



## REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VII-A

COMMISSION MEETING 05.02.12

May 2, 2012

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

BY: MCKENCIE CONTRERAS, Planner III  
Development Services Division 

APPROVED BY

  
DEPARTMENT DIRECTOR M. Scott

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-11-011;  
REZONE APPLICATION NO. R-11-017; CONDITIONAL USE PERMIT  
APPLICATION NO. C-11-176; AND, RELATED ENVIRONMENTAL  
ASSESSMENT NO. A-11-011/R-11-017/C-11-176

### RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-011/R-11-017/C-11-176 for the purpose of the proposed plan amendment and rezone applications.
2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. A-11-011 proposing to amend the 2025 Fresno General Plan and the Bullard Community Plan for the subject property from the Community Commercial planned land use designation to the Medium-High Density Residential (10.38-18.15 dwelling units per acre) planned land use designation.
3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-11-017 requesting authorization to reclassify the subject property from the C-2/BA-20/UGM (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management*) to R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district.
4. APPROVE the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-011/R-11-017/C-11-176 for the purpose of the proposed conditional use permit application, contingent upon City Council approval of Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and the related environmental assessment.
5. APPROVE Conditional Use Permit Application No. C-11-176 which proposes a 160 unit multiple family residential gated community with garages, pool, a community building, and includes a minor rear yard encroachment of 10 feet and is contingent upon City Council approval of Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and the related environmental assessment.

### EXECUTIVE SUMMARY

Steven Spencer, on behalf of John Allen, has filed Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176 pertaining to approximately 10.12 acres of property located on the easterly side of North Figarden Drive between North Gates and North Verba Avenues.

Plan Amendment Application No. A-11-011 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan for the subject property from the Community Commercial planned land use designation to the Medium-High Density Residential (10.38-18.15 dwelling units per acre) planned land use designation.

Rezone Application No. R-11-017 proposes to reclassify the subject property from the C-2/BA-20/UGM (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management*) to R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district.

These applications have been filed in order to facilitate approval of a proposed 160 unit multiple family residential gated community with garages, pool, a community building, and includes a minor rear yard encroachment of 10 feet in accordance with Conditional Use Permit Application No. C-11-176.

**PROJECT INFORMATION**

PROJECT Plan Amendment Application No. A-11-011 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan for the subject property from the Community Commercial planned land use designation to the Medium-High Density Residential (10.38-18.15 dwelling units per acre) planned land use designation.

Rezone Application No. R-11-017 proposes to reclassify the subject property from the C-2/BA-20/UGM (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management*) to R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district.

Conditional Use Permit Application No. C-11-176 proposes a 160 unit multiple family residential gated community with garages, pool, a community building, and includes a minor rear yard encroachment of 10 feet.

APPLICANT Steven Spencer, on behalf of John Allen

LOCATION 5470 North Figarden Drive; Located on the easterly side of North Figarden Drive between North Gates and North Verba Avenues (APN: 509-030-26s, 29s, 30s, 38s, 44s, 48s)

**(Council District 2, Councilmember Borgeas)**

SITE SIZE Approximately 10.12 acres

PLANNED LAND USE Existing - Community Commercial  
Proposed - Medium-High Density Residential

ZONING Existing - C-2/BA-20/UGM (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management*)  
Proposed - R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*)

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

**ENVIRONMENTAL FINDING** A Finding of a Mitigated Negative Declaration was filed with the Fresno County Clerk’s office on March 2, 2012.

**PLAN COMMITTEE RECOMMENDATION** The District 2 Plan Implementation Committee made a formal recommendation on February 27, 2012. The Committee approved the plan amendment, rezone, and conditional use permit applications by a 4-1-3 vote.

**STAFF RECOMMENDATION** Recommend Approval (to the City Council) of: (1) Adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-011/R-11-017/C-11-176 for the Plan Amendment and Rezone Applications; (2) Plan Amendment Application No. A-11-011; and, (3) Rezone Application No. R-11-017.

Recommend Approval (by the Planning Commission) of: (1) Adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-011/R-11-017/C-11-176 for the Conditional Use Permit application; and, (2) Conditional Use Permit Application No. C-11-176.

**BORDERING PROPERTY INFORMATION**

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Community Commercial & Medium-High Density Residential	<p><b>C-2/BA-20/UGM/cz</b>  <i>Community Shopping Center District/            Boulevard Area Overlay, 20 feet/ Urban            Growth Management/conditions of zoning</i></p> <p><b>R-2/UGM</b>  <i>Low Density Multiple Family Residential            District/Urban Growth Management</i></p>	Vacant & Single Family Residential Planned Development
<b>South</b>	Medium Density Residential & Medium-High Density Residential	<p><b>R-1/UGM</b>  <i>Single Family Residential District/Urban            Growth Management</i></p> <p><b>R-2/BA-20/UGM</b>  <i>Low Density Multiple Family Residential            District/Boulevard Overlay, 20 feet/Urban            Growth Management</i></p>	Single Family Residential & Multiple Family Residential

<b>East</b>	Medium-High Density Residential	<p align="center"><b>R-2/BA-20/UGM</b>  <i>Low Density Multiple Family Residential District/Boulevard Overlay, 20 feet/Urban Growth Management</i></p> <p align="center"><b>R-2/UGM</b>  <i>Low Density Multiple Family Residential District/Urban Growth Management</i></p>	Multiple Family Residential, Single Family Residential Planned Development, & Rural Residences
<b>West</b>	Community Commercial & Medium Density Residential	<p align="center"><b>C-2/BA-20/UGM/cz</b>  <i>Community Shopping Center District/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning</i></p> <p align="center"><b>R-1/BA-20/UGM</b>  <i>Single Family Residential District/Boulevard Area Overlay, 20 feet/Urban Growth Management</i></p>	Vacant Land & Single Family Residential Planned Development

**ENVIRONMENTAL FINDING**

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Bullard Community Plan area, including the Master Environmental Impact Report (MEIR) No. 10130 for the 2025 Fresno General Plan (SCH#2001071097) and Mitigated Negative Declaration (MND) No. A-09-02 (SCH#2009051016). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The proposed amendment of the adopted 2025 Fresno General Plan, along with the accompanying rezone and conditional use permit applications, have been determined to not be fully within the scope of MEIR No. 10130 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant

impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-11-011/R-11-017/C-11-176 was published on March 2, 2012 with no comments or appeals received to date.

## **BACKGROUND / ANALYSIS**

### **Project Description**

Steven Spencer, on behalf of John Allen, has filed Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176 pertaining to approximately 10.12 acres of property located on the easterly side of North Figarden Drive between North Gates and North Verba Avenues.

Plan Amendment Application No. A-11-011 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan for the subject property from the Community Commercial planned land use designation to the Medium-High Density Residential (10.38-18.15 dwelling units per acre) planned land use designation.

Rezone Application No. R-11-017 proposes reclassify the subject property from the C-2/BA-20/UGM (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management*) to R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district.

These applications have been filed in order to facilitate approval of a proposed 160 unit multiple family residential gated community with garages, pool, a community building, and includes a minor rear yard encroachment of 10 feet in accordance with Conditional Use Permit Application No. C-11-176.

The development provides four floorplan options that range in size from one to three bedrooms and 914.5 to 1,528 square feet. The proposed buildings will be two stories with an assigned covered parking space. The development provides garages as an option. The project also includes a community building and swimming pool.

The project is proposed to be gated with primary access taken from North Gates Avenue and a secondary access from North Verba Avenue.

### **Density**

Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the FMC the proposed R-2 (*Low Density Multiple Family Residential*) zone district is consistent with the proposed Medium-High Density Residential (10.38-18.15 dwelling units/acre) planned land use designations for the subject property, respectively.

Therefore, the development of the subject property at an overall density of approximately 15.81 dwelling units per acre, in a manner which is consistent with the permitted uses and property development standards of the proposed R-2 (*Low Density Multiple Family Residential*) zone district is determined to

be consistent with the proposed Medium-High Density Residential planned land use designation for the subject property.

### **Surrounding Uses**

The subject property is bounded on the north and west by vacant land and existing single family residential planned developments. Property to the south of the subject property has been developed with single and multiple family residential land uses. Property to the east of the subject property has been developed with single and multiple family residential and rural residences.

### **Parking**

Pursuant to Section 12-306-I-6-c of the FMC, when there is more than one dwelling unit on a single lot there shall be one and one-half parking spaces for each dwelling unit, one of which shall be in a carport or garage. In the event that a requirement for one-half parking space results under this ratio, the parking space requirement shall be increased to the next highest whole number.

The project proposes 160 residential units which requires 240 parking spaces, 160 of which shall be in a carport or garage. The project proposes 176 carports, 25 garages, and 99 open spaces; therefore all units will have a minimum of one covered parking space. In total, the project provides 300 parking spaces.

### **Rear Yard Encroachment**

Section 12-306-N-1-d of the FMC states there are no rear yard requirements for accessory buildings if they do not exceed 12 feet. The applicant is proposing garage buildings at 14 feet-11 inches high which does not meet the requirement. A building height in excess of 12 feet may be approved, at the discretion of the Director, if the roof line, or pitch, of the garage or carport is designed to match that of the main building. However, if it is approved, the garage must meet the setback requirements of the District in which it is located. Pursuant to Section 12-212.5-E-4-a of the FMC, rear yards for main buildings shall be 20 feet.

The applicant is proposing the garage buildings with a roof line/pitch similar to the proposed buildings and 10 feet from the rear property line; therefore, the applicant is requesting a minor rear yard encroachment of 10 feet. The applicant will be required to provide space equal to the reduction elsewhere on the lot, exclusive of required yard area. Said replacement space shall have minimum dimensions of five feet by eight feet, and shall be so located that it is suitable for general use by the occupant of the premises.

Staff supports the reduction to the required rear yard setback to be 10 feet for the garage buildings as depicted on Exhibit A dated April 4, 2012. There will be no living areas or windows within the garage buildings; therefore, the proximity of the buildings will not have a substantial affect.

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

Objective C-9 of the 2025 Fresno General Plan directs planning for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Supporting policy C-9-k recommends that Medium-High Density Residential uses shall be distributed to maximize utilization of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping services, and transportation. New residential projects within this land use category should not be

permitted to be developed at a density less than the minimum shown in Table 2 in order to better achieve the goals of the city's Housing Element.

The subject property lies within an area of the Bullard-Brawley Loop that was envisioned as being an area of more intensive residential and commercial land uses given some of the constraints, such as the BN & SF railroad tracks and Bullard Avenue not having the ability to cross the railroad tracks.

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

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

The proposed density and design will take advantage of the existing infrastructure in the area. The existing street system with appropriate improvements from the subject property can readily accommodate increases in traffic. Furthermore, the development of a vacant parcel will create a more aesthetic appealing appearance to the neighborhood and lessen potential conflicts associated with vacant properties such as dumping of trash and vandalism.

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

The subject property is located on the easterly side of North Figarden Drive between North Gates and North Verba Avenues. The subject property location is in close proximity to residential and commercial land uses which provide for a pattern of development that is anticipated to have the potential to reduce the number of average daily vehicle trips.

The mitigation measures established by the certification of MEIR No. 10130, requires that all plan amendments are required to prepare a traffic impact study (TIS). A TIS, dated February 2, 2012 and revised February 28, 2012, was prepared for the proposed apartment complex by Peters Engineering Group. The study has applied the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual. The development of 160 multiple family residential units on the subject property is expected to generate an average of approximately 1,064 average daily trips (ADT). Of these vehicle trips it is projected that 82 will occur during the morning (7 to 9 a.m.) peak hour travel period and 100 will occur during the evening (4 to 6 p.m.) peak hour travel period. The existing 2025 Fresno General Plan planned land uses for the subject property would generate 4,737 ADT, 111 trips occurring during the a.m. peak hour and 412 trips during the p.m. peak hour.

The proposed plan amendment will change the land use to Medium-High Residential, which will substantially reduce the traffic volume, as noted above. The trips would be directed mainly onto North Figarden Drive, which is designated as an arterial according to the 2025 Fresno General Plan and the Bullard Community Plan and is currently operating at a Level of Service D for PM peak hours. Figarden Drive was designed as a four-lane divided arterial street, with traffic control signalization at intersections with major streets and other major access points. The designed capacity of a four-lane arterial is about 32,000 trips per day.

The TIS analyzed the Figarden/Bullard and Figarden/Gates intersections. It was determined that the intersections are currently operating at acceptable levels of service and the Traffic Signal Mitigation Impact program includes widening of the intersection of Figarden/Bullard to accommodate two left-turn lanes. The developer will be required to make necessary traffic signal improvements for the addition of the east leg of the Figarden/Gates intersection.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the plan amendment, rezone, and conditional use permit applications and has determined that the streets adjacent to and near the subject property will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division and City Engineer dated February 29, 2012, respectively. These requirements generally include: (1) Public street improvements; (2) Installation of a paved pedestrian path or sidewalk; and, (3) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

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

### **Public Services**

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services will be available to serve the proposed project subject to implementation of the 2025 Fresno General Plan policies and the mitigation measures of Master Environmental Impact Report No. 10130; and, conditions related to water and sanitary sewer service identified within the attached memorandum from the Department of Public Utilities, Water division dated December 29, 2011 and the memorandum from the Department of Public Utilities, Planning and Engineering Division dated December 6, 2011.

The developer is required to provide a detailed water usage analysis identifying, for example, water fixtures, landscape, and laundry efficiencies to document water conservation design characteristics. The water usage analysis is subject to approval by the Director of Public Utilities. The proposed project will be required to provide two independent sources of water, meeting Federal and State Drinking Water Act Standards as is typical.

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

City police and fire protection services are available to serve the subject property. The subject property is located within two miles of the City's Fire Station No. 14.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development to meet drainage requirement. The proposed project will be subject to compliance with the conditions submitted by the FMFCD for the proposed project dated December 16, 2011.

### **District Committee**

The District 2 Plan Implementation Committee made a formal recommendation at their meeting on February 27, 2012. During the meeting a committee member expressed concerns with traffic volumes and the applicant stated the proposed use would generate less traffic than the currently planned commercial use. After discussion, the Committee approved the plan amendment, rezone, and conditional use permit applications by a 4-1-3 vote.

**Neighborhood Community Meeting**

The applicant held a neighborhood meeting on March 15, 2012 and noticed property owners within 500 feet of the subject property. The meeting was held at the community building of the Villa Sa Vini apartment complex at 5473 North Salinas Avenue.

**Conditional Use Permit Findings**

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

<b>FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.</b>	
<i>a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
<i>Finding a:</i>	The area of the proposed residential planned development is approximately 10.12 acres in size. The subject property is proposed to be developed into a 160 multiple family residential unit development, at an overall density of approximately 15.81 dwelling units per acre. Multi-department/agency review of the proposed development plan (Conditional Use Permit Application No. C-11-176) has demonstrated that there is adequate space to meet all applicable requirements of the Code as established and modified in the Special Permit conditions of approval dated May 2, 2012; including yards, spaces, walls and fences, parking, landscaping, open spaces, and other required features.
<i>b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i>	
<i>Finding b:</i>	Staff from the Public Works Department, Traffic and Engineering Services Division has estimated that the proposed development will generate approximately 82 a.m./100 p.m. peak hour vehicle trips which can be accommodated by the adjacent streets subject to the respective requirements for dedications and improvements of adjacent portions of North Figarden Drive, North Verba Avenue, and North Gates Avenue in accordance with the Department of Public Works memorandum dated February 29, 2012 (Revised). These requirements are necessary for the traffic generated by the project and to accommodate city services and meet the needs of the proposed project.
<i>c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of this Code.</i>	
<i>Finding c:</i>	The staff of the Development and Resource Management Department has determined that the proposed project will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the related conditional use permit application review process.

