

February 15, 2012

  
DEPARTMENT DIRECTOR *for M. Sott*

FROM: MIKE SANCHEZ, Planning Manager  
Development Services Division 

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Development Services Division 

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-11-012;  
REZONE APPLICATION NO. R-11-018; CONDITIONAL USE PERMIT  
APPLICATION NO. C-11-178; VESTING TENTATIVE TRACT MAP NO.  
6003/UGM; AND, RELATED ENVIRONMENTAL ASSESSMENT NO. A-11-012/R-  
11-018/C-11-178/T-6003.

**RECOMMENDATION**

Staff recommends that the Planning Commission take the following actions:

1. RECOMMEND APPROVAL (to the City Council) of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-012/R-11-018/C-11-178/T-6003 for the purpose of the proposed plan amendment and rezone applications.
2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. A-11-012 proposing to amend the 2025 Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from the Neighborhood Commercial planned land use designation to the Medium Density Residential (4.99-10.37 dwelling units per acre) planned land use designation.
3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-11-018 proposing to rezone the subject property from the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.
4. APPROVE the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-012/R-11-018/C-11-178/T-6003 for the purpose of the proposed Conditional Use Permit and Vesting Tentative Tract Map applications.
5. APPROVE Conditional Use Permit Application No. C-11-178 subject to the findings included within the Staff Report to the Planning Commission dated February 15, 2012; and, compliance with the Conditions of Approval dated February 15, 2012.
6. APPROVE Vesting Tentative Tract Map No. 6003/UGM subject to the findings included within the Staff Report to the Planning Commission dated February 15, 2012; and, compliance with the Conditions of Approval dated February 15, 2012.

## EXECUTIVE SUMMARY

The McCaffrey Group (Ciao Properties, LLC), has filed Plan Amendment Application No. A-11-012, Rezone Application No. R-11-018, Conditional Use Permit Application No. C-11-178, and Vesting Tentative Tract Map No. 6003/UGM pertaining to approximately 13.83 net acres (16.79 gross acres) of property located on the southeast corner of the intersection of East Copper and North Maple Avenues.

Plan Amendment Application No. A-11-012 proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from the Neighborhood Commercial planned land use designation to the Medium Density Residential (4.99-10.37 dwelling units per acre) planned land use designation.

Rezone Application No. R-11-018 proposes to rezone the subject property from the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.

These applications have been filed in order to facilitate approval of a proposed 118-lot single family residential, gated, private street planned development on the subject property at an overall density of approximately 8.53 dwelling units per acre in accordance with Conditional Use Permit Application No. C-11-178 and Vesting Tentative Tract Map No. 6003/UGM. Two outlots are also proposed to be dedicated for private street and common open space purposes.

The proposed project is proposed to be completed in two phases and will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

**The proposed amendment to the 2025 Fresno General Plan and Woodward Park Community Plan planned land use designation for, and the subsequent rezoning of, the subject property pursuant to Plan Amendment Application No. A-11-012 and Rezone Application No. R-11-018, facilitates consistency between the zoning and planned land use designation of the subject property for the purposes of future subdivision and development. Furthermore, the proposed subdivision and residential planned development of the subject property at an overall density of approximately 8.53 dwelling units per acre pursuant to Vesting Tentative Tract Map No. 6003/UGM and Conditional Use Permit Application No. C-11-178 is consistent with the proposed Medium Density Residential planned land use designation requiring between 4.99 and 10.37 dwelling units per acre.**

**PROJECT INFORMATION**

**PROJECT** Plan Amendment Application No. A-11-012 proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from the Neighborhood Commercial planned land use designation to the Medium Density Residential (4.99-10.37 dwelling units per acre) planned land use designation.

Rezone Application No. R-11-018 proposes to rezone the subject property from the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.

These applications have been filed in order to facilitate approval of a proposed 118-lot single family residential, gated, private street planned development on the subject property at an overall density of approximately 8.53 dwelling units per acre in accordance with Conditional Use Permit Application No. C-11-178 and Vesting Tentative Tract Map No. 6003/UGM. Two outlots are also proposed to be dedicated for private street and common open space purposes.

**APPLICANT** The McCaffrey Group (Ciao Properties, LLC.)

**LOCATION** Southeast corner of the intersection of East Copper and North Maple Avenues.

**(Council District 6, Councilmember Brand)**

**SITE SIZE** Approximately 13.83 net acres (16.79 gross acres).

**PLANNED LAND USE** Existing - Neighborhood Commercial  
 Proposed - Medium Density Residential (4.99-10.37 du/acre)

**ZONING** Existing - C-1/UGM/cz (*Neighborhood Shopping Center District / Urban Growth Management / with conditions of zoning*)  
 Proposed - R-1/UGM (*Single Family Residential District / Urban Growth Management*)

**PLAN DESIGNATION AND CONSISTENCY** Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the FMC, the proposed R-1 zone district classification proposed for the subject property and the proposed Medium Density Residential planned land use designation for the subject property may be found consistent.

**ENVIRONMENTAL FINDING** Finding of a Mitigated Negative Declaration filed on January 13, 2012.

**STAFF RECOMMENDATION** Recommend Approval (to the City Council) of: (1) Adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-012/R-11-018/C-11-178/T-6003 for the Plan Amendment and Rezone Applications; (2) Plan Amendment Application No. A-11-012; and, (3) Rezone Application No. R-11-018.

Recommend Approval (by the Planning Commission) of: (1) Adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-012/R-11-018/C-11-178/T-6003 for the Conditional Use Permit and Vesting Tentative Tract Map applications; (2) Conditional Use Permit Application No. C-11-178; and, (3) Vesting Tentative Tract Map No. 6003/UGM.

**BORDERING PROPERTY INFORMATION**

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Community Commercial	<b>C-2/UGM/cz</b> <i>Community Shopping Center / Urban Growth Management / with conditions of zoning</i>	Retail Commercial
<b>East</b>	Medium-Low Density Residential	<b>R-1/UGM</b> <i>Single Family Residential / Urban Growth Management</i>	Single Family Residential
<b>South</b>	Medium-Low Density Residential	<b>R-1/UGM</b> <i>Single Family Residential / Urban Growth Management</i>	Single Family Residential
<b>West</b>	Medium-Low Density Residential	<b>R-1/UGM</b> <i>Single Family Residential / Urban Growth Management</i>	Single Family Residential

**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 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 and Woodward Park Community Plan, has been determined to not be fully within the scope of MEIR No. 10130 as provided by 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-11-012/R-11-018/C-11-178/T-6003 was published on January 13, 2012 with no comments or appeals received to date.

## **BACKGROUND / ANALYSIS**

The McCaffrey Group (Ciao Properties, LLC), has filed Plan Amendment Application No. A-11-012, Rezone Application No. R-11-018, Conditional Use Permit Application No. C-11-178, and Vesting Tentative Tract Map No. 6003/UGM pertaining to approximately 13.83 net acres (16.79 gross acres) of property located on the southeast corner of the intersection of East Copper and North Maple Avenues.

Plan Amendment Application No. A-11-012 proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from the Neighborhood Commercial planned land use designation to the Medium Density Residential (4.99-10.37 dwelling units per acre) planned land use designation.

Rezone Application No. R-11-018 proposes to rezone the subject property from the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.

The subject property was rezoned to the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning*) zone district through passage of City Council Ordinance No. 2001-75/Bill No. B-81 in 2001. Conditions of zoning adopted with the ordinance guaranteed a condition that a building permit for development of the subject property would not be issued until such time as a special permit or entitlement for urban development was approved within the area bound by Copper Avenue, Willow Avenue, Silaxo Lane, and Friant Road, or the General Plan update was adopted endorsing development of the subject property, whichever occurred first. As the 2025 Fresno General Plan was adopted on November 19, 2002 and lands located within the area described by ordinance have been entitled, the existing conditions of zoning no longer have any purpose or effect.

The plan amendment and rezone applications have been filed in order to facilitate approval of a proposed 118-lot single family residential, gated, private street planned development on the subject property at an overall density of approximately 8.53 dwelling units per acre in accordance with Conditional Use Permit Application No. C-11-178 and Vesting Tentative Tract Map No. 6003/UGM. Two outlots are also proposed to be dedicated for private street and common open space purposes.

The proposed project is proposed to be completed in two phases and will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

The Subdivision Map Act (Section 66400 et. Seq. of the California Government Code) requires that a proposed subdivision not be approved unless the map, together with its design and improvements, is found to be consistent with the applicable general plan and applicable specific plan.

Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC) the proposed R-1 (*Single Family Residential*) zone district is consistent with the proposed Medium Density Residential (4.99-10.37 dwelling units/acre) planned land use designation for the subject property.

Therefore, the proposed future residential subdivision and planned development of the subject property at an overall density of approximately 8.53 dwelling units per acre, in a manner which is consistent with the permitted uses and property development standards of the proposed R-1 (*Single Family Residential*) zone district and Fresno Municipal Code (as proposed by Conditional Use Permit Application No. C-11-178 and Vesting Tentative Tract Map No. 6003/UGM) may be determined to be consistent with the proposed Medium Density Residential planned land use designation for the subject property.

Vesting Tentative Tract Map No. 6003/UGM and Conditional Use Permit Application No. C-11-178 provide for the subdivision and development of a proposed 118-lot, single family residential, gated, private street planned development with modified lot area, lot dimension, lot coverage, and building setback requirements at an overall density of approximately 8.53 dwelling units/per acre.

Proposed lots range in size from approximately 2,356 square feet in area to approximately 6,383 square feet in area; with the vast majority of those lots being of a size less than 4,000 square feet in area.

The conditional use permit will provide for reduced front and rear yard setbacks as are typically provided in planned development subdivisions. Front yard setbacks are proposed to be no less than 5 feet in depth to garages and 10 feet in depth to living spaces. The building envelopes for rear yard setbacks require a minimum 10 feet in depth, although setbacks to living spaces are shown as being typically 16 feet or more as measured from property lines. It should be noted however, that lots along the eastern and southern boundaries of the subject property have been provided additional depth so that rear yard setbacks may be greater (approximately 30 feet to living spaces) and any interface issues with adjacent properties may be minimized. For this purpose, staff is recommending that building envelopes for those properties located along the eastern and southern boundaries of the subject property be adjusted to require a minimum 20-foot rear yard building setback for lots backing onto the adjacent single family residential properties. A minimum 10-foot side yard setback is recommended for the one lot that will side onto the adjacent single family residential properties. Standard side yard setbacks will otherwise be provided with minimum 5-foot widths required from structures to property lines. The planned development is also proposed to utilize an unconventional approach to the use of side yard areas. Fence lines will be established over property lines and use easements will be created in accordance with the typical lot details provided on Exhibit "A1" of the CUP site plan. These use easements and fence lines will provide a property owner with rights for the exclusive use of the two adjoining side yards on a single side of a residence (i.e., the 10' space between adjacent buildings). As a result of this conglomeration and "staggering" of usable side yard areas, a property owner will be granted rights for use of one 10-foot side yard area on one side of a given residence rather than having access to two five-foot side yards on each side of the respective residence. The concept of staggering side yards on reduced size lots provides some distinct advantages: (1) It affords larger yard areas for the enjoyment of residents on a reduced size lot; (2) It provides more useable area for storage needs, including storage of solid waste containers, etc.; and, (3) It affords such areas in a manner with less potential to impede emergency access around structures.

Proposed Residential units range from approximately 1,152 square feet to 1,749 square feet in area, with both single and two-story models available. Standard one-car garages, dual single car garages, standard two-car garages, and tandem two-car garages are optional throughout the subdivision.

Landscaping and open spaces associated with the subdivision include; (1) 20-foot wide landscaped buffers along the major street frontages in accordance with the policies of the Woodward Park Community Plan; (2) The dedication of Outlot "B" of Vesting Tentative Tract Map No. 6003/UGM for common open space purposes (comprising approximately 16,294 square feet in area or approximately 3 percent of the net acreage [13.83 net acres] of the subject property); (3) Enhanced landscaping at the proposed entryway into the subdivision; and, (4) Landscaped buffers at the end of all interior blocks between sidewalks and fences.

The subject property is bounded on the north by East Copper Avenue. Properties to the north and directly across East Copper Avenue from the subject property are zoned for and have been partially developed with retail commercial uses. The subject property is bounded on the west by North Maple Avenue. Properties directly across North Maple Avenue from the subject property have been developed with single family residences at medium-low densities as part of Tract 5261 (Approved in 2004). Properties to the east and south of the subject property have also been developed with single family residences at medium-low densities as part of Tract 4903 (Approved in 2001).

The subject property was originally created as a remnant parcel from the adjacent tract 4903. It should be acknowledged that although the density of the subject property within the Medium Density Residential (4.99-10.37 dwelling units/acre) category is higher than that of the Medium-Low Density

Residential (2.19-6.00 dwelling units/acre) planned land uses of adjacent properties, the addition of the proposed 118 single family residential units to the combined acreage of the subject property and the original tract 4903 would have resulted in a density of approximately 3.71 dwelling units per acre, which still falls within the Medium-Low Density Residential range for the surrounding area.

Within a three-quarter mile radius of the subject property there is approximately 69.36 acres of planned retail commercial property. Of that total, approximately 50.77 acres are located within one-half mile and approximately 28.16 acres are located within one-quarter mile of the subject property. Since 2007, approximately, 198,352 square feet of retail commercial space has been approved on the approximately 30.16 acres of planned commercial property located along the East Copper Avenue corridor between North Maple Avenue and North Friant Road alone. Of this total, approximately 167,803 square feet of retail commercial space and an additional 35,000 square feet of office space has been entitled for the commercial properties located on the north side of the East Copper Avenue and North Maple Avenue intersection; including retail shops and building pads, restaurants, a pharmacy and an automotive service station and carwash.

Finally, there is also approximately 25.05 acres of property planned for office and light industrial business park uses within one-half mile of the subject property.

According to 2011 commercial development and market trend reports, North Fresno submarkets will likely continue to experience the greatest amount of activity and will likely be first to recover from escalated vacancy rates and while those vacancy rates will retreat as absorption increases, deficiency in supply to meet demand is not projected for quite some time. Furthermore, upon an analysis of planned commercial acreage and approved retail square-footage within the vicinity, it is staff's opinion that there is more than adequate opportunity for local development to accommodate this area's neighborhood and community commercial needs.

### **Land Use Plans and Policies**

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

Objective C-10 of the 2025 Fresno General Plan promotes the development of more compact friendly, single-family residential projects to aid in the conservation of resources such as land, energy, and materials. Supporting policy C-10-a recommends facilitating the construction of higher density single family residential development while maintaining a pleasant living environment. Policy C-10-d encourages the development of two-story homes as a means to conserve land, maintain open space on residential lots, and provide adequate living space.

Similarly, the goals of the Woodward Park Community Plan are directed toward planning for a diversity of residential types, densities, and locations in order to achieve plan goals with respect to providing housing opportunities, balanced urban growth, efficient use of resources and public facilities, and maintenance of a safe, attractive, and stable community. Supporting policies are aimed toward increased density for Medium Density Residential Uses, together with design flexibility, in order to facilitate desirable and compatible development without reducing the levels of service provided by

planned public facilities. The analyses of the associated environmental assessment demonstrate that public facilities and services are sufficient and will be provided to accommodate demand increases or characteristics in a manner that will maintain an acceptable level of service to the proposed use and surrounding community, in accordance with adopted plans, policies, and development standards. Furthermore, the site will have direct access to a major street and to local streets of sufficient capacity and which do not pass through any adjacent single family neighborhoods prior to intersecting the major streets; and, will not prevent the completion of a previously committed or needed local street circulation system. The proposed project has been found to: (1) Provide diversity in housing types and housing opportunities to meet the needs of all ages and income levels; (2) Provide for efficient use of land while protecting the integrity of established neighborhoods; (3) Encourage a mix of uses and densities along major transportation corridors; (4) Provide for a safe, clean and aesthetically pleasing neighborhood; and, (5) Provide for compatible relationships between differing housing types and densities.

The proposed project meets the goals, objectives and policies of the 2025 Fresno General Plan and Woodward Park Community Plan by providing a project which introduces a higher density single family residential development in a manner which will maintain a pleasant living environment through reservation of adequate living spaces and protecting the integrity of adjacent neighborhoods. The close proximity of existing and planned commercial, office, open space, and existing and planned single and multiple family residential uses provides for a context, which the proposed project will complement and embellish. The proposed project facilitates infill development through the completion and improvement of the major street network within the limits of the proposed subdivision, and the introduction of a diversity of housing types, which will further meet the needs of balanced urban growth.

Furthermore, the proposed planned development subdivision, with the proximity and connectivity of residential, open space, and commercial land uses, contributes to a pattern of development which is anticipated to have the potential to reduce the number of average daily vehicle trips. The proposed pattern of residential development, with nodes of higher housing densities in areas of the development that are easily served by proximate commercial uses along with open spaces and pedestrian paths which augment a well connected street network will provide a system of integrated and interesting travel routes to various destinations.

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

### **Circulation Element Plan Policies and Major Street System Traffic Capacity**

The subject property is located on the southeast corner of the intersection of East Copper and North Maple Avenues. The adjacent segment of East Copper Avenue is planned as a 6-lane divided Super Arterial roadway by the 2025 Fresno General Plan with ultimate mitigation. The adjacent segment of North Maple Avenue is planned as a 4-lane divided arterial roadway by the 2025 Fresno General Plan with ultimate mitigation.

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, upon completion of development of the subject property pursuant to Conditional Use Permit Application No. C-11-178 and Vesting Tentative Tract Map No. 6003/UGM, the use of the subject property is expected to generate 1,129 average daily trips (ADT). Of these vehicle trips it is projected that 89 will occur during the morning (7 to 9 a.m.) peak hour travel period and 119 will occur during the evening (4 to 6 p.m.) peak hour travel period. The

existing Neighborhood Commercial planned land use for the subject property, as designated by the 2025 Fresno General Plan, would generate 15,511 ADT; with 614 trips occurring during the a.m. peak hour and 1,386 trips occurring during the p.m. peak hour. Therefore, the proposed Medium Density Residential (4.99-10.37 du/acre) planned land use would result in 14,382 fewer ADT; with 525 fewer trips occurring during the a.m. peak hour and 1,267 fewer trips occurring during the p.m. peak hour. Due to the substantial reduction in the number of vehicle trips generated from the proposed land use change, no further impacts to the planned transportation network, which were not previously evaluated in the MEIR.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the plan amendment, rezone, conditional use permit and vesting tentative tract map applications and has determined that the streets adjacent to and near the subject site as well as the private interior street proposed will be able to accommodate the quantity and kind of traffic which may be potentially generated upon implementation of the traffic related mitigation measures of the MEIR and completion of the adjacent streets segments and intersections in accordance with the transportation element of the 2025 Fresno General Plan. Private interior streets will utilize a City of Fresno standard 42-foot cross section, which provides a 28-foot width curb-to-curb, with sidewalks on both sides of streets and parking restricted to one side of streets only.

In addition to the mitigation measures established by certification of MEIR No. 10130, public improvement requirements will be imposed as conditions of approval in accordance with the provisions of the Fresno Municipal Code, in order to complete the transportation network as identified by the 2025 Fresno General Plan. These requirements will generally include: (1) Adjacent public street improvements, right-of-way dedications and vacations (including, but not limited to, construction of concrete curbs, gutters, sidewalks, bus bays, transition paving, permanent pavement, underground street lighting systems, and concrete medians; (2) Installation of bike lanes; (3) Restrictions on turning movements at the project entrances; and, (4) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

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

### **Public Services**

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the 2025 Fresno General Plan policies and the mitigation measures of Master Environmental Impact Report No. 10130; the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies; and, the implementation of project related mitigation measures as identified within the conditions of approval for the proposed project and the associated Mitigated Negative Declaration finding prepared for the project.

For sanitary sewer service these infrastructure improvements and facilities include only typical requirements for construction and extension of sanitary sewer mains and branches.

However, any increase in water demand resulting from the proposed project, which is greater than the adopted allocation, will be required to be offset or mitigated in a manner acceptable to the Department of Public Utilities. For this purpose, the developer is required to provide a detailed water usage analysis identifying water fixtures, landscape, and laundry efficiencies to document water conservation design characteristics. The water usage analysis is subject to approval by the Director of Public Utilities. The proposed project will be required to provide two independent sources of water, meeting Federal and State Drinking Water Act Standards as is typical.

Therefore, implementation of the 2025 Fresno General Plan policies and the mitigation measures of Master Environmental Impact Report No. 10130, along with the implementation of the Water Resources Management Plan and the identified project related mitigation measures will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

The City of Fresno Fire Department has conditioned the proposed project with requirements for installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards, also with two sources water. Additionally, the proposed project will be required to designate specific locations within the proposed private street network as "Fire Lanes", with on-street parking restrictions in order to accommodate emergency vehicle movements. Hydrants and street furniture will be required to be located outside the sweep of any turn radii. Emergency vehicle access (EVA) and gated entries will be required to provide approved Police/Fire bypass locks, visual recognition features, and battery backups for gates. Private Covenants, Conditions, and Restrictions (CCR's) for the proposed project will also be required to contain terms and provisions for retention, maintenance and enforcement of access and parking restricted areas.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that drainage service is available for the development subject to the developer participating in the construction of FMFCD "Master Plan Facilities" as determined by the district. A drainage report that identifies the adequacy of the conveyance capacity of the streets within the project for major storm flows, including but not limited to, the height of curb, elevation of finish floors, and the setback distances of structures to property lines will also be required. Amendments or modifications to the FMFCD requirements will be required to be approved by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code, prior to approval of a final map.

### **State Department of Transportation (Caltrans)**

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 has reviewed the proposed project's vehicle trip generation and potential for traffic related impacts to state facilities and has determined that the proposed project will mitigate traffic-related impacts to State facilities through payment into the Fresno Regional Transportation Mitigation Fee (RTMF) program..

### **Conditional Use Permit Findings**

Based upon analysis of the conditional use permit application and subject to the applicant's compliance

with all of the conditions of approval noted, staff concludes that the following required findings of Section 12-405-A-2 of the Fresno Municipal Code (FMC) can be made.

<b>FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.</b>	
<i>a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
<b>Finding a:</b>	The area of the proposed residential planned development is approximately 13.83 net acres in size. The subject site has been proposed to be subdivided into 118 residential lots, with lot sizes ranging from 1,152 to 1,749 square feet in area at an overall density of approximately 8.53 dwelling units/acre. Multi-department/agency review of the proposed development plan (Conditional Use Permit Application No. C-11-178) has demonstrated that there is adequate space to meet all applicable requirements of the Code as established and modified in the Special Permit conditions of approval dated February 15, 2012; including yards, spaces, walls and fences, parking, landscaping and open spaces and other required features.
<i>b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i>	
<b>Finding b:</b>	Staff from the Public Works Department, Transportation Planning section has estimated that the proposed development will generate approximately 89 a.m./119 p.m. peak hour vehicle trips which can be accommodated by the adjacent streets subject to the respective requirements for dedications and improvement of adjacent portions of East Copper and North Maple Avenues in accordance with the Department of Public Works requirements included within the project conditions of approval. These requirements are necessary for the traffic generated by the project and to accommodate city services and meet the needs of the proposed subdivision.
<i>c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of this Code.</i>	
<b>Finding c:</b>	The staff of the Development and Resource Management Department has determined that the proposed use will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the related vesting tentative tract map application review and conditional use permit application review processes.

**Tentative Tract Map Findings**

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

State law further provides that the proposed subdivision map be denied if any one of the Finding Nos. 2 - 5 below is made in the negative. In addition, State law requires that a subdivision be found to

provide for future passive and natural heating or cooling opportunities in the subdivision development (Finding No. 6 below).

1. The proposed subdivision map, together with its design and improvements, is consistent with the City's 2025 Fresno General Plan and Woodward Park Community Plan contingent upon City Council approval of Plan Amendment Application No. A-11-012 and Rezone Application No. R-11-018; proposing to designate and zone the subject property for Medium Density Residential (4.99-10.37 du/acre) land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the FMC the project design meets the density and zoning ordinance criteria for development in this planned land use and zone district designation.
2. This site is physically suitable for the proposed type and density of development, because conditions of approval prepared will ensure adequate access and drainage on and off the site; and, that development shall occur in accordance with adopted standards, goals, objectives, and policies for development in the City of Fresno.
3. The proposed subdivision design and improvement is not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat, because all agricultural uses on the subject property have been discontinued and the site is an infill corner of land at a location, which has been substantially surrounded with urban uses.. The subject property remains fallow without trees, vegetation, or irrigation to sustain and attract wildlife; or, provide a suitable habitat to species other than vermin.
4. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems, because the conditions of approval have shown and will ensure that the subdivision conforms to city health and safety standards, specifications, and policies.
5. The proposed subdivision design will not conflict with public easements within or through the site, because the project design and conditions of approval will assure noninterference with any existing or proposed easements on the subject property.
6. The design of the subdivision provides, to the extent feasible, for future passive and natural heating or cooling opportunities in the subdivision, because of the appropriate use and placement of landscaping plant materials and because of the orientation of the proposed lots.

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

### **Conclusion**

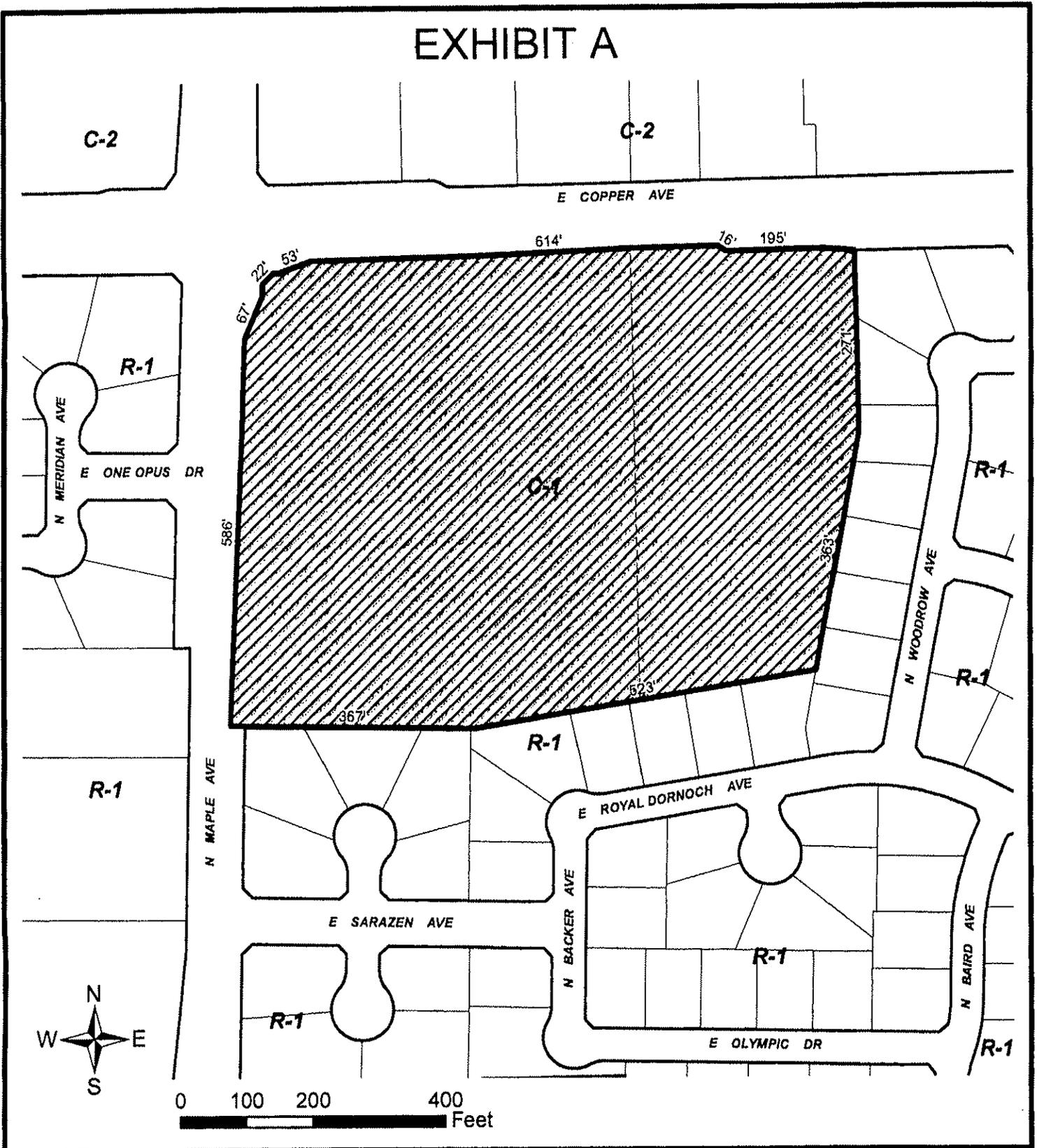
Action by the Planning Commission regarding the conditional use permit and vesting tentative tract map are final unless appealed in accordance with the Fresno Municipal Code, Sections 12-406-I and 12-1019, respectively. Action by the Planning Commission regarding the plan amendment and rezone applications and the associated environmental assessment will be a recommendation to Council.

