



# REPORT TO THE PLANNING COMMISSION

July 21, 2010

FROM: JERRY D. BISHOP, Assistant Director  
Development and Resource Management  
Department

BY: KEVIN FABINO, Planning Manager  
Planning Division

SUBJECT: CONSIDERATION OF TEXT AMENDMENT APPLICATION NO. R-10-001 AND  
RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO.  
EA-01-001

AGENDA ITEM NO. VIII-B  
COMMISSION MEETING 07-21-10

APPROVED BY  
  
DEPARTMENT DIRECTOR

## RECOMMENDATION

The appropriateness of the proposed project area has been examined pursuant to Section 12-403-B, the Director would also determine that the proposed zone district amendment is consistent with the land use, intensity, objectives and policies in the Fulton/Lowell Specific Plan, Central Area Community Plan and 2025 Fresno General Plan. The application has also been reviewed for 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 staff evaluation, it can be concluded that proposed Text Amendment Application No. TA-10-004 is appropriate for the project area. Therefore, staff recommends the Planning Commission take the following actions:

1. RECOMMEND APPROVAL to the City Council of the environmental finding of a Finding of Conformity with the 2025 Fresno General Plan MEIR and Air Quality MND for Environmental Assessment No. EA-10-001 dated June 18, 2010.
2. RECOMMEND APPROVAL to the City Council of Text Amendment Application No. TA-10-001 to amendment to the text of the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district, land use and development standards, within the Fresno Municipal Code.

## EXECUTIVE SUMMARY

Our Mayor has expressed a vision for a revitalized downtown surrounded by vibrant and healthy neighborhoods. This visioning has resulted in the Development and Resource Management Department developing land use and development standards to foster the revitalization process by creating a new sense of place and community. Pursuant to the provisions of Section 12-402-A of the Fresno Municipal Code (FMC), the Development and Resource Management Director, did initiate proceedings to consider amending the text of the Zoning Ordinance, on June 15, 2010. Pursuant to Section 12-403-B, the Director has determined that the proposed zone district amendment is consistent with the land use, intensity, objectives, policies in the Fulton/Lowell Specific Plan, Central Area Community Plan and 2025 Fresno General Plan.

The Development and Resource Management Department is proposing to amend the C-4 (*Central Trading District*) zone district and C-C (*Civic Center*) zone district, land use and development standards. The proposed amendment would expand the list of allowable by-right uses in the downtown area,

provide greater development standards flexibility, reduce on-site parking requirements, allows for greater building coverage on a lot, removed minimum density requirements, and creates design guidelines for creating outdoor dining space.

This application would amend the text of the Fresno Municipal Code, Zone Ordinance by repealing Section 12-220.1, Section 12-220.3, Section 12-220.5, Section 12-231.1, Section 12-231.3, Section 12-231.5, adding Section 12-220.1, Section 12-220.3, Section 12-220.5, Section 12-231.1, Section 12-231.3, Section 12-231.5, and amending Section 12-304.B.24, Section 12-326 A, Section 12-326.E(3), related to land use and development standards in the urban core of the City of Fresno.

The property is located within the jurisdiction of the Fulton/Lowell Specific Plan, Central Area Community Plan and the 2025 Fresno General Plan. The Fulton/Lowell Specific Plan, Central Area Community Plan and the 2025 Fresno General Plan designate the subject property for commercial mixed use/level II and public facility/civic center planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the planned land use designations are consistent with the C-4 (*Central Trading District*) and CC (*Civic Center*) zone districts.

The proposed amendment would allow for clarity and consistent application of the Fresno Municipal Code, plan policy, land use and development standards to support a revitalized, redeveloped and desirable urban living environment, where residential uses are in close proximity to places of public services, employment and commerce. This proposal is desirable for public welfare, and is essential in meeting the goals of the 2025 Fresno General Plan.

## PROJECT INFORMATION

PROJECT	The Planning and Development Department is proposing to amend the C-4 ( <i>Central Trading District</i> ) zone district and CC ( <i>Civic Center</i> ) zone district, land use and development standards. The proposed amendment would expand the list of allowable by-right uses in the downtown area, provide greater development standards flexibility, reduce on-site parking requirements, allows for greater building coverage on a lot, removed minimum density requirements, and creates design guidelines for creating outdoor dining space.
APPLICANT	City of Fresno Planning and Development Department 2600 Fresno Street, Room 3065 Fresno, CA 93721-3604
LOCATION	The project area is generally bound by East Divisadero Street, H Street, Ventura Street and the BN & SF Railroad track and identified by the zoning classification of the C-4 ( <i>Central Trading District</i> ) zone district and CC ( <i>Civic Center</i> ) zone district designation, according to the Fresno Municipal Code.  <b>Council District 3, Councilmember Sterling</b>
LAND USE	Existing Development
ZONING	Existing- C-4 ( <i>Central Trading District</i> ) Zone District and CC ( <i>Civic Center</i> ) Zone District  Proposed Zoning: No proposed change in existing zoning.
PLAN DESIGNATION AND CONSISTENCY	Commercial Mixed Use/Level II ( <i>central area</i> ) and public facility/civic center ( <i>central area</i> ) planned land use designations.

ENVIRONMENTAL FINDING	A Finding of Conformity with the 2025 Fresno General Plan MEIR and Air Quality MND was filed on June 18, 2010.
PLAN COMMITTEE RECOMMENDATION	The Fulton-Lowell Review Committee and District 3 Implementation Committee have reviewed the application and voted to approve the application at their regular meeting.
STAFF RECOMMENDATION	Recommend that the Planning Commission recommend approval of the proposed text amendment application and environmental finding to the City Council.

**BORDERING PROPERTY INFORMATION**

	Planned Land Use	Existing Zoning	Existing Land Use
<b>North</b>	Commercial Mixed Use/Level 1 & Commercial Mixed Use/Level II	<p><b>C-P</b> <i>(Administrative and Professional Office)</i> zone district</p> <p><b>C-6</b> <i>(Heavy Commercial)</i> zone district</p> <p><b>R-4</b> <i>(High Density Multiple Family Residential)</i> zone district</p>	Existing commercial, retail, office and residential development of varying intensities.
<b>South</b>	Light & Heavy Industrial	<p><b>C-M</b> <i>(Commercial and Light Manufacturing)</i> zone district</p> <p><b>M-1</b> <i>(Light Manufacturing)</i> zone district</p> <p><b>M-2</b> <i>(General Industrial)</i> zone district</p>	Existing commercial and industrial of varying intensities.
<b>East</b>	Light & Heavy Industrial, State Highway 41, and residential ( <i>central area</i> )	<p><b>C-M</b> <i>(Commercial and Light Manufacturing)</i> zone district</p> <p><b>R-4</b> <i>(High Density Multiple Family Residential)</i> zone district</p> <p><b>C-P</b> <i>(Administrative and Professional Office)</i> zone district</p>	Existing commercial, retail, office and residential development of varying intensities.

<b>West</b>	Light Industrial & Commercial Mixed Use/Level II	<b>C-M</b> (Commercial and Light Manufacturing) zone district	Existing commercial and industrial of varying intensities.
		<b>M-1</b> (Light Manufacturing) zone district	
		<b>M-2</b> (General Industrial) zone district	

**ENVIRONMENTAL FINDING**

The adopted 2025 Fresno General Plan and the Central Area Community Plan designate the subject area for commercial mixed use/level II and public facility/civic center planned land uses. The request to amend land use and development standards of the C-4 (Central Trading District) zone district and CC (Civic Center) zone district for the project area conforms to the commercial mixed use/level II and public facility/civic center planned land use designations.

The Planning and Development Department staff has prepared an Initial Study (See Attached "Modified Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02 (Air Quality MND)/Initial Study") to evaluate the proposed Text Amendment Application TA-10-001 in accordance with the land use and environmental policies and provisions of lead agency City of Fresno's 2025 Fresno General Plan (SCH # 2001071097), the related Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan (Air Quality MND). The project area is currently developed with various approved retail, office, commercial, single and multiple family residential uses, but may be further developed at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site. Thus, the Text Amendment Application No. TA-10-001 will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and the Air Quality MND have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Guidelines Section 15177(b)(3).

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

Relative to this specific project proposal, the environmental impacts noted in the MEIR and the Air Quality MND, pursuant to the 2025 Fresno General Plan land use designation, include impacts associated with the commercial mixed use/level II and public facility/civic center planned land use designations specified for the project area. Based on this Initial Study, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its location, land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project is fully within the scope of the MEIR and Air Quality MND because it will not generate additional significant effects on the environment not previously examined

and analyzed by the MEIR or Air Quality MND for the reasons set forth in the Initial Study; and (3) other than identified below, there are no new or additional mitigation measures or alternatives required.

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

A public notice of the attached Finding of Conformity with the 2025 Fresno General Plan MEIR and Air Quality MND finding for Environmental Assessment Application No. EA-10-001 was published on June 18, 2010 with no comments received within the 30 day comment period.

## **BACKGROUND / ANALYSIS**

Our Mayor has expressed a vision for a revitalized Downtown and healthy surrounding neighborhoods. A key component to implementing this vision is creating a set of standard land uses complimentary to the design of buildings and streets that create a sense of certainty about the quality of future development and future property values, thereby encouraging greater investment. For the purpose of this application the project area is bound by East Divisadero Street, H Street, Ventura Street and the BN & SF Railroad track and identified by the zoning classification of the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district designation, according to the Fresno Municipal Code.

The proposed application is amending the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district as a strategy of land use and development standard policies to revitalize the downtown environs. The proposed amendment would allow for clarity and consistent application of the Fresno Municipal Code, plan policy, and development standards to support a revitalized, redeveloped and desirable urban living environment, promote a user-friendly walking environment in a locale where residential uses are in close proximity to places of public services, employment and commerce.

Therefore, pursuant to the provisions of Section 12-402-A of the Fresno Municipal Code (FMC), the Director has initiate proceedings to consider amending the text of the Zoning Ordinance, as shown in attached Exhibit "A". The Planning and Development Department has developed land use and development standards to foster the revitalization process. This application would amend the text of the Fresno Municipal Code, Zone Ordinance by repealing Section 12-220.1, Section 12-220.3, Section 12-220.5, Section 12-231.1, Section 12-231.3, Section 12-231.5, adding Section 12-220.1, Section 12-220.3, Section 12-220.5, Section 12-231.1, Section 12-231.3, Section 12-231.5, and amending Section 12-304.B.24, Section 12-326 A, Section 12-326.E(3), related to land use and development standards in the urban core of the City of Fresno. Pursuant to Section 12-403-B, the Director would also determined that the proposed zone district amendment is consistent with the land use, intensity, objectives, policies in the Central Area Community Plan and 2025 Fresno General Plan.

The proposed amendment would expand the list of allowable land uses in the downtown project area. For example new by-right land uses in the C-4 zone district would include; bakery, bank, bicycle shop, pawn shop and travel agency. In the C-C zone district new by-right uses would include; antique store, Bed & Breakfast, Beauty shop, Internet café and toy store. Arguably these are examples of land uses that are readily available and established in a typical urban setting.

The current Zoning Ordinance also includes land uses which require a conditional use permit, based upon an intensified use within that allowable zone district. Therefore, several proposed land uses within the existing C-4 and C-C zone district regulations require a conditional use permit were determined to no longer represent such development intensification, and are now considered typical by-right uses appropriate to a downtown urban core area. For example, automobile sales, churches, restaurant, night club, hospital, jewelry store and public parking are now considered a by-right use, in these specific zone districts.

Another aspect of the proposed text amendment involves providing development standard flexibility to induce and encouraging greater investment. For example, reducing on-site parking requirements, allowing for greater building coverage on a lot, removal of minimum density requirements, and criteria for outdoor dining creates clarity and consistency to ensure the redevelopment of properties to their highest and best land use, capacity and economic viability.

Lastly, the proposed Text Amendment Application No. TA-10-001 has incorporated design guidelines to create and achieve a vibrant, livable, walkable, economically viable and sustainable community within the downtown. Through these design guidelines the downtown's physical form is shaped, giving it personality and enhancing the urban core and its form.

This proposed text amendment would allow for land use and development standard in the "C-4" and "CC" zone districts to support an urban revitalization effort for the public welfare and is essential in meeting the goals of the Fulton/Lowell Specific Plan, Central Area Community Plan and 2025 Fresno General Plan. The proposed text amendment will supersede existing Planning and Development, Department Policies and Procedures, or uses permitted or development standard.

## **LAND USE**

The property is located within the jurisdiction of the Fulton/Lowell Specific Plan, Central Area Community Plan and the 2025 Fresno General Plan. The Fulton/Lowell Specific Plan, Central Area Community Plan and the 2025 Fresno General Plan designate the subject property for commercial mixed use/level II and public facility/civic center planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the planned land use designations are consistent with the C-4 (*Central Trading District*) and CC (*Civic Center*) zone districts.

## **COUNCIL DISTRICT PLAN IMPLEMENTATION COMMITTEE**

The District 3 Plan Implementation Committee has reviewed and approved the Text Amendment Application No. TA-10-001.

## **FULTON/LOWELL SPECIFIC PLAN CITIZENS ADVISORY COMMITTEE**

The Fulton/Lowell Specific Plan Citizens Advisory Committee has reviewed and approved the Text Amendment Application No. TA-10-001, at their regular meeting of June 21, 2010, by a unanimous vote.

## **AIRPORT LAND USE COMMISSION**

The Airport Land Use Commission is required to consider these types of matter in accordance with the Fresno Air Terminal Land Use Policy Plan, Scope of Review. This matter is scheduled to be heard by the Airport Land Use Commission on August 2, 2010, with all comments incorporated into the report prior to City Council consideration.

## **COMMUNITY OUTREACH**

There has been quite an extensive community outreach effort by the Development and Resource Management Department and Downtown & Community Revitalization Departments. On numerous occasions (March 23, April 14 & April 15, 2010) we have met with the Downtown Association Board of Director, Fresno Chamber Government Affairs Committee and openly address the topic at the Downtown Revitalization Update Meetings. Additionally, staff has discussed on many occasion the proposed standards with those who have made inquired to either Department regarding future development in the downtown core.

Additionally, public notification of the proposed project occurred related to the 30-day comment period as required by the CEQA guidelines. No public comments were received by staff during or after the comment period. There was a second noticing related to the published Planning Commission public hearing notice. Again, staff has not been contacted by any member of the public regarding this matter. Lastly, a third notice will be issued in preparation for the matter to be publicly heard by the Fresno City Council.

## **CONCLUSION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fulton/Lowell Specific Plan, Central Area Community Plan and 2025 Fresno General Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Rezone Application No. R-10-004 is appropriate for the project site.

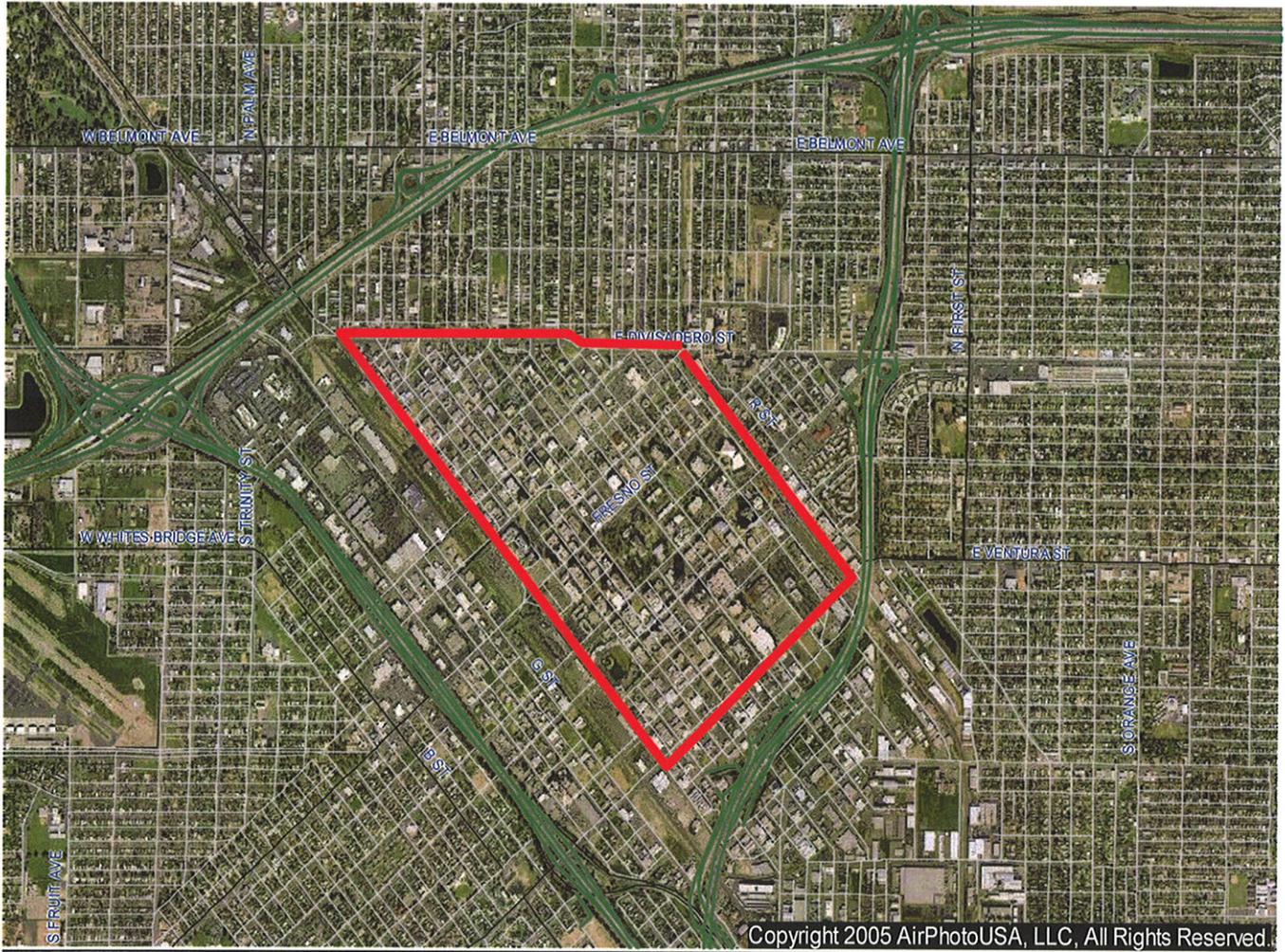
Attachments:        2008 Aerial Photographs of Project Area  
                          Exhibit A – An Ordinance Repealing Sections 12-220.1, 12-220.3, 12-220.5, 12-231.1, 12-231.3, 12-231.5, adding Section 12-220.1, 12-220.3, 12-220.5, 12-231.1, 12-231.3, 12-231.5, and amending Section 12-304.B.24, 12-326-A, 12-326.E(3) of the Fresno Municipal Code  
                          Exhibit B- Initiation of Text Amendment, date June 15, 2010  
                          Exhibit C- Environmental Assessment No. EA-10-001, dated June 18, 2010

EXHIBIT A

TEXT AMENDMENT APPLICATION NO. TA-10-001

Project Area – Aerial (2008)

The project area is generally bound by East Divisadero Street, H Street, Ventura Street and the BN & SF Railroad track and identified by the zoning classification of the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district designation, according to the Fresno Municipal Code.



BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA REPEALING SECTION 12-220.1, SECTION 12-220.3, SECTION 12-220.5, SECTION 12-231.1, SECTION 12-231.3, SECTION 12-231.5, ADDING SECTION 12-220.1, SECTION 12-220.3, SECTION 12-220.5, SECTION 12-231.1, SECTION 12-231.3, SECTION 12-231.5, AND AMENDING SECTION 12-304.B.24, SECTION 12-326 A, 12-326.E(3) OF THE FRESNO MUNICIPAL CODE, RELATING TO LAND USE, DEVELOPMENT STANDARDS, DESIGN CHARACTERISTICS AND URBAN FORM IN THE CORE OF THE CITY OF FRESNO

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 12-220.1 of the Fresno Municipal Code is repealed.

SECTION 2. Section 12-220.1 of the Fresno Municipal Code is added to read:

SECTION 12-220.1 USES PERMITTED

- A. The uses enumerated in Section 12-220.1-B shall be permitted in the "C-4" District, plus such other uses as the Director may deem to be similar and not more obnoxious or detrimental to the public health, safety and welfare as listed in Section 12-408-E. All uses shall be subject to the property development standards in Section 12-220.5 and Site Plan Review, Sections 12-405 and 12-406.
- B.
1. Those uses permitted in the "C-3" District, Section 12-219.1.
  2. Antique shops.
  3. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.
  4. Artists' studios, supply stores and galleries.
  5. Artist, music and dance studios.
  6. Auction houses.
  7. Bail bond businesses above the ground floor.
  8. Bakery Shop.
  9. Bank.
  10. Banquet Hall.
  11. Barber Shop.
  12. Baths (Turkish, etc.).
  13. Bed & Breakfast.
  14. Bicycle sales and repairs.
  15. Beauty shop.
  16. Blood/Plasmapheresis bank.
  17. Book store.
  18. Bookstore, adult, subject to the provisions of Section 12-306-N-30.
  19. Business colleges.
  20. Church.
  21. Commercial schools.
  22. Communications equipment buildings.
  23. Computer and computer supply sales.
  24. Confectionery (with incidental manufacturing).

25. Copy services.
26. Credit union.
27. Dancing academies.
28. Child day care centers, large and small.
29. Day spa and salon.
30. Delicatessen.
31. Department store.
32. Drug store.
33. Dry-cleaning/Laundry establishments.
34. Exhibit halls/Arena.
35. Financial services and title companies.
36. Fitness/work out gym.
37. Firearms & Accessories, retail sales.
38. Florist.
39. Food markets, grocery / convenience store.
40. Gift shop.
41. Group housing facility for a maximum of six (6) persons when located in an existing single family dwelling.
42. Gymnasiums.
43. Health food store.
44. Hobby shop.
45. Home occupation in accordance with Subsection 12-105-H-7.
46. Hospital.
47. Hotel/Motel.
48. Household pets, the keeping thereof, subject to the provisions of Section 12-105-H, "Household Pets."
49. Ice cream & candy store.
50. Ice and food products dispensing machines.
51. Incidental storage and office uses provided such uses are clearly incidental to the retail sale of products on the premises.
52. Institutions of a philanthropic nature (except correctional and mental).
53. Internet or Cyber Café.
54. Jewelry Shop / Sales.
55. Laboratories:
  - a. Biological.
  - b. Dental.
  - c. Medical.
  - d. Optometrical.
56. Lodges, clubs and fraternal organizations.
57. Laundry and Dry Cleaning Service.
58. Library.
59. Magazine and news stores.
60. Massage Therapy Services.
61. Martial arts instruction.
62. Meeting halls.
63. The conversion to, or the rehabilitation of, a single family dwelling, and multiple dwellings.
64. Millinery shop.
65. Motion Picture Theater.
66. Museums.
67. Music instructions.

68. Music and video stores.
69. Natatoriums.
70. Newspaper publishing.
71. Night Club (subject to the provisions of FMC Section 12-326 & 12-327).
72. Offices, excluding retail sales, storage of stock in trade, and storage of equipment not used exclusively in said offices:
  - a. Administrative
  - b. Business
  - c. General
  - d. Medical
73. Office supply stores.
74. Performing arts theater.
75. Print shop, lithographing, publishing and blueprinting.
76. Pawn shops.
77. Pet & Supply stores.
78. Photographic stores / studio / supply.
79. Radio and Broadcasting Studios and offices.
80. Reading room.
81. Reducing salons.
82. Restaurant (Selling alcohol, subject to the provisions of FMC Section 12-326).
83. Retail sale of alcohol for off-site consumption.
84. Shoe sales / repair shop.
85. Signs, subject to the provisions of Sections 12-220.5-K and 12-306-K.
86. Skating rinks.
87. Sporting goods stores.
88. Stationery stores.
89. Tailors.
90. Tavern (subject to the provisions of FMC Section 12-326).
91. Taxidermist.
92. Tire sales (retail only).
93. Travel agencies.
94. Tobacco / Smoke shop.
95. Toy stores.
96. Variety stores.
97. Watch and clock sales and services.
98. Single family attached and detached.
99. Multiple family.

SECTION 3. Section 12-220.3 of the Fresno Municipal Code is repealed.

SECTION 4. Section 12-220.3 of the Fresno Municipal Code is added to read:

- A. The uses enumerated in Section 12-220.3-B shall be permitted subject to a Conditional Use Permit pursuant to Sections 12-405 and 12-406.
- B. Uses permitted subject to a Conditional Use Permit.
  1. Adult day care facilities, subject to Subsection 12-306-N-42.
  2. Automobile rental, repair (conducted within an enclosed building) and service station.

3. Automobile retail sales, subject to the provisions of Subsection 12-306-N-54.
4. Automobile service station.
5. Bus terminals.
6. Car wash, self-service; as defined in Subsection 12-105-C-6-c.
7. Caretaker's residence.
8. Electrical distribution substation.
9. Family Restaurant, Game and Entertainment Center, subject to provisions of Subsection 12-306-N-37.
10. Freestanding electronic variable message board, subject to the provisions of Subsection 12-306-N-55.
11. Group housing facilities for seven (7) or more persons, subject to Subsection 12-306-N-43.
12. Micro-breweries.
13. Mortuaries.
14. Motion picture theater, adult, subject to the provisions of FMC, Section 12-306-N-30.
15. Motorcycle retail sales and service, subject to the provisions of Subsection 12-306-N-54.
16. Pool and billiard parlors (Pursuant to FMC Section 12-306-N-32).
17. Public parking lot or structure, subject to the provisions of Sections 12-220.5 and 12-306.
18. Secondhand goods sale (all goods displayed, sold and stored within an entirely enclosed building).
19. Small animal veterinary hospitals and clinics, within completely enclosed building, subject to provisions of Sections 12-306-I and 12-306-N.
20. Storefront Church Development.
21. Tire, battery, and accessory parts retail sales and service store.
22. Water pump stations, subject to the provisions of Subsection 12-306-N-46.
23. Mixed Use projects, pursuant to Section 12-325.

SECTION 5. Section 12-220.5 of the Fresno Municipal Code is repealed.

SECTION 6. Section 12-220.5 of the Fresno Municipal Code is added to read:

The following property development standards shall apply to all land and structures in the "C-4" District:

- A. LOT AREA. No requirement.
- B. LOT DIMENSIONS. No requirement.
- C. POPULATION DENSITY. No minimum or maximum requirement.
- D. BUILDING HEIGHT
  1. No building or structure erected in this District shall have a height greater than sixty (60) feet. A building or structure exceeding this

limitation, shall obtain a conditional use permit pursuant to the provisions of the Mid Rise and High Rise Ordinance (Section 12-321).

2. For exceptions, the provisions of the "C-P" District, Section 12-216.5-D-2, shall apply.
3. New buildings structures or replacement building shall be a minimum of 2 stories, or 24 feet in height, whichever is the greater height. Described in Section 231.5-N, Building Design Guidelines, are building requirements which are also applicable.
4. The City of Fresno recognizes that developers may have prepared construction and other design improvement plans with the intent on developing the project as approved. As such, in those cases where a special permit has been approved by the City of Fresno, the developer shall be allowed to develop the project in accordance with the conditions of approval and associated exhibits.

E. YARDS. None required.

F. SPACE BETWEEN BUILDINGS. No requirements.

G. LOT COVERAGE. No requirements.

H. FENCES, HEDGES, AND WALLS.

1. All fences, hedges and walls shall conform to the provisions of Section 12-306-H.
2. A solid masonry wall six (6) feet in height shall be erected along the major street frontage on the setback line and along district boundaries between any outdoor storage (and parking) area and any residential district. (In addition, there shall be a six (6) foot high solid fence enclosing storage yards).
3. Fencing materials shall be wrought iron or tubular steel. Alternate fencing materials may be submitted to the Planning & Development Department for consideration and approved by the Development Director based upon its durability and appearance.
4. Chain linked fencing shall not be permitted.

I. OFF-STREET PARKING.

1. Reuse of existing buildings within the boundaries of the Central Trading District shall be exempt from providing additional on-site parking.
  - a. If there is existing parking on-site, that parking shall be maintained to Department of Public Works Drawings and Specifications.

2. Development of vacant land with a use allowed "by-right" shall be required to provide at least one square foot of off-street parking for each four square foot of gross floor space or fraction thereof or provide verification by Director that existing parking facilities, within a 1320 foot radius, either public or private can accommodate the required number of vehicles.
  - a. Design standards for onsite parking shall be:
    - i. Onsite parking shall not be permitted between the primary building frontage and the street.
    - ii. For new construction no parking shall be allowed between the primary frontage and any street, excluding alleys.
    - iii. Parking spaces shall meet the size requirements of a compact stall.
    - iv. Provide 50% parking lot shading or provide substantiated data satisfactory to the Director demonstrating that existing conditions (tall buildings etc) meet the intention of parking lot shading requirement.
    - v. Shall be located to the rear of buildings on site, enclosed within a structure, or entirely below grade.
3. Vehicular access shall be provided from any frontage other than the primary frontage, where available.
4. Driveways located on the same project site shall be a minimum of 200 linear feet apart from each other (cross-access easements or shared parking facilities may be necessary).
- J. ACCESS. The provisions of the "C-1" District, Section 12-217.5-J-1 and 2, shall apply.
- K. OUTDOOR ADVERTISING. The provisions of the "C-1" District, Section 12-217.5-K, shall apply to permitted nonresidential uses. For permitted multiple-family residential uses, the provisions of Section 12-212.5-K-2 shall apply.
- L. LOADING SPACES. For commercial buildings and apartment buildings, the provisions of Section 12-306-L shall apply.
- M. OUTDOOR DINING AREA IN CONJUNCTION WITH A RESTAURANT
  1. The utilization of outdoor dining area in conjunction with a restaurant shall comply with the "C-C" District, Section 231.5(N).
- N. BUILDING DESIGN GUIDELINE
  1. The provisions of the "C-C" District, Section 231.5(N) shall apply.

SECTION 7. Section 12-231.1 of the Fresno Municipal Code is repealed.

SECTION 8. Section 12-231.1 of the Fresno Municipal Code is added to read:

- A. The uses enumerated in Sections 12-231.1-B, C, D, E, F, and G shall be permitted in the "CC" District, plus such other uses as the Director may deem to be suitable and not more obnoxious or detrimental to the public health, safety, and welfare as listed in Section 12-408-E. All uses shall be subject to the property development standards of Section 12-231.5 and subject to Site Plan Review, Section 12-406.
  
- B. RESIDENTIAL
  - 1. Multiple family residences.
  - 2. Adult day care facilities, for a maximum of six (6) adults when located in a single family dwelling.
  - 3. Group housing facility for a maximum of six (6) persons when located in an existing single family dwelling.
  - 4. Single family attached and detached.
  
- C. SALES AND SERVICES
  - 1. Antique Store.
  - 2. Art Supply Store.
  - 3. Bail bond businesses above the ground floor.
  - 4. Bakery (retail).
  - 5. Barber Shop.
  - 6. Bed & Breakfast.
  - 7. Bicycle sales and repairs.
  - 8. Blood/ Plasmapheris bank.
  - 9. Cafeteria.
  - 10. Church.
  - 11. Computer and computer supply sales.
  - 12. Confectionery.
  - 13. Copy services.
  - 14. Day spa and salon.
  - 15. Delicatessen.
  - 16. Department store.
  - 17. Fitness/work out gym.
  - 18. Firearms & Accessories, retail sales.
  - 19. Florist.
  - 20. Food markets, grocery / convenience store.
  - 21. Fruit and vegetable store.
  - 22. Health food store.
  - 23. Internet or Cyber Café.
  - 24. Ice cream & candy store.
  - 25. Magazine and News store.
  - 26. Music and video stores.
  - 27. Night Club (subject to the provisions of FMC Section 12-326 & 12-327).
  - 28. Office supply stores.
  - 29. Pawn shops.
  - 30. Pet & Supply stores.
  - 31. Radio and Broadcasting Studios.
  - 32. Restaurant (Selling alcohol, subject to the provisions of FMC Section 12-326).

33. Soft drink fountain.
34. Sporting goods stores.
35. Tailors.
36. Tavern (subject to the provisions of FMC Section 12-326).
37. Travel agencies.
38. Toy stores.
39. Variety stores.
40. Watch and clock sales and services.
41. Additional uses requiring a Site Plan Review may be allowed subject to determination by the Director of Planning and Development.

D. DRY GOODS SALES AND SERVICE

1. Book store.
2. Drug store.
3. Gift shop.
4. Hobby shop.
5. Jewelry shop/sales.
6. Dry-cleaning/Laundry establishments & pickup.
7. Leather goods.
8. Millinery shop.
9. Photographic stores/studio/supply.
10. Photographic supply.
11. Shoe sales/repair shop.
12. Stationery shop.
13. Tobacco/smoke shop.

E. SERVICES PERSONAL AND PUBLIC

1. Bank.
2. Banquet Hall.
3. Barber shop.
4. Bath (Turkish).
5. Beauty shop.
6. Business school.
7. Credit union.
8. Home occupation in accordance with Subsection 12-105-H-7.
9. Hospital.
10. Hotel.
11. Incidental storage and office uses provided such uses are clearly incidental to the retail sale of products on the premises.
12. Library.
13. Lodge, club, and fraternal organizations.
14. Meeting halls.
15. Motion picture theater.
16. Massage Therapy Services.
17. Martial arts instruction.
18. Offices, excluding retail sales, storage of stock in trade, and storage of equipment not used exclusively in said offices:
  - a. Administrative
  - b. Business
  - c. General
  - d. Medical

19. Radio and TV broadcasting studios and offices.
20. Reading room.
21. Water pump station.

F. CULTURAL USES

1. Art gallery.
2. Artist studio, music and dance studios.
3. Exhibit hall/Arena.
4. Meeting hall incidental to a permitted use.
5. Performing arts theater.

- G. Any use not specifically listed above shall be allowed subject to determination by the Director of Planning and Development pursuant to 12-408.

SECTION 9. Section 12-231.3 of the Fresno Municipal Code is repealed.

