



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. **VIII-C**
COMMISSION MEETING 07.17.13

July 17, 2013

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

THROUGH: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division

BY: MCKENCIE CONTRERAS, Planner III
Development Services Division

APPROVED BY


Jennifer K. Clark, Director
Development & Resource Management Department

SUBJECT: CONSIDERATION OF REZONE APPLICATION NO. R-12-001, CONDITIONAL USE PERMIT APPLICATION NO. C-12-047, AND RELATED ENVIRONMENTAL ASSESSMENT NO. R-12-001/C-12-047 LOCATED ON THE SOUTHEAST CORNER OF NORTH VAN NESS BOULEVARD AND EAST PRINCETON AVENUE

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Finding of Conformity prepared for Environmental Assessment No. R-12-001/C-12-047 for the purpose of the proposed rezone application.
2. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-12-001 requesting authorization to modify the existing conditions of zoning of the subject property listed in Ordinance No. 2006-26 for Rezone Application No. R-04-048.
3. APPROVE the Finding of Conformity prepared for Environmental Assessment No. R-12-001/C-12-047 for the purpose of the proposed Conditional Use Permit application, contingent upon City Council approval of Rezone Application No. R-12-001 and the related environmental assessment.
4. APPROVE Conditional Use Permit Application No. C-12-047 subject to the findings included within the Staff Report to the Planning Commission dated July 17, 2013; compliance with the Conditions of Approval dated July 17, 2013; and, contingent upon City Council approval of Rezone Application No. R-12-001 and the related environmental assessment.

EXECUTIVE SUMMARY

Joseph Guagliardo, on behalf of Jim and Isabel Medina, has filed Rezone Application No. R-12-001 and Conditional Use Permit Application No. C-12-047 pertaining to approximately 0.19 acres of property.

Rezone Application No. R-12-001 proposes to modify the existing conditions of zoning of the subject property listed in Ordinance No. 2006-26 for Rezone Application No. R-04-048.

Conditional Use Permit Application No. C-12-047 has been filed in order to establish an auto repair garage on the subject property, which is currently used as a Tire, Battery, and Accessory Parts, Retail Sales Service Store. The application also requests authorization to amend the hours of operation and modify the conditions of approval.

PROJECT INFORMATION

PROJECT Rezone Application No. R-12-001 proposes to modify the existing conditions of zoning of the subject property listed in Ordinance No. 2006-26 for Rezone Application No. R-04-048.

Conditional Use Permit Application No. C-12-047 has been filed in order to establish an auto repair garage on the subject property, which is currently used as a Tire, Battery, and Accessory Parts, Retail Sales Service Store. The application also requests authorization to amend the hours of operation and modify the conditions of approval.

APPLICANT Joseph Guagliardo on behalf of Jim and Isabel Medina

LOCATION 2740 North Van Ness Boulevard; Located on the southeast corner of North Van Ness Boulevard and East Princeton Avenue (APN: 443-241-01)

(Council District 1, Councilmember Xiong)

SITE SIZE Approximately 0.19 acres

PLANNED LAND USE Existing - Neighborhood Commercial

ZONING Existing - C-5/cz (*General Commercial/conditions of zoning*)
Proposed - C-5/cz (*General Commercial/conditions of zoning*) with modified conditions of zoning

PLAN DESIGNATION AND CONSISTENCY The existing C-5 zone district for the subject property conforms to the existing planned land use designation, pursuant to Section 12-403-B-2 of the Fresno Municipal Code.

ENVIRONMENTAL FINDING A Finding of Conformity was filed with the Fresno County Clerk's office on June 14, 2013.

PLAN COMMITTEE RECOMMENDATION The Tower District Specific Plan Design Review Committee approved the rezone and conditional use permit applications at their meeting on June 13, 2012.

STAFF RECOMMENDATION Recommend Approval (to the City Council) of: (1) Adoption of the Finding of Conformity prepared for Environmental Assessment No. R-12-001/C-12-047 for the Rezone Application; and, (2) Rezone Application No. R-12-001.

Recommend Approval (by the Planning Commission) of: (1) Adoption of the Finding of Conformity prepared for Environmental Assessment No. R-12-001/C-12-047 for the Conditional Use Permit application; and, (2) Conditional Use Permit Application No. C-12-047.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Density Residential	R-1 <i>Single Family Residential District</i>	Single Family Residential
East	Medium Density Residential	R-1 <i>Single Family Residential District</i>	Single Family Residential
South	Medium Density Residential	R-1 <i>Single Family Residential District</i>	Single Family Residential
West	Medium Density Residential	R-1 <i>Single Family Residential District</i>	Single Family Residential

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-12-001/C-12-047 was published on June 14, 2013 with no comments or appeals received to date.

BACKGROUND / ANALYSIS

Joseph Guagliardo, on behalf of Jim and Isabel Medina, has filed Rezone Application No. R-12-001 and Conditional Use Permit Application No. C-12-047 pertaining to approximately 0.19 acres of property. The applicant proposes Rezone Application No. R-12-001 to modify the existing conditions of zoning of

the subject property listed in Ordinance No. 2006-26 for Rezone Application No. R-04-048 and Conditional Use Permit Application No. C-12-047 to establish an auto repair garage on the subject property, which is currently used as a Tire, Battery, and Accessory Parts, Retail Sales Service Store. The auto repair garage use will allow the applicant to expand the services provided to customers, which are currently limited to those of a Tire, Battery, and Accessory Parts, Retail Sales Service Store. The application also requests authorization to amend the hours of operation and modify the conditions of approval. The applications do not propose any modifications to the existing building. The only work proposed will be site work, which includes the installation of a planter and restriping of the site. The application also includes the installation of a trash enclosure previously approved. The existing C-5 zoning is consistent with the Tower District Specific Plan. Surrounding land uses are characterized by single family residential uses on all sides of the subject property. The property is located along scenic Van Ness Boulevard.

History of Property

The subject property at 2740 North Van Ness Boulevard is developed with an automobile service station which is estimated to be the oldest operating gas station in the state and second oldest in the entire country. In 1926 the site was opened by the Standard Oil Company and was purchased by Russ Clements in 1928 where he operated the facility until his death in 1986. In 1981, the property was designated on the local register for historic resources. Jim Clements, son of Russ Clements, continued to operate the station until 1991. The property was then sold to Garabed Bedirian who continued the station operation until 1998. At that time, the gasoline sales component of the site ceased and the underground storage tanks were removed in 1999. However, the site did remain functional as an auto repair facility, which was operated by another lessee. In late 2001, the current owner, James Medina, commenced operations as an automotive repair facility. In June 2003, vapor extraction equipment was installed to remediate soil contamination stemming from the use of the underground tanks. This remediation process was expected to continue for another nine months to a year. In 2004, Mr. Medina filed Rezone Application No. R-04-048 and Conditional Use Permit Application No. C-04-126 to bring the property into conformance with all applicable plans, policies and zoning ordinance provisions of the City of Fresno.

The subject site had been zoned R-1 (*Single Family Residential*) since 1960. Although the service station use was not permitted in the R-1 zone district, the use of the property was essentially "grandfathered" into a legal nonconforming status. In 1991, the adoption of the Tower District Specific Plan recognized the property and its integral contribution to the immediate area and community. As a result, the property was designated for neighborhood commercial land use by the specific plan, which also specified that the appropriate zone districts to implement this designation would be C-1, C-2 and C-5. A conditional use permit was required to establish the use as a Tire, Battery, and Accessory Parts Retail Sales and Service Store, which allowed certain auto repairs. In addition, the applicant was proposing the construction of a canopy structure to allow for incidental repairs. However, staff was not supportive of the canopy addition.

The applicant has operated under Rezone Application No. R-04-048 and Conditional Use Permit Application No. C-04-126 since their approval in April of 2006. On October 5, 2009 the Director of the Development and Resource Management (DARM) Department revoked Conditional Use Permit Application No. C-04-126 based on evidence that the applicant was not in compliance with the conditions of Conditional Use Permit Application No. C-04-126. The applicant appealed the decision to the Planning Commission and the revocation appeal was considered at several Planning Commission hearings. On February 3, 2012, the Planning Commission granted the appeal and the revocation was overturned. The Planning Commission voted that the applicant operated the business in substantial

compliance with the conditions of Conditional Use Permit Application No. C-04-126 and Rezone Application No. R-04-048. Therefore, there was not substantial evidence in the record to support a revocation.

In 2011 the applicant submitted a Director Classification request to the Development and Resource Management Department. On July 7, 2011 the Director of the Development and Resource Management Department approved Director Classification No. DC-11-001, which added a "repair garage" as a use permitted subject to a conditional use permit in the C-5 zone district.

Conditions of Zoning

On March 7, 2006 the Fresno City Council adopted Ordinance No. 2006-26 for Rezone Application No. R-04-048, which was a request to rezone the subject property from the R-1 (*Single Family Residential*) zone district to the C-5/cz (*General Commercial/conditions of zoning*) zone district. The ordinance bill listed several conditions of zoning for the subject property. Below are the existing conditions of zoning with the proposed modifications.

Text in **bold** is added language, ~~strikethrough~~ text is removed,

- A. All **major** repairs of vehicles shall occur inside of the existing structures on-site. **Minor repairs, such as windshield wiper replacement, battery replacement, and testing of electrical components may take place outside of the buildings but on site.**
- B. ~~There shall be no repairs of engine blocks or transmissions on site.~~
- C. Any tire sales ~~and their~~ installation shall occur on site inside a building.
- D. ~~There shall be no canopy(s) constructed as part of Conditional Use Permit No. C-04-126.~~
- E. Development shall occur in conformance to Exhibit A dated **March 27, 2013** ~~9/26/05~~ which denotes the following:
 - a. ~~No overnight parking of vehicles within the front 20 feet along the Van Ness Avenue frontage.~~
 - b. The applicant shall maintain a clear path **of travel on site for vehicular and pedestrian access (no vehicle storage)**, ~~as depicted on Exhibit A dated 9/26/05, for delivery traffic.~~
 - c. A no parking zone shall be painted on the southeast corner of Van Ness and Princeton Avenues extending 30 feet in each direction (south and east) from the intersection.
 - d. ~~Landscaping shall be in compliance with Exhibit A, dated 9/26/05.~~
 - e. Applicant shall plant a climbing **vine** ~~vine~~ on the solid masonry wall to deter graffiti.
- F. ~~There shall be not more than a maximum of 15 vehicles, including any vehicles within the existing buildings, for repair on-site during business hours and 10 vehicles stored overnight at any time.~~ **Storage of vehicles shall be on site and in conformance with the Exhibit A dated March 27, 2013.**
- G. All vehicles scheduled for repairs shall be parked on-site and not along Van Ness **Boulevard** or Princeton Avenues and shall not block pedestrian traffic.
- H. ~~Tow truck deliveries shall be limited to business hours only 7:30 a.m. to 6:00 p.m.~~

- I. Hours of operation shall be from 7:30 a.m. to 6:00 p.m. Monday through Friday, 7:30 a.m. to ~~42:00~~ **4:00** p.m. on Saturday, with the business being closed on Sundays.
- J. Customer vehicles shall be removed within 48 hours upon being repaired or face potential towing from site at the customers expense.
- K. There shall be a **minimum two** ~~three-foot to four-foot~~ high **planter/wall/fence** running parallel with the North Van Ness Boulevard property line ~~to be setback a distance of 25 feet to 30 feet~~ that will screen parked vehicles. The ~~height, type, and location~~ of said **planter/wall/fence** shall be left to the discretion of the Director of **Planning and Development and Resource Management** ~~and may include appropriate alternatives including landscaping.~~
- L. The applicant shall obtain any required permits from the San Joaquin Valley Air Pollution Control District, as the District deems appropriate.
- M. **Development and Resource Management Department staff shall conduct a compliance review every three years from the date of approval to verify that the subject property is in compliance with the conditions of zoning and the conditions of approval related to the conditional use permit.**

The subject property meets the principle objective of the Tower District Specific Plan which states, "To respect and enhance historic building fabric and other significant design elements when undertaking projects intended to preserve, rehabilitate, and/or revitalize the Tower Districts substantial and diverse inventory of historic resources". Staff has concluded that the above mentioned conditions of zoning with modifications will adequately address the interface between the existing commercial and residential uses. They also allow the proposed use to operate as a repair garage, while being considerate of the surrounding uses. Furthermore, the condition regarding compliance review every three years will insure all concerned parties that the business is adhering to all regulations.

Land Use Plans and Policies

The proposed project is consistent with the following goals, objectives and policies of the 2025 Fresno General Plan, Fresno High-Roeding Community Plan, and the 1991 Tower District Specific Plan:

Intensify efforts to preserve or enhance established neighborhoods and continue to identify and implement focused strategies, such as the Tower District Specific Plan, that addresses particular needs or issues of unique neighborhoods (General Plan Policy C-2-j).

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

The Historic Russ Clements Service Station has been an integral part of the history of the Fresno community, specifically in the Fresno High area. It is considered to be the oldest service station in California and second oldest in the nation. Its location along scenic Van Ness Boulevard adds to the aesthetic landscape of the area. In 1981, this landmark feature was placed on the local Register of Historic Resources that will help insure the buildings maintenance and preservation for years to come. The conditions of zoning as described above are intended to address aesthetic and interface concerns between the existing use and the adjacent residential areas.

Stabilize neighborhoods to prevent any further loss or erosion of character defining elements (Tower District Specific Plan Objective 1).

Recognize historical precedents for lot size and mixed patterns of density and development in planning for a greater utilization of land buildings and other resources in the Tower District (Tower District Specific Plan Policy 3).

The subject property is on the local Register for Historic Resources (Russ Clements Service Station #176) and shall be preserved. The applicant is proposing no structural changes to the original facades of the buildings and that the original buildings be used for the proposed operation in efforts to promote continuity and compatibility with the existing neighborhood. The proposed conditions of zoning as described above together with the conditions of approval are intended to mitigate parking, traffic, aesthetic, and noise concerns. The applicant is committed to making the necessary investments to preserve the historical character of the building and neighborhood.

