City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII.C.
COMMISSION MEETING 06/01/11
APPROVED BY
DEPARTMENT DIRECTOR

June 01, 2011

FROM: KEVIN FABINO, Planning Manager
Development & Resource Management Department

THROUGH: MIKE SANCHEZ, Planning Manager
Development Services Division

BY: WILL TACKETT, Planner III
Development Services Division

SUBJECT: CONSIDERATION OF THE PROPOSED REPEAL OF THE OFFICIAL PLAN LINES FOR WEST FIR AVENUE FROM NORTH MARKS AVENUE TO WEST HERNDON AVENUE (OPL NO. 97-01).

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. APPROVE addendum to Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983, as adopted by the City Council on February 10, 2011 (Resolution No. 2011-19 and Ordinance No. 2011-5/Bill No. B-5), in accordance with Section 15164 of the California Environmental Quality Act (CEQA).

2. RECOMMEND APPROVAL (to the City Council) of Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 for the purposes of the proposed repeal of Official Plan Line (OPL) No. 97-01.

3. RECOMMEND APPROVAL (to the City Council) of the request to repeal the Official Plan Lines for West Fir Avenue from North Marks Avenue to West Herndon Avenue (OPL No. 97-01) as recorded on September 18, 1997, in Volume 8 of Precise Plans at Pages 20 & 21, Fresno County Records.

EXECUTIVE SUMMARY

The Directors of the City of Fresno Development and Resource Management and Public Works Departments as well as the City of Fresno Planning Commission and City Council have initiated a process for consideration of the repeal of the Official Plan Lines for West Fir Avenue from North Marks Avenue to West Herndon Avenue (OPL No. 97-01) through approval of Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, Conditional Use Permit Application No. C-10-195, and Vesting Tentative Tract Map No. 5983/UGM.

Conditions of project approval for Vesting Tentative Tract Map No. 5983 and Conditional Use Permit Application No. C-10-195 (approved by the City of Fresno Planning Commission on December 15, 2010) and the project specific mitigation measures (adopted by the City Council on February 10, 2011), for Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983, included requirements for the vacation, dedication, and improvement of adjacent portions of the West Fir Avenue and North Prospect Avenue rights-of-way and alignments; and, the amendment of OPL No. 97-01 according to the respective project related requirements.

As West Fir Avenue has already been dedicated in accordance with OPL No. 97-01 and because project related conditions will require that the subdivider/developer into a subdivision agreement with the City of Fresno for the dedication, improvement and vacations of portions of North Prospect Avenue within the limits of OPL No. 97-01, the City of Fresno proposes to repeal OPL No. 97-01 in order to satisfy the project related conditions of approval for purposes of recordation of a Final Map and issuance of building permits for the proposed project.

PROJECT INFORMATION

PROJECT	Proposal to repeal the Official Plan Lines for West Fir Avenue from North Marks to West Herndon Avenue (OPL No. 97-01) in order to facilitate a 159-lot single family residential gated private street planned development subdivision on approximately 16.56 acres of adjacent property and the creation of three commercial lots on approximately 3.58 acres of adjacent property in accordance with Conditional Use Permit Application No. C-10-195 and Vesting Tentative Tract Map No. 5983/UGM.
APPLICANT	City of Fresno, Development and Resource Management; and, Public Works Departments. (Wilson Homes & 5983 Enterprises, L.P., subdivider)
LOCATION	West Fir and North Prospect Avenues between North Marks and West Herndon Avenues. **(Council District 2, Councilmember Borgeas)**
PLAN DESIGNATION AND CONSISTENCY	Satisfaction of the Conditions of Approval and the project specific mitigation measures adopted for Vesting Tentative Tract Map No. 5983 and Conditional Use Permit Application No. C-10-195 will secure and implement the dedication and improvement of public street rights-of-way for which the respective Official Plan Lines (OPL No. 97-01) were heretofore reserved and adopted as part of the General Plan.
ENVIRONMENTAL FINDING	Addendum to Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983, as adopted by the City Council on February 10, 2011, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
STAFF RECOMMENDATION	(1) Approve the addendum to Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 in accordance with Section 15164 of the CEQA Guidelines; (2) Recommend Approval (to the City Council) of EA No. A-10-09/R-10-07/C-10-195/T-5983 for the purposes of the repeal of OPL No. 97-01; and, (3) Recommend Approval (to the City Council) of the repeal of OPL No. 97-01.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium-High Density Residential & Open Space / Park	**R-2/EA/UGM** *Low Density Multiple Family Residential / Expressway Area Overlay / Urban Growth Management* **&** **R-A/UGM** *Single Family Residential-Agricultural / Urban Growth Management*	Vacant & City Park
East	Medium-High Density Residential & Neighborhood Commercial	**R-2/EA/UGM** *Low Density Multiple Family Residential / Expressway Area Overlay / Urban Growth Management* **&** **C-1/EA/UGM** *Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*	Vacant & Multiple Family Residential Development & Commercial
South	Medium-High Density Residential & Neighborhood Commercial	**R-2/EA/UGM** *Low Density Multiple Family Residential / Expressway Area Overlay / Urban Growth Management* **&** **C-1/EA/UGM** *Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*	Vacant & Single Family Residential
West	Public Facility / Elementary School & Office Commercial	**R-A//EA/UGM** *Single Family Residential-Agricultural/Expressway Area Overlay/Urban Growth Management*	Elementary School & Vacant

ENVIRONMENTAL FINDING

On February 10, 2011, the Council of the City of Fresno adopted Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 through the passage and adoption of Resolution No. 2011-19 and Ordinance No. 2011-5/Bill No. B-5.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Bullard Community Plan and Sierra Sky Park Land Use Policy Plan areas, including the Master Environmental Impact Report (MEIR) No. 10130 for the 2025 Fresno General Plan (SCH#2001071097) and Mitigated Negative Declaration (MND) No. A-09-02 (SCH#2009051016). The review and consideration of these previously prepared environmental and technical studies included examination of the traffic carrying capacity and characteristics of the planned street system along with

Official Plan Lines adopted heretofore as part of the General Plan for the purpose of reserving rights-of-way for planned streets and highways.

An environmental assessment initial study was prepared for Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations in order to identify requirements necessary to accommodate the expected characteristics of the existing area, along with the proposed project and future planned land uses within the vicinity of the proposed project.

The Public Works Department, Traffic Engineering Division reviewed the proposed project and potential traffic related impacts for the associated plan amendment, rezone, conditional use permit and vesting tentative tract map applications and 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 November 18, 2010 and December 01, 2010, respectively. These requirements generally include: (1) Adjacent public street improvements (including, but not limited to, construction of concrete curbs, gutters, and sidewalks, permanent pavement, underground street lighting systems, concrete medians, roundabouts/traffic circles, and specific striping and turn pockets to accommodate identified and expected traffic characteristics at the intersection of West Herndon with North Valentine/North Prospect Avenues), right-of-way dedications, vacations, and the amendment of OPL No. 97-01, respectively; (2) Dedication of an easement for, and construction of, the planned multi-purpose trail along West Herndon Avenue; (3) Restrictions for curbside parking at specific locations and installation of bike lanes; (4) Identification and installation (as may be appropriate) respective to a "safe route to school" for the nearby elementary school; and, (5) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

The proposed project was determined to not be fully within the scope of MEIR No. 10130 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). With the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 it was further determined that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 as provided by CEQA Section 15178(a).

Section 15164 of the CEQA Guidelines states that an addendum to an adopted mitigated negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent mitigated negative declaration have occurred.

As the repeal of Official Plan Line (OPL) No. 97-01 has been proposed for the proposed project in order to facilitate development of adjacent property in accordance with the Conditions of Approval and the project specific mitigation measures adopted for Vesting Tentative Tract Map No. 5983 and Conditional Use Permit Application No. C-10-195, which identified and mitigated any and all potential impacts that may result from development of the proposed project (or implementation of the public improvement, dedication and vacation requirements stipulated for the proposed project), it may also be determined that the adopted Mitigated Negative Declaration adequately considered any potential impacts associated with any deviations from adopted Official Plan Lines for the purposes of the proposed

project. Therefore, only minor additions are necessary to be included within the project description in order to acknowledge the intended amendment/repeal of OPL No. 97-01 as conditioned.

Therefore, the City of Fresno has determined that an addendum to Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 is appropriate given that none of the conditions described in Section 15162 of the Subdivision Map Act calling for preparation of a subsequent Mitigated Negative Declaration have occurred; and, new information added is only for the purposes of providing minor technical changes or additions, in accordance with Section 15164 of the Subdivision Map Act.

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 an addendum to the mitigated negative declaration adopted for this project.

BACKGROUND / ANALYSIS

On July 15, 1997, the Council of the City of Fresno passed Ordinance No. 97-35/Bill No. B-36 adopting the certain map entitled Official Plan Lines: West Fir Avenue: Marks Avenue to Herndon Avenue, consisting of 2 pages, being precise sections of the Major Street and Highway Plan of the City of Fresno, and which set forth the Official Plan Lines for West Fir Avenue from North Marks Avenue to West Herndon Avenue (OPL No. 97-01); thereby, incorporating OPL No. 97-01 as part of the Official Plan of Streets and Highways for Street Use. OPL No. 97-01 was adopted for the purposes of securing and reserving rights-of-way necessary to afford traffic circulation and access to the Urban Growth Management (UGM) Park site located directly east of Forkner Elementary School such that traffic circulation would not be directed through the local neighborhood street system.

The Directors of the City of Fresno Development and Resource Management and Public Works Departments, as well as the City of Fresno Planning Commission and City Council have initiated a process for consideration of the repeal of the Official Plan Lines for West Fir Avenue from North Marks Avenue to West Herndon Avenue (OPL No. 97-01) through approval of Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, Conditional Use Permit Application No. C-10-195, and Vesting Tentative Tract Map No. 5983/UGM.

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Satisfaction of the Conditions of Approval and the project specific mitigation measures adopted for Vesting Tentative Tract Map No. 5983 and Conditional Use Permit Application No. C-10-195 will secure

and implement the dedication and improvement of public street rights-of-way for which the respective Official Plan Lines (OPL No. 97-01) were heretofore reserved and adopted as part of the General Plan.

Conclusion

Planning Commission action on the proposed request for repeal of the Official Plan Lines for West Fir Avenue from North Marks Avenue to West Herndon Avenue (OPL No. 97-01) is a recommendation to the City Council.

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Bullard Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that the repeal of the Official Plan Lines for West Fir Avenue from North Marks Avenue to West Herndon Avenue (OPL No. 97-01) is now appropriate for the project and adjacent neighborhoods.

Attachments: Vicinity Map
2009 Aerial Photograph
Public Hearing Notice Mailing List Vicinity Map
OPL No. 97-01 for West Fir Avenue from North Marks Avenue to West Herndon Avenue
Vesting Tentative Tract Map No. 5983/UGM
Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM and Conditional Use Permit Application No. C-10-195.
Addendum to Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983, finding of a Mitigated Negative Declaration dated November 12, 2010.

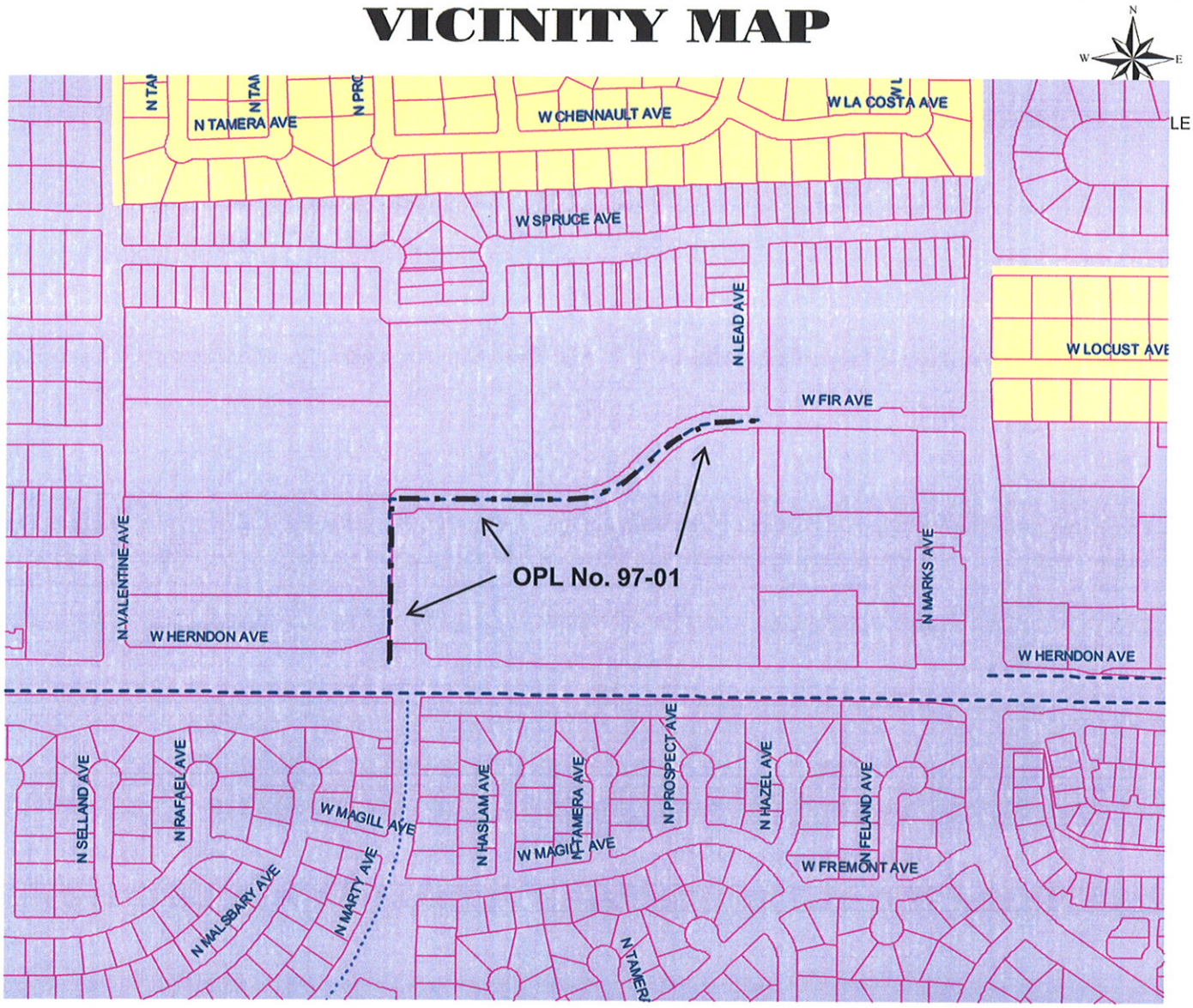
City of
FRESNO W. TACKETT
PLANNING & DEVELOPMENT DEPARTMENT
2600 FRESNO STREET
FRESNO, CA. 93721-3604

THIS IS A LEGAL NOTICE

Official Plan Line No. 97-01

West Fir Avenue from North Marks Avenue to West Herndon Avenue.

VICINITY MAP



W Alluvial Ave
W Minarets Ave
W La Costa Ave
N Dewey Ave
W Spruce Ave
W Lake Van N
N Hazel Ave
W Locust Ave
N Rafael Ave
La Costa Ave
N Marks Ave
W Fir Ave
W Fir Ave
W Beechwood Ave
N Valentine Ave
N Prospect Ave
OPL No. 97-01
W Lead Ave
N Valentine Ave
W Herndon Ave
N Valentine Ave
N Selland Ave
N Prospect Ave
Knoll Ave
Data SIO, NOAA, U.S. Navy, NGA, GEBCO
© 2011 Google
Google
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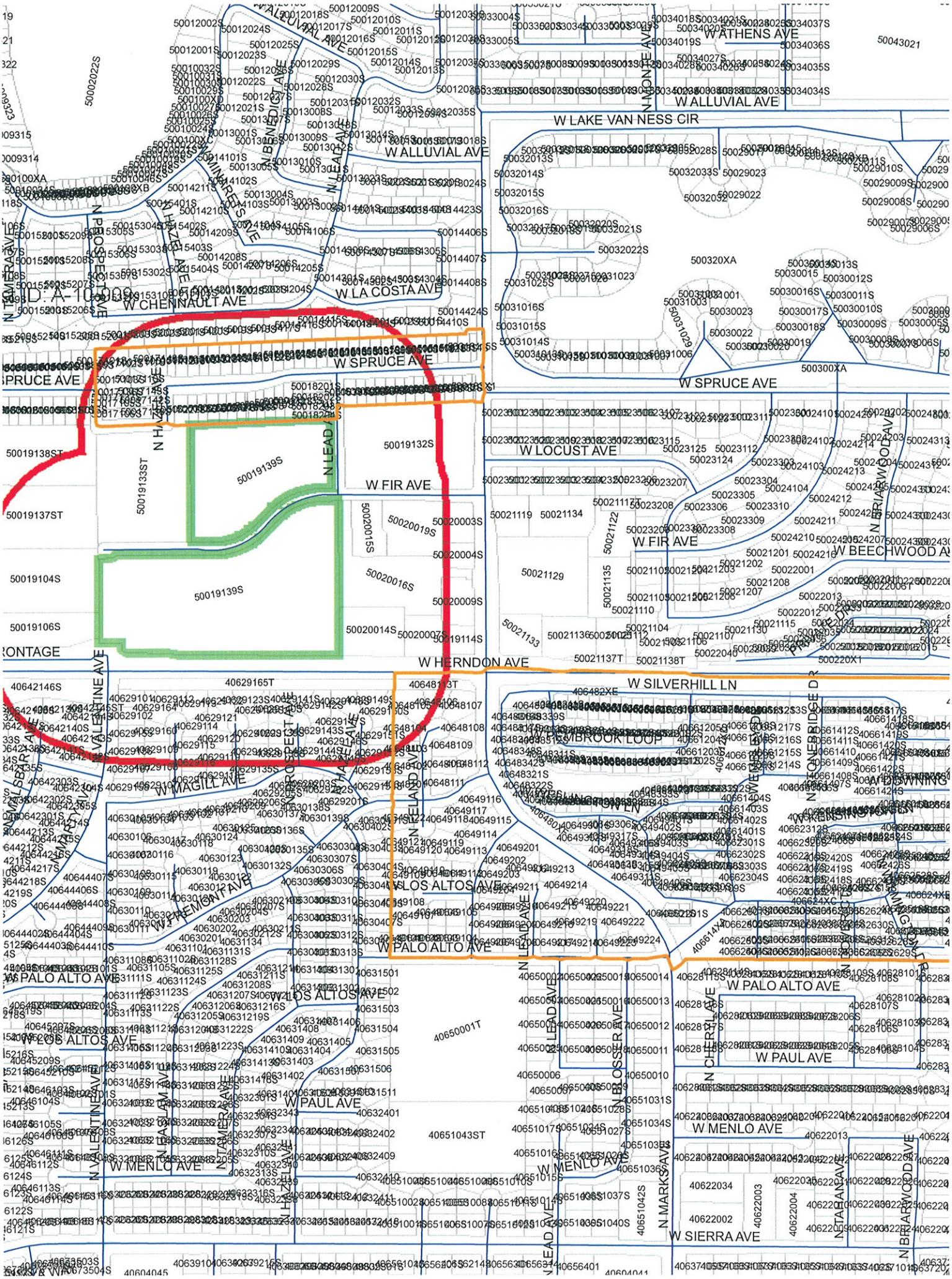
W ATHENS AVE
W ALLUVIAL AVE
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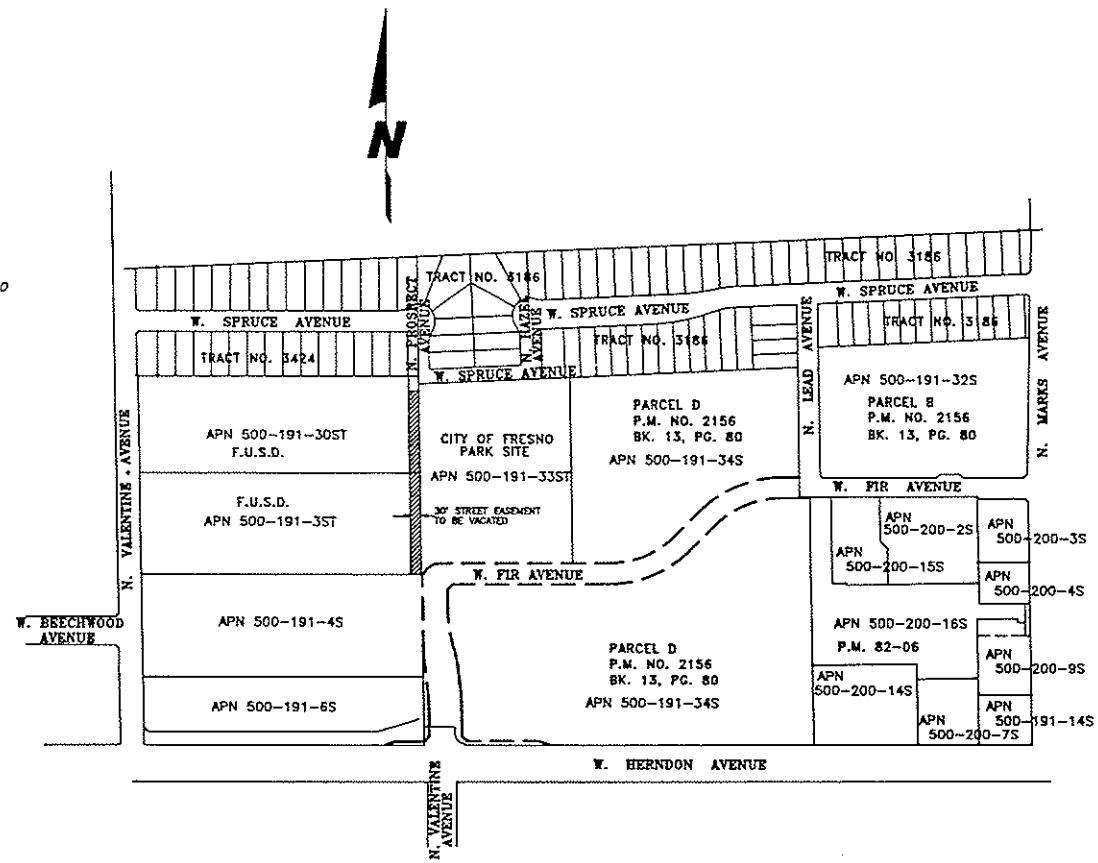
W LA COSTA AVE
W CHENNAULT AVE
W SPRUCE AVE
W SPRUCE AVE
W LOCUST AVE
W FIR AVE
W FIR AVE
W BEECHWOOD AV
W HERNDON AVE
W SILVERHILL LN
W MAGILL AVE
W LOS ALTOS AVE
W PALO ALTO AVE
W PALO ALTO AVE
W LOS ALTOS AVE
W PAUL AVE
W PAUL AVE
W MENLO AVE
W MENLO AVE
W MENLO AVE
W SIERRA AVE
N LEAD AVE
N HAZELWOOD AVE
N VALLETTINE AVE
N MARKS AVE
N BEARWOOD AVE

OFFICIAL PLAN LINES

WEST FIR AVENUE
MARKS AVENUE TO HERNDON AVENUE

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

LOCATION MAP
(NOT TO SCALE)



I HEREBY CERTIFY THAT THIS MAP OF OFFICIAL PLAN LINES WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRESNO ON THE 15th DAY OF July, 1997 BY ORDINANCE NO. 97-35 ADOPTED PURSUANT TO ARTICLE 7 OF CHAPTER 12 OF THE FRESNO MUNICIPAL CODE.

Olivia Sommerville, Deputy
REBECCA E. KLISCH
CITY CLERK

CITY OF FRESNO INCORPORATED OCT. 12, 1885

I HEREBY CERTIFY THAT THIS MAP CONSTITUTES A PART OF THE OFFICIAL PLAN LINE OF STREETS AND HIGHWAYS BEING A PART OF THE MASTER PLAN OF THE CITY OF FRESNO, CALIFORNIA, ADOPTED BY THE PLANNING COMMISSION OF SAID CITY BY RESOLUTION NO. 11006 AT A MEETING HELD ON THE 2nd DAY OF July, 1997 AND CARRIED BY THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE TOTAL MEMBERSHIP OF SAID COMMISSION.

