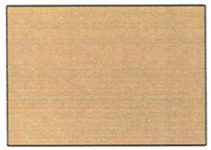


#4. #1061
BRUNSWICK BEIGE
(BENJAMIN MOORE PAINT)

① EXTERIOR STUCCO

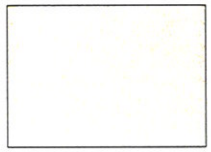
#5. #1225
ABBEY BROWN
(BENJAMIN MOORE PAINT)

① DOORS
② ALL METAL RAILINGS



#6. #2165-20
GOLDEN MEADOW
(BENJAMIN MOORE PAINT)

① STUCCO FOAM CAP
② GUTTERS, FASCIA
③ STAIR TOWER PLATE



#7. #232
WINTER WHEAT
(BENJAMIN MOORE PAINT)

① STAIRWELL CEILING, STAIRWELL WALLS
② COLUMNS, STUCCO FOAM TRIM BAND AT COLUMN TOP
③ PORCH CEILINGS, WALLS

#8. #302
PONDEROSA - ARCADIA
(EAGLE ROOFING PRODUCTS)

① CONCRETE ROOF TILES

#9. BLUE CREEK
STACK STONE
(TEJAS TEXTURED STONE)

① SYNTHETIC STONE VENEER

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Tel: (209) 478-4013 Fax: (209) 478-0266

TYPICAL EXTERIOR COLORS & MATERIALS

SOUTH ELM AVENUE
FRESNO, CALIFORNIA

CALIFORNIA STREET PARTNERS
2800 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA

LANDSCAPE STRUCTURES
PLAYSENSE
STRUCTURE # 999

LANDSCAPE/SHADE CALCULATION

TOTAL PARKING LOT AREA = 48,377 S.F.

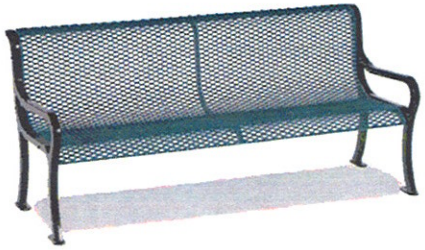
SHADED AREA REQ'D. @ 50% = 24,188 S.F.
SHADE TREE AREA COVERAGE:

30-35' DIAMETER TREES
FULL: 6 @ 962 SQ. FT. = 5,772 S.F.
THREE-QUARTER: 2 @ 721 SQ. FT. = 1,442 S.F.
HALF: 27 @ 481 SQ. FT. = 12,987 S.F.
QUARTER: 0 @ 240 SQ. FT. = 0 S.F

20-30' DIAMETER TREES
FULL: 0 @ 707 SQ. FT. = S.F.
HALF: 20 @ 354 SQ. FT. = 7,080 S.F.
QUARTER: 0 @ 79 SQ. FT. = 0 S.F

SHADED AREA PROVIDED = 25,839 S.F.

TOTAL SHADED AREA PROVIDED = 25,839 S.F.



WABASH VALLEY 6' DIAMOND BENCH

WABASH VALLEY 8' PICNIC TABLE

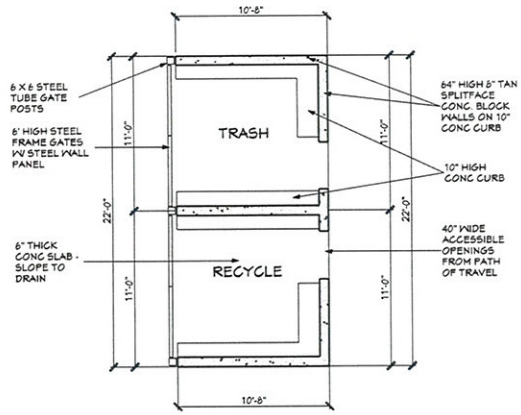
ODYSSEY LANDSCAPE CO.
& LANDSCAPE ARCHITECTURE
5400 W. HIGHWAY 12, LODI, CA
(209) 369-6197 (209) 369-6965 FAX
www.odysseylandscape.com

PROPOSED APARTMENTS FOR CALIFORNIA STREET PARTNERS

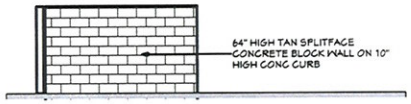
CHURCH STREET, FRESNO, CA

Scale: NONE

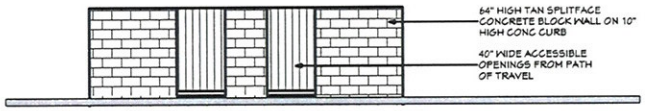
Visionary Home Builders
Stockton, CA



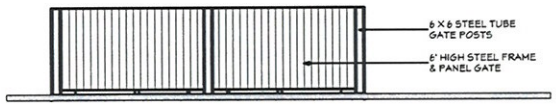
FLOOR PLAN



END ELEVATION

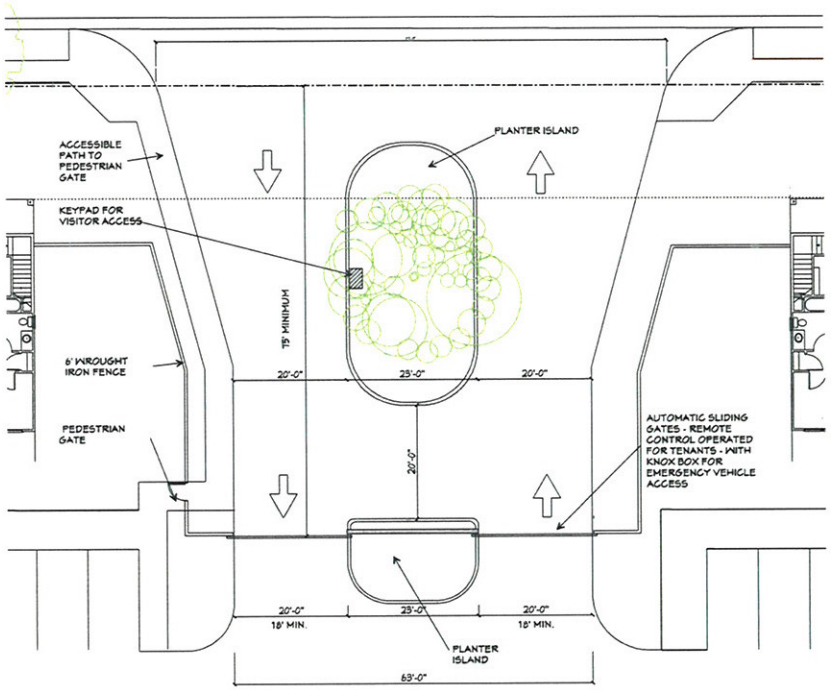


REAR ELEVATION



FRONT ELEVATION

TYPICAL TRASH ENCLOSURE



APARTMENT ENTRY GATE & TURNAROUND DETAIL

1"= 10'-0"

PROPOSED MULTI FAMILY COMMUNITY

San Joaquin Design Group
Architecture & Planning
Tel: (209) 478-4013 Fax: (209) 478-0266
7877 N. Pershing Ave. - Stockton, Ca. 95207

NORTH

CALIFORNIA STREET PARTNERS
2800 NORTH CALIFORNIA STREET
STOCKTON, CALIFORNIA

Exhibit J

Conditions of Approval for Vesting Tentative Tract Map No. T-5786, dated December 1, 2010, including memoranda from responsible or commenting agencies

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

DECEMBER 01, 2010

VESTING TENTATIVE TRACT MAP NO. 5786

"A PLANNED DEVELOPMENT"

WEST SIDE OF SOUTH ELM AVENUE BETWEEN EAST CHURCH AND EAST JENSEN AVENUES

All tentative maps are subject to the applicable provisions of the State Subdivision Map Act, Fresno Municipal Code (FMC), City policies, and City of Fresno Standard Specifications. The following specific conditions are applicable to this vesting tentative map:

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, 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 the imposition of the fees, dedications, reservations or exactions imposed on the development project.

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 5786, the subdivider may prepare a Final Map in accordance with the approved tentative map, and Conditional Use Permit Application No. C-10-93.

2. An Air Impact Assessment (AIA) application for the proposed project shall have been submitted to the San Joaquin Valley Air Pollution Control District prior to the submittal/acceptance of any phase of the Final Map for recordation/processing.

3. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.

4. Submit grading plans and a soils report to the City of Fresno Planning and Development Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.

5. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

6. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.

7. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.

8. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Article 10, Chapter 12, "Subdivision of Real Property;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.

9. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.

10. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.

11. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

GENERAL INFORMATION

12. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.

    a) 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 details) 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.

i) Attached for the subdivider/developer's use is a copy of the Mode of Delivery Agreement – New Construction Form.

13. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of Fresno Municipal Code Chapter 12, Article 10, Subdivision of Real Property.

14. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.

15. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.

16. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.

17. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.

18. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.

19. An archaeological 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 measures.

20. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.

21. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written

application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

If the subdivider elects to apportion the assessment, the application shall contain the following information:

a) A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;

b) A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and

c) Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.

d) The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

ZONING & PROPERTY DEVELOPMENT STANDARDS

22. As a proposed "Planned Development" subdivision, approval of Vesting Tentative Tract Map No. 5786 is contingent upon approval of Conditional Use Permit Application No. C-10-93; authorizing the planned development of the subject property.

23. The subject property is zoned R-1 (*Single Family Residential District*). Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the R-1 (*Single Family Residential*) zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-10-93.

24. Outlot "A" of Vesting Tentative Tract Map No. 5786 shall be utilized for multiple family residential, open space, and ancillary use purposes in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-10-93.

Lot Area and Dimensions

25. Pursuant to Section 12-306-N-21 of the FMC the Director of the Development and Resource Management Department or the Planning Commission may modify the property development standards of the underlying zone district if determined that the proposed development conforms to the provisions of the abovementioned section. However, in no case shall proposed parcels be less than the following minimum standards:

    a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 5786.

Building Setbacks

26. Building setbacks shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-10-93.

Fences, Hedges & Walls

27. Fences Hedges and Walls shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-10-93.

LANDSCAPING AND OPEN SPACE

28. Two to five percent (2%-5%) of the site (less major street dedications) should consist of common passive/active open space in accordance with: the City of Fresno Proposed Guidelines for Landscape Open Space and Pedestrian Walkway Requirements for Residential Development; the Conditions of Approval for Conditional Use Permit Application No. C-10-93; and, the following:

    a) All subdivisions that are 10 net acres in area or greater shall provide a minimum of 2.5 percent of the site with aggregate open space.

        i) Outlot "E" of Vesting Tentative Tract Map No. 5786 shall be utilized for public open space purposes and improved in conjunction with Outlot "E" of Vesting Tentative Tract Map No. 5978.

        ii) As Outlot "E" of Vesting Tentative Tract Map No. 5786 will be utilized for open space purposes and improved in conjunction with Outlot "E" of Vesting Tentative Tract Map No. 5978, thereby meeting the recommended minimum requirements to qualify for fee credit against the City's Parkland Dedication/In-Lieu Fee (Quimby Act) and/or Park Facilities Fee, Outlot "E" of Vesting Tentative Tract Map No. 5786 may be applied as a fee credit against the City's Parkland Dedication/In-Lieu Fee (Quimby Act) and/or Park Facilities Fee, as appropriate.

    b) Landscaped pedestrian connections/walkways shall be provided for all subdivisions in order to promote "walkability", link neighborhoods and to provide residents the opportunity to reach destinations, including (but not limited to) residences, bus stops, trails, parks (including mini, neighborhood, community, regional parks, etc.), schools, shopping centers, other subdivisions, etc.

        i) Outlots "D" and "F" of Vesting Tentative Tract Map No. 5786 shall be utilized for public open space purposes for pedestrian connectivity and shall be improved in conjunction with Outlots "D" and "F" of Vesting Tentative Tract Map No. 5978.

    c) Major street entryways should contain enhanced landscaping (and irrigation systems), surface materials, and fencing/wall treatments that respectively improve and better define a project's visual image and character.

        i) Outlots "B" and "C" of Vesting Tentative Tract Map No. 5786 shall be utilized for public open space and enhanced entryway purposes.

29. All proposed landscaped open spaces, pedestrian connections, entryways, and pathways shall be improved in accordance with the approved landscape improvement plans, which are to be submitted to the Development and Resource Management Department for review and approval prior to Final Map approval.

    - NOTE: Lighting details shall be provided with the submittal of the landscape improvement plans.

30. Maintenance of all Outlots proposed within the boundary of Vesting Tentative Tract Map No. 5786 shall be provided pursuant to the Maintenance Obligations stipulated herein below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

31. Landscaping, which is compliant with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards," shall be required adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

32. The subdivider is required to provide: (1)Street trees on all public street frontages per Fresno Municipal Code; and, (2) For the dedication of planting and buffer landscape easements as determined by the Development and Resource Management Department. Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage; or, one tree per home (whichever is greater) by the developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards and AB 1881 Model Water Efficient Landscape Ordinance.

33. Comply with all of the: (1) Street Tree; (2) Buffer Landscape & Maintenance; (3) Median Island Landscape; and, (4) Outlot requirements stipulated within the Department of Public Works memorandum from the Parks Supervisor dated November 23, 2010.

STREETS AND RIGHTS-OF-WAY

34. The following street names shall be corrected on the tentative map:

Street Name	Status	Required Change
(blank fronting onto Lots 24-31)	Add	East Atwood Avenue
(blank siding onto Lots 3 & 4)	Add	East Byrd Avenue
(blank fronting onto Lots 7-19)	Add	East Kaviland Avenue
(blank fronting onto lots 20-22)	Add	South Geneva Avenue

35. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.

36. Relinquish direct vehicular access rights to South Clara Avenue for all lots within the proposed subdivision.

37. Relinquish direct vehicular access rights to East Grove Avenue for all lots within the proposed subdivision.

38. Comply with all of the requirements stipulated within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated October 06, 2010.

SANITARY SEWER SERVICE

The nearest sanitary sewer mains to serve the proposed project is a 8-inch main located in South Elm Avenue. An existing 14-inch private Winery Stillage Waste Pipeline shall not be disturbed or utilized for sewer service by the proposed subdivision. The following sewer conditions shall be required prior to providing City sewer service to the project:

- NOTE: The proposed project has sewer service challenges due to the shallow depths of the existing grades of sanitary sewer facilities in the area.

39. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated September 07, 2010.

WATER SERVICE

The neares water main to serve the proposed project is a 12-inch main located in South Elm Avenue, and an 8-inch main located in South Clara Avenue. The following water improvements shall be required prior to providing water service to the project:

40. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Water Division memorandum dated August 30, 2010.

SOLID WASTE SERVICE

This tract will be serviced as both Single Family Residential and Multiple Family Residential properties with basic container service for duplex lots and bin service for the proposed apartment complex on Outlot "A" of Vesting Tentative Tract Map No. 5786, subject to the following conditions:

41. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Solid Waste Division memorandum dated September 22, 2010.

FIRE SERVICE

Fire service is available to the proposed tract subject to the following requirements:

42. Comply with all of the requirements stipulated within the attached Fresno Fire Department memorandum dated September 07, 2010.

FLOOD CONTROL AND DRAINAGE

43. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code.

These requirements are identified in the District's letters to the Planning and Development Department dated September 28, 2010.

- NOTE: Ultimate locations for required FMFCD easements for Master Plan Facilities or conveyance for major stormflows shall be dedicated with the Final Map subject to FMFCD approval.

COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

44. Comply with all of the requirements stipulated within the attached County of Fresno Department of Public Health memorandum dated September 14, 2010.

RIGHT-OF-WAY ACQUISITION

45. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.

46. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.

47. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.

48. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.

49. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

MAINTENANCE OBLIGATIONS

50. The long term maintenance of all the items listed below is the ultimate responsibility of the owner/developer.

    a) Maintenance of all landscaping, hardscaping and other common features included within Outlot "A" of Vesting Tentative Tract Map No. 5786.

    b) Maintenance of all landscaping, irrigation systems and hardscaping (i.e., curbs, gutters, valley gutters, sidewalks, off-street parking areas associated with the project (including medians, landscape easements, and outlots).

c) Maintenance of all decorative concrete, masonry walls, fences, pilasters and/or entry treatments to the tract.

d) Maintenance of all street lights, street trees and street signage within the boundary of the tentative map.

51. Comply with all the requirements stipulated within the attached Public Works Department memorandum respective to Communities Facilities District Maintenance dated November 23, 2010.

a) If the owner/developer chooses to be annexed into the City's CFD for maintenance purposes, then an Annexation Request Package shall be submitted to the Public Works Department for review, processing, and approval.

- NOTE: Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available on-line on the City of Fresno website (http://www.fresno.gov) under the Public Works Department Developer Doorway.

b) Construction plans for all features to be maintained by a CFD for a final map shall be included in the final map submission to the Development Department for processing. Where applicable, this shall include a Street Tree Location and Street Tree Species (by street) map. Landscaping plans shall contain actual tree and plant counts by species and include the areas (in square feet) of turf, shrubs and trees, and sidewalks or other paved areas within all landscaped areas.

- NOTE: The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require that landscape and irrigation plans be submitted with landscape buffer plans for approval prior to inclusion into the CFD.

c) Proceedings to place the Final Map into a CFD shall not commence until the Final Map has been annexed into the City of Fresno and the Final Map, Landscape and Street Construction Plans are considered to be technically correct.

d) If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, he/she shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. The developer/subdivider shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.

53. Should the City Council or owner/developer choose not to include all of the maintenance items or certain items listed above in a CFD, then the property owner/developer shall be responsible for establishing a Home Owners' Association (HOA) or other property based management mechanism which provides for the maintenance of these items in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.

a) The subdivider shall establish a Home Owners' Association (or other approved mechanism) to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City pursuant to Section 12-1026 of the Fresno Municipal Code. The agreement with the City described herein, shall among other things, specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.

- NOTE: Should the owner/developer elect to establish a Home Owners' Association to perform maintenance obligations and assure that said obligations are met, then the owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.

b) The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Development and Resource Management Department for review two weeks prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Development and Resource Management Department Guidelines for preparation of CC&Rs dated January 11, 1985.

54. Prior to the sale of any of the duplex lots proposed to be created by Vesting Tentative Tract Map No. 5786, the owner/developer shall establish a homeowner's association for the maintenance of the aforementioned items in accordance with all of the provisions related to HOA's contained herein.

a) In the instance duplex lots are sold, then the CC&Rs for the required HOA shall include terms and provisions respective to enforcement of maintenance of private yards and properties within the limits of the subdivision.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

- Applicable Flood Fees as determined by the Fresno Metropolitan Flood Control District.

SEWER CONNECTION CHARGES	*FEE RATE*
a. Lateral Sewer Charge [1]	$0.10/sq. ft. (to 100' depth)
b. Oversize Charge [1]	$0.05/sq. ft. (to 100' depth)
c. Trunk Sewer Charge [2] Service Area:	N/A
d. Wastewater Facilities Charge - Outlot "C": - Lots 1-31:	 S.T.E.P.** $2,119 /living unit [3]
e. Fowler Trunk Sewer Interim Fee Surety [1]	N/A

f. Copper Avenue Sewer Lift Station Charge [1]	N/A
g. House Branch Sewer Charge [2]	N/A
h. Millbrook Overlay Sewer [1]	N/A
WATER CONNECTION CHARGES	*FEE RATE*
i. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule
j. Frontage Charge [1]	$6.50/lineal foot
k. Transmission Grid Main Charge [1]	$643/gross acre (parcels 5 gross acres or more)
l. Transmission Grid Main Bond Debt Service Charge [1]	$243/gross acre (parcels 5 gross acres or more)
m. Water Supply Fee [2] Service Area:	N/A
n. Well Head Treatment Fee [2] Service Area:	N/A
o. Recharge Fee [2] Service Area:	N/A
p. 1994 Bond Debt Service [1] Service Area:	N/A
CITYWIDE DEVELOPMENT IMPACT FEES	*FEE RATE*
q. Fire Facilities Impact Fee – Citywide [4] - Residential, Mulit-Family	$439/living unit
r. Park Facility Impact Fee – Citywide [4] - Residential, Mulit-Family	$1853/living unit
s. Quimby Parkland Dedication Fee [2] - Residential, Mulit-Family	$911/living unit
t. Citywide Regional Street Impact Fee [3] - Residential, Mulit-Family	$13,846.00/adj. acre
u. New Growth Area Major Street Fee [3] - Residential, Mulit-Family	N/A

v. Police Facilities Impact Fee – Citywide [4]
- Residential, Mulit-Family $508/living unit

w. Traffic Signal Charge [1]
- Residential, Mulit-Family $316.65/living unit

Notes:

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits.

The Board of Directors of the Fresno County Regional Transportation Mitigation Fee Agency approved Resolution No. 2009 – 01 requiring the payment of Regional Transportation Mitigation Fee. The effective date of this resolution is January 1, 2010. Contact the Council of Fresno County Governments (FCOG) to determine this fee obligation. Confirmation by the FCOG is required before the City of Fresno can issue building permits.

**Upon occupancy of the project, the subdivider shall pay the appropriate sewer facility charge pursuant to the Simple Tiered Equity Program (STEP) as determined by the Department of Public Utilities, Wastewater Division, Environmental Services Section (559-621-5153).

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III
Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559.621.1345)
Engineering Division

DATE: August 30, 2010 **REVISED November 23, 2010**

SUBJECT: Tract 5786 (APN: 479-020-36 & 50) (C-10-093 and R-10-003) located on the west side of South Elm between East Church and East Jensen Avenues. The Department of Public Works has reviewed the Vesting Tract Subdivision Map proposed by North Star Engineering Group, Inc., on plans dated March 30, 2010 for California Street Partners. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in the street right-of-ways, landscape easements, outlots and median islands:

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per home (whichever is greater) by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards and AB 1881.

   The designated street tree for South Elm Avenue is:

   Ulmus parvifolia 'Varietals' **Chinese Evergreen Elm**

   The designated street tree for East Church Avenue is:

   Cinnamomum camphora **Camphor Tree**

   The designated street tree for East Grove Avenue is:

   There is no designated street tree for E. Grove Ave. Please choose an appropriate Tree from the list of Approved City Street Trees

2. Street Tree Planting by Developer: For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 60' of street frontage, or one tree per lot having street frontage, whichever is greater. Tree planting shall be within a 10' Public Planting and Utility Easement.

   a. Street tree inspection fees shall be collected for each 60' of public street frontage or one tree per lot whichever is greater.

   b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."

c. Landscape plans for all public use areas, such as parkways, buffers, medians and trails shall be reviewed and approved by the Department of Public Works. A street tree planting permit shall be required for all residential street tree plantings.

d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with Sections 25 & 26 of the Drawings and Specifications for the City of Fresno.

e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.

BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS

1. The subdivider shall provide long term maintenance for all proposed landscaped areas by either petitioning for annexation in the Community Facilities District or by forming a Home Owner's Association.

2. Maintenance Service through Annexation into the Community Facilities District. Landscape and Irrigation plans are required and shall be submitted to the Department of Public Works for review and approval prior to a Council approval of the final map. Plans shall be numbered to conform to and be included in the Department of Public Works street construction plan set for the final map. Fees are applicable when the subdivider elects to have landscaping maintained by annexing into the City's Community Facilities District.

A. Landscaping shall comply with Landscape Buffer Development Standards approved by the City Council on October 2, 1990. Landscape and irrigation plans shall comply with Sections 12-306-23 & 24 and 14-121 of the Fresno Municipal Code regarding Water Efficient Landscaping and Buffer landscaping and the State's Water Requirements in AB 1881.

B. Should the proposed landscape buffers and/or parkway strips be located next to an existing buffer and/or parkway strip, the planting concept shall simulate the adjacent landscape design to present a more uniform appearance on the street. Variances in the landscape concept will be acceptable, but the design of the new landscape buffer and/or parkway strip shall strive to mimic the existing as much as possible.

C. Landscape plans shall indicate grades on a cross-section detail to include fencing or wall details. All fencing shall be placed outside the landscape easement. Maximum slopes shall not exceed 4:1 with 1 foot of level ground between the slope and the back of the side walk and/or face of fence. Erosion control measures shall be implemented on all slopes of 4:1, including the use of synthetic erosion control netting in combination with ground cover species approved by the Department of Public Works/Engineering Services Division.

D. The water meter(s) serving the buffer landscaping shall be sized for the anticipated service flows.

E. No private flags, signs or identification of any kind shall be permitted in the right-of-way, within the City - controlled easement or on the fence or wall facing the street.

F. Landscaping in the right-of-way and landscape setback adjacent to water well sites shall be the responsibility of the City of Fresno Water Division and may not be included in the CFD.

MEDIAN ISLAND LANDSCAPE REQUIREMENTS

1. When median islands front onto the proposed development project, applicants shall submit Plans to the Public Works/Engineering Services showing the location and configuration of all median islands fronting the proposed project.

2. The Public Works Department will review and evaluate existing median island(s) for a determination of all required improvements prior to approval of Final Map.

3. Landscape and irrigation is required on all new construction of median islands and shall be applied in accordance with the City of Fresno, Public Works Department Standards & Specifications and FMC sections 12-306-24 and 12-306-23. The Public Works Department requires all proposed median islands to be constructed with 2 foot wide colored concrete strips, flush along curb edge, in a 12 inch by 12 inch brick red slate pattern.

4. Trees shall not be planted in sections which are less than eight (8) feet wide unless approved by the Public Works Department. Sections less than eight (8) feet wide shall be capped with concrete as an integral part of the offsite improvements, whether or not the median is landscaped.

5. There is approximately 185 linear feet of existing landscaping within the median island on S. Elm Ave. Any non-functioning irrigation or missing plants shall be provided by the developer as per Public Works requirements and standards.

OUTLOTS

1. The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require landscape and irrigation plans to be submitted with the landscape buffer plans prior to inclusion into the CFD.

City of
FRESNO

DATE: October 6, 2010

TO: Will Tackett, Planner III
Development Department, Planning Division

THROUGH: Bryan Jones, TE, PTP, AICP City Traffic Engineer / Division Manager
Public Works Department, Traffic and Engineering Services Division

FROM: Louise Gilio, Traffic Planning Supervisor
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Public Works Conditions of Approval
TT 5786 / C-10-093
2542 South Elm Avenue
(Elm Avenue between Church and Jensen)
79 unit apartment complex and 31 duplexes (62 residential units)
California Street Partners, LLC / North Star Engineering Group, Inc.

The Public Works Department, Traffic Planning Section, has completed its review and the following requirements are to be placed on this tentative map as a condition of approval by the Public Works Department.

Recordation and construction of TT-5978 is required for this map to go forw

Provide the following information on the tentative tract map and / or complete the following, prior Planning Commission.

1. Grove Avenue: Identify all building locations along Grove to Elm Avenue to assist in the review of the proposed street design.

General Conditions:

1. Curb Ramps: Provide curb ramps at all corners within the limits of this subdivision.
2. Pedestrian Easements: **Identify** all pedestrian easements on the map.
   a. Major Streets: A 2' dedication for a pedestrian easement is required. **(See Exhibit "D")**
   b. Local Streets constructed to **API-1** and /or **API-2**: A 1' pedestrian easement is required on all streets with driveway approaches.
3. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.
4. Intelligent Transportation Systems (ITS): Street work on major streets shall be designed to include ITS in accordance with the Public Works ITS Specifications, where not existing.
5. Entrances: (local street / major street intersections) Dedicate a minimum of 66' of street right of way and construct concrete medians to a modified Public Works Standard **P-86**. **No parking is allowed within the limits of the proposed median.**
6. Design local streets with a minimum of 250' radius.
7. Local street lengths exceeding 800' and **four way intersections** require traffic calming measures. Construct permanent traffic circles per **modified** Public Works Standards **P-98**, **P-99** and/or **P-**

100 to accommodate **56' streets.** Identify and provide cross sections on the map. **No parking is allowed adjacent to the circles. - Or-** offset the intersection. (Byrd at Clara)

8. Local Street Intersections: The intersection of two local continuous streets shall have a minimum of 160' offset measured from center line to center line.
9. Dead-end Streets: Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the Public Works Standard **P-100.** (Ivy at Wysteria) What if T-5978 doesn't go forward? Cul-de-sac or vacate?
10. Outlots: If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, subdivider shall prove to the City that the outlot is free of toxic or hazardous materials pursuant to the requirements of City Administrative Order 8-1, including, but not limited to, performing a Phase I Soils Investigation. The soils Investigation report shall be submitted to the Public Works Department for review and approval. The subdivider must obtain Public Works approval of the soils investigation report and complete any mitigation work identified by the soils investigation prior to subdivider's submittal of the Final Map to the Development Department. Any and all costs associated of the soils investigation and any required mitigation work shall be performed at the sole expense of the subdivider.
11. Plan Submittal: Submit the following plans, as applicable, in a single package, to the Planning and Development Department for review and approval: Street Construction, Signing, Striping, Traffic Signal and Streetlight and Trail Lighting, Signing and Striping.
12. Street widening and transitions shall also include utility relocations and necessary dedications.

Frontage Improvement Requirements:

Major Streets:

Elm Avenue: Arterial

1. Dedicate **45'** of property, from **section** line, for public street purposes within the limits of this subdivision to meet the City of Fresno's Arterial Standards.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct a 6' residential sidewalk per **Exhibit "D". A 2' Pedestrian Easement is required. Identify on the map.**
3. Construct 20' of permanent paving within the limits of this subdivision.
4. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-7** for Arterial Streets.
5. Relinquish direct vehicular access rights to Elm Avenue from all lots within this subdivision.

Interior Streets: 56' streets
Dedicate, design and construct all curb, gutter, sidewalk, (both sides), permanent paving, cul-de-sacs, easements and underground street lighting systems on all interior local streets to Public Works Standard **P-5** and **P-56.** All driveways shall be constructed to Public Works Standards **P-1** and **P-6**.

Specific Mitigation Requirements: This tract will generate 87 **a.m. / 112 p.m.** peak hour trips. A Traffic Impact Study (TIS) has been submitted. Comply with the mitigation measure requirements of the Traffic Engineering Manager.

1. The intersection of Elm at Grove shall be designed with a full median opening to allow for left turns-in and left turns-out.

2. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
3. Provide a minimum of **75'** from the proposed gate to the back of walk, for vehicle stacking at both entrances and redesign to provide for an onsite turn around.
4. Clara and Grove: Intersection does not appear to line up. Redesign required.
5. Grove Avenue: Dedicate and construct full offsite improvements from Elm Avenue to the west end of the proposed cul-de-sac.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay the current Traffic Signal Mitigation Impact Fee (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 for single family units and apartments (fee rate as shown in the Master Fee Schedule). Duplex units to be calculated as single family units per Bryan Jones.

