City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VII.A.
COMMISSION MEETING 02/01/12

DEPARTMENT DIRECTOR

February 01, 2012

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

BY: WILL TACKETT, Planner III
Development Services Division

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-11-007; REZONE APPLICATION NO. R-11-009; OFFICIAL PLAN LINE; AND, RELATED ENVIRONMENTAL ASSESSMENT NO. A-11-007/R-11-009/OPL/TPM 2007-28 FOR PROPERTIES LOCATED AT THE NORTHWEST CORNER OF NORTH WILLOW AND EAST HERNDON AVENUES

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Mitigated Negative Declaration dated January 06, 2012, prepared for Environmental Assessment No. A-11-007/R-11-009/OPL/TPM 2007-28 for the purpose of the proposed plan amendment, rezone, official plan line and tentative parcel map applications.

2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. A-11-007 to amend the 2025 Fresno General Plan and Woodward Park Community Plan;

   a) From the commercial business park planned land use designation to the community commercial land use designation.

   b) The definition of an "expressway" street as defined in Policy E-1-A of the 2025 Fresno General Plan as follows: Four- to six-lane divided roadways primarily servicing through and crosstown traffic, with no direct access to abutting property and at-grade intersections located at approximately half-mile intervals [with additional signalized "jughandle" intersections as determined where necessary by the Public Works Director in order to mitigate level of service at major intersections along the expressway. The "jughandle" must occur in multiple quadrants of the intersection and will not be permitted in a single quadrant of a major intersection with the expressway.]

3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-11-009 requesting authorization to reclassify the subject property from the AE-5/UGM (Five Acre Agricultural/Urban Growth Management) to the C-2/EA/UGM (Community Shopping Center/Expressway Area/Urban Growth Management) zone district.

4. RECOMMEND APPROVAL (to the City Council) of the adoption of an Official Plan Line (OPL) for the alignment of the planned major street (Arterial) segment to accommodate two travel lanes in each direction with a raised median island. The proposed "jughandle" segment begins at the intersection of North Willow and West Spruce Avenues extending west and south connecting to Herndon Avenue.

location is appropriate for the expanded uses allowed in such a center, and its redesignation would be consistent with the City's plan policies. In addition, approval of the requested entitlements would not result in a significant impact under the California Environmental Quality Act.

ENVIRONMENTAL FINDING

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

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

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

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a draft mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-11-007/R-11-009/OPL/TPM 2007-28 was published on January 06, 2012 with no comments or appeals received to date.

BACKGROUND / ANALYSIS

Trident Realty Partners, LLC and Sol Development Associates, LLC, on behalf of Leslie and Marjorie Sassano Family Trust, Sarkisian Family Trust, and D & M Farms, Inc. have filed Plan Amendment Application No. A-11-007, Rezone Application No. R-11-009, Official Plan Line and Tentative Parcel Map No. 2007-28 applications.

Plan Amendment Application No. A-11-007 proposes to amend the planned land use designation for the subject property, as designated within the 2025 Fresno General Plan and Woodward Park Community Plan, from the commercial business park planned land use designation to the community commercial planned land use designation.

Furthermore, the plan amendment application proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan by processing an Official Plan Line (OPL) application in accordance with Fresno Municipal Code Section 12-701. The proposed OPL is for the alignment of a planned major street segment (Arterial) to accommodate two travel lanes in each direction with a raised median island. The proposed segment begins at the intersection of North Willow and West Spruce Avenues extending west and south connecting to Herndon Avenue (See Exhibit A).

Finally, the plan amendment application also proposes to amend the definition of an "expressway" street as defined in Policy E-1-A of the 2025 Fresno General Plan as follows: Four- to six-lane divided roadways primarily servicing through and crosstown traffic, with no direct access to abutting property and at-grade intersections located at approximately half-mile intervals [with additional signalized "jughandle" intersections as determined where necessary by the Public Works Director in order to mitigate level of service at major intersections along the expressway. The "jughandle" must occur in multiple quadrants of the intersection and will not be permitted in a single quadrant of a major intersection with the expressway.]

Rezone Application No. R-11-009 proposes to reclassify the property from the AE-5/UGM (Five Acre Agricultural/Urban Growth Management) to the C-2/EA/UGM (Community Shopping Center/Expressway Area/Urban Growth Management) zone district to allow for the development of the property with a retail shopping center.

Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the proposed C-2/EA/UGM (Community Shopping Center/Expressway Area/Urban Growth Management) zone district classification and the proposed community commercial planned land use designation for the subject property may be found consistent.

This project description also includes Tentative Parcel Map No. 2007-28 proposing to create approximately 20 parcels for future commercial development.

It should be noted that on November 4, 2011 staff issued a Public Hearing Notice to the surrounding neighbors in accordance with the Fresno Municipal Code. Since that time and with requested continuances, staff did receive a comment from one individual. The comment pertains to the interface between the existing neighborhood to the west of the subject property and future development on the subject property (See Attachment F).

There is no special permit application on file for development of the subject property at this time. The applicant will be required to file a special permit application which will describe in specificity proposed land uses, building citing, circulation pattern and architectural theme for the proposed development. The applicant will be required to have to that special permit application(s) approved prior to receiving a building permit for construction on the subject properties.

Council District 6 Implementation Committee

The subject applications were reviewed by the Council District 6 Implementation Committee on October 10, 2011. At that time the Committee, using their independent judgement, unanimously recommended approval of the plan amendment, rezone, official plan line and tentative parcel map applications as presented.

Land Use Plans and Policies

The current 2025 Fresno General Plan identifies the subject property with a commercial business park planned land use designation. The Plan's planned land use designation anticipated an appropriate combination of both commercial development and office uses for the subject property. Objective C-12 states that commercial uses are to be developed to provide needed commercial service and opportunities while reducing travel requirements. Objective C-12 also speaks to complimentary development of office uses. Notwithstanding, the Objective also warns against an over concentration of office uses where new office development could create excessive vacancy rates.

The subject property is not developed and has been available for development for a significant period of time. Past and current development patterns in the area have by-passed this parcel under the current land use designation. The current planned land use designation would require a significant portion of the subject property to be developed with an office use. This being the case, should the subject property be developed under the Plan, the City could reasonability anticipate a significant increase in office vacancies in the area. Currently, there are existing office developments at the intersections of Herndon and Maple, Herndon and Chestnut, Herndon and Millbrook, and Herndon and First Avenues. Based upon a cursory review of these office developments, it appears they are not fully occupied and ample office space is available. Therefore, staff believes the current planned land use for additional office development could exacerbate the existing vacancy rate along the Herndon Avenue corridor and would be inconsistent with Objective C-12-c of the 2025 Fresno General Plan..

The subject parcel could be consistently developed with an community commercial land use designation and the proposed C-2/EA/UGM (Community Shopping Center/Expressway Area/Urban Growth Management) zone district classification, pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC). With this consistency the subject property could potentially be developed with a higher and better use as proposed. The physical characteristics of the site meet the criteria for such a center, its location is appropriate for the expanded uses allowed in such a center, and its redesignation would be consistent with the City's plan policies.

The plan amendment application proposes to amend the definition of an "expressway" street as defined in Policy E-1-A of the 2025 Fresno General Plan. The proposed OPL is for the alignment of a planned major street (Arterial) segment to accommodate two travel lanes in each direction with a raised median island. The proposed segment begins at the intersection of North Willow and West Spruce Avenues extending west and south connecting to Herndon Avenue. This proposed roadway would allow for greater commercial opportunities within the area of the proposed "jughandle", Willow Avenue and Herndon Avenues. The area west of the "jughandle" could be designed with complimentary and compatible land uses which could interface appropriately with the established surrounding neighborhoods, while providing needed goods and services in a manner which minimizes travel requirements.

The proposed "jughandle" would mirror a similar roadway segment on the east side of Willow Avenue, which by-passes the intersection of Willow and Herndon Avenues. The "jughandle" is being proposed as

one methodology to ensure the long-term appropriate level of service at the intersection of Willow and Herndon Avenues through the year 2035.

Therefore, staff finds: (1) The proposed project, including the general plan amendment, is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno; (2) The proposed rezoning of the subject property is consistent with the proposed Community Commercial planned land use designation for the subject property; (3) The proposed official plan line is suitable for the potential type of land use and development permitted within the proposed C-2 (Community Shopping Center) zone district; and, (4) The proposed project will not conflict with any public interests in the subject site or adjacent lands.

2025 Fresno General Plan:

The proposed project is also consistent with the objectives of the 2025 Fresno General Plan including:

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

C-12-a Policy: *Ensure that all commercial land uses are developed and maintained in a manner complimentary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services.*

C-12-c Policy: *Plan for office commercial development of the appropriate amount, location, size and intensity necessary to meet regional, metropolitan, community and neighborhood area needs consistent with the planned land urban form and other applicable planning and zoning provisions.*

- *Locate office projects to provide a transition between more intensive commercial uses and sensitive residential uses.*
- *Facilitate office development in conjunction with, and adjacent to, institutions and employment centers.*
- *Avoid over concentrating office uses in any one part of Fresno when new office developments would create excessive vacancy rates in other established office areas.*

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

- *Neighborhoods should be anchored by community commercial centers with a mix of uses that meet the area's need to achieve activity centers that create a sense of place.*
- *Community Commercial centers should be located at designated activity centers.*
- *Retail commercial goods and services shall be provided in planned unified shopping centers, carefully designed small-scale commercial centers, and in neighborhood-oriented stores.*

E-1-f Policy: *Allow a Level of Service "D" (LOS) as the acceptable level of traffic congestion on major streets. LOS"D" according to the Caltrans and COFCG accepted LOS criteria, as developed by the*

Florida Department of Transportation, means moderate congestion at peak traffic periods; approaching unstable flow with reduced speeds, limited maneuverability, and loss of convenience; average speed range from 9 to 17 miles per hour on arterials with stopped delays of 40 seconds or less.

E-3-f Policy: *Plan major street rights-of-way and alignments to protect adjacent properties from unnecessary disruption.*

E-3-g Policy: *Prepare and adopt Official Plan Lines or Director Determinations for major streets to preserve rights-of-way needed for future improvements.*

Circulation Element Plan Policies and Major Street System Traffic Capacity

The subject site is located on the west side of Willow Avenue, and north side of Herndon Avenue.

The mitigation measures established by the certification of MEIR No. 10130, requires that all plan amendments are required to prepare a traffic impact study (TIS). Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the potential future commercial development on the subject property is expected to generate an average of approximately 19,148 average daily trips (ADT). Of these vehicle trips it is projected that 460 will occur during the morning (7 to 9 a.m.) peak hour travel period and 1,672 will occur during the evening (4 to 6 p.m.) peak hour travel period.

With regard to East Herndon Avenue between Chestnut and Willow Avenues, Policy E-1-e of the 2025 Fresno General Plan together with projected traffic volumes as noted in Appendix 2 (Council of Fresno County Governments Traffic Model Calibration/Validation Report and Model Documentation) of the adopted MEIR NO.10130 for the 2025 Fresno General Plan calls for this street to operate at LOS F and is projected to operate at LOS C in 2025 with the implementation of the mitigation measures (widening from six lanes to twelve lanes) set forth in the Project Specific Monitoring Checklist and the MEIR Mitigation Monitoring Checklist. In order to maintain an LOS of C, which is the overall objective of the 2025 Fresno General Plan, the number of travel lanes on Herndon Avenue would need to be increased to twelve (six in each direction). However, the 2025 Fresno General Plan and MEIR concluded that six travel lanes within this segment of Herndon Avenue is appropriate based upon an analysis of the travel characteristics along Herndon Avenue (trips of moderate length with a large number of turning movements at intersections), the effects upon adjacent properties and the determination that the availability of alternative modes of transportation should be enhanced to address air quality conditions.

The traffic study concluded that with twelve-lane mitigation measures there will be sufficient capacity for all traffic demand to actually get through each of the intersections within the peak hour. Without the mitigation measures, significant portions of the traffic demand arriving within the peak hour will not clear the intersection during that same hour. The project will not have a significant effect on the studied intersections, because with the above mitigation measure all intersections are projected to operate at no worse than LOS E, with the exception of the Herndon/Chestnut Avenue intersection which will operate at a LOS F. It is noted that the Herndon/Chestnut Avenue intersection is proposed to operate at LOS F in the P.M. peak hour with or without the proposed project.

The Public Works Department, Traffic Engineering Division has reviewed these applications for potential traffic related impacts, and has determined that the streets adjacent to and near the subject property will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the applied mitigation measures.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These

streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

Public Services

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services will be available to serve the proposed project subject to implementation of the 2025 Fresno General Plan policies. Implementation of the 2025 Fresno General Plan policies and the mitigation measures of Master Environmental Impact Report No. 10130 will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

City police and fire protection services are also available to serve the subject property.

Conclusion

Action by the Planning Commission regarding the plan amendment, rezone application, official plan line and associated environmental assessment will be a recommendation to Council.

The appropriateness of the proposed applications has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Woodward Park Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Plan Amendment Application No. A-11-007, Rezone Application No. R-11-009 and Official Plan Line are appropriate for the subject property.

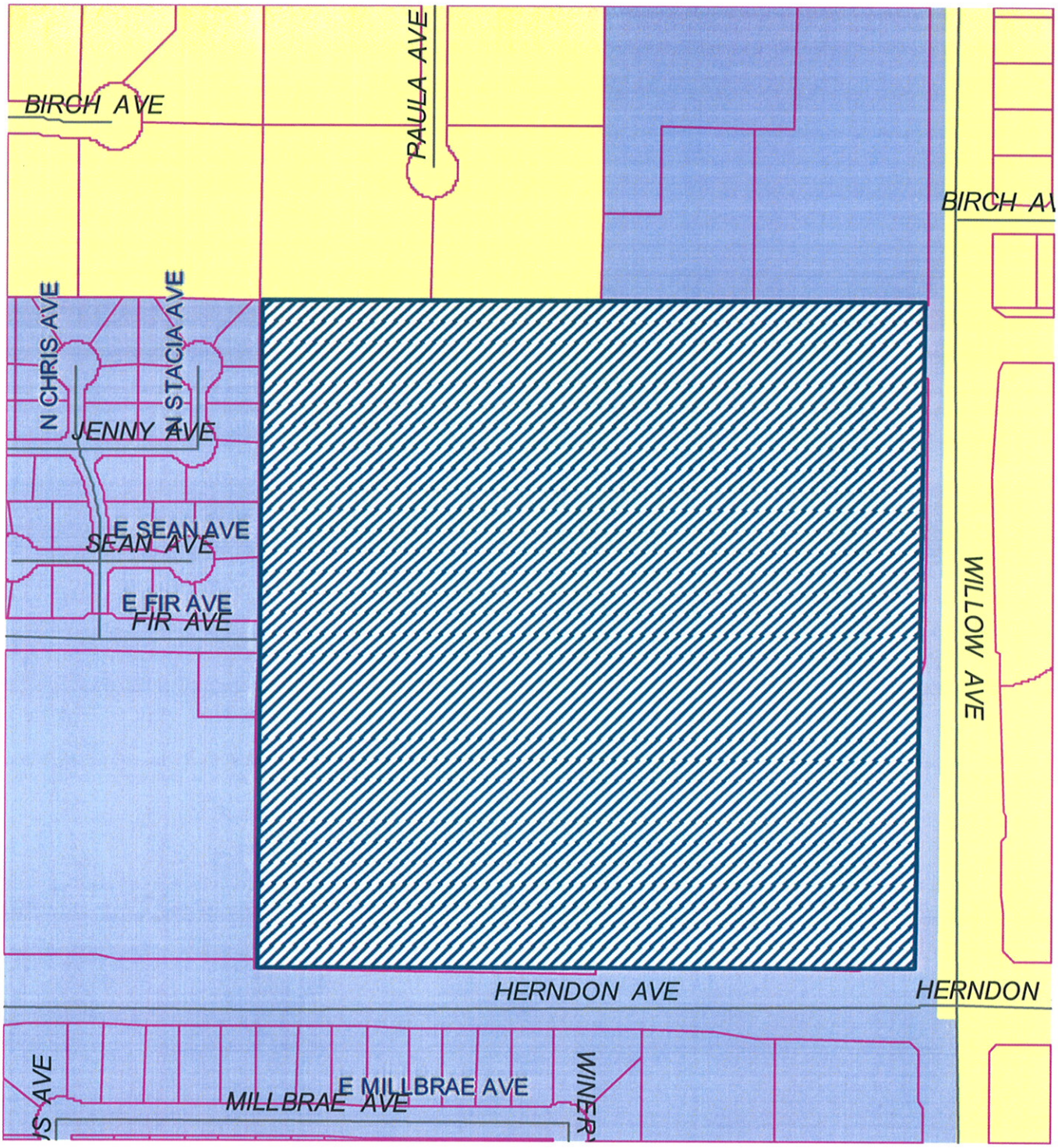
Attachments: Attachment A - Vicinity Map
Attachment B - 2011 Aerial Photograph, 2008
Attachment C - Public Hearing Notice Mailing Radius Map
Attachment D - 2025 Fresno General Plan Planned Land Use Map
Attachment E - 2025 Fresno General Plan Transportation Element Map
Attachment F – Correspondence – Mr. Gilbert Matossian

Exhibit A – Official Plan Line

Environmental Assessment No. A-11-007/R-11-009/OPL/TPM 2007-28, finding of a Mitigated Negative Declaration, dated January 06, 2012

