



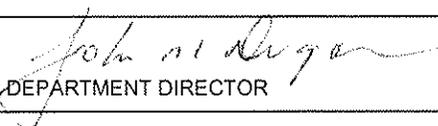
**REPORT TO THE PLANNING COMMISSION**

AGENDA ITEM NO. VIII - A  
COMMISSION MEETING 12-15-10

December 15, 2010

FROM: KEVIN FABINO, Planning Manager  
Development Services Division

BY: MIKE SANCHEZ, Planning Manager  
Development Services Division 

APPROVED BY  
  
DEPARTMENT DIRECTOR

SUBJECT: CONSIDERATION OF AN APPEAL OF THE DIRECTOR ACTION APPROVING  
CONDITIONAL USE PERMIT APPLICATION NO. C-09-207 AND ENVIRONMENTAL  
FINDING FOR ENVIRONMENTAL ASSESSMENT NO. C-09-207

**RECOMMENDATION**

Upon consideration of staff evaluation, it can be concluded that proposed Conditional Use Permit Application No. C-09-207 is appropriate for the subject site. Therefore, staff recommends that the Planning Commission take the following action:

1. APPROVE the environmental finding of a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 be adopted for the project dated September 3, 2010.
2. DENY the appeal and UPHOLD the action of the Development and Resource Management Department Director approving Conditional Use Permit No. C-09-207 subject to the Conditions of approval dated October 13, 2010.

**EXECUTIVE SUMMARY**

Conditional Use Permit Application No. C-09-207, filed by Craig Harmon, requests authorization to allow a membership only, 21 years and older adult use oriented business within an existing building. The use will not allow food service, alcohol or dancing. There will be snack and soda vending machines. The use will provide music and video equipment and members may bring their own music and videos for equipment use. It will also provide pool tables (maximum of two allowed), music, reading, TV and lounge rooms and a retail shop for t-shirt, hat, jewelry sales, and sales of adult magazines, movies and novelties. Members will have a one-time 12-hour stay in the club per day only. There will be no same day re-entry. The proposed project shall comply with Section 12-306-N-30 of the Fresno Municipal Code (FMC). The property is zoned M-3 (Heavy Industrial District) which permits the proposed use subject to the approval of a conditional use permit.

**PROJECT INFORMATION**

PROJECT	Request to establish a membership only, 21 years and older adult use oriented business within an existing 4,000 square foot building.
APPLICANT	Craig Harmon
LOCATION	2592 South Railroad Avenue; Located on the west side South Railroad Avenue just north of East Jensen Avenue bypass (APN: 479-072-17) <b>(Council District 3, Councilmember Sterling)</b>
SITE SIZE	0.19 Acres

LAND USE Existing - Vacant industrial building  
 Proposed - Membership only Adult Bookstore

ZONING Existing - M-3 (*Heavy Industrial District*)

PLAN DESIGNATION AND CONSISTENCY The existing M-3 zone district is consistent with the 2025 Fresno General Plan and Edison Community Plan land use designation of the site for heavy industrial.

ENVIRONMENTAL FINDING Finding of Conformity filed September 3, 2010

PLAN COMMITTEE RECOMMENDATION Currently, there is no District 3 Plan Implementation Committee

STAFF RECOMMENDATION Staff recommends approval of Conditional Use Permit Application No. C-09-207 subject to Conditions of Approval, dated October 13, 2010 and Exhibit A-1 dated March 30, 2010, Exhibit A-2 dated December 10, 2009, and Exhibits E and F dated October 15, 2009.

**BORDERING PROPERTY INFORMATION**

	Planned Land Use	Existing Zoning	Existing Land Use
North	Heavy Industrial	M-3 ( <i>Heavy Industrial District</i> )	Railroads
South	Heavy Industrial	M-3 ( <i>Heavy Industrial District</i> )	Central Valley Trailer Repair
East	Heavy Industrial	M-3 ( <i>Heavy Industrial District</i> )	Railroads
West	Heavy Industrial	M-3 ( <i>Heavy Industrial District</i> )	Vacant Land

**ENVIRONMENTAL FINDING**

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

The proposed project has been determined to be fully within the scope of Master Environmental Impact Report (MEIR) No. 10130 and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (Air Quality MND), as provided by CEQA and as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 and the Air Quality MND have been applied to the project 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 the Air Quality MND as provided by CEQA Section 15178(a). Therefore, staff has issued a finding that the project proposal is in conformance to the 2025 Fresno General Plan MEIR No. 10130 and Air Quality MND, which incorporate a MEIR Mitigation Monitoring Checklist. This environmental finding was

properly published on September 3, 2010.

## **BACKGROUND / ANALYSIS**

Conditional Use Permit Application No. C-09-207, filed by Craig Harmon, requests authorization to allow a membership only, 21 years and older adult use oriented business within an existing building. The use will not allow food service, alcohol or dancing. The general public cannot enter the premises unless they are a member. There will be snack and soda vending machines. The use will provide music and video equipment and members may bring their own music and videos for equipment use. It will also provide pool tables (maximum of two allowed), music, reading, TV and lounge rooms and a retail shop for t-shirt, hat, jewelry sales, and sales of adult magazines, movies and novelties. Members will have a one-time 12-hour stay in the club per day only. There will be no same day re-entry. The proposed project shall comply with Section 12-306-N-30 of the FMC.

The site is approximately 0.19 acres in area and is located on the west side of South Railroad Avenue just north of East Jensen Avenue bypass, at 2592 South Railroad Avenue and is zoned M-3 (*Heavy Industrial District*). The subject site is located within the jurisdiction of the 2025 Fresno General Plan and the Edison Community Plan and is planned for heavy industrial. The subject site is bordered to the north and east by railroad tracks, to the south by a trailer repair business and to the west by vacant land.

The project will take access from South Railroad Avenue, a local street. Although the traffic generated by this project is expected to increase, the existing circulation system can accommodate the proposed project with no significant impact. With respect to infrastructure services, both sewer and water services can be accommodated pursuant to requirements issued by the Department of Public Utilities. No drainage impacts are anticipated.

The project will be required to maintain 25% or more of any one or more of the following: wall space or any display area other than wall space (e.g. tables, racks and/or any other display areas or structures) or stock in trade (inventories not on display but on site) or gross revenues or advertising and other promotion of books, magazines, periodicals or other printed matter depict, describe or otherwise expressly relate to "specified sexually activities" or "specified anatomical areas," as defined in this article.

### **Section 12-306-N-30 of the FMC**

The project is subject to Section 12-306-N-30 of the FMC. The adult uses subject to the provisions of this section shall not be located or maintained within 1,000 feet of the nearest street entrance to or exit from any public library, public playground or park, public or private school ground of elementary or high school grades, nursery schools or child-care nurseries, church, convent, monastery, synagogue, or other place of worship, existing residential zone districts and areas designated for residential development on a city-adopted plan; existing non-conforming dwellings; or another existing adult use. For purposes of this subdivision, zone districts in which Residential Mixed Use Projects are permitted are not considered to be existing residential zone districts or areas designated for residential development on a city-adopted plan.

Staff has surveyed the area within 1,000 feet of the subject property and found that the proposed adult use complies with this provision. The proposed adult use does not violate the above mentioned parameter.

In addition to other provisions regulating adult uses, the adult establishments shall **not** operate between the following hours:

- Sunday, Monday, Tuesday, Wednesday or Thursday: 10:01 p.m. until 7:59 a.m.
- Friday or Saturday: 11:01 p.m. until 7:59 a.m.

The regulations regarding adult uses have been amended over the years to reflect a reasonable accommodation for such use to exist while minimizing their impacts on adjacent neighborhoods, land uses and citizenry. Neither the 2025 Fresno General Plan, Community Plan, Specific Plan or Redevelopment Plan contain individual policies that promote or discourage adult uses.

The applicant has agreed to the requirements of Section 12-306-N-30. The applicant has also agreed to the several discretionary conditions, which will be discussed in the appeal analysis of this report.

## **APPEAL AND ANALYSIS OF THE APPEAL**

Staff did receive an appeal letter dated October 26, 2010 to the project from Mr. Mike Slater, on behalf of Mr. Mike Shuemaker of Central Valley Trailer Repair. The appeal states that the city failed to adequately assess and mitigate significant conditions upon this adult use operation so as to adequately protect the health, safety and welfare of the people of Fresno.

Staff Response: Staff, the project applicant (Craig Harmon) and the appellant Mr. Mike Shuemaker and Mr. Mike Slater met on November 17, 2010 to discuss the proposed project. It was agreed by both project applicant and appellant that the following additional conditions would be imposed on the project:

- That any change in the operational statement would require notification of surrounding property owners.
- Slats shall be installed within the existing fencing surrounding the subject site.
- No advertising or signs shall be on the existing sign pole. All signs or advertising shall be installed on the existing building. This sign restriction was agreed to by both parties and could not have been imposed by the City.

In summary, the proposed project will not have a significant impact on the adjacent properties subject to compliance with the conditions of approval and the additional conditions mentioned above.

## **NOTICE OF PLANNING COMMISSION MEETING**

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners (and others) within 350 feet of the subject site.

## **CONDITIONAL USE PERMIT APPLICATION REVIEW FINDINGS**

No special permit may be issued unless it is found that the privilege exercised under the permit, as it may be conditioned, conforms to the findings of Section 12-405-A-2 of the FMC. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for this conditional use permit application as follows:

<b>FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2</b>	
<i>a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
Finding a:	Conditional Use Permit Application No. C-09-207 will comply with all applicable codes, including parking, landscaping, walls, etc., given that the special conditions of project approval will ensure that all conditions are met prior to the site being occupied. Furthermore, the proposed project will comply with all applicable codes. Urban services such as sewer, water, fire, solid waste can be accommodated for the project site.
<i>b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i>	
Finding b:	Conditional Use Permit Application No. C-09-207 is located on the west side of South Railroad Avenue (local) just north of East Jensen Avenue bypass, which has been analyzed by the Public Works Department, Traffic Engineering Division. The Traffic Division reviewed the proposed project and assessed the adjacent streets to ensure that the proposal, with conditions, would not have significant impacts on traffic and the surrounding community. The traffic generated from the proposed project can be accommodated by the existing circulation network.
<i>c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located.</i>	
Finding c:	This finding is not applicable per Section 12-405-A-2-c since the proposed adult use is subject to Section 12-306-N-30 of the Fresno Municipal Code.

**CONCLUSION / RECOMMENDATION**

Should the Planning Commission determine that it is appropriate to approve the subject application, substantial evidence must be cited supporting a conclusion that the findings necessary to grant the conditional use permit can be made. (FMC Section 12-405-A-2-a and b findings required for granting a conditional use permit as listed above.)

Furthermore the following conditions of approval should be applied to the conditional use permit:

1. Development shall take place in accordance with Exhibit A-1 dated March 30, 2010, Exhibit A-2 dated December 10, 2009, and Exhibits E and F dated October 15, 2009.
2. Development shall take place in accordance with the Conditions of Approval, dated October 13, 2010.

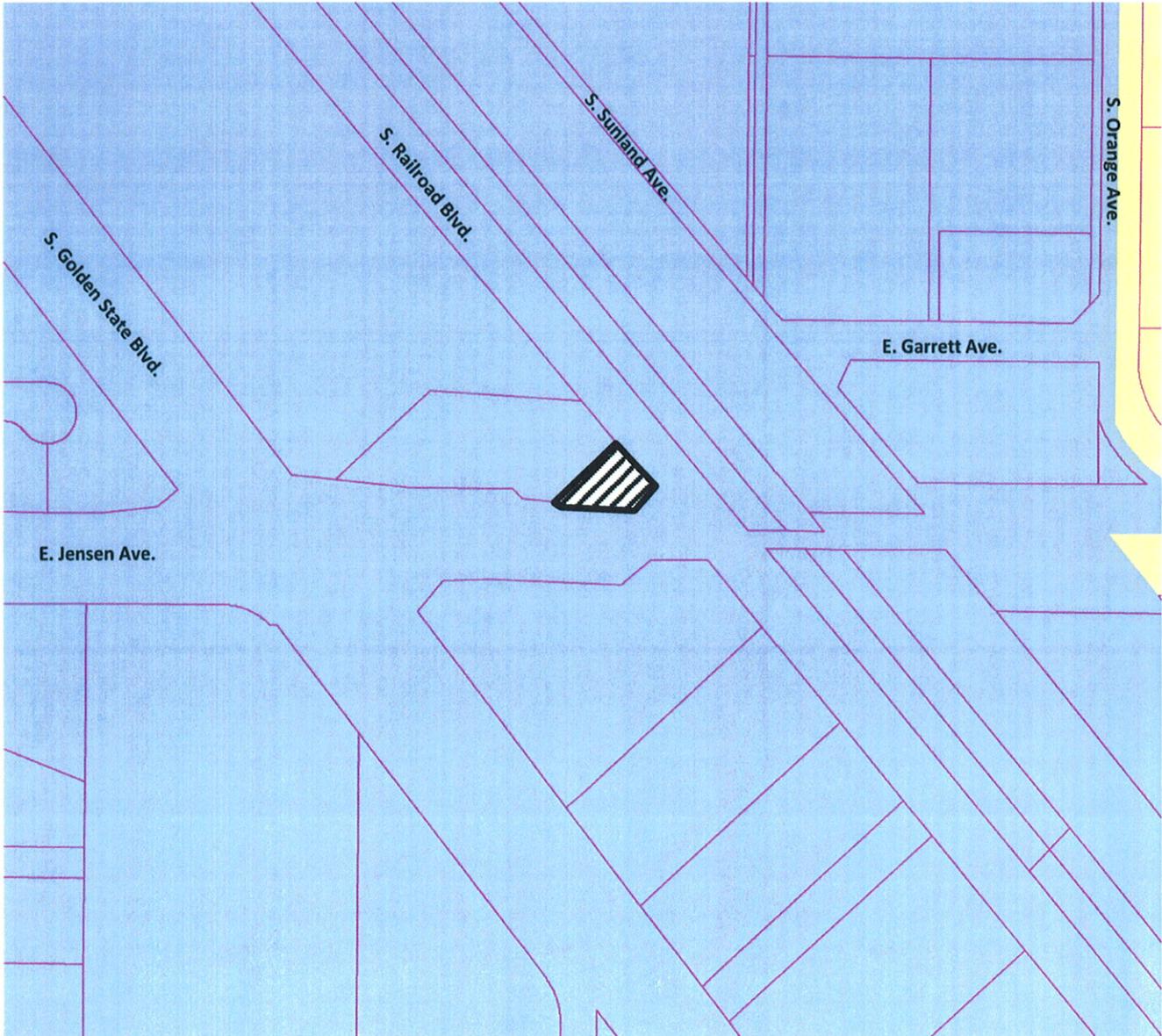
Alternatively, should the Planning Commission determine that it is appropriate to deny the subject application, substantial evidence must be cited supporting a conclusion that the findings necessary to grant

the conditional use permit cannot be made. (FMC Section 12-405-A-2-a and b) findings required for granting a conditional use permit as listed above.)

