

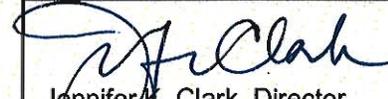


**REPORT TO THE PLANNING COMMISSION**

AGENDA ITEM NO. VIII- A  
COMMISSION MEETING 07.17.13

July 17, 2013

APPROVED BY

  
Jennifer K. Clark, Director  
Development & Resource Mgmt. Dept.

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

BY: BONIQUE EMERSON, Supervising Planner   
Development Services Division

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-13-001 AND RELATED ENVIRONMENTAL ASSESSMENT NO. R-13-001/C-13-001 FOR PROPERTY LOCATED ON THE EAST SIDE OF N. CECELIA AVENUE BETWEEN W. ELLERY WAY AND W. SIERRA AVENUE

**RECOMMENDATION**

Staff recommends that the Planning Commission take the following actions:

1. APPROVE the adoption of the Finding of Conformity prepared for Environmental Assessment No. R-13-001/C-13-001 for the proposed conditional use permit application.
2. APPROVE Conditional Use Permit Application No. C-13-001, which proposes 32 townhouses and multi-level residential units with attached garages in a gated complex at the location noted above.

**EXECUTIVE SUMMARY**

Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company, has filed Conditional Use Permit Application No. C-13-001 which pertains to 4.05 acres of property located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line. Conditional Use Permit Application No. C-13-001, proposes 32 townhouses and multi-level residential units with attached garages in a gated complex. The related Rezone Application No. R-13-001 which amended the Official Zone Map by reclassifying the property to the R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning*) zone district was approved by City Council on June 6, 2013. Although the Conditional Use Permits are typically approved at the Director level unless appealed to Planning Commission, Section 12-406-C of the Fresno Municipal Code allows the Director, with good cause, to refer a special permit to the Planning Commission for approval at a public hearing.

**PROJECT INFORMATION**

PROJECT Conditional Use Permit Application No. C-13-001: Proposes 32 townhouses and multi-level residential units with attached garages in a gated complex.

APPLICANT Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company

**LOCATION** 6338 N. Cecelia Ave; Located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line  
 Assessor's Parcel Number: 506-470-44s  
**(Council District 2, Councilmember Brandau)**

**SITE SIZE** Approximately 4.05 acres

**PLANNED LAND USE** Existing - Medium Density Residential

**ZONING** R-2/UGM/cz (*Low Density Multiple Family Residential/ Urban Growth Management/conditions of zoning*)

**PLAN DESIGNATION AND CONSISTENCY** The existing R-2 zone district is consistent with the planned land use of medium density residential pursuant to Section 12-403-B-2-a of the Fresno Municipal Code.

**ENVIRONMENTAL FINDING** A Finding of Conformity was filed with the Fresno County Clerk's office on April 26, 2013.

**PLAN COMMITTEE RECOMMENDATION** The District 2 Plan Implementation Committee unanimously approved the conditional use permit application with no conditions.

**STAFF RECOMMENDATION** Staff recommends that the Planning Commission approve the Conditional Use Permit Application and the related environmental findings.

**BORDERING PROPERTY INFORMATION**

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Medium High Density Residential	<b>AE-5/UGM</b> <i>Exclusive Five Acre Agricultural/Urban Growth Management</i>	Railroad Tracks Santa Fe Avenue Church and Vacant Church Property
<b>South</b>	Medium High Density Residential Medium Density Residential	<b>R-2/UGM/cz</b> <i>Low Density Multiple Family Residential/Urban Growth Management/conditional zoning</i>	Multiple Family Dwelling Units
<b>East</b>	Medium High Density Residential	<b>AE-5/UGM</b> <i>Exclusive Five Acre Agricultural/Urban Growth Management</i>	Railroad Tracks Santa Fe Avenue Commercial
<b>West</b>	Medium Density Residential	<b>R-1/UGM</b> <i>Single Family Residential/Urban Growth Management</i>	Cecelia Avenue Single Family Residential Dwellings

## **ENVIRONMENTAL FINDING**

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

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

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a Finding of Conformity for this project. A public notice of the attached Environmental Assessment Application No. R-13-001/C-13-001 was published on April 26, 2013 with no comments or appeals received within the 30 day comment period.

## **BACKGROUND / ANALYSIS**

The proposed 32 unit apartment complex complies with all property development standards of the R-2 zone district, including density, parking, landscaping, fencing, etc.

The subject property is bounded on the northeast by railroad tracks, on the south by multi-family residential, and on the west by a major street. There are single family homes across this major street (Cecelia Avenue) that face away from Cecelia to an interior local street.

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

The proposed project is consistent with the 2025 Fresno General Plan, Bullard Community Plan and Fresno Municipal Code Section 12-212, the "R-2" (*Low Density Multiple Family Residential*) zone district. The subject site is adjacent to a planned trail that is planned to run along the existing BNSF track alignment. The trail is intended to be developed in the rail right-of-way if it is ever abandoned and thus the applicant has not been required to install this trail as part of this project.

The proposed project will not conflict with any applicable land use plan, policy, or regulation. The proposed use is specifically allowed in the existing zone district and has been required to comply with all codes and regulations. The proposed project is in compliance with several goals and policies contained in both the 2025 Fresno General Plan and the Bullard Community Plan. For example, Objective C-9 of

the 2025 Fresno General Plan directs planning for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Supporting policy C-9-j recommends that Medium Density Residential land shall be developed to maximize efficient use and affordability of residential property through a wide range of densities. The proposed project will meet the intent of these objectives and policies because the proposed project will result in a higher density development that will integrate well into the existing surrounding residential neighborhood.

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

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

### **Neighborhood Response**

Staff received no neighborhood appeals or inquiries in response to the notice of public hearing that was sent out for this conditional use permit hearing. Staff previously received one e-mail from a concerned resident in response to the notice of public hearing for the rezone request. The concerned resident wanted to know what R-2 zoning was and whether or not the proposed development would consist of affordable housing. Staff responded via e-mail and stated that the applicant has proposed a multi-family development (apartments) consisting of 32 townhouses and multi-level residential units with attached garages within a gated complex. Staff further explained that each living unit will be between approximately 1150 and 1550 square feet with either 2 bedrooms and 2 baths or 3 bedrooms and 2.5 baths. Staff also attached the proposed site plan, landscape plan and elevations to give the concerned resident an idea of what is being proposed. Finally, staff stated that it is unknown whether the owner intends for this housing to be Section 8 housing and that legally, we cannot use the fact that a project may or may not include affordable housing when determining whether or not to recommend approval of a project. This same concerned resident attended the Planning Commission hearing related to the rezone request to voice his opposition, but did not attend the City Council hearing.

### **District Committee**

The District 2 Plan Implementation Committee unanimously approved the conditional use permit application with no conditions.

### **Conditional Use Permit Findings**

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

**CONCLUSION**

Action by the Planning Commission regarding the conditional use permit application and associated environmental assessment is final unless appealed to Council in accordance with Section 12-406-J of the Fresno Municipal Code.

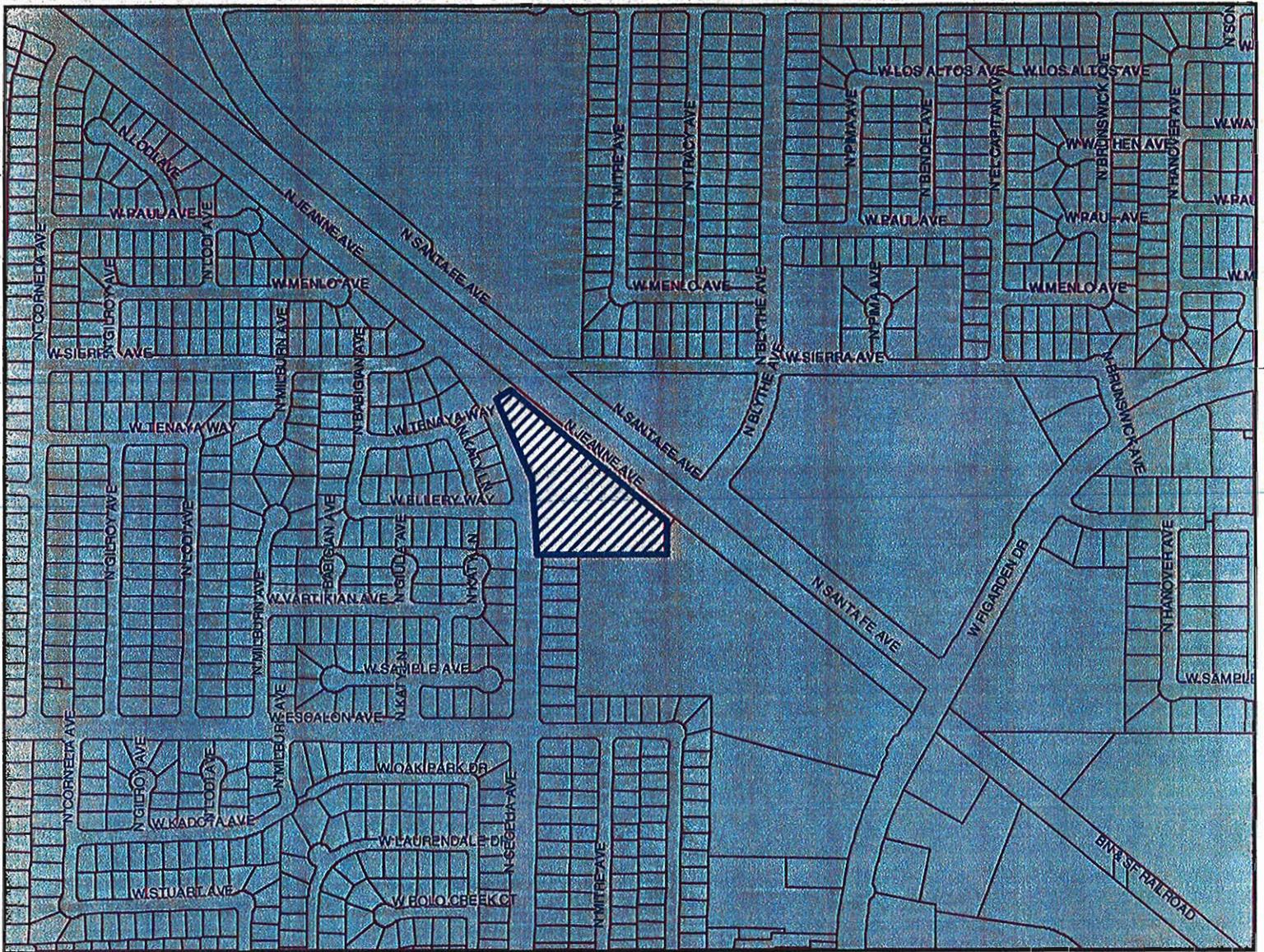
<b>FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.</b>	
<i>a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
<i>Finding a:</i>	The area of the proposed residential planned development is approximately 4.05 acres in size. The subject property has been proposed to be developed into 32 units, at an overall density of approximately 7.9 dwelling units/acre. Multi-department/agency review of the proposed development plan (Conditional Use Permit Application No. C-13-001) has demonstrated that there is adequate space to meet all applicable requirements of the Code 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>	
<i>Finding b:</i>	Staff from the Public Works Department, Transportation Planning section has determined that the proposed project can be accommodated by the adjacent streets subject to the respective requirements for dedications and improvements of adjacent portions of North Cecelia Avenue in accordance with the Department of Public Works memorandum dated February 21, 2013. These requirements are necessary for the traffic generated by the project and to accommodate city services and meet the needs of the proposed project.
<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>	
<i>Finding c:</i>	The staff of the Development and Resource Management Department has determined that the proposed project will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the conditional use permit application review process. The applicant has been required to provide adequate parking and landscape screening requirements to mitigate potential impacts on the surrounding neighborhood.

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Bullard Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Rezone Application No. R-13-001 is appropriate for the subject property.

REPORT TO THE PLANNING COMMISSION  
Conditional Use Permit Application No. C-13-001  
July 17, 2013  
Page 6

Attachments: Vicinity Map  
Aerial Photograph  
Conditions of Approval for Conditional Use Permit Application No. C-13-001  
Public Hearing Notice Mailing List Vicinity Map  
E-mail received from a concerned resident  
Environmental Assessment No. R-13-001/C-13-001, a Finding of Conformity dated April 26, 2013

## Vicinity Map



 Subject Property

# VICINITY MAP

# DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

REZONE APPLICATION NO. R-13-001

APN: 506-470-44s

By: B. Emerson, May 10, 2013

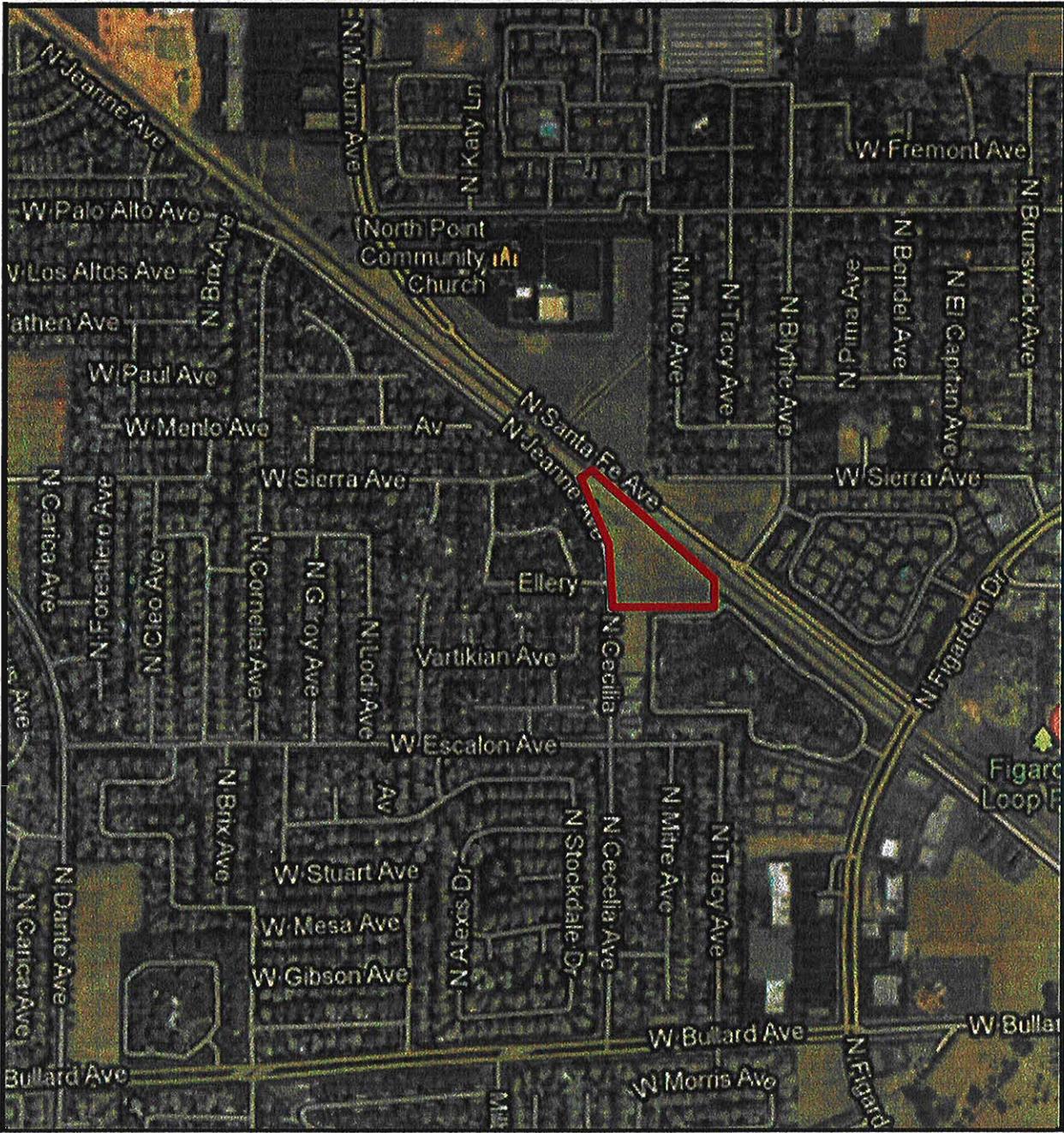
PROPERTY ADDRESS

6338 North Cecelia Avenue



Not To Scale

Aerial Photograph of site



 Subject Property

Aerial Photo

**DEVELOPMENT AND RESOURCE  
MANAGEMENT DEPARTMENT**

**REZONE APPLICATION NO. R-13-001**

PROPERTY ADDRESS

**6338 North Cecelia Avenue**

**APN: 506-470-44s**

**By: B. Emerson, May 10, 2013**



Conditions of Approval for Conditional Use Permit  
Application No. C-13-001

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

**CONDITIONS OF APPROVAL**

JULY 17, 2013

**CONDITIONAL USE PERMIT APPLICATION NO. C-13-001**

6338 North Cecelia Avenue  
(APN: 506-470-44)

The Planning Commission will consider approval of Conditional Use Permit Application No. C-13-001 at a noticed public hearing on July 17, 2013 at 6:00 p.m. Staff recommends that the special permit application be approved subject to the conditions listed in this document.

**Project Description:** Conditional Use Permit Application No. C-13-001 proposes 32 townhouses and multi-level residential units with attached garages in a gated complex on property that is zoned R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning*)

**CONDITIONS OF APPROVAL**

**PART A – ITEMS TO BE COMPLETED**

The following items are required prior to issuance of building permits, occupancy, or commencement of land use activity as noted below:

Planner to Initial when completed	
<input type="checkbox"/>	<p>1. Development shall take place in accordance with Exhibits A, E-1, E-2, F-1, F-2, F-3, L-1, L-2, L-3, L-4, L-5 and L-6 dated January 7, 2013 with modifications as requested in the conditions listed below. Transfer all comments and conditions to the corrected exhibit(s) and <b>submit to planner at least 15 days prior to issuance of building permits.</b></p>
<input type="checkbox"/>	<p>2. As required pursuant to Sections 12-212.5-E-1-b and 12-306-N-21-c-2 of the Fresno Municipal Code, a minimum of twenty-five per cent of the site area shall comprise usable open space for residents of the development, with at least forty per cent of the required twenty-five per cent usable open space developed with gardens, turfed play fields, hard surfaced game courts, recreation rooms, swimming pools or other features designed for the exclusive active recreational use of residents of the development.</p> <p>Depict this required open space, along with a calculation showing compliance, on the revised landscape plan, site plan, or separate plan and submit for review and approval <b>prior to issuance of building permits.</b></p>
<input type="checkbox"/>	<p>3. The proposed 6-foot high fence is not allowed within the 20-foot front yard setback along Cecelia Avenue. No fence, hedge or wall over three (3) feet in</p>

		height shall be permitted in any required front yard setback area or within the excepted triangular area (corner cut-off area). Alternatively, a wrought iron or tubular steel type fence, whereas at least ninety (90) percent of the fence shall be open for the passage of light and air, may be constructed to a maximum height of four (4) feet in the front yard setback area, except within any defined corner cut-off area. Revise site plan to depict a fence that meets the requirements noted above. This revised site plan must be submitted and approved <b>prior to issuance of building permits.</b>
<input type="checkbox"/>	4.	Please depict the height and material of the proposed wall to be located on the property line abutting the railroad right-of-way. This fence shall meet the minimum requirements recommended in the Acoustical Analysis prepared for this project by Baronet and Co., Inc., dated April 12, 2013 (The minimum overall height of the barrier should be six (6) feet relative to the top of the rails. The barrier should be continuous without gaps or openings). Please provide this information on the revised site plan <b>prior to issuance of building permits.</b>
<input type="checkbox"/>	5.	Provide a point of future access to a future trail at the rear of the subject property. Please depict the location of this future access point of the revised site plan <b>prior to issuance of building permits.</b>
<input type="checkbox"/>	6.	The maximum lot coverage by buildings and structures shall not exceed fifty (50) per cent of the total lot area. Provide lot coverage information on the site plan. Include all proposed structures in lot coverage calculation. This must be shown on a revised site plan <b>prior to issuance of building permits.</b>
<input type="checkbox"/>	7.	Please show all pedestrian access gates on the revised site plan. There shall be pedestrian access to the site from the street on both the northerly and southerly sides of the property. This must be shown on revised site plan <b>prior to issuance of building permits.</b> This revised site plan must be reviewed and approved <b>prior to issuance of building permits.</b>
<input type="checkbox"/>	8.	Parking lot shading shall be provided pursuant to the attached Performance Standards for Parking Lot Shading dated February 13, 2006. Provide shade calculations on the revised landscape plan. This revised landscape plan must be reviewed and approved <b>prior to issuance of building permits.</b>
<input type="checkbox"/>	9.	Each residential parcel of land or lot shall have a minimum of one medium-sized tree (30—60 feet at maturity) for each required parking space, plus one medium sized tree for each residential unit. Two small trees (15—30 feet at maturity) shall be counted as one medium-sized tree. All present and future tree planting and shrub planting shall conform to the corner cut-off provisions of Sections <u>13-227</u> and <u>13-228</u> of this Code. Provide medium-sized tree count on the revised landscape plan. This revised landscape plan must be reviewed and approved <b>prior to issuance of building permits.</b>
<input type="checkbox"/>	10.	Pursuant to the conditions of zoning which exist on the subject property, the applicant shall dedicate an avigation easement to the City of Fresno that limits

		structures to a height limit of 150-feet. Please remit \$1,094 and a current title report for the property for the preparation of this covenant. <b>These documents must be submitted prior to issuance of building permits and the covenant must be recorded prior to occupancy.</b>
<input type="checkbox"/>	11.	Add applicable notes/details on the site plan from the attached "General Notes and Requirements for Entitlement Applications", unless otherwise noted in these conditions of approval.
<input type="checkbox"/>	12.	<p>Comply with the following requirements <b>prior to issuance of building permits</b>:</p> <p>A. Landscape and Feature Maintenance: Annex into a Community Facilities District (CFD) or other approved mechanism (approximate process is 3-4 months). Contact Ann Lillie at (559) 621- 8690 to begin the process.</p> <p>B. Pedestrian Easement: A pedestrian easement is required with this application (approximate processing time is 2 months). Contact Bruce Abbott at (559) 621-8694 to begin the process.</p> <p>C. Jeanne Avenue: Vacate <b>50'</b> of right-of-way adjacent to this application, <b>prior to building permits</b>. Contact the Public Works Department, Alan James (559) 621-8693 for additional information. A feasibility study for all proposed vacations of existing public rights of way is required to be completed <b>prior to building permits</b>.</p> <p>These requirements, along with all requirements detailed in the letter dated June 27, 2013 from the Public Works Department, Traffic and Engineering Services Division, will be verified by the Public Works Department <b>prior to issuance of building permits</b>. <u><b>All items must be completed at that time of issuance of building permits.</b></u></p>
<input type="checkbox"/>	13.	Contact Hilary Kimber at 559-621-1345 to ensure that street tree requirements have been met and revise landscape plan accordingly if necessary. Hilary Kimber must approve the revised landscape plan <b>prior to issuance of building permits</b> .
<input type="checkbox"/>	14.	Several requirements detailed in the letter from the Water Division dated January 24, 2012 must be verified prior to issuance of building permits. <b>Please provide proof that these requirements have been met prior to issuance of building permits.</b>
<input type="checkbox"/>	15.	Revise site plan to comply with comments provided by the Solid Waste Division in a memo dated January 23, 2013. <b>Provide revised site plan for review and approval prior to issuance of building permits.</b>
<input type="checkbox"/>	16.	Revise site plan to comply with comments provided by the City of Fresno Fire Department in a memo dated January 16, 2013. <b>Provide revised site plan for</b>

		<b>review and approval prior to issuance of building permits.</b>
<input type="checkbox"/>	17.	A flood control fee of \$12,174.00 is due <b>prior to issuance of building permits.</b> The Development Services Division will enter this fee into the system at the time of issuance of building permits and the fee will be due at that time.

**PART B – OTHER REQUIREMENTS**

**1. Planning/Zoning/Environmental Compliance Requirements**

- a) Property development standards and zoning requirements are contained in the attached "Property Development Standards Checklist" prepared for Conditional Use Permit Application No. C-13-001 and dated July 17, 2013. Any future revisions to the proposed project shall comply with these conditions.
- b) Development shall take place in accordance with the attached "General Notes and Requirements for Entitlement Applications" as applicable.
- c) Development shall take place in accordance with the R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning*) zone district and all other applicable sections of the Fresno Municipal Code.
- d) Development shall comply with the conditions of zoning approved by the City Council for Rezone Application No. R-13-001.
- e) Development shall take place in accordance with the policies of the 2025 Fresno General Plan, Bullard Community Plan, Sierra Sky Park Land Use Policy Plan, and with the medium density residential planned land use designation.
- f) Any changes to approved elevations are subject to review and approval by the Development and Resource Management Department.

**2. City and Other Services**

- a) Development shall take place in accordance with the attached memoranda and letters from City of Fresno Departments and partner agencies (Building and Safety Services dated January 16, 2013, the Department of Public Utilities (for sewer) dated January 29, 2013, the Department of Public Utilities (for water) dated January 24, 2013, the Department of Public Utilities (for solid waste) dated January 23, 2013, the Public Works Department, Engineering Division dated February 2, 2013, the Fresno Fire Department dated January 16, 2013, Caltrans dated February 5, 2013, Fresno Unified School District dated February 27, 2013, the San Joaquin Valley Air Pollution Control District dated January 24, 2013, the Fresno Irrigation District dated January 18, 2013, the Fresno Police Department dated January 31, 2013, the Fresno Metropolitan Flood Control District dated January 28, 2013, the Fresno County Department of Public Health dated January 16, 2013, the Public Utilities

Commission dated January 17, 2013, Fresno Area Express dated January 23, 2013, and the Fresno Airports Division dated January 18, 2013).

3. Miscellaneous Requirements

- a) Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
  - i) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
  - ii) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
  - iii) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
- b) Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the health, safety and welfare of the community, and recommend conditions for development that would on the whole enhance the project and its relationship to the neighborhood and environment.

**APPEALS**

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Section 12-405 can be made. Discretionary conditions of approval will ultimately be deemed mandatory unless appealed. In the event you wish to appeal any of these conditions, you must state your appeal (in writing or in testimony) at or prior to the Planning Commission hearing for this project scheduled on July 17, 2013 at 6:00 p.m. or thereafter.

**EXPIRATION DATES**

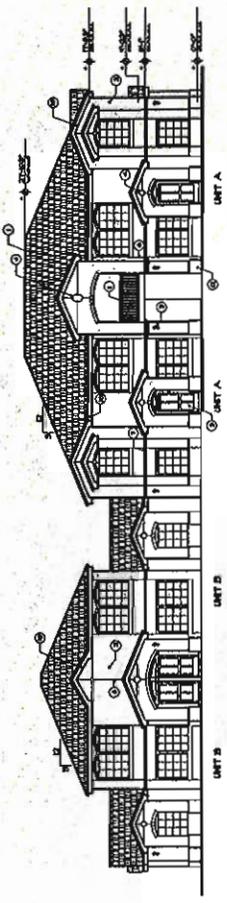
The exercise of rights granted by this special permit must be commenced within four years from the date of approval (presumably on July 17, 2017). There is no extension. All improvements must be installed prior to the operation of the proposed use, unless otherwise stated in the conditions of approval.