SECTION 10. Section 12-231.3 of the Fresno Municipal Code is added to read:

- A. The uses enumerated in Section 12-231.3-B shall be permitted subject to a Conditional Use Permit pursuant to Sections 12-405 and 12-406.
- B. Uses permitted subject to a conditional use permit.
1. Adult day care facilities a single family dwelling, subject to the provisions of FMC Section 12-306-N-42.
  2. Automobile rental, repair and service station conducted within an entirely enclosed building.
  3. Bus terminal.
  4. Child care centers if the facilities are not in conjunction with the adjoining businesses or do not primarily serve the employees of such businesses.
  5. Electric distribution substation.
  6. Group housing facility for seven (7) or more persons when located in an existing single family dwelling, subject to the provisions of FMC Section 12-306-N-43.
  7. Gymnasium.
  8. Loan business.
  9. Micro-breweries.
  10. Microwave relay structure.
  11. Mixed Use projects, pursuant to FMC Section 12-325.
  12. Motion picture theater, "adult", subject to the provisions of FMC, Section 12-306-N-30.
  13. Motorcycle retail sales and service, subject to the provisions of FMC, Subsection 12-306-N-54.
  14. Mortuaries.
  15. Pool and billiard parlors (Pursuant to FMC Section 12-306-N-32).
  16. Public parking lot or structure, subject to the provisions of Sections 12-220.5 and 12-306.
  17. Storefront Church.
  18. Small animal veterinary hospitals and clinics.

19. Variable message board structure for the display of on-site events when located in the area bounded by "M", Inyo, "O" and Ventura Streets, with a maximum structure height of forty (40) feet, and a maximum display area of one hundred and sixty (160) square feet.
- C. Additional uses requiring a Conditional Use Permit shall be allowed subject to determination by the Director of Planning and Development pursuant to FMC 12-408.

SECTION 9. Section 12-231.5. of the Fresno Municipal Code is amended to read:

The following property development standards shall apply to all land and structures in the "CC" District:

- A. LOT AREA. No requirement.
- B. LOT DIMENSIONS. No minimum dimensions.
- C. POPULATION DENSITY. No maximum or minimum requirement. Whenever reasonable and feasible, the population density for permitted residential uses shall be consistent with FMC-12-325 (D).
- D. BUILDING HEIGHT.
  1. Construction of a new structure or wholly replacing a structure shall be a minimum of 2 stories, or 24-feet in height, whichever is the greater height, with the following exceptions:
    - a. A building or structure with a building height greater than thirty-five (35) feet, but not exceeding sixty (60) feet, may be erected subject to the securing of a Conditional Use Permit pursuant to in Sections 12-405 and 12-406; and
    - b. A building or structure may exceed the limitation in subdivision a above, if allowed under a conditional use permit approved under the Mid Rise and High Rise Ordinance (Section 12-321).
  2. Exceptions: Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, sky-lights, towers, church steeples, flagpoles, chimneys, smokestacks, silos, water tanks or wireless masts or similar structures may be erected above the height limit prescribed in this Section when approved by the Director upon finding that the structure may be safely erected and maintained at such height without damaging, the surrounding proposes taking into consideration the surrounding conditions and circumstances. No roof structures or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.
- E. YARDS. None required.

- F. SPACE BETWEEN BUILDINGS. No requirements.
- G. LOT COVERAGE. No requirements.
  - 1. Up to 100% of the lot area may be developed.
- H. FENCES, HEDGES, AND WALLS.
  - 1. Fencing materials shall be wrought iron or tubular steel. Alternate fencing materials may be submitted to the Planning & Development Department for consideration and approved by the Development Director based upon its durability and appearance.
  - 2. Chain linked fencing shall not be permitted.
- I. OFF-STREET PARKING.
  - 1. Reuse of existing buildings within the boundaries of the Central Trading District shall be exempt from providing additional on-site parking.
    - a. If there is existing parking on-site, that parking shall be maintained to Department of Public Works Drawings and Specifications.
  - 2. Development of vacant land with a use allowed "by-right" shall be required to provide at least one square foot of off-street parking for each four square foot of gross floor space or fraction thereof or provide verification by Director that existing parking facilities, within a 1320 foot radius, either public or private can accommodate the required number of vehicles.
    - a. Design standards for onsite parking shall be:
      - i. Onsite parking shall not be permitted between the primary building frontage and the street.
      - ii. For new construction no parking shall be allowed between the primary frontage and any street, excluding alleys.
      - iii. Parking spaces shall meet the size requirements of a compact stall.
      - iv. Provide 50% parking lot shading or provide substantiated data satisfactory to the Director demonstrating that existing conditions (tall buildings etc) meet the intention of parking lot shading requirement.
      - v. Shall be located to the rear of buildings on site, enclosed within a structure, or entirely below grade.
  - 3. Vehicular access shall be provided from any frontage other than the primary frontage, where available.

4. Driveways located on the same project site shall be a minimum of 200 linear feet apart from each other (cross-access easements or shared parking facilities may be necessary).
- J. ACCESS. There shall be adequate vehicular access from a dedicated and improved street or alley.
  - K. OUTDOOR ADVERTISING. The provisions of the C-1 District, Section 12-217.5-K shall apply.
  - L. LOADING. For nonresidential uses the requirements for size, location, treatment and maintenance of loading spaces of Section 12-306-L shall apply.
  - M. OUTDOOR DINING AREA IN CONJUNCTION WITH A RESTAURANT
    1. General Requirements
      - a. An outdoor dining area shall be associated with a restaurant, as defined by the Fresno Municipal Code (FMC) and shall be located adjacent to the main building in which the restaurant is established. The hours of operation for the proposed outdoor dining facility shall be the same as those of the associated restaurant.
      - b. The outdoor dining area shall not exceed 50% of the gross floor area of the business or 3,000 square feet in total area, whichever is the lesser of the allowable space.
      - c. When the outdoor dining area is being utilized for sales, service and consumption of alcoholic beverages, the designated area shall be under continuous supervision at all times.
      - d. The outdoor dining area shall be open on three (3) sides and maintain ninety (90%) percent transparency to the outdoor elements.
      - e. An outdoor dining area may be located within the public right-of-way. An encroachment permit with the Department of Public Works will be required if the proposed outdoor dining area encroaches into the public right-of-way.
    2. Design for Outdoor Dining Area
      - a. Any Barriers used to delineate the perimeter of the outdoor dining area shall comply with the following requirements:
        1. A barrier is required if alcohol is served in the outdoor dining area (Pursuant to State of California, Alcohol Beverage Control requirements).

2. When a barrier delineates an outdoor dining area, the confined area will be subject to the California Building Code occupancy load standards.
  3. The height of the perimeter barrier shall be a minimum of three (3) feet and maximum of four (4) feet.
  4. Barrier color, material and architectural theme shall be complementary to the associated main building.
  5. Landscape architecture (i.e. potted plants, planter boxes, hedges, etc.) may be considered, by the Director, on a case-by-case basis as an acceptable barrier so long as its theme and design is complementary to the architecture of the main building.
  6. Barriers shall not cause, directly or indirectly, any damage to the public sidewalk. Any damage to public facilities, including, sidewalks, which occurs during construction or during use of the barriers shall be repaired in accordance with City of Fresno Public Works Standards, at the owners/applicant's expense.
- b. Proposed outdoor dining area shall comply with all applicable requirements of the City of Fresno, the American with Disabilities Act (ADA), and the California Building Code (CBC).
1. Barriers shall be arranged to allow adequate ingress and egress in accordance with the requirements of the American Disability Act (ADA), Fresno Municipal Code and California Building Code.
  2. There shall be a forty-eight inch (48") clear path of travel maintained at all times to comply with ADA requirements. This clear path will be measured from the face of curb toward the building face and will not include vehicular overhang for perpendicular and angular parking when present.
- c. Patio Furniture
1. All furniture associated with the outdoor dining area shall be depicted on the site plan.
  2. Tables and chairs shall be removable unless otherwise approved through a special permit process.
  3. Space heaters and/or heat lanterns may be provided so long as the use and operation of any such heater is in compliance with all applicable building and fire codes and

does not present a threat to the health, safety, and welfare of the public.

4. Umbrellas shall be removable and spaced appropriately to provide for adequate pedestrian access.
5. Signs shall comply with the City's Sign Ordinance.
6. Trash or storage areas shall not be located within the outdoor dining area or adjacent to the public right-of-way.

d. Overhead Latticework and Decorative Framing

1. Overhead latticework materials and construction shall be architecturally compatible with the associated establishment as determined by the physical attributes of the built environment.
2. If 90% transparency on any of the three sides of the decorative framing or overhead latticework cannot be met, the framing or trellis will be considered a structure under the FMC and subject to all applicable requirements including, but not limited to, parking, setbacks, lot coverage, etc.
3. A trellis supporting column or some other form of latticework may be used in conjunction with other materials in order to satisfy ABC requirements concerning barriers.
4. Awnings shall be architecturally compatible with the main building, as determined by the physical attributes of the built environment.

N. BUILDING DESIGN GUIDELINE

1. The following design guidelines are established to create and achieve a vibrant, livable, walkable, economically viable and sustainable community within the downtown. Through these design guidelines the downtown's physical form is shaped, giving it personality and enhancing the urban core and its form.
  - a. All businesses, services, and other primary activities shall be conducted within a completely enclosed building, except for parking and loading spaces. An outdoor restaurant on a rooftop is an exception.
  - b. Building frontage for new construction shall be 80% of the length of the primary lot line, with a maximum front set back of 5', except if it is served by features such as outdoor eating area, plazas, arcades, etc.

- c. The area between 2' to 8' of the primary building frontage shall consist of a minimum of 50% transparent elements.
  - d. A primary building entrance shall be maintained on the ground floor of the primary building frontage or facade.
  - e. Doors/gates shall be recessed a minimum of three feet to maintain appropriate clearance and unobstructed pedestrian access along the public right-of-way.
  - f. An unobstructed view corridor at street intersections is necessary for the safety of pedestrian and approaching vehicles traveling on City streets. However, the placement of an object or structure in such a view corridor may be considered modified based upon the existing condition of a specific location condition as determined by the Development Director and Public Works Director.
  - g. The 25% livable open space requirements for residential or mixed use projects, subject to the provisions of FMC Section 12-325, shall not be required.
  - h. A development project which is adjacent to or incorporating a structure with a historic resource will be subject to the provisions of FMC, Article 16, Historic Preservation Ordinance.
2. Other design features permitted are:
- a. Marquees over entrances or covered entrance canopies shall not exceed ten feet in width.
  - b. Pedestrian oriented signage as determined by the Development Director.
  - c. Outdoor pedestrian level lighting on building frontages.
  - d. Sidewalk – Maintain minimum width along the pedestrian right-of-way, including meeting minimum ADA standards.
  - e. Restoration of historic facades and storefronts shall be maintained and/or restored, according to Fresno Municipal Code, Article 16. Removal of existing covered facades and storefronts covering original facades and storefronts shall be encouraged (Including doors door kick plates and display windows).

SECTION 11. Section 12-304.B.24 of the Fresno Municipal Code is amended to read:

- 24. The sale of alcoholic beverages by retail stores for consumption either on-site or off-site, except for property located with the C-4 (Central Trading) and C-C (Civic Center) zone districts.

SECTION 12. Section 12-326.A of the Fresno Municipal Code is amended to read:

- C. Applicable Zone Districts. Each of the uses subject to this Section has been added as a use permitted subject to a conditional use permit to each applicable zone district, except in the C-4 (Central Trading) and C-C (Civic Central) zone districts.
  - 1. Use within the C-4 (Central Trading) and C-C (Civic Center) zone districts are still subject to the operational standards set forth in the Tables I, II & III.

SECTION 13. Section 12-326.E (3) of the Fresno Municipal Code is amended to read:

TABLE II: Tavern

TABLE INSET:

Zone District	Special Standards of Development			
	Setback	Floor Area	Time to Stop Sales, Service and Consumption of Alcohol	Granting Authority
C-4	No additional requirements		2:00 am Nightly	<u>By-Right</u> <del>Director</del>
CC	No additional requirements		2:00 am Nightly	<u>By-Right</u> Director

TABLE III: Night Club

TABLE INSET:

Zone District	Special Standards of Development			
	Setback	Floor Area	Time to Stop Sales, Service and Consumption of Alcohol	Granting Authority
C-4	No additional requirements		2:00 am Nightly	<u>By-Right</u> Director
CC	No additional requirements.		2:00 am Nightly	<u>By-Right</u> <del>Director</del>

<p align="center"><b>CITY OF FRESNO</b></p> <p align="center"><b>NOTICE OF INTENT TO ADOPT A FINDING OF CONFORMITY</b></p>	<p>Filed with:</p> <p align="center"><b>FILED</b></p> <p align="center">JUN 18 2010</p> <p align="center">FRESNO COUNTY CLERK    DEPUTY</p> <p align="center">FRESNO COUNTY CLERK  2221 Kern Street, Fresno, CA 93721</p>
<p>Project Title: Text Amendment Application No. TA-10-001</p> <p>Environmental Assessment No. EA-10-001</p>	
<p>APPLICANT: City of Fresno  Planning and Development Department  2600 Fresno Street, Room 3065  Fresno, CA 93721-3604</p>	
<p>PROJECT LOCATION:</p> <p>The project area is generally bound by East Divisadero Street, H Street, Ventura Street and the BN &amp; SF Railroad track and identified by the zoning classification of the C-4 (<i>Central Trading District</i>) zone district and CC (<i>Civic Center</i>) zone district designation, according to the Fresno Municipal Code.</p>	
<p>PROJECT DESCRIPTION: Text Amendment Application No. TA-10-001 requests authorization to amendment to the text of the Fresno Municipal Code as a result of a city-wide effort to foster a focused revitalization, redevelopment effort targeting the downtown urban core of the City of Fresno.</p> <p>The Planning and Development Department is proposing to amend the C-4 (<i>Central Trading District</i>) zone district and CC (<i>Civic Center</i>) zone district, land use and development standards. The proposed amendment would expand the list of allowable by-right uses in the downtown area, provide greater development standards flexibility, reduce on-site parking requirements, allows for greater building coverage on a lot, removed minimum density requirements, and creates design guidelines for creating outdoor dining space. This application would amend the text of the Fresno Municipal Code, Zone Ordinance by repealing Section 12-220.1, Section 12-220.3, Section 12-220.5, Section 12-231.1, Section 12-231.3, Section 12-231.5, adding Section 12-220.1, Section 12-220.3, Section 12-220.5, Section 12-231.1, Section 12-231.3, Section 12-231.5, and amending Section 12-304.B.24, Section 12-326 A, Section 12-326.E(3), related to land use and development standards in the urban core of the City of Fresno.</p> <p>The property is located within the jurisdiction of the Central Area Community Plan and the 2025 Fresno General Plan. The Central Area Community Plan and the 2025 Fresno General Plan designate the subject property for commercial mixed use/level II and public facility/civic center planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the planned land use designations are consistent with the C-4 (<i>Central Trading District</i>) and CC (<i>Civic Center</i>) zone districts.</p> <p>The proposed amendment would allow for clarity and consistent application of the Fresno Municipal Code, plan policy, land use and development standards to support a revitalized, redeveloped and desirable urban living environment, where residential uses are in close proximity to places of public services, employment and commerce. This proposal is desirable for public welfare, and is essential in meeting the goals of the 2025 Fresno General Plan.</p>	

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

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

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding and the initial study may be obtained from the Planning and Development Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Kevin E. Fabino, Planning Manager at (559) 621-8046 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on July 20, 2010. Please direct comments to Kevin E. Fabino, Planning Manager, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to [Kevin.Fabino@fresno.gov](mailto:Kevin.Fabino@fresno.gov); or comments can be sent by facsimile to (559) 498-1026.

This development application and this proposed environmental finding has been tentatively scheduled to be heard by the Planning Commission on July 21, 2010 at 6:00 p.m. or thereafter, and a public hearing has tentatively been scheduled before the Fresno City Council on August 19, 2010 at 10:00 a.m. These hearings will be held in the Fresno City Council Chambers located at Fresno City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:  
Kevin E. Fabino, Planning Manager

SUBMITTED BY:  
Kevin E. Fabino, Planning Manager



Kevin E. Fabino, Planning Manager  
CITY OF FRESNO PLANNING AND  
DEVELOPMENT DEPARTMENT

DATE: 6/18/10

**CITY OF FRESNO**

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

Filed with:

Project Title: Text Amendment Application No. TA-10-001

Environmental Assessment No. EA-10-001

FRESNO COUNTY CLERK  
2221 Kern Street, Fresno, CA 93721

APPLICANT: City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3065  
Fresno, CA 93721-3604

**PROJECT LOCATION:**

The project area is generally bound by East Divisadero Street, H Street, Ventura Street and the BN & SF Railroad track and identified by the zoning classification of the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district designation, according to the Fresno Municipal Code.

**PROJECT DESCRIPTION:** Text Amendment Application No. TA-10-001 requests authorization to amendment to the text of the Fresno Municipal Code as a result of a city-wide effort to foster a focused revitalization, redevelopment effort targeting the downtown urban core of the City of Fresno.

The Planning and Development Department is proposing to amend the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district, land use and development standards. The proposed amendment would expand the list of allowable by-right uses in the downtown area, provide greater development standards flexibility, reduce on-site parking requirements, allows for greater building coverage on a lot, removed minimum density requirements, and creates design guidelines for creating outdoor dining space. This application would amend the text of the Fresno Municipal Code, Zone Ordinance by repealing Section 12-220.1, Section 12-220.3, Section 12-220.5, Section 12-231.1, Section 12-231.3, Section 12-231.5, adding Section 12-220.1, Section 12-220.3, Section 12-220.5, Section 12-231.1, Section 12-231.3, Section 12-231.5, and amending Section 12-304.B.24, Section 12-326 A, Section 12-326.E(3), related to land use and development standards in the urban core of the City of Fresno.