## **Conclusion**

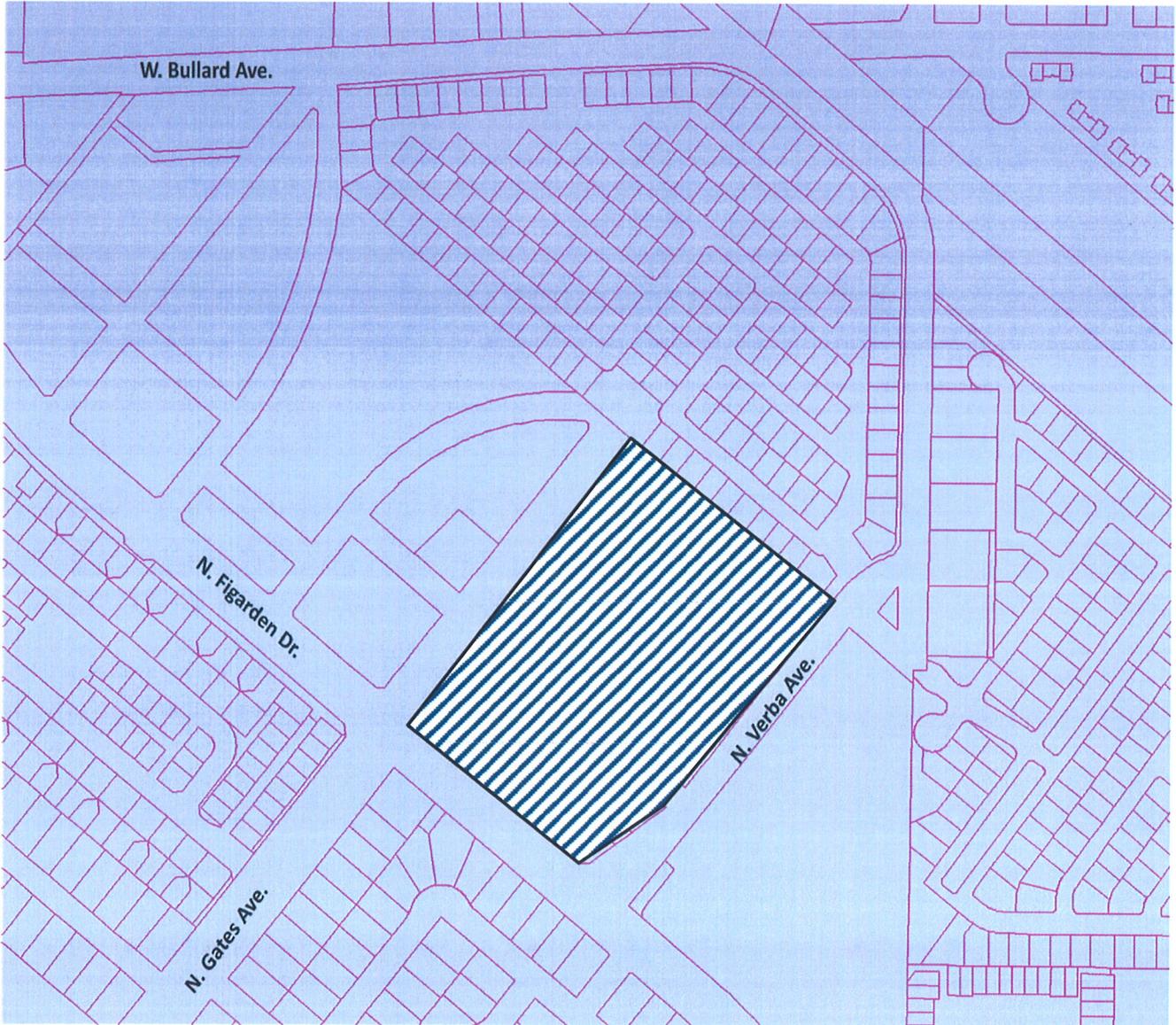
Action by the Planning Commission regarding the plan amendment, rezone application and associated environmental assessment will be a recommendation to Council.

Conditional Use Permit Application No. C-11-176 requires approval by the Planning Commission contingent upon affirmative action by the City Council respective to the proposed plan amendment and rezone applications as well as adoption of the recommended finding of a Mitigated Negative Declaration for the associated environmental assessment. Unless the Planning Commission decision, respective to the conditional use permit, is set for hearing to the Council in accordance with Section 12-406-J of the FMC, the decision of the Commission shall be final and effective at 12:01 a.m. on the sixteenth day after the date of the decision, subject to writ of administrative mandamus under 1094.6 of the Code of Civil Procedures.

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Bullard Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176 are appropriate for the subject property.

Attachments: Vicinity Map  
2011 Aerial Photograph  
Public Hearing Notice Mailing List Vicinity Map  
2025 Fresno General Plan Planned Land Use Map  
Proposed Planned Land Use Map  
Exhibits for Conditional Use Permit Application No. C-11-176  
Conditions of Approval for Conditional Use Permit Application No. C-11-176 dated May 2, 2012 and Agency Comments  
Environmental Assessment No. A-11-011/R-11-017/C-11-176, finding of a Mitigated Negative Declaration dated March 2, 2012

Vicinity Map



## VICINITY MAP

## DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

**PLAN AMENDMENT A-11-011, REZONE  
APPLICATION NO. R-11-017, & CONDITIONAL  
USE PERMIT APPLICATION NO. C-11-176**

PROPERTY ADDRESS

**5470 N. Figarden Dr.**



Not To Scale

**APN:** 509-030-26s, 29s, 30s, 38s, 44s, 48s

**Zone District:** C-2/BA-20/UGM to R-2/BA-20/UGM

**By:** M.Contreras, April 16, 2012

2011 Aerial Photograph



Subject  
Property

N. Verba Ave

N. Figarden Dr.

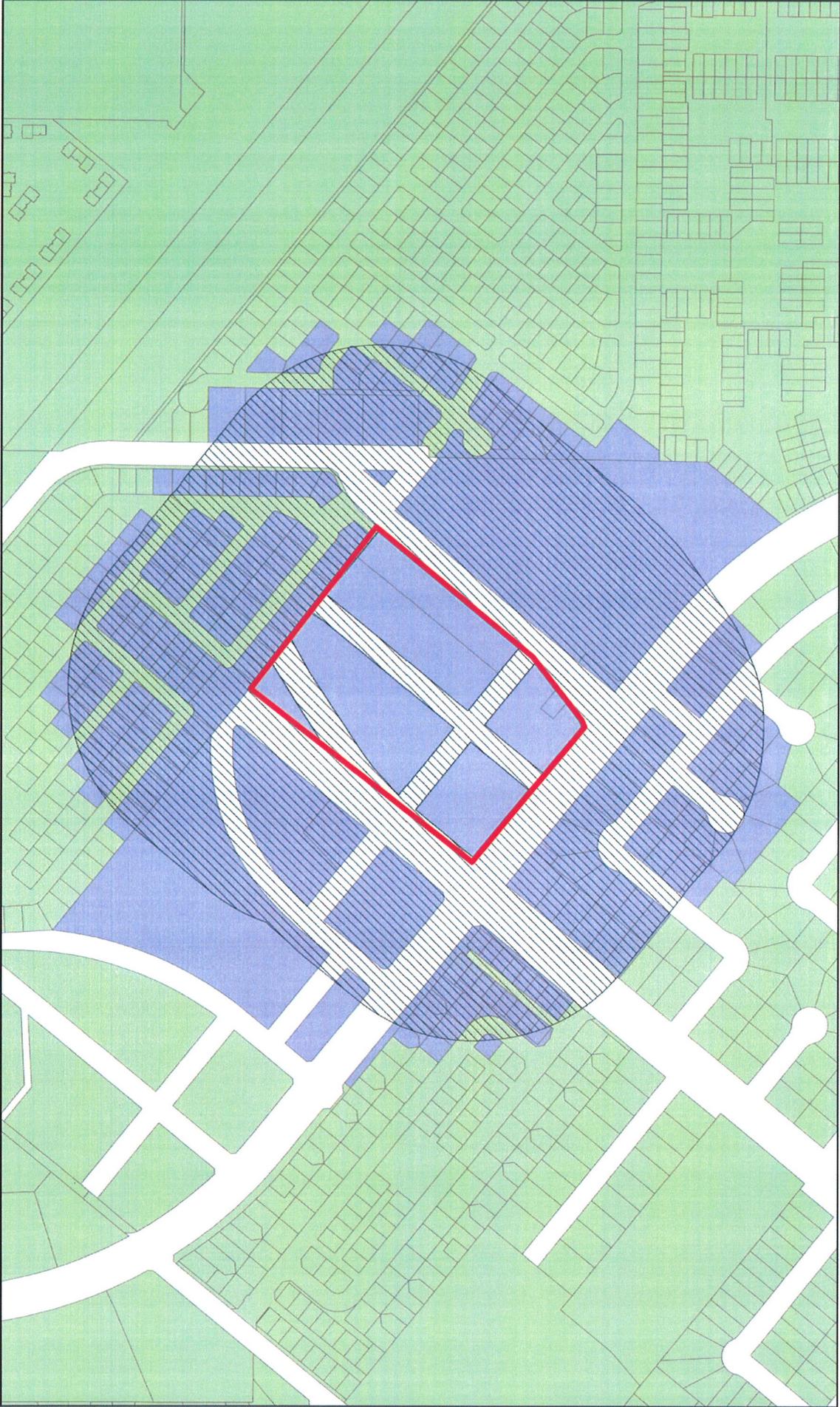
N. Gates Ave.



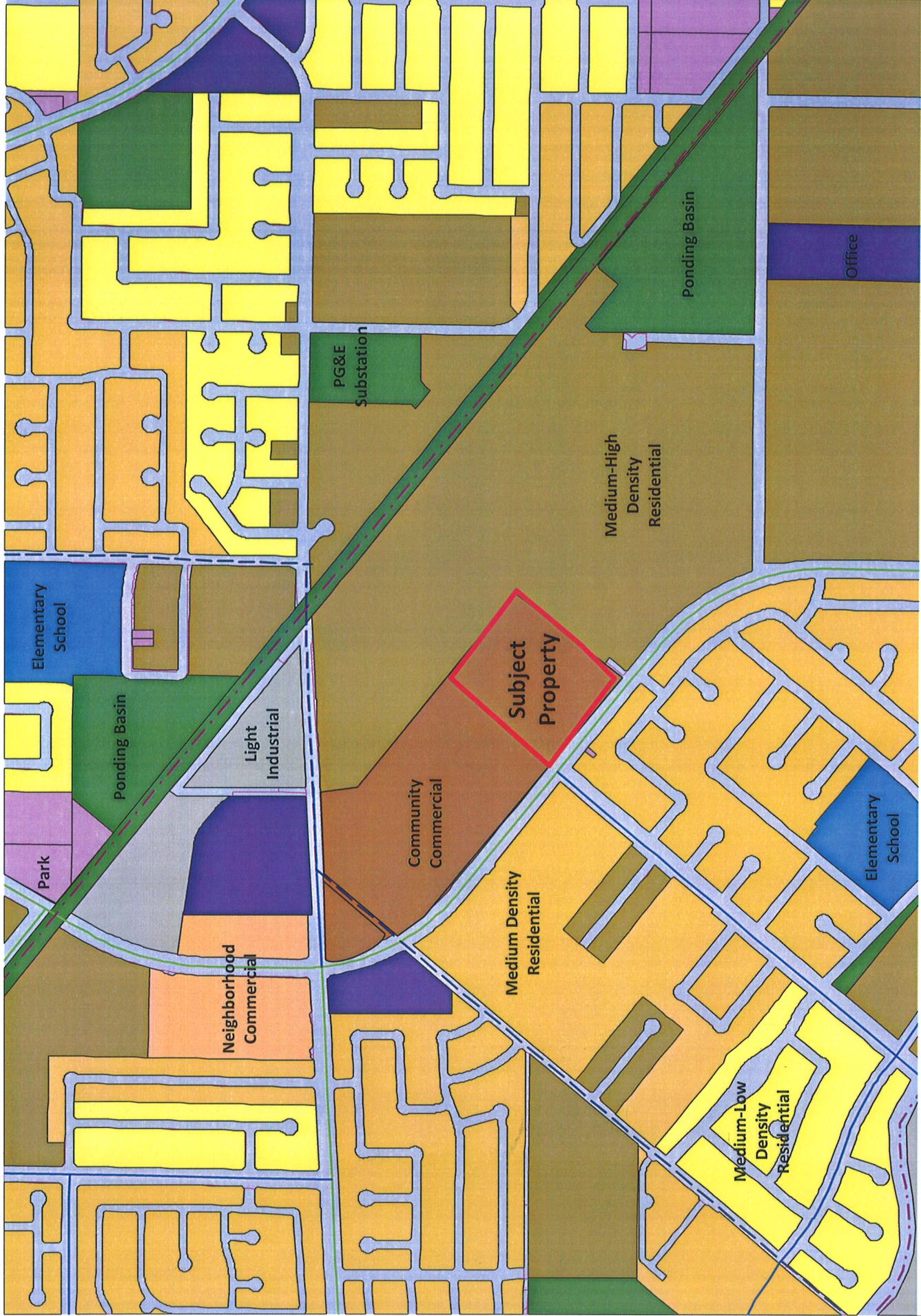
2011 Aerial

Public Hearing Notice Mailing List Vicinity Map

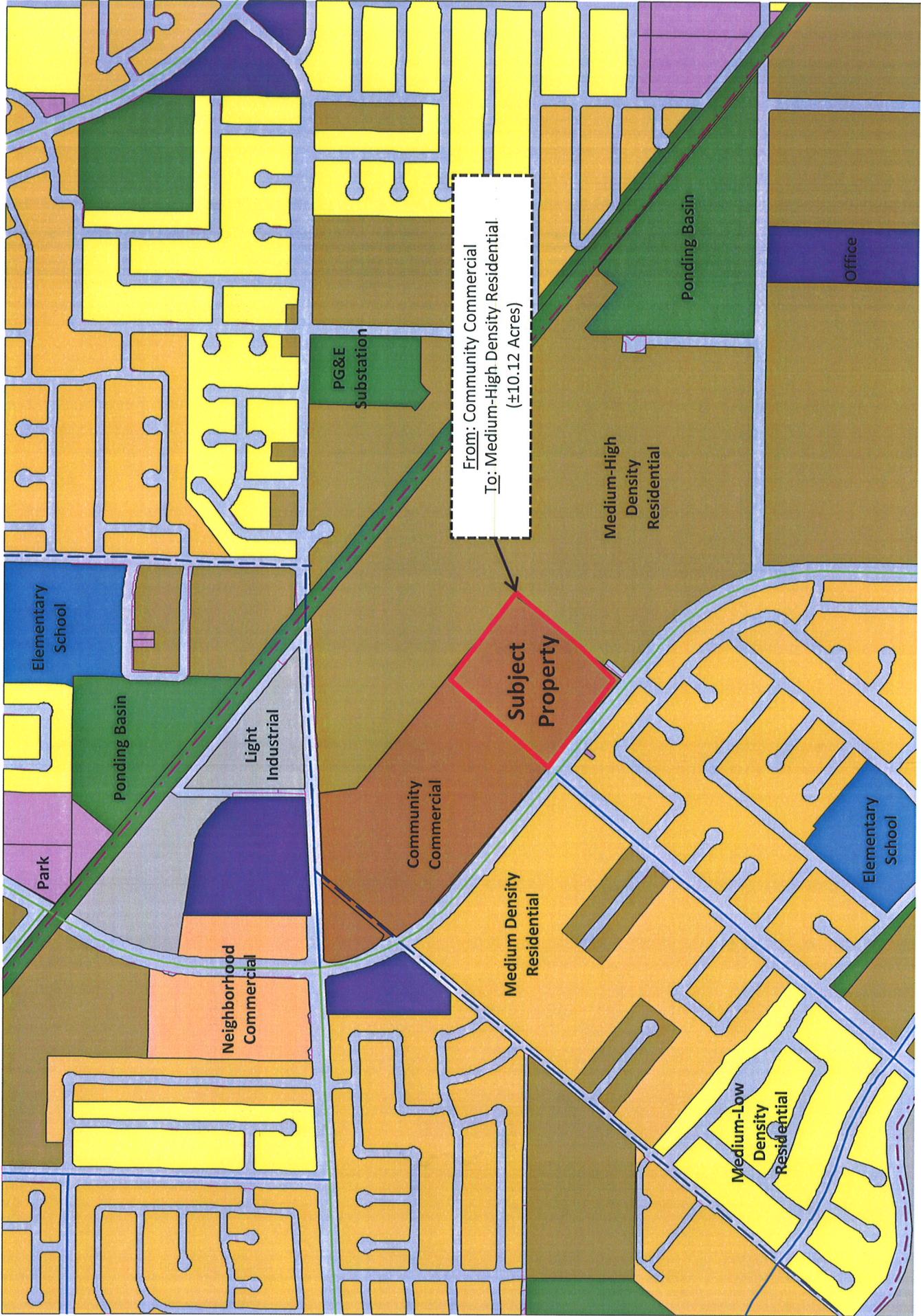
Public Hearing Notice Mailing List Vicinity Map



2025 Fresno General Plan Planned Land Use Map &  
Proposed Planned Land Use Map



2025 Fresno General Plan Planned Land Use Map

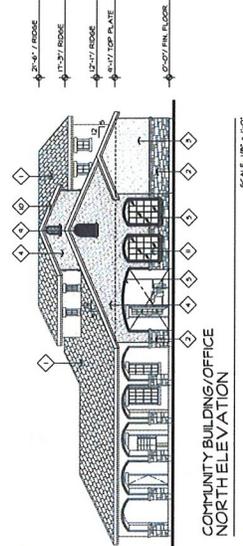


Plan Amendment Application No. A-11-011

Exhibits for Conditional Use Permit  
Application No. C-11-176

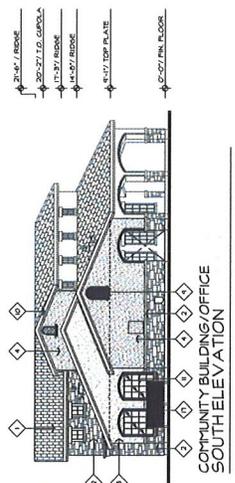






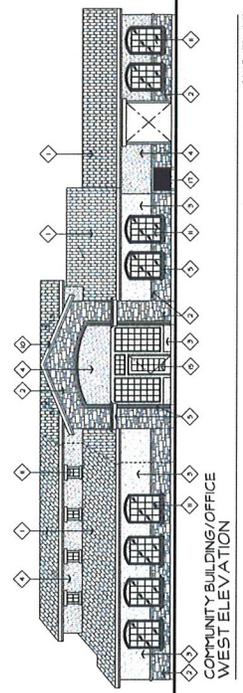
COMMUNITY BUILDING/OFFICE  
NORTH ELEVATION

SCALE: 1/8" = 1'-0"