- Enclosures:
- Exhibit 1: Exhibits A, E-1, E-2, F-1, F-2, F-3, L-1, L-2, L-3, L-4, L-5 and L-6 dated January 7, 2013
  - Exhibit 2: Comments from Partner Agencies & Departments
  - Exhibit 3: Final Property Development Standards for Conditional Use Permit Application No. C-13-001 dated July 17, 2013
  - Exhibit 4: General Notes and Requirements for Entitlement Applications
  - Exhibit 5: Performance Standards for Parking Lot Shading
  - Exhibit 6: Acoustical Analysis prepared for this project by Baronet and Co., Inc., dated April 12, 2013

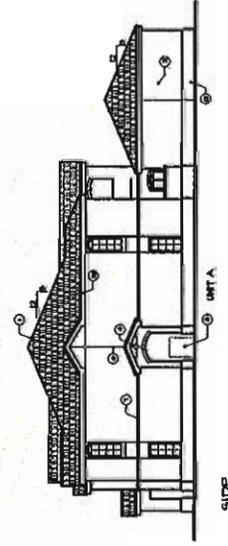
**Exhibit 1:**

Exhibits A, E-1, E-2, F-1, F-2, F-3, L-1, L-2, L-3, L-4, L-5  
and L-6 dated January 7, 2013

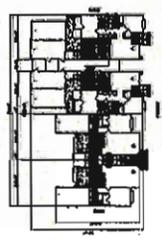




FRONT



REAR



BUILDING PLAN-TYPE 3

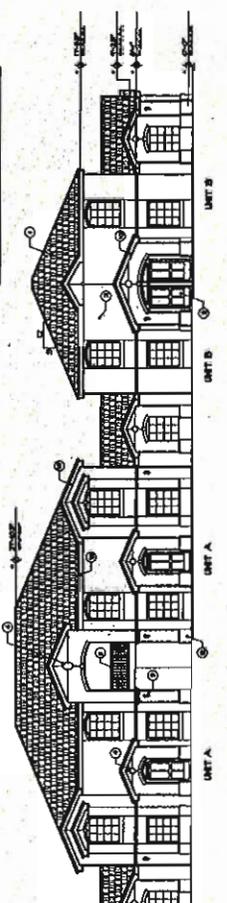
BUILDING TYPE - 3

**COLOR SCHEDULE**

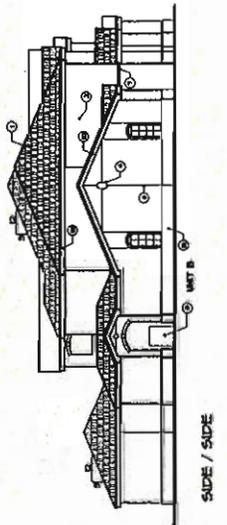
1. LIGHT TAUPE  
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**NOTE KEY**

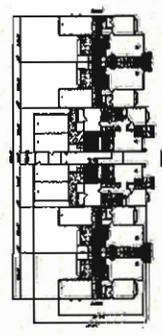
1. GABLE ROOF  
2. SHINGLED ROOF  
3. SHINGLED ROOF  
4. SHINGLED ROOF  
5. SHINGLED ROOF  
6. SHINGLED ROOF  
7. SHINGLED ROOF  
8. SHINGLED ROOF  
9. SHINGLED ROOF  
10. SHINGLED ROOF



FRONT



SIDE / REAR



BUILDING PLAN-TYPE 4

BUILDING TYPE - 4

**EXTERIOR ELEVATIONS-BUILDING TYPE 3,4**  
SCALE: 1/8" = 1'-0"

APPL. NO. 6-13-00 EXHIBIT E1 DATE 1-7-13

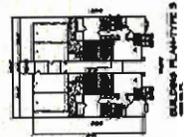
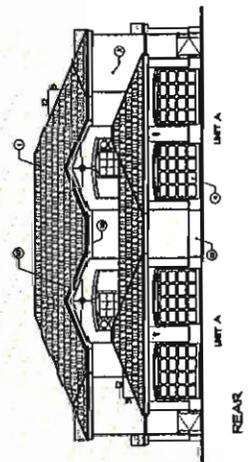
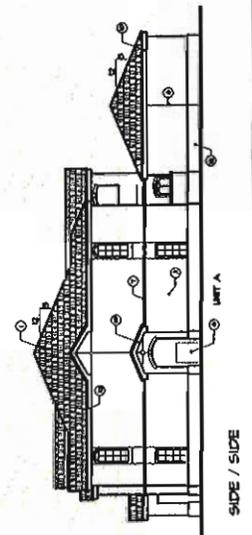
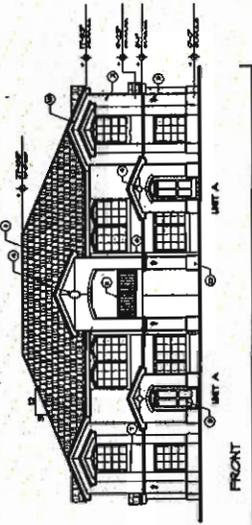
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TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_

COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_

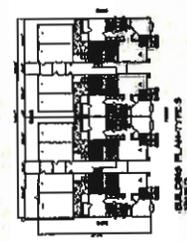
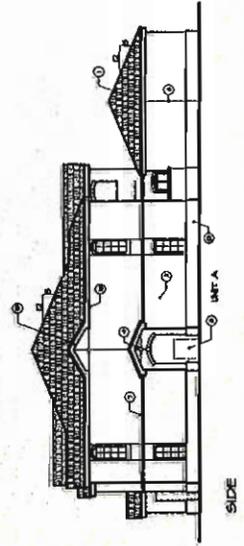
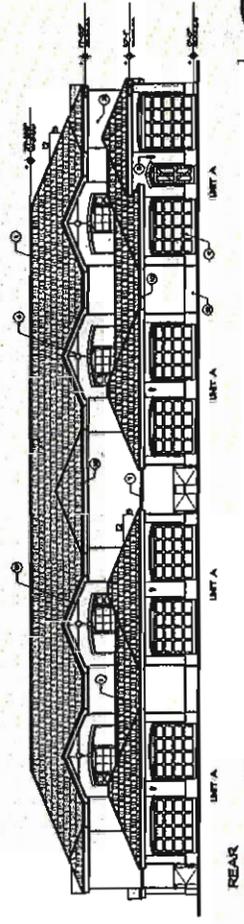
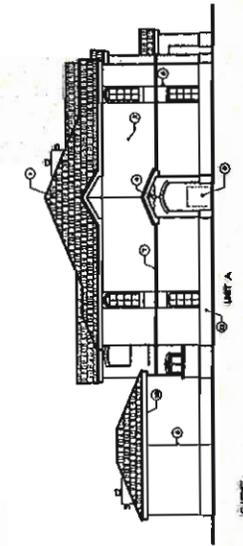
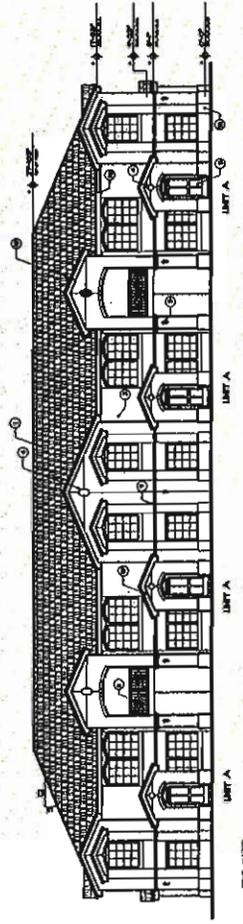
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT





BUILDING TYPE 1

BUILDING TYPE - 1



BUILDING TYPE 2

APPL. NO. C-13-00 EXHIBIT E-2 DATE 1-1-13  
 BUILDING TYPE - 2  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

**COLOR SCHEDULE**

1. EXTERIOR WALLS  
 2. EXTERIOR ROOF  
 3. EXTERIOR FLOOR  
 4. EXTERIOR CEILING  
 5. EXTERIOR DOOR  
 6. EXTERIOR WINDOW  
 7. EXTERIOR PORCH  
 8. EXTERIOR BALCONY  
 9. EXTERIOR STAIR  
 10. EXTERIOR RAMP  
 11. EXTERIOR SIGN  
 12. EXTERIOR LIGHT  
 13. EXTERIOR FENCE  
 14. EXTERIOR GATE  
 15. EXTERIOR POST  
 16. EXTERIOR RAILING  
 17. EXTERIOR HANDRAIL  
 18. EXTERIOR BENCH  
 19. EXTERIOR TABLE  
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 21. EXTERIOR LAMP  
 22. EXTERIOR URN  
 23. EXTERIOR STATUE  
 24. EXTERIOR SCULPTURE  
 25. EXTERIOR FOUNTAIN  
 26. EXTERIOR TREE  
 27. EXTERIOR SHRUB  
 28. EXTERIOR FLOWER  
 29. EXTERIOR SEEDLING  
 30. EXTERIOR PLANT

**NOTE KEY**

1. CONSTRUCTION DETAILS NOT SHOWN  
 2. EXTERIOR WALLS  
 3. EXTERIOR ROOF  
 4. EXTERIOR FLOOR  
 5. EXTERIOR CEILING  
 6. EXTERIOR DOOR  
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 29. EXTERIOR FLOWER  
 30. EXTERIOR SEEDLING  
 31. EXTERIOR PLANT



4  
 OF 60 SHEETS

EXTERIOR ELEVATIONS-BUILDING TYPE 1,2

SCALE 1/8" = 1'-0"



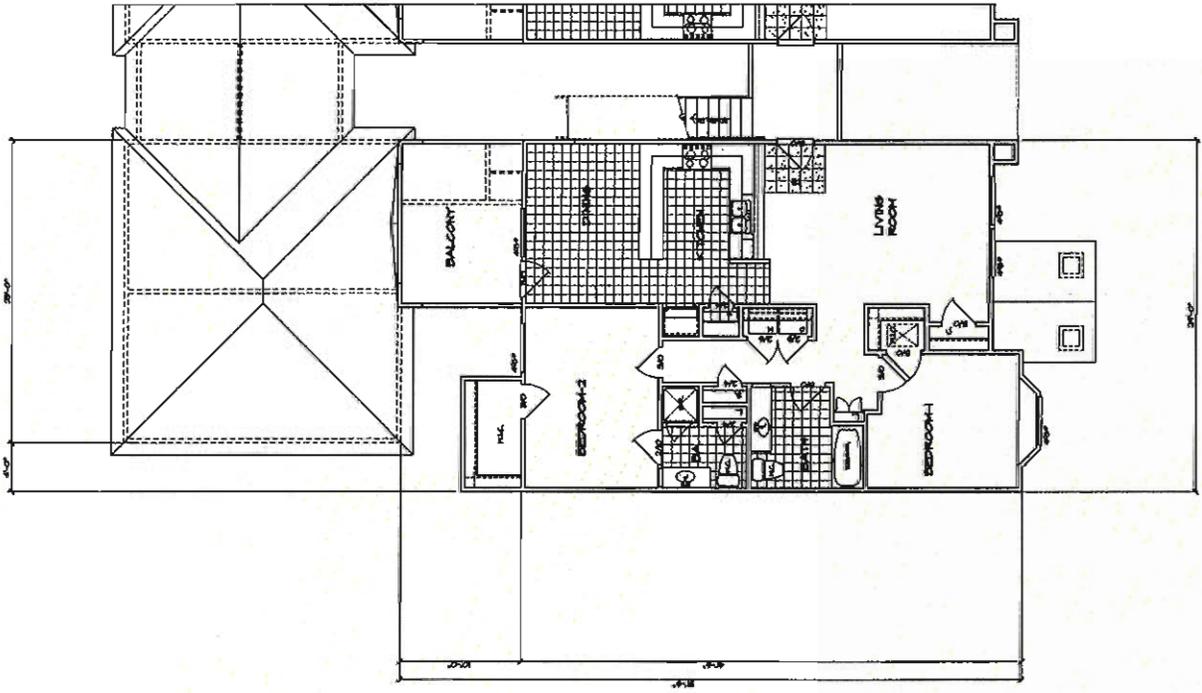
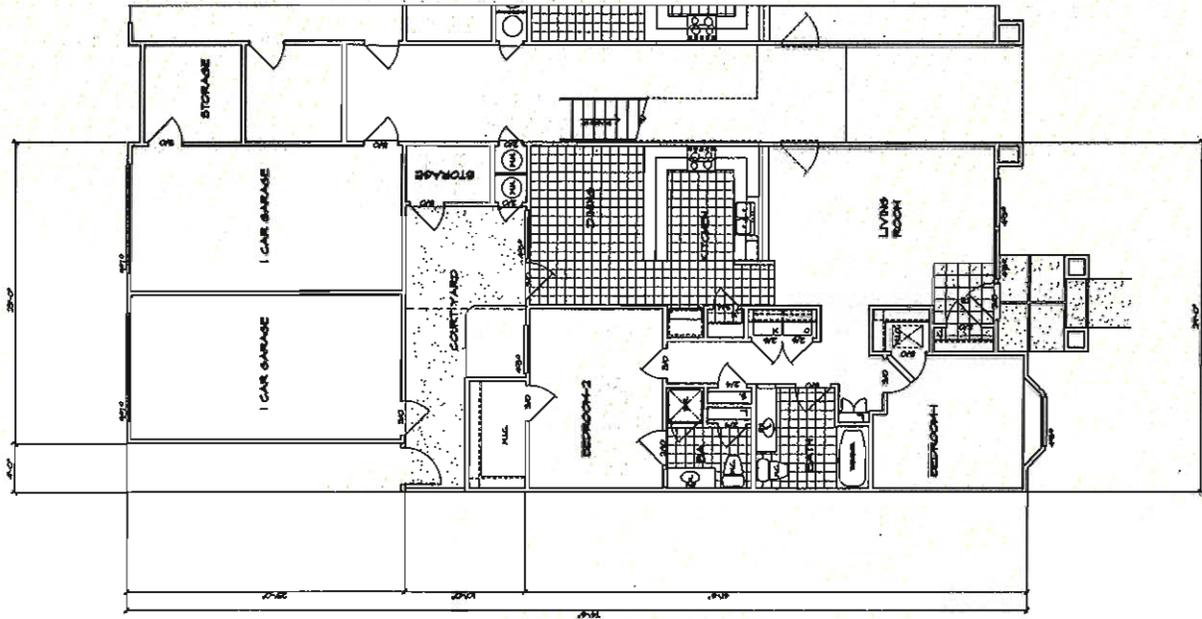
APPLY TO: PLANNING & DEVELOPMENT DEPT.  
 200 N. G ST., 5TH FL.  
 FRESNO, CA 93701  
 (559) 425-5000  
 FAX (559) 425-5001

2  
 OF 60 SHEETS

**FIRST FLOOR UNIT**  
 APPL. NO. C13-00 | **EXHIBIT** | DATE 1-7-13  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

**UNIT A-FLOOR PLANS**  
 TWO BEDROOM  
 TWO BATH  
 1,000 SQ. FT.

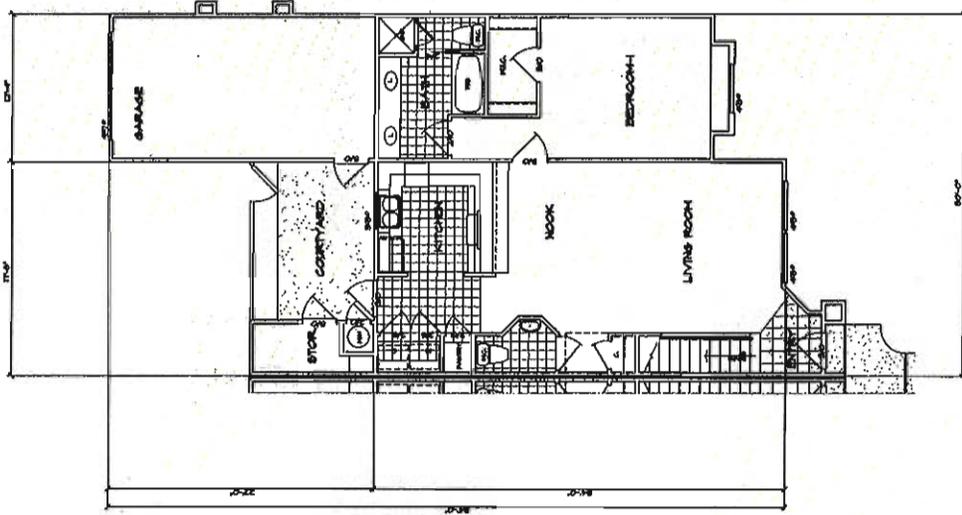
**SECOND FLOOR UNIT**



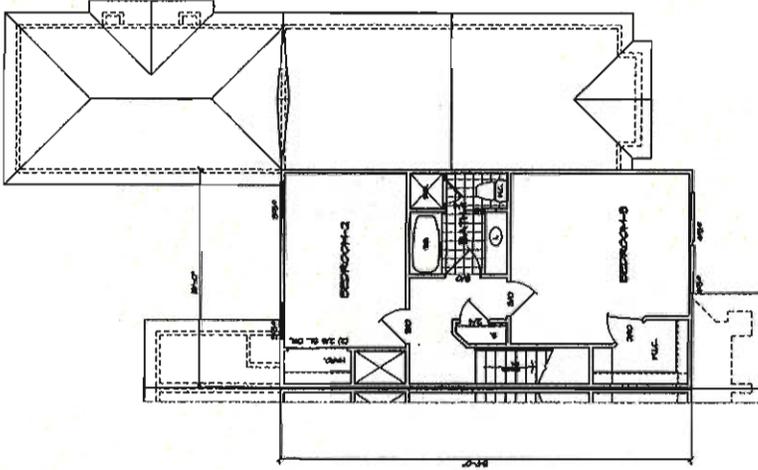


REGISTERED PROFESSIONAL ENGINEER  
No. 10000  
Date: 01/01/00

PROJ. NO. C-13-001  
DATE 02/01/02  
JOB NO. 1000  
3  
OF 10 SHEETS



FIRST FLOOR - 448 sq. ft.



SECOND FLOOR - 400 sq. ft.

THREE BEDROOMS  
TWO BATHS  
2840 SQ. FT.

### UNIT B FLOOR PLANS

APPL. NO. C-13-001 EXHIBIT F-2 DATE 1-7-03

PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_

COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

**NOTE KEY**

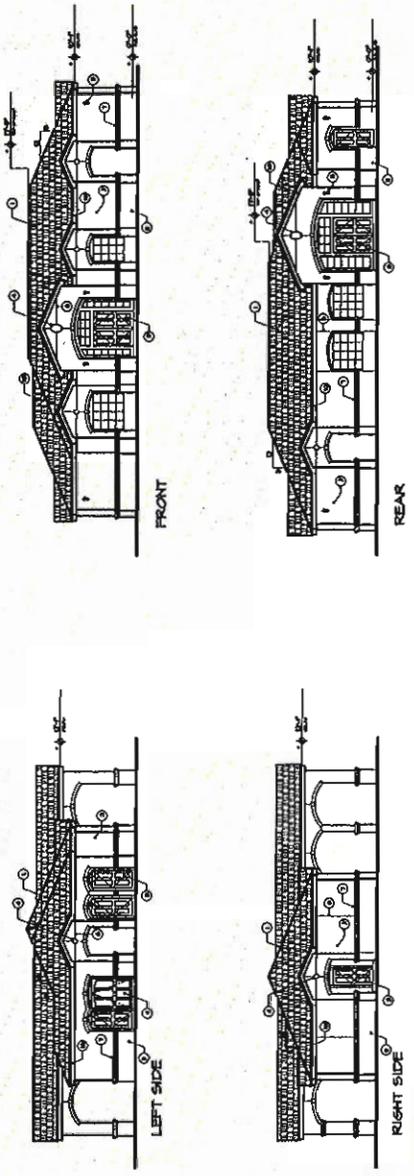
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**COLOR SCHEDULE**

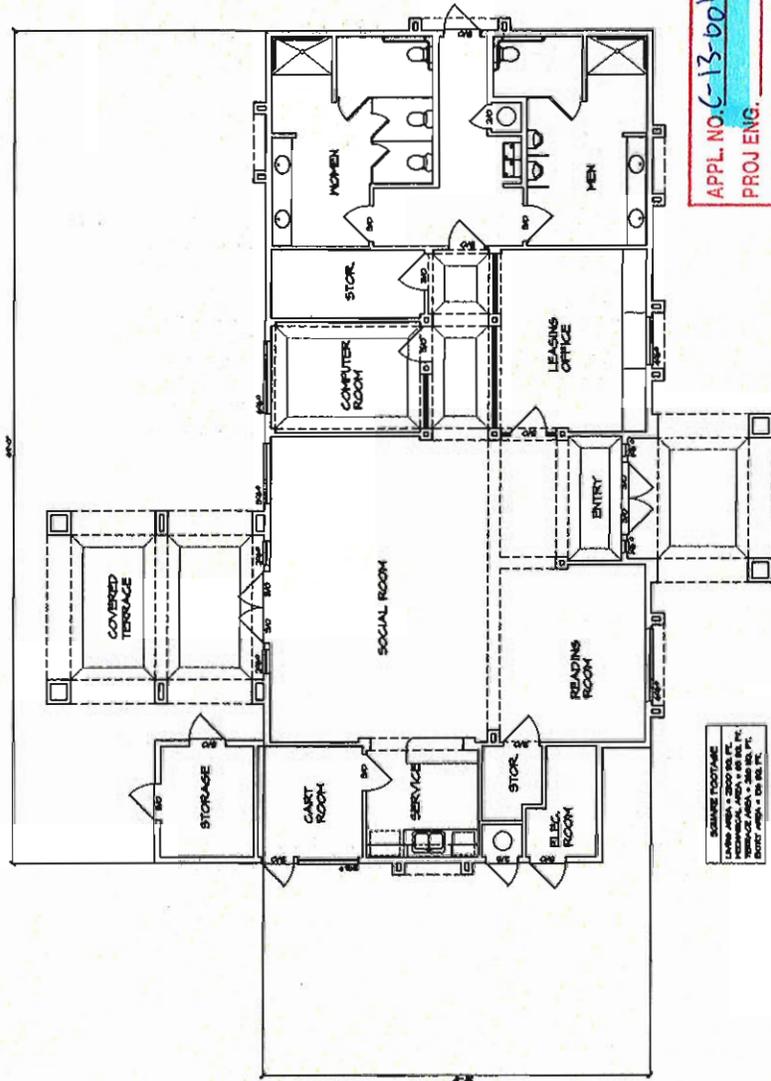
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APPL. NO. C-13-00 EXHIBIT 3 DATE 1-7-13  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



**EXTERIOR ELEVATIONS**



RECREATION BUILDING FLOOR PLAN - 270 SQ. FT.  
 SCALE: 1/4" = 1'-0"

RECREATION BUILDING FLOOR PLAN - 270 SQ. FT.  
 SCALE: 1/4" = 1'-0"



**David Bigler Associates**  
 Landscape Architect #8387  
 1127 N. California  
 Fresno, CA 93720  
 E-Mail: [davidbigler@ds.com](mailto:davidbigler@ds.com)  
 Tel: (559) 236-0405  
 Fax: (559) 274-0497



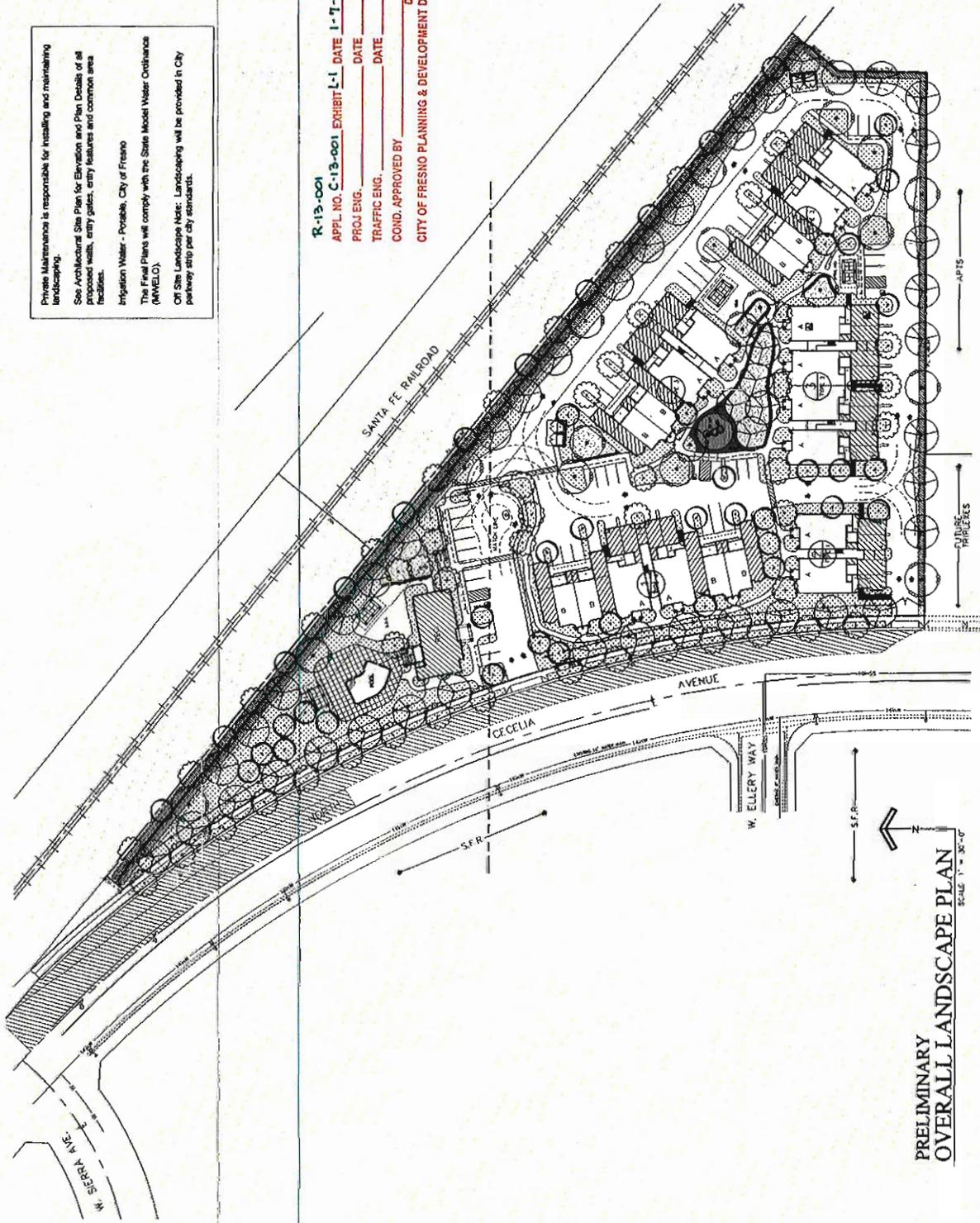
6730 N. West, Suite 111  
 Fresno, Ca 93711  
 559-276-0900

DATE: 12/14/12  
 JOB NO. 1221  
**L1**  
 1 OF 6 SHEETS

**NEWBURY, 32 UNITS**  
 FRESNO, CA

R-13-001  
 APPL. NO. C-13-001 EXHIBIT L-1 DATE 1-7-13  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

Private Maintenance is responsible for installing and maintaining landscaping.  
 See Architectural Site Plan for Elevation and Plan Details of all proposed walls, entry gates, entry features and common area facilities.  
 Irrigation Water - Portable, City of Fresno  
 The Final Plans will comply with the State Model Water Ordinance (SMWELD).  
 Off Site Landscaping Note: Landscaping will be provided in City parkway strip per city standards.