District Committee

The Tower District Specific Plan Design Review Committee approved the rezone and conditional use permit applications at their meeting on June 13, 2012 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.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.	
<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 subject property is approximately 0.19 acres in size and has an adequate amount of space, if developed in accordance with the project's site plan and conditions of zoning, to meet all applicable requirements of the Code and as established in the Special Permit Conditions of Approval dated July 17, 2013.
<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 Transportation Planning section of the Public Works Department has estimated that the proposed use can be accommodated by the adjacent streets subject to the conditions of approval listed. The proposed project will construct the required improvements necessary for the traffic generated by the project and will maintain a no parking area at the southwest corner of Van Ness Boulevard and Princeton Avenue.
<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</i> c:	The staff of the Development and Resource Management Department has determined that the proposed use will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the related rezone and conditional use permit application review processes.
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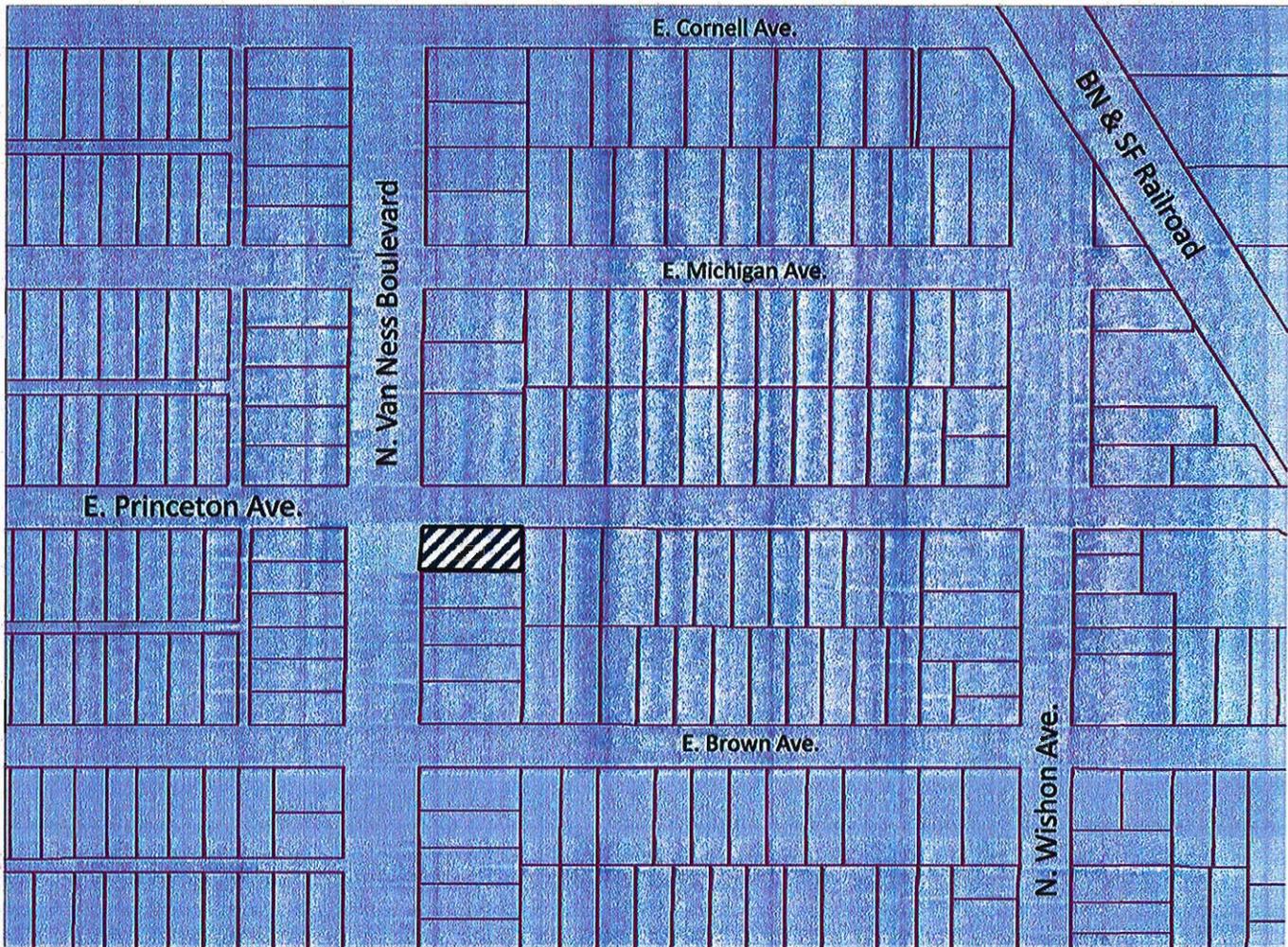
CONCLUSION

Action by the Planning Commission regarding the rezone application and associated environmental assessment will be a recommendation to City Council. Action by the Planning Commission regarding the conditional use permit application, unless appealed to the Council, is final.

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan, the Fresno High-Roeding Community Plan, and the Tower District Specific 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-12-001 and Conditional Use Permit Application No. C-12-047 are appropriate for the subject property.

- Attachments:
- Vicinity Map
 - 2012 Aerial Photograph
 - Public Hearing Notice Mailing List Vicinity Map
 - 2025 Fresno General Plan Planned Land Use Map
 - Operational Statement dated December 2012
 - Ordinance Bill No. 2006-26 and proposed modifications
 - Exhibits for Conditional Use Permit Application No. C-12-047
 - Conditions of Approval for Conditional Use Permit Application No. C-12-047 dated July 17, 2013 and Agency Comments
 - Environmental Assessment No. R-12-001/C-12-047, finding of a Finding of Conformity dated June 14, 2013

Vicinity Map



 Subject Property

VICINITY MAP



**DEVELOPMENT AND RESOURCE
MANAGEMENT DEPARTMENT**

**REZONE APPLICATION NO. R-12-001
& CONDITIONAL USE PERMIT
APPLICATION NO. C-12-047**

PROPERTY ADDRESS

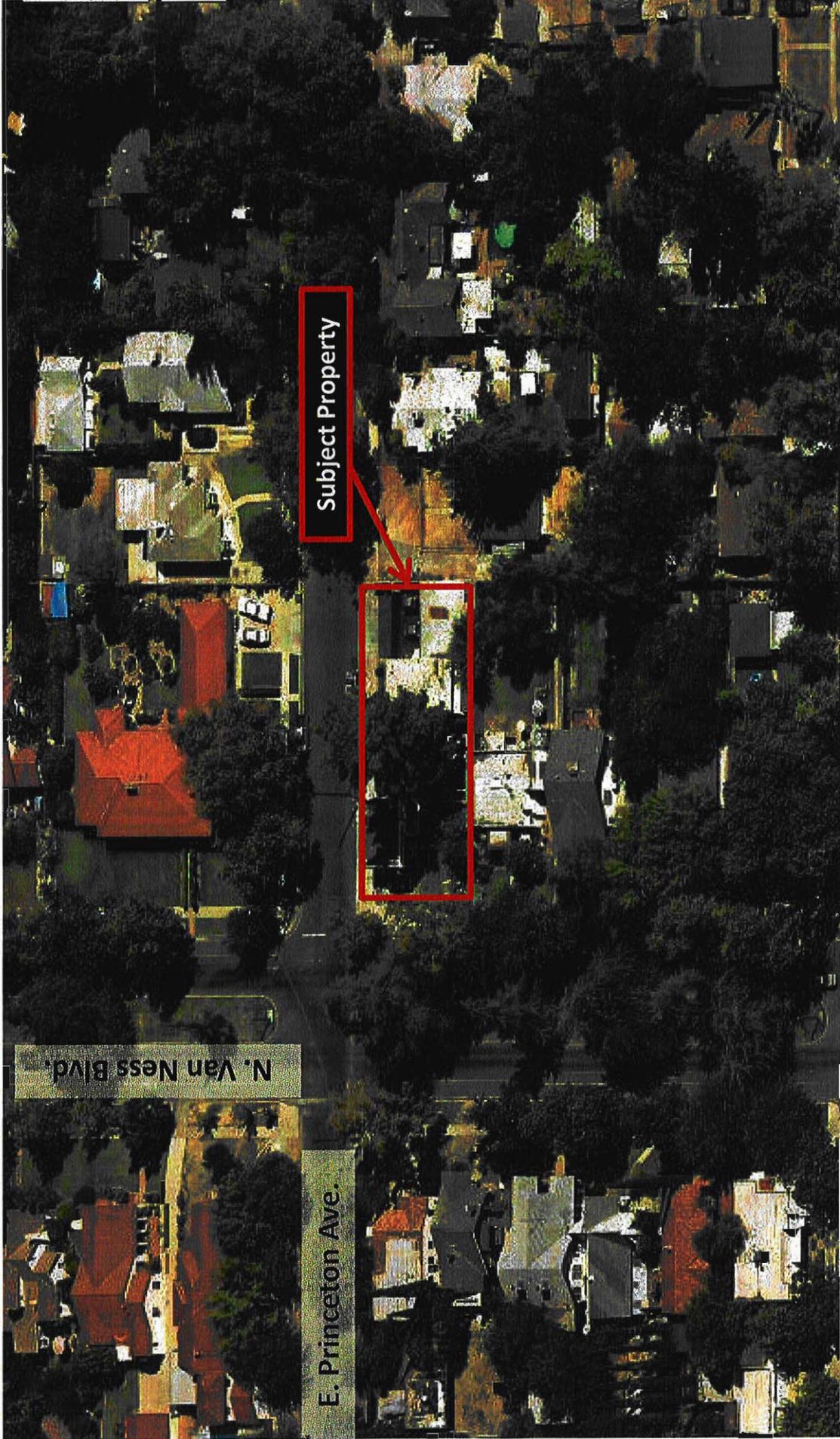
2740 N. Van Ness Boulevard

APN: 443-241-01

**Zone District: C-5/cz to C-5/cz
By: M.Contreras, June 25, 2013**

2012 Aerial Photograph

2012 Aerial Photograph



Subject Property

N. Van Ness Blvd.

E. Princeton Ave.

2740 North Van Ness Boulevard



Public Hearing Notice Mailing List Vicinity Map

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Request ID: R-12-001 350

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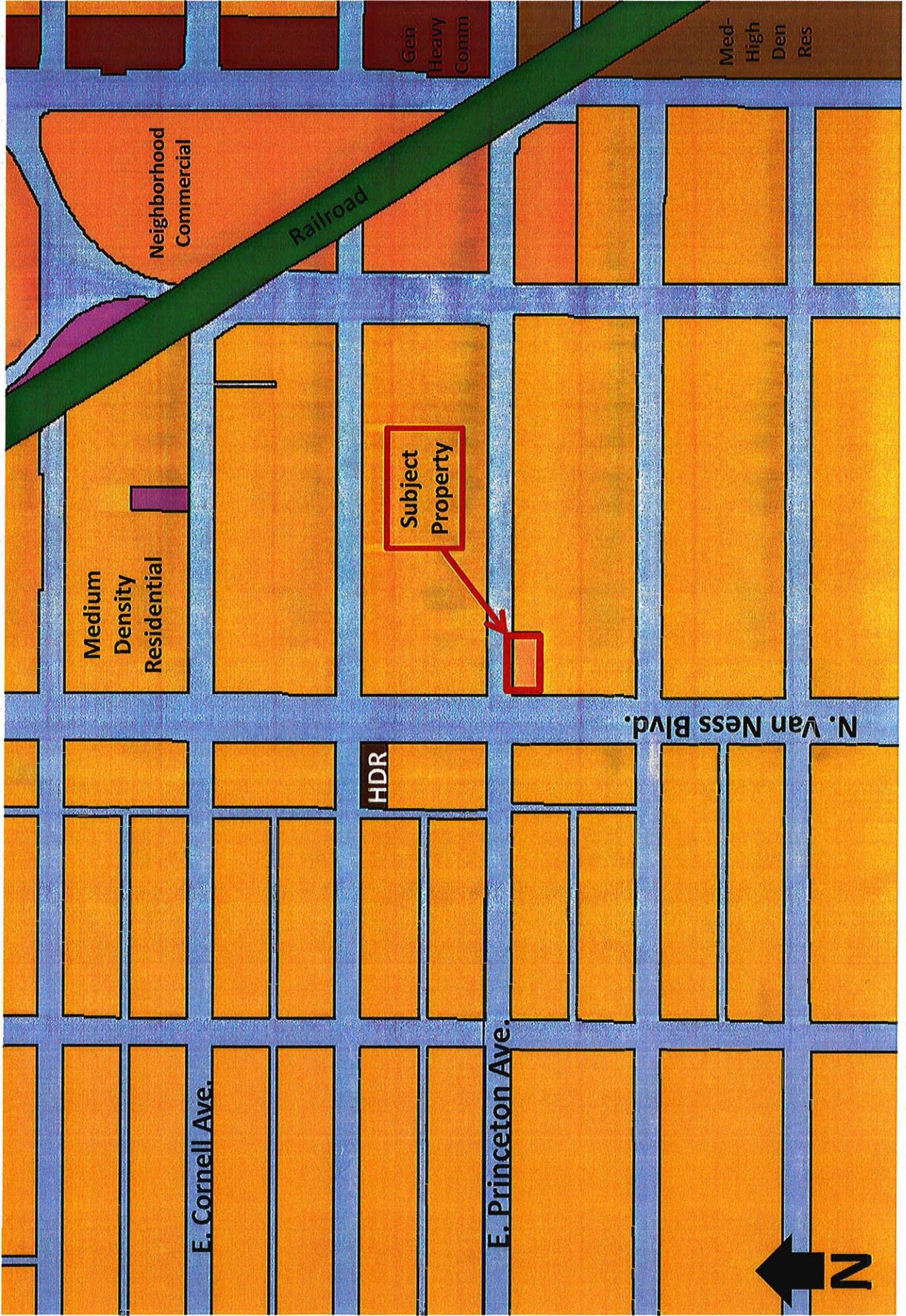
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N VAN NESS BLVD

E HARVARD AVE

2025 Fresno General Plan Planned Land Use Map

2025 Fresno General Plan Planned Land Use Map



Operational Statement

Operational Statement
Rezoning and Conditional Use Permit
For
Van Ness Automotive
2740 N. Van Ness
APN 443-241-01
Revised December 2012

Applicant/Owner

Mr. and Mrs. Jim Medina
Van Ness Automotive
2740 N. Van Ness
Fresno, CA 93704
559-227-3190

Representative

Joseph Guagliardo
Comprehensive Planning Associates, Inc.
5414 E. Pitt
Fresno, CA 93727
559-259-5000

Background

The applicants own and operate an automobile repair facility located at 2740 N. Van Ness (SEC of N. Van Ness and E. Princeton-Subject Property). The Subject Property has been operated as a gas station and repair facility since 1926 when it was opened by the Standard Oil Company. The property was subsequently acquired by Mr. Russ Clements in 1928 and was operated by him until his death in 1986. Mr. Clements' son, Jim, operated the station until 1991. At that time, the property was sold to Mr. Garabed Bedrian who continued to operate the station until 1998. At that time, the gasoline sales at the site ceased and the underground storage tanks were removed in 1999. However, the site continued to operate and function as an auto repair facility by another lessee.

In June 2001, Mr. Jim Medina began leasing property and performing automobile repairs. Mr. Medina has subsequently purchased the property and continues to operate the facility as an automobile repair facility.

In 2004, Mr. Medina filed Rezone Application (C-04-08) and Conditional Use Permit Application (C-04-126) to bring the property into conformance with the City of Fresno General Plan and to recognize the ongoing automobile repair related uses that have occurred on the property. The City of Fresno Planning Commission approved Conditional Use Permit and recommended approval of the Rezone Application to the City Council on February 1, 2006. Subsequently, on March 7, 2006 the Fresno City Council approved the Conditional Use Permit and property rezoning.

However, the rezoning and CUP limited the uses on property to those consistent with the provisions of a "Tire, Batter, and accessory Parts Retail Sales and Service Store" (sic). In addition, conditions were created that materially restricted the successful operation of the facility. The end result being that the limitations materially impact the Applicant's ability to operate and continue to maintain the historic architectural elements of the facility.

In the 6 years since the rezoning and CUP were approved, the Applicant has had the opportunity do more extensive repairs on vehicles than those allowed by the approved zoning and CUP. However, the ability to expand the services provided was limited by the conditions imposed by the C-5 zoning and conditional use permit.

In order to expand the services provided on site, the Applicant requested, and the City of Fresno Development and Resource Management Department (DARM) approved, a Director's Classification (DC11-01) to allow the operation of a Repair Garage within the C-5 zone district through the approval of a Conditional Use Permit (CUP).

The facility currently operates Monday through Saturday. The hours of operation are typically 7:30 am to 6:00 pm. However, there are times when it is necessary to work on vehicles after that time.

The facility has 5 employees in addition to the Applicant that work on site.

No additional buildings are proposed for the site. All buildings on the site are 1-story in height and do not exceed 30' in height.