This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan circulation element and included in the Nexus Study for the TSMI fee. Project specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated 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. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.

Fresno Major Street Impact (FMSI) Fee :

This Map 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.

State of California Department of Transportation (Caltrans) Fees: no comment

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

DPU
Providing Life's Essential Services

Date: September 7, 2010

To: WILL TACKETT, Planner III
Planning and Development

From: DOUG HECKER, Supervising Engineering Technician
Department of Public Utilities, Planning and Engineering Division

Subject: SEWER REQUIREMENTS FOR VESTING TENTATIVE TRACT 5786, CONDITIONAL USE PERMIT NO. C-10-093 & REZONE 10-003

General

T-5786, C-10-093 & R-10-003, have been filed by North Star Engineering Group, Inc., on behalf of California Street Partners, property owner, and pertain to approximately 17.44 acres of property located on the west side of South Elm Avenue between East Church and East Jensen Avenues, 2542 South Elm Avenue, APN 479-020-36, 50. R-10-003 proposes to rezone an approximately 2.30 acre portion of the subject property from the R-2-A-cz, Low Density Multiple Family Residential District, One Story-conditions of zoning, zone district to the R-2, Low Density Multiple Family Residential, zone district in order to facilitate approval of T-5786 and C-10-093. T-5786 and C-10-093 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of 31 duplex lots, a 79-unit apartment complex on one Outlot, and an additional five Outlots proposed to be dedicated for open space purposes.

Sanitary Sewer Service

The nearest sanitary sewer main to serve the proposed project is an 8-inch main located in South Elm Avenue. The proposed project has sewer service challenges due to the shallow depths of the existing grades of sanitary sewer facilities within the area. An existing 14-inch private Winery Stillage Waste Pipeline shall not be disturbed or utilized for sewer service by the proposed subdivision. The following sewer conditions shall be required prior to providing City sewer service to the project:

1. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developers final map and engineered plan & profile improvement drawing for City review.

2. Connection to the existing 14-inch private Winery Stillage Waste Pipeline shall not be allowed.

3. Retain existing fifteen (15) foot easement for the existing 14-inch Winery Stillage Waste Pipeline located on the north side of the proposed subdivision and within E. Grove Avenue.

4. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.

5. Separate sewer house branches are required for each lot.

6. Abandon any existing on-site private septic systems.

7. Street easements and/or deeds shall be recorded prior to approval of improvement plans.

8. Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in E. Grove from S. Elm Avenue.

9. All sewer main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the sewer main. The planting plan, for any proposed landscape within the easement, shall be approved by the Department of Public Utilities. No trees shall be located within 8-feet of the sewer main.

10. All underground street utilities shall be installed prior to permanent street paving.

11. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed additions to the City Sewer System.

12. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.

13. 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. Sewer Lateral Charge

2. Oversize Sewer Charge

3. Wastewater Facilities Charge (Residential Only)

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION

DPU

Providing Life's Essential Services

DATE: August 30, 2010

TO: WILL TACKETT, Planner III
Planning and Development

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 TENTATIVE TRACT MAP 5786 CONDITIONAL USE PERMIT C-10-093 AND REZONE APPLICATION NO. R-10-003**

General

Rezone Application No. R-10-003, Conditional Use Permit Application No. C-10-093 and Vesting Tentative Tract Map No. 5786, have been filed by North Star Engineering Group, Inc., on Behalf of California Street partners, property owner, and pertain to approximately 17.44 acres of property located on the west side of South Elm Avenue between East Church and East Jensen Avenues. Rezone Application No. R-10-003 proposes to rezone an approximately 2.3 acre portion of the subject property from the R-2-A/cz (Low Density Multiple Family Residential District, One Story/with conditions of zoning) zone district to the R-2 (Low Density Multiple Family Residential) zone district in order to facilitate approval of Vesting Tentative Tract map No. 5786 and Conditional Use Permit Application No. C-10-093 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 31 duplex lots; a 79-unit apartment complex on one Outlot; and, additional five Outlots proposed to be dedicated for open space purposes.

Water Service

The nearest water main to serve the proposed project is a 12-inch main located in South Elm Avenue, and an 8-inch water main located in South Clara Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.

2. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a flow amount to meet a total demand of 1,000 gallons per minute, sufficient to serve peak water demand for the project and for fire suppression purposes, or an alternative flow amount that is acceptable to the Public Utilities Director and Fire Department Chief (or their designees). Well site(s) shall be of a size(s) and at a location(s) acceptable to the Water Systems Manager.

3. Water well construction shall include wellhead treatment facilities, if required.

4. The developer shall provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities.

5. All irrigation clocks/control devices shall be based on evapotranspiration and include the use of soil probes and rain sensors.

6. 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.

7. All public water facilities shall be constructed in accordance with Public Works Department standards, specifications, and policies.

8. 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.

9. 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.

10. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.

11. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

Water Fees

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

1. Wet-ties, water service(s), and meter(s) installations to be performed by the City Water Division.

2. Frontage Charge.

3. Transmission Grid Main Charge.

4. Transmission Grid Main Bond Dept Service Charge.

City of
FRESNO
DEPARTMENT OF PUBLIC UTILITIES

September 22, 2010

TO: Will Tackett, Planner III
Development Department, Planning Division

THROUGH: Robert Weakley, Chief of Operations
Department of Public Utilities, Solid Waste Division

FROM: Chris Weibert, Management Analyst II
Department of Public Utilities, Administration

SUBJECT: TT 5786, C-10-093 & R-10-003, Solid Waste Conditions of Approval
Location: West side of South Elm Avenue between East Church and East Jensen Avenues (APN 479-020-36 & 50)

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map 5786, C-10-093 & R-10-003 that was submitted by North Star Engineering Group, Inc., on behalf of California Street Partners. The following requirements and conditions are to be placed on this vesting tentative tract map and conditional use permit as a condition of approval by the Department of Public Utilities.

General Requirements:

- The Multi-Family residential area of Tract 5786 will be serviced with bin service.
- Developer shall provide a minimum of three, 2-cell trash enclosures on this property constructed to current standards. The developer shall provide signage to clearly identify all recycling or solid waste collection and the materials accepted therein.
- Developer shall provide a minimum of 18' feet of unobstructed clearance at the entrances and exits gates and also along the path the solid waste vehicles travel.
- Owner shall provide a minimum of 40 cubic yards of solid waste and recycling services per week.
- There will be no separate billing for Solid Waste services. The City of Fresno shall be provided with the name and address of a property management company or homeowners association for billing purposes.
- The Single-Family residential area (duplexes) of Tract 5786 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.

- The owners, lessees or other tenants of the residential dwellings on service day, before 5:30 a.m., shall place their solid waste containers at the edge of the curb approximately 4 feet apart and shall not block any vehicle accesses, nor be placed within any traffic circle, in accordance with the City of Fresno's Solid Waste Management Division Standards.

- Per Municipal Code, Section 6-205 Solid Waste, Recycling and Green Waste Disposal Regulations, Section (c)(11). No solid waste container nor residential rubbish shall be allowed to remain at the curbline after 8:00 p.m. on the collection day.

- Per Municipal Code, Section 6-205 Solid Waste, Recycling and Green Waste Disposal Regulations, Section (c)(10). No material container shall be stored in the front yard or side yard on a street as said yards are described in Chapter 12, Articles 2 and 3 of this Code, unless the container is screened from view from the street in accordance with that article of the Code.

Special Conditions:

If project is going to be constructed in phases, all streets shall connect to one another or a temporary turnaround shall be provided. Turnaround shall be clear of all vehicles and shall be large enough to accommodate a solid waste vehicle with a turning radius of 44' feet.

City of FRESNO

FIRE DEPARTMENT

Date: September 07, 2010

To: WILL TACKETT, Planner II
Planning and Development Department , Advance Planning

From: MIKE SCHMIDT, Supervising Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: T-5786, C-10-093 & R-10-003, have been filed by North Star Engineering Group, Inc., on behalf of California Street Partners, property owner, and pertain to approximately 17.44 acres of property located on the west side of South Elm Avenue between East Church and East Jensen Avenues, 2542 South Elm Avenue, APN 479-020-36, 50. R-10-003 proposes to rezone an approximately 2.30 acre portion of the subject property from the R-2-A-cz, Low Density Multiple Family Residential District, One Story-conditions of zoning, zone district to the R-2, Low Density Multiple Family Residential, zone district in order to facilitate approval of T-5786 and C-10-093. T-5786 and C-10-093 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of 31 duplex lots, a 79-unit apartment complex on one Outlot, and an additional five Outlots proposed to be dedicated for open space purposes.

Hydrants

Developer must install on-site hydrants(s). See Plan for location(s). Provide fire hydrant flow of 2500 GPM with a minimum 8" water main.

Public streets hydrant(s) must be installed. Coordinate street hydrant locations with Public Works.

Fire hydrants shall be installed, tested, approved, and all surface access roads shall be installed and made serviceable prior to and during the time of construction. The hydrant 4 1/2" outlet shall

face the access lane.

Note: Fire flow may be reduced to 1500 GPM if all multi-family structures in center of project are sprinklered with NFPA 13 systems.

General

Two means of ingress/egress must be provided. This access must be maintained during all phases of development.

All construction work on this project is subject to interruption if the road system becomes impassable for fire apparatus due to rain or other obstacles. 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-round and with 24 feet minimum width or other approved method that would prevent shoulder degradation.

All private streets and driveways that are provided for common access and are required for Fire Department access shall be constructed to a minimum unobstructed width of 20 feet. For drives separated by a median, 15 foot minimum lanes are required.

All gates on common access drives shall be equipped with approved Police/Fire bypass locks (BEST LOCKS: Padlock 21B700 series or Cylinder lock 1W7B2). Gates/fences shall not obstruct the minimum width required for fire lanes.

East Grove Ave should be widened to full public street width or vacated and the 2nd access for 1590 E Church maintained as a "emergency only" access road (20' minimum width).
Clarify curb type: Plan notes indicate rolled curbs. Plan section shows square curb. Parking on both sides of the street requires minimum 36'drivable width (not clear on plan).

Emergency Access Only Roadways

Emergency accesses are required to be dedicated fire protection easements.

Road surface shall be of an all weather construction.

Gates, posts or other barriers suitable to the Fire Department are required to be installed at the entrance to an "emergency access only" roadway.

The entrance to all emergency accesses shall be posted with permanent signs: "FIRE ACCESS (6" LETTERS) vehicles removed at owner's expense (2" letters) FRESNO POLICE DEPARTMENT 621-2300 (1" letters).

All gates on the "emergency access roadway" shall be fitted with a Police/Fire bypass lock (BEST LOCKS: Padlock 21B700 series or Cylinder lock 1W7B2). Gates/fences shall not obstruct the minimum width required for fire lanes.

East Grove Ave should be widened to full public street width or vacated and the 2nd access for 1590 E Church maintained as a "emergency only" access road (20' minimum width).

File No. 210.45

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

FR TRACT No. 5786

PUBLIC AGENCY

WILL TACKETT
PLANNING AND DEVELOPMENT DEPARTMENT
CITY OF FRESNO
2600 FRESNO STREET, ROOM 3043
FRESNO, CA 93721-3604

DEVELOPER

KIRIT PATEL, CALIFORNIA STREET PARTNERS, LLC
3485 LAKEMIST CIRCLE
STOCKTON, CA 95219

PROJECT NO: **5786**
ADDRESS: **SWC GROVE & ELM AVE.**
APN: **479-020-36, 50**

SENT: 9/28/10

Drainage Area(s)	Preliminary Fee(s)
SS	$66,244.00
II1	$2,031.00
	TOTAL FEE: $68,275.00

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 approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Contact the FMFCD project engineer prior to approval of the final map for the fee.

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.

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

1. _____ a. Drainage from the site shall BE DIRECTED TO

X b. Grading and drainage patterns shall be as identified on Exhibit No. 1

___ 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:

X 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:

X Grading Plan

X Street Plan

X Storm Drain Plan

X Water & Sewer Plan

X 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).

X 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.)

X 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 TRACT No. 5786

FR TRACT No. 5786

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. X See Exhibit No. 2 for additional comments, recommendations and requirements.

Gerald E. Lakeman
District Engineer

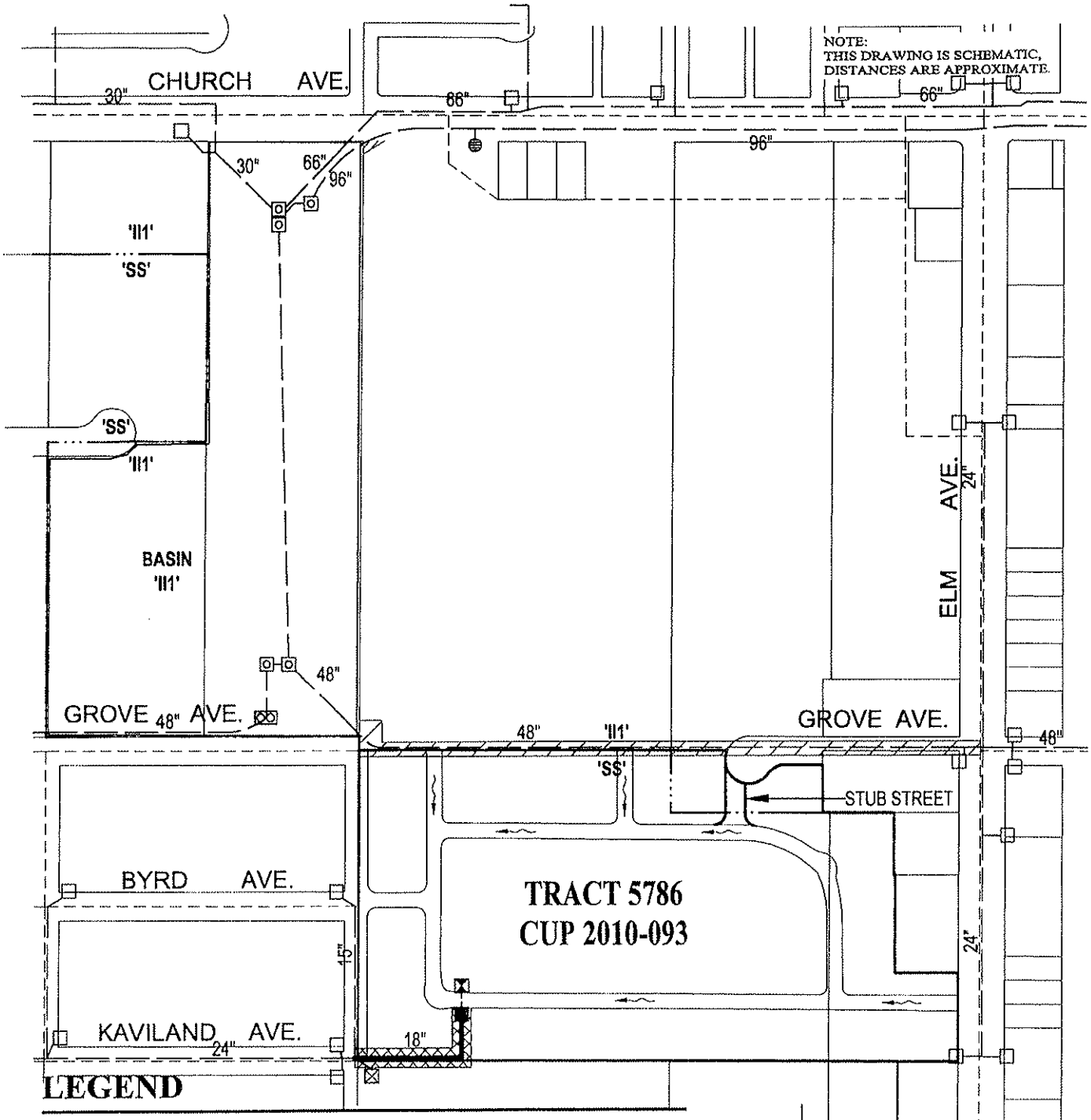
Rick Lyons
Project Engineer

CC:

ANTHONY CANNELLA, NORTHSTAR ENGINEERING GROUP, INC.
909 14TH STREET
MODESTO, CA 95354

BILL JOHNSON, SAN JOAQUIN DESIGN GROUP
7877 N. PERSHING AVE.
STOCKTON, CA 95207

FR TRACT No. 5786



LEGEND

- Master Plan Facilities To Be Constructed By Developer - Pipeline (size Shown) & Inlet.
- Existing Storm Drainage Easement Location
- Existing Master Plan Facilities
- Future Master Plan Facilities
- Direction Of Drainage
- Inlet Boundary
- Drainage Area Boundary
- Non-Master Plan Facilities To Be Constructed By Developer - Inlet & Lateral
- Storm Drainage Easement Location To Be Dedicated To District

SCALE = 1"=300'

N

TRACT 5786
CUP 2010-093
DRAINAGE AREA: "II1", "SS"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

K:\Autocad\DWGS\EXHIBIT\TRACTS\5786.dwg

DRAWN BY: WT DATE: 9/14/10
REVISED BY: — DATE: —

OTHER REQUIREMENTS
EXHIBIT NO. 2

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee of the drainage area served by the facilities. A Development Agreement shall be executed with the District to effect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that Developer's Master Plan costs for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City or District.