**PRELIMINARY OVERALL LANDSCAPE PLAN**  
 SCALE: 1" = 30'-0"





David Bigler Associates  
Landscape Architect #23877  
1127 G. Olive Ave.  
Fresno, CA 93711  
E-Mail: davidbigler@bigler.com  
Tel: (559) 276-6685  
Fax: (559) 276-9487

R-13-001  
APPL. NO. C-15-001 EXHIBIT L-3 DATE L-1-13  
PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



NEWBURY, 32 UNITS  
FRESNO, CA



6730 N. West Suite 111  
Fresno, Ca 93711  
559-276-0900

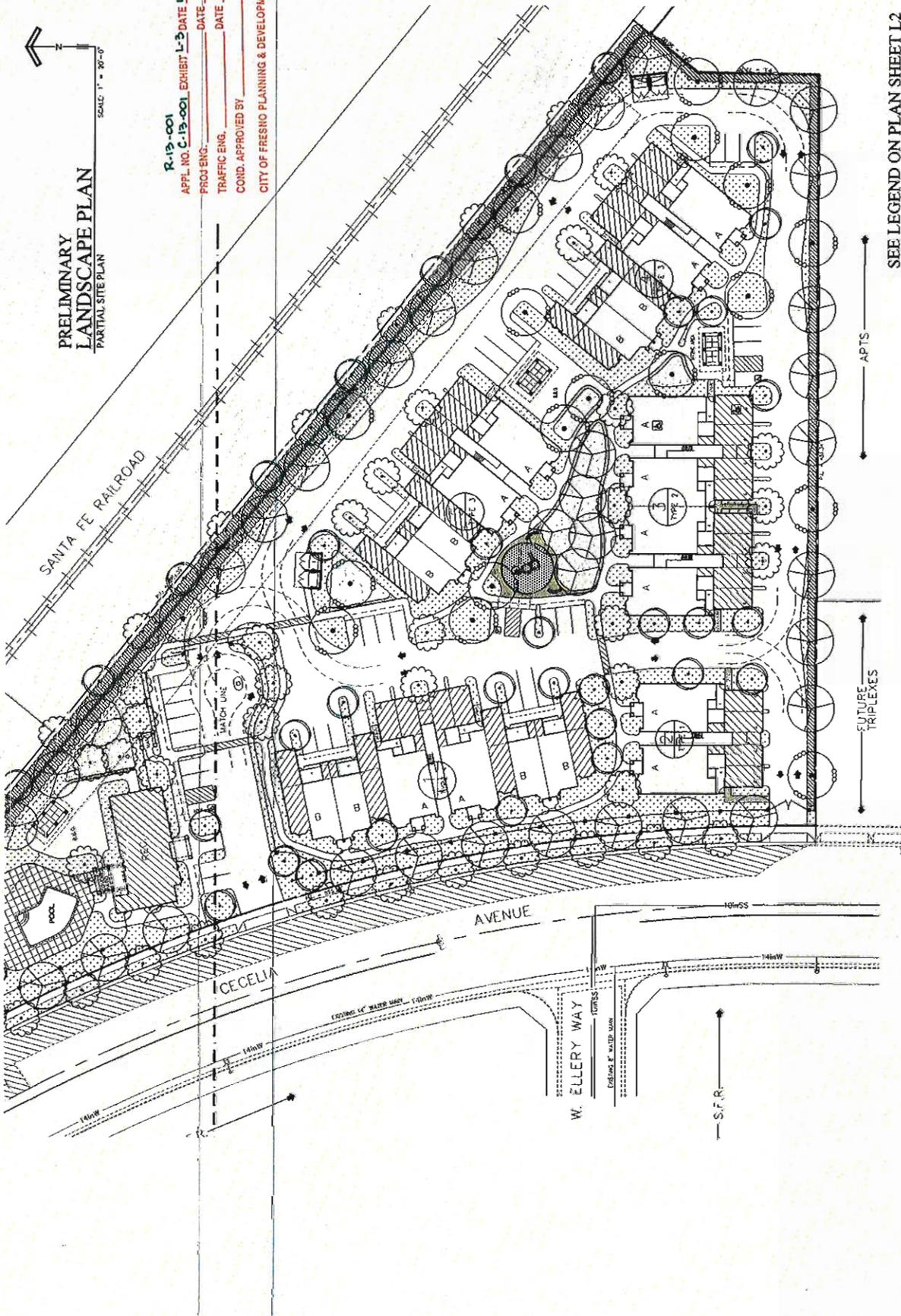
DATE: 12/14/12  
JOB NO. 1221

L3

3 OF 6 SHEETS

PRELIMINARY  
LANDSCAPE PLAN  
PARTIAL SITE PLAN

SCALE: 1" = 20'-0"



SEE LEGEND ON PLAN SHEET L2

APTS

FUTURE  
TRIPLICES

S.F.R.



David Bigler Associates  
Landscape Architects #28877  
1127 E. Olive Avenue  
Fresno, CA 93711  
E-Mail: davidbigler@dba.com  
Tel: (559) 276-0485  
Fax: (559) 276-0487



NEWBURY, 32 UNITS  
FRESNO, CA



6730 N. West Suite 111  
Fresno, Ca 93711  
559-276-0800

DATE: 12/14/12  
JOB NO. 1221

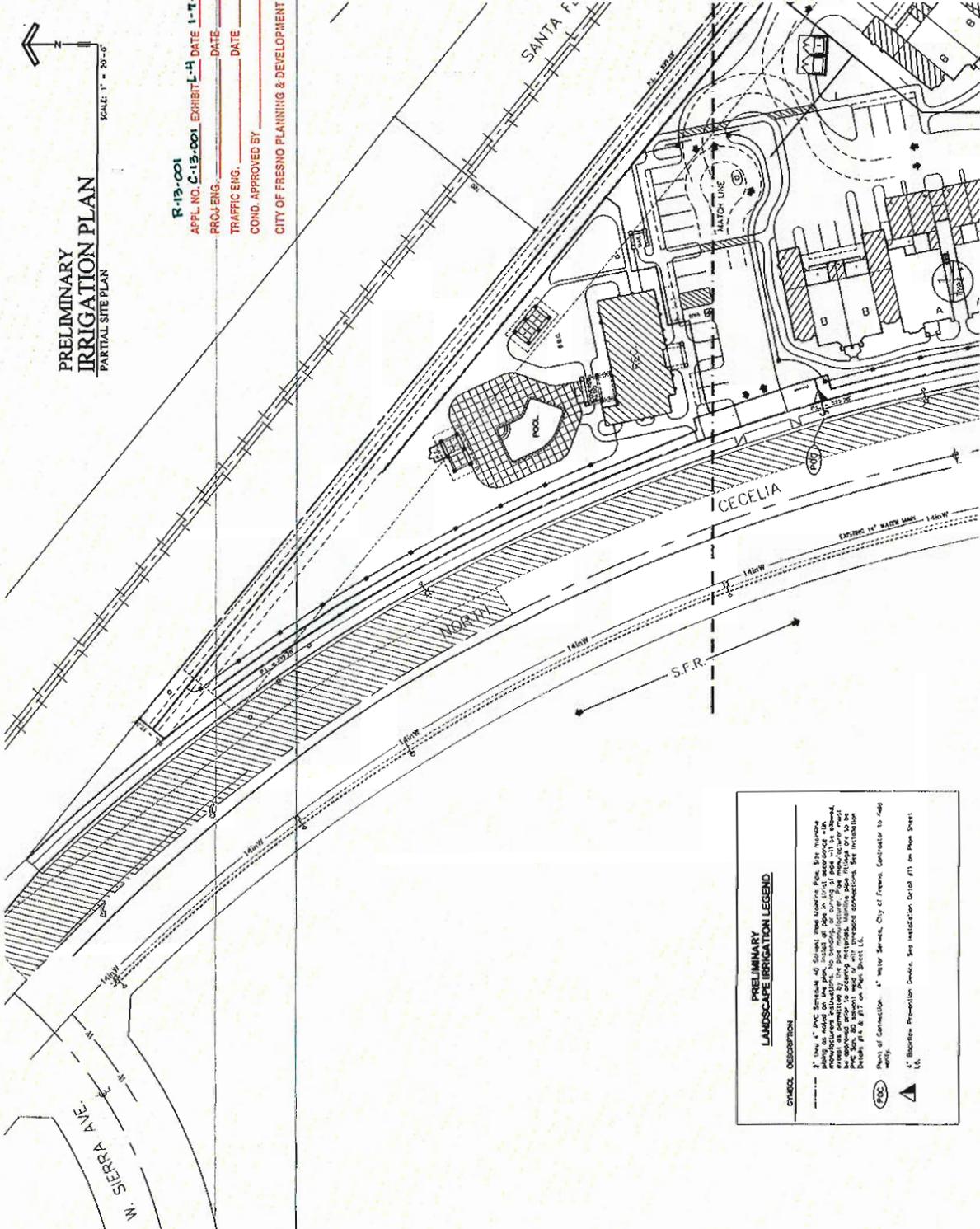
**L4**

4 OF 6 SHEETS

**PRELIMINARY IRRIGATION PLAN**  
PARTIAL SITE PLAN

SCALE: 1" = 20'-0"

R-13-001  
APPL. NO. C-13-001 EXHIBIT L-4 DATE 1-1-13  
PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



**PRELIMINARY LANDSCAPE IRRIGATION LEGEND**

SYMBOL	DESCRIPTION
	2" line 4" PVC Schedule 40 Street lined mainline pipe, 8 inch minimum manufacturer's installation, 10' spacing, 10' spacing of pipe all its length, 10' spacing of pipe all its length, 10' spacing of pipe all its length.
	4" Schedule 40 Street lined mainline pipe, 8 inch minimum manufacturer's installation, 10' spacing, 10' spacing of pipe all its length, 10' spacing of pipe all its length, 10' spacing of pipe all its length.
	1.5" W pipe
	S.F.R.
	4" water service, City of Fresno, Contractor to field verify.
	4" Schedule 40 Street lined mainline pipe, 8 inch minimum manufacturer's installation, 10' spacing, 10' spacing of pipe all its length, 10' spacing of pipe all its length, 10' spacing of pipe all its length.



David Bigler Associates  
 1527 E. Avenue K8887  
 Fresno, California 93729  
 E-Mail: dbigler@dba.com  
 Tel: (559) 276-0800  
 Fax: (559) 276-0807



**NEWBURY, 32 UNITS**  
 FRESNO, CA

*Weber Innes*  
 Associates, Inc.

6730 N. West Suite 111  
 Fresno, Ca 93711  
 559-276-0800

DATE: 12/14/12  
 JOB NO. 1221

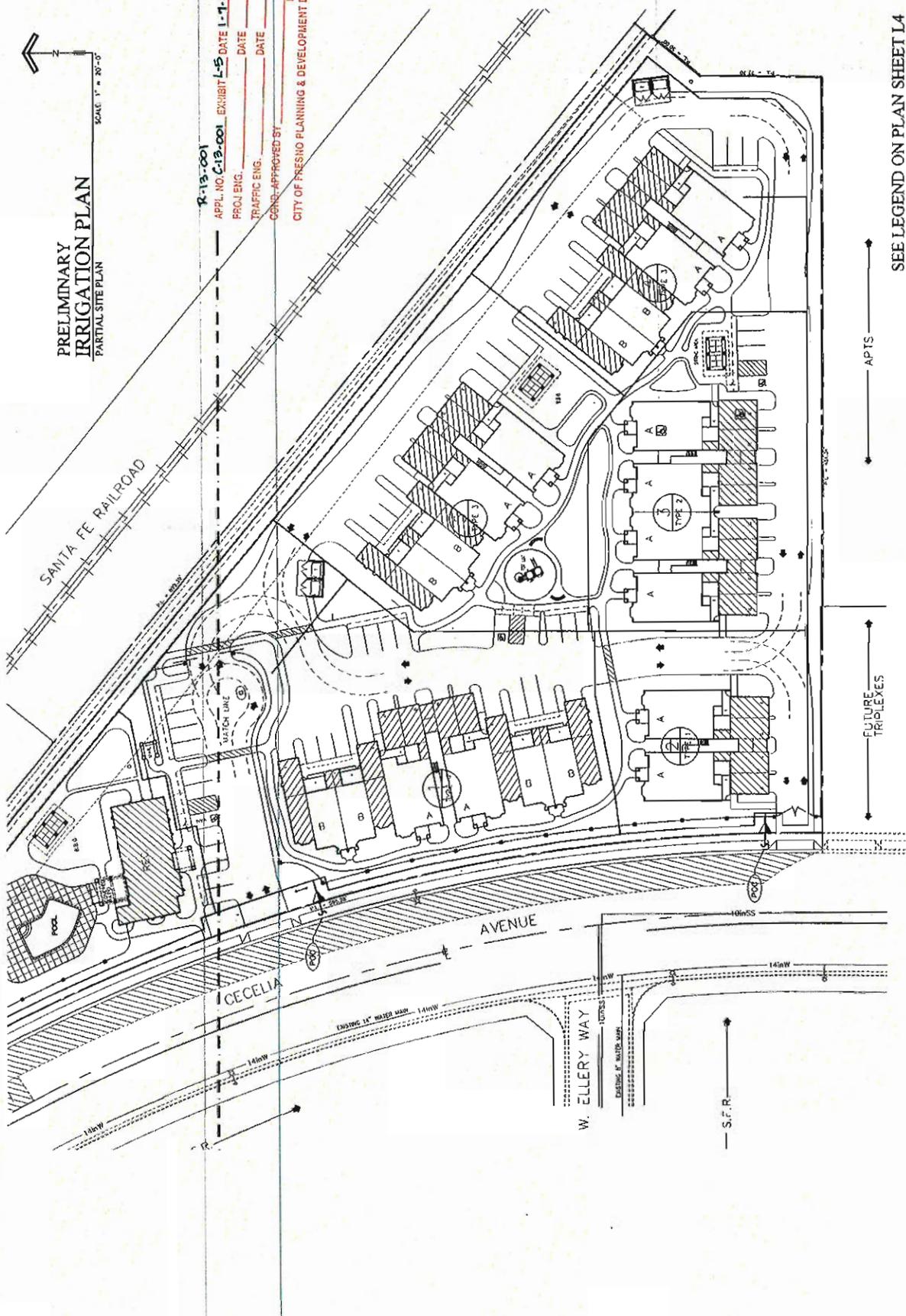
**L5**

5 OF 6 SHEETS

**PRELIMINARY IRRIGATION PLAN**  
 PARTIAL SITE PLAN

SCALE 1" = 20'-0"

R-13-001  
 APPL. NO. CA13-001 EXHIBIT L5 DATE 1-7-13  
 PROJ. ENG. DATE DATE  
 TRAFFIC ENG. DATE DATE  
 CENS. APPROVED BY DATE  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



APTS

FUTURE TRIPLEXES

SEE LEGEND ON PLAN SHEET L4



**Exhibit 2:**  
Comments from Partner Agencies & Departments

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT  
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,  
AND ENTITLEMENT APPLICATION REVIEW OF  
REZONE APPLICATION NO. R-13-001 and  
CONDITIONAL USE PERMIT APPLICATION NO. C-13-001

Building and Safety Svcs - Yeghia Oulashian

**Return Completed Form to:**

Bonique Emerson

Email: [Bonique.Emerson@fresno.gov](mailto:Bonique.Emerson@fresno.gov)

Telephone: 559-621-8066

Development and Resource Management

2600 Fresno Street, City Hall Third Floor

Fresno CA 93721-3604

**PROJECT DESCRIPTION AND LOCATION:**

Rezone Application No. R-13-001 and Conditional Use Permit Application No. C-13-001 were filed by Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company, and pertains to 4.05 acres of property (3.05-acre remainder parcel of Tract 5070 and 0.98-acre area from vacation of North Jeanné Avenue) located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line. Rezone Application No. R-13-001 proposes to amend the Official Zone Map by reclassifying the property from the R-1/UGM (Single Family Residential/ Urban Growth Management) zoned property to the R-2/UGM (Low Density Multiple Family Residential/Urban Growth Management) zone district. Conditional Use Permit Application No. C-13-001 proposes 32 townhouses and multi-level residential units with attached garages in a gated complex.

APN: 506-470-44s      ZONING: from R-1/UGM to R-2/UGM      ADDRESS: 6338 North Cecelia Avenue

DATE ROUTED: January 15, 2013

COMMENT DEADLINE: February 5, 2013

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

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

SUBMIT PLANS FOR REVIEW & PERMIT

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

REQUIRED CONDITIONS OF APPROVAL:

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

REVIEWED BY:

  
Name and Title

8156  
Telephone Number

1-16-13  
Date

Council District 2; Bullard Community Plan; Sierra Sky Park Land Use Policy Plan



DEPARTMENT OF PUBLIC UTILITIES  
ADMINISTRATION DIVISION  
MEMORANDUM



**Date:** January 29, 2013

**To:** BONIQUE EMERSON  
Planning and Development

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

**Subject:** SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-13-001 & REZONE  
R-13-001

**General**

R-13-001 & C-13-001 were filed by Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company, and pertains to 4.05 acres of property, 3.05 acre remainder parcel of Tract 5070 and 0.98 acre area from vacation of North Jeanne Avenue, located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line, 6338 North Cecelia Avenue, APN 506-470-44S. R-13-001 proposes to amend the Official Zone Map by reclassifying the property from the R-1-UGM, Single Family Residential-Urban Growth Management, zoned property to the R-2-UGM, Low Density Multiple Family Residential-Urban Growth Management, zone district. C-13-001 proposes 32 townhouses and multi-level residential units with attached garages in a gated complex.

**Sewer Requirements**

The nearest sanitary sewer main to serve the proposed project is a 10-inch sewer main in N. Cecelia Avenue. Sewer facilities are available to provide service to the site subject to the following requirements:

1. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.
2. On-site sanitary sewer facilities shall be private.

**Sewer Fees**

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

1. Upon connection of this Project to the City Sewer System the owner shall be subject to payment of Sewer Facility charges per Fresno Municipal Code Section 6-304 and 6-305. Sewer Facility Charges consist of two components, a Wastewater Facilities Charge and Trunk Sewer Charge where applicable.



A Nationally Accredited Public Utility Agency

2. Sewer Facility Charges are collected after occupancy on a monthly basis over time based on metered (water or sewer effluent) usage. The developer may contact the Department of Public Utilities/Wastewater-Environmental Control at (559) 621-5153 to receive an estimated cost of the Sewer Facility Charges applicable to the project (based on a constant sewer discharge and loading (Biochemical Oxygen Demand [BOD] and Total Suspended Solids [TSS] levels anticipated) at the current rates in effect, at that time, per Fresno's Master Fee Resolution. The developer shall provide data regarding estimated sewer discharge rates [flow] and loading [BOD/TSS levels] required for calculating the estimated charges.
3. Sewer Lateral Charge
4. Oversize Sewer Charge
5. Sewer Facility Charge (Non-Residential)



**Department of Public Utilities – Water Division**



**DATE:** January 24, 2013

**TO:** BONIQUE EMERSON, Planner III  
Development Department/Current Planning

**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 CONDITIONAL USE PERMIT C-13-001 AND  
REZONE R-13-001.

**General**

R-13-001 & C-13-001 were filed by Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company, and pertains to 4.05 acres of property, 3.05 acre remainder parcel of Tract 5070 and 0.98 acre area from vacation of North Jeanne Avenue, located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line, 6338 North Cecelia Avenue, APN 506-470-44S. R-13-001 proposes to amend the Official Zone Map by reclassifying the property from the R-1-UGM, Single Family Residential-Urban Growth Management, zoned district to the R-2-UGM, Low Density Multiple Family Residential-Urban Growth Management, zone district. C-13-001 proposes 32 townhouses and multi-level residential units with attached garages in a gated complex.

**Water Requirements**

The nearest water main to serve the proposed project are a 14-inch main located in North Cecelia Avenue. Water facilities are available to provide service to the site subject to the following requirements:

1. On-site water facilities shall be private.
2. Installation of water service & meter box shall be required.
3. The development shall incorporate water use efficiency measures including the installation of low flow fixtures, high efficiency appliances, reduction of turf areas and/or the use of artificial turf, use of native plant material or xeriscape, 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.
4. The developer shall provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities.



5. 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.

**Fees**

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

1. Wet-tie(s), water service(s) and/or meter(s) installation(s)
2. Transmission Grid Main Charge
3. Water Well Service Area: 201S



**DEPARTMENT OF PUBLIC UTILITIES**

**Date:** January 23, 2013

**To:** BONIQUE EMERSON, Planner III  
Planning and Development Department, Current Planning

**From:** CHRIS WEIBERT, Management Analyst II  
*CW* Public Utilities Department, Administration

**Subject:** R-13-001 & C-13-001 were filed by Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company, and pertains to 4.05 acres of property, 3.05 acre remainder parcel of Tract 5070 and 0.98 acre area from vacation of North Jeanne Avenue, located on the east side of North Cccelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line, 6338 North Cecelia Avenue, APN 506-470-44S. R-13-001 proposes to amend the Official Zone Map by reclassifying the property from the R-1-UGM, Single Family Residential-Urban Growth Management, zoned property to the R-2-UGM, Low Density Multiple Family Residential-Urban Growth Management, zone district. C-13-001 proposes 32 townhouses and multi-level residential units with attached garages in a gated complex.

**General**

This location is serviced by a Commercial Solid Waste Franchisee. For service information, please contact Allied Waste at 559-275-1551 or 800-493-4285 .

**Does Project Affect Your Agency/Jurisdiction**

Yes - Project has or will be required to provide a trash enclosure.

**Suggestions to Reduce Impacts/Address Concerns**

- Provide 44' (centerline) turning radius.
- Minimum width of 18' for truck path.
- Gated entrances require 18' of clearance.
- Enclosure shall be constructed on a level surface.

**Recommended Conditions of Approval**

Enclosure shall be built in accordance with current City of Fresno Standards P-33 and P-34.

No notes on site plan



**DATE:** February 21, 2013  
**TO:** Bonique Emerson  
Development and Resource Management Department  
**FROM:** Louise Gilio, Supervising Engineering Technician  
Public Works Department, Traffic and Engineering Services Division  
**SUBJECT:** Conditions of Approval for C-13-001  
**ADDRESS:** 6338 North Cecelia Avenue  
**APN:** 506-470-44s

**SITE PLAN REQUIREMENTS:**

1. Additional Processes to be completed **prior** to Building permits
  - a. **Landscape and Feature Maintenance:** Annex into a Community Facilities District (CFD) or other approved mechanism. (approximate process is 3-4 months) Contact Ann Lillie at (559) 621- 8690 to begin the process.
  - b. **Pedestrian Easement:** A pedestrian easement is required with this application. (approximate processing time is 2 months) Contact Bruce Abbott at (559) 621- 8694 to begin the process.
2. **Provide the following information prior to resubmitting:**
  - a. **Pedestrian Easements:** Identify and dimension proposed easements.
  - b. **Buildings:** Provide square footage for recreation room.
  - c. **Access:** Provide pedestrian, vehicular and service access. Identify in the operational statement the maximum size of vehicle to enter and exit the site. Provide turning templates on the site plan for all large vehicles.
  - d. **On-site Disability signage:** Identify the signage which is not to be within the 3' vehicular overhang.
  - e. **On-site Paving:** Modify note per Public Works Standards **P-21, P-22, P-23**

- f. **On-site Gated Entry:** Resubmit the site plan with a larger detailed gated entry design. Redesign the onsite turn around area. The proposed call box is within the 27' backup aisle.

## **PUBLIC IMPROVEMENT REQUIREMENTS**

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

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

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

When preparing Street Plans and/or Traffic Control Plans for projects in the City of Fresno contact the Traffic and Engineering Services Division (Randy Schrey) at (559) 621-8807 10 working days in advance to make sure that sidewalks or an approved accessible path remain open during construction.

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

## **SURVEY MONUMENTS AND PARCEL CONFIGURATION**

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

## **STREET DEDICATIONS, VACATIONS AND ENCROACHMENT PERMITS**

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

1. **Cecelia Avenue: Collector-** Dedicate a 2' pedestrian easement to accommodate a 6' sidewalk.

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

2. **Jeanne Avenue: Local -** Vacate 50' of right-of-way adjacent to this application, prior to building permits.

Contact the Public Works Department, Alan James (559) 621-8693 for additional information. A feasibility study for all proposed vacations of existing public rights of way is required to be completed prior to building permits.

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

## **STREET IMPROVEMENTS**

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed for Collectors and 55 MPH for Arterials. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer.

**Street Construction Plans are required and shall be approved by the City Engineer.**

The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT** prior to commencement of work. Contact the City of Fresno Public Works Department, Traffic and Engineering Services Division at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city prior to occupancy.

Repair all damaged and/or off grade off-site concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current ADA regulations. All existing

sidewalks in excess of 2% maximum cross slope must be brought into compliance prior to acceptance by Public Works.

**1. Cecelia Avenue: Collector**

- a. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a **12' residential** pattern, to be measured from curb face to easement. **5 ½' planter-6' sidewalk – 1/2' to easement. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).**
- b. Construct two 30-35' driveway approaches to Public Works Standard(s) P-2 and P-6. Provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches.
- c. Construct 20' of permanent paving (measured from face of curb) within the limits of this application.
- d. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this application. Spacing and design shall conform to Public Works Standard E-8 for Collector Streets.

**OFF-STREET PARKING FACILITIES AND GEOMETRICS**

1. Install 30" state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a 2" galvanized post with the bottom of the sign 7' above ground; located behind curb and immediately behind a major street sidewalk.
2. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.

**TRIP GENERATION:** A Traffic Impact Study is not required. This development will generate a count of 306 Average Daily Trips (A.D.T.), based upon code (210) of the Institute of Transportation Engineers' Trip Generation Manual.

**LANDSCAPE AND FEATURE MAINTENANCE: Residential**

The long term maintenance and operating costs of certain required public improvements, within the boundary of this entitlement, as listed below shall be the ultimate responsibility of the Owner.

1. Landscaping and Irrigation systems, as approved by the Public Works Department, within the street and landscape easements; includes parkways, buffers and all trees associated with this entitlement.
2. Feature Improvements, as approved by the Public Works Department:  
**Major Streets:** curbs, gutters, valley gutters, curb ramps, sidewalks, street lights, hardscapes and special features associated with this entitlement.

The Owner may choose to **do one or both** of the following:

1. Request that some or all of the above items be financed for Services by annexation to a Community Facilities District (CFD). An Annexation Request Package shall be submitted to the Public Works Department for review and acceptance. Any special features requested require Public Works Department approval prior to acceptance. If you have any questions contact Ann Lillie, Traffic and Engineering Services Division at (559) 621-8690 / [ann.lillie@fresno.gov](mailto:ann.lillie@fresno.gov). The entitlement shall be in the limits of the City of Fresno **prior** to requesting for CFD processing and conditional approval. Occupancy will be withheld until the CFD process has been completed and approved by Council.