Request

The applicant is requesting that the conditions imposed with R04-48 be modified and that a new CUP be issued allow the site to operate as a Repair Garage (as provided by DC 11-01). The requested modifications to CUP 04-08 and R04-08 are as follows:

- A. All repairs of vehicles shall occur inside of the existing structures on-site.
 - a. *This condition is not clear and has caused confusion in the past. Minor items such as the replacement of windshield wiper blades have interpreted as a repair. Such minor repairs are typical at a service station and typically occur outside the building.*
 - b. ***It is requested that this condition be modified to read, "All major repairs shall occur inside of structures on-site. Minor repairs, such as windshield wiper replacement, battery replacement, testing of electrical components, and tire replacement may take place outside of the buildings."***
- B. There shall be no repairs of engine blocks or transmissions on site.
 - a. *A repair garage is typically allowed such repairs.*
 - b. ***It is requested that this condition be removed.***
- C. Any tire sales and their installation shall occur on-site inside a building.
 - a. *The installation of tires is typically done very quickly and does not have a material impact.*
 - b. ***It is requested that this condition be removed.***
- D. There shall be no canopy(s) constructed as part of Conditional Use permit No. C-04-126.
 - a. ***No change requested.***

- E. Development shall occur in conformance to Exhibit A dated 9/26/05 which denotes the following:
- a. No overnight parking of vehicles within the front 20 feet along the Van Ness Avenue frontage.
 - i. *As shown on the Exhibit, dated May 27, 2010 there is adequate area to park vehicles along the south property line and the existing canopy is within 20 feet of Van Ness Boulevard.*
 - ii. *There is no restriction to residences parking their vehicles in the first 20' of their property.*
 - iii. ***It is requested that this condition be modified to read, "All development shall take place as provided in the attached Exhibit dated May 27, 2010."***
 - b. The applicant shall maintain a clear path (no vehicle storage), as depicted on exhibit A dated 9/26/05, for delivery traffic.
 - i. *Deliveries to the facility are typically consist of small parts, uniforms, etc and are done in small vehicles.*
 - ii. *As shown in the attached Exhibit dated May 27, 2010 an aisle can be maintained on the site.*
 - iii. ***It is requested that this condition be modified to read, "All development shall take place as provided in the attached Exhibit dated May 27, 2010."***
 - c. A no parking zone shall be painted on the southeast corner of Van Ness and Princeton Avenues extending 30 feet in each direction (south and east) from the intersection.
 - i. ***No change requested.***
 - d. Landscaping shall be in compliance with Exhibit A, dated 9/26/05.
 - i. ***It is requested that this condition be modified to read, All development shall be in compliance with the attached Exhibit dated May 27, 2010.***
 - e. Applicant shall plant a climbing vine on the sold masonry wall to deter graffiti.
 - i. ***No change requested.***
- F. There shall be no more than a maximum of 15 vehicles, including any vehicles within the existing buildings, for repair on-site during business hours and 10 vehicles stored overnight at any time.
- a. As shown on the attached Exhibit dated May 27, 2010 there is adequate storage on-site for up to 17 vehicles.
 - b. Such a limitation on vehicles is not typically required of service stations or repair garages.
 - c. ***It is requested that this condition be modified to read, "Storage of vehicles on site shall be in conformance with the attached Exhibit dated May 27, 2010.***
- G. All vehicles schedule for repairs shall be parked on-site and not along Van Ness or Princeton Avenues and shall not block pedestrian traffic.
- a. ***No change requested.***
- H. Tow truck deliveries shall be limited to business hours only 7:30 am to 6:00 pm.
- a. *The applicant cannot control when a customer's vehicle may break down and need to be towed to the facility.*
 - b. *Tow truck drivers do not typically contact a facility before delivering a vehicle.*
 - c. *The applicant cannot control when a tow truck may deliver a vehicle.*

- d. ***It is requested that this condition be removed.***
- I. Hours of operation shall be from 7:30 am to 6:00 pm Monday through Friday, 7:30 am to 12:00 pm on Saturday, with the business being closed on Sunday.
 - a. From time to time, the applicant may need to do incidental work past the hours listed above or on Sundays.
 - b. Any such work would be considered a violation of the zoning and/or CUP.
 - c. ***It is requested that the this condition be modified to read, "Hours of operation shall be from 7:00 am to 10:00 pm Monday through Friday, 7:30 am to 7:00 pm on Saturday and from 8:00 am to 5:00 pm on Sunday. No impact wrenches or compressors may be used after 6:00 pm."***
- J. Customer vehicles shall be removed within 48 hours upon being repaired or face potential towing from site at customer's expense.
 - a. ***No change requested.***
- K. There shall be a three-foot to four-foot high wall/fence running parallel with North Van Ness Boulevard to be setback a distance of 25 feet to 30 feet that will screen parked vehicles. The height, type and location of said wall/fence shall be left to the discretion of the Director of Planning and Development and may include appropriate alternatives including landscaping.
 - a. *The installation of such a wall or landscaping will materially change the overall appearance of the building and would be contrary to the historic nature of the property and effectively eliminate the historic canopy.*
 - b. *The installation of the wall or landscaping will materially impact the ability of the applicant to operate the facility.*
 - c. *Such walls or landscaping requirements are not typical within any commercial zone district.*
 - d. ***It is requested that this condition be removed.***
- L. The applicant shall obtain any required permits from the San Joaquin Valley Air Pollution Control District, as the District deems appropriate.
 - a. ***No change requested.***
- M. Required 20' of landscaping on Van Ness Frontage
 - a. *The installation of such landscaping would materially change the appearance of the property and would be wholly inconsistent with the historic nature of the property.*
 - b. *In addition, the installation of the landscaping would necessitate the removal of historic architectural elements on the property which lend an ambiance to the property and reinforce the historic presence of the site.*
 - c. ***It is requested that this requirement be removed.***

Ordinance Bill No. 2006-26 and Proposed Modifications

Recording Requested by:
City Clerk, Fresno, California
No Fee-Govt. Code 6103

Return to City Clerk, Fresno

Space above this line reserved for Fresno County Recorder's Office



ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Boyajian SECONDED BY Duncan

BILL NO. B-27

ORDINANCE NO. 2006-26

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF FRESNO

WHEREAS, Rezone Application No. R-04-48 has been filed by James Medina, property owner, with the City of Fresno to rezone property as described hereinbelow; and,

WHEREAS, the Tower District Design Review Committee considered this application at its meeting of August 2, 2005, and recommended conditional approval; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 1st day of February, 2006, to consider Rezone Application No. R-04-48 and related Environmental Assessment No. R-04-48/C-04-126, during which the Commission recommended to the Council of the City of Fresno approval of the subject environmental assessment and rezone application amending the City's Zoning Ordinance on real property described hereinbelow from the R-1 (*Single Family Residential*) zone district to the C-5/cz (*Sgeneral Commercial/conditions of zoning*) zone district; and,

WHEREAS, on February 1, 2006, the Fresno City Planning Commission considered the staff report and related information and received public testimony with respect to the proposed rezone

Adopted 3/7/06
Approved 3/7/06
Effective 4/7/06

2006-26



application and considered the proposed project in accordance with the policies of the Tower District Specific Plan and the 2025 Fresno General Plan and recommended to the City Council that the rezoning of the subject property be approved as described above, subject to the following conditions:

- A. All repairs of vehicles shall occur inside of the existing structures on-site.
- B. There shall be no repairs of engine blocks or transmissions on site.
- C. Any tire sales and their installation shall occur on-site inside a building.
- D. There shall be no canopy (s) constructed as part of Conditional Use Permit No. C-04-126.
- E. Development shall occur in conformance to Exhibit A dated 9/26/05 which denotes the following:
 - a. No overnight parking of vehicles within the front 20 feet along the Van Ness Avenue frontage.
 - b. The applicant shall maintain a clear path (no vehicle storage), as depicted on Exhibit A dated 9/26/05, for delivery traffic.
 - c. A no parking zone shall be painted on the southeast corner of Van Ness and Princeton Avenues extending 30 feet in each direction (south and east) from the intersection.
 - d. Landscaping shall be in compliance with Exhibit A, dated 9/26/05.
 - e. Applicant shall plant a climbing vine on the solid masonry wall to deter graffiti.
- F. There shall be not more than a maximum of 15 vehicles, including any vehicles within the existing buildings, for repair on-site during business hours and 10 vehicles stored overnight at any time.
- G. All vehicles scheduled for repairs shall be parked on-site and not along Van Ness or Princeton Avenues and shall not block pedestrian traffic.
- H. Tow truck deliveries shall be limited to business hours only 730 am to 600 pm.
- I. Hours of operation shall be from 7:30 am to 6:00 pm Monday through Friday, 730 am to 1200 pm on Saturday, with the business being closed on Sundays.
- J. Customer vehicles shall be removed within 48 hours upon being repaired or face potential towing from site at the customers expense.
- K. There shall be a three-foot to four-foot high wall/fence running parallel with North Van Ness Boulevard to be setback a distance of 25 feet to 30 feet that will screen parked vehicles. The height, type, and location of said wall/fence shall be left to the discretion of the Director of Planning and Development and may include appropriate alternatives including landscaping.
- L. The applicant shall obtain any required permits from the San Joaquin Valley Air Pollution Control District, as the District deems appropriate.

WHEREAS, the Council of the City of Fresno, on the 7th day of March, 2006, received the recommendation of the Planning Commission.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed rezoning



is in the best interest of the City of Fresno. The Council finds in accordance with its own independent judgment that there is no substantial evidence in the record that the rezoning may have a significant effect on the environment as identified by the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) dated August 31, 2006, prepared for Environmental Assessment No. R-04-48/C-04-126. Accordingly, Environmental Assessment No. R-04-48 is hereby approved.

SECTION 2. The Council finds the requested C-5/cz zone district is consistent with the existing neighborhood commercial land use designations of the 2025 Fresno General Plan and the Tower District Specific Plan as specified in Section 12-403-B of the Fresno Municipal Code and the planned land Use/zoning Consistency Matrix as depicted in Section 8-2 of the Tower District Specific Plan.

SECTION 3. The Council finds that the zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the R-1 (*Single Family Residential*) zone district to the C-5/cz (*General Commercial/conditions of zoning*) zone district.

From R-1 to C-5/cz:

Lots 40 and 41 in Block 8 of Van Ness Heights, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 8 page 19 of record of Surveys, Fresno County Records.

SECTION 4. The development of the property described in Section 3 shall be conditioned upon the following list of conditions, all of which are recorded and on file with the Fresno County Recorder's Office:

- A. All repairs of vehicles shall occur inside of the existing structures on-site.
- B. There shall be no repairs of engine blocks or transmissions on site.
- C. Any tire sales and their installation shall occur on-site inside a building.
- D. There shall be no canopy (s) constructed as part of Conditional Use Permit No. C-04-126.
- E. Development shall occur in conformance to Exhibit A dated 9/26/05 which denotes the following:
 - a. No overnight parking of vehicles within the front 20 feet along the Van Ness Avenue frontage.



- b. The applicant shall maintain a clear path (no vehicle storage), as depicted on Exhibit A dated 9/26/05, for delivery traffic.
- c. A no parking zone shall be painted on the southeast corner of Van Ness and Princeton Avenues extending 30 feet in each direction (south and east) from the intersection.
- d. Landscaping shall be in compliance with Exhibit A, dated 9/26/05.
- e. Applicant shall plant a climbing vine on the solid masonry wall to deter graffiti.
- F. There shall be not more than a maximum of 15 vehicles, including any vehicles within the existing buildings, for repair on-site during business hours and 15 vehicles stored overnight at any time.
- G. All vehicles scheduled for repairs shall be parked on-site and not along Van Ness or Princeton Avenues and shall not block pedestrian traffic.
- H. Tow truck deliveries shall be limited to business hours only 730 am to 600 pm.
- I. Hours of operation shall be from 7:30 am to 6:00 pm Monday through Friday, 730 am to 1200 pm on Saturday, with the business being closed on Sundays.
- J. Customer vehicles shall be removed within 48 hours upon being repaired or face potential towing from site at the customers expense.
- K. There shall be a decorative three-foot to four-foot high wall/fence or hedge , in combination with enhanced landscaping that will screen parked vehicles. The height, type, and location of said wall/fence or hedge shall be left to the discretion of the Director of Planning and Development and may include appropriate alternatives.
- L. The applicant shall obtain any required permits from the San Joaquin Valley Air Pollution Control District, as the District deems appropriate.

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 7th day of March, 2006, by the following vote:

Ayes: Boyajian, Dages, Perea, Duncan
Noes: Calhoun
Absent: Sterling, Westerlund
Abstain: None

REBECCA E. KLISCH
City Clerk

By *Rebecca Klisch*

APPROVED AS TO FORM:

HILDA CANTÚ MONTÓY
City Attorney

By *Hilda Cantú Montóy*
Deputy

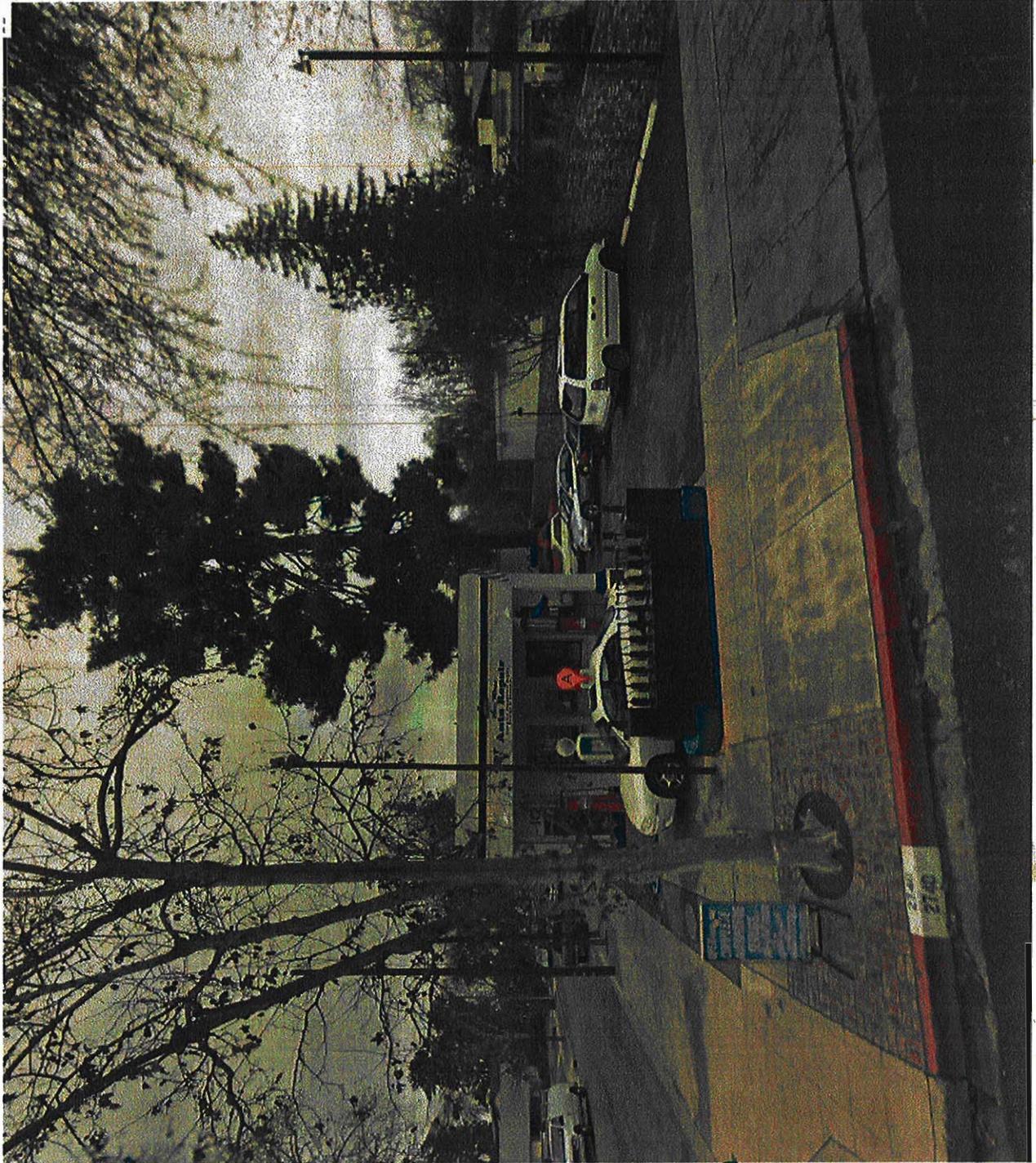
Rezone Application No. R-04-48
Filed by James Medina
Assessors Parcel No. 443-241-01

Proposed Conditions of Zoning for R-12-001

- A. All major repairs of vehicles shall occur inside of the existing structures on-site. Minor repairs, such as windshield wiper replacement, battery replacement, and testing of electrical components may take place outside of the buildings on-site.
- B. Any tire installation shall occur on-site and inside a building.
- C. Development shall occur in conformance to Exhibit A dated March 27, 2013 which denotes the following:
 - i. The applicant shall maintain a clear path of travel.
 - ii. A no parking zone shall be painted on the southeast corner of Van Ness and Princeton Avenues extending 30 feet in each direction (south and east) from the intersection.
 - iii. Applicant shall plant a climbing vine on the solid masonry wall to deter graffiti.
- D. Storage of vehicles shall be on-site and in conformance with the Exhibit A dated March 27, 2013.
- E. All vehicles scheduled for repairs shall be parked on-site and not along Van Ness Boulevard or Princeton Avenue and shall not block pedestrian traffic.
- F. Hours of operation shall be from 7:30 a.m. to 6:00 p.m. Monday through Friday, 7:30 a.m. to 4:00 p.m. on Saturday, with the business being closed on Sundays.
- G. Customer vehicles shall be removed within 48 hours upon being repaired or face potential towing from site at the customers expense.
- H. There shall be a minimum two foot high planter/wall/fence running parallel with the North Van Ness Boulevard property line that will screen parked vehicles. The type of said planter/wall/fence shall be left to the discretion of the Director of Development and Resource Management.
- I. The applicant shall obtain any required permits from the San Joaquin Valley Air Pollution Control District, as the District deems appropriate.
- J. Development and Resource Management Department staff shall conduct a compliance review every three years from the date of approval to verify that the subject property is in compliance with the conditions of zoning and the conditions of approval related to the conditional use permit.