The property is located within the jurisdiction of the Central Area Community Plan and the 2025 Fresno General Plan. The Central Area Community Plan and the 2025 Fresno General Plan designate the subject property for commercial mixed use/level II and public facility/civic center planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the planned land use designations are consistent with the C-4 (*Central Trading District*) and CC (*Civic Center*) zone districts.

The proposed amendment would allow for clarity and consistent application of the Fresno Municipal Code, plan policy, land use and development standards to support a revitalized, redeveloped and desirable urban living environment, where residential uses are in close proximity to places of public services, employment and commerce. This proposal is desirable for public welfare, and is essential in meeting the goals of the 2025 Fresno General Plan.

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

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

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding and the initial study may be obtained from the Planning and Development Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Kevin E. Fabino, Planning Manager at (559) 621-8046 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on July 20, 2010. Please direct comments to Kevin E. Fabino, Planning Manager, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to Kevin.Fabino@fresno.gov; or comments can be sent by facsimile to (559) 498-1026.

This development application and this proposed environmental finding has been tentatively scheduled to be heard by the Planning Commission on July 21, 2010 at 6:00 p.m. or thereafter, and a public hearing has tentatively been scheduled before the Fresno City Council on August 19, 2010 at 10:00 a.m. These hearings will be held in the Fresno City Council Chambers located at Fresno City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:  
Kevin E. Fabino, Planning Manager

SUBMITTED BY:  
Kevin E. Fabino, Planning Manager

DATE: 6/18/10

  
Kevin E. Fabino, Planning Manager  
CITY OF FRESNO PLANNING AND  
DEVELOPMENT DEPARTMENT

**CITY OF FRESNO – ENVIRONMENTAL ASSESSMENT  
 FINDING OF CONFORMITY / MEIR NO. 10130/MND FOR TEXT AMENDMENT TA-10-001  
 (AIR QUALITY MND)**

<p>Pursuant to Section 21157.1 of the California Public Resource Code (California Environmental Quality Act) the project described below is determined to be within the scope of the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan</p>	<p>DATE RECEIVED FOR FILING:</p>
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<p><b>Applicant:</b> City of Fresno          Planning and Development Department          2600 Fresno Street, Room 3065          Fresno, CA 93721-3604</p>	<p><b>Initial Study Prepared By:</b>          Planner Kevin E. Fabino, Planning Manger          Date June 16, 2010</p>
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<p><b>Environmental Assessment Number: EA-10-001</b>          Text Amendment Application No. TA-10-001</p>	<p><b>Project Location (including APN):</b>          The project area is generally bound by East Divisadero Street, H Street, Ventura Street and the BN &amp; SF Railroad track and identified by the zoning classification of the C-4 (<i>Central Trading District</i>) zone district and CC (<i>Civic Center</i>) zone district designation, according to the Fresno Municipal Code.</p>
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**Project Description:** Text Amendment Application No. TA-10-001 requests authorization to amendment to the text of the Fresno Municipal Code as a result of a city-wide effort to foster a focused revitalization, redevelopment effort targeting the downtown urban core of the City of Fresno.

The Planning and Development Department is proposing to amend the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district, land use and development standards. The proposed amendment would expand the list of allowable by-right uses in the downtown area, provide greater development standards flexibility, reduce on-site parking requirements, allows for greater building coverage on a lot, removed minimum density requirements, and creates design guidelines for creating outdoor dining space. This application would amend the text of the Fresno Municipal Code, Zone Ordinance by repealing Section 12-220.1, Section 12-220.3, Section 12-220.5, Section 12-231.1, Section 12-231.3, Section 12-231.5, adding Section 12-220.1, Section 12-220.3, Section 12-220.5, Section 12-231.1, Section 12-231.3, Section 12-231.5, and amending Section 12-304.B.24, Section 12-326 A, Section 12-326.E(3), related to land use and development standards in the urban core of the City of Fresno.

The property is located within the jurisdiction of the Central Area Community Plan and the 2025 Fresno General Plan. The Central Area Community Plan and the 2025 Fresno General Plan designate the subject property for commercial mixed use/level II and public facility/civic center planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the planned land use designations are consistent with the C-4 (*Central Trading District*) and CC (*Civic Center*) zone districts.

The proposed amendment would allow for clarity and consistent application of the Fresno Municipal Code, plan policy, land use and development standards to support a revitalized, redeveloped and desirable urban living environment, where residential uses are in close proximity to places of public services, employment and commerce. This proposal is desirable for public welfare, and is essential in meeting the goals of the 2025 Fresno General Plan.

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

The adopted 2025 Fresno General Plan and the Central Area Community Plan designate the subject area for commercial mixed use/level II and public facility/civic center planned land uses. The request to amend land use and development standards of the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district for the project area conforms to the commercial mixed use/level II and public facility/civic center planned land use designations.

The Planning and Development Department staff has prepared an Initial Study (See Attached "Modified Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02 (Air Quality MND)/Initial Study") to evaluate the proposed Text Amendment Application TA-10-001 in accordance with the land use and environmental policies and provisions of lead agency City of Fresno's 2025 Fresno General Plan (SCH # 2001071097), the related Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan (Air Quality MND). The project area is currently developed with various approved retail, office, commercial, single and multiple family residential uses, but may be further developed at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site. Thus, the Text Amendment Application No. TA-10-001 will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and the Air Quality MND have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Guidelines Section 15177(b)(3).

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

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

In addition, after conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. Moreover, as lead agency for this project, the Planning and Development Department, per Section 15177(d) of the CEQA Guidelines, has determined that all feasible mitigation measures from MEIR

No. 10130 and the Air Quality MND shall be applied to the project as conditions of approval as set forth in the attached Mitigation Monitoring Checklist (See "Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 For the 2025 General Plan, Mitigation Monitoring Checklist).

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



Planning Manager, City of Fresno

6/18/10  
Date

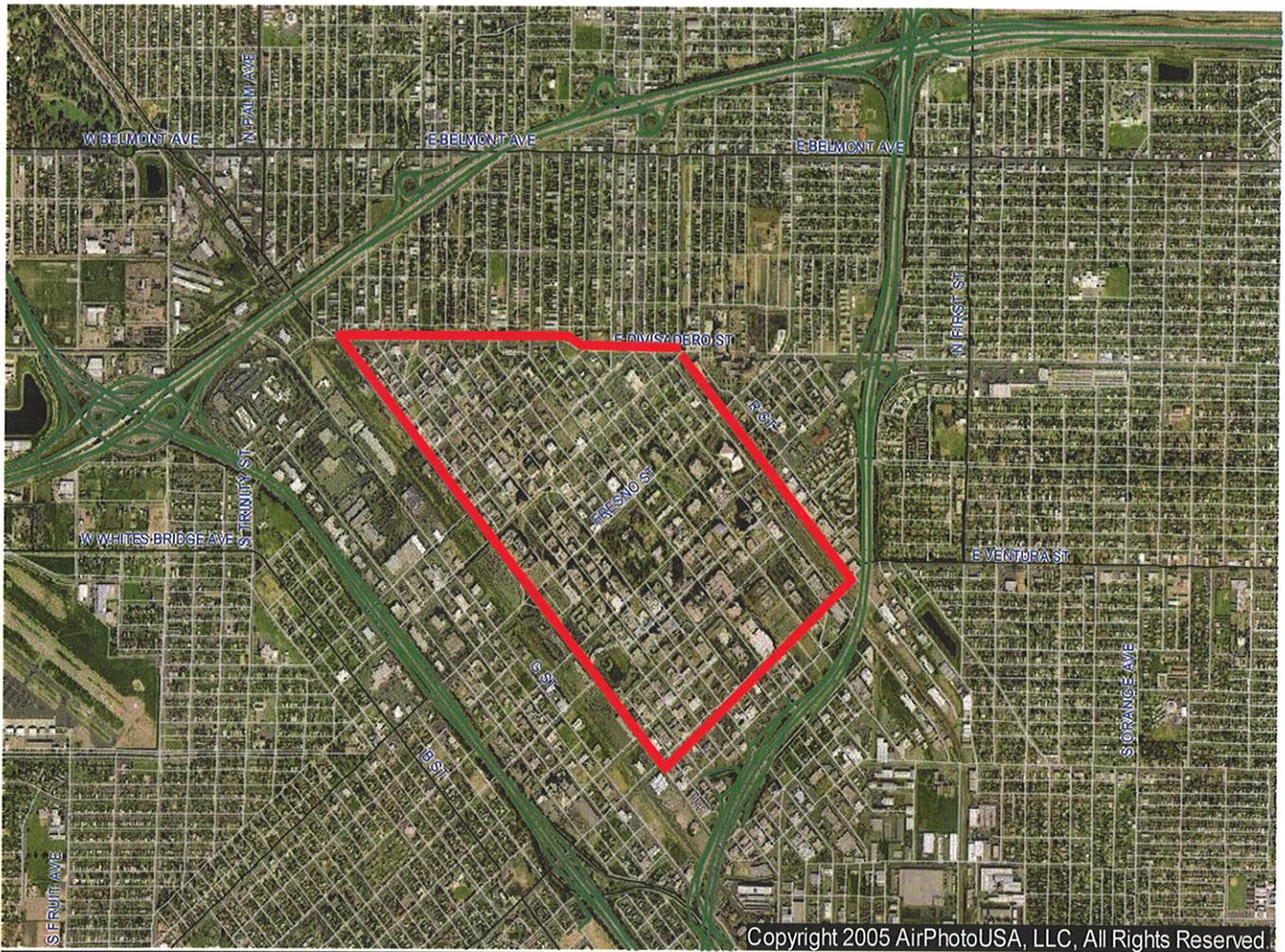
- Attachments:
- Notice of Intent to Adopt A Finding of Conformity
  - Exhibit A - Project Area
  - Exhibit B - Text Amendment Application No. TA-10-001
  - Exhibit C - Modified Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02 (Air Quality MND)/Initial Study for Environmental Assessment No.EA-10-001
  - Exhibit D - Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 For the 2025 General Plan: Mitigation MEIR Mitigation Monitoring Checklist for Environmental Assessment No.EA-10-001
  - Exhibit E - Master Environmental Impact Report (MEIR) Review Summary (Attachment: Status of MEIR Analysis with Regard to Air Quality and Climate Change)

EXHIBIT A

TEXT AMENDMENT APPLICATION NO. TA-10-001

Project Area – Aerial (2008)

The project area is generally bound by East Divisadero Street, H Street, Ventura Street and the BN & SF Railroad track and identified by the zoning classification of the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district designation, according to the Fresno Municipal Code.



- Exhibit B -

Text Amendment Application No. TA-10-001



Planning and Development Department

2600 Fresno Street ! Third Floor
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 488-1020

John M. Dugan, AICP, Director

SUBJECT: INITIATION OF AN AMENDMENT TO THE TEXT OF THE FRESNO MUNICIPAL CODE (ZONING ORDINANCE) RELATED THE CITY OF FRESNO, CALIFORNIA REPEALING SECTION 12-220.1, SECTION 12-220.3, SECTION 12-220.5, SECTION 12-231.1, SECTION 12-231.3, SECTION 12-231.5, ADDING SECTION 12-220.1, SECTION 12-220.3, SECTION 12-220.5, SECTION 12-231.1, SECTION 12-231.3, SECTION 12-231.5, AND AMENDING SECTION 12-304.B.24, SECTION 12-326 A, 12-326.E(3) OF THE FRESNO MUNICIPAL CODE, RELATING TO LAND USE AND DEVELOPMENT STANDARDS IN THE URBAN CORE OF THE CITY OF FRESNO

I, John M. Dugan, Director of the Planning and Development Department, City of Fresno, pursuant to the provisions of Section 12-402-A of the Fresno Municipal Code (FMC), do hereby initiate proceedings to consider amending the text of the Zoning Ordinance, as shown in attached Exhibit "A". Pursuant to Section 12-403-B, the Director has determined that the proposed zone district amendment is consistent with the land use, intensity, objectives, policies in the Central Area Community Plan and 2025 Fresno General Plan.

This action to initiate an amendment to the text of the Fresno Municipal Code is a result of a city-wide effort to revitalize and redevelopment the downtown area. As an intermediate step the Planning and Development Department has been asked to develop interim land use and development standards to foster the revitalization process. In response, the Department is proposing to amend the C-4 (Central Trading District) zone district and CC (Civic Center) zone district as an interim strategy of land use and development standard policies while the larger effort to revitalize downtown is under way. The proposed amendment would allow for clarity and consistent application of the Fresno Municipal Code, plan policy, and development standards to support a revitalized, redeveloped and desirable urban living environment, promote a user-friendly walking environment in a locale where residential uses are in close proximity to places of public services, employment and commerce. This proposal is desirable for public welfare, and is essential in meeting the goals of the 2025 Fresno General Plan.

The proposed text amendment to the C-4 (Central Trading District) zone district and CC (Civic Center) zone district provisions shall supersede existing Planning and Development, Department Policies and Procedures, or allowable uses permitted or development standard. Existing uses that have been legally established under previous regulations but do not conform to current law may continue to operate as a recognized nonconforming use pursuant to Section 12-317, but shall not be subject to the amortization period set forth therein for Nonconforming Uses of Land or Nonconforming Uses of Buildings. This proposed text amendment would allow for a greater flexibility of uses within the urban core of the City of Fresno a combination of zone districts to support an urban revitalization effort for the public welfare and is essential in meeting the goals of the Central Area Community Plan and 2025 Fresno General Plan.

This action is only to initiate the processing of a text amendment, and does not constitute a favorable or unfavorable recommendation by the Director.

[Signature]
John M. Dugan, AICP, Director
Planning and Development Department

6/15/10
Date

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA REPEALING SECTION 12-220.1, SECTION 12-220.3, SECTION 12-220.5, SECTION 12-231.1, SECTION 12-231.3, SECTION 12-231.5, ADDING SECTION 12-220.1, SECTION 12-220.3, SECTION 12-220.5, SECTION 12-231.1, SECTION 12-231.3, SECTION 12-231.5, AND AMENDING SECTION 12-304.B.24, SECTION 12-326 A, 12-326.E(3) OF THE FRESNO MUNICIPAL CODE, RELATING TO LAND USE, DEVELOPMENT STANDARDS IN THE URBAN CORE OF THE CITY OF FRESNO

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 12-220.1 of the Fresno Municipal Code is repealed.

SECTION 2. Section 12-220.1 of the Fresno Municipal Code is added to read:

SECTION 12-220.1 USES PERMITTED

A. The uses enumerated in Section 12-220.1-B shall be permitted in the "C-4" District, plus such other uses as the Director may deem to be similar and not more obnoxious or detrimental to the public health, safety and welfare as listed in Section 12-408-E. All uses shall be subject to the property development standards in Section 12-220.5 and Site Plan Review, Sections 12-405 and 12-406.

- B. 1. Those uses permitted in the "C-3" District, Section 12-219.1, except motion picture theaters.
2. Antique shops.
  3. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.
  4. Artists' studios, supply stores and galleries.
  5. Artist, music and dance studios.
  6. Auction houses.
  7. Bail bond businesses above the ground floor.
  8. Bakery Shop.
  9. Bank.
  10. Banquet Hall.
  11. Barber Shop.
  12. Baths (Turkish, etc.).
  13. Bed & Breakfast.
  14. Bicycle sales and repairs.
  15. Beauty shop.
  16. Blood/Plasmapheresis bank.
  17. Book store.
  18. Bookstore, adult, subject to the provisions of Section 12-306-N-30.
  19. Business colleges.
  20. Church.
  21. Copy services.
  22. Commercial schools.
  23. Communications equipment buildings.
  24. Computer and computer supply sales.

25. Confectionery (with incidental manufacturing).
26. Copy services.
27. Credit union.
28. Dancing academies.
29. Child day care centers, large and small.
30. Day spa and salon.
31. Delicatessen.
32. Department store.
33. Drug store.
34. Dry-cleaning/Laundry establishments.
35. Exhibit halls/Arena.
36. Financial services and title companies.
37. Fitness/work out gym.
38. Firearms & Accessories, retail sales.
39. Florist.
40. Food markets, grocery / convenience store.
41. Gift shop.
42. Group housing facility for a maximum of six (6) persons when located in an existing single family dwelling.
43. Gymnasiums.
44. Health food store.
45. Hobby shop.
46. Home occupation in accordance with Subsection 12-105-H-7.
47. Hospital.
48. Hotel/Motel.
49. Household pets, the keeping thereof, subject to the provisions of Section 12-105-H, "Household Pets."
50. Ice cream & candy store.
51. Ice and food products dispensing machines, provided that in the Central Business District core area the provisions of Section 12-220.3 shall apply.
52. Incidental storage and office uses provided such uses are clearly incidental to the retail sale of products on the premises.
53. Institutions of a philanthropic nature (except correctional and mental).
54. Internet or Cyber Café.
55. Jewelry Shop / Sales.
56. Laboratories:
  - a. Biological.
  - b. Dental.
  - c. Medical.
  - d. Optometrical.
57. Lodges, clubs and fraternal organizations.
58. Laundry and Dry Cleaning Service.
59. Library.
60. Magazine and news stores.
61. Massage Therapy Services.
62. Martial arts instruction.
63. Meeting halls.
64. The conversion to, or the rehabilitation of, a single family dwelling, and multiple dwellings.
65. Millinery shop.