The Planning Commission's action on this matter is final unless appealed to the City Council pursuant to provisions of Section 12-406-J of the FMC.

Attachments: Vicinity Map  
2008 Aerial Map  
Site Plan, Elevation, and Floor Plan  
Operational Statement  
Noticing Map (350 feet)  
Survey Map (1,000 feet)  
Possible Adult Bookstore Locations Maps  
Appeal Letter  
Conditions of Approval  
Section 12-306-N-30 of the FMC  
Membership Requirements  
Environmental Assessment

## Vicinity Map



Subject Property

## VICINITY MAP

## DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

Conditional Use Permit Application  
No. C-09-207

PROPERTY ADDRESS

2592 South Railroad Avenue



Not To Scale

APN: 479-072-17

Zone District: M-3 (*Heavy Industrial District*)

By: M. Contreras, December 8, 2010

2008 Aerial Photograph of Site



E. Garrett Ave.

S. Sunland Ave.

S. Railroad Ave.

S. Golden State Blvd.

Project Site

E. Jensen Ave.

2008 Aerial Photograph



Site Plan, Elevations, and Floorplan







# Operational Statement

McKencie Contreras

[McKencie.Contreras@yfresno.gov](mailto:McKencie.Contreras@yfresno.gov)

Good Morning McKencie,

Mike asked for this operational statement. He will need to see this as soon as possible.

The following is an operational statement for "The Bunker", 2592 S. Railroad Ave. Fresno, CA. The existing building will be used as is.

The Bunker is a private, member's only, adult use club. Memberships will be offered on an annual basis only. Memberships of less than a full year will not be granted. Where members can relax, play pool, visit or watch television. The Bunker is a place where members can socialize in an atmosphere that is lively, interesting and safe.

No food service is provided. No alcoholic beverages are allowed.

The Bunker offers snacks and soda vending machines, a coat check area and music for members use. There is a reading room, exercise area, pool table and television room. Income will be generated from annual memberships, door cover charges, sale of logo items such as hats, t-shirts, adult novelties, video and magazine sales. The Bunker will abide by all Adult use code and hours of operation as the code requires. The Bunker will employ 4 to 8 employees.

The outdoor parking area will be monitored during hours of operation, to ensure there is no unreasonable loitering, consumption of alcohol or illegal drugs, or other illegal activity.

Please respond to the following email address: [WmRaudwer@ycomcast.net](mailto:WmRaudwer@ycomcast.net)

Sincerely,  
Craig Harmon

# RULE AND REGULATIONS

The Bunker hours are MON-THUR ..... FRI- SAT ..... SUN .....

Membership fees are ~~\$25.00 for a four months membership~~ *on annual basis*  
~~\$75.00 for a one year membership.~~ *for a one-year membership*

Entry fee is \$15.00 per visit.

Lost membership cards must be replaced at the full price with no exceptions.

The Bunker may revoke a membership at anytime without any reason.

Members have a one time per day stay in the Bunker. Once checked out, members may not return the same day.

Must have a valid government picture ID.

Must be 21 years of age.

No cell phones or cameras allow in the Bunker at anytime.

No alcohol allowed in the Bunker at anytime.

No outside food or drink allows.

Members may be asked to reveal pocket contents of clothing before entering.

No sandals or flip-flops allow in the Bunker.

All bags, back packs and baggie coats must be checked in.

No loud voices while in the Bunker.

Any unruly members will be expelled immediately and risk permanent lost of membership.

All members are expected to be courteous and have a mutual respect for each others, personal style/taste.

Members may bring their own music and video.

The Bunker reserves it rights to refuse entry to anyone at anytime.

The Bunker is not responsible for lost and stolen items.

No loitering outside the Bunker. Members must leave the property immediately after exiting.

Members can expect up to 30% off regularly on Novelties/Video/clothing/etc.

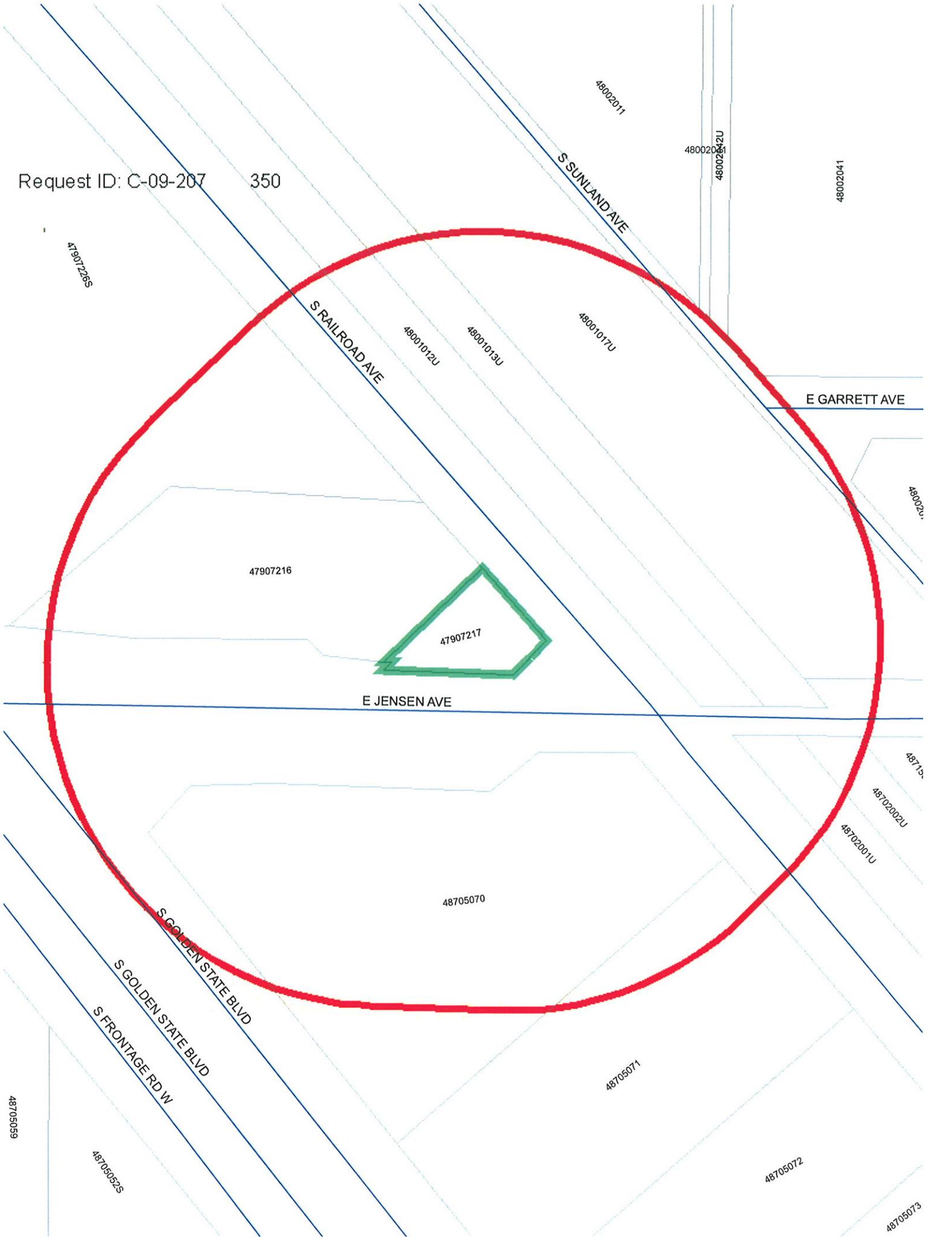
There is a strict no return policy. No returns. All sales are final. Please choose your merchandise wisely.

I..... (Print name)..... Have read or have been read verbally, the rules and regulations of the Bunker and understand and accept the terms and conditions. I understand that my membership may be terminated at anytime.

SIGNATURE..... Date:.....