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

There are existing easements within this project as shown on Exhibit No. 1. No encroachments into the easement shall be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

The developer shall dedicate a fifteen-foot (15') wide storm drain easement as shown on Exhibit No. 1 as a condition of the final map. No encroachments into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

No surface run-off shall be directed towards the District basin.

Development No. Tract 5786

OTHER REQUIREMENTS
EXHIBIT NO. 2

The District recommends a single fence between the site and the District's basin.

The District requests that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of grades at our mutual property line prior to preparing a grading plan.

The District recommends a stub street to the north of Tract 5786/CUP 2010-093 as shown on the attached Exhibit No. 1 to provide for major storm flows from the north and east of Tract 5786/CUP 2010-093 to be conveyed through Tract 5786/CUP 2010-093. If the stub street is not constructed, the developer of Tract 5786/CUP 2010-093 must provide a method of conveyance for major storm flows from the north and east of Tract 5786/CUP 2010-093 through Tract 5786/CUP 2010-093 draining in a southwesterly direction towards Clara Avenue.

The drainage fee identified on this notice reflects a reduction credit of fifty-five percent (55%) of the drainage fee amount otherwise payable by the proposed development of Tract 5786/CUP 2010-093. This credit is applied to development entitlements within Drainage Areas "RR" and "II_1" which are obligated under ordinance to pay a "full cost" drainage fee, but which are also subject to an increased Benefit Assessment on their annual property tax bill for completion of the Drainage Area "RR" and "II_1" systems. As this increased levy will fund a portion of a project which will complete the storm drain facilities in Drainage Areas "RR" and "II_1", the "full cost" drainage fee rates for these drainage areas can be, and are by this fifty-five percent (55%) reduction, proportionately reduced.

Development No. Tract 5786

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

September 14, 2010

999999999
LU0015762
PE 2602

Will Tackett
City of Fresno
Planning & Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Tackett:

PROJECT NUMBER: T-5786, C-10-093, R-10-003

Rezone Application No. R-10-003, Conditional Use Permit Application No. C-10-093, & Vesting Tentative Tract Map No. 5786, have been filed by North Star Engineering Group, Inc., on behalf of California Street Partners, property owner, and pertain to approximately 17.44 acres of property located on the west side of South Elm Avenue between East Church and East Jensen Avenues. **Rezone Application No. R-10-003** proposes to rezone an approximately #.## acre portion of the subject property from the R-2-A/cz *(Low Density Multiple Family Residential District, One Story/With conditions of zoning)* zone district to the R-2 *(Low Density Multiple Family Residential)* zone district in order to facilitate approval of Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093. **Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093** request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 31 duplex lots: a 79-unit apartment complex on one Outlot; and, an additional five Outlots proposed to be dedicated for open space purposes.

APN: 479-020-36 & 50
Existing Zoning: R-2-A/cz Proposed Zoning: R-2
Address: 2542 South Elm Avenue

Recommended Conditions of Approval:

- 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.

- The Fresno County Department of Public Health is concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.

Prior to destruction of any existing agricultural well(s), 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.

- 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 municipal code.

- Section 113789 of the California Health and Safety Code (California Retail Food Code) exempts child day care facilities, community care facilities, residential care facilities for the elderly, and residential care facilities for the chronically ill, which has the same meaning as a residential care facility, as defined in Health & Safety Code Section 1568.01. These facilities are not deemed to be FOOD FACILITIES, and, therefore, are exempt from this part. As such, this Division has no regulatory jurisdiction on the daycare facility. Section 114437 delegates the authority to the State Department of Social Services.

The project should be routed to the following agency for comment:

California State Department of Social Services
Community Care Licensing
770 E. Shaw Ave., Suite 330
Fresno, CA 93710-7708
(559) 243-8080

- Should a swimming pool or spa be proposed, then prior to the issuance of building permits, the applicant must submit complete pool/spa facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Recreational Health Program at (559) 445-3392 for more information.

REVIEWED BY:

Glenn Allen Digitally signed by Glenn Allen
DN: cn=Glenn Allen, o=Environmental Health Division, ou=Public Health, email=glallen@co.fresno.ca.us, c=US
Date: 2010.09.14 13:19:26 -07'00'

R.E.H.S., M.S.
Supervising Environmental Health Specialist

(559) 445-3271

ga

T-5786, C-10-093, R-10-003 Residential

City of FRESNO

PUBLIC WORKS DEPARTMENT

DATE: November 23, 2010

TO: WILL TACKETT, Supervising Planner
Planning and Development Department

FROM: JOE PAFF, Senior Engineering Technician
Public Works Department

SUBJECT: CONDITIONS FOR TENTATIVE TRACT NO. 5786 AND MASTER CONDITIONAL USE PERMIT NO. C-10-093 RELATING TO A COMMUNITY FACILITIES MAINTENANCE DISTRICT

1. The property owner shall be responsible for providing for the maintenance of certain public improvements associated with TT5786 and C-10-093.

2. The following improvements are eligible to be maintained by a City Community Facilities Maintenance District (CFD).

3. Should the property owner choose not to include the maintenance of these items in a CFD, the property owner shall provide for the maintenance of all of the items in a manner approved by the City of Fresno City Engineer.

Improvements eligible for inclusion in the a CFD:

A. The property owner shall be responsible for providing for the maintenance of all landscaping and hardscaping located in the median island located within South Elm Avenue adjacent to this project extending from the South end of the project to Grove Avenue.

B. The property owner shall be responsible for providing for the maintenance of the curbs and gutters, valley gutters, sidewalks, street lights and street signage within the project side of the street rights-of-way of S Clara and E Grove Avenues adjacent to this project.

C. The property owner shall be responsible for providing for the maintenance of the curbs and gutters, valley gutters, sidewalks, street lights and street signage within the local public street rights-of-way within this project.

4. Maintenance of any landscaping, hardscaping or any other feature within Outlot A shall be the responsibility of the property owner and is NOT eligible for inclusion in a CFD.

5. Maintenance of all landscaping and hardscaping associated with this project except as noted above, shall be the responsibility of the property owner and is NOT eligible for inclusion in a CFD.

6. Outlots B, C, D, E and F shall remain private and shall not become property of the City.

7. All features to be placed into a CFD must have construction plans approved by the City of Fresno Department Public Works.

If you have any questions, please call Joe Paff at 621-8695.

Exhibit K

Conditions of Approval for Conditional Use Permit Application No. C-10-093 including memoranda from responsible or commenting agencies not included in Tentative Tract Map conditions of approval

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

DECEMBER 01, 2010

CONDITIONAL USE PERMIT APPLICATION NO. C-10-93

"A PLANNED DEVELOPMENT"

WEST SIDE OF SOUTH ELM AVENUE BETWEEN EAST CHURCH AND EAST JENSEN AVENUES

PART A - PROJECT INFORMATION

1.	Assessor's Parcel No(s):	479-020-36 & 50
2.	Street Location:	Located on the west side of South Elm Avenue between East Church and East Jensen Avenues. **(Council District 3, Councilmember Sterling)**
3.	Existing Zoning	"R-1" (*Single Family Residential District); and,* "R-2-A/cz" (Low Density Multiple Family Residential District, One Story / with conditions of zoning)
4.	Proposed Zoning	"R-1" (*Single Family Residential District)*
5.	Planned Land Use:	Medium Density Residential (4.99-10.37 dwelling units/acre); and, Medium-High Density Residential (10.38-18.15
6.	Plan Areas:	Edison Community Plan
7.	Project Description:	Requests authorization to establish a public street planned development with modified property development standards for lots proposed to be created by Vesting Tentative Tract Map No. 5786.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The City of Fresno Planning Commission, on December 01, 2010, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E", "F" & "L" of Conditional Use Permit Application No. C-10-93.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

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 Fresno Municipal Code (FMC) Section 12-405.A can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. C-10-93 and Vesting Tentative Tract Map No. T-5786.

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:

1. 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;

2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,

3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

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 Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. (Include this note on the site plan.)

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. (Include this note on the site plan.)

Transfer all red line notes, etc., shown on the original site plan exhibit(s) to the final site plan(s). CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by December 01, 2014 (four years from the date of Director approval). The time limits for any special permit conditionally granted in conjunction with an approved tentative tract map shall be automatically extended upon the extension of such tentative tract map pursuant to Section 12-1005.1 of the FMC.

To complete the back-check process for building permit relative to planning and zoning issues, submit copies of this corrected, final site plan, together with copies of the elevations,

landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Planning Division for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division **must be substituted** for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please contact Will Tackett at (559) 621-8063 or via e-mail at Will.Tackett@fresno.gov to schedule an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets.

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 the imposition of the 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.

PART C - 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, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

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

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

   a) Exhibit "A" is required to include 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 existing and proposed public rights-of-way.

   b) Provide and identify a minimum four (4) foot wide path of travel along the sidewalk directly in front of all properties created within the subdivision as required by Title 24 of the California Administration Code. An on-site pedestrian easement may be required if Title 24 requirements

cannot be met within the existing public right-of-way.

c) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface private structures and appurtenances extending within the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts/Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.

d) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:

   i) Dedications shall take place in accordance with the Conditions of Approval for Vesting Tentative Tract Map No. 5786.

e) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:

   i) There are no vacations required at this time.

2. STREET IMPROVEMENTS

a) All public improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering Services Division at (559) 621-8693, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.

b) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.

c) Design and construct curb, gutter, AC paving, and residential sidewalk patterns to Public Works standards, specifications, and policies. Plans shall be prepared by a registered Civil Engineer.

   - NOTE: Reference Conditions of Approval for Vesting Tentative Tract Map No. 5978 for requirements respective to major and interior local public streets.

d) Provide curb ramps at all corners within the limits of this subdivision.

e) Install streetlights on all frontages to City Standards as determined by the City Traffic Engineer. Street lighting plans are required and must be approved by the Public Works Department/Engineering Services prior to commencement of the work.

f) Underground all existing off-site overhead utilities within the limits of this site as per FMC

Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.

g) Provide parkway landscaping. Street trees shall be planted every 60 feet on center. Plans shall be prepared by a landscape architect.

h) Submit four copies of a Geometric Approval Drawing (GAD) to Traffic Engineering for review and approval, per the attached checklist, prior to submittal of street plans.

i) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

a) All survey monuments within the area of construction shall be preserved and if disturbed, shall be reset by a person licensed to practice Land Surveying in the State of California. (Include this note on the site plan.)

PART D - PLANNING/ZONING REQUIREMENTS

1. PLANNING

a) Development is subject to the following plans and policies:

i) "R-1," *Single Family Residential District (Section 12-211 of the FMC)*
ii) 2025 Fresno General Plan
iii) Edison Community Plan

2. ZONING

a) Approval of Conditional Use Permit Application No. C-10-93 is contingent upon approval of Vesting Tentative Tract Map No. 5786 and Rezone Application No. R-10-03.

3. USES PERMITTED

a) As a planned development pursuant to Sections 12-211 and 12-306-N-21, the subject property is authorized for development with multiple family residential uses in accordance with Conditional Use Permit Application No. C-10-93 and Vesting Tentative Tract Map No. 5786.

b) Upon demonstration of evidence satisfactory to the Director of the Development and Resource Management Department that a State Fire Marshal clearance and an operating license from the State Department of Social Services have been obtained, the proposed community building on Outlot "A" of Vesting Tentative Tract Map No. 5786 may be used as a child day care center in accordance with the following:

i) Facilities and off-street parking shall be provided in accordance with Exhibit(s) "A", "E" & "F"

of Conditional Use Permit Application No. C-10-93.

ii) Any child day care center, large or small, operating at the proposed community building on Outlot "A" of Vesting Tentative Tract Map No. 5786 shall comply with the provisions of Section s12-306-N-45-c through 12-306-N-45-h of the FMC.

- NOTE: The use of a six-foot high wrought iron fence around outdoor play areas associated with a child day care operation is approved contingent upon the wrought iron fence meeting the requirements of Section 12-306-n-45-g of the FMC.

4. POPULATION DENSITY

a) Pursuant to the Medium and Medium-High Density Residential planned land use designations for the subject property; the subject property shall be developed in accordance with Vesting Tentative Tract Map No. 5786 and Exhibit(s) "A" of Conditional Use Permit Application No. C-10-93.

- NOTE: Pursuant to Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-93, the subject property is proposed to be developed at an overall density of approximately 8.08 du/acre.

i) 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.

5. BUILDING HEIGHT

a) No building or structure erected in the R-1 (*Single Family Residential*) zone district shall have a height greater 35 feet.

b) All accessory buildings on the subject property, or lots proposed to be created by Vesting Tentative Tract Map No. 5786 shall comply with the requirements and provisions of the development standards of the FMC for the R-1 zone district and are subject to the provisions of Section 12-306-N-1 (Accessory Buildings) of the FMC.

- NOTE: Exceptions. Over height structures may be approved by the City of Fresno Planning Commission or Director of the Planning and Development Department. However, no roof structure or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.

6. BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

Setbacks shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-10-93 and the Conditions of Approval for Vesting Tentative Tract Map No. 5786.

a) Any proposed deviation from the building setbacks established by Exhibit(s) "A" of Conditional

Use Permit Application No. C-10-93 requires a revision to Conditional Use Permit Application No. C-10-93.

b) Spaces between buildings shall be provided in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibit(s) "A" of Conditional Use Permit Application No. C-10-93 and the Conditions of Approval for Vesting Tentative Tract Map No. 5786.

c) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

7. LOT COVERAGE

a) Lot coverage shall be permitted in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibit(s) "A" of Conditional Use Permit Application No. C-10-93 and the Conditions of Approval for Vesting Tentative Tract Map No. 5786.