- 66. Motion Picture Theater.
- 67. Museums.
- 68. Music instructions.
- 69. Music and video stores.
- 70. Natatoriums.
- 71. Newspaper publishing.
- 72. Night Club (subject to the provisions of FMC Section 12-326 & 12-327).
- 73. Offices, excluding retail sales, storage of stock in trade, and storage of equipment not used exclusively in said offices:
  - a. Administrative
  - b. Business
  - c. General
  - d. Medical
- 74. Office supply stores.
- 75. Performing arts theater.
- 76. Print shop, lithographing, publishing and blueprinting.
- 77. Pawn shops.
- 78. Pet & Supply stores.
- 79. Photographic stores / studio / supply.
- 80. Radio and Broadcasting Studios and offices.
- 81. Reading room.
- 82. Reducing salons.
- 83. Restaurant (Selling alcohol, subject to the provisions of FMC Section 12-326.
- 84. Retail sale of alcohol for off-site consumption.
- 85. Shoe sales / repair shop.
- 86. Signs, subject to the provisions of Sections 12-220.5-K and 12-306-K.
- 87. Skating rinks.
- 88. Sporting goods stores.
- 89. Stationery stores.
- 90. Tailors.
- 91. Tavern (subject to the provisions of FMC Section 12-326).
- 92. Taxidermist.
- 93. Tire sales (retail only).
- 94. Travel agencies.
- 95. Tobacco / Smoke shop.
- 96. Toy stores.
- 97. Variety stores.
- 98. Watch and clock sales and services.
- 99. Single family attached and detached.
- 100. Multiple family.

SECTION 3. Section 12-220.3 of the Fresno Municipal Code is repealed.

SECTION 4. Section 12-220.3 of the Fresno Municipal Code is added to read:

- A. The uses enumerated in Section 12-220.3-B shall be permitted subject to a Conditional Use Permit pursuant to Sections 12-405 and 12-406.

- B. Uses permitted subject to a Conditional Use Permit.
1. Adult day care facilities, subject to Subsection 12-306-N-42.
  2. Automobile rental, repair (conducted within an enclosed building) and service station.
  3. Automobile retail sales, subject to the provisions of Subsection 12-306-N-04.
  4. Automobile service station.
  5. Banquet hall.
  6. Bus terminals.
  7. Car wash, self-service; as defined in Subsection 12-105-C-6-c.
  8. Caretaker's residence.
  9. Electrical distribution substation.
  10. Family Restaurant, Game and Entertainment Center, subject to provisions of Subsection 12-306-N-37.
  11. Freestanding electronic variable message board, subject to the provisions of Subsection 12-306-N-55.
  12. Group housing facilities for seven (7) or more persons, subject to Subsection 12-306-N-43.
  13. Ice and food products dispensing machines within the Central Business District Core Area.
  14. Micro-breweries.
  15. Mortuaries.
  16. Motion picture theaters.
  17. Motion picture theater, adult, subject to the provisions of FMC, Section 12-306-N-30.
  18. Motorcycle retail sales and service, subject to the provisions of Subsection 12-306-N-54.
  19. Pawn shops.
  20. Pool and billiard parlors (Pursuant to FMC Section 12-306-N-32).
  21. Public parking lot or structure, subject to the provisions of Sections 12-220.5 and 12-306.
  22. Secondhand goods sale (all goods displayed, sold and stored within an entirely enclosed building).
  23. Small animal veterinary hospitals and clinics, within completely enclosed building, subject to provisions of Sections 12-306-I and 12-306-N.
  24. Storefront Church Development.
  25. Tire, battery, and accessory parts retail sales and service store.
  26. Water pump stations, subject to the provisions of Subsection 12-306-N-46.
  27. Mixed Use projects, pursuant to Section 12-325.
  28. Adult day care facilities, for a maximum of six (6) adults when located in a single family dwelling.
  29. Group housing facility for a maximum of six (6) persons when located in an existing single family dwelling.

SECTION 5. Section 12-220.5 of the Fresno Municipal Code is repealed.

SECTION 6. Section 12-220.5 of the Fresno Municipal Code is added to read:

The following property development standards shall apply to all land and structures in the "C-4" District:

- A. LOT AREA. No requirement.
- B. LOT DIMENSIONS. No requirement.
- C. POPULATION DENSITY. No minimum or maximum requirement.
- D. BUILDING HEIGHT
  - 1. No building or structure erected in this District shall have a height greater than sixty (60) feet. A building or structure exceeding this limitation, shall obtain a conditional use permit pursuant to the provisions of the Mid Rise and High Rise Ordinance (Section 12-321).
  - 2. For exceptions, the provisions of the "C-P" District, Section 12-216.5-D-2, shall apply.
  - 3. New buildings structures or replacement building will be a minimum of 2 stories, or 24 feet in height, whichever is the greater height. Described in Section 231.5-N, Building Design Guidelines, are building requirements which are also applicable.
  - 4. The City of Fresno recognizes that developers may have prepared construction and other design improvement plans with the intent on developing the project as approved. As such, in those cases where a special permit has been approved by the City of Fresno, the developer shall be allowed to develop the project in accordance with the conditions of approval and associated exhibits.
- E. YARDS. None required.
- F. SPACE BETWEEN BUILDINGS. No requirements.
- G. LOT COVERAGE. No requirements.
- H. FENCES, HEDGES, AND WALLS.
  - 1. All fences, hedges and walls shall conform to the provisions of Section 12-306-H.
  - 2. In addition, a solid masonry wall six (6) feet in height shall be erected along the street frontage on the setback line and along district boundaries between any outdoor storage (and parking) area and any residential district. (In addition, there shall be a six (6) foot high solid fence enclosing the storage yard on all its other property lines).

3. Fencing to be wrought iron or tubular steel, alternate materials may be submitted to the Planning & Development Department for consideration and approved by the Development Director based upon its durability and appearance.
4. No chain linked fencing will be allowed.

I. OFF-STREET PARKING.

1. Reuse of existing building within the boundaries of the Central Trading District will be exempt from providing additional on-site parking.
    - a. If there is existing parking on-site, that parking must be maintained to Department of Public Works Drawings and Specifications.
  2. Development of vacant land with a use allowed "by-right" will be required to provide at least one square foot of off-street parking for each four square foot of gross floor space or fraction thereof or provide verification by Director that existing parking facilities, within a 1320 foot radius, either public or private can accommodate the required number of vehicles.
    - a. If onsite parking is provided design standards shall be:
      - i. For new construction no parking shall be allowed between the primary frontage and any street, excluding alleys.
      - ii. Parking spaces shall meet the size requirements of a compact stall.
      - iii. Provide 50% parking lot shading or provide substantiated data satisfactory to the Director demonstrating that existing conditions (tall buildings etc) meet the intention of parking lot shading requirement.
      - iv. Shall be located to the rear of buildings on site, enclosed within a structure, or entirely below grade.
  3. Vehicular access shall be provided from any frontage other than the primary frontage, where available.
  4. Driveways located on the same project site shall be a minimum of 200 linear feet apart from each other (cross-access easements or shared parking facilities may be necessary).
- J. ACCESS. The provisions of the "C-1" District, Section 12-217.5-J-1 and 2, shall apply.
- K. OUTDOOR ADVERTISING. The provisions of the "C-1" District, Section 12-217.5-K, shall apply to permitted nonresidential uses. For permitted multiple-family residential uses, the provisions of Section 12-212.5-K-2 shall apply.

- L. LOADING SPACES. For commercial buildings and apartment buildings, the provisions of Section 12-306-L shall apply.
- M. UTILIZATION OF OUTDOOR DINING AREA IN CONJUNCTION WITH A RESTURANT
  - 1. The utilization of outdoor dining area in conjunction with a restaurant shall be provided as in the "C-C" District, Section 231.5(N), which shall apply.
- N. BUILDING DESIGN GUIDELINE
  - 1. The application of building design guideline shall be provided as in the "C-C" District, Section 231.5(N), which shall apply.

SECTION 7. Section 12-231.1 of the Fresno Municipal Code is repealed.

SECTION 8. Section 12-231.1 of the Fresno Municipal Code is added to read:

- A. The uses enumerated in Sections 12-231.1-B, C, D, E, F, and G shall be permitted in the "CC" District, plus such other uses as the Director may deem to be suitable and not more obnoxious or detrimental to the public health, safety, and welfare as listed in Section 12-408-E. All uses shall be subject to the property development standards of Section 12-231.5 and subject to Site Plan Review, Section 12-406.
- B. RESIDENTIAL
  - 1. Multiple family residences.
  - 2. Adult day care facilities, for a maximum of six (6) adults when located in a single family dwelling.
  - 3. Group housing facility for a maximum of six (6) persons when located in an existing single family dwelling.
  - 4. Single family attached and detached.
- C. SALES AND SERVICES
  - 1. Antique Store.
  - 2. Art Supply Store.
  - 3. Bail bond businesses above the ground floor.
  - 4. Bakery (retail).
  - 5. Barber Shop.
  - 6. Bed & Breakfast.
  - 7. Bicycle sales and repairs.
  - 8. Beauty shop.
  - 9. Blood/ Plasmapheris bank.
  - 10. Cafeteria.
  - 11. Church.
  - 12. Computer and computer supply sales.
  - 13. Confectionery.
  - 14. Copy services.
  - 15. Day spa and salon.

16. Delicatessen.
17. Department store.
18. Fitness/work out gym.
19. Firearms & Accessories, retail sales.
20. Florist.
21. Food markets, grocery / convenience store.
22. Fruit and vegetable store.
23. Health food store.
24. Internet or Cyber Café.
25. Ice cream & candy store.
26. Magazine and News store.
27. Music and video stores.
28. Night Club (subject to the provisions of FMC Section 12-326 & 12-327).
29. Office supply stores.
30. Pawn shops.
31. Pet & Supply stores.
32. Radio and Broadcasting Studios.
33. Restaurant (Selling alcohol, subject to the provisions of FMC Section 12-326).
34. Soft drink fountain.
35. Sporting goods stores.
36. Tailors.
37. Tavern (subject to the provisions of FMC Section 12-326).
38. Travel agencies.
39. Toy stores.
40. Variety stores.
41. Watch and clock sales and services.
42. Additional uses requiring a Site Plan Review may be allowed subject to determination by the Director of Planning and Development.

D. DRY GOODS SALES AND SERVICE

1. Book store.
2. Drug store.
3. Gift shop.
4. Hobby shop.
5. Jewelry shop/sales.
6. Dry-cleaning/Laundry establishments & pickup.
7. Leather goods.
8. Millinery shop.
9. Photographic stores/studio/supply.
10. Photographic supply.
11. Shoe sales/repair shop.
12. Stationery shop.
13. Tobacco/smoke shop.

E. SERVICES PERSONAL AND PUBLIC

1. Bank.
2. Banquet Hall.
3. Barber shop.
4. Bath (Turkish).
5. Beauty shop.

6. Business school.
7. Credit union.
8. Home occupation in accordance with Subsection 12-105-H-7.
9. Hospital.
10. Hotel.
11. Incidental storage and office uses provided such uses are clearly incidental to the retail sale of products on the premises.
12. Library.
13. Lodge, club, and fraternal organizations.
14. Meeting halls.
15. Motion picture theater.
16. Massage Therapy Services.
17. Martial arts instruction.
18. Offices, excluding retail sales, storage of stock in trade, and storage of equipment not used exclusively in said offices:
  - a. Administrative
  - b. Business
  - c. General
  - d. Medical
19. Radio and TV broadcasting studios and offices.
20. Reading room.
21. Water pump station.

F. CULTURAL USES

1. Art supply stores and gallery.
2. Artist studio, music and dance studios.
3. Exhibit hall/Arena.
4. Meeting hall incidental to a permitted use.
5. Performing arts theater.

- G. Any use not specifically listed above shall be allowed subject to determination by the Director of Planning and Development pursuant to 12-408.

SECTION 9. Section 12-231.3 of the Fresno Municipal Code is repealed.

SECTION 10. Section 12-231.3 of the Fresno Municipal Code is added to read:

- A. The uses enumerated in Section 12-231.3-B shall be permitted subject to a Conditional Use Permit pursuant to Sections 12-405 and 12-406.
- B. Uses permitted subject to a conditional use permit.
  1. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling, subject to the provisions of FMC Section 12-306-N-42.
  2. Automobile rental, repair and service station conducted within an entirely enclosed building.
  3. Bus terminal.

4. Child care centers if the facilities are not in conjunction with the adjoining businesses or do not primarily serve the employees of such businesses.
  5. Electric distribution substation.
  6. Group housing facility for seven (7) or more persons when located in an existing single family dwelling, subject to the provisions of FMC Section 12-306-N-43.
  7. Gymnasium.
  8. Loan business.
  9. Massage Parlor.
  10. Micro-breweries.
  11. Microwave relay structure.
  12. Mixed Use projects, pursuant to FMC Section 12-325.
  13. Motion picture theater, "adult", subject to the provisions of FMC, Section 12-306-N-30.
  14. Motorcycle retail sales and service, subject to the provisions of FMC, Subsection 12-306-N-54.
  15. Mortuaries.
  16. Pool and billiard parlors where alcohol is served
  17. Public parking.
  18. Storefront Church.
  19. Small animal veterinary hospitals and clinics.
  20. Variable message board structure for the display of on-site events when located in the area bounded by "M", Inyo, "O" and Ventura Streets, with a maximum structure height of forty (40) feet, and a maximum display area of one hundred and sixty (160) square feet.
- C. Additional uses requiring a Conditional Use Permit shall be allowed subject to determination by the Director of Planning and Development pursuant to FMC 12-408.

SECTION 9. Section 12-231.5. of the Fresno Municipal Code is amended to read:

The following property development standards shall apply to all land and structures in the "CC" District:

- A. LOT AREA. No requirement.
- B. LOT DIMENSIONS. No minimum dimensions.
- C. POPULATION DENSITY. No maximum or minimum requirement. Whenever reasonable and feasible, the population density for permitted residential uses shall be consistent with FMC-12-325 (D).
- D. BUILDING HEIGHT.
  1. Construction of a new structure or wholly replacing a structure will be a minimum of 2 stories, or 24-feet in height, whichever is the greater height, with the following exceptions:

- a. A building or structure with a building height greater than thirty-five (35) feet, but not exceeding sixty (60) feet, may be erected subject to the securing of a Conditional Use Permit pursuant to in Sections 12-405 and 12-406; and
    - b. A building or structure may exceed the limitation in subdivision a above, if allowed under a conditional use permit approved under the Mid Rise and High Rise Ordinance (Section 12-321).
  2. Exceptions: Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, sky-lights, towers, church steeples, flagpoles, chimneys, smokestacks, silos, water tanks or wireless masts or similar structures may be erected above the height limit prescribed in this Section when approved by the Director upon finding that the structure may be safely erected and maintained at such height without damaging, the surrounding proposes taking into consideration the surrounding conditions and circumstances. No roof structures or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.
- E. YARDS. None required.
- F. SPACE BETWEEN BUILDINGS. No requirements.
- G. LOT COVERAGE. No requirements.
1. Up to 100% of the lot area may be developed.
- H. FENCES, HEDGES, AND WALLS.
1. Fencing to be wrought iron or tubular steel, alternate materials may be submitted to the Planning & Development Department for consideration and approved by the Development Director.
  2. No chain linked fencing will be allowed.
- I. OFF-STREET PARKING.
1. Reuse of existing building within the boundaries of the Civic Center District will be exempt from providing additional on-site parking to meet off-street parking standards.
    - a. If there is existing parking on-site, that parking must be maintained to current Department of Public Works, Drawings and Specifications.
  2. Development of vacant land with a use permitted "by-right" will be required to provide at least one square foot of off-street parking for each four square foot of gross floor space or fraction thereof or provide verification that existing parking facilities, within an 1320 foot radius,

either public or private can accommodate the required number of vehicles.

- a. If onsite parking is provided design standards shall be:
  - i. For new construction no parking shall be allowed between the primary frontage and any street, excluding alleys.
  - ii. As required for a compact stall.
  - iii. Provide 50% parking lot shading or provide substantiated data demonstrating that existing conditions (tall buildings etc) meet the intention of parking lot shading requirement.
  - iv. Shall be located to the rear of buildings on site, enclosed within a structure, or entirely below grade.
3. Vehicular access shall be provided from any frontage other than the primary frontage, where available.
4. Driveways located on the same project site shall be a minimum of 200 linear feet apart from each other (cross-access easements or shared parking facilities may be necessary).
- J. ACCESS. There shall be adequate vehicular access from a dedicated and improved street or alley.
- K. OUTDOOR ADVERTISING. The provisions of the C-1 District, Section 12-217.5-K shall apply.
- L. LOADING. For nonresidential uses the requirements for size, location, treatment and maintenance of loading spaces of Section 12-306-L shall apply.
- M. UTILIZATION OF OUTDOOR DINING AREA IN CONJUNCTION WITH A RESTURANT
  1. General Requirements
    - a. An outdoor dining area shall be associated with a restaurant, as defined by the Fresno Municipal Code (FMC) and shall be located adjacent to the main building in which the restaurant is established. The hours of operation for the proposed outdoor dining facility shall be the same as those of the associated restaurant.
    - b. The outdoor dining area may be equal to 50% of the gross floor area of the business or 3,000 square feet in total area, whichever is the lesser of the allowable space. The outdoor dining area will be calculated based upon the gross floor area of the business.
    - c. When the outdoor dining area is being utilized for sales, service and consumption of alcoholic beverages, the designated area shall be under continuous supervision at all times.