## Noticing Map

Request ID: C-09-207 350

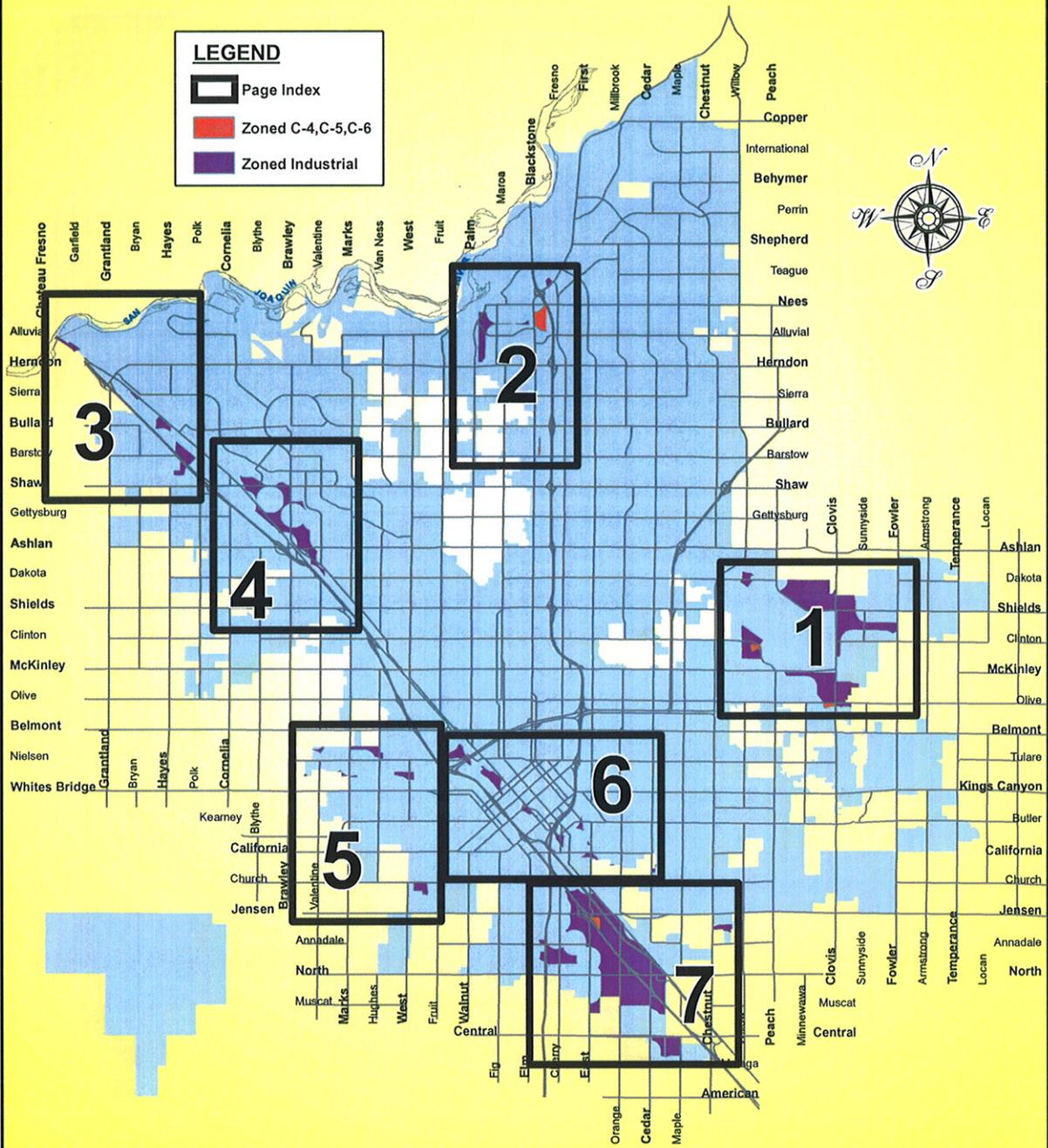


## Survey Map



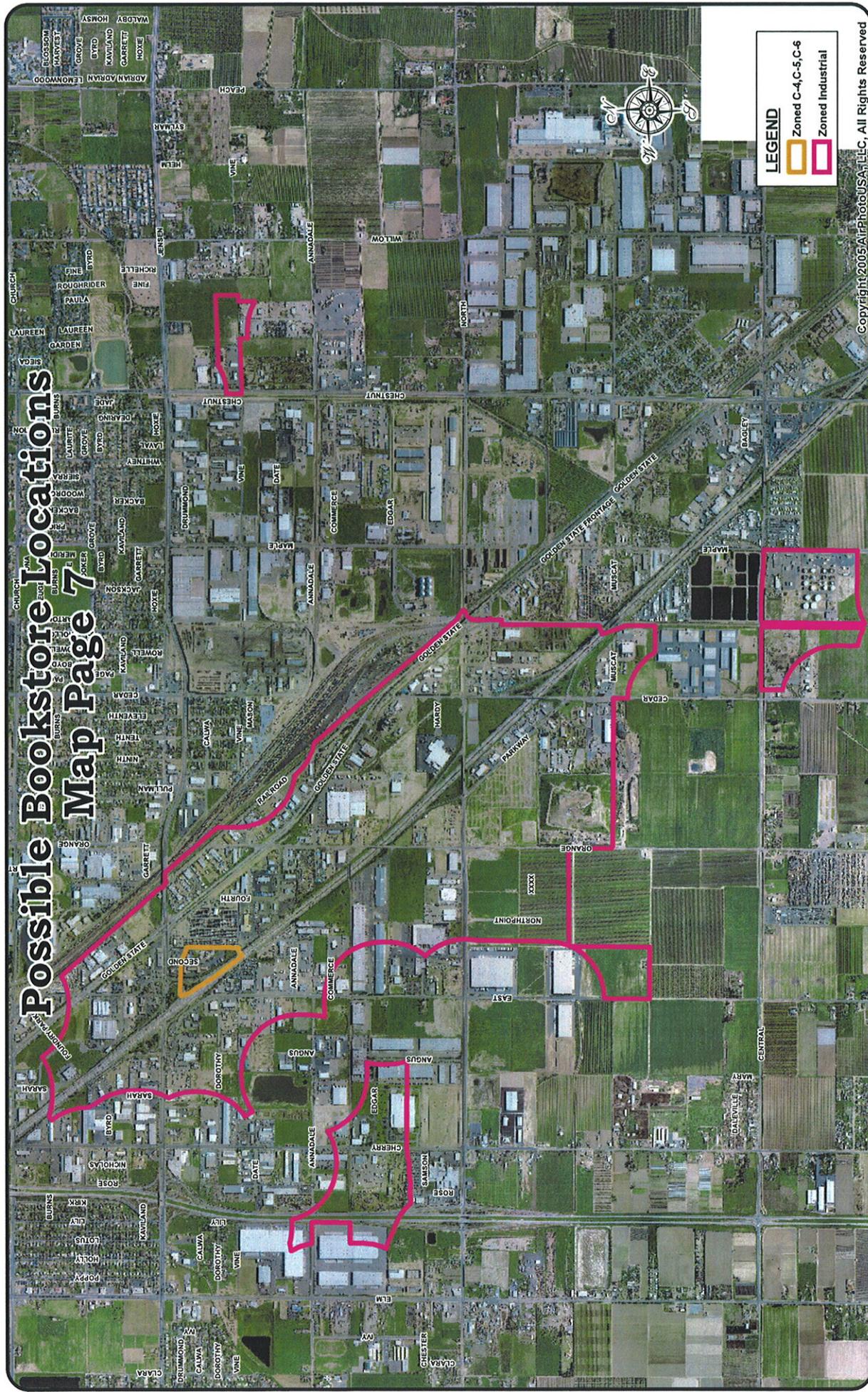
## Possible Adult Bookstore Location Maps

# Possible Bookstore Locations Page Index Map



Planning & Development Department - Planning Division

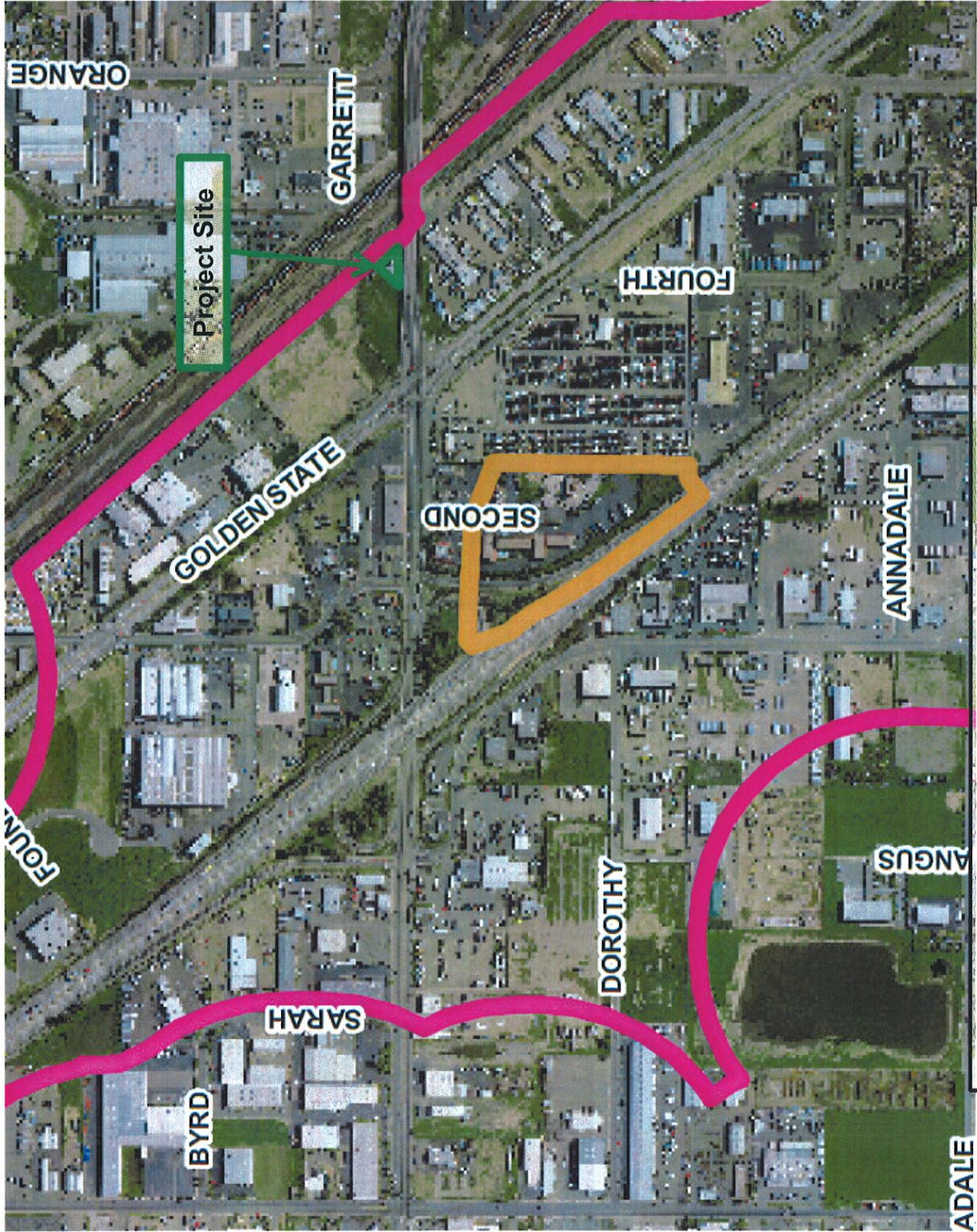
# Possible Bookstore Locations Map Page 7



**LEGEND**

- Zoned C-4, C-5, C-6
- Zoned Industrial

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Focused Location Map-Page 7

## Appeal Letter

## **Law Office of Michael P. Slater**

Land Use, Planning, Real Estate, Environmental (CEQA), Municipal Law and Strategy  
7740 N. Fresno Street, Suite 104  
Fresno, CA 93720  
(559) 451-6655  
[michaelslater@sbcglobal.net](mailto:michaelslater@sbcglobal.net)

October 26, 2010

Sent via U.S. Mail and Email: [mike.sanchez@fresno.gov](mailto:mike.sanchez@fresno.gov)

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

Re: Appeal of CUP No C-09-207 APN 48705070

Dear Mr. Sanchez:

This law firm represents Central Valley Trailer Repair, Inc. located at 2606 South Railroad Avenue in Fresno. Central Valley Trailer Repair has operated from this location for approximately 25 years. As we discussed on the telephone last week, the above referenced project, located at 2592 South Railroad ("subject property"), is adjacent to my client's place of business.

The subject property is planned Heavy Industrial and presumably Zoned M-3. As such, adult bookstores are permitted subject to a conditional use permit approved by the City and subject to the provisions of Section 12-306-N-30. The reason adult uses are subject to conditions imposed by the City is the City Council recognizes that adult uses, without conditions, are not compatible with other uses in the Industrial Zoned areas, and specifically found that such sexually oriented uses bring about secondary adverse effects on the community. (FMC Section 12-306-N-30(a)-(f). As a result of Council's findings, the Council imposed limited blanket conditions on adult uses. These limited blanket conditions include only restricting (1) the proximity of an Adult business to certain other uses, such as parks, schools, and places of worship; and, (2) the hours of operation. However, Council admits that said location criteria "do not adequately protect the health, safety and general welfare of the people . . . ." (FMC Section 12-306-N-30(e). Additionally, Council admits that restricting the sale of alcohol and hours of operation only "help mitigate the aforesaid adverse secondary effects of sexually oriented adult businesses." (FMC Section 12-306-N-30(f).) The conditions imposed by Section 12-306-N-30 are the minimum conditions Council has required of adult, sexually oriented bookstores. These conditions are not exhaustive, and do not necessarily mitigate all impacts and adverse effects of such a use.

Central Valley Trailer Repair, Inc. hereby appeals the approval of CUP No. C-09-207 to the City of Fresno Planning Commission pursuant to FMC Section 12-406-F. This appeal is made on the grounds that City of Fresno failed to adequately assess and mitigate significant impacts to the physical environment pursuant to CEQA and failed to adequately impose conditions upon this adult use operation so as to adequately protect the health, safety and welfare of the people of Fresno.

Pursuant to your suggestion, we would happily meet with the project applicant in an effort to resolve the issues set forth herein.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Slater", with a stylized flourish at the end.

MICHAEL P. SLATER

cc: Mike Shuemake, Central Valley Trailer Repair, Inc.

## Conditions of Approval

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

**CONDITIONS OF APPROVAL**

OCTOBER 13, 2010

**CONDITIONAL USE PERMIT APPLICATION No. C-09-207**

**NOTICE TO PROJECT APPLICANT**

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

**PART A - PROJECT INFORMATION**

1. Assessor's Parcel No: 479-072-17
2. Job Address: 2592 South Railroad Avenue
3. Street Location: Located on the west side South Railroad Avenue just north of East Jensen Avenue bypass
4. Existing Zoning: M-3 (*Heavy Industrial District*)
5. Planned Land Use: Heavy Industrial
6. Zone Map: 2651
7. Plan Areas: Edison Community Plan
8. Project Description: Conditional Use Permit Application No. C-09-207 requests authorization to allow a membership only, 21 years and older adult use oriented business within an existing building. The use will not allow food service, alcohol or dancing. There will be snack and soda vending machines. The use will provide music and video equipment and members may bring their own music and videos for equipment use. It will also provide pool tables (maximum of two allowed), music, reading, TV and lounge rooms and a retail shop for t-shirt, hat, jewelry sales, and sales of adult magazines, movies and novelties.

Members will have a one-time 12-hour stay in the club per day only. There will be no same day re-entry. The proposed project shall comply with Section 12-306-N-30 of the Fresno Municipal Code (FMC). The application also requests to vacate a portion of South Railroad Avenue.

## **PART B – GENERAL CONDITIONS AND REQUIREMENTS**

The Development and Resource Management Department, on October 13, 2010, approved the special permit application subject to the enclosed list of conditions, Exhibit A-1 dated March 30, 2010, Exhibit A-2 dated December 10, 2009, and Exhibits E and F dated October 15, 2009.

An environmental assessment/initial study was conducted and resulted in a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130), dated November 19, 2002 and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (Air Quality MND). The finding of conformity was published in the Fresno Bee commencing a 30-day public review and comment period on September 3, 2010.

### **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 are listed in the last section of this list of conditions under the heading "Part F - Miscellaneous" and may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to FMC Section 12-405.A can be made.

**All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Development and Resource Management Director within 15 days.**

In the event you wish to appeal the Director's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Director. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed by **October 28, 2010.**

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 Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(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 Exhibit A-1 dated March 30, 2010, Exhibit A-2 dated December 10, 2009, and Exhibits E and F dated October 15, 2009, to the final plans. 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 shall commence by **October 13, 2014** (four years from the date of Director approval). There is no exception.

**To complete the back-check process for building permits relative to planning and zoning issues, submit three copies of this corrected final site plan, together with two copies of the elevations, landscape and irrigation plans, any fees and title reports for required covenants and any required studies or analyses to McKencie Contreras in the Development Services Division for final review and approval, 15 days before applying for building permits. It may be necessary to resubmit these "corrected exhibits" a second time if not all the conditions have been met or are not properly depicted. Upon approval of the "corrected exhibits" by the Development Services Division, you must place these exhibits in the plan check set and the Development Services Division, along with Traffic Planning, will sign and stamp these exhibits. Please bring one additional copy of the site plan exhibit(s) to this appointment so that both the Development Services Division and Traffic Planning have a final signed-off copy.**

Copies of the final approved site plan, elevations, landscape and irrigation plans stamped by the Development Services 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 McKencie Contreras at (559) 621-8066 or via e-mail at [McKencie.Contreras@fresno.gov](mailto:McKencie.Contreras@fresno.gov) for an appointment for final sign-off for building permits following your receipt and substitution of the copies of the stamped, corrected and approved exhibits in the plan check sets.**

### **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 lot geometrics may be directed to Ann Lillie at (559) 621-8690/ [Ann.Lillie@fresno.gov](mailto:Ann.Lillie@fresno.gov) of the Public Works Department, Engineering Division, Traffic Planning 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.
  - (i) A minimum 4-foot wide path of travel along the public sidewalk on all frontages of the property as required by Title 24 of the California Administration Code is required. An on-site pedestrian easement may be required if Title 24 requirements can not be met within the existing public rights-of-way.
- b) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City Engineer. For encroachment permit information, contact the Public Works Department, Engineering Services Division at (559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.
- c) Comply with the vacation as stated in the Public Works, Engineering Division memorandum dated March 22, 2010.