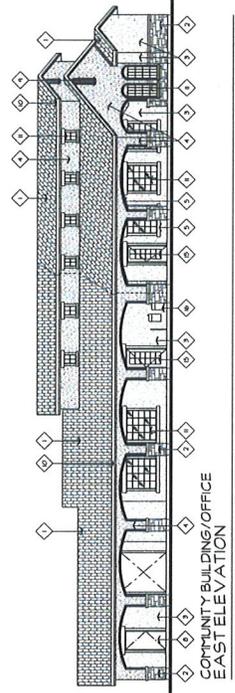
COMMUNITY BUILDING/OFFICE  
SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



COMMUNITY BUILDING/OFFICE  
WEST ELEVATION

SCALE: 1/8" = 1'-0"



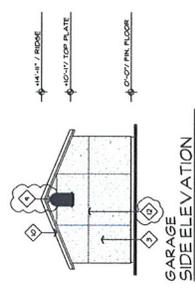
COMMUNITY BUILDING/OFFICE  
EAST ELEVATION

SCALE: 1/8" = 1'-0"

APPL. NO. **C-1176** EXHIBIT **E-2** DATE **4-04-12**  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

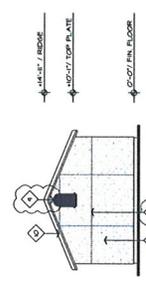
**EXTERIOR FINISHES**

INTERIOR	RESIDENTIAL COLOR
CONCRETE ROOF TILE	PALE BROOMS CARBONADO HARD WEAVER CARBONADO
LAST STONE VENEER	CO. UNED STONE COUNTY JEROMEHORE
TRUSSO METAL COLOR	BLUE SHALE #309 CANTON GLAZ
TRUSSO PAINTED	BEHLANN MOORE VIBRANT/SH
POWDER PAINTED	BEHLANN MOORE VIBRANT/SH
METAL DOOR PAINTED	DOOR - BEHLANN MOORE 318 WYWOOD FRAME - BEHLANN MOORE VIBRANT WHITE
METAL HANDRAILS PAINTED	BEHLANN MOORE BLACK FOREST GREEN
METAL DOOR FRAME PAINTED	BEHLANN MOORE ROSE GLAZ
WRT TRIM PAINTED	BEHLANN MOORE VIBRANT WHITE
PAVING	BEHLANN MOORE VIBRANT WHITE
WALL FINISHES	FINISH
TRUSSO EXPANSION JOINT	PAINTED TO MATCH ADJACENT TRUSSO
METAL SHARPE DOOR PAINTED	BEHLANN MOORE ROSE GLAZ
METAL CARPORT PAINTED	PAINTED TO MATCH BUILDING COLOR FINISH TO BE SELECTED
DOOR IN FULL PLANS	SEE FINISHING SCHEDULE
FINISHING SCHEDULE	SEE FINISHING SCHEDULE
SET REFINANCIAL PLANS	SEE FINISHING SCHEDULE



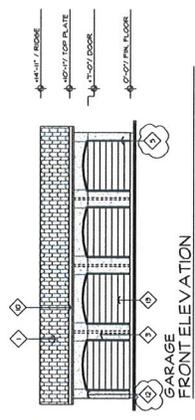
GARAGE - ACCESSIBLE UNIT  
SIDE ELEVATION

SCALE: 1/8" = 1'-0"



GARAGE - ACCESSIBLE UNIT  
SIDE ELEVATION

SCALE: 1/8" = 1'-0"



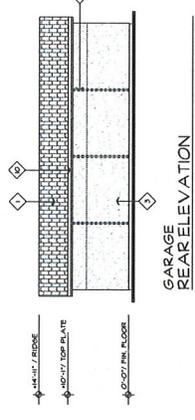
GARAGE - ACCESSIBLE UNIT  
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



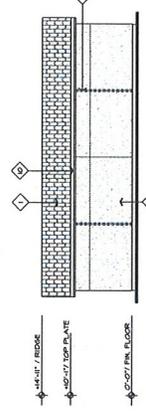
GARAGE - ACCESSIBLE UNIT  
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



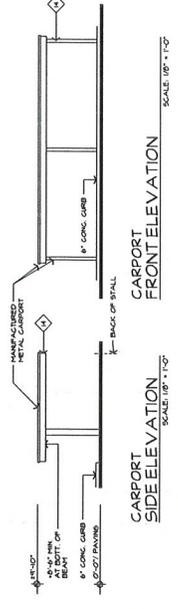
GARAGE - ACCESSIBLE UNIT  
REAR ELEVATION

SCALE: 1/8" = 1'-0"



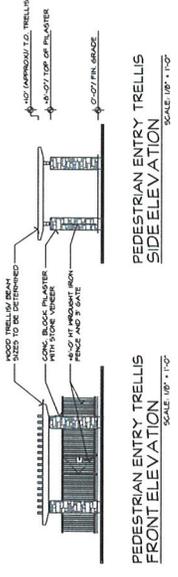
GARAGE - ACCESSIBLE UNIT  
REAR ELEVATION

SCALE: 1/8" = 1'-0"



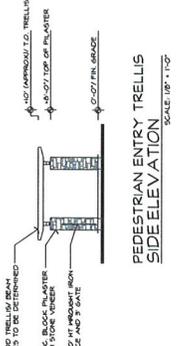
CARPOT FRONT ELEVATION

SCALE: 1/8" = 1'-0"



PEDESTRIAN ENTRY TRELLIS  
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



PEDESTRIAN ENTRY TRELLIS  
SIDE ELEVATION

SCALE: 1/8" = 1'-0"

**FICARDEN DRIVE APARTMENTS**  
 125 S. VALLE BLVD., SUITE 100  
 FRESNO, CALIFORNIA 93705  
 (559) 435-1111

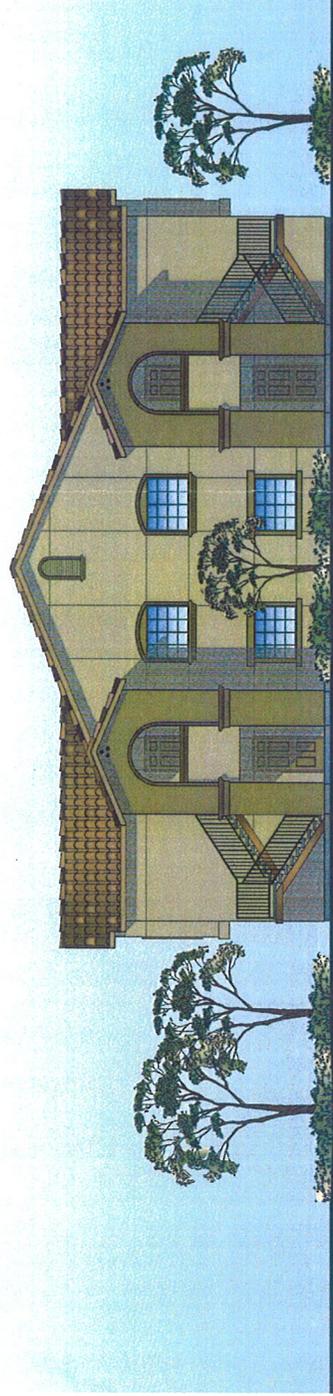
**EXTERIOR ELEVATIONS**  
 COMMUNITY BUILDING, GARAGE, CARPORT

DATE: 4-04-12  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: 1/8" = 1'-0"

**A5.2**



BUILDING 'B2' - FRONT ELEVATION



BUILDING 'B2' - SIDE ELEVATION

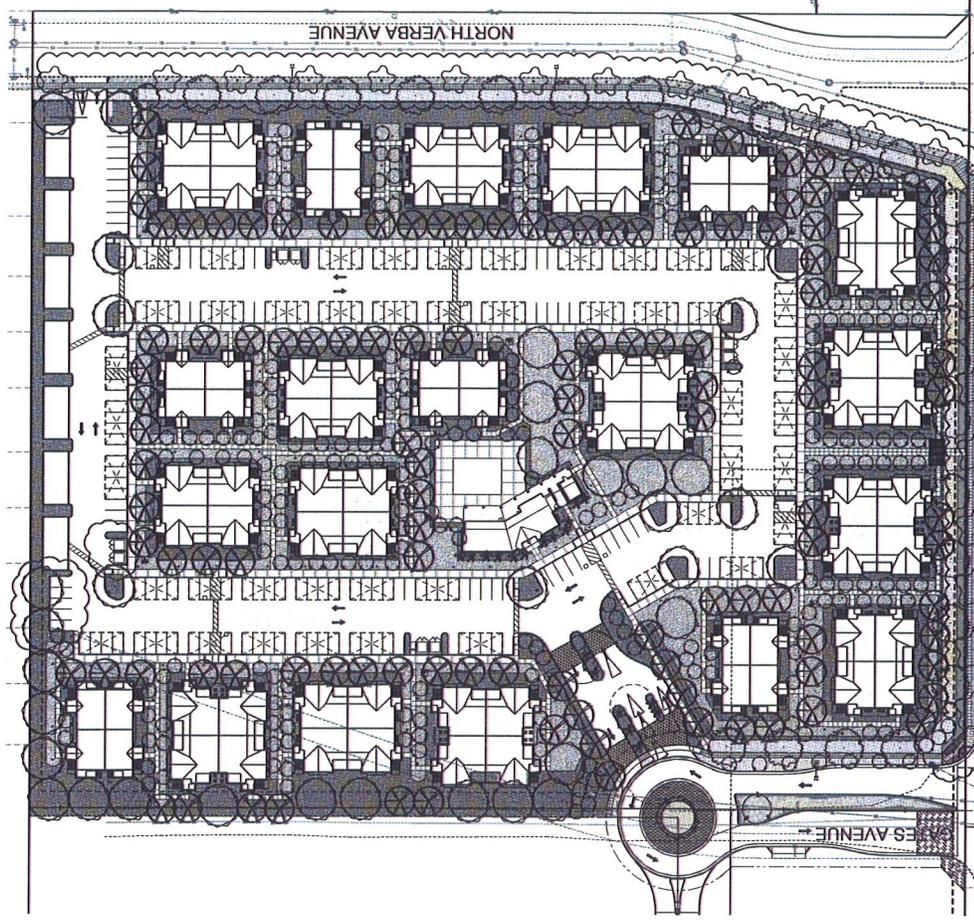
APPL NO. **C-11-176** EXHIBIT **E3** DATE **4-04-12**  
 PROJ ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



FIGARDEN DRIVE APARTMENTS  
 DATE: 4/4/12







CONCEPTUAL PLANTING PLAN  
 NORTH FIGARDEN DRIVE  
 NORTH VERBA AVENUE  
 GATES AVENUE  
 SCALE: 1" = 40'-0"

- LANDSCAPE LEGEND**
- TOTAL LANDSCAPE: 193,236 SF
  - LANDSCAPE SETBACK AREA TREE (2,865 SF)
  - LANDSCAPE SETBACK AREA SHRUBS AND GRASSCOVERS (13,329 SF)
  - CITY OF FRESNO FRONTAGE SHRUBS AND GRASSCOVERS (6,172 SF)
  - ON-SITE TREE LANDSCAPE AREA (71,220 SF)
  - ON-SITE NON-TREE LANDSCAPE AREA (14,144 SF)
  - % OF LANDSCAPE IN WATER-SENSITIVE ZONE: 40%
- ADDITIONAL STRATEGIES FOR WATER CONSERVATION (RAIN CODE 12-304) ANTICIPATED**
- INCORPORATION OF 2" OF ORGANIC WOOD BASED MATERIAL INTO THE TOP 6" OF SOIL (0.8)
  - MISC. IRRIGATION OF ALL SHRUBS AND TREES (0.8)
  - SOIL MOISTURE SENSOR TO ACTIVELY DEACTIVATE IRRIGATION VALUES (0.8)
  - ALLOWABLE % OF IRRIGATION TREE: 40%

- TREE LEGEND**
- STREET TREE FROM CITY OF FRESNO STREET TREE LIST
    - N. VERBA AVENUE - 12" DB CALIFORNIA PRUNER (CALIFORNIA STREET TREE)
    - N. VERBA AVENUE - 12" DB CALIFORNIA PRUNER (CALIFORNIA STREET TREE)
  - LARGE LANDSCAPE FRONTAGE TREE FROM CITY OF FRESNO STREET TREE LIST
  - LARGE ON-SITE TREE (25" + DIAMETER)
  - MEDIUM ON-SITE TREE (25" DIAMETER)
  - SMALL ON-SITE TREE (12" DIAMETER)
  - PALM TREE

**NOTES**

PROJECT PLANS WILL COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE (AS 180) AND APPLICABLE CITY OF FRESNO MUNICIPAL CODE SECTIONS INCLUDING 6-222 AND 12-304.

TREES SHALL BE MAINTAINED IN GOOD HEALTH. HOWEVER, TREES MAY NOT BE TRIMMED OR PRUNED TO REDUCE THE HEIGHT OR OVERHANG BROWNS OF THE TREE EXCEPT AS NECESSARY FOR THE TREE AND PUBLIC SAFETY OR AS MAY BE REQUIRED BY THE CITY OF FRESNO.

LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CITY OF FRESNO PLANNING DIVISION'S LANDSCAPE DESIGN MANUAL. ALL LANDSCAPING SHALL BE PLACED ON THE PROPOSED DEVELOPMENT UNTIL SUCH TIME THAT LANDSCAPING HAS BEEN APPROVED AND ORDERED FOR PROPER INSTALLATION BY THE PLANNING DIVISION.

PRIOR TO FINAL INSPECTION, A WRITTEN CERTIFICATION, SIGNED BY A LANDSCAPE PROFESSIONAL, APPROVED BY THE APPLICABLE CITY OF FRESNO, SHALL BE SUBMITTED STATING THAT THE REQUIRED LANDSCAPING AND IRRIGATION SYSTEM HAS BEEN INSTALLED IN ACCORDANCE WITH THE LANDSCAPING AND IRRIGATION PLANS APPROVED BY THE DEVELOPMENT SERVICES DIVISION.

NO STRUCTURES OF ANY KIND HAVE BEEN INSTALLED OR MAINTAINED WITHIN THE LANDSCAPED AREAS. NO EXPOSED UTILITY BOXES, TRANSFORMERS, METERS, PIPING (EXCEPTING THE BACK FLOW PREVENTION DEVICES) ETC. ARE ALLOWED TO BE INSTALLED WITHIN THE LANDSCAPED AREAS. ALL UTILITY DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF FRESNO PLANNING DIVISION'S LANDSCAPE DESIGN MANUAL. TRANSFORMERS SHALL BE SPOON ON THE E.T.C. PLAN. THE BACK FLOW DEVICES SHALL BE SPOONED BY LANDSCAPING OR SUCH OTHER MEANS AS MAY BE APPROVED.

**FIGARDEN DRIVE APARTMENTS**  
 SEC FIGARDEN DRIVE & GATES AVENUE  
 SPENCER ENTERPRISES, INC.  
 FRESNO, CALIFORNIA

CONCEPTUAL LANDSCAPE PLAN

Revisions  
 3-24-12 CJP/P. Revisions

Project Number - 30-24  
 Date - 3/24/12  
 Sheet Number - 04-01



APPL. NO. C-11-170 EXHIBIT L DATE 4.04.12  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

L2

Conditions of Approval and  
Agency Comments

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

**CONDITIONS OF APPROVAL**

MAY 2, 2012

**PLAN AMENDMENT APPLICATION NO. A-11-011, REZONE  
APPLICATION NO. R-11-017, AND CONDITIONAL USE  
PERMIT APPLICATION NO. C-11-176**

**Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176 is scheduled to be heard by the Fresno Planning Commission on May 2, 2012 and is subject to the following conditions of approval:**

**PART A – ITEMS TO BE COMPLETED**

**The following items are required prior to issuance of building permits or occupancy:**

Planner to check  
when completed

1. Development shall take place in accordance with Exhibits A, E-1, E-2, E-3, F-1, F-2, and L dated April 4, 2012. Transfer all comments and conditions to the corrected exhibit(s) and **submit to planner at least 15 days prior to issuance of building permits.**

2. Add applicable notes/details on the site plan from the attached "General Notes and Requirements for Entitlement Applications".

3. Parcel Map No. 2006-20 shall be finalized and recorded **prior to issuance of building permits.**

4. The parcel configuration depicted for the proposed development does not conform to record information. A Lot Line Adjustment is required to establish this configuration **prior to issuance of building permits.** Contact the Development and Resource Management Department for details.

5. Depict the on-site tree count and parking lot shading calculations on the landscape plan.

6. Provide a landscape plan that depicts the open space and its calculations. Also depict the 3,080 square feet of replacement space required for the minor rear yard encroachment. The landscape plan shall be at a scale of 1"=20'.

7. Submit three copies of detailed, final landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Development Services Division. **These plans must be reviewed and approved prior to issuance of building permits.**

- 8. Landscaping must be in place **before issuance of the certificate of occupancy**. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development Services Division.
- 9. **Prior to final inspection**, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development and Resource Management Department (see form, attached).
- 10. A cross access, drainage, and parking agreement shall be required, if one does not exist. A fee of \$520 and a recent title report is due prior to preparation of the document. The agreement shall be recorded **prior to issuance of building permits**.
- 11. Provide the Department of Public Utilities Director approved water usage analysis **prior to issuance of building permits**.
- 12. Identify all existing and proposed dedications. Dedications cannot be determined until the existing easements are identified. All new dedications are required **prior to issuance of building permits**.
- 13. Submit complete pool/spa facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division for review and approval **prior to issuance of building permits**.
- 14. A flood control fee of \$41,994 is due **prior to issuance of building permits**. This fee was valid through February 28, 2012. Contact the Fresno Metropolitan Flood Control District for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.
- 15. Pay street tree inspection fee of \$30 per street tree **prior to issuance of building permits**.
- 16. Comply with the District Rule 9510 and pay applicable San Joaquin Valley Air Pollution Control District off-site mitigation fee **prior to issuance of building permits**.