-AND/OR-

2. If the Owner chooses not annex all of the items to a CFD, the property Owner shall be responsible for providing a Maintenance Covenant for all or the remainder of the items as approved by the City of Fresno. Contact the Development and Resource Management Department at (559)621-8277 for more details.

**TRAFFIC SIGNAL MITIGATION IMPACT (TSMI) FEE:** This project shall pay all applicable TSMI Fees **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. Contact the Traffic and Engineering Services Division, Frank Saburit at (559)621-8077.

**FRESNO MAJOR STREET IMPACT (FMSI) FEES AND /OR REQUIREMENTS:** This entitlement is in the **New Growth Area**; therefore pay all applicable growth area fees City-wide regional street impact fees. Contact the Traffic and Engineering Services Division, Frank Saburit at (559)621-8077.

Page 5 of 6

2/25/2013

C-13-001 CECELIA 6338 N.doc

**And/Or** Construct the required improvements, as approved on the required street plans.

**Cecelia Avenue: Collector** - Construct paving, as needed, to transition from site frontage to the existing pavement to the north. FMSI construction improvements are required to be constructed prior to occupancy.

**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 certificate of occupancy.

City of



**FIRE DEPARTMENT**

**Date:** January 16, 2013

**To:** BONIQUE EMERSON  
Planning and Development Department

**From:** MATT MARQUEZ, Fire Prevention Inspector II  
Fire Department, Community Risk Reduction Unit

**Subject:** **Rezone Application No. R-13-001 and Conditional Use Permit Application No. C-13-001** were filed by Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company, and pertains to 4.05 acres of property (3.05-acre remainder parcel of Tract 5070 and 0.98-acre area from vacation of North Jeanne Avenue) located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, Adjacent to the Burlington Northern Santa Fe Railroad line. **Rezone Application No. R-13-001** proposes to amend the Official Zone Map be reclassifying the property from the R-1/UGM (*Single Family Residential/Urban Growth Management*) zoned property to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district. **Conditional Use Permit Application No. C-13-001** proposes 32 townhouses and multi-level residential units with attached garages in a gated complex.

1. ( ) This project was reviewed by the fire department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building

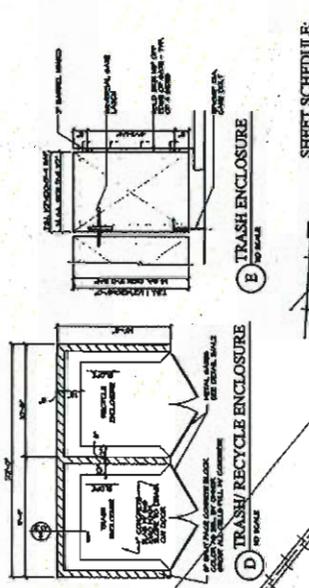
plan review is made as required by the California Building Code by the architect or engineer of record for the building.

2. ( ) Install on site hydrant(s) with a minimum 8" main and a fire flow of 2500 GPM. See plan for location(s). Sprinklered apartments. Public and private hydrants for apartments are spaced a maximum of 450 feet apart. See site plan for recommended private fire hydrant locations.
3. ( ) Turns in private drives for fire apparatus access shall have minimum 44 foot centerline turn radius.
4. ( ) All required fire access lanes shall be provided and maintained with an approved "all weather" surface capable of supporting 80,000 lb. vehicles (minimum 4" of base rock over compacted or undisturbed native soil or per approved engineered plans) year-around and with 24 feet minimum width or other approved method that would prevent shoulder degradation.
5. ( ) 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). This applies to the south gate only.

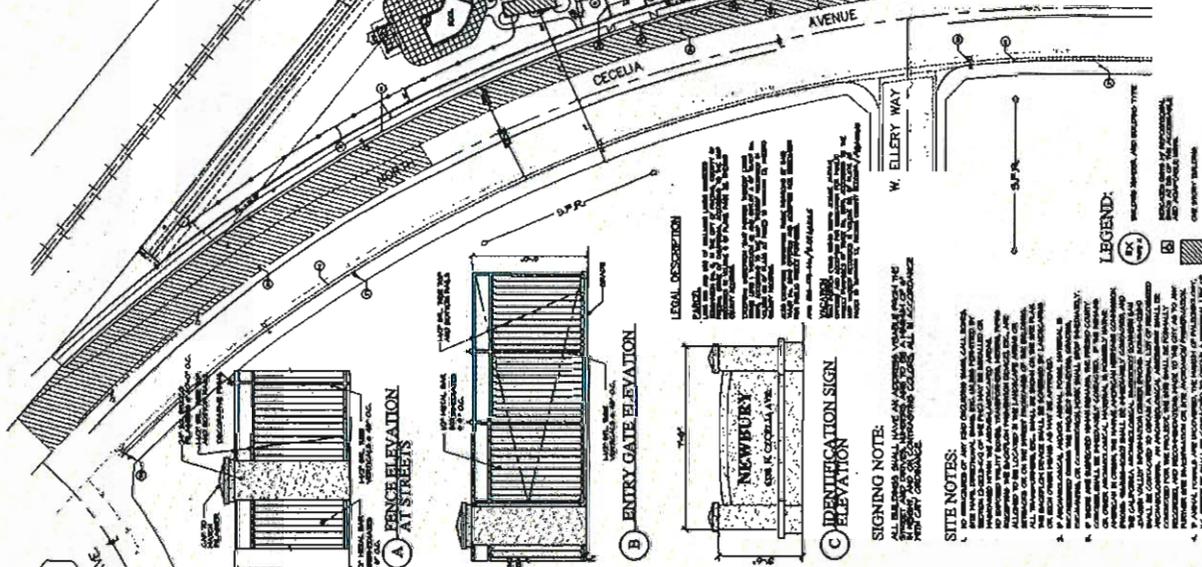
**NOTE KEY**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF FRESNO PLANNING & DEVELOPMENT DEPT. STANDARDS AND SPECIFICATIONS.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA CIVIL ENGINEERING BOARD (C.C.E.B.) STANDARDS AND SPECIFICATIONS.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE MARSHAL'S OFFICE (C.F.M.O.) STANDARDS AND SPECIFICATIONS.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) STANDARDS AND SPECIFICATIONS.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES (CDWR) STANDARDS AND SPECIFICATIONS.
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS (DIR) STANDARDS AND SPECIFICATIONS.
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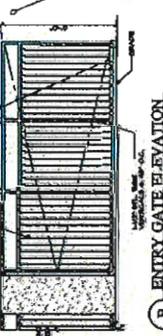
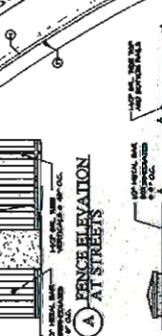
**STATISTICS:**  
 LAND: 100,000 SQ. FT.  
 UTILITIES: 100,000 SQ. FT.  
 FOOTPRINT: 100,000 SQ. FT.  
 WALL: 100,000 SQ. FT.  
 FLOORING: 100,000 SQ. FT.



**SHEET SCHEDULE:**  
 ARCHITECTURAL: 1. TRASH ENCLOSURE (E) 2. TRASH/RECYCLE ENCLOSURE (D) 3. FENCE ELEVATION (A) 4. ENTRY GATE ELEVATION (B) 5. IDENTIFICATION SIGN (C) 6. LEGEND 7. SIGNING NOTE 8. SITE NOTES 9. GENERAL SITE NOTES 10. STATISTICS 11. NOTE KEY 12. TITLE SHEET



**GENERAL SITE NOTES:**  
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF FRESNO PLANNING & DEVELOPMENT DEPT. STANDARDS AND SPECIFICATIONS.  
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 10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR) STANDARDS AND SPECIFICATIONS.



**LEGAL DESCRIPTION:**  
 PARCEL 100,000 SQ. FT. OF LAND, MORE OR LESS, BEING THE SOUTHWEST CORNER OF THE SECTION 16, T4S, R12E, S4E, COUNTY OF FRESNO, CALIFORNIA.

**SIGNING NOTE:**  
 ALL SIGNING SHALL BE IN ACCORDANCE WITH THE CITY OF FRESNO PLANNING & DEVELOPMENT DEPT. STANDARDS AND SPECIFICATIONS.

**SITE NOTES:**  
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF FRESNO PLANNING & DEVELOPMENT DEPT. STANDARDS AND SPECIFICATIONS.  
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**LEGEND:**  
 (A) FENCE ELEVATION AT STREET  
 (B) ENTRY GATE ELEVATION  
 (C) IDENTIFICATION SIGN ELEVATION  
 (D) TRASH/RECYCLE ENCLOSURE  
 (E) TRASH ENCLOSURE

**6338 N. CECELIA AVE. SCHEMATIC SITE PLAN**

*Fire's Comments*

**DEPARTMENT OF TRANSPORTATION****DISTRICT 6**

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 488-7307  
FAX (559) 488-4088  
TTY (559) 488-4066



*Flex your power!  
Be energy efficient!*

February 5, 2013

2131-IGR/CEQA  
6-FRE-99-29.80+/-  
CUP C-13-001 & R-13-001  
NEWBURY APARTMENTS

Ms. Bonique Emerson  
City of Fresno  
Development and Resource Management  
2600 Fresno Street, 3rd Floor  
Fresno, CA. 93721-3604

Dear Ms. Emerson:

We have completed our review of the proposal to develop a complex of 32 residential units. The units will be one and two stories with attached garages. The 4.05 acres site is located along Santa Fe Avenue between Herndon and Shaw Avenues, approximately 2.5 miles east of State Route (SR) 99. Caltrans has the following comments:

The land use that best describes the proposed development is "residential Condominium/Townhouse" (Land Use 230). Based upon data provided in the ITE Trip Generation (8<sup>th</sup> Ed.) book, it is estimated that the project would generate approximately 17 trips during evening peak hours. A portion of these trips would impact SR 99 interchanges at Herndon/Grantland Avenue and Shaw Avenue.

Based on the results of the traffic study for the Fountains at El Paseo, several improvements were identified as being required for the SR 99 interchange at Herndon/Grantland Avenue. These improvements are:

- Widen the SR 99 northbound off-ramp to Herndon/Grantland Avenue to two lanes with an auxiliary lane.
- Widen the SR 99 southbound on-ramp from Herndon/Grantland Avenue to two mixed lanes and a single HOV lane with an auxiliary lane.

The interchange improvements that are needed to accommodate project demand at SR 99 and Shaw Avenue are:

- Widen the SR 99 southbound off-ramp to accommodate an additional turn lane.
- Widen Shaw Avenue structure that crosses over SR 99 in the eastbound direction.
- Widen the SR 99 northbound off-ramp to accommodate an additional turn lane.

Ms. Bonique Emerson  
February 5, 2013  
Page 2

It is Caltrans' understanding that the project will mitigate project traffic-related impacts by paying into the City of Fresno's TSMI program as well as the Fresno RTMF.

If you have any further questions please feel free to contact me at (559)488-7307.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Bryan-Sanchez", with a long horizontal flourish extending to the right.

JENNIFER BRYAN-SANCHEZ  
Office of Transportation Planning  
District 06



Preparing Career Ready Graduates

February 27, 2013

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

**SUBJECT: REZONE APPLICATION NO. R-13-001  
CONDITIONAL USE PERMIT APPLICATION NO. C-13-001  
MULTI-FAMILY RESIDENTIAL DEVELOPMENT  
'NEWBURY APARTMENTS' - 6338 N. CECELIA AVE.**



**Facilities Management & Planning**

**BOARD OF EDUCATION**

Valerie F. Davis, President  
Lindsay Cal Johnson, Clerk  
Michelle A. Asadoorian  
Luis A. Chavez  
Christopher De La Cerda  
Carol Mills, J.D.  
Janet Ryan

**SUPERINTENDENT**

Michael E. Hanson

Dear Ms. Emerson,

Fresno Unified School District submits the following response to your request for review and comment on the above referenced Rezone and Conditional Use Permit Applications. The applicant proposes the construction of a residential development consisting of attached multi-family townhouses and two-story units for a total of 32 residential units.

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

Any new residential development on the subject property is subject to development fees of \$3.20 per square foot. The community/recreation room for the proposed development would be charged at the commercial rate of \$0.51 per square foot. Any new development on the property will be subject to the development fee prior to issuance of a building permit.

Please note that on a separate project, "Horizon West," a 60-unit complex located at 5080 North Marty Avenue was converted from senior housing to non-senior housing and the resulting difference in development fees is still outstanding. In the District's letter to John Ashley dated July 15, 2009 the total development fees due were \$148,869.00, and have not been paid to date.

The project is presently within the attendance areas of the schools identified below.

Elementary School: Lawless  
Intermediate School: Tenaya  
High School: Bullard

The district appreciates the opportunity to comment on the proposed project. Please contact Deana Clayton at 457-3066 if you have any questions or require additional information regarding our comments.

Sincerely,

Lisa LeBlanc, Executive Officer  
Facilities Management and Planning

*LLC*

LL:hh  
c: John Ashley, Applicant/Agent

January 24, 2013

Bonique Emerson  
City of Fresno  
Development and Resource Management  
2600 Fresno Street, City Hall Third Floor  
Fresno, CA 93721-3604

**Agency Project: Rezone Application No. R-13-001 and Conditional Use Permit Application No. C-13-001**

**District CEQA Reference No: 20130044**

Dear Ms. Emerson:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a rezone application proposing to amend the official zone map by reclassifying the property from single family residential to low density multiple family residential and a CUP proposing 32 townhouses and multi-level residential units with attached garages in a gated complex, located at 6338 North Cecelia Avenue, in Fresno, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. Based on information provided to the District, at full build-out, the proposed project would not be equal to or exceed 50 residential dwelling units. Therefore, the District concludes that the proposed project is not subject to District Rule 9510 (Indirect Source Review).
3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

---

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95358-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1980 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-8000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

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

If you have any questions or require further information, please call Sharla Yang, at (559) 230-5934.

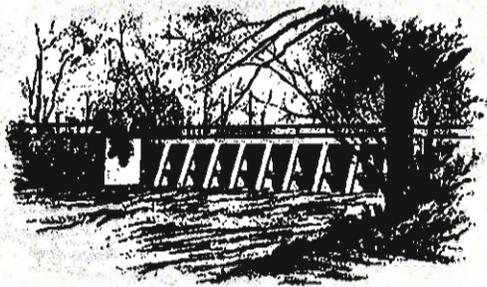
Sincerely,

David Warner  
Director of Permit Services



For Arnaud Marjollet  
Permit Services Manager

DW: sy



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF EFILE

# FRESNO IRRIGATION DISTRICT

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

January 18, 2013

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

RE: Rezone No. R-13-001 and Conditional Use Permit No. C-13-001, S/E Sierra and Cecelia avenues

Dear Ms. Emerson:

The Fresno Irrigation District (FID) has reviewed the Rezone Application No. R-13-001 and Conditional Use Permit No. C-13-01 that pertains to 3.05 acres of property located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line. The applicant requests to amend the Official Zone Map to reclassify the undeveloped property from the R-1/UGM (Single Family Residential/Urban Growth Management) zone district to the R-2/UGM (Low Density Multiple Family Residential/Urban Growth Management) zone district. The Conditional Use Permit application proposes 32 townhouses and multi-level residential units with attached garages in a gated community, APN: 506-470-44s. FID has the following comments:

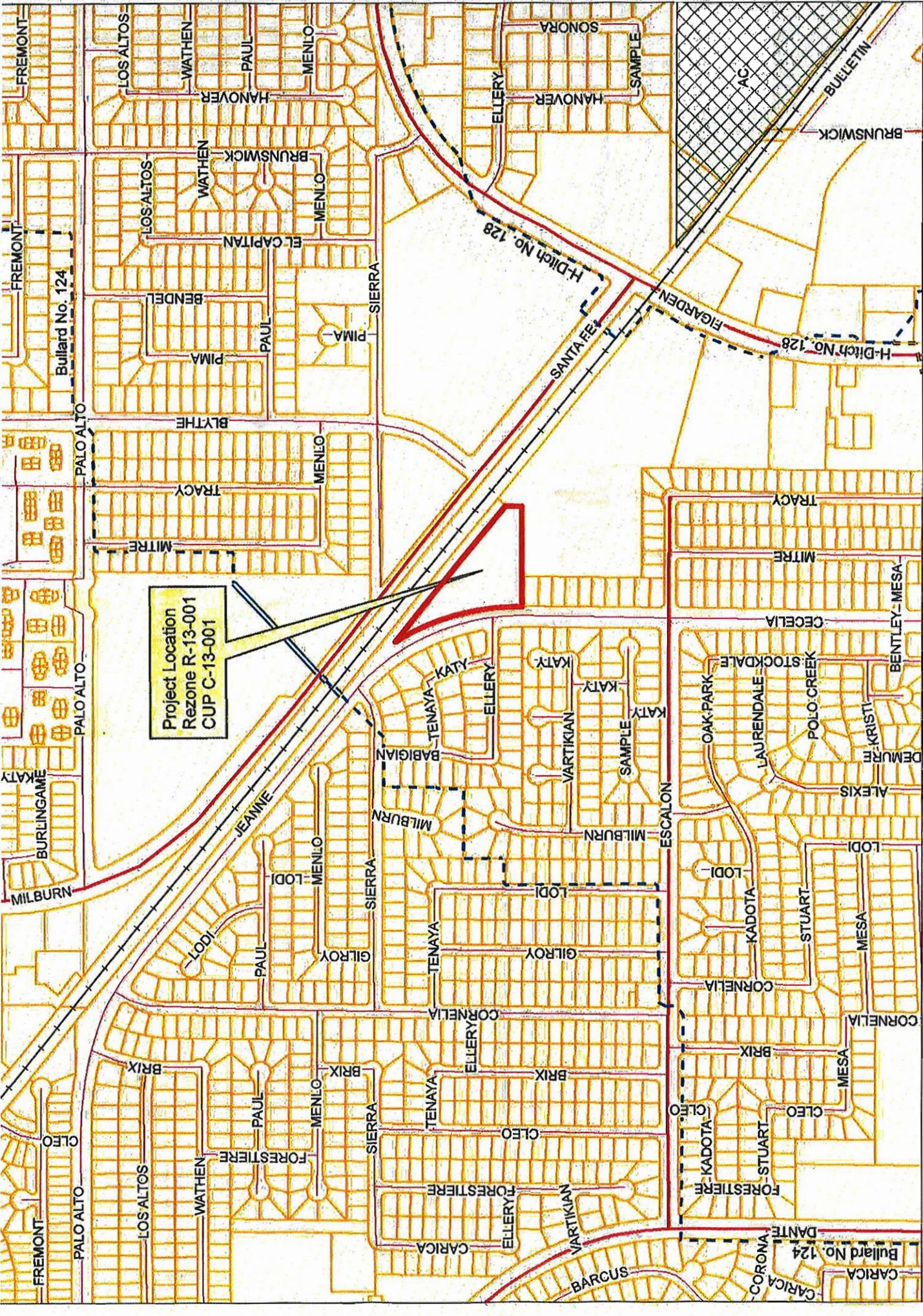
1. FID does not own, operate or maintain any facilities located on the applicant's property as indicated on the attached FID exhibit map.
2. For informational purposes; FID's Bullard Canal No. 124 crosses Jeanne Avenue approximately 345-feet northwest of the subject property as shown on the attached FID exhibit map. Should any street improvements be required along Jeanne Avenue and in the vicinity of the canal crossing, FID requires it review and approval of all plans.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Randy Deaver at 233-7161 extension 7406 or [engtechtemp@fresnoirrigation.com](mailto:engtechtemp@fresnoirrigation.com).

Sincerely,

William R. Stretch, P.E.  
Chief Engineer

Attachment



Project Location  
 Rezone R-13-001  
 CUP C-13-001

**Legend**

- FD Canal
- Private Canal
- Abandoned Canal
- FD Pipeline
- Private Pipeline
- Abandoned Pipeline
- Stream Group
- Other-Creek/River
- Other-Pipeline
- FD Boundary
- Railroad
- Parcel
- FAMCD Acquired Basins
- FAMCD Proposed Basins

**FRESNO IRRIGATION DISTRICT**

12/20/12

Scale: 0 240 480 Feet

1 inch = 552.47 feet



**NEW APARTMENT COMPLEX C.U.P. CONDITIONS**

January 31, 2013

City of Fresno, Development Department  
Director of Planning & Development  
Special Permit, Conditional Use Permit  
2600 Fresno Street  
Fresno, California, 93721-3604

**Attn: Bonique Emerson, Development and Resource Management**

**Re: Conditional Use Permit (CUP) Application No. C-13-001  
Applicant: John Ashley of Baronet and Company  
6338 N. Cecelia Avenue  
Fresno, CA 93722  
A.P.N. 506-470-44s**

Dear Ms. Emerson,

The City of Fresno has requested that the Fresno Police Department review an application for a Conditional Use Permit for the construction of thirty two (32) townhouses and multi-level residential units with attached garages in a gated complex at **6338 N. Cecelia Avenue**. The property has been zoned **R-1/UGM** (Single Family Residential/Urban Growth Management). Rezone Application No. R-13-001 proposes to amend the Official Zone Map by reclassifying the property from **R-1/UGM** to **R-2/UGM** (Low Density Multiple Family Residential/Urban Growth Management).

The Fresno Police Department's primary concern with the application is the propensity of the premises to generate calls for police service which indicates potential activities on the premises that are detrimental to the public welfare or injurious to property or improvements.

As you know, to approve any Conditional Use Permit, the City must make the following findings:

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, including,

all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,

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

3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding shall not apply to uses which are subject to the provisions of Section 12-306-N-39 of the Fresno Municipal Code (Regulating Adult Businesses).

The conditions are established to ensure public safety, and to minimize any impact for the surrounding area. We request the following conditions be included as Conditions of Approval for the updated Conditional Use Permit Application No. C-13-001. These conditions will maintain an environment that is least likely to generate public complaints and calls for service.

The Fresno Police Department is not in opposition of this Conditional Use Permit, provided the applicant agrees to the listed conditions. If the following conditions are not included as conditions of approval pertaining to CUP No. C-13-001, the Fresno Police Department shall oppose the approval of this Conditional Use Permit, as well as all other requested city permits, and shall appeal such approval to the Planning Commission. As such, we request that you provide Fresno Police Department **Detective Dawnielle Serrano #1051** with notice of the Director's decision regarding this updated Conditional Use Permit as well as a complete copy of the conditions of approval, should the Director approve the Conditional Use Permit.

**Requested Conditions of Approval:**

**1. Fresno Municipal Codes:**

The applicant shall comply with all applicable provisions of the Fresno Municipal Codes ("FMC"), including but not limited to:

FMC 10-105 (Noise Ordinance)

FMC 10-708 (Unlawful Nuisances - High Calls for Police Service)

**2. Contests or Promotions:**

At least two weeks prior to an event, the establishment shall notify the District Commander, or his/her designee, of any promotional or special events that may draw a larger than normal crowd. In addition, the establishment shall obtain written approval to address security issues that may arise from the event or promotion for the promotional and/or special event, prior to the event taking place.

The establishment shall correct any safety or security problem as soon as possible after receiving written notice of such problem from the Fresno Police Department. It is the responsibility of the owner or owner's representative to contact the Fresno Police Department to inquire about police calls for service or public safety problems at the location. Contact may be made in person, by telephone or by electronic mail. Review of police calls for services may be conducted at any time by the Fresno Police Department.

**If it is determined that police calls for service become "Frequent" (see definition below) the Fresno Police Department may initiate proceedings to amend these conditions to require state licensed uniformed security and/ or to recommend suspension or revocation proceedings.**

**3. Video Surveillance Camera System:**

Prior to exercising any privileges granted by this CUP (No. C-13-001), the applicant must install a fully functional, color digital video recording (DVR) camera system that meets or exceeds the following requirements:

- (1) The DVR system must continuously record, store, be capable of playing back images and be fully functional at all times, including during any hours the business office is closed. The system must be maintained in a secure location inside the on-site business office.
- (2) The DVR system shall have the correct date and time stamped onto the image at all times.
- (3) The camera storage capacity shall be for at least seven (7) calendar days. Such cameras must be capable of producing a retrievable and identifiable image that can be made a permanent record and that can be enlarged through projection or other means.
- (4) The DVR system shall be capable of producing a CD or other acceptable digital playback feature and shall be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a criminal investigation.
- (5) There should be at least one camera focused on each vehicular / pedestrian entrance / exit onto the complex property that are capable of capturing specific details, such as license plates and / or facial details of persons coming and going.
- (6) There shall be exterior cameras placed throughout the complex to sufficiently cover the property so as to record activities that are occurring there. These cameras should be of sufficient quality to be able to identify persons and / or vehicles.
- (7) All cameras shall record in color.
- (8) All exterior cameras shall have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.
- (9) The DVR system shall be checked on a daily basis to ensure it is operating as intended in accordance with this CUP.

- (10) There shall be an employee who has been trained in the use and down-loading capabilities of this DVR on duty at all times during open business hours. This is to ensure that if a member of Law Enforcement needs to view the images from this DVR, the images can be viewed without delay.

It is recommended, but not required, that the owner/operator provide the IP address to the Fresno Police Department Communications Center for any system that is browser based or viewable from a remote site. The Fresno Police Department may perform periodic inspections of the System to ensure compliance with these specifications. An inoperable System may be good cause for seeking revocation of this Conditional Use Permit.

4. **Property Responsibility:**

Frequent responses by the FPD arising out of or relating to the operation or management of the real property owned or controlled by the permittee causing any combination of the following: animal disturbances; violent criminal acts; illegal consumption of intoxicants in public view; gaming activities; and juvenile disturbances, or any of the other activities set forth in the Fresno Municipal Code section 10-708(g) may result the commencement of CUP revocation proceedings pursuant to FMC12-405-E. In addition to recommending the commencement of revocation proceedings, the FPD may pursue any of the other remedies set forth in FMC, section 10-710, including assessing fines against the proprietor for the violations of the Management of Real Property Ordinance.

“Frequent” is defined by FMC, section 12-405-E.

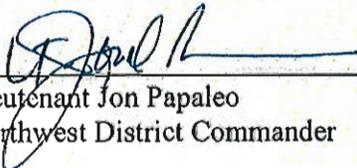
The establishment will control its total occupancy to comply with the Fresno Fire Department’s requirements, as the same may be adjusted for circumstances from time to time, and will keep an accurate count of patrons at all times.

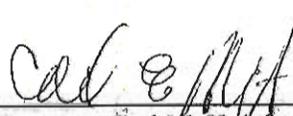
The establishment shall not allow any loitering on building premises or any adjacent property under its ownership or control.

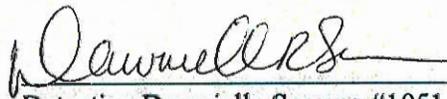
5. **Revocation of Conditional Use Permit:**

The City is permitted to revoke a Conditional Use Permit for “good cause” pursuant to the procedures set forth in FMC 12-405-E. Applicant is strongly encouraged to review these FMC sections to understand the circumstances that constitute “good cause.”