ATTACHMENT A

VICINITY MAP



Subject Property

VICINITY MAP

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

PLAN AMENDMENT APPLICATION A-11-007, REZONE APPLICATION NO. R-11-009 & OFFICIAL PLAN LINE

PROPERTY ADDRESS

7007 & 7157North Willow Avenue
3138 & 3206 East Herndon Avenue

N
NW NE
W E
SW SE
S
Not To Scale

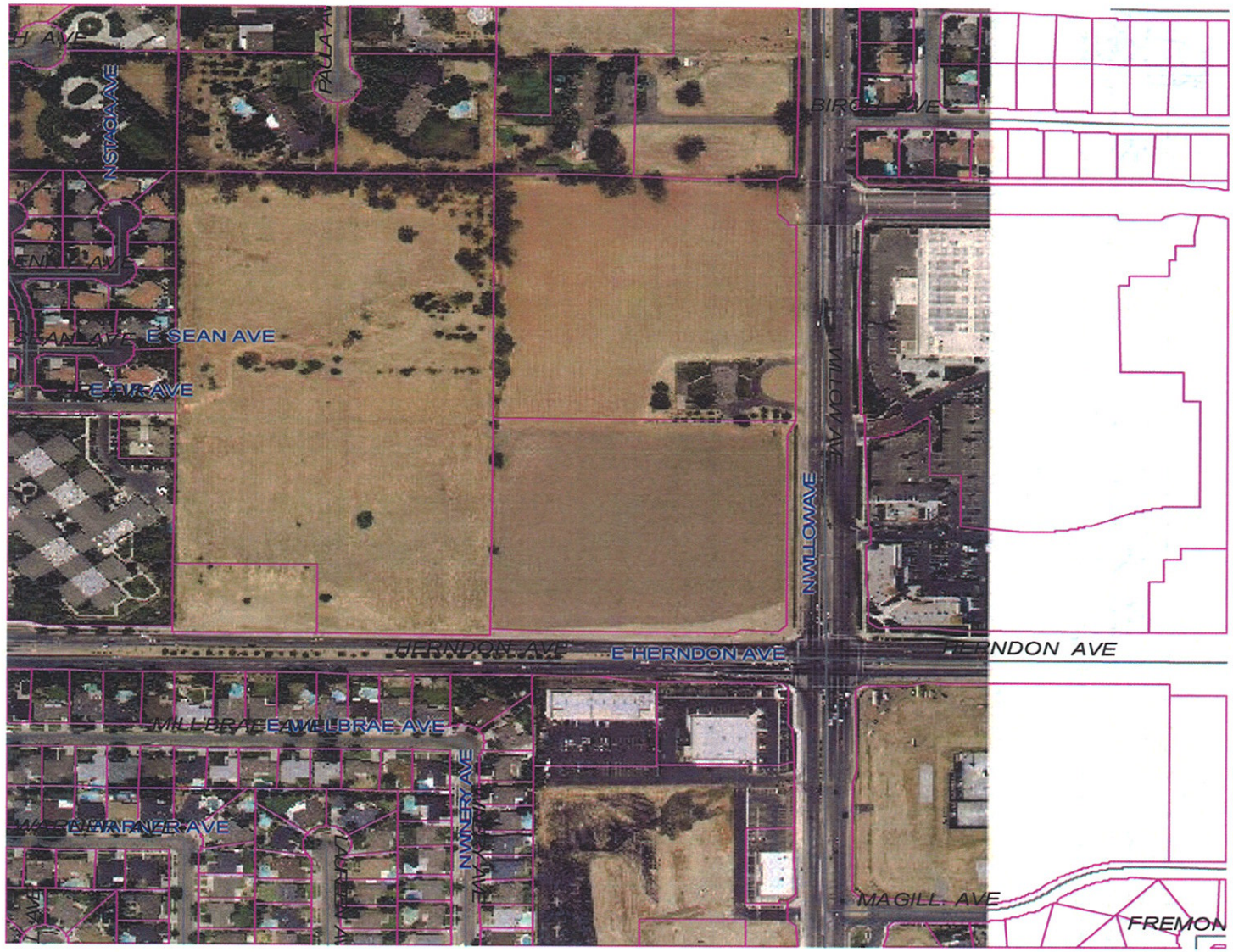
APN: 404-083-33, 34, 35, 42
Plan Amendment: commercial business park to community commercial land use designation
Zone District: AE-5/UGM to R-2/UGM
By: K. Fabino, November 4, 2011

ATTACHMENT B

AERIAL PHOTOGRAPH, 2008

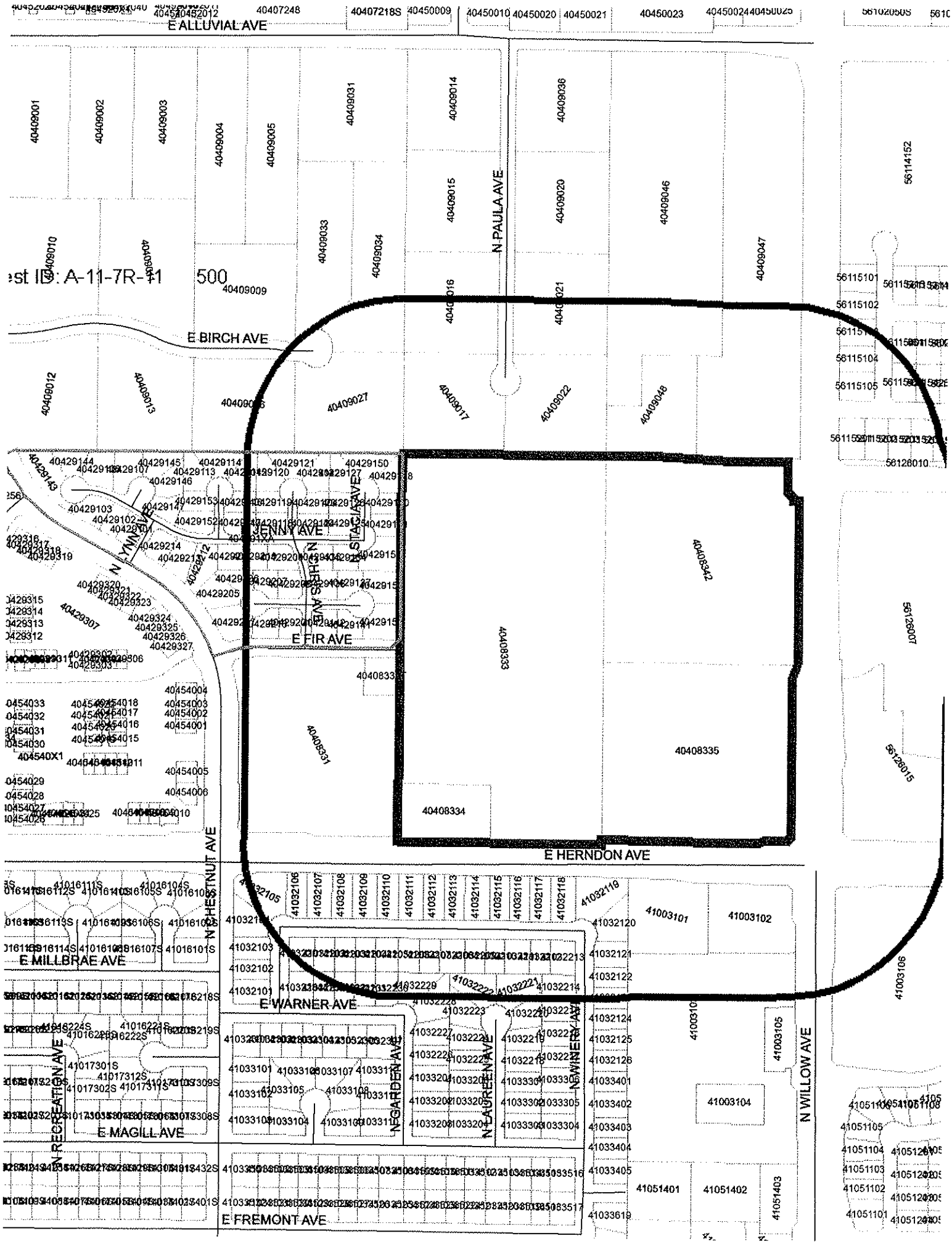
ATTACHMENT A

Aerial Photograph, 2008



ATTACHMENT C

Public Hearing Notice Mailing Radius Map


E ALLUVIAL AVE
N PAULA AVE
E BIRCH AVE
E FIR AVE
E HERNDON AVE
E MILLBRAE AVE
E WARNER AVE
E MAGILL AVE
E FREMONT AVE
N CHESTNUT AVE
N RECREATION AVE
N GARDEN AVE
N LAUREL AVE
N WILLOW AVE
40408342
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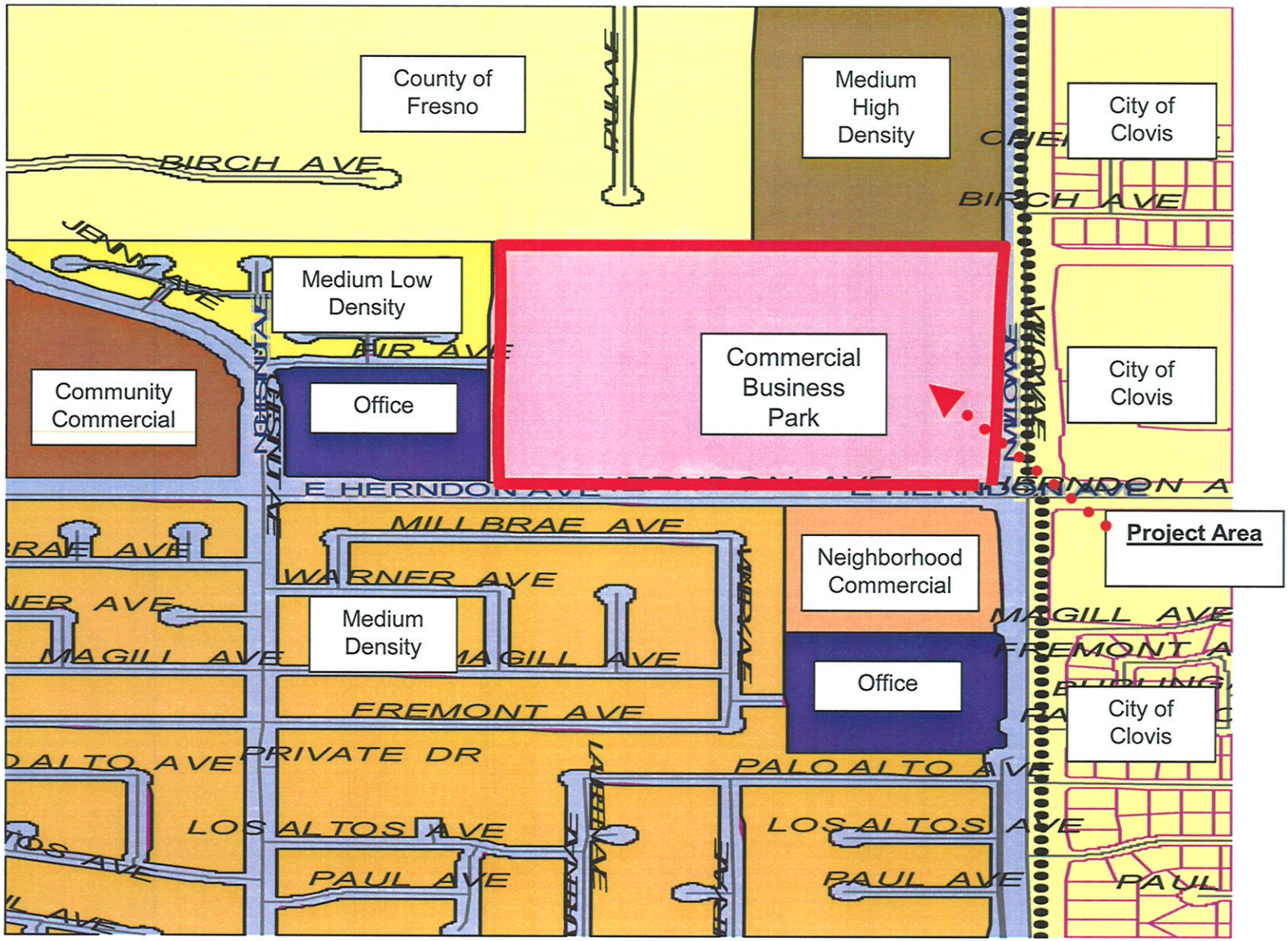
ATTACHMENT D

2025 Fresno General Plan Planned Land Use Map

ATTACHMENT D

2025 Fresno General Plan Planned Land Use Map



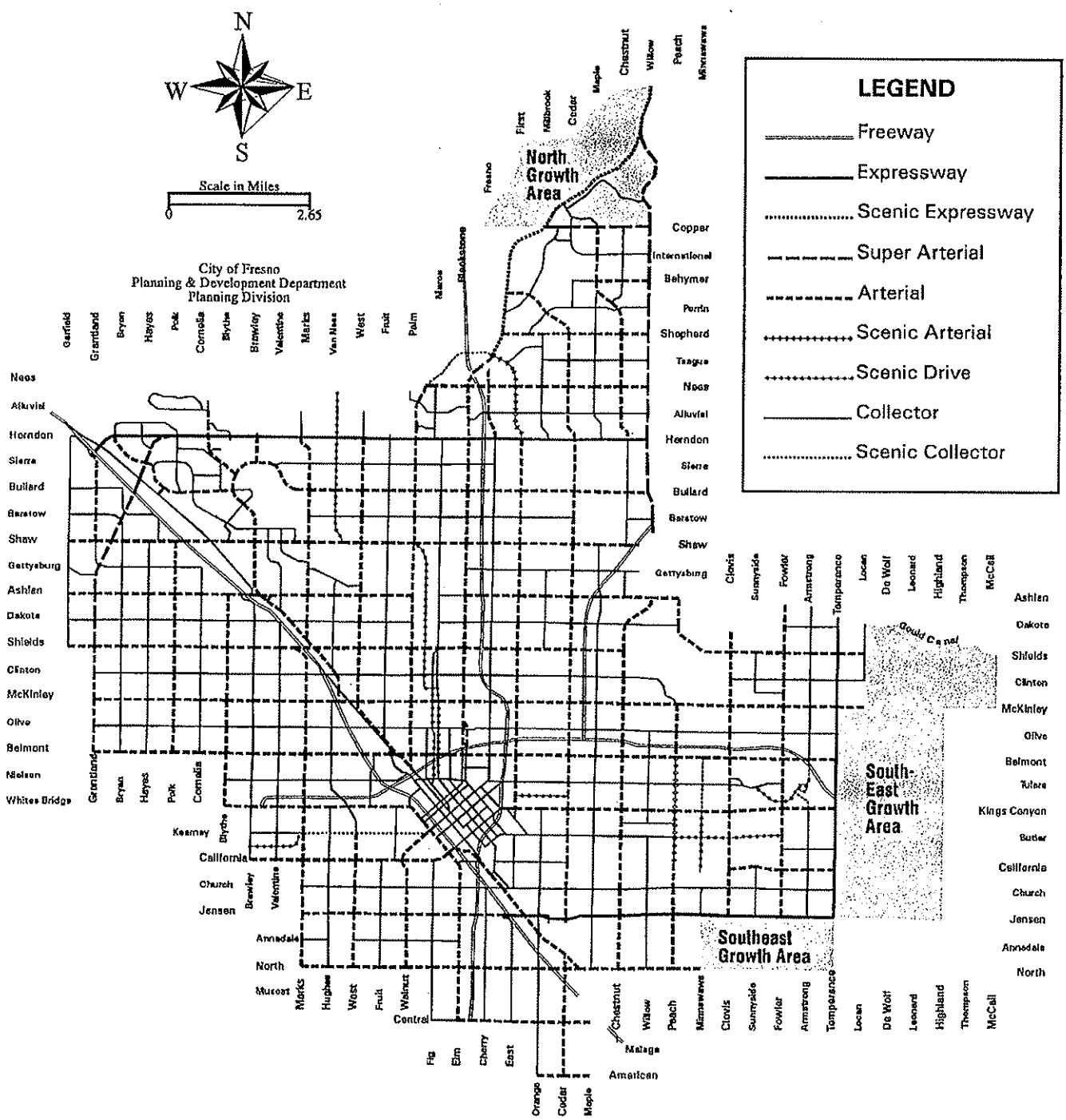
ATTACHMENT E

2025 Fresno General Plan Transportation Element Map

ATTACHMENT E

EXHIBIT 7

2025 Fresno General Plan
Transportation Element
(Streets and Highways)



ATTACHMENT F

Correspondence – Mr. Gilbert Matossian

Kevin Fabino

From: Gilbert Matossian [sunset57@mac.com]
Sent: Wednesday, November 16, 2011 10:15 PM
To: Kevin Fabino
Subject: Re: Notice Public hearing: NW Willow @ Herndon

Mr. Fabino,

Thanks for your follow-up email.

Gilbert Matossian
On Nov 16, 2011, at 5:15 PM, Kevin Fabino wrote:

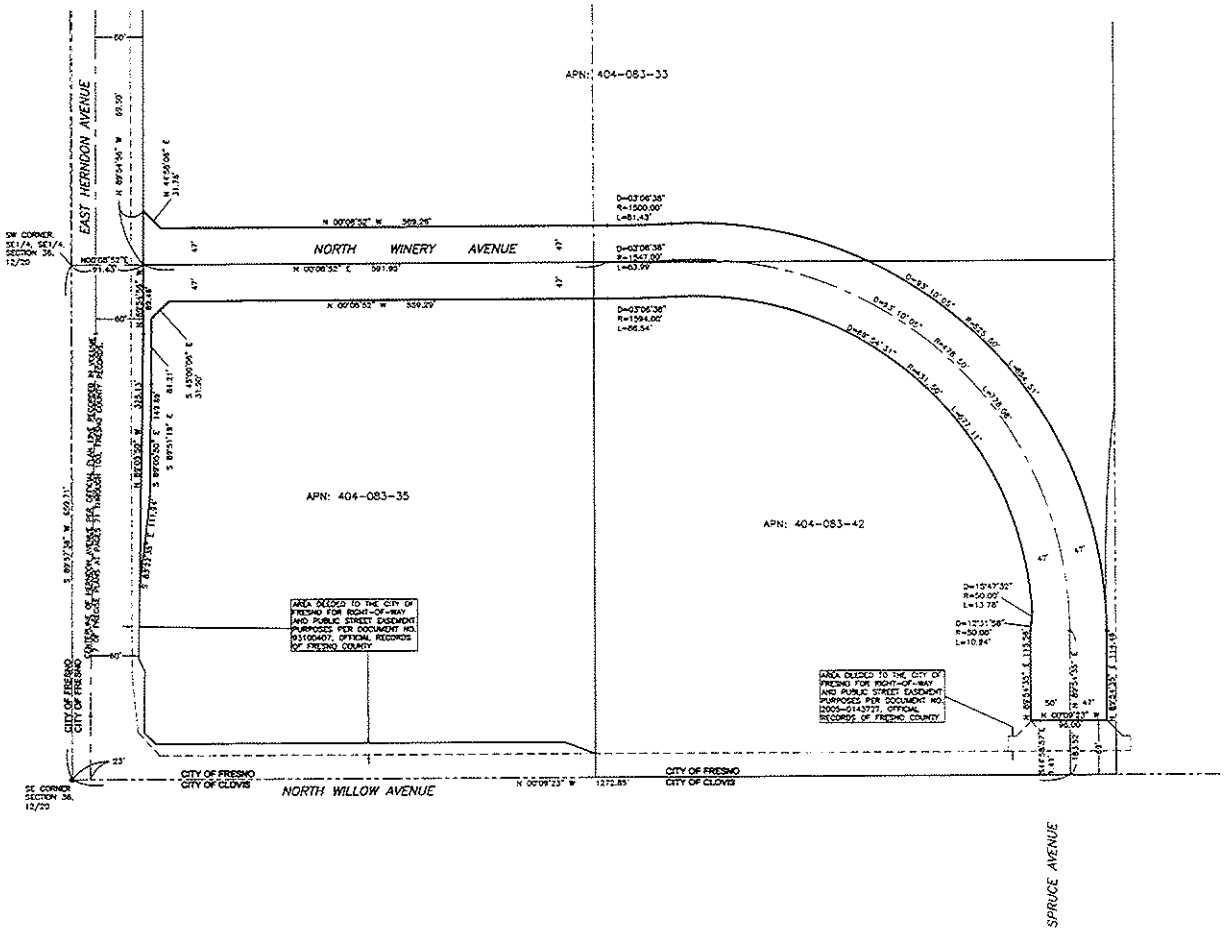
> Mr. Matossian,
>
> All of your comments are appreciated and will be incorporated into the
> staff report that will be presented to the Planning Commission for
> their consideration.
>
> Thanks again!
>
>
> Kevin Fabino, Planning Manager
> City of Fresno, Development & Resources Management Depart.
> 2600 Fresno Street
> Fresno, California 93721-3604
> (559) 621-8046
>
>
>
> -----Original Message-----
> From: Gilbert Matossian [mailto:sunset57@mac.com]
> Sent: Wednesday, November 16, 2011 3:11 PM
> To: Kevin Fabino
> Subject: Re: Notice Public hearing: NW Willow @ Herndon
>
> Mr. Fabino,
>
> Thank you for your reply and for the information provided.
>
> 1) Since the City staff will incorporate my first email into the
> report to the Planning Commissioners, I would like to add the
> following comments:
>
> Due to the large size of the proposed real property to be developed,
> almost 38 acres, and given the fact its North and West property lines
> are directly adjacent to established single family residential estate
> areas, with no existing natural buffer, it is reasonable to
> anticipate the Sierra View Estates residential community, where I
> live, however I do not represent the HOA, will be negatively impacted
> unless various mitigation conditions are imposed.
>
> I believe the recommendation should mitigate as much the impact and
> require the creation and maintenance of an adequate nuisance buffer