NICK YOVINO, SECRETARY
FRESNO CITY PLANNING COMMISSION

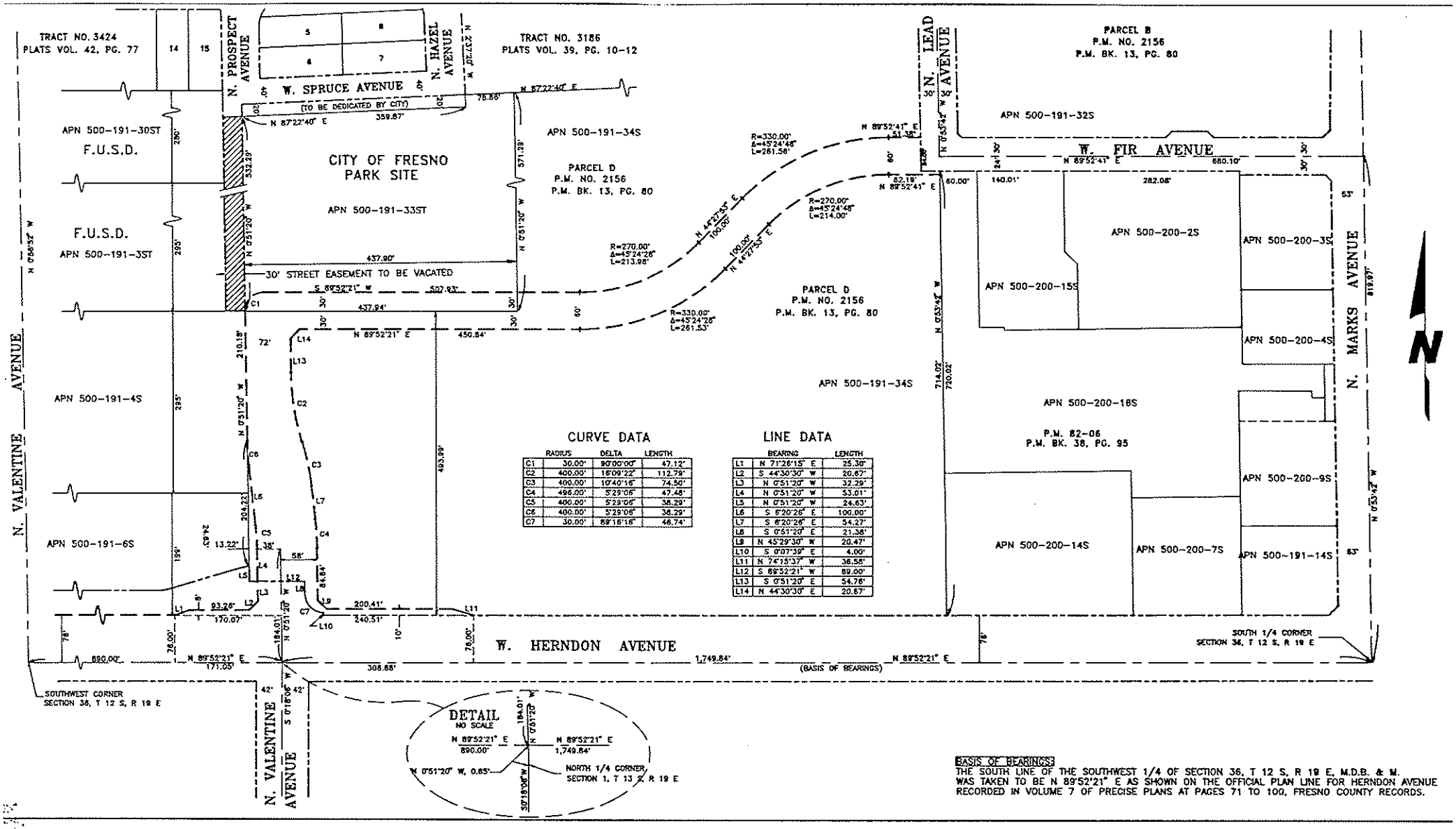
I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF FRESNO, CALIFORNIA HEREBY CERTIFY THAT I HAVE EXAMINED THE OFFICIAL PLAN LINES DELINEATED ON THIS MAP AND I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

Raymond G. Salazar
RAYMOND G. SALAZAR
CITY ENGINEER

9-16-97
DATE

INSTRUMENT NO. 97123400 FILED AND RECORDED AT THE REQUEST OF THE CITY OF FRESNO THE 16th DAY OF Sept, 1997 AT 8 MINUTES PAST 4:00 P.M. AND RECORDED IN VOLUME 8 OF PRECISE PLANS AT PAGE 20-21 FRESNO COUNTY RECORDS.
WILLIAM C. GREENWOOD, COUNTY RECORDER
BY Dorita Stinnett
DEPUTY

Sheet no. 1 of 2 sheets



CURVE DATA

	RADIUS	DELTA	LENGTH
C1	30.00'	90°00'00"	47.12'
C2	400.00'	16°09'22"	112.79'
C3	400.00'	10°40'16"	74.50'
C4	495.00'	5°29'06"	47.48'
C5	400.00'	5°29'06"	38.29'
C6	400.00'	5°29'06"	38.29'
C7	30.00'	89°16'16"	46.74'

LINE DATA

	BEARING	LENGTH
L1	N 71°26'15" E	25.30'
L2	S 44°30'30" W	20.67'
L3	N 0°51'20" W	32.29'
L4	N 0°51'20" W	53.01'
L5	N 0°51'20" W	24.63'
L6	S 6°20'26" E	100.00'
L7	S 6°20'26" E	54.27'
L8	S 0°51'20" E	21.38'
L9	N 45°29'30" W	20.47'
L10	S 0°07'39" E	4.00'
L11	N 74°15'37" W	36.58'
L12	S 89°52'21" W	89.00'
L13	S 0°51'20" E	54.76'
L14	N 44°30'30" E	20.67'

BASIS OF BEARINGS
THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, T 12 S, R 19 E, M.D.B. & M. WAS TAKEN TO BE N 89°52'21" E AS SHOWN ON THE OFFICIAL PLAN LINE FOR HERNDON AVENUE RECORDED IN VOLUME 7 OF PRECISE PLANS AT PAGES 71 TO 100, FRESNO COUNTY RECORDS.

100 50 0 100
SCALE IN FEET

OFFICIAL PLAN LINES

WEST FIR AVENUE
MARKS AVE. TO HERNDON AVE.

LEGEND
- OFFICIAL PLAN LIN
- RIGHT OF WAY LIN
- PROPERTY LINES
- CITY LIMITS
- SECTION LINE
- DELETED PLAN LIN

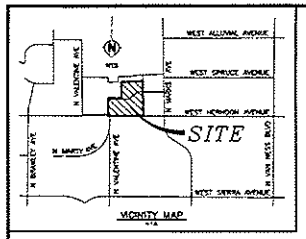
Sheet No. 2 of 2 Sheets

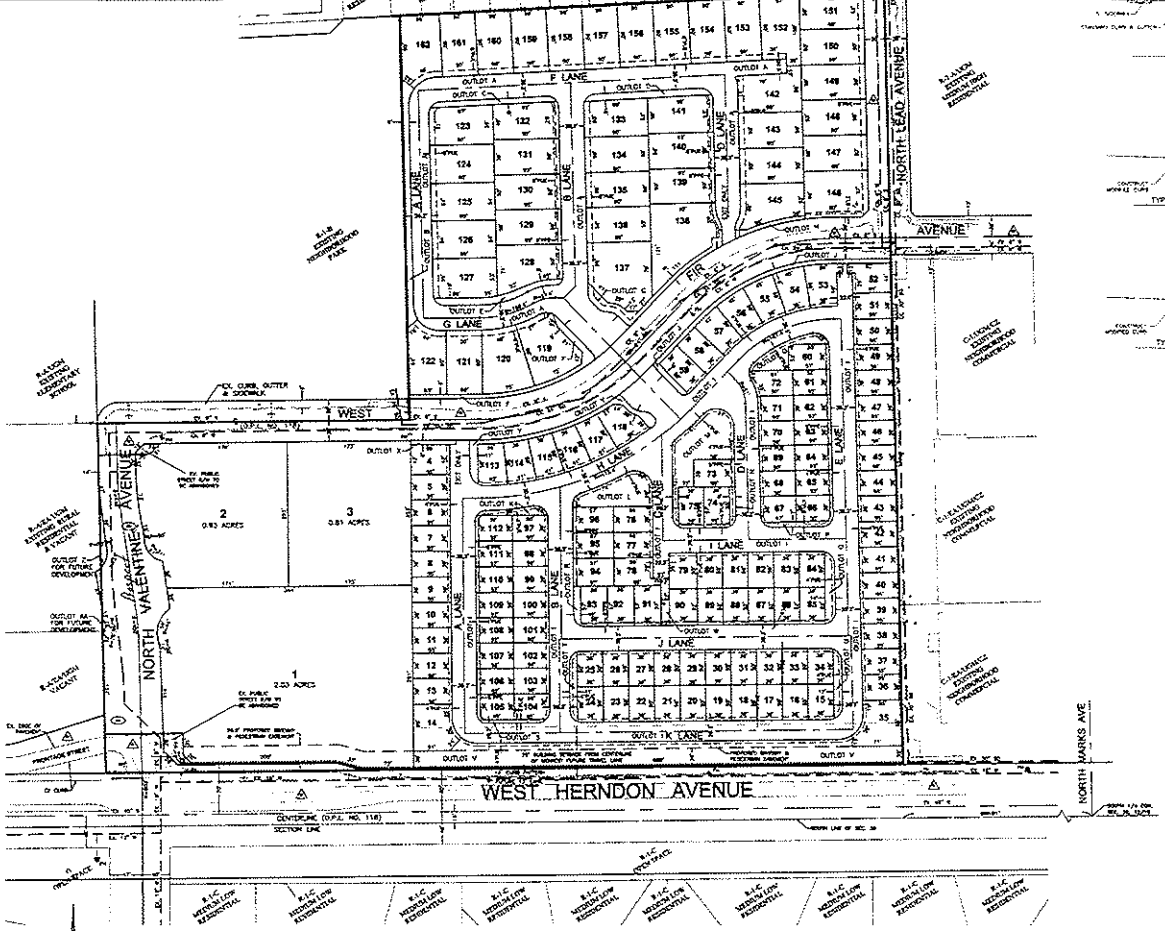
NOTE:
ALL SETBACKS SHALL BE MEASURED FROM THE "OFFICIAL PLAN LINES"

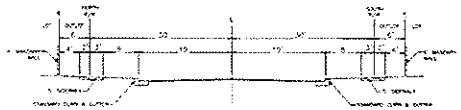
VESTING
TENTATIVE SUBDIVISION MAP
OF

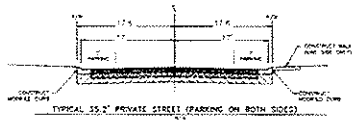
TRACT NO. 5983

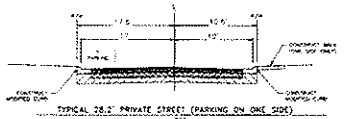
A PLANNED UNIT DEVELOPMENT
TO BE DEVELOPED IN PHASES
IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA











OUTLOT AREAS

OUTLOTS	AREAS (SF)
A	54,857
B	3,264
C	1,265
D	1,783
E	1,713
F	2,406
G	2,347
H	657
I	118,444
J	2,744
K	951
L	4,316
M	6,613
N	462
O	2,186
P	709
Q	1,388
R	540
S	446
T	1,040
U	1,180
V	23,716
W	804
X	378
Y	2,675
Z	547
AA	90

NOTES:

1. THERE ARE NO EXISTING ABOVE GROUND USES OR STRUCTURES SUCH AS BUILDINGS, WATER WELLS, POWER LINES, TOWERS, ETC., WITHIN THE PROPOSED SUBDIVISION. (EXCEPT IF SHOWN).
2. THIS AREA IS NOT SUBJECT TO FLOOD INUNDATION.
3. THERE ARE NO EXISTING UNDERGROUND FEATURES SUCH AS WELLS, CESSPOOLS, SEWERS, CULVERTS, STORM DRAIN, DUMP SITES AND OTHER UNDERGROUND STRUCTURES WITHIN THE PROPOSED SUBDIVISION. (EXCEPT IF SHOWN)
4. ALL IMPROVEMENTS SHALL BE AS REQUIRED BY THE CITY OF FRESNO TO CITY STANDARDS, AND SHALL INCLUDE SANITARY SEWER, DOMESTIC WATER, UNDERGROUND POWER, TELEPHONE, GAS, CONCRETE CURBS, GUTTERS, SIDEWALKS, PERMANENT STREET PAVEMENT STREET LIGHTS, ETC. ON-SITE STREETS WILL BE PRIVATE AND AS APPROVED BY THE CITY OF FRESNO
5. THE DESIGN OF THE PROPOSED SUBDIVISION SHALL PROVIDE TO THE EXTENT FEASIBLE FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES AND OTHER MEASURES THAT CONSERVE NON-RENEWABLE ENERGY RESOURCES AS PROVIDED IN THE SUBDIVISION MAP ACT. 41% OF THE LOTS ARE ORIENTED NORTH TO SOUTH.
6. ALL STREETS ADJACENT TO THE BOUNDARIES OF THIS SUBDIVISION HAVE BEEN PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES AND ALL ARE TO REMAIN (UNLESS OTHERWISE NOTED)
7. THERE SHALL BE NO GRADE DIFFERENTIALS OF GREATER THAN 6" WITHIN 200 FEET OF THE SITE UNLESS APPROVED BY THE CITY OF FRESNO DEVELOPMENT DEPARTMENT.

EXISTING BUILDINGS VACANT	SOURCE OF WATER CITY OF FRESNO
EXISTING TREES NONE	SOURCE OF SEWAGE DISPOSAL CITY OF FRESNO
ASSESSOR'S PARCEL NUMBER 300-191-305	SOURCE OF WASTE DISPOSAL CITY OF FRESNO
EXISTING USE VACANT	SOURCE OF ELECTRICITY PG&E
EXISTING ZONING R-2/EA/UGN & C-P/EA/UGN	SOURCE OF GAS PG&E
PROPOSED USE SINGLE FAMILY RESIDENTIAL & COMMERCIAL SUBDIVISION	SOURCE OF CABLE T.V. COMCAST
PROPOSED ZONING R2 & C1	SOURCE OF TELEPHONE AT&T
SITE AREA 20.06 AC (GROSS) 19.24 AC (NET)	
NUMBER OF LOTS 152	
DENSITY RESIDENTIAL – 5.40 UNITS PER ACRE	

OUTLOT SCHEDULE

OUTLOTS A & I	FOR PRIVATE ROAD & PUBLIC UTILITY PURPOSES
OUTLOTS C-H, J, K & N-Y	FOR PUBLIC OR PRIVATE LANDSCAPING, PUBLIC OR PRIVATE WALKWAYS PURPOSES
OUTLOTS L	FOR PRIVATE LANDSCAPING, PRIVATE WALKWAY & PRIVATE PARKING PURPOSES
OUTLOTS M	FOR PRIVATE LANDSCAPING, PRIVATE WALKWAY, PRIVATE PARKING & RECREATION PURPOSES
OUTLOTS Z & AA	FOR FUTURE DEVELOPMENT

LEGEND:

- PUE — PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
- PPE — PRIVATE PEDESTRIAN EASEMENT NOW OFFERED FOR DEDICATION FOR PRIVATE USE
- D — EXISTING DRAIN PIPE
- → — INDICATES DIRECTION OF DRAINAGE FLOW
- FH — EXISTING FIRE HYDRANT
- LE — PROPOSED PRIVATE LANDSCAPE EASEMENT
- △ — INDICATES STREETS PREVIOUSLY DEDICATED FOR PUBLIC USE
- ⊖ — PUBLIC STREET EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
- PROPOSED INGRESS/EGRESS OF DIRECT VEHICULAR AND PEDESTRIAN ACCESS RIGHTS
- EXISTING ST. LIGHT

RECORD OWNERS

FRED C. CAMPOS INC
FRESNO, CA 93706

OWENSBY FAMILY LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP
AS TO AN UNDIVIDED 50% INTEREST

JEAN NOVA OWENSBY, AN UNMARRIED WOMAN
AS TO AN UNDIVIDED 12.5% INTEREST

LAUREL ANNE OWENSBY SLATER, A MARRIED WOMAN, AS HER SOLE AND SEPARATE PROPERTY
AS TO AN UNDIVIDED 12.5% INTEREST

NAN OWENSBY BARKER, AS TRUSTEE OF THE NAN OWENSBY BARKER REVOCABLE TRUST DATED JANUARY 22, 2004
AS TO AN UNDIVIDED 12.5% INTEREST

LINDSEY DAN OWENSBY, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY
AS TO AN UNDIVIDED 12.5% INTEREST

RECEIVED
DEC 15 2010
DEVELOPMENT DEPARTMENT
CITY OF FRESNO

TENTATIVE SUBDIVISION MAP

SUBDIVIDER
5983 ENTERPRISES, L.P.
[illegible]

Harbour & Associates
Civil Engineers
[illegible]
(559) 225-7975

REVISIONS	SHEET NO.
10-11-10	1
12-13-10	OF
	1

DATE: 9-13-10 | SCALE: 1"=80' | DRAWN BY: AJE

D-730

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

DECEMBER 15, 2010

(REVISED BY THE PLANNING COMMISSION ON 12/15/10)

(REVISED BY THE CITY COUNCIL ON 02/10/11)

VESTING TENTATIVE TRACT MAP NO. 5983/UGM

"A PLANNED DEVELOPMENT"

NORTH SIDE OF WEST HERNDON AVENUE BETWEEN NORTH VALENTINE AND NORTH MARKS AVENUES

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

NOTICE TO PROJECT APPLICANT

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

URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)

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

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 5978, the subdivider may prepare a Final Map in accordance with the approved tentative map, and Conditional Use Permit Application No. C-10-195.

2. An Air Impact Assessment (AIA) application for the proposed project shall have been submitted to the San Joaquin Valley Air Pollution Control District prior to the submittal/acceptance of any phase of the Final Map for recordation/processing.

3. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.

4. Submit grading plans and a soils report to the City of Fresno Planning and Development Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of

any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.

5. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

6. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.

7. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.

8. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Article 10, Chapter 12, "Subdivision of Real Property;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.

9. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.

10. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.

11. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

GENERAL INFORMATION

12. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.

a) It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid. In addition to completing the Agreement, the Developer shall provide a final map (with address details) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.

   i) Attached for the subdivider/developer's use is a copy of the Mode of Delivery Agreement – New Construction Form.

13. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of Fresno Municipal Code Chapter 12, Article 10, Subdivision of Real Property.

14. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.

15. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.

16. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.

17. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.

18. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.

~~19. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation measures.~~

20. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.

21. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

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

    a) A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;

    b) A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and

    c) Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.

    d) The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

ZONING & PROPERTY DEVELOPMENT STANDARDS

22. Approval of Vesting Tentative Tract Map No. 5983/UGM is contingent upon City Council approval of Plan Amendment Application No. A-10-09 and Rezone Application No. R-10-07.

23. As a proposed "Planned Development" subdivision, approval of Vesting Tentative Tract Map No. 5983 is contingent upon approval of Conditional Use Permit Application No. C-10-195; authorizing the planned development of the subject property.

24. Pursuant to Rezone Application No. R-10-07 the subject property is proposed to be zoned C-1/EA/UGM (*Neighborhood Shopping Center District/Expressway Area Overlay/Urban Growth Management*) and R-2/EA/UGM (*Low Density Multiple Family Residential District/Expressway Area Overlay/Urban Growth Management*). Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective C-1/EA/UGM and R-2/EA/UGM zone districts except as may be modified herein pursuant to Conditional Use Permit Application No. C-10-195.

a) The planned development of the subject property pertains only to that portion of the subject property proposed to be subdivided for residential uses (Lots 4-162 of Vesting Tentative Tract Map No. 5983/UGM).

i) Development of that portion of the subject property proposed to be subdivided for commercial purposes (Lots 1-3 of Vesting Tentative Tract Map No. 5983/UGM) shall occur in accordance with Section 12-217 of the FMC (C-1 [Neighborhood Shopping Center District]).

25. The subject property is located within the Primary Review Area of the Sierra Sky Park the following conditions shall apply and be satisfied prior to recordation of the Final Map.

a) An avigation easement shall be dedicated to the City of Fresno, which contains the following property rights:

i) Right-of-flight at any altitude above acquired easement surfaces.

ii) Right to generate noise, vibrations, fumes, dust, and fuel particle emissions.

iii) Right of entry to remove, mark, or light any structures or growths above easement surfaces.

iv) Right to prohibit creation of electrical interference, unusual light sources, and other hazards to aircraft flight.

v) Right to prevent erection or growth of all objects above acquired easement surfaces.

- NOTE: The easement surfaces acquired shall be based on Part 77 of the Federal Aviation Regulations except that no easement surface less than 35 feet shall be acquired.

b) The subdivider shall record a covenant for the subject property memorializing that it is understood by the owners and owners' successors in interest that the real property in question lies close to Sierra Sky Park and that the operation of the airport and the landing and take-off of aircraft may generate noise levels which will affect the habitability and quiet enjoyment of the property; and, that the owners covenant to accept and acknowledge the operation of Sierra Sky Park.

i) The covenant shall also contain a term providing a "buyer notification statement" as a requirement for the transfer of title of any property located within the proposed subdivision. This statement should indicate that the buyer is aware of the proximity of Sierra Sky Pak, the characteristics of the airport's current and projected activity, and the likelihood of aircraft over-flights of the affected property.

- NOTE: The above easements and covenants, conditions and restrictions shall run with the land and shall be binding upon the owners and subsequent owners of the property.

26. Proposed Outlots "Z" & "AA" shall be dedicated for future development purposes.

Lot Area and Dimensions

27. Pursuant to Section 12-306-N-21 of the FMC the Director of the Development and Resource Management Department or the Planning Commission may modify the property development standards of the underlying zone district if determined that the proposed development conforms to the provisions of the abovementioned section. However, in no case shall proposed parcels be less than the following minimum standards:

    a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 5983/UGM.

Building Setbacks

28. Building setbacks shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-10-195.

Fences, Hedges & Walls

29. Fences Hedges and Walls shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-10-195.

LANDSCAPING AND OPEN SPACE

30. Dedicate a minimum 26-foot wide easement for Bike and Pedestrian purposes (Trail) along the West Herndon Avenue frontage of all lots within the proposed subdivision (south property line of Lot 1 & Outlot "V" of Vesting Tentative Tract Map No. 5983/UGM).

31. Dedicate a minimum 5-foot wide landscape easement along the south property line of Lot 146 of Vesting Tentative Tract Map No. 5983/UGM (West Fir Avenue frontage).

32. Two to five percent (2%-5%) of the site (less street dedications) should consist of common passive/active open space in accordance with: the City of Fresno Proposed Guidelines for Landscape Open Space and Pedestrian Walkway Requirements for Residential Development; the Conditions of Approval for Conditional Use Permit Application No. C-10-195; and, the following:

    a) All subdivisions that are 10 net acres in area or greater shall provide a minimum of 2.5 percent of the site with aggregate open space.

        - NOTE: As the proposed subdivision is located immediately adjacent to an existing public neighborhood park, which is approximately 5 acres in size, this subdivision is exempt from the provision of aggregate open space.

    b) Landscaped pedestrian connections/walkways shall be provided for all subdivisions in order to promote "walkability", link neighborhoods and to provide residents the opportunity to reach destinations, including (but not limited to) residences, bus stops, trails, parks (including mini, neighborhood, community, regional parks, etc.), schools, shopping centers, other subdivisions, etc.

c) Entryways should contain enhanced landscaping (and irrigation systems), surface materials, and fencing/wall treatments that respectively improve and better define a project's visual image and character.

d) Proposed Outlots "C" through "H" & "J" through "Y" of Vesting Tentative Tract Map No. 5983/UGM shall be utilized and dedicated for public or private landscaping, public or private walkways, private parking, and recreation purposes in accordance with the Outlot Schedule of Vesting Tentative Tract Map No. 5983/UGM.

- NOTE: Ownership of proposed Outlots will not be accepted by the City of Fresno. Where proposed, Outlots shall remain private and not become property of the City

33. All proposed landscaped open spaces, pedestrian connections, entryways, and pathways shall be improved in accordance with the approved landscape improvement plans, which are to be submitted to the Development and Resource Management Department for review and approval prior to Final Map approval.

- NOTE: Lighting details shall be provided with the submittal of the landscape improvement plans.

34. Maintenance of all Outlots proposed within the boundary of Vesting Tentative Tract Map No. 5983/UGM shall be provided pursuant to the Maintenance Obligations stipulated herein below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

35. Landscaping, which is compliant with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards," shall be required adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

36. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscape easements as determined by the Planning and Development Department. Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage; or, one tree per home (whichever is greater) by the developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards and AB 1881 Model Water Efficient Landscape Ordinance.

37. Comply with all of the: (1) Street Tree; (2) Buffer Landscape & Maintenance; (3) Median Island Landscape; and, (4) Bike Path requirements stipulated within the Department of Public Works, Streets/MIM Division memorandum dated October 31, 2010; with the following exceptions:

a) Based upon the proposed front yard setbacks of proposed residential units, street trees will not be required to be planted within a 10-foot Public Planting and Utility Easement. Locations of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to issuance of a street tree

planting permit or prior to approval of landscape plans, which are required to be submitted to serve as a street tree planting permit for on-site trees, which may alternatively be planted outside of street rights-of-way and within ten feet of the back of the sidewalk.

STREETS AND RIGHTS-OF-WAY

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

Street Name	Status	Required Change
North Valentine Avenue	Change	North Prospect Avenue
(Interior Private Streets)	Add	(Provide new street names for review & approval)

38. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.

39. Comply with all of the requirements stipulated within the attached Public Works Department, Traffic and Engineering Services Division memorandums dated November 18, 2010 and December 01, 2010 (Mitigation measure requirements of Traffic Manager respective to project Traffic Impact Study [TIS10-013] dated July 28, 2010) with the following exceptions:

    a) In accordance with City Council Resolution No. 2010-279, the proposed project is exempt from providing sidewalks on both sides of private streets subject to the execution of an indemnification agreement, in a form provided by the City of Fresno, prior to City Council action respective to Plan Amendment Application No. A-10-09 and Rezone Application A-10-07.

        - NOTE: Should the exemption to the requirement for installation of sidewalks on both sides of streets become effective, then the provision of sidewalks within the proposed subdivision shall be afforded consistent with Conditional Use Permit Application No. C-10-195.

    b) The portions of Outlots of Vesting Tentative Tract Map No. 5983/UGM, which front onto a public street are not required to be changed to easements so long as ownership of said Outlots remains private. The City of Fresno will not accept ownership of any Outlots within the proposed subdivision. If these areas adjacent to the public street rights-of-way are eligible and proposed to be included within CFD maintenance, then said Outlots shall be changed to public easements.

    c) Local streets are not required to be designed with a minimum 250-foot radius. Provide street radii in accordance with Vesting Tentative Tract Map No. 5983/UGM.

    d) The applicant is not required to pay a fair share contribution for the proposed project for impacts to State of California Department of Transportation facilities. The project shall pay all other applicable City and County development impact fees.

e) North Prospect Avenue shall be designed and improved with a southbound left-turn lane, a southbound shared left-turn and through lane, and a southbound right-turn lane.