8. OPEN SPACES AND LANDSCAPING

The subdivider shall provide and maintain all landscaping (and irrigation systems) in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5786, and the following:

a) A landscape and irrigation plan prepared by a landscape professional, shall be submitted to the Planning Division and approved for all open space and recreational areas within the development. These plans must be reviewed and approved prior to obtaining building permits.

b) A minimum of 25 percent of the site area shall comprise usable open space for residents of the development.

   i) A minimum of 40 percent of the required 25 percent usable open space provided on Outlot "A" of Vesting Tentative Tract Map No. 5786 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.

c) Outlots of Vesting Tentative Tract Map No. 5786, which are proposed to be dedicated for open space purposes shall be landscaped by the developer in accordance with the approved landscape and irrigation plans and shall thereafter be maintained by the property owner/subdivider in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.

d) All yards (including private) and areas designated for open space purposes shall be landscaped and maintained in accordance with Sections 12-306-N-24 of the FMC.

i) All yards and landscaped areas located adjacent to street frontage shall be provided automatic irrigation systems.

ii) All yards (including private) and areas designated for open space purposes shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.

e) All required Walls or fences, which are accessible to the public, shall incorporate an adjacent landscaped buffer area pursuant to the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."

f) Provide a minimum of 260 medium sized trees on-site per FMC Section 12-306-N-24-g and in accordance with the following:

i) Provide a minimum of one medium size tree for each required parking space, plus one medium sized tree for each residential unit.

- NOTE: One medium size tree is defined as attaining a height of 30-60 feet at maturity. Two small size trees, up to 30 feet high at maturity may be substituted for one medium size tree.

g) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.

- NOTE: Street trees shall be planted by the property owner and shall be inspected by the City pursuant to the payment of street tree inspection fees.

i) Fresno Municipal Code requires one (1) street tree per 60 linear feet of public street frontage.

- NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant a minimum of one (1) tree (of similar type and size) for every 60 linear feet of street frontage on private property within ten feet of the back of the sidewalk.

- NOTE: An approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not in the public right of way. A copy of this plan shall be kept at the job site at all times.

ii) Call (559) 621-5600 to notify the Public Works Department Construction Management Division 72 hours prior to tree hole drilling/tree planting in the public right-of-way, in order to verify tree locations, to obtain inspection of drilling operations, and to check backfilling procedures and safety barriers.

iii) All planting, irrigation and related work within the city right-of-way shall comply with the City of Fresno Public Works Department Standard Specifications, Section 25 and 26.

iv) All landscaping and related work to be performed within the city right-of-way shall be done by a qualified contractor and requires a street encroachment permit from the Public Works Department prior to commencement. Call (559) 621-8685 for information on encroachment permits and required insurance and bonding.

h) All trees shall be maintained in good health. 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 Planning and Development Department. (Include this note on the site plan and landscape plan.)

i) All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and any such vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.

j) Landscaping shall be kept free from weeds and undesirable grasses.

k) Landscaping must be in place before issuance of the certificate of occupancy for each individual dwelling.

i) 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 Planning Division. (Include this note on the site and landscape plans.)

- NOTE: The hold on occupancy may be released at the discretion of the Development and Resource Management Department to subjectively accommodate inappropriate planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).

- NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.

ii) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Development and Resource Management Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Planning Division. (Include this note on the site and landscape plans.)

9. FENCES, HEDGES, AND WALLS

Fences, hedges and walls shall be provided in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5786 and, the following:

a) All proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Development and Resource Management Department. (Include this note

on the site plan.)

i) Clearly depict any proposed/existing fences, hedges and walls on Exhibit(s) "A" of Conditional Use Permit Application No. C-10-93. Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Development and Resource Management Department.

ii) Submit a rendering depicting the fence, hedge or wall height, material, location etc. for review and approval.

- NOTE: Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.

b) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC except as may be modified herein below.

- NOTE: Without exception, all present and future fences, hedges, and walls shall not exceed three feet in height within the corner cut-off area defined at Section 12-306-H-3-e of the FMC; and, shall conform to all aspects of the corner cut-off provisions of Section 13-227 (Obstruction to Visibility at Intersection) and 13-228 (Intersection Visibility, Investigation and Enforcement. Lien.) of the FMC.

c) Fences, hedges, and walls, not greater than six feet in height, shall be permitted on all rear and interior side property lines and on or to the rear of all front and street side yard setback lines with the following exceptions:

i) Fences, hedges, and wall s not greater than six feet in height shall be permitted on or to the rear of a 10-foot setback line measured from the property lines of Lots 1-5 of Vesting Tentative Tract Map No. 5786 with frontage on East Byrd and South Wysteria Avenues.

d) No fence, hedge, or wall over three feet in height shall be permitted in any required front yard setback area or within the required side yard setback area on the street side of a corner lot, except as may be permitted above.

e) Construct a seven-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code along the south property line of Outlot "E" of Vesting Tentative Tract Map No. 5786.

ii) The required seven-foot high solid masonry wall shall be reduced to a maximum three feet in height within the street side yard setback areas of Lots 28 & 30 of Vesting Tentative Tract Map No. 5786.

f) Construct a six-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code along the west property line of Outlot "B" of Vesting Tentative Tract Map No. 5786.

g) The required six-foot high solid masonry wall shall be reduced to a maximum three feet in height within the front yard setback area of Lot 19 of Vesting Tentative Tract Map No. 5786.

g) Construct a six-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code along the north and west property lines off Outlot "C" of Vesting Tentative Tract Map No. 5786 with the following exception:

i) The required six-foot high solid masonry wall shall be reduced to a maximum three feet in height within the street side yard setback area of Lot 20 of Vesting Tentative Tract Map No. 5786.

h) Construct a six-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H along those portions of the property lines of Lots 20-24 of Vesting Tentative Tract Map No. 5978, which abut adjacent property zoned for commercial use.

i) In accordance with Section 12-1011(f)(3) of the FMC, construct a six-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H at the rear of a ten-foot landscaped area across those portions of Lots 24 & 25 of Vesting Tentative Tract Map No. 5786, with frontage on East Grove Avenue.

i) Alternatively, an architecturally approved fence at an alternative location may be approved subject to approval by the Director of the Development and Resource Management Department.

- NOTE: In the instance an alternative fence type and location are approved, Exhibits "A" & "L" of Conditional Use Permit Application No. C-10-93 shall be revised accordingly.

j) Construct a six-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H along the south property lines of Outlots "D" & "F" of Vesting Tentative Tract Map No. 5786.

k) The required six-foot high solid masonry wall shall be reduced to a maximum three feet in height within the front yard setback area of Lot 1 and street side yard setback of Lot 27 of Vesting Tentative Tract Map No. 5786.

l) 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.

10. <u>ACCESS</u>

a) There shall be vehicular access from a dedicated and improved street, alley or recorded private access to off-street parking facilities.

b) There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes.

c) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.

d) Provide vehicular and/or pedestrian access as noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-10-93 and as indicated per Conditions of Approval for Vesting Tentative Tract Map No. T-5786.

   i) Pedestrian walkways and handicap access shall be clearly delineated on the site plan.

11. OUTDOOR ADVERTISING AND MARKETING

a) Signs, *other than directional signs, if applicable*, are not approved for installation as part of this special permit. Submit for a separate Master Sign Program or Sign Review Application. Applications and requirements for submittal are available at the Planning Division's Public Front Counter. (Include this note on the site plan).

12. BUILDING ELEVATIONS

Building elevations for all residential dwellings in the subject planned development shall be subject to review and approval by the Development and Resource Management Department in accordance with the following:

a) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans. Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way (or private street) or shall be placed on the ground outside of the required yards.

   - NOTE: When placed on the ground outside of required yards, condensing units shall be screened from view of the public right-of-way with structures, fencing and/or landscaping as may be appropriate.

b) Pursuant to Policy numbers C-20-f, C-21-a, C-21-b and C-21-c of the 2025 Fresno General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless "blank" walls. Design measures should be utilized to avoid large scale, massive, monolithic, and repetitive "institutional" visual appearances. This may be accomplished by varying the building footprint with indentations, projections, offsets, different building materials, or adding polyfoam with a stucco finish to add visual interest and to break up monotonous walls. Submit elevations inclusive of modifications for review and approval.

   i) Roofing material shall consist of: architectural grade composition roofing guaranteed by the manufacturer for at least 20 years; cement or clay tile; treated wood shakes; and/or, architectural-grade metal and coated non-glare decorative metal roofing products.

ii) Garage doors with decorative features (which may include windows) shall be provided for each dwelling on all lots within the subdivision which front onto, and gain access from a street.

iii) Where proposed, attic vents shall be decorative, consistent with the style and character of each structure.

PART E - CITY AND OTHER SERVICES

1. TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

a) Comply with all of the requirements stipulated within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated October 06, 2010 and any requirements noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-10-69.

2. SOLID WASTE COLLECTION

a) Comply with all of the requirements stipulated within the attached Department of Public Utilities, Solid Waste Division memorandum dated September 22, 2010.

3. FIRE PROTECTION REQUIREMENTS

a) Comply with all of the requirements stipulated within the attached City of Fresno Fire Department memorandum dated September 07, 2010.

4. STREET TREES, BUFFER, PARKWAY AND MEDIAN ISLAND LANDSCAPING

a) Comply with all of the requirements stipulated within the attached Department of Public Works Engineering Division memorandum from the Parks supervisor dated November 23, 2010.

4. FLOOD CONTROL REQUIREMENTS

a) Comply with all of the requirements stipulated within the attached Fresno Metropolitan Flood Control District memorandum dated September 28, 2010.

4. PUBLIC UTILITIES REQUIREMENTS

a) Comply with all of the requirements of the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated September 07, 2010.

b) Comply with all of the requirements stipulated within the attached Department of Public Utilities, Water Division memorandum dated August 30, 2010.

4. COUNTY OF FRESNO, DEPARTMENT OF COMMUNITY HEALTH

a) Comply with all of the requirements stipulated within the attached County of Fresno Department of Public Health memorandum dated September 14, 2010.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

1. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.

2. 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 archaeological 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.

3. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved.

Unless the Planning Commission decision 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.

Exhibit L

Environmental Assessment No. C-10-69/T-5978/R-10 003/C-10-093/T-5786, a Finding of Conformity dated October 29, 2010

CITY OF FRESNO

NOTICE OF INTENT TO ADOPT A FINDING OF CONFORMITY

Filed with:

FILED

OCT 29 2010

FRESNO COUNTY CLERK

BY Sonia Ramirez DEPUTY

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

PROJECT TITLE AND ENVIRONMENTAL ASSESSMENT

EA No. C-10-69/T-5978/R-10-003/C-10-093/T-5786 for

Conditional Use Permit Application No. C-10-069
Tentative Tract Map No. T-5978
Rezone Application No. R-10-003
Conditional Use Permit Application C-10-093
Tentative Tract Map No. T-5786

APPLICANT:

Visionary Homebuilders of California, Inc.
315 N. San Joaquin Street
Stockton, CA 95219

Northstar Engineering Group
909 14th Street
Modesto, CA 95354

California Street Partners
3485 Lakemist Circle
Stockton, CA 95219

PROJECT LOCATION:

1348 East Church Avenue S/A
2542 South Elm Avenue S/A

Located on the south side of West Church Avenue, west of South Elm Avenue (+/- 36.4 acres)

APN No. 47902036, 49, 50

Site Latitude: 36°42'37.45" N Longitude and -119°47'38.63" W
Mount Diablo Base & Meridian, Township 14 S Range 20 E, Section 16

PROJECT DESCRIPTION: North Star Engineering, Inc., on behalf of Visionary Home Builders of California, property owner and California Street Partners, property owner, has filed Conditional Use Permit Application No. C-10-69 and Vesting Tentative Tract Map No. 5978 pertaining to approximately 18.90 acres of property located on the south side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue, and Rezone Application No. R-10-003, Conditional Use Permit Application No. C-10-093, and Vesting Tentative Tract Map No. 5786 pertaining to 17.44 acres of property located on the west side of South Elm Avenue between East Church and East Jensen Avenues. The two development projects are adjacent to one another and total approximately 36.34 acres.

E201010000316

Notice of Intent to Adopt
EA No. C-10-69/T-5978/R-10-003/C-10-093/T-5786
October 29, 2010

Vesting Tentative Tract Map No. 5978 and Conditional Use Permit Application No. C-10-69 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 35 duplex lots; a 79-unit apartment complex on one Outlot; and an additional six Outlots proposed to be dedicated for open space and water well purposes.

Rezone Application No. R-10-003 proposes to rezone an approximately 2.30 acre portion of the subject property from the R-2-A/cz (*Low Density Multiple Family Residential District, One Story/with conditions of zoning*) zone district to the R-1 (*Single Family Residential*) zone district in order to facilitate approval of Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093. The remainder of the site is zoned R-1 (*Single Family Residential*). Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 31 duplex lots; a 79-unit apartment complex on one Outlot; and, an additional five Outlots proposed to be dedicated for open space purposes.

The project proposed is consistent with the existing medium and medium high density residential planned land uses designated for the subject site by the 2025 Fresno General Plan and Edison Community Plan.

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. Please contact Bonique Salinas at (559) 621-8024 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 ~~October 5, 2010~~ Nov. 30, 2010. Please direct comments to Bonique Salinas, Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to Bonique.Salinas@fresno.gov; or comments can be sent by facsimile to (559) 498-1026

Notice of Intent to Adopt
EA No. C-10-69/T-5978/R-10-003/C-10-093/T-5786
October 29, 2010

INITIAL STUDY PREPARED BY: Bonique Salinas and Will Tackett	SUBMITTED BY: Mike Sanchez, Planning Manager CITY OF FRESNO PLANNING AND DEVELOPMENT DEPARTMENT
DATE: October 29, 2010	

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.

Applicant:	**Initial Study Prepared By:**
Visionary Homebuilders of California, Inc. 315 N. San Joaquin Street Stockton, CA 95219	Bonique Salinas, Planner Date: October 29, 2010
Environmental Assessment Number:	**Project Location (including APN):**
EA No. C-10-69/T-5978/R-10-003/C-10-093/T-5786 for Conditional Use Permit Application No. C-10-069 Tentative Tract Map No. T-5978 Rezone Application No. R-10-003 Conditional Use Permit Application C-10-093 Tentative Tract Map No. T-5786	1348 East Church Avenue S/A 2542 South Elm Avenue S/A Located on the south side of West Church Avenue, west of South Elm Avenue (+/- 36.4 acres) APN No. 47902036, 49, 50 Site Latitude: 36°42'37.45" N Longitude and -119°47'38.63" W Mount Diablo Base & Meridian, Township 14 S Range 20 E, Section 16

Project Description:

North Star Engineering, Inc., on behalf of Visionary Home Builders of California, property owner and California Street Partners, property owner, has filed Conditional Use Permit Application No. C-10-69 and Vesting Tentative Tract Map No. 5978 pertaining to approximately 18.90 acres of property located on the south side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue, and Rezone Application No. R-10-003, Conditional Use Permit Application No. C-10-093, and Vesting Tentative Tract Map No. 5786 pertaining to 17.44 acres of property located on the west side of South Elm Avenue between East Church and East Jensen Avenues. The two development projects are adjacent to one another and total approximately 36.34 acres.

Vesting Tentative Tract Map No. 5978 and Conditional Use Permit Application No. C-10-69 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 35 duplex lots; a 79-unit apartment complex on one Outlot; and an additional six Outlots proposed to be dedicated for open space and water well purposes.