Conditional Use Permit Application No. C-11-178 and Vesting Tentative Tract Map No. 60033/UGM require approval by the Planning Commission contingent upon affirmative action by the City Council respective to the proposed plan amendment and rezone applications as well as adoption of the recommended finding of a Mitigated Negative Declaration for the associated environmental assessment. Unless the Planning Commission decision respective to the conditional use permit and vesting tentative map is set for hearing to the Council in accordance with Section 12-406-J of the FMC, the decision of the Commission shall be final and effective at 12:01 a.m. on the sixteenth day after the date of the decision, subject to writ of administrative mandamus under 1094.6 of the Code of Civil Procedures.

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the 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-11-012, Rezone Application No. R-11-018, Conditional Use Permit Application No. C-11-178, and Vesting Tentative Tract Map No. 6003/UGM are appropriate for the project site.

Attachments: Vicinity Map  
2012 Aerial Photograph  
Public Hearing Notice Mailing List Vicinity Map  
2025 Fresno General Plan Planned Land Use Map  
Proposed Planned Land Use Map  
Vesting Tentative Tract Map No. T-6003/UGM  
Exhibits for Conditional Use Permit Application No. C-11-178  
Conditions of Approval for Vesting Tentative Tract Map No. 6003/UGM dated February 15, 2012.  
Conditions of Approval for Conditional Use Permit Application No. C-11-178 dated February 15, 2012.  
Associated memoranda from responsible or commenting agencies respective to Conditions of Approval for Vesting Tentative Tract Map No. 6003/UGM and Conditional Use Permit Application No. C-11-178.  
Environmental Assessment No. A-11-012/R-11-018/C-11-178/T-6003, finding of a Mitigated Negative Declaration dated January 13, 2012.

# EXHIBIT A



R-11-018  
APN: 578-010-38 and 44  
2099 East Copper Avenue



C-1/UGM/cz to R-1/UGM, 14.30 Acres



E Turnpike by Google

Data SIO, NOAA, U.S. Navy, NGA, GEBCO  
© 2012 Google

N

N Knotting Hill Dr

E Copper River Dr

N Chestnut Ave

E Copper Ave

E Banwell Ln

E Wallington Ln

Longfield Ln

E Dorchester Ln

E Shadow Creek Dr

E Prestwick Ave

N Falcon

E Camouste Ave

Woodrow Ave

N Maple Ave

E Royal

E Sarazen Dr

N Baird Ave

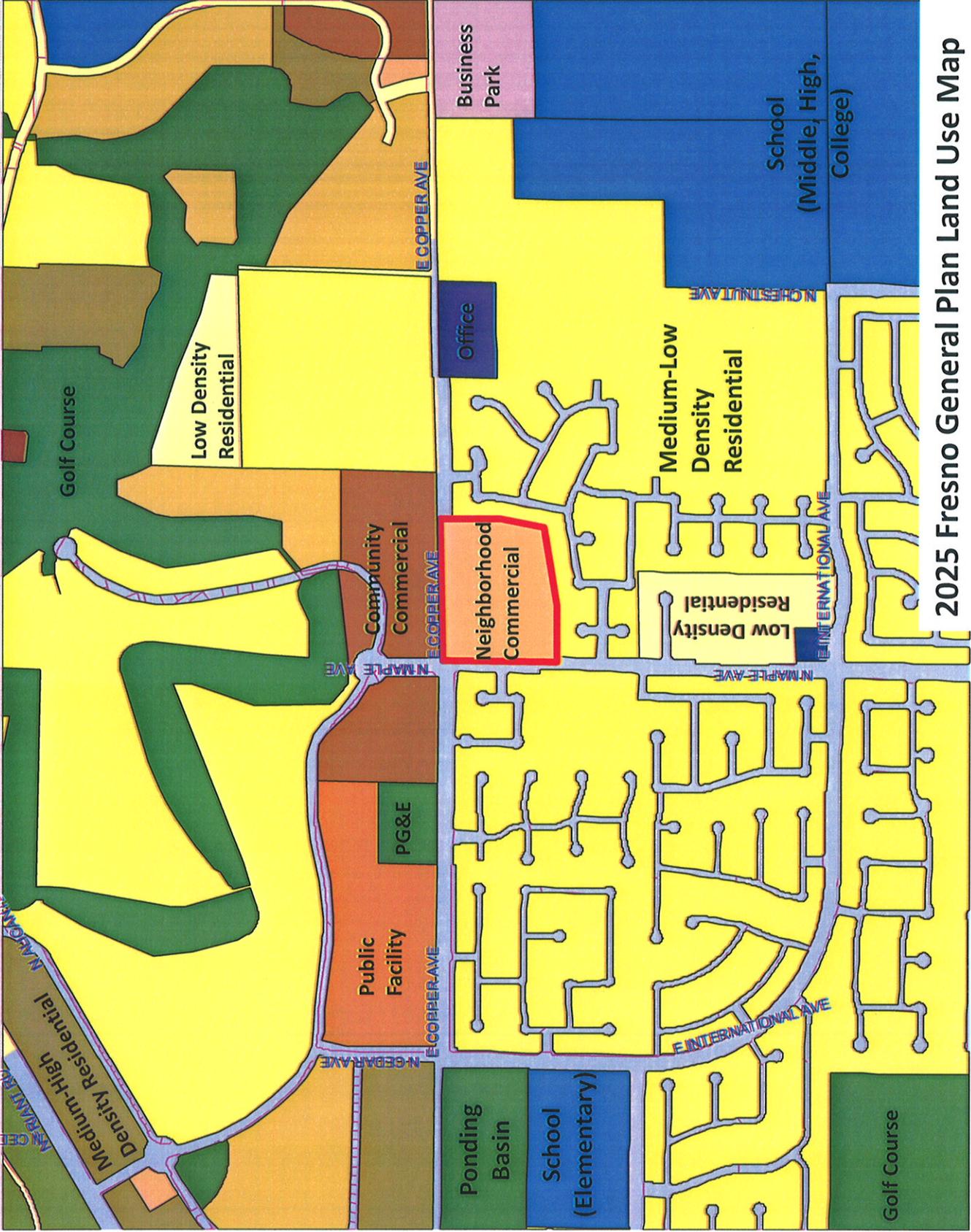
Sarazen Dr

E Hogan Dr

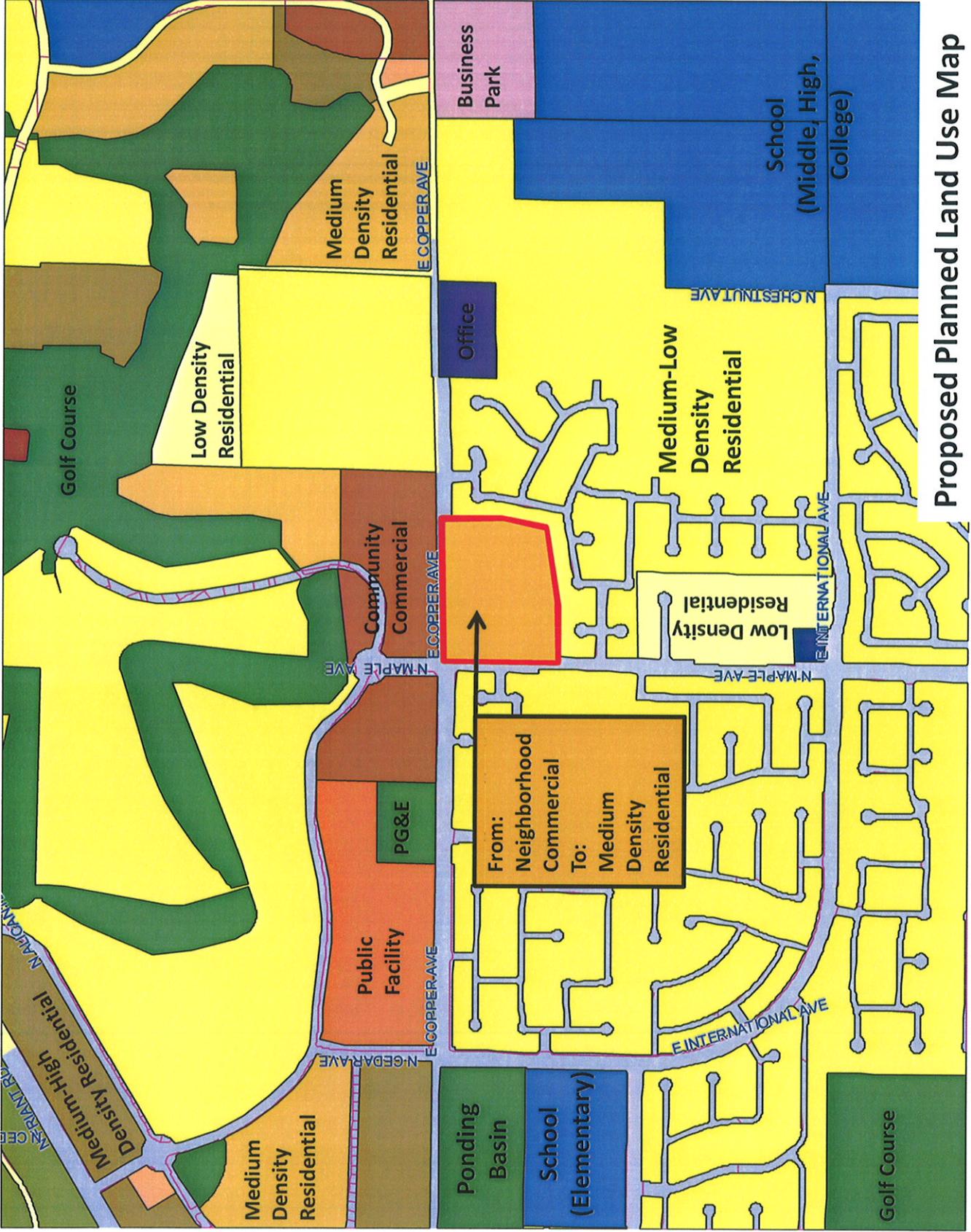
E Sawgrass Ave

E Pinehurst Ave





2025 Fresno General Plan Land Use Map



**Proposed Planned Land Use Map**







APPL. NO. C-11-178 EXHIBIT E1 DATE 12/06/11  
PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_

COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.  
DANIELIAN ASSOCIATES ARCHITECTURE + PLANNING



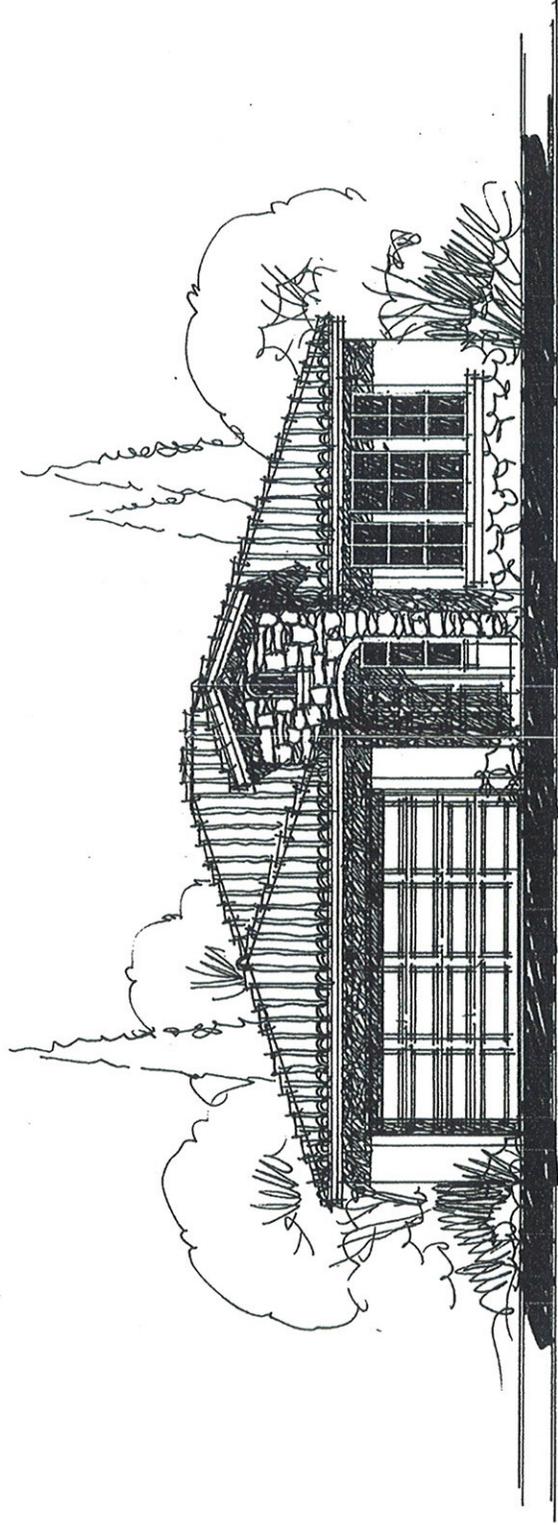
### STREET SCENE PLANS 1-4



- Staggered garages contribute to a varying and interesting street scene.
- Charming cottage style architecture appeals to many home buyers.
- Finely detailed architectural elements define each individual home, giving uniqueness and character to the neighborhood.

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TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
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CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

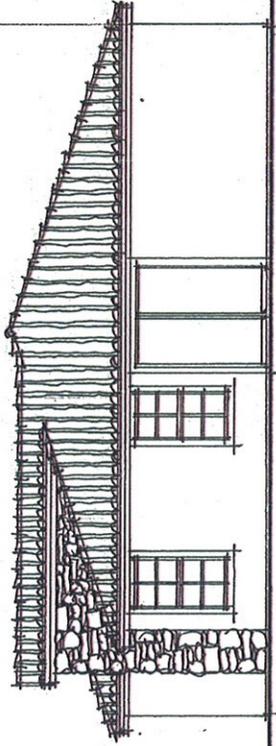


PLAN |  
TUSCAN

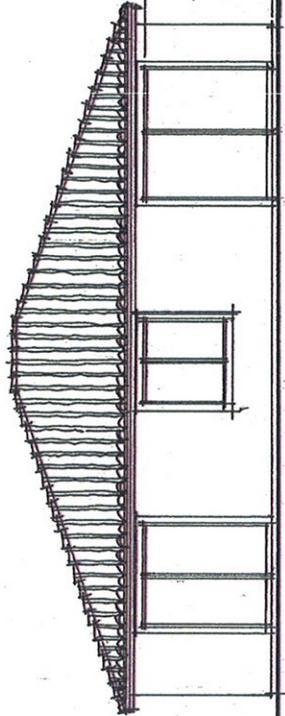
10/7/11

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CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

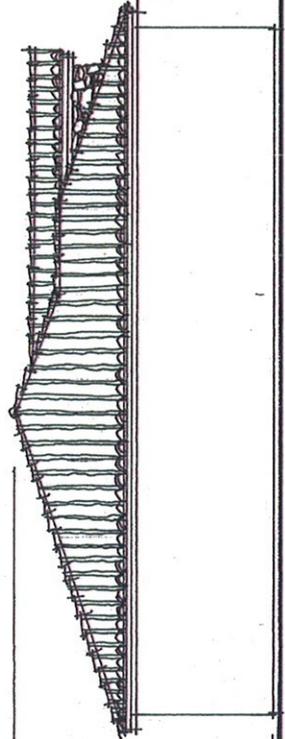
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 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



Right Side Elevation



Rear Elevation  
 Plan 1

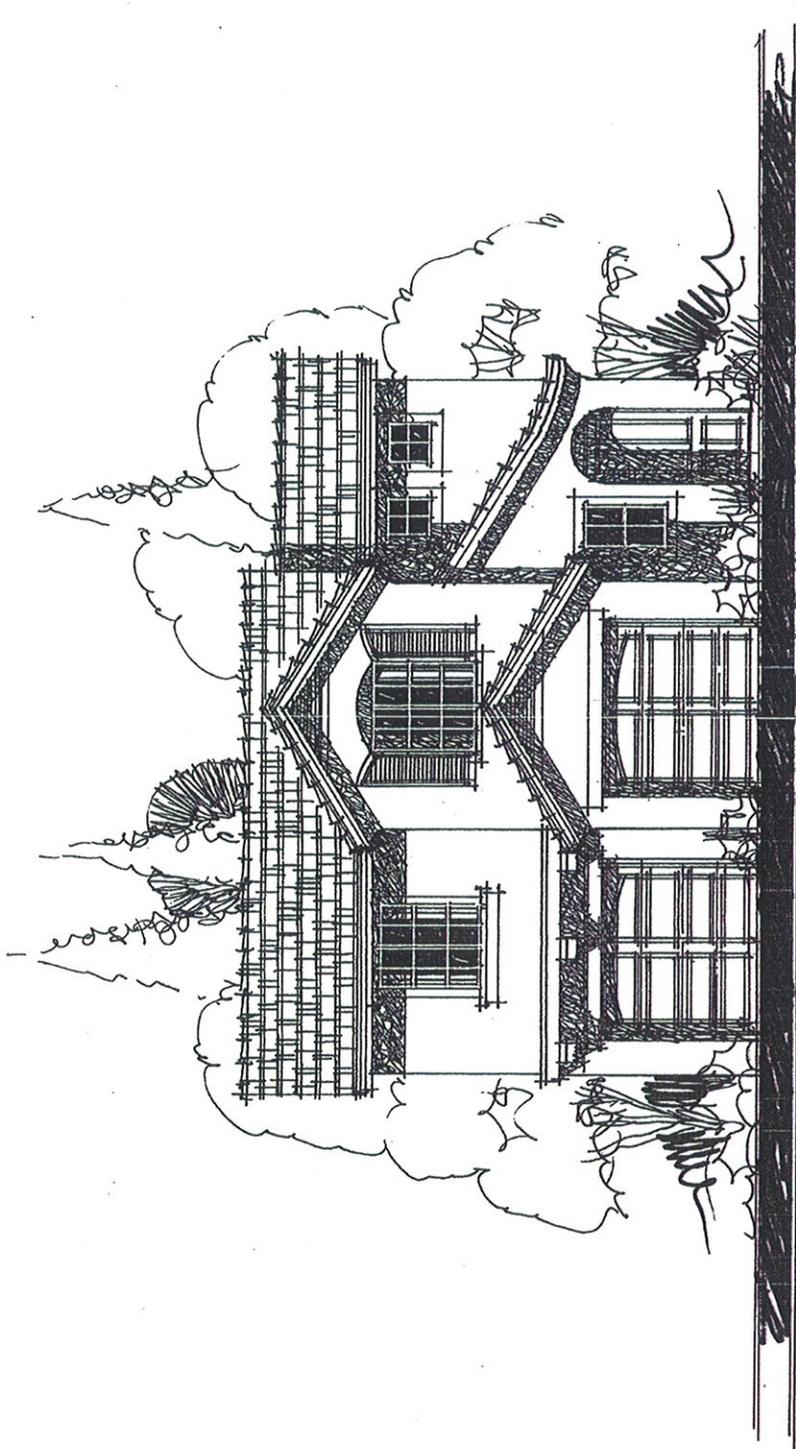


Left Side Elevation

DANIELIAN ASSOCIATES  
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 1001 N. MARKET STREET, SUITE 100  
 FRESNO, CA 93703  
 TEL: 559.486.1111  
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12/6/11

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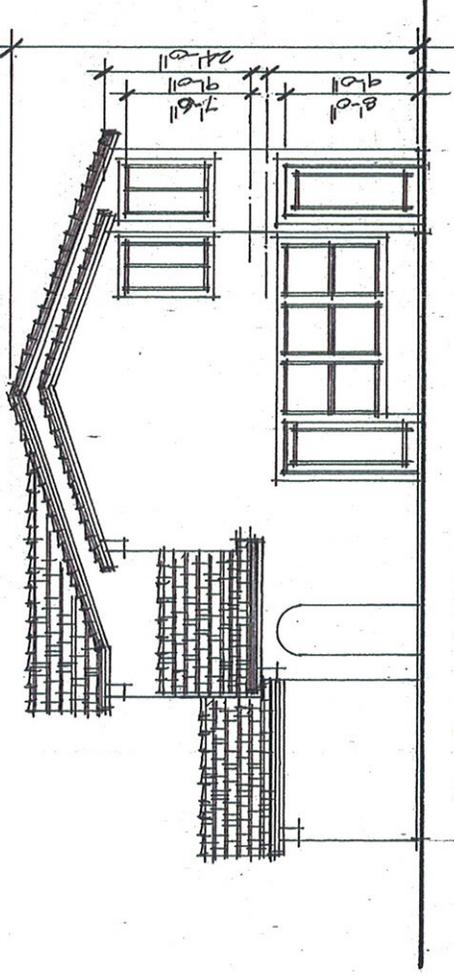


PLAN 2  
FRENCH COUNTRY

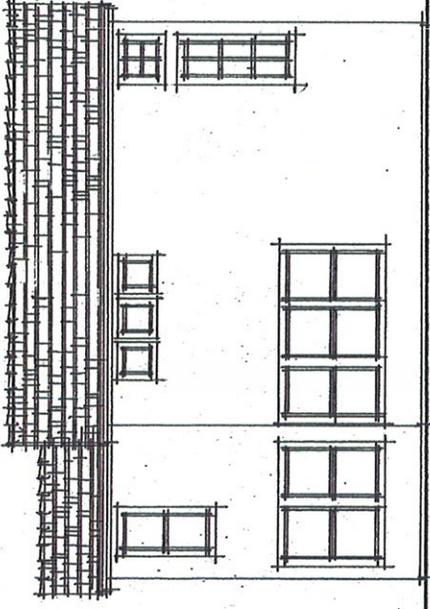
12/7/11

APPL. NO. 01-178 EXHIBIT E4 DATE 12/6/11  
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CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

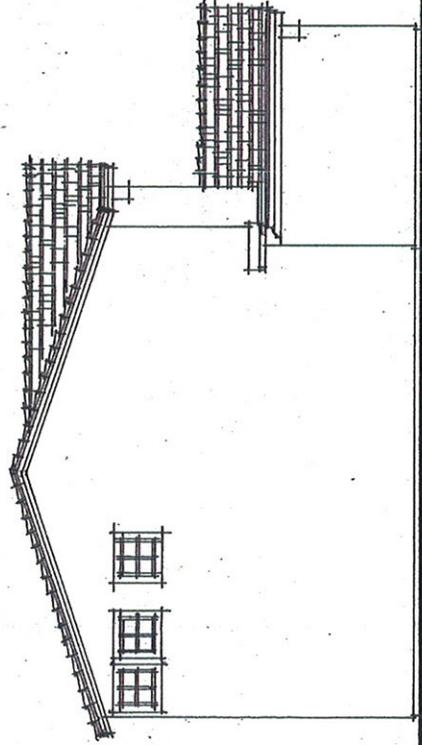
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 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
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 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



Right Side Elevation



Rear Elevation



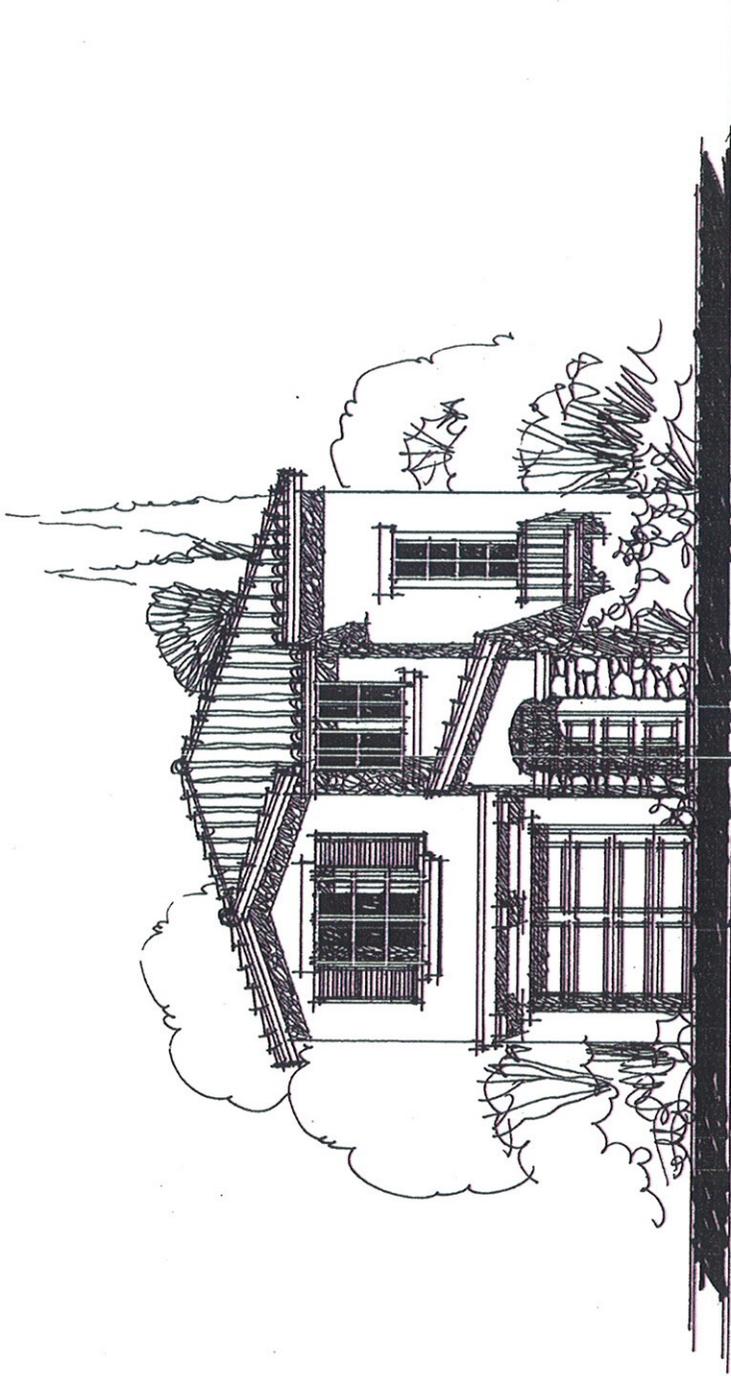
Left Side Elevation

Plan 2

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 2001 FRESNO AVENUE, SUITE 100, FRESNO, CA 93701  
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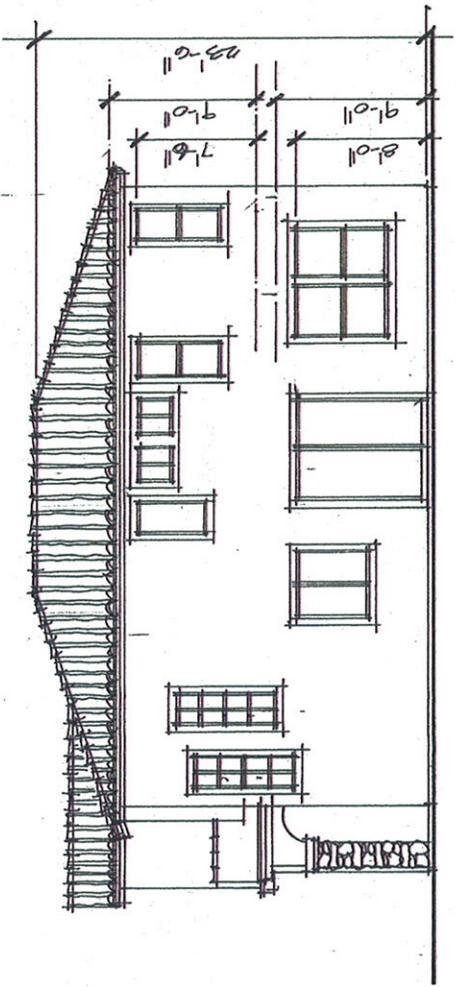