- d. The outdoor dining area shall be open on three (3) sides and maintain ninety (90%) percent transparency to the outdoor elements.
- e. An outdoor dining area may be located within the public right-of-way. An encroachment permit with the Department of Public Works will be required if the proposed outdoor dining area encroaches into the public right-of-way.

2. Design for Outdoor Dining Area

- a. Any Barriers used to delineate the perimeter of the outdoor dining area shall comply with the following requirements:
  - 1. A barrier is required if alcohol is served in the outdoor dining area (Pursuant to State of California, Alcohol Beverage Control requirements).
  - 2. When a barrier delineates an outdoor dining area, the confined area will be subject to the California Building Code occupancy load standards.
  - 3. The defining perimeter barrier shall be a minimum of three (3) feet and maximum of four (4) feet in height.
  - 4. Barrier color, material and architectural theme shall be complementary to the associated main building.
  - 5. Landscape architecture (i.e. potted plants, planter boxes, hedges, etc.) may be considered, by the Director, on a case-by-case basis as an acceptable barrier so long as its theme and design is complementary to the architecture of the main building.
  - 6. Barriers shall not cause, directly or indirectly, any damage to the public sidewalk. Any damage to public facilities, including, sidewalks, which occurs during construction or during use of the barriers shall be repaired in accordance with City of Fresno Public Works Standards, at the owners/applicant's expense.
- b. Proposed outdoor dining area shall comply with all applicable requirements of the City of Fresno, the American with Disabilities Act (ADA), and the California Building Code (CBC).
  - 1. Barriers shall be arranged to allow adequate ingress and egress in accordance with the requirements of the American Disability Act (ADA), Fresno Municipal Code and California Building Code.

2. There shall be a forty-eight inch (48") clear path of travel maintained at all times to comply with ADA requirements. This clear path will be measured from the face of curb toward the building face and will not include vehicular overhang for perpendicular and angular parking when present.

c. Patio Furniture

1. All furniture associated with the outdoor dining area shall be depicted on the site plan.
2. Tables and chairs shall be removable unless otherwise approved through a special permit process.
3. Space heaters and/or heat lanterns may be provided so long as the use and operation of any such heater is in compliance with all applicable building and fire codes and does not present a threat to the health, safety, and welfare of the public.
4. Umbrellas shall be removable and spaced appropriately to provide for adequate pedestrian access.
5. Signs, if proposed, shall comply with the City's Sign Ordinance.
6. Trash or storage areas shall not be located within the outdoor dining area or adjacent to the public right-of-way.

d. Overhead Latticework and Decorative Framing

1. Overhead latticework materials and construction shall be architecturally compatible with the associated establishment as determined by the physical attributes of the built environment.
2. If 90% transparency on any of the three sides of the decorative framing or overhead latticework cannot be met, the framing or trellis will be considered a structure under the FMC and subject to all applicable requirements including, but not limited to, parking, setbacks, lot coverage, etc.
3. A trellis supporting column or some other form of latticework may be used in conjunction with other materials in order to satisfy ABC requirements concerning barriers.

4. Awnings shall be architecturally compatible with the main building, as determined by the physical attributes of the built environment.

N. BUILDING DESIGN GUIDELINE

1. The following design guidelines are established to create and achieve a vibrant, livable, walkable, economically viable and sustainable community within the downtown. Through these design guidelines the downtown's physical form is shaped, giving it personality and enhancing the urban core and its form.
  - a. All businesses, services, and other primary activities shall be conducted within a completely enclosed building, except for parking and loading spaces. An outdoor restaurant on a rooftop is an exception.
  - b. For new construction the building frontage must occupy 80% of the length of the primary lot line, with a maximum front set back of 5', except if it is served by features such as outdoor eating area, plazas, arcades, etc.
  - c. The area between 2' to 8' of the primary building frontage shall consist of a minimum of 50% transparent elements.
  - d. A primary building entrance shall be maintained on the ground floor of the primary building frontage or facade.
  - e. Doors/gates shall be recessed a minimum of three feet to maintain appropriate clearance and unobstructed pedestrian access along the public right-of-way.
  - f. An unobstructed view corridor at street intersections is necessary for the safety of pedestrian and approaching vehicles traveling on City streets. However, the placement of an object or structure in such a view corridor may be considered modified based upon the existing condition of a specific location condition as determined by the Development Director and Public Works Director.
  - g. Because the built environment and surrounding area has developed with numerous open space opportunities, there shall be no 25% livable open space requirements for residential or mixed use projects, subject to the provisions of FMC Section 12-325.
  - h. A development project which is adjacent to or incorporating a structure with a historic resource will be subject to the provisions of FMC, Article 16, Historic Preservation Ordinance.

2. Other design features permitted are:
  - a. Marquees over entrances or covered entrance canopies not more than ten feet in width that extend from entrances to the abutting sidewalk.
  - b. Pedestrian oriented signage as determined by the Development Director.
  - c. Outdoor pedestrian level lighting on building frontages.
  - d. Sidewalk – Maintain minimum width along the pedestrian right-of-way, including meeting minimum ADA standards.
  - e. Restoration of historic facades and storefronts shall be maintained and/or restored, according to Fresno Municipal Code, Article 16. Removal of existing covered facades and storefronts covering original facades and storefronts shall be encouraged (Including doors door kick plates and display windows).

SECTION 11. Section 12-304.B.24 of the Fresno Municipal Code is amended to read:

24. The sale of alcoholic beverages by retail stores for consumption either on-site or off-site, except for property located with the C-4 (Central Trading) and C-C (Civic Center) zone districts.

SECTION 12. Section 12-326.A of the Fresno Municipal Code is amended to read:

- C. Applicable Zone Districts. Each of the uses subject to this Section has been added as a use permitted subject to a conditional use permit to each applicable zone district, except in the C-4 (Central Trading) and C-C (Civic Central) zone districts.
  1. Use within the C-4 (Central Trading) and C-C (Civic Center) zone districts are still subject to the operational standards set forth in the Tables I, II & III.

SECTION 13. Section 12-326.E (3) of the Fresno Municipal Code is amended to read:

TABLE II: Tavern

TABLE INSET:

Zone District	Special Standards of Development			
	Setback	Floor Area	Time to Stop Sales, Service and Consumption of Alcohol	Granting Authority
C-4	No additional requirements		2:00 am Nightly	<u>By-Right Director</u>
CC	No additional requirements		2:00 am Nightly	<u>By-Right Director</u>

TABLE III: Night Club

TABLE INSET:

Zone District	Special Standards of Development			
	Setback	Floor Area	Time to Stop Sales, Service and Consumption of Alcohol	Granting Authority
C-4	No additional requirements		2:00 am Nightly	<u>By-Right Director</u>
CC	No additional requirements.		2:00 am Nightly	<u>By-Right Director</u>



**Planning and Development Department**

2600 Fresno Street ! Third Floor  
Fresno, California 93721-3604  
(559) 621-8277 FAX (559) 488-1020

**John M. Dugan, AICP, Director**

TO: JOHN M. DUGAN, AICP, Director

THROUGH: JERRY D. BISHOP, Assistant Director  
Planning and Development Department, Development Services

FROM: KEVIN FABINO, Planning Manager  
Planning and Development Department, Development Services

DATE: JUNE 15, 2010

SUBJECT: INITIATION OF AN AMENDMENT TO THE TEXT OF THE FRESNO MUNICIPAL CODE (ZONING ORDINANCE) RELATED THE CITY OF FRESNO, CALIFORNIA REPEALING SECTION 12-220.1, SECTION 12-220.3, SECTION 12-220.5, SECTION 12-231.1, SECTION 12-231.3, SECTION 12-231.5, ADDING SECTION 12-220.1, SECTION 12-220.3, SECTION 12-220.5, SECTION 12-231.1, SECTION 12-231.3, SECTION 12-231.5, AND AMENDING SECTION 12-304.B.24, SECTION 12-326 A, 12-326.E(3) OF THE FRESNO MUNICIPAL CODE, RELATING TO LAND USE AND DEVELOPMENT STANDARDS IN THE URBAN CORE OF THE CITY OF FRESNO

Our Mayor has expressed a vision for a revitalized Downtown and healthy surrounding neighborhoods. A key component to implementing this vision is creating a new Fulton Corridor Specific Plan and Downtown Neighborhoods Community Plan. The visioning of these plans will result in an assessment of the environmental characteristics and impacts on varying development intensities to creating a sense of place and community.

We hope to:

- take the appropriate steps to implement the vision of community stakeholders.
- set standards for the design of buildings and streets that create a sense of certainty about the quality of future development and future property values, thereby encouraging greater investment.
- create user-friendly development rules through a new "form-based code" to eliminate haggling over projects that unnecessarily adds extra time, money, and frustration to the development process.
- develop plan land uses, transit connections, and development around the proposed High-Speed Train station, in order to maximize the revitalization potential of this major regional facility.
- building infrastructure (such as water, sewer, and transit) Downtown, based on where, when, and how densely development is to occur.

The Mayor and City Council have publically supported this catalyst project by authorizing consultant agreements for the necessary work. The project time line suggest the new Community Plan, Neighborhood Plan and implementing zoning ordinance will take approximately 18 months or longer.

As an intermediate step the Planning and Development Department has been asked to develop interim land use and development standards to foster the revitalization process. In response, the Department is proposing to amend the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district as an interim strategy of land use and development standard policies while the larger effort to revitalize downtown is under way. The proposed amendment would allow for clarity and consistent application of the Fresno Municipal Code, plan policy, and development standards to support a revitalized, redeveloped and desirable urban living environment, promote a user-friendly walking environment in a locale where residential uses are in close proximity to places of public services, employment and commerce.

This proposed text amendment would allow for land use and development standard in the "C-4" and "CC" zone districts to support an urban revitalization effort for the public welfare and is essential in meeting the goals of the Central Area Community Plan and 2025 Fresno General Plan. The proposed text amendment will supersede existing Planning and Development, Department Policies and Procedures, or uses permitted or development standard.

Therefore, pursuant to the provisions of Section 12-402-A of the Fresno Municipal Code (FMC), the Director could initiate proceedings to consider amending the text of the Zoning Ordinance, as shown in attached Exhibit "A". Pursuant to Section 12-403-B, the Director would also determined that the proposed zone district amendment is consistent with the land use, intensity, objectives, policies in the Central Area Community Plan and 2025 Fresno General Plan.

Staff recommends that the Director, Planning and Development Department, initiate the proposed text amendment to the Fresno Municipal Code, Chapter 12, Article 2.

- Exhibit C -

Modified Appendix G To Analyze Subsequent Project  
Identified In MEIR No. 10130/MND For Plan Amendment A-09-02  
(Air Quality MND)/Initial Study for  
Environmental Assessment No. EA-10-001

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

**Environmental Checklist Form**

1. Project title: Text Amendment Application No. TA-10-001
  
2. Lead agency name and address:  
  
City of Fresno  
Planning & Development Department  
2600 Fresno Street  
Fresno, CA 93721
  
3. Contact person and phone number:  
  
Kevin E. Fabino, Planning Manager  
(559) 621-8046
  
4. Project location: The project area is generally bound by East Divisadero Street, H Street, Ventura Street and the BN & SF Railroad track and identified by the zoning classification of the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district designation, according to the Fresno Municipal Code.
  
5. Project sponsor's name and address:  
  
Kevin E. Fabino, Planning Manager  
City of Fresno  
Planning and Development Department  
2600 Fresno Street  
Fresno, CA 93721
  
6. General plan designation: Commercial Mixed Use/Level II (*central area*) and public facility/civic center (*central area*) planned land use designations
  
7. Existing Zoning: C-4 (*Central Trading District*) Zone District and CC (*Civic Center*) Zone District  
Proposed Zoning: No proposed change in existing zoning.

8. Description of project:

Text Amendment Application No. TA-10-001 requests authorization to amendment to the text of the Fresno Municipal Code as a result of a city-wide effort to foster a focused revitalization, redevelopment effort targeting the downtown urban core of the City of Fresno.

The Planning and Development Department is proposing to amend the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district, land use and development standards. The proposed amendment would expand the list of allowable by-right uses in the downtown area, provide greater development standards flexibility, reduce on-site parking requirements, allows for greater building coverage on a lot, removed minimum density requirements, and creates design guidelines for creating outdoor dining space. This application would amend the text of the Fresno Municipal Code, Zone Ordinance by repealing Section 12-220.1, Section 12-220.3, Section 12-220.5, Section 12-231.1, Section 12-231.3, Section 12-231.5, adding Section 12-220.1, Section 12-220.3, Section 12-220.5, Section 12-231.1, Section 12-231.3, Section 12-231.5, and amending Section 12-304.B.24, Section 12-326 A, Section 12-326.E(3), related to land use and development standards in the urban core of the City of Fresno.

The property is located within the jurisdiction of the Central Area Community Plan and the 2025 Fresno General Plan. The Central Area Community Plan and the 2025 Fresno General Plan designate the subject property for commercial mixed use/level II and public facility/civic center planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the planned land use designations are consistent with the C-4 (*Central Trading District*) and CC (*Civic Center*) zone districts.

The proposed amendment would allow for clarity and consistent application of the Fresno Municipal Code, plan policy, land use and development standards to support a revitalized, redeveloped and desirable urban living environment, where residential uses are in close proximity to places of public services, employment and commerce. This proposal is desirable for public welfare, and is essential in meeting the goals of the 2025 Fresno General Plan.

9. Surrounding land uses and setting:

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Commercial Mixed Use/Level 1 & Commercial Mixed Use/Level II	<p><b>C-P</b> <i>(Administrative and Professional Office)</i> zone district</p> <p><b>C-6</b> <i>(Heavy Commercial)</i> zone district</p> <p><b>R-4</b> <i>(High Density Multiple Family Residential)</i> zone district</p>	Existing commercial, retail, office and residential development of varying intensities.
<b>South</b>	Light & Heavy Industrial	<p><b>C-M</b> <i>(Commercial and Light Manufacturing)</i> zone district</p> <p><b>M-1</b> <i>(Light Manufacturing)</i> zone district</p> <p><b>M-2</b> <i>(General Industrial)</i> zone district</p>	Existing commercial and industrial of varying intensities.
<b>East</b>	Light & Heavy Industrial, State Highway 41, and residential ( <i>central area</i> )	<p><b>C-M</b> <i>(Commercial and Light Manufacturing)</i> zone district</p> <p><b>R-4</b> <i>(High Density Multiple Family Residential)</i> zone district</p> <p><b>C-P</b> <i>(Administrative and Professional Office)</i> zone district</p>	Existing commercial, retail, office and residential development of varying intensities.
<b>West</b>	Light Industrial & Commercial Mixed Use/Level II	<p><b>C-M</b> <i>(Commercial and Light Manufacturing)</i> zone district</p> <p><b>M-1</b> <i>(Light Manufacturing)</i> zone district</p> <p><b>M-2</b> <i>(General Industrial)</i> zone district</p>	Existing commercial and industrial of varying intensities.

10. Other public agencies whose approval is required:

No other public agency is required to approved this proposed text amendment to the Fresno Municipal Code.

**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.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

  
Signature

6/18/10  
Date

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

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

MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND.

6. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
7. Earlier analyses may be used where, pursuant to the tiering, program EIR or MIER, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the MEIR or another earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
8. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
9. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
10. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
11. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

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

The proposed project area is not located near a scenic vista. The project area is characterized by exist commercial, retail, office, residential and industrial development of varying intensities, within the urban core of City of Fresno. Therefore, the proposed project would have no impact on a scenic vista. There are no sce highways or city or county designated roads which exist within the project area. Therefore, the project wo have no impact on scenic roads or highways.

A condition of approval for any special permit will require that lighting where provided to illuminate private park area and public streets shall be hooded and so arranged and controlled so as not to cause a nuisance eithe highway traffic or to the living environment. The amount of light shall be provided according to the standards the Department of Public Works.

As development applications are submitted, the requirements of the Fresno Municipal Code, building code a 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) will be applied to the project and would result in no impact on the character quality of the site and its surroundings.

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

The project area is identified as the urban core of the City of Fresno. Surrounding the project area is existing commercial, retail, office, residential and industrial development of varying intensities. Therefore, there is no farmland in proximity to the proposed project area. There will be no loss of agricultural land associated with the proposed land use and development standards.

No properties within the project area are under a Williamson Act contract and is not surrounded by sites under a Williamson Act contract. The project area and proposed use do not conflict with any forest land or Timberland Production or result in any loss of forest land. The proposed project does not include any changes which will affect the existing environment and result in the conversion of Farmland to non-agricultural uses.

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

Development within the proposed project area will comply with all applicable air quality plans. Therefore violations of air quality standards will occur and no net increase of pollutants will occur. The proposed project is not proposing a use which will create objectionable odors; therefore there will be no impact.

The Air Pollution District's Indirect Source Review (ISR) Rule, effective March 1, 2006, is intended to encourage regional planning, transportation system, and site mitigation issues, may be required depending on the intensity of the development. Specifically, Rule 9510 requires that operational (traffic-associated) and construction equipment emissions of projects be reduced by at least 32% and 45%, respectively. This would reduce the potential emissions of NOX below the threshold of significance.