#### 2) STREET IMPROVEMENTS

- a) All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. The

performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a STREET WORK PERMIT prior to commencement of work. Contact the City of Fresno 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) Repair all damaged and/or off grade off-site concrete improvements as determined by the Public Works Department, Construction Management Division. For additional information call (559) 621-5500.
- c) All areas for vehicle access to and from the main road onto the site shall be paved.

### 3) WATER AND SEWER SERVICE REQUIREMENTS

- a) Connection to the City of Fresno water system is required. Contact the Department of Public Utilities for further requirements.
- b) Connection to the City of Fresno sewer system is required. Contact the Department of Public Utilities for further requirements.
- c) City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.
- d) Open street cuts are not permitted; all utility connections must be bored.
- e) CROSS-CONNECTION CONTROL. A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.

### 4) OFF-STREET PARKING FACILITIES AND GEOMETRICS

- a) Off-Street (on-site) parking facilities and geometrics shall conform to the City of Fresno, Public Works Department, Parking Manual, and Standard Drawing(s) P-41, P-42, P-43.
- b) Applicant shall provide access and directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on exhibit.

### 5) 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 licensed land surveyor of the State of California.

6) IRRIGATION DITCH/CANAL REQUIREMENTS

- a) There are no irrigation requirements at this time.

7) DEVELOPMENT IMPACT FEES

- a) City of Fresno Development Impact Fee obligations applicable to this project will be computed during the building construction plan check process. The specified fees will be payable at time of issuance of building permit, at time of issuance of certificate of occupancy, or deferred with a fee deferral covenant.
- b) For information related to City of Fresno Development Impact Fees, contact Frank Saburit at (559) 621-8077.
- c) Traffic Signal Fee. This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.
- d) WATER CONNECTION CHARGES: (FMC Sections 14-107 to 14-110). The following water connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New water connection charges adopted by the Council prior to issuance of building permits may also be applied.
  - (i) Frontage Charge (based on property frontage to existing water main)
  - (ii) Transmission Grid Main Charge (based on parcel acreage)
  - (iii) Transmission Grid Main Bond Debt Services Charge (based on parcel acreage)
  - (iv) Service Charges (based on service size required by applicant)
  - (v) Meter Charges (based on service need)
- e) SEWER CONNECTION CHARGES (FMC Section 9-503-a). The following sewer connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New sewer connection charges adopted by the Council prior to the issuance of building permits may also be applied.
  - (i) Lateral Sewer Charge (based on property frontage to existing sewer main, to a depth of 100')
  - (ii) Oversize Sewer Charge (based on property frontage to a depth of 100')

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

*Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP).*

*For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.*

- (iii) Upon occupancy of the project, the developer 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).
  - f) Citywide Traffic Signal Mitigation Fee. This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.  
Commercial, Industrial (based on Average Daily Trips)
  - g) Citywide Fire Facilities Charge.  
Commercial, Industrial (based on building square footage)
  - h) Citywide Police Facilities Charge.  
Commercial, Industrial (based on building square footage)
  - i) Citywide Regional Street Charge.  
Planned Land Use (based on parcel acreage)
- 8) OTHER AGENCY IMPACT FEES
- a) Satisfy the Fresno County Facilities Impact Fee obligation. Provide County Facilities Impact Fee receipt from the County Public Works and Planning Department (559-488-3496) as proof of payment or exemption prior to the issuance of building permits.
  - b) Satisfy the Fresno County Regional Transportation Mitigation Fee (RTMF), as required by the RTMF Joint Powers Agency (559-233-4148). The RTMF Informational Summary and the Record of Payment forms are available at the Development and Resource Management Department public counter.
    - (i) The completed Record of Payment of the RTMF form of the must be submitted to the City prior to the issuance of building permits. Prior to issuance of the Certificate of Occupancy, the Record of Payment of the RTMF form must be signed indicating the Disposition of RTMF by the RTMF JPA.

#### **PART D – PLANNING/ZONING REQUIREMENTS**

##### **1) PLANNING**

- a) Development is subject to the following:

- (i) M-3, Heavy Industrial District (*Section 12-228 of the FMC*)
- (ii) Section 12-306-N-30 of the FMC
- (iii) Edison Community Plan
- (iv) 2025 Fresno General Plan
- (v) Development Department, Performance Standards for Parking Lot Shading

## 2) ZONING

- a) Development is proposed in accordance with the existing M-3 (*Heavy Industrial District*) zone district. All future uses shall be subject to review pursuant to the above mentioned section of the FMC.
- b) Pursuant to Section 12-228.5 of the FMC, the property development standards of the M-1 District shall apply to the proposed project, with the exception of the building height standard.
- c) The project will be required to maintain 25% or more of any one or more of the following: wall space or any display area other than wall space (e.g. tables, racks and/or any other display areas or structures) or stock in trade (inventories not on display but on site) or gross revenues or advertising and other promotion of books, magazines, periodicals or other printed matter depict, describe or otherwise expressly relate to "specified sexually activities" or "specified anatomical areas," as defined in this article.

## 3) SEXUALLY ORIENTED ADULT BUSINESSES

- a) Sexually oriented adult businesses in the City of Fresno require regulations in order to protect and preserve the health, safety and welfare of the patrons of such businesses as well as the citizens of the City.
- b) The experience in the City of Fresno and other cities, as shown by public testimony and a City study, and by other cities' studies, has demonstrated that adult businesses which operate twenty-four hours per day generate adverse secondary effects on both existing businesses around them and the surrounding residential areas adjacent to them.
- c) The Council finds that the twenty-four-hour operations of sexually oriented businesses tend to generate increased crime, calls for police service, traffic concerns and unsafe and unhealthy conduct during late night and early morning hours including, but not limited to, prostitution, loitering for purposes of prostitution, pandering, littering of used needles and condoms which may, among other problems, pose a health hazard with the possibility of transmission of infectious diseases, sexual liaisons of a casual nature, illegal cruising, possession and sale of controlled substances, public disturbances, and trespassing upon private property.
- d) The Council desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of its citizens.

- e) The Council has determined that locational criteria alone do not adequately protect the health, safety and general welfare of the people of the City, and thus this regulation of the operating hours of adult business is in the public interest.
  - f) The Council, consistent with State law limitations on the sale of alcohol, further finds that reasonably restricted hours of operation will help to mitigate the aforesaid adverse secondary effects of sexually oriented adult businesses.
  - g) It is not the intent of this ordinance amendment to suppress any speech activities or expressive conduct protected by the First Amendment or the California Constitution, but instead to enact a content neutral ordinance that reasonably addresses adverse secondary effects of sexually oriented adult businesses.
  - h) The adult uses subject to the provisions of this subsection are recognized as having serious objectionable operational characteristics which are incompatible with, and do have, may have, or may potentially have a deleterious effect upon, adjacent areas. The adult uses subject to the provisions of this section shall not be located or maintained within one thousand feet of the nearest street entrance to or exit from any public library; public playground or park; public or private school ground of elementary or high school grades; nursery schools or child-care nurseries; church, convent, monastery, synagogue, or other place of worship, existing residential zone districts and areas designated for residential development on a city-adopted plan; existing non-conforming dwellings; or another existing adult use. For purposes of this subdivision, zone districts in which Residential Mixed Use Projects are permitted are not considered to be existing residential zone districts or areas designated for residential development on a city-adopted plan.
  - i) In addition to other provisions herein regulating adult uses, the adult establishments shall not operate from 10:01 p.m. until 7:59 a.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, and from 11:01 p.m. until 7:59 a.m. on any Friday or Saturday.
  - j) This special permit is granted, and the conditions herein imposed, are based upon the Operation Statement provided by the applicant. Said Operation Statement is material to the issuance of this Special Permit, including but not limited to the fact that the establishment is open only to members maintaining an annual membership to the establishment. Should the operation of this establishment change or become inconsistent with the Operation Statement, the property may be subject to revocation of this Special Permit or additional conditions and re-noticing of the issuance of a new or revised Special Permit.
- 4) EDISON COMMUNITY PLAN
- a) The subject site is designated for heavy industrial planned land uses by the Edison Community Plan. Upon reviewing the policies contained in the Plan staff has determined that there are no policies that are applicable or are more restrictive than those contained in the FMC.

5) 2025 FRESNO GENERAL PLAN

- a) The subject site is designated for heavy industrial planned land uses by the 2025 Fresno General Plan. The following policy is applicable:
- (i) Policy C-20-d: Development projects shall be designed with appropriate layouts that provide sufficient areas for all proposed activities, for support functions, and for efficient and safe vehicular and pedestrian access.
- Sufficient space and access shall be provided for support functions, (e.g. storage, loading, parking, waste disposal/recycling).
  - Safe vehicular, bicycle, and pedestrian access shall be provided and maintained. Access for the disabled shall be incorporated into project designs as required.
  - Structural conversions and changes of occupancy shall demonstrate compliance with building and zoning codes.

6) BUILDING HEIGHT

- a) Pursuant to Section 12-228.5-D of the FMC, buildings or structures erected in this District that are designed for industrial uses are not subject to a height limitation. For all other buildings or structures, the maximum height is 60 feet.
- b) Comply with Exhibit E dated October 15, 2009.
- c) All elevations are subject to review and approval by the Development and Resource Management Department.

7) LOT COVERAGE

- a) There is no maximum lot coverage requirement.

8) BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

- a) There are no minimum building or landscape setback requirements.
- b) All landscaping shall comply with the Anti-Graffiti Landscaping, Landscaped Buffer Development and Planting Standards, attached.
- c) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans.

- d) No structures of any kind (*including signs and/or fences*) may be installed or maintained within the required landscaped areas. No exposed utility boxes, transformers, meters, piping (excepting the backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on the street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved. **(Include this note on the site plan.)**
- e) The number of trees will be determined by the following formula:
  - (i) Provide one medium size tree (30 to 60 feet at maturity) for every two parking spaces (*Section 12-306-N-24-g-3 of the FMC*).
    - 5 parking spaces provided / 2 = 3 medium-sized trees required on-site for the proposed project
  - (ii) Provide a minimum of **3** medium sized trees on-site. Provide a landscape plan depicting the proposed on-site trees.
  - (iii) NOTE: Two small trees (15-30 feet at maturity) shall be counted as one medium-sized tree.
- f) Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached *Development Department, Performance Standards for Parking Lot Shading*, including tree species and tree counts.
- g) Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years. (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.
- h) Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**
- i) Submit three copies of landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Development Services Division. These plans must be reviewed and approved prior to obtaining building permits.
- j) Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that

landscaping has been approved and verified for proper installation by the Development Services Division. **(Include this note on the site and landscape plans.)**

- k) Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development and Resource Management Department. **(Include this note on the site and landscape plans.)**

9) SPACE BETWEEN BUILDINGS

- a) There is no requirement.

10) FENCES, HEDGES, AND WALLS

- a) 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.
- b) Only those fences as shown on the site plan shall be reviewed for approval.
- c) Future fences shall be reviewed and approved by the Development and Resource Management Department prior to installation. **(Include this note on the site plan.)**
- d) Exhibit A-1, dated March 30, 2010, depicts an existing chain link fence. Depict the existing height, which shall not exceed six feet in height.
- e) The existing chain link fence has security wire. Provide proof of a permit allowing the security wire. If no permit exists, the security will need to be removed or a permit will need to be obtained.
- f) The existing chain link fence is to be improved with privacy slats, from top to bottom, for the entire length of the fence, so as to obstruct or screen visibility of activity within the fenced area.

11) OFF-STREET PARKING

- a) Pursuant to Section 12-226-.5-I of the FMC, there shall be one off-street parking space for each two permanent employees, one parking space for each truck operated by the concern and one parking space for each sales person permanently employed. The project proposes four to eight permanent employees. Therefore, four parking spaces are required for the proposed project.
- b) Staff does recommend additional parking be provided on-site for customer use. Exhibit

A-1, dated March 30, 2010, depicts five parking spaces which exceeds the minimum requirement of the FMC.

- c) Future tenant improvements shall be reviewed and approved by the Development and Resource Management Department to ensure that adequate off-street parking is provided.
- d) The parking lot design must accommodate the provision of trees in accordance with the attached Parking Lot Shading Policy.
- e) A minimum of **one** automobile accessible parking stall is required for the proposed project per State of California Building Code, "Development Requirements for Handicapped Accessibility." Exhibit A-1 depicts one accessible parking stall.
- f) All accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**
- g) All accessible parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from handicapped parking stalls and ramps. **(Include this note on the site plan.)**
- h) Lighting where provided to illuminate parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. **Depict all proposed lights on the site plan.**
- i) A minimum of **one** bicycle parking space shall be provided for the proposed project pursuant to Section 12-306-I-2.1-c of the FMC. Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.
  - (i) Exhibit A-1 shall depict a minimum of one bicycle parking space.
- j) All general provisions of Section 12-306-I of the FMC shall apply to all parking areas.