PLAN 3  
TUSCAN

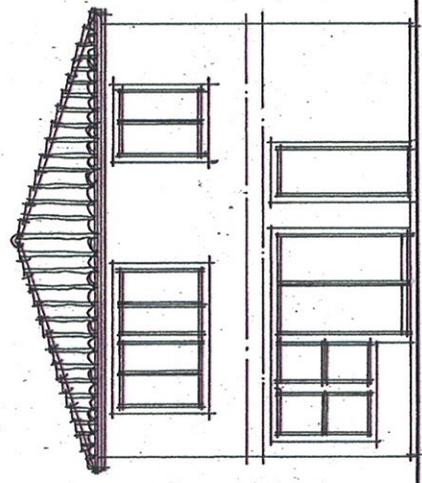
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COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

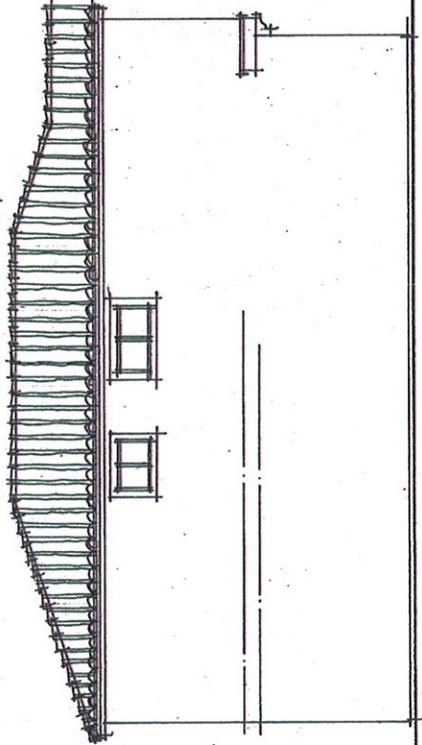
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 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



Right Side Elevation



Rear Elevation

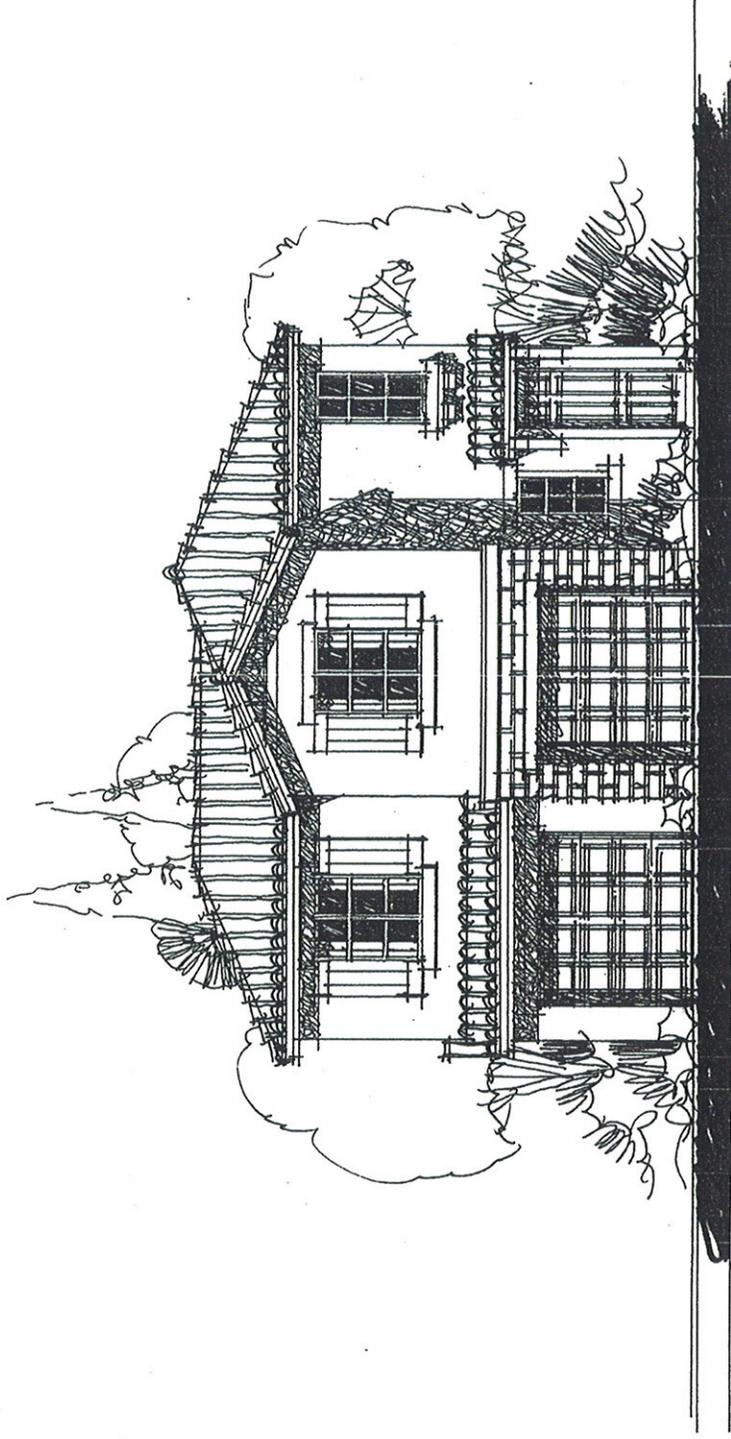


Left Side Elevation

Plan 3

The McCaffrey Group



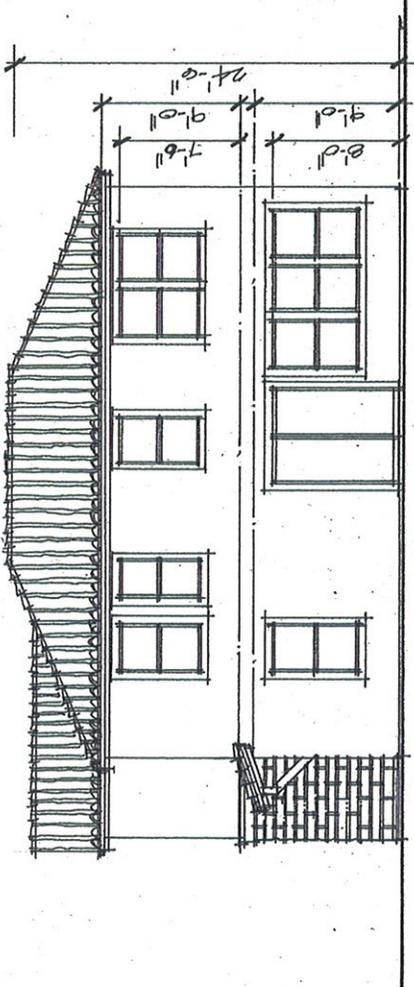


PLAN 4  
RANCHO ADOBE

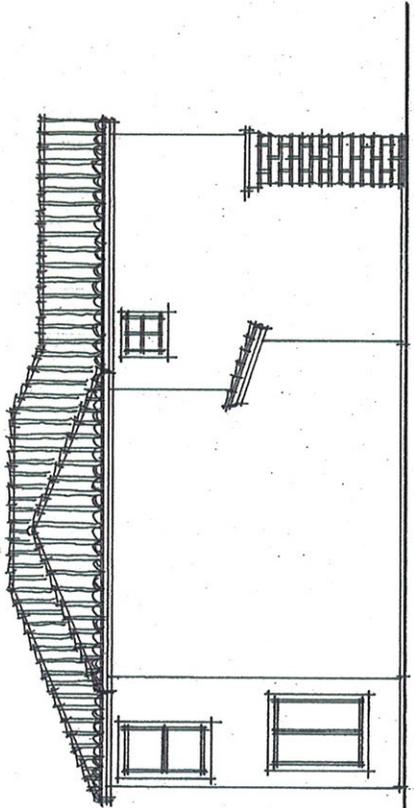
12/7/11

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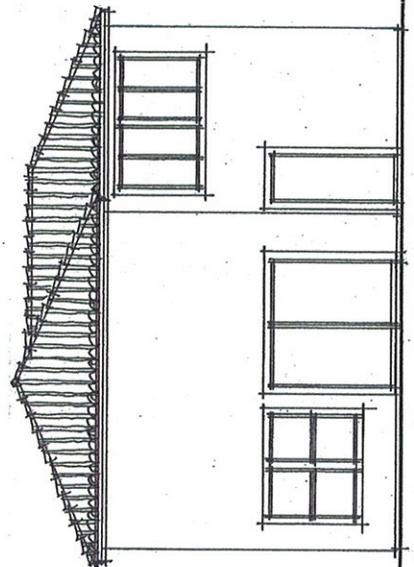
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 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



Right Side Elevation



Left Side Elevation



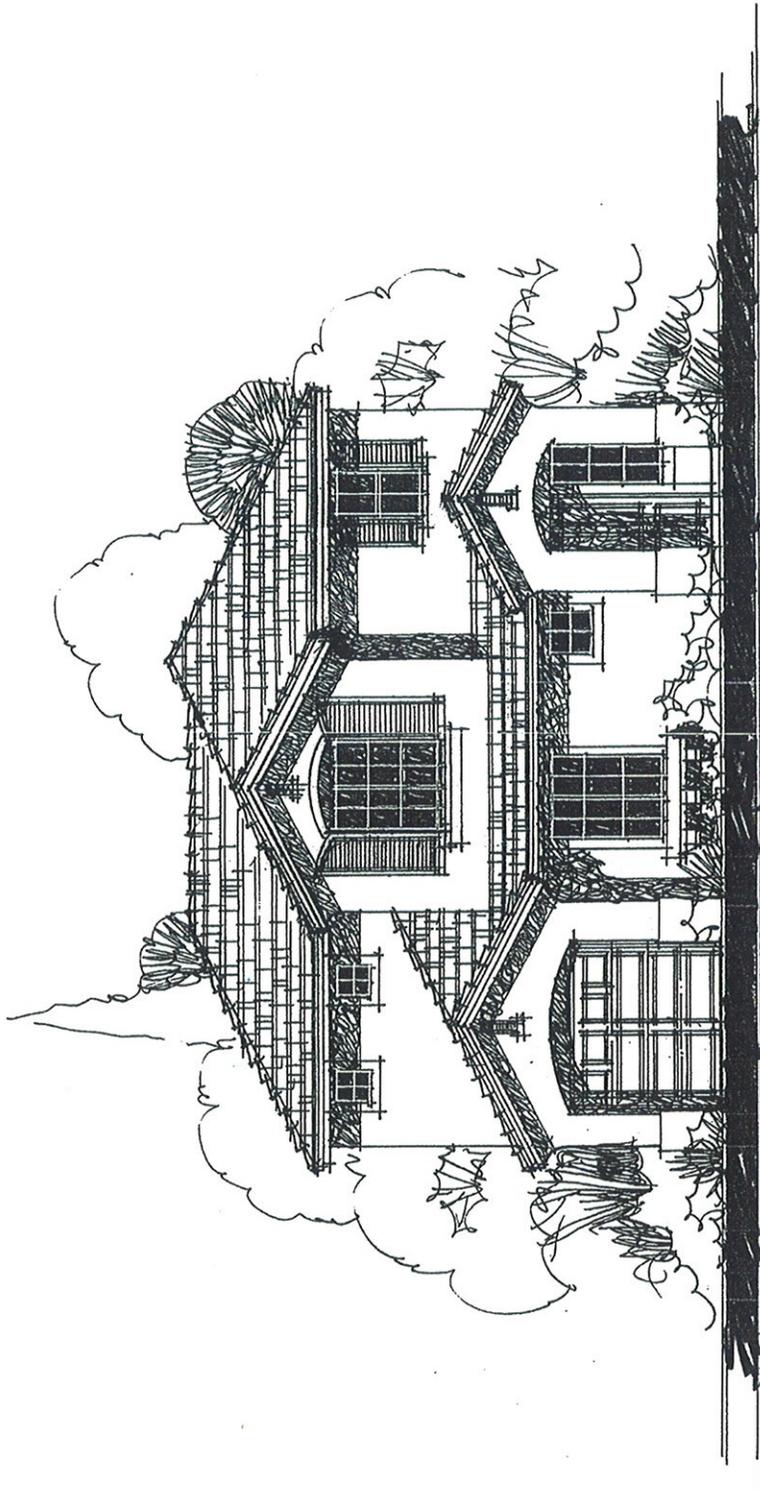
Rear Elevation

Plan 4

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 SACRAMENTO, CA 95811

12/8/11



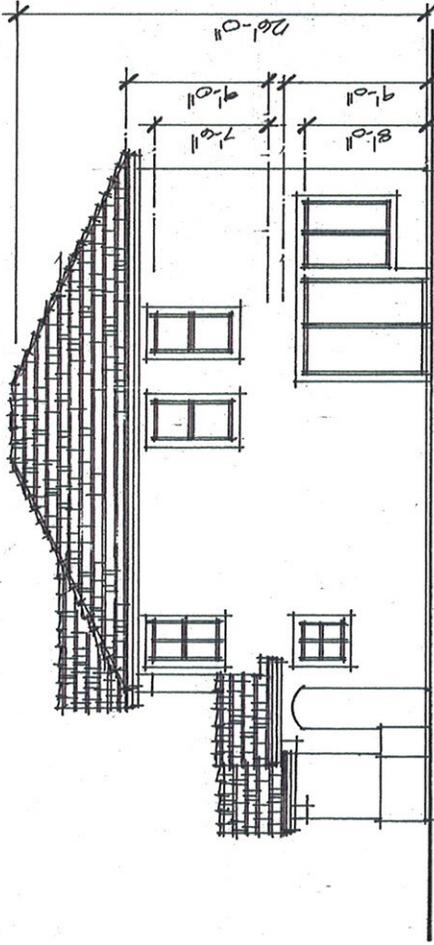
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PLAN 5

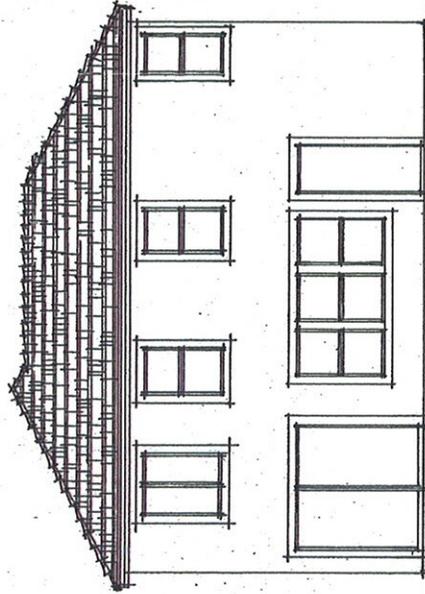
FRENCH COUNTRY

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CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

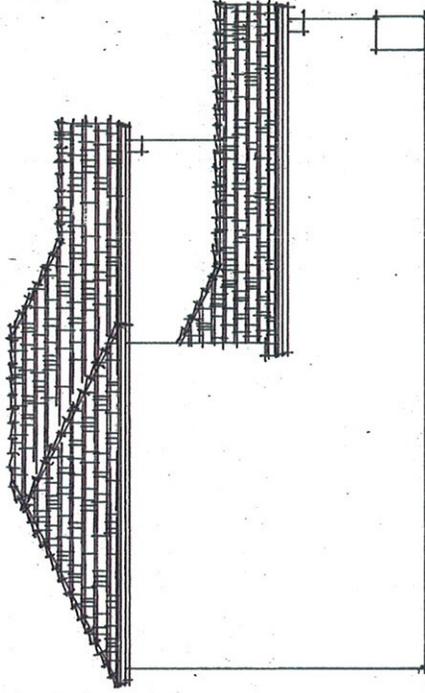
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 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



Right Side Elevation



Rear Elevation



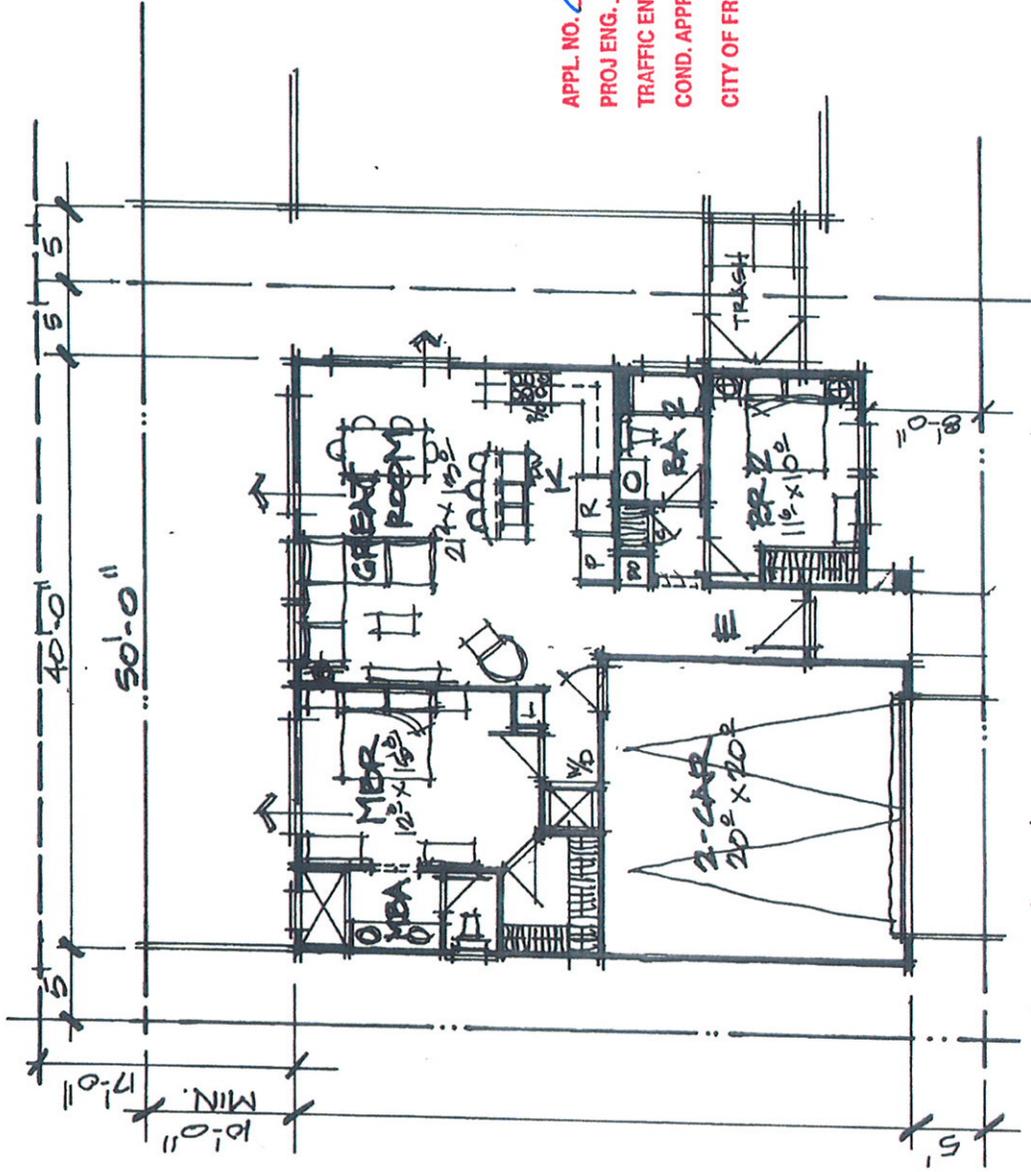
Left Side Elevation

Plan 5

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12/8/11



PLAN 1  
1152 SQ. FT.

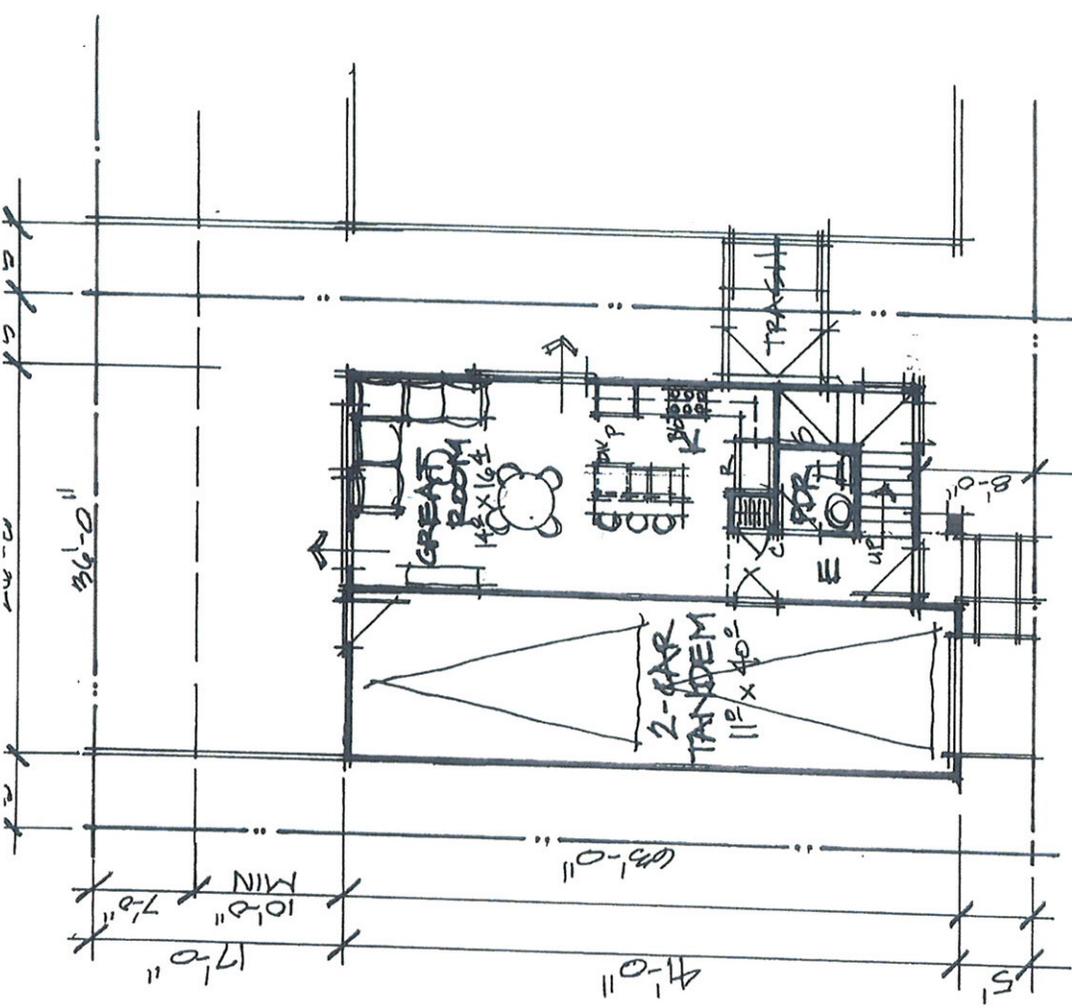
ASHLAN & LOCAN

2/2/12

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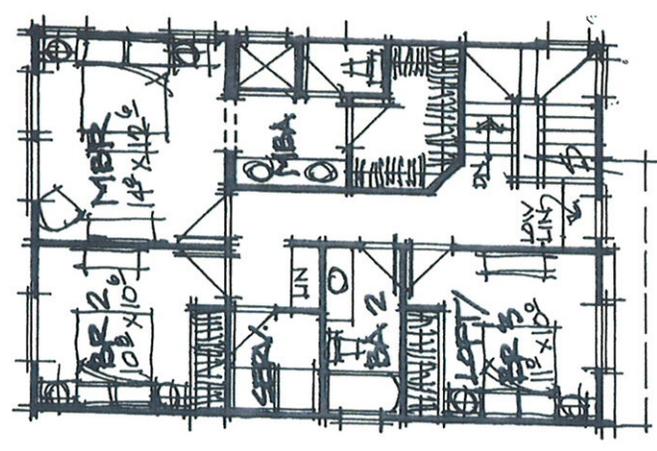
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PLAN 2

1464 SQ. FT.  
 DANIELIAN ASSOCIATES

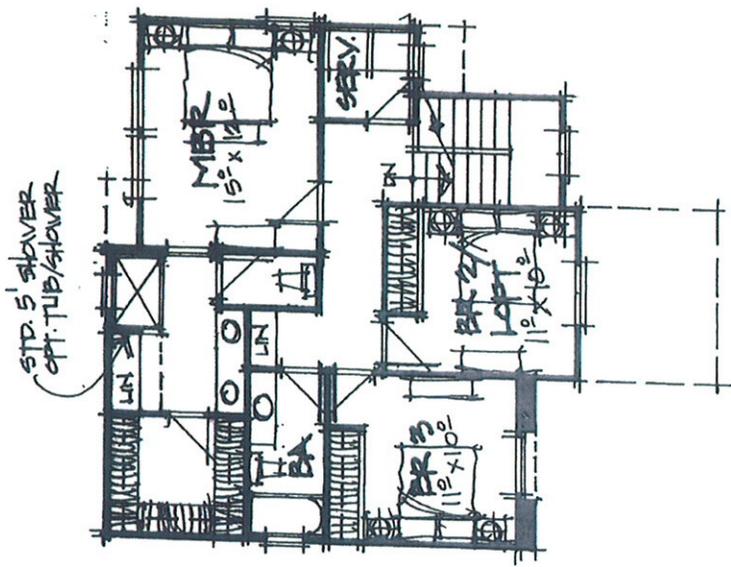
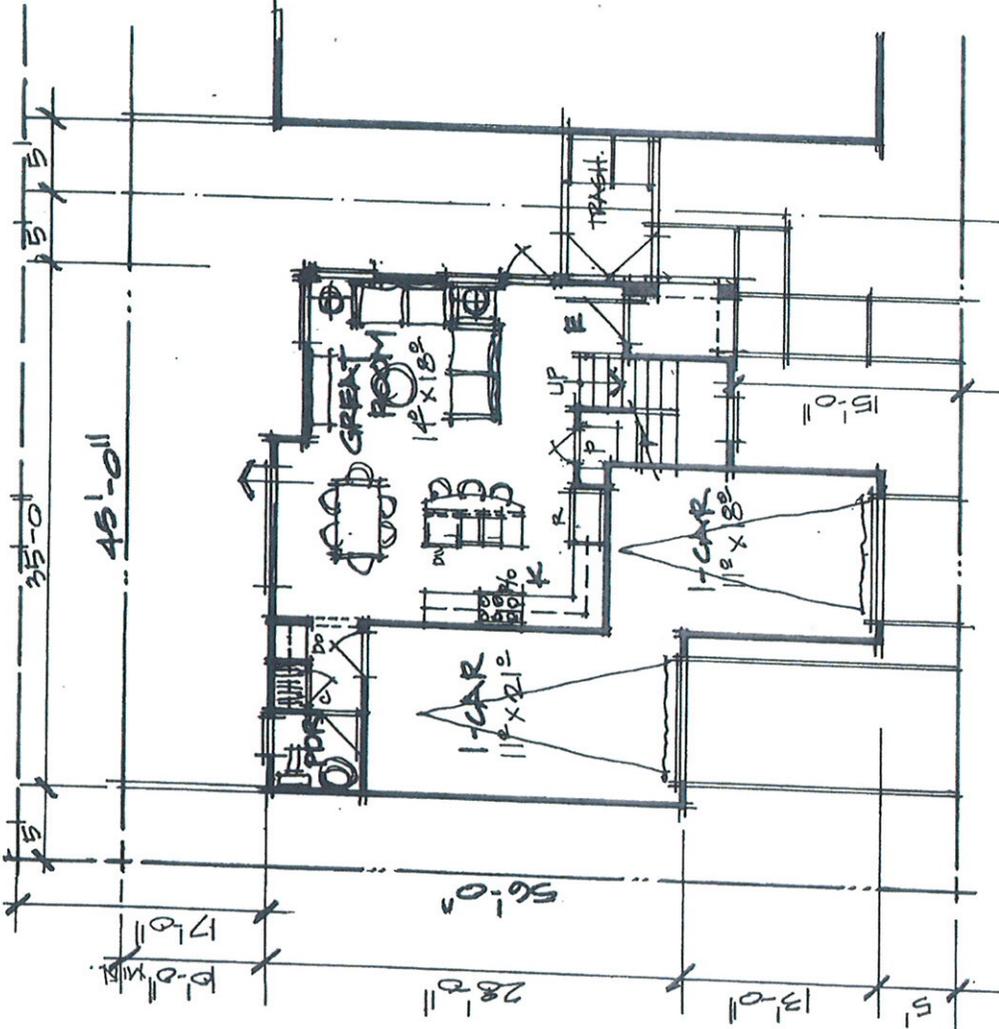
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 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
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2/12/12

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 2012 10

APPL. NO. C-11-178 EXHIBIT B DATE 12/20/12  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



PLAN 3  
 1556 SQ. FT.