FRESNO POLICE DEPARTMENT

 Date: 1/31/13  
Lieutenant Jon Papaleo  
Northwest District Commander

 5165 Date: 1-31-13  
Sergeant Carl McKnight #S165  
Northwest District Supervisor

 Date: 1-31-13  
Detective Dawnielle Serrano #1051  
Northwest District Investigations/POP

550.10 "EF"

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT  
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,  
AND ENTITLEMENT APPLICATION REVIEW OF  
REZONE APPLICATION NO. R-13-001 and  
CONDITIONAL USE PERMIT APPLICATION NO. C-13-001

FMFCD

Return Completed Form to:

Bonique Emerson  
Email: [Bonique.Emerson@fresno.gov](mailto:Bonique.Emerson@fresno.gov)  
Telephone: 559-621-8066  
Development and Resource Management  
2600 Fresno Street, City Hall Third Floor  
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Rezone Application No. R-13-001 and Conditional Use Permit Application No. C-13-001 were filed by Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company, and pertains to 4.05 acres of property (3.05-acre remainder parcel of Tract 5070 and 0.98-acre area from vacation of North Jeanne Avenue) located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line. Rezone Application No. R-13-001 proposes to amend the Official Zone Map by reclassifying the property from the R-1/UGM (Single Family Residential/ Urban Growth Management) zoned property to the R-2/UGM (Low Density Multiple Family Residential/Urban Growth Management) zone district. Conditional Use Permit Application No. C-13-001 proposes 32 townhouses and multi-level residential units with attached garages in a gated complex.

APN: 506-470-44s      ZONING: from R-1/UGM to R-2/UGM      ADDRESS: 6338 North Cecelia Avenue

DATE ROUTED: January 15, 2013

COMMENT DEADLINE: February 5, 2013

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

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

REFER TO FMFCD NOTICE OF REQUIREMENTS FOR CUP 2013-001.

SUGGESTION(S) TO REDUCE IMPACTS/CECELIA CONCERNS:

SAME AS ABOVE

REQUIRED CONDITIONS OF APPROVAL:

SAME AS ABOVE

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

NO

REVIEWED BY: GARY CHAPMAN ENG. TECH II      456-3292      1/28/13  
Name and Title      Telephone Number      Date

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

File No. 210.413

Page 1 of 4

**PUBLIC AGENCY**

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

**DEVELOPER**

BILL ROBINSON, SOL DEVELOPMENT  
ASSOCIATES, LLC  
906 "N" STREET, SUITE 100  
FRESNO, CA 93721

FR  
CUP No. 2013-001

PROJECT NO: 2013-001

ADDRESS: 6338 N. CECELIA AVE.

APN: 506-470-44S

SENT: 1/28/13

Drainage Area(s)	Preliminary Fee(s)
EF	\$12,174.00
<b>TOTAL FEE: \$12,174.00</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 issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 1/28/13 based on the site plan submitted to the District on 1/15/13. Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 4

FR  
CUP  
No. 2013-001

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

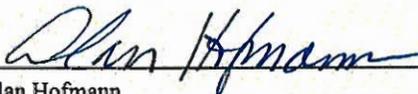
1.  a. Drainage from the site shall BE DIRECTED TO CECILIA AVENUE  
 b. Grading and drainage patterns shall be as identified on Exhibit No.  
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
  
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:  
  
Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".  
 None required.
  
3. The following final improvement plans and information 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  
 Drainage Report (to be submitted with tentative 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.  
 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.

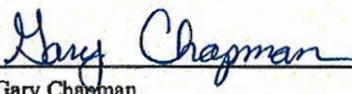
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 4

FR  
CUP No. 2013-001

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.

  
Alan Hofmann  
Assistant District Engineer/Design

  
Gary Chapman  
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

JOHN ASHLEY, BARONET & CO., INC.

5105 E. DAKOTA AVE.

FRESNO, CA 93727

SCOTT STEWART, IMAGE HOMES, INC.

1298 E. JAMESTOWN DR.

FRESNO, CA 93720

**FR  
CUP No. 2013-001**

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

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

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

Development No. CUP 2013-001



## County of Fresno

DEPARTMENT OF PUBLIC HEALTH  
EDWARD L. MORENO, M.D., M.P.H.  
DIRECTOR-HEALTH OFFICER

January 16, 2013

999999999  
LU0016642  
PE 2602

Bonique Emerson  
City of Fresno Development Department  
2600 Fresno Street  
Fresno, CA 93721

Dear Ms. Emerson:

**PROJECT NUMBER:** R-13-001, C-13-001

**Rezoning Application No. R-13-001 and Conditional Use Permit Application No. C-13-001** were filed by Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company, and pertains to 4.05 acres of property (3.05-acre remainder parcel of Tract 5070 and 0.98-acre area from vacation of North Jeanne Avenue) located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line. **Rezoning Application No. R-13-001** proposes to amend the Official Zone Map by reclassifying the property from the R-1/UGM (*Single Family Residential/Urban Growth Management*) zoned property to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district. **Conditional Use Permit Application No. C-13-001** proposes 32 townhouses and multi-level residential units with attached garages in a gated complex.

**APN: 506-470-44s ZONING: from R-11UGM to R-2/UGM ADDRESS: 6338 N Cecelia Ave**

Recommended Conditions of Approval:

- Due to the proximity of the proposed residential uses to the existing railroad tracks, consideration should be given to conformance with the Noise Element of the City of Fresno General Plan. A noise study should be conducted in order to identify the potential noise impacts and offer mitigation alternatives.
- 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

***Dedicated to Public Health***

1221 Fulton Mall / P.O. Box 11867, Fresno, California 93775 / (559) 600-3271 / FAX (559) 600-7629  
Equal Employment Opportunity · Affirmative Action · Disabled Employer  
[www.fcdph.org](http://www.fcdph.org)

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.

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

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

- 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.
- Prior to the issuance of building permits for the proposed swimming pool, the applicant(s) shall submit complete pool facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Recreational Health Program at (559) 600-4058 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.

---

REVIEWED BY:

R.E.H.S.  
Environmental Health Specialist II

---

(559) 600-3271

---

kt

cc. Baruti/Casagrande/Tolzmann/Senczyszyn-Environmental Health Division  
Bill Robinson, Agent ([bill@soldevelopment.com](mailto:bill@soldevelopment.com))  
John Ashley, Applicant ([john@baronet-and-co.com](mailto:john@baronet-and-co.com))

**From:** Kennix, Marvin L.  
**To:** Bonique Emerson  
**Subject:** RE: Request for Comment - Rezone Application R-13-001 and Conditional Use Permit Application C-13-001 - Proposed 32 unit residential project  
**Date:** Thursday, January 17, 2013 2:52:25 PM

---

Hello Ms. Emerson,

The project noted above will not have a significant impact on adjacent rail corridors.

Thank you,

Marvin Kennix  
Utilities Engineer  
CPUC

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**From:** Fresno Development Services [mailto:Routing@fresno.gov]  
**Sent:** Tuesday, January 15, 2013 12:26 PM  
**To:** Louise Gilio; Ann Lillie; Hilary Kimber; Michael Carbajal; Doug Hecker; Robert Diaz; Richard Fultz; Michael Reid; Carl McKnight; Brian Pierce; Christopher Preciado; Daniel Yrigollen; skahl@co.fresno.ca.us; glallen@co.fresno.ca.us; jgardner@co.fresno.ca.us; Tsuda, Kevin; Kennix, Marvin L.; bstretch@fresnoirrigation.com; developmentreview@fresnofloodcontrol.org; ceqa@valleyair.org; michael\_navarro@dot.ca.gov; Jennifer Bryan-Sanchez; ajs4@pge.com; gef5@pge.com; vivian.bourbonnais@fresnounified.org; Heidi Heltné; Steve Brandau; Sophia Pagoulatos; cathy.s.gilles@usps.gov  
**Cc:** Bonique Emerson  
**Subject:** Request for Comment - Rezone Application R-13-001 and Conditional Use Permit Application C-13-001 - Proposed 32 unit residential project

Routing Partners:

You have been identified as the best contact to provide your department/agency's review and comments for the subject project. Please click the following link and download an electronic copy of the project package for review.

Project Address: 6338 North Cecelia Avenue  
APN: 506-470-44s

<http://m3.fresno.gov/upload/files/6452375/C-13-001electronicrouting.pdf> (click on bookmarks to navigate).

Please email your comments directly to [Bonique.Emerson@fresno.gov](mailto:Bonique.Emerson@fresno.gov), who is the planner assigned to this project. We look forward to receiving your responses electronically and hearing any comments/suggestions you may have. If you do not have any comments, please communicate a "no comment" response.

Thank you.

Joann Zuniga  
City of Fresno Planning Division

**Bonique Emerson**

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**From:** Christopher Preciado  
**Sent:** Wednesday, January 23, 2013 3:37 PM  
**To:** Bonique Emerson  
**Subject:** Rezone Application R-13-001 and Conditional Use Permit Application C-13-001 - Proposed 32 unit residential project

Bonique,  
FAX has no comment for:  
Rezone Application R-13-001 and Conditional Use Permit Application C-13-001 - Proposed 32 unit residential project

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

## Bonique Emerson

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**From:** Nathan Sanchez  
**Sent:** Friday, January 18, 2013 4:50 PM  
**To:** Bonique Emerson  
**Subject:** RE: Request for Comment - Rezone Application R-13-001 and Conditional Use Permit Application C-13-001 - Proposed 32 unit residential project

**Project Address: 6338 North Cecelia Avenue**  
**APN: 506-470-44s**

This is the Department of Airports response to the above named application:

The Department of Airports anticipates no adverse impacts on the Fresno Yosemite International Airport or the Fresno Chandler Executive Airport



**L. Nathan Sanchez** | Senior Engineering Technician  
Nathan.Sanchez@fresno.gov | [FlyFresno.com](http://FlyFresno.com)  
4995 E. Clinton Way, Fresno, CA 93727  
Direct: 559.621.4527 | Fax: 559.251.4825

**From:** Fresno Development Services  
**Sent:** Tuesday, January 15, 2013 12:26 PM  
**To:** Louise Gillo; Ann Lillie; Hilary Kimber; Michael Carbajal; Doug Hecker; Robert Diaz; Richard Fultz; Michael Reid; Carl McKnight; Brian Pierce; Christopher Preciado; Daniel Yrigollen; [skahl@co.fresno.ca.us](mailto:skahl@co.fresno.ca.us); [glallen@co.fresno.ca.us](mailto:glallen@co.fresno.ca.us); [jgardner@co.fresno.ca.us](mailto:jgardner@co.fresno.ca.us); Tsuda, Kevin; [mlk@cpuc.ca.gov](mailto:mlk@cpuc.ca.gov); [bstretch@fresnoirrigation.com](mailto:bstretch@fresnoirrigation.com); [developmentreview@fresnofloodcontrol.org](mailto:developmentreview@fresnofloodcontrol.org); [ceqa@valleyair.org](mailto:ceqa@valleyair.org); [michael\\_navarro@dot.ca.gov](mailto:michael_navarro@dot.ca.gov); Jennifer Bryan-Sanchez; [ajs4@pge.com](mailto:ajs4@pge.com); [gef5@pge.com](mailto:gef5@pge.com); [vivian.bourbonnals@fresnounified.org](mailto:vivian.bourbonnals@fresnounified.org); Heidi Heltne; Steve Brandau; Sophia Pagoulatos; [cathy.s.gilles@usps.gov](mailto:cathy.s.gilles@usps.gov)  
**Cc:** Bonique Emerson  
**Subject:** Request for Comment - Rezone Application R-13-001 and Conditional Use Permit Application C-13-001 - Proposed 32 unit residential project

Routing Partners:

You have been identified as the best contact to provide your department/agency's review and comments for the subject project. Please click the following link and download an electronic copy of the project package for review.

**Project Address: 6338 North Cecelia Avenue**  
**APN: 506-470-44s**

<http://m3.fresno.gov/upload/files/6452375/C-13-001electronicrouting.pdf> (click on bookmarks to navigate).

Please email your comments directly to [Bonique.Emerson@fresno.gov](mailto:Bonique.Emerson@fresno.gov), who is the planner assigned to this project. We look forward to receiving your responses electronically and hearing any

**Exhibit 3:**

Final Property Development Standards for Conditional Use  
Permit Application No. C-13-001 dated July 17, 2013



**PROJECT DESCRIPTION**

**Conditional Use Permit Application No. C-13-001** was filed by Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company, and pertains to 4.05 acres of property (3.05-acre remainder parcel of Tract 5070 and 0.98-acre area from vacation of North Jeanne Avenue) located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line. Conditional Use Permit Application No. C-13-001 proposes 32 townhouses and multi-level residential units with attached garages in a gated complex.

**APN: 506-470-44s      ADDRESS: 6338 North Cecelia Avenue**

**GENERAL INFORMATION**

APPLICATION NO. <b>Conditional Use Permit Application No. C-13-001</b>	
<b>ZONING</b>	
Existing	R-2/UGM/cz The conditions of zoning required are as follows: 1. The applicant shall dedicate an avigation easement to the City of Fresno that limits structures to a height limit of 150-feet. 2. The subject site shall be developed in substantial conformance with Conditional Use Permit Application No. C-13-001.
<b>PREVIOUS ACTIONS</b>	
Applications	R-05-028, TT-5070, TT-5527, R-13-001
Covenants	None shown in title report.
Development Agreements	N/A
<b>TRACT MAP or LOT SPLIT</b>	TT-5070, TT-5527

**PROPERTY DEVELOPMENT STANDARDS**

Use the website below to access the Zoning Ordinance (Chapter 12, articles 2 and 3) to find more information on zoning/property development standard requirements:

<http://library.municode.com/index.aspx?clientId=14478&stateId=5&stateName=California>

<b>USE PERMITTED</b>	
A multi-family project on a site of 2 or more net acres is allowed with a conditional in the R-2 zone district pursuant to Section 12-212.3-H of the FMC.	
<b>LOT AREA</b>	
Permitted	Each lot shall have a minimum area of six thousand (6,000) square feet.
Proposed	4.05 acres (including vacated street), exceeding the minimum requirement
<b>LOT DIMENSIONS</b>	
Permitted	N/A

Proposed	N/A
<b>DWELLING UNIT DENSITY</b>	
Permitted	<p>The medium density planned land use designation allows up to 10.37 units to the acre, which would allow 41 units.</p> <p>The R-2 zone district allows one dwelling unit for each two thousand seven hundred square feet of lot area plus one dwelling unit for any remaining area of less than two thousand seven hundred square feet and more than one thousand three hundred and fifty square feet. Conditional Use Permit Application No. C-13-001 proposes approximately 5,510 square feet of lot area per unit.</p>
Proposed	32 units or 7.9 units to the acre.
<b>BUILDING HEIGHT</b>	
Permitted	<p>1. No building or structure erected in this District shall have a height greater than thirty-five (35) feet.</p> <p>2. No accessory buildings erected in this District shall have a height greater than one (1) story, not to exceed twelve (12) feet. Accessory buildings are subject to the provisions of subsection 12-306-N-1.</p> <p>3. Exceptions: Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys, smokestacks, silos, water tanks or wireless masts or similar structures may be erected above the height limit prescribed in this Section when approved by the Director upon finding that the structure may be safely erected and maintained at such height without damaging the surrounding properties taking into consideration the surrounding conditions and circumstances. No roof structures, or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.</p>
Proposed	Less than 28-feet for main buildings, meeting the requirement.
<b>YARDS</b>	
<p>General Requirements:</p> <ol style="list-style-type: none"> <li>All required yards shall extend the full width or depth of the lot and shall be open from the ground to the sky, except as provided in Sections 12-105-L-4, 12-105-Y(yard) and 12-207.5-E-5 (permitted projections).</li> <li>No main building shall be erected within fifty (50) feet of the right-of-way of any railroad line or freeway.  <i>Exhibit A dated January 7, 2013 depicts all main buildings over 50-feet from the railroad right-of-way.</i></li> <li>Whenever an approved tentative tract map or tentative parcel map requires a landscaped setback abutting a major street where access rights have been relinquished, it shall be provided in addition to the required yard setback of the zone district.</li> <li>Swimming pools and spas may be located anywhere on the subject parcel, provided that the pool/spa structure shall be located a minimum of five (5) feet from any fence, five to six feet in height, installed in accordance with the fencing standards of Section 12-306-H of this Code. Equipment related to the operation and maintenance of a swimming pool or spa, and other mechanical equipment installed to the exterior of the main building, shall be considered and evaluated as an accessory building except that they may not be located within the side yard setback along the extent of the main building.</li> <li>Garages or carports shall be located not less than twenty (20) feet from any street frontage where the garage door or carport opening faces and takes direct access to the street. Where yard requirements pose a greater setback, such</li> </ol>	

setback shall apply.

6. For a Key Lot, as defined in Subsection **12-1002.1(k)**, the side yard main building setback shall be the District standard plus five (5) feet. For exceptions for the main building side yards, Subsection 12-306-E-4 of this Code shall apply.

**General Landscaping Requirements**

- (i) A minimum of twenty-five per cent of the site area shall comprise usable open space for residents of the development, provided that the Director may permit ten per cent reduction in this standard in unusual circumstances where it is demonstrated that the amount of open space area provided is adequate to meet the needs of residents of the development. Required front yards and street side yards shall not be considered part of the twenty-five percent usable open space. Usable open space shall include rear yards, interior side yards and landscaped areas between units and pathways, provided that each of them meet the minimum width and depth requirements set forth below. Usable open space shall also include private patios and balconies. Driveway and parking areas, indoor living areas of dwelling units, garages, carports, equipment rooms, utility rooms and any other buildings used for the maintenance of the development shall not be considered as part of the usable open space. The Director may permit a portion of the twenty-five per cent open space standard to be provided off-site if such area is available for the exclusive use of residents of the development. The minimum dimension of a usable open space area shall be eight feet by eight feet. On lot frontages greater than four hundred feet, at least one dimension of the usable open space shall be equal to two percent of the frontage length.

*Depict the calculation of this required open space on the landscape plan, site plan, or separate plan.*

- (ii) A landscape plan shall be submitted and approved for all open space and recreational areas within the development.
- (iii) Open space areas shall be landscaped by the developer in accordance with the approved plan and shall be maintained by the property owner thereafter.
- (iv) For sites greater than one acre in size, a minimum of forty per cent of the required twenty-five per cent usable open space shall be developed with gardens, turfed play fields, hard surfaced game courts, recreation rooms, swimming pools or other features designed for the exclusive active recreational use of residents of the development.

*Depict the calculation of this required open space on the landscape plan, site plan, or separate plan.*

Required Building Setback		Proposed Building Setback	
Front	<p>a. Each lot shall have a front yard of not less than twenty feet extending across the full width of the lot except for special conditions provided for below.</p> <p>Curve lots and cul-de-sac lots shall have a front yard of not less than twenty feet.</p> <p>b. For partially built-up blocks, and neighborhood unit plans, the provisions of the "R-1-A" District, Section 12-207.5-E-2-b and c, shall apply.</p>	Front	<p>20-feet, meeting the requirement. However, the proposed 6-foot high fence is not allowed in this setback. See fencing section below.</p>
Interior Side	<p>(1) Each lot shall have a side yard on each side of not less than five (5) feet; or</p> <p>(2) If the side yard adjacent to an attached garage is established at six (6)</p>	Interior Side	30+ feet

	feet, the opposite interior side yard may be reduced to four (4) feet. However, in no case may the distance between adjacent buildings be less than ten (10) feet.		
Rear (tracks)	<p>a. Each lot shall have a rear yard of not less than twenty (20) feet. For exceptions for the main building, Subsection 12-306-E-4 shall apply.</p> <p>b. Accessory buildings, as defined in Section 12-105-A-3 are permitted in the rear yard pursuant to the criteria of Section 12-306-N-1.</p>	Rear (tracks)	Trash enclosure appears to be located closer than 20-feet from the rear property line. A rear yard encroachment is required and has been included in this CUP request.

<b>Required Landscaping Setback</b>		<b>Proposed Landscaping Setback</b>	
12-306-N-24- g-3: Except for driveways and as otherwise provided by this Code all required yards shall be landscaped.			
Front	20-feet	Front	Exhibit L-1 complies
Interior Side	5-feet	Interior Side	Exhibit L-1 complies
Rear (tracks)	20-feet	Rear (tracks)	Exhibit L-1 complies

**SPACE BETWEEN BUILDINGS**

Main Buildings	<p>Minimum space between exterior walls of main buildings on the same lot.</p> <p>a. For buildings side to side the minimum space shall be ten (10) feet.</p> <p>b. For buildings rear to side, front to side, with entries <b>or</b> exits into space, the minimum space shall be fifteen (15) feet.</p> <p>c. For buildings front to rear, rear to front, with entries <b>or</b> exits into space, the minimum space shall be twenty (20) feet.</p> <p>d. For buildings front to front arranged about interior court permitting ten (10) feet wide driveway in said interior court, said driveway being access to parking area or building, the minimum space shall be thirty (30) feet. Without said driveway, said space shall be twenty-five (25) feet. Unenclosed porch or entry facilities may extend into a required yard or space not more than three (3) feet. Porch cover may extend into said space not more than eighteen (18) inches.</p> <p>e. In no event should the minimum space between main buildings be less than ten (10) feet.</p>
Accessory Buildings	N/A
Garages	If an accessory building is used for garage purposes and the entrance for vehicular access to said garage faces any main building, there shall be a minimum separation of twenty-five (25) feet in order to provide vehicular access to the garage.

**LOT COVERAGE**

Required	Maximum lot coverage by buildings and structures shall not exceed fifty (50) per cent of the total lot area.
Proposed	Provide lot coverage information on the site plan. Include all proposed structures in lot coverage

calculation.

**FENCES, HEDGES, WALLS**

Required	<p>All fences, hedges and walls shall conform to the provisions of Section 12-306-H.</p> <p>Fences, hedges, and walls, not greater than six feet in height, shall be permitted on all rear and side property lines, and on or to the rear of all front yard setback lines.</p> <p>No fence, hedge or wall over three (3) feet in height shall be permitted in any required front yard setback area or within the excepted triangular area defined above.</p> <p>Alternatively, a wrought iron or tubular steel type fence, whereas at least ninety (90) percent of the fence shall be open for the passage of light and air, may be constructed to a maximum height of four (4) feet in the front yard setback area, except within any defined corner cut-off area</p> <p>Chain linked fencing shall not be permitted.</p> <p>Provide a point of future access to a future trail at the rear of the subject property.</p>
Proposed	<p>Masonry and metal picket fence proposed along Cecilia is in a required front yard setback. Please revise site plan to show a fence in compliance with the conditions noted above.</p> <p>Please depict the height and material of the proposed wall to be located on the property line abutting the railroad right-of-way. This fence shall meet the minimum requirements recommended in the Acoustical Analysis prepared for this project by Baronet and Co., Inc., dated April 12, 2013 (The minimum overall height of the barrier should be six (6) feet relative to the top of the rails. The barrier should be continuous without gaps or openings).</p>

**OPEN SPACE**

Required	See the General Landscaping Requirements under Yards section above.
Proposed	Open space calculations need to be provided. See comments above.

**OFF-STREET PARKING**

Required	<p>The provisions of Section 12-306-I shall apply.</p> <p><b>Multiple dwellings.</b> When there is more than one dwelling unit on a single lot there shall be one and one-half parking spaces for each dwelling unit, one of which shall be in a carport or garage. In the event that a requirement for one-half parking space results under this ratio, the parking space requirement shall be increased to the next highest whole number.</p>
Proposed	The proposed parking exceeds the minimum requirements.

<b>ACCESS</b>	
Required	<p>1. There shall be vehicular access from a dedicated and improved street, alley or recorded private access to off-street parking facilities on the property requiring off-street parking.</p> <p>2. There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes.</p> <p>3. There shall be an adequate paved turning area on lots facing on and having access to either Collector or Arterial Streets as identified on the Circulation Element of the Fresno General Plan, to permit motor vehicles to turn around on-site before moving forward into the street.</p> <p>4. If vehicular access is by way of a driveway parallel with a side lot line, it shall be not less than ten (10) feet in width, extending from a dedicated and improved street, alley, or recorded private access to the building site, and used for both pedestrian and vehicular access.</p>
Proposed	<p>Pedestrian access has not been shown. Please show all pedestrian access gates on the revised site plan. There shall be pedestrian access to the site from the street on both the northerly and southerly sides of the property.</p>
<b>LOADING SPACES</b>	
Required	None required.
Proposed	None.
<b>TREES (On Site)</b>	
Required	<p>Each residential parcel of land or lot shall have a minimum of one medium-sized tree (30—60 feet at maturity) for each required parking space, plus one medium sized tree for each residential unit. Each commercial and industrial parcel of land or lot shall have a minimum of one medium-sized tree for every two parking spaces. Two small trees (15—30 feet at maturity) shall be counted as one medium-sized tree. All present and future tree planting and shrub planting shall conform to the corner cut-off provisions of Sections <u>13-227</u> and <u>13-228</u> of this Code.</p>
Proposed	Show tree count on landscape plan.
<b>OUTDOOR ADVERTISING</b>	
Allowed	The provisions of Section 12-207.5-K shall apply.

**SUMMARY AND COMMENTS**

<p>Other:</p> <p><b>Local Plans and Policies</b></p> <p><u>Bullard Community Plan</u></p> <p>5.4-1: Multiple Family Residential Interface Standards:</p> <p>a. The minimum setback from the railroad right of way for a structure intended for human habitation shall be 50-feet.</p> <p>b. A continuous solid barrier from 7 to 10 feet high shall be provided along the property line that abuts the railroad right of way. The barrier may be constructed of masonry, an earth berm or a combination of both or may consist of solid garages or carports.*</p> <p>The actual height of the barrier shall be determined according to the height above grade of the railroad tracks. If the tracks are 3 feet or higher above the finished grade of the property proposed for development, the barrier shall be 10 feet high. If the height of the railroad tracks in relation to the adjacent finished grade is less than 3 feet, the</p>
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height of the barrier may be less than 10 feet as follows: .

Two to 2.99 feet of railroad height above grade would require a 9 foot barrier;  
One to 1.99 feet of railroad height above grade would require a 8 foot barrier; and  
Zero to 0.99 feet of railroad height above grade would require a 7 foot barrier.

- c. When the required barrier is a wall and/or earth berm, a 10- foot wide landscaped strip shall be provided along the side of the wall facing the residential units. The landscaped strip shall be planted with evergreen trees which will grow to a height of at least 25 feet in order to provide a visual screen from the railroad.\*
- d. The residential units shall be designed such that interior noise levels attributed to exterior sources do not exceed 45dB CNEL. \*\*
- e. Outdoor activity areas shall be designed such that noise levels do not exceed 60 dB CNEL.\*\*

4.1.3-2: The following development standards for interface areas between properties planned for multiple family residential use and properties zoned or planned for single family residential use shall be mandatory for all land north of Herndon Avenue, excepting the Herndon Townsite and Pinedale Redevelopment Area, and advisory for all other areas.

- a. Outdoor recreational areas, game courts, swimming pools, and solid waste collection areas on properties zoned for multiple family residential uses shall be oriented away from properties zoned or planned for single family residential uses.
- b. Parking areas, carports, garages; accessory structures, and access drives shall be separated from abutting properties zoned or planned for single family residential use, with a landscaped setback fifteen feet wide, in conjunction with solid masonry wall six feet high on the property line.
- c. Within an area one hundred feet wide and abutting property zoned or planned for single family residential use, exterior area lighting for multiple family residential parking, carports, garages, access drives, outdoor recreation areas, game courts, and swimming pools shall be shielded, to prevent line of sight visibility of the light source from abutting property zoned .or planned for single family residential use.
- d. Multiple family buildings greater than one story, i.e. 20 feet in height, shall be prohibited within 25 feet of property zoned or planned for single family residential use.