40. Proposed Outlots "A" & "I" of Vesting Tentative Tract Map No. 5983/UGM shall be dedicated and utilized for private road and public utility purposes.

SANITARY SEWER SERVICE

The nearest sanitary sewer mains to serve the proposed project is an 8-inch main located in West Fir Avenue. The following sewer conditions shall be required prior to providing City sewer service to the project:

41. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated November 22, 2010.

WATER SERVICE

The nearest water main to serve the proposed project is an 8-inch main located in West Fir Avenue and an 8-inch main located in North Lead Avenue. The following water improvements shall be required prior to providing City water service to the project:

42. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Water Division memorandum dated November 04, 2010.

SOLID WASTE SERVICE

Solid Waste requirements for Commercial lots proposed to be subdivided within this tract will be addressed upon the submittal of future development applications. The residential planned development subdivision within this tract will be serviced Single Family Residential properties with basic container service, subject to the following conditions:

43. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Solid Waste Division memorandum dated November 16, 2010.

FIRE SERVICE

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

44. Comply with all of the requirements stipulated within the attached Fresno Fire Department memorandum dated November 03, 2010.

FLOOD CONTROL AND DRAINAGE

45. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letters to the Planning and Development Department dated December 10, 2010.

COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

46. Comply with all of the requirements stipulated within the attached County of Fresno Department of Public Health memorandum dated October 26, 2010.

FRESNO UNIFIED SCHOOL DISTRICT

47. Comply with all of the requirements stipulated within the attached Fresno Unified School District memorandum dated October 14, 2010.

RIGHT-OF-WAY ACQUISITION

48. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.

49. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.

50. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.

51. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.

52. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

MAINTENANCE OBLIGATIONS

53. The long term maintenance of all the items listed below is the ultimate responsibility of the owner/developer.

54. Comply with all the requirements stipulated within the attached Public Works Department memorandum respective to Communities Facilities District Maintenance dated November 16, 2010 and the following:

    - NOTE: Proposed Outlots of Vesting Tentative Tract Map No. 5983/UGM, which front onto a public street are not required to be changed to easements so long as ownership of said Outlots remains private. The City of Fresno will not accept ownership of any Outlots within the proposed subdivision. If these

areas adjacent to the public street rights-of-way are eligible and proposed to be included within CFD maintenance, then said Outlots shall be changed to public easements.

a) If the owner/developer chooses to be annexed into the City's CFD for maintenance purposes, then an Annexation Request Package shall be submitted to the Public Works Department for review, processing, and approval.

- NOTE: Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available on-line on the City of Fresno website (http://www.fresno.gov) under the Public Works Department Developer Doorway.

b) Construction plans for all features to be maintained by a CFD for a final map shall be included in the final map submission to the Development Department for processing. Where applicable, this shall include a Street Tree Location and Street Tree Species (by street) map. Landscaping plans shall contain actual tree and plant counts by species and include the areas (in square feet) of turf, shrubs and trees, and sidewalks or other paved areas within all landscaped areas.

- NOTE: The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require that landscape and irrigation plans be submitted with landscape buffer plans for approval prior to inclusion into the CFD.

c) Proceedings to place the Final Map into a CFD shall not commence until the Final Map has been annexed into the City of Fresno and the Final Map, Landscape and Street Construction Plans are considered to be technically correct.

d) If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, he/she shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. The developer/subdivider shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.

55. Should the City Council or owner/developer choose not to include all of the maintenance items or certain items listed above in a CFD, then the property owner/developer shall be responsible for establishing a Home Owners' Association (HOA) or other property based management mechanism which provides for the maintenance of these items in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.

a) The subdivider shall establish a Home Owners' Association (or other approved mechanism) to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City pursuant to Section 12-1026 of the Fresno Municipal Code. The agreement with the City described herein, shall among other things, specify level of effort and frequency, insurance requirements, traffic control, and

inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.

- NOTE: Should the owner/developer elect to establish a Home Owners' Association to perform maintenance obligations and assure that said obligations are met, then the owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.

b) The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Development and Resource Management Department for review two weeks prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Development and Resource Management Department Guidelines for preparation of CC&Rs dated January 11, 1985.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

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

SEWER CONNECTION CHARGES	FEE RATE
a. Lateral Sewer Charge [1]	$0.10/sq. ft. (to 100' depth)
b. Oversize Charge [1]	$0.05/sq. ft. (to 100' depth)
c. Trunk Sewer Charge [2] Service Area: Herndon - Residential (SFR) - Commercial/Residential (MFR)	 $496.00/living unit S.T.E.P.**
d. Wastewater Facilities Charge [3] - Residential (SFR) - Commercial/Residential (MFR)	 $2,119.00/living unit S.T.E.P.**
e. House Branch Sewer Charge [2]	N/A

WATER CONNECTION CHARGES	FEE RATE
f. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule.
g. Frontage Charge [1]	$6.50/lineal foot

h. Transmission Grid Main Charge [1]	$643.00/gross acre (parcels 5 gross acres or more)
i. Transmission Grid Main Bond Debt [1] Service Charge	$243.00/gross acre (parcels 5 gross acres or more)
j. UGM Water Supply Fee [2] Service Area: 142	$379.00/net acre
k. Well Head Treatment Fee [2] Service Area: 201	$0/living unit
l. Recharge Fee [2] Service Area: 201	$0/living unit
m. 1994 Bond Debt Service [1] Service Area: 201	$0/living unit

CITYWIDE DEVELOPMENT IMPACT FEES	FEE RATE
n. Fire Facilities Impact Fee – Citywide [4]	
- Residential	$539.00/living unit
- Residential, Multi-Family	$439.00/living unit
- Commercial	$236.00/1000 sq.ft. †
o. Park Facility Impact Fee – Citywide [4]	
- Residential	$2,278.00/living unit
- Residential, Multi-Family	$1,853.00/living unit
p. Quimby Parkland Dedication Fee [2]	
- Residential	$1,120.00/living unit
- Residential, Multi-Family	$911.00/living unit
q. Citywide Regional Street Fee [3]	
- Residential	$8,361.00/adj. acre
- Residential, Multi-Family	$13,846.00/adj. acre
- Commercial Office	$13,726.00/adj. acre
- Commercial Retail	$16,131.00/adj. acre
r. New Growth Area Major Street Fee [3]	
- Residential	$18,790.00/adj. acre
- Residential, Multi-Family	$30,775.00/adj. acre
- Commercial Office	$29,848.00/adj. acre
- Commercial Retail	$37,495.00/adj. acre
s. Police Facilities Impact Fee – Citywide [4]	
- Residential	$624.00/living unit
- Residential, Multi-Family	$508.00/living unit
- Commercial	$665.00/1000 sq.ft. †

t.	Traffic Signal Charge [1]	
	- Residential	$450.94/living unit
	- Residential, Multi-Family	$316.65/living unit
	- Commercial	$47.12/ADT †
u.	Street Acquisition/Construction Charge [2]	$201,832.00

Notes:

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits.

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

* Living Unit Equivalents are calculated by multiplying the number of Net Acres by 5.8 Living Unit Equivalents for commercial or 3.0 Living Unit Equivalents for industrial to arrive at the total number of Living Unit Equivalents.

**Upon occupancy of the project, the subdivider shall pay the appropriate sewer facility charge pursuant to the Simple Tiered Equity Program (STEP) as determined by the Department of Public Utilities, Wastewater Division, Environmental Services Section (559-621-5153).

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

† Building areas to be calculated to the nearest square foot. Traffic Signal Fee is subject to review and conditions of approval from Transportation Planning through the entitlement review process based on Average Daily Trips of the proposed project. Average Daily Trips to be determined by Traffic Engineering.

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

DECEMBER 15, 2010

(REVISED BY THE PLANNING COMMISSION ON 12/15/10)

(REVISED BY THE CITY COUNCIL ON 02/10/11)

CONDITIONAL USE PERMIT APPLICATION NO. C-10-195

"A PLANNED DEVELOPMENT"

NORTH SIDE OF WEST HERNDON AVENUE BETWEEN NORTH VALENTINE AND NORTH

PART A - PROJECT INFORMATION

1.	Assessor's Parcel No(s):	500-191-39
2.	Street Location:	Located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues. **(Council District 2, Councilmember Borgeas)**
3.	Existing Zoning	"C-P/EA/UGM" (*Administrative and Professional Office / Expressway Area Overlay/Urban Growth Management*) "R-2/EA/UGM" (*Low Density Multiple Family Residential District / Expressway Area Overlay /Urban Growth Management)*)
4.	Proposed Zoning	"R-2/EA/UGM" (*Low Density Multiple Family Residential District / Expressway Area Overlay /Urban Growth Management)*)
5.	Existing Planned Land Use:	Office Commercial; and, Medium-High Density Residential (10.38-18.15 dwelling units/acre)
6.	Proposed Planned Land Use:	Medium-High Density Residential (10.38-18.15 dwelling units/acre)
7.	Plan Areas:	Bullard Community Plan, Sierra Sky Park Land Use Policy Plan
8.	Project Description:	Requests authorization to establish a 159-lot single family residential gated private street planned development with modified property development standards for lots proposed to be created by Vesting Tentative Tract Map No. 5983/UGM.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The City of Fresno Planning Commission, on December 15, 2010, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E", "F" & "L" of Conditional Use Permit Application No. C-10-195.

IMPORTANT: PLEASE READ CAREFULLY

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

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

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. C-10-69 and Vesting Tentative Tract Map No. T-5978.

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

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;

2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,

3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

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

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

Transfer all red line notes, etc., shown on the original site plan exhibit(s) to the final site plan(s). CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by December 01, 2014 (four years from the date of Director approval). The time limits for any special permit conditionally granted in conjunction with an approved tentative tract map shall be automatically extended upon the extension of such tentative tract map pursuant to Section 12-1005.1 of the FMC.

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

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

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

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

NOTICE TO PROJECT APPLICANT

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

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

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

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

imposed whenever such conditions are disclosed.

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

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

   a) Exhibit(s) "A" is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the existing and proposed public rights-of-way.

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

   c) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:

      i) Dedications shall take place in accordance with the Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM.

   d) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:

      i) A feasibility study for all proposed vacations of existing public rights-of-way is required to be completed prior to recordation of the Final Map. Contact Alan James, Supervising Engineering Technician at (559) 621-8693 for further information.

2. STREET IMPROVEMENTS

   a) All public improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering Services Division at (559) 621-8693, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.

   b) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.

   c) Where required design and construct curb, gutter, AC paving, and residential sidewalk patterns

to Public Works standards, specifications, and policies. Plans shall be prepared by a registered Civil Engineer.

- NOTE: Reference Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM for requirements respective to major and interior local public streets.

d) Install streetlights on all frontages to City Standards as determined by the City Traffic Engineer. Street lighting plans are required and must be approved by the Public Works Department/Engineering Services prior to commencement of the work.

e) Underground all existing off-site overhead utilities within the limits of this site as per FMC Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.

f) Submit four copies of a Geometric Approval Drawing (GAD) to Traffic Engineering for review and approval, per the attached checklist, prior to submittal of street plans.

g) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

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

PART D - PLANNING/ZONING REQUIREMENTS

1. PLANNING

a) Development is subject to the following plans and policies:

i) "R-2," *Low Density Multiple Family Residential District (Section 12-212 of the FMC)*
ii) "EA", *Expressway Area Overlay District (Section 12-244 of the FMC)*
iii) "UGM", *Urban Growth Management (Section 12-4.500 et seq. of the FMC)*
iv) 2025 Fresno General Plan
v) Bullard Community Plan
vi) Sierra Sky Park Land Use Policy Plan

2. ZONING

a) Approval of Conditional Use Permit Application No. C-10-69 is contingent upon approval of Vesting Tentative Tract Map No. 5983/UGM; and, City Council approval of Plan Amendment Application No. A-10-09 and Rezone Application No. R-10-07.

3. USES PERMITTED

a) Contingent upon approvals referenced herein above, the subject property is authorized for development with single family residential uses in accordance with Conditional Use Permit Application No. C-10-195 and Vesting Tentative Tract Map No. 5983/UGM.

4. POPULATION DENSITY

a) Pursuant to the Medium-High Density Residential planned land use designation for the subject property; the subject property shall be developed in accordance with Vesting Tentative Tract Map No. 5983/UGM and Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195.

i) Based upon the number of dwelling units (du) allowed per acre, respective to the Medium-High Density Residential planned land use designation, the subject property is required to be developed with between 10.38-18.15 du/acre to meet the density requirements of the 2025 Fresno General Plan and FMC.

- NOTE: Pursuant to Vesting Tentative Tract Map No5983/UGM and Conditional Use Permit Application No. C-10-195, the subject property is proposed to be developed at an overall density of approximately 14.12 du/acre.

ii) A subsequent entitlement will be required in order to revise the current development proposal or authorize an alternative development scheme for the subject property. Further environmental review may also be required for any future revisions dependent upon the level of intensification that may be proposed.

5. BUILDING HEIGHT

a) No building or structure erected in the R-1 (*Single Family Residential*) zone district shall have a height greater 35 feet.

b) All accessory buildings on the subject property, or lots proposed to be created by Vesting Tentative Tract Map No. 5983/UGM shall comply with the requirements and provisions of the development standards of the FMC for the R-1 zone district and are subject to the provisions of Section 12-306-N-1 (Accessory Buildings) of the FMC.

- NOTE: Exceptions. Over height structures may be approved by the City of Fresno Planning Commission or Director of the Planning and Development Department. However, no roof structure or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.

6. BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

Setbacks shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195, the Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM; and, the following:

a) In accordance with Section 12-244 of the FMC (*Expressay Area Overlay District*), on properties zoned for residential uses, no building shall be erected within 200 feet of an abutting expressway right-of-way line except as follows:

   i) On those properties zoned for residential uses for which noise is reduced to not more than 60 Ldn, as determined by noise evaluation and noise reduction procedures approved by the Office of Noise Control, California Department of Health, the minimum building setback shall be not less than 75 feet from the center line of the nearest moving traffic lane of the abutting expressway.

      - NOTE: In accordance with the implementation and mitigation measures of the 2025 Fresno General Plan, an acoustical analysis was prepared for the proposed project by Brown-Buntin Associates, Inc., dated July 19, 2010. The acoustical analysis provides recommendations for mitigation of noise from the abutting expressway, which are incorporated herein as conditions of approval and project specific mitigation measures. Compliance with these conditions of approval will effectively mitigate noise levels to less than 60 Ldn.

b) For Lot 146 of Vesting Tentative Tract Map No. 5983/UGM the side yard abutting the street shall be not less than 10 feet (building setback).

~~c) Front yard setbacks for Lots 146 through 151 of Vesting Tentative Tract Map No. 5983/UGM shall be tapered; providing for a smooth transition away from the front yard setbacks of adjacent single family lots fronting on North Lead Avenue.~~

   ~~i) Lots 150 & 151 of Vesting Tentative Tract Map No. 5983/UGM shall be developed with proposed plans utilizing a 16-foot front yard setback.~~

d) Any proposed deviation from the building setbacks established by Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195 requires a revision to Conditional Use Permit Application No. C-10-195.

e) Spaces between buildings shall be provided in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195 and the Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM.

f) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

7. <u>LOT COVERAGE</u>

a) Lot coverage shall be permitted in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195 and the Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM.

8. OPEN SPACES AND LANDSCAPING

The subdivider shall provide and maintain all landscaping (and irrigation systems) in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5983/UGM, and the following:

a) A landscape and irrigation plan prepared by a landscape professional, shall be submitted to the Planning Division and approved for all open space and recreational areas within the development. These plans must be reviewed and approved prior to obtaining building permits.

b) Outlots of Vesting Tentative Tract Map No. 5983/UGM, which are proposed to be dedicated for open space purposes shall be landscaped by the developer in accordance with the approved landscape and irrigation plans and shall thereafter be maintained by the property owner/subdivider in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.

c) All yards (including private) and areas designated for open space purposes shall be landscaped and maintained in accordance with Sections 12-306-N-24 of the FMC.

   i) All yards and landscaped areas located adjacent to street frontage shall be provided automatic irrigation systems.

   ii) All yards (including private) and areas designated for open space purposes shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.

d) All required Walls or fences, which are accessible to the public, shall incorporate an adjacent landscaped buffer area pursuant to the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."

e) Provide a minimum of 318 medium sized trees on-site per FMC Section 12-306-N-24-g and in accordance with the following:

   i) Provide a minimum of one medium size tree for each required parking space, plus one medium sized tree for each residential unit.

      - NOTE: One medium size tree is defined as attaining a height of 30-60 feet at maturity. Two small size trees, up to 30 feet high at maturity may be substituted for one medium size tree.

f) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.

   - NOTE: Street trees shall be planted by the property owner and shall be inspected by the City pursuant to the payment of street tree inspection fees.

i) Fresno Municipal Code requires one (1) street tree per 60 linear feet of public street frontage.

- NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant a minimum of one (1) tree (of similar type and size) for every 60 linear feet of street frontage on private property within ten feet of the back of the sidewalk.

- NOTE: An approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not in the public right of way. A copy of this plan shall be kept at the job site at all times.

ii) Call (559) 621-5600 to notify the Public Works Department Construction Management Division 72 hours prior to tree hole drilling/tree planting in the public right-of-way, in order to verify tree locations, to obtain inspection of drilling operations, and to check backfilling procedures and safety barriers.

iii) All planting, irrigation and related work within the city right-of-way shall comply with the City of Fresno Public Works Department Standard Specifications, Section 25 and 26.

iv) All landscaping and related work to be performed within the city right-of-way shall be done by a qualified contractor and requires a street encroachment permit from the Public Works Department prior to commencement. Call (559) 621-8685 for information on encroachment permits and required insurance and bonding.

g) All trees shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Planning and Development Department. (Include this note on the site plan and landscape plan.)

h) All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and any such vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.

i) Landscaping shall be kept free from weeds and undesirable grasses.

j) Landscaping must be in place before issuance of the certificate of occupancy for each individual dwelling.

i) A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Planning Division. (Include this note on the site and landscape plans.)

- NOTE: The hold on occupancy may be released at the discretion of the Development and Resource Management Department to subjectively accommodate inappropriate

planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).

- NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.

ii) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Development and Resource Management Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Planning Division. (Include this note on the site and landscape plans.)

9. FENCES, HEDGES, AND WALLS

Fences, hedges and walls shall be provided in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5983/UGM and, the following:

a) All proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Development and Resource Management Department. (Include this note on the site plan.)

i) Clearly depict any proposed/existing fences, hedges and walls on Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195. Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Development and Resource Management Department.

ii) Submit a rendering depicting the fence, hedge or wall height, material, location etc. for review and approval.

- NOTE: Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.

b) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC except as may be modified herein below.

- NOTE: Without exception, all present and future fences, hedges, and walls shall not exceed three feet in height within the corner cut-off area defined at Section 12-306-H-3-e of the FMC; and, shall conform to all aspects of the corner cut-off provisions of Section 13-227 (Obstruction to Visibility at Intersection) and 13-228 (Intersection Visibility, Investigation and Enforcement. Lien.) of the FMC.

c) Fences, hedges, and walls, not greater than six feet in height, shall be permitted on all rear and interior side property lines and on or to the rear of all front and street side yard setback lines with the following exceptions:

- NOTE: Fence locations for Lots 4-118 of Vesting Tentative Tract Map No. 5983/UGM

shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195.

i) Fences, hedges, and walls proposed to be located along the street side yard of proposed Lot 146 of Vesting Tentative Tract Map No. 5983/UGM may be located on or to the rear of the required 5-foot wide landscape easement.

d) No fence, hedge, or wall over three feet in height shall be permitted in any required front yard setback area or within the required side yard setback area on the street side of a corner lot.

e) Boundary fences and walls shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195 and recommended mitigation measure of the acoustical analysis prepared for the proposed project by Brown-Buntin Associates, Inc. dated July 19, 2010; and, the following:

ii) Construct a 10-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the FMC along the West Herndon Avenue frontage of the project site for noise mitigation.

- NOTE: The proposed pedestrian access opening in the sound wall along West Herndon Avenue should have an interior overlapping wall. Assuming a 4-foot wide gate opening, the minimum length of the overlapping wall shall be 20 feet. Other designs for the access opening may be acceptable, but shall be reviewed prior to construction by a qualified acoustical consultant.

iii) Construct an 8-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the FMC along the west property line of Lots 13 & 14 of Vesting Tentative Tract Map No. 5983/UGM for noise mitigation.

iv) Construct a 6-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the FMC along the west property line of Lots 4-12 of Vesting Tentative Tract Map No. 5983/UGM.

v) The existing masonry wall along the eastern boundary of the project site adjacent to the existing neighborhood shopping center (i.e., east property line of proposed Lots 35-52 of Vesting Tentative Tract Map No. 5983/UGM) shall be replaced with an 8-foot high solid masonry wall (at finished grade of proposed site) pursuant to the requirements of Section 12-306-H of the FMC.

f) 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. ACCESS

a) There shall be vehicular access from a dedicated and improved street, alley or recorded private access to off-street parking facilities.

b) There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes.

c) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.

d) Provide vehicular and/or pedestrian access as noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195 and as indicated per Conditions of Approval for Vesting Tentative Tract Map No. T-5983/UGM.

10. OUTDOOR ADVERTISING AND MARKETING

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

11. BUILDING STANDARDS AND ELEVATIONS

Building plans and elevations for all residential dwellings in the subject planned development shall be subject to review and approval by the Development and Resource Management Department in accordance with the following:

a) Residential construction shall comply with all recommendations of the Acoustical Analyses prepared for the proposed project by Brown-Buntin Associates, Inc., dated July 19, 2010.

b) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans. Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way (or private street) or shall be placed on the ground outside of the required yards.

- NOTE: When placed on the ground outside of required yards, condensing units shall be screened from view of the public right-of-way with structures, fencing and/or landscaping as may be appropriate.

c) Pursuant to Policy numbers C-20-f, C-21-a, C-21-b and C-21-c of the 2025 Fresno General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless "blank" walls. Design measures should be utilized to avoid large scale, massive, monolithic, and repetitive "institutional" visual appearances. This may be accomplished by varying the building footprint with indentations, projections, offsets, different building materials, or adding polyfoam with a stucco finish to add visual interest and to break up monotonous walls. Submit elevations inclusive of modifications for review and approval.

i) Elevations which are visible from the public streets rights-of-way shall incorporate "Lot Enhancements" as depicted on proposed Exhibit(s) "E" of Conditional Use Permit Application No. C-10-195.

ii) Second-story windows should be directed, to the extent feasible, away from adjacent single-story residential uses; or, adequate setback and landscape screening shall be provided to protect the privacy of adjacent properties.

iii) Roofing material shall consist of: architectural grade composition roofing guaranteed by the manufacturer for at least 20 years; cement or clay tile; treated wood shakes; and/or, architectural-grade metal and coated non-glare decorative metal roofing products.

iv) Garage doors with decorative features (which may include windows) shall be provided for each dwelling on all lots within the subdivision which front onto, and gain access from a street.

v) Where proposed, attic vents shall be decorative, consistent with the style and character of each structure.

12. AIRSPACE PROTECTION

The subject property is located within the Primary Review Area of the Sierra Sky Park Land Use Policy Plan.

a) No structure, tree, or other object shall be permitted to exceed the height limits established in accordance with Part 77, Subpart C, of the Federal Aviation Regulations (FAR). This criterion applies unless, in the case of a proposed object or growing tree, one or more of the following apply:

i) The object would be substantially shielded by existing permanent structures or terrain in a manner such that it clearly would not affect the safety of air navigation.

ii) The FAA has conducted an aeronautical study and either determined that the object would not result in a hazard to air navigation or made recommendations for the object's propert marking and lighting as an obstruction.

iii) The object is otherwise exempted from the requirements of FAR Part 77.

b) No object shall be permitted to be erected which because of height or other factors, would result in an increase in the minimum ceiling or visibility criteria for an existing or proposed instrument approach procedure.

c) The FAR Part 77 surfaces depicted on the Land Use Policy Plan Map shall be used in conjunction with the above air space policies to determine whether the height of an object is acceptable.

PART E - CITY AND OTHER SERVICES

1. TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

   a) Comply with all of the requirements stipulated within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated November 18, 2010 and any requirements noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195; with the following exceptions:

      i) Those exceptions as stated within the Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM dated December 15, 2010 shall apply.

      ii) North Prospect Avenue shall be designed and improved with a southbound left-turn lane, a southbound shared left-turn and through lane, and a southbound right-turn lane.

   b) Comply with all of the requirements stipulated within the attached memorandum from the City Traffic Engineer dated December 01, 2010 (Mitigation measure requirements respective to project Traffic Impact Study [TIS10-013] dated July 28, 2010).

2. SOLID WASTE COLLECTION

   a) Comply with all of the requirements stipulated within the attached Department of Public Utilities, Solid Waste Division memorandum dated November 16, 2010.

3. FIRE PROTECTION REQUIREMENTS

   a) Comply with all of the requirements stipulated within the attached City of Fresno Fire Department memorandum dated November 03, 2010.

4. STREET TREES, BUFFER, PARKWAY AND MEDIAN ISLAND LANDSCAPING

   a) Comply with all of the requirements stipulated within the attached Department of Public Works, Streets/MIM Division memorandum dated October 31, 2010; with the following exceptions:

      i) Based upon the proposed front yard setbacks of proposed residential units, street trees will not be required to be planted within a 10-foot Public Planting and Utility Easement. Locations of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to issuance of a street tree planting permit or prior to approval of landscape plans, which are required to be submitted to serve as a street tree planting permit for on-site trees, which may alternatively be planted outside of street rights-of-way and within ten feet of the back of the sidewalk.

5. FLOOD CONTROL REQUIREMENTS

   a) Comply with all of the requirements stipulated within the attached Fresno Metropolitan Flood Control District memorandum dated December 10, 2010.