> zone along the residential area boundary line, which would include but
> not be limited to: (a) only medical or office space use, (b) a 20' to
> 30' wide green space setback fully landscaped planted with trees, (c)
> one story building height limitation, (d) no parking or vehicular
> access along the green space and the buildings area, (e) no trash
> disposal enclosures less than 100' from the residential property line.
>
> Furthermore, any use found objectionable or incompatible with the
> character of these residential communities due to noise, dust, odors,
> traffic or other undesirable characteristic should be prohibited.
>
> I would like to thank the Planning Commissioners for taking my
> comments into consideration.
>
>
> 2) With respect to the applicant's special permit, I assume we'll be
> notified and have the opportunity to review the proposed site plan in
> details.
>
>
> Sincerely,
>
>
> Gilbert Matossian
>
>
> On Nov 16, 2011, at 12:22 PM, Kevin Fabino wrote:
>
>> Mr. Matossian,
>>
>> Thank you for contacting the City of Fresno regarding proposed
>> development applications related to the property located on the NW
>> corner of Willow and Herndon Avenues.
>>
>> The City does make information available on our website for all
>> Planning Commission hearings. Please see the web address below.
>>
>> http://www.fresno.gov/Government/DepartmentDirectory/
>> PlanningandDevelo
>> pment/Planning/PlanningCommission/default.htm
>>
>> At this time staff is recommending that the matter be continued until
>> December 7, 2011. This would allow the applicant's engineer time to
>> complete some detail work related to the official plan line.
>> City staff will incorporate your e-mail (as request) into that report
>> which will go directly to the Planning Commissioners.
>>
>> What will be before the Planning Commission on December 7th will be
>> applications requesting a change in general plan planned land use
>> designation, zone district designation and alignment of a planned
>> major street. It should be noted that there has been no discuss
>> involving the opening of East Fir Avenue. Also, there is no special
>> permit on file at this time.
>>
>> We would anticipate that at some later date the applicant will submit
>> a special permit application. At that time we would evaluate the
>> physical characteristics of the site to ensure building footprints

>> are
>> located appropriately and consistent with the City's plan policies
>> and
>> municipal code, development standards. At that time you will have
>> another opportunity to review a very specific and detailed site plan.
>>
>> I hope this has been helpful and please do not hesitate to contact if
>> you have any questions or need additional information. If you would
>> like I can provide you the applicants contact information.
>>
>>
>> Kevin Fabino, Planning Manager
>> City of Fresno, Development & Resources Management Depart.
>> 2600 Fresno Street
>> Fresno, California 93721-3604
>> (559) 621-8046
>>
>>
>>
>>
>>
>>
>> -----Original Message-----
>> From: Gilbert Matossian [mailto:sunset57@mac.com]
>> Sent: Tuesday, November 15, 2011 9:26 AM
>> To: Kevin Fabino
>> Subject: Notice Public hearing: NW Willow @ Herndon
>>
>> Mr. Fabino,
>>
>> As a surrounding property owner (Sierra View Estates), I received a
>> notice of public hearing for the 37.79 acres property located the NW
>> corner of Willow and Herndon, which is scheduled for November 16,
>> 2011.
>>
>> Is there additional information available that can be emailed.
>>
>> I am very concerned about what will be allowed to be built and the
>> use along the west side of this property, and whether an appropriate
>> green and noise buffer zone will be required as a condition to the
>> developer.
>>
>> Also, would E Fir avenue (starting from Chestnut ave) be extended
>> and connected to the new development, and in which case could it
>> become a noisy and dangerous short cut to access the new property.
>>
>> Can my concerns be emailed or is attendance to tomorrow public
>> hearing required?
>>
>> Thank you.
>>
>>
>>
>>
>> Gilbert Matossian
>

Exhibit A

Official Plan Line



WE HEREBY CERTIFY THAT THIS MAP CONSTITUTES A PART OF THE OFFICIAL PLAN LINE OF STREETS AND HIGHWAYS BEING A PART OF THE MASTER PLAN OF THE CITY OF FRESNO, CALIFORNIA, ADOPTED BY THE PLANNING COMMISSION OF SAID CITY BY RESOLUTION NO. _____ AT A MEETING HELD ON THE _____ DAY OF _____, 20___ AND CARRIED BY THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE TOTAL MEMBERSHIP OF SAID COMMISSION.

_____
CHAIRMAN

_____
SECRETARY

WE HEREBY CERTIFY THAT THIS MAP OF OFFICIAL PLAN LINES WAS ADOPTED BY THE CITY OF FRESNO ON THE _____ DAY OF _____, 20____ BY ORDINANCE NO. _____ _____ ADOPTED PURSUANT TO ARTICLE 7 OF CHAPTER 12 OF THE FRESNO MUNICIPAL CODE.

_____
MAYOR

_____
CITY CLERK

I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF FRESNO, CALIFORNIA HEREBY CERTIFY THAT I HAVE EXAMINED THE OFFICIAL PLAN LINES DELINEATED ON THIS MAP AND I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

_____
CITY ENGINEER

_____
DATE

INSTRUMENT NO. _____ FILED AND RECORDED AT THE REQUEST OF THE CITY OF FRESNO THE _____ DAY OF _____, 20____ AT _____ MINUTES PAST ____ ____M AND RECORDED IN VOLUME _____ OF PRECISE PLAN AT PAGE(S) _____ OF FRESNO COUNTY RECORDS.

PAUL DICTOS, CPA, COUNTY RECORDER

BY _____

100 50 0 100
SCALE IN FEET

NOTE:
ALL SETBACKS SHALL BE MEASURED FROM THE "OFFICIAL PLAN LINES"

OFFICIAL PLAN LINES

NORTH WINERY AVENUE

FROM EAST HERNDON AVENUE TO NORTH WILLOW AVENUE

THIS MAP CONSTITUTES PART OF THE GENERAL PLAN LINES OF THE CITY OF FRESNO, CALIFORNIA AND IS FILED IN THE VOLUME ENTITLED "OFFICIAL PLAN LINES - CITY OF FRESNO" IN THE DEVELOPMENT DEPARTMENT

LEGEND

- OFFICIAL PLAN LINES
- PROPOSED CENTERLINE
- PROPERTY LINES
- SECTION LINES

REF. & REV.	DR. BY TPL CH. BY ____ FILE NO. ____ DATE 06-03-08	Sheet No. 1 of 1 Sheets

Environmental Assessment No. A-11-007/R-11-009/OPL/TPM 2007-28,
finding of a Mitigated Negative Declaration,
dated January 06, 2012

CITY OF FRESNO

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

EA No. A-11-007/R-11-009/OPL/TPM 2007-28

Plan Amendment Application No. A-11-007, Rezone Application No. R-11-009, Official Plan Line and TPM 2007-28

APPLICANT:

Tim Palmquist
Trident Realty Partners, LLC
1072 SE Bristol Street, Suite 209
Costa Mesa, CA 92626

Bill Robinson
Sol Development Associates, LLC
906 N Street, Ste 100
Fresno, CA 93721

PROJECT LOCATION:

Site Latitude: 36° 50' 18" N
Site Longitude: 119° 43' 50" W

Mount Diablo Base and Meridian, Township 12S, Range 20E, Section 36

Assessor's Parcel Number: 404-083-33, 34, 35, 42

Filed with:

FILED
JAN 06 2012
By FRESNO COUNTY CLERK
DEPUTY

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

PROJECT DESCRIPTION:

Plan Amendment Application No. A-11-007 and Rezone Application No. R-11-009 was filed by Trident Realty Partners, LLC and Sol Development Associates, LLC, on behalf of Leslie and Marjorie Sassano Family Trust, Sarkisian Family Trust, and D & M Farms, Inc. These applications pertain to approximately 37.79 acres of property (4 parcels) located on the northwest corner of East Herndon and North Willow Avenues.

Plan Amendment Application No. A-11-007 proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan from the commercial business park planned land use designation to the community commercial land use designation and adoption of an Official Plan Line for the alignment of a planned major street (arterial) segment.

The plan amendment application proposes to amend the definition of an "expressway" street as defined in Policy E-1-A of the 2025 Fresno General Plan as follows: Four- to six-lane divided roadways primarily servicing through and crosstown traffic, with no direct access to abutting property and at-grade intersections located at

approximately half-mile intervals [with additional signalized "jughandle" intersections as determined where necessary by the Public Works Director in order to mitigate level of service at major intersections along the expressway. The "jughandle" must occur in multiple quadrants of the intersection and will not be permitted in a single quadrant of a major intersection with the expressway.]

The applicant also proposed to amend the 2025 Fresno General Plan and Woodward Park Community Plan by processing and Official Plan Line (OPL) in accordance with Fresno Municipal Code Section 12-701. The proposed OPL is for the alignment of a planned major street (Arterial) segment to accommodate two travel lanes in each direction with a raised median island. The proposed segment begins at the intersection of North Willow and West Spruce Avenues extending west and south connecting to Herndon Avenue.

Rezone Application No. R-11-009 proposes to reclassify the property from the AE-5/UGM (Five Acre Agricultural/Urban Growth Management) to the C-2/EA/UGM (Community Shopping Center/Expressway Area/Urban Growth Management) zone district to allow for the development of the property with retail shopping center.

This project description also includes Tentative Parcel Map No. 2007-28 proposing to create approximately 20 parcels for future commercial development.

There is no special permit application on file at this time. The Applicants will be required to file a special permit application which will describe in specificity proposed land uses, building citing, circulation pattern and architectural theme for the proposed development. The applicant will be required to have to that special permit application(s) approved prior to receiving a building permit for construction of the subject property.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is not fully within the scope of the Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Development and Resource Management Department proposes to adopt a Mitigated Negative Declaration for this project.

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

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding of a mitigated negative declaration and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Will Tackett at (559) 621-8063, or by email at Will.Tackett@fresno.gov, 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 January 26, 2012. Please direct comments to Will Tackett, Planner III, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; at (559) 621-8063, or by email to Will.Tackett@fresno.gov; or comments can be sent by facsimile to (559) 498-1026.

These development applications and this proposed environmental finding have been scheduled to be heard by the Planning Commission on February 01, 2012 at 6:00 p.m. or thereafter. The hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY: Will Tackett, Planner III	SUBMITTED BY: Mike Sanchez, Planning Manager CITY OF FRESNO DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
DATE: January 06, 2012	

CAO033010

CITY OF FRESNO

MITIGATED NEGATIVE DECLARATION

The full Initial Study and the Master Environmental Impact Report No. 10130 are on file in the Development and Resource Management Department, Fresno City Hall, 3rd Floor 2600 Fresno Street Fresno, California 93721 (559) 621-8277	Environmental Assessment Number: **EA No. A-11-007/R-11-009/OPL/TPM 2007-28** Plan Amendment Application No. A-11-007, Rezone Application No. R-11-009, Official Plan Line and TPM 2007-28

APPLICANT: Tim Palmquist Trident Realty Partners, LLC 1072 SE Bristol Street, Suite 209 Costa Mesa, CA 92626 Bill Robinson Sol Development Associates, LLC 906 N Street, Ste 100 Fresno, CA 93721	PROJECT LOCATION: Located on the northwest corner of East Herndon and North Willow Avenues Site Latitude: 36° 50' 18" N Site Longitude: 119° 43' 50" W Mount Diablo Base and Meridian, Township 12S, Range 20E, Section 36 Assessor's Parcel Number: 404-083-33, 34, 35, 42

PROJECT DESCRIPTION:

Plan Amendment Application No. A-11-007 and Rezone Application No. R-11-009 was filed by Trident Realty Partners, LLC and Sol Development Associates, LLC, on behalf of Leslie and Marjorie Sassano Family Trust, Sarkisian Family Trust, and D & M Farms, Inc. These applications pertain to approximately 37.79 acres of property (4 parcels) located on the northwest corner of East Herndon and North Willow Avenues.

Plan Amendment Application No. A-11-007 proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan from the commercial business park planned land use designation to the community commercial land use designation and adoption of an Official Plan Line for the alignment of a planned major street (arterial) segment.

The plan amendment application proposes to amend the definition of an "expressway" street as defined in Policy E-1-A of the 2025 Fresno General Plan as follows: Four- to six-lane divided roadways primarily servicing through and crosstown traffic, with no direct access to abutting property and at-grade intersections located at approximately half-mile intervals [with additional signalized "jughandle" intersections as determined where necessary by the Public Works Director in order to mitigate level of service at major intersections along the expressway. The "jughandle" must occur in multiple quadrants of the intersection and will not be permitted in a single quadrant of a major intersection with the expressway.]

The applicant also proposed to amend the 2025 Fresno General Plan and Woodward Park Community Plan by processing and Official Plan Line (OPL) in accordance with Fresno Municipal Code Section 12-701. The proposed OPL is for the alignment of a planned major street (Arterial) segment to accommodate two travel lanes in each direction with a raised median island. The proposed segment begins at the intersection of North Willow and West Spruce Avenues extending west and south connecting to Herndon Avenue.

Rezone Application No. R-11-009 proposes to reclassify the property from the AE-5/UGM (Five Acre Agricultural/Urban Growth Management) to the C-2/EA/UGM (Community Shopping Center/Expressway Area/Urban Growth Management) zone district to allow for the development of the property with retail shopping center.

This project description also includes Tentative Parcel Map No. 2007-28 proposing to create approximately 20 parcels for future commercial development.

There is no special permit application on file at this time. The Applicants will be required to file a special permit application which will describe in specificity proposed land uses, building citing, circulation pattern and architectural theme for the proposed development. The applicant will be required to have to that special permit application(s) approved prior to receiving a building permit for construction of the subject property.

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

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

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

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

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

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

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

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

INITIAL STUDY PREPARED BY: Will Tackett, Planner III	SUBMITTED BY:
DATE: January 06, 2012	

Exhibit A

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

EXHIBIT A

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

Environmental Checklist Form

For EA No. A-11-007/R-11-009/OPL/TPM 2007-28

1. **Project title:** Plan Amendment Application No. A-11-007, Rezone Application No. R-11-009, Official Plan Line and TPM 2007-28

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:**

   Kevin E. Fabino, Planning Manager
   City of Fresno
   Development and Resource Management Department
   (559) 621-8046

4. **Project location:**
   Located on the northwest corner of East Herndon and North Willow Avenues

   Site Latitude: 36° 50' 18" N
   Site Longitude: 119° 43' 50" W

   Mount Diablo Base and Meridian, Township 12S, Range 20E, Section 36
   Assessor's Parcel Number: 404-083-33, 34, 35, 42

5. **Project applicant/sponsor name and address:**

   Tim Palmquist, Applicant's Representative
   Trident Realty Partners, LLC
   1072 SE Bristol Street, Suite 209
   Costa Mesa, CA 92626

   Bill Robinson, Applicant's Representative
   Sol Development Associates, LLC
   906 N Street, Ste 100
   Fresno, CA 93721

Leslie and Marjorie Sassano Family Trust
4417 North Clovis Avenue
Clovis, CA 93727

Sarkisian Family Trust
7157 North Willow Avenue
Fresno, CA 93720

D & M Farms Inc.
2363 South Cedar Avenue
Fresno, California 93726

6. **General plan designation:**

Existing: Business Park Planned Land Use
Proposed: Community Commercial Planned Land Use

7. **Zoning:**

Existing: AE-5/UGM *(Agricultural Five Acre Exclusive/Urban Growth Management Zone District)*

Proposed: C-2/UGM (*Community Shopping Center/Urban Growth Management Zone District)*

8. **Description of project:**

Plan Amendment Application No. A-11-007 and Rezone Application No. R-11-009 was filed by Trident Realty Partners, LLC and Sol Development Associates, LLC, on behalf of Leslie and Marjorie Sassano Family Trust, Sarkisian Family Trust, and D & M Farms, Inc. These applications pertain to approximately 37.79 acres of property (4 parcels) located on the northwest corner of East Herndon and North Willow Avenues.

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Rezone Application No. R-11-009 proposes to reclassify the property from the AE-5/UGM (Five Acre Agricultural/Urban Growth Management) to the C-2/EA/UGM (Community Shopping Center/Expressway Area/Urban Growth Management) zone district to allow for the development of the property with retail shopping center.

This project description also includes Tentative Parcel Map No. 2007-28 proposing to create approximately 20 parcels for future commercial development.

There is no special permit application on file at this time. The Applicants will be required to file a special permit application which will describe in specificity proposed land uses, building citing, circulation pattern and architectural theme for the proposed development. The applicant will be required to have to that special permit application(s) approved prior to receiving a building permit for construction of the subject property.

9. Surrounding land uses and setting:

	Planned Land Use	Existing Zoning	Existing Land Use
North	Low Density and Medium High Density Residential	R-R County of Fresno R-2/UGM (Low Density Multiple Family Residential/Urban Growth Management)	Single Family Residential
East	City of Clovis (Mixed Use)	City of Clovis	City of Clovis (Commercial)
South	Medium Density Residential and Neighborhood Commercial	R-1 *(Single Family Residential Urban Growth Management)* C-1/EA (Neighborhood Shopping Center/Expressway Area)	Single Family Residential and Commercial
West	Medium Low Density Residential and Office Commercial	R-1/UGM *(Single Family Residential/Urban Growth Management)* *C-P/UGM* (Administrative and Professional Office/Urban Growth Management)	Single Family Residential and Elderly Housing Development

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

San Joaquin Valley Air Pollution Control District; Fresno Metropolitan Flood Control District; Fresno Irrigation District; City of Fresno, Building and Safety Division (for building permits); City of Fresno Department of Public Utilities; City of Fresno Public Works Department

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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

X _____ 01/06/12

Will Tackett, Planner III January 06, 2012

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

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

The immediate area is substantially planned for residential uses; therefore, no public or scenic vista will be obstructed by the development and no valuable vegetation will be removed. The project will not damage any scenic resources nor will it degrade the visual character or quality of the site and its surroundings. Furthermore, development of the site will not create a new source of substantial light or glare which would affect day or night time views in the project area, given that during the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties. As a result, the project will have a less than significant impact on aesthetics. The project will be subject to the aesthetics mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan. Conditions to ensure the project is aesthetically appealing will be further defined during the entitlement process to ensure that the development is consistent with all plans and design guidelines.

Mitigation Measures

1. The proposed project shall implement and incorporate the aesthetic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated **January 06, 2012**.

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

The subject site is designated as "Farmland of Local Importance" on the 2006 Rural Mapping Edition: Fresno County Important Farmland Map, and thus is not considered to be prime farmland, farmland of statewide importance, or unique farmland. The site is fallow and has not been actively cultivated for several years.

The subject site is not under a Williamson Act contract and is not surrounded by sites under a Williamson Act contract. The proposed plan amendment and rezone applications do not conflict with any forest land or Timberland Production or result in any loss of forest land. The proposed

project does not include any changes which will affect the existing environment. Therefore, no environmental impacts related to agriculture are anticipated as a result of the proposed project.

The 2025 Fresno General Plan and its Master Environmental Impact Report (MEIR) No. 10130 analyzed the potential farmland impacts from urbanizing most agricultural land within the adopted City of Fresno Sphere of Influence. In conjunction with the adoption of the MEIR, the City Council also adopted a Statement of Overriding Consideration related to Loss of Productive Agricultural Resources in Council Resolution No. 2002-378. This project conforms to the 2025 Fresno General Plan and its MEIR mitigation measures as related to farmland impacts (see attached Mitigation Monitoring Checklist for the list of MEIR mitigation measures).