## 12) LOADING SPACE REQUIREMENTS

- a) Loading space requirements will apply when a use involves pick-up and delivery of

materials (other than normal solid waste collections) from trucks and tractor-trailers weighing more than two tons. Should trucks exceeding two tons not be utilized in the operation of the proposed business, a letter must be submitted to the Development Services Division stating such.

13) ACCESS

- a) There shall be vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property requiring off-street parking and loading. The design of said access to withstand industrial usage shall be approved by the Department of Public Works.
- b) Vehicular and/or pedestrian access shall be provided and shall remain clear at all times.

14) ADDRESSING

- a) The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Development and Resource Management Department for 'Official Addresses'. **Only those addresses assigned by the City of Fresno will be recognized as 'Official Addresses'**. The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.

15) NOISE

- a) Section 10-102.b of the FMC stated noise levels for industrial zoned properties shall not exceed 70 decibels anytime of the day measured at the nearest subject property line. Future uses and/or development shall be required to comply with this provision. **(Include this note on the site plan.)**

16) OUTDOOR ADVERTISING

The project applicant has agreed that no advertising or signs shall be on the existing pole. All signs and advertising shall be installed on the existing building. This sign restriction has been agreed to by the project applicant and project appellant and could not have been imposed by the City as a condition of approval. **PART E – CITY AND OTHER SERVICES**

1) BUILDING & SAFETY

- a) Provide current occupancy type for future requirement.

2) DEPARTMENT OF TRAFFIC ENGINEERING

- a) Comply with the attached Public Works-Traffic Engineering response dated March 22, 2010.
- b) Transfer all red-line comments on Exhibit A-1 dated March 30, 2010 to the corrected site plan.

3) SOLID WASTE MANAGEMENT

- a) The project is currently serviced by the Solid Waste Division and will continue to be serviced.
- b) The extent of the work does not warrant a requirement for a trash enclosure.

4) FIRE PROTECTION REQUIREMENTS

- a) Comply with the attached City of Fresno Fire Department memorandum dated May 4, 2009.

5) POLICE PROTECTION REQUIREMENTS

- a) The Fresno Police Department is not recommending approval of Conditional Use Permit Application No. C-09-207. There will be no way for the police to know if alcohol is being furnished, or if minors are being exposed to the "adult movies" slated to be available at the site, or if any other violations of the law are occurring. Also, similar "adults only" facilities have also been known to increase prostitution activity in the area of their businesses.

6) FLOOD CONTROL REQUIREMENTS

- a) The Fresno Metropolitan Flood Control District has no drainage comments or concerns at this time.

7) DEPARTMENT OF PUBLIC UTILITIES

- a) Comply with the attached Department of Public Utilities memorandums dated May 10 and May 11, 2010.

8) FRESNO COUNTY ENVIRONMENTAL HEALTH

- a) The County of Fresno Environmental Health Division has no comments to offer at this time.

9) SAN JOAQUIN AIR POLLUTION CONTROL DISTRICT

- a) The District has no comments to offer at this time.

**PART F – MISCELLANEOUS**

- 1) Approval of this site plan is contingent upon the submittal of corrected exhibits showing all existing/proposed on-site conditions as reflected on all exhibits (dated October 15, 2009 and December 10, 2009) and the following:
  - a) All proposed roof-mounted equipment shall be screened from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**
  - b) 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.)**
  - c) If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**
  - d) If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**

**All discretionary condition of approval will ultimately be deemed mandatory unless appealed in writing to the Development and Resource Management Department Director within 15 days.**

City of



**DATE:** March 22, 2010

**TO:** McKencie Contreras, Development Services/Planning  
Planning and Development Department, Planning Division

**FROM:** Ann Lillie, Senior Engineering Technician  
Public Works Department, Engineering Division

**SUBJECT:** Conditions of Approval for **C-09-207**  
**APN:** 479-072-17  
**ADDRESS:** 2592 South Railroad Avenue

#### **PUBLIC IMPROVEMENT REQUIREMENTS**

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

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to **Ann Lillie at (559) 621-8690 / [ann.lillie@fresno.gov](mailto:ann.lillie@fresno.gov)**, Engineering Division, Traffic Planning Section.

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

#### **Survey Monuments and Parcel Configuration**

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

#### **Street Dedications and Encroachment Permits**

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

#### **South Railroad Avenue:**

1. Vacate **26'** of right-of-way adjacent to this application, **prior** to building permits. Contact Jim Polsgrove of the Public Works Department, at (559) 621-8692. A feasibility study for all proposed vacations of existing public rights of way is required to be completed **prior** to building permits.

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

### **Street Improvements**

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a STREET WORK PERMIT **prior** to commencement of work. Contact the City of Fresno Public Works Department, 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.

Repair all damaged and/or off grade off-site concrete improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600.

#### **South Railroad Avenue: Local**

1. All areas for vehicle access to and from the main road onto the site shall be paved.

### **Off-Street Parking Facilities and Geometrics**

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-41, P-42, P-43**.
2. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.

### **Traffic Impact Study**

This development will generate a count of **100** Average Daily Trips (A.D.T.), based upon the information provided in the operational statement.

**A Traffic Impact Study is not required.**

### **Traffic Signal Mitigation Impact (TSMI) Fee:**

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

### **Fresno Major Street Impact (FMSI) Fees:**

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

**State of California Department of Transportation (Caltrans) Fees:**

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering, (559) 621-8820, **prior** to a Building Permit.

**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](http://www.fresnocog.org). Provide proof of payment or exemption **prior** to issuance of building permits.

CITY OF FRESNO - PLANNING AND DEVELOPMENT DEPARTMENT  
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,  
AND ENTITLEMENT APPLICATION REVIEW OF  
CONDITIONAL USE PERMIT APPLICATION NO. C-09-207

REVISED-#3  
Public Works - Traffic

Return Completed Form to:

McKencie Contreras  
Development Services/Planning  
Email: [Routing@fresno.gov](mailto:Routing@fresno.gov)  
Telephone: 559-621-8277  
Planning & Development Department  
2600 Fresno Street, Third Floor  
Fresno CA 93721-3604

**PROJECT DESCRIPTION AND LOCATION:**

Conditional Use Permit Application No. C-09-207 was filed as a minor amendment by Richard Sutton on behalf of Craig Harmon and pertains to 0.19 acre of property located on the northwest corner of East Jensen and South Railroad Avenues in South Fresno. The applicant proposes an adult over age 21 lounge club with pool tables, snack bar/vending machines, music, with reading, TV, and lounge rooms, and a retail shop for t-shirt, hat, jewelry sales. There will be **no** food service, **no** alcohol, **no** dancing. Hours of operation are proposed to be from 5 p.m. to 2 a.m. Wednesdays through Sundays. The property is zoned M-3 (*Heavy Industrial*).

APN: 479-072-17

ZONING: M-3

ADDRESS: 2592 South Railroad Avenue

DATE ROUTED: March 30, 2010

COMMENT DEADLINE: April 9, 2010

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

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

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

NEEDED Prior TO TRAFFIC FINAL SIGN-OFF

REQUIRED CONDITIONS OF APPROVAL: ① Still NEED Maximum OCCUPANCY TO COMPLETE CONDITIONS

② VACATION Prior TO PERMITS

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

REVIEWED BY: Ann Lillie  
Name and Title

621-8690  
Telephone Number

4/1/10  
Date

## McKencie Contreras

---

**From:** Michael Schmidt  
**Sent:** Tuesday, May 04, 2010 11:35 AM  
**To:** McKencie Contreras  
**Subject:** C-09-207, 2592 S. Railroad

McKencie,

Re: C-09-207, 2592 S. Railroad

We have re-evaluated the subject CUP plans and this list of requirements will supersede the list that we sent you on 10-23-09.

1. The building's new use will be classified as a "B" occupancy and it will have a **maximum occupant load of 49 persons**.
2. 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 required width required for fire lanes.

Mike

City of  
**FRESNO**  
**FIRE DEPARTMENT**

**Date:** October 23, 2009

**To:** MCKENCIE CONTRERAS, Planner I  
Planning and Development Department , Advance Planning

**From:** RICHARD FULTZ, Senior Fire Prevention Inspector  
Fire Department, Fire Prevention & Investigative Services

**Subject:** C-09-207 was filed as a minor amendment by Richard Sutton on behalf of Craig Harmon and pertains to 0.19 acre of property located on the northwest corner of East Jensen and South Railroad Avenues in South Fresno, 2592 South Railroad Avenue, APN 479-072-17. The applicant proposes an adult over age 21 lounge club with pool tables, snack bar-vending machines, music, with reading, TV, and lounge rooms, and a retail shop for t-shirt, hat, jewelry sales. There will be no food service, no alcohol, no dancing. Hours of operation are proposed to be from 5 p.m. to 2 a.m. Wednesdays through Sundays. The property is zoned M-3, Heavy Industrial.

**General**

The proposed use of the building appears to be a change of occupancy from an M occupancy to a higher life safety hazard A-2 or A-3 occupancy. As such, the site is being reviewed for access and water supply. There are no hydrants and no available water mains serving the site. In lieu of a water main extension of thousands of feet to provide a fire hydrant, a fire sprinkler system supplied by an approved tank would be an acceptable alternative.

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.



**DEPARTMENT OF PUBLIC UTILITIES**



*Providing Life's Essential Services*

**Date:** May 10, 2010

**To:** McKENCIE CONTRERAS, Planner III  
Planning and Development Department

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

**Subject:** SANITARY SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-09-207  
**Revised**

**General**

C-09-207 was filed as a minor amendment by Richard Sutton on behalf of Craig Harmon and pertains to 0.19 acre of property located on the northwest corner of East Jensen and South Railroad Avenues in South Fresno, 2592 South Railroad Avenue, APN 479-072-17. The applicant proposes an adult over age 21 lounge club with pool tables, snack bar-vending machines, music, with reading, TV, and lounge rooms, and a retail shop for t-shirt, hat, jewelry sales. There will be no food service, no alcohol, no dancing. Hours of operation are proposed to be from 5 p.m. to 2 a.m. Wednesdays through Sundays. The property is zoned M-3, Heavy Industrial.

**Environmental Recommendations**

A NEGATIVE DECLARATION MAY BE ISSUED: The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environment Impact Report.

**Sanitary Sewer Requirements**

The nearest sanitary sewer main to serve the proposed project is a 48-inch main located in East Jensen Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. On-site sanitary sewer facilities shall be private.
2. The project developer should contact wastewater Management Division/Environmental Services (559) 621-5100 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. No Fees



**DEPARTMENT OF PUBLIC UTILITIES**



*Providing Life's Essential Services*

**Date:** May 11, 2010

**To:** McKENCIE CONTRERAS, Planner III  
Planning and Development Department

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

**Subject:** WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-09-207 **Revised**

**General**

C-09-207 was filed as a minor amendment by Richard Sutton on behalf of Craig Harmon and pertains to 0.19 acre of property located on the northwest corner of East Jensen and South Railroad Avenues in South Fresno, 2592 South Railroad Avenue, APN 479-072-17. The applicant proposes an adult over age 21 lounge club with pool tables, snack bar-vending machines, music, with reading, TV, and lounge rooms, and a retail shop for t-shirt, hat, jewelry sales. There will be no food service, no alcohol, no dancing. Hours of operation are proposed to be from 5 p.m. to 2 a.m. Wednesdays through Sundays. The property is zoned M-3, Heavy Industrial.

**Environmental Recommendations**

A NEGATIVE DECLARATION MAY BE ISSUED: The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environment Impact Report.

**Water Requirements**

The nearest water main to serve the proposed project is a 12-inch main located in East Jensen Avenue at S. Golden State Boulevard. Water facilities will be available to provide service to the site subject to the following requirements:

1. On-site water facilities shall be private.
2. The project shall incorporate water use efficiency for landscaping. This shall include the use of artificial turf, native plant material(s), and reduction of turf areas.
3. All landscaping shall meet the "Waterwise" standard. The State of California has adopted landscape efficiency standards and the development shall at a minimum meet those standards.

**Water Fees**

The following Water Connection Charges and fees shall be paid for the project.

1. No Fees

## McKencie Contreras

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**From:** Allen, Glenn [glallen@co.fresno.ca.us]  
**Sent:** Thursday, March 04, 2010 9:31 AM  
**To:** McKencie Contreras  
**Cc:** Kahl, Stephanie; Gardner, Janet  
**Subject:** RE: Proposed Operation for The Bunker Club-Craig Harmon owner

McKencie,

Although it would seem that our Division would/should have comments regarding the operation of the proposed facility, our regulatory oversight pertaining to the described project would be limited to the sale of food products. Based upon the original operational statement and a phone conversation with the applicant I understand that food sales will be limited to vending machine sales only and thus would not be subject to permitting by our Division. Please feel free to give me a call if you have any questions or comments.

Thank you,

**Glenn Allen, REHS, M.S.**  
**Supervising Environmental Health Specialist**  
**County of Fresno Environmental Health Division**  
**Office (559) 445-3271 fax (559) 445-3379**  
**glallen@co.fresno.ca.us**

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**From:** McKencie Contreras [mailto:McKencie.Contreras@fresno.gov]  
**Sent:** Wednesday, March 03, 2010 4:57 PM  
**To:** Allen, Glenn  
**Subject:** RE: Proposed Operation for The Bunker Club-Craig Harmon owner

Sorry, the application is C-09-207 located at 2592 South Railroad Avenue.

**From:** Allen, Glenn [mailto:glallen@co.fresno.ca.us]  
**Sent:** Wednesday, March 03, 2010 4:55 PM  
**To:** McKencie Contreras  
**Subject:** RE: Proposed Operation for The Bunker Club-Craig Harmon owner

McKencie,

Can you please provide me with the project number for this application?