PART B – OTHER REQUIREMENTS

1) Planning/Zoning/Environmental Compliance Requirements

- a) Property development standards and the complete list of planning requirements/conditions for this project are contained in the “Initial Property Development Standards Checklist”

Conditions of Approval

Plan Amendment Application No. A-11-011

Rezone Application No. R-11-017

Conditional Use Permit Application No. C-11-176

May 2, 2012

Page 3

prepared A-11-011, R-11-017, and C-11-176, originally sent to you on January 30, 2012 and attached to this document for reference.

- b) Development shall take place in accordance with the attached "General Notes and Requirements for Entitlement Applications" as applicable.
- c) Development and project operation shall take place in accordance with the attached operational statement dated December 21, 2011.
- d) Development shall take place in accordance with the R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay-20 feet/Urban Growth Management*) zone district and all other applicable sections of the FMC.
- e) Development shall take place in accordance with the policies of the 2025 Fresno General, Bullard Community Plan, and with the Medium-High Density Residential planned land use designation.
- f) Conditional Use Permit Application No. C-11-176 is contingent upon City Council approval of Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Environmental Assessment Application No. A-11-011/R-11-017/C-11-176.
- g) All proposed signs shall be approved by the Development and Resource Management Department through the sign review process. All signs shall be designed to be architecturally compatible with the proposed buildings on the subject property.
- h) Comply with all applicable mitigation measures detailed in the Master Environmental Impact Report Mitigation Monitoring Checklist for the 2025 Fresno General Plan and the project specific mitigation measures contained in Environmental Assessment No. A-11-011/R-11-017/C-11-176 dated March 2, 2012 adopted for the project.

2) City and Other Services

- a) Development shall take place in accordance with the attached memoranda and letters from City of Fresno Departments and partner agencies (Building and Safety dated November 29, 2011, Department of Public Utilities (for sewer) dated December 6, 2011, Department of Public Utilities (for water) dated December 29, 2011, Department of Public Utilities (for solid waste) dated December 7, 2011, Fresno Fire Department dated December 9, 2011, Public Works Department, Traffic and Engineering Services Division (2) dated February 29, 2012, Public Works Department-Median Island Maintenance dated December 7, 2011, San Joaquin Valley Air Pollution Control District dated November 30, 2011, Caltrans dated December 15, 2011, County of Fresno Department of Public Health dated December 8, 2011, Fresno Unified School District dated November 29, 2011, Fresno Irrigation District dated December 19, 2011, Fresno Metropolitan Flood Control District dated December 16, 2011, and the Fresno Police Department dated December 27, 2011).

3) Miscellaneous Requirements

- a) Exercise of the special permit shall take place in accordance with all city, county, state and federal laws and regulations.
- b) Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
  - i) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
  - ii) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
  - iii) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

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

**BACKCHECK PROCESS**

Please Note: To complete the back-check process for operation/building permits relative to planning and zoning issues, submit two copies of this corrected site plan and one copy of corrected elevations and landscape plans, together with any fees and title reports for required covenants, and any required studies or analyses to McKencie Contreras in the Development Services Division for final review and approval, at least 15 days before issuance of building permits.

It may be necessary to resubmit these “corrected exhibits” a second time if not all the conditions have been complied with or are not shown on the exhibits. Once the “corrected exhibits” are approved by the Development Services Division, please place these exhibits in the plan check set and contact the Development Services Division, along with Traffic Planning, to set up an appointment to signoff and stamp these exhibits. Please bring one additional copy of the exhibit(s) to this appointment so that the Development Services Division has a final signed-off copy of the site plan.

Conditions of Approval  
Plan Amendment Application No. A-11-011  
Rezone Application No. R-11-017  
Conditional Use Permit Application No. C-11-176  
May 2, 2012  
Page 5

**EXPIRATION DATES**

The exercise of rights granted by this special permit must be commenced by May 2, 2016 (four years from the date of approval). There is no extension. All improvements must be installed prior to the operation of the proposed use.

Attachments: Exhibits A, E-1, E-2, E-3, F-1, F-2, and L dated April 4, 2012  
Comments from Partner Agencies & Departments  
General Notes and Requirements for Entitlement Applications  
Operational Statement dated December 21, 2011

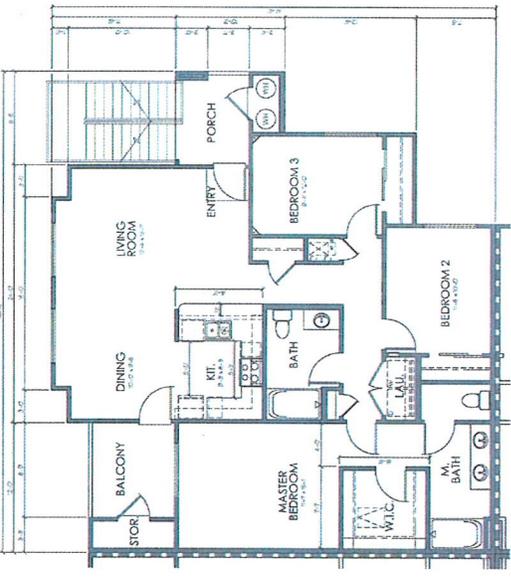




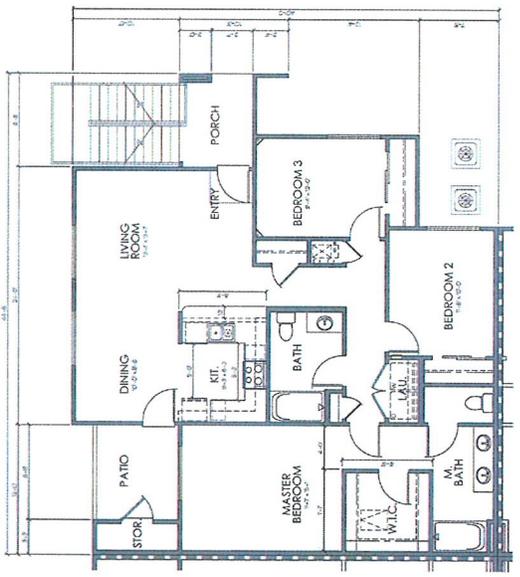




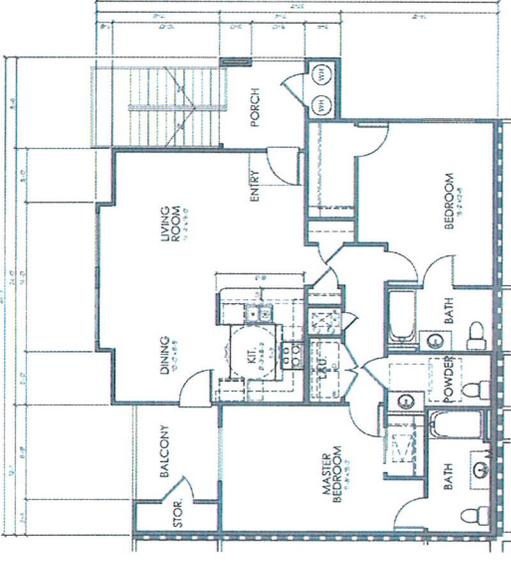




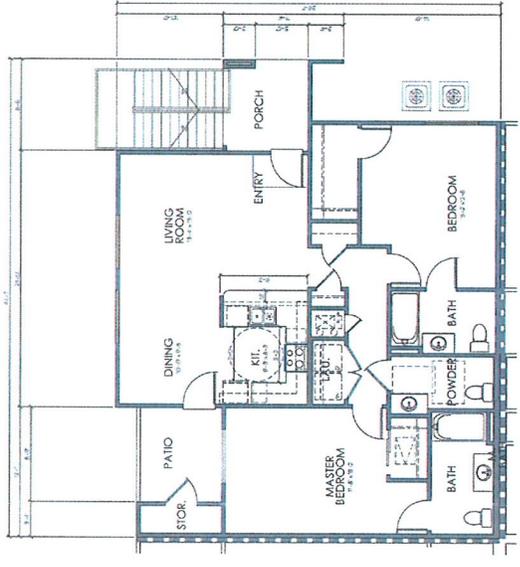
FLOOR PLAN  
UNIT 177 (BEDROOM 1)



FLOOR PLAN  
UNIT 178 (BEDROOM 2)



FLOOR PLAN  
UNIT 179 (BEDROOM 3)



FLOOR PLAN  
UNIT 177 (BEDROOM 2)

APPL. NO. **C-1174** EXHIBIT **E-2** DATE **4.04.12**  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COID. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

FIGARDEN DRIVE APARTMENTS  
 800 FIGARDEN DRIVE, FRESNO, CA 93702  
 UNIT FLOOR PLANS  
 DATE: 4/4/12  
 SCALE: 1/8" = 1'-0"





**INITIAL PROPERTY DEVELOPMENT STANDARDS CHECKLIST**

**PROJECT DESCRIPTION**

**Plan Amendment Application No. A-11-011** proposes to amend the 2025 Fresno General Plan and Bullard Community Plan for the subject property from the Community Commercial planned land use designation to the Medium-High Density Residential planned land use designation.

**Rezone Application No. R-11-017** proposes to reclassify the subject property from the C-2/BA-20/UGM (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management*) to R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district.

**Conditional Use Permit Application No. C-11-176** proposes a 160 unit multiple family residential gated community with garages, pool, and a community building.

**APN:** 509-030-26s, 29s, 30s, 38s, 44s, 48s    **ZONING:** See above    **ADDRESS:** 5470 North Figarden Ave.

**GENERAL INFORMATION**

APPLICATION NO. <b>Conditional Use Permit Application No. C-11-176</b>	
<b>ZONING</b>	
Existing	C-2/BA-20/UGM ( <i>Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management</i> )
Requested	R-2/BA-20/UGM ( <i>Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management</i> )
Pending	N/A
<b>PREVIOUS ACTIONS</b>	
Applications	Plan Amendment Application No. A-04-026: This application redesignated the subject property from Medium-High Density Residential to Community Commercial. Rezone Application No. R-04-084: This application rezoned the subject property from the R-A/UGM to the C-2/BA-20/UGM zone district.
Covenants	The title report in the submittal does not show any existing covenants.
Development Agreements	N/A
<b>TRACT MAP or LOT SPLIT</b>	Parcel Map No. 2006-20 (shall be finalized prior to issuance of building permits)

**PROPERTY DEVELOPMENT STANDARDS**

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

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

<b>LOT AREA</b>	
Permitted	6,000 square foot minimum
Proposed	± 441,200 square feet (± 10.12 acres)

<b>LOT DIMENSIONS</b>				
	Permitted	Width-60 feet, Depth-115 feet		
	Proposed	Width-512 to 593 feet, Depth-770 to 775 feet		
<b>DWELLING UNIT DENSITY</b>				
	Permitted	10.38-18.15 d.u./acre (Table 2 of the 2025 Fresno General Plan) and one d.u./2,700 square feet of lot area plus one d.u. for any remaining area of less than 2,700 square feet and more than 1,350 square feet (FMC)		
	Proposed	160 d.u. (15.81 d.u./acre)		
<b>BUILDING HEIGHT</b>				
	Permitted	35 feet for main buildings and one story not to exceed 12 feet for accessory buildings		
	Proposed	<p>29 feet, 10 inches (two story) for the apartment buildings and 17 feet, 2 inches for the community building (main buildings) and 14 feet, 11 inches for the garage buildings (accessory building)</p> <p>The maximum permitted height for an accessory building is 12 feet or 13 feet, 2 inches with an approved minor deviation. Reduce to 12 feet or request a minor deviation for 13 feet, 2 inches and revise the height accordingly on the elevation sheet(s).</p>		
<b>YARDS</b>				
	<b>Required Building Setback</b>		<b>Proposed Building Setback</b>	
	Front (Figarden)	20 feet pursuant to Section 12-212.5-E-2-a of the FMC	Front	20 feet is shown to the pedestrian entry feature and 30 feet is shown to the nearest apartment building
	Street Side (Verba)	10 feet pursuant to Section 12-212.5-E-3-b of the FMC	Street Side	25 feet is shown to the nearest apartment building
	Side (northwest property line)	5 feet pursuant to Section 12-212.5-E-3-a of the FMC	Side	21 feet, 8 inches is shown to the nearest apartment building
	Rear	<p>20 feet pursuant to Section 12-212.5-E-4-a of the FMC for main buildings</p> <p>None required pursuant to Section 12-306-N-1-d of the FMC for accessory buildings. However, must be 12 feet. A building height in excess of 12 feet may be approved, at the discretion of the Director, if the roof line, or pitch, of the garage or carport is designed to match that of the main building. However, if it is approved, the garage must meet the setback requirements of the District in which it is located.</p>	Rear	<p>30 feet is shown to the nearest apartment building</p> <p>10 feet is shown for the garage buildings (accessory) which would be permitted; however, the garages are proposed at a height which exceeds the permitted height. Option 1 is reduce the height to 12 feet or 13 feet, 2 inches with an approved minor deviation to maintain a 10 foot setback. Option 2 is keep the height of 14 feet, 11 inches and maintain a minimum setback of 20 feet.</p>

Required Landscaping Setback		Proposed Landscaping Setback	
Front	20 feet pursuant to the BA-20 overlay area requirement Reference Section 12-306-N-24 of the FMC for landscape planting requirements.	Front	20 feet as depicted on Exhibit L dated November 22, 2011
Street Side	None required	Street Side	Varies from 25 to 30 feet
Side	None required	Side	20 or more feet as depicted on Exhibit L dated November 22, 2011
Rear	None required	Rear	10 or more feet as depicted on Exhibit L dated November 22, 2011
<b>REAR YARD ENCROACHMENTS</b>			
Amount	N/A		
Replacement	N/A		
Action	N/A		
<b>SPACE BETWEEN BUILDINGS</b>			
Main Buildings	Side to side is 10 feet Rear to side, front to side, with entries or exits into space is 15 feet Front to rear with entries or exits into space is 20 feet Front to front is 25 feet		
Accessory Buildings	If an accessory building is used for garage purposes and the entrance for vehicular access to said garage faces any main building, there shall be a minimum separation of 25 feet in order to provide vehicular access to the garage.		
Garages	10 feet is proposed		
<b>LOT COVERAGE</b>			
Required	50% of total lot area		
Proposed	32% as depicted on exhibit A dated November 22, 2011		
<b>FENCES, HEDGES, WALLS</b>			
Required	Pursuant to Section 12-306-H-2-a, the following applies to the subject property: Fences, hedges, and walls, not greater than six feet in height, shall be permitted on all rear and side property lines, and on or to the rear of all front yard setback lines. No fence, hedge or wall over three feet in height shall be permitted in any required front yard setback area. If a parking area adjoins a property line which is a district boundary with an abutting residential or agricultural district, it shall be separated therefrom by erecting a six foot high wall on said property line next to the parking area, including the length of the driveway. A parking area is defined as providing parking for more than four vehicles.		