Exhibits for Conditional Use Permit
Application No. C-12-047

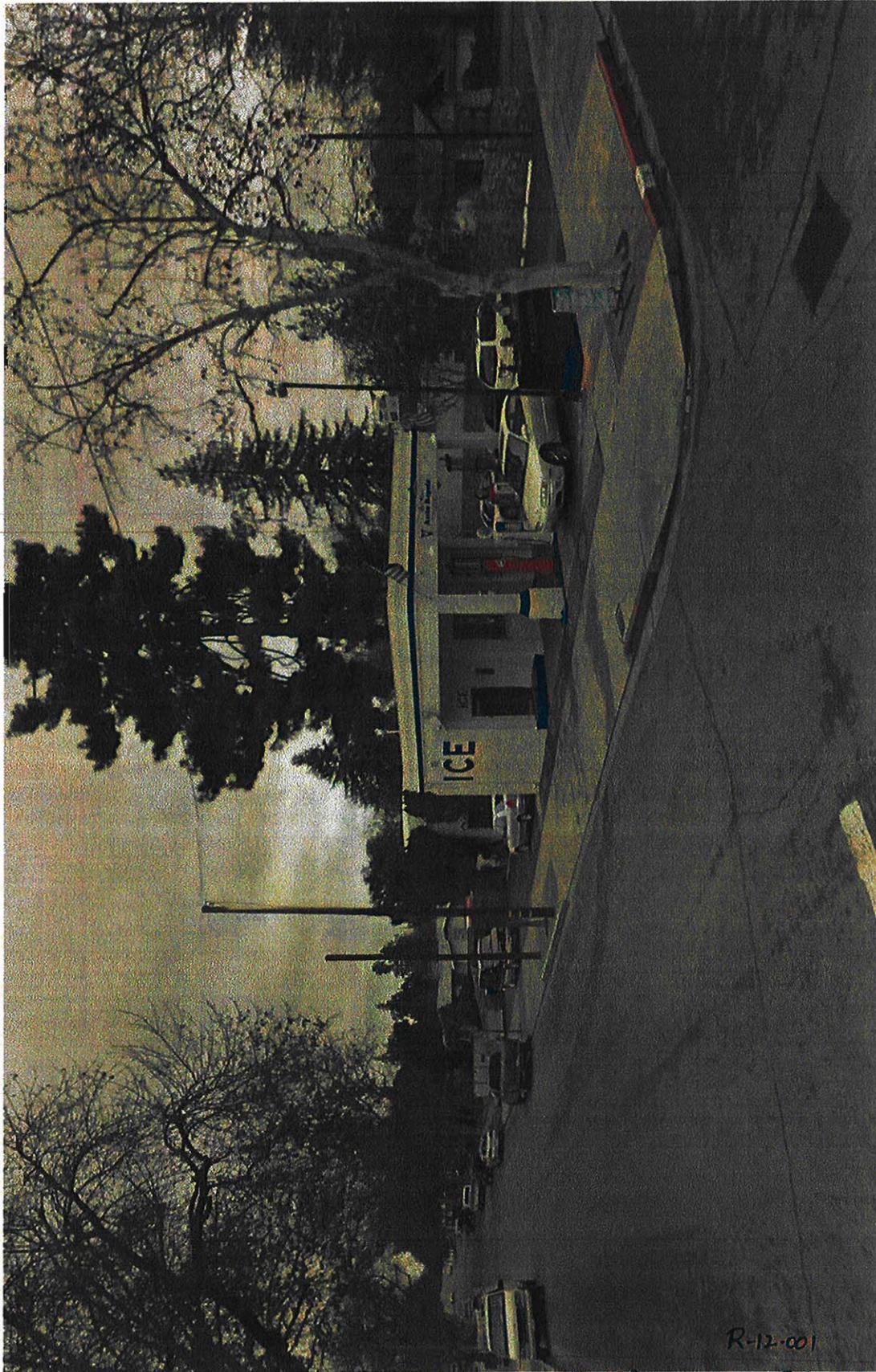
VAN NESS AUTOMOTIVE
VIEW FROM VAN NESS BOULEVARD



R-12-001

APPL. NO	C-12-049	EXHIBIT	E-1	DATE	4-16-12
PROJ. ENG.				DATE	
TRAFFIC ENG.				DATE	
COND. APPROVED BY				DATE	
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT					

VAN NESS AUTOMOTIVE
2740 N. VAN NESS

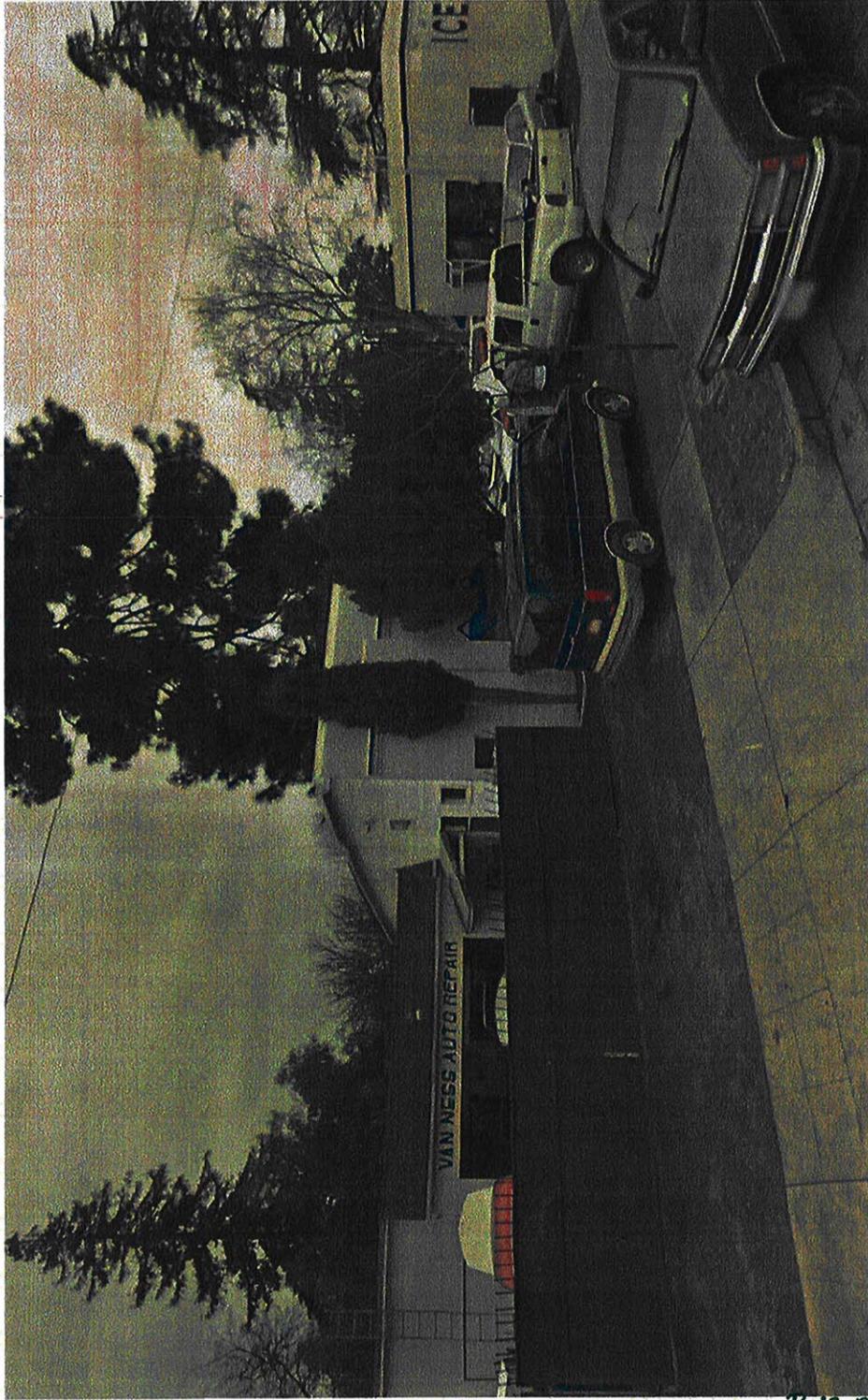


VIEW LOOKING SOUTHEAST
FROM VAN NESS AND PRINCETON

R-12-001

APPL. NO.	C-12-047	EXHIBIT	E-2	DATE	4-16-12
PROJ. ENG.	_____	DATE	_____	_____	_____
TRAFFIC ENG.	_____	DATE	_____	_____	_____
COND. APPROVED BY	_____	DATE	_____	_____	_____
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT					

VAN NESS AUTOMOTIVE
2740 N. VAN NESS



VIEW OF PRINCETON AVENUE FRONTAGE

R-12-001

APPL. NO. <u>C-12-047</u>	EXHIBIT <u>E-3</u>	DATE <u>4-16-12</u>
PROJ. ENG. _____	DATE _____	
TRAFFIC ENG. _____	DATE _____	
COND. APPROVED BY _____	DATE _____	
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT		

Conditions of Approval and
Agency Comments

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

CONDITIONS OF APPROVAL

JULY 17, 2013

CONDITIONAL USE PERMIT APPLICATION NO. C-12-047

2740 NORTH VAN NESS BOULEVARD

The Planning Commission will consider approval of Conditional Use Permit Application No. C-12-047 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-12-047 proposes to amend Conditional Use Permit Application No. C-04-126 to allow the property to operate as a repair garage in the C-5 zone district and to amend the hours of operation and modify the conditions of approval.

CONDITIONS OF APPROVAL

These conditions of approval will replace the conditions of approval for Conditional Use Permit Application No. C-04-126.

PART A – ITEMS TO BE COMPLETED

The following items are required prior to operation (unless otherwise stated):

Planner to check when completed		
<input type="checkbox"/>	1.	Development shall take place in accordance with Exhibit A dated March 27, 2013. Transfer all redline comments and conditions to the corrected exhibit(s).
<input type="checkbox"/>	2.	Transfer all redline comments from Louise Gilio of the Public Works Department from Exhibit A dated December 21, 2012 to the corrected exhibit.
<input type="checkbox"/>	3.	Landscaping must be in place two months after Rezone Application No. R-12-001 goes into effect. Submit a landscape certification form once landscape installation is complete.
<input type="checkbox"/>	4.	Prior to the change in operation, the applicant shall update and amend the Hazardous Materials Business Plan on file with the Fresno County Department of Public Health, Environmental Health Division.
<input type="checkbox"/>	5.	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.

PART B – OTHER REQUIREMENTS

1. Planning/Zoning/Environmental Compliance Requirements

- a) Development shall take place in accordance with the C-5 (*General Commercial*) zone district and all other applicable sections of the Fresno Municipal Code.
- b) Development shall take place in accordance with Director Classification No. DC-11-001.
- c) Development shall comply with the conditions of zoning approved by the City Council for Rezone Application No. R-12-001.
- d) Development shall take place in accordance with the policies of the 2025 Fresno General Plan, Fresno High-Roeding Community Plan, Tower District Specific Plan, and with the neighborhood commercial planned land use designation.
- e) Development shall take place in accordance with the attached "General Notes and Requirements for Entitlement Applications" as applicable.
- f) Property development standards and the complete list of planning requirements for this project are contained in the "Project Comments from Planning dated July 17, 2013."
- g) Any changes to approved elevations are subject to review and approval by the Development and Resource Management Department.
- h) Comply with the following conditions of zoning or as modified by the Planning Commission or City Council:
 - i. All major repairs of vehicles shall occur inside of the existing structures on-site. Minor repairs, such as windshield wiper replacement, battery replacement, and testing of electrical components may take place outside of the buildings on-site.
 - ii. Any tire installation shall occur on-site and inside a building.
 - iii. Development shall occur in conformance to Exhibit A dated March 27, 2013 which denotes the following:
 1. The applicant shall maintain a clear path of travel.
 2. A no parking zone shall be painted on the southeast corner of Van Ness and Princeton Avenues extending 30 feet in each direction (south and east) from the intersection.
 3. Applicant shall plant a climbing vine on the solid masonry wall to deter graffiti.
 - iv. Storage of vehicles shall be on-site and in conformance with the Exhibit A dated March 27, 2013.

- v. All vehicles scheduled for repairs shall be parked on-site and not along Van Ness or Princeton Avenues and shall not block pedestrian traffic.
- vi. Hours of operation shall be from 7:30 a.m. to 6:00 p.m. Monday through Friday, 7:30 a.m. to 4:00 p.m. on Saturday, with the business being closed on Sundays.
- vii. Customer vehicles shall be removed within 48 hours upon being repaired or face potential towing from site at the customers expense.
- viii. There shall be a minimum two foot high planter/wall/fence running parallel with the North Van Ness Boulevard property line that will screen parked vehicles. The type of said planter/wall/fence shall be left to the discretion of the Director of Development and Resource Management.
- ix. The applicant shall obtain any required permits from the San Joaquin Valley Air Pollution Control District, as the District deems appropriate.
- x. Development and Resource Management Department staff shall conduct a compliance review every three years from the date of approval to verify that the subject property is in compliance with the conditions of zoning and the conditions of approval related to the conditional use permit.

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 (Department of Public Utilities (for water and Sewer) dated April 26, 2012, the Department of Public Utilities (for solid waste) dated May 31, 2012 and January 4, 2013, the Public Works Department, Engineering Division dated May 24, 2012, the Fresno Fire Department dated May 2, 2012, Fresno Unified School District dated April 24, 2012, County of Fresno Department of Public Health dated April 25, 2012, Fresno Metropolitan Flood Control District dated May 2, 2012, and Fresno Police Department dated July 13, 2012).
 - i. Note that the hours referenced in the Police Department comments reflect the applicant's proposal. The hours of operation will be determined as part of the conditions of zoning approved by the Fresno City Council.

3. Miscellaneous Requirements

- a) Approval of Conditional Use Permit Application No. C-12-047 is contingent upon City Council approval of Rezone Application No. R-12-001.
- b) Outdoor storage is not permitted. Storage shall be located within existing buildings on-site.
- c) Tow truck deliveries shall be made on-site.

- d) 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.
- e) 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. The date of approval is the date Rezone Application No. R-12-001 becomes effective. 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.

Conditions of Approval
Conditional Use Permit Application No. C-12-047
July 17, 2013
Page 5

Enclosures: Exhibit A dated December 21, 2012 and March 27, 2013
Comments from Partner Agencies & Departments
Director Classification No. DC-11-001
General Notes and Requirements for Entitlement Applications



DEPARTMENT OF PUBLIC UTILITIES

Date: April 26, 2012

To: MCKENCIE CONTRERAS
Planning and Development Department

From: GREG CONTRERAS, Senior Engineering Technician 
Department of Public Utilities, Planning and Engineering



Subject: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-12-047

General

R-12-001 & C-12-047 were filed by Joseph Guagliardo of Comprehensive Planning Associates, Inc., on behalf of Van Ness Automotive, and pertains to 0.19 acre of property located on the southeast corner of North Van Ness Boulevard and East Princeton Avenue, 2740 North Van Ness Boulevard, APN 443-241-01. The applicant proposes to amend the existing zoning and conditional use permit to allow the property to operate as a repair garage in the C-5 zone district and to amend the hours of operation and modify the conditions of approval. The property is zoned C-5-cz, General Commercial-conditions of zoning.

Water Requirements

Water facilities are available to provide service to the site subject to the following requirements:

1. Water service & meter shall be required.



DEPARTMENT OF PUBLIC UTILITIES

Date: April 26, 2012

To: MCKENCIE CONTRERAS
Planning and Development Department

From: GREG CONTRERAS, Senior Engineering Technician *GC*
Department of Public Utilities, Planning and Engineering



Providing Life's Essential Services

Subject: SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-12-047

General

R-12-001 & C-12-047 were filed by Joseph Guagliardo of Comprehensive Planning Associates, Inc., on behalf of Van Ness Automotive, and pertains to 0.19 acre of property located on the southeast corner of North Van Ness Boulevard and East Princeton Avenue, 2740 North Van Ness Boulevard, APN 443-241-01. The applicant proposes to amend the existing zoning and conditional use permit to allow the property to operate as a repair garage in the C-5 zone district and to amend the hours of operation and modify the conditions of approval. The property is zoned C-5-cz, General Commercial-conditions of zoning.