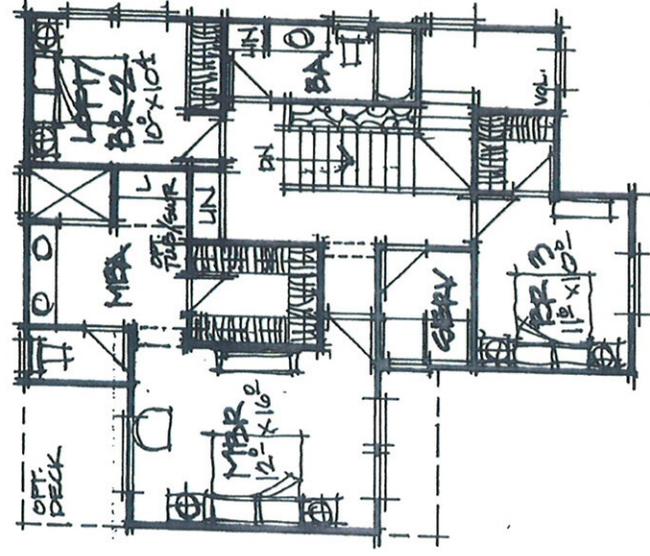
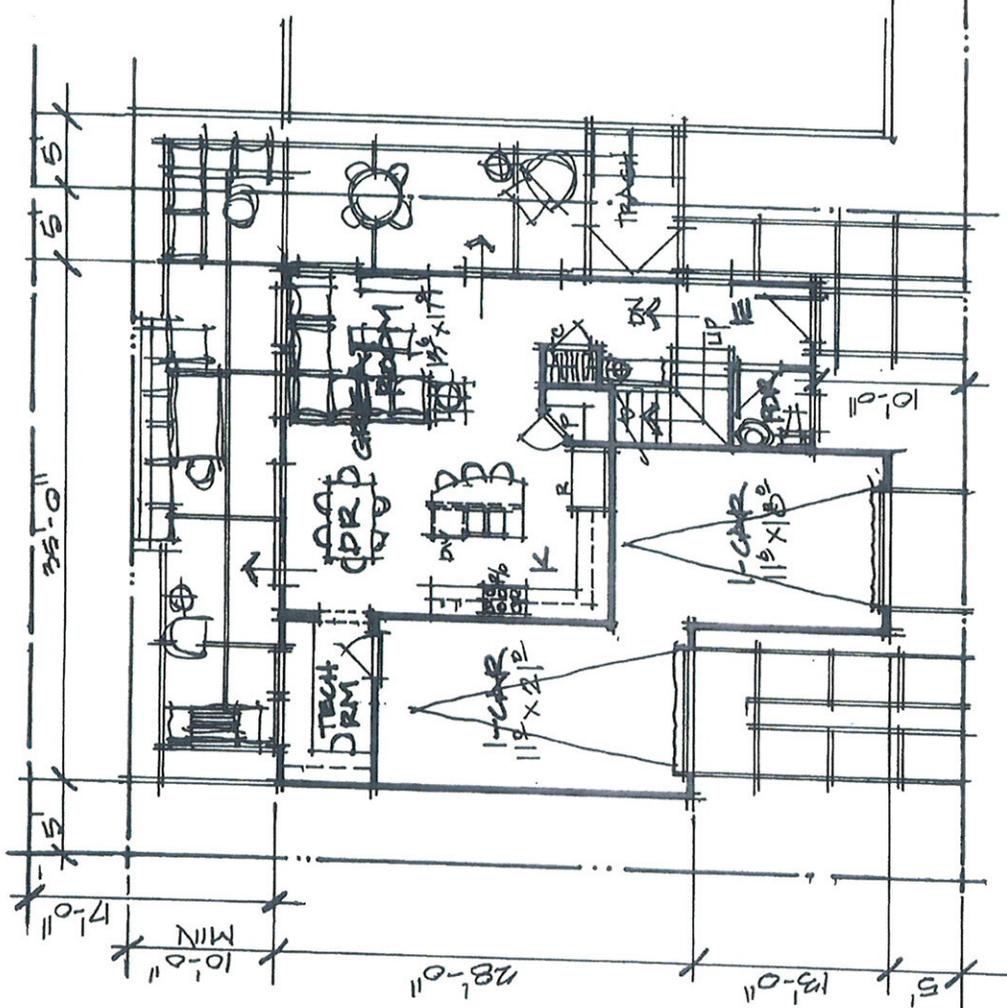
ASHLAN & LOGAN

1/30/12 REV. 2/2/12

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APPL. NO. C-11-178 EXHIBIT P4 DATE 12/26/12  
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 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
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 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



PLAN 4

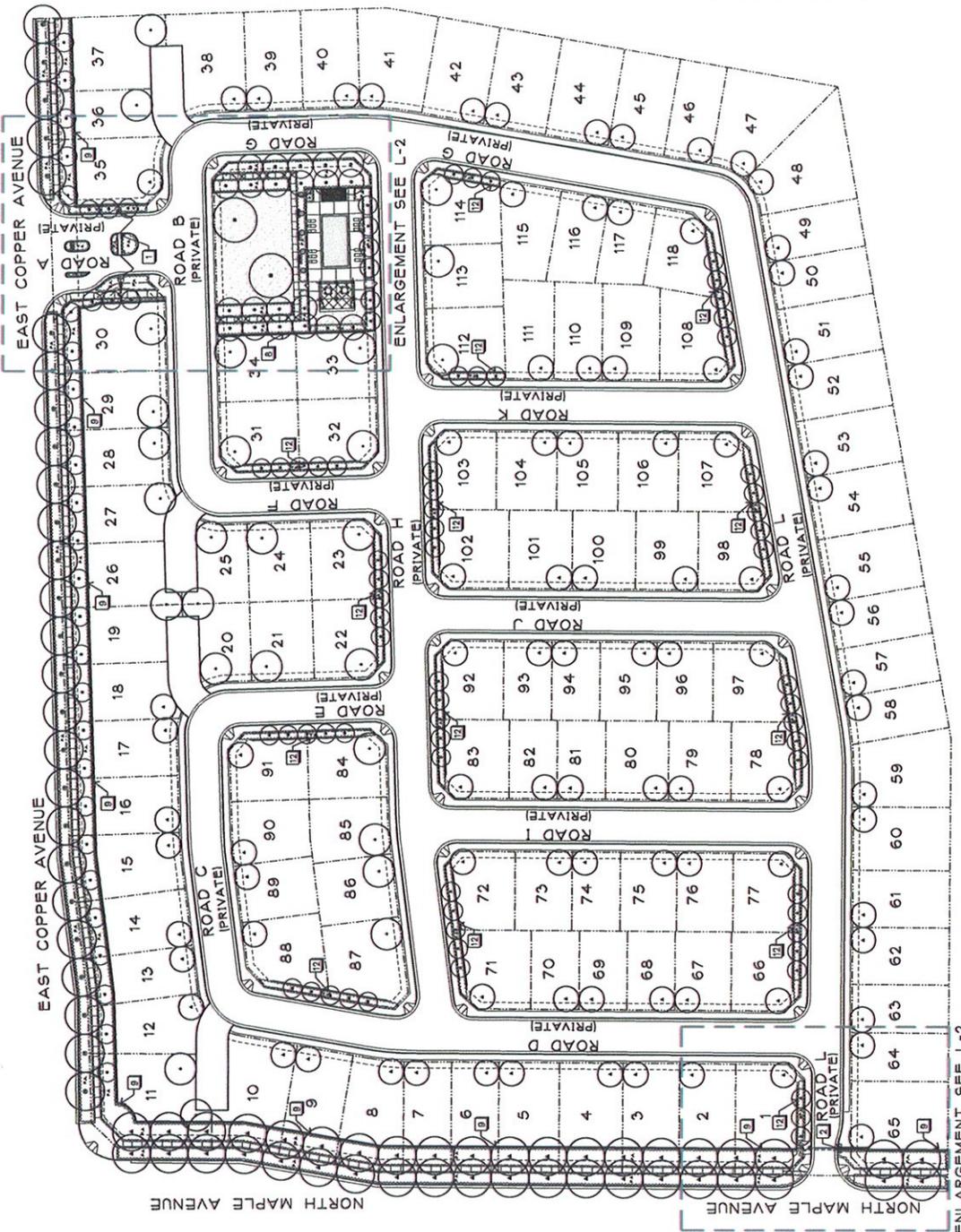
1749 SQ. FT.  
 ASHLAN & LOCAN

SECOND FLOOR 2/6/12

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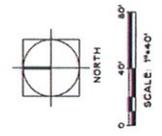
- CUP LEGEND**
- 1 ENTRY GATE AT COPPER - SEE SMT. 3
  - 2 SLIDING EXIT GATE AT MAPLE
  - 3 MONUMENT SIGNAGE
  - 4 RESTROOM AND POOL EQUIPMENT BUILDING
  - 5 40' X 20' POOL - 8' DEPTH
  - 6 OVERHEAD SHADE STRUCTURE
  - 7 CALLBOX AT ENTRY
  - 8 BUILT-IN BBQ GRILL
  - 9 PERIMETER BLOCK WALL (CITY STANDARD)
  - 10 TUBULAR STEEL FENCE (42" HT)
  - 11 T.S. PEDESTRIAN GATE
  - 12 WOOD PRODUCTION FENCE AT H.O.A. MAINTAINED SIDEYARDS
  - 13 PICNIC TABLES
  - 14 PARK BENCH
  - 15 6" CONCRETE MOWCUBS



**PLANT LEGEND**

SYM	BOTANICAL NAME / COMMON NAME	COMMENTS	WATER USAGE
○	CUPRESSUS SEMPERVIRENS / CYPRESS	STANDARD	LOW
●	COLEUTERIA PANICULATA / GOLDEN RAIN TREE	STANDARD	MED
▲	LARIX NOBILIS / DOUGLASS SPRUCE	STANDARD	LOW
◻	LABRUS NOBILIS / GRECIAN LAUREL	STANDARD	LOW
◊	OLIVA EUROPAEA / OLIVE	STANDARD	LOW
○	QUERCUS LAEVOLENS / VALLEY OAK	STANDARD	LOW
▲	QUERCUS VIRENDOLENS / SOUTHERN LIVE OAK	STANDARD	MED
<b>SHRUBS AND GROUND COVERS</b>			
○	FESTUCA GLAUCA 'ELIJAH BLUE' / BLUE FESCUE		
○	HEMEROCALLIS / DATILY		
○	LEONTOPODIUM 'TROPICAL' / WAX LEAF PERPET		
○	MONARDELLA 'MOUNTAIN GRASS'		
○	RAHMANIA 'INDICA WATCHEZ' / INDIAN HARTSPORN		
○	ROSA SP 'POWER CORRAL' / WHITE GROUNDCOVER ROSE		
○	ROSMARINUS OFFICINALIS 'TUSCAN BLUE' / TUSCAN ROSEMARY		
○	AGI BERNARDA		
○	SHRUB AREA		

APPL. NO. C-11-172 EXHIBIT L-1 DATE 12/16/14  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
**CITY OF FRESNO PLANNING & DEVELOPMENT DEPT**



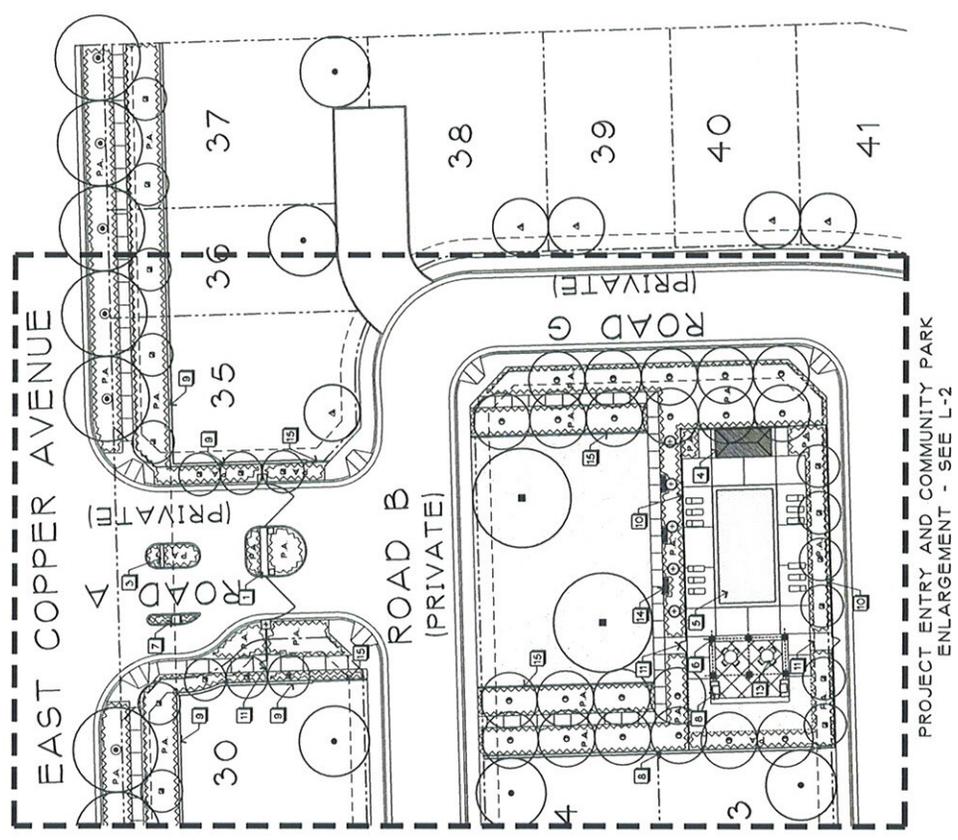
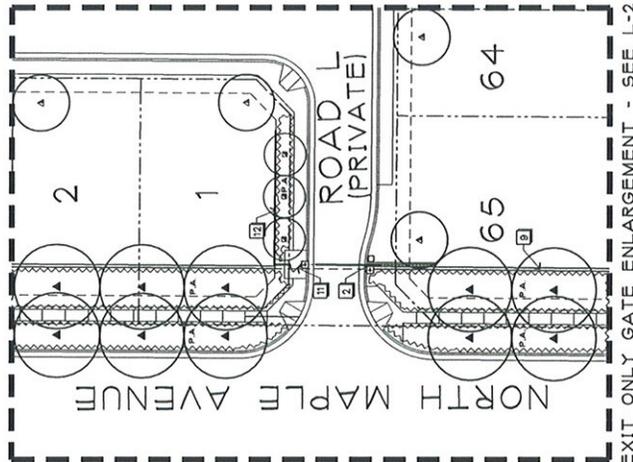
CITY OF FRESNO DEPARTMENT OF GENERAL SERVICES  
 TRACT 6003  
 COPPER & MAPLE  
 C.U.P. Landscape Plan

DATE: 12/16/14  
 SHEETS: 3  
 SHEET NO: 1

WC311135

**PLANT LEGEND**

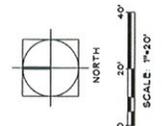
SYM	BOTANICAL NAME / COMMON NAME	COMMENTS	WATER USAGE
○	CUPRESSUS SEMPREVIRENS / CYPRESS	STANDARD	LOW
●	KOELREUTERIA PANICULATA / GOLDEN RAIN TREE	STANDARD	MED
△	LAGERSTROMIA INDICA 'NATCHIEZ' / CRAPE MYRTLE	STANDARD	LOW
□	LAVRUS MOBILIS / GRECIAN LAUREL	STANDARD	LOW
○	OLEA EUROPAEA 'SMOOTH HILL' / OLIVE	STANDARD	LOW
○	QUERCUS LORATA / VALLEY OAK	STANDARD	LOW
△	QUERCUS VIRGINIANA / SOUTHERN LIVE OAK	STANDARD	MED
<b>SHRUBS AND GROUND COVERS</b>			
○	FRAXINUS VELUTINA 'BLUE' / BLUE PESCUE		
○	HEMEROCALLIS / DANIELLY		
○	LIGUSTRUM JAPONICUM 'TANQUARI' / WAX LEAF PRIVET		
○	Pennisetum alopecuroides 'Luna Bunny' / DWARF POUNTAIN GRASS		
○	RHAMPHOLEPIS INDICA 'WISHNAPP' / INDIAN HAWTHORN		
○	ROSA SP. 'POWER CORSA' / WHITE GROUNDCOVER ROSE		
○	ROSMARINUS OFFICINALIS 'TUSCAN BLUE' / TUSCAN ROSEMARY		
○	ASTI DERMUDA		
○	SHRUB AREA		



**C.U.P. LEGEND**

- SYMBOL DESCRIPTION**
- 1 ENTRY GATE AT COPPER - SEE SHT. 3
  - 2 SLIDING EXIT GATE AT MAPLE
  - 3 MONUMENT SIGNAGE
  - 4 RESTROOM AND POOL EQUIPMENT BUILDING
  - 5 40' X 20' POOL - 6' DEPTH
  - 6 OVERHEAD SHADE STRUCTURE
  - 7 CALLOX AT ENTRY
  - 8 BUILT-IN BBQ GRILL
  - 9 PERIMETER BLOCK WALL (CITY STANDARD)
  - 10 TUBULAR STEEL FENCE (42" HT)
  - 11 1/2" PEDESTRIAN GATE
  - 12 CONSTRUCTION FENCE AT H.O.A. MAINTAINED SIDYARDS
  - 13 PICNIC TABLES
  - 14 PARK BENCH
  - 15 8" CONCRETE MONOCURB

APPL. NO. CU-178 EXHIBIT L2 DATE 12/24/18  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



**BROUSSARD ASSOCIATES**  
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**CITY OF FRESNO DEPARTMENT OF GENERAL SERVICES**  
 TRACT 6003  
 Copper & Maple  
 C.U.P. Landscape Plan

Project No. 18-001  
 Date: 12/21/18  
 Scale: 1"=20'



CITY OF FRESNO  
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

**CONDITIONS OF APPROVAL**  
FEBRUARY 15, 2012

**VESTING TENTATIVE TRACT MAP NO. 6003/UGM**  
**“A PLANNED DEVELOPMENT”**  
**“A PHASED MAP”**

SOUTHEAST CORNER OF THE INTERSECTION OF EAST COPPER AND NORTH MAPLE AVENUES

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

**NOTICE TO PROJECT APPLICANT**

In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project. Each local agency shall provide to the project applicant a notice in writing at the time of the approval of the project or at the time of the imposition of the fees, dedications, reservations, or other exactions, a statement of the amount of the fees or a description of the dedications, reservations, or other exactions, and notification that the 90-day approval period in which the applicant may protest has begun (please see section related to Development Fees and Charges included herein below for further information).

**URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)**

The subdivider of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Law as related to tentative tract maps.

**GENERAL CONDITIONS**

1. Upon conditional approval of Vesting Tentative Tract Map No. 6003/UGM, the subdivider may prepare a Final Map in accordance with the approved tentative map, and Conditional Use Permit Application No. C-11-178.
2. An Air Impact Assessment (AIA) application for the proposed project shall have been submitted to the San Joaquin Valley Air Pollution Control District prior to the submittal/acceptance of any phase of the Final Map for recordation/processing.
3. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.

4. Submit grading plans and a soils report to the City of Fresno Planning and Development Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
5. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.
6. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
7. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
8. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Article 10, Chapter 12, "Subdivision of Real Property;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
9. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.
10. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
11. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

GENERAL INFORMATION

12. A private canal known as the Phillips No. 158 has been undergrounded and appears to traverses a northeastern portion of the subject property within the boundary of proposed Lots 37 of Vesting Tentative Tract Map No. 6003/UGM.
  - a) A note shall be included on the Final Map acknowledging the private irrigation pipeline with reference on the map to its location.
  - b) The subdivider shall be required to create or retain any private easements as necessary to accommodate the private pipeline.
    - i) In lieu of the above requirement, the subdivider shall provide acceptable evidence that all downstream users of the canal have relinquished their rights to its use.
  - c) The subdivider/developer shall provide formal notice to all owners and prospective property owners of the presence and location of the private irrigation pipeline on the above referenced lots of Vesting Tentative Tract Map No. 6003/UGM and include provisions as appropriate within CC&R's for the property to identify and assign responsibilities for the retention and future maintenance of said pipeline.
    - i) A copy of such formal notice and respective CC&R's shall be submitted to the Development and Resource Management Department for City Records prior to recordation of a Final Map.
13. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.
  - a) It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid. In addition to completing the Agreement, the Developer shall provide a final map (with address details) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.
14. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of Fresno Municipal Code Chapter 12, Article 10, Subdivision of Real Property.
  - a) Pursuant to Section 66452.6(a)(1) of the Subdivision Map Act, the tentative map is approved as being a phased map with two phases identified.
15. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to

commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.

16. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
17. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.
18. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
19. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.
20. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
21. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

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

- a) A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;
- b) A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and
- c) Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.
- d) The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of

the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

#### MITIGATION MONITORING REQUIREMENTS

22. Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-012/R-11-018/C-11-178/T-6003 and dated January 13, 2012.
  - a) The Mitigated Negative Declaration prepared for the proposed project is tiered off of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Air Quality MND. Development of the subject property shall be subject to implementation of all applicable mitigation measures included within the MEIR and Air Quality MND for subsequent projects; included herein by reference.

#### ZONING & PROPERTY DEVELOPMENT STANDARDS

23. Approval of Vesting Tentative Tract Map No. 6003/UGM is contingent upon City Council approval of Plan Amendment Application No. A-11-012 and Rezone Application No. R-11-018.
24. As a proposed "Planned Development" subdivision, approval of Vesting Tentative Tract Map No. 6003/UGM is contingent upon approval of Conditional Use Permit Application No. C-11-178; authorizing the planned development of the subject property.
25. Pursuant to Rezone Application No. R-11-018 the subject property is proposed to be zoned R-1/UGM (*Single Family Residential District/Urban Growth Management*). Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective R-1/UGM zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-11-178.
26. The existing covenant for the subject property related to the conditions of zoning established through adoption of City Council Ordinance No. 2001-75/Bill No. B-81 may be released upon Council Approval of Rezone Application No. R-11-018.

#### Lot Area and Dimensions

27. Pursuant to Section 12-306-N-21 of the FMC the Director of the Development and Resource Management Department or the Planning Commission may modify the property development standards of the underlying zone district if determined that the proposed development conforms to the provisions of the abovementioned section. However, in no case shall proposed parcels be less than the following minimum standards:
  - a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 6003/UGM.

### Building Setbacks

28. Building setbacks shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-11-178.

### Fences, Hedges & Walls

29. Fences Hedges and Walls shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-11-178.

### LANDSCAPING AND OPEN SPACE

30. Pursuant to Policy 3-4.6 of the Woodward Park Community Plan the developer/subdivider shall provide a minimum 20-foot wide landscape buffer area (and irrigation system) along the northern property line of lots with frontage along East Copper Avenue, which is designated as a super arterial street (i.e., north property line of Lots 11-30 & 35-37 of Vesting Tentative Tract Map No. 6003/UGM).
31. Pursuant to Policy 3-4.6 of the Woodward Park Community Plan the developer/subdivider shall provide a minimum 20-foot wide landscape buffer area (and irrigation system) along the western property line of lots with frontage along North Maple Avenue, which is designated as an arterial street (i.e., west property line of Lots 1-11 & 65 of Vesting Tentative Tract Map No. 6003/UGM).
32. Two to five percent (2%-5%) of the site (less street dedications) should consist of common passive/active open space in accordance with: the City of Fresno Proposed Guidelines for Landscape Open Space and Pedestrian Walkway Requirements for Residential Development; the Conditions of Approval for Conditional Use Permit Application No. C-11-178; and, the following:
  - a) All subdivisions that are 10 net acres in area or greater shall provide a minimum of 2.5 percent of the site with aggregate open space.
    - i) Proposed Outlot "B" of Vesting Tentative Tract Map No. 6003/UGM shall be dedicated and utilized for common open space purposes.
      - NOTE: Outlot "B" of Vesting Tentative Tract Map No. 6003/UGM is approximately 16,294 square feet in area; comprising approximately 2.7 percent of the net acreage (13.83 net acres) of the subject property.
  - b) Entryways should contain enhanced landscaping (and irrigation systems), surface materials, and fencing/wall treatments that respectively improve and better define a project's visual image and character.
  - c) Provide a minimum 5-foot wide landscape strip at the end of all blocks. The landscape strip/buffer shall be located adjacent to the "sidewalk pattern" within the adjacent Outlot proposed for private street purposes and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies.

- d) Landscaped pedestrian connections/walkways are encouraged for all subdivisions in order to promote "walkability", link neighborhoods and to provide residents the opportunity to reach destinations, including (but not limited to) residences, bus stops, trails, parks (including mini, neighborhood, community, regional parks, etc.), schools, shopping centers, other subdivisions, etc.
- NOTE: While not required, a secured Pedestrian connection to North Maple Avenue at the end of the stub street which has been proposed adjacent to Lots 10 & 11 of the tentative map is encouraged and may be facilitated by the subdivider/developer through the creation of an easement or extension of the Outlot at the respective location. An improvement detail for any pedestrian connection that may be proposed shall be submitted to the Development and Resource Management Department for review and approval prior to recordation of a Final Map for the respective phase.
33. All proposed landscaped buffers, open spaces, pedestrian connections, entryways, pathways, or private on-site landscaping for street tree purposes, shall be improved in accordance with the landscape improvement plans, which are to be submitted to the Development and Resource Management Department for review and approval prior to Final Map approval.
- NOTE: Lighting details for any proposed open spaces areas shall be provided with the submittal of the landscape improvement plans.
34. Maintenance of all Outlots proposed within the boundary of Vesting Tentative Tract Map No. 6003/UGM shall be provided pursuant to the Maintenance Obligations stipulated herein below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.
35. Landscaping, which is compliant with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards," shall be required adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.
36. The subdivider is required to provide street trees on all street frontages per Fresno Municipal Code standards and is responsible for the dedication of public planting and buffer landscape easements as determined by the Development and Resource Management and Public Works Departments.
- a) Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage; or, one tree per home (whichever is greater) by the developer.
    - i) The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards and AB 1881 Model Water Efficient Landscape Ordinance.
37. Comply with all of the: (1) Street Tree; (2) Buffer Landscape & Maintenance; (3) Median Island Landscape; and, (4) Outlot requirements included within the Department of Public Works, Streets Division memorandum dated January 05, 2012.

**STREETS AND RIGHTS-OF-WAY**

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

Street Name	Status	Required Change
(Interior Private Streets)	Add	(Provide new street names for review & approval prior to recordation of a Final Map)

- 38. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.
- 39. Comply with all of the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandums dated February 07, 2012 and January 06, 2012; and the following:
- 40. Comply with all of the requirements included within the attached Fresno Area Express memorandum dated January 23, 2012.
- 41. Proposed Outlot "A" of Vesting Tentative Tract Map No. 6003/UGM shall be dedicated and utilized for private street and public utility purposes.

**SANITARY SEWER SERVICE**

The nearest sanitary sewer mains to serve the proposed project are an 8-inch main located in North Maple Avenue and an 8-inch main located in East Copper Avenue. The following sewer improvements shall be required prior to providing City sewer service to the project:

- 42. Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated January 09, 2012.

**WATER SERVICE**

The nearest water mains to serve the proposed project are a 14-inch main located in North Maple Avenue and a 14-inch main located in East Copper Avenue. The following water improvements shall be required prior to providing City water service to the project:

- 43. Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated January 24, 2012.