Proposed	<p>A 6 foot high wrought iron fence along North Figarden Drive and North Gates Avenue and a 6 foot high block wall along the northwestern property line are proposed.</p> <p>A 6 foot high block wall exists along the northeastern property line.</p> <p>Exhibit A shall clearly depict the material of fencing along North Verba Avenue. A note depicts wrought iron with masonry pilasters; however, during a meeting it was discussed that a block wall would be proposed along North Verba Avenue with landscaping.</p>
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**OPEN SPACE**

Required	<p>Landscaping and open space shall be provided in accordance with Section 12-306-N-21-c(2) of the FMC.</p> <p>A minimum of 25% of the site area shall comprise usable open space for residents of the development. Required front yards and street side yards shall not be considered part of the 25% usable open space. Usable open space shall include rear yards, interior side yards and landscaped areas between units and pathways, provided that each of them meet the minimum width and depth requirements set forth below. Usable open space shall also include private patios and balconies. Driveway and parking areas, indoor living areas of dwelling units, garages, carports, equipment rooms, utility rooms and any other buildings used for the maintenance of the development shall not be considered as part of the usable open space. The minimum dimension of a usable open space area shall be eight feet by eight feet. On lot frontages greater than 400 feet, at least one dimension of the usable open space shall be equal to two percent of the frontage length.</p> <p>Open space areas shall be landscaped by the developer in accordance with the approved plan and shall be maintained by the property owner thereafter.</p> <p>For sites greater than one acre in size, a minimum of 40% of the required 25% usable open space shall be developed with gardens, turfed play fields, hard surfaced game courts, recreation rooms, swimming pools or other features designed for the exclusive active recreational use of residents of the development.</p>
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Proposed	Depict on the landscape plan.
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**OFF-STREET PARKING**

Required	<p>When there is more than one dwelling unit on a single lot there shall be one and one-half parking spaces for each dwelling unit, one of which shall be in a carport or garage. In the event that a requirement for one-half parking space results under this ratio, the parking space requirement shall be increased to the next highest whole number.</p> <p>160 units x 1.5=240 parking spaces, 160 of which shall be in a carport/garage</p> <p>The provisions of the General Conditions, Section 12-306-I, shall apply.</p>
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Proposed	301 parking spaces proposed (99 open spaces, 26 garage spaces, and 176 carport spaces)
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**ACCESS**

Required	<p>There shall be vehicular access from a dedicated and improved street, alley or recorded private access to off-street parking facilities on the property requiring off-street parking.</p> <p>There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes.</p> <p>There shall be an adequate paved turning area on lots facing on and having access to either Collector or Arterial Streets as identified on the Circulation Element of the Fresno General Plan, to permit motor vehicles to turn around on-site before moving forward into the street.</p>
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		If vehicular access is by way of a driveway parallel with a side lot line, it shall be not less than 10 feet in width, extending from a dedicated and improved street, alley, or recorded private access to the building site, and used for both pedestrian and vehicular access.
	Proposed	Please see comments from the Public Works Department
<b>OUTDOOR ADVERTISING</b>		
	Required	Comply with Sections 12-207.5-K and 12-212.5-K-2 of the FMC.
	Proposed	Depict any proposed signs on the site plan. Signs shall be architecturally compatible with the proposed development.
<b>LOADING SPACES</b>		
	Required	Loading spaces will be required subject to Section 12-306-L of the FMC if the apartment development established involves pick-up and delivery of materials (other than normal solid waste collections) from trucks and tractor-trailers weighing more than two tons.
	Proposed	Provide necessary changes if the development falls within the requirement mentioned above.
<b>TREES (On Site)</b>		
	Required	The FMC requires each residential parcel of land or lot to have a minimum of one medium-sized tree (30—60 feet at maturity) for each required parking space, plus one medium sized tree for each residential unit.  Based on the number of parking spaces provided (301) and residential units proposed (160) a minimum of 461 medium-sized trees are required.
	Proposed	<b>It is unclear how tall each tree is at maturity because the tree species of each tree depicted is not called out on the landscape plan. Depict the tree species and size to determine the on-site tree count.</b>

**SUMMARY AND COMMENTS**

Other:

1. Provide elevations of the pedestrian entry feature and depict the height.
2. Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached *Development Department, Performance Standards for Parking Lot Shading*, including tree species and tree counts. Please call out the tree species for each tree depicted on the site plan.
3. If any bicycle parking spaces are provided, depict on the site plan.
4. Add applicable notes/details on the site plan from the attached "Standard Notes" of Site Plan Review Application Submittal Requirements.

**Local Plans and Policies**

Bullard Community Plan

• **4.1.2 Goal:**

- Provide for a diversity of housing types and housing opportunities to meet the needs of all ages and income levels.
- Provide for efficient use of land and the public service delivery system while protecting the integrity of established neighborhoods.
- Provide for a compatible relationship between differing housing types and densities.

• **4.1.3 Goal:**

- Medium-high density residential development, i.e. 10.37-18.15 units per acre, should either have direct access to a major street or to a local street of sufficient capacity which does not pass through single family neighborhoods prior to intersecting a major street.
- The following development standards for interface areas between properties planned for multiple family residential use and properties zoned or planned for single family residential use shall be mandatory for all land north of Herndon Avenue and advisory for all other areas.
  - Outdoor recreational areas, game courts, swimming pools, and solid waste collection areas on properties zoned for multiple family residential uses shall be oriented away from properties zoned or planned for single family residential uses.
  - Parking areas, carports, garages, accessory structures, and access drives shall be separated from abutting properties zoned or planned for single family residential use, with a landscaped setback 15 feet wide, in conjunction with solid masonry wall six feet high on the property line.
  - Within an area 100 feet wide and abutting property zoned or planned for single family residential use, exterior area lighting for multiple family residential parking, carports, garages, access drives, outdoor recreation areas, game courts, and swimming pools shall be shielded, to prevent line of sight visibility of the light source from abutting property zoned or planned for single family residential use.
  - Multiple family buildings greater than one story, i.e. 20 feet in height, shall be prohibited within 25 feet of property zoned or planned for single family residential use.

- **5.3.1 Policy:** The Boulevard Area Policy is intended to provide for aesthetically pleasing streetscapes for major streets within the predominantly undeveloped portion of the Bullard Community Plan area. Such a policy would create areas of special quality and focus in the Bullard Community that will enhance the public and private value of those areas. The policy shall be implemented through the use of the "BA" Boulevard Area Overlay Zone District, which shall be applied to all property abutting the designated streets. The BA District essentially requires a landscaped area with a maximum depth of 35 feet along the street property line, within which no parking, loading or storage is allowed.

- BA-20: Figarden Drive along its entire length

• **5.5.1 Goal:**

- Provide for a viable "community center" (focal area of community activity) integrating commercial, medium-high density residential, cultural, social, educational and recreational facilities at a location accessible to the community at large.
- Ensure that the higher intensity uses envisioned for the "community center" are compatible with existing neighborhoods in the vicinity.

2025 Fresno General Plan

• **Subject to General Plan Design Guidelines (attached)**

- **Objective C-4:** Adhere to a multiple community center concept of urban design for the Fresno metropolitan area as conceptually shown on Exhibit 6 of the 2025 Fresno General Plan.
- **Policy C-4-b:** Activity centers should include commercial areas, employment centers, schools, higher-density residential development, churches, parks, and other gathering points where residents may interact, work, and obtain goods and services in the same place.
- **Objective C-9:** Plan for diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities.
- **Policy C-9-k:** Medium-high density residential uses shall be distributed to maximize efficient use and affordability of residential property through a wide range of densities. New residential projects within this land use category should be permitted to be developed at a density less than the minimum shown in Table 2 in order to better achieve the goals of the city's Housing Element.

- **Policy C-11-a:** Prefer multi-family housing in designated activity centers and along intensity corridors.
- **Policy C-11-b:** Encourage the integration of multi-story residential projects into other parts of the community in order to increase the efficiency of transportation.
- **Policy C-11-c:** Promote multi-family development and design that provides increased security and safety.
- **Policy C-11-d:** Buffer multi-family development projects from adverse environmental impacts (e.g., indoor and outdoor noise, glare) to the same extent as single-family development projects.
- **Objective C-19:** Develop and implement streetscape plans to establish cohesive and aesthetic major and local street design patterns by using distinctive features.
- **Policy C-19-b:** Properties fronting on major streets shall be improved with landscaped setbacks and sidewalks which reflect a continuity of design, depth, and planting materials. This should include unified design of street furniture and walls.
- **Objective C-20:** As part of the city's project review process, major emphasis will be given to site and building design in order to preserve functionality and community aesthetics.
- **Policy C-20-d:** Development projects shall be designed with appropriate layouts that provide sufficient areas for all proposed activities, for support functions, and for efficient and safe vehicular and pedestrian access.
  - Appropriate space shall be provided for activities proposed.
  - Sufficient space and access shall be provided for support functions (e.g., storage, loading, parking, waste disposal/recycling).
  - Safe vehicular, bicycle, and pedestrian access shall be provided and maintained. Access for the disabled shall be incorporated into project designs as required.
- **Policy C-20-e:** Development projects shall include aesthetic measures which support functionality and add to the appearance and livability of the community.
- **Policy C-20-f:** The project developer shall provide a set of documents and drawings that will allow assessment of the final building project. Materials, texture, and colors shall be noted on the original special permit drawings and on construction plans.
  - Development projects shall appropriately interface with adjacent properties.
  - High-contrast or gaudy building facades, lighting and signage which create disharmony with adjacent properties, or which draw undue attention, should be avoided.
  - Located waste storage/recycling areas at the maximum practical distance from residences and other living quarters.
  - Building facades shall include design features and decorative treatments. Visible sides of buildings shall not develop with featureless, "blank" walls.
  - Landscaping and parking lot shading shall be employed for environmental and aesthetic improvement, while observing safe lines-of-sight along access routes.
  - Exterior lighting shall not create glare for neighboring properties, but shall provide adequate on-site lighting for safety and security purposes.
- **Objective C-21:** Incorporate the following design considerations and practices for single-family clustered project, multi-family, and residential/institutional projects.
- **Policy C-21-a:** An architectural theme shall be established for each development, including visually enhanced architectural features and building materials (which shall be applied throughout the development, particularly where visible to street frontages and adjacent properties).
- **Policy C-21-c:** The design measures should include variations of the building footprints with indentations, projections and offsets; variations in the exterior walls using a variety of materials and features such as balconies, bay windows, verandas and entryways and varied roof forms with slopes, ridges and valleys suggestive of single-family residential structures.
- **Policy C-21-e:** Design pedestrian and vehicular entrances, walkways, parking areas, open spaces, common

facilities, structures, and fencing to inhibit uncontrolled access by nonresidents and facilitate surveillance by residents, property managers and law enforcement or security personnel. Vehicular access gates may be used when they can be safely installed.

- **Policy C-21-f:** Fences and walls along street frontages shall be designed to be architecturally compatible, aesthetically pleasing, and durable with easy pedestrian access to nearby commercial uses.
- **Policy E-1-n:** Safe access and mobility for the physically impaired must be implemented in the design of all pedestrian facilities.
- **Objective H-1:** Protect the citizens of the city from the harmful and annoying effects of exposure to excessive noise.
- **Policy H-1-a:** New noise-sensitive land uses impacted by existing or projected future transportation noise sources shall include mitigation measures so that resulting noise levels do not exceed the standards shown below:
  - Residential outdoor activity areas shall not exceed 60 Ldn dB and interior spaces shall not exceed 45 Ldn dB.

<b>SIGNATURE</b>		<b>DATE</b>	01.27.12
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## **OPERATIONAL STATEMENT**

*December 21, 2011*

The project shall consist of the construction of one hundred sixty (160) multi-family units located on Figarden Drive, between North Gates Avenue and North Verba Avenue in northwest Fresno. Once completed, the community will feature a community building, a pool, garages, carports, and open space, in addition to the living units. All units will be rented at market rates. A marketing name for the community has not been determined.

Anticipated build-out will consist of one phase. Twenty multi-family buildings and one community building and pool will be constructed as part of the single phase build-out, along with carports and garages and the necessary landscaping and the pedestrian entry feature along Figarden Drive.

The living units will range in size from 759 square feet to 1,330 square feet, with a distribution of 1-, 2- and 3-bedroom units. There will be ample open space throughout the project. The project will be gated, and will feature keyless entry gates located at both North Gates Circle and Verba Avenue.

Anticipated start of construction for this project is Q3 2012, with a projected completion of Q4 2013.

## **POTENTIAL ENVIRONMENTAL EFFECTS**

It is our opinion that the long term environmental effects relative to noise, air pollution, odors, waste by-products, and demand on infrastructure will not have a significant adverse impact on the adjacent neighboring properties, the neighborhood or the city as a whole.

## **General Notes and Requirements for Entitlement Applications**

### **GENERAL**

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

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

### **FENCES/WALLS, LANDSCAPING, PARKING**

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

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

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

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

### SIGNAGE

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

### MISCELLANEOUS

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

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

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

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

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

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

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

### **FEES**

(Not all fees will be applicable to all projects)

43. **NOTICE TO PROJECT APPLICANT:** In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.
44. **CITYWIDE DEVELOPMENT IMPACT FEES**
  - a) Traffic Signal Charge (FMC Section 12-4.1101 to 12-4.1103) This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.
  - b) Fire Facilities Fee (FMC Section 12-4.901 to 12-4.906) (based on building square footage, or residential units)
  - c) Police Facilities Fee (FMC Section 12-4.801 to 12-4.806) (based on building square footage, or residential units)
  - d) Parks Facilities Fee (FMC Section 12-4.701 to 12-4.706) (based on the number of residential units)
45. **CITYWIDE REGIONAL AND NEW GROWTH MAJOR STREET IMPACT FEES (FMC Section 12-4.1006)**

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

#### 46. FRESNO COUNTY FACILITY IMPACT FEE

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

#### 47. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

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

#### 48. SCHOOL FEES

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

#### 49. FLOOD CONTROL FEES

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

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

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

*Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and*

*deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP). For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.*

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

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

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

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## PERFORMANCE STANDARDS FOR PARKING LOT SHADING

Updated February 13, 2006

### POLICY

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

### GENERAL

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

### SITE PLAN REQUIRED

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

### METHODOLOGY

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

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

ALLOWABLE SPECIES/CANOPY (Provided by Parks Department)

MINIMUM TREE REQUIREMENT

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

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

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

MINIMUM PLANTER SIZE (between tiers of parking)

Continuous Planter

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

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

MINIMUM SIGHT TRIANGLE

10 feet in traffic areas

30 – 35 feet at street intersections

100 feet at major street intersections

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

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

CITY OF FRESNO PARKS AND RECREATION DEPARTMENT

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

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

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

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

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

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

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## CITY-WIDE DESIGN GUIDELINES ADOPTED FOR THE 2025 FRESNO GENERAL PLAN:

### I. SITE DESIGN

#### PURPOSE OF SITE DESIGN:

Promote the improvement of the visual and built environment

#### GENERAL CONSIDERATIONS

1. Site Design combines the three elements of development: 1) buildings; 2) parking and circulation; and 3) landscape and amenities. These aspects must be in proper balance.
2. Buildings shall be designed and sited so as to provide a strong functional relationship to the site and the neighborhood. Required side and rear yards should be utilized and should be integrated into the overall purposeful arrangement. Inaccessible yards and similar outdoor spaces which tend to encourage storage, gathering of trash, and weeds shall be avoided, unless approved by the Director.
3. Natural site amenities shall be recognized. Views, trees, creeks and similar features unique to the site should be preserved and incorporated into development proposals. Such features shall be considered as strong site design determinants. Disruption of existing natural features, particularly older trees, shall be minimized.
4. Building setbacks must relate to the character of the existing streetscape. Where existing streets have been widened, thereby changing setbacks, field analysis of setback needs should be required for new buildings.
5. Site designs shall not negatively impact the immediate environment of the site.
6. Separate vehicular and pedestrian circulation systems shall be provided for larger projects. Pedestrian access to residential developments generally shall not utilize driveways and pick-up areas. Pedestrian linkages between uses in commercial developments shall be emphasized, including distinct pedestrian access from parking areas in large commercial developments such as shopping centers.
7. Provision must be made for bicycles. Bicycle parking in residential developments should be on an all-weather surface and be located close to dwelling unit or residential development entrances. Bicycle parking shall be lockable.
8. On larger commercial sites such as shopping centers, a portion of the total building area shall be located at the street perimeter. Such siting, together with substantial landscape treatment, reinforces and strengthens the streetscape, and helps to screen off-street parking areas.
9. Common driveways, which provide vehicular access to more than one site, are encouraged.

10. Site development shall give consideration to solar access and/or energy efficiency.
11. The siting and orientation of buildings shall respond to the pedestrian and vehicular nature of the street. Buildings on streets of high pedestrian use (such as downtown) should face on, and be directly accessible from, the sidewalk., with minimal interruption by driveways or parking areas. Buildings on streets with heavy vehicular traffic, particularly those with no on-street parking, should provide a major entry for the off-street parking area.
12. Off-street parking facilities need to be located to the rear of sites. Street frontages should be devoted to building architecture and landscaping. Parking should be screened from the street with mounds, vegetative screening, low wall, fencing, or lowered parking grade. (Refer to III. LANDSCAPING, No. 15).
13. Screening and buffering, as well as good design, needs to be used to mitigate the effects of trash areas, storage areas, service yards, loading docks and ramps, electrical and other utility boxes, mechanical equipment, and other necessary but unsightly aspects.

## II. BUILDING DESIGN

### PURPOSE OF BUILDING DESIGN

Development shall improve the visual and built environment of the neighborhood and the City as a whole.

### GENERAL CONSIDERATIONS

1. No single theme is required in Fresno. Themes may be established for selected parts of the community. They are directed more toward standards of quality and compatibility than toward achieving a uniform appearance.
2. Architectural consistency should exist between all building elevations of a particular structure or complex of structures, including consistent use of materials. Façade treatments shall consistently encompass all building sides. “False” or “decorative” façade treatments shall be avoided. All elevations need not look alike; however, an overall architectural sense must occur.
3. Visible rooftops should be treated as building elevations. Such rooftops should be free of mechanical equipment “clutter” in situations where it may be visible from surrounding buildings or structures. Rooftop mechanical equipment is not prohibited, but its design and screening should be incorporated into building design. For example, HVAC non-transitional ducts shall be below the roof structure.

4. Mechanical equipment, including wall air conditioners, should be screened from public view. The design of mechanical equipment screening should be compatible with, and an integral element of, the building structure. Rooftop screening and other mechanical equipment screening should be a minimum of 12 inches higher than the equipment itself.
5. Add-on components such as utility meters, ladders, vent pipes and similar features need to be identified in site plans and not placed as an afterthought in full public view unless screened in an acceptable manner.
6. All proposed buildings or structures should be compatible with the neighborhood character. Building design, however, need not be unduly constrained or limited by structures on adjacent sites.
7. All buildings on the same site should have strong spatial and architectural relationships. When the first portion of a site area is to be developed, a concept plan shall be submitted for the entire site.
8. All building design should achieve a sense of human scale. Wall insets, balconies, window projections, etc. are examples of building elements which may help reduce the scale of larger buildings.
9. Materials should be relatively permanent, requiring minimum maintenance in order to avoid deterioration.
10. Building entries should be protected from the elements and should afford a "sense of entry" for the structure.
11. All designs should be responsive to energy consideration. When energy-conserving devices such as solar heat collector panels are utilized, such devices should be designed as visually integral parts of the structure.
12. Modified standards may be considered for temporary buildings or structures, which are guaranteed to be removed from the site within six (6) months.
13. Each phase of a phased development should be visually complete. Temporary barriers/walls should be painted and trimmed to compliment the permanent construction.
14. Where buildings are on the border between different uses, there needs to be an appropriate transition.
15. Standardized and corporate design elements must be modified to be consistent and integrated with the surrounding environment.
16. The design of fencing, trash enclosures, and similar accessory site elements should be compatible with the architecture of main buildings and should use a similar palette of materials.