Sewer Requirements

The nearest sewer mains to serve the proposed project are a 10-inch main located in North Van Ness Boulevard, a 10-inch main located in East Princeton Avenue, and a 6-inch main located along the east property line within a 10-foot wide sewer easement. The following sewer improvements shall be required prior to providing City sewer service to the project:

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

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.

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.

City of
FRESNO
DEPARTMENT OF PUBLIC UTILITIES

January 4, 2013

TO: MCKENCIE CONTRERAS, Planner III
Development Department, Planning Division

FROM: *Clw* CHRIS WEIBERT, Management Analyst II
Department of Public Utilities, Administration

SUBJECT: Entitlement No. C-12-047
Location: 2740 North Van Ness Boulevard, APN 443-241-01

The Department of Public Utilities, Solid Waste Division has completed a review of the Corrected Exhibit, dated December 21, 2012, for Entitlement No. C-12-047. The following requirements and conditions are to be placed on this project as Conditions of Approval by the Department of Public Utilities.

Have original comments been met?

Yes.

List Conditions that have not been satisfied; if applicable:

N/A

Is any additional information needed for you to complete your back check? (If yes, list specific information.):

N/A



DEPARTMENT OF PUBLIC UTILITIES



Date: May 31, 2012

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

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

Subject: R-12-001 & C-12-047 were filed by Joseph Guagliardo of Comprehensive Planning Associates, Inc., on behalf of Van Ness Automotive, and pertains to 0.19 acre of property located on the southeast corner of North Van Ness Boulevard and East Princeton Avenue, 2740 North Van Ness Boulevard, APN 443-241-01. The applicant proposes to amend the existing zoning and conditional use permit to allow the property to operate as a repair garage in the C-5 zone district and to amend the hours of operation and modify the conditions of approval. The property is zoned C-5-cz, General Commercial-conditions of zoning.

General

This location is serviced by a Commercial Solid Waste Franchisee. For service information, please contact Mid Valley Disposal at 559-237-9425 .

Does Project Affect Your Agency/Jurisdiction

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

Suggestions to Reduce Impacts/Address Concerns

Based on previously reviewed and approved site plan, Plan Check #07-11852, project location was to have a trash enclosure constructed at the northeast corner. The proposed trash enclosure was not to City Standard, however, the proposed enclosure was approved by Solid Waste Management Division on December 7, 2007. Excerpt from Plan Check #07-11852 site plan showing the details of the proposed trash enclosure is attached.

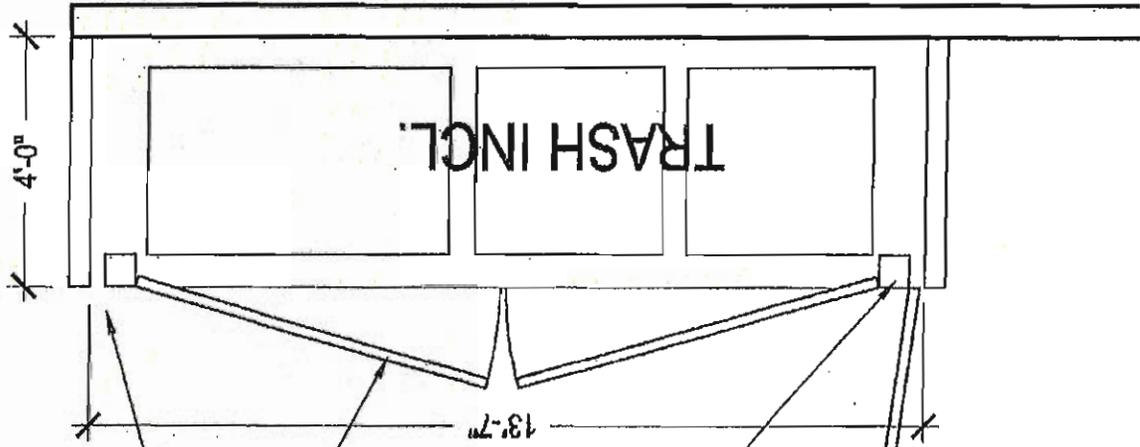
Enclosure shall be constructed on a level surface.

Recommended Conditions of Approval

Trash enclosure required.

Additional Information

Revise plans to show location of trash enclosure and resubmit for approval.



BUILD MATCHING BLOCK FENCE & 6" TUBESTEEL POST FOR GATE ON NEW TRASH ENCLOSURE.

GATE FOR TRASH ENCLOSURE TO BE CONSTRUCTED OF THE SAME MATERIAL AS (E) GATE. CHAIN-LINK WILL NOT BE APPROVED.

USE (E) GATE POST & 4x6 BLOCK FENCE FOR SOUTH SIDE OF NEW TRASH ENCLOSURE.

(E) 6'-0" METAL FRAMED GATE
 W/ 6" TUBESTEEL POST @ EACH END
 AND 4" BLOCK WING WALL.



DATE: May 24, 2012
TO: McKencie Contreras
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-12-047**
APN: 443-241-01
ADDRESS: 2740 North Van Ness Boulevard

SITE PLAN REQUIREMENTS: Please provide the following information prior to Building Permits:

- A. **Offsite Information:** Correctly identify the existing offsite concrete improvements.
- B. **Onsite Information:**
 - 1. **Buildings:** Remove future expansion or revise the project description.
 - 2. **Access:** Revise vehicle orientation to either one-way or two-way.
 - 3. **Parking Lot:**
 - a. **Stalls: Layout does not conform to Public Works Standards. Redesign is required.** Provide length and width. Provide the number of stalls that are required. No obstructions shall be within the 3' overhang.
 - 4. **Walls or Fencing:** Identify the existing CMU wall along the west property line or revise note.

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, 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.

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) in advance to make sure that sidewalks or an approved accessible path remain open during construction.

Survey Monuments and Parcel Configuration

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

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. 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.

Van Ness Boulevard: Scenic Drive

1. Remove vehicles from blocking the existing driveway or reduce the driveway width to accommodate per Public Works Standards. Reference **P-6**.

Princeton Avenue: Local

1. Remove vehicles from blocking the existing driveway or reduce the driveway width to accommodate per Public Works Standards. Reference **P-6**.

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
2. If Van Ness is changed to two way traffic: Install **30"** state standard "STOP" sign at location on the right side of the approach on private property. Sign shall be mounted on a **2"** galvanized post with the bottom of the sign 5' above ground; located behind curb and immediately behind a major street sidewalk. A "right turn only" sign is also required, at the same location; install a **30" x 36"** state standard sign immediately below the stop sign on the same post.
3. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.

Traffic Impact Study A Traffic Impact Study is not required.

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 Development and Resource Management Department, Frank Saburit at 559-621-8077.

Fresno Major Street Impact (FMSI) Fees: This entitlement is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees. Contact the Development and Resource Management Department, Frank Saburit at 559-621-8077.

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

City of



FIRE DEPARTMENT

Date: May 02, 2012

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

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

Subject: R-12-001 & C-12-047 were filed by Joseph Guagliardo of Comprehensive Planning Associates, Inc., on behalf of Van Ness Automotive, and pertains to 0.19 acre of property located on the southeast corner of North Van Ness Boulevard and East Princeton Avenue, 2740 North Van Ness Boulevard, APN 443-241-01. The applicant proposes to amend the existing zoning and conditional use permit to allow the property to operate as a repair garage in the C-5 zone district and to amend the hours of operation and modify the conditions of approval. The property is zoned C-5-cz, General Commercial-conditions of zoning.

General

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. Access and water supply meet fire department requirements.



Fresno Unified School District

Preparing Career Ready Graduates



Facilities Management & Planning

BOARD OF EDUCATION

Tony Vang, Ed.D., President
Valerie F. Davis, Clerk
Michelle A. Asadoorian
Lindsay Cal Johnson
Carol Mills, J.D.
Larry A. Moore
Janet Ryan

SUPERINTENDENT

Michael E. Hanson

April 24, 2012

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

Re: **REZONE APPLICATION NO. R-12-001**
CONDITIONAL USE PERMIT APPLICATION NO. C-12-047
2740 N. VAN NESS BLVD.

Dear Ms. Contreras,

In response to your request for school district information regarding the above rezone application and conditional use permit to amend the existing zoning and allow the property to operate as a repair garage located at 2740 North Van Ness Boulevard, Fresno Unified School District submits the following.

Any new commercial/industrial development which occurs, may ultimately affect the District by generating employees. The children of those employees living in the District will need to be housed in District schools.

The Fresno Unified School District levies a commercial/industrial development fee of \$0.47 per square foot. If no new square footage is constructed, no development fee will be charged. Any new development on the property will be subject to the development fee prior to issuance of a building permit.

Thank you for the opportunity to comment. Please contact Deana Clayton at (559) 457-3066, if you have any questions or require additional information regarding our comments.

Sincerely,

Lisa LeBlanc, Executive Director
Facilities Management and Planning

LL:hh

c: Joseph Guagliardo, Applicant/Agent



County of Fresno

Department of Public Health

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

April 25, 2012

FA0277263
LU0016377
PE 2602

McKencie Contreras
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Ms. Contreras:

PROJECT NUMBER: C-12-047 & R-12-001

Rezone Application No. R-12-001 and Conditional Use Permit Application No. C-12-047 were filed by Joseph Guagliardo of Comprehensive Planning Associates, Inc., on behalf of Van Ness Automotive, and pertains to 0.19 acre of property located on the southeast corner of North Van Ness Boulevard and East Princeton Avenue. The applicant proposes to amend the existing zoning and conditional use permit to allow the property to operate as a repair garage in the C-5 zone district and to amend the hours of operation and modify the conditions of approval. The property is zoned C-5/cz (*General Commercial/conditions of zoning*).

APN: 443-241-01 ZONING: C-5/cz ADDRESS: 2740 North Van Ness Boulevard

Recommended Conditions of Approval:

- Prior to change in operation, the applicant shall **update** and **amend** the Hazardous Materials Business Plan on file with the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.

REVIEWED BY:

Kevin Tsuda
Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=Environmental Health
Division, ou=Environmental Health Specialist,
email=kttsuda@co.fresno.ca.us, c=US
Date: 2012.04.25 10:47:18 -0700

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

(559) 600-3271

cc: Vince Mendes, Supervising Environmental Health Specialist (CT 3500)

C-12-047, R-12-001 Van Ness Automotive



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 210.414 "UU₂"
550.10 "UU"

May 2, 2012

Ms. McKencie Contreras
City of Fresno
Development Dept., Planning Division
2600 Fresno Street, Third Floor
Fresno, CA 93721

Dear Ms. Contreras,

Rezone 2012-001
Drainage Area "UU₂"

The proposed rezone lies within the District's Drainage Area "UU₂". The District's system can accommodate the proposed rezone.

If there are any questions concerning this matter, please feel free to contact us.

Sincerely,

Rick Lyons
Engineering Technician III

RL/lrl

K:\Rezone Letters\fresno rezone\2012\2012-001(uu2)(rl).docx

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

File No. 210.413

Page 1 of 4

PUBLIC AGENCY

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

DEVELOPER

JIM & ISABEL MEDINA
2740 N. VAN NESS BLVD.
FRESNO, CA 93704

FR
CUP No. 2012-047

PROJECT NO: 2012-047

ADDRESS: 2740 N. VAN NESS BLVD.

APN: 443-241-01

SENT: 5/2/12

Drainage Area(s)	Preliminary Fee(s)
UU2	\$0.00
TOTAL FEE: \$0.00	

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/12 based on the site plan submitted to the District on 4/24/12. 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. 2012-047

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

1. a. Drainage from the site shall REMAIN AS EXISTING.
 b. Grading and drainage patterns shall be as identified on Exhibit No.
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:

Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".

None required.

3. The following final improvement plans shall be submitted to the District for review prior to final development approval:

- Grading Plan
 Street Plan
 Storm Drain Plan
 Water & Sewer Plan
 Final Map
 Other
 None Required

4. Availability of drainage facilities:

- a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan Inlet(s).
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available. TEMPORARY SERVICE IS AVAILABLE THROUGH
 d. See Exhibit No. 2.

5. The proposed development:

Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)

Does not appear to be located within a flood prone area.

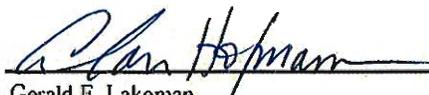
6. The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 3 of 4

FR
CUP No. 2012-047

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



Gerald E. Lakeman
District Engineer



Rick Lyons
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

JOSEPH GUAGLIARDO

5414 E. PITT

FRESNO, CA 93727

FR CUP No. 2012-047

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.

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be directed through landscaped areas or otherwise treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas that directly connect to the District's system will not be permitted. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements are available. Contact the District's Environmental Department for further information regarding these policies related to industrial site requirements.

Development No. CUP 2012-047



Mariposa Mall
P.O. Box 1271
Fresno, CA 93715-1271

Police Department

Jerry P. Dyer
Chief of Police



AMENDED CUP CONDITIONS

July 13, 2012

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

Attn. McKencie Contreras, Planning Division

Re: SPECIAL PERMIT NO. C-12-047 CUP
Applicant: Jim and Isabel Medina
DBA: Van Ness Automotive
Address: 2740 N. Van Ness Blvd.
Fresno, Ca.
A.P.N. 443-241-01

Dear Ms. Contreras,

The City of Fresno has requested that the Fresno Police Department review the Conditional Use Permit to amend the existing zoning and conditional use permit for Van Ness Automotive at 2740 N. Van Ness Blvd. Fresno, Ca. The property has been zoned C-5/cz which permits the operation of an automotive repair business pursuant to the requirements of the Fresno Municipal Code.

We understand from the Operational Statement the applicant intends to operate the establishment as stated below:

Hours of Operation: Monday thru Friday: 7:00 a.m. to 10:00 p.m.,
Saturday: 7:30 a.m. to 7:00 p.m.,
Sunday: 8:00 a.m. to 5:00 p.m.

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.

The Fresno Police Department shall oppose this amendment for the following reasons;

With the hours of operation of this project calling for it to be open until 10:00 p.m. during the week and open on the weekends, the likelihood of nearby residents calling in to report disturbances is great, and the resulting calls for service will be a drain on already depleted police resources.

Additionally, the quality of life for the residents in the immediate area will be affected due to the increased amount of people and traffic congestion and the police department will be helpless in addressing their concerns. Should I bring to your attention that most automotive repair facilities, which are most likely located in commercial or light industrial areas are only open to 6:00 p.m. and most are closed on weekends, and if not, they are closed on Sunday's.

The Fresno Police Department believes this project does not meet the findings for a Conditional Use Permit for the following reasons;

- (a) "The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and."

The additional vehicular traffic could bring traffic congestion and a potential increase in traffic accidents.

- (b) "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).”

As previously stated, the Fresno Police Department believes this amendment will increase the calls for service as it is located in a residential area on a residential street where there are single family homes. The related noise problems and traffic congestion we believe will have a detrimental effect on those residing nearby, including the Police Department who will have to respond to and investigate the increased calls for service that will undoubtedly be generated if this proposed amendment is allowed to take place.

However, should the Planning Commission grant any part of this amended Conditional Use Permit to proceed, we ask for the following to be added as there have been recent reported incidents of thefts having occurred on the property in question and there were no witnesses to identify the suspect(s) involved. The Fresno Police Department believes the following requirement would be very useful in aiding with the investigation of future crime and/or criminal activity occurring there.

Video Surveillance Camera System:

Prior to exercising any privileges granted by this CUP (No. C-12-047), the applicant must install a fully functional, color digital video recording (DVR) surveillance 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 is closed. The system must be maintained in a secure location inside of the business.
- (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 fourteen (14) 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) All cameras shall record in color.
- (6) 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 or theft.
- (7) The DVR system shall be checked on a daily basis to ensure it is operating as intended in accordance with this Conditional Use Permit.
- (8) 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.

- (9) The system shall have a sufficient number of cameras to cover the exterior of the premises, including the parking lots, work areas, storage areas and exterior hallways, etc. Any interior cameras and the placement of those cameras would be at the discretion of the applicant.