**SOLID WASTE SERVICE**

This tract will be serviced as Single Family Residential properties with Basic Container Service (3 container - solid waste, green waste & recyclable material), subject to the following conditions:

- 44. Comply with all of the requirements included within the attached Department of Public Utilities, Solid Waste Division memorandum dated January 24, 2012; with the following exceptions:

- NOTE: Where covenants are required for solid waste purposes, such exceptions as are provided below shall be approved by the Department of Public Utilities, Solid Waste Division prior to recordation of a Final Map.
- a) The proposed planned development may be eligible for a green waste container exemption subject to establishment of a Homeowners' Association (HOA) providing appropriate provisions for landscape maintenance. Contact the Department of Public Utilities, Solid Waste Division for further information.
  - b) If it may be demonstrated that alternative container locations are acceptable for lots that are part of a dead-end drive, then requirements for container locations for Lots 11-12, 18-19, 26-27, 36-37 & 64-65 may be modified subject to approval by the Department of Public Utilities, Solid Waste Division.

#### FIRE SERVICE

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

45. Comply with all of the requirements included within the attached Fresno Fire Department memorandum dated January 09, 2012.

#### FLOOD CONTROL AND DRAINAGE

46. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's memorandum to the Development and Resource Management Department dated January 23, 2012.

#### COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

47. Comply with all of the requirements included within the attached County of Fresno Department of Public Health memorandum dated January 23, 2012.

#### AT&T

AT&T has facilities within the area to provide service to the tract subject to the following requirements:

38. Facilities available to provide service to the tract may be in conflict with proposed street improvements. The subdivider shall contact Pablo Santos, OSP Engineer with AT&T at (559) 454-3607, or by email at [ps9796@att.com](mailto:ps9796@att.com), once street improvement plans are available in order to identify any potential conflicts with AT&T facilities.

#### RIGHT-OF-WAY ACQUISITION

39. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
40. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must

be determined at the project design stage based on the existing conditions and detailed design information.

41. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.
42. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.
43. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

#### MAINTENANCE OBLIGATIONS

The long term maintenance of the items included within the aforementioned and attached Public Works Department, Traffic and Engineering Services Division memorandum dated February 07, 2012 is the ultimate responsibility of the owner/developer and shall be secured through compliance with the provisions below:

44. If the owner/developer chooses to be annexed into the City's CFD for maintenance purposes, then an Annexation Request Package shall be submitted to the Public Works Department for review, processing, and approval.
  - NOTE: Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available on-line on the City of Fresno website (<http://www.fresno.gov>) under the Public Works Department Developer Doorway.
- a) Construction plans for all features to be maintained by a CFD for a final map shall be included in the final map submission to the Development Department for processing. Where applicable, this shall include a Street Tree Location and Street Tree Species (by street) map. Landscaping plans shall contain actual tree and plant counts by species and include the areas (in square feet) of turf, shrubs and trees, and sidewalks or other paved areas within all landscaped areas.
  - NOTE: The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require that landscape and irrigation plans be submitted with landscape buffer plans for approval prior to inclusion into the CFD.

- b) Proceedings to place the Final Map into a CFD shall not commence until the Final Map has been annexed into the City of Fresno and the Final Map, Landscape and Street Construction Plans are considered to be technically correct.
  - c) If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, he/she shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. The developer/subdivider shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.
55. Should the City Council or owner/developer choose not to include all of the maintenance items or certain items listed above in a CFD, then the property owner/developer shall be responsible for establishing a Home Owners' Association (HOA) or other property based management mechanism which provides for the maintenance of these items in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.
- a) The subdivider shall establish a Home Owners' Association (or other approved mechanism) to perform the above listed maintenance responsibilities pursuant to Section 12-1026 of the Fresno Municipal Code. The Declaration of Covenants, Conditions, and Restrictions (CC&R's) described herein, shall among other things, specify level of effort, frequency, and inspection of maintenance responsibilities, name the City as a third party beneficiary for those provisions, and be subject to approval by the Director of Public Works and the City Attorney's Office. Any amendment to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.
    - NOTE: Should the owner/developer elect to establish a Home Owners' Association to perform maintenance obligations and assure that said obligations are met, then the owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.
  - b) The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Development and Resource Management Department for review prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Development and Resource Management Department Guidelines for preparation of CC&Rs dated September 01, 1994.

#### DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

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

<u>SEWER CONNECTION CHARGES</u>	<u>FEE RATE</u>
b. Lateral Sewer Charge [1]	\$0.10/sq. ft. (to 100' depth)
c. Oversize Charge [1]	\$0.05/sq. ft. (to 100' depth)
d. Trunk Sewer Charge [2] Service Area: Herndon	\$496.00/living unit
e. Wastewater Facilities Charge [3]	\$2,119.00/living unit
f. Copper Avenue Sewer Lift Station Charge [1]	\$650.00/living unit
g. House Branch Sewer Charge [2]	N/A

<u>WATER CONNECTION CHARGES</u>	<u>FEE RATE</u>
h. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule.
i. Frontage Charge [1]	\$6.50/lineal foot
j. Transmission Grid Main Charge [1]	\$643.00/gross acre (parcels 5 gross acres or more)
k. Transmission Grid Main Bond Debt [1] Service Charge	\$243.00/gross acre (parcels 5 gross acres or more)
l. UGM Water Supply Fee [2] Service Area: 101-S	\$456/living unit
m. Well Head Treatment Fee [2] Service Area: 101	\$0.00/living unit
n. Recharge Fee [2] Service Area: 101	\$0.00/living unit
o. 1994 Bond Debt Service [1] Service Area: 101	\$895/living unit

<u>CITYWIDE DEVELOPMENT IMPACT FEES</u>	<u>FEE RATE</u>
p. Fire Facilities Impact Fee – Citywide [4]	\$539.00/living unit
q. Park Facility Impact Fee – Citywide [4]	\$2278/living unit
r. Quimby Parkland Dedication Fee [2]	\$1120/living unit
s. Citywide Regional Street Fee [3]	\$8,361.00/adj. acre

t. New Growth Area Major Street Fee [3]	\$18,790.00/adj. acre
u. Police Facilities Impact Fee – Citywide [4]	\$624.00/living unit
v. Traffic Signal Charge [1]	\$450.94/living unit
w. Street Acquisition/Construction Charge [2]	N/A

**Notes:**

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Please see the attached memorandum from the Fresno Metropolitan Flood Control District (FMFCD) for further information regarding considerations which may affect the fee obligation(s) or the timing or form of fee payment.

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits. (The requirement to pay this fee is currently suspended by Fresno County. However, payment of this fee may be required if the fee has been reinstated at the time of issuance of building permits on the subject property.)

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

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

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

**CONDITIONS OF APPROVAL**

FEBRUARY 15, 2012

**CONDITIONAL USE PERMIT APPLICATION NO. C-11-178  
"A PLANNED DEVELOPMENT"**

**SOUTHEAST CORNER OF EAST COPPER AND NORTH MAPLE AVENUES**

**PART A - PROJECT INFORMATION**

1. Assessor's Parcel No(s): 578-010-38 & 44
2. Street Location: Southeast corner of the intersection of East Copper and North Maple Avenues.  
**(Council District 6, Councilmember Brand)**
3. Existing Zoning "C-1/UGM/cz" (*Neighborhood Shopping Center District/Urban Growth Management/with conditions of zoning*)
4. Proposed Zoning "R-1/UGM" (*Single Family Residential District/Urban Growth Management*)
5. Existing Planned Land Use: Neighborhood Commercial
6. Proposed Planned Land Use: Medium Density Residential (4.99-10.37 dwelling units/acre)
7. Plan Areas: Woodward Park Community Plan
8. Project Description: Request authorization for a 118-lot single family residential, gated, private street planned development with modified property development standards for lots proposed to be created by Vesting Tentative Tract Map No. 6003/UGM. The proposed project will also include improvements within two outlots, which are proposed to be dedicated for private street and common open space purposes.

**PART B - GENERAL CONDITIONS AND REQUIREMENTS**

The City of Fresno Planning Commission, on February 15, 2012, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E", "F" & "L", inclusive of Conditional Use Permit Application No. C-11-178.

**IMPORTANT: PLEASE READ CAREFULLY**

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

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code (FMC) Section 12-405.A can be made.

**All discretionary conditions of approval will ultimately be deemed mandatory unless appealed either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. C-11-178 and Vesting Tentative Tract Map No. T-6003/UGM.**

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(Include this note on the site plan.)**

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

Transfer all red line notes, etc., shown on the original site plan exhibit(s) to the final site plan(s).  
**CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED**

IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by February 15, 2016 (four years from the date of Director approval). The time limits for any special permit conditionally granted in conjunction with an approved tentative tract map shall be automatically extended upon the extension of such tentative tract map pursuant to Section 12-1005.1 of the FMC.

**To complete the back-check process for building permit relative to planning and zoning issues, submit copies of this corrected, final site plan, together with copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Development Services (Planning) Division for final review and approval, a minimum of ten days before applying for building permits.**

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

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

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

#### NOTICE TO PROJECT APPLICANT

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

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

#### **PART C - PUBLIC IMPROVEMENT REQUIREMENTS**

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

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

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit(s) "A" is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the existing and proposed public rights-of-way.
- b) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface private structures and appurtenances extending within the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts/Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.
- c) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:
  - i) Dedications shall take place in accordance with any applicable conditions included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated February 07, 2012.
- d) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:
  - i) A feasibility study for all proposed vacations of existing public rights-of-way is required to be completed prior to either recordation of the Final Map or issuance of building permits. Contact Alan James, Supervising Engineering Technician at (559) 621-8693 for further information.

2. STREET IMPROVEMENTS

- a) All public improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering Services Division at (559) 621-8693, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.
- b) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.
- c) Where required, design and construct curb, gutter, AC paving, and residential sidewalk patterns to Public Works standards, specifications, and policies. Plans shall be prepared by a registered Civil Engineer.

- d) Streetlights are required on all frontages to City Standards and/or as determined by the City Engineer. Street lighting plans are required and must be approved by the Public Works Department/Engineering Services prior to commencement of the work.
- e) Underground all existing off-site overhead utilities within the limits of this site as per FMC Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.
- f) Submit four copies of a Geometric Approval Drawing (GAD) to Traffic Engineering for review and approval, per the attached checklist, prior to submittal of street plans.
- g) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

### 3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

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

## PART D - PLANNING/ZONING REQUIREMENTS

### 1. PLANNING

- a) Development is subject to the following plans and policies:
  - i) "R-1", *Single Family Residential District* (§12-211 of the FMC)
  - ii) 2025 Fresno General Plan
  - iii) Woodward Park Community Plan

### 2. MITIGATION MONITORING REQUIREMENTS

Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-012/R-11-018/C-11-178/T-6003 and dated January 13, 2012.

- a) The Mitigated Negative Declaration prepared for the proposed project is tiered off of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Air Quality MND. Development of the subject property shall be subject to implementation of all applicable mitigation measures included within the MEIR and Air Quality MND for subsequent projects; included herein by reference.

### 3. ZONING

- a) Approval of Conditional Use Permit Application No. C-11-178 is contingent upon approval of

Vesting Tentative Tract Map No. 6003/UGM; and City Council approval of Plan Amendment Application No. A-11-012 and Rezone Application No. R-11-018.

- NOTE: The existing covenant for the subject property related to the conditions of zoning established through adoption of City Council Ordinance No. 2001-75/Bill No. B-81 may be released upon Council Approval of Rezone Application No. R-11-018.
- b) A subsequent entitlement will be required in order to revise the current development proposal or authorize an alternative development scheme for the subject property. Further environmental review may also be required if any proposed revisions have not been previously evaluated within the scope of Environmental Assessment No. A-11-012/R-11-018/C-11-178/T-6003 and dated January 13, 2012.
- c) The subject property is proposed to be zoned under the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district classification. Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective R-1 zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-11-178.

#### 4. POPULATION DENSITY

- a) Pursuant to the proposed Medium Density Residential planned land use designation for the subject property; the subject property shall be developed in accordance with Vesting Tentative Tract Map No. 6003/UGM and Exhibit(s) "A" of Conditional Use Permit Application No. C-11-178.
- i) Based upon the number of dwelling units (du) allowed per acre, respective to the Medium-Density Residential planned land use designation, the subject property is required to be developed with between 4.99-10.37 du/acre to meet the density requirements of the 2025 Fresno General Plan and FMC.
- NOTE: Pursuant to Vesting Tentative Tract Map No. 6003/UGM and Conditional Use Permit Application No. C-11-178, the subject property is proposed to be developed at an overall density of approximately 8.53 du/acre.

#### 5. BUILDING HEIGHT

- a) No building or structure erected in the R-1 (*Single Family Residential*) zone district shall have a height greater 35 feet.
- NOTE: Exceptions. Over height structures may be approved by the City of Fresno Planning Commission or Director of the Development and Resource Management Department. However, no roof structure or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.
- b) No accessory building erected on the subject property shall have a height greater than one story, not to exceed 12 feet in height. All accessory buildings on the subject property are

subject to the provisions of Section 12-306-N-1 (Accessory Buildings) of the FMC.

#### 6. BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

- a) Setbacks and spaces between buildings shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-11-178; and, the following:
- NOTE: Any proposed deviation from the building setback envelopes established by Exhibit "A" of Conditional Use Permit Application No. C-11-178 requires a revision to Conditional Use Permit Application No. C-11-178.
- i) Building envelopes for Lots 38-65 of Vesting Tentative Tract Map No. 6003/UGM shall provide for a minimum 20-foot rear yard setback.
- ii) The building envelope for Lot 37 of Vesting Tentative Tract Map No. 6003/UGM shall provide for a minimum 10-foot side yard setback along its eastern property.
- b) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

#### 7. LOT COVERAGE

- a) Lot coverage shall be permitted in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibit(s) "A" of Conditional Use Permit Application No. C-11-178.

#### 8. OPEN SPACES AND LANDSCAPING

The subdivider shall provide and maintain all landscaping (and irrigation systems) in accordance with the following:

- a) A landscape and irrigation plan, prepared by a landscape professional, shall be submitted to the Development Services (Planning) Division and approved for all open space and recreational areas within the development. These plans must be reviewed and approved prior to obtaining building permits.
- b) Proposed Outlot "B" of Vesting Tentative Tract Map No. 6003/UGM, which is proposed to be dedicated for open space purposes shall be landscaped by the developer in accordance with the approved landscape and irrigation plans and shall thereafter be maintained by the property owner/subdivider in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.
- c) All yards (including private) and areas designated for open space purposes shall be landscaped and maintained in accordance with Sections 12-306-N-24 of the FMC.

- i) All yards and landscaped areas located adjacent to street frontage shall be provided automatic irrigation systems.
  - ii) All yards (including private) and areas designated for open space purposes shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.
- d) All required Walls or fences, which are accessible to the public, shall incorporate an adjacent landscaped buffer area pursuant to the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."
- e) Provide for the planting of trees on-site per FMC Section 12-306-N-24-g; except as may be modified herein below:
- i) Planting of on-site trees shall occur in accordance with the landscape plan which is required to be submitted to the Development Services (Planning) Division for review and approval prior to issuance of building permits.
  - ii) Trees shall be planted in all landscaped areas required in the conditions of approval for Vesting Tentative Tract Map No. 6003/UGM in order to shade and enhance adjacent property and public rights-of-way.
- f) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.
- NOTE: Street trees shall be planted by the property owner and shall be inspected by the City pursuant to the payment of street tree inspection fees.
- i) Comply with the Street Tree , Buffer and Median Island Landscaping and Maintenance requirements included within the attached Department of Public Works, Streets Division memorandum from the Parks Supervisor dated January 05, 2012.
- NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant the minimum number of streets trees required based upon the linear feet of street frontage on private property within ten feet of the back of the sidewalk. Based upon the proposed building setbacks of proposed structures to public rights-of-way, street trees may not be required to be planted within a 10-foot Public Planting and Utility Easement (to be determined by the City Engineer).
  - NOTE: The number and location of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to approval of landscape plans and prior to issuance of a street tree planting permit. The approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not in the public right of way. A copy of this plan shall be kept at the job site at all times.

- ii) Call (559) 621-5600 to notify the Public Works Department Construction Management Division 72 hours prior to tree hole drilling/tree planting in the public right-of-way, in order to verify tree locations, to obtain inspection of drilling operations, and to check backfilling procedures and safety barriers.
- iii) All planting, irrigation and related work within the city right-of-way shall comply with the City of Fresno Public Works Department Standard Specifications, Section 25 and 26.
- iv) All landscaping and related work to be performed within the city right-of-way shall be done by a qualified contractor and requires a street encroachment permit from the Public Works Department prior to commencement. Call (559) 621-8685 for information on encroachment permits and required insurance and bonding.
- g) All trees shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Development and Resource Management Department. **(Include this note on the site plan and landscape plan.)**
- h) All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and any such vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.
- i) Landscaping shall be kept free from weeds and undesirable grasses.
- j) Landscaping must be in place before issuance of the certificates of occupancy for proposed structures.
- i) A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**
  - NOTE: The hold on occupancy may be released at the discretion of the Development and Resource Management Department to subjectively accommodate inappropriate planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).
  - NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.
- ii) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Development and Resource Management Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Development and Resource Management Department. **(Include this note on the site and**

**landscape plans.)**

9. FENCES, HEDGES, AND WALLS

Fences, hedges and walls shall be provided in accordance with the following:

- a) All proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Development and Resource Management Department. **(Include this note on the site plan.)**
  - i) Clearly depict any proposed/existing fences, hedges and walls on Exhibit(s) "A" of Conditional Use Permit Application No. C-11-178. Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Development and Resource Management Department.
  - ii) Submit a rendering depicting the fence, hedge or wall height, material, location etc. for review and approval.
    - NOTE: Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.
- b) Construct a 6-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the FMC behind the required 20-foot wide landscape easement along the north property line of all lots with frontage along East Copper Avenue (i.e., Lots 11-30 & 35-37 of Vesting Tentative Tract Map No. 6003/UGM).
- c) Construct a 6-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the FMC behind the required 20-foot wide landscape easement along the west property line of all lots with frontage along North Maple Avenue (i.e., Lots 1-11 & 65 of Vesting Tentative Tract Map No. 6003/UGM).
- d) Fences within the interior of the planned development shall be located behind any required end-block landscape areas as required by the conditions of approval for Vesting Tentative Tract Map No. 6003/UGM.
- e) Street side yard fences on reversed corner lots shall be setback a distance equal to, or greater than, the required front yard setback for the abutting key lot.
- f) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC except as may be modified herein below.
  - i) Entryway gates and fences or walls shall be provided in accordance with Exhibit(s) "L" of Conditional Use Permit Application No. C-11-178 and the conditions of approval for Vesting Tentative Tract Map No. 6003/UGM.
- g) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism,

and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.

#### 8. ACCESS

- a) There shall be adequate vehicular access from a dedicated and improved street, service road or alley, the design of which shall be approved by the Director of Public Works.
  - i) Vehicular access shall be provided from any frontage other than the primary frontage (Fulton Street) where available.
- b) There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes.
- c) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.
- d) Provide vehicular and/or pedestrian access as noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-11-178.

#### 9. OUTDOOR ADVERTISING AND MARKETING

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

#### 10. BUILDING STANDARDS AND ELEVATIONS

Final building elevations for all structures proposed to be constructed on the subject property shall be submitted to the Development and Resource Management Department, Development Services Division for approval prior to issuance of building permits.

The design of the project should address the goal to create a pedestrian scale atmosphere with quality architecture in order to create and achieve a vibrant, livable, walkable, economically viable and sustainable community to enhance the urban form. Buildings should generally be designed to strengthen street scene, integrating private and common area spaces such as to maximize pedestrian use, enjoyment and amenity associated with the planned development. Building elevations shall comply with the following requirements:

- a) Pursuant to Policy numbers C-20-f, C-21-a, C-21-b and C-21-c of the 2025 Fresno General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless "blank" walls. Design measures should be utilized to avoid large scale, massive, monolithic, and repetitive "institutional" visual appearances. Submit elevations inclusive of modifications for review and approval.
  - i) Buildings shall have an attractive appearance on all sides, not just on their front elevations.

Side and rear elevations which are visible from the public rights-of-way or which are adjacent to common areas or paths of travel should incorporate aesthetic enhancements to reinforce the quality and character of the development. Design features such as the extension of roof treatments to the sides and backs of buildings; provision of overhangs, awnings and sunscreens; and, use of texture, relief, and/or color can be utilized to add interest to otherwise blank walls.

- NOTE: Aesthetic enhancements may include a variety of elements including incorporation of architectural character defining features, details and materials, landscaping, decorative fencing, etc. Contact the Development and Resource Management for further information and/or recommendations. Development and Resource Management Department approval shall be obtained for respective elevations of the proposed structures prior to issuance of building permits.
- ii) Elevations which are visible from the public streets rights-of-way shall incorporate aesthetic enhancements pursuant to the recommendations included herein above.
  - iii) Second-story windows should be directed, to the extent feasible, away from adjacent single-story residential uses; or, adequate setback and landscape screening shall be provided to protect the privacy of adjacent properties.
  - iv) Roofing material shall consist of: architectural grade composition roofing guaranteed by the manufacturer for at least 20 years; cement or clay tile; treated wood shakes; and/or, architectural-grade metal and coated non-glare decorative metal roofing products.
  - v) Garage doors with decorative features (which may include windows) shall be provided for each dwelling on all lots within the planned development.
  - vi) Where proposed, attic vents shall be decorative, consistent with the style and character of each structure.
- b) In accordance with City of Fresno guidelines and recommendations from the Fresno Police Department for crime prevention through design, appropriate lighting shall be provided on-site to enhance the appearance of the neighborhood while simultaneously providing a sense of security and safety in order to make it possible to use outdoor living spaces after nightfall.
- i) Residential lighting fixtures should be scaled to be in keeping with the pedestrian nature of the planned development.
  - ii) Lighting should be designed to make yard and common areas more livable and to allow neighbors to gather and socialize in the evening hours.
  - iii) Lighting fixtures should complement the architectural style of the structures in terms of both color and style. Fixtures attached to structures and complementing their style are preferred.
  - iv) Eave-mounted spotlights should be limited to interior yards and used only to illuminate after-dark activities. The light from these spotlights should be shielded or aimed to

eliminate glare escaping into neighbors' yards and windows.

- c) Clearly identify all condensing units, air conditioning and heating units on the site plans and elevations.
  - i) Mechanical equipment placed on the ground within side yard areas shall not obstruct or impede access for emergency service personnel. Maintain minimum 3-foot wide clear paths around equipment; or, provide approval from the City of Fresno Fire Department respective to mechanical equipment locations.
  - ii) Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way. When placed on the ground outside of required yards, condensing units and mechanical equipment shall be screened from view of the public right-of-way with structures, fencing and/or landscaping as may be appropriate.

## 12. DEVELOPMENT IMPACT FEES

City of Fresno Development Impact Fee obligations applicable to this project shall be satisfied in accordance with the fee schedule outlined within the conditions of approval for Vesting Tentative Tract Map No. 6003/UGM dated February 15, 2012. The specified fees will be payable at time of recordation of a Final Map, issuance of building permit, at time of issuance of certificate of occupancy, or may be eligible to be deferred with a fee deferral covenant.

## **PART E - CITY AND OTHER SERVICES**

### 1. STREET TREES, BUFFER, PARKWAY AND MEDIAN ISLAND LANDSCAPING

- a) Comply with all of the: (1) Street Tree; (2) Buffer Landscape & Maintenance; (3) Median Island Landscape; and, (4) Outlot requirements included within the Department of Public Works, Streets Division memorandum dated January 05, 2012.

### 2. TRANSPORTATION/TRAFFIC PLANNING and FAX REQUIREMENTS

- a) Comply with all of the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandums dated February 07, 2012 and January 06, 2012; and the following:
  - i) Comply with all of the requirements included within the attached Fresno Area Express memorandum dated January 23, 2012.

### 2. PUBLIC UTILITIES REQUIREMENTS

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated January 09, 2012.
- b) Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated January 24, 2012.

3. SOLID WASTE COLLECTION

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Solid Waste Division memorandum dated January 24, 2012; with the following exceptions:
- NOTE: Where covenants are required for solid waste purposes, such exceptions as are provided below shall be approved by the Department of Public Utilities, Solid Waste Division prior to recordation of a Final Map.
- i) The proposed planned development may be eligible for a green waste container exemption subject to establishment of a Homeowners' Association (HOA) providing appropriate provisions for landscape maintenance. Contact the Department of Public Utilities, Solid Waste Division for further information.
- ii) If it may be demonstrated to that alternative container locations are acceptable for lots that are part of a dead-end drive, then requirements for container locations for Lots 11-12, 18-19, 26-27, 36-37 & 64-65 may be modified subject to approval by the Department of Public Utilities, Solid Waste Division.

5. FIRE PROTECTION REQUIREMENTS

- a) Comply with all of the requirements included within the attached City of Fresno Fire Department memorandum dated January 09, 2012.

6. FLOOD CONTROL REQUIREMENTS

- a) Comply with all of the requirements included within the attached Fresno Metropolitan Flood Control District memorandum dated January 23, 2012.

7. COUNTY OF FRESNO, DEPARTMENT OF COMMUNITY HEALTH

- a) Comply with all of the requirements included within the attached County of Fresno Department of Public Health memorandum dated January 23, 2012.

8. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

- a) The subdivider/developer shall comply with all regulations and rules applicable to the development of the subject property in accordance with SJVAPCD requirements and the mitigation measure requirements included herein above.
- NOTE: These rules and regulations may include, but not be limited to, compliance with Regulation VIII for the control of particulate matter and fugitive dust during construction of this project and Rule 8060 for the control of fugitive dust from paved and unpaved roads.

## **PART F - MISCELLANEOUS**

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

1. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
2. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation.
3. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved.

**Unless the Planning Commission decision is set for hearing to the Council in accordance with Section 12-406-J of the FMC, the decision of the Commission shall be final and effective at 12:01 a.m. on the sixteenth day after the date of the decision, subject to writ of administrative mandamus under 1094.6 of the Code of Civil Procedures.**

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**DEPARTMENT OF PUBLIC WORKS**

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TO: Will Tackett, Planner III  
Planning Division

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

DATE: January 5, 2012

SUBJECT: Tract 6003 (APN: 578-010-38 & 578-010-44) located on the southeast corner of North Maple and East Copper Avenues. The Department of Public Works has reviewed the Tentative Tract Subdivision Map proposed by Brent McCaffrey of the McCaffrey Group and proposed landscape plans from Broussard Associates, dated October 27, 2011. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in the street rights-of-ways:

**GENERAL REQUIREMENTS****STREET TREE REQUIREMENTS**

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per lot whichever is greater. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards and AB 1881.

A. The designated street tree for E. Copper Ave. is:

**Quercus lobata**

**Valley Oak**

The proposed landscape plans show twenty six (26) *Quercus lobata* street trees on E. Copper Ave. in the parkstrip. Only fifteen (15) are required.

B. The designated street tree for N. Maple Ave. is:

**Quercus virginiana**

**Southern Live Oak**

The proposed landscape plans show twenty (20) *Quercus virginiana* street trees at 30' o.c. with an additional twenty (20) in the buffer planted within seventeen feet (17') opposite the street trees. The *Q. virginiana* tree grows to a height and width of forty feet (40') and has a superficial root system. The design does not address the full size of the tree at maturity and the root system need for space. The landscape design will need to be amended to accommodate the tree species. Only twelve (12) street trees are required.

2. Street Tree Planting by Developer: Tree planting shall be within an 8'-10' Public Planting and Utility Easement.
  - a. Street tree inspection fees shall be collected for each 60' of public street frontage.
  - b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."
  - c. Landscape plans for all public use areas shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all street tree planting.

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

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

### **BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS**

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

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

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

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

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

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

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

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

### **MEDIAN ISLAND LANDSCAPE REQUIREMENTS**

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

2. The Public Works Department will review and evaluate existing median island(s) for a determination of all required improvements prior to approval of Final Map.
3. Landscape and irrigation is required on all median islands within the limits of the project.

**NORTH MAPLE AVENUE:**

There are approximately 175 linear feet of median island amenities to be included on North Maple Avenue fronting this development. The existing median island has curbing, an 8" PVC sewer mainline approximately 16.7 feet below grade, a water meter (#60467060; 10782 Maple Ave.) and landscaping to the south of this project adjacent to Tract # 5110. Please match the existing landscaping design for continuity.