17. Masonry walls and allowable chain link fences shall be designed to accept vegetation, to reduce monotony, and to prevent irregular or unsightly lines.

### III. LANDSCAPING

#### PURPOSE OF LANDSCAPE:

Landscaping shall be used to improve aesthetics, to soften the harshness of the urban setting, and to create a pleasant human environment.

#### GENERAL CONSIDERATIONS:

1. All site development shall include landscaping, except where determined to be impossible by the Director.
2. Landscaping shall be designed to provide a strong relationship between the site, street frontage, and neighborhood.
3. There should be a consistency of landscape design through a development. All areas within a development need not be identical. Among other things, different landscape themes may be utilized in larger developments to delineate spaces, strengthen a sense of place, and to add movement. Such themes should be consistent within a site.
4. Landscape plans shall indicate all proposed site elements, such as outdoor lighting, signage, fencing, site furnishings, and other site elements.
5. Where possible, existing landscape elements should be incorporated and preserved. Healthy mature trees and tree groupings shall be preserved as design determinants. In sites with mature trees, the development plan, elevations, and landscape shall be required to protect existing trees. Mature trees on project sites shall be protected and preserved as per City of Fresno tree preservation standards.
6. Landscaping shall be incorporated into building and site design. Trellises, arbors, and multilevel type landscaping should be considered.
7. All projects, including exterior modifications, are subject to street tree requirements. Street trees shall meet City requirements.
8. Live plant material shall be used in all landscaped areas. Imitation vegetation is not acceptable.
9. Gravel, colored rock, bark, and similar materials may be used in conjunction with, but not instead of, living ground cover and vegetation. Brick, cobblestone, and wood can be integrated into pathways and edges where appropriate.

10. Public and employee parking areas shall be landscaped. Such landscaping shall include perimeter screening and interior shading as per City standards.
11. Automatic irrigation is required for all landscape areas; surface piping and tubing are not allowed.
12. Irrigation heads shall not overspray walks, buildings, fences, streets, etc.
13. All property owners shall maintain landscaping consistent with these guidelines.
14. Required setbacks for buildings and landscaping may be averaged, but not less than one-half of the required setback. Proposals for less than one-half of the required setbacks may be considered through a reduced-fee Variance application process.
15. Major street landscaping shall include all of the following:
  - Double-row, large-scale 20'-on-center tree canopies within public and private landscape areas (curb to end of landscape setback)
  - Screening of parking through eye-level (as seen from an automobile) design elements, including but not limited to landscaping, fences, artwork, water features, etc.
  - One hundred percent screening/blocking is not mandatory.
  - Green shall be emphasized: plant material, size, type, and location.
  - Project entry/gateways defining sense of place shall be emphasized.

#### IV. SIGNAGE

##### PURPOSE OF SIGNAGE:

Signs are intended to identify the location of a place or business or residential development.

##### GENERAL CONSIDERATIONS

1. Sign information is to be limited to the identification of the business name and, when necessary, the business function and business logo. Product advertising shall not be permitted.
2. Signs should be simple and easy to read.

3. Signs are to be limited to the minimum necessary for the proper use of the site.
4. Signing and related graphics must relate to the overall building and site design. Signing considerations should be made during the building design stages so that signage and graphics are architecturally incorporated into those buildings.
5. Unusual architectural features (such as the “golden arches”) used as a logo shall be considered and reviewed as part of the sign proposal.
6. Use of individual letters for all signing is preferred and encouraged over cabinet signs. Where cabinet signs are utilized, such cabinets must be an integral design element of the building or structure.
7. Master sign programs shall be prepared for multiple-occupancy buildings.
8. Complete sign programs for entire buildings or building complexes should be included with the architectural review of a signing request for any portion of a multiple-occupancy building. This also applies to existing buildings without any sign program. A long-term sign program must be established.
9. The light source of externally illuminated signs should not be visible.
10. Murals shall be subject to sign review.

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT  
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,  
AND ENTITLEMENT APPLICATION REVIEW OF  
PLAN AMENDMENT APPLICATION NO. A-11-011, REZONE APPLICATION NO. R-11-017,  
and CONDITIONAL USE PERMIT APPLICATION NO. C-11-176

P&D/Building and Safety Svcs - Yeghia Oulashian

Return Completed Form to:

Bonique Emerson  
Email: [Routing@fresno.gov](mailto:Routing@fresno.gov)  
Telephone: 559-621-8277  
Development and Resource Management  
2600 Fresno Street, Third Floor  
Fresno CA 93721-3604

**PROJECT DESCRIPTION AND LOCATION:**

Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176 were filed by Steven Spencer, on behalf of John Allen, and pertain to 10.12 acres of property located on the north side of North Figarden Drive between North Gates and North Verba Avenues. **Plan Amendment Application No. A-11-011** proposes to amend the 2025 Fresno General Plan and Bullard Community Plan from the community commercial planned land use designation to medium-high density residential land use designation. **Rezone Application No. R-11-017** proposes to reclassify the property from C-2/BA-20/UGM (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management*) to R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet*) zone district. **Conditional Use Permit Application No. C-11-176** proposes a 160-unit multiple family residential gated community with garages, pool, and community building.

APN: 509-030-26s, 29s, 30s, 38s, 44s, 48s  
SITE ADDRESS: 5470 North Figarden Drive

ZONING: C-2/BA20/UGM to R-2/BA20/UGM

DATE ROUTED: November 28, 2011

COMMENT DEADLINE: December 16, 2011

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

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

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

REQUIRED CONDITIONS OF APPROVAL:

*Plans/permits  
req'd comments  
@ Plan review*

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

REVIEWED BY:

*[Signature]*  
Name and Title

*8155*  
Telephone Number

*11-29-11*  
Date



**DEPARTMENT OF PUBLIC UTILITIES**

**Date:** December 6, 2011

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

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

**Subject:** SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-11-176, REZONE APPLICATION R-11-017, AND PLAN AMENDMENT A-11-011



**General**

A-11-011, R-11-017, and C-11-176 were filed by Steven Spencer, on behalf of John Allen, and pertain to 10.12 acres of property located on the north side of North Figarden Drive between North Gates and North Yerba Avenues, 5470 North Figarden Drive, 509-030-26S, 29S, 30S, 38S, 44S, 48S. A-11-011 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to medium-high density residential land use designation. R-11-017 proposes to reclassify the property from C-2-BA-20-UGM, Community Shopping Center-Boulevard Area Overlay, 20 feet-Urban Growth Management, to R-2-BA-20-UGM, Low Density Multiple Family Residential-Boulevard Area Overlay, 20 feet, Urban Growth Management, zone district. C-11-176 proposes a 160 unit multiple family residential gated community with garages, pool and community building.

**Sewer Requirements**

The nearest sanitary sewer mains to serve the proposed project are an 18-inch main located in North Yerba Avenue and an 18-inch main located in North Figarden Drive. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. Installation of sewer house branch(s) shall be required.
2. On-site sanitary sewer facilities shall be private.
3. Abandon any existing on-site private septic systems.
4. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.

## Sewer Fees

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

1. Sewer Lateral Charge
2. Sewer Oversize Service Area: #16 & #18
3. Trunk Sewer Charge: Cornelia
4. Wastewater Facilities Charge (Residential Only)
5. Upon connection of this Project to the City Sewer System the owner shall be subject to payment of Sewer Facility charges per Fresno Municipal Code Section 6-304 and 6-305. Sewer Facility Charges consist of two components, a Wastewater Facilities Charge and Trunk Sewer Charge where applicable.
6. Sewer Facility Charges are collected after occupancy on a monthly basis over time based on metered (water or sewer effluent) usage. The developer may contact the Department of Public Utilities/Wastewater-Environmental Control at (559) 621-5153 to receive an estimated cost of the Sewer Facility Charges applicable to the project (based on a constant sewer discharge and loading (Biochemical Oxygen Demand [BOD] and Total Suspended Solids [TSS] levels anticipated) at the current rates in effect, at that time, per Fresno's Master Fee Resolution. The developer shall provide data regarding estimated sewer discharge rates [flow] and loading [BOD/TSS levels] required for calculating the estimated charges.



**DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION**



**DATE:** December 29, 2011

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

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

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

**SUBJECT:** **WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-11-176, AMENDMENT A-11-011 AND REZONE R-11-017.**

**General**

A-11-011, R-11-017, and C-11-176 were filed by Steven Spencer, on behalf of John Allen, and pertain to 10.12 acres of property located on the north side of North Figarden Drive between North Gates and North Verba Avenues, 5470 North Figarden Drive, 509-030-26S, 29S, 30S, 38S, 44S, 48S. A-11-011 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to medium-high density residential land use designation. R-11-017 proposes to reclassify the property from C-2-BA-20-UGM, Community Shopping Center-Boulevard Area Overlay, 20 feet-Urban Growth Management, to R-2-BA-20-UGM, Low Density Multiple Family Residential-Boulevard Area Overlay, 20 feet, Urban Growth Management, zone district. C-11-176 proposes a 160 unit multiple family residential gated community with garages, pool and community building.

**Environmental Recommendations**

**A NEGATIVE DECLARATION MAY BE ISSUED:** The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environment Impact Report.

**Water Requirements**

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

1. On-site water facilities shall be private.
2. Installation of water service(s) & meter box(es) shall be required.
3. The developer shall provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities.

4. The development shall incorporate water use efficiency for landscaping including the use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features as appropriate and sanitary.
5. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Assistant Public Utilities Director.



**DEPARTMENT OF PUBLIC UTILITIES**

**Date:** December 07, 2011

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

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

**Subject:** A-11-011, R-11-017, and C-11-176 were filed by Steven Spencer, on behalf of John Allen, and pertain to 10.12 acres of property located on the north side of North Figarden Drive between North Gates and North Verba Avenues, 5470 North Figarden Drive, 509-030-26S, 29S, 30S, 38S, 44S, 48S. A-11-011 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to medium-high density residential land use designation. R-11-017 proposes to reclassify the property from C-2-BA-20-UGM, Community Shopping Center-Boulevard Area Overlay, 20 feet-Urban Growth Management, to R-2-BA-20-UGM, Low Density Multiple Family Residential-Boulevard Area Overlay, 20 feet, Urban Growth Management, zone district. C-11-176 proposes a 160 unit multiple family residential gated community with garages, pool and community building.

**Does Project Affect Your Agency/Jurisdiction**

Yes - Project will be serviced.

**Suggestions to Reduce Impacts/Address Concerns**

Enclosure shall be constructed on a level surface.

**Recommended Conditions of Approval**

Project will be serviced.

Provide access to gates by 5:30 a.m. or provide remote, key or access code.

Enclosure shall be built in accordance with current Solid Waste standards.

Three or more enclosures required for this project.

**Additional Information**

Location of enclosure is acceptable



**FIRE DEPARTMENT**

**Date:** December 9, 2011

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

**From:** DARLA SCOTT, Sr. Fire Prevention Inspector   
Fire Department, Fire Prevention and Investigation Bureau

**Subject:** A-11-011, R-11-017, and C-11-176 were filed by Steven Spencer, on behalf of John Allen, and pertain to 10.12 acres of property located on the north side of North Figarden Drive between North Gates and North Verba Avenues, 5470 North Figarden Drive, 509-030-26S, 29S, 30S, 38S, 44S, 48S. A-11-011 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to medium-high density residential land use designation. R-11-017 proposes to reclassify the property from C-2-BA-20-UGM, Community Shopping Center-Boulevard Area Overlay, 20 feet-Urban Growth Management, to R-2-BA-20-UGM, Low Density Multiple Family Residential-Boulevard Area Overlay, 20 feet, Urban Growth Management, zone district. C-11-176 proposes a 160 unit multiple family residential gated community with garages, pool and community building.

**Hydrants**

Developer must install on-site hydrants(s). See Plan for location(s). Provide fire hydrant flow of 2500 GPM with a minimum 8" water main.

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

### **General**

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

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

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



**DATE:** February 29, 2012 REVISION

**TO:** McKencie Contreras  
Development and Resource Management Department

**FROM:** Louise Gilio, Supervising Engineering Technician  
Public Works Department, Traffic and Engineering Services Division

**SUBJECT:** Conditions of Approval for **C-11-176**

**APN:** 509-030-26s, 29s, 30s, 44s, 48s

**ADDRESS:** 5470 North Figarden Drive

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

**A. General Requirements**

1. **Parcel of Record:** Identify the entire parcel at the time of permits and a legal description. If only a portion of an existing parcel is to be developed, a key map shall be included showing the entire parcel.
2. **Property Lines:** Identify and dimension existing and proposed property lines.
3. **Easements:** Identify and dimension all existing and proposed easements.

**B. Offsite Information:**

1. **Dedications:** Identify all existing and proposed dedications. Dedications cannot be determined until the existing easements are identified. All new dedications are required **prior** to building permits.
2. **Street Improvements:** Identify width of driveway approaches, radius of ADA ramps, street lights (specify if wood or metal pole), existing or proposed traffic signals.
3. **Street furniture:** Identify utility poles, boxes, guy wires, signs, fire hydrants, bus stop benches, trash receptacles, tree wells, etc.
4. **ADA:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property.
5. **Intersections:** The proposed project is on street corner. Provide the entire intersection on the site plan and identify existing striping on the south side of Gates.
6. **Vacations:** Identify and dimension all vacations.
7. **Gates Avenue:** To be vacated. Dedicate a "traffic signal facilities easement" for loops as shown on Exhibit A. Identify on site plan.
8. **Verba:** Bike Path/Trail: Bike lane provided on Verba to replace portion of trail. Identify modified cross section on the site plan.

**C. Other Important Information:**

1. **Lot Line Adjustments:** Perfection required **prior** to building permits. Provide reference numbers
2. **Parcel Map:** Recordation of PM 2006-20 is required **prior** to building permits
3. **Traffic Impact Studies:** Provide reference numbers

**PUBLIC IMPROVEMENT REQUIREMENTS**

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements

not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

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

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

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

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

If not existing, street work on major streets shall be designed to include Intelligent Transportation Systems (ITS) conduit in accordance with the Public Works ITS specifications.

### **Survey Monuments and Parcel Configuration**

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

The parcel configuration depicted for the proposed development does not conform to record information: a Parcel Map and a Lot Line Adjustment are required to establish this configuration **prior** to building permits. Contact the Development and Resource Management Department for details or submit a revised exhibit confining the proposed development within existing parcel lines.

### **Street Dedications, Vacations and Encroachment Permits**

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

#### **Figarden Drive: Arterial**

1. Dedicate corner cuts for public street purposes at the intersections of Figarden / Gates and Figarden / Verba. Exact locations to be determined once accurate plans are resubmitted.
2. Dedicate a **2'** pedestrian easement to accommodate a **6'** sidewalk.

### Gates Avenue: Local

1. To be vacated with Parcel Map 2006-20 **prior** to building permits. Dedicate a "traffic signal facilities easement" for the traffic loops. 30' x width of egress. Contact the Public Works Department, Alan James (559) 621-8693 for additional information. A feasibility study for all proposed vacations of existing public rights of way is required to be completed **prior** to building permits.

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

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

### Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed for Collectors and **55** MPH for Arterials. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, Traffic and Engineering Services Division at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

Repair all damaged and/or off grade off-site concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current ADA regulations. All existing sidewalks in excess of 2% maximum cross slope must be brought into compliance **prior** to acceptance by Public Works.

### Figarden Drive: Arterial

1. Modify or replace the existing ramps to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy. "Detectable Warning Devices" are required, if not existing. Reference Public Works Standards **P-28** and **P-32**.
2. Construct concrete sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **10'** residential pattern. Construct a **6'** residential sidewalk. A 2' dedication for a pedestrian easement is required **prior to building permits**.
3. Site Plan approval of a street type approach **P-77** is a tentative approval until such time that a qualified Civil Engineer prepares street plans that provide the sufficient cross drainage approved by the City Engineer in accordance with Public Works Standard **P-10**.

4. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-7** for Arterial Streets. **-OR-** show the existing street light locations on the plans, **-AND-** that they are constructed per current City of Fresno Public Works Standards.

#### **Verba Avenue: 64' Local**

1. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **10'** residential pattern. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, **Section 26-2.11(C)**.
2. Construct a **27'** driveway approach to Public Works Standard(s) **P-2** and **P-6**.
3. Construct an underground street lighting system to Public Works Standard **E-2** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-9** for Local Streets. .

#### **Off-Street Parking Facilities and Geometrics**

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
2. Install **30"** state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a **2"** galvanized post with the bottom of the sign **7'** above ground; located behind curb and immediately behind a major street sidewalk. A "right turn only" sign is also required, at the same location; install a **30" x 36"** state standard sign immediately below the stop sign on the same post.
3. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.
4. Provide a minimum of **100'** from the proposed gate to the back of walk, for vehicle stacking at the main entrance.