6. PUBLIC UTILITIES REQUIREMENTS

   a) Comply with all of the requirements of the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated November 22, 2010.

   b) Comply with all of the requirements stipulated within the attached Department of Public Utilities, Water Division memorandum dated November 04, 2010.

7. COUNTY OF FRESNO, DEPARTMENT OF COMMUNITY HEALTH

   b) Comply with all of the requirements stipulated within the attached County of Fresno Department of Public Health memorandum dated October 26, 2010.

8. FRESNO UNIFIED SCHOOL DISTRICT

   a) Comply with all of the requirements stipulated within the attached Fresno Unified School District memorandum dated October 14, 2010.

PART F - MISCELLANEOUS

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

1. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.

2. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation.

3. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved.

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

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III
Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559.621.8794)
Streets/MIM Division

DATE: October 31, 2010

SUBJECT: Tract 5983; 3251 West Fir Avenue; (APN: 500-191-39S) located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues. The Department of Public Works has reviewed the Tentative Tract Subdivision Map proposed by Harbour & Associates Civil Engineers on plans dated September 13, 2010. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in the street right-of-ways, landscape easements, and outlots:

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per home (whichever is greater) by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards and AB 1881.

2. Street Tree Planting by Developer: For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 60' of street frontage, or one tree per lot having street frontage, whichever is greater. ~~Tree planting shall be within a 10' Public Planting and Utility Easement.~~

   a. Street tree inspection fees shall be collected for each 60' of public street frontage or one tree per lot whichever is greater.

   b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."

   c. Landscape plans for all public use areas, such as parkways, shall be reviewed and approved by the Department of Public Works, Streets/MIM Services. A street tree planting permit shall be required for all residential street tree plantings.

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

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

Recommended tree species to be planted as follows:

STREET NAME	STREET TREE SPECIES/COMMON NAME
West Herndon Avenue	Platanus acerifolia 'Columbia' (Columbia Sycamore) and Quercus virginiana (Southern Live Oak)

BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS

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

2. **Maintenance Service through Annexation into the Community Facilities District would include amenities along W. Fir, Lead Ave. and the bicycle/pedestrian trail along W. Herndon Ave.--only. Interior streets for this project will be maintained through an HOA or other such agreement with the property owner(s).**

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

A. Landscaping shall comply with Landscape Buffer Development Standards approved by the City Council on October 2, 1990. Landscape and irrigation plans shall comply with Sections 12-306-23 & 24 and 14-121 of the Fresno Municipal Code regarding Water Efficient Landscaping and Buffer landscaping and AB 1881.

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

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

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

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

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

MEDIAN ISLAND LANDSCAPE REQUIREMENTS

1. When median islands front onto the proposed development project, applicants shall submit

Plans to the Public Works/Engineering Services showing the location and configuration of all median islands fronting the proposed project.

2. The Public Works Department will review and evaluate existing median island(s) for a determination of all required improvements prior to approval of Final Map.

3. Landscape and irrigation is required on all new construction of median islands and shall be applied in accordance with the City of Fresno, Public Works Department Standards & Specifications and FMC sections 12-306-24 and 12-306-23. The Public Works Department requires all proposed median islands to be constructed with 2 foot wide colored concrete strips, flush along curb edge, in a 12 inch by 12 inch brick red slate pattern.

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

BIKE PATH

1. All proposed Multipurpose Paths shall be constructed in accordance with city requirements and standards. Cross-sections will be required with Street Plans and Landscaping Plans for review.

City of
FRESNO

DATE: November 18, 2010

TO: Will Tackett, Planner III
Development and Resource Management Department

THROUGH: Bryan Jones, TE, PTP, AICP City Traffic Engineer, Division Manager
Public Works Department, Traffic & Engineering Division

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

SUBJECT: Public Works Conditions of Approval
TT 5983 / C-10-195, (Herndon and Prospect)
Owensby Family Limited Partnership / Harbour & Associates

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

Provide the following information on the tentative tract map and / or complete the following, prior to Planning Commission

1. The portions of outlots F, G, J, and Y that front a public street shall be changed to Public Easements.
2. Outlots H and X shall be changed from outlots to Public Easements.
3. Provide details for the roundabout and traffic circle.
4. Provide gate operational statements for the Conditional Use Permit.

General Conditions:

1. Curb Ramps: Provide curb ramps at all corners within the limits of this subdivision.
2. Pedestrian Easements: **Identify** all pedestrian easements on the map.
   a. Major Streets: A 2' dedication for a pedestrian easement is required.
   b. Local Streets: If constructed 42' or 50' a 1'pedestrian easement is required on streets with driveway approaches.
3. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.
4. Intelligent Transportation Systems (ITS): Street work on major streets shall be designed to include ITS in accordance with the Public Works ITS Specifications, where not existing.
5. Entrances: (local street / major street intersections) Dedicate a minimum of 60' of street right of way and construct concrete medians to Public Works Standard **P-86**. A 52' transition is required from the proposed 60' right of way entrances to the 50' right of way streets. **No parking is allowed within the limits of the proposed median.**

per Planning Commission 01/15/10 LG

6. ~~Design local streets with a minimum of 250' radius.~~
7. Local street lengths exceeding 800' and four way intersections require traffic calming measures. Construct permanent traffic circles per Public Works Standards **P-83**, **P-84** and/or **P-85**. Identify and provide cross sections on the map. **No parking is allowed adjacent to the circles.**

8. Dead-end Streets: Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the Public Works Standard **P-100**.
9. Outlots: If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, subdivider shall prove to the City that the outlot is free of toxic or hazardous materials pursuant to the requirements of City Administrative Order 8-1, including, but not limited to, performing a Phase I Soils Investigation. The soils Investigation report shall be submitted to the Public Works Department for review and approval. The subdivider must obtain Public Works approval of the soils investigation report and complete any mitigation work identified by the soils investigation prior to subdivider's submittal of the Final Map to the Development Department. Any and all costs associated of the soils investigation and any required mitigation work shall be performed at the sole expense of the subdivider.
10. Plan Submittal: Submit the following plans, as applicable, in a single package, to the Planning and Development Department for review and approval: Street Construction, Signing, Striping, Traffic Signal and Streetlight and Trail Lighting, Signing and Striping.
11. Street widening and transitions shall also include utility relocations and necessary dedications.

Frontage Improvement Requirements:

Fir Avenue: Local, both sides

1. Dedicate 30' of property, from center line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards. Additional right of way may be required for the traffic circle. Provide a detail for review and approval.
2. Dedicate a 2' pedestrian easement to accommodate the proposed sidewalk.
3. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to an 11' residential pattern. Construct a 5' walk with 2' pedestrian easement, see map for cross section. Transition sidewalk to the standard position at the west end. Transition sidewalk on the southeast portion to match the existing sidewalk.
4. Construct 19' of permanent paving (measured from face of curb) within the limits of this subdivision.
5. Construct an underground street lighting system to Public Works Standard **E-3** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-9** for Local Streets.
6. Relinquish direct vehicular access rights to Fir Avenue from all lots (excluding outlots A and I) within this subdivision.

Prospect Avenue: modified Local,

1. Dedicate **52'-82'** of property, or as approved on street plans, from center line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards. Additional right of way will be required for the roundabout. Provide a detail for review and approval.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern.
3. Construct Prospect Avenue, **both sides**, with permanent paving, as shown on the approved street plans, within the limits of this subdivision.
4. Construct an underground street lighting system to Public Works Standard **E-3** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-9** for Local Streets.
5. Construct a concrete median, as approved with the street plans.

6. Provide all modifications, as needed, at the intersection of Herndon and Prospect for the removal of the frontage road bulb and intersection alignment, per approved street plans.
7. Relinquish direct vehicular access rights to Avenue from all lots within this subdivision with the exception of one access point as approved by the Traffic Engineer.

Herndon Avenue: Expressway

1. If not existing, dedicate an additional 10' of property, at Prospect to provide for a 200' west bound right turn pocket, for public street purposes, within the limits of this subdivision, to meet the modified City of Fresno Expressway Standards.
2. If not existing, construct any necessary pavement per City of Fresno standards, for the right turn pocket
3. If not existing, remove and replace concrete curb and gutter for right turn pocket and construct missing curb and gutter to Public Works Standard **P-5**. The parkway shall be constructed to a 10' pattern.
4. Bike and Pedestrian Trail/Path: Dedicate a 26' (minimum) easement for Bike and Pedestrian purposes **only**. (Additional right of way may be required for grading and drainage purposes.) Construct a 12' wide asphalt and concrete Bike and Pedestrian trail/path, complete with lighting, signing, striping and landscaping, per the 2025 Fresno General Plan, Multi-Purpose Trails Plan Map and Public Works Standards **P-58 and P-60**. Identify route on the map and provide a cross section **7 days prior** to the planning commission hearing. Construct an expressway barrier fence within the limits of this subdivision, per Public Works Standard **P-74 and P-75.** Submit engineered construction plans to Public Works. Submit lighting, signing and striping plan to Traffic and Engineering for approval. Submit grading, landscape and irrigation plans to Engineering Services. Contact the Development and Resource Management Department. Provide transition, as needed, to connect to the existing adjacent trail segment on the east.
5. Construct 20' of permanent paving within the limits of this tract and transition paving as necessary.
6. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-10** for Expressways.
7. Relinquish direct vehicular access rights to Herndon Avenue from all lots within this subdivision.

Interior Streets: Private
Construct sidewalks on both sides of the private streets per ADA standards and the 2025 General Plan. Refer to page 69 E-1-j **- OR -** as approved by the City Traffic Engineer.

Specific Mitigation Requirements: This residential portion, 159 single family residential lots, will generate **119 a.m. / 161 p.m.** peak hour trips; therefore, a Traffic Impact Study (TIS) **is required.** Comply with the mitigation measure requirements of the Traffic Engineering Manager.

1. Relinquish direct vehicular access rights to portions of :
   a. the west property line of lots1 and 2, as approved on the street plans.
2. The intersection of :
   a. Herndon and Prospect Avenues shall be designed with a full median opening to allow for left turns-in and left turns-out.
3. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
4. A feasibility study for all **proposed** vacations of existing public rights of way is required to be completed **prior** to the approval of the tentative map. See Alan James' comments.

5. Prospect Avenue: Design and construct a roundabout at the intersection of Prospect and the approved entrance.
6. Fir Avenue: Design and construct a traffic circle at the intersection of Fir and the entrances.
7. Amend Official Plan Line number 97-01.
8. No parking allowed in driveways when the distance from the garage to the back of walk or the garage to the curb (where no walk) is less than 18'. Covenant required, contact Planning.

Traffic Signal Mitigation Impact (TSMI) Fee:

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

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

1. Herndon Avenue at Prospect, Modify and relocate the existing signal pole to the ultimate location. Complete with a 200-watt safety light and an oversize street sign to Public Works Standards.
2. If not existing, install an ITS camera on the northeast corner.

Fresno Major Street Impact (FMSI) Fee :

This Map is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees.

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 building permits.

State of California Department of Transportation (Caltrans) Fees:

Not Req'd
er Bryan
Jones 01/15/10
WF

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering **prior** to a Final Map.

City Hall 559-621-8800
2600 Fresno Street, Rm. 4064
Fresno, CA 93721-3623
www.fresno.gov

City of FRESNO
Public Works Department
Patrick Wiemiller, Director

December 1, 2010

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

SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY (TIS) FOR THE PROPOSED HERNDON and VALENTINE GENERAL PLAN in the northeast Quadrant of Herndon Avenue/Valentine Avenue intersection
TIS10-013 dated July 28, 2010 T5983

TRAFFIC IMPACT STUDY APPROVED FOR PLANNING COMMISSION

We reviewed the Traffic Impact Study (TIS) by TJKM for the proposed subject project which consists of approximately ~~96 Apartment resi~~dential dwelling units.
159 SFR

GENERAL COMMENTS and CONDITIONS

1. The trip generation based on ITE Trip Generation Manual is acceptable. The proposed project and General Plan Amendment is projected to generate 3,495 daily trips, 176 trips during the AM peak hour and 379 trips during the PM peak hour.

   The existing General Plan land use generates 2,093 ADT, 242 trips during the AM peak hour and 248 trips during the PM peak hour.

2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of $47.12 per ADT 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 and the Master Fee Schedule. The TSMI fee based on the project description above and the current fee is $164,684.40. The fee shall be paid at time of building permit.

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

3. This project shall pay its Fresno Major Street Impact (FMSI) Fee which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.

4. The project shall pay the Regional Transportation Mitigation Fee (RTMF) Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocog.org. Provide proof of payment or exemption prior to issuance of building permits. If applicable based on vesting rights.

5. Curbside parking shall be restricted on Prospect Drive between Herndon Avenue to Fir Avenue. Bike lanes shall be installed on Prospect Drive

6. A Roundabout shall be installed to provide left-turn access into the commercial retail/office center on the east of Prospect Drive and the realigned Herndon Frontage roadway to the west.

7. A traffic circle shall be installed on Fir Avenue to allow for traffic calming on Fir Avenue and a four way intersection into the two gated subdivision main entrances. The two19' travel lanes on Fir Avenue allow for a 12' lane and 7' bike lane to be installed and restrict parking.

8. The project shall construct the trail along the Herndon property frontage and provide direct access from the gated subdivision to the trail. Noise/sound issues will need to be mitigated with the opening but the sound wall can be overlapped.

9. The project should work with FUSD and Forkner Elementary to have a gate opening near the intersection of Fir/Prospect.

10. The project shall construct a southbound left-turn, through lane, and right-turn at the southbound approach to Herndon/Prospect/Valentine. Traffic signal modifications maybe necessary.

11. The City of Fresno has a CIP project to install 6 lanes on Herndon Avenue along property frontage from Marks to Valentine.

12. The proposed project shall make necessary improvements and right-of-way dedications along adjacent public streets as per City of Fresno requirements.

13. This project shall provide a safe routes to schools sidewalk connection to the nearby elementary schools so students do not have to walk in the street.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or bryan.jones@fresno.gov .

Sincerely,

Bryan D. Jones, TE, PTP, AICP
City Traffic Engineer/Division Manager
Traffic & Engineering Services Manager
Public Works Department, Traffic Engineering Division

C: Traffic Engineering Reading File
Copy filed with Traffic Impact Study
Kevin Fabino, Planning & Development Dept.
Mike Sanchez, Planning & Development Dept.
Louise Gilio, Traffic Planning Supervisor
Will Tackett, Planning & Development Dept.

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: November 22, 2010

To: WILL TACKETT, Planner III
Planning and Development

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

Subject: SANITARY SEWER REQUIREMENTS FOR VESTING TENTATIVE TRACT 5983/UGM AND C-10-195

General

T-5983-UGM, A-10-009, R-10-007 & C-10-195 were filed by Dirk Poeschel Land Development Services, Inc., on behalf of Jeffrey B. Harris of Wilson Homes, and pertains to approx. 20.14 acres of vacant property located on the north side of W. Herndon Ave. between N. Valentine and N. Marks Avenues; the property is bisected east to west by W. Fir Ave., 3251 West Fir Avenue, APN 500-191-39S. A-10-009 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan for approx. 3.58 acres of property from the comm. office planned land use designation to the community comm. land use designation and approx. 7.65 acres of property from comm. office planned land use designation to the med.-high density res. land use designation. R-10-007 proposes to reclassify approx. 3.58 acres of property located on the west portion of the property south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to C-1-EA-UGM, Neigh. Shopping Center-Expressway Area Overlay-UGM, zone district; and reclassify approx. 7.65 acres of property located south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to R-2-EA-UGM, Low Density Multi-Family Res.-Expressway Area Overlay-UGM, zone district. T-5983-UGM proposes to subdivide approx. 20.14 acres of property into a planned unit development of 163 single family res. lots and 3 comm. parcels. C-10-195 proposes a gated planned unit development with private streets and modified property development standards, lot area, lot dimensions, lot coverage, and building setbacks.

Sanitary Sewer Requirements

The nearest sanitary sewer main to serve the proposed project is an 8-inch main located in West Fir Avenue. The following sewer improvements shall be required prior to providing City sewer service to the project:

1. Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in North Prospect Avenue from the existing 8-inch main located in West Fir Avenue south across the project frontage.
2. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
3. Separate sewer house branches are required for each new lot created.

4. Connection to the existing 45-inch sewer main in West Herndon Avenue shall not be allowed.
5. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developers final map and engineered plan & profile improvement drawing for City review.
6. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed additions to the City Sewer System.
7. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies

Sanitary Sewer Fees

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

1. Lateral Sewer Charge.
2. Sewer Oversize Charge.
3. Sewer Facility Charge (Residential)
4. Sewer Oversize Service Area: # 12
5. Trunk Sewer Charge: Herndon

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION

Providing Life's Essential Services

DATE: November 4, 2010

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

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

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

SUBJECT: **WATER REQUIREMENTS FOR PLAN AMENDMENT NO. A-10-009, REZONE NO. R-10-007, VESTING TENTATIVE TRACT 5983 AND CONDITIONAL USE PERMIT C-10-157.**

General

T-5983-UGM, A-10-009, R-10-007 & C-10-195 were filed by Dirk Poeschel Land Development Services, Inc., on behalf of Jeffrey B. Harris of Wilson Homes, and pertains to approx. 20.14 acres of vacant property located on the north side of W. Herndon Ave. between N. Valentine and N. Marks Avenues; the property is bisected east to west by W. Fir Ave., 3251 West Fir Avenue, APN 500-191-39S. A-10-009 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan for approx. 3.58 acres of property from the comm. office planned land use designation to the community comm. land use designation and approx. 7.65 acres of property from comm. office planned land use designation to the med.-high density res. land use designation. R-10-007 proposes to reclassify approx. 3.58 acres of property located on the west portion of the property south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to C-1-EA-UGM, Neigh. Shopping Center-Expressway Area Overlay-UGM, zone district; and reclassify approx. 7.65 acres of property located south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to R-2-EA-UGM, Low Density Multi-Family Res.-Expressway Area Overlay-UGM, zone district. T-5983-UGM proposes to subdivide approx. 20.14 acres of property into a planned unit development of 163 single family res. lots and 3 comm. parcels. C-10-195 proposes a gated planned unit development with private streets and modified property development standards, lot area, lot dimensions, lot coverage, and building setbacks.

Water Service

The nearest water mains to serve the proposed project are an 8-inch main located in West Fir Avenue and an 8-inch main located in North Lead Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Separate water services with meters shall be provided to each lot created.

2. Dedicate the proposed street outlots for public utility purposes.

3. The developer shall provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities.

4. The development shall incorporate water use efficiency for landscaping including the use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features as appropriate and sanitary.

5. The City of Fresno Urban Water Management Plan (UWMP) identifies a water allocation of up to 76.58 af/yr for the project site based upon the planned land use designated in the 2025 General Plan. With approval of A-10-009 and R-10-007, the proposed project has the potential to increase the water demand for the project site to 109.47 af/yr. (UWMP, Table 6-4, 2008). Any increase in water demand, greater than the adopted allocation, resulting from the proposed development, will be required to be offset or mitigated in a manner acceptable to the Department of Public Utilities.

6. The retrofit or modification of public and/or private landscape and/or structures to provide a reduction in water use to mitigate any proposed increase in water demand in excess of the adopted water allocation for the land use adopted in the 2025 General Plan will be subject to Department of Public Utilities approval as an acceptable mitigation measure.

7. Seal and abandon any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.

8. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Assistant Public Utilities Director.

9. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.

10. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

Water Fees

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

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

City of
FRESNO
DEPARTMENT OF PUBLIC UTILITIES

November 16, 2010

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

THROUGH: Robert Weakley, Chief of Operations
Department of Public Utilities, Solid Waste Division

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

SUBJECT: TT 5983/UGM, A-10-009, R-10-007 & C-10-195, Solid Waste Conditions of Approval
Location: North side of West Herndon Avenue between North Valentine and North Marks Avenues (APN 500-191-39S)

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map 5983/UGM, Plan Amendment A-10-009, Rezone R-10-007, and Conditional Use Permit C-10-195 that was submitted by Dirk Poeschel Land Development Services, Inc., on behalf of Jeffrey B. Harris of Wilson Homes. The following requirements and conditions are to be placed on this vesting tentative tract map as a condition of approval by the Department of Public Utilities.

General Requirements:

- Solid Waste requirements for Commercial Lots 1, 2, and 3 shall be addressed upon the submittal of future applications.

- Tract 5983 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.

- The owners, lessees or other tenants of the residential dwellings on service day, before 5:30 a.m., shall place their solid waste containers at the edge of the curb approximately 4 feet apart and shall not block any vehicle accesses, nor be placed within any traffic circle, in accordance with the City of Fresno's Solid Waste Management Division Standards.

- Per Municipal Code, Section 6-205 Solid Waste, Recycling and Green Waste Disposal Regulations, Section (c)(11). No solid waste container nor residential rubbish shall be allowed to remain at the curbline after 8:00 p.m. on the collection day.

- Per Municipal Code, Section 6-205 Solid Waste, Recycling and Green Waste Disposal Regulations, Section (c)(10). No material container shall be stored in the front yard or side yard

on a street as said yards are described in Chapter 12, Articles 2 and 3 of this Code, unless the container is screened from view from the street in accordance with that article of the Code.

Special Conditions:

Developer shall provide a minimum 18' of clearance at all entrance and exit gates for solid waste vehicles.

Covenant Requirements:

Those lots that are part of a dead-end street, or a street that the solid waste vehicle can only access one-way, shall place their containers at another location on the solid waste service day by 5:30 a.m.:

- Lots 4 & 5 shall place their containers on the north side of Lot 112
- Lots 77 & 78 shall place their containers on the west side of Lot 75
- Lots 51 & 52 shall place their containers on the north side of Lot 60
- Lots 152 through 157 shall place their containers on the north side of Lots 133 & 141
- Lots 142 through 145 shall place their containers on the east side of Lots 138 through 141
- Lots 119 through 122 shall place their containers on the south side of Lots 127 & 128
- Lots 158 through 162 shall place their containers on the north side of Lots 123 & 132

City of

FRESNO

FIRE DEPARTMENT

Date: November 3, 2010

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

From: MIKE SCHMIDT, Supervising Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: T-5983-UGM, A-10-009, R-10-007 & C-10-195 were filed by Dirk Poeschel Land Development Services, Inc., on behalf of Jeffrey B. Harris of Wilson Homes, and pertains to approx. 20.14 acres of vacant property located on the north side of W. Herndon Ave. between N. Valentine and N. Marks Avenues; the property is bisected east to west by W. Fir Ave. 3251 West Fir Avenue, APN 500-191-39S. A-10-009 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan for approx. 3.58 acres of property from the comm. office planned land use designation to the community comm. land use designation and approx. 7.65 acres of property from comm. office planned land use designation to the med.-high density res. land use designation. R-10-007 proposes to reclassify approx. 3.58 acres of property located on the west portion of the property south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to C-1-EA-UGM, Neigh. Shopping Center-Expressway Area Overlay-UGM, zone district; and reclassify approx. 7.65 acres of property located south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to R-2-EA-UGM, Low Density Multi-Family Res.-Expressway Area Overlay-UGM, zone district. T-5983-UGM proposes to subdivide approx. 20.14 acres of property into a planned unit development of 163 single family res. lots and 3 comm. parcels. C-10-195 proposes a gated planned unit development with private streets and modified property development standards, lot area, lot dimensions, lot coverage, and building setbacks.

Hydrants

Private hydrants must be installed. Hydrant locations shall be coordinated so that they are NOT positioned in the outside sweep of any turn radius.

With rolled curbs, all fire hydrants shall be provided with approved protective bollards.

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

General

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

Note on plan: All construction work on this project is subject to interruption if the road system becomes impassable for fire apparatus due to rain or other obstacles. All required fire access lanes shall be provided and maintained with an approved 'all weather' surface capable of supporting 80,000 lb.

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

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

Turns in private drives for fire truck access shall have minimum 44 foot centerline turn radius. **Provide approved turn radius at "Emergency Only Access" gate for north complex and at the inside throat of the main entrance for the south complex (at the median island).**

Provide details of the proposed 'roundabout' between the entrances of the two complexes. Confirm that the turn radius (44' centerline) around the 'roundabout' is provided to allow fire apparatus to make left hand turns into both complexes.

All gates on common access drives shall be equipped with approved Police/Fire bypass lock (BEST LOCK: Cylinder lock 1W7B2) and "Click to Enter"system. Gates/fences shall not obstruct the minimum width required for fire lanes.

Electric gates shall be provided with battery backup.

Provide approved visual recognition feature/sign at the "Click to Enter" gate locations.

Street furniture locations shall be coordinated so that they are NOT positioned in the outside sweep of any turn radius.

Provide CC&Rs for annual fire inspection fees for maintenance of access and parking restrictions requirements.

Emergency Access Only Roadways

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

The "Emergency Only Access" drive access gates shall have a clear open width of 20' minimum.

All gates on the "emergency access roadway" shall be fitted with a Police/Fire bypass lock (BEST LOCK: Cylinder lock 1W7B2) and "Click to Enter"system. Gates/fences shall not obstruct the minimum width required for fire lanes.

Electric gates shall be provided with battery backup.

Provide approved visual recognition feature/sign at the "Click to Enter" gate locations.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

File No. 210.45

PUBLIC AGENCY

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

DEVELOPER

JEFFREY B. HARRIS / WILSON HOMES
7550 N. PALM AVE., SUITE 102
FRESNO, CA 93711

FR TRACT No. 5983

PROJECT NO: **5983**
ADDRESS: **3251 W. FIR AVE.**
APN: **500-191-39S**

SENT:

Drainage Area(s)	Preliminary Fee(s)
AB	$66,877.00
AB	$32,411.00
AC	$1,530.00
	TOTAL FEE: $100,818.00

RECEIVED
DEC 10 2010
DEVELOPMENT DEPARTMENT
CITY OF FRESNO

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

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

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

a.) Fees related to undeveloped or phased portions of the project may be deferrable.

b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.

c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.

d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.

e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.

f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable $300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

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

1. ____ a. Drainage from the site shall BE DIRECTED TO

   X b. Grading and drainage patterns shall be as identified on Exhibit No. 1

   ____ 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:

   X 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:

   X Grading Plan

   X Street Plan

   X Storm Drain Plan

   X Water & Sewer Plan

   X 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

   X 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.)