Mitigation Measures

1. The proposed project shall implement and incorporate the agricultural related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated **January 06, 2012**.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?				x

Setting

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

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

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

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

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

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

Average high temperatures in the winter are in the 50s, but highs in the 30s and 40s can occur on days with persistent fog and low cloudiness. The average daily low temperature is 45°F.

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

Regulations

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

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

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

The URBEMIS computer model requires information regarding the project and its setting. This analysis was done using the current information available. The land use data provided in URBEMIS is for the 38-acres of community commercial land use designation.

URBEMIS analysis also required that several factors relating to the project vicinity be analyzed and entered into the model, such as land use mix and availability of retail commercial, pedestrian and bicycle amenities, street patterns, and availability of public transit.

AREA AND OPERATIONAL AIR QUALITY IMPACTS OF THE PROJECT

[all data given in tons/year]	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Area Source Emissions	0.05	0.73	0.74	0.00	0.00	0.00	7,155.76
Operational Emissions	9.02	8.91	89.11	0.07	6.46	1.40	1,740.68
Totals	**9.52**	**9.64**	**89.85**	**0.07**	**6.46**	**1.40**	**8,896.44**
Level of Significance	10	10	100	27.375	14.6	N/A	N/A

URBEMIS model projections indicate that the air pollution emitted from daily activities of the proposed project will not exceed threshold of significance limits for regulated air pollutants.

The SJVAPCD has developed the San Joaquin Valley 1991 California Clean Air Act Air Quality Attainment Plan (AQAP), which continues to project nonattainment for the above-noted pollutants

in the future. This project will be subject to applicable SJVAPCD rules, regulations, and strategies. In addition, the project may be subject to the SJVAPCD Regulation VIII, Fugitive Dust Rules, related to the control of dust and fine particulate matter. This rule mandates the implementation of dust control measures to reduce the potential for dust to the lowest possible level. The plan includes a number of strategies to improve air quality including a transportation control strategy and a vehicle inspection program.

The proposed project will be subject to District Rule 9510 (Indirect Source Review [ISR]) if it may be determined, at the time of submittal of an entitlement application for development of the subject property, that the San Joaquin Valley Air Pollution Control District thresholds of applicability (as referenced within the attached Air District memorandum dated June 24, 2011) are exceeded. These thresholds are based upon either the number of residential units or the gross square footage of commercial, office, industrial uses proposed to be developed on a given property. Subjectivity to the ISR process requires submittal of an Air Impact Assessment (AIA) to the Air District for approval. The AIA evaluates a project's total contribution to construction and/or area source and operational emissions and ozone precursors from potential land uses and compares potential unmitigated emissions against mitigated emissions in order to determine whether the required reduction in emissions is sufficient to satisfy the rule. If reductions are determined to not be sufficient, then the AIA (utilizing off-site emission reduction equations) calculates the total dollar amount of off-site fees that must be paid to the District in order to cover the District's cost of obtaining the required off-site emission reductions, and therefore fulfill the rule requirement.

Furthermore, the project is not anticipated to expose sensitive receptors to substantial pollutant concentrations. The proposed plan amendment to change the planned land use designation for the subject property from the Commercial Business Park to the Community Commercial designation actually reduces risk related to the exposure of sensitive receptors to emissions of Toxic Air Contaminants (TAC). The existing Commercial Business Park planned land use designation of the 2025 Fresno General Plan provides for the potential zoning of the property for office and industrial uses, while the proposed Community Commercial planned land use designation and C-2 (Community Shopping Center) zone district designation for the subject property assures development with either office, retail commercial, or residential uses in a mixed-use project. The potential for exposure to TAC is greatly reduced with the removal of the Commercial Business Park land use designation as the existing designation would allow for industrial zoning and usage of the subject property. Should any potential for exposure to TAC be identified at the time of receipt of a formal application detailing a specific development proposal for the subject property a Health Risk Assessment (HRA) may be required pursuant to Air District regulations and the mitigation measures of the MEIR.

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

Mitigation Measures

1. The proposed project shall implement and incorporate, the air quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated **January 06, 2012**.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

The subject site currently contains one single family residence, with the majority of the site being vacant. Agricultural activities have not occurred on this site of a significant period of time.

The proposed project would not directly affect any sensitive, special status, or candidate species,

nor would it modify any habitat that supports them. There is no riparian habitat or any other sensitive natural community identified in the vicinity of the proposed project by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. No federally protected wetlands are located on the subject site. Therefore, there would be no impacts to species, riparian habitat or other sensitive communities and wetlands. The proposed project would have no impact on the movement of migratory fish or wildlife species or on established wildlife corridors or wildlife nursery sites. No local policies regarding biological resources are applicable to the subject site and there would be no impacts with regard to those plans.

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

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

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

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

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

It should be noted however that lack of surface evidence of historical resources does not preclude the subsurface existence of archaeological resources. Therefore, due to the ground disturbing activities that will occur as a result of the project, the measures within the Master Environmental

Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan, Mitigation Monitoring Checklist to address archaeological resources, paleontological resources, and human remains will be employed to guarantee that should archaeological and/or animal fossil material be encountered during project excavations, then work shall stop immediately; and, that qualified professionals in the respective field are contacted and consulted in order to insure that the activities of the proposed project will not involve physical demolition, destruction, relocation, or alteration of historic, archaeological, or paleontological resources.

Mitigation Measures

1. The proposed project shall implement and incorporate the cultural resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated **January 06, 2012**.

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

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

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

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

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

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

Mitigation Measures

1. The proposed project shall implement and incorporate the geology and soils related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated **January 06, 2012**.

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

Background

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

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

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

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

GHGs were not generally thought of as traditional air pollutants because their impacts are global and diffuse in nature, while the criteria air pollutants and air toxics directly affect the health of people and other living things at ground level in the general region of their release to the atmosphere. However, it has been realized that GHGs and associated climate change could also drastically affect the health of populations not only in the U.S., but around the world through ocean

rise that displaces populations, causes economic and infrastructure damage, disrupts agriculture, increases heat-related illnesses, exacerbates effects of criteria air pollutants, spreads of infectious diseases through proliferation of mosquitoes and other vectors carrying "tropical" diseases into temperate climate zones, and alters/endangers natural flora and fauna in terrestrial and aquatic environments. One oft-cited example of a predicted change in global climate is that the Sierra snowpack could be reduced to as little as 20% of its historic levels, a dire consequence since it is estimated that over 70% of California's population relies on this "frozen reservoir" for its water supply.

Regulation

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

There are, at this time, no "attainment" concentration standards established by the federal or state government for GHGs (although several of the GHGs are regulated as precursors to criteria pollutants regulated by the federal and California Clean Air Acts). However, the State has codified a mandate to GHG emissions to 1990 levels by the year 2020. In order to roll back GHG emissions to 1990 levels, a reduction of 174 million metric tons of CO2e would need to be achieved statewide—against the background of California's general population increase and the need for ongoing land and economic development. The combination of the need to reduce and the need to grow equate to a need to reduce per capita GHG emissions by some 30%.

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

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

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

Project's Impact

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

Plan Amendment Application No. A-09-02, the Air Quality Amendment to the 2025 Fresno General Plan, adopted initial steps to address Fresno's part in avoiding global climate change, through adoption of new Resource Element / Air Quality General Plan Objectives and Policies. The information in previously-cited CAPCOA and California Attorney General publications has been used as information resources for GHG mitigation. A new objective has been added to the Air Quality section of the Resource Conservation Element specifically calling for reduction in GHG emissions, with supporting policies and implementation measures. Utilizing a qualitative analysis approach, projects consistent with, and appropriately implementing, air pollution and GHG reduction policies, and which mitigate any potentially significant project-specific GHG impacts, will be deemed to conform to GHG reduction requirements and to contribute to the City's overall GHG reduction goals. Periodic broad scale GHG modeling will be used to validate the efficacy of these measures and guide implementation and further rulemaking. The proposed project will be required to implement all relevant general plan policies related to GHGs. These policies will help to reduce this project's potential GHG impact. One new policy adopted in the City's Air Quality Plan Amendment is described below:

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

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

The proposed project complies with this policy because it will comply with several of the measures detailed in the California Attorney General's Office guidance document titled, *The California Environmental Quality Act Mitigation of Global Warming Impacts at the Local Agency Level"* (updated January 07, 2008). This document offers policy guidance on mitigating GHG emissions. One mitigation measure states that projects should "create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking". The proposed project will be required to install sidewalks, bicycle lanes, bus stops and a portion of the planned multi-purpose trail system along adjacent public street frontages at the time of development in accordance with City of Fresno standards, specifications and policies.

Other GHG Reduction Measures

Through updates in the California Building Code and statewide regulation of appliance standards, this project is also expected to conform to state-of-the-art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication *Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California* (April 2007)

and in CARB's *Proposed Early Actions to Mitigate Climate Change in California* (April 2007). Updated engine and tire efficiency standards would apply to project residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO_2, removing it from the atmosphere). In addition, the project does not involve manufacturing activities that would generate other GHGs such as SF_6, HFCs, or PFCs and does not propose any uses which would generate methane on site.

Therefore, based upon the available information, the proposed project will not have a potentially significant adverse impact on GHGs beyond that analyzed in the MEIR and Air Quality MND.

Mitigation Measures

1. The proposed project shall implement and incorporate the green house gas emissions related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated **January 06, 2012**.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIAL -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

The project is not anticipated to generate or use hazardous materials, is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, 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 project site has not been under cultivation for several years. No pesticides or hazardous materials are known to exist on the site. The uses to be proposed in the project would not be anticipated to involve the handling or hauling of hazardous materials or waste.

As such, the project would not have an adverse environmental impact related to potential hazards or hazardous materials as indentified above.

The analyses contained within the 2025 Fresno General Plan MEIR did not anticipate any significant impacts resulting from the generation, transport, and/or treatment of hazardous materials within the boundaries of the 2025 Fresno General Plan as such actions and operations are regulated and will be accomplished in full compliance with federal, state, and local requirements. The MEIR further provides that as development occurs, projects will be reviewed for their specific environmental effects, including hazardous materials. As the potential for specific environmental effects cannot be determined in the absence of a development proposal, such potential shall be evaluated at the time of receipt of formal special permit/entitlement applications for the subject property. Attached for the property owners' records and consideration is the memorandum from the County of Fresno, Department of Public Health, dated August 31, 2011. This memorandum provides a general summary of requirements which may be applied as conditions of approval to future development applications dependent upon the uses which may be proposed.

However, actions which may occur as a result of approval of the proposed plan amendment and rezone applications, or in efforts to subdivide the subject property and prepare said lands for future development interest, have the potential to release any hazardous materials or conditions which may exist on the subject property into the environment. It is anticipated that such circumstances would likely only occur in instances where: (1) An existing structure on the subject property contains materials such as asbestos that would need to be treated during demolition; (2) Any underground storage tanks were to be found on the property; or, (3) Subdivision of land requires that any existing on-site wells or private septic systems be abandoned.

Any future uses proposed on the site that may generate, handle or use hazardous materials shall also be required to meet the mitigation measures noted below.

Mitigation Measures

1. The proposed project shall implement the hazards and hazardous materials related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated **January 06, 2012**.

2. The proposed project shall implement the hazards and hazardous materials related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated **January 06, 2012**.

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

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
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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

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

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

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

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

Water Division has reviewed the proposed project and has determined that water requirements shall be addresses upon the submittal of future applications.

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

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

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

When development permits are issued, the subject site will be required to contribute to the completion of the FMFCD's master planned storm drainage facilities pursuant to requirements to be dictated by the FMFCD as conditions of approval respective to any special permit for development of the subject property. Furthermore, future development of the subject property will be conditioned upon preservation of the patency of irrigation canals and pipelines adjacent to the subject property utilized for delivering surface water to recharge/percolation basins and obligations for installation of facilities to replace existing open channel conveyance with new pipeline for the same purpose (see attached Fresno Irrigation District memorandum dated June 29, 2011 for further information regarding future development requirements respective to the existing Maupin Canal). Fees to support expansions and service enhancements of the City's water utility, including recharge activities, are also imposed as conditions of approval for special permits.

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

Based upon the analyses contained herein and within Section XVII: Utilities and Service Systems contained herein below, implementation of the mitigation measures identified within the MEIR, as specified below, will reduce the project's hydrology and water quality impacts to less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the hydrology and water quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated **January 06, 2012**.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		X		
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

The plan amendment application for the project site proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan to redesignate the approximately 38-acre subject property from the business park planned land use designation to the community commercial planned land use designation.

The plan amendment application also proposes to amend the definition of an "expressway" street as defined in Policy E-1-A of the 2025 Fresno General Plan as follows: Four- to six-lane divided roadways primarily servicing through and crosstown traffic, with no direct access to abutting property and at-grade intersections located at approximately half-mile intervals [with additional signalized "jughandle" intersections as determined where necessary by the Public Works Director in order to mitigate level of service at major intersections along the expressway. The "jughandle" must occur in multiple quadrants of the intersection and will not be permitted in a single quadrant of a major intersection with the expressway.]

The applicant also proposed to amend the 2025 Fresno General Plan and Woodward Park Community Plan by processing an Official Plan Line (OPL) in accordance with Fresno Municipal Code Section 12-701. The proposed OPL is for the alignment of a planned major street (Arterial) segment to accommodate two travel lanes in each direction with a raised median island. The proposed segment begins at the intersection of North Willow and West Spruce Avenues extending west and south connecting to Herndon Avenue.

Rezone Application No. R-11-009 proposes to reclassify the property from the AE-5/UGM (*Five Acre Agricultural/Urban Growth Management*) to the C-2/EA/UGM (*Community Shopping*

Center/Expressway Area/Urban Growth Management) zone district to allow for the development of the property as a retail shopping center.

This project description also includes Tentative Parcel Map No. 2007-28 proposing to create approximately 20 parcels for future commercial development.

These applications pertain to approximately 37.79 acres of property (4 existing parcels) located on the northwest corner of East Herndon and North Willow Avenues.

There is no special permit application on file at this time. The Applicants will be required to file a special permit application which will describe in specificity proposed land uses, building citing, circulation pattern and architectural theme for the proposed development. The applicant will be required to obtain approval for a special permit application(s) prior to receiving a building permit for construction on the subject property.

Although the project includes a proposed amendment to the 2025 Fresno General Plan and Woodward Park Community Plan in order to change the planned land use designation for the subject property for the purposes of facilitating the proposed development, the proposed project meets the goals, objectives and policies of the 2025 Fresno General Plan and the Woodward Park Community Plan. The 2025 Fresno General Plan contains numerous policies that apply to the proposed project. For example, Objective C-12 of the 2025 Fresno General Plan states that "Commercial land uses shall be classified, located, sized, and developed to meet needs for goods and services while minimizing *travel* requirements, infrastructure demands, and adverse impacts." The proposed plan amendment will allow the proposed site to be developed with a use/service that meets the needs of the surrounding neighborhood. In addition, locating a commercial shopping center in an area substantially surrounded by residential uses will minimize travel requirements.

Policy C-12-a of the 2025 Fresno General Plan states that the City shall, "ensure that all commercial land uses are developed and maintained in a manner complimentary to and compatible with adjacent residential land uses, to minimize interface problems with surrounding environment and to be compatible with public facilities and services."

Policy C-12-d of the 2025 Fresno General Plan states that community commercial centers should be located at designated activity centers and Policy 1-4.2 of the Woodward Park Community Plan states that commercial developments serving community and commuter needs should be located within the Herndon Avenue corridor. The subject property is located within the Herndon Avenue corridor as designated on the Woodward Park Community Plan. Although the subject site is not a designated activity center, it is adjacent to an existing retail commercial development on the east side of Willow Avenue in the City of Clovis. The commercial development on the east side of Willow Avenue is of a similar size as the proposed project. The combination of the two projects at the intersection of Willow and Herndon Avenues would create a significant amount of commercial development, thereby causing this intersection to function similar to an activity center.

Other supporting policies include Policies C-20-d through C-20-f of the 2025 Fresno General Plan and 1-4.4 of the Woodward Park Community Plan. These policies promote: (1) The provision of appropriate space and access for development for supporting functions (i.e., storage, loading, parking, waste disposal/recycling, etc.); (2) Attention to location of parking areas and the provision of internal and external bicycle and pedestrian access to encourage multi-modal transportation; and, (3) Incorporation of aesthetic measures and design standards to support functionality and liveability.

The Project specific mitigation measures included herein will be applied to the proposed project as performance standards to be implemented or met at the time of future development on the subject property. These performance standards will be applied in order to assure consistency and compliance with the intent of policies included in both the 2025 Fresno General Plan and Woodward Park Community respective to compatibility and interface with the surrounding environment (existing & planned).

Based upon implementation of projects developed consistent with planned land use, the applicability of adopted development standards, plan policies/implementation measures, and applicable mitigation measures of the above-referenced environmental documents, and with consideration of the proposed land use relationship, and recommended neighborhood unifying design principles, it is concluded that the proposed plan amendment, rezone, official plan line, tentative parcel map and entitlement applications will further promote the achievement of the planned urban form and land use objectives of the 2025 Fresno General Plan and the Woodward Park Community Plan, and thus the proposed change in land use from the Business Park to the Community Commercial planned land use designation is appropriate.

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

Mitigation Measures

1. The proposed project shall implement and incorporate the land use related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated **January 06, 2012**.

2. The proposed project shall implement the land use related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated **January 06, 2012**.

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

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

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

Subsequent entitlements will propose the development of uses consistent with the proposed planned land use designation and zone district designations for the subject property. In developed areas of the community, noise conflicts often occur when a noise sensitive land use is located adjacent to a noise generator. Noise in these situations frequently stems from on-site operations, use of outdoor equipment, uses where large numbers of persons assemble, and vehicular traffic. Some land uses, such as residential dwellings, are considered noise sensitive receptors and involve land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise. The proposed commercial project would not be anticipated to have any noise sensitive uses.

The City Noise Element establishes a land use compatibility criterion of 60dB DNL for exterior noise levels in outdoor activity areas of new residential developments. Outdoor activity areas generally include backyards of single family residences and patios and common open space areas

in multi-family developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation. Furthermore, the Noise Element also requires that interior noise levels attributable to exterior noise sources not exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

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

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

The existing elderly housing project to the west and the single family residential projects to the north and west of the subject site will be buffered from the proposed development on the subject property by implementation of required building setbacks, landscape buffering, and solid masonry screening and sound attenuation walls or barriers in accordance with the policies and ordinances of the City of Fresno and the mitigation measures contained herein. The applicable mitigation measures of the MEIR require noise studies for projects where exterior noise levels will exceed the specified 60 dBA CNEL thresholds. If any circumstances are identified at the time of receipt of a formal development entitlement application, which may result in the exposure of noise sensitive receptors to potential excessive noise levels, an acoustical analysis will be required and any measures identified as a result of the noise study will be required as appropriate to mitigate levels to acceptable levels. As a result, the potential noise generation from the commercial uses on these adjacent residential properties is anticipated to be minimal.

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the noise related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated **January 06, 2012**.