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 C.U.P.

It is not the intention of the Fresno Police Department to monitor those persons who ~~worship at or~~ ^{repair garage} attend this church. However, the Fresno Police Department would like to have in place a means of recording criminal activities that could aid in the identification of those suspect(s) who should victimize the facilities (real property) and/or those who work, worship or attend this church.

8. 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 FMC, section ~~12-326-H and~~ 12-405-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 12-326-H-1-a.

FRESNO POLICE DEPARTMENT


Date 7/13/12
Michael Reid
Fresno Police Department
Northwest District Commander


Date 7.13.12
Len Gleim
Fresno Police Department
Northwest Investigations Supervisor


Date 7/13/12
Todd Braizer
Fresno Police Department
Northwest Investigations Detective



MEMORANDUM

DATE: July 7, 2011

TO: MARK SCOTT, INTERIM DIRECTOR
Development and Resource Management DepartmentFROM: MIKE SANCHEZ, Planning Manager
Development Services Division

SUBJECT: DIRECTOR CLASSIFICATION NO. DC-11-001 REQUEST TO ADD "REPAIR GARAGE" AS A USE PERMITTED IN THE C-5 ZONE DISTRICT

DIRECTOR ACTION

The Director hereby approves Director Classification No. DC-11-001 as follows:

"Repair Garage" is a use permitted subject to a conditional use permit in the C-5 District, and shall comply with the conditions noted in this memorandum.

Mark Scott, Interim Director,
Development and Resource Management Department

Date

BACKGROUND INFORMATION

This Director Classification has been requested by Van Ness Automotive, located at 2740 North Van Ness Avenue, due south of the historic Figarden area. The request is to add a "Repair Garage" in the C-5 (*General Commercial*) zone district, subject to a conditional use permit. Currently the Fresno Municipal Code permits a "Repair Garage" in the C-6 (*Heavy Commercial*) zone district by right (site plan review) and permits automotive repairs within an enclosed building, in the C-M, M-1, M-2 and M-3 zone district also by right. The C-M and M-1 zone district are considered light industrial while the M-2 and M-3 zone district are considered heavy industrial. Traditionally, these light and heavy industrial zone districts as well as the C-6 zone district have permitted heavy automotive repairs which include engine and transmission repairs. Full service automobile service stations, which are less common these days, were permitted to perform several essential car repairs with the exception of engine and transmission repair. A repair garage as defined by Section 12-105-G.3 of the Fresno Municipal Code, "shall mean a building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale."

ANALYSIS

Section 12-408 of the Fresno Municipal Code (FMC), enables the Director, subject to certain standards and findings, to add a use to a zone district, either by right or subject to a conditional use permit

The first step in this procedure is to examine the classification of the use. Section 12-408-B states: "The Director may classify such use as a permitted use, or as a permitted use subject to Conditional Use

Permit. In no instance shall the Director determine that a use be permitted in a district when such use is specifically listed as first permissible in a less restricted district." A listing of the districts, from most restrictive to least restrictive is found in Section 12-317-B-1-c (FMC).

"Repair Garage", is first listed as a use by right (site plan review) in the C-6 (Heavy Commercial) zone district, which is restrictive than the subject C-5 District. Therefore, upon initial review, it would appear that the findings to grant a Director's Classification cannot be made. Despite this initial conclusion, staff firmly believes that there are extenuating circumstances specific to the subject property located at 2740 North Van Ness Avenue that warrant reconsideration. The property is designated on the Local Historic Register (HP # 176). The site was constructed in 1926 and has operated as Russ Clement's Gas Station up until the late 1980's. It is one of the oldest remaining gas stations in the country. During the 1990's efforts were made by others to establish a viable use on the property, however, the economics and environmental regulations has made these efforts very difficult. Ultimately, the underground gas tanks needed to be removed and fencing was installed to protect the public. During this transition, signs of deterioration began to surface with graffiti and garbage collecting on site.

The present owners, Jim and Isabel Medina, have invested tremendous amount of resources to re-establish the historical significance of the buildings while simultaneously trying to run an automotive repair business. The original operation of the gas station was essentially a one-man shop, which is now not economically viable. The property is currently authorized, through Conditional Use Permit No. C-04-126 and Rezone Application No. R-04-48, as a Tire, Battery, and Accessory Parts, Retail Sales and Service Store. This use does permit the repair of vehicles with the exception of engine and transmission repair. The project applicant now wishes to expand his operation to include repairs of engines and transmissions to be more competitive in the marketplace. While the current operation has allowed Van Ness Auto to succeed, it is the applicant's contention that without this expansion, the current business climate may impose serious financial implications on the business.

Based upon the discussion above, and for the purpose of classifying this use, the following are proposed:

Title: "Repair Garage"

- Standards: 1. Development shall comply with the Property Development Standards of the District in which the project is located, any underlying conditions of zoning, and any design parameters as outlined in the Conclusion section of this document.

FINDINGS

The second step in this process is to make the required findings in accordance with Section 12-408-C of the Fresno Municipal Code. Based upon the title, description and conditions listed above, staff makes the following findings:

1. *That the subject use and its operation are compatible with the uses permitted in the district where it is proposed to be allowed;*

The subject C-5 Zone District is intended to serve sites for uses that may be too far scattered to be found in more traditional commercial centers. In this instance, there exists a historic gas station facility that was originally intended to serve the local residential area. This function has occurred and more importantly the subject site has been able to keep the historical integrity of the structures on the property. The subject property is zoned C-5 and planned for neighborhood commercial land use by the Tower District Specific Plan. The C-5 zone district is consistent with the neighborhood commercial designation of this specific plan. Furthermore the uses permitted in the C-5 zone district are compatible with surrounding residential area.

2. *That the subject use is similar to two or more uses permitted in the district within which it is proposed to be allowed;*

A repair garage is similar to an automotive service station; and a Tire, Battery, and Accessory Parts, Retail Sales and Service Store in that both uses permit repair of vehicles within an enclosed building. An automobile muffler shop and an ambulance service facility are uses also allowed in the C-5 zone district which have similar characteristics to a repair garage.

3. *That the subject use will not cause substantial injury to the value of the property in neighborhoods or districts within which it is likely to be located;*

Including a repair garage at 2740 North Van Ness Avenue as a conditional use in the C-5 zone district will not be detrimental to the value of the property in neighborhoods or districts within which it is likely to be located. The subject property meets the principle objective of the Tower District Specific Plan which state "To respect and enhance historic building fabric and other significant design elements when undertaking projects intended to preserve, rehabilitate and/or revitalize the Tower Districts substantial and diverse inventory of historic resources." This segment of Van Ness Avenue is also classified as a scenic collector street. The applicant has maintained, restored, and refurbished various aspects of the gas station and the property in general over the past 10 years and fully intends to maintain the historic fabric of the buildings and overall appearance. The special permit process will insure that a harmonious integration with surrounding land use will occur.

4. *That the subject use will be so controlled that the public health, safety, and general welfare will be protected.*

Through the Special Permit and Building Permit processes, a project will be thoroughly examined and appropriate conditions and/or controls will be implemented to insure protection of the public health, safety and general welfare.

CONCLUSION

Because of the historic nature of the subject property and the buildings thereon, staff is of the firm belief that a repair garage is an acceptable use in the C-5 zone district subject to a conditional use permit and the development parameters listed below. In addition, in order to protect other neighborhoods throughout the city, it is also recommended that the following criteria be imposed when considering the use of a repair garage on property zoned C-5.

- The site shall be at a minimum area of 8000 square feet.
- The use shall be located on a designated collector or arterial street.
- All major repairs shall be conducted within an enclosed building.

These design parameters are intended to prevent encroachment of commercial uses into established residential areas. The subject property clearly meets three design parameters and will have additional conditions of approval incorporated as part of the special permit process.

RECOMMENDATION

Staff recommends that the Director approve this request to classify "Repair Garage" as described and conditioned above, as a use permitted subject to a conditional use permit in the C-5 District.

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

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
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. 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

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, and the California Stormwater Quality Association has additional information on preparing stormwater pollution prevention plans for these activities (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.

FEES

(Not all fees will be applicable to all projects)

43. **NOTICE TO PROJECT APPLICANT:** In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of 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.
44. **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)
45. **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.

46. 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.

47. 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. Provide proof of payment or exemption prior to issuance of building permits.

48. 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.

49. FLOOD CONTROL FEES

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

50. 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.

51. 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)

52. 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.

Environmental Assessment
dated June 14, 2013

**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.

Notice of Intent was filed
 with:
FRESNO COUNTY CLERK
 2221 Kern Street
 Fresno, California 93721

on
 June 14, 2013

Applicant:
 Joseph Guagliardo
 Comprehensive Planning Associates, Inc.
 5414 East Pitt Avenue
 Fresno, CA 93727

Initial Study Prepared By:
 McKencie Contreras, Planner
 June 14, 2013

Environmental Assessment Number:
R-12-001/C-12-047

Project Location (including APN): 2740 North Van Ness Boulevard; located on the southeast corner of North Van Ness Boulevard and East Princeton Avenue, in the City and County of Fresno, California (APN: 443-241-01)

Project Description:

Joseph Guagliardo, on behalf of Jim and Isabel Medina, has filed Rezone Application No. R-12-001 and Conditional Use Permit Application No. C-12-047 pertaining to approximately 0.19 acres of property. The applicant proposes Rezone Application No. R-12-001 to modify the existing conditions of zoning of the subject property listed in Ordinance No. 2006-26 for Rezone Application No. R-04-048 and Conditional Use Permit Application No. C-12-047 to establish an auto repair garage on the subject property, which is currently used as a Tire, Battery, and Accessory Parts, Retail Sales Service Store. The application also requests authorization to amend the hours of operation and modify the conditions of approval. The existing C-5 zoning is consistent with the Tower District Specific Plan. The property is a designated historic resource (Russ Clements Service Station) and is surrounded by established single family residential homes.

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

The adopted 2025 Fresno General Plan, Fresno High-Roeding Community Plan, and Tower District Specific Plan designate the subject site for neighborhood commercial planned land uses. The existing C-5 zone district for the subject property conforms to the existing planned land use designation, pursuant to Section 12-403-B-2 of the Fresno Municipal Code.

The Development and Resource Management Department staff has prepared an Initial Study (See Attached "Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02 (Air Quality MND)/Initial Study") to evaluate the proposed rezone and conditional use permit applications 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 developed but may be further developed at an intensity and scale that is permitted by the existing 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 that serves the subject site. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and the Air Quality MND have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Guidelines Section 15177(b)(3).

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

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

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

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


Sophia Pagoulatos, Supervising Planner, City of Fresno

4/14/13
Date

Attachments: Notice of Intent to Adopt a Finding of Conformity

Modified Appendix G/ Initial Study prepared for Environmental Assessment No. R-12-001/C-12-047 to analyze a subsequent project identified in Master EIR No. 10130 and the Mitigated Negative Declaration for Plan Amendment No. A-09-02 (Air Quality Update) (SCH No. 2009051016)

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-12-001/C-12-047

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

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

Filed with

FILED

JUN 14 2013

FRESNO COUNTY CLERK

By *Jane McDonough*
DEPUTYFRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721**EA No. R-12-001/C-12-047**Rezoning Application No. R-12-001 and Conditional Use Permit
Application No. C-12-047**APPLICANT:**Joeseph Guagliardo
Comprehensive Planning Associates, Inc.
5414 East Pitt Avenue
Fresno, CA 93727**PROJECT LOCATION:**± 0.19 acres of property located at 2740 North Van Ness
Boulevard; located on the southeast corner of North Van Ness
Boulevard and East Princeton Avenue, in the City and County of
Fresno, California

36°46'32.358" N Latitude, - 119°48'12.7584" W Longitude

Assessor's Parcel Number: 443-241-01

PROJECT DESCRIPTION: Joseph Guagliardo, on behalf of Jim and Isabel Medina, has filed Rezoning
Application No. R-12-001 and Conditional Use Permit Application No. C-12-047 pertaining to approximately
0.19 acres of property.Rezoning Application No. R-12-001 proposes to modify the existing conditions of zoning of the subject property
listed in Ordinance No. 2006-26 for Rezoning Application No. R-04-048.Conditional Use Permit Application No. C-12-047 proposes to establish an auto repair garage on the subject
property, which is currently used as a Tire, Battery, and Accessory Parts, Retail Sales Service Store. The
application also requests authorization to amend the hours of operation and modify the conditions of approval.The City of Fresno has conducted an initial study of the above-described project and it has been determined
to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130
(MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration
prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the
Development and Resource Management Department proposes to adopt a Finding of Conformity for this
project.With the mitigation imposed, there is no substantial evidence in the record that this project may have
additional significant, direct, indirect or cumulative effects on the environment that are significant and that were
not identified and analyzed in the MEIR or Air Quality MND. After conducting a review of the adequacy of the
MEIR and Air Quality MND pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and
Resource Management Department, as lead agency, finds that no substantial changes have occurred with
respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and

that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604, or for an electronic copy of the environmental finding, and for additional information on the project, please contact McKencie Contreras at (559) 621-8066 for more information.

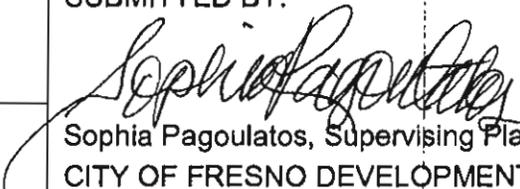
ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on July 16, 2013. Please direct comments to McKencie Contreras, Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to McKencie.Contreras@fresno.gov; or comments can be sent by facsimile to (559) 498-1026.

These development applications and this proposed environmental finding have been tentatively scheduled to be heard by the Planning Commission on Wednesday, July 17, 2013 at 6:00 p.m. or thereafter. The hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:
McKencie Contreras, Planner

DATE: June 14, 2013

SUBMITTED BY:


Sophia Pagoulatos, Supervising Planner
CITY OF FRESNO DEVELOPMENT AND
RESOURCE MANAGEMENT
DEPARTMENT

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

Environmental Checklist Form

For EA No. R-12-001/C-12-047

1. Project title:

Rezone Application No. R-12-001
Conditional Use Permit Application No. C-12-047

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:

McKencie Contreras, Planner III
City of Fresno
Development and Resource Management Department
(559) 621-8066

4. Project location:

2740 North Van Ness Boulevard; located on the southeast corner of North Van Ness Boulevard and East Princeton Avenue, in the City and County of Fresno, California

Assessor's Parcel Number(s): 443-241-01

Site Latitude: 36°46'32.358"N
Site Longitude: - 119°48'12.7584" W

Mount Diablo Base & Meridian, Township 13 S, Range 20 E, Section 28

5. Project sponsor's name and address:

Joseph Guagliardo
Comprehensive Planning Associates, Inc.
5414 East Pitt Avenue
Fresno, CA 93727

6. General plan designation:

Existing: Neighborhood Commercial

7. **Zoning:**

Existing: C-5/cz (*General Commercial District/conditions of zoning*)

Proposed: C-5/cz (*General Commercial District/conditions of zoning*) with modified conditions of zoning

8. **Description of project:**

Joseph Guagliardo, on behalf of Jim and Isabel Medina, has filed Rezone Application No. R-12-001 and Conditional Use Permit Application No. C-12-047 pertaining to approximately 0.19 acres of property located on the southeast corner of North Van Ness Boulevard and East Princeton Avenue.

Rezone Application No. R-12-001 proposes to modify the existing conditions of zoning of the subject property listed in Ordinance No. 2006-26 for Rezone Application No. R-04-048.

Conditional Use Permit Application No. C-12-047 proposes to establish an auto repair garage on the subject property, which is currently used as a Tire, Battery, and Accessory Parts, Retail Sales Service Store. The application also requests authorization to amend the hours of operation and modify the conditions of approval.

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

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Density Residential	R-1 <i>Single Family Residential District</i>	Single Family Residence
East	Medium Density Residential	R-1 <i>Single Family Residential District</i>	Single Family Residential
South	Medium Density Residential	R-1 <i>Single Family Residential District</i>	Single Family Residential
West	Medium Density Residential	R-1 <i>Single Family Residential District</i>	Single Family Residential

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

Pursuant to Public Resources Code Section 21157.1(b) and the California Environmental Quality Act (CEQA) Guidelines 15177(b)(2), the purpose of this Master Environmental Impact Report (MEIR) initial study is to analyze whether the subsequent project was described in the MEIR 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 or the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan (SCH # 2009051016) ("Air Quality MND").