   X 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.

FR TRACT No. 5983

FR TRACT No. 5983

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

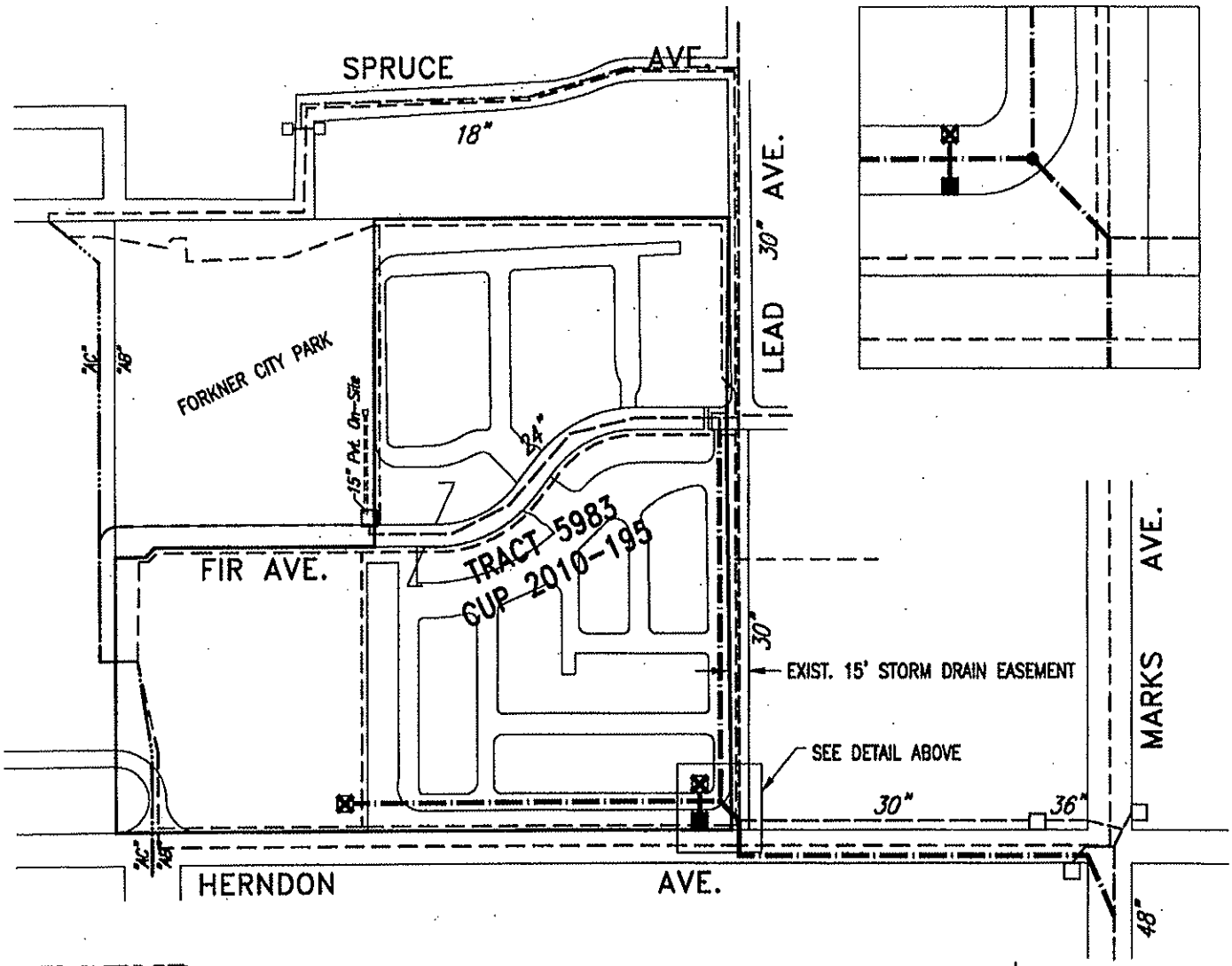
Gary Chapman
Project Engineer

CC:

DIRK POESCHEL LAND DEVELOPMENT SERVICES, INC.
923 VAN NESS AVE., SUITE 200
FRESNO, CA 93721

FR TRACT No. 5983

NOTE:
THIS DRAWING IS SCHEMATIC,
DISTANCES ARE APPROXIMATE.



LEGEND

- MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER – INLET & LATERAL
- NON-MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER – (SIZE TO BE DETERMINED) NOT ELIGIBLE FOR FEE CREDIT
- EXISTING MASTER PLAN FACILITIES
- DRAINAGE AREA BOUNDARY
- INLET BOUNDARY

SCALE = 1"=300'

N

TRACT 5983
CUP 2010-195
DRAINAGE AREA: "AB" & "AC"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

TM/RES 12/8/2010

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OTHER REQUIREMENTS
EXHIBIT NO. 2

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easement if any, is eligible for credit against the drainage fee of the drainage area served by the facilities. A Development Agreement shall be executed with the District to effect such credit/reimbursement. The developer shall pay the drainage fee prior to final map or entitlement and the District will reimburse the developer from said fee upon completion and acceptance of the Master Plan facilities.

A minimum fifteen-foot (15') wide storm drain easement will be required whenever storm drain facilities are located on private property. No encroachments into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

The Storm Drainage Master Plan Facilities have already been install in this area and the drainage system was designed to serve medium-low density residential uses. These facilities do not have capacity to serve the proposed medium high/commercial land use. The developer shall mitigate the impacts of the increased runoff from the proposed medium-high/commercial land use to a rate that would be expected if developed to medium density residential. The developer may either make improvements to the existing pipeline collection system to provide additional capacity or may use permanent peak reducing facilities in order to eliminate adverse impacts on the existing system. Implementation of the mitigation measures may be deferred until the time of development. Mitigation must reduce runoff from a ten-year storm produced by a medium-high/commercial density development, to a two-year discharge, which would be produced by the property if developed medium-low density residential. Any mitigation must be designed such that hydraulics of the existing system are unaffected.

No drainage will be permitted to be direct to Herndon Avenue, as a travel lane is very close to the curb. A non-Master Plan pipeline will be required to intercept the drainage from the proposed neighborhood commercial area as shown on Exhibit No. 1. The developer shall pay a non-conforming facility fee for non-Master plan facilities to be maintained by the District.

Development No. Tract 5983

OTHER REQUIREMENTS
EXHIBIT NO. 2

The developer shall provide the District a drainage report that identifies the adequacy of the conveyance capacity of the streets within the project for major storm flows, including but not limited to, the height of curb, elevation of finish floors and garage floors, and the set back distance of structures to the property line (acknowledged 5 feet from face of curb to property line shown on tentative map).

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. Tract 5983

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

October 26, 2010

999999999
LU0015822
PE 2602

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

Dear Mr. Tackett:

PROJECT NUMBER: T-5983/UGM, A-10-009, R-10-007, C-10-195

PROJECT DESCRIPTION AND LOCATION:
Plan Amendment Application No. A-10-009, Rezone Application No. R-10-007, Vesting Tentative Map of Tract No. 5983/UGM, and Conditional Use Permit Application No. C-10-195 were filed by Dirk Poeschel Land Development Services, Inc., on behalf of Jeffrey B. Harris of Wilson Homes, and pertains to approximately 20.14± acres of vacant property located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues; the property is bisected east to west by West Fir Avenue.

Plan Amendment Application No. A-10-009 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan for 3.58± acres of property located on the west portion of the property south of West Fir Avenue from the commercial office planned land use designation to the community commercial land use designation and 7.65± acres of property located south of West Fir Avenue from commercial office planned land use designation to the medium-high density residential land use designation.

Rezone Application No. R-10-007 proposes to reclassify 3.58± acres of property located on the west portion of the property south of West Fir Avenue from C-P/EA/UGM *(Administrative and Professional Office/Expressway Area Overlay/Urban Growth management)* to C-1/EA/UGM *(Neighborhood Shopping Center/Expressway Area Overlay/ Urban Growth Management)* zone district; and reclassify 7.65± acres of property located south of West Fir Avenue from C-P/EA/UGM *(Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management)* to R-2/EA/UGM *(Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management)* zone district.

Vesting Tentative Map of Tract No. 5983/UGM proposes to subdivide approximately 20.14± acres of property into a planned unit development of 163 single family residential lots and 3 commercial parcels.

Conditional Use Permit Application No. C-10-195 proposes a gated planned unit development with private streets and modified property development standards (lot area, lot dimensions, lot coverage, and building setbacks).

APN: 500-191-39S
Zoning: C-P/EA/UGM to C-1/EA/UGM and R-2/EA/UGN
Address: 3251 West Fir Avenue & 3208 west Herndon Avenue

Recommended Conditions of Approval:

- Construction permits for the 163-lot residential subdivision and 3 commercial parcels should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.

- Construction permits for the 163-lot residential subdivision and 3 commercial parcels should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.

- The Fresno County Department of Public Health is concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.

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

  The Department of Public Health is available to provide consultation in cooperation with your city in order to encourage the proper destruction of wells and safeguard our water quality. City staff may contact Wayne Fox, Supervising Environmental Health Specialist, Water Surveillance Program, at (559) 445-3357 for more information.

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

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

REVIEWED BY:

Janet Gardner Digitally signed by Janet Gardner
DN: cn=Janet Gardner, o=Environmental Health Division, ou=Fresno County Public Health Department, email=jgardner@co.fresno.ca.us, c=US
Date: 2010.10.26 13:05:40 -07'00'

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

(559) 445-3271

jg

cc: Wayne Fox, Environmental Health Division

T-5983, A-10-009, R-10-007, C-10-195

Fresno Unified
School District

Preparing Career Ready Graduates

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

SUPERINTENDENT
Michael E. Hanson

October 14, 2010

Will Tackett, Development Services/Planning
City of Fresno
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

SUBJECT: **PLAN AMENDMENT APPLIATION NO. A-10-009**
REZONE APPLICATION R-10-007
VESTING TENTATIVE MAP OF TRACT 5983
CONDITIONAL USE PERMIT APPLICATION C-10-195
3251 W. FIR AVE. (APN 500-191-39S)

Dear Mr. Tackett,

In response to your request for review and comment on Plan Amendment Application No. A-10-009, Rezone Application R-10-007, Vesting Tentative Map of Tract 5983, and Conditional Use Permit C-10-195, Fresno Unified School District submits the following:

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

Any new development on the subject property or conversion of non-habitable to habitable space is subject to development fees of $2.97 per square foot for residential and $0.47 per square foot for commercial development. Any new development on the property will be subject to the development fee prior to issuance of a building permit.

1. Attendance area information: The project is presently within the attendance areas of the schools identified below.

Elementary School:	Forkner
Intermediate School:	Tenaya
High School:	Bullard

2. Transportation will be available for students attending the above identified elementary, intermediate and high schools in accordance with District standards in effect at the time of enrollment. The cost of transportation is currently $41.50 per hour. The cost of providing transportation services to students from the project will add to District transportation expenses.

3. This project could potentially generate 86 K-12 students which may have an impact on nearby schools. Additional transportation could be required if the assigned neighborhood schools cannot accommodate the increased number of students.

Thank you for the opportunity to comment. Please contact me at 457-3074 if you have any questions or require additional information regarding our comments.

Sincerely,

Lisa LeBlanc, Executive Director
Facilities Management and Planning

LL:hh

City of
FRESNO

PUBLIC WORKS DEPARTMENT

DATE: November 16, 2010

TO: WILL TACKETT, Supervising Planner
Planning and Development Department

FROM: JOE PAFF, Senior Engineering Technician
Public Works Department

SUBJECT: CONDITIONS FOR TENTATIVE TRACT NO. 5983 AND MASTER CONDITIONAL USE PERMIT NO. C-10-195 RELATING TO COMMUNITY FACILITIES MAINTENANCE DISTRICT

1. The property owner shall be responsible for providing for the maintenance of certain public improvements associated with TT5983 and C-10-195.

2. These improvements **may** be maintained by a City Community Facilities Maintenance District pending final approval of the City Council.

3. Should the City Council or the property owner choose not to include the maintenance of these items in a CFD, the property owner shall provide for the maintenance of all of the items in a manner approved by the City of Fresno City Engineer.

Improvements eligible for Maintenance District:

A. The property owner shall be responsible for providing for the maintenance of all trail; landscaping, hardscaping and barrier fencing located in Outlot V and along Herndon Ave adjacent to Lot 1 of the project.

B. The property owner shall be responsible for providing for the maintenance of all median island and roundabout landscaping and hardscaping within Fir, Herndon and Prospect Avenue adjacent to the project.

C. The property owner shall be responsible for providing for the maintenance of the curbs and gutters, curbing, valley gutters, sidewalks, street lights and street signage within the street rights-of-way of Prospect, Fir and Lead Avenues within and adjacent to this project.

4. Maintenance of the any landscaping, hardscaping or any other features located within or adjacent to this project and not listed above shall be the responsibility of the property owner(s) and is NOT eligible for inclusion in a City maintenance district.

5. Provide the following information on the tentative tract map and / or complete the following prior to Planning Commission:

a. The portions of outlots F, G, J and Y that front a public street shall be changed to Public Easements.
b. Outlots H and X shall be changed from outlots to Public Easements.

6. Street trees in local street ROW adjacent to the residential areas shall be the responsibility of the respective homeowners associations and are not eligible for inclusion in a City maintenance district.

7. Street trees in local street ROW adjacent to the commercial parcels shall be the responsibility of the property owners and are not eligible for inclusion in a City maintenance district.

8. All features to be placed into a City maintenance district must have construction plans approved by the City of Fresno Department Public Works.

9. Any changes to the map or special permit shall require review and possible revision of these conditions by the City of Fresno Department Public Works.

If you have any questions, please call Joe Paff at 621-8695.

CITY OF FRESNO

ADDENDUM TO ENVIRONMENTAL ASSESSMENT NO. A-10-09/R-10-07/C-10-195/T-5983

(As adopted by the Fresno City Council on February 10, 2011 [Resolution No. 2005-183])

Addendum prepared in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines

The full Initial Study and the Master Environmental Impact Report No. 10130 are on file in the Planning and Development Department, Fresno City Hall, 3rd Floor 2600 Fresno Street Fresno, California 93721 (559) 621-8277	ENVIRONMENTAL ASSESSMENT NUMBER: **A-10-09/R-10-07/C-10-195/T-5983**

APPLICANT: Dirk Poeschel Land Development Services 923 Van Ness Avenue Fresno, CA 93721; and, City of Fresno Development & Resource Management and Public Works Departments	PROJECT LOCATION: ± 20.14 acres of property located on the north side of West Herndon Avenue between North Valentinie and North Marks Avenues, in the City and County of Fresno, California 36°50'19.00" N Latitude, - 119°51'05.00" W Longitude Assessor's Parcel Number(s): 500-191-39

PROJECT DESCRIPTION:

Dirk Poeschel Land Development Services, Inc., on behalf of Wilson Homes, has filed Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, Conditional Use Permit Application No. C-10-195, and Vesting Tentative Tract Map No. 5983/UGM pertaining to approximately 20.14 acres of property located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues.

Plan Amendment Application No. A-10-09 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan to change the planned land use designation for an approximately 3.58 acre portion of the subject property from Office Commercial to Neighborhood Commercial; and, an approximately 7.65 acre portion from Office Commercial to Medium High Density Residential.

Rezone Application No. R-10-07 proposes to rezone the approximately 3.58 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the C-1/EA/UGM (*Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*) zone district; and, the approximately 7.65 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the R-2/EA/UGM *(Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management)* zone district.

These applications have been filed in order to facilitate approval of a proposed 159-lot single family residential private street planned development subdivision of the subject property in accordance with Conditional Use Permit Application No. C-10-195 and Vesting Tentative Tract Map No. 5983/UGM. An additional three commercial lots are also proposed to be created by the proposed subdivision map for the approximately 3.58 acre portion of the subject property; resulting in a total of 162 lots within the proposed subdivision.

Portions of the public street rights-of-way adjacent to the proposed commercial lots are also proposed to be vacated and the Official Plan Lines for West Fir Avenue from North Marks Avenue to West Herndon Avenue (OPL No. 97-01) will be

amended/repealed accordingly.

Conditions of project approval for Vesting Tentative Tract Map No. 5983 and Conditional Use Permit Application No. C-10-195 were approved by the City of Fresno Planning Commission on December 15, 2010. On February 10, 2011, the Council of the City of Fresno adopted Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 through the passage and adoption of Resolution No. 2011-19 and Ordinance No. 2011-5/Bill No. B-5.

As the repeal of Official Plan Line (OPL) No. 97-01 has been proposed for the proposed project in order to facilitate development of adjacent property in accordance with the Conditions of Approval and the project specific mitigation measures adopted for Vesting Tentative Tract Map No. 5983 and Conditional Use Permit Application No. C-10-195, which identified and mitigated any and all potential impacts that may result from development of the proposed project (or implementation of the public improvement, dedication and vacation requirements stipulated for the proposed project), it may also be determined that the adopted Mitigated Negative Declaration adequately considered any potential impacts associated with any deviations from adopted Official Plan Lines for the purposes of the proposed project. Therefore, only minor additions are necessary to be included within the project description in order to acknowledge the intended amendment/repeal of OPL No. 97-01 as conditioned.

Therefore, the City of Fresno has determined that an addendum to Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 is appropriate given that none of the conditions described in Section 15162 of the Subdivision Map Act calling for preparation of a subsequent Mitigated Negative Declaration have occurred; and, new information added is only for the purposes of providing minor technical changes or additions, in accordance with Section 15164 of the Subdivision Map Act.

Section 15162 provides that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

FINDINGS PURSUANT TO SECTION 15162 OF THE CEQA GUIDELINES.

(1) Substantial changes are proposed in the project which would require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

Finding (1): Only minor additions are necessary to be included within the project description in order to acknowledge the intended amendment/repeal of OPL No. 97-01 as required within the Conditions of project approval for Vesting Tentative Tract Map No. 5983 and Conditional Use Permit Application No. C-10-195 (approved by the City of Fresno Planning Commission on December 15, 2010) and the project specific mitigation measures (adopted by the City Council on February 10, 2011).

As the repeal of Official Plan Line (OPL) No. 97-01 has been proposed for the proposed project in order to facilitate development of adjacent property in accordance with the Conditions of Approval and the project specific mitigation measures adopted for Vesting Tentative Tract Map No. 5983 and Conditional Use Permit Application No. C-10-195, which identified and mitigated any and all potential impacts that may result from development of the proposed project (or implementation of the public improvement, dedication and vacation requirements stipulated for the proposed project), it may also be determined that the adopted Mitigated Negative Declaration adequately considered any potential impacts associated with any deviations from adopted Official Plan Lines for the purposes of the proposed project.

No new significant environmental effects or increases in severity of effects will occur from the repeal of OPL No. 97-01

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,

Finding (2): Only minor additions are necessary to be included within the project description in order to acknowledge the intended amendment/repeal of OPL No. 97-01 as required within the Conditions of project approval for Vesting Tentative Tract Map No. 5983 and Conditional Use Permit Application No. C-10-195 (approved by the City of Fresno Planning Commission on December 15, 2010) and the project specific mitigation measures (adopted by the City Council on February 10, 2011).

As the repeal of Official Plan Line (OPL) No. 97-01 has been proposed in order to facilitate development of adjacent property in accordance with the Conditions of Approval and the project specific mitigation measures adopted for Vesting Tentative Tract Map No. 5983 and Conditional Use Permit Application No. C-10-195 no changes will occur with respect to the circumstances under which the project was approved and will be undertaken.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was adopted, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous Mitigated Negative Declaration.

Finding (3): No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was certified as complete has become available.

Commentary and requirements received from responsible departments and agencies in response to requests for comments respective to the proposed project have not revealed any new information related to the potential of the proposed project to result in new significant environmental effects; or, increase the severity of previously identified significant effects. This finding is substantiated by the memoranda from commenting departments and agencies incorporated as requirements within the conditions of approval for Vesting Tentative Tract Map No. 5983 and Conditional Use Permit Application No. C-10-195; and, included herein by reference.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Bullard Community Plan and Sierra Sky Park Land Use Policy Plan areas, including the Master Environmental Impact Report (MEIR) No. 10130 for the 2025 Fresno General Plan (SCH#2001071097) and Mitigated Negative Declaration (MND) No. A-09-02 (SCH#2009051016). The review and consideration of these previously prepared environmental and technical studies included examination of the traffic carrying capacity and characteristics of the planned street system along with Official Plan Lines adopted heretofore as part of the General Plan for the purpose of reserving rights-of-way for planned streets and highways.

ADDENDUM PREPARED BY: Will Tackett, Planner III	SUBMITTED BY:
DATE: June 01, 2011	Mike Sanchez, Planning Manager DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT

CITY OF FRESNO MITIGATED NEGATIVE DECLARATION		Notice of Intent was filed with: FRESNO COUNTY CLERK 2221 Kern Street Fresno, California 93721 on **November 12, 2010**
The full Initial Study and the Master Environmental Impact Report No. 10130 are on file in the Planning and Development Department, Fresno City Hall, 3rd Floor 2600 Fresno Street Fresno, California 93721 (559) 621-8277	ENVIRONMENTAL ASSESSMENT NUMBER: **A-10-09/R-10-07/C-10-195/T-5983**	
APPLICANT: Dirk Poeschel Land Development Services 923 Van Ness Avenue Fresno, CA 93721	PROJECT LOCATION: ± 20.14 acres of property located on the north side of West Herndon Avenue between North Valentinie and North Marks Avenues, in the City and County of Fresno, California 36°50'19.00" N Latitude, - 119°51'05.00" W Longitude Assessor's Parcel Number(s): 500-191-39	

PROJECT DESCRIPTION:

Dirk Poeschel Land Development Services, Inc., on behalf of Wilson Homes, has filed Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, Conditional Use Permit Application No. C-10-195, and Vesting Tentative Tract Map No. 5983/UGM pertaining to approximately 20.14 acres of property located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues.

Plan Amendment Application No. A-10-09 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan to change the planned land use designation for an approximately 3.58 acre portion of the subject property from Office Commercial to Neighborhood Commercial; and, an approximately 7.65 acre portion from Office Commercial to Medium High Density Residential.

Rezone Application No. R-10-07 proposes to rezone the approximately 3.58 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the C-1/EA/UGM (*Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*) zone district; and, the approximately 7.65 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the R-2/EA/UGM *(Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management)* zone district.

These applications have been filed in order to facilitate approval of a proposed 159-lot single family residential private street planned development subdivision of the subject property in accordance with Conditional Use Permit Application No. C-10-195 and Vesting Tentative Tract Map No. 5983/UGM. An additional three commercial lots are also proposed to be created by the proposed subdivision map for the approximately 3.58 acre portion of the subject property; resulting in a total of 162 lots within the proposed subdivision.

Portions of the public street rights-of-way adjacent to the proposed commercial lots are also proposed to be vacated.

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

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

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

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

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

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

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

The finding is, therefore, made that the proposed project will not have a significant adverse effect on the environment.	
PREPARED BY: Will Tackett, Planner III	SUBMITTED BY:
DATE: November 12, 2010	Mike Sanchez, Planning Manager DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT

CITY OF FRESNO

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Filed with:

FILED

NOV 12 2010

FRESNO COUNTY CLERK

By Sonia Ramirez DEPUTY

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

EA No. A-10-09/R-10-07/C-10-195/T-5983

Plan Amendment Application No. A-10-009; Rezone Application No. R-10-07; Conditional Use Permit Application No. C-10-195; and Vesting Tentative Tract Map No. T-5983/UGM

APPLICANT:
Dirk Poeschel Land Development Services
923 Van Ness Avenue
Fresno, CA 93721

E201010000323

PROJECT LOCATION:
± 20.14 acres of property located on the north side of West Herndon Avenue between North Valentinie and North Marks Avenues, in the City and County of Fresno, California

36°50'19.00" N Latitude, - 119°51'05.00" W Longitude

Assessor's Parcel Number(s): 500-191-39

PROJECT DESCRIPTION: Dirk Poeschel Land Development Services, Inc., on behalf of Wilson Homes, has filed Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, Conditional Use Permit Application No. C-10-195, and Vesting Tentative Tract Map No. 5983/UGM pertaining to approximately 20.14 acres of property located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues.

Plan Amendment Application No. A-10-09 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan to change the planned land use designation for an approximately 3.58 acre portion of the subject property from Office Commercial to Neighborhood Commercial; and, an approximately 7.65 acre portion from Office Commercial to Medium High Density Residential.

Rezone Application No. R-10-07 proposes to rezone the approximately 3.58 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the C-1/EA/UGM (*Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*) zone district; and, the approximately 7.65 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the R-2/EA/UGM *(Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management)* zone district.

These applications have been filed in order to facilitate approval of a proposed 163-lot single family residential private street planned development subdivision of the subject property in accordance with Conditional Use Permit Application No. C-10-195 and Vesting Tentative Tract Map No. 5983/UGM. An additional three commercial lots are also proposed to be created by the proposed subdivision map for the approximately 3.58 acre portion of the subject property.

A portion of public street rights-of-way adjacent to the proposed commercial lots is proposed to be vacated.