**Traffic Impact Study:** The proposed project consists of a 160-unit multiple family residential development. Trip Generation based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (ITE Code 220) indicates that the project will generate **1075 1064 (based on new version of the Trip Generation Manual)** average daily trips (ADT's), **82** trips during the AM and **100 99** trips during the PM peak hour.

A Traffic Impact Study **is** required as a condition of General Plan Amendment A-11-176 and has been submitted. Comply with the mitigated measures as per the Assistant Traffic Engineering Manager's comments dated **2-29-12** on pages 6 and 7.

#### **Landscape and Feature Maintenance:**

1. The Owner/Developer of commercial, industrial and multi-family developments shall be responsible for providing maintenance for certain required public improvements associated with this application and as approved by the Public Works Department. The following are eligible items:
  - Maintenance of **LANDSCAPING AND HARDSCAPING** constructed or installed in **MEDIAN ISLANDS** in all City streets (Major and Local).
  - Maintenance of all existing or installed required City **STREET TREES**.

- Maintenance of City LOCAL STREET paving, curbs and gutters, valley gutters, curb ramps, sidewalks, street name signs and street lights.
  - Maintenance of OFFICIALLY DESIGNATED AND REQUIRED PUBLIC TRAILS, including trail amenities such as benches, drinking fountains, trash receptacles, City required safety fencing and low voltage lighting.
  - Maintenance of City required LANDSCAPING AND IRRIGATION SYSTEMS between sound walls and City streets.
2. If the any of the above items are required for this application the Owner/**Developer** shall do one or both of the following:
- a. Petition the City to have certain required items included into a Community Facilities District (**CFD**) designed for maintaining those types of items. An Annexation Request Package shall be submitted to the Public Works Department to be reviewed for acceptance. If you have any questions contact Ann Lillie, Traffic and Engineering Services Division at (559) 621-8690 / [ann.lillie@fresno.gov](mailto:ann.lillie@fresno.gov).
- AND/OR-**
- b. If the Council or Owner/**Developer** chooses not to include all of the required items or certain required items in a CFD, the property Owner/**Developer** shall be responsible for providing a mechanism approved by the City of Fresno for the maintenance of such items. Contact the Development and Resource Management Department at (559)621-8277.

**Traffic Signal Mitigation Impact (TSMI) Fee:** This project shall pay all applicable TSMI Fees **at the time of building permit** based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Contact the Planning and Resource Management Department, Frank Saburit at (559)621-8077.

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

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



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



Public Works Department  
Patrick Wiemiller, Director

February 29, 2012

Peters Engineering Group  
John Rowland, PE, TE  
952 Pollasky Avenue  
Clovis, CA 93612

**SUBJECT:** REVIEW OF TRAFFIC IMPACT STUDY (TIS) FOR THE PROPOSED GENERAL PLAN AMENDMENT 11-011, R-11-017, C-11-176, LOCATED EAST OF THE INTERSECTION OF FIGARDEN DRIVE AND GATES AVENUE  
TIS 11-020 DATED FEBRUARY 2, 2012, REVISED FEBRUARY 28, 2012

***TRAFFIC IMPACT STUDY APPROVED FOR PLANNING COMMISSION***

We have reviewed the Traffic Impact Study (TIS) by Peters Engineering for the proposed "project" that will be comprised of 160 Multi-Family Units and proposes a General Plan Amendment from the current land use of community commercial.

**GENERAL COMMENTS and CONDITIONS**

1. Trip generation based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (ITE code 220) is acceptable. The proposed General Plan Amendment and planned project will generate 1,064 average daily trips (ADT), 82 trips during the AM peak hour and 100 trips during the PM peak hour.

The existing General Plan land use generates 4,737 ADT, 111 trips during the AM peak hour and 412 trips during the PM peak hour based on an 110,300 SF Shopping Center (ITE Code 820).

2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of \$47.12 per ADT, per the Master Fee Schedule, at the time of building permit. Based on the reported ADT (ITE Code 220) for the proposed project, the fee would be \$50,135.68 payable at time of building permit.

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

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

3. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at the time of the building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.
4. The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; [www.fresnocog.org](http://www.fresnocog.org). Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
5. The proposed project shall make necessary traffic signal improvements for the addition of the east leg of the Figarden Drive at Gates Avenue intersection.
6. The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.
7. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.

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

Sincerely,



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

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



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**DEPARTMENT OF PUBLIC WORKS**

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TO: **Bonique Emerson, Planner III**  
Planning Division

FROM: **Hilary Kimber, Parks Supervisor II (559-621-1345)**  
Public Works, Median Island Maintenance

DATE: December 7, 2011

SUBJECT: **SITE PLAN REVIEW NO. C-11-176**

The Department of Public Works offers the following comments regarding 5470 North Figarden Drive (APN: 509-030-26s; 29s; 30s; 38s; 44s; 48s) located on the north side of North Figarden Drive between North Gates and North Verba Avenues:

**GENERAL REQUIREMENTS**

1. The Public Works Department requires one street tree for every 60 lineal feet of street frontage. **NOTE:** Curb/gutter and street lights are currently being installed.
2. There are approximately 475 lineal feet of street frontage along N. Figarden Dr. resulting in the requirement of eight (8) street trees. The designated street tree for N. Figarden Dr. is:

**Pistacia chinensis**

**Chinese Pistache**

3. There are approximately 765 lineal feet of street frontage along N. Verba Ave. resulting in the requirement of thirteen (13) street trees. The conceptual landscape plan shows sixteen (16) street trees which exceeds the Public Works requirements for street trees on this street. The suggested street tree for N. Verba Ave. is:

**Arbutus 'Marina'**

**Marina Strawberry Tree**

4. N. Gates Ave. appears to be a private street to the entry of this project; therefore, no street trees are required at this time.
5. Public Works requires landscape and irrigation plans to be submitted to the scale of 1"=20' for all landscaping within the right-of-way prior to the installation of any landscaping.

November 30, 2011

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

**Agency Project: Plan Amendment No. A-11-011, Rezone No. R-11-017,  
Conditional Use Permit No. C-11-176  
District CEQA Reference No: 20110501**

Dear Ms. Emerson:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of proposing a 16-unit multiple family residential gated community with garages, pool and community building, located at 5470 North Figarden Drive, in Fresno, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. Based on information provided to the District, at full build-out the proposed project would be equal to or greater than 50 residential dwelling units. Therefore, the District concludes that the proposed project would be subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

**Sayed Sadredin**

Executive Director/Air Pollution Control Officer

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**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

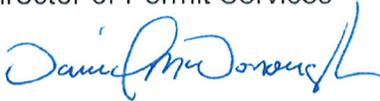
**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).
4. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call David McDonough, at (559) 230-5920.

Sincerely,

David Warner  
Director of Permit Services



for, Arnaud Marjollet  
Permit Services Manager

DW: dm

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

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



*Flex your power!  
Be energy efficient!*

December 15, 2011

2131-IGR/CEQA  
6-FRE-99-28.102+/-  
PA A-11-011, RZ R-11-017 &  
CUP C-11-176  
FIGARDEN DRIVE APARTMENTS

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

Dear Ms. Emerson:

We have completed our review of the plan amendment, rezone and conditional use permit applications for the proposed Figarden Drive Apartments, a gated 160-dwelling unit with garages, pool, and a community building. The site is located on the north side of North Figarden Drive between North Gates and North Verba Avenues, approximately 2 miles northeast of State Route (SR) 99/Shaw Avenue interchange. Caltrans has the following comments:

It is estimated that this development would generate approximately 100 trips during the evening peak travel time. It is expected that the project mitigate traffic related impacts through the Regional Transportation Mitigation Fee (RTMF) program and the City's TSMI program.

If you have any questions, please call me at (559) 488-7307.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Bryan-Sanchez".

JENNIFER BRYAN-SANCHEZ  
Office of Transportation Planning  
District 06



## County of Fresno

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

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December 8, 2011

999999999  
LU0016235  
PE 2602

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

Dear Ms. Emerson:

**PROJECT NUMBER:** A-11-011, R-11-017, C-11-176

**Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176** were filed by Steven Spencer, on behalf of John Allen, and pertain to 10.12 acres of property located on the north side of North Figarden Drive between North Gates and North Verba Avenues. **Plan Amendment Application No. A-11-011** proposes to amend the 2025 Fresno General Plan and Bullard Community Plan from the community commercial planned land use designation to medium-high density residential land use designation. **Rezone Application No. R-11-017** proposes to reclassify the property from C-2/BA-20/UGM (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management*) to R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet*) zone district. **Conditional Use Permit Application No. C-11-176** proposes a 160-unit multiple family residential gated community with garages, pool, and community building.

**APN: 509-030-26s, 295, 305, 385,445,485**  
**ZONING: C-2/BA20/UGM to R-2/BA20/UGM**  
**SITE ADDRESS: 5470 North Figarden Drive**

Recommended Conditions of Approval:

- Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in your City's municipal code.
- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the development should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project.

Bonique Emerson  
A-11-011, R-11-017, C-11-176  
December 8, 2011  
Page 2 of 2

Concurrence should be obtained from the State Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.

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

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

- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- Prior to the issuance of building permits for the proposed swimming pool/spa, the applicant(s) shall submit complete pool/spa facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Recreational Health Program at (559) 600-4058 for more information.

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REVIEWED BY:

**Janet Gardner**

Digitally signed by Janet Gardner  
DN: cn=Janet Gardner, o=Environmental Health Division,  
ou=Fresno County Public Health Department,  
email=jgardner@fresno.ca.us, c=US  
Date: 2011.12.08 13:12:00 -0800

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

Environmental Health Specialist III

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(559) 600-3271

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jg

cc. Steven Rhodes, Supervising Environmental Health Specialist (CT 4212)  
Baruti/Casagrande/Tolzmans, Environmental Health Division

A-11-011, R-11-017, C-11-176 Figarden Drive Apts



Facilities Management & Planning

**BOARD OF EDUCATION**

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**SUPERINTENDENT**

Michael E. Hanson

November 29, 2011

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

**SUBJECT: PLAN AMENDMENT APPLICATION A-11-011  
REZONE APPLICATION R-11-017  
CONDITIONAL USE PERMIT APPLICATION C-11-176  
'FIGARDEN DRIVE APARTMENTS'  
5470 N. FIGARDEN DR.**

Dear Ms. Emerson,

In response to your request for review and comment on Plan Amendment A-11-011, Rezone R-11-017 and Conditional Use Permit C-11-176, Fresno Unified School District submits the following:

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

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

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

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

2. Transportation will be available for students attending the above identified elementary, intermediate and high schools in accordance with District standards in effect at the time of enrollment. The cost of transportation is currently \$51.42 per hour. The cost of providing transportation services to students from the project will add to District transportation expenses.
3. This project could potentially generate 57 K-12 students which may have an impact on nearby schools. Additional transportation could be required if the assigned neighborhood schools cannot accommodate the increased number of students.

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

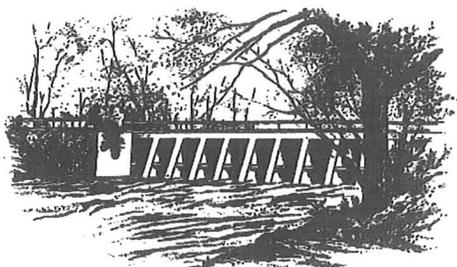
Sincerely,



Lisa LeBlanc, Executive Director  
Facilities Management and Planning

LL:hh

*hvc*



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF E-File  
**FRESNO**  
**IRRIGATION DISTRICT**

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

December 19, 2011

Ms. Bonique Emerson  
City of Fresno  
Development Services/Planning  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

RE: Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017 and  
Conditional Use Permit Application No. C-11-176  
E-4 No. 127 Pipeline, S/E Bullard and Figarden

Dear Ms. Emerson:

The Fresno Irrigation District (FID) has reviewed the Plan Amendment Application No. A-11-011, Rezone Application No R-11-017 and Conditional Use Permit No. C-11-176 that were filed by Steven Spencer, on behalf of John Allen, and pertains to 10.12 acres of property located on the north side of North Figarden Drive between North Gates and North Verba avenues. PAA No. A-11-011 proposes to amend the 2025 Fresno General Plan and Bullard Community Plan from the community commercial planned land use designation to the medium-high density residential land use designation. RA No. R-11-017 proposes to reclassify the property from C-2/BA-20/UGM to R-2/BA-20/UGM zone district. CUP C-11-176 proposes a 160-unit multiple family residential gated community with garages, pool, and community building for the property located west of North Verba Avenue between North Figarden Drive and West Bullard Avenue, APN: 509-030-26, 29, 30, 38, 43, 44, 48 and has the following comments:

1. FID does not own, operate or maintain any facilities located on the applicant's property as indicated on the attached FID exhibit map.
2. For informational purposes; FID's E-4 No. 127 Canal runs southwesterly and crosses Figarden Avenue, approximately 200 feet southwest of the subject property as shown on the attached FID exhibit map. Should this project expand to include any street improvements along Figarden Avenue and in the vicinity of the canal crossings, FID requires it review and approval of all plans.
3. The proposed development may negatively impact local groundwater supplies. The area is currently undeveloped land and a significant portion of its water supply is

Ms. Bonique Emerson  
Re: PPA A-11-011, RA R-11-017 and CUP C-11-176  
December 19, 2011  
Page 2 of 2

imported surface water, supplemented by groundwater pumping. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a conversion from imported surface water to groundwater, this deficit will increase. FID suggests the City require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft.

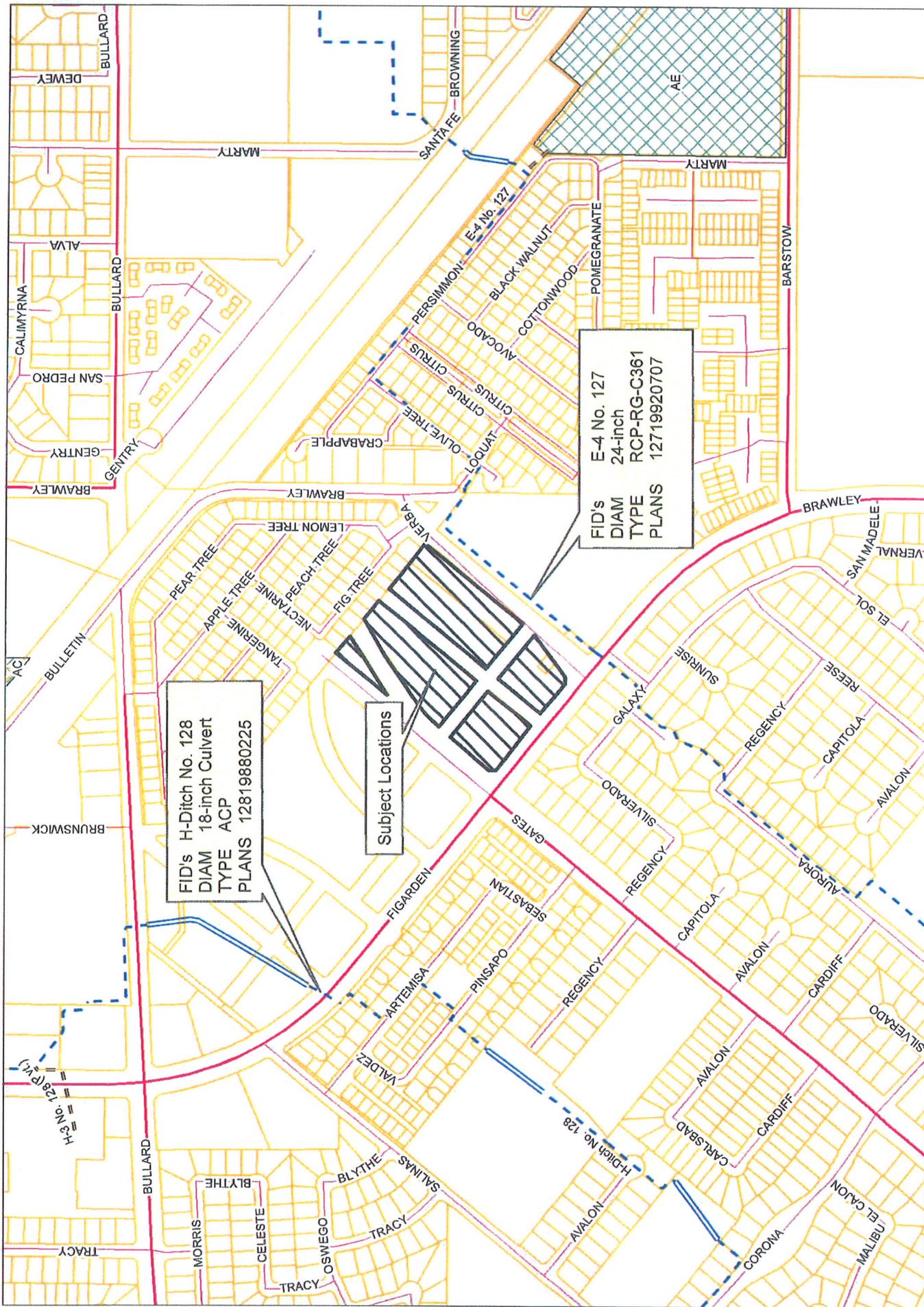
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Steve Bloem at 233-7161 extension 321 or [sbloem@fresnoirrigation.com](mailto:sbloem@fresnoirrigation.com).