**Exhibit 4:**  
General Notes and Requirements for Entitlement  
Applications

## General Notes and Requirements for Entitlement Applications

### GENERAL

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

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

### FENCES/WALLS, LANDSCAPING, PARKING

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

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

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

22. Bicycle parking spaces shall be supplied at a rate of 10% of the automobile spaces provided pursuant to Section 12-306-I-2.1c of the Fresno Municipal Code (FMC). Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.
23. All general provisions of Section 12-306-I of the FMC shall apply to all parking areas. [http://library.municode.com/HTML/14478/level3/MUCOFR\\_CH12LAUSPLZO\\_ART3GECOAPZO.htm#MUCOFR\\_CH12LAUSPLZO\\_ART3GECOAPZO\\_S12-306PRDEST](http://library.municode.com/HTML/14478/level3/MUCOFR_CH12LAUSPLZO_ART3GECOAPZO.htm#MUCOFR_CH12LAUSPLZO_ART3GECOAPZO_S12-306PRDEST)

### SIGNAGE

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

### MISCELLANEOUS

29. Noise levels shall not exceed the decibel levels described in Section 10-102.b of the FMC at anytime, measured at the nearest subject property line. [http://library.municode.com/HTML/14478/level3/MUCOFR\\_CH10REREPUNUREPRCOUS\\_ART1NORE.html#MUCOFR\\_CH10REREPUNUREPRCOUS\\_ART1NORE\\_S10-102DE](http://library.municode.com/HTML/14478/level3/MUCOFR_CH10REREPUNUREPRCOUS_ART1NORE.html#MUCOFR_CH10REREPUNUREPRCOUS_ART1NORE_S10-102DE)
30. There shall be adequate vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property requiring off-street parking and loading. Vehicular and/or pedestrian access shall be provided and shall remain clear at all times.
31. The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Development and Resource Management Department for 'Official Addresses'. **Only those**

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

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

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

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

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

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

#### FEES

(Not all fees will be applicable to all projects)

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

units)

46. CITYWIDE REGIONAL AND NEW GROWTH MAJOR STREET IMPACT FEES (FMC Section 12-4.1006)

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

47. FRESNO COUNTY FACILITY IMPACT FEE

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

48. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

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

49. SCHOOL FEES

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

50. FLOOD CONTROL FEES

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

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

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

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

*Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP). For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.*

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

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

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

**Exhibit 5:**  
Performance Standards for Parking Lot Shading

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## PERFORMANCE STANDARDS FOR PARKING LOT SHADING

Updated February 13, 2008

### POLICY

Fifty percent of paved parking lots surface shall be shaded by tree canopies within fifteen years of planting (adopted by City Council policy resolution on July 12, 1988).

### GENERAL

1. A "paved parking lot" shall include parking stalls, driveways, and maneuvering areas.
2. Trees planted to satisfy the requirements of these guidelines are landscaping as defined by Municipal Code and are subject to established landscaping requirements.

### SITE PLAN REQUIRED

3. A landscape plan which details the degree of compliance with the Parking Lot Shade Tree Ordinance is required. The plan shall show:
  - a. All landscaped areas.
  - b. Tree canopies drawn to scale representing the estimated canopy at a fifteen year growth period.
  - c. The total area in square feet of the paved parking lot, driveways, and maneuver areas; and the area shaded by tree canopies. A schedule listing total parking area, shaded area, and the percentage of parking area shaded should be included.
  - d. A schedule of the specific names of proposed trees and their sizes.
4. Such plan shall be approved by the Planning and Development Department prior to issuance of building permits. However, the plan is encouraged to be submitted at the time of site plan review.

### METHODOLOGY

5. To simplify the process of determining compliance, the true angle of deflection of natural sunlight shall not be considered. Shaded areas shall be assumed to be only those portions of a paved parking lot directly beneath the shading canopy or drip line.
6. Shading shall be provided by tree canopies except that any portion of a paved parking lot directly beneath and shaded by a man made structure (overhangs and covered parking, for instance) shall be deleted from the requirements of these performance standards and shall be subtracted from the area of the parking lot to be shaded.
7. Credit shall be given only for surface area shaded. Multiple canopies shading the same surface area will not be counted as multiple credit.
8. Landscape planters beneath the canopy may be considered as shaded parking areas for the purpose of determining compliance.
9. Where more than five trees are to be planted, mix tree species.
10. Trees planted along the perimeter of a lot may be counted as providing shade for the full area of their canopy.

11. If the degree of overlap between trees is less than 15 percent, all trees may be counted as shading 100 percent of their canopy. If the degree of overlap is 15 percent or greater, then it will be necessary to perform individual calculation to determine the area of shading.
12. A ten percent minor deviation of the shading standard may be approved by the Director in accordance with established procedures in the Municipal Code if it is found that the normal standards would impose an undue hardship.

ALLOWABLE SPECIES/CANOPY (Provided by Parks Department)

MINIMUM TREE REQUIREMENT

Provide one medium size tree for every two required parking spaces. (This requirement may be modified by the Director if the standards for shading and perimeter planting have been met.)

Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standard). Trees shall also be planted in the required landscaped areas along the periphery of the development in order to shade and enhance adjacent property and public rights-of-ways.

Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for health of the tree and public safety; or as may otherwise be approved by the Planning and Development Department.

MINIMUM PLANTER SIZE (between tiers of parking)

Continuous Planter

	<u>New Development</u>	<u>Existing Development</u>
Standard Parking Stall	<u>8 feet</u>	<u>6 feet</u>
Compact Parking Stall	<u>6 feet</u>	<u>4 feet</u>

Along Periphery 10 feet except as may be approved pursuant to Municipal Code.

MINIMUM SIGHT TRIANGLE

10 feet in traffic areas

30 – 35 feet at street intersections

100 feet at major street intersections

Trees within the triangle shall be trimmed up to eight-foot minimum above the surface of the parking lot.

Other landscaping (ground cover and shrubs) shall not exceed two and one-half feet above the parking lot surface.

CITY OF FRESNO PARKS AND RECREATION DEPARTMENT

30 feet to 35 feet diameter trees 100% = 962 square ft; 50% = 481 square ft; 25% = 240 square ft

Botanical Name	Planter Size (Sq. Ft.)	Height (Feet)	Growth Rate	Roots	Soil	Remarks
<i>Alnus rhombifolia</i> WHITE ALDER	6	50	Rapid	Shallow	Moist	Deciduous
<i>Celtis sinensis</i> CHINESE HACKBERRY	6	50	Moderate	Medium to Deep	Most Soils	Deciduous
<i>Cinnamomum camphora</i> CAMPBOR TREE	8	50	Slow	Shallow	Most Soils	Evergreen, attractive, shiny, yellow-green foliage
<i>Fraxinus o. 'Raywood'</i> RAYWOOD ASH	6	40	Fast	Medium	Most Soils	Deciduous, dark green foliage
<i>Ginkgo biloba</i> MAIDENHAIR TREE	6	50	Slow	Deep	Most Soils	Deciduous, very open tree
<i>Liriodendron tulpifera</i> TULIP TREE	8	60	Moderate	Medium	Deep Moist	Deciduous, susceptible to aphids, causes dripping
<i>Magnolia grandiflora</i> SOUTHERN MAGNOLIA	8	50	Slow	Medium	Most Soils	Evergreen, constant litter problem
<i>Pistacia chinensis</i> CHINESE PISTACHE	6	40	Moderate	Deep	Most Soils	Deciduous, provides filtered shade, excellent fall color
<i>Platanus acerifolia</i> LONDON PLANE TREE	8	50	Fast	Medium to Deep	Most Soils	Deciduous, anthracnose, red spider, plant bloodgood variety
<i>Quercus agrifolia</i> COAST LIVE OAK	8	50	Moderate	Deep	Most Soils	Evergreen, biannual acorn drop
<i>Quercus ilex</i> HOLLY OAK	6	50	Moderate	Deep	Deep	Evergreen, biannual heavy acorn drop
<i>Quercus lobata</i> VALLEY OAK	8	50	Moderate	Deep	Deep	Deciduous
<i>Quercus suber</i> CORK OAK	8	60	Moderate	Deep	Moist Drained	Evergreen
<i>Quercus virginiana</i> SOUTHERN LIVE OAK	8	60	Moderate	Deep	Most Soils	Evergreen, attractive, bright green foliage
<i>Ulmus sempervirens</i> CHINESE EVERGREEN ELM	6	50	Rapid	Medium	Most Soils	Semi-evergreen, should be annually trimmed
<i>Zelkova serrata</i> SAWLEAF ZELKOVA	8		Fast	Medium	Most Soils	Deciduous, attractive vase shape

20 feet to 30 feet diameter trees 100% = 707 square ft; 50% = 354 square ft; 25% = 177 square ft

Botanical Name	Planter Size (Sq. Ft.)	Height (Feet)	Growth Rate	Roots	Soil	Remarks
Ceratonia siliqua CAROB TREE	8	40	Moderate	Shallow	Most Soils	Evergreen, use male trees only
Koelreuteria Paniculata GOLDENRAIN TREE	6	35	Moderate	Deep	Most Soils	Deciduous, drought resistant, yellow flowers
Liquidambar styraciflua AMERICAN SWEET GUM	8	60	Moderate	Shallow	Most Soils	Deciduous, seed pods a litter problem, fall color
Pinus canariensis CANARY ISLAND PINE	6	60	Fast	Deep	Most Soils	Evergreen, conifer, bluegreen needles, shed constantly
Pinus eldarica MONDELL PINE	6	60	Fast	Deep	Most Soils	Evergreen, conifer, good color
Pyrus c. 'Bradford' BRADFORD PEAR	6	30	Fast	Deep	Most Soils	Evergreen, white flowers, good fall color
Quercus palustris PIN OAK	6	50	Fast	Shallow	Best in Clay Soil	Deciduous, brown leaves hang on during winter
Prunus c. pissardi PURPLE-LEAF PLUM	6	20	Fast	Medium	Most Soils	Deciduous, purple leaves, messy fruit
Sapium sebiferum CHINESE TALLOW TREE	6	35	Fast	Medium	Most Soils	Deciduous, surface roots, good fall color
Sequola sempervirens COAST REDWOOD	8	70	Fast	Deep	Most Soils	Evergreen, conifer

15 feet to 20 feet diameter trees 100% = 314 square ft; 50% = 157 square ft; 25% = 79 square ft

Botanical Name	Planter Size (Sq. Ft.)	Height (Feet)	Growth Rate	Roots	Soil	Remarks
Acer palmatum JAPANESE MAPLE	4	20	Slow	Shallow	Moist Drained	Deciduous, best in afternoon shade
Cercis canadensis EASTERN REDBUD	4	20	Moderate	Medium	Most Soils	Deciduous, drought resistant, spring flowers
Malus purpurea 'Eley' ELEY CRABAPPLE	4	20	Moderate	Medium	Most Soils	Deciduous, wine red flowers in spring
Podocarpus gracillor FERN PINE	6	40	Moderate	Deep	Most Soils	Evergreen, clean and pest free
Pyrus Kawakami EVERGREEN PEAR	4	25	Moderate	Medium	Most Soils	Deciduous, subject to fireblight
Rhus lancea AFRICAN SUMAC	4	25	Medium	Oedius	Most Soils	Evergreen, shiny green foliage, drought, suckers

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**Exhibit 6:**

Acoustical Analysis prepared for this project by Baronet and  
Co., Inc., dated April 12, 2013

**ACOUSTICAL ANALYSIS**  
**NEWBURY APARTMENTS**  
**6338 N. CECELIA AVENUE**  
**FRESNO, CALIFORNIA**

**BBA Report No. 13-010**

**PREPARED FOR**  
**BARONET & CO., INC.**  
**5105 DAKOTA AVENUE**  
**FRESNO, CA 93727**

**PREPARED BY**  
**BROWN-BUNTIN ASSOCIATES, INC.**  
**VISALIA, CALIFORNIA**

**APRIL 12, 2013**

## INTRODUCTION

The project is a proposed 32-unit apartment complex to be located at 6338 N. Cecelia Avenue within the City of Fresno. The project site is located between the BNSF Railway mainline and N. Cecelia Avenue south of Sierra Avenue. Since the project site is located next to a railroad, the City of Fresno has required an acoustical analysis to quantify project site noise exposure and determine noise mitigation requirements. This analysis, prepared by Brown-Buntin Associates, Inc. (BBA), is based upon the project site, grading and building construction plans provided by the project developer. Revisions to the plans and other information used to prepare this analysis may affect the findings and recommendations of this report.

Appendix A provides a description of the acoustical terminology used in this report. Unless otherwise stated, all sound levels reported are in A-weighted decibels (dB). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighting, as it provides a high degree of correlation with human annoyance and health effects.

## NOISE EXPOSURE CRITERIA

The City of Fresno Noise Element of the General Plan (adopted 11/19/02) sets noise compatibility standards for transportation and stationary noise sources. Railroad operations on the BNSF Railway are considered a transportation noise source.

For transportation noise 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. An exterior noise exposure of up to 65 dB DNL may be allowed for developments located along the BNSF or UPRR *mainlines* provided it has been determined that an exterior noise exposure of 60 dB DNL may not be achieved using a practical application of the best-available noise reduction technology. Outdoor activity areas generally include backyards of single-family residences, individual patios or decks of multi-family developments and common outdoor recreation areas of multi-family developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation.

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

## PROJECT SITE NOISE EXPOSURE

### Traffic Noise Exposure:

According to traffic volume information obtained from the Council of Fresno County Governments (Fresno COG), traffic volumes on N. Cecelia Avenue adjacent to the project site are less than 2,000 vehicles per day for both existing (2010) and projected future (2035) conditions. Using the Federal

Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and the Fresno COG traffic data, it was determined that traffic noise exposure at the closest apartment buildings along N. Cecelia Avenue would be approximately 55 dB DNL. Since the city's exterior noise level standard is 60 dB DNL, roadway traffic is not considered a significant noise source for the project.

### **Railroad Noise Exposure:**

The BNSF Railway mainline is located along the eastern boundary of the project site. The railroad consists of a single-track mainline with continuously welded rail that is elevated above the project site. The nearest grade crossing is located at Figarden Drive approximately 1,000 feet south of the project site. The Figarden Drive grade crossing is designated as a "24-hour quiet zone" by the U.S. Department of Transportation, meaning that train engineers are not required to sound warning horns for grade crossings under normal operating circumstances. The estimated speed of trains passing the project site is 25-70 mph for freight trains and 55-79 mph for passenger (Amtrak) trains.

Noise level monitoring was conducted by BBA within the project site on April 10, 2013 at a distance of approximately 100 feet from the center of the track. That is the approximate setback of the closest proposed apartment building from the tracks. Noise monitoring equipment consisted of a Larson-Davis Laboratories Model LDL-820 sound level analyzer equipped with a B&K Type 4176 1/2" microphone. This equipment complies with the specifications of the American National Standards Institute (ANSI) for Type I (Precision) sound level meters. The meter was calibrated in the field prior to use with a B&K Type 4230 acoustic calibrator to ensure the accuracy of the measurements. The microphone was placed on a tripod at 5 feet above the ground. The project site and noise monitoring site are shown by Figure 1.

A total of 13 train movements were monitored, including five passenger trains and eight freight trains. Passenger trains produced maximum noise levels in the range of 80.8-84.7 dB and sound exposure levels (SEL) in the range of 87.3-90.9 dB. Freight trains produced maximum noise levels in the range of 84.0-89.9 dB and sound exposure levels (SEL) in the range of 96.9-104.1 dB. The energy average SELs for the measured train movements were 89.5 dB for passenger trains and 100.5 dB for freight trains. The SEL is a measure of the total energy of a noise event, including consideration of event duration. The SEL is not actually heard, but is a derived value used for the calculation of energy-based noise exposure metrics such as the DNL. It is noted that train horns were not sounded during any of the train movements during the noise monitoring period.

According to the U.S. Department of Transportation Railroad Crossing Inventory, an average of 32 train movements per day occur on the BNSF Railway adjacent to the project site, including 12 Amtrak train movements. Freight trains may occur at any time during the day or night. According to the current Amtrak schedule (1/14/13), all but one passenger train passes the project site during the daytime hours (7:00 a.m.-10:00 p.m.). Estimates of future railroad activity were not available from the BNSF Railway.



Railroad noise exposure may be quantified in terms of the DNL using the following formula:

$$DNL = SEL + 10 \log Neq - 49.4$$

where,

*SEL is the average SEL for a train pass-by, Neq is the equivalent number of pass-bys in a typical 24-hour period determined by adding 10 times the number of nighttime movements (10 p.m. - 7 a.m.) to the actual number of daytime movements (7 a.m. - 10 p.m.). 49.4 is a time constant equal to 10 times the log of the number of seconds in a day.*

Using the above-described formula, average measured SEL values and railroad operational data, noise exposure due to railroad operations was calculated for a distance of 100 feet from the center of the mainline track. The resulting noise exposure is 70.6 dB DNL.

## NOISE MITIGATION

### **Exterior Noise Mitigation:**

The City of Fresno exterior noise level standard for outdoor activity areas is 60 dB DNL, but up to 65 dB DNL is allowed if feasible noise mitigation measures have been included in the project design. Outdoor activity areas within the development include individual courtyards, individual upper floor decks, common BBQ and sitting areas, a tot lot and a common recreation area that includes a terrace and outdoor pool. Outdoor activity areas are situated at various locations within the development as shown by the project site plan in Figure 1.

The project developer has proposed that a noise barrier be located along the eastern frontage of the development between the railroad and project site to reduce noise exposure within the site. The barrier would consist of an earthen berm with a concrete wall on top of the berm. The barrier would be located at the eastern edge of the development as noted on the site plan in Figure 1.

The noise reduction (insertion loss) performance provided by the proposed noise barrier was calculated using a sound wall insertion loss program based on the FHWA Model. The model calculates the insertion loss (noise reduction) of a wall (or berm/wall combination) of given height based on the effective height of the noise source, height of the receiver, distance from the receiver to the wall, and distance from the noise source to the wall. It was assumed for the sound wall calculations that the effective railroad source height is 3 feet above the tracks since warning horns are not normally used adjacent to the project site and the predominant source of railroad noise at the site is the wheel/rail interface. The standard height of a residential receiver is 5 feet above the finished floor elevation.

Based upon the above-described assumptions and method of analysis, it was determined that a noise barrier with a total height of six (6) feet above the adjacent railroad track elevation would reduce railroad noise levels within the development by approximately 6.5 dB at the first floor elevation. The resulting noise exposure would be 62-63 dB DNL within the common recreation and pool area

and closest common-use BBQ area between Buildings 4 and 5. Other common-use outdoor activity areas would be located farther away from the railroad and would be acoustically shielded from railroad noise by intervening buildings. Noise exposure within those areas would be less than 60 dB DNL.

The closest apartment buildings to the railroad would be Buildings 4 and 5. The distance from the railroad track to the closest individual courtyards or decks within Buildings 4 and 5 is approximately 130 feet. With the above-described noise barrier in place along the eastern frontage of the development, the calculated noise exposure at 130 feet would be approximately 62 dB DNL. Individual courtyards and decks within the northern half of Building 1 would be located as close as approximately 180 feet from the track. With the noise barrier in place, the calculated noise exposure at that setback would be approximately 60 dB DNL. Individual courtyards and decks at other locations within the development would be located at greater distances from the railroad and would be acoustically shielded by intervening buildings. Noise exposure at those locations would be less than 60 dB DNL.

The apartment buildings closest to the railroad have been designed and oriented so that outdoor activity areas receive additional acoustic shielding by intervening or adjacent garage structures. For Type A units within Buildings 4 and 5, lower floor courtyards would be almost completely shielded from direct railroad noise exposure. Consequently, railroad noise exposure within the courtyards of those buildings would be less than 60 dB DNL. The upper floor decks of Type A units within Buildings 4 and 5 would receive minimal shielding from the noise barrier along the eastern frontage of the development. However the intervening garage roof structure would provide additional shielding, and the resulting noise exposure within those decks would be approximately 60 dB DNL.

Type B units with Buildings 4 and 5 would not have upper floor decks. The lower floor courtyards of those buildings would be shielded by the noise barrier along the eastern frontage of the development and partially shielded by adjacent garage structures. There would also be a four foot-high wall around the courtyards facing the railroad, but the wall would not be expected to provide meaningful noise attenuation from the railroad noise source. The estimated noise exposure within the courtyards of the Type B units closest to the railroad would be approximately 60 dB DNL when all sources of acoustic shielding are considered.

### **Interior Noise Mitigation:**

The City of Fresno interior noise level standard is 45 dB DNL. With the proposed noise barrier in place along the eastern frontage of the development, railroad noise exposure at the closest apartment buildings would be approximately 64 dB DNL at the first floor elevation. The noise barrier would be less effective at the second floor level, and railroad noise exposure would be approximately 67 dB DNL exterior to second floor living spaces. In order to achieve compliance with the City's 45 dB DNL standard, the construction of the apartment buildings would provide a minimum outdoor-to-indoor noise level reduction (NLR) of approximately 22 dB ( $67-45=22$ ).

The proposed building construction would include a stucco exterior finish, standard dual-glazed windows and concrete tile roofs. Although a specific analysis of interior noise levels was not

performed, the type of construction proposed will reduce exterior noise levels by a minimum of 25 dB if windows and doors are closed. This will be sufficient for compliance with the city's 45 dB DNL interior standard. Requiring that it be possible for windows and doors to remain closed for sound insulation means that air conditioning or mechanical ventilation will be required.

## CONCLUSIONS AND RECOMMENDATIONS

The proposed Newbury Apartments at 6338 N. Cecelia Avenue will comply with applicable City of Fresno exterior noise level requirements at all individual and common use outdoor activity areas with the exception of the outdoor terrace and pool area located near the north end of the development. Noise exposure at that location would be in the range of 62-63 dB DNL. The City of Fresno General Plan allows an exterior noise exposure of up to 65 dB DNL along the Union Pacific Railroad and BNSF Railway mainlines provided substantial noise mitigation has been included in the project design. The development would comply with the City's interior noise level requirements within all living units. Compliance with applicable standards requires that the following noise mitigation measures be included in the final project design.

1. The proposed noise barrier consisting of a concrete wall atop an earthen berm should be constructed along the eastern frontage of the development facing BNSF Railway. The minimum overall height of the barrier should be six (6) feet relative to the top of the rails. The barrier should be continuous without gaps or openings.
2. Air conditioning or mechanical ventilation should be installed in all homes so that it will be possible for windows and doors to remain closed for sound insulation purposes.

The conclusions and recommendations of this acoustical analysis are based upon the best information known to Brown-Buntin Associates, Inc. (BBA) at the time the analysis was prepared concerning the proposed site plan, project grading, building construction, railroad noise levels and railroad operations. Any significant changes in these factors will require a reevaluation of the findings of this report. Additionally, any significant future changes in railroad technology, noise regulations or other factors beyond BBA's control may result in long-term noise results different from those described by this analysis.

Respectfully submitted,



Robert E. Brown  
President

REB:dm

## ACOUSTICAL TERMINOLOGY

**NOISE EXPOSURE  
CONTOURS:**

Lines drawn about a noise source indicating constant levels of noise exposure. CNEL and DNL contours are frequently utilized to describe community exposure to noise.

**NOISE LEVEL  
REDUCTION (NLR):**

The noise reduction between indoor and outdoor environments or between two rooms that is the numerical difference, in decibels, of the average sound pressure levels in those areas or rooms. A measurement of “noise level reduction” combines the effect of the transmission loss performance of the structure plus the effect of acoustic absorption present in the receiving room.

**SEL or SENEL:**

Sound Exposure Level or Single Event Noise Exposure Level. The level of noise accumulated during a single noise event, such as an aircraft overflight, with reference to a duration of one second. More specifically, it is the time-integrated A-weighted squared sound pressure for a stated time interval or event, based on a reference pressure of 20 micropascals and a reference duration of one second.

**SOUND LEVEL:**

The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

**SOUND TRANSMISSION  
CLASS (STC):**

The single-number rating of sound transmission loss for a construction element (window, door, etc.) over a frequency range where speech intelligibility largely occurs.

Public Hearing Notice Mailing List Vicinity Map  
(350-foot radius)



E-mail received from a concerned resident

## **Bonique Emerson**

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**From:** Kevin McDougal [justkevin3@gmail.com]  
**Sent:** Tuesday, May 07, 2013 3:23 PM  
**To:** Bonique Emerson  
**Subject:** RE: rezone app # R-13-001 & use permit C-13-001

What exactly is R-2/UGM zoning? Apartments? Are they standard or Section -8?  
I had been assured by my council member a couple months ago that no change in zoning was imminent.

Please give a description of that planned development.

---

Thanks,

Kevin McDougal

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Environmental Assessment No. R-13-001/C-13-001

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

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

<p><b>Applicant:</b></p> <p>Bill Robinson of Sol Development Associates          906 N Street, Suite 100          Fresno, CA 93721</p>	<p><b>Initial Study Prepared By:</b></p> <p>Bonique Emerson, Planner          April 26, 2013</p>
<p><b>Environmental Assessment Application No.</b></p> <p>R-13-001/C-13-001</p>	<p><b>Project Location (including APN):</b></p> <p>6338 N. Cecelia Ave; Located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line.</p> <p>36° 49' 43.428" N Latitude, 119° 52' 26.3742" W Longitude          Mount Diablo Base &amp; Meridian, Township 13 S, Range 19 E, Section 2          (APN: 506-470-44s)</p>

**Project Description:** Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company, has filed Rezone Application No. R-13-001 and Conditional Use Permit Application No. C-13-001. The applications to 4.05 acres of property (3.05-acre remainder parcel of Tract 5070 and 0.98-acre area from vacation of North Jeanne Avenue) located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line. Rezone Application No. R-13-001 proposes to amend the Official Zone Map by reclassifying the property from the R-1/UGM (*Single Family Residential/ Urban Growth Management*) zoned property to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district. Conditional Use Permit Application No. C-13-001 proposes 32 townhouses and multi-level residential units with attached garages in a gated complex. The proposed R-2 zone district is consistent with the planned land use of medium density residential pursuant to Section 12-403-B-2-a of the Fresno Municipal Code.

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

The adopted 2025 Fresno General Plan and the Bullard Community Plan designate the subject site for medium density residential planned land uses. The requested R-2 zone district conforms to the existing planned land use designation pursuant to Section 12-403-B-2-a of the Fresno Municipal Code.