Rezone Application No. R-10-003 proposes to rezone an approximately 2.30 acre portion of the subject property from the R-2-A/cz (*Low Density Multiple Family Residential District, One Story/with conditions of zoning*) zone district to the R-1 (*Single Family Residential*) zone district in order to facilitate approval of Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093. The remainder of the site is zoned R-1 (*Single Family Residential*). Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 31 duplex lots; a 79-unit apartment complex on one Outlot; and, an additional five Outlots proposed to be dedicated for open space purposes.

The project proposed is consistent with the existing medium and medium high density residential planned land uses designated for the subject site by the 2025 Fresno General Plan and Edison Community Plan.

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

The adopted 2025 Fresno General Plan and the Central Area Community Plan designate the subject site for medium and medium high density residential planned land uses. The proposed project conforms to this 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 conditional use permit application 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 land. The proposed use is permitted by the planned land use and zoning designation for the site. Thus, the proposed project will not facilitate an additional intensification of uses beyond that which already exists or 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 property. 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 and medium high density residential planned land use designations specified for the subject property. 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 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).

10/29/10

Mike Sanchez
Planning Manager, City of Fresno

Date

Attachments: Notice of Intent to Adopt A Finding of Conformity
Exhibit A: Initial Study Impact Checklist and Initial Study (Appendix G)
Exhibit B: Master Environmental Impact Report (MEIR) Review Summary
Exhibit C: Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 29, 2010

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

Exhibit A
Environmental Checklist Form

For EA No. C-10-69, T-5978, R-10-003, C-10-093, T-5786

1. Project title: **Conditional Use Permit Application No. C-10-069**
   Tentative Tract Map No. 5978
   Rezone Application No. R-10-003
   Conditional Use Permit Application No. C-10-093
   Vesting Tentative Tract Map No. 5786

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:

   Bonique Salinas, Planner
   (559) 621-8024

   Will Tackett, Planner
   (559) 621-8063

4. Project location:

   1348 East Church Avenue S/A and 2542 South Elm Avenue S/A

   Located on the south side of West Church Avenue, west of South Elm Avenue (+/- 36.4 acres) (APN Nos. 47902036, 49, 50)

   Site Latitude: 36°42'37.45" N Longitude and -119°47'38.63" W
   Mount Diablo Base & Meridian, Township 14 S Range 20 E, Section 16

5. Visionary Homebuilders of California, Inc.
   315 N. San Joaquin Street
   Stockton, CA 95219

   Northstar Engineering Group
   909 14th Street
   Modesto, CA 95354

   California Street Partners
   3485 Lakemist Circle
   Stockton, CA 95219

6. General plan designation: Medium Density and Medium-high Density Residential

7. Zoning: R-1 (Single Family Residential) and R-2-A/cz (*Low Density Multiple Family Residential District, One Story/with conditions of zoning*)

8. Description of project:

North Star Engineering, Inc., on behalf of Visionary Home Builders of California, property owner and California Street Partners, property owner, has filed Conditional Use Permit Application No. C-10-69 and Vesting Tentative Tract Map No. 5978 pertaining to approximately 18.90 acres of property located on the south side of East Church Avenue between South Martin Luther King Jr. Boulevard and South Elm Avenue, and Rezone Application No. R-10-003, Conditional Use Permit Application No. C-10-093, and Vesting Tentative Tract Map No. 5786 pertaining to 17.44 acres of property located on the west side of South Elm Avenue between East Church and East Jensen Avenues. The two development projects are adjacent to one another and total approximately 36.34 acres.
Vesting Tentative Tract Map No. 5978 and Conditional Use Permit Application No. C-10-69 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 35 duplex lots; a 79-unit apartment complex on one Outlot; and an additional six Outlots proposed to be dedicated for open space and water well purposes.

Rezone Application No. R-10-003 proposes to rezone an approximately 2.30 acre portion of the subject property from the R-2-A/cz (*Low Density Multiple Family Residential District, One Story/with conditions of zoning*) zone district to the R-1 (*Single Family Residential*) zone district in order to facilitate approval of Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093. The remainder of the site is zoned R-1 (*Single Family Residential*). Vesting Tentative Tract Map No. 5786 and Conditional Use Permit Application No. C-10-093 request authorization to subdivide the subject property for the purpose of creating a multiple family residential public street planned development comprised of: 31 duplex lots; a 79-unit apartment complex on one Outlot; and, an additional five Outlots proposed to be dedicated for open space purposes.

The project proposed is consistent with the existing medium and medium high density residential planned land uses designated for the subject site by the 2025 Fresno General Plan and Edison Community Plan.

9. Surrounding land uses and setting:

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Density Residential	**R-1** *Single Family Residential*	Single Family Residential
East	Medium Density Residential Medium High Density Residential	**R-2/cz** *Low Density Multiple Family Residential/Conditions of Zoning* **C-6** *General Heavy Commercial*	Multi-Family Development Commercial
South	Medium Density Residential Medium High Density Residential	**R-A** *Single Family Residential-Agricultural* **R-2** *Low Density Multiple Family Residential* **C-6** *General Heavy Commercial*	Agricultural Multi-Family Development Vacant
West	Open Space/Ponding Basin Medium Density Residential	**R-A** *Single Family Residential-Agricultural* **R-1** *Single Family Residential*	Ponding Basin Single Family Residential

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

Building and Safety Division
San Joaquin Valley Air Pollution Control District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

Pursuant to Public Resources Code Section 21157.1(b) and CEQA Guidelines 15177(b)(2), the purpose of this MEIR initial study is to analyze whether the subsequent project was described in the Master Environmental Impact Report 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 ("MEIR") 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.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

X 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).

Signature _____ Date 10-29-10

Signature _____ 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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	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 urban 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 nor will it degrade the visual character or quality of the site and its surroundings. 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 conditional use permit process to ensure the the development is consistent with all plans and design guidelines.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

The subject property is surrounded primarily by urban uses and designated for development under the 2025 Fresno General Plan. The site does not fall into any of the categories listed above and does not have a Williamson Act contract. Therefore, no environmental impacts related to agricultural are anticipated as a result of the proposed project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY -- 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?				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

The proposed project will comply with all applicable air quality plans. Therefore, no violations of air quality standards will occur and no net increase of pollutants will occur. The project's construction will be regulated by SJVAPCD Rules and Regulations for grading, paving, mobile construction equipment, and architectural coatings (paint formulation). In addition, as indicated in the attached letter from the San Joaquin Valley Air Pollution Control District dated September 22, 2010, the project is required to comply with the District's Indirect Source Review (ISR) Rule. The ISR Rule is intended to encompass regional planning, transportation system, and site mitigation issues. Specifically, Rule 9510 requires that operational (traffic-associated) and construction equipment emissions of projects be reduced by at least 32% and 45%, respectively. This would reduce the potential emissions of nitrogen oxides (NOX) below the threshold of significance.

The project is not proposing a use which will create objectionable odors and will not expose sensitive receptors to substantial pollutant concentrations given that the site is located in primarily a residential area; therefore there will be no impact.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	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 US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

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 2025 Fresno General Plan by the California Department of Fish and Game or the US 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. There are also no bodies of water on the subject site. 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 the natural resources that exist on the subject site or in its immediate vicinity. Therefore, there would be no impacts.

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

The project site does not contain any resources currently listed on the local, state or national registers. Also, given that the immediate area is substantially developed with urban uses, there are no known adjacent historical or archaeological sites. However, mitigation measures from the Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan will be incorporated into the project which contain protocols to be taken in the event that cultural resources are discovered during construction.

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

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

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

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

Fresno is classified by the State as being in a moderate seismic risk zone, Category "C" or "D," depending on

the soils underlying the specific location being categorized and that location's proximity to the nearest known fault lines. All new structures are required to conform to current seismic protection standards in the California Building Code.

No adverse environmental effects related to topography, soils or geology are expected as a result of this project. Implementation of the mitigation measures listed in MEIR No. 10130 and the attached MEIR Mitigation Monitoring Checklist will ensure that no adverse environmental effects related to topography, soils or geology will result from the proposed project.

	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporation**	**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).

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

Some GHGs occur naturally and are emitted to the atmosphere through both natural processes and human activities. Other GHGs are created and emitted solely through human activities. Water vapor is the most predominant GHG, and is primarily a natural occurrence: approximately 85% of the water vapor in the

atmosphere is created by evaporation from the oceans. The major anthropogenic greenhouse gases (those that enter the atmosphere because of human activities) are Carbon Dioxide, Methane, Nitrous Oxide and Fluorinated Gases.

Greenhouse gases 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 oft-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 greenhouse gases (although several of the GHGs are regulated as precursors to criteria pollutants regulated by the federal and California Clean Air Acts). However, the State has codified a mandate to GHG emissions to 1990 levels by Year 2020. In order to roll back GHG emissions to 1990 levels, a reduction of 174 million MTCO2e 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) requiring the state Resources Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act. 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 (District) adopted the document titled *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* and the policy titled *District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency.* This guidance document and policy rely on the use of performance based standards, otherwise known as Best Performance Standards (BPS) to assess the significance of project specific greenhouse gas 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 percent 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 greenhouse gases based on the guidance established by the San Joaquin Valley Air Pollution Control District (District) 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 District 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 GHG's. 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 greenhouse gas emissions. One mitigation measure states that projects should "Include mixed-use, infill, and higher density in development projects to support the reduction of vehicle trips...". The proposed project is promoting a higher density development on property that could otherwise be developed as a traditional single family residential development.

In addition, a second measure in the Attorney General's guidance document states that development projects

should "Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking". The proposed project will incorporate sidewalks with parkstrips to provide shaded pedestrian pathways, will provide an enhanced pedestrian pathway along East Grove Avenue, will be well connected to the adjacent neighborhoods making walking to designations more convenient, and is located less than 800 feet from two bus stops (one located on the corner of South Elm and East Church Avenues (line 34) and one located on the corner of South Elm and East Jensen Avenues (line 38). Thus the proposed project will create travel routes that will ensure that destinations may be reached conveniently by public transportation, bicycling or walking.

Finally, a third measure in the Attorney General's guidance document states that development projects should "Preserve and create open space and parks". The project proposes several outlots that will be used as open space/parks for the residents of the community.

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 CO_2, removing it from the atmosphere). In addition, the project does not involve manufacturing activities that would generate SF_6, HFCs, or PFCs and does not propose any uses which would generate methane on site.

Therefore, no adverse environmental effects related to greenhouse gas emissions are expected as a result of this project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS -- 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
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 in an airport hazard zone, 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.

Based on the above analysis, no adverse environmental effects related to hazards are expected as a result of this project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water 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				X

flows?				
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 historic as 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. The Fresno Metropolitan Water Resource Management Plan is also under revision. The purpose of these management plans is to provide safe, adequate, and dependable water supplies 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 implement able 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 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 proposed project places additional demand upon peak water use capacity. The proposed project must contribute to short-term and long-range water supply and distribution remediation projects in order to adequately address any deficiencies.

The Fresno Metropolitan Water Resource Management Plan has been adopted and the accompanying Final EIR (SCH #95022029) certified. The purpose of the management plan is to provide safe, adequate, and dependable water supplies 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 implementation measures and facilities. In addition, the proposed project must contribute to the completion of the Fresno Metropolitan Flood Control District's 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 and United States Bureau of Reclamation on the northern edge of the current urban limit boundary.

The mitigation measures of Master EIR 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 Fresno Metropolitan Flood Control District 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 Fresno Metropolitan Flood Control District to utilize suitable FMFCD ponding (drainage) basins for the groundwater recharge program, and works with Fresno Irrigation District to ensure that the City's allotment of surface water is put to the best possible use for recharge.

In accordance with the provisions of the 2025 Fresno General Plan and Master EIR 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 Water Division of the Public Utilities Department estimated that the proposed development will have an adequate source of water available to serve the project.

When development permits are issued, the subject property will be required to contribute to the completion of the Fresno Metropolitan Flood Control District'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.

The subject property does not appear to have any extant water wells. As a condition of approval, any pre-existing on-site domestic or agricultural water wells that may be on the site shall be properly abandoned, in order to prevent the spread of contaminants from the ground surface or from shallow groundwater layers into deeper and cleaner levels of the aquifer.

The subject property does not appear to have any remaining on-site waste (septic) disposal system. As a condition of approval, any pre-existing septic systems be properly abandoned.

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. Subsequent special permits for multi-family development 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 owned treatment works.

Implementation of the mitigation measures as identified in the attached MEIR No. 10130 prepared for the 2025 Fresno General Plan will reduce the project's water impacts to less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. 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 will not divide an established community since it will be located on property that is currently vacant and will provide public streets that will actually connect neighborhoods. The project will not conflict with any policies given the fact that the proposed use is allowed in the R-1 zone district and will be developed consistent with the 2025 Fresno General Plan and the Edison Community Plan. The project will not conflict with any conservation plans since it is not located within any conservation plan areas.

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

In developed areas of the community, noise conflicts often occur when a noise sensitive land use is located adjacent to a noise generator. Noise in these situations frequently stems from on-site operations, use of outdoor equipment, uses where large numbers of persons assemble, and vehicular traffic. 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 and County Noise Elements establish a land use compatibility criterion of 60dB DNL for exterior noise levels in outdoor activity areas of new residential developments. Outdoor activity areas generally include backyards of single family residences and patios and common open space areas in multi-family developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation. Furthermore, the Noise Element also requires that interior noise levels attributable to exterior noise sources not exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

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. In addition, the conditions imposed by the Fresno County Health Department in their letter dated September 14, 2010 which conditions construction related activity to incorporate noise reduction measures into their construction activity, will be made a condition of approval of the conditional use permit application.

Since the project site currently is vacant, the proposed project will result in an increase in ambient noise levels in the project vicinity above existing levels. However, as discussed above, this increase in noise will mitigated to an acceptable level.

Since the project site is vacant, the proposed project will result in an increase in temporary and/or periodic noise levels in the project vicinity above existing levels. However, as discussed above, this increase in noise will mitigated to an acceptable level. Some increases in ambient noise levels will occur during the time of construction, but project construction will be limited to normal business hours (7am to 7pm) to minimize the impact on the adjacent neighborhood.

The proposed project is not located within the jurisdiction of an adopted airport land use plan. The proposed project site is not located in the vicinity of a private airstrip.

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

The proposed will not induce substantial population growth given that the subject site will be developed at a density that is already permitted by the 2025 Fresno General and plan and was analyzed in the MEIR for this general plan. The subject site is currently vacant and will thus not displace any existing housing or people.

XIII. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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
Schools?			X	
Parks?				X
Other public facilities?			X	

The Department of Public Utilities has reviewed the proposed project and has determined that adequate sewer, water, and solid waste facilities are available subject to compliance with the conditions submitted by the Department of Public Utilities for this project. City police and fire protection services are also available to serve the proposed project. Finally, the Fresno Metropolitan Flood Control District has indicated that there are adequate facilities to serve the proposed project subject to compliance with the conditions submitted by the District for the proposed project. These departments and agencies have all submitted conditions that will be required as Conditions of Approval for the subject entitlement applications (conditional use permits and tract maps). These conditions of approval will ensure that the proposed project will have a less than significant impact to urban services. All conditions of approval must be complied with prior to occupancy.

The demand for parks generated by the project is within planned services 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 pulled. The demand for schools generated by the project is within planned projections of the West Fresno Elementary School District (given that the subject site is being developed at a density already allowed by the 2025 Fresno General Plan) and applicant will pay impact fees at time of building permits.

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

The proposed project will provide adequate on-site open space including private open space and shared common open space. In addition, the project does not include or require construction of recreational facilities that might have an adverse physical effect on the environment, therefore no recreation impacts are generated by the project.

XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?				X
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				
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 proposed project is not expected to generate traffic which would significantly impact any nearby roads. A traffic impact study was submitted for the proposed project and analyzed by the Public Works Department. Compliance with conditions from the Public Works Department in their letter dated October 6, 2010 will ensure that the project will not significantly impact traffic or transportation.

The proposed project will not result in a change in air traffic patterns, will not increase hazards due to a design feature or incompatible uses, and will have adequate emergency access.

XVI. UTILITIES AND SERVICE SYSTEMS--Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
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 projects projected demand in addition to the provider's existing' commitments?				X

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

The project site will be continue to be serviced by the Solid Waste Division, have water facilities available to provide water service to the site subject to several conditions, and sewer facilities will be available to provide service to the subject site.

The proposed project is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board and will not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, or result in the construction of new storm water drainage facilities or expansion of existing facilities. Therefore, there will be no impacts to utilities and service systems.

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

As noted in preceding sections of this Initial Study, there is no evidence in the record to indicate that the increment of environmental impacts that would be potentiated by this project would be cumulatively significant. There is also no evidence in the record that the proposed project would have any adverse impacts directly, or indirectly, on human beings. Therefore, there are no mandatory findings of significance.

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

September 22, 2010

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SEP 24 2010
DEVELOPMENT DEPARTMENT
CITY OF FRESNO

Will Tackett
City of Fresno
Planning & Development
2600 Fresno Street, Room 3076
Fresno, CA 93721-3604

Agency Project: Rezone Application No. R-10-003, Conditional Use Permit Application No. C-10-093; Vesting Tentative Tract Map Application No. 5786

District CEQA Reference No: 20100703

Dear Mr. Tackett:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of 31 duplex lots and a 79-unit apartment complex to be located at 2542 S. Elm Avenue, in Fresno. The District offers the following comments:

1. Based on information provided, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons per year NOx, 10 tons per year ROG, and 15 tons per year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

2. Based on information provided, at full build-out the proposed project would be equal to or greater than 50 residential dwelling units. Therefore, the District concludes that the proposed project would be subject to District Rule 9510 (Indirect Source Review).

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

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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Southern Region
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applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm.

3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

4. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Jessica Willis at (559) 230-5840.

Sincerely,

David Warner
Director of Permit Services

Jessica R. Willis

for Arnaud Marjollet
Permit Services Manager

DW:jw

Cc: File

Exhibit B
MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) REVIEW SUMMARY

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

The City has processed 110 plan amendment applications since the adoption of the 2025 Fresno General Plan. These applications have resulted in changes of planned land use that affected approximately 1,000 acres, representing approximately one percent of the land area within the 2025 Fresno General Plan boundary. The impacts of these amendments are minimal and not significant in relation to the balance of the density and intensity of the land uses impacted by the plan amendment applications.

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

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

In addition to the local street system, the City has entered into an agreement with the California Department of Transportation to collect impact fees for state highway facilities which may be impacted by new development projects. The City participates in the Fresno County Transportation Authority, which recently was successful in obtaining voter re-authorization of a half-cent sales tax to be dedicated to a wide range of transportation facilities and programs

(including mass transit). The City is also an active participant in ongoing regional transportation planning efforts, such as a freeway deficiency study, a corridor study for one or more additional San Joaquin River crossings, and the State's "Blueprint for the Valley" process. All these studies were commenced after the MEIR was certified, but none of them is yet completed. Therefore, it cannot be concluded that Fresno's environmental setting or the MEIR analysis of traffic and circulation have materially changed since November of 2002.

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

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

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Conditional Use Permit Application No. C-10-069, Tentative Tract Map No. T-5978, Rezone Application No. R-10-003, Conditional Use Permit Application C-10-093 and Tentative Tract Map No. T-5786 or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

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

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

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

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

Agricultural Resources. The implementation of applicable policies since adoption of the 2025 Fresno General Plan has encouraged the development of urban uses in a more systematic pattern that avoids discontinuity and the creation of vacant by-passed properties. These efforts, together with the requirement to record "right-to-farm" covenants, facilitate the continuation of existing agricultural uses within the city's planned urban growth boundary during the interim period preceding orderly development of the property as anticipated by the General Plan. Staff is not aware of any particular circumstance or information that would make impacts from loss of

agricultural resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of agricultural resources pursuant to CEQA Guideline Section 15179(b)(1).

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

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

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

Biological Resources. The City continues to evaluate all development proposals for potential impacts upon natural habitats and associated species dependent upon these habitats. The City supports continuing efforts to acquire the most prominent habitats where appropriate, such as portions of the San Joaquin River environs. When development or public works projects have been proposed in this area, they have been subject to site-specific evaluation through

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

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

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

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

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

Geology and Soils. The City of Fresno has a predominantly flat terrain with few geologic or soil quality constraints. The City continues to apply applicable local and state construction codes and standards and continues to adopt new standards as appropriate to insure the safety of residents and protection of property improvements.
Staff finds that these codes and standards have adequately addressed any potential impacts that may have arisen related to geology and soils and is not aware of any facts or circumstance that would make impacts related to geology and soils a reasonably foreseeable impact not addressed in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known regarding impacts related to geology and soils pursuant to CEQA Guideline Section 15179(b)(1).

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

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

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

- Construction of solar panel generator facilities at the Municipal Services Center (MSC) and at Fresno-Yosemite International Airport. The MSC facility, completed_ in 2004, generates 3.05 GWt of energy (equivalent to operation of 286 homes per year) and has resulted in reduction of 966 tons of CO_2 emissions (equivalent to 2,414,877 vehicular miles not driven).

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

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

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

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

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

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

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

School Facilities. The City of Fresno continues to consult with affected school districts and participate in school site planning efforts to assure the identification of appropriate location alternatives for planned school facilities. Staff is not aware of any information from the school districts or otherwise to demonstrate that adequate school facilities are not being accommodated under the current General Plan and/or that the need for school facilities is expected to cause impacts not identified in the MEIR. Staff finds that the circumstances have 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 Conditional Use Permit Application No. C-10-069, Tentative Tract Map No. T-5978, Rezone Application No. R-10-003, Conditional Use Permit Application C-10-093 and Tentative Tract Map No. T-5786 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 over-arching goal. The urban form element of the General Plan was designed to foster efficient transportation and to support mass transit and subdivision design standards are being implemented to support pedestrian travel. Strong policy direction in the Public Facilities and Resource Conservation elements require that air pollution improvement be a primary consideration for all land development proposals, that development and public facility projects conform to the 2025 Fresno General Plan and its EIR mitigation measures, and that the City work conjunctively with other agencies toward the goal of improving air quality.

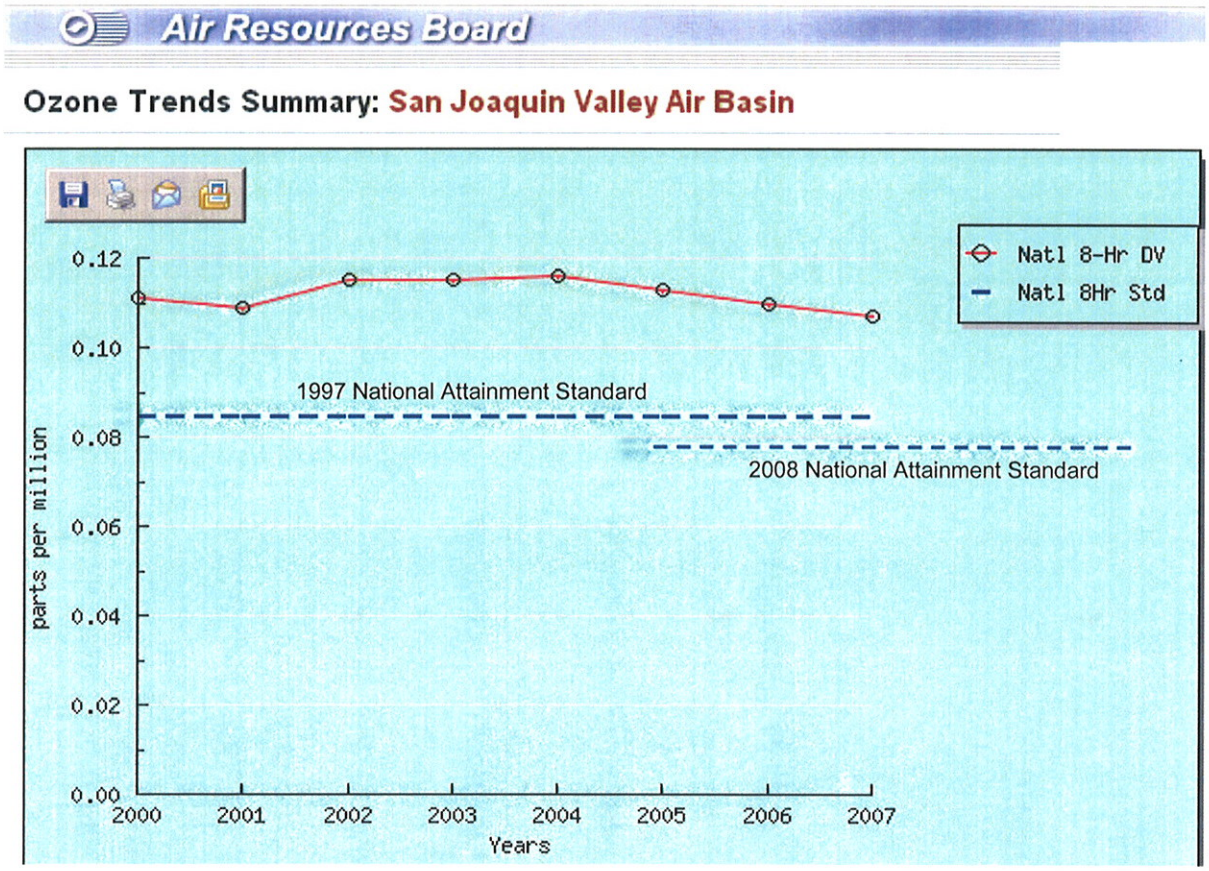
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted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

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

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

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

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

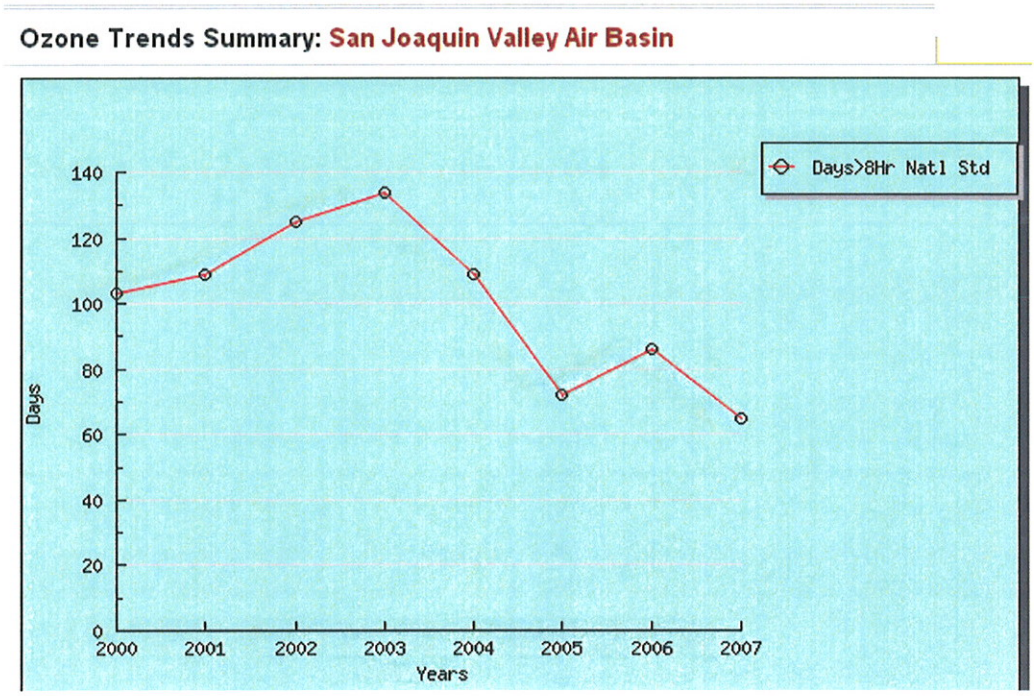


GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

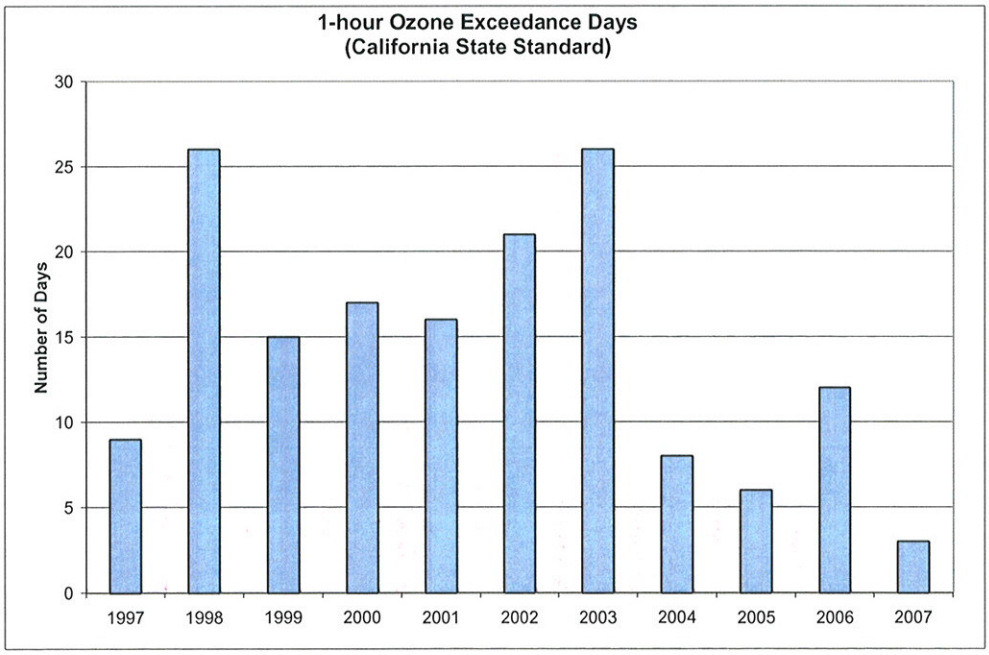
Under the 1997 standard, in effect through the end of 2007, "Attainment" would be achieved if the three-year average were less than, or equal to, 84 parts per billion (ppb), or 0.084 parts per million (ppm). In 2008, a new National 8-Hour Ozone Attainment standard went into effect: a three year average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