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

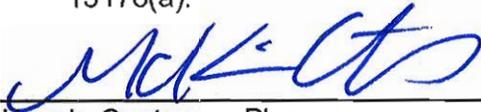
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology /Soils
<input type="checkbox"/> Greenhouse Gas 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).



McKencie Contreras, Planner

0.14.13

Date

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

1. For purposes of this MEIR Initial Study, the following answers have the corresponding meanings:
 - a. "No Impact" means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the MEIR or Air Quality MND.
 - b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, but that impact is less than significant;
 - c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, however, with the mitigation incorporated into the project, the impact is less than significant.
 - d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND.
2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one

or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

5. A "Finding of Conformity" is a determination based on an initial study that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND.
6. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
7. Earlier analyses may be used where, pursuant to the tiering, program EIR or MIER, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the MEIR or another earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
8. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
9. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
10. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
11. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance

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

The immediate area is developed with residential uses and the subject property is developed with the Russ Clements Service Station, which is designated as a historic property (HP #176) on the Local Register. The site is currently used as a Tire, Battery, and Accessory Parts, Retail Sales Service Store and no new structures are proposed. Therefore, no public or scenic vista will be obstructed by the project and no valuable vegetation will be removed.

The subject property, as mentioned above, is listed on the Local Register of historic properties and is located on North Van Ness Boulevard, which is classified as a scenic drive. The project will not substantially damage the scenic resources, given that the applicant has maintained, restored, and refurbished various aspects of the gas station and property and will continue to maintain the property.

The project will not degrade the visual character or quality of the site and its surroundings given that the site has been able to keep the historical integrity of the structures on the property. The proposed auto repair garage will continue the auto related operations of the site that have existed since the 1920's. The project will include minor site changes which include the addition of an accessible parking space, raised landscape planter on the southwest corner of the site, and a previously approved trash enclosure on the northeast corner of the site. No changes to the buildings on-site are proposed.

Furthermore, the site will not create a new source of substantial light or glare which would affect day or night time views in the project area, given that during the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties. As a result, the project will have a less than significant impact on aesthetics. The project will be subject to the aesthetics mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan. Conditions to ensure the project is aesthetically appealing will be further defined during the entitlement process to ensure that the development is consistent with all plans and design guidelines.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the aesthetic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated June 14, 2013.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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:</p>				
<p>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?</p>				X
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>				X
<p>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))?</p>				X
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>				X
<p>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?</p>				X

The subject site is designated as "Urban Built-Up Land" by the 2006 Rural Mapping Edition: Fresno County Important Farmland Map, and thus has no farmland considered to be prime farmland, farmland of statewide importance, or unique farmland. The subject site was developed with the Russ Clements Service Station in 1926; therefore, the site has not been

under cultivation for many years. The land surrounding the site to the north, south, east and west is also designated as "Urban and Built-Up Land" by the above mentioned map.

It is also not under a Williamson Act contract and is not surrounded by sites under a Williamson Act contract. It does not conflict with existing zoning for agricultural uses given that the existing C-5 zoning is for commercial uses. The proposed entitlements do not conflict with any forest land or Timberland Production or result in any loss of forest land. The proposed project does not include any changes which will affect the existing environment and result in the conversion of Farmland to non-agricultural uses. Therefore, no environmental impacts related to agriculture are anticipated as a result of the proposed project.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY AND GLOBAL CLIMATE CHANGE - (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) -- Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan (e.g., by having potential emissions of regulated criterion pollutants which exceed the San Joaquin Valley Air Pollution Control Districts 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 not occur at a scale or scope with potential to contribute substantially or cumulatively to existing or projected air quality violations, impacts, or increases of criteria pollutants for which the San Joaquin Valley region is under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). The proposed project will comply with all applicable air quality plans. Therefore, no violations of air quality standards will occur and no net increase of pollutants will

occur. The proposed project will not expose sensitive receptors to substantial pollutant concentrations. The proposed project is not proposing a use or additional building space which will create objectionable odors; therefore there will be no significant impact.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or 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 proposed project would not directly affect any sensitive, special status, or candidate

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

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

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the biological resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated June 14, 2013.

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

City of Fresno Historic Property No. 176, the Russ Clements Service Station (c1926), is located on the subject property at 2740 North Van Ness Boulevard on the southeast corner of North Van Ness Boulevard and East Princeton Avenue. The Russ Clements Service Station is a historic resource designated to the Local Register of Historic Resources by the Fresno City Council on February 10, 1981.

The Russ Clements Service Station was opened in 1926 by the Standard Oil Company and purchased by Russ Clements in 1928. Mr. Clements operated the station until his death in 1987. Jim Clements, son of Russ Clements, continued to operate the station until 1991. The property was then sold to Garabed Bedirian who continued the station operation until 1998. At that time, the gasoline sales component of the site ceased and the underground storage tanks were removed in 1999. The site remained functional as an auto repair facility. In 2001, Jim Medina leased the property and subsequently purchased the property and continues to operate the facility. The station has been verified as the oldest continuously operating gas station in California and the second oldest in the United States.

Pursuant to Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines, a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. A "Substantial Adverse Change" in the significance of an historical resource is defined within the CEQA Guidelines as meaning physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be "Materially Impaired".

The significance of an historical resource is materially impaired when a project: (A) demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or, (B) demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historic resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or, (C) demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for the purposes of CEQA.

There are no substantial adverse changes proposed by the project. The project will include minor site changes which include the addition of an accessible parking space, raised landscape planter on the southwest corner of the site, and a previously approved trash enclosure on the northeast corner of the site. No changes to the buildings on-site are proposed; therefore, no potential to materially impair or change the characteristic features of the resource exist. There is no evidence of subsurface existence of archaeological resources; however, if any archaeological resources exist or are encountered, the measures within the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan, Mitigation Monitoring Checklist to address archaeological resources, paleontological resources, and human remains (MEIR Mitigation Measures J-1 through J-3) will be employed to guarantee that should archaeological and/or animal fossil material be encountered then work shall stop immediately and that qualified professionals in the respective field are contacted and consulted in order to insure that the activities of the proposed project will not involve physical demolition, destruction, relocation, or alteration of historic, archaeological, or paleontological resources.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, 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 June 14, 2013.

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

The underground storage tanks on the subject property were removed in 1999. In June 2003, vapor extraction equipment was installed to remediate soil contamination stemming from the use of underground tanks. The mediation process continued for a year.

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

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

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

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the geology and soils related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated June 14, 2013.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS -- Would the project:				

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

The proposed project will not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of greenhouse gas emissions, either directly or indirectly. Under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases will be reduced along with other regulated air pollutants. At this point in time, detailed analyses and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks are not completed.

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

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

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

There are no known existing hazardous material conditions on the site and the project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project itself will not generate or use hazardous materials is not near any wildland fire hazard zones, and poses no interference with the City's or County's Hazard Mitigation Plans or emergency response plans. The subject site has not been under cultivation for several years. No pesticides or hazardous materials are known to exist on the site and the proposed project will have no environmental impacts related to potential hazards or hazardous materials as indentified above.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the hazards and health related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated June 14, 2013.

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

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

There are no aspects of this project that will result in impacts to water supply or quality beyond those analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan or MND. The project will not substantially alter existing drainage patterns of the site or area or substantially increase the rate or amount of runoff in a manner which would result in flooding, exceed planned storm water drainage systems, or provide substantial sources of polluted runoff. The site is not located within a flood prone or hazard area. The subject site is proposed to be developed at an intensity and scale permitted by the existing zoning designation for the site. Thus, the proposed project will not facilitate an additional intensification of uses beyond that which would be allowed by the existing zoning designation; resulting in additional impacts on water supply from increased demand.

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 proposed project will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. The proposed project (including the design and improvement of the subject property is found; (1) to be consistent with the applicable 2025 Fresno General Plan, Fresno High-Roeding Community Plan, and Tower District Specific Plan; (2) to be safe from potential

cause or introduction of serious public health problems; and, (3) to not conflict with any public interests in the subject site or adjacent lands.

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

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

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

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

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the noise related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated June 14, 2013.

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	

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 either directly or indirectly induce substantial population growth in the area. The subject site is currently developed with a commercial use and the proposed project does not have the potential to displace existing housing or residents as a result of the project given that there are no residences on the subject property.

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

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

The subject site is located less than one mile from Fire Stations #9 and approximately a mile

and a half from Fire Station #5 and within the City of Fresno police area. The proposed project may create additional activity; however, the proposed use is similar to the existing use. Therefore, the increase in activity on-site will not have a significant impact.

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.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the public service related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated June 14, 2013.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

The subject site is located on the southeast corner of North Van Ness Boulevard (scenic drive) and East Princeton Avenue (local street) and adjacent to residential uses on all sides. The subject site is planned and zoned for commercial uses. The existing use as a Tire, Battery, Accessory Parts, Retails Sales and Service Store is similar to the proposed auto repair garage use.

A traffic impact study (TIS) was not required for the proposed project because peak hour trips would not exceed 100.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts from 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 and City Engineer dated May 24, 2012, respectively.

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the traffic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated June 14, 2013.

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

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

The Department of Public Utilities has reviewed the proposed 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. The project site will also be serviced by the Solid Waste Division.

The proposed project is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. The impact to storm drainage facilities will be less than significant given that existing facilities can accommodate the proposed rezone.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the sewer and water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated June 14, 2013.

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

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

- does not have environmental impacts which will cause substantial adverse effects on human beings, either directly nor indirectly.
- does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish/wildlife or native plant species (or cause their population to drop below self-sustaining levels), does not threaten to eliminate a native plant or animal community, and does not threaten or restrict the range of a rare or endangered plant or animal.
- does not eliminate important examples of elements of California history or prehistory.
- does not have impacts which would be cumulatively considerable even though individually limited.

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

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

Project/EA No. R-12-001/C-12-047

Date: June 14, 2013

Mitigation Monitoring Checklist

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

Following is the mitigation monitoring checklist from MEIR No. 10130 as applied to the above-noted project's environmental assessment, required by City Council Resolution No. 2002-378 and Exhibit E thereof (adopted on November 19, 2002) to certify the MEIR for the 2025 Fresno General Plan Update. On June 25, 2009, through its Resolution No. 2009-146, the City Council adopted Environmental Assessment No. A-09-02 confirming the finding of a Mitigated Negative Declaration prepared for General Plan Amendment Application No. A-09-02 which updated the Air Quality Section of the Resource Conservation Element of the 2025 Fresno General Plan and incorporated additional and revised mitigation measures as necessary within the following monitoring checklist.

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

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

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

Project/EA No. R-12-001/C-12-047

Date: June 14, 2013

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.</p>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning; Development & Resource Management Dept.</p>						X
<p>B-4. For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors:</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 & Resource Management Dept.</p>	X			X		

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

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

Project/EA No. R-12-001/C-12-047

Date: June 14, 2013

MEIR Mitigation Monitoring Checklist

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

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

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

Project/EA No. R-12-001/C-12-047

Date: June 14, 2013

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs.</p> <ul style="list-style-type: none"> a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements. c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations. d. Adopted state and SJVAPCD protocols, standards, and thresholds of significance for greenhouse gas emissions shall be utilized in assessing and approving proposed development projects. e. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts. 	Ongoing	Development & Resource Management Dept.	X			X		
<p>C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.</p>	Ongoing	Development & Resource Management Dept and SJVAPCD				X		

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

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

Project/EA No. R-12-001/C-12-047

Date: June 14, 2013

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE STATUS						
			A	B	C	D	E	F	
<p>C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.</p>	Ongoing	Various city departments						X	
<p>C-4. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as:</p> <ul style="list-style-type: none"> a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use. 	Ongoing	Fresno Area Express						X	
<p>D-1. The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.</p>	Ongoing	Dept of Public Utilities and Development & Resource Management Dept.	X			X			

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

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

Project/EA No. R-12-001/C-12-047

Date: June 14, 2013

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE STATUS					
			A	B	C	D	E	F
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing (City-wide); and prior to approval of land use entitlement as applicable	Department of Public Utilities and Development & Resource Management Dept.			X	X	X	
D-3. The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities			X	X		
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Development & Resource Management Dept.				X		
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.	Ongoing	Development & Resource Management Dept.				X		

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

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

Project/EA No. R-12-001/C-12-047

Date: June 14, 2013

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE						
			A	B	C	D	E	F	
<p>D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect:</p> <ul style="list-style-type: none"> 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		
<p>D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).</p>	Ongoing	Development & Resource Management Dept.					X		
<p>D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.</p>	Ongoing	Department of Public Utilities	X		X	X			

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B - Mitigated

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D - Responsible Agency Contacted

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

Project/EA No. R-12-001/C-12-047

Date: June 14, 2013

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
D-9. The City shall continue its current water conservation programs and implement additional water conservation measures to reduce overall per capita water use within the City with a goal of reducing the overall per capita water use in the City to its adopted target consumption rate. The target per capita consumption rate adopted in 2008 is a citywide average of 243 gallons per person per day, intended to be reached by 2020 (which includes anticipated water conservation resulting from the on-going residential water metering program and additional water conservation by all customers: 5% by 2010, and an additional 5% by 2020.)	Ongoing	Department of Public Utilities			X	X			
D-10. All development projects shall be required to comply with City Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. Project conditions shall include, but are not limited to, water use efficiency for landscaping, use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.	Prior to approval of land use entitlement	Department of Public Utilities	X				X		
D-11. When and if the City adopts a formal management plan for recycled and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.	Prior to approval of development project	Department of Public Utilities					X		

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

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered:</p> <ul style="list-style-type: none"> 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. 	Ongoing	Development & Resource Management Dept.						X
<p>F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.</p>	Ongoing	Dept. of Public Utilities and Development & Resource Management Dept.	X		X	X		
<p>F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.</p>	Ongoing	Dept. of Public Utilities				X		

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			A	B	C	D	E	F	
F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.	Ongoing	Dept. of Public Utilities						X	X
F-3. The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. This shall include provision of tertiary treatment facilities to produce recycled water for landscape irrigation and other non-potable uses. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing	Dept. of Public Utilities		X					
F-4. The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.	Ongoing/prior to approval of land use entitlement	Dept. of Public Utilities and Dev. & Resource Management Dept.	X				X		
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities	X				X		

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F						
			A	B	C	D	E	F	
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Development & Resource Management Dept.							X
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept. & 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

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			A	B	C	D	E	F	
<p>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.</p>	<p>Ongoing/prior to approval of land use entitlement</p>	<p>Development & Resource Management Dept.</p>							X
<p>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.</p>	<p>Ongoing/prior to approval of land use entitlement and during construction</p>	<p>Development & Resource Management Dept.</p>							X
<p>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.</p>	<p>Ongoing/prior to approval of land use entitlement and during construction</p>	<p>Development & Resource Management Dept.</p>							X
<p>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).</p>	<p>Ongoing/prior to approval of land use entitlement and during construction</p>	<p>Development & Resource Management Dept.</p>							X

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			A	B	C	D	E	F	
<p>J-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.</p>	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.							X
<p>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:</p> <ul style="list-style-type: none"> a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft. 	Ongoing/prior to approval of land use entitlement	Development & Resource Management Dept.	X						X
<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</p>	Ongoing/prior to submittal of land use entitlement	Development & Resource Management	X						X

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recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.	application	Dept.							
J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Development & Resource Management Dept./ Historic Preservation Commission staff	X					X	
J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Development & Resource Management Dept./ Historic Preservation Staff						X	
K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Development & Resource Management Dept.						X	
K-2. Any required acoustical analysis shall be performed as required by	Ongoing/upon	Development &						X	

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<p>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"> ■ Site Planning. See Chapter V for more details. ■ Barriers. See Chapter V for more details. ■ Building Designs. See Chapter V for more details. 	<p>submittal of land use entitlement application</p>	<p>Resource Management Dept.</p>						
<p>K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.</p>	<p>Ongoing/prior to building permit issuance</p>	<p>Development & Resource Management Dept.</p>					X	
<p>L-1. Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.</p>	<p>Ongoing</p>	<p>Development & Resource Management Dept.</p>					X	

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<p>N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.</p>	<p>Ongoing</p>	<p>Development & Resource Management Dept.</p>	<p align="center">X</p>			<p align="center">X</p>		
<p>Q-1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.</p>	<p>Ongoing</p>	<p>Development & Resource Management Dept.</p>					<p align="center">X</p>	<p align="center">X</p>

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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.