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
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

Given that the proposed project area is within the urban core and surrounded by existing retail, commercial, office, residential and commercial, there are no known impact on biological resources.

The proposed project area 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 2025 Fresno General Plan by the California Department of Fish and Game or the US Fish and Wildlife Service within one mile of the proposed project. No federally protected wetlands are located on the subject site or within one mile of the subject site. Therefore, there would be no impacts to species, riparian habitat or other sensitive communities and wetlands. There are also no bodies of water

within one mile of the subject site. 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.

<b>ENVIRONMENTAL ISSUES</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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

As development applications are submitted, the requirements of the Fresno Municipal Code, building code and Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097), Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan, Mitigation Monitoring Checklist includes measures to address archaeological resources, paleontological resources, and human remains will be applied to the project and would result in no impact on the character or quality of the site and its surroundings.

<b>ENVIRONMENTAL ISSUES</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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:				X
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

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

There are no geologic hazards or unstable soil conditions known to exist on the site. Fresno has no known active earthquake faults and is not in any Alquist-Priolo Special Studies Zones. No adverse environmental effects related to topography, soils or geology are expected as a result of this project.

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

There are no known existing hazardous material conditions within the project area 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 in an airport hazard zone, is not near any wildland fire hazard zones, and poses no interference with the City's or County's Hazard Mitigation Plans or emergency response plans. No pesticides or hazardous materials are known to exist in the project area and will have no environmental impacts related to potential hazards or hazardous materials as identified above.

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

The proposed project will have no impact on the quality of water and hydrology 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
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

Text Amendment Application No. TA-10-001 requests authorization to amendment to the text of the Fresno Municipal Code as a result of a city-wide effort to foster a focused revitalization, redevelopment effort targeting the downtown urban core of the City of Fresno.

The Planning and Development Department is proposing to amend the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district, land use and development standards. The proposed amendment would expand the list of allowable by-right uses in the downtown area, provide greater development standards flexibility, reduce on-site parking requirements, allows for greater building coverage on a lot, removed minimum density requirements, and creates design guidelines for creating outdoor dining space.

The property is located within the jurisdiction of the Central Area Community Plan and the 2025 Fresno General Plan. The Central Area Community Plan and the 2025 Fresno General Plan designate the subject property for commercial mixed use/level II and public facility/civic center planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the planned land use designations are consistent with the C-4 (*Central Trading District*) and CC (*Civic Center*) zone districts. This proposal is desirable for public welfare, and is essential in meeting the goals of the 2025 Fresno General Plan.

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

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

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

The proposed project will not expose persons to excessive noise levels. Although the project may create additional development projects leading to the construction of buildings and structures, proposed specific projects in and of themselves will be required to comply with all noise policies from the 2025 Fresno General Plan and noise codes from the Fresno Municipal Code. There may be a temporary increase in noise levels during construction of the projects; however, the applicant's will be required to comply with all applicable codes and regulations during construction. Therefore, there will be no impact for temporary noise levels. The project is not located within the vicinity of an airstrip, 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:				
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

Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the planned land use designations are consistent with the C-4 (*Central Trading District*) and CC (*Civic Center*) zone districts. Although this text amendment application in and of itself will not induce an increase growth, the amendment is designed to induce development to achieve the population forecast in the downtown area by the 2025 Fresno General Plan. The proposed project will not displace any people or any residential structures; therefore, no population and housing impacts will result from the proposed project.

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

As development applications are submitted, the requirements of the Fresno Municipal Code, building code and 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) will be applied to the project and would result in no impact on the character or quality of the site and its surroundings. Additionally, established impacts fees for public services, as outlined in the City of Fresno, Master Fee Schedule, will be applied to those specific projects at time of building permit.

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

The project would directly implement the goals of the 2025 Fresno General Plan and does not include or require construction of recreational facilities that might have an adverse physical effect on the environment, therefore no recreation impacts are generated by the project.

As development applications are submitted, the requirements of the Fresno Municipal Code, building code and Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) will be applied to the project and would result in no impact on the character or quality of the site and its surroundings. Additionally, established impacts fees for recreation services, as outlined in the City of Fresno, Master Fee Schedule, will be applied to those specific projects at time of building permit.

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

The Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan utilized macro-level traffic analysis techniques to examine the traffic flow level of service (LOS) for major street segments that would occur in the year 2025. This analysis utilized the unadjusted Council of Fresno County Governments (COG) traffic model projected traffic volumes and the Florida Tables, which are an accepted national tabular standard of the Highway Capacity Manual (HCM) methodology. LOS is a characterization of a street's traffic flow operations that range from a LOS of A (reflecting a very low traffic volume with no travel delay) to an LOS of F (reflecting a very high traffic volume with substantial congestion and travel delay). Pursuant to Policy E-1-f of the 2025 Fresno General Plan, a LOS D is an acceptable level of traffic congestion on major streets.

It is not expected that construction traffic would significantly impact any nearby roads and there would be no significant increased traffic from operation of the project. Therefore, the project would not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system, or in a substantial increase in vehicle miles traveled, and impacts would be less than significant.

As development applications are submitted, the requirements of the Fresno Municipal Code, building code and Master Environmental Impact Report No. 10130 (MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) will be applied to the project and would result in no impact on the character or quality of the site and its surroundings. Additionally, established impacts fees, as outlined in the City of Fresno, Master Fee Schedule, will be applied as a requirement of the project.

The developer of a specific project will be required to pay its Traffic Signal Mitigation Impact (TSMI) Fee which is currently \$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 Trip Generation Manual. Subsequent projects shall also be required to pay Fresno Major Street Impact fees which will be determined at time of building permit, and shall also pay into the Regional Transportation Mitigation Impact (RTMI) Fee at such time as the RTMI fee program is approved and applicable.

In conclusion, the mitigation measures discussed above and detailed in the mitigation measures required for this proposed project will reduce the traffic related impacts to less than significant.

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

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

The project area is and will continue to be serviced by the Department of Public Utilizes for solid waste, water and sewer services.

The proposed project is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board and will not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, or result in the construction of new storm water drainage facilities or expansion of existing facilities. Therefore, there will be no impacts to utilities and service systems.

<b>ENVIRONMENTAL ISSUES</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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>ENVIRONMENTAL ISSUES</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

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

**EXHIBIT D**

**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. EA-10-001**

**Date: June 18, 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					
			A	B	C	D	E	F
<p><b>B-1.</b> Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of service (LOS) D or better in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS D.</p>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning;                      Planning and Development Dept.</p>				X		X
<p><b>2.</b> Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS E.</p>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning;                      Planning and Development Dept.</p>				X		X

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

Project/EA No.

Date:

**MEIR Mitigation Monitoring Checklist**

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F
<p><b>B-3.</b> Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.</p>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning; Planning and Development Dept.</p>				X		X
<p><b>B-4.</b> For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning; Planning and Development Dept.</p>				X		X

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

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<p>of other General Plan elements.</p> <p>c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations.</p> <p>d. Adopted state and SJVAPCD protocols, standards, and thresholds of significance for greenhouse gas emissions shall be utilized in assessing and approving proposed development projects.</p> <p>e. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.</p>								
<p><b>C-2.</b> For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.</p>	Ongoing	Planning and Development Department SJVAPCD					<b>X</b>	
<p><b>C-3.</b> The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.</p>	Ongoing	Various city departments					<b>X</b>	
<p><b>C-4.</b> The City shall continue efforts to improve technical performance,</p>	Ongoing	Fresno Area					<b>X</b>	

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

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water resources and continued availability of good-quality groundwater and surface water supplies.									
<b>D-4.</b> The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department							<b>X</b>
<b>D-5.</b> The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.	Ongoing	Planning and Development Department							<b>X</b>
<b>D-6.</b> The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect:	Ongoing	Planning and Development Department							<b>X</b>
<ul style="list-style-type: none"> <li>a. Allowable construction in this area from being damaged by the intensity of flooding in the riverbottom;</li> <li>b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and</li> <li>c. Public health, safety and general welfare from the effects of flood events.</li> </ul>									
<b>D-7.</b> The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-	Ongoing	Planning and Development Department							<b>X</b>

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channel diversions to control water flow through ponds).										
<b>D-8.</b> The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.	Ongoing	Department of Public Utilities							X	
<b>D-9.</b> The City shall continue its current water conservation programs and implement additional water conservation measures to reduce overall per capita water use within the City with a goal of reducing the overall per capita water use in the City to its adopted target consumption rate. The target per capita consumption rate adopted in 2008 is a citywide average of 243 gallons per person per day, intended to be reached by 2020 (which includes anticipated water conservation resulting from the on-going residential water metering program and additional water conservation by all customers: 5% by 2010, and an additional 5% by 2020.)	Ongoing	Department of Public Utilities			X				X	
<b>D-10.</b> All development projects shall be required to comply with City Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. Project conditions shall include, but are not limited to, water use efficiency for landscaping, use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.	Prior to approval of land use entitlement	Department of Public Utilities			X				X	
<b>D-11.</b> When and if the City adopts a formal management plan for recycled	Prior to approval	Department of								X

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<p>and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.</p> <p><b>D-12.</b> All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:</p> <table border="1"> <thead> <tr> <th rowspan="2">FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)</th> <th colspan="3">PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:</th> </tr> <tr> <th>01/01/2005 THROUGH 12/31/2010</th> <th>01/01/2010 THROUGH 12/31/2024</th> <th>AFTER 01/01/2025</th> </tr> </thead> <tbody> <tr> <td>Single family residential</td> <td>3.8</td> <td>3.5</td> <td>3.5</td> </tr> <tr> <td>Multi-family residential</td> <td>6.5</td> <td>6.2</td> <td>6.2</td> </tr> <tr> <td>Commercial and institutional</td> <td>2</td> <td>1.9</td> <td>1.9</td> </tr> </tbody> </table>	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	of development project	Public Utilities						
		FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:																								
01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024		AFTER 01/01/2025																								
Single family residential	3.8	3.5	3.5																								
Multi-family residential	6.5	6.2	6.2																								
Commercial and institutional	2	1.9	1.9																								
	Prior to approval of development project	Department of Public Utilities		X	X	X																					

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

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

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<p><b>F-3.</b> The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. This shall include provision of tertiary treatment facilities to produce recycled water for landscape irrigation and other non-potable uses. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts.</p>	<p>Ongoing</p>	<p>Dept. of Public Utilities</p>					X	
<p><b>F-4.</b> The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.</p>	<p>Ongoing/prior to approval of land use entitlement</p>	<p>Dept. of Public Utilities and Planning and Development Department</p>					X	
<p><b>F-5.</b> The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.</p>	<p>Ongoing/prior to construction</p>	<p>Dept. of Public Utilities</p>					X	
<p><b>G-1.</b> Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.</p>	<p>Ongoing/prior to construction</p>	<p>Fire Dept/Police Dept/ Planning and Development Dept.</p>				X	X	

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<b>H-1.</b> Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept.; Planning and Development Dept.							<b>X</b>
<b>I-1.</b> Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.							<b>X</b>
<b>I-2.</b> Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall include siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.							<b>X</b>
<b>I-3.</b> Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.							<b>X</b>
<b>I-4.</b> Existing and mature riparian vegetation shall be preserved to the extent	Ongoing/prior to	Planning and							<b>X</b>

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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.	approval of land use entitlement and during construction	Development Dept.							
<b>I-5.</b> Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.							<b>X</b>
<b>I-6.</b> All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.					<b>X</b>		
<b>J-1.</b> If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: 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	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.					<b>X</b>		

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

A - Incorporated into Project  
B - Mitigated

C - Mitigation in Process  
D - Responsible Agency Contacted

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

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

Project/EA No.

Date:

**MEIR Mitigation Monitoring Checklist**

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

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

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

Project/EA No.

Date:

**MEIR Mitigation Monitoring Checklist**

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

**A** - Incorporated into Project  
**B** - Mitigated

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

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

## EXHIBIT E

### 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

## MEIR REVIEW SUMMARY

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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 Text Amendment Application No. TA-10-001 or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

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

## MEIR REVIEW SUMMARY

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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

## MEIR REVIEW SUMMARY

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under a categorical exemption). These projects are site specific and are not reasonably expected to create additional impacts to cultural resources that would affect a finding under Section 15179. These particular projects may be properly assessed under the MEIR focused EIR procedures or mitigated negative declaration procedures under Section 15178 and not affect the overall MEIR findings.

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

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

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

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

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

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

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

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

50	CNG Transit Buses
4	CNG Trolleys
6	CNG Handi-Ride Buses
59	Retrofitted Diesel Powered Buses with REV (reduced emission vehicle) engines and diesel particulate traps
2	Hybrid (gasoline-electric) Transit Buses
2	Hybrid (diesel-electric) Transit Buses
12	Compressed Natural Gas (CNG) Pickups, Vans and Sedans
7	Flex Fuel Pickups, Vans and Sedans (CNG/Unleaded Fuel)
3	Compressed Natural Gas (CNG) Street Sweepers
52	Hybrid (gasoline-electric) Sedans and Trucks
34	Electric Vehicles
5	Propane Powered Vehicles
103	LNG Powered Refuse Trucks
59	Retrofitted Diesel Powered Refuse Trucks with combination lean NOx catalyst and diesel particulate filters
9	Retrofitted Diesel Powered Street Sweepers with combination lean NOx catalyst and diesel particulate filters
1	Plug-In CNG/Electric Hybrid Refuse Truck

56	Heavy duty diesel trucks and construction equipment equipped with exhaust after-treatment devices
9	Off Road Equipment with exhaust after-treatment devices
<b>473</b>	<b>Total "Clean Air" Vehicles in the City of Fresno fleet</b>

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

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

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

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

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

## MEIR REVIEW SUMMARY

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**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 Text Amendment Application No. TA-10-001 or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

#### SUPPORTING DATA AND ANALYSIS

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

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

The 2025 Fresno General Plan and its MEIR gave emphasis to pursuing cleaner air as an overarching goal. The urban form element of the General Plan was designed to foster efficient

## MEIR REVIEW SUMMARY

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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.

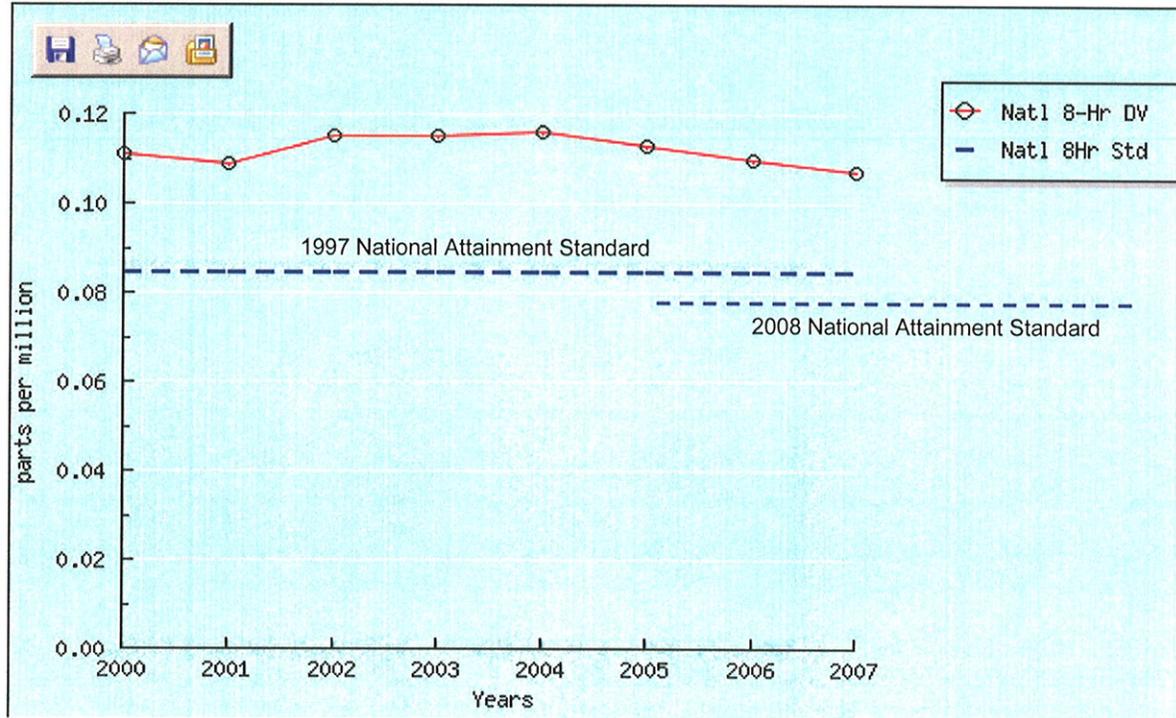
Pursuant to a specific MEIR mitigation measure, all proposed development projects are evaluated with the "Urbemis" air quality impact model that evaluates potential generation of a range of air pollutants and pollutant precursors from project construction, project-related traffic, and from various area-wide 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):