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

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

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

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

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

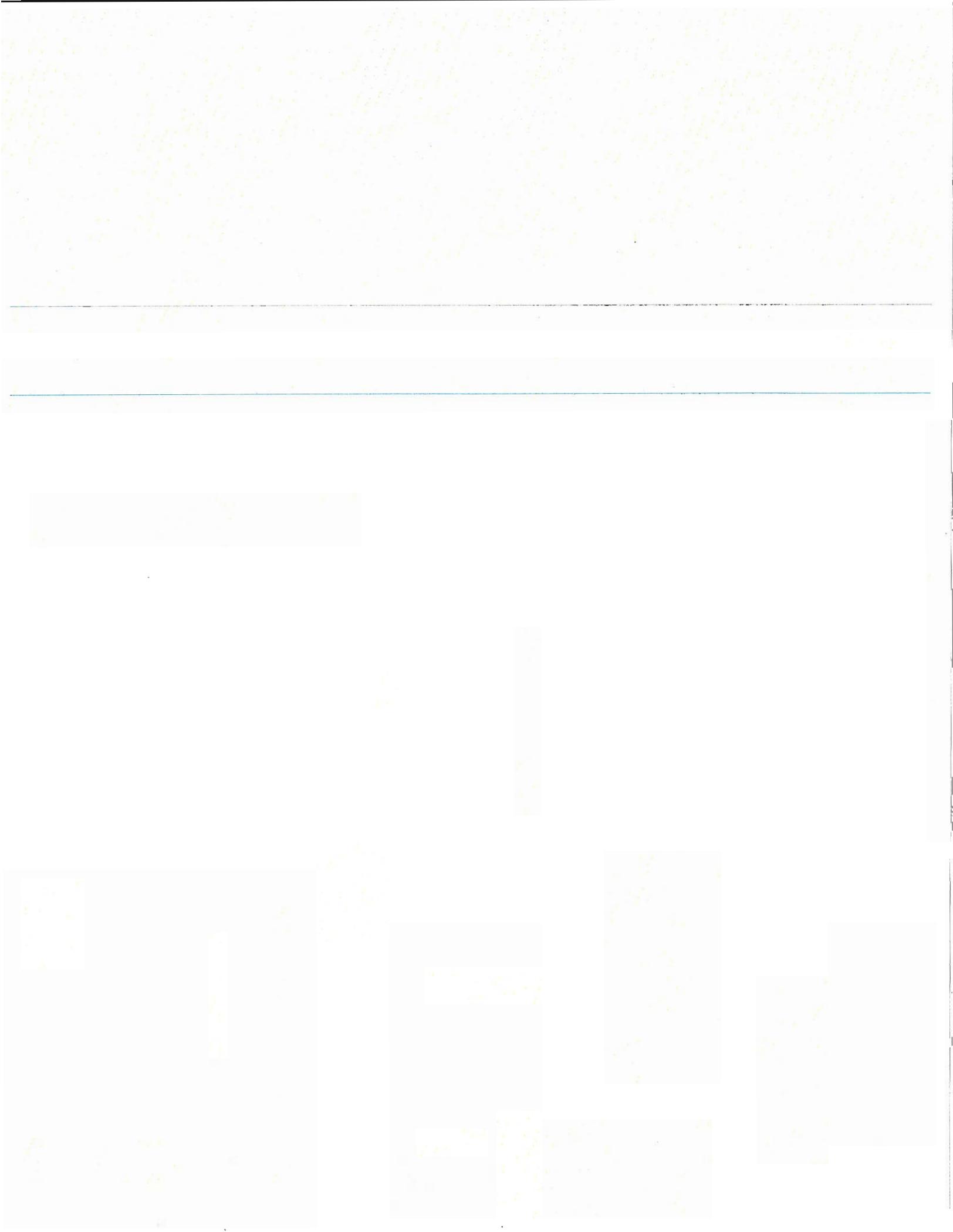
4-26-13

Bonique Emerson, Supervising Planner  
City of Fresno

Date

- Attachments: Notice of Intent to Adopt a Finding of Conformity
- Modified Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02 (Air Quality MND)/Initial Study for Environmental Assessment No. R-13-001/C-13-001
- Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 For the 2025 General Plan: Mitigation MEIR Mitigation Monitoring Checklist for Environmental Assessment No. R-13-001/C-13-001
- Master Environmental Impact Report (MEIR) Review Summary (Attachment: Status of MEIR Analysis with Regard to Air Quality and Climate Change)

## Notice of Intent



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

Filed with:

**FILED**

APR 26 2013

FRESNO COUNTY CLERK  
By *Jane McManis* DEPUTY

**PROJECT TITLE AND ENVIRONMENTAL ASSESSMENT**

EA No. R-13-001/C-13-001

**APPLICANT:**

Bill Robinson of Sol Development Associates  
906 N Street, Suite 100  
Fresno, CA 93721

**PROJECT LOCATION:**

6338 N. Cecella Ave; Located on the east side of North Cecella Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line

36° 49' 43.428" N Latitude, 119° 52' 26.3742" W Longitude

Mount Diablo Base & Meridian, Township 13 S, Range 19 E, Section 2

(APN: 506-470-44s)

FRESNO COUNTY CLERK  
2221 Kern Street, Fresno, California 93721

**PROJECT DESCRIPTION:** Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company, has filed Rezone Application No. R-13-001 and Conditional Use Permit Application No. C-13-001. The applications to 4.05 acres of property (3.05-acre remainder parcel of Tract 5070 and 0.98-acre area from vacation of North Jeanne Avenue) located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line. Rezone Application No. R-13-001 proposes to amend the Official Zone Map by reclassifying the property from the R-1/UGM (*Single Family Residential/ Urban Growth Management*) zoned property to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district. Conditional Use Permit Application No. C-13-001 proposes 32 townhouses and multi-level residential units with attached garages in a gated complex. These applications have been scheduled to be considered by the Planning Commission on **June 5, 2013 at 6pm or thereafter** in the Council Chambers (2<sup>nd</sup> floor of Fresno City Hall, 2600 Fresno Street). The proposed R-2 zone district is consistent with the planned land use of medium density residential pursuant to Section 12-403-B-2-a of the Fresno Municipal Code.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

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

Notice of Intent to File  
Finding of Conformity  
EA No. R-13-001/C-13-001  
April 26, 2013

Statement required under subdivision (f) of that Section.

Additional information on the proposed project, including a copy of the MEIR, Air Quality MND, proposed environmental finding and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604, or for an electronic copy, and for additional information on the project, please contact Bonique Emerson at (559) 621-8024 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on May 28, 2013. Please direct comments to Bonique Emerson, Supervising Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to [Bonique.Emerson@fresno.gov](mailto:Bonique.Emerson@fresno.gov); or comments can be sent by facsimile to (559) 498-1026.

INITIAL STUDY PREPARED BY:

Bonique Emerson, Supervising Planner

SUBMITTED BY:



Bonique Emerson, Supervising Planner  
CITY OF FRESNO DEVELOPMENT AND  
RESOURCE MANAGEMENT DEPARTMENT

DATE: April 26, 2013

## Appendix G



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

**Environmental Checklist Form  
For Environmental Assessment No. R-13-001/C-13-001**

**April 26, 2013**

1.	Project title: Newbury Apartments- Rezone Application No. R-13-001, Conditional Use Permit Application No. C-13-001
2.	Lead agency name and address:  City of Fresno Development and Resource Management Department 2600 Fresno Street Fresno, CA 93721
3.	Contact person and phone number: Bonique Emerson, Supervising Planner (559) 621-8024
4.	Project location:  6338 N. Cecelia Ave; Located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line  Assessor's Parcel Number: 506-470-44s  36° 49' 43.428" N Latitude, 119° 52' 26.3742" W Longitude
5.	Project sponsor's name and address: Bill Robinson of Sol Development Associates 906 N Street, Suite 100 Fresno, CA 93721
6.	General plan designation: Medium Density Residential Planned Land Use
7.	Zoning: Existing- R-1/UGM/cz  Proposed- R-2/UGM
8.	Description of project:  Bill Robinson of Sol Development Associates, on behalf of John Ashley of Baronet and Company, has filed Rezone Application No. R-13-001 and Conditional Use Permit Application No. C-13-001. The applications to 4.05 acres of property (3.05-acre remainder parcel of Tract 5070 and 0.98-acre area from vacation of North Jeanne Avenue) located on the east side of North Cecelia Avenue between West Ellery Way and West Sierra Avenue, adjacent to the Burlington Northern Santa Fe Railroad line. Rezone Application No. R-13-001 proposes to amend the Official Zone Map by reclassifying the property from the R-1/UGM ( <i>Single Family Residential/ Urban Growth Management</i> ) zoned property to the R-

2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district. Conditional Use Permit Application No. C-13-001 proposes 32 townhouses and multi-level residential units with attached garages in a gated complex. The proposed R-2 zone district is consistent with the planned land use of medium density residential pursuant to Section 12-403-B-2-a of the Fresno Municipal Code.

9. Surrounding land uses and setting: (Briefly describe the project's surroundings)

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium High Density Residential	<b>AE-5/UGM</b> <i>Exclusive Five Acre Agricultural/Urban Growth Management</i>	Railroad Tracks Santa Fe Avenue Church and Vacant Church Property
South	Medium High Density Residential Medium Density Residential	<b>R-2/UGM/cz</b> <i>Low Density Multiple Family Residential/Urban Growth Management/conditional zoning</i>	Multiple Family Dwelling Units
East	Medium High Density Residential	<b>AE-5/UGM</b> <i>Exclusive Five Acre Agricultural/Urban Growth Management</i>	Railroad Tracks Santa Fe Avenue Commercial
West	Medium Density Residential	<b>R-1/UGM</b> <i>Single Family Residential/Urban Growth Management</i>	Cecelia Avenue Single Family Residential Dwellings

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement): Fresno Metropolitan Flood Control District, City of Fresno Building and Safety Division, County of Fresno Department of Public Health, and the 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 (if any) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND such that no new additional mitigation measures or alternatives may be required. All applicable mitigation measures contained in the Mitigation Monitoring Checklist shall be imposed upon the proposed project. A FINDING OF CONFORMITY will be prepared.
- I find that the proposed project is a subsequent project identified in the MEIR and Air Quality MND but that it is not fully within the scope of the MEIR and Air Quality MND because the proposed project could have a significant effect on the environment that was not examined in the MEIR or Air Quality MND. However, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project specific mitigation measures and all applicable mitigation measures contained in the MEIR Mitigation Monitoring Checklist will be imposed upon the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project is a subsequent project identified in the MEIR but that it MAY have a significant effect on the environment that was not examined in the MEIR or Air Quality MND, and an ENVIRONMENTAL IMPACT REPORT is required to analyze the potentially significant effects not examined in the MEIR or Air Quality MND pursuant to Public Resources Code Section 21157.1(d) and CEQA Guidelines 15178(a).

Signature



Date

4-26-13

**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				x

state scenic highway?				
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	

There are no scenic vistas in the area. The project area is within a single family residential neighborhood and does not contain a scenic vista within viewing distance of the project site. Therefore, the proposed project would have no impact on a scenic vista.

The project site is not within or adjacent to a state scenic highway. The project site consists of vacant land. Given the existing conditions of the site and the surrounding area, the project will not substantially degrade the existing visual character or quality of the site and its surroundings. In fact, because the proposed project will add well designed residential development and will eliminate a vacant lot, the proposed project will actually improve the visual character and quality of the site and its surroundings. The project 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 project review process, staff will ensure that lights comply with the requirements of the Fresno Municipal Code and/or standard drawings.

In addition, the project will be subject to the aesthetic mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan as indicated on the attached Mitigation Monitoring Checklist dated April 26, 2013, 2013. As a result, the project will have a less than significant impact on aesthetics.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

The project will not Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use because the project is not located on said areas. In addition, based on a review of aerial photographs, it appears that the site has not been under cultivation since at least 1995. The site does not have a Williamson Act contract. The proposed project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The project will not result in the loss of forest land or conversion of forest land to non-forest use because the subject property does not contain forest land. The proposed project is not expected to result in conversion of farmland to a non-agricultural use because the subject site is in a completely urban area and is designated for urban development by the 2025 Fresno General Plan.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY - (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) -- Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan (e.g., by having potential emissions of regulated criterion pollutants which exceed the San Joaquin Valley Air Pollution Control Districts (SJVAPCD) adopted thresholds for these pollutants)?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

The proposed project will comply with the Air Quality Element of the 2025 Fresno General Plan and the Goals, Policies and Objectives of the Regional Transportation Plan adopted by the Fresno Council of Fresno County Governments; therefore the project will not conflict with or obstruct an applicable air quality plan. The project must comply with the construction and development requirements of the San Joaquin Valley Air Pollution Control District, therefore, no violations of air quality standards will occur. The project will not occur at a scale or scope with potential to contribute substantially to existing or projected air quality violation. The project will not occur at a scale or scope which will result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment.

The Bullard Community Plan and the 2025 Fresno General Plan designate the subject site as medium density residential and allows the population density being proposed by this project (the project is proposing less than the 10.37 units per acre allowed by this planned land use). Given that the existing land use allows the this type and intensity of residential development, the project is not proposing development beyond that examined in MEIR No. 10130 for the 2025 Fresno General Plan or the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan. The project is not proposing a use which will create objectionable odors; therefore it will not create objectionable odors affecting a substantial number of people. The proposed project is not expected to generate substantial pollutant concentrations; therefore the project will create pollutants that would impact sensitive receptors.

A residential development is considered a "sensitive receptor" type use. Given that a railroad track is immediately adjacent to the site, there is a potential for the exposure of sensitive receptors to substantial pollutant concentrations. However, pursuant to the Air Quality and Land Use Handbook prepared by the California Environmental Protection Agency California Air Resources Board dated April 2005, a railroad track is not considered a use that has a significant negative air quality impact. High traffic freeways and roads and rail yards are uses called out by this study that may have significant negative air quality impacts.

Furthermore, this project must fully comply with Rule 9510 from the San Joaquin Valley Air Pollution Control District (SJVAPCD) if applicable. This Rule (also called Indirect Source Review or ISR) provides for incorporation of a wide range of mitigation measures into projects, and levies fees for pollutants generated by development projects, transportation and development projects. The fees are used to provide for regional air quality improvements and mitigations. Specifically, Rule 9510 requires that operational (traffic-associated) NOX and PM10 emissions be reduced by at least 33.3% and 45%, respectively, and construction equipment NOX and PM10 emissions of projects be reduced by at least 20% and 45%, respectively.

The SJVAPCD, in a letter submitted as a response to a request for comments on this environmental assessment, indicated that the project is not subject to District Rule 9510 because the project is proposing less than 50 residential units. In this letter the District also indicated that based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. Therefore, the District concluded that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

In summary, subject to compliance with existing policies, rules, and regulations, the proposed project will not significantly impact local air quality. The proposed project will not create additional air quality impacts beyond those already assessed the MEIR prepared for the 2025 Fresno General Plan and Plan Amendment No. A-09-002 to amend the Air Quality Element of the 2025 Fresno General Plan.

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

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

The project will not 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, because said species are not identified to be located within the project area and because the subject site was previously occupied by single family homes. 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 project site is not located in an area containing native residents or migratory fish or wildlife species. The project site has no trees or other vegetation that could be considered a biological resource and thus the project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The project area is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

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

The project is not proposing a change to a historical or archaeological resource. There are no buildings that will be demolished in the construction of the residential development. There are no known

paleontological resources or human remains that exist within the project area, therefore there will be no change or disturbing of said resources/remains. However, previously unknown archaeological resources or human resources could be disturbed during project construction. However, measures contained within the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated April 26, 2013 will mitigate this potential impact to less than significant.

The proposed project will implement and incorporate, as appropriate, 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 April 26, 2013, and thus the impacts to cultural resources will be less than significant.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
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
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Based on older aerial photographs, it appears that the subject site was previously used for agricultural uses but has been vacant and unused for about 20 years. There are no known geologic hazards or unstable soil conditions known to exist on the project site. Fresno has no known active earthquake faults and is not in any Alquist-Priolo Special Studies Zone. Development of the property requires compliance with grading and drainage standards of the City of Fresno and Fresno Metropolitan Flood Control District Standards. The project does not involve the use of a septic tank or an alternative waste water disposal system, therefore there is no impact to the soil. No adverse environmental effects related to topography, soils or geology are expected as a result of this project.

The proposed project is required to comply with standard requirements and procedures mandated by the County of Fresno Department of Public Health, which include requirements and procedures for the abandonment/removal of water wells, septic systems or underground storage tanks that exist or have been abandoned within the project area.

No adverse environmental effects related to topography, soils or geology are expected as a result of this project. Implementation of the mitigation measures listed in MEIR No. 10130 and the attached MEIR Mitigation Monitoring Checklist dated April 26, 2013 will reduce the topographic, soils and geologic impacts to less than significant.

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 has been determined to have a less than significant impact on greenhouse gases based on the guidance established by the San Joaquin Valley Air Pollution Control District (District) in the adopted document titled *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*. According to this document, projects can be determined to have a less than significant impact if they do any other the following: 1) Use a combination of District approved GHG Emission Reduction Measures to meet BPS; 2) Comply with an approved GHG plan or mitigation program; or 3) Reduce GHG emissions by at least 29%. **The proposed project complies with an approved GHG**

**Mitigation program (established through Plan Amendment Application No. A-09-02).**

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

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

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

The proposed project complies with this policy because it will comply with several of the measures detailed in the California Attorney General's Office guidance document titled, *The California Environmental Quality Act Mitigation of Global Warming Impacts at the Local Agency Level*" (updated January 07, 2008). This document offers policy guidance on mitigating GHG emissions. One mitigation measure states that projects should "create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking". The proposed project will be required install sidewalks, construct additional pavement in the public right-of-way that will be partially used for a new striped bike lane, and will provide ample pedestrian access to the site, including a future pedestrian access point to a trail that is planned to be installed if the railroad right-of-way is ever abandoned. This future trail will provide more direct access to the Figarden Loop Park and shopping in the area.

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.

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 or by Plan Amendment Application No. A-09-02. In addition, the proposed project will implement and incorporate, as appropriate, the greenhouse gas related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist

dated April 26, 2013, and thus the impacts will be less than significant.

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

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
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The proposed project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, because said project does not involve the operational use of hazardous materials other than those used in normal household operation; additionally, as such, there is no significant hazard to the public or the environment through an accident. There are no known existing hazardous material conditions on the site and the project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project area is located within an airport land use plan but the project has been reviewed by the Airport Land Use Commission and it has been determined that the project will not result in a safety hazard for people residing or working in the project area. The project is also not within the vicinity of a private airstrip, therefore, it would not result in a safety hazard for people residing or working in the project area. The project will not interfere with an adopted emergency plan. The project area is not located near a wildland area or an SRA, therefore the project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
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 historic 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 and the Fresno Metropolitan Water Resource Management Plan. The purpose of these management plans is to provide safe, adequate, and dependable water supplies to meet the future needs of the metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably 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.

Implementation of the 2025 Fresno General Plan policies, the Water Resources Management Plan, and the applicable mitigation measures of approved environmental review documents will address the issues of providing an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes. While the proposed project may be served by conventional groundwater pumping and distribution systems, full development of the 2025 Fresno General Plan boundaries is expected to require utilization of treated surface water due to inadequate groundwater aquifer recharge capabilities.

The City's Department of Public Utilities has determined that water facilities are available to provide service to the subject site as long as any on-site wells are sealed and abandoned and installation of water service and meter box is in place. The Department of Public Utilities has, as a standard condition of approval, required the developer to incorporate water use efficiency measures into the 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.

The Fresno Metropolitan Flood Control District (District) bears responsibility for storm water management within the Fresno-Clovis metropolitan area, including the area of the project site. Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins. The proposed project lies within the District's Drainage Area "EF".

The community has developed and adopted a Storm Drainage and Flood Control Master Plan. Each property is required to contribute its pro-rata share to the cost of the public drainage system. It is this form of participation in the cost and/or construction of the drainage system that will mitigate the impact of development. Effected subject properties shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such approval.

The District requires that the storm drainage patterns for the proposed project conform to the District's Master Plan. The District will need to review and approve all improvement plans for any proposed grading, construction of curb and gutter or storm drainage facilities for conformance to the Master Plan within the project area. The District has indicated that permanent drainage service is available provided the developer can verify to the satisfaction of the City of Fresno that runoff can be safely conveyed to the Master Plan inlets.

The proposed development does not appear to be located within a flood prone area.

Construction activity, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of one (1) acre or more of the total land area, or less if part of a larger plan of development or sale, must secure a storm water discharge permit in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System regulations (CFR Parts 122-124, Nov. 1990). The permit must be secured by filing a Notice of Intent for the State General Permit for Construction Activity with the State Water Resources Control Board. The notice must be filed prior to the start of construction. Copies of the State General Permit and Notice of Intent are available at the District.

The project will not place housing or other structures within a 100-year flood hazard area. The project's final improvement plans will be reviewed by the Fresno Metropolitan Flood Control District for conformance with the Storm Drainage and Flood Control Master Plan, and will, therefore, not expose people to a

significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. The project area is considerably built-out, and urban, and therefore not prone to seiche, tsunami or mudflow.

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 dated April 26, 2013.

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

The project will be constructed on an approximately 4-acre site. The proposed R-2 zone district is consistent with the planned land use of medium density residential pursuant to Section 12-403-B-2-a of the Fresno Municipal Code. This section of the code states that a proposed change of zone district that does not meet the criteria of the Zone District Consistency Table contained in Section 12-403-B-1, may be determined consistent with the corresponding land use designated by the General Plan subject to several conditions including the requirement for a development plan and the requirement that the proposed use will not adversely affect surrounding properties. The primary condition that must be met in order for a residentially zoned piece of property to be rezoned to a district which is inconsistent with the Zone District Consistency Table is that the maximum density of the plan designation for the site shall not be exceeded. The proposed density of the project is well under the maximum density of 10.37 units per acre allowed by the medium density residential planned land use designated for the subject site by the 2025 Fresno General Plan and Bullard Community Plan.

As discussed above, the proposed project is consistent with the 2025 Fresno General Plan and Bullard Community Plan and Fresno Municipal Code Section 12-212, the "R-2" (*Low Density Multiple Family Residential*) zone district. The subject site is adjacent to a planned trail that is planned to run along the existing BNSF track alignment. The trail is intended to be developed if the track right-of-way is ever abandoned and thus the applicant has not been required to install this trail as part of this project.

The proposed project will not physically divide an established community given that the proposed residential

development will be located on property that is currently vacant.

The proposed project will not conflict with any applicable land use plan, policy, or regulation. The proposed use is specifically allowed in the proposed zone district and will be required to comply with all codes and regulations at the time of submittal of a conditional use permit. The proposed project is in compliance with several goals and policies contained in both the 2025 Fresno General Plan (General Plan) and the Bullard Community Plan. For example, Objective C-9 of the 2025 Fresno General Plan directs planning for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Supporting policy C-9-j recommends that Medium Density Residential land shall be developed to maximize efficient use and affordability of residential property through a wide range of densities. The proposed project will meet the intent of these objectives and policies because the proposed project will result in a higher density development that will integrate well into the existing surrounding residential and commercial uses.

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

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

No habitat conservation plans or natural community conservation plans in the region pertain to the natural resources that exist on the subject site or in its immediate vicinity. Therefore, there would be no impacts.

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

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

will, therefore, not 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. The subject site is not delineated on a local general plan, specific plan or other land use plan as a locally-important mineral resource recovery site and will, therefore, not result in the loss of availability of a locally-important mineral resource.

<b>ENVIRONMENTAL ISSUES</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

The proposed project will not expose persons to excessive noise levels. Although the project will create additional activity in the area and will be located adjacent to a railroad track, the project will be required to comply with all noise policies from the 2025 Fresno General Plan and noise codes from the Fresno Municipal Code. Policy H-1-d of the 2025 Fresno General Plan states that "the city shall require an acoustical analysis in those cases where a project potentially threatens to expose existing or proposed noise-sensitive land uses to excessive noise levels. The presumption of potentially excessive noise levels shall be based on the location of new noise-sensitive uses to known noise sources or staff's professional judgment that a potential for adverse noise impacts exists". Because of the project's location abutting

railroad tracks, staff required the applicant to prepare an acoustical analysis. Based on this analysis prepared by Baronet and Co., Inc. and dated April 12, 2013, the minimum overall height of the all/barrier should be six (6) feet relative to the top of the rails and the barrier should be continuous without gaps or openings. This wall requirement will be a project condition of approval.

There will be a temporary increase in noise levels during construction of the project; however, the applicant will be required to comply with all applicable codes and regulations during construction. Construction noise will be reduced through the implementation of a Fresno Municipal Code requirement that limits construction days and times. In addition, the construction of the proposed residential development is subject to standard rules and regulations that are incorporated into the project that will minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. As part of the project, construction specifications for the project will require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. Therefore, there will be a less than significant impact for temporary noise levels.

Although the project area is located within an airport land use plan, the project will not expose people residing or working in the project area to excessive noise levels from the airport because the proposed project is simply in the airport review area and is not within an identified noise contour identified by the airport land use plan.

Based on the above analysis, exposure to noise levels in excess of standards established in the general plan and noise ordinance is not expected and impacts related to noise will be less than significant.

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

The proposed project will not substantially induce population growth because the project is being proposed at a density below the density planned by the 2025 Fresno General Plan and Bullard Community Plan. The project will not displace existing housing; therefore it will not necessitate the construction of replacement

housing. The project will not displace any people; therefore there is no need for replacement housing.

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 subject site is located approximately 1.2 miles from Fire Station #14 and is within the City of Fresno police area. Therefore, police and fire protection services are available to serve the subject site. The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the FMFCD system could accommodate the proposed rezone and permanent drainage service is available.

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

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

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

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

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

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

<b>ENVIRONMENTAL ISSUES</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 Public Works Department reviewed the proposed project and determined that a traffic study is not required because the proposed project would not result in more than 100 peak hour trips, which would necessitate a traffic study. Thus, the proposed project is not expected to generate traffic which would significantly impact any nearby roads. Therefore, the project would have a less than significant impact and not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system, or in a substantial increase in vehicle miles traveled.

The proposed project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system because the project would not result in increasing the level of service beyond the level allowed by the 2025 Fresno General Plan. The proposed project will not conflict with a congestion management program. The project proposes residential development and will, therefore, not result in a change in air traffic patterns. The proposed project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the rezone and conditional use permit applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division.

The proposed project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The project has been reviewed by the Fresno Fire Department and it has been determined that the proposed

project will not result in inadequate emergency access.

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

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

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 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 and will not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, therefore no significant environmental effects can result from the construction of said facilities. The project plans will be reviewed by the Fresno Metropolitan Control District, therefore the construction of any required storm water drainage facilities will not cause significant environmental effects. Sufficient water supplies are available to serve the project from existing resources and no new or expanded entitlements are needed. The project will generate a minimal amount of wastewater and solid waste and will, therefore, not have significant wastewater or landfill impacts. Any demolition material generated by construction activities will be disposed of properly; therefore the project will comply with federal, state and local statues related to solid waste.