Thanks,

**Glenn Allen, REHS, M.S.**  
**Supervising Environmental Health Specialist**  
**County of Fresno Environmental Health Division**  
**Office (559) 445-3271 fax (559) 445-3379**  
**glallen@co.fresno.ca.us**

Section 12-306-N-30 of the FMC

## **Section 12-306-N-30 of the Fresno Municipal Code**

FINDINGS: The Council hereby finds and determines as follows:

- a. Sexually oriented adult businesses in the City of Fresno require regulations in order to protect and preserve the health, safety and welfare of the patrons of such businesses as well as the citizens of the City.
- b. The experience in the City of Fresno and other cities, as shown by public testimony and a City study, and by other cities' studies, has demonstrated that adult businesses which operate twenty-four hours per day generate adverse secondary effects on both existing businesses around them and the surrounding residential areas adjacent to them.
- c. The Council finds that the twenty-four-hour operations of sexually oriented businesses tend to generate increased crime, calls for police service, traffic concerns and unsafe and unhealthy conduct during late night and early morning hours including, but not limited to, prostitution, loitering for purposes of prostitution, pandering, littering of used needles and condoms which may, among other problems, pose a health hazard with the possibility of transmission of infectious diseases, sexual liaisons of a casual nature, illegal cruising, possession and sale of controlled substances, public disturbances, and trespassing upon private property.
- d. The Council desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of its citizens.
- e. The Council has determined that locational criteria alone do not adequately protect the health, safety and general welfare of the people of the City, and thus this regulation of the operating hours of adult business is in the public interest.
- f. The Council, consistent with State law limitations on the sale of alcohol, further finds that reasonably restricted hours of operation will help to mitigate the aforesaid adverse secondary effects of sexually oriented adult businesses.
- g. It is not the intent of this ordinance amendment to suppress any speech activities or expressive conduct protected by the First Amendment or the California Constitution, but instead to enact a content neutral ordinance that reasonably addresses adverse secondary effects of sexually oriented adult businesses.

The adult uses subject to the provisions of this subsection are recognized as having serious objectionable operational characteristics which are incompatible with, and do have, may have, or may potentially have a deleterious effect upon, adjacent areas. The adult uses subject to the provisions of this section shall not be located or maintained within one thousand feet of the nearest street entrance to or exit from any public library; public playground or park; public or private school ground of elementary or high school grades; nursery schools or child-care nurseries; church, convent, monastery, synagogue, or other place of worship, existing residential zone districts and areas designated for residential development on a city-adopted plan; existing non-conforming dwellings; or another existing adult use. For purposes of this subdivision, zone districts in which Residential Mixed Use Projects are permitted are not considered to be existing residential zone districts or areas designated for residential development on a city-adopted plan.

In addition to other provisions herein regulating adult uses, the adult establishments shall not operate from 10:01 p.m. until 7:59 a.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, and from 11:01 p.m. until 7:59 a.m. on any Friday or Saturday.

## Membership Requirements

# Environmental Assessment

**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	DATE RECEIVED FOR FILING:
<b>Applicant:</b> Craig Harmon P.O. Box 14076 Pinedale, CA 93650	<b>Initial Study Prepared By:</b> Mike Sanchez, Planning Manager September 3, 2010
<b>Environmental Assessment Number:</b> Conditional Use Permit Application No. C-09-207	<b>Project Location (including APN):</b> 2592 South Railroad Avenue; Located on the west side of South Railroad Avenue just north of the East Jensen Avenue bypass in Fresno, California, Fresno County (APN: 479-072-17)

**Project Description:**

Richard Sutton has filed Conditional Use Permit Application No. C-09-207 pertaining to approximately 0.19 acres of property located on the west side of South Railroad Avenue, just north of the East Jensen Avenue bypass. The applicant requests authorization to allow a membership only, 21 years and older adult use oriented business within an existing building. The use will not allow food service, alcohol or dancing. The use will provide music and video equipment and members may bring their own music and videos for equipment use. It will also provide pool tables, music, reading, TV and lounge rooms and a retail shop for t-shirt, hat, jewelry sales, and sales of adult magazines, movies and novelties. Members will have a one-time 12-hour stay in the club per day only. There will be no same day re-entry. The proposed project shall comply with Section 12-306-N-30 of the Fresno Municipal Code. The application also requests to vacate a portion of South Railroad Avenue.

The property is located within the jurisdiction of the 2025 Fresno General Plan and the Edison Community Plan. The 2025 Fresno General Plan and the Edison Community Plan designate the subject site for heavy industrial planned land uses. The proposed project is consistent with the planned land use designation and with the M-3 (*Heavy Industrial District*) zone district.

The subject site is currently developed with a vacant building. There are railroads to the north and east, a trailer repair business to the south, and vacant land to the west of the subject site.

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

The adopted 2025 Fresno General Plan and the Edison Community Plan designate the subject site for heavy industrial 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 "Modified 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 site is currently developed with an existing building. The proposed use is permitted by the planned land use and zoning designation for the site. Thus, the conditional use permit application 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 site. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and the Air Quality MND have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Guidelines Section 15177(b)(3).

Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project, as identified in the MEIR pursuant to Section 21157(b)(2) of the Public Resources

Code and CEQA Guidelines Section 15177, falls within the scope of a MEIR, provided that the project does not cause additional significant impacts on the environment that were not previously examined by the MEIR and the Air Quality MND.

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

In addition, after conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. Moreover, as lead agency for this project, the Development and Resource Management Department, per Section 15177(d) of the CEQA Guidelines, has determined that all feasible mitigation measures from MEIR No. 10130 and the Air Quality MND shall be applied to the project as conditions of approval as set forth in the attached Mitigation Monitoring Checklist (See "Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 For the 2025 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).



Mike Sanchez  
Planning Manager, City of Fresno

9/3/10

Date

Attachments: Notice of Intent to Adopt A Finding of Conformity  
Modified Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02  
(Air Quality MND)/Initial Study for Environmental Assessment No. C-09-207  
Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 For the 2025 General Plan: Mitigation  
MEIR Mitigation Monitoring Checklist for Environmental Assessment No. C-09-207  
Master Environmental Impact Report (MEIR) Review Summary (Attachment: Status of MEIR Analysis with Regard to  
Air Quality and Climate Change)

**CITY OF FRESNO**

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

Filed with:

**PROJECT TITLE AND ENVIRONMENTAL ASSESSMENT NO.  
C-09-207**

E201010000270

**APN: 479-072-17**

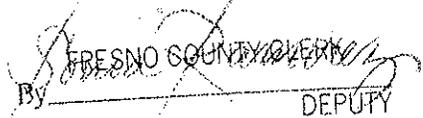
FRESNO COUNTY CLERK  
2221 Kern Street, Fresno, CA 93721

**APPLICANT:**

Craig Harmon  
P.O. Box 14076  
Pinedale, CA 93650

**FILED**

SEP 03 2010

By  DEPUTY  
FRESNO COUNTY CLERK

**PROJECT LOCATION:**

2592 South Railroad Avenue; Located on the west side of South Railroad Avenue just north of the East Jensen Avenue bypass in Fresno, California, Fresno County  
Site Latitude: 36° 42' 25.64" N and Longitude -119° 46' 0.2352" W  
Mount Diablo Base & Meridian, Township 14 S Range 20 E, Section 14

**PROJECT DESCRIPTION:** Conditional Use Permit Application No. C-09-207, filed by Richard Sutton, pertains to approximately 0.19 acres of property located on the west side of S. Railroad Ave. just north of the E. Jensen Ave. bypass, zoned M-3 (*Heavy Industrial District*). The applicant requests authorization to allow a membership only, 21 years and older adult use oriented business within an existing building. The use will not allow food service, alcohol or dancing. The use will provide music and video equipment and members may bring their own music and videos for equipment use. It will also provide pool tables, music, reading, TV and lounge rooms and a retail shop for t-shirt, hat, jewelry sales, and sales of adult magazines, movies and novelties. Members will have a one-time 12-hour stay in the club per day only. There will be no same day re-entry. The proposed project shall comply with Section 12-306-N-30 of the Fresno Municipal Code. The application also requests to vacate a portion of South Railroad Avenue.

The subject property is located within the jurisdiction of the 2025 Fresno General Plan and Edison Community Plan, which designate the subject property for heavy industrial planned land uses. The property is zoned M-3 (*Heavy Industrial District*). The proposed project is consistent with the planned land use designation and the zone district.

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 Planning and Development 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 Planning and

E201010000270

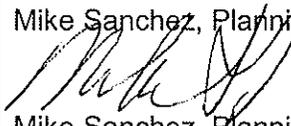
Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was 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 Planning and Development Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact McKencie Contreras at (559) 621-8066 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on **October 3, 2010**. Please direct comments to Mike Sanchez, Planning Manager, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to [Mike.Sanchez@fresno.gov](mailto:Mike.Sanchez@fresno.gov); or comments can be sent by facsimile to (559) 498-1026.

INITIAL STUDY PREPARED BY:  
Mike Sanchez, Planning Manger

SUBMITTED BY:  
Mike Sanchez, Planning Manager



Mike Sanchez, Planning Manager  
CITY OF FRESNO PLANNING AND  
DEVELOPMENT DEPARTMENT

DATE: September 3, 2010

Modified Appendix G To Analyze Subsequent Project  
Identified In MEIR No. 10130/MND For Plan Amendment  
A-09-02 (Air Quality MND)/Initial Study for Environmental  
Assessment No. C-09-207

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

**Environmental Checklist Form**

1. Project title: Conditional Use Permit Application No. C-09-207
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:  
  
Mike Sanchez, Planning Manager  
(559) 621-8040
4. Project location:  
  
2592 South Railroad Avenue; Located on the west side of South Railroad Avenue just north of the East Jensen Avenue bypass in Fresno, California, Fresno County
5. Project sponsor's name and address:  
  
Craig Harmon  
P.O. Box 14076  
Pinedale, California 93650
6. General plan designation: Heavy Industrial
7. Zoning: M-3 (*Heavy Industrial District*)
8. Description of project: Conditional Use Permit Application No. C-09-207, filed by Richard Sutton, pertains to approximately 0.19 acres of property located on the west side of South Railroad Avenue just north of the East Jensen Avenue bypass, zoned M-3 (*Heavy Industrial District*). The applicant requests authorization to allow a membership only, 21 years and older adult use oriented business within an existing building. The use will not allow food service, alcohol or dancing. The use will provide music and video equipment and members may bring their own music and videos for equipment use. It will also provide pool tables, music, reading, TV and lounge rooms and a retail shop for t-shirt, hat, jewelry sales, and sales of adult magazines, movies and novelties. Members will have a one-time 12-hour stay in the club per day only. There will be no same day re-entry. The proposed project shall comply with Section 12-306-N-30 of the Fresno Municipal Code. The application also requests to vacate a portion of South Railroad Avenue.

9. Surrounding land uses and setting:

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Heavy Industrial	<b>M-3</b> <i>Heavy Industrial District</i>	Railroads
<b>South</b>	Heavy Industrial	<b>M-3</b> <i>Heavy Industrial District</i>	Central Valley Trailer Repair
<b>East</b>	Heavy Industrial	<b>M-3</b> <i>Heavy Industrial District</i>	Railroads
<b>West</b>	Heavy Industrial	<b>M-3</b> <i>Heavy Industrial District</i>	Vacant Land

10. Other public agencies whose approval is required:

Building and Safety Division, San Joaquin Valley Air Pollution Control District, the Department of Public Works, and the Department of Public Utilities

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	_____ 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

9/3/10  
Date

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

1. For purposes of this MEIR Initial Study, the following answers have the corresponding meanings:
  - a. "No Impact" means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the MEIR or Air Quality MND.
  - b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, but that impact is less than significant;

- c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, however, with the mitigation incorporated into the project, the impact is less than significant.
  - d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND.
2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
5. A "Finding of Conformity" is a determination based on an initial study that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND.
6. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
7. Earlier analyses may be used where, pursuant to the tiering, program EIR or MIER, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the MEIR or another earlier document

pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
8. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
  9. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
  10. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
  11. The explanation of each issue should identify:
    - a. The significance criteria or threshold, if any, used to evaluate each question; and
    - b. The mitigation measure identified, if any, to reduce the impact to less than significance

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

The proposed use is proposed to be located within an existing building in the middle of an area that is planned for heavy industrial uses. No public or scenic vista will be obstructed by the project and no

valuable vegetation will be removed for this project. The project will not damage any scenic resources nor will it degrade the visual character or quality of the subject site and its surroundings, given that the building currently exists. The 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 no impact on aesthetics.

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

The subject site is designated as "Urban and Built-Up Land" on the 2006 Rural Mapping Edition: Fresno County Important Farmland Map, and thus has no farmland considered to be prime farmland, farmland of statewide importance, or unique farmland. The subject site is not currently under cultivation. In addition,

according to aerial photos that go as far back as 1992, the site has not been under cultivation for a number of years. The land surrounding the site to the north, south, east and west is designated as "Urban and Built-Up Land" by the above mentioned map.

The subject site is not under a Williamson Act contract and is not surrounded by sites under a Williamson Act contract. The proposed project does not include any changes which will affect the existing environment and result in the conversion of Farmland to non-agricultural uses. The subject site and proposed use do not conflict with any forest land or Timberland Production or result in any loss of forest land. The proposed project does not include any changes which will affect the existing environment and result in the conversion of Farmland to non-agricultural uses.

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

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 proposed use is allowed on the subject site and will not expose sensitive receptors to substantial pollutant concentrations. The

proposed project is not proposing a use which will create objectionable odors; therefore, there will be no impact.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or 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

Given that the proposed project will be within an existing building and be located in an area surrounded by urban uses, the proposed project will have no impact on biological resources.