As of May 2013, the City has processed 136 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 1,586 acres, representing approximately one percent of the land area within the 2025 Fresno General Plan boundary. The impacts of these amendments are minimal and not significant in relation to the balance of the density and intensity of the land uses impacted by the plan amendment applications.

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

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

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

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

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

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

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Rezone Application No. R-12-001 and Conditional Use Permit Application No. C-12-047, 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.

MEIR REVIEW SUMMARY

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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 CO₂ emissions (equivalent to 2,414,877 vehicular miles not driven).
- Replacement of a significant number of vehicles in the municipal fleet with clean air vehicles (please refer to the following table).

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

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

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

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

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

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

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

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

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

APPENDIX

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

EXECUTIVE SUMMARY

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Rezone Application No. R-12-001 and Conditional Use Permit Application No. C-12-047, 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.

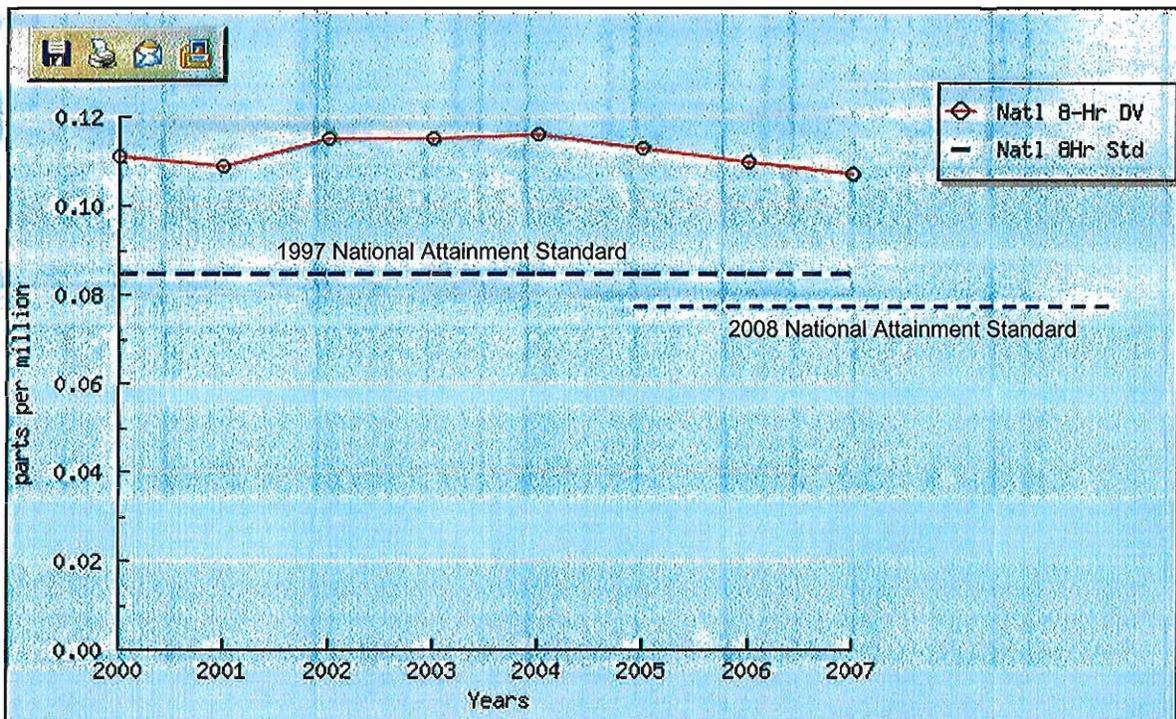
There are no new (*i.e.*, unforeseen in the MEIR) reasonable mitigation measures which have become available since late 2002 that would assure the reduction of cumulative (city-wide) air quality impacts to a less than significant level at project buildout, even with full compliance with attainment plans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



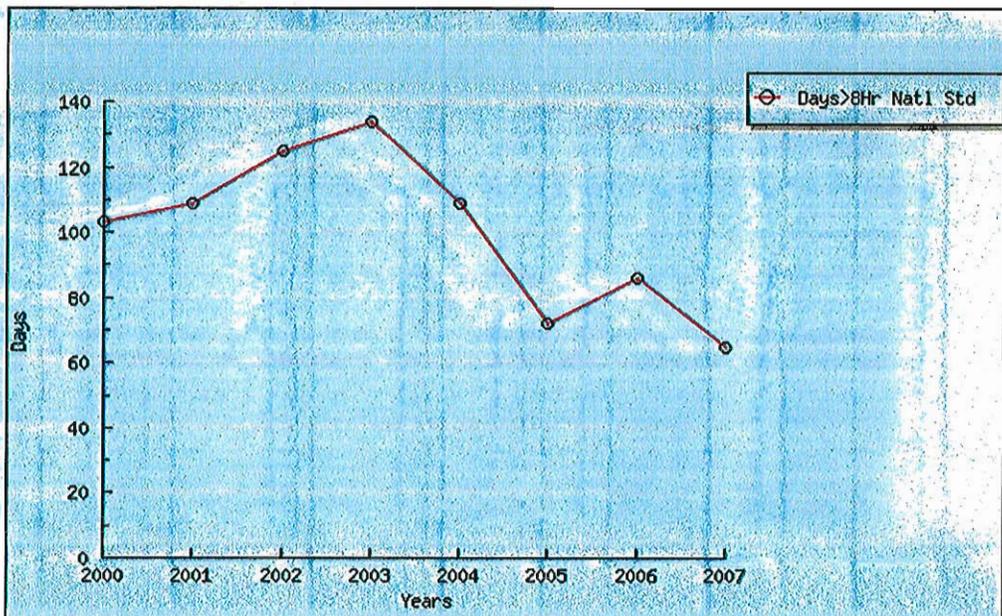
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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.

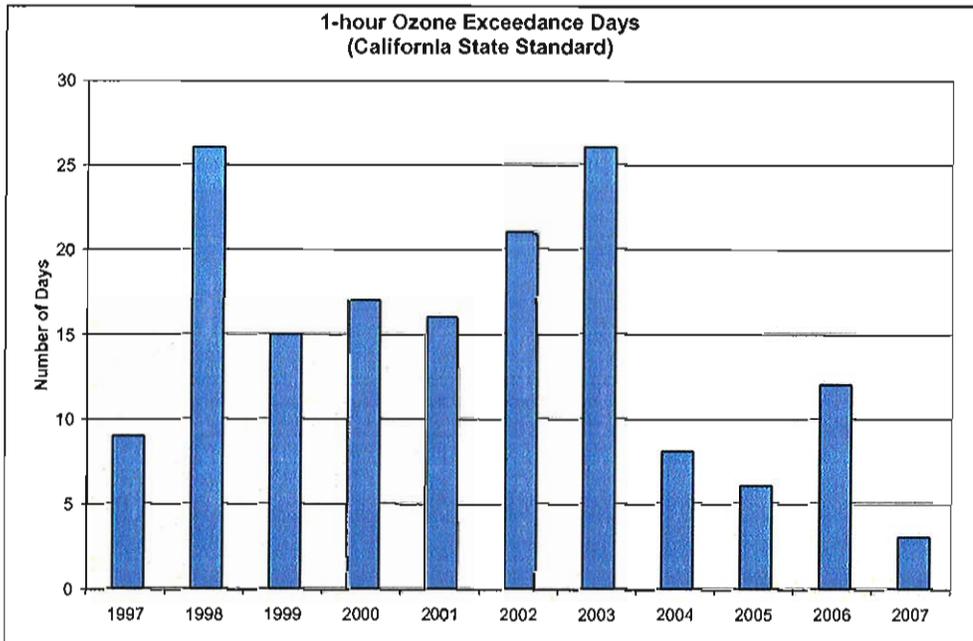
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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:

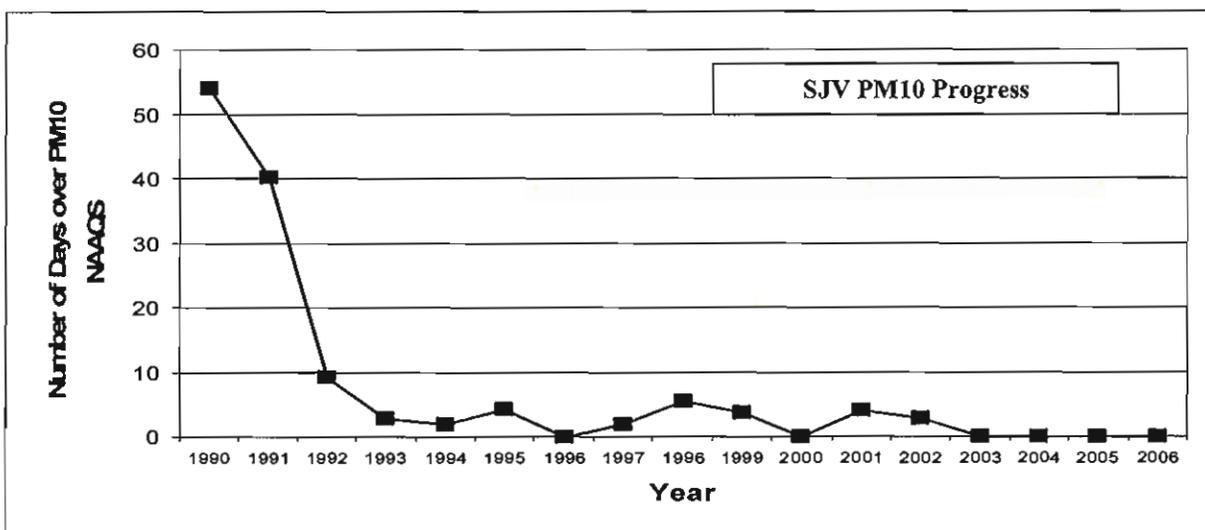


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of 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.

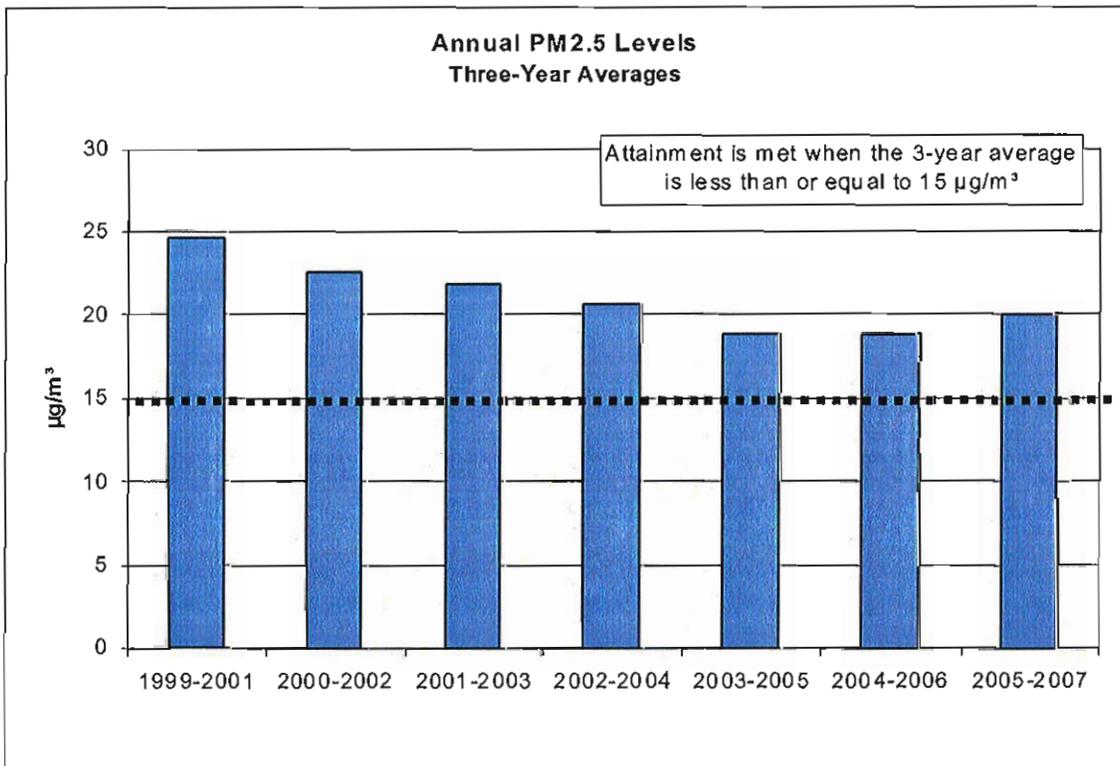
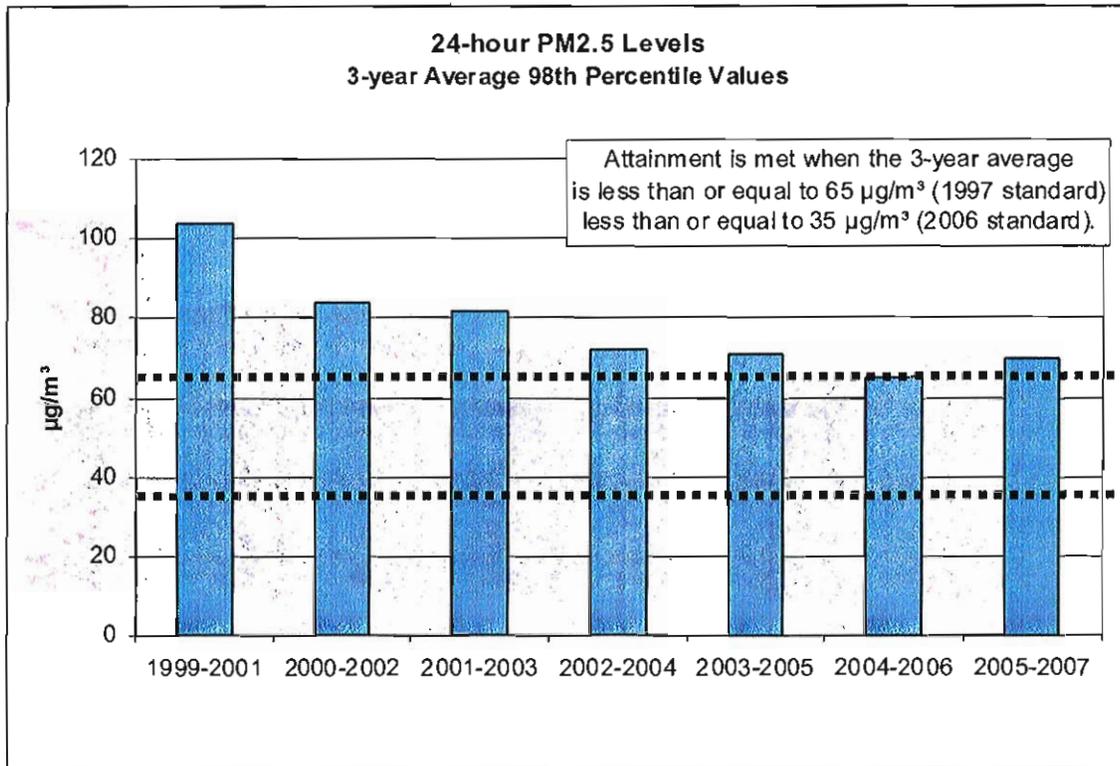
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated 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 (CO₂), 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 (CH₄), 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, CH₄ exerts about 20 times the greenhouse gas effect of CO₂;
- *nitrous oxide (N₂O), produced in large part by soil microbes and enhanced through application of fertilizers. N₂O 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. N₂O is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N₂O 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 (SF₆) is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF₆ exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO₂ on a ton-for-ton basis.
- water vapor, the most predominant GHG, and a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans.

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

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

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

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

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

The recently-released update of the Urbemis computer model (used by the City of Fresno Planning and Development Department for environmental assessments, pursuant to a specific MEIR mitigation measure) does provide data on the amounts of CO₂ and oxides of nitrogen (NO_x) 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 SF₆, 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 CO₂ and N₂O 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 CO₂, removing it from the atmosphere).

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

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

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

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

other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (PM_{2.5}) 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 extend 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.