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 project is proposed at a size and scope which does not 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

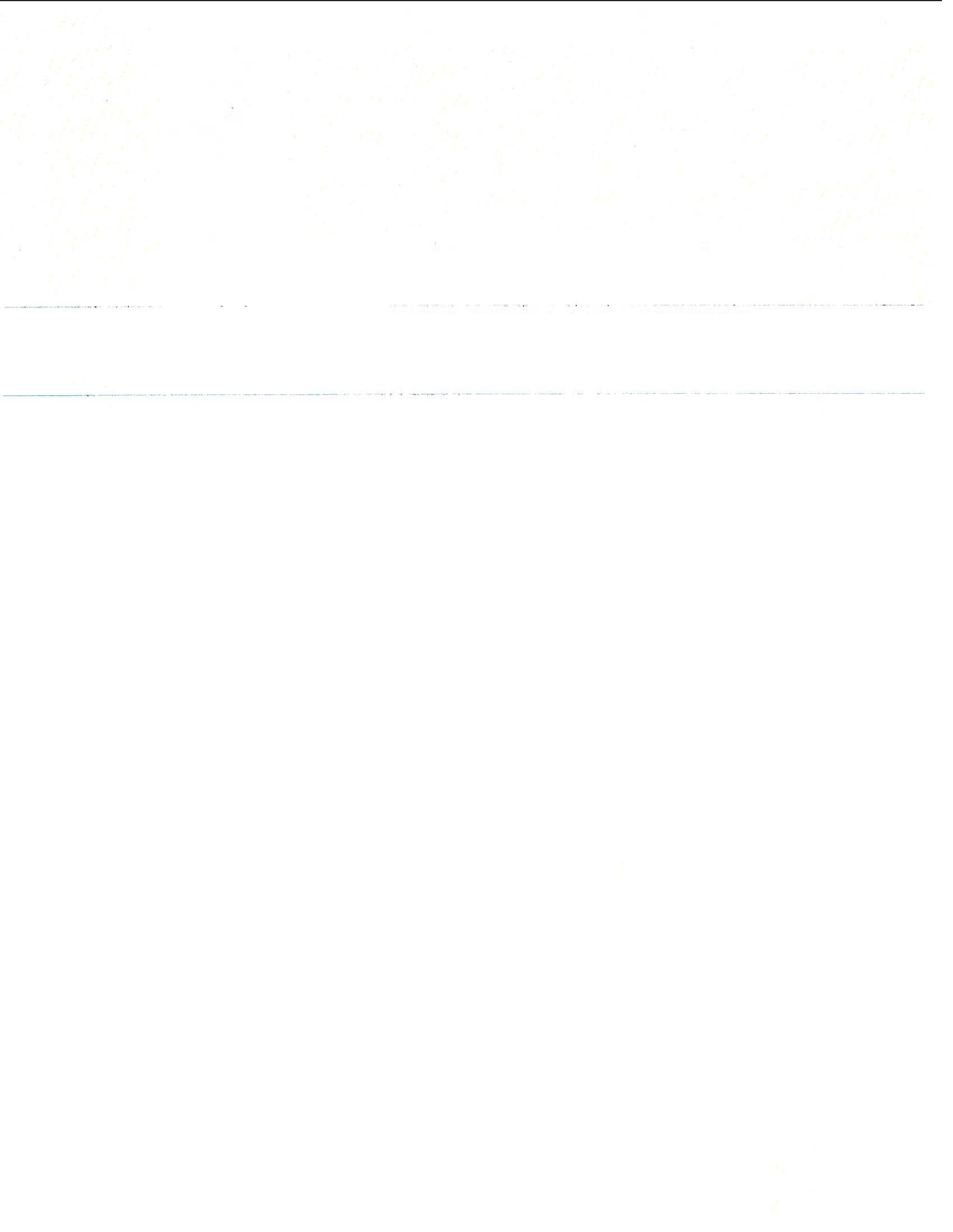
to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; additionally, the project site is located within an area, which has been predominantly developed with urban uses. Additionally, there are no fish or wildlife species, plant or animal community, located within the project area. There is no evidence in the record to indicate that the increment of environmental impacts that would be potentiated by this project would be cumulatively significant. There is also no evidence in the record that the proposed project would have any adverse impacts directly, or indirectly, on human beings. Therefore, there are no mandatory findings of significance.

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## MEIR Mitigation Monitoring Checklist





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

Project/EA No. R-13-001/C-13-001

Date: April 26, 2013

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<p>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>of land use entitlement</p>	<p>Dept./Traffic Planning; Development &amp; Resource Management Dept.</p>						
<p><b>B-4.</b> For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors:</p> <p>a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services.</p> <p>b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of Traffic Impact Studies.</p>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning; Development &amp; Resource Management Dept.</p>	X			X		
<p><b>B-5.</b> Circulation and site design measures shall be considered for</p>	<p>Prior to approval</p>	<p>Public Works</p>	X			X		

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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.	of land use entitlement	Dept./Traffic Planning; Development & Resource Management Dept.						
<b>B-6.</b> New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.	Prior to approval or prior to funding of major street project.	Public Works Dept./Traffic Planning; Development & Resource Management Dept.	<b>X</b>		<b>X</b>			
<b>B-7.</b> Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably as bicycle lanes, shall be provided on all new major streets and shall be considered when designing improvements for existing major streets.	Ongoing	Public Works Dept./Traffic Planning; Development & Resource Management Dept.			<b>X</b>	<b>X</b>		
<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. a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and	Ongoing	Development & Resource Management Dept.	<b>X</b>				<b>X</b>	

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<p>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>								
<p><b>C-2.</b> For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.</p>	Ongoing	Development & Resource Management Dept and SJVAPCD	X		X	X		
<p><b>C-3.</b> The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.</p>	Ongoing	Various city departments					X	
<p><b>C-4.</b> The City shall continue efforts to improve technical performance,</p>	Ongoing	Fresno Area					X	

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emissions levels and system operations of the Fresno Area Express transit system, through such measures as:		Express							
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.									
<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 Development & Resource Management 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 Development & Resource Management Dept.			X	X			
<b>D-3.</b> The City shall implement the future water supply plan described in the	Ongoing	Department of			X	X			

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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.		Public Utilities								
<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	Development & Resource Management Dept.	X			X				
<b>D-5.</b> The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.	Ongoing	Development & Resource Management Dept.						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	Development & Resource Management Dept.							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	Ongoing	Development & Resource Management							X	X

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subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).		Dept.								
<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				
<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	Prior to approval	Department of	X				X			

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<p>and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.</p>		of development project	Public Utilities																									
<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>		Prior to approval of development project	Department of Public Utilities	X			X																					
<p><b>FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES</b></p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="3">PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:</th> </tr> <tr> <th>01/01/2005 THROUGH 12/31/2010</th> <th>01/01/2010 THROUGH 12/31/2024</th> <th>AFTER 01/01/2025</th> </tr> </thead> <tbody> <tr> <td>Single family residential</td> <td>3.8</td> <td>3.5</td> <td>3.5</td> </tr> <tr> <td>Multi-family residential</td> <td>6.5</td> <td>6.2</td> <td>6.2</td> </tr> <tr> <td>Commercial and institutional</td> <td>2</td> <td>1.9</td> <td>1.9</td> </tr> </tbody> </table>			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								
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**MEIR Mitigation Monitoring Checklist**

MITIGATION MEASURE				WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Industrial	2	1.9	1.9								
Landscaped open space	3	2.9	2.9								
South East Growth Area	3.4	3.2	3.2								
NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan											
<b>D-13.</b> The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.				Ongoing	Department of Public Utilities					X	
<b>E-1.</b> The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.				Ongoing	Development & Resource Management Dept.					X	
<b>E-2.</b> To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.				Ongoing	Development & Resource Management Dept.			X		X	
<b>E-3.</b> The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.				Ongoing	Development & Resource Management Dept.						X
<b>E-4.</b> Development of agricultural land, or fallow land adjacent to land				Ongoing	Development &						X

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

Project/EA No. R-13-001/C-13-001

Date: April 26, 2013

**MEIR Mitigation Monitoring Checklist**

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE						
			A	B	C	D	E	F	
designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.		Resource Management Dept.							
	Ongoing	Dept. of Public Utilities and Development & Resource Management Dept.	X		X	X			
	Ongoing	Dept. of Public Utilities				X			
	Ongoing	Dept. of Public Utilities					X	X	X
	Ongoing	Dept. of Public Utilities						X	
<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.									
<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.									
<b>F-2-a.</b> The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.									
<b>F-3.</b> The City shall ensure the provision of adequate sewage treatment and									

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			A	B	C	D	E	F	
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.		Utilities							
<b>F-4.</b> The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.	Ongoing/prior to approval of land use entitlement	Dept. of Public Utilities and Development & Resource Management Dept.	X			X			
<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/ Development & Resource Management Dept.							X

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			A	B	C	D	E	F	
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept. & Development & Resource Management Dept.				X			X
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement	Development & Resource Management Dept.							X
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall include siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement	Development & Resource Management Dept.							X
I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.							X

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			A	B	C	D	E	F	
I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.							X
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use-entitlement and during construction	Development & Resource Management Dept.							X
I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.							X
J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to	Ongoing/prior to approval of land use entitlement	Development & Resource Management Dept.	X					X	

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

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F						
			A	B	C	D	E	F	
presented in Figure VK-2 for general planning purposes.		Resource Management Dept.							
<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	Development & Resource Management Dept.	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	Development & Resource Management 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	Development & Resource Management Dept.	X					X	

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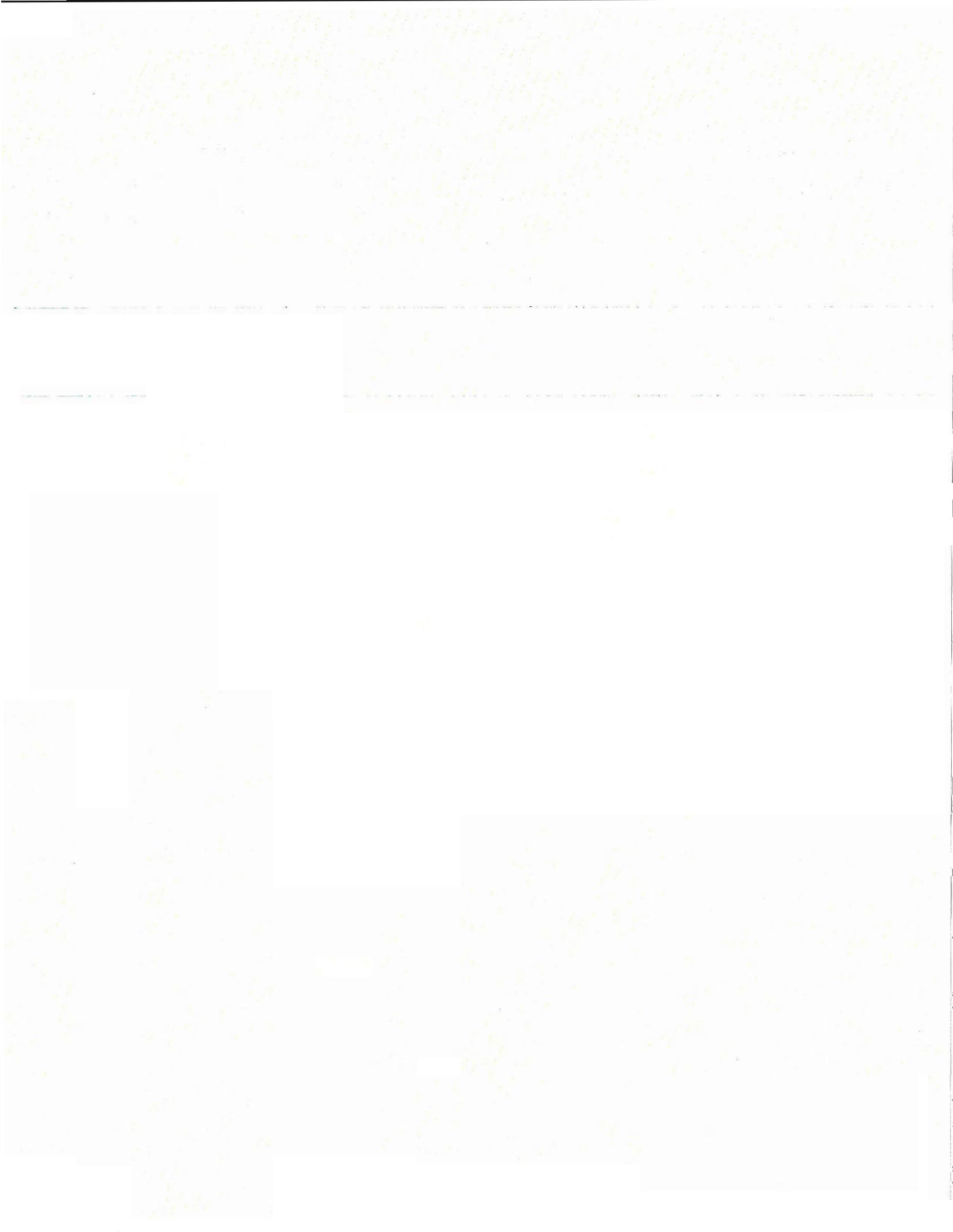
**Date: April 26, 2013**

**MEIR Mitigation Monitoring Checklist**

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
<b>N-1.</b> The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.	Ongoing	Development & Resource Management Dept.	X			X			
<b>Q-1.</b> The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.	Ongoing	Development & Resource Management Dept.					X		X

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**MEIR Review Summary**



## **MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) REVIEW SUMMARY**

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

The City has processed 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

## MEIR REVIEW SUMMARY

Page 2

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 Rezone Application No. R-13-001 and Conditional Use Permit Application No. C-13-001 and related street and intersection improvements 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>

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

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

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

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

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

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

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

**APPENDIX**

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

**EXECUTIVE SUMMARY**

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Rezone Application No. R-13-001 and Conditional Use Permit Application No. C-13-001 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.

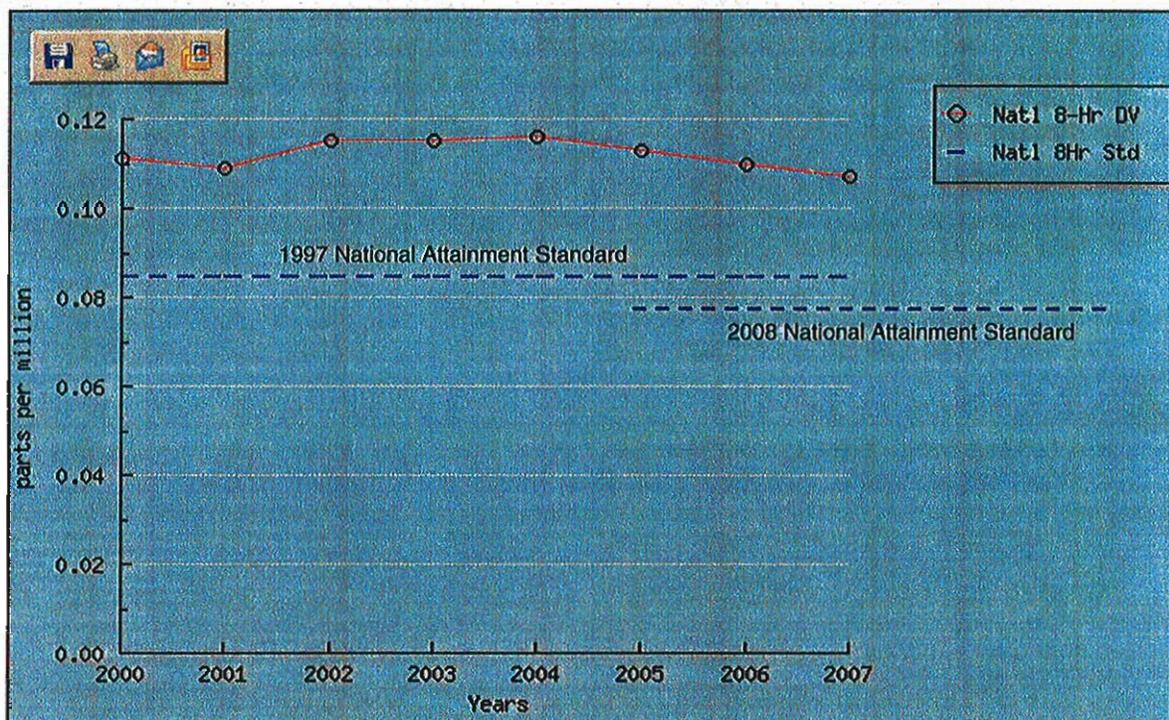
There are no new (*i.e.*, unforeseen in the MEIR) reasonable mitigation measures which have become available since late 2002 that would assure the reduction of cumulative (city-wide) air quality impacts to a less than significant level at project buildout, even with full compliance with attainment plans 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):

**Air Resources Board**

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



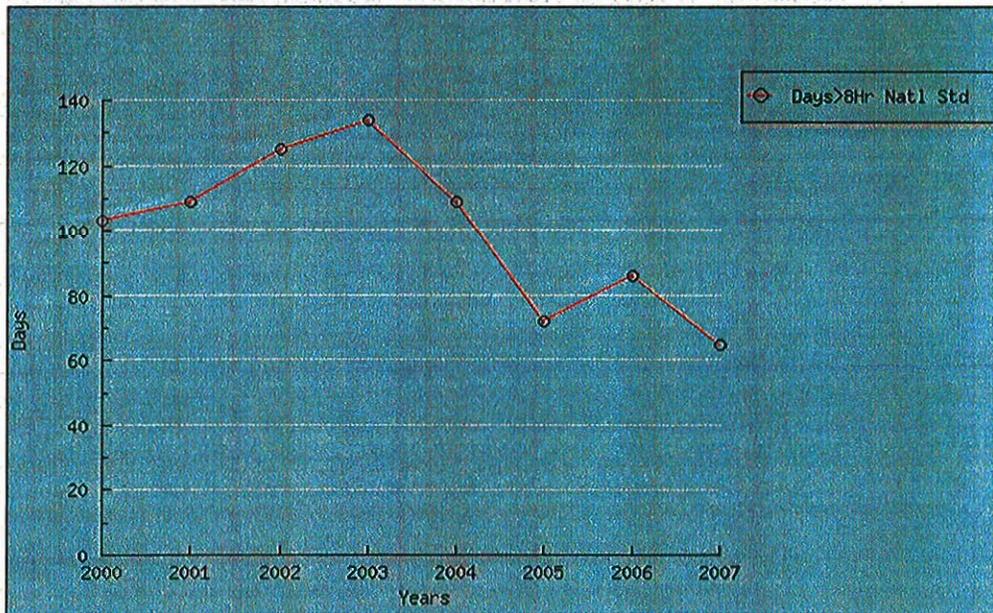
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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

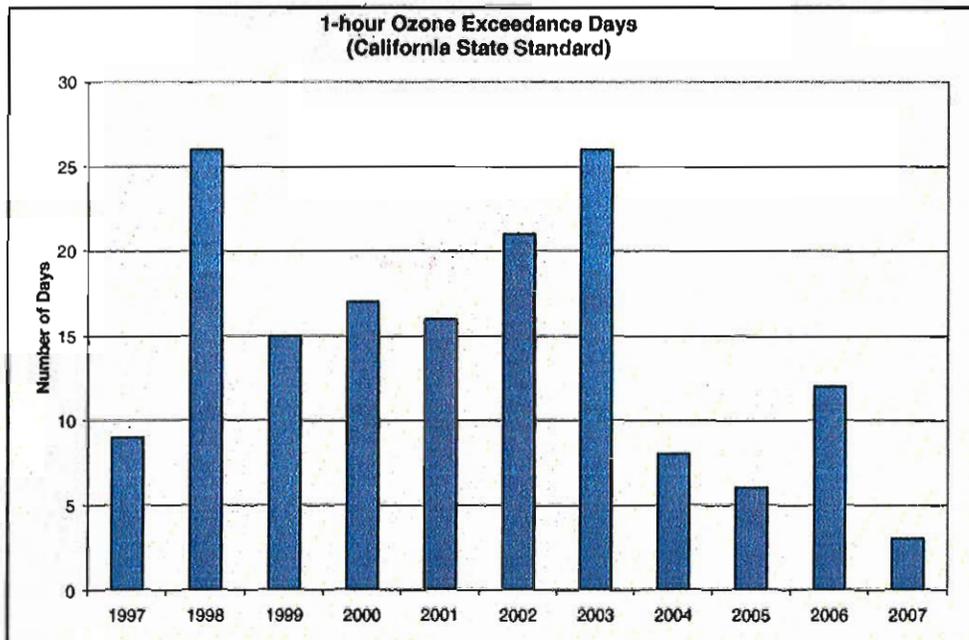
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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

Ozone Trends Summary: San Joaquin Valley Air Basin



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

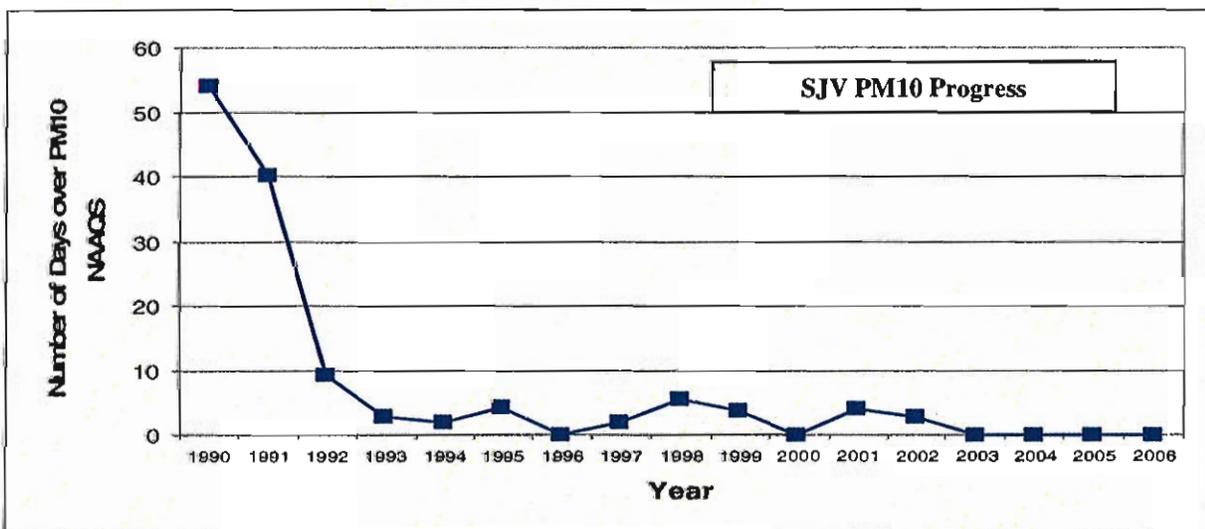


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

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

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

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



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.

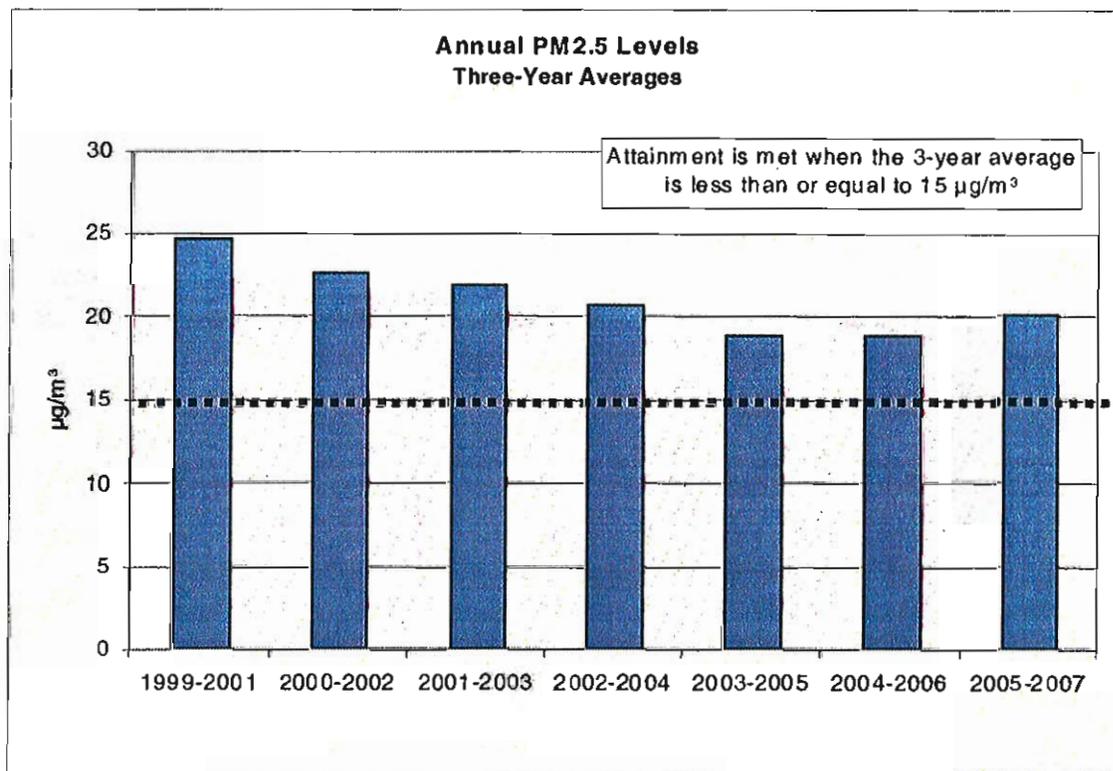
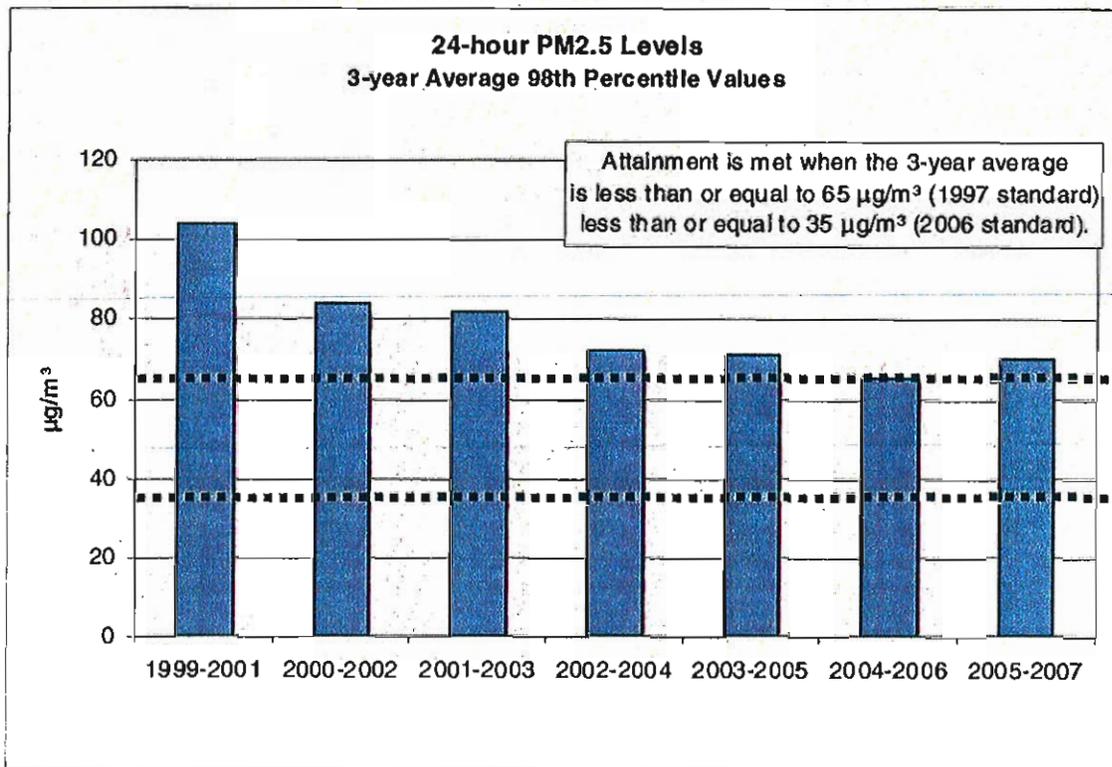
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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