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

The 2025 Fresno General Plan and Woodward Park Community Plan currently designates and has anticipated development consistent with the planned land use designation. Although future development will be intensifying the use of the currently undeveloped site, there is not a significant distinction between the existing and proposed land use designations (i.e., Commercial Business Park and Community Commercial planned land use designations, respectively). Additionally, the accompanying rezone application is proposed to ensure consistency between the planned land use designation and corresponding zone district (Table 2, Planned Land Use and Zone District Consistency Matrix, 2025 Fresno General Plan). Any future use of the subject property which may be proposed will be required (under Fresno Municipal Code) to be a use listed as permitted within the consistent C-2 (*Community Shopping Center District*) zone district.

No population and/or housing impacts will result from the proposed project beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan as opportunities for mixed-use development on the subject property would be provided under the respective zone districts identified as being consistent with either the Commercial Business Park or Community Commercial planned land use designation . The proposed project will not displace any people or any residential structures with the exception of the one existing residence on the subject site, which will be demolished. Therefore, no significant population and housing impacts will result from the proposed project.

Properties within the vicinity of the subject property have been developed and continue to develop at the intensity and scale designated by the 2025 Fresno General Plan. Therefore, the proposed project will not either directly or indirectly induce substantial population growth in the area. Furthermore, the subject site is currently vacant and therefore, the proposed project does not have the potential to displace existing housing or residents as a result of development thereon other than the single residence noted above.

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

The Department of Public Utilities has reviewed the proposed plan amendment and rezone applications and has determined that sewer and water requirements shall be addressed upon the submittal of future applications (see Section XVII. Related to Utilities and Service Systems herein below).

City police and fire protection services are also available to serve the subject site. Clovis Fire Station No. 43 is located approximately a mile east of the project site and will provide primary fire service to the subject property through an Instant Aid Agreement between the City of Fresno and the City of Clovis relating to fire service. The City of Fresno Fire Department has reviewed the proposal and has indicated that adequate fire services are available to serve the site.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the FMFCD system can accommodate the proposed rezone.

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

Any urban residential development occurring as a result of the proposed project will have an impact on the School District's student housing capacity. The School District, through local funding, is in a position to mitigate its shortage of classrooms to accommodate planned population growth for the foreseeable future. However, the District recognizes that the legislature, as a matter of law, has deemed under Government Code Section 65996, that all school facilities impacts are

mitigated as a consequence of SB 50 Level 1, 2 and 3 developer fee legislative provisions. The developer will pay appropriate impact fees at time of building permits.

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

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

The proposed project will not result in the physical deterioration of existing parks or recreational facilities; and, will not require expansion of existing recreational facilities or affect recreational services beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan.

The proposed commercial/office development is not expected to generate a demand for parks facilities. Belcher Park is located on Alluvial Avenue approximately one-mile from the subject site. 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.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?		X		
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				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 Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (incorporated herein by reference) utilized macro-level traffic analysis techniques to examine the traffic flow level of service (LOS) for major street segments that would occur in the year 2025. This analysis utilized the unadjusted Council of Fresno County Governments (COG) traffic model projected traffic volumes and the Florida Tables, which are an accepted national tabular standard of the Highway Capacity Manual (HCM) methodology. LOS is a characterization of a street's traffic flow operations that range from an LOS of A (reflecting a very low traffic volume with no travel

delay) to an LOS of F (reflecting a very high traffic volume with substantial congestion and travel delay).

The land use intensity proposed for the part of the metropolitan area near the subject property cannot be supported by the existing and planned transportation network. Forecasts for Herndon Avenue for the year 2025 and even 2010 show that most of the major intersections in this area are expected to fail and would not be able to accommodate peak hour traffic. The MEIR for the 2025 Fresno General Plan adopted statements of overriding considerations for operational deficiencies expected to occur and adopted an LOS of F for the respective Herndon Avenue street segment.

Herndon Avenue is designated as an expressway street, which only permits access at the half mile intersections. The Herndon Avenue Specific Plan which was published by the Council of Fresno County Governments in 2001, addressed strategies to increase capacity on Herndon Avenue without adding more travel lanes. The study recommended restrictions on left turns at several half-mile intersections along Herndon Avenue and further recommended secondary intersections nearby to accommodate left turn movements. The City of Clovis accepted the recommendations of the Herndon Avenue Specific Plan for the Willow and Herndon Avenue intersection and approved a secondary intersection at the Helm Avenue alignment. The signalized Helm Avenue intersection is approximately one-quarter mile east of Willow Avenue and the "Helm-Spruce diagonal" street extends north of Herndon Avenue and curves to the west into Spruce Avenue. Spruce Avenue is approximately one-quarter mile north of Herndon Avenue.

The project requests a similar secondary intersection to Herndon Avenue and for this purpose proposes the adoption of an Official Plan Line (OPL) for the alignment of North Winery Avenue (from East Herndon to Willow Avenue) at a point which is approximately one-eighth mile west of Willow Avenue. The proposed OPL for the North Winery Avenue alignment would reserve public street rights-of-way for a planned major street (Arterial) segment to accommodate two travel lanes in each direction with a raised median island. The North Winery Avenue alignment or "Winery-Spruce diagonal" would extend north of Herndon Avenue and would curve to the east into Spruce Avenue, aligning with the Helm-Spruce diagonal located east of Willow Avenue. While the proposed secondary intersection would be signalized, southbound left turns onto Herndon Avenue would not be permitted.

In order to allow for the Herndon/Winery intersection, the plan amendment proposes to revise the definition of an <u>expressway street</u> as defined in Policy E-1-A of the 2025 Fresno General Plan. The definition is proposed to be revised as follows:

> Four- to six-lane divided roadways primarily servicing through and crosstown traffic, with no direct access to abutting property and at-grade intersections located at approximately half-mile intervals <u>[with additional signalized "jughandle" intersections as determined necessary by the Public Works Director in order to mitigate level of service at major intersections along the expressway. The "jughandle" must occur in multiple quadrants of the intersection and will not be permitted in a single quadrant of a major intersection with the expressway.]</u>

It is noted that this amendment would continue to restrict vehicular access to an expressway street to half-mile intervals, the only exceptions allowed to occur would be instances in which the Public Works Director determines that a "jughandle" intersection is necessary in order to mitigate level of service deficiencies at major intersections along the expressway; and, where such a jughandle could occur in multiple quadrants of the intersection. As a result, this amendment would not pertain to most existing intersections within the metropolitan area.

As required by the mitigation measures established by the certification of MEIR No.10130, a traffic impact study (TIS) was prepared by TJKM dated June 15, 2007 to determine the project's impacts at major street intersections adjacent or proximate to the project site. Applying the factors outlined in the Institute of Traffic Engineers Trip Generation Manual, potential future development is expected to generate an average of approximately 19,148 average daily trips (ADT). Of these vehicle trips, it is projected that 460 trips will occur during the morning (7 to 9 a.m.) peak hour travel period and 1,672 trips will occur during the evening (4 to 6 p.m.) peak hour travel period. It is projected that the proposed project could generate approximately 13,156 additional daily trips, 294 fewer trips during the morning peak hour and 998 additional trips during the evening peak hour in comparison to the existing business park land use designation.

With regard to East Herndon Avenue between Chestnut and Willow Avenues, Policy E-1-e of the 2025 Fresno General Plan together with projected traffic volumes as noted in Appendix 2 (Council of Fresno County Governments Traffic Model Calibration/Validation Report and Model Documentation) of the adopted MEIR NO.10130 for the 2025 Fresno General Plan calls for this street to operate at LOS F and is projected to operate at LOS C in 2025 with the implementation of the mitigation measures (widening from six lanes to twelve lanes) set forth in the Project Specific Monitoring Checklist and the MEIR Mitigation Monitoring Checklist. In order to maintain an LOS of C, which is the overall objective of the 2025 Fresno General Plan, the number of travel lanes on Herndon Avenue would need to be increased to twelve (six in each direction). However, the 2025 Fresno General Plan and MEIR concluded that six travel lanes within this segment of Herndon Avenue is appropriate based upon an analysis of the travel characteristics along Herndon Avenue (trips of moderate length with a large number of turning movements at intersections), the effects upon adjacent properties, and the determination that the availability of alternative modes of transportation should be enhanced to address air quality conditions.

The Traffic Study prepared for this project, assessed the intersections of Herndon Avenue/Willow Avenue, Herndon Avenue/Winery Avenue (future), Herndon Avenue/Chestnut Avenue, Herndon Avenue/Helm Avenue, Willow Avenue/Spruce Avenue, Willow Avenue/Alluvial Avenue and Willow Avenue/Magill Avenue. The TIS prepared for the proposed project concludes that the proposed project contributes only a small portion of additional traffic at the study intersections. Furthermore, the study concludes the construction of a second "quadrant" at Herndon and Willow enhances the effectiveness of displacing left turns to secondary intersections nearby in accordance with the Herndon Avenue Specific Plan published by the Council of Fresno County Governments in 2001.

The traffic study also concludes that with the mitigation measures proposed to be implemented, there will be sufficient capacity for all traffic demand to actually get through each of the intersections within the peak hour. Without the mitigation measures, significant portions of the traffic demand arriving within the peak hour will not clear the intersection during that same hour.

The proposed project proposes a plan amendment for a change in land use and the adoption of an OPL for the alignment of a major street, which were not previously identified within the MEIR, and therefore may be found to "conflict" with the "applicable" 2025 Fresno General Plan (establishing measures of effectiveness for the performance of the circulation system). However, the project will not have a significant effect on the studied intersections because all intersections (excepting the Herndon/Chestnut Avenue intersection) are projected to operate at no worse than LOS E with implementation of the mitigation measure identified herein. It is noted that the Herndon/Chestnut Avenue intersection is proposed to operate at LOS F in the P.M. peak hour with or without the proposed project.

The developer of this project, in accordance with the mitigation measures of the Master Environmental Impact Report (No.10130) which was certified by the Council with the adoption of the 2025 Fresno General Plan, will be required to pay impact fees specific to the signalization of

the major street intersections. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee at the time of building permit issuance, based on the trip generation rates as set forth in the latest edition of the ITE Trip Generation Manual. The project shall also pay the appropriate major street impact fee which will be determined at time of building permit.

As a condition to the project, the developer will be required to signalize the new intersection of Herndon Avenue and Winery Avenue and to modify the existing signal at the Willow Avenue/Spruce Avenue intersection for eastbound through trips and left turn phasing. This work is eligible for reimbursement and/or credit against the TSMI Fee.

Along with other cities and Fresno County, the City of Fresno has partnered with the Fresno County Council of Governments and Caltrans on a regional study for the greater Fresno-Clovis-Madera Metropolitan area. The study may provide the nexus/rough proportionality study necessary for determining a developer's proportionate responsibility for capital improvements to the state highway system.

The California Department of Transportation (Caltrans), District 6, Office of Intergovernmental Relations was contacted on two separate occasions. The identified impacts or mitigation measures associated with this project's impact on State Highways will require payment into the City's Impact Fee Program to mitigate the project's potential impacts to the State Highway System. Caltrans has not indicated that this project requires other mitigation measures to alleviate the project's impact on the state highway system.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. Based upon the analyses contained and referenced herein, it may be determined that the respective streets will provide adequate access to, and recognize the traffic generating characteristics of, the subject property and properties within the vicinity of the proposed project while affording the community an adequate and efficient circulation system.

Mitigation Measures

1. The proposed project shall implement and incorporate the traffic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated **January 06, 2012**.

2. The proposed project shall implement and incorporate the transportation/traffic related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated **January 06, 2012**.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X

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

The Department of Public Utilities has reviewed the proposed plan amendment and rezone applications and has determined that sewer and water requirements shall be addressed upon the submittal of a future special permit application detailing a specific development proposal for the subject property.

The applicable mitigation measures of the 2025 Fresno General Plan MEIR No. 10130 also provide that applicants for future development projects shall provide data (meeting Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed project. Furthermore, 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. Because the provision of such data will be contingent upon specification of a detailed development plan in the future for the subject property, annual water demand and peak water demand for the proposed

project will be assessed at the time of processing of any respective special permits for development; and, the future development projects will be required to implement the mitigation measures and/or offset requirements covered by the MEIR. Implementation of the mitigation measures of the MEIR requires that future development projects demonstrate compliance with respective Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target.

It should be noted for the purposes of assessing the general plan amendment application that Table 6-4 of the UWMP sets forth the allocated water demand rates for gross developed project acreage based upon land use classifications (i.e., planned land uses). Allocated water demand rates included within Table 6-4 of the UWMP (represented as "per-unit factors"), which are based upon an acre-foot of water per acre per year, are the same for industrial or institutional land uses, which would be consistent with the existing Commercial Business Park planned land use designation, and commercial uses allowable under the proposed Community Commercial planned land use designation for the subject property. Furthermore, the propensity for mixed-use projects involving the incorporation of residential use with commercial or office development would be an allowable use permitted within zone districts determined to be consistent under both the existing and planned land use designation for the subject property. Therefore, it may be determined that sufficient water supplies will be available to serve the project from the existing entitlements and resources allocated by the UWMP and MEIR.

The proposed project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board and will have no impact on the planned and orderly expansion of storm drainage facilities.

As no project for development of the subject property has actually been proposed, it would be speculative to try to provide data on a development project that has not been designed or submitted to the City. However, in the absence of a special permit application describing the exact scope of development, the project has been environmentally assessed for significance of impacts at the greatest and most intense use allowable under the proposed zoning for the subject property. Based upon such an assessment it may be determined that adequate water and wastewater capacity exists to serve the project's projected demand and that the project will not require construction of new water or wastewater treatment facilities or expansion of existing facilities. Utility infrastructure, which will be required to be installed and constructed prior to the subdivision or future development of the property, will include ties to, and extensions of, existing utility main infrastructure located within the public street rights-of-way adjacent to the subject property. The utility main sizes and capacities identified as being necessary to accommodate the most intense use of the subject property would not result in requirements for construction of oversized facilities respective to the existing utility main system backbone provided. All ties to existing utility infrastructure systems would therefore be of an equal or lesser size to those existing, and would be required strictly for purposes of conveyance from the subject property to the existing utility main system in place.

Adequate sanitary sewer and water services will be available to serve the proposed project subject to the installation and construction of standard utility connections, extensions, and facility infrastructure; completion of incremental expansions to facilities for planned water supply, treatment, and storage as identified within the MEIR; and, implementation of the mitigation measures related to water service identified within the attached.

Mitigation Measures

1. The proposed project shall implement and incorporate the sewer and water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated **January 06, 2012**.

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

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. This proposed project is fully consistent with policies of the 2025 Fresno General Plan.

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

- does not have environmental impacts which will cause substantial adverse effects on human beings, either directly nor indirectly.

- does not have the potential to degrade the quality of the environment, substantially reduce the

habitat of a fish/wildlife or native plant species (or cause their population to drop below self-sustaining levels), does not threaten to eliminate a native plant or animal community, and does not threaten or restrict the range of a rare or endangered plant or animal.

- does not eliminate important examples of elements of California history or prehistory.

- does not have impacts which would be cumulatively considerable even though individually limited.

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

Attachments:

Exhibit B: Master Environmental Impact Report (MEIR) Review Summary- January 06, 2012
Exhibit C: 2025 Fresno General Plan, MEIR Mitigation Measure Checklist, dated January 06, 2012
Exhibit D: Project Specific Mitigation Monitoring Checklist, dated January 06, 2012
Exhibit E: Project Vicinity Map
Exhibit F: Conceptual Site Plan
Exhibit G: Fresno Irrigation District letter, dated June 29, 2011
Exhibit H: County of Fresno, Department of Public Health letter, dated August 31, 2011
Exhibit I: San Joaquin Valley Air Pollution Control District letter, dated June 24, 2011

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Exhibit B

Master Environmental Impact Report (MEIR) Review Summary – January 06, 2012

EXHIBIT B

MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) REVIEW SUMMARY

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

The City has processed 110 plan amendment applications since the adoption of the 2025 Fresno General Plan. These applications have resulted in changes of planned land use that affected approximately 1,000 acres, representing approximately one percent of the land area within the 2025 Fresno General Plan boundary. The impacts of these amendments are minimal and not significant in relation to the balance of the density and intensity of the land uses impacted by the plan amendment applications.

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

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

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

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

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

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

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment Application No. A-11-002 and Rezone Application No. R-11-002, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

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

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

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

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

Agricultural Resources. The implementation of applicable policies since adoption of the 2025 Fresno General Plan has encouraged the development of urban uses in a more systematic pattern that avoids discontinuity and the creation of vacant by-passed properties. These efforts, together with the requirement to record "right-to-farm" covenants, facilitate the continuation of existing agricultural uses within the city's planned urban growth boundary during the interim period preceding orderly development of the property as anticipated by the General Plan. Staff is not aware of any particular circumstance or information that would make impacts from loss of agricultural resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the

MEIR was certified and/or new information is not known related to loss of agricultural resources pursuant to CEQA Guideline Section 15179(b)(1).

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

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

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

Biological Resources. The City continues to evaluate all development proposals for potential impacts upon natural habitats and associated species dependent upon these habitats. The City supports continuing efforts to acquire the most prominent habitats where appropriate, such as portions of the San Joaquin River environs. When development or public works projects have been proposed in this area, they have been subject to site-specific evaluation through supplemental environmental analyses, and appropriate mitigation measures and conditions applied as derived from consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The City has imposed MEIR mitigation measures related to

Biological Resources on projects that identified potential impacts to biological resources. Staff finds that this has adequately addressed any potential impact to biological resources. Staff is not aware of any particular circumstance or information that would make impacts from loss of biological resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of biological resources pursuant to CEQA Guideline Section 15179(b)(1).

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

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

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

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

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

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

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

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

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

- Construction of solar panel generator facilities at the Municipal Services Center (MSC) and at Fresno-Yosemite International Airport. The MSC facility, completed_ in 2004, generates 3.05 GWt of energy (equivalent to operation of 286 homes per year) and has resulted in reduction of 966 tons of CO_2 emissions (equivalent to 2,414,877 vehicular miles not driven).