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



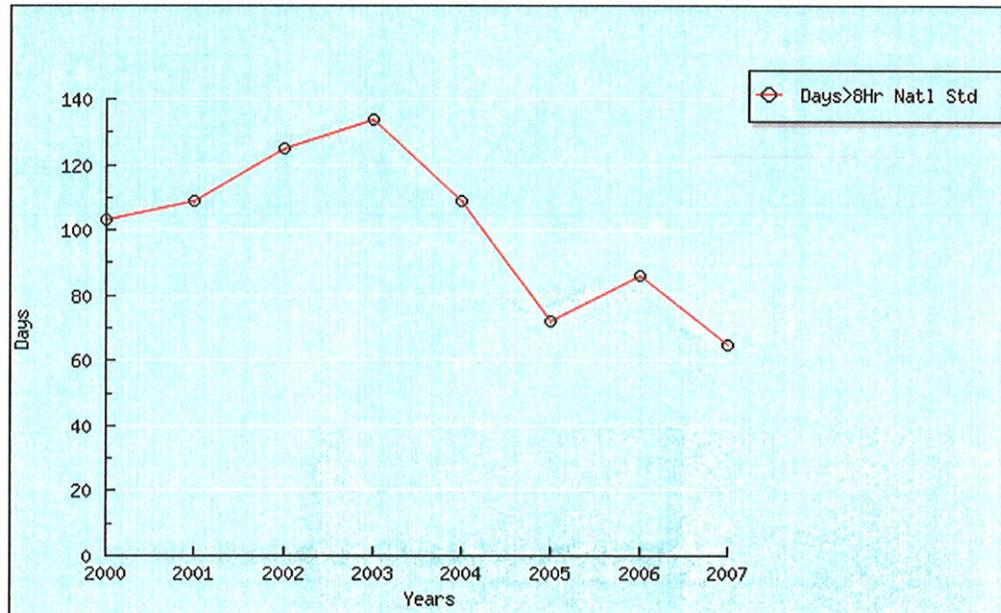
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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

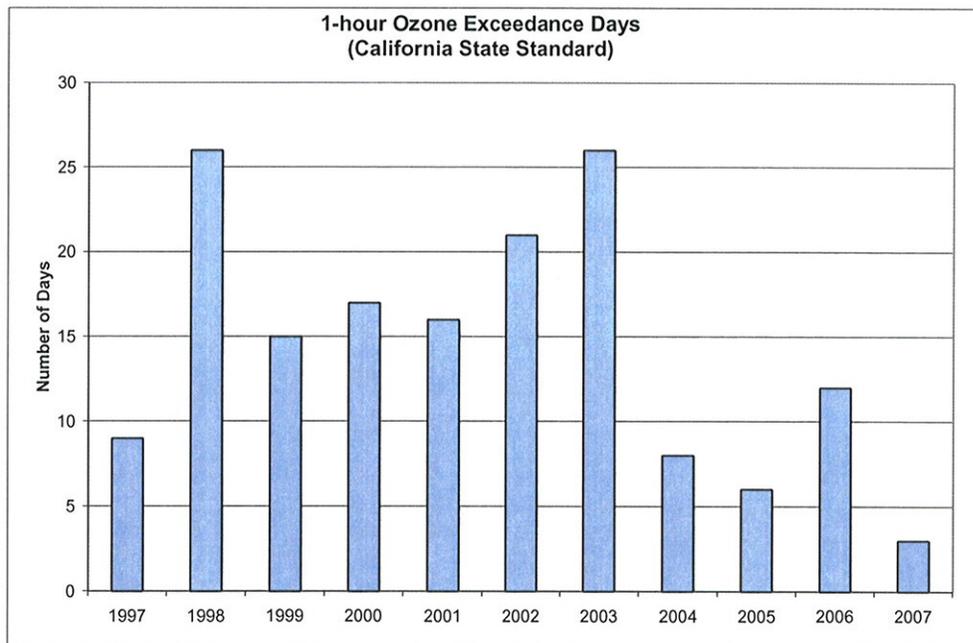
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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

Ozone Trends Summary: San Joaquin Valley Air Basin



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



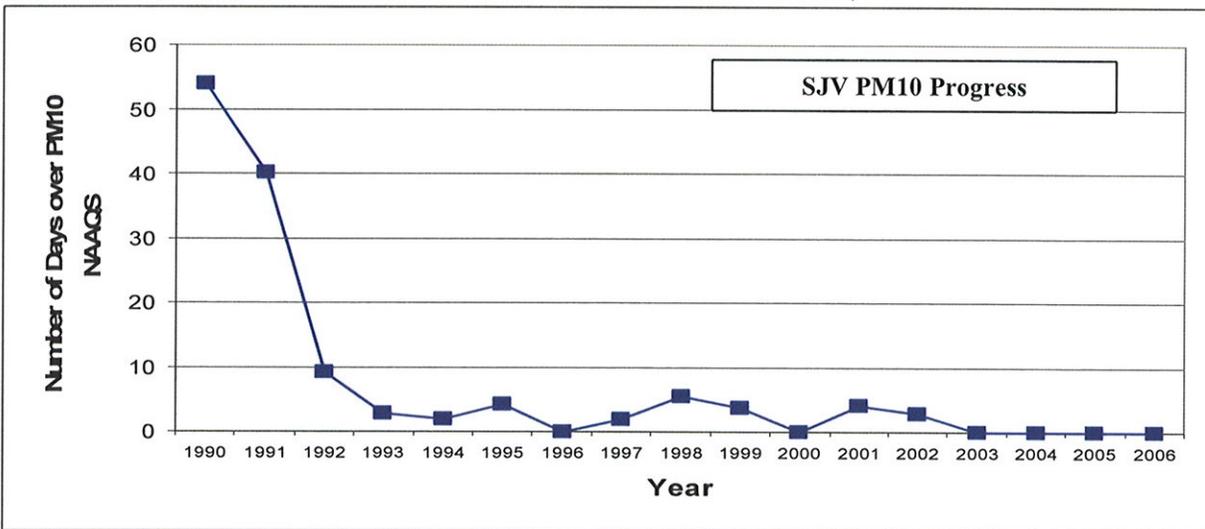
The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of progress toward full attainment is not sufficient to reach the national

ambient air quality standards by the target date established by the attainment plan. Mobile sources (vehicle engines) are the primary source for ozone precursors, and the regulation of mobile sources occurs at the national and state levels and is beyond the direct regulatory reach of the regional air pollution control agency. As noted in the 2025 Fresno General Plan MEIR and reflected in the Statement of Overriding Considerations made when the MEIR was certified, potentially significant and unavoidable adverse air quality impacts are inherent in population growth and construction in the City of Fresno, given the Valley's climatology and the limitations on regulatory control of air pollutant precursors.

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

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

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



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

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

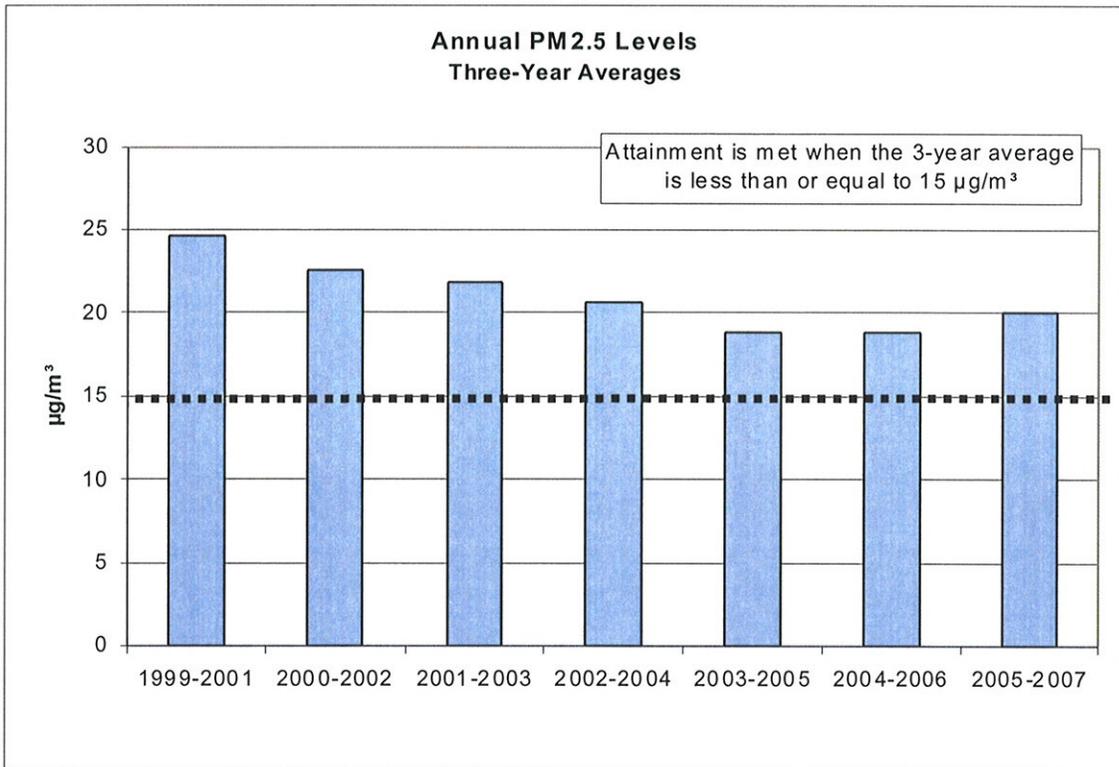
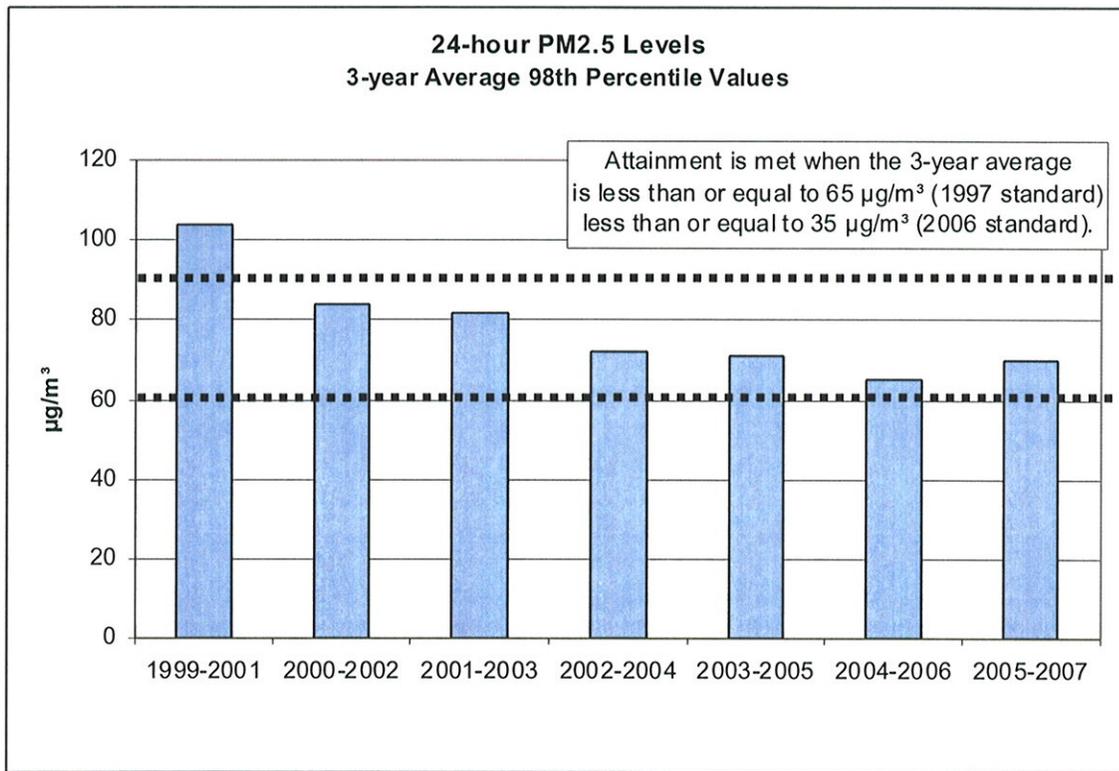
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

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

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

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

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



When the 2025 Fresno General Plan and its MEIR were approved in late 2002, the planning and environmental documents did not directly or separately analyze potential global warming and climate change impacts. However, the general policy direction for consideration of air quality

parameters in development project evaluations and for reducing those air pollutants which are already under regulation would operate to control these potential adverse impacts.

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

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

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

- carbon dioxide (CO<sub>2</sub>), largely generated by combustion activities such as coal and wood burning and fossil fuel use in vehicles but also a byproduct of respiration and volcanic activity;
- \*methane (CH<sub>4</sub>), known commonly as “natural gas,” is present in geologic deposits and is also evolved by anaerobic decay processes and animal digestion. On a ton-for-ton basis, CH<sub>4</sub> exerts about 20 times the greenhouse gas effect of CO<sub>2</sub>;
- \*nitrous oxide (N<sub>2</sub>O), produced in large part by soil microbes and enhanced through application of fertilizers. N<sub>2</sub>O is also a byproduct of fossil fuel burning: atmospheric nitrogen, an inert gas that makes up a large proportion of the atmosphere, is oxidized when air is exposed to high-temperature combustion. N<sub>2</sub>O is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N<sub>2</sub>O is one component of “oxides of nitrogen” (NOX), long recognized as precursors of smog-causing atmospheric oxidants.
- \*chlorofluorocarbons (CFCs), synthetic chemicals developed in the late 1920s for use as improved refrigerants (e.g., “Freon™”). It was recognized over two decades ago that this class of chemicals exerted powerful and persistent greenhouse gas effects. In 1987, the Montreal Protocol halted production of CFCs.
- \*hydrofluorocarbons (HFCs), another class of synthetic refrigerants developed to replace CFCs;
- \*perfluorocarbons (PFCs), used in aluminum and semiconductor manufacturing, have an extremely stable molecular structure, with biological half-lives tens of thousands of years, leading to ongoing atmospheric accumulation of these GHGs.
- \*sulfur hexafluoride (SF<sub>6</sub>) is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas

evaluated, SF<sub>6</sub> exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO<sub>2</sub> on a ton-for-ton basis.

- water vapor, the most predominant GHG, and a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans.

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

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

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

On August 24, 2007, California also enacted legislation (Public Resources Code §§ 21083.05 and 21097) requiring the state Resources Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act. By July 1, 2009, the Governor's Office of Planning and Research (OPR) is required to prepare guidelines for the mitigation of greenhouse gas emissions, and transmit those draft regulations to the Resources Agency. The Resources Agency must then certify and adopt the guidelines by January 1, 2010. The recently-released update of the Urbemis computer model (used by the City of Fresno Planning and Development Department for environmental assessments, pursuant to a specific MEIR mitigation measure) does provide data on the amounts of CO<sub>2</sub> and oxides of nitrogen (NOX) potentially generated by development projects. However, at this point in time, neither CARB nor the SJVAPCD has determined what the 1997 baseline or current "inventory" of GHGs is for the entire state nor for any region or jurisdiction within the state. No agency has adopted GHG emission limits and emission reduction measures, and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions (there is an absence of regulatory guidance). Therefore, the City is unable to productively interpret the results of the

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Urbemis model with regard to GHGs, and there is currently no way to determine the significance of a project's potential impact upon global warming.

The 2025 Fresno General Plan provides an integrated combination of residential, commercial, industrial, and public facility uses allowing for proximate location of living, work, educational, recreational, and shopping activities within Fresno metropolitan area. This combination of uses has been identified as a potential mitigation measure to address global warming impacts in a document published by the California Attorney General's Office entitled, *The California Environmental Quality Act Mitigation of Global Warming Impacts* (updated January 7, 2008).

Specifically, this document describes this mitigation measure as follows, "Incorporate mixed-use, infill and higher density development to reduce vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods"—echoing objectives and policies of the 2025 Fresno General Plan adopted in late 2002.

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

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

Through updates in the California Building Code and statewide regulation of appliance standards, City development projects conform to state-of-the art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication *Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California* (April 2007) and in CARB's *Proposed Early Actions to Mitigate Climate Change in California* (April 2007). The City has further incentivized "green" building projects by providing subsidies for solar photovoltaic equipment for single-family residential construction, by reducing development standards (including reductions in required parking spaces, which further reduces air pollutant and GHG emissions), and by improving its landscape and shading standards (a topic included in the Design Guidelines adopted with the 2025 Fresno General Plan).

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

Due to the lack of data or regulatory guidance that would indicate the 2025 Fresno General Plan had a significant adverse impact upon global climate change, the relatively small size of the Fresno Metropolitan Area in conjunction with the worldwide scope of GHG emissions, and the emphasis in the 2025 Fresno General Plan upon integrated urban design and air pollution control measures, it

could not be concluded in 2002 nor at present that the 2025 Fresno General Plan would have a significant adverse impact on global climate change.

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

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

Secondary health effects of global warming could include increases in respiratory and cardiac illnesses attributable to poor air quality. The San Joaquin Valley Air Pollution Control District provides daily advisories and warnings in times of high ozone levels to help senior citizens and other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (PM2.5) standards by Year 2014 and to attainment of oxidant/ozone standards by Year 2023, and would adopt additional Rules and emission controls as necessary to decrease emissions inventories by those target dates. There is insufficient information to indicate that global climate change would prevent attainment of air quality parameters affecting health.

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

The City of Fresno currently treats and distributes only some 20% of its 150,000 acre-foot/year (AFY) surface water entitlement for the municipal water system, directing another 50,000 to 70,000 AFY to recharge activities via ponding basins. Presently, the City is unable to recharge the full balance of its annual entitlement in average and wet years, and releases any unused surface water

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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

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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.