**EAST COPPER AVENUE:**

There are approximately 900 lineal feet of existing median islands fronting this property on E. Copper Ave. The curbing and a portion of the stamped concrete has been installed along with an 8" PVC sewer line approximately 12' below grade. The developer will be required to finish installing the stamped concrete on this island. No landscaping will be required for this section.

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

**OUTLOTS**

1. The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). The Outlot for this project is located internally and will be included in the Home Owner's Association.
2. Outlots which are utilized for water well purposes will not be included in the CFD. The Water Division Department in Public Utilities will provide the maintenance of all plant material on the well site.



DATE: January 24, 2012 **February 7, 2012 Revision**

TO: Will Tackett  
Development and Resource Management Department

~~THROUGH: M. Scott Tyler, PE, City Traffic Engineer  
Public Works Department, Traffic & Engineering Services Division~~

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

SUBJECT: Public Works Conditions of Approval  
**TT 6003 / C-11-178**, (Southwest corner of Copper and Maple)  
CIAO PROPERTIES, LLC / Morton & Pitalo, Inc.

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

**General Conditions:**

1. Curb Ramps: Provide curb ramps at all corners within the limits of this subdivision.
2. Pedestrian Easements: **Identify** all pedestrian easements on the map.
  - a. Major Streets: 8' minimum dedications for pedestrian easements are required for the modified cross sections. Additional width may be required to accommodate the ramps.
3. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.
4. Intelligent Transportation Systems (ITS): Street work on major streets shall be designed to include ITS in accordance with the Public Works ITS Specifications, where not existing.
5. Design local streets with a minimum of 250' radius.
6. Outlots: Private
7. Plan Submittal: Submit the following plans, as applicable, in a single package, to the Development and Resource Management Department for review and approval: Street: construction, signing, striping, traffic signal and streetlight
8. Street widening and transitions shall also include utility relocations and necessary dedications.
9. Private Irrigation Pipe: ~~If not abandoned, the developer shall enter into an agreement with owner of the private canal providing for piping the canal and submit an executed copy of the agreement or commitment letter from the owner of the private canal to the Development and Resource Management Department.~~ **Changes made per Scott Mozier at the City Engineer's Meeting on January 6, 2012.** All piping shall be located outside of the proposed street right of way. Any piping across city streets shall be rubber gasketed reinforced concrete pipe (RGRCP) constructed perpendicular to the street. Submit engineered plans to Public Works Department, Traffic and Engineering Services Division for review and approval. **Identify the proposed easement and provide a final cross sectional detail on the map.**

## Frontage Improvement Requirements:

### Major Streets:

#### Copper Avenue: Arterial

1. Dedicate **89'-100'** of property, from section line, for public street purposes within the limits of this subdivision to meet the City of Fresno's Arterial Standards. **Submit a GAD drawing to Scott Tyler prior to submitting street plans and Planning Commission.**
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to an 8' residential pattern. Construct a 6' minimum residential sidewalk per Public Works Standard **P-52**. **Since the applicant is proposing a non-standard cross section, an 8' Pedestrian Easement is required as identified on the map.**
3. Construct 20' of permanent paving within the limits of this subdivision.
4. Construct an 80' bus bay curb and gutter at the southeast corner of Copper and Maple to Public Works Standard **P-73**, complete with a **10'** monolithic sidewalk.
5. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-7** for Arterial Streets.
6. Relinquish direct vehicular access rights to Copper Avenue from all lots within this subdivision.

#### Maple Avenue: Arterial

1. Dedicate **55'-73'** of property, from section line, for public street purposes within the limits of this subdivision to meet the City of Fresno's Arterial Standards. **Submit a GAD drawing to Scott Tyler prior to submitting street plans and Planning Commission.**
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct a 6' residential sidewalk per Public Works Standard **P-52**. **A 2' Pedestrian Easement is required. Identify on the map.**
3. Construct 20' of permanent paving within the limits of this subdivision.
4. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-7** for Arterial Streets.
5. Relinquish direct vehicular access rights to Maple Avenue from all lots within this subdivision.

### Interior Streets: Private

Construct sidewalks on both sides of the street or as otherwise required by a pedestrian access plan approved by the City of Fresno, in accordance with Resolution No. 2010-280.

**Specific Mitigation Requirements:** This subdivision is proposing 118 single family dwelling units. Our review indicates that this subdivision will generate a total of **1129** average daily trips, **88 a.m. / 120 p.m.** peak hour trips; therefore, a Traffic Impact Study (TIS) is required. Comply with the mitigation measure requirements of the Assistant Traffic Engineering Manager in the attached letter dated January 6, 2012.

1. Relinquish direct vehicular access rights to :
  - a. the south property line of lot 1.
  - b. the east property line of lot 30.
  - c. the west property line of lot 35.
2. The intersection of :
  - a. **Maple and Road L** shall be limited to right-out turns.

- b. **Copper and Road A** shall be designed with a partial median opening to allow for right-in, right out and left-in turns only.
3. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
4. Entry Gate: Provide a minimum of **75'** from the proposed gate to the back of walk, for vehicle stacking at both entrances and redesign to provide for an onsite turn around. Submit the redesign to Louise Gilio at least one week **prior** to the Planning Commission Hearing for review and approval. **Exhibits A-1 and A-2 are not the same at the proposed entry along Copper. Design such that the curb ramps allow the pedestrian to travel out of the flow of traffic. See Exhibit A-2.**
5. **Provide a detail of the areas shown with dead-end outlots. Identify vehicular ingress/egress.**

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

This project shall pay the current Traffic Signal Mitigation Impact Fee (TSMI Fee) at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual for single family units (fee rate as shown in the Master Fee Schedule).

This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan circulation element and included in the Nexus Study for the TSMI fee. Project specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.

1. The applicant shall design and install detectors, complete-in-place, to the City of Fresno Standards at the northbound approach on Maple. They shall obtain City approval of the plans **prior** to occupancy of the first dwelling unit. This work is eligible for reimbursement and/or credit against Traffic Signal Mitigation Impact Fees.

**Fresno Major Street Impact (FMSI) Fee:** This Map is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees.

**Fresno Major Street Impact (FMSI) Requirements:**

Copper Avenue: Super Arterial (New Growth Area)

1. Dedicate and construct transition paving, as needed within the limits of this subdivision. Dedications and paving shall be sufficient to accommodate arterial standard and any other grading or transitions as necessary based on a **55 MPH** design speed.

Maple Avenue: Arterial (New Growth Area)

1. Dedicate and construct transition paving, as needed within the limits of this subdivision. Dedications and paving shall be sufficient to accommodate arterial standard and any other grading or transitions as necessary based on a **55 MPH** design speed.

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

**Landscape and Feature Maintenance:**

1. The long term maintenance and operating costs of all the items, within the boundary of the subdivision and remainders, listed below shall be the ultimate responsibility of the owner/developer.
  - a. Landscaping and Irrigation systems within the street right-of-ways, landscape easements, outlots and trail areas which includes one half of median islands (in Major Streets), parkways, buffers, median island entry treatments, street trees, paseos and open spaces. All outlots used for open spaces shall be dedicated to the City of Fresno in fee.
  - b. Feature Improvements:
    - **Major Streets:** median islands, sidewalk, decorative concrete, curb, gutter, street furniture, street lights, hardscapes and special features within trails and outlots.
    - **Optional Features:** Items not listed above shall be submitted in writing to the Public Works Department for review and approval.
2. The developer/owner shall do one or both of the following:
  - a. Place the above items into a Community Facilities District (**CFD**) - An Annexation Request Package shall be submitted to the Public Works Department to be reviewed for acceptance. Any special features requested require Public Works Department approval prior to acceptance. If you have any questions contact Traffic and Engineering Services Division at (559)621-8690.

**-AND/OR-**

- b. If the Council or property owner/developer chooses not to include all of the items or certain items listed in a CFD, the property owner/developer shall be responsible for providing a mechanism approved by the City of Fresno for the maintenance of such items. Contact the Development and Resource Management Department at (559)621-8277.



City Hall 559-621-8800  
2600 Fresno Street, Rm. 4064  
Fresno, CA 93721-3623  
[www.fresno.gov](http://www.fresno.gov)



Public Works Department  
Patrick Wiemiller, Director

January 6, 2012

TJKM Transportation Consultants  
Jose Benavides, P.E.  
516 W. Shaw Avenue, Suite 200  
Fresno, CA 93704-2515

**SUBJECT: REVIEW OF TRAFFIC IMPACT ANALYSIS (TIA) FOR THE PROPOSED GENERAL PLAN AMENDMENT A-11-012, R-11-018, C-11-178 FOR TT 6003, LOCATED ON THE SOUTHEAST CORNER OF COPPER & MAPLE AVENUES TIS 12-001 DATED DECEMBER 22, 2011**

***TRAFFIC IMPACT ANALYSIS APPROVED FOR PLANNING COMMISSION***

We have reviewed the Traffic Impact Analysis (TIA) prepared by TJKM for the proposed "project" that proposes a General Plan Amendment at the 13.1 acre site from the current commercial land use to medium density residential use. The project will be comprised of 118 single-family dwelling-units.

**GENERAL COMMENTS and CONDITIONS**

1. Trip generation based on the Institute of Transportation Engineers (ITE) Trip Generation Manual is acceptable for the Single Family Residential use (ITE code 210). The proposed project will generate 1,129 average daily trips (ADT), 89 trips during the AM peak hour and 119 trips during the PM peak hour.

The existing General Plan land uses generate 15,511 ADT, 614 trips during the AM peak hour and 1,386 trips during the PM peak hour based on 178,150 SF of Shopping Center (ITE code 820), 5,000 SF of Fast-Food Restaurant with Drive-Through (ITE code 934) and 52,620 SF of Supermarket (ITE code 850).

2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of \$47.12 per ADT, per the Master Fee Schedule, at the time of building permit. Based on the reported ADT (ITE Code 210) for the proposed project, the fee would be \$53,198.48 payable at time of building permit.

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

Project specific impacts that are not consistent with the 2025 General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees are not eligible for TSMI fee reimbursement unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next TSMI fee update and the applicant agrees to pay the new TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.

3. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.
4. The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; [www.fresnocog.org](http://www.fresnocog.org). Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
5. This project shall construct bike lanes on the project's frontage along Maple and Copper Avenues to connect with adjacent bike lanes existing northbound on Maple Avenue and eastbound on Copper Avenue. The bike lanes shall meet City of Fresno Public Works Standards.
6. The project shall construct the project entrance on Copper Avenue to accommodate a storage length of 75' between the driveway and the automatic sliding gates.
7. The proposed project shall make necessary improvements and right-of-way dedications along adjacent public street(s) per City of Fresno standards/requirements.
8. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.

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

Sincerely,



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

C: Traffic Engineering Reading File  
Copy filed with Traffic Impact Analysis  
Scott Tyler, PE, City Traffic Engineer  
Mike Sanchez, Planning & Development Dept.  
Louise Gilio, Traffic Planning Supervisor  
Will Tackett, Planning & Development Dept.

**C.U.P. SITE PLAN FOR TRACT MAP NO. 6003**  
**A SINGLE FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT**  
**IN THE CITY OF FRESNO**  
**FRESNO COUNTY, CALIFORNIA**

PARCEL A  
70 PM 53  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL B  
59 PM 55  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL C  
59 PM 59  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL D  
59 PM 59  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL E  
59 PM 59  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL F  
59 PM 59  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL G  
59 PM 59  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL H  
59 PM 59  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL I  
59 PM 59  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL J  
59 PM 59  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL K  
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PARCEL M  
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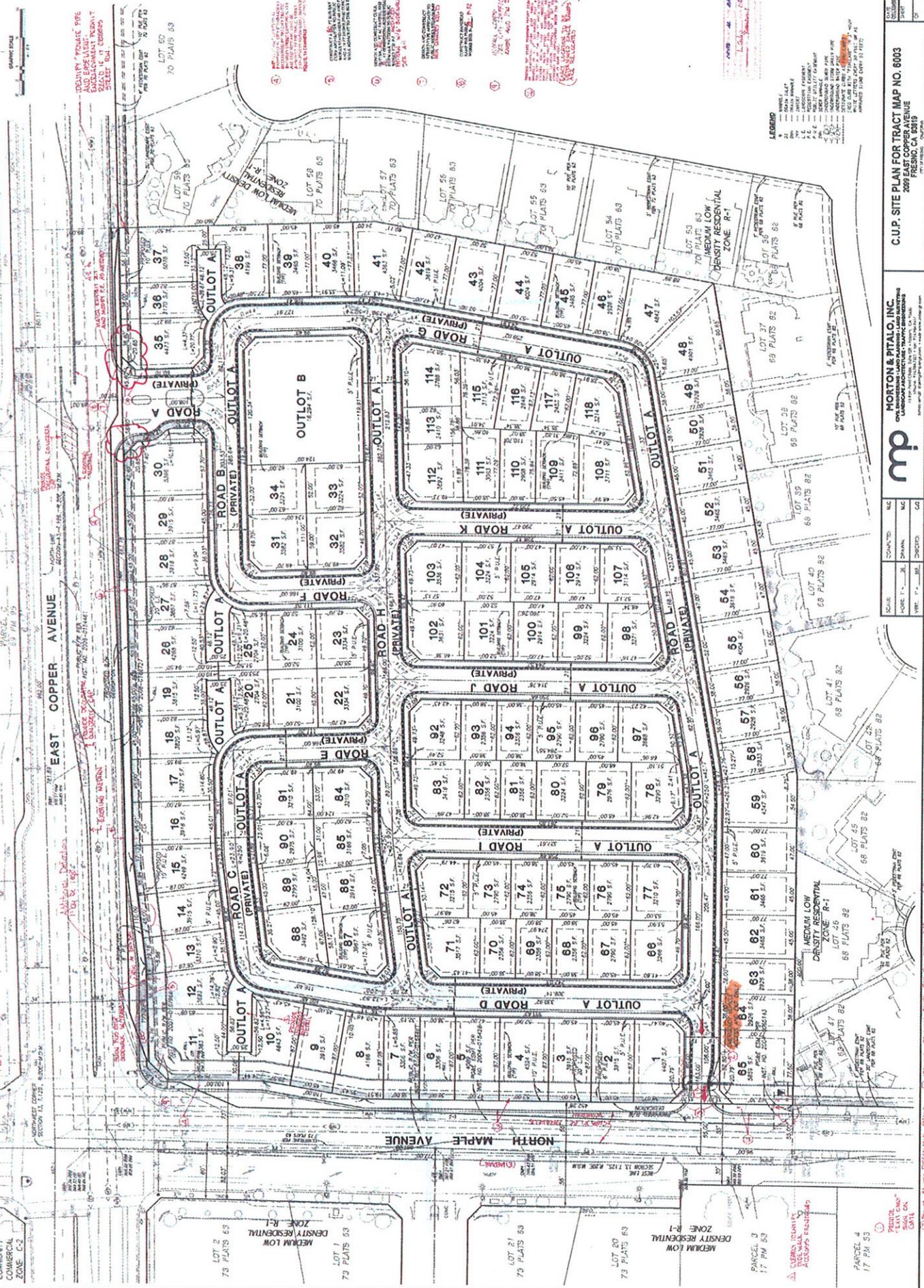
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COMMUNITY COMMERCIAL  
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PARCEL W  
59 PM 59  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL X  
59 PM 59  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL Y  
59 PM 59  
COMMUNITY COMMERCIAL  
ZONE C-2

PARCEL Z  
59 PM 59  
COMMUNITY COMMERCIAL  
ZONE C-2



SCALE: 1" = 40'

DATE: 10/15/10

PROJECT: TRACT MAP NO. 6003

CLIENT: MORTON & PITALO, INC.

PREPARED BY: MORTON & PITALO, INC.

DATE: 10/15/10

SCALE: 1" = 40'

DATE: 10/15/10

PROJECT: TRACT MAP NO. 6003

CLIENT: MORTON & PITALO, INC.

PREPARED BY: MORTON & PITALO, INC.

DATE: 10/15/10

SCALE: 1" = 40'

DATE: 10/15/10

PROJECT: TRACT MAP NO. 6003

CLIENT: MORTON & PITALO, INC.

PREPARED BY: MORTON & PITALO, INC.

DATE: 10/15/10

SCALE: 1" = 40'

DATE: 10/15/10

LEGEND

- 1. LOT
- 2. ROAD
- 3. EASEMENT
- 4. SETBACK
- 5. PROPERTY LINE
- 6. ADJACENT PROPERTY
- 7. EXISTING IMPROVEMENTS
- 8. PROPOSED IMPROVEMENTS
- 9. UTILITIES
- 10. SURVEY DATA
- 11. ZONING
- 12. TRACT MAP
- 13. PLAT
- 14. EASEMENT
- 15. SETBACK
- 16. PROPERTY LINE
- 17. ADJACENT PROPERTY
- 18. EXISTING IMPROVEMENTS
- 19. PROPOSED IMPROVEMENTS
- 20. UTILITIES
- 21. SURVEY DATA
- 22. ZONING
- 23. TRACT MAP
- 24. PLAT
- 25. EASEMENT
- 26. SETBACK
- 27. PROPERTY LINE
- 28. ADJACENT PROPERTY
- 29. EXISTING IMPROVEMENTS
- 30. PROPOSED IMPROVEMENTS
- 31. UTILITIES
- 32. SURVEY DATA
- 33. ZONING
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**DEPARTMENT OF TRANSPORTATION**

**DISTRICT 6**  
1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-5868  
FAX (559) 488-4088  
TTY (559) 488-4066



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December 23, 2011

2131-IGR/CEQA  
6-FRE-41-31.6+/-  
A-11-012, R-11-018, VTMT-6003, C-11-178  
THE McAFFREY GROUP

Mr. Will Tackett  
City of Fresno  
Development and Resource Management  
2600 Fresno Street, Third Floor  
Fresno, CA 93721

Dear Mr. Tackett:

We have completed our review of the proposal for a 118 single-family residential planned unit development on 16.79 acres at the southeast corner of North Maple Avenue and East Copper Avenue. Caltrans has the following comments:

Based upon ITE Trip Generation rates it is estimated that the proposed project could generate 118 PM peak hour trips. Due to this projects location, it anticipated that the project would contribute trips to both State Route (SR) 41 and SR 168. It is anticipated that the City would require the project to mitigate traffic-related impacts by paying into the Fresno RTMF program as well as the City's TSMI program.

If you have further questions, please call me at (559) 445-5868.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Navarro".

MICHAEL NAVARRO  
Office of Transportation Planning  
District 06

*"Caltrans improves mobility across California"*

## Will Tackett

---

**From:** Christopher Preciado  
**Sent:** Monday, January 23, 2012 4:42 PM  
**To:** Will Tackett  
**Subject:** Vesting Tentative Tract Map 6003-UGM, Plan Amendment A-11-012, Rezone R-11-018, Conditional Use Permit C-11-178

Will,  
RE:  
Project Address: 2099 East Copper Avenue (southeast corner of East Copper and North Maple Avenues)  
APN: 578-010-38 and 578-010-44

FAX comments:

1. Provide bus bay per city standards P-69, P-72, and P-73, SEC Copper and Maple.
2. Provide electrical stub-out for constant source of electricity per P-72 and E-35.
3. Provide note on plans as follows: "Contact FAX equipment supervisor for field verification of all transit amenities prior to installation"
4. Contact PW Traffic for depth of bus bay and required transitions.
5. Provide site plan to FAX for review and approval.

Thank you,  
Christopher Preciado  
Transit Planner II  
City of Fresno  
Department of Transportation  
Planning Division  
Fresno Area Express  
559-621-1463  
[Christopher.Preciado@fresno.gov](mailto:Christopher.Preciado@fresno.gov)



**DEPARTMENT OF PUBLIC UTILITIES**



*Providing Life's Essential Services*

**Date:** January 9, 2012

**To:** WILL TACKETT, Planner III  
Planning and Development

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

**Subject:** SANITARY SEWER REQUIREMENTS FOR VESTING TENTATIVE TRACT 6003/UGM, CONDITIONAL USE PERMIT C-11-178, PLAN AMENDMENT A-11-012, AND REZONE APPLICATION R-11-018

**General**

T-6003-UGM, A-11-012, R-11-018 and C-11-178 were filed by Brent McCaffrey of The McCaffrey Group and pertain to 16.79 gross acres, 13.83 net acres, of vacant property located on the southeast corner of North Maple and East Copper Avenues, 2099 East Copper Avenue, APN 578-010-38 and 578-020-44. A-11-012 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from the neighborhood commercial planned land use designation to the medium density residential planned land use designation, 4.99 to 10.37 dwelling units per acre. R-11-018 proposes to reclassify the property from C-1-UGM-cz, Neighborhood Shopping Center-Urban Growth Management-conditions of zoning, zone district to R-1-UGM, Medium Density Residential-Urban Growth Management, zone district. T-6003-UGM proposes to subdivide the property into a 118-lot single family residential subdivision with a 0.4 acre passive pocket park. C-11-178 proposes a gated planned unit development with private streets and modified property development standards, lot area, lot dimensions, lot coverage, and building setbacks.

**Sanitary Sewer Requirements**

The nearest sanitary sewer mains to serve the proposed project are an 8-inch main located in North Maple Avenue and an 8-inch main located in East Copper Avenue. The following sewer improvements shall be required prior to providing City sewer service to the project:

1. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
2. Separate sewer house branches are required for each lot.
3. Abandon any existing on-site private septic systems.
4. Connection to the existing 8-inch sewer force main in North Maple Avenue shall not be allowed.
5. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed additions to the City Sewer System.

6. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
7. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developer's final map and engineered plan & profile improvement drawing for City review.
8. All proposed sewer main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the sewer main. The planting plan, for any proposed landscape within the easement, shall be approved by the Department of Public Utilities. No trees shall be located within 8 feet of the Sewer main.

### Sanitary Sewer Fees

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

1. Lateral Sewer Charge.
2. Sewer Oversize Service Area 43.
3. Sewer Facility Charge (Residential Only).
4. Trunk Sewer Charge: Herndon.
5. Herndon Trunk Enhancement Fee.
6. Copper Avenue sewer lift-station service fee.



**DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION**

**DATE:** January 24, 2012

**TO:** WILL TACKETT, Planner III  
Development and Resource Management Department – Current Planning Division

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

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

**SUBJECT:** **WATER REQUIREMENTS FOR VESTING TENTATIVE TRACT T-6003. REZONE R-11-018, AND CONDITIONAL USE PERMIT C-11-178.**

**General**

T-6003-UGM, A-11-012, R-11-018 and C-11-178 were filed by Brent McCaffrey of The McCaffrey Group and pertain to 16.79 gross acres, 13.83 net acres, of vacant property located on the southeast corner of North Maple and East Copper Avenues, 2099 East Copper Avenue, APN 578-010-38 and 578-020-44. A-11-012 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from the neighborhood commercial planned land use designation to the medium density residential planned land use designation, 4.99 to 10.37 dwelling units per acre. R-11-018 proposes to reclassify the property from C-1-UGM-cz, Neighborhood Shopping Center-Urban Growth Management-conditions of zoning, zone district to R-1-UGM, Medium Density Residential-Urban Growth Management, zone district. T-6003-UGM proposes to subdivide the property into a 118-lot single family residential subdivision with a 0.4 acre passive pocket park. C-11-178 proposes a gated planned unit development with private streets and modified property development standards, lot area, lot dimensions, lot coverage, and building setbacks.

**Water Service**

The nearest water mains to serve the proposed project are a 14-inch main located in East Copper Avenue and a 14-inch main located in N. Maple Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.
2. Separate water services with meters shall be provided to each lot created.
3. All public water facilities shall be constructed in accordance with City Standards, specifications, and policies.
4. Seal and abandon any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.

5. The developer shall provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities.
6. The development shall incorporate water use efficiency for landscaping including the use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features as appropriate and sanitary.
7. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Sewer System. Depict neighboring parcels and proposed plans for their continued service.
8. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

### **Water Fees**

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

1. Wet-tie(s), water service(s) and/or meter(s) installation(s).



DEPARTMENT OF PUBLIC UTILITIES

January 24, 2012

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

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

SUBJECT: TT 6003, A-11-012, R-11-018, & C-11-178 Solid Waste Conditions of Approval  
Location: Southeast Corner of North Maple and East Copper Avenues (APN 578-010-38  
& 578-020-44)

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map TT 6003, A-11-012, R-11-018, & C-11-178 that was submitted by The McCaffrey Group on behalf of Ciao Properties, LLC. The following requirements and conditions are to be placed on this vesting tentative tract map as a condition of approval by the Department of Public Utilities.

**General Requirements:**

- Tract 6003 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.
- The owners, lessees or other tenants of the residential dwellings on service day, before 5:30 a.m., shall place their solid waste containers at the edge of the curb approximately 4 feet apart and shall not block any vehicle accesses, nor be placed within any traffic circle, in accordance with the City of Fresno's Solid Waste Management Division Standards.
- Per Municipal Code, Section 6-205 Solid Waste, Recycling and Green Waste Disposal Regulations, Section (c)(11). No solid waste container nor residential rubbish shall be allowed to remain at the curblines after 8:00 p.m. on the collection day.
- Per Municipal Code, Section 6-205 Solid Waste, Recycling and Green Waste Disposal Regulations, Section (c)(10). No material container shall be stored in the front yard or side yard on a street as said yards are described in Chapter 12, Articles 2 and 3 of this Code, unless the container is screened from view from the street in accordance with that article of the Code.

**Special Conditions:**

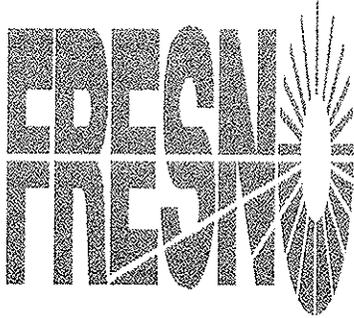
Gated entrances/exits require 18' of clearance.

**Covenant Requirements:**

Those lots that are part of a dead-end drive shall place their containers at another location by 5:30 a.m. on the solid waste service day:

- Lots 11 and 12 shall place their containers on the west side of Lot 88
- Lots 18 and 19 shall place their containers on the east side of Lot 91
- Lots 26 and 27 shall place their containers on the west side of Lot 31
- Lots 36 and 37 shall place their containers on the east side of Outlot B
- Lots 64 and 65 shall place their containers on the south side of Lot 66

City of



**FIRE DEPARTMENT**

**Date:** January 09, 2012

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

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

**Subject:** T-6003-UGM, A-11-012, R-11-018 and C-11-178 were filed by Brent McCaffrey of The McCaffrey Group and pertain to 16.79 gross acres, 13.83 net acres, of vacant property located on the southeast corner of North Maple and East Copper Avenues, 2099 East Copper Avenue, APN 578-010-38 and 578-020-44. A-11-012 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from the neighborhood commercial planned land use designation to the medium density residential planned land use designation, 4.99 to 10.37 dwelling units per acre. R-11-018 proposes to reclassify the property from C-1-UGM-cz, Neighborhood Shopping Center-Urban Growth Management-conditions of zoning, zone district to R-1-UGM, Medium Density Residential-Urban Growth Management, zone district. T-6003-UGM proposes to subdivide the property into a 118-lot single family residential subdivision with a 0.4 acre passive pocket park. C-11-178 proposes a gated planned unit development with private streets and modified property development standards, lot area, lot dimensions, lot coverage, and building setbacks.

**Hydrants**

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

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

face the access lane.

### **General**

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

All construction work on this project is subject to interruption if the road system becomes impassable for fire apparatus due to rain or other obstacles. All required fire access lanes shall be provided and maintained with an approved 'all weather' surface capable of supporting 80,000 lb. vehicles (minimum 4" of base rock over compacted or undisturbed native soil or per approved engineered plans) year-round and with 24 feet minimum width or other approved method that would prevent shoulder degradation.

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

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

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

### **Emergency Access Only Roadways**

Emergency accesses are required to be dedicated fire protection easements.

Gates, posts or other barriers suitable to the Fire Department are required to be installed at the entrance to an "emergency access only" roadway.

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

File No. 210.45

Page 1 of 4

**PUBLIC AGENCY**

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

**DEVELOPER**

BRENT MACCAFFREY - THE MACCAFFREY  
GROUP  
7020 N. VAN NESS BLVD.  
FRESNO, CA 93711

**FR  
TRACT No. 6003**

PROJECT NO: **6003**

ADDRESS: **2099 E. COPPER AVE.**

APN: **578-010-38, 44**

SENT: **1/23/12**

Drainage Area(s)	Preliminary Fee(s)
DE	\$0.00
<b>TOTAL FEE: \$0.00</b>	

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Contact the FMFCD project engineer prior to approval of the final map for the fee.