E201010000323

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

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

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding of a mitigated negative declaration and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Will Tackett at (559) 621-8063 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 December 02, 2010. Please direct comments to Will Tackett, Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to Will.Tackett@fresno.gov; 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 December 15, 2010 at 6:00 p.m. or thereafter. The hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY: Will Tackett, Planner	SUBMITTED BY: Mike Sanchez, Planning Manager CITY OF FRESNO DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
DATE: November 12, 2010	

CAO033010

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

Environmental Checklist Form

For EA No. A-10-09/R-10-07/C-10-195/T-5983

1. **Project title:**

   Plan Amendment Application No. A-10-009
   Rezone Application No. R-10-007
   Conditional Use Permit Application No. C-10-195
   Vesting Tentative Tract Map No. 5983/UGM

2. **Lead agency name and address:**

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

3. **Contact person and phone number:**

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

4. **Project location:**

   3280 West Fir Avenue

   Located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues, in the City and County of Fresno, California

   Assessor's Parcel Number(s): 500-191-39

   Site Latitude: 36°50'19.00" N
   Site Longitude: 119°51'05.00" W

   Mount Diablo Base & Meridian, Township 14 S Range 20 E, Section 16

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

   5983 Enterprises, L.P.
   7550 North Palm Avenue, Suite 102
   Fresno, CA 93711

6. **General plan designation:**

Existing: Office Commercial & Medium-High Density Residential

Proposed: Neighborhood Commercial & Medium-High Density Residential

7. **Zoning:**

Existing:

C-P/EA/UGM (*Administrative and Professional Office District/Expressway Area Overlay/Urban Growth Management*); and,

R-2/EA/UGM (*Low Density Multiple Family Residential District/Expressway Area Overlay/Urban Growth Management*)

Proposed:

C-1/EA/UGM (*Neighborhood Shopping Center District/Expressway Area Overlay/Urban Growth Management*); and,

R-2/EA/UGM (*Low Density Multiple Family Residential District/Expressway Area Overlay/Urban Growth Management*)

8. **Description of project:**

Dirk Poeschel Land Development Services, Inc., on behalf of Wilson Homes, has filed Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, Conditional Use Permit Application No. C-10-195, and Vesting Tentative Tract Map No. 5983/UGM pertaining to approximately 20.14 acres of property located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues.

Plan Amendment Application No. A-10-09 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan to change the planned land use designation for an approximately 3.58 acre portion of the subject property from Office Commercial to Neighborhood Commercial; and, an approximately 7.65 acre portion from Office Commercial to Medium High Density Residential.

Rezone Application No. R-10-07 proposes to rezone the approximately 3.58 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the C-1/EA/UGM (*Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*) zone district; and, the approximately 7.65 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the R-2/EA/UGM *(Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management)* zone district.

These applications have been filed in order to facilitate approval of a proposed 159-lot single family residential gated private street planned development subdivision of the subject property in accordance with Conditional Use Permit Application No. C-10-195 and Vesting

Tentative Tract Map No. 5983/UGM. An additional three commercial lots are also proposed to be created by the proposed subdivision map for the approximately 3.58 acre portion of the subject property.

Portions of the existing public street rights-of-way adjacent to the proposed commercial lots are also proposed to be vacated in order to facilitate the planned alignment of North Prospect Avenue.

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

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium-Low Density Residential	**R-1-B/UGM** *Single Family Residential / Urban Growth Management*	Single Family Residential
East	Medium-High Density Residential & Neighborhood Commercial	**R-2-A/UGM** *Low Density Multiple Family Residential/Conditions of Zoning* **&** **C-1/EA/UGM/cz** *Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*	Multiple Family Residential Development & Commercial
South	Medium-Low Density Residential	**R-1-C** *Single Family Residential*	Single Family Residential
West	Open Space / Park & Office Commercial	**R-A//EA/UGM** *Single Family Residential-Agricultural/Expressway Area Overlay/Urban Growth Management*	Neighborhood Park & Vacant

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 Uitlities; COF Building and Safety Services Division; COF Fire Department; Fresno Metropolitan Flood Control District; and, San Joaquin Valley Air Pollution Control District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier

EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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

X _____ _____

Will Tackett, Planner November 12, 2010

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

1. For purposes of this MEIR Initial Study, the following answers have the corresponding meanings:

   a. "No Impact" means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the MEIR or Air Quality MND.

   b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, but that impact is less than significant;

   c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, however, with the mitigation incorporated into the project, the impact is less than significant.

   d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND.

2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

3. All answers must take account of the whole action involved, including off-site as well as on-

site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

5. A "Finding of Conformity" is a determination based on an initial study that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND.

6. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

7. Earlier analyses may be used where, pursuant to the tiering, program EIR or MIER, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a. Earlier Analysis Used. Identify and state where they are available for review.

   b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the MEIR or another earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

8. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

9. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

10. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

11. The explanation of each issue should identify:

a. The significance criteria or threshold, if any, used to evaluate each question; and

b. The mitigation measure identified, if any, to reduce the impact to less than significance

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

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

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

The subject property currently remains vacant and is surrounded predominantly by urban uses. The subject property is currently designated for Office Commercial and Medium-High Density Residential planned land uses under the 2025 Fresno General Plan. The subject plan amendment application proposes to change the planned land use designation for the subject property to Neighborhood Commercial and Medium-High Density Residential. The site does not fall into any of the categories listed above and does not have a Williamson Act contract. There are no existing agricultural uses of the subject property; and, the project does not have the potential to facilitate future conversion of agricultural lands within the vicinity. There are no

forested lands occurring within the City sphere of influence. Therefore, no environmental impacts related to agricultural 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 (SJVAPCD) adopted thresholds for these pollutants)?				x
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				x
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				x
d) Expose sensitive receptors to substantial pollutant concentrations?				x
e) Create objectionable odors affecting a substantial number of people?				x

The proposed project will be subject to District Rule9510 (Indirect Source Review) and will therefore be required to submit and Air Impact Assessment (AIA) application to the District which may result in further requirements for project design elements and/or payment of applicable off-site mitigation fees.

The project will not occur at a scale or scope with potential to contribute substantially or cumulatively to existing or projected air quality violations, impacts, or increases of criteria pollutants for which the San Joaquin Valley region is under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). The proposed project will comply with all applicable air quality plans. Therefore, no violations of air quality standards will occur and no net increase of pollutants will

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

The proposed project would not directly affect any sensitive, special status, or candidate species, nor would it modify any habitat that supports them. There is no riparian habitat or any other sensitive natural community identified in the vicinity of the proposed project by the California Department of Fish and Game or the US Fish and Wildlife Service. No federally protected wetlands are located on the subject site. Therefore, there would be no impacts to species, riparian habitat or other sensitive communities and wetlands. The proposed project would have no impact on the movement of migratory fish or wildlife species or on established wildlife corridors or wildlife nursery sites. No local policies regarding biological resources are applicable to the subject site and there would be no impacts with regard to those plans.

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

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

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

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

There is no evidence that cultural resources of any type (including historical, archaeological, paleontological, or unique geologic features) exist on the subject property. Past record searches for the region have not revealed the likelihood of cultural resources on the subject property or in its immediate vicinity. Therefore, it is not expected that the proposed project may impact cultural resources. It should be noted however that lack of surface evidence of historical resources does not preclude the subsurface existence of archaeological resources. Therefore, due to the ground disturbing activities that will occur as a result of the project, the measures within the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan, Mitigation Monitoring Checklist to address archaeological resources, paleontological resources, and human remains will be employed to guarantee that should archaeological and/or animal fossil material be encountered during project excavations, then work shall stop immediately; and, that qualified professionals in the respective field are contacted and consulted in order to insure that the activities of the proposed project will not involve physical demolition, destruction, relocation, or alteration of historic, archaeological, or paleontological resources.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

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

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

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

No adverse environmental effects related to topography, soils or geology are expected as a result of this project. Implementation of the mitigation measures listed in MEIR No. 10130 and the attached MEIR Mitigation Monitoring Checklist will ensure that no adverse environmental effects related to topography, soils or geology will result from the proposed project.

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

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIAL -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X

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

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. The subject property is located within the Primary Review Area and Horizontal Surface of the Sierra Sky Park Land Use Policy Plan. However, neither the primary review area nor the horizontal surfaces constitute an area designated as being hazardous with relation to the sky park (the subject property is not located within designated approach zones or noise contours). The Sierra Sky Park Land Use Policy

Plan indicates that the proposed uses are acceptable. The project has been conditioned with providing airspace protection through limitations on heights of structures and growths. Furthermore an avigation easement has been required pursuant to the plan; and covenants will be prepared and recorded acknowledging the operation of the airport and providing for buyer notification.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?		X		
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X

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

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

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

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

In accordance with the provisions of the 2025 Fresno General Plan and Master EIR No. 10130 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project. The City has indicated that

groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. The Department of Public Utilities, Water Division has reviewed the proposed project and has provided that the City of Fresno UWMP identifies a water allocation of up to 76.58 af/yr for the project site based upon the planned land uses designated in the 2025 Fresno General Plan. With approval of Plan Amendment Application No. A-10-09 and Rezone Application No. R-10-07, the proposed project has the potential to increase the water demand for the project site to 109.47 af/yer (UWMP, Table 6-4, 2008). Therefore, the proposed project will be required to offset or mitigate any increase in water demand, greater than the adopted allocation, resulting from the proposed development in a manner acceptable to the Department of Public Utilities. Therefore, the developer is required to provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics subject to approval by the Director of Public Utilities. The proposed development is also required to incorporate water use efficiency for landscaping.

In addition, the proposed project must contribute to the completion of the Fresno Metropolitan Flood Control District's master planned storm drainage facilities. Stormwater ponding basins provide significant opportunity to recharge groundwater with collected storm water run-off and surface water obtained from the Fresno Irrigation District and United States Bureau of Reclamation on the northern edge of the current urban limit boundary.

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

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

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

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

aquifer.

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

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

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that drainage service is available for the development subject to the developer constructing FMFCD "Non-Master Plan Facilities" as determined by the district. However, the Storm Drainage Master Plan Facilities have already been installed in this area and the drainage system was designed to serve medium-low density residential uses. These facilities do not have capacity to service the proposed medium-high density residential and commercial land uses. The developer therefore, shall mitigate impacts of the increased runoff from the proposed land uses to a rate to a rate that would be expected if developed to medium density residential. The developer may either make improvement to the existing pipeline collection system to provide additional capacity or may use permanent peak reducing facilities in order to eliminate adverse impacts on the existing system. A drainage report that identifies the adequacy of the conveyance capacity of the streets within the project for major storm flows, including but not limited to, the height of curb, elevation of finish floors, and the setback distances of structures to property lines will also be required.

Implementation of the mitigation measures as identified in the attached MEIR No. 10130 prepared for the 2025 Fresno General Plan along with the mitigation measures identified within the Department of Public Utilities, Water Division memorandum dated November 04, 2010 and the Fresno Metropolitan Flood Control District memorandum dated December 10, 2010 will reduce the project's hydrology impacts to less than significant.

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

Although the project includes a proposed amendment to the 2025 Fresno General Plan and Bullard Community Plan in order to change the planned land use designation for the subject property for the purposes of facilitating the proposed development, the proposed project meets the goals, objectives and policies of the 2025 Fresno General Plan and Bullard Community Plan by providing a project which introduces higher density single family residential development in a manner which will maintain a pleasant living environment through reservation of adequate living spaces and protecting the integrity of adjacent neighborhoods. The close proximity of existing and planned neighborhood commercial, office commercial, open space / neighborhood park, school, and single and multiple family residential uses provides for a unique and diverse context, which the proposed project will complement and embellish. The proposed project facilitates comprehensive infill development through the completion of another segment of the planned multi-purpose trail system, the completion and improvement of the local street network within the limits of the proposed subdivision, and the introduction of a diversity of housing types, which will further meet the needs of balanced urban growth.

Objective C-9 of the 2025 Fresno General Plan directs planning for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Supporting policy C-9-k recommends that Medium-High Density Residential uses shall be distributed to maximize utilization of available of planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping, services, and transportation.

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

Furthermore, Objective C-12 provides that commercial land uses shall be classified, located, sized, and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts. Supporting Policy C-12-d recommends planning for the appropriate location, size, and distribution of neighborhood commercial uses to implement the planned urban form, promote stability and identity of neighborhood areas, and allow efficient access without compromising the operational effectiveness of planned major streets. Furthermore, this policy acknowledges that

neighborhoods should be anchored by commercial centers with a mix of uses that meet the area's need to achieve activity centers that create a sense of place.

Similarly, the goals of the Bullard Community Plan are directed toward: (1) The provision of a diversity of housing types and housing opportunities to meet the needs of all ages and income levels; (2) Providing for efficient use of land while protecting the integrity of established neighborhoods; (3) Encouraging a mix of uses along major transportation corridors; (4) Providing for safe, clean and aesthetically pleasing neighborhoods; and, (5) Providing for compatible relationships between differing housing types and densities. Goals for commercial uses include distributing new commercial land use designations at logical, marketable, convenient and accessible locations.

Therefore it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. . Furthermore, conditions of approval respective to the proposed project will assure compliance with the objectives and policies of the Sierra Sky Park Land Use Policy Plan.The proposed project, including the design and improvement of the subject property, is found; (1) To be consistent with the goals, objectives and policies of the applicable 2025 Fresno General Plan, Bullard Community Plan and Sierra Sky Park Land Use Policy Plan; (2) To be Suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject property or adjacent lands.

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

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

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

The City of Fresno Noise Element of the 2025 Fresno General Plan sets noise compatibility standards for transportation and stationary noise sources. Traffic on West Herndon Avenue is considered to be a transportation noise source. Noise sources not related to traffic on public roadways, railroads or airports are considered to be stationary noise sources. This would include existing commercial uses to the east of the project site.

For transportation sources, the Noise Element establishes land use compatibility criteria in

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

The Noise Element also requires that interior noise levels attributable to exterior transporation noise sources no exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

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

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

Conditions of approval respective to construction related activity will require incorporation of noise reduction measures into their construction activity.

The proposed project will not expose persons to excessive noise levels. Although the project will create additional activity in the area, the project will be required to comply with all noise policies from the 2025 Fresno General Plan and noise ordinance of the Fresno Municipal Code as well as the recommended mitigation measures outlined in the Acoustical Analysis prepared for the proposed project by Brown-Buntin Associates, Inc., dated July 19, 2010. Therefore there will be no exposure to excessive noise.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING -- Would the project:				

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

The subject site is proposed to be designated for Neighborhood Commercial and Medium-High Density Residential planned land uses. Although the project will be intensifying the use of the currently undeveloped site, the project site is currently planned for Office Commercial and Medium-High Density Residential planned land uses by the 2025 Fresno General Plan. Properties within the vicinity of the subject property have been developed and continue to develop at the intensity and scale designated by the 2025 Fresno General Plan. Therefore the proposed project will not either directly or indirectly induce substantial population growth in the area. Furthermore, the subject property is currently vacant and therefore, the proposed project does not have the potential to displace existing housing or residents as a result of development thereon.

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Fire protection?				X
Police protection?				X
Drainage and flood control?				X
Parks?				X
Schools?			X	
Other public services?				X

The Department of Public Utilities has reviewed the proposed project and has determined that adequate sewer, water, and solid waste facilities are available subject to compliance with the conditions submitted by the Department of Public Utilities for this project. City police and fire protection services are also available to serve the proposed project. Finally, the Fresno Metropolitan Flood Control District has indicated that there are adequate facilities to serve the proposed project subject to compliance with the conditions submitted by the District for the proposed project dated December 10, 2010. These departments and agencies have all submitted conditions that will be required as Conditions of Approval for the subject entitlement applications (conditional use permits and tract maps). These conditions of approval will ensure that the proposed project will have a less than significant impact to urban services. All conditions of approval must be complied with prior to occupancy.

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

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

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

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

The subject property is located adjacent to an existing public neighborhood park. However, 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

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

The subject property is located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues. The adjacent segment of West Herndon Avenue is planned as a 10-lane divided expressway by the 2025 Fresno General Plan with ultimate mitigation.

The mitigation measures established by the certification of MEIR No. 10130, requires that all plan amendments are required to prepare a traffic impact study (TIS). Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, upon completion of development of the subject property pursuant to Vesting Tentative Tract Map No. 5983/UGM, the use of the subject property is expected to generate an average of approximately 3,495 average daily trips (ADT). Of these vehicle trips it is projected that 176 will occur during the morning (7 to 9 a.m.) peak hour travel period and 379 will occur during the evening (4 to 6 p.m.) peak hour travel period. The existing 2025 Fresno General Plan planned land uses for the subject property would generate 2,093 ADT, 242 trips occurring during the a.m. peak hour and 248 trips during the p.m. peak hour.

Calculating the number of dwelling units which could be developed on the currently planned Medium-High Density Residential portion of the subject property at the maximum density allowed by the Medium-High Density Residential planned land use designation of the 2025 Fresno General Plan (approximately 7.22 net acres at 18.15 dwelling units/acre), yields approximately 132 dwelling units. Comparing this figure to the 159 dwelling units proposed to be developed on the subject property represents a difference of 27 dwelling units; or, an approximately 20 percent increase in the number of dwelling units planned to be developed on the subject property.

The proposed planned development subdivision, with the proximity and connectivity of residential, open space, and neighborhood commercial land uses, provides for a pattern of development which is anticipated to have the potential to reduce the number of average daily vehicle trips. The proposed pattern of residential development, with nodes of higher housing

densities in areas of the development that are easily served by proximate neighborhood commercial uses along with open spaces and pedestrian paths which augment a well connected street network will provide a system of integrated and interesting travel routes to various destinations.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the plan amendment, rezone, conditional use permit and vesting tentative tract map applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division and City Engineer dated November 18, 2010 and December 01, 2010, respectively. These requirements generally include: (1) Adjacent public street improvements, right-of-way dedications and vacations (including, but not limited to, construction of concrete curbs, gutters, and sidewalks, permanent pavement, underground street lighting systems, concrete medians, roundabouts and traffic circles, and turn pockets at the intersection of West Herndon with North Valentine/North Prospect Avenues); (2) Dedication of an easement for, and construction of, the planned multi-purpose trail along West Herndon Avenue; (3) Restrictions for curbside parking at specific locations and installation of bike lanes; (4) Identification and installation (as may be appropriate) respective to a "safe route to school" for the nearby elementary school; and, (5) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

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

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

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

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

The Department of Public Utilities has determined that adequate sanitary sewer and water services will be available to serve the proposed project subject to the provision and construction of standard connections, extensions, and installations of facility infrastructure; completion of incremental expansions to facilities for planned water supply, treatment, and storage; and, incorporation of the mitigation measures related to water service identified within the attached memorandum from the Department of Public Utilities, Water division dated November 04, 2010.

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

The proposed project is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. The impact to storm drainage facilities will be less than significant given that the developer will be required to provide drainage services.

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

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

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

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

Fresno
All-America City
2000

City of
FRESNO

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Public Works Department
Patrick Wiemiller, Director

December 1, 2010

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

SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY (TIS) FOR THE PROPOSED HERNDON and VALENTINE GENERAL PLAN in the northeast Quadrant of Herndon Avenue/Valentine Avenue intersection
TIS10-013 dated July 28, 2010 T5983

TRAFFIC IMPACT STUDY APPROVED FOR PLANNING COMMISSION

We reviewed the Traffic Impact Study (TIS) by TJKM for the proposed subject project which consists of approximately 96 Apartment residential dwelling units.

GENERAL COMMENTS and CONDITIONS

1. The trip generation based on ITE Trip Generation Manual is acceptable. The proposed project and General Plan Amendment is projected to generate 3,495 daily trips, 176 trips during the AM peak hour and 379 trips during the PM peak hour.

   The existing General Plan land use generates 2,093 ADT, 242 trips during the AM peak hour and 248 trips during the PM peak hour.

2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of $47.12 per ADT 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 and the Master Fee Schedule. The TSMI fee based on the project description above and the current fee is $164,684.40. The fee shall be paid at time of building permit.

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

3. This project shall pay its Fresno Major Street Impact (FMSI) Fee which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.

4. The project shall pay the Regional Transportation Mitigation Fee (RTMF) Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocog.org. Provide proof of payment or exemption prior to issuance of building permits. If applicable based on vesting rights.

5. Curbside parking shall be restricted on Prospect Drive between Herndon Avenue to Fir Avenue. Bike lanes shall be installed on Prospect Drive

6. A Roundabout shall be installed to provide left-turn access into the commercial retail/office center on the east of Prospect Drive and the realigned Herndon Frontage roadway to the west.

7. A traffic circle shall be installed on Fir Avenue to allow for traffic calming on Fir Avenue and a four way intersection into the two gated subdivision main entrances. The two19' travel lanes on Fir Avenue allow for a 12' lane and 7' bike lane to be installed and restrict parking.

8. The project shall construct the trail along the Herndon property frontage and provide direct access from the gated subdivision to the trail. Noise/sound issues will need to be mitigated with the opening but the sound wall can be overlapped.

9. The project should work with FUSD and Forkner Elementary to have a gate opening near the intersection of Fir/Prospect.

10. The project shall construct a southbound left-turn, through lane, and right-turn at the southbound approach to Herndon/Prospect/Valentine. Traffic signal modifications maybe necessary.

11. The City of Fresno has a CIP project to install 6 lanes on Herndon Avenue along property frontage from Marks to Valentine.

12. The proposed project shall make necessary improvements and right-of-way dedications along adjacent public streets as per City of Fresno requirements.

13. This project shall provide a safe routes to schools sidewalk connection to the nearby elementary schools so students do not have to walk in the street.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or bryan.jones@fresno.gov .

Sincerely,

Bryan D. Jones, TE, PTP, AICP
City Traffic Engineer/Division Manager
Traffic & Engineering Services Manager
Public Works Department, Traffic Engineering Division

C: Traffic Engineering Reading File
Copy filed with Traffic Impact Study
Kevin Fabino, Planning & Development Dept.
Mike Sanchez, Planning & Development Dept.
Louise Gilio, Traffic Planning Supervisor
Will Tackett, Planning & Development Dept.

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION

Providing Life's Essential Services

DATE: November 4, 2010

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

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

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

SUBJECT: **WATER REQUIREMENTS FOR PLAN AMENDMENT NO. A-10-009, REZONE NO. R-10-007, VESTING TENTATIVE TRACT 5983 AND CONDITIONAL USE PERMIT C-10-157.**

General

T-5983-UGM, A-10-009, R-10-007 & C-10-195 were filed by Dirk Poeschel Land Development Services, Inc., on behalf of Jeffrey B. Harris of Wilson Homes, and pertains to approx. 20.14 acres of vacant property located on the north side of W. Herndon Ave. between N. Valentine and N. Marks Avenues; the property is bisected east to west by W. Fir Ave., 3251 West Fir Avenue, APN 500-191-39S. A-10-009 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan for approx. 3.58 acres of property from the comm. office planned land use designation to the community comm. land use designation and approx. 7.65 acres of property from comm. office planned land use designation to the med.-high density res. land use designation. R-10-007 proposes to reclassify approx. 3.58 acres of property located on the west portion of the property south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to C-1-EA-UGM, Neigh. Shopping Center-Expressway Area Overlay-UGM, zone district; and reclassify approx. 7.65 acres of property located south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to R-2-EA-UGM, Low Density Multi-Family Res.-Expressway Area Overlay-UGM, zone district. T-5983-UGM proposes to subdivide approx. 20.14 acres of property into a planned unit development of 163 single family res. lots and 3 comm. parcels. C-10-195 proposes a gated planned unit development with private streets and modified property development standards, lot area, lot dimensions, lot coverage, and building setbacks.

Water Service

The nearest water mains to serve the proposed project are an 8-inch main located in West Fir Avenue and an 8-inch main located in North Lead Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Separate water services with meters shall be provided to each lot created.

2. Dedicate the proposed street outlots for public utility purposes.

3. The developer shall provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities.

4. The development shall incorporate water use efficiency for landscaping including the use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features as appropriate and sanitary.

5. The City of Fresno Urban Water Management Plan (UWMP) identifies a water allocation of up to 76.58 af/yr for the project site based upon the planned land use designated in the 2025 General Plan. With approval of A-10-009 and R-10-007, the proposed project has the potential to increase the water demand for the project site to 109.47 af/yr. (UWMP, Table 6-4, 2008). Any increase in water demand, greater than the adopted allocation, resulting from the proposed development, will be required to be offset or mitigated in a manner acceptable to the Department of Public Utilities.

6. The retrofit or modification of public and/or private landscape and/or structures to provide a reduction in water use to mitigate any proposed increase in water demand in excess of the adopted water allocation for the land use adopted in the 2025 General Plan will be subject to Department of Public Utilities approval as an acceptable mitigation measure.

7. Seal and abandon any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.

8. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Assistant Public Utilities Director.

9. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.

10. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

Water Fees

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

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

A-10-009, R-10-007, T5983, C-10-195

ACOUSTICAL ANALYSIS

RESIDENTIAL DEVELOPMENT
HERNDON AND VALENTINE AVENUES
FRESNO, CALIFORNIA

BBA Report No. 10-025

PREPARED FOR

WILSON HOMES
7550 NORTH PALM AVENUE, SUITE 102
FRESNO, CALIFORNIA 93711

PREPARED BY

BROWN-BUNTIN ASSOCIATES, INC.
VISALIA, CALIFORNIA

JULY 19, 2010

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BROWN · BUNTIN ASSOCIATES, INC.

INTRODUCTION

The project is a proposed 160-lot residential development to be located on the north side of West Herndon Avenue east of Valentine Avenue within the City of Fresno. Since the project site is located next to a major roadway and an existing shopping center, the City of Fresno has requested an acoustical analysis to quantify project site noise exposure and determine noise mitigation requirements. This analysis, prepared by Brown-Buntin Associates, Inc. (BBA), is based upon site plan and preliminary project grading information provided by the project engineer (Harbour & Associates). Revisions to the site plan or preliminary grading information analyzed may affect the findings and recommendations of this report.

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

CRITERIA

The City of Fresno Noise Element of the General Plan (adopted 11/19/02) sets noise compatibility standards for transportation and stationary noise sources. Traffic on Herndon Avenue is considered to be a transportation noise source. Noise sources *not* related to traffic on public roadways, railroads or airports are considered to be stationary noise sources. This would include existing commercial uses to the east of the project site.