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

There are no structures which exist within the project area that are listed in the National or Local Register of Historic Places, and the subject site is not within a designated historic district. There are no known archaeological resources, paleontological resources, and human remains that exist within the project area. The Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan, Mitigation Monitoring Checklist includes measures to address archaeological resources, paleontological resources, and human remains.

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X

<b>ENVIRONMENTAL ISSUES</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 geologic hazards or unstable soil conditions known to exist on the site. Fresno has no known active earthquake faults and is not in any Alquist-Priolo Special Studies Zones. No adverse environmental effects related to topography, soils or geology are expected as a result of this project.

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

The proposed project will not affect greenhouse gas emissions beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan and 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).

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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. The subject site has not been under cultivation for at least over 18 years. Therefore, no known pesticides or hazardous materials exist on the site and the proposed project will have no environmental impacts related to potential hazards or hazardous materials as identified above.

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

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

The proposed project will have no impact on the quality of water and hydrology beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan.

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

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

The proposed project will not divide an established community since the use will be within an existing building in an established community. The project will not conflict with any policies given the fact that the use is allowed in the M-3 zone district. The project will not conflict with any conservation plans since it is not located within any conservation plan areas.

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

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

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

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

The subject site is located adjacent to the Union Pacific Railroad, which generates noise. The subject site is currently developed and will not introduce sensitive receptors to excessive noise levels. The project will comply with all noise policies from the 2025 Fresno General Plan and noise codes from the Fresno Municipal Code. There will be minimal changes to the subject site; therefore noise from temporary construction will be required to comply with all applicable codes and regulations during construction. Therefore, there will be a less than significant impact for temporary noise levels. The project is not located within the vicinity of an airstrip, therefore there will be no exposure to excessive noise.

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

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

The project will be increasing the use of the currently existing vacant building. However, the project will not induce substantial population growth given that the proposed project is not proposing additional housing. The proposed project will not displace any people or any residential structures. The project site has a vacant building which will be for non-residential uses. Therefore, no population and housing impacts will result from the proposed project.

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

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

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

The project 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.

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?				X
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways?				X

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

The proposed project is not expected to generate traffic which would significantly impact any nearby roads. There would also not be an increase in traffic beyond what is allowed. The proposed project will not exceed 100 peak hour trips. Therefore, the project would have no impact and not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. UTILITIES AND SERVICE SYSTEMS -</b> - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

The project site will 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.

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --				

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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.

Master Environmental Impact Report (MEIR) No.  
10130/SCH No. 2001071097 For the 2025 General Plan:  
Mitigation MEIR Mitigation Monitoring Checklist for  
Environmental Assessment No. C-09-207

**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-09-207**

**Date: September 3, 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	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
<b>B-1.</b> Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of service (LOS) D or better in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS D.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Development and Resource Management Dept.	X						
<b>B-2.</b> Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining LOS E.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Development and Resource Management Dept.	X						

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

**Project/EA No. C-09-207**

**Date: September 3, 2010**

**MEIR Mitigation Monitoring Checklist**

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

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

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

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

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

**Project/EA No. C-09-207**

**Date: September 3, 2010**

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

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

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<p><b>C-2.</b> For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.</p>	<p>Ongoing</p>	<p>Development and Resource Management Dept., SJVAPCD</p>	X				X	
<p><b>C-3.</b> The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.</p>	<p>Ongoing</p>	<p>Various city departments</p>	X				X	
<p><b>C-4.</b> The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as:</p> <ul style="list-style-type: none"> <li>h. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions.</li> <li>i. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit.</li> <li>j. 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.</li> <li>k. 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.</li> </ul>	<p>Ongoing</p>	<p>Fresno Area Express</p>					X	

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<p><b>D-1.</b> The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.</p>	<p>Ongoing</p>	<p>Dept of Public Utilities and Development and Resource Management Dept.</p>	X					
<p><b>D-2.</b> 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.</p>	<p>Ongoing (City-wide); and prior to approval of land use entitlement as applicable</p>	<p>Department of Public Utilities and Development and Resource Management Dept.</p>		X			X	
<p><b>D-3.</b> 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.</p>	<p>Ongoing</p>	<p>Department of Public Utilities</p>					X	
<p><b>D-4.</b> 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.</p>	<p>Ongoing</p>	<p>Development and Resource Management Dept.</p>	X				X	

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<b>D-5.</b> The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.	Ongoing	Development and Resource Management Dept.								<b>X</b>
<b>D-6.</b> The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: l. Allowable construction in this area from being damaged by the intensity of flooding in the riverbottom; m. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and n. Public health, safety and general welfare from the effects of flood events.	Ongoing	Development and Resource Management Dept.								<b>X</b>
<b>D-7.</b> The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).	Ongoing	Development and Resource Management Dept.								<b>X</b>

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<p><b>D-8.</b> The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.</p>	Ongoing	Department of Public Utilities						<b>X</b>	

<p><b>D-9.</b> The City shall continue its current water conservation programs and implement additional water conservation measures to reduce overall per capita water use within the City with a goal of reducing the overall per capita water use in the City to its adopted target consumption rate. The target per capita consumption rate adopted in 2008 is a citywide average of 243 gallons per person per day, intended to be reached by 2020 (which includes anticipated water conservation resulting from the on-going residential water metering program and additional water conservation by all customers: 5% by 2010, and an additional 5% by 2020.)</p>	Ongoing	Department of Public Utilities						<b>X</b>	

<p><b>D-10.</b> All development projects shall be required to comply with City Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. Project conditions shall include, but are not limited to, water use efficiency for landscaping, use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.</p>	Prior to approval of land use entitlement	Department of Public Utilities	<b>X</b>					<b>X</b>	

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

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<p><b>D-12.</b> All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:</p> <table border="1" data-bbox="706 134 1209 1959"> <thead> <tr> <th rowspan="2">FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)</th> <th colspan="3">PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:</th> </tr> <tr> <th>01/01/2005 THROUGH 12/31/2010</th> <th>01/01/2010 THROUGH 12/31/2024</th> <th>AFTER 01/01/2025</th> </tr> </thead> <tbody> <tr> <td>Single family residential</td> <td>3.8</td> <td>3.5</td> <td>3.5</td> </tr> <tr> <td>Multi-family residential</td> <td>6.5</td> <td>6.2</td> <td>6.2</td> </tr> <tr> <td>Commercial and institutional</td> <td>2</td> <td>1.9</td> <td>1.9</td> </tr> <tr> <td>Industrial</td> <td>2</td> <td>1.9</td> <td>1.9</td> </tr> <tr> <td>Landscaped open space</td> <td>3</td> <td>2.9</td> <td>2.9</td> </tr> <tr> <td>South East Growth Area</td> <td>3.4</td> <td>3.2</td> <td>3.2</td> </tr> </tbody> </table> <p>NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan</p>	FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:			01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024	AFTER 01/01/2025	Single family residential	3.8	3.5	3.5	Multi-family residential	6.5	6.2	6.2	Commercial and institutional	2	1.9	1.9	Industrial	2	1.9	1.9	Landscaped open space	3	2.9	2.9	South East Growth Area	3.4	3.2	3.2	Prior to approval of development project	Department of Public Utilities	X					X
FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)		PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:																																					
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<b>D-13.</b> The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities						X	
<b>E-1.</b> The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Development and Resource Management Dept.						X	
<b>E-2.</b> To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Development and Resource Management Dept.						X	
<b>E-3.</b> The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Development and Resource Management Dept.							X

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

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

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

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<p><b>I-2.</b> Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall include siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.</p>	<p>Ongoing/prior to approval of land use entitlement</p>	<p>Development and Resource Management Dept.</p>						<b>X</b>	
<p><b>I-3.</b> Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.</p>	<p>Ongoing/prior to approval of land use entitlement and during construction</p>	<p>Development and Resource Management Dept.</p>						<b>X</b>	
<p><b>I-4.</b> 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.</p>	<p>Ongoing/prior to approval of land use entitlement and during construction</p>	<p>Development and Resource Management Dept.</p>						<b>X</b>	

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

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**MEIR Mitigation Monitoring Checklist**

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

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

Project/EA No. C-09-207

Date: September 3, 2010

**MEIR Mitigation Monitoring Checklist**

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

A - Incorporated into Project  
B - Mitigated

C - Mitigation in Process  
D - Responsible Agency Contacted

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

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

Project/EA No. C-09-207

Date: September 3, 2010

**MEIR Mitigation Monitoring Checklist**

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

A - Incorporated into Project  
B - Mitigated

C - Mitigation in Process  
D - Responsible Agency Contacted

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

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



## **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-09-207 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 GWh of energy (equivalent to operation of 286 homes per year) and has resulted in reduction of 966 tons of CO<sub>2</sub> emissions (equivalent to 2,414,877 vehicular miles not driven).
- Replacement of a significant number of vehicles in the municipal fleet with clean air vehicles (please refer to the following table).

**CURRENT CITY OF FRESNO "CLEAN AIR" FLEET**

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

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

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

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

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

**School Facilities.** The City of Fresno continues to consult with affected school districts and participate in school site planning efforts to assure the identification of appropriate location alternatives for planned school facilities. Staff is not aware of any information from the school districts or otherwise to demonstrate that adequate school facilities are not being accommodated under the current General Plan and/or that the need for school facilities is expected to cause impacts not identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to need for school facilities pursuant to CEQA Guideline Section 15179(b)(1).

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

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

## 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-09-207 or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

## SUPPORTING DATA AND ANALYSIS

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

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

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

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

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

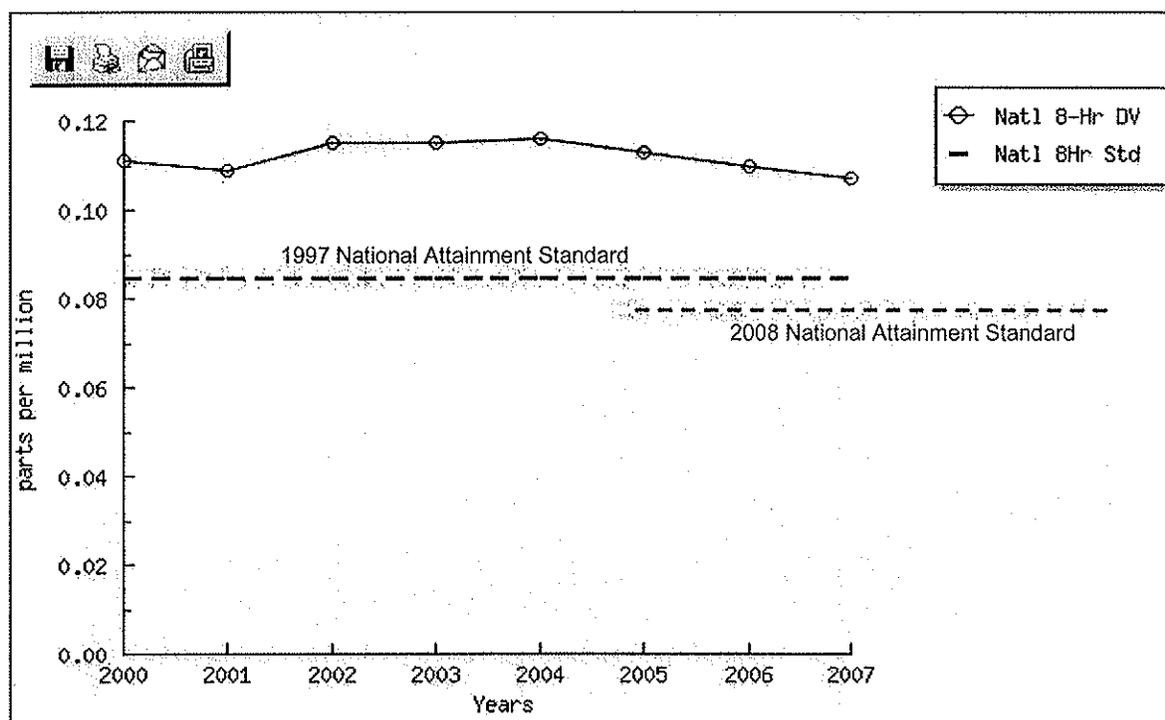
There are no new (*i.e.*, unforeseen in the MEIR) reasonable mitigation measures which have become available since late 2002 that would assure the reduction of cumulative (city-wide) air quality impacts to a less than significant level at project buildout, even with full compliance with attainment plans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

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

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



**Ozone Trends Summary: San Joaquin Valley Air Basin**



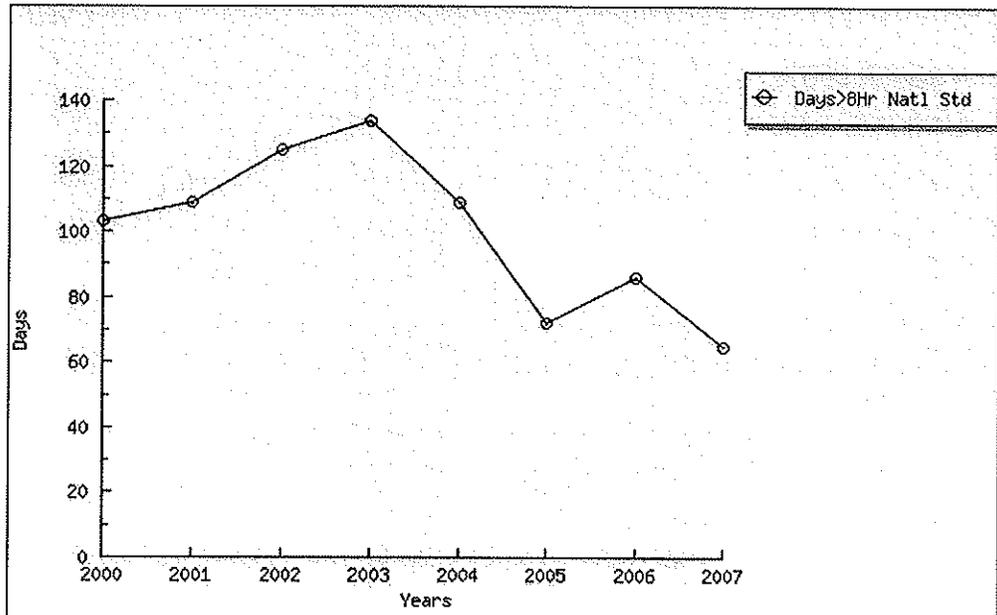
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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