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

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

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

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

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

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

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

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

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

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

APPENDIX

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

EXECUTIVE SUMMARY

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment Application No. A-11-002 and Rezone Application No. R-11-002, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

SUPPORTING DATA AND ANALYSIS

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

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

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

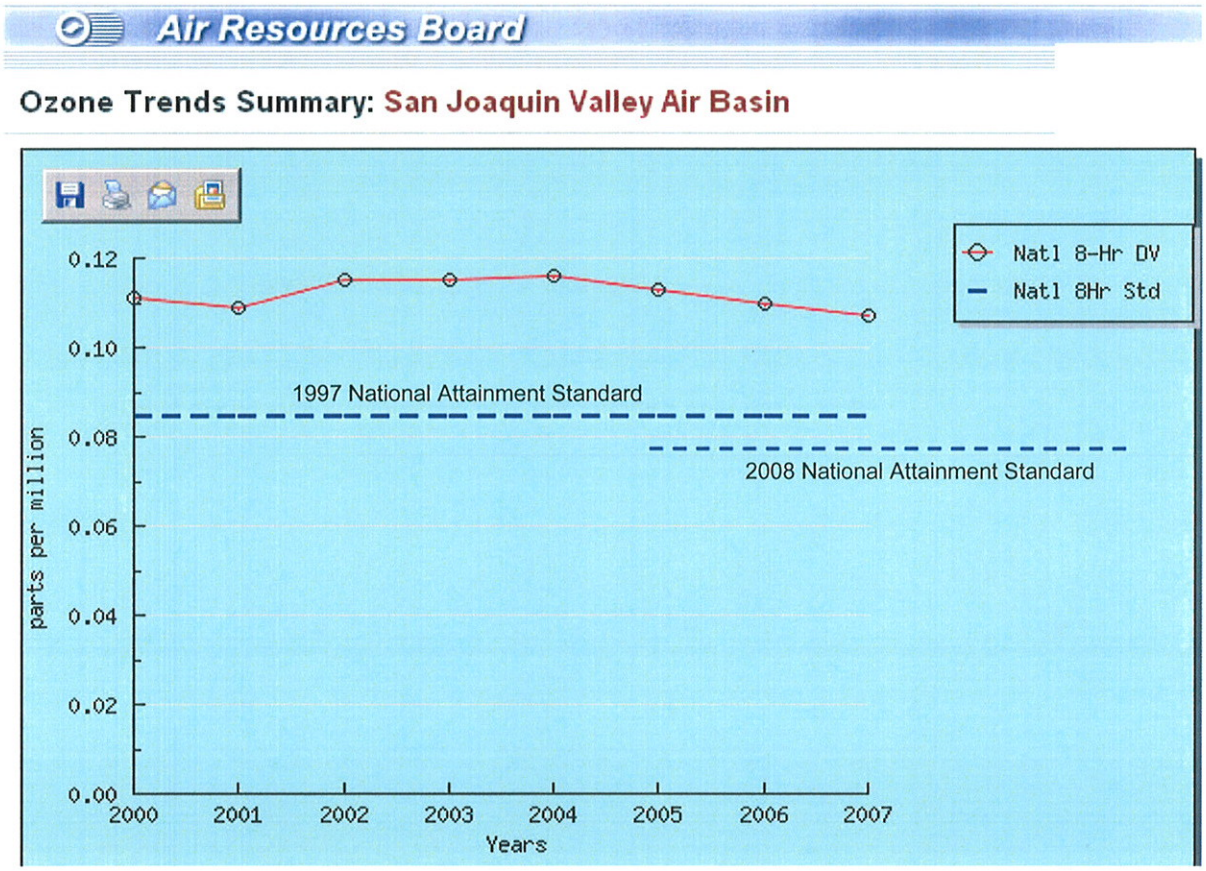
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted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

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

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

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

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

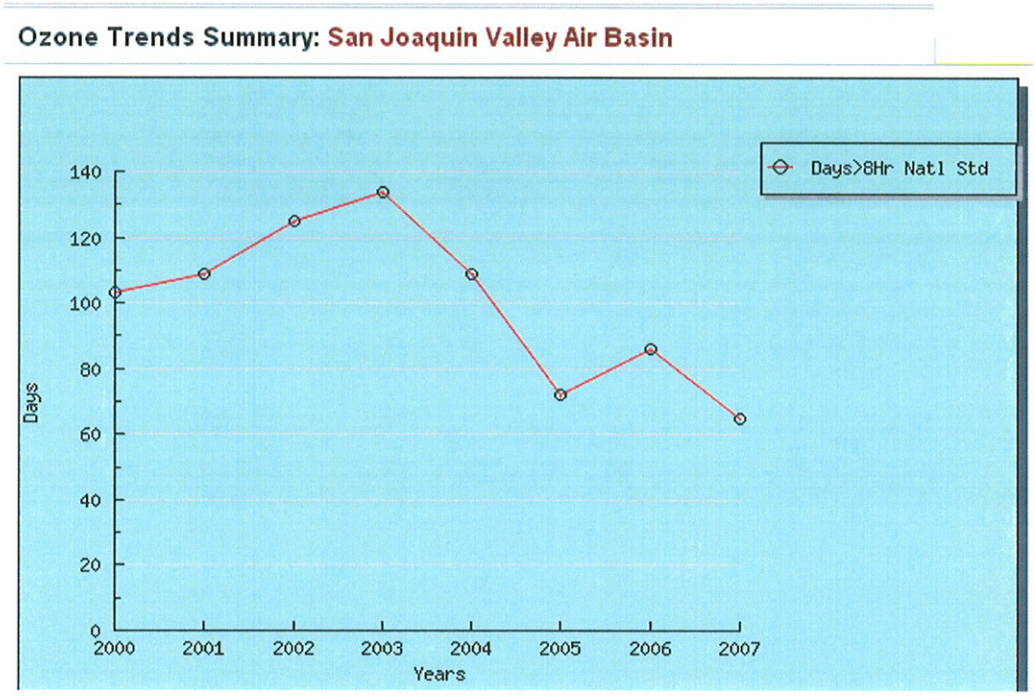


GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

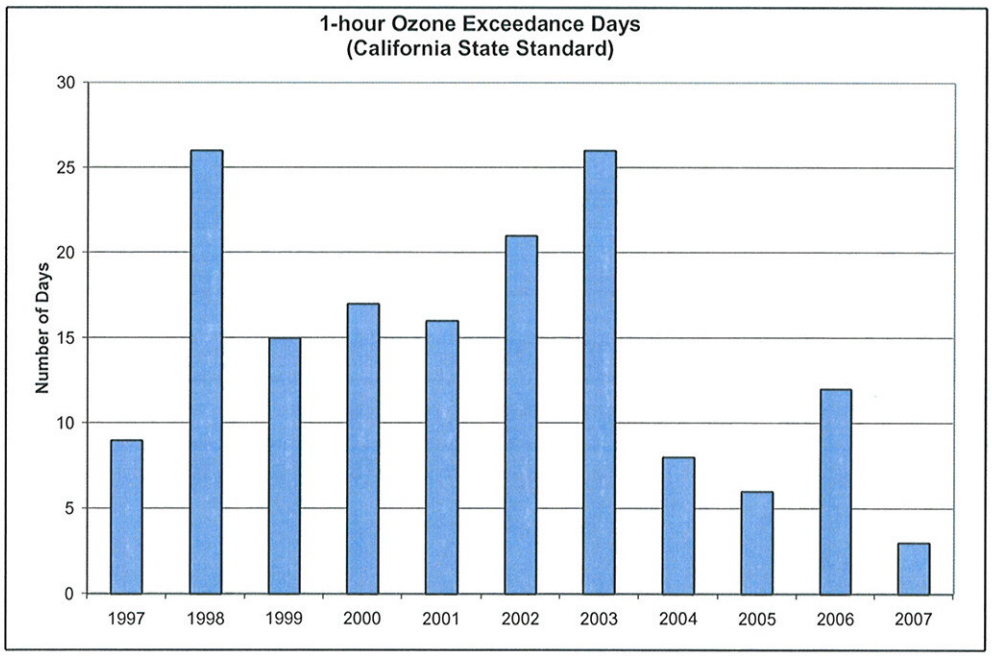
Under the 1997 standard, in effect through the end of 2007, "Attainment" would be achieved if the three-year average were less than, or equal to, 84 parts per billion (ppb), or 0.084 parts per million (ppm). In 2008, a new National 8-Hour Ozone Attainment standard went into effect: a three year average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

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

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



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

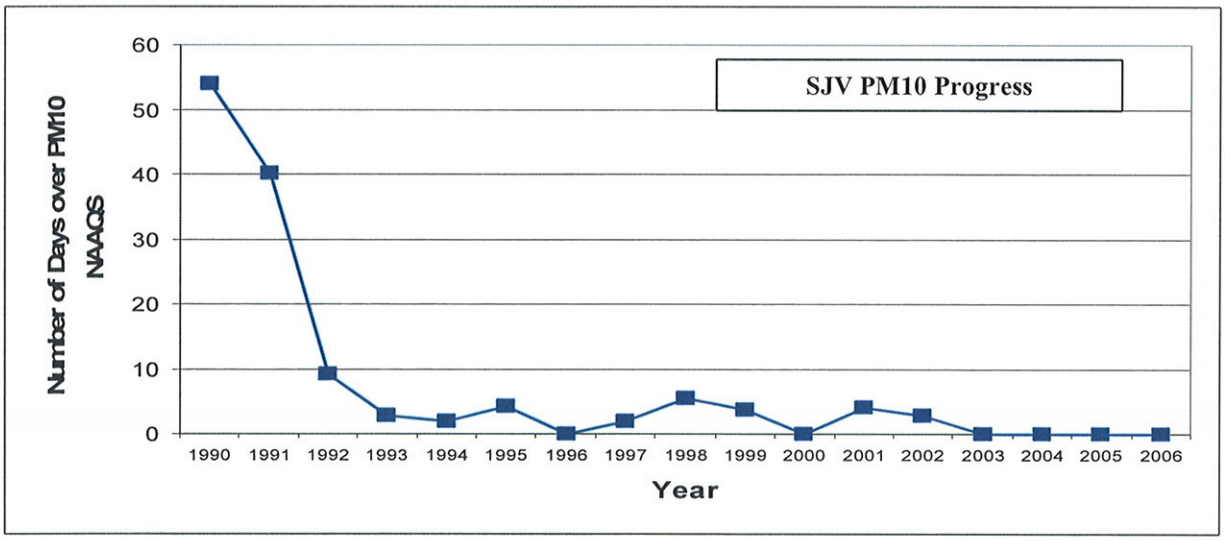


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

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

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

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



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

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

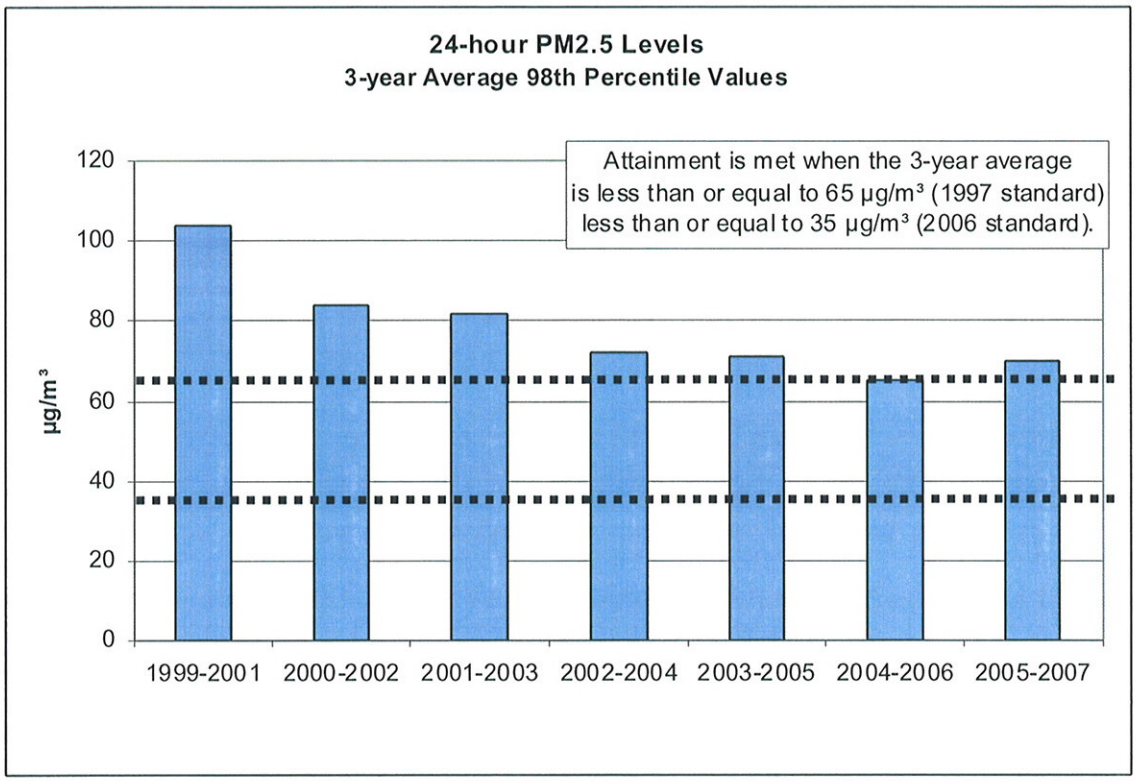
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

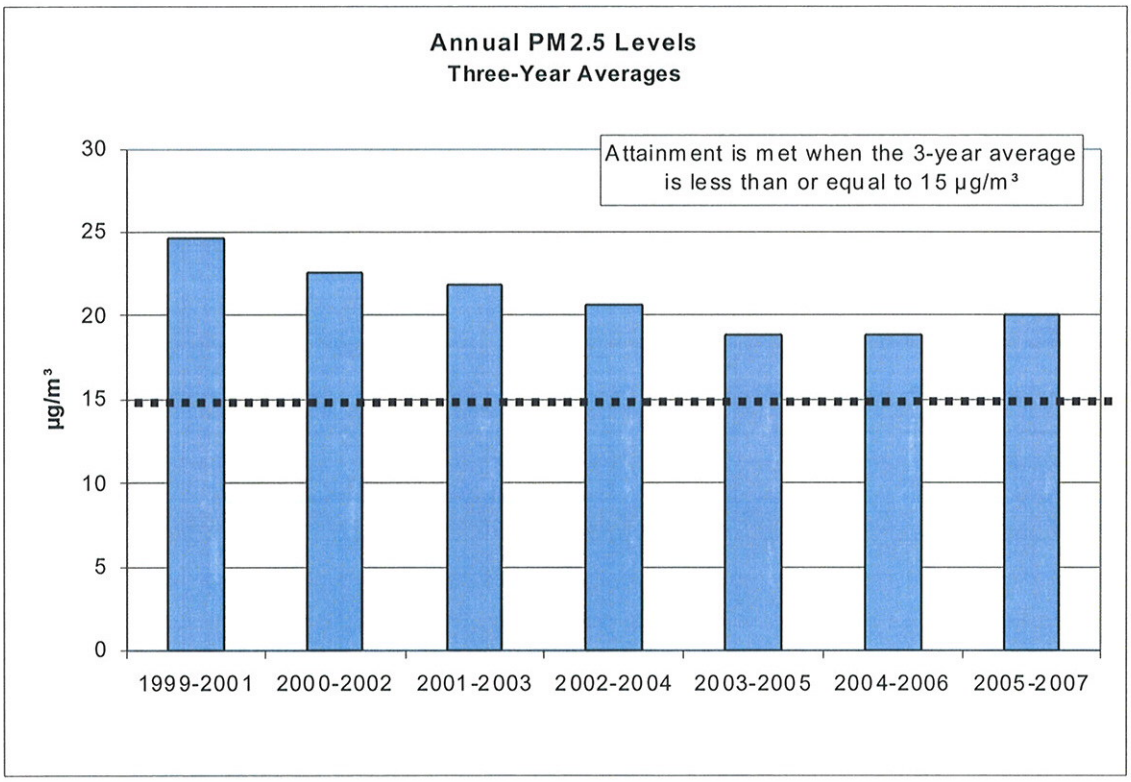
It is anticipated that full implementation (release of mitigation impact fees for various clean air projects throughout the San Joaquin Valley) and subsequent augmentation of the Indirect Source Review Rule will accelerate progress toward attainment of federal and state ozone standards, and will be an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

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

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

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


24-hour PM2.5 Levels
3-year Average 98th Percentile Values
Attainment is met when the 3-year average is less than or equal to 65 µg/m³ (1997 standard) less than or equal to 35 µg/m³ (2006 standard).
µg/m³
120
100
80
60
40
20
0
1999-2001
2000-2002
2001-2003
2002-2004
2003-2005
2004-2006
2005-2007


Annual PM2.5 Levels
Three-Year Averages
Attainment is met when the 3-year average is less than or equal to 15 µg/m³
µg/m³
30
25
20
15
10
5
0
1999-2001
2000-2002
2001-2003
2002-2004
2003-2005
2004-2006
2005-2007

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

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

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

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

- carbon dioxide (CO_2), largely generated by combustion activities such as coal and wood burning and fossil fuel use in vehicles but also a byproduct of respiration and volcanic activity;
- *methane (CH_4), known commonly as "natural gas," is present in geologic deposits and is also evolved by anaerobic decay processes and animal digestion. On a ton-for-ton basis, CH_4 exerts about 20 times the greenhouse gas effect of CO_2;
- *nitrous oxide (N_2O), produced in large part by soil microbes and enhanced through application of fertilizers. N_2O is also a byproduct of fossil fuel burning: atmospheric nitrogen, an inert gas that makes up a large proportion of the atmosphere, is oxidized when air is exposed to high-temperature combustion. N_2O is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N_2O is one component of "oxides of nitrogen" (NOX), long recognized as precursors of smog-causing atmospheric oxidants.
- *chlorofluorocarbons (CFCs), synthetic chemicals developed in the late 1920s for use as improved refrigerants (*e.g.*, "Freon™"). It was recognized over two decades ago that this class of chemicals exerted powerful and persistent greenhouse gas effects. In 1987, the Montreal Protocol halted production of CFCs.

- *hydrofluorocarbons (HFCs), another class of synthetic refrigerants developed to replace CFCs;
- *perfluorocarbons (PFCs), used in aluminum and semiconductor manufacturing, have an extremely stable molecular structure, with biological half-lives tens of thousands of years, leading to ongoing atmospheric accumulation of these GHGs.
- *sulfur hexafluoride (SF_6) is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF_6 exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO_2 on a ton-for-ton basis.
- water vapor, the most predominant GHG, and a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans.

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

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

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

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

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

The recently-released update of the Urbemis computer model (used by the City of Fresno Planning and Development Department for environmental assessments, pursuant to a specific MEIR mitigation measure) does provide data on the amounts of CO_2 and oxides of nitrogen (NOX) potentially generated by development projects. However, at this point in time, neither CARB nor the SJVAPCD has determined what the 1997 baseline or current "inventory" of GHGs is for the entire state nor for any region or jurisdiction within the state. No agency has adopted GHG emission limits and emission reduction measures, and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions (there is an absence of regulatory guidance). Therefore, the City is unable to productively interpret the results of the Urbemis model with regard to GHGs, and there is currently no way to determine the significance of a project's potential impact upon global warming.

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

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

Any manufacturing activities that would generate SF_6, HFCs, or PFCs would be subject to subsequent environmental review at the project-specific level, as would any uses which would generate methane on site. The City of Fresno has adopted an ordinance prohibiting installation of any woodburning fireplaces or woodburning appliances in new homes, which would reduce CO_2 and N_2O from wood combustion.

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

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

Updated engine and tire efficiency standards would apply to residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO_2, removing it from the atmosphere).

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

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

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

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

other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (PM2.5) standards by Year 2014 and to attainment of oxidant/ozone standards by Year 2023, and would adopt additional Rules and emission controls as necessary to decrease emissions inventories by those target dates. There is insufficient information to indicate that global climate change would prevent attainment of air quality parameters affecting health.

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

The City of Fresno currently treats and distributes only some 20% of its 150,000 acre-foot/year (AFY) surface water entitlement for the municipal water system, directing another 50,000 to 70.000 AFY to recharge activities via ponding basins. Presently, the City is unable to recharge the full balance of its annual entitlement in average and wet years, and releases any unused surface water supplies to area irrigation districts for agricultural use in the metropolitan area, (which further augments groundwater recharge through percolation of irrigated water).

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

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

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

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

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

Exhibit C

2025 Fresno General Plan, MEIR Mitigation Measure Checklist, dated January 06, 2012

EXHIBIT C

MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
ENVIRONMENTAL ASSESSMENT NO. A-11-007/R-11-009/OPL/TPM 2007-28
FINDING OF MITIGATED NEGATIVE DECLARATION
FOR THE 2025 FRESNO GENERAL PLAN

Project/EA No. A-011-007/R-11-009/OPL/TPM-2007-28 **Date: January 06, 2012**

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.