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

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

For stationary noise sources, the noise element establishes noise compatibility criteria in terms of the exterior hourly equivalent sound level (L_{eq}) and maximum sound level (L_{max}). The standards are more restrictive during the nighttime hours, defined as 10:00 p.m. to 7:00 a.m. The standards may be adjusted upward (less restrictive) if the existing ambient noise level without the source of interest already exceeds the standards. The noise element standards for stationary noise sources are summarized in Table I.

TABLE I

CITY OF FRESNO NOISE ELEMENT STANDARDS
STATIONARY NOISE SOURCES

	Daytime (7:00 a.m.-10:00 p.m.)	Nighttime (10:00 p.m.-7:00 a.m.)
Hourly Equivalent Sound Level (L_{eq}), dBA	50	45
Maximum Sound Level (L_{max}), dBA	70	65

Note: If the existing ambient noise levels equal or exceed the levels in Table I, mitigation shall be required to limit noise to the ambient noise level plus five (5) dB.

Source: City of Fresno

PROJECT SITE NOISE EXPOSURE

The project site is surrounded by vacant land and a city park to the west, residential uses to the north, residential uses and a commercial shopping center to the east and Herndon Avenue to the south. The significant sources of noise affecting the project site are traffic on Herndon Avenue and commercial activities associated with the shopping center.

Traffic Noise Exposure:

Noise exposure from traffic on Herndon Avenue was calculated for existing (2010) and future (2035) conditions using noise level data obtained by BBA at the project site, the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and traffic data obtained from the Council of Fresno County Governments (Fresno COG).

The FHWA Model is a standard analytical method used by state and local agencies for roadway traffic noise prediction. The model is based upon reference energy emission levels for automobiles, medium trucks (2 axles) and heavy trucks (3 or more axles), with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA Model was developed to predict hourly L_{eq} values for free-flowing traffic conditions, and is generally considered to be accurate within ±1.5 dB. To predict DNL values, it is necessary to determine the hourly distribution of traffic for a typical day and adjust the traffic volume input data to yield an equivalent hourly traffic volume.

Noise monitoring and a concurrent traffic count were conducted within the project site on July 16, 2010. The purpose of the noise monitoring was to evaluate the accuracy of the FHWA Model in describing traffic noise exposure within the project site. The noise monitoring site was located approximately 117 feet from the center of Herndon Avenue (about 69 feet from the existing curb). This represents the proposed minimum building setback for the project. There is an existing traffic signal at the intersection of Herndon and Valentine Avenues and the posted vehicle speed limit on Herndon Avenue is 50 miles per hour (mph). The project site plan and noise monitoring site are shown in Figure 1.

Noise monitoring equipment consisted of a Larson-Davis Laboratories Model LDL-820 sound level analyzer equipped with a B&K Type 4176 1/2" microphone. That equipment complies with the specifications of the American National Standards Institute (ANSI) for Type I (Precision) sound level meters. The meter was calibrated in the field prior to use with a B&K Type 4230 acoustic calibrator to ensure the accuracy of the measurements. The microphone was located on a tripod at 5 feet above the ground. The project site is predominantly flat with the elevation of the site being approximately one foot higher than the roadway pavement. There is an existing earthen berm approximately 1-2 feet high along the southern frontage of the site, and the site has recently been disked for weed control purposes.

Noise measurements were conducted in terms of the equivalent energy sound level (L_{eq}). Measured L_{eq} values were compared to L_{eq} values calculated (predicted) by the FHWA Model using as inputs the traffic volumes, truck mix and vehicle speed observed during the noise measurements. The results of that comparison are shown in Table II.

From Table II it may be determined that the traffic noise level predicted by the FHWA Model was 4.3 dB higher than measured for the traffic conditions observed at the time of the noise measurements. The observed over-prediction of traffic noise exposure may be explained by the presence of the above-noted earthen berm and recently plowed soil. These conditions will not be present after construction of the project. For that reason, the FHWA Model was used without adjustment for the calculation of annual average traffic noise exposure within the project site.

TABLE II

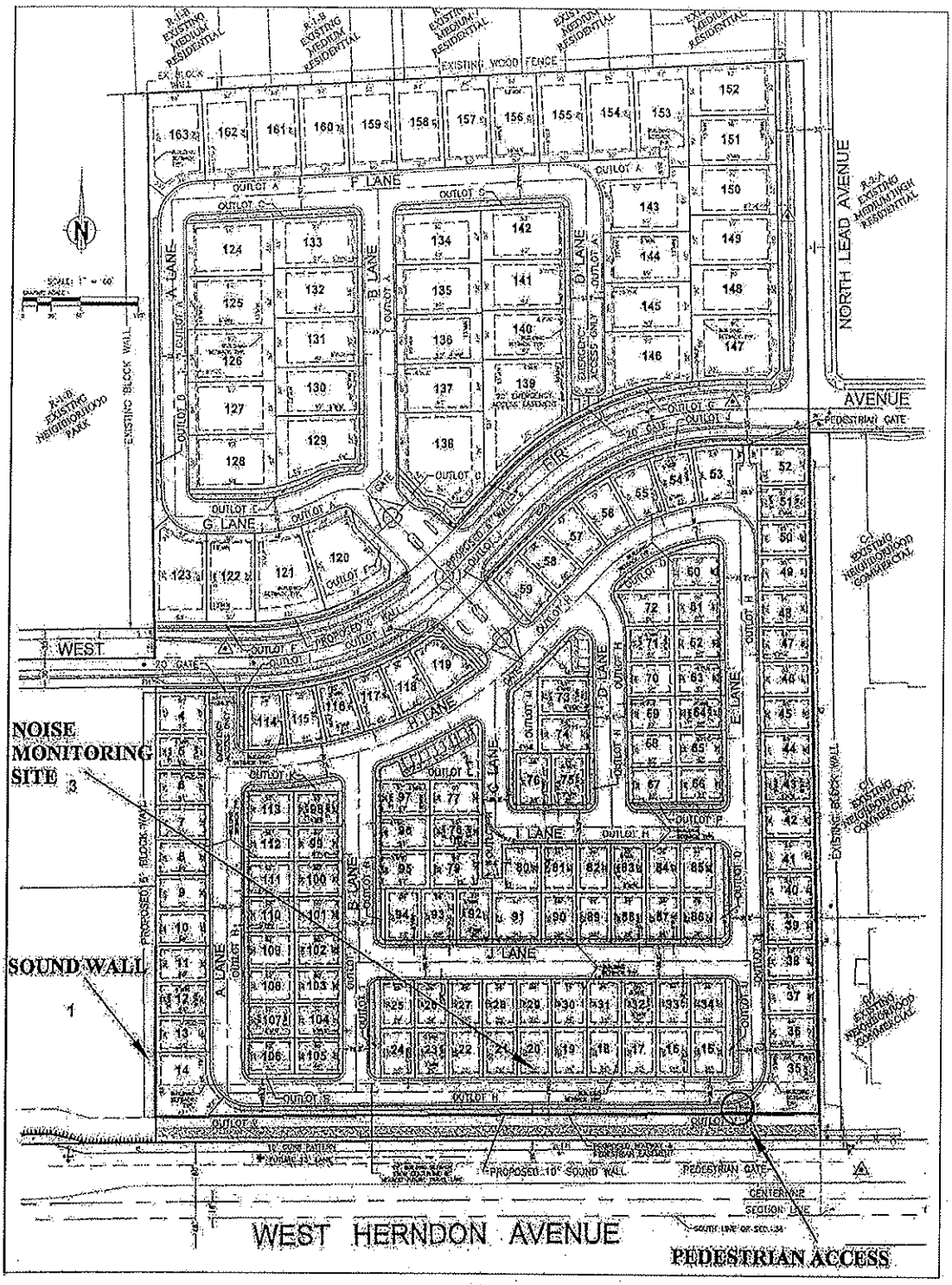
COMPARISON OF MEASURED AND PREDICTED (FHWA MODEL) NOISE LEVELS HERNDON AVENUE EAST OF VALENTINE AVENUE JULY 16, 2010

Measurement Start Time	12:05 p.m.
Observed # Autos/Hr.	2,560
Observed # Medium Trucks/Hr.	44
Observed # Heavy Trucks/Hr.	8
Posted Speed (MPH)	50
Distance, ft. (from center of roadway)	117
L_{eq}, dBA (Measured)	62.4
L_{eq}, dBA (Predicted)	66.7
Difference between Measured and Predicted L_{eq}, dBA	**+4.3**

Note: FHWA "soft" site assumed for calculations.

Source: Brown-Buntin Associates, Inc.

Figure 1: Project Site Plan and Noise Monitoring Site



The Annual Average Daily Traffic (AADT) for existing (2010) and future (2035) conditions on Herndon Avenue east of Valentine Avenue were obtained from the Fresno COG. The day/night distribution of traffic and truck mix was estimated by BBA based upon studies of similar roadways since site-specific data were not available from government sources. Table III summarizes the traffic data assumptions used to model noise exposure from Herndon Avenue within the project site. The data summarized in Table III represent the best information known to BBA at the time this analysis was prepared.

TABLE III

TRAFFIC NOISE MODELING ASSUMPTIONS
HERNDON AVENUE EAST OFVALENTINE AVENUE

	Existing (2010)	Future (2035)
Annual Avenue Daily Traffic (AADT)	52,996	78,908
Day/Night Split (%)	90/10	90/10
Posted Vehicle Speed (mph)	50	50
% Medium Trucks (% AADT)	2.0	2.0
% Heavy Trucks (% AADT)	1.0	1.0

Sources: Brown-Buntin Associates, Inc.
Fresno COG

Using data from Table III and the FHWA Model, annual average traffic noise exposure was calculated for the project site. The calculated noise exposures for existing and projected future annual average traffic on Herndon Avenue were 69.2 and 70.9 dB DNL, respectively, at the proposed minimum residential building setback from the center of the roadway. Since projected future traffic (2035) represents a worst-case condition, it is used as the basis for determining traffic noise mitigation requirements for the project.

Noise Exposure From Existing Commercial Activities:

The shopping center located to the east of the project site contains a SaveMart supermarket, a vacant drugstore (formerly Long's Drugs) and various smaller retail or food service shops. The supermarket and vacant drugstore back up to the site, and there are loading docks and a trash compactor located approximately 30 feet from the project property line. The supermarket loading dock is depressed below grade by about 4 feet and there is a sound wall approximately 12 feet high along the west side of the dock. The loading dock for the vacant drugstore is also depressed, but does not have a sound wall. There is an existing 5-6 foot-high masonry wall along the property line between the shopping center and project site. Noise sources associated with the shopping center that could affect the project site include slowly moving trucks, loading dock activities and trash compactor operations.

Slowly Moving Trucks

It is estimated that the approximate distance from the rear (east side) of proposed homes to the area where trucks would move to and from loading docks is 30 feet. Noise measurements conducted by BBA for a number of similar studies have shown that slowly moving trucks typically produce maximum noise levels in the range of 71-76 dBA at a distance of 50 feet. The sound exposure level (SEL) for an individual truck pass-by at that distance is in the range of 81-89 dBA. The range in measured truck noise levels is due to differences in the size of trucks, their speed of movement and whether they have refrigeration units in operation during the pass-by.

Based upon other similar studies performed by BBA, it has been assumed that there would be 8-15 truck deliveries per day for both stores combined. It has also been assumed that delivery truck movements would occur between the hours of 6:00 a.m. and 6:00 p.m. on an average daily basis. Assuming that truck movements would be evenly distributed throughout the 12-hour delivery period, the average hourly L_{eq} at 50 feet from the driveway would be 45-53 dBA.

When the above-described noise levels are adjusted for a distance of 30 feet and the presence of the existing 5-6 foot-high masonry wall, it is estimated that hourly maximum noise levels would be in the range of 69-74 dBA. Using the same adjustments, estimated hourly L_{eq} values would be in the range of 43-51 dBA. Such levels have the potential to exceed the hourly noise level standards of the noise element for stationary noise sources (Table I).

Loading Docks

The supermarket and drug store loading docks are located approximately 50 feet from the assumed location of the closest proposed homes. As noted above, the loading docks are depressed approximately 4 feet below grade and the supermarket loading dock has a sound wall on the west side approximately 12 feet high. Noise sources typically associated with loading dock activities include truck engines, the operation of truck-mounted refrigeration units, fork lifts, the banging of hand carts and roll-up doors, noise from P.A. systems, and the voices of truck drivers and store employees. Truck engines and/or refrigeration units are typically turned off while trucks are in loading dock areas to reduce noise and save energy.

Based upon noise level measurements conducted by BBA for other studies, maximum loading dock noise levels would be expected to be in the range of 62-80 dBA at a distance of 50 feet without consideration of intervening sound walls. Noise levels from trucks within the supermarket loading dock would be reduced by 10-15 dB by the existing sound wall and property line masonry wall. Noise levels from trucks in the drugstore loading dock would be reduced by approximately 5 dB by the existing property line masonry wall.

Accounting for existing sound walls, maximum noise levels from the supermarket loading dock activities would be expected to be in the range of 45-65 dBA at the closest proposed homes. Based upon the loading dock activity described above, hourly L_{eq} values would not be expected to exceed 45 dBA. Such levels do not exceed the city's stationary noise source standards. Maximum noise levels from loading activities at the drugstore are estimated to be in the range of 55-75 dBA, which could exceed the city's standards. However, the number of truck deliveries at the drugstore (if re-

opened) would be significantly less than for the supermarket, and hourly L_{eq} values would not be expected to exceed the city's standards.

Trash Compactor

Based upon noise studies conducted by BBA for other projects, the maximum noise level produced by a typical un-enclosed trash compactor (Hydra-Fab Model 1200) is approximately 74 dBA at a distance of 10 feet from the equipment. Trash compactors are usually operated intermittently. When adjusted for a distance of 50 feet from the source and the presence of the existing property line masonry wall, the resulting noise level is about 55 dBA. Hourly maximum and energy average noise levels from the trash compactor would not be expected to exceed the city's hourly standards as summarized by Table I.

EXTERIOR NOISE MITIGATION

Traffic Noise Mitigation:

Projected future traffic noise exposure at the closest proposed building setback from Herndon Avenue is 70.9 dB DNL. The closest outdoor activity areas are assumed to be located in individual backyards. Most of the homes closest to Herndon Avenue would face south, meaning that backyards would be located on the opposite side of the homes from the roadway. However, homes on Lots 14, 35, 105 and 106 would face east or west, meaning that backyards would not be shielded by residential building structures. The estimated distance from the center of Herndon Avenue to the center of backyards on those lots is 144 feet. The projected future traffic noise exposure at that distance is 69.5 dB DNL. This exceeds the city's 60 dB DNL standard for transportation noise sources.

The project developer has proposed that a 10 foot-high sound wall be constructed along the Herndon Avenue frontage as noted in Figure 1. The sound wall would provide acoustical shielding of outdoor activity areas located closest to the roadway and reduce the amount of noise affecting the interior of proposed residential units.

A sound wall insertion loss program based on the FHWA Model was used to calculate the insertion loss (noise reduction) provided by the proposed sound wall. The model calculates the insertion loss of a wall of given height based on the effective height of the noise source, height of the receiver, distance from the receiver to the wall, and distance from the noise source to the wall. The standard assumptions used in the sound wall calculations are effective source heights of 8, 2 and 0 feet above the roadway for heavy trucks, medium trucks and automobiles, respectively. The standard height of a residential receiver is five feet above the ground (or finished floor) elevation. It was assumed by BBA that the ground elevation at the closest homes to Herndon Avenue would be approximately 1-2 feet higher than the roadway pavement, and that the height of the proposed sound wall is relative to the project grade.

Based upon the above-described assumptions and method of analysis, the noise level insertion loss for the proposed 10 foot-high sound wall was calculated. The calculations indicated that the proposed sound wall would reduce traffic noise exposure by 9.1 dB at the center of the closest

backyards, resulting in a projected future exposure of 60.4 dB DNL. This complies with the city's 60 dB DNL standard. Traffic noise exposure in the backyards of the closest homes facing Herndon Avenue would be less than 60 dB DNL due to acoustic shielding provided by the home structures.

In order for the proposed sound wall along the Herndon Avenue frontage to be effective for traffic noise mitigation, it would need to continue north along the east side of Lots 35-38 and the west side of Lots 11-14. The minimum heights of those sections of the sound wall should be eight feet for Lots 13, 14, 35 and 36 and six feet for Lots 11, 12, 37 and 38. Sound wall heights are relative to the project grade. As previously noted, there is an existing masonry wall 5-6 feet in height along the eastern boundary of the project site.

The proposed 10 foot-high sound wall would be minimally effective at the second floor elevation. For that reason, home designs that include a second floor deck or balcony that faces south should not be constructed on the first row of lots along Herndon Avenue.

Pedestrian Access Opening:

The project site plan indicates that a pedestrian access opening in the sound wall would be provided near the east end of the Herndon Avenue frontage near Lots 15 and 35. The proposed design of the access opening provides for a four foot-wide opening with an overlapping wall on the interior of the site. In order to effectively interrupt line-of-sight from the interior of the site to the traffic noise source and to minimize reflected sound, the length of the overlapping wall should be a minimum of 20 feet.

Mitigation of Noise From Existing Commercial Activities:

Noise levels from trucks moving to and from loading docks behind the supermarket and drugstore to the east of the site have the potential to exceed the city's hourly L_{max} and L_{eq} standards for stationary noise sources. This would be especially true for truck movements that might occur between the hours of 10:00 p.m. and 7:00 a.m. when the city's standards are more restrictive. Since the shopping center is an existing use, it is not feasible to restrict hours of loading dock operations beyond what may already be required by the city. Based upon the noise source information used for this analysis, compliance with the city's standards could be achieved for all but the noisiest of trucks by construction of an eight foot-high sound wall along the eastern project boundary adjacent to the shopping center.

INTERIOR NOISE MITIGATION

The City of Fresno interior noise level standard for transportation noise sources is 45 dB DNL. The city's standards for stationary noise sources do not apply to interior noise exposure. Assuming that exterior traffic noise exposure will not exceed 70.9 dB DNL at the closest building setback, residential buildings will need to be capable of providing a minimum outdoor-to-indoor noise level reduction (NLR) of approximately 26 dB (71-45=26). With the proposed 10 foot-high sound wall in place, the minimum required NLR would be reduced to approximately 17 dB at the first floor level and 21 dB at the second floor level.

A specific analysis of interior noise levels was not performed. However, it may be assumed that residential construction methods complying with current building code requirements will reduce exterior noise levels by approximately 25 dB if windows and doors are closed. This will be sufficient for compliance with the city's 45 dB DNL interior standard. Requiring that windows and doors remain closed for the required interior noise insulation means that air conditioning or mechanical ventilation will be required for all residential units.

CONCLUSIONS AND RECOMMENDATIONS

The proposed 160-unit residential development at Herndon and Valentine Avenues will comply with applicable City of Fresno exterior and interior noise level requirements provided that the following noise mitigation measures are included in the proposed project design.

1. A 10 foot-high sound wall should be constructed along the Herndon Avenue frontage of the project site for traffic noise mitigation. The sound wall would need to continue north along the east side of Lots 35-38 and along the west side of Lots 11-14. The minimum heights of those sections of the sound wall should be eight feet for Lots 13, 14, 35, 36, 37 and 38 and six feet for Lots 11 and 12. Sound wall heights are relative to the project grade. The wall should be solid without gaps or openings except for the pedestrian access opening as described below. Suitable construction materials include concrete blocks, masonry or stucco on both sides of a wood or steel stud wall.

2. The proposed pedestrian access opening in the sound wall along Herndon Avenue should have an interior overlapping wall as shown in the project site plan. Assuming a four foot-wide gate opening, the minimum length of the overlapping wall should be 20 feet. Other designs for the access opening may be acceptable, but should be reviewed prior to construction by a qualified acoustical consultant.

3. The existing masonry wall along the eastern boundary of the project site adjacent to the existing shopping center should be replaced with an eight foot-high sound wall for mitigation of noise from truck movements and loading dock activities behind the supermarket and drugstore. Suitable construction materials include concrete blocks, masonry or stucco on both sides of a wood or steel stud wall.

4. Home designs that include a second floor deck or balcony that faces south should not be constructed on the first row of lots along Herndon Avenue.

5. Air conditioning or mechanical ventilation should be installed in all residential buildings so that windows and doors may remain closed for the required acoustical isolation.

6. Exterior doors, excluding glass doors, should be solid-core wood or insulated steel with perimeter weather-stripping and threshold seals.

7. Acoustic baffles should be installed on the interior side of attic vents that face or are perpendicular to Herndon Avenue in the first row of homes along that roadway. An example of a suitable attic vent baffle is shown by Appendix B.

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

Respectfully submitted,

Robert E. Brown
President

REB:dm

APPENDIX A

ACOUSTICAL TERMINOLOGY

AMBIENT NOISE LEVEL: The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

CNEL: Community Noise Equivalent Level. The average equivalent sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

DECIBEL, dB: A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

DNL/L_{dn}: Day/Night Average Sound Level. The average equivalent sound level during a 24-hour day, obtained after addition of ten decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.

L_{eq}: Equivalent Sound Level. The sound level containing the same total energy as a time varying signal over a given sample period. L_{eq} is typically computed over 1, 8 and 24-hour sample periods.

NOTE: The CNEL and DNL represent daily levels of noise exposure averaged on an annual basis, while L_{eq} represents the average noise exposure for a shorter time period, typically one hour.

L_{max}: The maximum noise level recorded during a noise event.

L_n: The sound level exceeded "n" percent of the time during a sample interval (L_{90}, L_{50}, L_{10}, etc.). For example, L_{10} equals the level exceeded 10 percent of the time.

ACOUSTICAL TERMINOLOGY

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

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

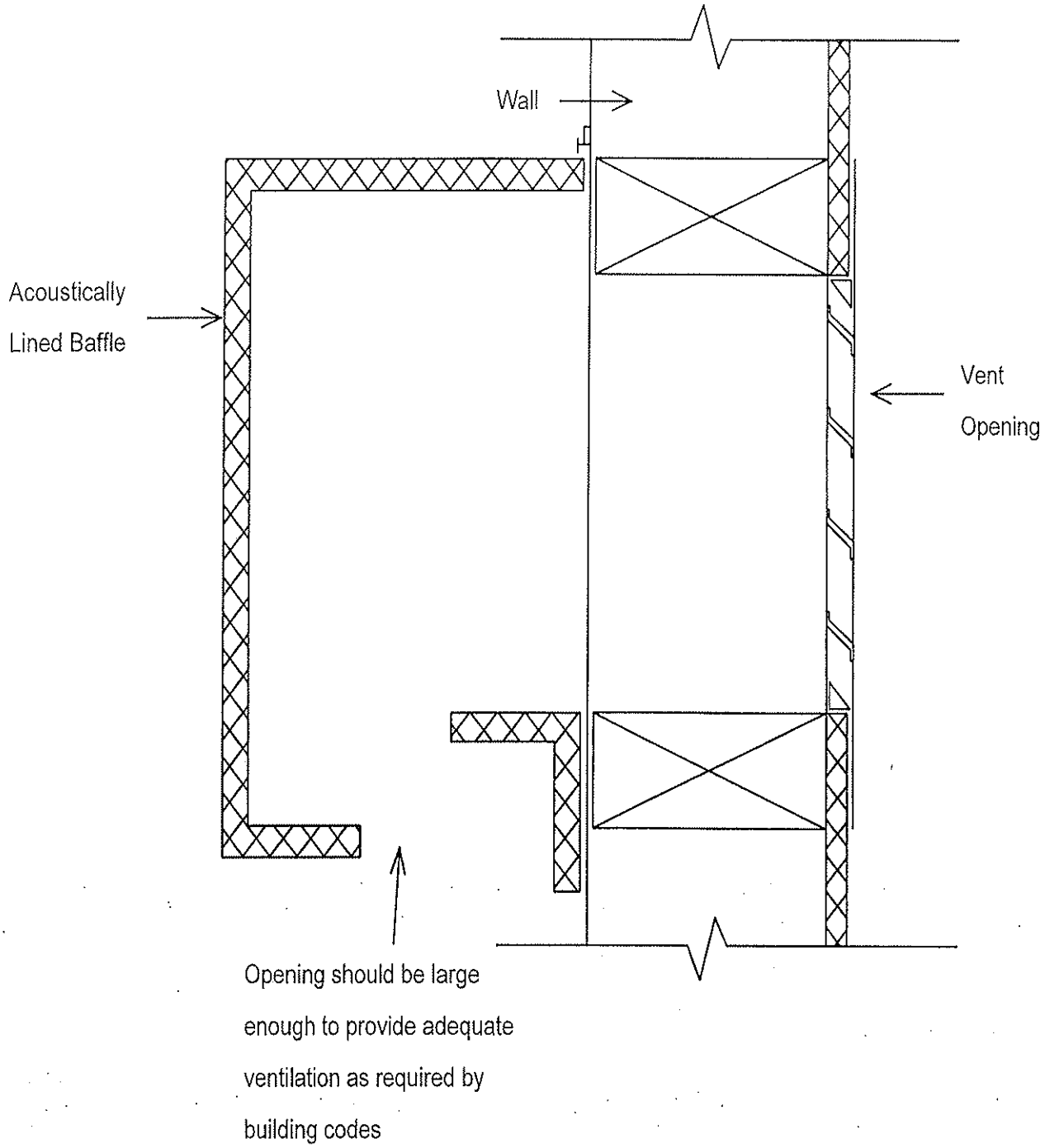
SEL or SENEL: Sound Exposure Level or Single Event Noise Exposure Level. The level of noise accumulated during a single noise event, such as an aircraft overflight, with reference to a duration of one second. More specifically, it is the time-integrated A-weighted squared sound pressure for a stated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

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

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

APPENDIX B

EXAMPLE OF ATTIC VENT BAFFLE TREATMENT



PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST
For Plan Amendment Application No. A-10-009, Rezone Application No. R-10-007, Conditional Use Permit Application No. C-10-195 and VestingTentative Tract Map No. 5983/UGM

This monitoring checklist for the above noted environmental assessment is being prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), as required under Assembly Bill 3180, and is intended to establish a project-specific reporting/monitoring program for Plan Amendment Application No. A-10-009, Rezone Application No. R-10-007, Conditional Use Permit Application No. C-10-195 and Vesting Tentative Tract Map No. 5983/UGM. Verification of implementation of these mitigation measures, in addition to the applicable measures specified for this project per the Mitigation Monitoring Checklist prepared for this project pursuant to Master Environmental Impact Report No. 10130 - 2025 Fresno General Plan, will be required upon the application for subdivision of the project site, special permits, or grading on the project site. The captions below refer to corresponding sections of the Initial Study checklist for this project, using the Appendix G format from the CEQA Guidelines.