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 4

FR TRACT No. 6003

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

1.  a. Drainage from the site shall BE DIRECTED TO COPPER AND MAPLE AVENUES.  
 b. Grading and drainage patterns shall be as identified on Exhibit No.  
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
  
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:  
 Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".  
 None required.
  
3. The following final improvement plans shall be submitted to the District for review prior to final development approval:  
 Grading Plan  
 Street Plan  
 Storm Drain Plan  
 Water & Sewer Plan  
 Final Map  
 Other  
 None Required
  
4. Availability of drainage facilities:  
 a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).  
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.  
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available. TEMPORARY SERVICE IS AVAILABLE THROUGH  
 d. See Exhibit No. 2.
  
5. The proposed development:  
 Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)  
 Does not appear to be located within a flood prone area.
  
6.  The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 4

FR  
CUP No. 2011-178

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

  
Gerald E. Lakeman  
District Engineer

  
Neda Shakeri  
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

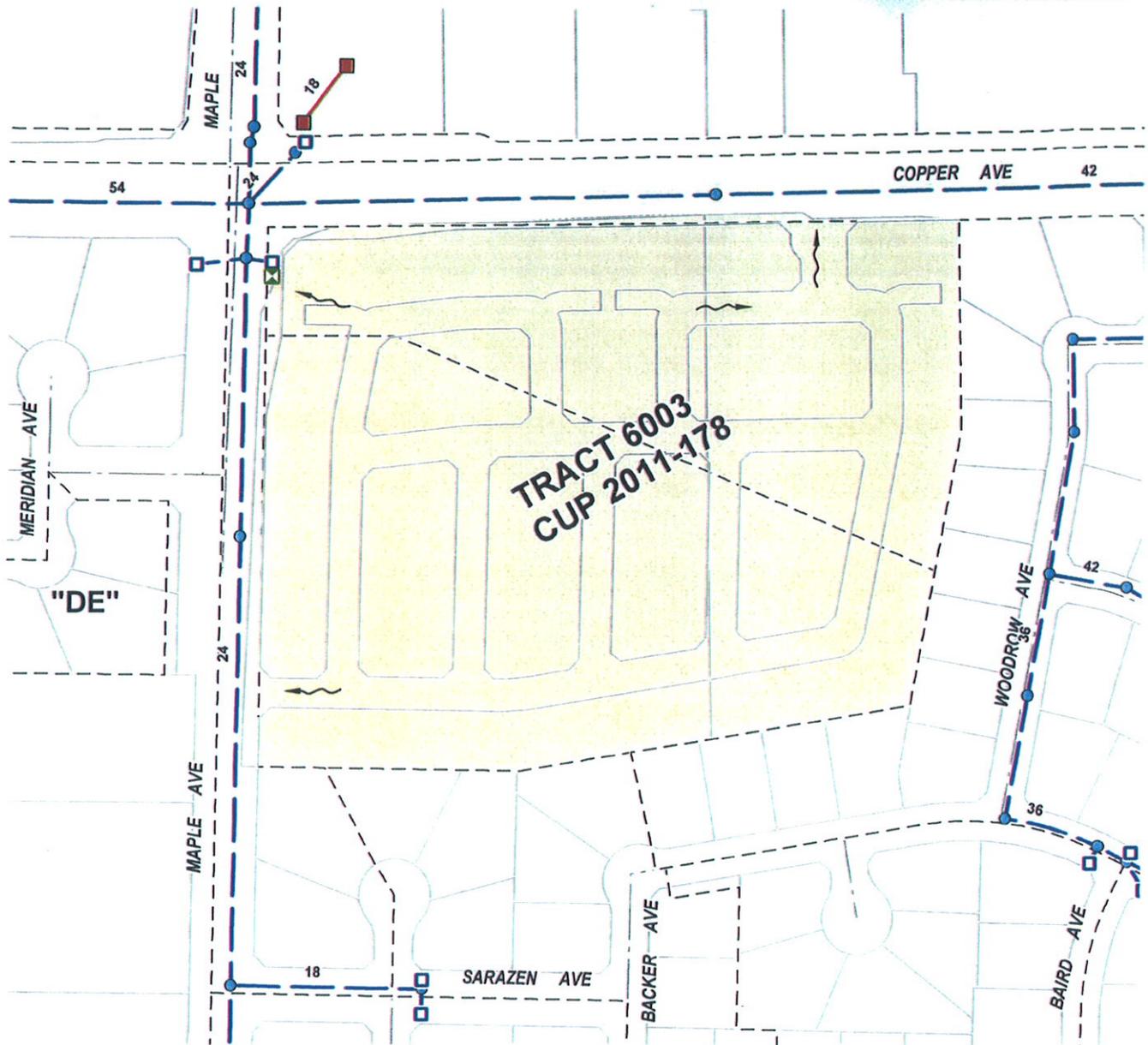
RYAN O'KEEFE - MORTON & PITALO, INC.

75 IRON POINT CIRCLE, SUITE 120

FOLSOM, CA 95630

**FR CUP No. 2011-178**

NOTE:  
THIS MAP IS SCHEMATIC  
DISTANCES ARE APPROXIMATE.



## LEGEND

-  Master Plan Inlet To Be Constructed By Either The District Or The Developer (Reimbursable)
-  Existing Master Plan Facilities
-  Future Master Plan Facilities
-  Inlet Boundary
-  Direction of Drainage



1" = 200'

**TRACT 6003**  
**CUP 2011-178**  
**DRAINAGE AREA "DE"**



EXHIBIT NO. 1

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

Prepared by: keithr

Date: 1/23/2012

Path: K:\Autocad\DWGS\0EXHIBIT\TRACTS\6003.mxd

**OTHER REQUIREMENTS**  
**EXHIBIT NO. 2**

Runoff from this site has historically drained toward the southeast corner of Maple and Copper Avenues with substantial differential in grades within the site. To avoid major regarding of the site, the District is requesting a street or channel be provided near the northwest corner of the project.

If the developer prefers, the District will construct the Master Plan facilities required of this development if notified in writing. Should the developer so choose, the developer would be required to design the Master Plan facilities in conjunction with his improvement plans. The facilities would then be constructed by a District contractor in coordination with the developer's project. The developer must provide adequate notice to the District to insure the Master Plan storm drainage facilities are constructed before the street improvements and prior to occupancy of the development. Should the developer desire the District construct the facilities, only the aforementioned notice to the District is required and no development agreement would be required. If the developer decides to extend the storm drain pipe inside the tract/cup, one inlet will be considered a Master Plan inlet and eligible for reimbursement.

Development No. Tract 6003



## County of Fresno

Department of Public Health

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

January 23, 2012

999999999  
LU0016257  
PE 2602

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

Dear Mr. Tackett:

**PROJECT NUMBER:** A-11-012, R-11-018, T-6003, C-11-178

**Plan Amendment Application No. A-11-012, Rezone Application No. R-11-018, Vesting Tentative Map of Tract No. 6003/UGM, and Conditional Use Permit Application No. C-11-178** were filed by Brent McCaffrey of The McCaffrey Group and pertains to 16.79± gross acres (13.83± net acres) of vacant property located on the southeast corner of North Maple and East Copper Avenues.

**Plan Amendment Application No. A-11-012** proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan from the neighborhood commercial planned land use designation to the medium density residential planned land use designation (4.99 to 10.37 dwelling units per acre).

**Rezone Application No. R-11-018** proposes to reclassify the property from *C-1/UGM/cz (Neighborhood Shopping Center/Urban Growth Management/conditions of zoning)* zone district to *R-1/UGM (Medium Density Residential/Urban Growth Management)* zone district.

**Vesting Tentative Map of Tract No. 6003/UGM** proposes to subdivide the property into a 118-lot single family residential subdivision with a 0.4 acre passive pocket park.

**Conditional Use Permit Application No. C-11-178** proposes a gated planned unit development with private streets and modified property development standards (lot area, lot dimensions, lot coverage, and building setbacks).

**APN: 578-010-38 and 578-010-44**

**ZONING: from C-1/UGM/cz to R-1/UGM**

**SITE ADDRESS: 2099 East Copper Avenue**

Recommended Conditions of Approval:

- Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in your City's municipal code.

Will Tackett  
A-11-012, R-11-018, T-6003, C-11-178  
January 23, 2012  
Page 2 of 2

- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the development should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.
- All water wells (not intended for use by the project) and septic systems that exist or 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.

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

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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: 2012.01.23 13:55:11 -0800

R.E.H.S., M.P.H.

Environmental Health Specialist III

---

(559) 600-3271

---

jg

cc. Steven Rhodes, Supervising Environmental Health Specialist (CT 5504)  
Wayne Fox, Supervising Environmental Health Specialist

T-6003, A, R, C McCaffrey

**CITY OF FRESNO**  
**MITIGATED NEGATIVE DECLARATION**

Notice of Intent was filed with:

FRESNO COUNTY CLERK  
2221 Kern Street  
Fresno, California 93721

The full Initial Study and the Master Environmental Impact Report No. 10130 are on file in the Planning and Development Department,  
Fresno City Hall, 3rd Floor  
2600 Fresno Street  
Fresno, California 93721  
(559) 621-8277

ENVIRONMENTAL  
ASSESSMENT  
NUMBER:

**A-11-012/R-11-018/C-11-178/T-6003**

on

**January 13, 2012**

**APPLICANT:**

APPLICANT:  
The McCaffrey Group  
(Ciao Properties, LLC.)  
7020 North Van Ness Boulevard  
Fresno, CA 93711

**PROJECT LOCATION:**

2099 East Copper Avenue  
± 13.83 net acres (16.79 gross acres) of property located on the southeast corner of the intersection of East Copper and North Maple Avenues, in the City and County of Fresno, California  
Site Latitude: 36°53'40.00" N  
Site Longitude: 119°44'45.00" W  
Mount Diablo Base & Meridian, Township 12S, Range 20E  
Section 13 - Friant, CA Quadrangle  
Assessor's Parcel Number(s): 578-010-38 & 44

**PROJECT DESCRIPTION:**

The McCaffrey Group (Ciao Properties, LLC), has filed Plan Amendment Application No. A-11-012, Rezone Application No. R-11-018, Conditional Use Permit Application No. C-11-178, and Vesting Tentative Tract Map No. 6003/UGM pertaining to approximately 13.83 net acres (16.79 gross acres) of property located on the southeast corner of the intersection of East Copper and North Maple Avenues.

Plan Amendment Application No. A-11-012 proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from the Neighborhood Commercial planned land use designation to the Medium Density Residential (4.99-10.37 dwelling units per acre) planned land use designation.

Rezone Application No. R-11-018 proposes to rezone the subject property from the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.

Vesting Tentative Tract Map No. 6003/UGM proposes to subdivide the subject property for purposes of creating a 118-lot single family residential, gated, private street planned development on the subject property at an overall density of approximately 8.53 dwelling units per acre in accordance with Conditional Use Permit Application No. C-11-178. Two outlots are proposed for private street and common open space purposes. The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

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.

PREPARED BY:  
Will Tackett, Planner III

SUBMITTED BY:  


DATE: January 13, 2012

Mike Sanchez, Planning Manager  
DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT

## CITY OF FRESNO

NOTICE OF INTENT TO ADOPT A  
MITIGATED NEGATIVE DECLARATION

Filed with:

FILED

JAN 13 2012

By Juanita McManis  
FRESNO COUNTY CLERK  
DEPUTYFRESNO COUNTY CLERK  
2221 Kern Street, Fresno, CA 93721EA No. A-11-012/R-11-018/C-11-178/T-6003Plan Amendment Application No. A-11-012;  
Rezone Application No. R-11-018;  
Conditional Use Permit Application No. C-11-178; and,  
Vesting Tentative Tract Map No. T-6003/UGM

## APPLICANT:

The McCaffrey Group  
(Ciao Properties, LLC.)  
7020 North Van Ness Boulevard  
Fresno, CA 93711

## PROJECT LOCATION:

2099 East Copper Avenue

± 13.83 net acres (16.79 gross acres) of property located on the  
southeast corner of the intersection of East Copper and North  
Maple Avenues, in the City and County of Fresno, California

Site Latitude: 36°53'40.00" N

Site Longitude: 119°44'45.00" W

Mount Diablo Base & Meridian, Township 12S, Range 20E  
Section 13 - Friant, CA Quadrangle

Assessor's Parcel Number(s): 578-010-38 &amp; 44

**PROJECT DESCRIPTION:** The McCaffrey Group (Ciao Properties, LLC), has filed Plan Amendment Application No. A-11-012, Rezone Application No. R-11-018, Conditional Use Permit Application No. C-11-178, and Vesting Tentative Tract Map No. 6003/UGM pertaining to approximately 13.83 net acres (16.79 gross acres) of property located on the southeast corner of the intersection of East Copper and North Maple Avenues.

Plan Amendment Application No. A-11-012 proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from the Neighborhood Commercial planned land use designation to the Medium Density Residential (4.99-10.37 dwelling units per acre) planned land use designation.

Rezone Application No. R-11-018 proposes to rezone the subject property from the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.

Vesting Tentative Tract Map No. 6003/UGM proposes to subdivide the subject property for purposes of creating a 118-lot single family residential, gated, private street planned development on the subject property at an overall density of approximately 8.53 dwelling units per acre in accordance with Conditional Use Permit Application No. C-11-178. Two outlots are proposed for private street and common open space purposes. The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

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 via e-mail at [Will.Tackett@fresno.gov](mailto: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 February 15, 2012. Please direct comments to Will Tackett, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to [Will.Tackett@fresno.gov](mailto: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 15, 2012 at 6:00 p.m. or thereafter. The hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:

Will Tackett, Planner III

DATE: January 13, 2012

SUBMITTED BY:



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

**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-11-012/R-11-018/C-11-178/T-6003**

**1. Project title:**

Plan Amendment Application No. A-11-012  
Rezone Application No. R-11-018  
Conditional Use Permit Application No. C-11-178  
Vesting Tentative Tract Map No. 6003/UGM

**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:**

Will Tackett, Planner III  
City of Fresno  
Development & Resource Management Dept.  
(559) 621-8063

**4. Project location:**

2099 East Copper Avenue  
Located on the southeast corner of the intersection of East Copper and North Maple  
Avenues, in the City and County of Fresno, California  
Assessor's Parcel Number(s): 578-010-38 & 44  
Site Latitude: 36°53'40.00" N  
Site Longitude: 119°44'45.00" W  
Mount Diablo Base & Meridian, Township 12 S Range 20 E, Section 13 - Friant, CA  
Quadrangle

**5. Project sponsor's name and address:**

The McCaffrey Group  
(Ciao Properties, LLC.)  
7020 North Van Ness Boulevard  
Fresno, CA 93711

6. **General plan designation:**

**Existing:** Neighborhood Commercial

**Proposed:** Medium Density Residential (4.99-10.37 dwelling units per acre)

7. **Zoning:**

**Existing:**

C-1/UGM/cz (Neighborhood Shopping Center District / Urban Growth Management / with conditions of zoning)

**Proposed:**

R-1/UGM (Single Family Residential District / Urban Growth Management)

8. **Description of project:**

The McCaffrey Group (Ciao Properties, LLC), has filed Plan Amendment Application No. A-11-012, Rezone Application No. R-11-018, Conditional Use Permit Application No. C-11-178, and Vesting Tentative Tract Map No. 6003/UGM pertaining to approximately 13.83 net acres (16.79 gross acres) of property located on the southeast corner of the intersection of East Copper and North Maple Avenues.

Plan Amendment Application No. A-11-012 proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from the Neighborhood Commercial planned land use designation to the Medium Density Residential (4.99-10.37 dwelling units per acre) planned land use designation.

Rezone Application No. R-11-018 proposes to rezone the subject property from the C-1/UGM/cz (Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district.

These applications have been filed in order to facilitate approval of a proposed 118-lot single family residential, gated, private street planned development on the subject property at an overall density of approximately 8.53 dwelling units per acre in accordance with Conditional Use Permit Application No. C-11-178 and Vesting Tentative Tract Map No. 6003/UGM. Two outlots are also proposed to be dedicated for private street and common open space purposes.

The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

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

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Community Commercial	<b>C-2/UGM/cz</b> <i>Community Shopping Center / Urban Growth Management / with conditions of zoning</i>	Retail Commercial
<b>East</b>	Medium-Low Density Residential	<b>R-1/UGM</b> <i>Single Family Residential / Urban Growth Management</i>	Single Family Residential
<b>South</b>	Medium-Low Density Residential	<b>R-1/UGM</b> <i>Single Family Residential / Urban Growth Management</i>	Single Family Residential
<b>West</b>	Medium-Low Density Residential	<b>R-1/UGM</b> <i>Single Family Residential / Urban Growth Management</i>	Single Family Residential

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

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

Pursuant to Public Resources Code Section 21157.1(b) and 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 (please refer to attached Exhibits A and C) 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

Will Tackett, Planner

01/13/12  
January 13, 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
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

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

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

There are no forested lands occurring within the City sphere of influence.

The subject property remains as a vacant infill corner of land on the fringe of a northerly growth area and is surrounded predominantly by single family residential uses to the south, east, and west; and, new retail commercial development to the north of East Copper Avenue. The subject property is currently designated for Neighborhood Commercial planned land uses under the 2025 Fresno General Plan and Woodward Park Community Plan. The subject plan amendment application proposes to change the planned land use designation for the subject property to Medium Density Residential (4.99-10.37 dwelling units/acre). The site does not fall into any of

the categories listed in the checklist above and does not have a Williamson Act contract. There are no existing agricultural uses of the subject property; and, the project does not have the potential to facilitate future conversion of agricultural lands within the vicinity.

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.

Therefore, no environmental impacts related to agriculture will occur as a result of the proposed project.

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

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

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

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 approximately 13.83 net acres of Medium Density Residential (4.99-10.37 dwelling units per acre) 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

<i>[all data given in tons/year]</i>	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Area Source Emissions	0.42	0.28	0.58	0.00	0.00	0.00	345.23
Operational Emissions	1.23	1.73	14.48	0.01	2.51	0.49	1,407.13
<b>Totals</b>	<b>1.65</b>	<b>15.06</b>	<b>89.85</b>	<b>0.01</b>	<b>2.51</b>	<b>0.49</b>	<b>1,752.36</b>
<b>Level of Significance</b>	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 and that the project will not occur at a scale or scope with potential to contribute substantially or cumulatively to existing or projected air quality violations, impacts, or increases of criteria pollutants for which the San Joaquin Valley region is under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).

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.

The proposed project will comply with all applicable air quality plans and will be subject to all applicable SJVAPCD rules, regulations, and strategies. The proposed project is subject to District Rule 9510 (Indirect Source Review) and an Air Impact Assessment (AIA) application has been submitted to the District in accordance with District requirements. 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 will be subject to 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 plan amendment to change the planned land use designation for the subject property from the Neighborhood Commercial to the Medium Density Residential (4.99-10.37 du/acre) designation actually reduces risk related to the exposure of sensitive receptors to emissions of Toxic Air Contaminants (TAC). The potential for exposure to TAC is greatly reduced with the removal of the Neighborhood Commercial land use designation and zoning 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.

Single family residential development on the subject property at the density proposed (118 dwelling units @ approximately 8.53 dwelling units/acre) will also result in a considerable decrease in the number of daily vehicle trips associated with the use of the subject property (approximately 14,382 fewer daily trips). Additionally, the potential for operational related emissions from commercial use of the subject property is abated.

Therefore, no violations of air quality standards will occur and no net increase of pollutants will occur. The proposed single family residential use of the subject site would be contiguous with the existing adjacent single family residential uses and will therefore not expose sensitive receptors to substantial pollutant concentrations. Furthermore, due to the close proximity of other residential uses surrounding the subject site, there will be no impact in the increase of pollutant. The proposed project is not proposing a use which will create objectionable odors. With implementation of the air quality or global climate change impacts are perceived to occur as a result of the proposed project.

Mitigation Measures

- 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 13, 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 US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 remains vacant amidst adjacent single family residential developments along the south side of East Copper Avenue. Agricultural activities have not occurred on this site for a number of years.

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 US Fish and Wildlife Service. No federally protected wetlands are located on the subject site. Therefore, there would be no impacts to species, riparian habitat or other sensitive communities and wetlands. 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.

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 property. Past record searches for the region have not revealed the likelihood of cultural resources on the subject property or in its immediate vicinity. Therefore, it is not expected that the proposed project 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 13, 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:				

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

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 demonstrates 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 13, 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

The proposed project will not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of greenhouse gas emissions, either directly or indirectly. Under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases will be reduced along with other regulated air pollutants. At this point in time, detailed analyses 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 are not completed.

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

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

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

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 residential use proposed with 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 identified above.

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. HYDROLOGY AND WATER QUALITY --</b> 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	

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

Fresno is one of the largest cities in the United States still relying primarily on groundwater for its public water supply. Surface water treatment and distribution has been implemented in the northeastern part of the City, but the city is still subject to an EPA Sole Source Aquifer designation. While the aquifer underlying Fresno typically exceeds a depth of 300 feet and is capacious enough to provide adequate quantities of safe drinking water to the metropolitan area well into the twenty-first century, groundwater degradation, increasingly stringent water quality regulations, and an 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 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 Master EIR No. 10130 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project. The City has indicated that groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands.

The Department of Public Utilities, Water Division has reviewed the proposed project and has required that the developer provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics which will be subject to approval by the Director of Public Utilities. The proposed development is also required to incorporate water use efficiency for landscaping. These requirements will be conditioned upon project approval to offset or mitigate any increase in water demand, greater than the adopted allocation, resulting from the proposed development in a manner acceptable to the Department of Public Utilities.

The proposed project will be required to participate in the completion of the Fresno Metropolitan Flood Control District's master planned storm drainage facilities. Stormwater ponding basins are utilized city-wide as an opportunity to recharge groundwater with collected storm water run-

off and surface water obtained from the Fresno Irrigation District and United States Bureau of Reclamation on the northern edge of the current urban limit boundary.

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

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

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

The subject property does not appear to have any extant water wells. As a condition of approval, any pre-existing on-site domestic or agricultural water wells that may be on the site shall be properly abandoned, in order to prevent the spread of contaminants from the ground surface or from shallow groundwater layers into deeper and cleaner levels of the aquifer.

The subject property does not appear to have any remaining on-site waste (septic) disposal system. As a condition of approval, any pre-existing septic systems shall be properly abandoned.

Occupancy of this site will generate wastewater containing human waste, which is required to be conveyed and treated by the Fresno-Clovis Regional Wastewater Treatment and Reclamation Facility. There will not be any onsite wastewater treatment system. 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

- 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 13, 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 subject property remains as a vacant infill corner of land on the fringe of a northerly growth area and is surrounded predominantly by single family residential uses to the south, east, and west. New retail commercial development (located within the boundary of the Copper River Development Project) has been constructed directly to the north of the subject property across East Copper Avenue. The subject property is currently designated for Neighborhood Commercial planned land uses under the 2025 Fresno General Plan and Woodward Park Community Plan. The subject plan amendment application proposes to change the planned land use designation for the subject property to Medium-High Density Residential (4.99-10.37 dwelling units/acre).

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 Woodward Park Community Plan.

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

of residential property through a wide range of densities and to better achieve the goals of the City's Housing Element.

Objective C-10 of the 2025 Fresno General Plan promotes the development of more compact friendly, single-family residential projects to aid in the conservation of resources such as land, energy, and materials. Supporting policy C-10-a recommends facilitating the construction of higher density single family residential development while maintaining a pleasant living environment. Policy C-10-d encourages the development of two-story homes as a means to conserve land, maintain open space on residential lots, and provide adequate living space.

Similarly, the goals of the Woodward Park Community Plan are directed toward planning for a diversity of residential types, densities, and locations in order to achieve plan goals with respect to providing housing opportunities, balanced urban growth, efficient use of resources and public facilities, and maintenance of a safe, attractive, and stable community. Supporting policies are aimed toward increased density for Medium Density Residential Uses, together with design flexibility, in order to facilitate desirable and compatible development without reducing the levels of service provided by planned public facilities. The analyses of the associated environmental assessment demonstrate that public facilities and services are sufficient and will be provide to accommodate demand increases or characteristics in a manner that will maintain an acceptable level of service to the proposed use and surrounding community, in accordance with adopted plans, policies, and development standards. Furthermore, the site will have direct access to a major street and to local streets of sufficient capacity and which do not pass through any adjacent single family neighborhoods prior to intersecting the major streets; and, will not prevent the completion of a previously committed or needed local street circulation system. The proposed project has been found to: (1) Provide diversity in housing types and housing opportunities to meet the needs of all ages and income levels; (2) Provide for efficient use of land while protecting the integrity of established neighborhoods; (3) Encourage a mix of uses and densities along major transportation corridors; (4) Provide for a safe, clean and aesthetically pleasing neighborhood; and, (5) Provide for compatible relationships between differing housing types and densities.

The proposed project meets the goals, objectives and policies of the 2025 Fresno General Plan and Woodward Park Community Plan by providing a project which introduces a higher density single family residential development in a manner which will maintain a pleasant living environment through reservation of adequate living spaces and protecting the integrity of adjacent neighborhoods. The close proximity of existing and planned commercial, office, open space, and existing and planned single and multiple family residential uses provides for a context, which the proposed project will complement and embellish. The proposed project facilitates infill development through the completion and improvement of the major street network within the limits of the proposed subdivision, and the introduction of a diversity of housing types, which will further meet the needs of balanced urban growth.

Furthermore, the proposed planned development subdivision, with the proximity and connectivity of residential, open space, and commercial land uses, contributes to a pattern of development which is anticipated to have the potential to reduce the number of average daily vehicle trips. The proposed pattern of residential development, with nodes of higher housing densities in areas of the development that are easily served by proximate commercial uses along with open spaces and pedestrian paths which augment a well connected street network will provide a system of integrated and interesting travel routes to various destinations.

Therefore it is staff's opinion that the proposed project 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. Furthermore, the proposed project, including the design and improvement of the subject property, is found; (1) To be consistent with the goals, objectives and policies of the applicable 2025 Fresno General Plan and Woodward Park Community Plan; (2) To be Suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject property or adjacent lands.

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 Plan 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, conditional use permit and, tentative tract map 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 Neighborhood Commercial to the Medium Density Residential 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 13, 2012**.
2. The proposed project shall implement the land use related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated **January 13, 2012**.

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

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

In developed areas of the community, noise conflicts often occur when a noise sensitive land use is located adjacent to a noise generator. Noise in these situations frequently stems from on-site operations, use of outdoor equipment, uses where large numbers of persons assemble, and vehicular traffic. Some land uses, such as residential dwellings, are considered noise sensitive receptors and involve land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise.

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

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

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

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

The subject property remains as a vacant infill corner of land on the fringe of a northerly growth area and is surrounded predominantly by single family residential uses to the south, east, and

west. New retail commercial development has been constructed directly to the north of the subject property across East Copper Avenue.

Since the project 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, with the location of the subject property on a major street corner, and abutting existing single family residential uses on its opposite two sides, the proposed development will not result in any permanent increases in noise levels within its immediate vicinity above existing or allowable limits. Furthermore, the proposed alternative use of the subject property for residential purposes (vs. retail commercial) will result in less potential for noise conflicts with the existing residential neighborhoods located adjacent to the subject property. Finally, while some increases in ambient noise levels will occur during the time of construction, conditions of approval respective to construction related activity will require incorporation of noise reduction measures into their construction activity; including limitation on construction activity to normal business hours (7am to 7pm) to minimize the impact on the adjacent neighborhoods.

Construction activities associated with the development of the proposed project could also potentially 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.

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, the proposed project will not expose persons to excessive noise levels.

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 13, 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

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

The approximately 13.83 net acre subject site is proposed to be redesignated for Medium Density Residential (4.99-10.37 du/acre) planned land uses. Although the project will be intensifying the use of the currently undeveloped site, the subject property remains as a vacant infill corner of land on the fringe of a northerly growth area and is surrounded predominantly by existing single family residential uses to the south, east, and west; and, new retail commercial development to the north of East Copper Avenue. It should also be noted that the area north of East Copper Avenue is located within the boundaries of the Copper River Development project. Properties within the boundary of the Copper River Development project have previously been approved for development with both residential and commercial uses. While development has not been completed within the Copper River Development project, construction has begun in various portions of the overall project at locations further to the north. Therefore, with the surrounding existing single family residential uses and the entitlements approved for development to the north of the subject property, as well as the fact that development in the vicinity continues to occur at an intensity and scale that is consistent with the densities set forth within the 2025 Fresno General Plan, the proposed project does not have the potential to induce substantial population growth.