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

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

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

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B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
B-4. For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors: a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services. b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips, 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.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					

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B-5. Circulation and site design measures shall be considered for development projects so that local trips may be completed as much as possible without use of, or with reduced use of, major streets and major street intersections. Appropriate consideration must also be given to compliance with plan policies and mitigation measures intended to promote compatibility between land uses with different traffic generation characteristics.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.			X		X	
B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.	Prior to approval or prior to funding of major street project.	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
B-7. Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably in bikelanes, shall be provided on all new major streets and shall be considered when designing improvements for existing major streets.	Ongoing	Public Works Dept./Traffic Planning; Planning and Development Dept.	X		X		X	
C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs. a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs	Ongoing	Planning and Development Department Dept.	X					

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of other General Plan elements. c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations. d. Adopted state and SJVAPCD protocols, standards, and thresholds of significance for greenhouse gas emissions shall be utilized in assessing and approving proposed development projects. e. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.								
C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.	Ongoing	Planning and Development Department Dept. SJVAPCD	X				X	
C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.	Ongoing	Various city departments	X				X	
							X	

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C-4. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as: a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use.	Ongoing	Fresno Area Express						
D-1. The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept	X		X			
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing (City-wide); and prior to approval of land use entitlement as applicable	Department of Public Utilities and Planning and Development Department			X			
D-3. The City shall implement the future water supply plan described in the City of	Ongoing	Department of					X	

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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.		Public Utilities						
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department	X				X	
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.	Ongoing	Planning and Development Department						X
D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: a. Allowable construction in this area from being damaged by the intensity of flooding in the riverbottom; b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and c. Public health, safety and general welfare from the effects of flood events.	Ongoing	Planning and Development Department						X
D-7. The City shall advocate that the San Joaquin River not be channelized and	Ongoing	Planning and						X

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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).		Development Department						
D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.	Ongoing	Department of Public Utilities					X	
D-9. The City shall continue its current water conservation programs and implement additional water conservation measures to reduce overall per capita water use within the City with a goal of reducing the overall per capita water use in the City to its adopted target consumption rate. The target per capita consumption rate adopted in 2008 is a citywide average of 243 gallons per person per day, intended to be reached by 2020 (which includes anticipated water conservation resulting from the on-going residential water metering program and additional water conservation by all customers: 5% by 2010, and an additional 5% by 2020.)	Ongoing	Department of Public Utilities					X	

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D-10. All development projects shall be required to comply with City Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. Project conditions shall include, but are not limited to, water use efficiency for landscaping, use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.	Prior to approval of land use entitlement	Department of Public Utilities	X				X	
D-11. When and if the City adopts a formal management plan for recycled and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.	Prior to approval of development project	Department of Public Utilities					X	
D-12. All applicants for development projects shall provide data (meeting City	Prior to approval	Department of	X					

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Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:	of development project	Public Utilities						

FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:		
	01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024	AFTER 01/01/2025
Single family residential	3.8	3.5	3.5
Multi-family residential	6.5	6.2	6.2
Commercial and institutional	2	1.9	1.9
Industrial	2	1.9	1.9
Landscaped open space	3	2.9	2.9
South East Growth Area	3.4	3.2	3.2

NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan

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D-13. The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities					X	
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Planning and Development Department					X	
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Planning and Development Department					X	
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department						X
E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals.	Ongoing	Planning and Development Department						X

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d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.								
F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.	Ongoing	Dept. of Public Utilities and Planning and Development Department			X	X	X	
F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.	Ongoing	Dept. of Public Utilities					X	
F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.	Ongoing	Dept. of Public Utilities					X	
F-3. The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. This shall include provision of tertiary treatment facilities to produce recycled water for landscape irrigation and other non-potable uses. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in	Ongoing	Dept. of Public Utilities			X	X	X	

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these evaluations shall be incorporated into each project to reduce the identified environmental impacts.								
F-4. The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.	Ongoing/prior to approval of land use entitlement	Dept. of Public Utilities and Planning and Development Department	X		X	X	X	
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities				X	X	
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.				X		
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept.; Planning and Development Dept.				X		
I-1. Projects that could adversely affect rare, threatened or endangered wildlife	Ongoing/prior to	Planning and					X	X

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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.	approval of land use entitlement	Development Dept.						
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall including siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.					X	X
I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net less of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.					X	X
I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.						X
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement and during	Planning and Development Dept.					X	X

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	construction							
I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.					X	X
J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.	X					
J-2. An archaeological assessment shall be conducted for the project if	Ongoing/prior to	Planning and	X					

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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.	submittal of land use entitlement application	Development Dept.						
J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Planning and Development Dept./ Historic Preservation Commission staff	X					
J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Planning and Development Dept./ Historic Preservation Staff	X					
K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Planning and Development Dept.	X				X	
K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 Fresno General Plan.) The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on	Ongoing/upon submittal of land use entitlement application	Planning and Development Dept.	X					

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Figure VK-4. ■ Site Planning. See Chapter V for more details. ■ Barriers. See Chapter V for more details. ■ Building Designs. See Chapter V for more details.								
K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.	Ongoing/prior to building permit issuance	Planning and Development Dept.	X				X	
L-1. Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.	Ongoing	Planning and Development Dept.	X				X	
N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.	Ongoing	Planning and Development Dept.				X		
Q-1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.	Ongoing	Planning and Development Dept.	X				X	

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

Exhibit D

Project Specific Mitigation Monitoring Checklist, dated January 06, 2012

EXHIBIT D-CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
PROJECT SPECIFIC MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. A-11-007/R-11-009/OPL/TPM-2007-28

Project/EA No. **A-11-007/R-11-009/OPL/TPM-2007-28** Date: January 06, 2012

	Mitigation Measure	Implemented By	When Implemented	Verified By
8-Hazards & Hazardous Materials	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code.	Applicant	During construction	City of Fresno, Development and Resource Management Department & County of Fresno, Department of Public Health.
8-Hazards & Hazardous Materials	In the process of demolishing the existing structure, a contractor may encounter asbestos containing materials and materials coated with lead based paints. If asbestos containing materials are encountered, contact the SJVAPCD. If lead based paints are suspected to have been used in the structure, the contractor hired to demolish the structure should contact the SJVAPCD and the State of California, Industrial Relations Department, Division of Occupational Safety and Health. Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state and local requirements.	Applicant	During construction	City of Fresno, Development and Resource Management Department & San Joaquin Valley Air Pollution Control District
8-Hazards & Hazardous Materials	Should any underground storage tanks be found on the premises, the applicant shall apply for and secure an Underground Storage Tank Removal Permit.	Applicant	During construction	City of Fresno, Development and Resource Management Department & County of Fresno, Department of Public Health.
8-Hazards & Hazardous Materials	Seal and abandon any existing on-site wells in compliance with the State of California Well Standards and abandon any existing on-site private septic system.	Applicant	During construction	City of Fresno, Development and Resource Management Department & County of Fresno, Department of Public Health.
8- Hazards & Hazardous Materials	Future development of the site shall incorporate comments provided by the County of Fresno, Department of Public Health, dated August 31, 2011.	Applicant	Prior to Occupancy	City of Fresno, Development and Resource Management Department & County of Fresno, Department of Public

EXHIBIT D-CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
PROJECT SPECIFIC MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. A-11-007/R-11-009/OPL/TPM-2007-28

Project/EA No. **A-11-007/R-11-009/OPL/TPM-2007-28** Date: January 06, 2012

	Mitigation Measure	Implemented By	When Implemented	Verified By
				Health.
10-Land Use	With the design of future development for the subject property the applicant will identify and provide a reasonable range of architectural features to be applied to each building to ensure a consistent context with the entire development.	Applicant	Prior to approval of special permits/entitlements for development.	City of Fresno, Development and Resource Management Department
10-Land Use	The design of future development on the subject property shall encourage a mix of uses to facilitate the development of an integrated community shopping center which functions as an activity center and creates a sense of place; consistent with the policies of the 2025 Fresno General Plan and Woodward Park Community Plan. • Where mixed-use of the subject property is proposed, residential and/or office uses shall be located to provide a transition between more intensive commercial uses and sensitive residential areas.	Applicant	Prior to approval of special permits/entitlements for development.	City of Fresno, Development and Resource Management Department
10-Land Use	Future development shall be designed with appropriate layouts that provide sufficient areas for all proposed activities, support functions, and for efficient and safe vehicular, bicycle and pedestrian access. • Sufficient space and access shall be provided for support functions (e.g., storage, loading, parking, waste disposal/recycling, recreation, etc.) • Areas for truck access, loading zones and waste storage/recycling areas shall be located so as to be screened from view and to allow the maximum practical distance from residences and living quarters. • The center shall be designed with an integrated "campus-like" setting with uniformity of improvements, shared facilities and connectivity for pedestrians.	Applicant	Prior to approval of special permits/entitlements for development.	City of Fresno, Development and Resource Management Department

EXHIBIT D-CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
PROJECT SPECIFIC MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. A-11-007/R-11-009/OPL/TPM-2007-28

Project/EA No. **A-11-007/R-11-009/OPL/TPM-2007-28** Date: January 06, 2012

	Mitigation Measure	Implemented By	When Implemented	Verified By
	• Safe vehicular, bicycle and pedestrian access shall be provided and maintained on and adjacent to the subject property. All buildings within the proposed integrated shopping center shall be linked by pedestrian pathways in a manner which provides integrated connectivity between separate buildings. • Parking areas shall not be designed in a manner which discourages pedestrian, bicycle and other forms of transit to the project site in order to so encourage multi-modal transportation.			
16-Transportation	Provide dual eastbound left turn lanes at the proposed Winery Avenue/ Herndon Avenue signalized intersection.	Applicant	Prior to construction & occupancy	City of Fresno, Development and Resource Management Department & Public Works Department, Traffic Division
16-Transportation	At the Spruce/Willow intersection provide two eastbound left turn lanes, a through lane and a right turn lane.	Applicant	Prior to construction & occupancy	City of Fresno, Development and Resource Management Department & Public Works Department, Traffic Division
16-Transportation	The right-of-way for the Winery/Spruce diagonal jughandle street shall be dedicated to the City of Fresno in one of the following ways: • Approval of an Official Plan Line for the street • An irrevocable offer of dedication signed by all property owners • Approval of a parcel map with a secured parcel map agreement signed by all property owners.	Applicant	Prior to construction & occupancy	City of Fresno, Development and Resource Management Department & Public Works Department
16-Transportation	Pay the Regional Transportation Mitigation Fee to the Joint Powers Agency.	Applicant	Prior to issuance of building permit	City of Fresno, Development and Resource Management Department & County of

EXHIBIT D-CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
PROJECT SPECIFIC MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. A-11-007/R-11-009/OPL/TPM-2007-28

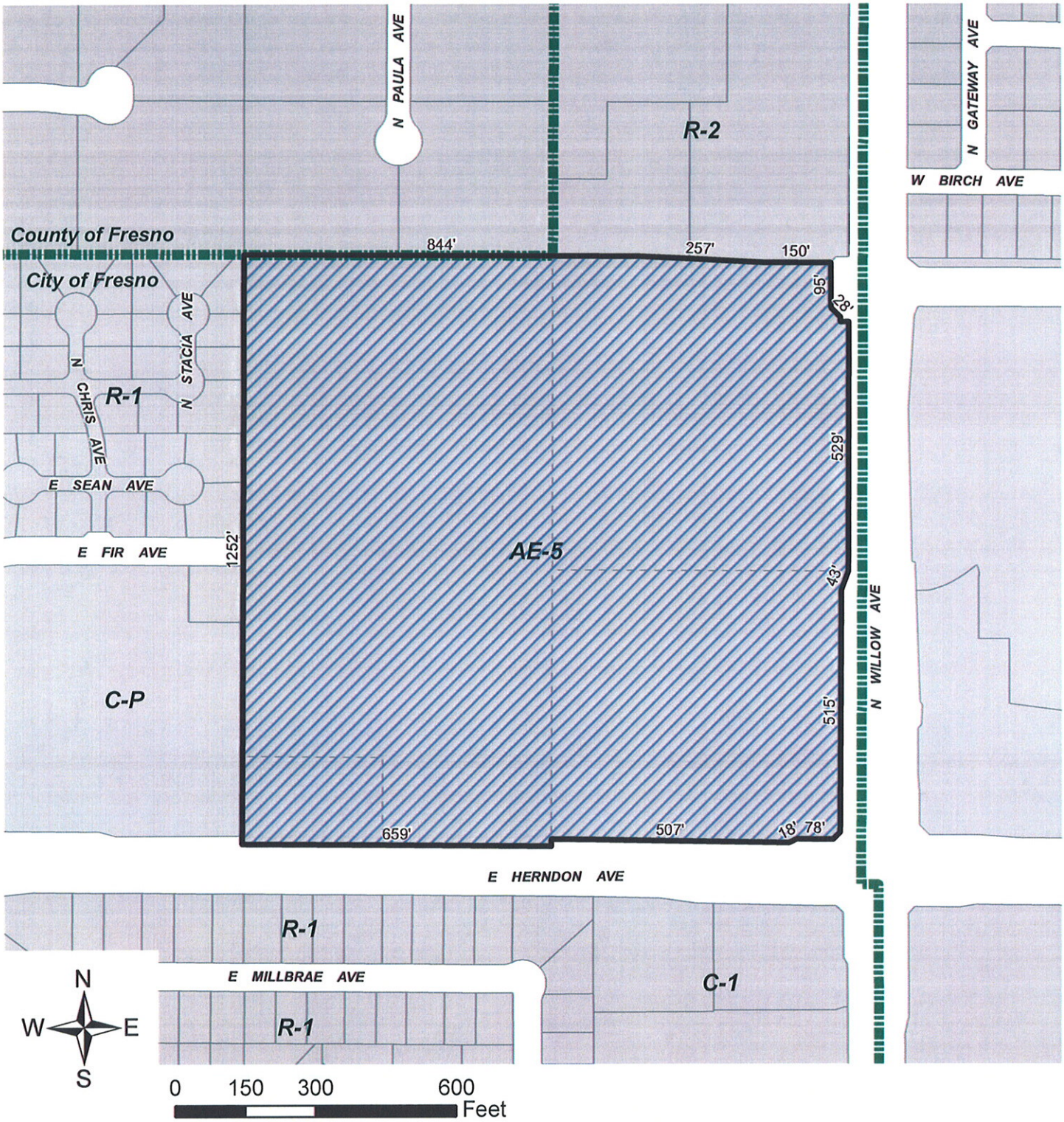
Project/EA No. **A-11-007/R-11-009/OPL/TPM-2007-28** Date: January 06, 2012

	Mitigation Measure	Implemented By	When Implemented	Verified By
				Fresno
16-Transportation	Pay Fresno County Facility Impact Fee. Provide proof of payment or exemption prior to issuance of permits.	Applicant	Prior to issuance of building permit	City of Fresno, Development and Resource Management Department & County of Fresno
MEIR No. 10130	Mitigation Measures and findings of Final MEIR No. 10130 (2025 Fresno General Plan Master Environmental Impact Report) are incorporated herein by reference as noted in the MEIR Mitigation Monitoring Checklist.	Applicant	Prior to occupancy of any building within the project.	City of Fresno, Planning and Development Department.

Exhibit E

Project Vicinity Map

EXHIBIT E



APN: 404-083-33, 34, 35 and 42
7007 North Willow Avenue

City Limits

AE-5/UGM to C-2/UGM, 36.51 Acres

A-11-007 / R-11-009

Exhibit F

Conceptual Site Plan

Exhibit F

Conceptual Site Plan

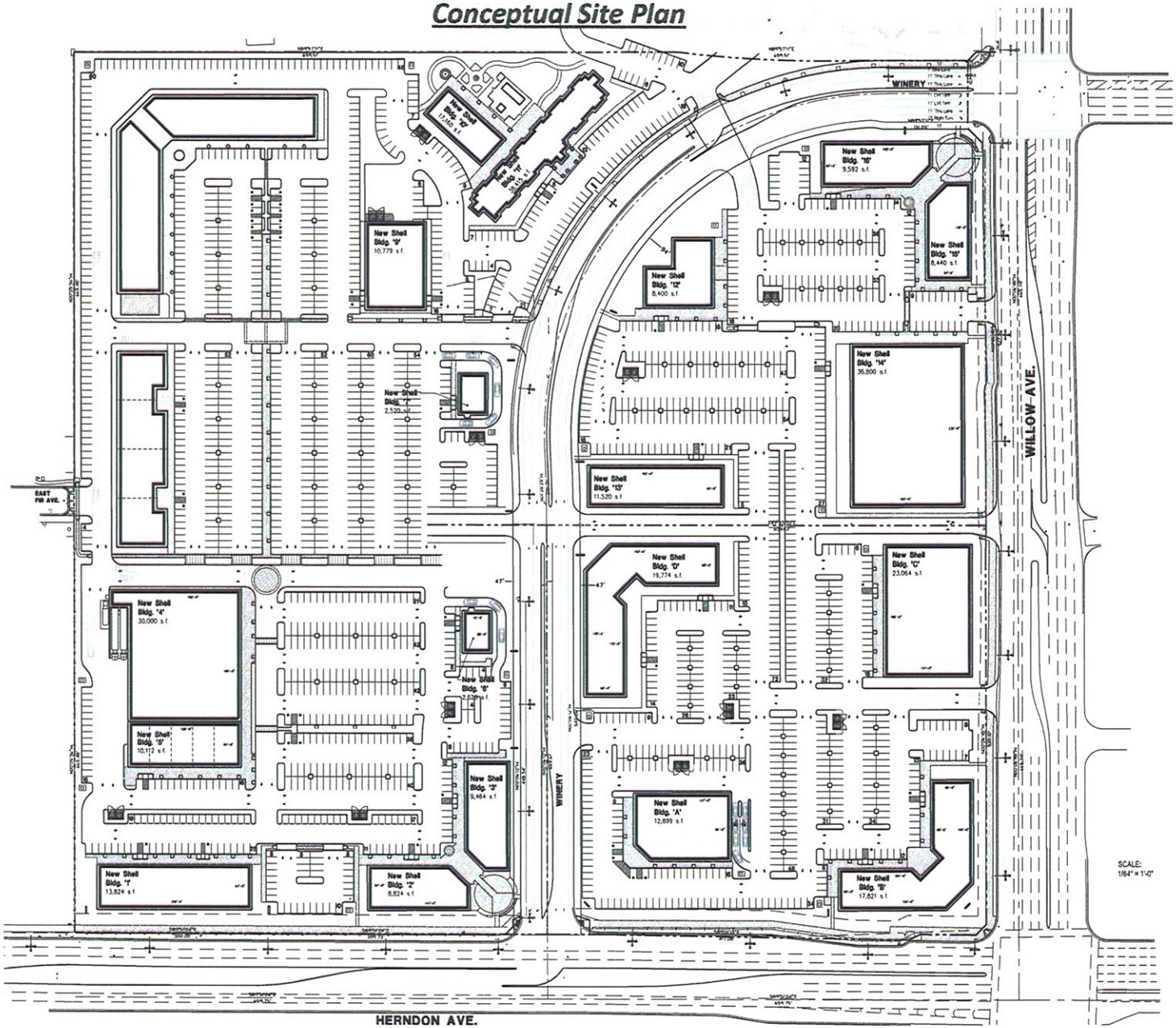


Exhibit G

Fresno Irrigation District letter, dated June 29, 2011

E-FILE

OFFICE OF

FRESNO IRRIGATION DISTRICT

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

YOUR MOST VALUABLE RESOURCE - WATER

June 29, 2011

Mr. Kevin Fabino
City of Fresno
Development & Resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: Plan Amendment No A-11-007 Rezone No R-11-009, N/W Herndon and Willow
FID's Maupin Canal No. 118, Maupin West Branch Canal No. 374 (FID and Private)

Dear Mr. Fabino:

The Fresno Irrigation District (FID) has reviewed the Plan Amendment No. A-11-007 and Rezone No. R-11-009 applications, being filed concurrently, pertaining to property located northwest of Herndon and Willow avenues, APN: 404-083-33, 34, 35, and 42.