MITIGATION MEASURES FOR ENVIRONMENTAL ASSESSMENT NO. A-10-06/R-10-06/T-5971

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
Project shall implement and incorporate, as appropriate all mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated November 12, 2010.	Applicant	Processing and review of project proposal prior to approval.	City of Fresno Planning & Development Department; City of Fresno, Departments of Public Works and Utilities, San Joaquin Valley Air Pollution Control District.
Applicant shall pay all applicable Citywide development impact fees, regional transportation mitigation fees and interim fee sureties in accordance with the attached fee schedule for Vesting Tentative Tract Map No. 5983/UGM.	Applicant	Prior to recordation of Final Map.	City of Fresno Planning & Development Department. City of Fresno Departments of Public Works and Utilities.
Project shall comply with all of the requirements stipulated within the attached memorandum from the City Traffic Engineer dated December 01, 2010 related to the Traffic Impact Study prepared for the proposed project.	Applicant	Prior to recordation of Final Map; or, as may be deemed appropriate by the City Traffic Engineer prior to respective approvals for building, street work permits, etc.	City of Fresno Planning & Development Department; City of Fresno, Public Works Department, Traffic Engineering Division

Project shall offset or mitigate any increase in water demand, greater than the adopted allocation, resulting from the proposed development in a manner acceptable to the Department of Public Utilities. Developer shall provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities. Development shall incorporate water use efficiency for landscaping including the use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains, and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features as appropriate and sanitary. Retrofit or modification of public and/or private landscape and/or structures to provide a reduction in water use to mitigate any proposed increase in water demand in excess of the adopted water allocation for the land use adopted in the 2025 Fresno General Plan will be subject to Department of Public Utilities approval as an acceptable mitigation measure.	Applicant	Prior to issuance of building permits for future residential units within proposed subdivision tract.	City of Fresno Planning & Development Department; City of Fresno Department of Public Utilities, Water Division.
Project shall implement and incorporate all of the sound mitigating measures and recommendations included within the attached Acoustical Analysis prepared for the proposed project by Brown-Buntin Associates, Inc., dated July 19, 2010 with the proposed project.	Applicant	Prior to issuance of building permits for future residential units within proposed subdivision tract.	City of Fresno Planning & Development Department.

The developer shall mitigate impacts of the increased runoff from the proposed land uses to a rate that would be expected if developed to medium density residential. The developer may either make improvement to the existing pipeline collection system to provide additional capacity or may use permanent peak reducing facilities in order to eliminate adverse impacts on the existing system. Mitigation must reduce runoff from a ten-year storm produced by a medium-high density residential/commercial density development to a two-year discharge, which would be produced by the property if developed at a medium-low density residential intensity. A drainage report that identifies the adequacy of the conveyance capacity of the streets within the project for major storm flows, including but not limited to, the height of curb, elevation of finish floors, and the setback distances of structures to property lines will also be required.	Applicant	Prior to issuance of building permit for future development on the subject property.	City of Fresno Planning and Development Department; Fresno Metropolitan Flood Control District.

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

Project/EA No. A-10-09/R-10-07/C-10-195/T-5983 **Date: November 12, 2010**

Mitigation Monitoring Checklist

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

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

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

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

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

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	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; Planning and Development Dept.	X			X		
B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.	Prior to approval or prior to funding of major street project.	Public Works Dept./Traffic Planning; Planning and Development Dept.	X			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; Planning and Development Dept.	X			X		

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs. a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs 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	Planning and Development Department Dept.	X			X		

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

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
D-1. The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept	X		X	X		
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing (City-wide); and prior to approval of land use entitlement as applicable	Department of Public Utilities and Planning and Development Department			X	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	Planning and Development Department	X			X		

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.	Ongoing	Planning and Development Department				X	X	
D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: a. Allowable construction in this area from being damaged by the intensity of flooding in the riverbottom; b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and c. Public health, safety and general welfare from the effects of flood events.	Ongoing	Planning and Development Department					X	X
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).	Ongoing	Planning and Development Department					X	X

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

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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		X

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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:	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:		
	01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024	AFTER 01/01/2025
Single family residential	3.8	3.5	3.5
Multi-family residential	6.5	6.2	6.2
Commercial and institutional	2	1.9	1.9
Industrial	2	1.9	1.9
Landscaped open space	3	2.9	2.9
South East Growth Area	3.4	3.2	3.2
NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan			

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	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	Planning and Development Department					X	
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Planning and Development Department			X		X	
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department						X

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. 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	Planning and Development Department						X
F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.	Ongoing	Dept. of Public Utilities and Planning and Development Department	X		X	X		
F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.	Ongoing	Dept. of Public Utilities				X		

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	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	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 Planning and Development Department	X			X		

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities	X			X		
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.						X
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept.; Planning and Development Dept.				X		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	Planning and Development Dept.						X

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

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

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.	Ongoing/prior to submittal of land use entitlement application	Planning and Development Dept.	X				X	
J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Planning and Development 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	Planning and Development Dept./ Historic Preservation Staff					X	
K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Planning and Development Dept.					X	

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 Fresno General Plan.) The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4. ■ Site Planning. See Chapter V for more details. ■ Barriers. See Chapter V for more details. ■ Building Designs. See Chapter V for more details.	Ongoing/upon submittal of land use entitlement application	Planning and Development Dept.	X			X		
K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.	Ongoing/prior to building permit issuance	Planning and Development Dept.					X	
L-1. Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.	Ongoing	Planning and Development Dept.					X	

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

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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.

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

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

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

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

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

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

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

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, Conditional Use Permit Application No. C-10-195, Vesting Tentative Tract Map No. 5983/UGM, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate

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

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

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

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

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

Agricultural Resources. The implementation of applicable policies since adoption of the 2025 Fresno General Plan has encouraged the development of urban uses in a more systematic pattern that avoids discontinuity and the creation of vacant by-passed properties. These efforts, together with the requirement to record "right-to-farm" covenants, facilitate the continuation of existing agricultural uses within the city's planned urban growth boundary during the interim

period preceding orderly development of the property as anticipated by the General Plan. Staff is not aware of any particular circumstance or information that would make impacts from loss of agricultural resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of agricultural resources pursuant to CEQA Guideline Section 15179(b)(1).

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

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

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

Biological Resources. The City continues to evaluate all development proposals for potential impacts upon natural habitats and associated species dependent upon these habitats. The City supports continuing efforts to acquire the most prominent habitats where appropriate, such as portions of the San Joaquin River environs. When development or public works projects have

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

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

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

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

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

Geology and Soils. The City of Fresno has a predominantly flat terrain with few geologic or soil quality constraints. The City continues to apply applicable local and state construction codes and standards and continues to adopt new standards as appropriate to insure the safety of residents and protection of property improvements.
Staff finds that these codes and standards have adequately addressed any potential impacts that may have arisen related to geology and soils and is not aware of any facts or circumstance that would make impacts related to geology and soils a reasonably foreseeable impact not addressed in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known regarding impacts related to geology and soils pursuant to CEQA Guideline Section 15179(b)(1).

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

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

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

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

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

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

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

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

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

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

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

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

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

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

APPENDIX

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

EXECUTIVE SUMMARY

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, Conditional Use Permit Application No. C-10-195, Vesting Tentative Tract Map No. 5983/UGM, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

SUPPORTING DATA AND ANALYSIS

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

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

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

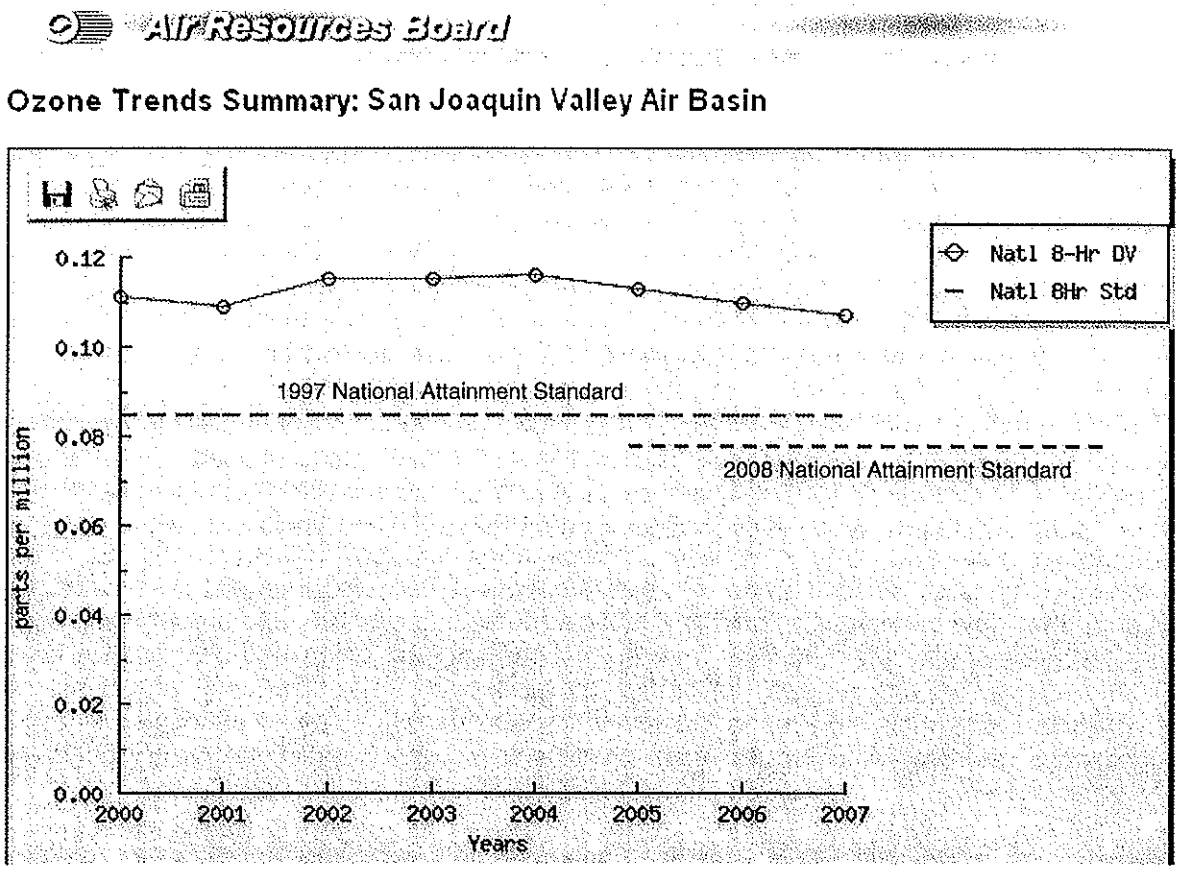
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted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

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

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

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

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



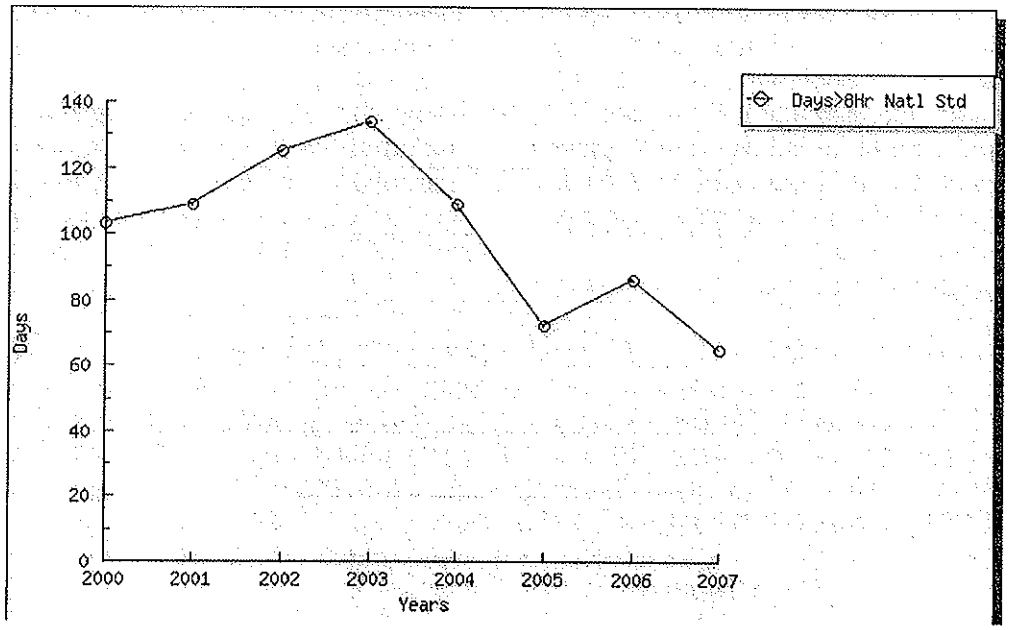
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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

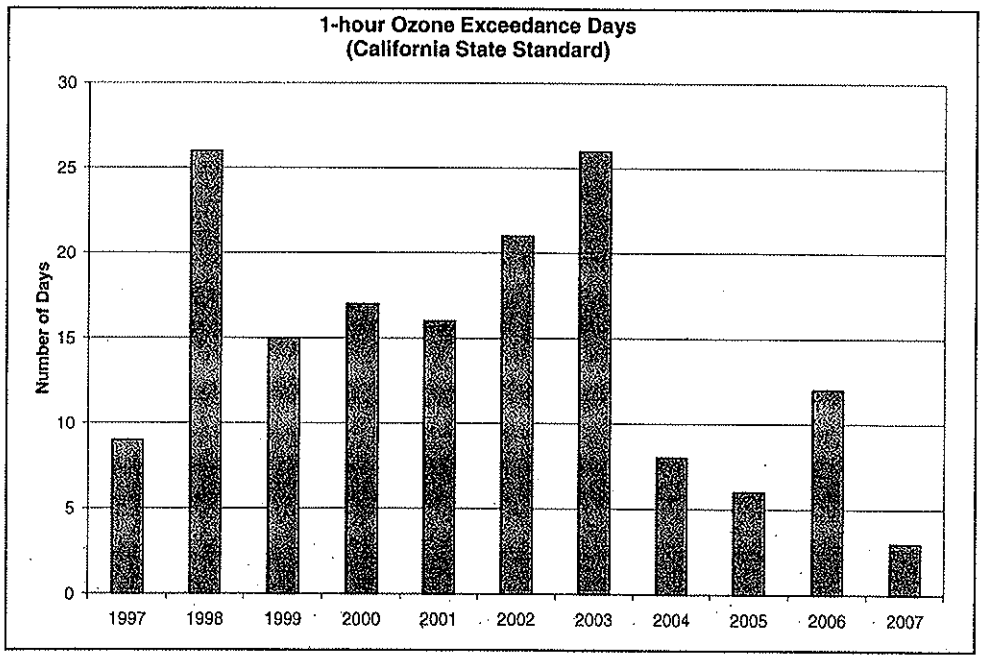
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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

Ozone Trends Summary: San Joaquin Valley Air Basin



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

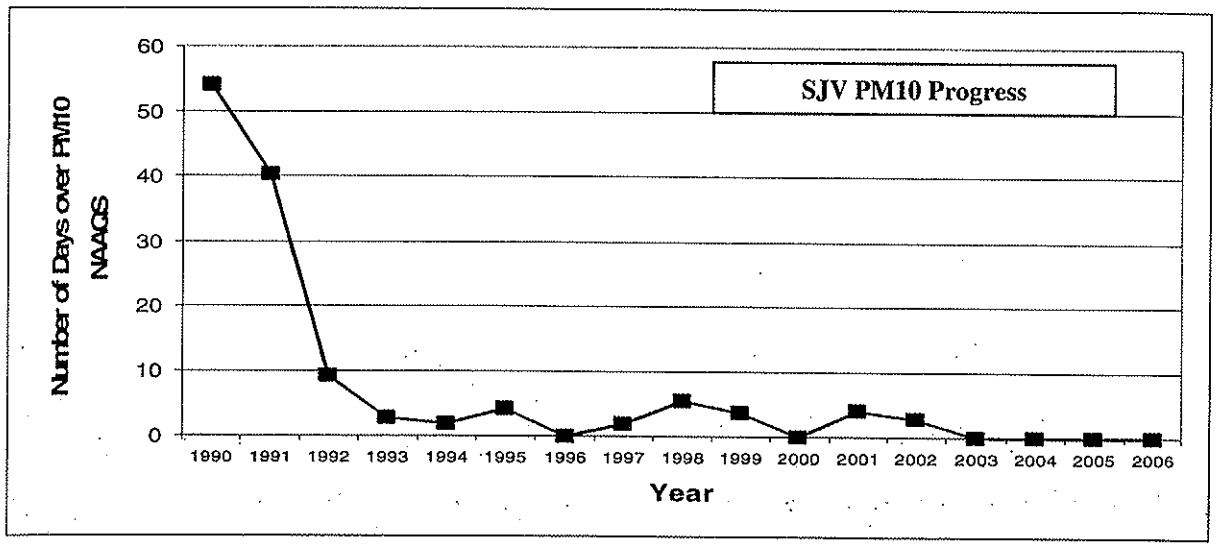


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

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

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

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



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

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

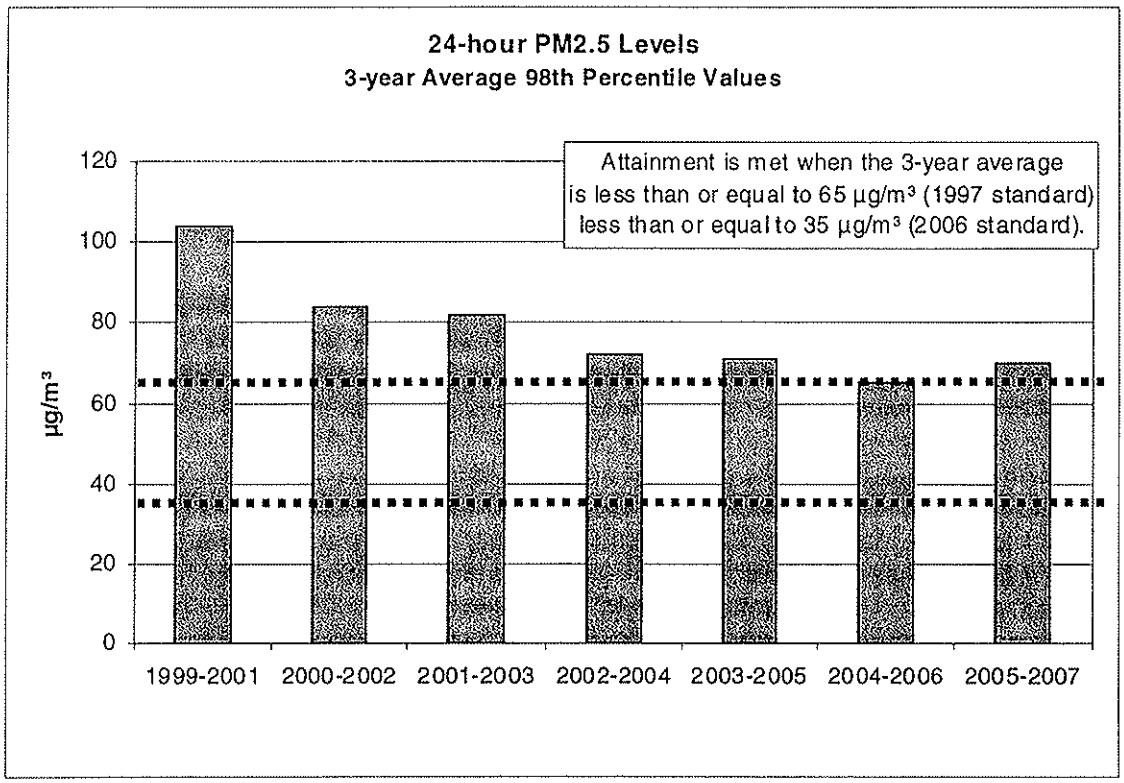
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

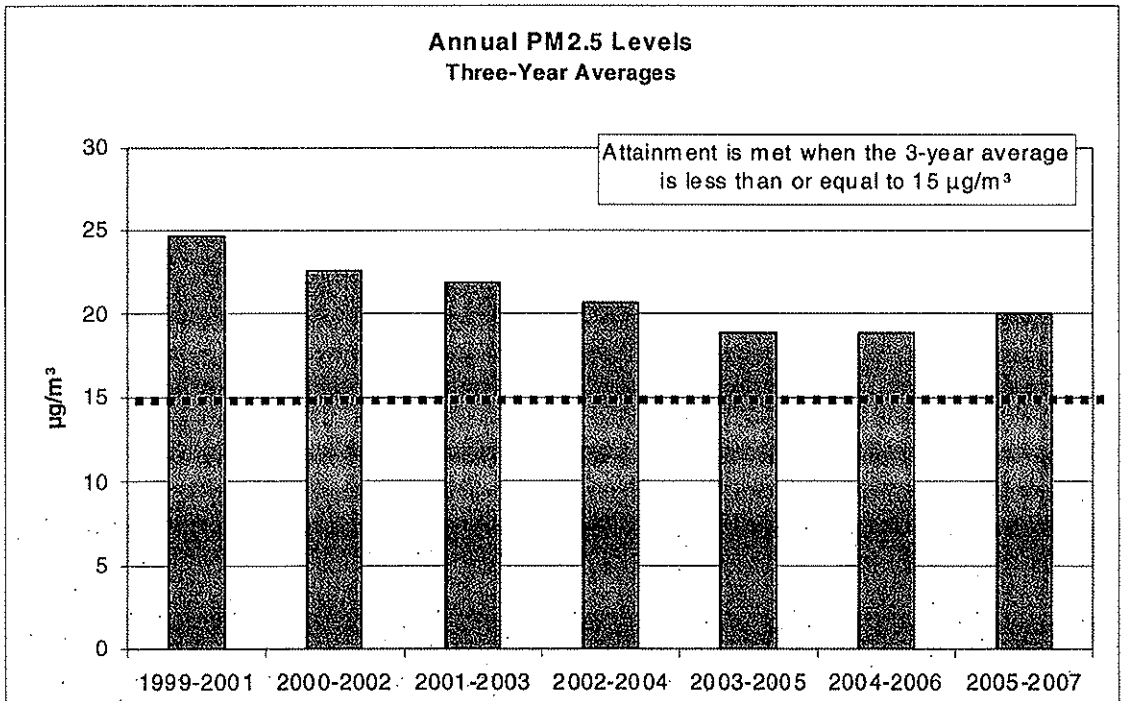
It is anticipated that full implementation (release of mitigation impact fees for various clean air projects throughout the San Joaquin Valley) and subsequent augmentation of the Indirect Source Review Rule will accelerate progress toward attainment of federal and state ozone standards, and will be an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

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

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

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





When the 2025 Fresno General Plan and its MEIR were approved in late 2002, the planning and environmental documents did not directly or separately analyze potential global warming

and climate change impacts. However, the general policy direction for consideration of air quality parameters in development project evaluations and for reducing those air pollutants which are already under regulation would operate to control these potential adverse impacts.

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

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

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

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

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

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

Δ Codification of the state's goal by requiring that California's GHG emissions be reduced to 1990 "baseline" levels by 2020.

Δ Set deadlines for establishing an enforcement mechanism to reduce GHG emissions:

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

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

On August 24, 2007, California also enacted legislation (Public Resources Code §§ 21083.05 and 21097) requiring the state Resources Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act. By July 1, 2009, the Governor's Office of Planning and Research (OPR) is required to prepare guidelines for the mitigation of greenhouse gas emissions, and transmit those draft regulations to the Resources Agency. The Resources Agency must then certify and adopt the guidelines by January 1, 2010.

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

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

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

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

Through updates in the California Building Code and statewide regulation of appliance standards, City development projects conform to state-of-the art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication *Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California* (April 2007) and in CARB's *Proposed Early Actions to Mitigate Climate Change in California* (April 2007). The City has further incentivized "green" building projects by providing subsidies for solar photovoltaic equipment for single-family residential construction, by reducing development standards (including reductions in required parking spaces, which further reduces air pollutant and GHG emissions), and by improving its landscape and shading standards (a topic included in the Design Guidelines adopted with the 2025 Fresno General Plan).

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

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

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

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

Secondary health effects of global warming could include increases in respiratory and cardiac illnesses attributable to poor air quality. The San Joaquin Valley Air Pollution Control District provides daily advisories and warnings in times of high ozone levels to help senior citizens and other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (PM2.5) standards by Year 2014 and to attainment of oxidant/ozone standards by Year 2023, and would adopt additional Rules and emission controls as necessary

to decrease emissions inventories by those target dates. There is insufficient information to indicate that global climate change would prevent attainment of air quality parameters affecting health.

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

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

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

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

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

As noted above, it is theorized that global warming could lead to more energy in the atmosphere and to increased intensity or frequency of storm events. Fresno's long-term weather pattern is that rainfall occurs during episodic and fairly high-intensity events. The Fresno Metropolitan

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

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