Furthermore, the subject property is currently vacant and therefore, the proposed project does not have the potential to displace existing housing or residents as a result of development thereon.

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

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

The Department of Public Utilities has reviewed the proposed project and has determined that adequate sewer, water, and solid waste facilities are available subject to compliance with the conditions submitted by the Department of Public Utilities for this project. City police and fire protection services are also available to serve the proposed project. Finally, the Fresno Metropolitan Flood Control District has indicated that there are adequate facilities to serve the proposed project subject to participation in the construction of new Master Plan facilities pursuant to District requirements. These departments and agencies will all submit conditions that will be required as Conditions of Approval for the subject entitlement applications (conditional use permit and tract map). These conditions of approval will ensure that the proposed project will have a less than significant impact to urban services. All conditions of approval must be complied with prior to occupancy.

The demand for parks generated by the project is within planned services levels of the City of Fresno Parks and Community Services Department and the applicant will pay any required impact fees at the time building permits are pulled. Furthermore, the proposed project meets its obligation for the provision of on-site aggregate open space through the dedication of an Outlot for common open space purposes for the prospective residents. The provision of on-site pocket parks and aggregate open space further contributes to the relief of any potential impacts from further demands for additional public park space within the City of Fresno beyond that which was analyzed by the MEIR.

Any urban residential development occurring as a result of the proposed project may have an

impact on the District's student housing capacity. The District, through local funding, is in a position to mitigate its shortage of classrooms to accommodate planned population growth for the foreseeable future. However, the District recognizes that the legislature, as a matter of law, has deemed under Government Code Section 65996, that all school facilities impacts are mitigated as a consequence of SB 50 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 meets its obligation for the provision of on-site aggregate open space through the dedication of an Outlot for common open space purposes for the prospective residents. Furthermore, the subject property is located adjacent to portions of the planned multi-purpose trail system which affords further accessibility to regional and communal open space areas. Finally, the proposed project will contribute to the creation and maintenance of additional park space through payment of the required impact fees at the time building permits are pulled proposed. Therefore, the project will not result in the physical deterioration of existing parks or recreational facilities; and, will not require expansion of existing recreational facilities or affect recreational services beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?				X
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

The subject property is located on the southeast corner of the intersection of East Copper and North Maple Avenues. The adjacent segment of East Copper Avenue is planned as a 6-lane divided Super Arterial roadway by the 2025 Fresno General Plan with ultimate mitigation. The adjacent segment of North Maple Avenue is planned as a #-lane divided arterial roadway by the 2025 Fresno General Plan with ultimate mitigation.

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, upon completion of

development of the subject property pursuant to Conditional Use Permit Application No. C-11-178 and Vesting Tentative Tract Map No. 6003/UGM, the use of the subject property is expected to generate 1,129 average daily trips (ADT). Of these vehicle trips it is projected that 89 will occur during the morning (7 to 9 a.m.) peak hour travel period and 119 will occur during the evening (4 to 6 p.m.) peak hour travel period. The existing Neighborhood Commercial planned land use for the subject property, as designated by the 2025 Fresno General Plan, would generate 15,511 ADT; with 614 trips occurring during the a.m. peak hour and 1,386 trips occurring during the p.m. peak hour. Therefore, the proposed Medium Density Residential (4.99-10.37 du/acre) planned land use would result in 14,382 fewer ADT; with 525 fewer trips occurring during the a.m. peak hour and 1,267 fewer trips occurring during the p.m. peak hour. Due to the substantial reduction in the number of vehicle trips generated from the proposed land use change, no further impacts to the planned transportation network, which were not previously evaluated in the MEIR.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the plan amendment, rezone, conditional use permit and vesting tentative tract map applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated upon implementation of the traffic related mitigation measures of the MEIR and completion of the adjacent streets segments and intersections in accordance with the transportation element of the 2025 Fresno General Plan.

In addition to the mitigation measures referenced herein above, and in accordance with the Fresno Municipal Code, public improvement requirements will be imposed as conditions of approval for the proposed project in order to complete the transportation network as identified by the 2025 Fresno General Plan. These requirements will generally include: (1) Adjacent public street improvements, right-of-way dedications and vacations (including, but not limited to, construction of concrete curbs, gutters, sidewalks, bus bays, transition paving, permanent pavement, underground street lighting systems, and concrete medians; (2) Installation of bike lanes; (3) Restrictions on turning movements at the project entrances; and, (4) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

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

Therefore, no substantial increase in transportation or traffic is expected to result.

#### 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 13, 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
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 determined that adequate sanitary sewer and water services will be available to serve the proposed project subject to the provision and construction of standard connections, extensions, and installations of facility main infrastructure; the payment of any applicable connection charges and/or fees; compliance with the Department of Public Utilities standards, specifications, and policies; the rules and regulations of the California Public Utilities Commission and California Health Services; and, implementation of the City-wide program for the completion of incremental expansions to facilities for planned water supply, treatment, and storage.

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. Implementation of the mitigation measures of the MEIR requires that 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. In compliance with the mitigation measures of the MEIR, the developer will be required to provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics in order offset any additional water demands. Water use efficiencies identified will be subject o approval by the Director of Public Utilities.

The project site will be serviced by the Solid Waste Division and have water and sewer facilities available subject to several conditions.

The proposed project is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. There will be no impact to storm drainage facilities given that the developer will be required to provide drainage services and participate in the completion of the Master Plan facilities identified by the Fresno Metropolitan Flood Control District.

#### 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 13, 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

The proposed project is considered to be proposed at a size and scope which is neither a direct or indirect detriment to the quality of the environment through reductions in habitat, populations, or examples of local history (through either individual or cumulative impacts).

The proposed project does not have the potential to degrade the quality of the environment or reduce the habitat of wildlife species and will not threaten plant communities or endanger any floral or faunal species. Furthermore the project has no potential to eliminate important examples of major periods in history.

Therefore, as noted in preceding sections of this Initial Study, there is no evidence in the record to indicate that incremental environmental impacts facilitated by this project would be cumulatively significant. There is also no evidence in the record that the proposed project would have any adverse impacts directly, or indirectly, on human beings.

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

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

**Project/EA No. A-11-012/R-11-018/C-11-178/T-6003**

**Date: January 13, 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.

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

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

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

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

Project/EA No. A-11-012/R-11-018/C-11-178/T-6003

Date: January 13, 2012

**MEIR Mitigation Monitoring Checklist**

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

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

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

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

**Project/JEA No. A-11-012/R-11-018/C-11-178/T-6003**

**Date: January 13, 2012**

**MEIR Mitigation Monitoring Checklist**

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

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**B** - Mitigated

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

**Project/EA No. A-11-012/R-11-018/C-11-178/T-6003**

**Date: January 13, 2012**

**MEIR Mitigation Monitoring Checklist**

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

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 B - Mitigated  
 C - Mitigation in Process  
 D - Responsible Agency Contacted  
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 F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097  
FOR THE 2025 FRESNO GENERAL PLAN  
Project/EA No. A-11-012/R-11-018/C-11-178/T-6003  
MEIR Mitigation Monitoring Checklist**

Date: January 13, 2012

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F						
			A	B	C	D	E	F	
<b>C-2.</b> For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.	Ongoing	Planning and Development Department Dept. SJVAPCD	X			X			
<b>C-3.</b> The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.	Ongoing	Various city departments							X
<b>C-4.</b> The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as: a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use.	Ongoing	Fresno Area Express							X

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097  
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Project/EA No. A-11-012/R-11-018/C-11-178/T-6003

Date: January 13, 2012

**MEIR Mitigation Monitoring Checklist**

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE						
			A	B	C	D	E	F	
<b>D-1.</b> The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept	X		X	X			
<b>D-2.</b> The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing (City-wide); and prior to approval of land use entitlement as applicable	Department of Public Utilities and Planning and Development Department		X	X	X			
<b>D-3.</b> The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities		X	X				
<b>D-4.</b> The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department	X			X			

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**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097  
FOR THE 2025 FRESNO GENERAL PLAN  
Project/EA No. A-11-012/R-11-018/C-11-178/T-6003  
MEIR Mitigation Monitoring Checklist**

Date: January 13, 2012

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE STATUS						
			A	B	C	D	E	F	
<b>D-5.</b> The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.	Ongoing	Planning and Development Department				X		X	X
<b>D-6.</b> The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: 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	X
<b>D-7.</b> The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).	Ongoing	Planning and Development Department						X	X

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

Project/EA No. A-11-012/R-11-018/C-11-178/T-6003

Date: January 13, 2012

**MEIR Mitigation Monitoring Checklist**

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

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**B** - Mitigated

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

**Project/EA No. A-11-012/IR-11-018/C-11-178/T-6003**

**Date: January 13, 2012**

**MEIR Mitigation Monitoring Checklist**

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

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**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097  
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**Project/EA No. A-11-012/R-11-018/C-11-178/T-6003**

**Date: January 13, 2012**

**MEIR Mitigation Monitoring Checklist**

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

**Project/EA No. A-11-012/R-11-018/C-11-178/T-6003**

**Date: January 13, 2012**

**MEIR Mitigation Monitoring Checklist**

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

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

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

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

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

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			A	B	C	D	E	F	
<p><b>I-6.</b> All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.</p>	<p>Ongoing/prior to approval of land use entitlement and during construction</p>	<p>Planning and Development Dept.</p>							<b>X</b>
<p><b>J-1.</b> If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures:</p> <ul style="list-style-type: none"> <li>a. Amending construction plans to avoid the resources.</li> <li>b. Setting aside sites containing these resources by deeding them into permanent conservation easements.</li> <li>c. Capping or covering these resources with a protective layer of soil before building on the sites.</li> <li>d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them.</li> <li>e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.</li> </ul>	<p>Ongoing/prior to approval of land use entitlement</p>	<p>Planning and Development Dept.</p>	<b>X</b>					<b>X</b>	

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<b>J-2.</b> An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.	Ongoing/prior to submittal of land use entitlement application	Planning and Development Dept.	X					X	
<b>J-3.</b> If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Planning and Development Dept./ Historic Preservation Commission staff	X					X	
<b>J-4.</b> Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Planning and Development Dept./ Historic Preservation Staff						X	
<b>K-1.</b> 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	

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<p><b>K-2.</b> Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 Fresno General Plan.)</p> <p>The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4.</p> <ul style="list-style-type: none"> <li>■ Site Planning. See Chapter V for more details.</li> <li>■ Barriers. See Chapter V for more details.</li> <li>■ Building Designs. See Chapter V for more details.</li> </ul>	Ongoing/upon submittal of land use entitlement application	Planning and Development Dept.	X				X		
<p><b>K-3.</b> The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.</p>	Ongoing/prior to building permit issuance	Planning and Development Dept.						X	
<p><b>L-1.</b> Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.</p>	Ongoing	Planning and Development Dept.						X	

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<p><b>N-1.</b> The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.</p>	Ongoing	Planning and Development Dept.	X			X		
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<p><b>Q-1.</b> The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.</p>	Ongoing	Planning and Development Dept.					X	X
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**EXHIBIT D-CITY OF FRESNO  
MITIGATED NEGATIVE DECLARATION  
PROJECT SPECIFIC MONITORING CHECKLIST  
ENVIRONMENTAL ASSESSMENT NO. A-11-012/R-11-018/C-11-178/T-6003**

Project/EA No. **A-11-012/R-11-018/C-11-178/T-6003**

Date: January 13, 2012

	Mitigation Measure	Implemented By	When Implemented	Verified By
10-Land Use	The design of the planned development on the subject property shall comply with the City of Fresno Proposed Guidelines for Landscape Open Space and Pedestrian Walkway Requirements for Residential Development	Applicant	Prior to approval of special permits/entitlements for development.	City of Fresno, Development and Resource Management Department
10-Land Use	<p>The planned development proposed shall be designed with sufficient design characteristics to maintain a pleasant living environment and shall provide appropriate layouts that will increase density while providing sufficient areas for all proposed activities, support functions, and for efficient and safe vehicular, bicycle and pedestrian access.</p> <ul style="list-style-type: none"> <li>• The proposed project shall consider innovative lot designs and patterns to enhance community livability on reduced sized lots and to most efficiently utilize available land in a manner which protects neighboring properties.</li> <li>• The proposed project shall comply with Policy numbers C-20-f, C-21-a, C-21-b and C-21-c of the 2025 Fresno General Plan respective to design features and decorative treatments.</li> <li>• The proposed development shall provide for safe vehicular, bicycle and pedestrian access, including access for the disabled, within its proposed private street network.</li> <li>• The proposed development shall design pedestrian and vehicular entrances, walkways, open spaces, common facilities, structures and fencing to inhibit uncontrolled access by nonresidents and facilitate surveillance by residents, property managers and law enforcement or security personnel.</li> <li>• The proposed project shall maximize setbacks and strategically locate second story windows on sides of property abutting adjacent lower density single family uses in order to ensure appropriate interface along property boundaries.</li> </ul>	Applicant	Prior to approval of special permits/entitlements for development.	City of Fresno, Development and Resource Management Department

## **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-11-012, Rezone Application No. R-11-018, Conditional Use Permit Application No. C-11-178, Vesting Tentative Tract Map No. 6003/UGM, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate

change would have a significantly adverse impact upon the City of Fresno or specific development projects.

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

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

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

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

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

agricultural resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of agricultural resources pursuant to CEQA Guideline Section 15179(b)(1).

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

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

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

**Biological Resources.** The City continues to evaluate all development proposals for potential impacts upon natural habitats and associated species dependent upon these habitats. The City supports continuing efforts to acquire the most prominent habitats where appropriate, such as portions of the San Joaquin River environs. When development or public works projects have been proposed in this area, they have been subject to site-specific evaluation through supplemental environmental analyses, and appropriate mitigation measures and conditions

applied as derived from consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The City has imposed MEIR mitigation measures related to Biological Resources on projects that identified potential impacts to biological resources. Staff finds that this has adequately addressed any potential impact to biological resources. Staff is not aware of any particular circumstance or information that would make impacts from loss of biological resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of biological resources pursuant to CEQA Guideline Section 15179(b)(1).

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

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

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

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

**Geology and Soils.** The City of Fresno has a predominantly flat terrain with few geologic or soil quality constraints. The City continues to apply applicable local and state construction codes

and standards and continues to adopt new standards as appropriate to insure the safety of residents and protection of property improvements.

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

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

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

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

- Construction of solar panel generator facilities at the Municipal Services Center (MSC) and at Fresno-Yosemite International Airport. The MSC facility, completed\_ in 2004, generates 3.05 GWt of energy (equivalent to operation of 286 homes per year) and has resulted in reduction of 966 tons of CO<sub>2</sub> emissions (equivalent to 2,414,877 vehicular miles not driven).
- Replacement of a significant number of vehicles in the municipal fleet with clean air vehicles (please refer to the following table).

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

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

## MEIR REVIEW SUMMARY

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

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

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

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

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

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

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

## APPENDIX

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

#### EXECUTIVE SUMMARY

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment Application No. A-11-012, Rezone Application No. R-11-018, Conditional Use Permit Application No. C-11-178, Vesting Tentative Tract Map No. 6003/UGM, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

## **SUPPORTING DATA AND ANALYSIS**

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

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

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

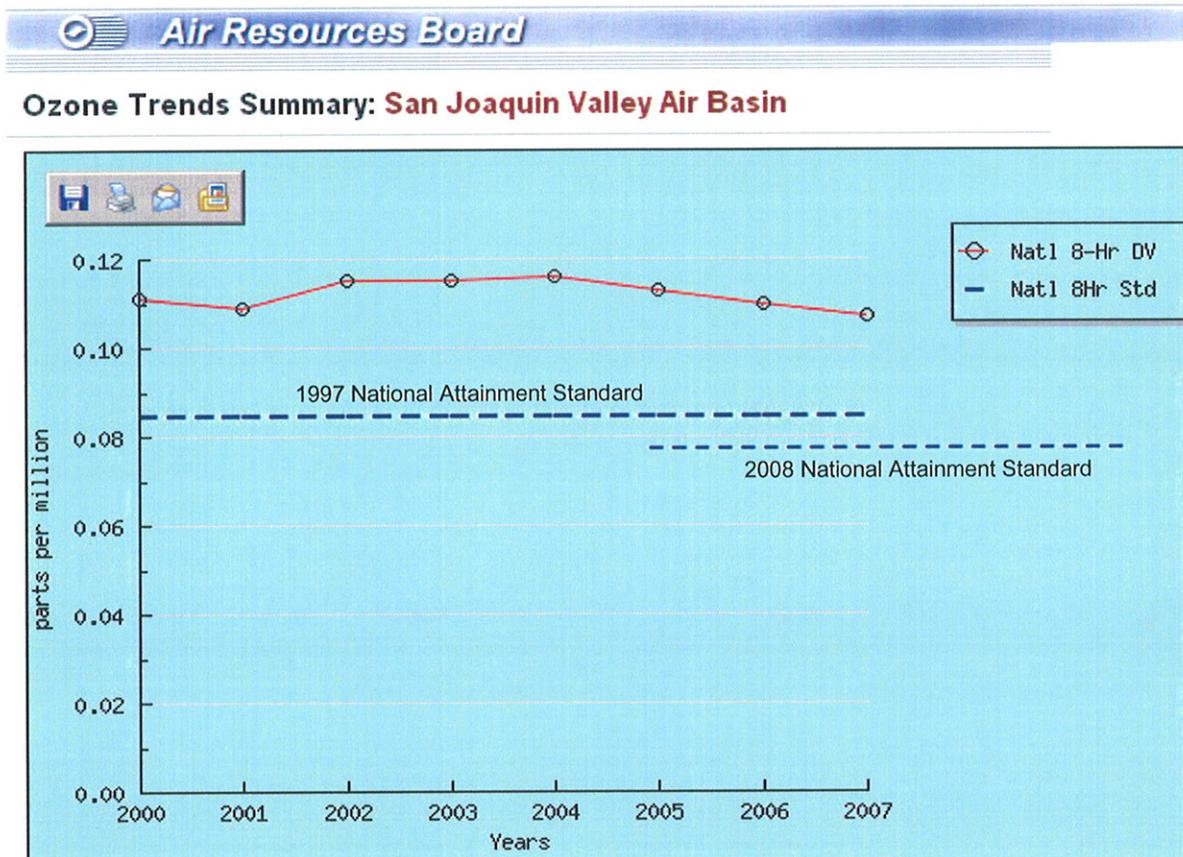
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted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

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

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

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

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



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

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

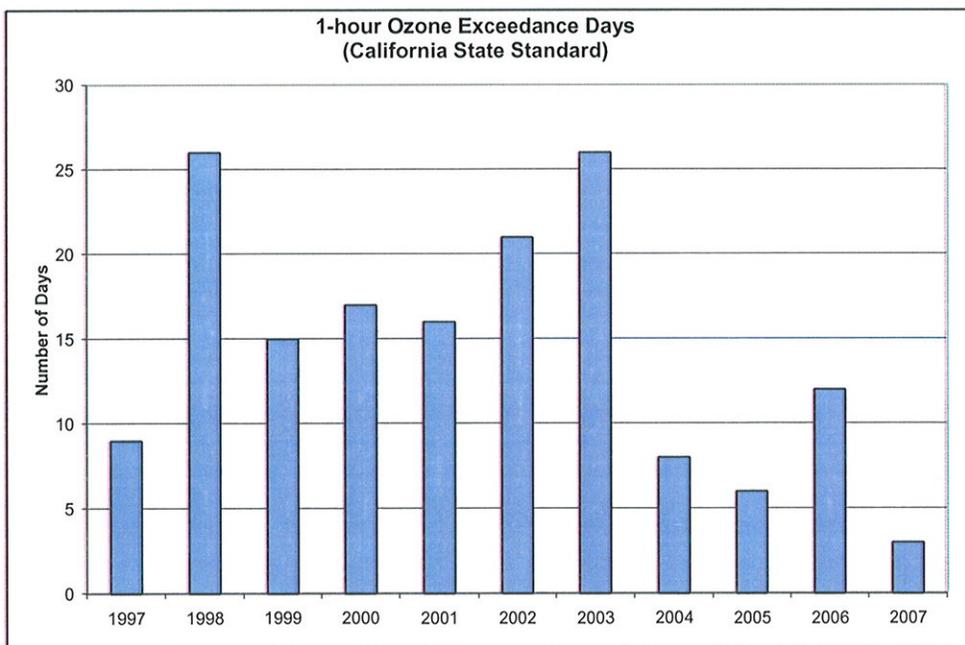
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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

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



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

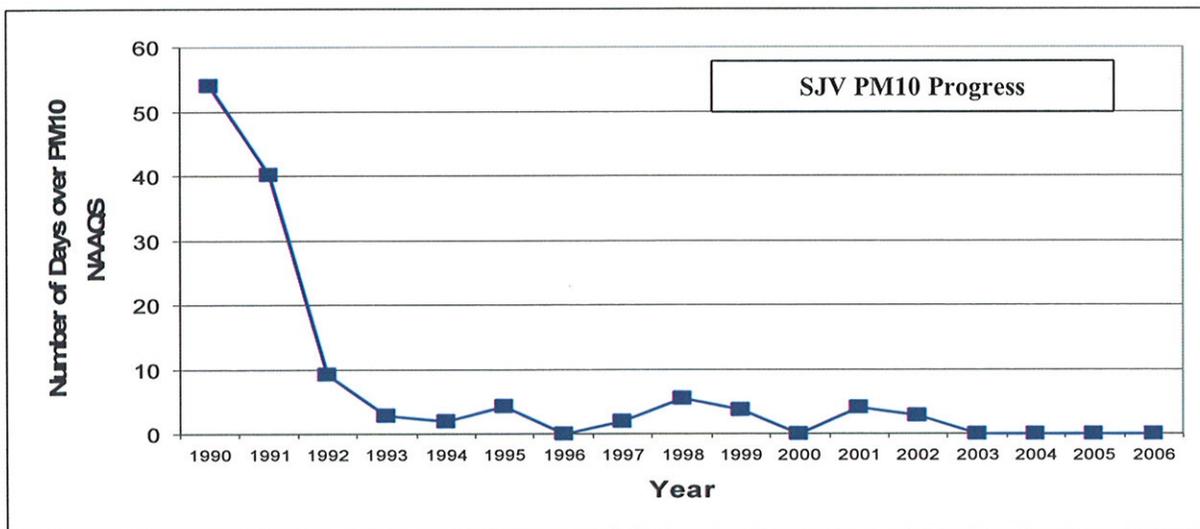


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

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

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

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



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

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

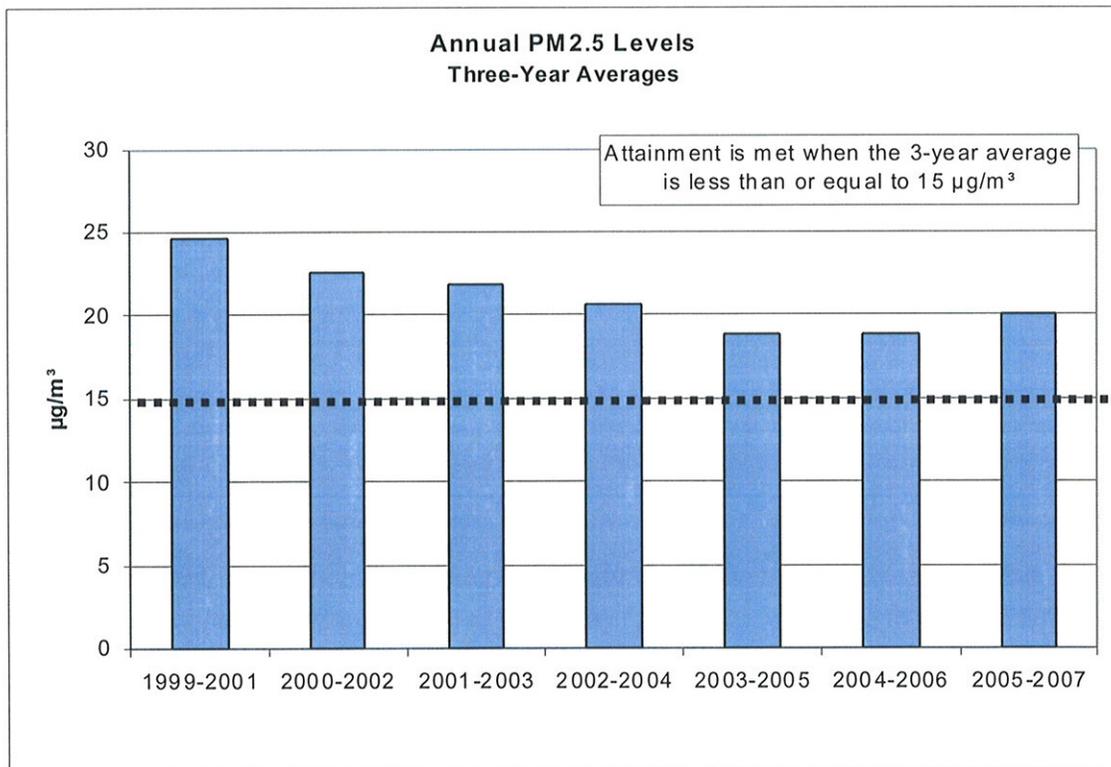
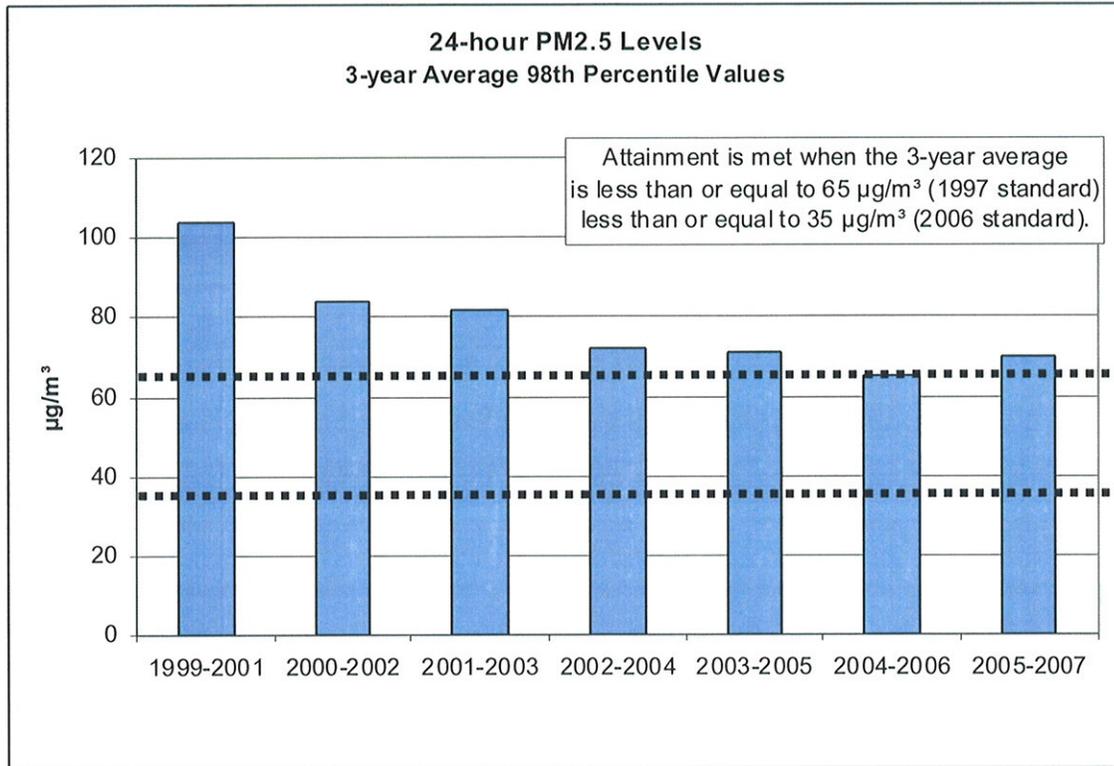
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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