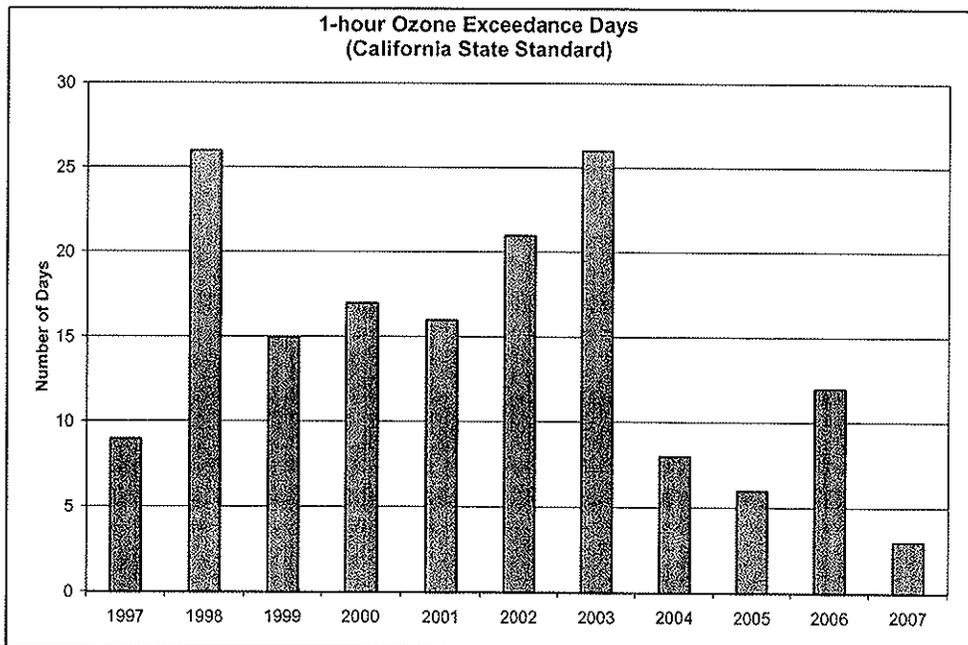
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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

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

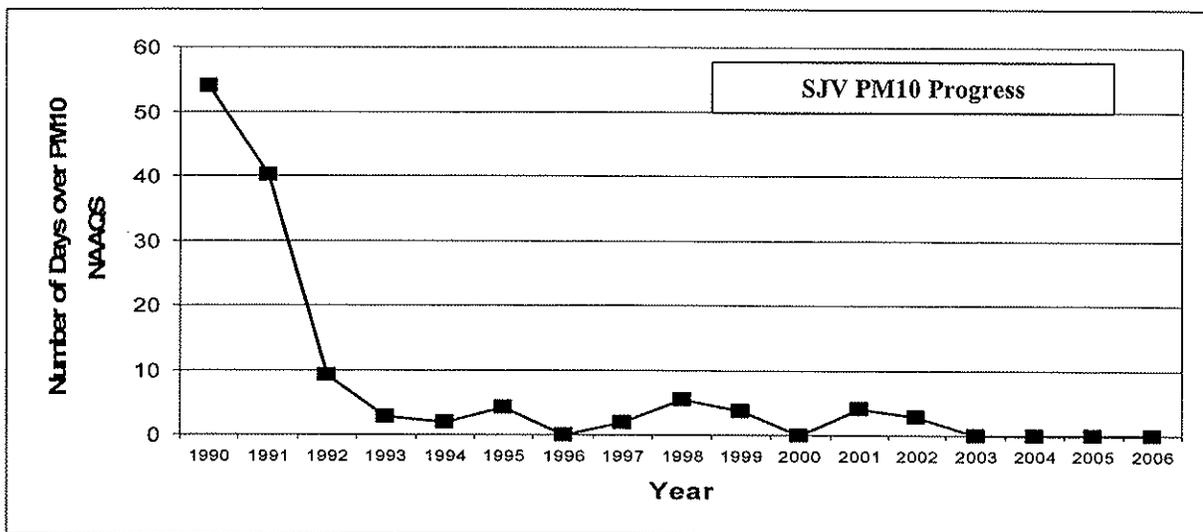


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

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

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

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



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

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

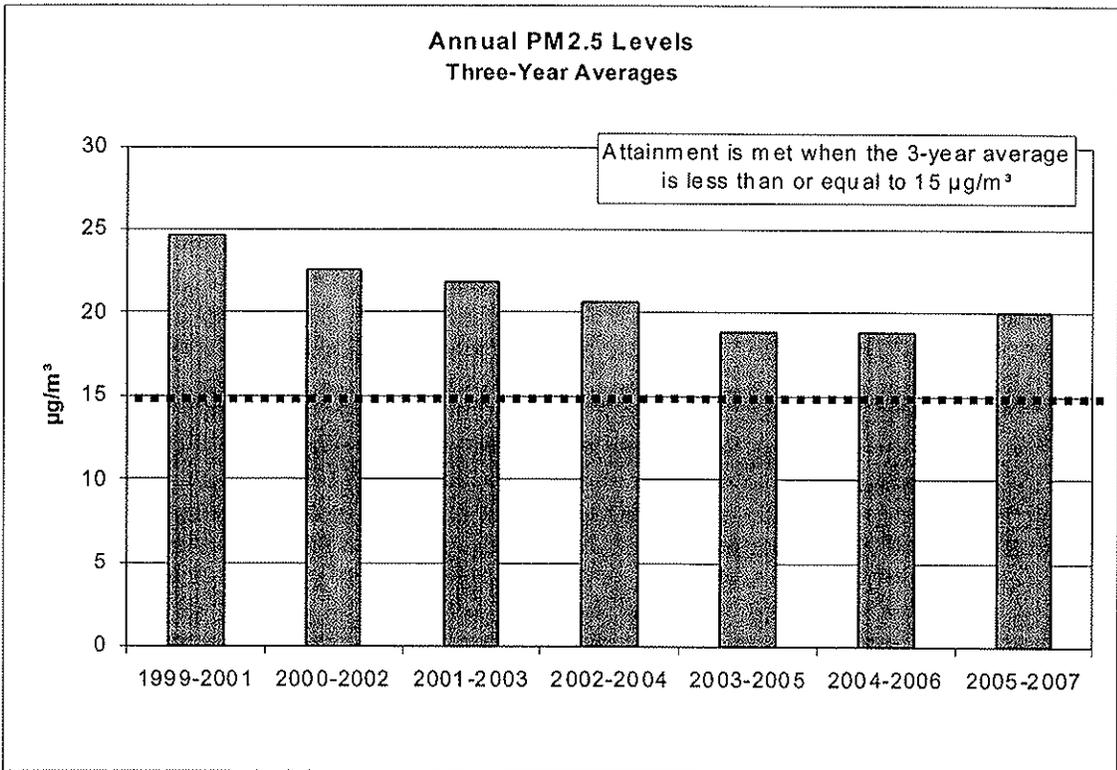
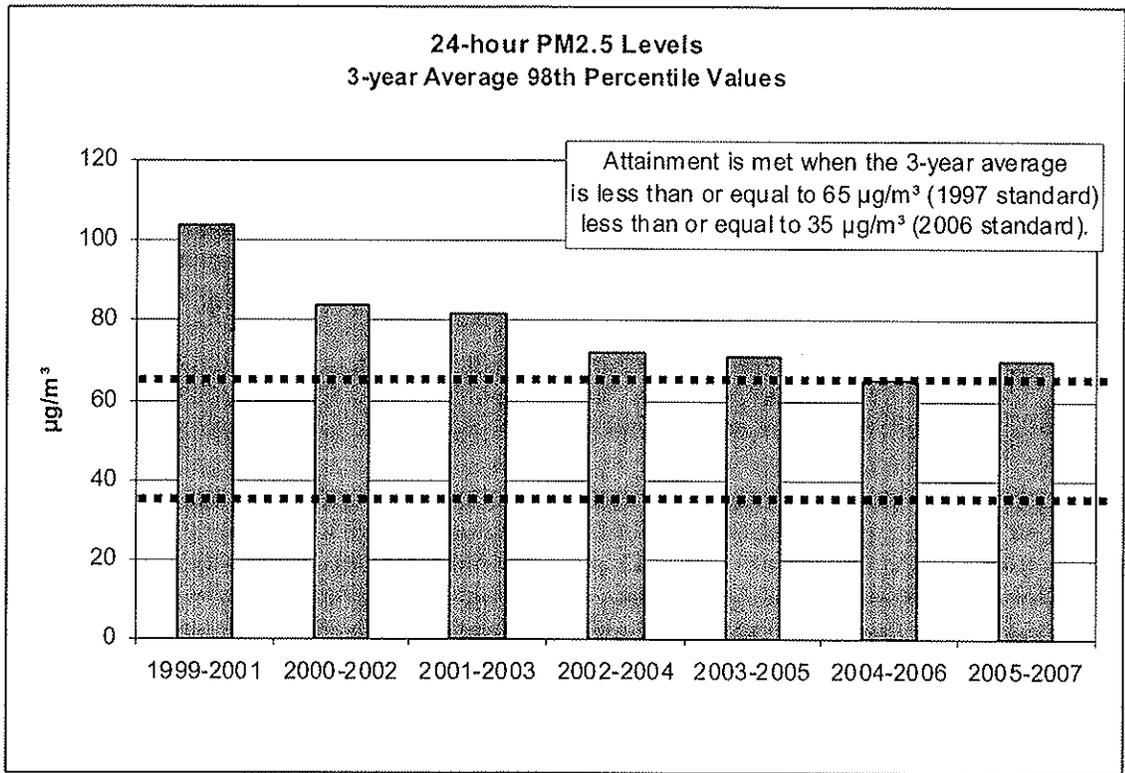
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

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

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

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

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



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

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

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

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

- carbon dioxide (CO<sub>2</sub>), largely generated by combustion activities such as coal and wood burning and fossil fuel use in vehicles but also a byproduct of respiration and volcanic activity;
- \*methane (CH<sub>4</sub>), known commonly as “natural gas,” is present in geologic deposits and is also evolved by anaerobic decay processes and animal digestion. On a ton-for-ton basis, CH<sub>4</sub> exerts about 20 times the greenhouse gas effect of CO<sub>2</sub>;
- \*nitrous oxide (N<sub>2</sub>O), produced in large part by soil microbes and enhanced through application of fertilizers. N<sub>2</sub>O is also a byproduct of fossil fuel burning: atmospheric nitrogen, an inert gas that makes up a large proportion of the atmosphere, is oxidized when air is exposed to high-temperature combustion. N<sub>2</sub>O is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N<sub>2</sub>O is one component of “oxides of nitrogen” (NOX), long recognized as precursors of smog-causing atmospheric oxidants.
- \*chlorofluorocarbons (CFCs), synthetic chemicals developed in the late 1920s for use as improved refrigerants (e.g., “Freon™”). It was recognized over two decades ago that this class of chemicals exerted powerful and persistent greenhouse gas effects. In 1987, the Montreal Protocol halted production of CFCs.

- \*hydrofluorocarbons (HFCs), another class of synthetic refrigerants developed to replace CFCs;
- \*perfluorocarbons (PFCs), used in aluminum and semiconductor manufacturing, have an extremely stable molecular structure, with biological half-lives tens of thousands of years, leading to ongoing atmospheric accumulation of these GHGs.
- \*sulfur hexafluoride (SF<sub>6</sub>) is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF<sub>6</sub> exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO<sub>2</sub> on a ton-for-ton basis.
- water vapor, the most predominant GHG, and a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans.

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

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

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

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

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

The recently-released update of the Urbemis computer model (used by the City of Fresno Planning and Development Department for environmental assessments, pursuant to a specific MEIR mitigation measure) does provide data on the amounts of CO<sub>2</sub> and oxides of nitrogen (NOX) potentially generated by development projects. However, at this point in time, neither CARB nor the SJVAPCD has determined what the 1997 baseline or current "inventory" of GHGs is for the entire state nor for any region or jurisdiction within the state. No agency has adopted GHG emission limits and emission reduction measures, and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions (there is an absence of regulatory guidance). Therefore, the City is unable to productively interpret the results of the Urbemis model with regard to GHGs, and there is currently no way to determine the significance of a project's potential impact upon global warming.

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

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

Any manufacturing activities that would generate SF<sub>6</sub>, HFCs, or PFCs would be subject to subsequent environmental review at the project-specific level, as would any uses which would generate methane on site. The City of Fresno has adopted an ordinance prohibiting installation of any woodburning fireplaces or woodburning appliances in new homes, which would reduce CO<sub>2</sub> and N<sub>2</sub>O from wood combustion.

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

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

Updated engine and tire efficiency standards would apply to residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO<sub>2</sub>, removing it from the atmosphere).

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

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

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

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

other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (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.