FID understands the applicant is requesting:

- Authorization to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from the commercial business park planned land use designation to the community commercial land use designation.
- Authorization to reclassify the property from the AE-5 zone district to the C-2 zone district.

Since these applications are only to amend the Fresno General Plan and Rezone the existing properties, and no additional development is proposed, FID wishes to submit the following comments and conditions that the applicant will be expected to address at the time the parcels are developed:

1. FID's Maupin Canal runs south along the east edge of the subject property, west of Willow Avenue, as shown on the attached FID exhibit map. The comments below assume any future development will impact the canal.

   A. Existing Pipeline/Canal – The attached copy of Plan No. 11819610314 indicates the pipeline section of the canal (approximately 660 feet) along the east edge of APN 404-083-42 was installed in 1961 (50 years ago) as 30-inch diameter cast-in-place monolithic concrete pipe (CIP-MCP). The remaining section of canal (approximately 500 feet) along the east edge of APN 404-083-35 is an open channel.

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

B. Existing Easement and Width - Exclusive 15-foot wide pipeline easement recorded March 21, 1961 as Document No. 21807. A copy of the recorded easement is attached for your reference. For the open channel portion of the canal FID's standard easement and right-of-way width for this size canal is shown on the attached "District Canal Right of Way Requirements" sheet. FID requires that all existing encroachments within the 17-foot minimum travel width be removed prior to FID's approval of any plans.

C. Requirements - FID will require the applicant replace the existing pipeline and open channel with new 30-inch diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards and enter into an agreement with FID for that purpose. The applicant shall grant to FID an exclusive 30-foot wide pipeline easement. However, FID may reduce the easement width to 15 feet if it is parallel and adjacent to a major road such as Willow Avenue.

2. The attached FID Plan No. 11819920420 indicates FID's Maupin Canal continues south from the open channel and crosses Herndon Avenue in an *"Existing 18-inch concrete pipe"* and then connects to a 17-foot section of 18-inch diameter ASTM C-76 RGRCP pipeline. Although RGRCP meets FID's standard for developed (residential, industrial, commercial) parcels or urban areas, ASTM C-76 pipe has a weaker joint connection than the currently used ASTM C-361 pipe and may be subject to leaks. FID has not finalized the masterplan pipeline size, but it's estimated to be 30-inch inside diameter. Therefore, FID will most likely require the Maupin Canal be upgraded to 30-inch diameter ASTM C-361 RGRCP pipeline from where it currently meets the open channel on the north side of Herndon Avenue to where it connects to FID's Helm Colonial West Branch Canal on the south side of Herndon Avenue, approximately 172 feet.

3. For informational purposes; the Maupin West Branch Canal No. 374 runs south and along the west edge of the subject properties. FID's records indicate that the portion of the canal north of the subject properties is owned and operated by FID. The portion on the subject property and south to Herndon Avenue was Quitclaimed to Fresno Metropolitan Flood Control District on August 29, 2006 and recorded as Document No. 20060181778. See the attached FID exhibit map for location reference.

4. FID requires its easement/property be shown on the final map with proper recording information. FID must also be made party to signing the final map.

5. FID's review and written approval will be required for all improvement plans (including, but not limited to sewer, water, Fresno Metropolitan Flood Control District, street, landscaping, dry utilities and all other utilities) which affect FID's property/easements and canal/pipeline facilities.

6. FID requires the Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the pipeline, or result in drainage patterns that could adversely affect FID.

7. FID does not allow FID owned property or easements to be in common use with public utility easements but ill in certain instances allow its property to be in common use with landscape easements if the City of Fresno enters into an appropriate agreement with FID.

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

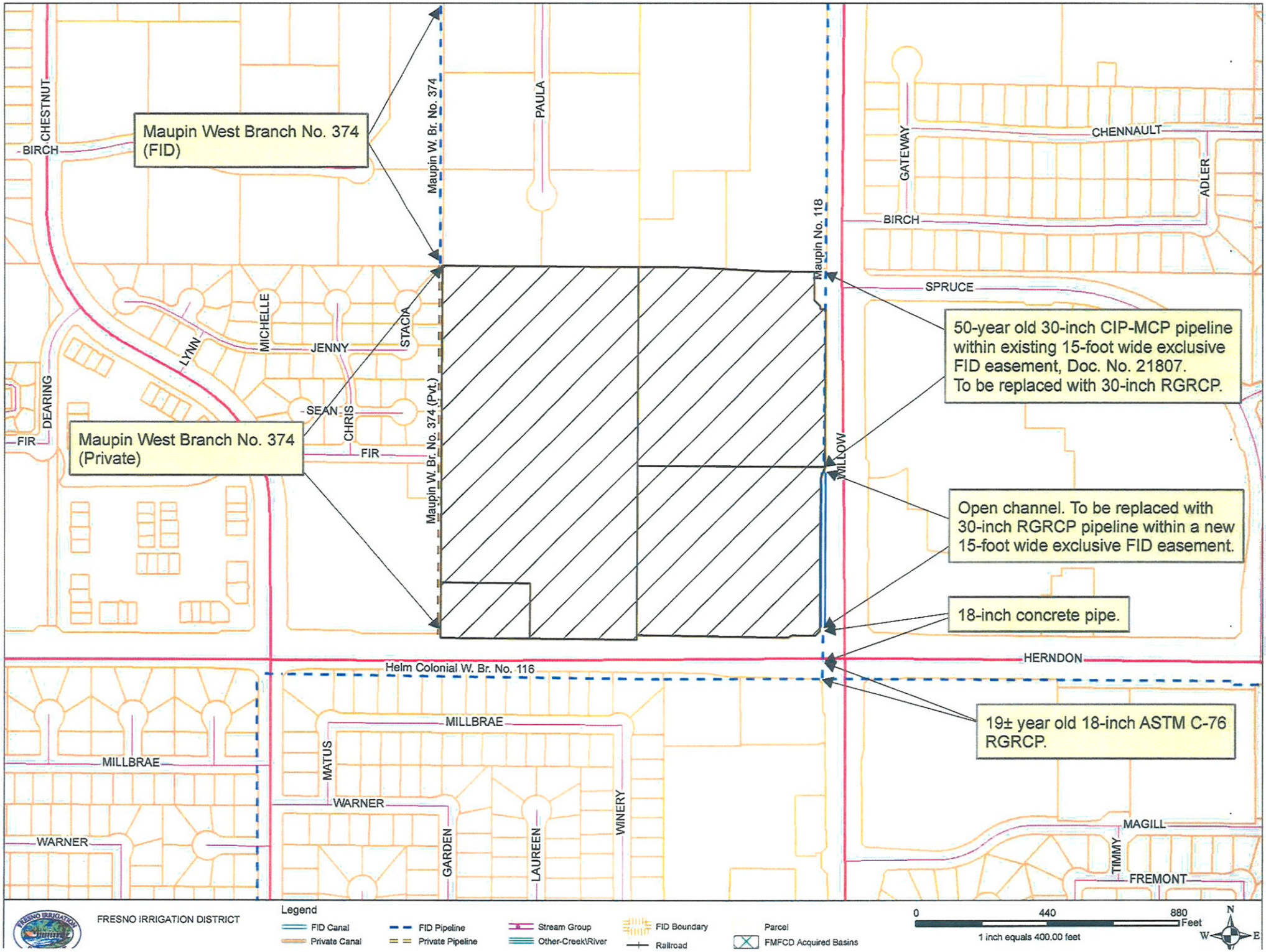
Sincerely,

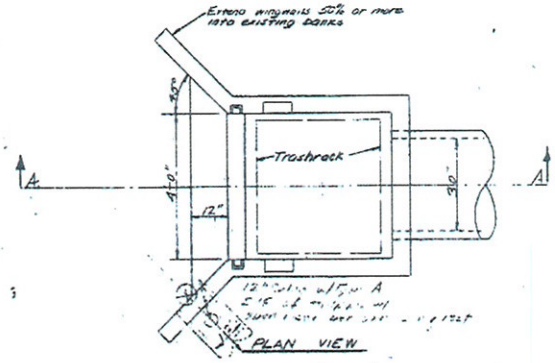
William R. Stretch

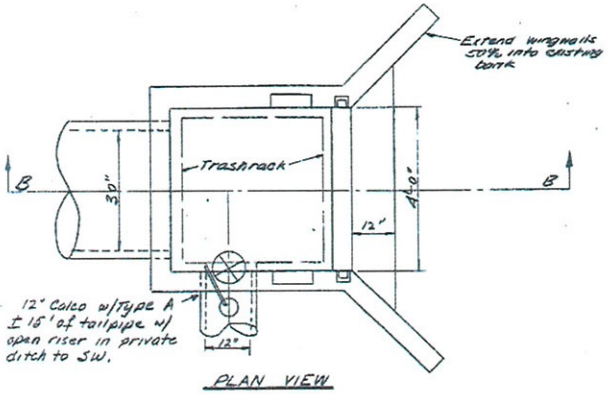
William R. Stretch, P.E.
Chief Engineer

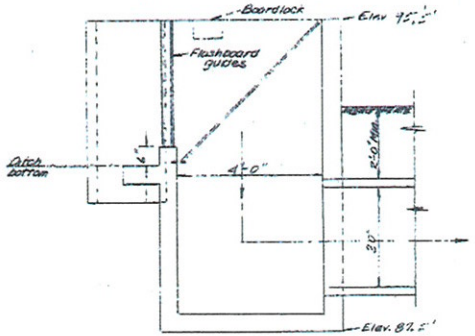
Attachment

cc: Tim Palmquist – Applicant
Leslie & Marjorie Sassano – Owner
Robert Sarkisian – Owner
Bill Donaghy - Owner


Maupin West Branch No. 374 (FID)
Maupin West Branch No. 374 (Private)
Maupin W. Br. No. 374
Maupin W. Br. No. 374 (Pvt.)
Maupin No. 118
Helm Colonial W. Br. No. 116
CHESTNUT
BIRCH
PAULA
GATEWAY
CHENNAULT
ADLER
BIRCH
SPRUCE
MICHELLE
JENNY
STACIA
LYNN
DEARING
SEAN
CHRIS
FIR
FIR
MILLOW
HERNDON
MILLBRAE
MILLBRAE
MATUS
WARNER
WARNER
GARDEN
LAUREEN
WINERY
MAGILL
TIMMY
FREMONT
50-year old 30-inch CIP-MCP pipeline within existing 15-foot wide exclusive FID easement, Doc. No. 21807. To be replaced with 30-inch RGRCP.
Open channel. To be replaced with 30-inch RGRCP pipeline within a new 15-foot wide exclusive FID easement.
18-inch concrete pipe.
19± year old 18-inch ASTM C-76 RGRCP.
FRESNO IRRIGATION DISTRICT
Legend
FID Canal
Private Canal
FID Pipeline
Private Pipeline
Stream Group
Other-Creek\River
FID Boundary
Railroad
Parcel
FMFCD Acquired Basins
0
440
880
Feet
1 inch equals 400.00 feet
N
W
E

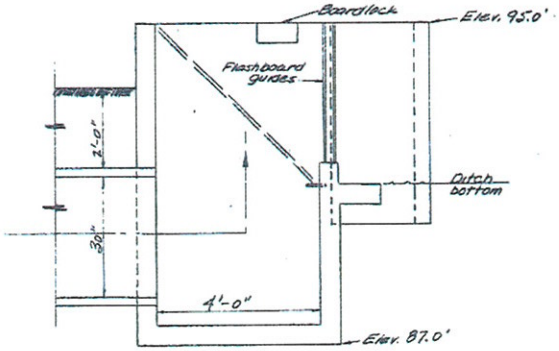






SECTION A-A

DETAIL OF INLET BACKUP BOX AT STA 0+00



SECTION B-B

DETAIL OF OUTLET BACKUP AT STA 6+60

PROPOSED PIPELINE TO REPLACE PORTI(
MAUPIN DITCH

1. FROM STA. 0+00 TO STA. 6+60 INSTALL 30 INCH MONOLITHIC CONCRETE PIPELINE WHICH SHALL ME DISTRICT SPECIFICATIONS ON FILE AT THE DIST
2. AT STA. 0+00 CONSTRUCT NEW INLET BOX WITH T REDWOOD COVER, HINGE AND LOCK.
3. AT STA. 6+60 CONSTRUCT NEW OUTLET BOX WITH REDWOOD COVER, HINGE AND LOCK.
4. CONTRACTOR WILL BACKFILL AND COMPACT STRUCT AND STA. 6+60.
5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH T IRRIGATION DISTRICT SPECIFICATIONS, REVISED FILE AT THE DISTRICT OFFICE.

PREPARED BY: [illegible]

APPROVED BY: [illegible]

DATE: 8-15-61

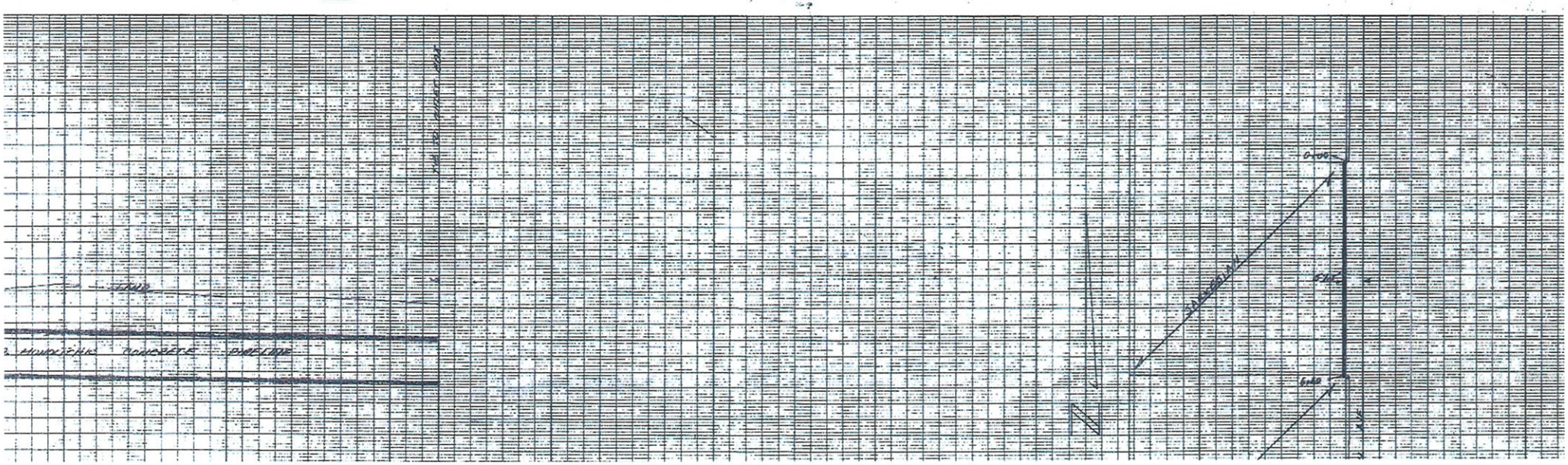


Exhibit H

County of Fresno, Department of Public Health letter, dated August 31, 2011

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

August 31, 2011

999999999
LU0016161
PE 2602

Kevin Fabino
City of Fresno
Development Services/Planning Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Fabino:

PROJECT NUMBER: A-11-007, R-11-009

Plan Amendment Application No. A-11-007 and Rezone Application No. R-11-009 were filed by Tim Palmquist, on behalf of Leslie and Marjorie Sassano, Robert Sarkisian, and Ed Donaghy, and pertain to approximately 37.79 acres of property (4 parcels) located on the northwest corner of East Herndon and North Willow Avenues. **Plan Amendment Application No. A-11-007** proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan from the commercial business park planned land use designation to the community commercial land use designation. **Rezone Application No. R-11-009** proposes to reclassify the property from the AE-5 *(Exclusive Five Acre Agricultural)* zone district to the C-2 *(Community Shopping Center)* zone district.

APN(s): 404-083-33, 34, 35, 42
ZONING: AE-5 to C-2
ADDRESS: 7007 North Willow Avenue

Comments/Concerns:

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

Recommended Conditions of Approval:

- Prior to issuance of building permits, tenants of proposed retail food establishments shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 445-3334 for more information.

- Prior to issuance of building permits for all proposed public pools and/or spas, the applicant(s) shall submit complete pool/spa facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Recreational Health Program at (559) 445-3334 for more information.

- Prior to operation, future tenants may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.

- The applicant, or any tenant leasing space, should be advised that construction and operating permits may be required by the State of California, Department of Health Services for wholesale food manufacturing. Contact the staff at the Division of Food and Drug at (559) 445-5323 for more information.

- Certain uses allowed may utilize hazardous materials or create hazardous wastes. If a tenant with such uses is proposed, then prior to occupancy the tenant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.

- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.

- Certain uses allowed may utilize underground storage tank systems. If a tenant with such uses is proposed, then prior to the issuance of building permits the tenant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.

- Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.

- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.

- All wells and septic systems that exist or that have been abandoned within the project area shall be properly destroyed by an appropriately licensed contractor.

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

The following comments pertain to demolition of the existing structures:

- Should any of the structures have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structures in order to prevent the spread of vectors to adjacent properties.

- In the process of demolishing the existing structures, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.

- If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.

- If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work the contractor should contact the following agencies for current regulations and requirements:

  - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.

  - United States Environmental Protection Agency, Region 9, at (415) 947-8000

  - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

- Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements.

REVIEWED BY:

Janet Gardner

Digitally signed by Janet Gardner
DN: cn=Janet Gardner, o=Environmental Health Division, ou=Fresno County Public Health Department, email=jgardner@co.fresno.ca.us, c=US
Date: 2011.08.31 15:51:50 -07'00'

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

(559) 445-3271

jg

cc. Baruti/Casagrande/Tolzmann, Environmental Health Division
Vince Mendes, Supervising Environmental Health Specialist (CT 5509)

A-11-007, R-11-009 Herndon-Willow

Exhibit I

San Joaquin Valley Air Pollution Control District letter, dated June 24, 2011

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

June 24, 2011

Kevin Fabino
City of Fresno
Development & Resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

Project: Plan Amendment Application No. A-11-007 and Rezone Application No. R-11-009

District CEQA Reference No: 20110235

Dear Mr. Fabino:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a plan amendment and rezone. The rezone will not have an impact on air quality. However, if approved, future development will contribute to the overall decline in air quality due to construction activities, increased traffic, and ongoing operational emissions. The District offers the following comments:

1. Future development may require further environmental review and mitigation. Referral documents for those projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.
2. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:

   - 50 dwelling units
   - 2,000 square feet of commercial space;
   - 25,000 square feet of light industrial space;
   - 100,000 square feet of heavy industrial space;
   - 20,000 square feet of medical office space;
   - 39,000 square feet of general office space; or
   - 9,000 square feet of educational space; or
   - 10,000 square feet of government space; or

- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above

3. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at http://www.valleyair.org/ISR/ISRHome.htm.

4. Individual development projects may also be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

5. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

6. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call David McDonough, at (559) 230-5920.

Sincerely,

David Warner
Director of Permit Services

For, Arnaud Marjollet
Permit Services Manager

DW:dm
Cc: File