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

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



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

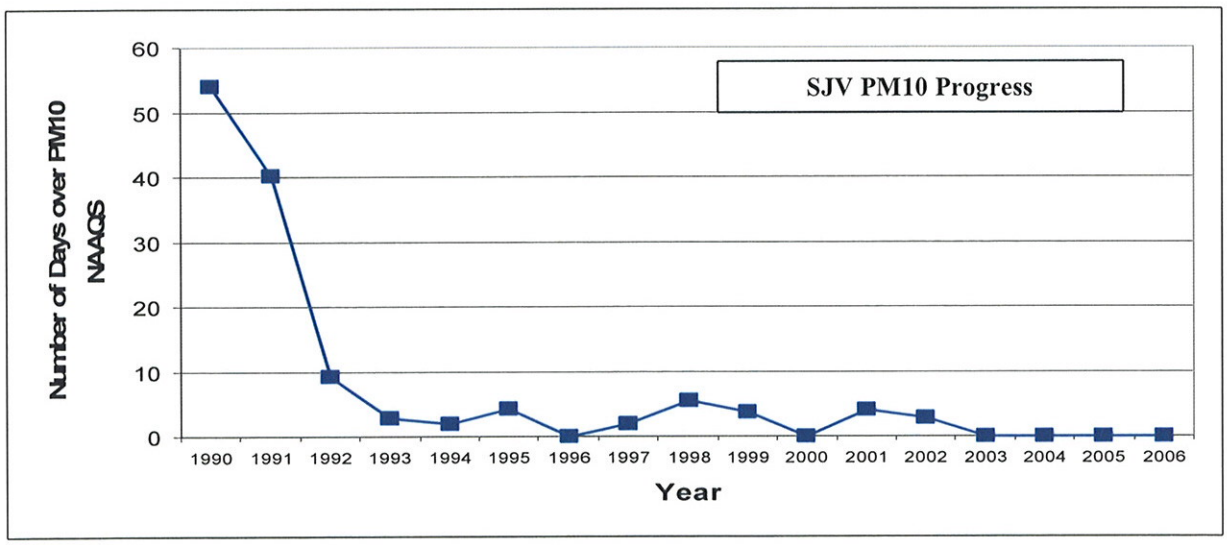


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

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

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

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



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

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

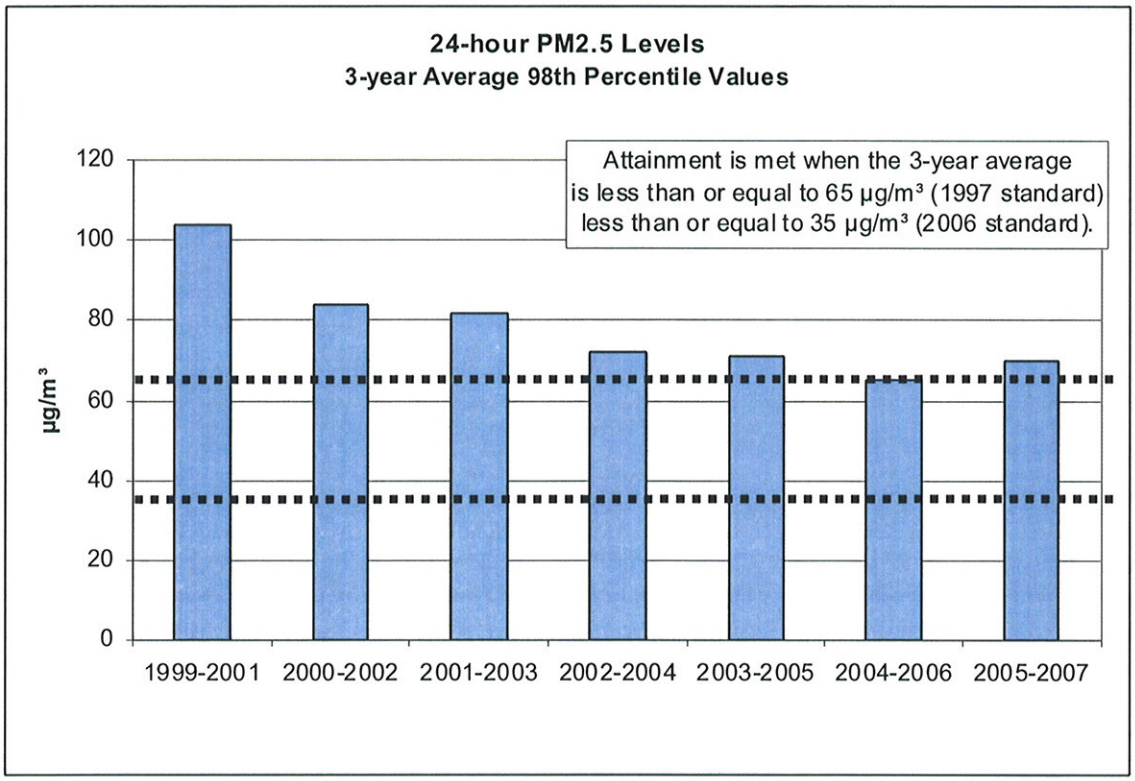
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

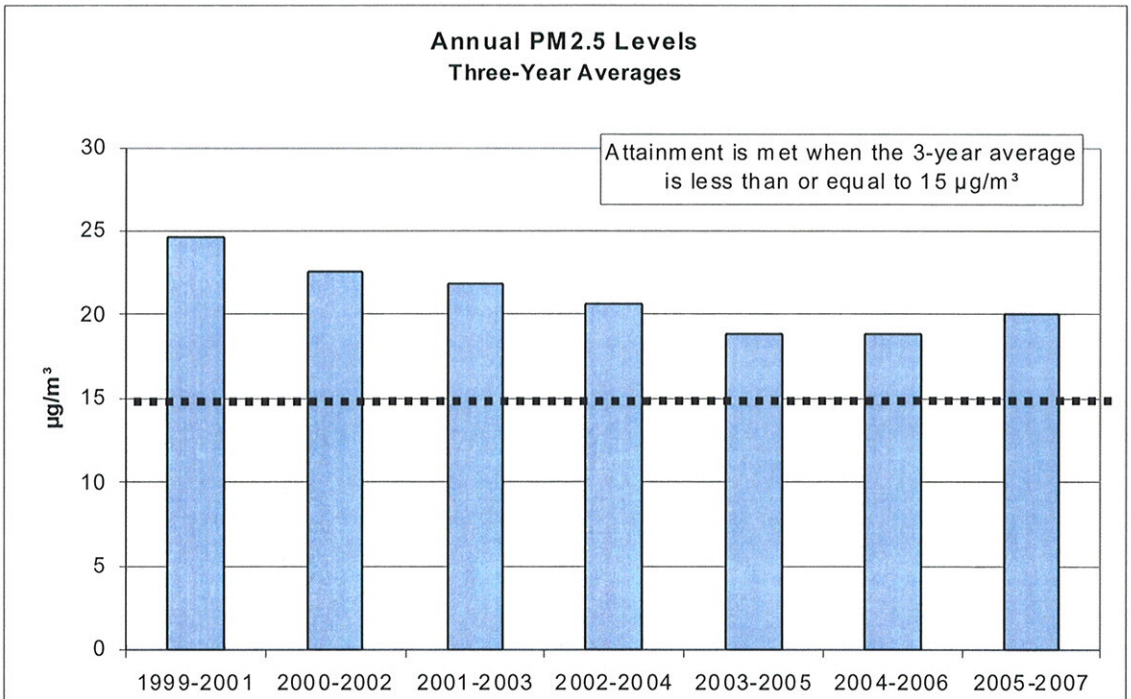
It is anticipated that full implementation (release of mitigation impact fees for various clean air projects throughout the San Joaquin Valley) and subsequent augmentation of the Indirect Source Review Rule will accelerate progress toward attainment of federal and state ozone standards, and will be an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

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

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

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





When the 2025 Fresno General Plan and its MEIR were approved in late 2002, the planning and environmental documents did not directly or separately analyze potential global warming

and climate change impacts. However, the general policy direction for consideration of air quality parameters in development project evaluations and for reducing those air pollutants which are already under regulation would operate to control these potential adverse impacts.

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

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

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

- carbon dioxide (CO_2), largely generated by combustion activities such as coal and wood burning and fossil fuel use in vehicles but also a byproduct of respiration and volcanic activity;
- *methane (CH_4), known commonly as "natural gas," is present in geologic deposits and is also evolved by anaerobic decay processes and animal digestion. On a ton-for-ton basis, CH_4 exerts about 20 times the greenhouse gas effect of CO_2;
- *nitrous oxide (N_2O), produced in large part by soil microbes and enhanced through application of fertilizers. N_2O is also a byproduct of fossil fuel burning: atmospheric nitrogen, an inert gas that makes up a large proportion of the atmosphere, is oxidized when air is exposed to high-temperature combustion. N_2O is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N_2O is one component of "oxides of nitrogen" (NOX), long recognized as precursors of smog-causing atmospheric oxidants.
- *chlorofluorocarbons (CFCs), synthetic chemicals developed in the late 1920s for use as improved refrigerants (*e.g.*, "Freon™"). It was recognized over two decades ago that this class of chemicals exerted powerful and persistent greenhouse gas effects. In 1987, the Montreal Protocol halted production of CFCs.
- *hydrofluorocarbons (HFCs), another class of synthetic refrigerants developed to replace CFCs;

- *perfluorocarbons (PFCs), used in aluminum and semiconductor manufacturing, have an extremely stable molecular structure, with biological half-lives tens of thousands of years, leading to ongoing atmospheric accumulation of these GHGs.
- *sulfur hexafluoride (SF_6) is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF_6 exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO_2 on a ton-for-ton basis.
- water vapor, the most predominant GHG, and a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans.

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

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

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

On August 24, 2007, California also enacted legislation (Public Resources Code §§ 21083.05 and 21097) requiring the state Resources Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act. By July 1, 2009, the Governor's Office of Planning and Research (OPR) is required to prepare guidelines for the mitigation of greenhouse gas emissions, and transmit those draft regulations to the Resources Agency. The Resources Agency must then certify and adopt the guidelines by January 1, 2010.

The recently-released update of the Urbemis computer model (used by the City of Fresno Planning and Development Department for environmental assessments, pursuant to a specific MEIR mitigation measure) does provide data on the amounts of CO_2 and oxides of nitrogen (NOX) potentially generated by development projects. However, at this point in time, neither CARB nor the SJVAPCD has determined what the 1997 baseline or current "inventory" of GHGs is for the entire state nor for any region or jurisdiction within the state. No agency has adopted GHG emission limits and emission reduction measures, and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions (there is an absence of regulatory guidance). Therefore, the City is unable to productively interpret the results of the Urbemis model with regard to GHGs, and there is currently no way to determine the significance of a project's potential impact upon global warming.

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

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

Any manufacturing activities that would generate SF_6, HFCs, or PFCs would be subject to subsequent environmental review at the project-specific level, as would any uses which would generate methane on site. The City of Fresno has adopted an ordinance prohibiting installation of any woodburning fireplaces or woodburning appliances in new homes, which would reduce CO_2 and N_2O from wood combustion.

Through updates in the California Building Code and statewide regulation of appliance standards, City development projects conform to state-of-the art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication *Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California* (April 2007) and in CARB's *Proposed Early Actions to Mitigate Climate Change in California* (April 2007). The City has further incentivized "green" building projects by providing subsidies for solar photovoltaic equipment for single-family residential construction, by reducing development standards (including reductions in required parking spaces, which further reduces air pollutant and GHG emissions), and by improving its landscape and shading standards (a topic included in the Design Guidelines adopted with the 2025 Fresno General Plan).

Updated engine and tire efficiency standards would apply to residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO_2, removing it from the atmosphere).

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

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

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

Secondary health effects of global warming could include increases in respiratory and cardiac illnesses attributable to poor air quality. The San Joaquin Valley Air Pollution Control District provides daily advisories and warnings in times of high ozone levels to help senior citizens and other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (PM2.5) standards by Year 2014 and to attainment of oxidant/ozone standards by Year 2023, and would adopt additional Rules and emission controls as necessary

to decrease emissions inventories by those target dates. There is insufficient information to indicate that global climate change would prevent attainment of air quality parameters affecting health.

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

The City of Fresno currently treats and distributes only some 20% of its 150,000 acre-foot/year (AFY) surface water entitlement for the municipal water system, directing another 50,000 to 70.000 AFY to recharge activities via ponding basins. Presently, the City is unable to recharge the full balance of its annual entitlement in average and wet years, and releases any unused surface water supplies to area irrigation districts for agricultural use in the metropolitan area, (which further augments groundwater recharge through percolation of irrigated water).

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

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

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

As noted above, it is theorized that global warming could lead to more energy in the atmosphere and to increased intensity or frequency of storm events. Fresno's long-term weather pattern is that rainfall occurs during episodic and fairly high-intensity events. The Fresno Metropolitan

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

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

EXHIBIT C

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. C-10-69, T-5978, R-10-003, C-10-093, T-5786

Date: October 29, 2010

Mitigation Monitoring Checklist

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

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

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

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

Project/EA No. C-10-69, T-5978, R-10-003, C-10-093, T-5786 **Date: October 29, 2010**

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
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: 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. 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	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					

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Project/EA No. C-10-69, T-5978, R-10-003, C-10-093, T-5786 **Date: October 29, 2010**

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Traffic Impact Studies.								
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; Planning and Development Dept.	X					
B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.	Prior to approval or prior to funding of major street project.	Public Works Dept./Traffic Planning; Planning and Development Dept.	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; Planning and Development Dept.	X					

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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. 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.	Ongoing	Planning and Development Department Dept.	X					

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C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.	Ongoing	Planning and Development Department Dept. SJVAPCD	X					
C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.	Ongoing	Various city departments	X				X	
C-4. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as: a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use.	Ongoing	Fresno Area Express					X	
D-1. The City shall monitor impacts of land use changes and development project	Ongoing	Dept of Public	X	X				

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MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
proposals on water supply facilities and the groundwater aquifer.		Utilities and Planning and Development Dept						
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 Planning and Development Department		X	X			
D-3. The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities					X	
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department	X				X	
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the	Ongoing	Planning and Development Department						X

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
National Flood Insurance Protection Program.								
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: 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	Planning and Development Department						X
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).	Ongoing	Planning and Development Department						X
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 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.	Ongoing	Department of Public Utilities					X	
D-9. The City shall continue its current water conservation programs and	Ongoing	Department of					X	

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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.)		Public Utilities						
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.	Prior to approval of land use entitlement	Department of Public Utilities	X				X	
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	
D-12. All applicants for development projects shall provide data (meeting City	Prior to approval	Department of	X					

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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:	of development project	Public Utilities						

FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:		
	01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024	AFTER 01/01/2025
Single family residential	3.8	3.5	3.5
Multi-family residential	6.5	6.2	6.2
Commercial and institutional	2	1.9	1.9
Industrial	2	1.9	1.9
Landscaped open space	3	2.9	2.9
South East Growth Area	3.4	3.2	3.2

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NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan								
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	Planning and Development Department					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	Planning and Development Department					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	Planning and Development Department						X
E-4. Development of agricultural land, or fallow land adjacent to land designated	Ongoing	Planning and						X

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for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: 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.		Development Department						
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.	Ongoing	Dept. of Public Utilities and Planning and Development Department	X	X				
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.	Ongoing	Dept. of Public Utilities					X	
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	

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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 Planning and Development Department	X	X				
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities	X					
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.				X		

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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.; Planning and Development Dept.				X		
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.					X	
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall including siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.					X	
I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net less of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.					X	

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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	Planning and Development Dept.	X					
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development 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	Planning and Development 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	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.	X					

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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. 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	Planning and Development Dept.	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	Planning and Development Dept./ Historic Preservation Commission staff	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), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Planning and Development Dept./ Historic Preservation Staff	X					

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K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Planning and Development Dept.	X				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. ■ 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	Planning and Development Dept.	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	Planning and Development Dept.					X	
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	Ongoing	Planning and Development Dept.	X				X	

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the California Department of Conservation, Division of Mines and Geology.								
N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.	Ongoing	Planning and Development Dept.				X		
Q-1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.	Ongoing	Planning and Development Dept.	X				X	

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B - Mitigated
C - Mitigation in Process
D - Responsible Agency Contacted
E - Part of City-Wide Program
F - Not Applicable