Sincerely,



William R. Stretch, P.E.  
Chief Engineer

Attachment



FID's H-Ditch No. 128  
 DIAM 18-inch Culvert  
 TYPE ACP  
 PLANS 12819880225

Subject Locations

FID's E-4 No. 127  
 DIAM 24-inch  
 TYPE RCP-RG-C361  
 PLANS 12719920707



FRESNO IRRIGATION DISTRICT

Legend

- FID Canal
- FID Pipeline
- Private Canal
- Private Pipeline
- Abandoned Canal
- Abandoned Pipeline
- Stream Group
- Other-Creek/River
- Other-Pipeline
- FID Boundary
- Railroad
- Streets & Hwys
- Parcel
- FMFCD Acquired Basins
- FMFCD Proposed Basins



11/02/2011  
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FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

File No. 210.413

Page 1 of 4

PUBLIC AGENCY

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

DEVELOPER

STEVEN G. SPENCER, SPENCER ENTERPRISES,  
INC.  
5286 E. HOME AVE.  
FRESNO, CA 93727

PROJECT NO: 2011-176  
ADDRESS: 5470 N. FIGARDEN DR.  
APN: 509-030-26S, 29, 30S, 38S, 44, 48S

SENT: 12/16/11

Drainage Area(s)	Preliminary Fee(s)
AE	\$41,994.00
<b>TOTAL FEE: \$41,994.00</b>	

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/12 based on the site plan submitted to the District on 11/28/11 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

FR  
CUP No. 2011-176

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 4

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

FR  
CUP No. 2011-176

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 4

FR  
CUP No. 2011-176

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

  
Gerald E. Lakeman  
District Engineer

  
Gary Chapman  
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

JOHN ALLEN, JOHN ALLEN CO., LLC

PO BOX 8458

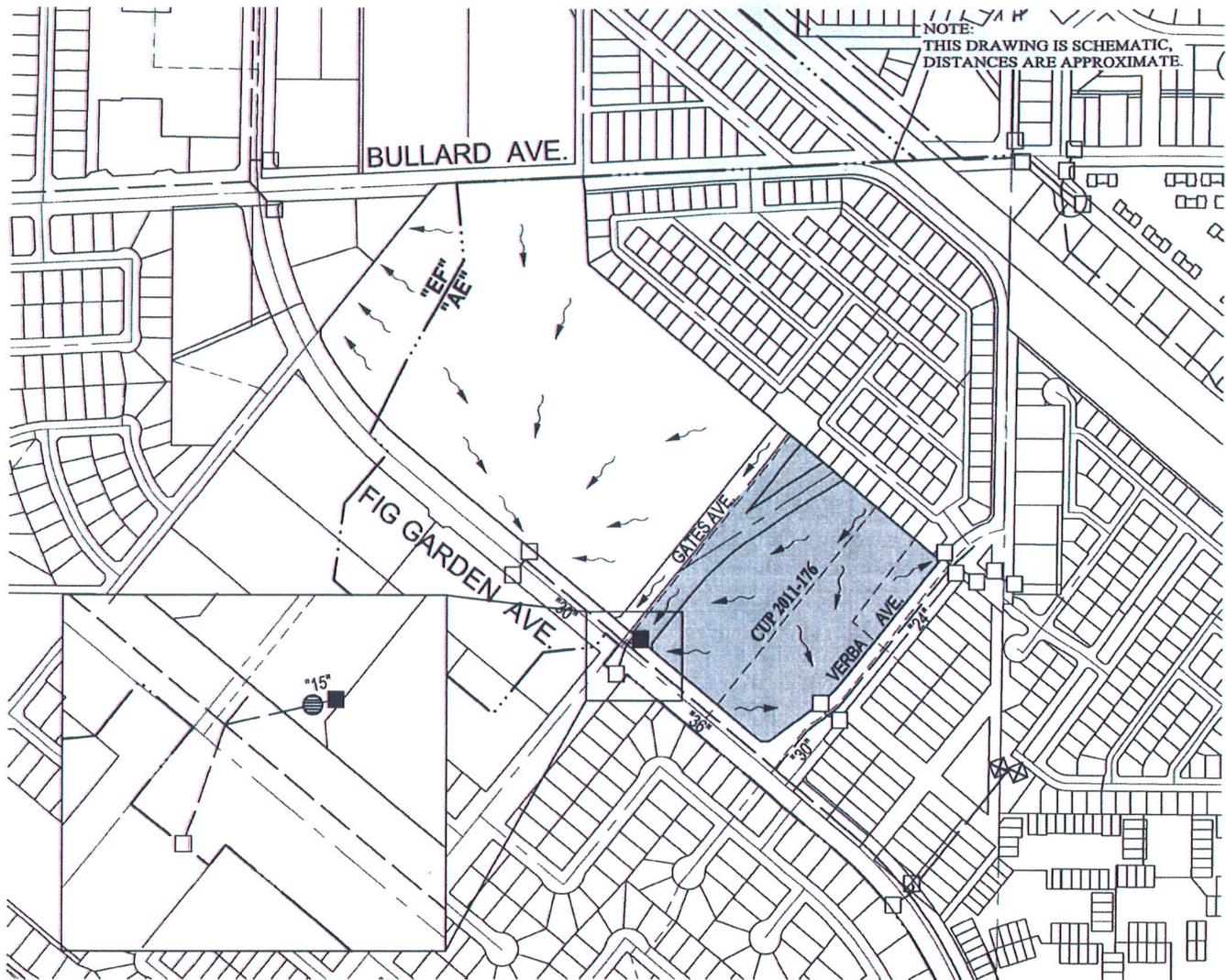
CALABASAS, CA 91372

BRYAN SASSANO, TRIAD ARCHITECTURE

1035 E. OLIVE AVE.

FRESNO, CA 93728

**FR CUP No. 2011-176**



## LEGEND

- 
 Master Plan Facilities To Be Constructed By Developer  
 - Type "D" Inlet & Lateral
- 
 Temporary Type "E" Inlet To Be Removed And Delivered To District  
 By Developer (Not Fee Creditable)
- 
 Existing Master Plan Facilities
- 
 Future Master Plan Facilities
- 
 Direction Of Drainage
- 
 Inlet Boundary
- 
 Drainage Area Boundary

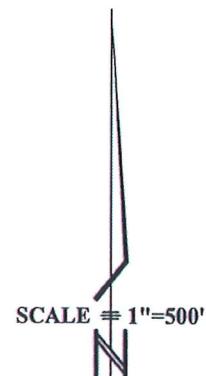


EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

**CUP 2011-176**  
DRAINAGE AREA: "AE" & "EF"

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

The required inlet and lateral in Gates Avenue, as shown on Exhibit No. 1, has also been required of the developer of TPM 2006-020. If those facilities are completed prior to the development of this site, the construction requirement will be dropped.

Should the facilities not be installed prior to development of CUP 2011-176, a Development Agreement shall be executed with the District whereby the cost of the inlet and lateral is applied as credit toward the drainage fee indicated on Sheet 1 of this Notice of Requirements. The drainage fee shall be paid at the time the building permit is acquired and the cost of the inlet and lateral reimbursed upon completion and acceptance of the construction.

In an effort to improve storm water runoff quality, outdoor storage areas shall be constructed and maintained such that material which generates contaminants will not be conveyed by runoff into the storm drain system.

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

Development No.     CUP 2011-176



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

December 27, 2011

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

**Attn: Bonique Emerson, Planning Division**

**Re: CONDITIONAL USE PERMIT APPLICATION NO. C-11-176 CUP**  
**Applicant: Steven G. Spencer**  
**Project: Figarden Drive Apartments**  
**Address: 5470 N. Figarden Dr.**  
**Fresno, Ca. 93722**  
**A.P.N. 509-030-26s, 29s, 30s, 44s, 48s**

Dear Ms. Emerson,

The City of Fresno has requested that the Fresno Police Department review an application for a Conditional Use Permit for the construction of a new apartment complex, at **5470 N. Figarden Dr.** The property has been zoned **C-2/BA20 to R-2/BA20** which permits the construction of this apartment complex pursuant to the requirements of FMC, section 12-326.

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

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

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, including, all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,

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

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

The conditions are established to ensure public safety, and to minimize any impact for the surrounding area. We request the following conditions be included as Conditions of Approval for the updated Conditional Use Permit Application No. **C-11-176**. These conditions will maintain an environment that is least likely to generate public complaints and calls for service.

The Fresno Police Department is not in opposition of this Conditional Use Permit, provided the applicant agrees to the listed conditions. If the following conditions are not included as conditions of approval of the updated CUP No. **C-11-176** the Fresno Police Department shall oppose the approval of this Conditional Use Permit, as well as all other requested city permits, and shall appeal such approval to the Planning Commission. As such, we request that you provide Fresno Police Department Detective **Todd Fraizer #127** with notice of the Director's decision regarding this updated Conditional Use Permit as well as a complete copy of the conditions of approval, should the Director approve the Conditional Use Permit.

**Requested Conditions of Approval:**

**1. Fresno Municipal Codes:**

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

FMC 10-105 (Noise Ordinance)

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

**4. Contests or Promotions:**

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

The establishment shall correct any safety or security problem as soon as possible after receiving written notice of such problem from the Fresno Police Department. It is the responsibility of the owner or owner's representative to contact the Fresno Police Department to inquire about police calls for service or public safety problems at the

location. Contact may be made in person, by telephone or by electronic mail. Review of police calls for services may be conducted at any time by the Fresno Police Department.

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

5. **Video Surveillance Camera System:**

Prior to exercising any privileges granted by this CUP (No. C-11-176), the applicant must install a fully functional, color digital video recording (DVR) camera system that meets or exceeds the following requirements:

- (1) The DVR system must continuously record, store, be capable of playing back images and be fully functional at all times, including during any hours the business office is closed. The system must be maintained in a secure location inside the on-site business office.
- (2) The DVR system shall have the correct date and time stamped onto the image at all times.
- (3) The camera storage capacity shall be for at least fourteen (14) calendar days. Such cameras must be capable of producing a retrievable and identifiable image that can be made a permanent record and that can be enlarged through projection or other means.
- (4) The DVR system shall be capable of producing a CD or other acceptable digital playback feature and shall be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a criminal investigation.
- (5) There should be at least one camera focused on each vehicular / pedestrian entrance / exit onto the complex property that are capable of capturing specific details, such as license plates and / or facial details of persons coming and going.
- (6) There shall be exterior cameras placed throughout the complex to sufficiently cover the property so as to record activities that are occurring there. These cameras should be of sufficient quality to be able to identify persons and / or vehicles.
- (7) All cameras shall record in color.
- (8) All exterior cameras shall have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.
- (9) The DVR system shall be checked on a daily basis to ensure it is operating as intended in accordance with this CUP.
- (10) There shall be an employee who has been trained in the use and down-loading capabilities of this DVR on duty at all times during open business hours. This is to ensure that if a member of Law Enforcement needs to view the images from this DVR, the images can be viewed without delay.

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

7. **Property Responsibility:**

Frequent responses by the FPD arising out of or relating to the operation or management of the real property owned or controlled by the permittee causing any combination of the following: animal disturbances; violent criminal acts; illegal consumption of intoxicants in public view; gaming activities; and juvenile disturbances, or any of the other activities set forth in the Fresno Municipal Code section 10-708(g) may result the commencement of CUP revocation proceedings pursuant to FMC, section 12-326-H and 12-405-E. In addition to recommending the commencement of revocation proceedings, the FPD may pursue any of the other remedies set forth in FMC, section 10-710, including assessing fines against the proprietor for the violations of the Management of Real Property Ordinance.

“Frequent” is defined by FMC, section 12-326-H-1-a.

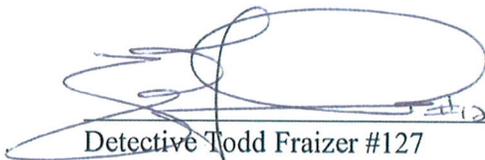
The establishment will control its total occupancy to comply with the Fresno Fire Department’s requirements, as the same may be adjusted for circumstances from time to time, and will keep an accurate count of patrons at all times.

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

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

The City is permitted to revoke a Conditional Use Permit for “good cause” pursuant to the procedures set forth in FMC, sections 12-326-H and 12-405-E. Applicant is strongly encouraged to review these FMC sections to understand the circumstances that constitute “good cause.”

**FRESNO POLICE DEPARTMENT**

 #127 Date: 12/27/11  
Detective Todd Fraizer #127  
Northwest District POP/Inv.

 Date: 12-27-11  
Sergeant Len Gleim #S20  
Supervisor  
Northwest District Investigations/POP

 Date: 12-27-11  
Captain Michael Reid  
Commander  
Northwest District

Environmental Assessment  
dated March 2, 2012

**CITY OF FRESNO**

**MITIGATED NEGATIVE DECLARATION**

Notice of Intent was filed with:

FRESNO COUNTY CLERK  
2221 Kern Street  
Fresno, California 93721

on

**March 2, 2012**

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

ENVIRONMENTAL ASSESSMENT NUMBER:

A-11-011/R-11-017/  
C-11-176

**APPLICANT:**

Steven G. Spencer  
Steven Enterprises, Inc.  
5286 East Home Avenue  
Fresno, CA 93727

**PROJECT LOCATION:**

± 10.12 acres of property located at 5470 North Figarden Drive on the north side of North Figarden Drive between North Gates and North Verba Avenues, in the City and County of Fresno, California

36°49'5.9154" N Latitude, - 119°51'57.4956" W Longitude

Assessor's Parcel Number: 509-030-26s, 29s, 30s, 38s, 44s, 48s

**PROJECT DESCRIPTION:**

Steven G. Spencer, on behalf of the John Allen Company, LLC, has filed Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176 pertaining to approximately 10.12 acres of property located on the north side of North Figarden Drive between North Gates and North Verba Avenues.

Plan Amendment Application No. A-11-011 proposes to amend the 2025 Fresno General Plan and Bullard Community Plan for the subject property from the Community Commercial planned land use designation to the Medium-High Density Residential planned land use designation. Rezone Application No. R-11-017 proposes to reclassify the subject property from the C-2/BA-20/UGM (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management*) to R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district. Conditional Use Permit Application No. C-11-176 proposes a 160 unit multiple family residential gated community with garages, pool, and a community building.

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

21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available.

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

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

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

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

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

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

The finding is, therefore, made that the proposed project will not have a significant adverse effect on the environment.

PREPARED BY:  
McKencie Contreras, Planner III

SUBMITTED BY:



Mike Sanchez, Planning Manager  
DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT

DATE: March 2, 2012

Attachments:

- Notice of Intent
- Initial Study Impact Checklist and Initial Study (Appendix G)
- Master Environmental Impact Report Review Summary
- Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012
- Project Specific Mitigation Monitoring Checklist dated March 2, 2012

## Notice of Intent

**CITY OF FRESNO**

**NOTICE OF INTENT TO ADOPT A  
MITIGATED NEGATIVE DECLARATION**

Filed with:

**FILED**

MAR 02 2012

FRESNO COUNTY CLERK  
By *[Signature]*  
DEPUTY

FRESNO COUNTY CLERK  
2221 Kern Street, Fresno, CA 93721

**EA No. A-11-011/R-11-017/C-11-176**

Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176

**APPLICANT:**

Steven G. Spencer  
Spencer Enterprises, Inc.  
5286 East Home Avenue  
Fresno, CA 93727

**PROJECT LOCATION:**

± 10.12 acres of property located at 5470 North Figarden Drive on the north side of North Figarden Drive between North Gates and North Verba Avenues, in the City and County of Fresno, California

36°49'5.9154" N Latitude, - 119°51'57.4956" W Longitude

Assessor's Parcel Number: 509-030-26s, 29s, 30s, 38s, 44s, 48s

**PROJECT DESCRIPTION:**

Steven G. Spencer, on behalf of the John Allen Company, LLC, has filed Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176 pertaining to approximately 10.12 acres of property located on the north side of North Figarden Drive between North Gates and North Verba Avenues.

Plan Amendment Application No. A-11-011 proposes to amend the 2025 Fresno General Plan and Bullard Community Plan for the subject property from the Community Commercial planned land use designation to the Medium-High Density Residential planned land use designation.

Rezone Application No. R-11-017 proposes to reclassify the subject property from the C-2/BA-20/UGM (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management*) to R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district.

Conditional Use Permit Application No. C-11-176 proposes a 160 unit multiple family residential gated community with garages, pool, and a community building.

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

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

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

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on March 26, 2012. Please direct comments to McKencie Contreras, Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to [McKencie.Contreras@fresno.gov](mailto:McKencie.Contreras@fresno.gov); or comments can be sent by facsimile to (559) 498-1026.

These development applications and this proposed environmental finding have been scheduled to be heard by the Planning Commission on April 4, 2012 at 6:00 p.m. or thereafter. The hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:  
McKencie Contreras, Planner

SUBMITTED BY:



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

DATE: March 2, 2012

Appendix G

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

**Environmental Checklist Form**

**For EA No. A-11-011/R-11-017/C-11-176**

**1. Project title:**

Plan Amendment Application No. A-11-011  
Rezone Application No. R-11-017  
Conditional Use Permit Application No. C-11-176

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

City of Fresno  
Development and Resource Management Department  
2600 Fresno Street, Room 3076  
Fresno, CA 93721

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

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

**4. Project location:**

5470 North Figarden Drive  
Located on the north side of North Figarden Drive between North Gates and North Verba  
Avenues, in the City and County of Fresno, California  
Assessor's Parcel Number(s): 509-030-26s, 29s, 30s, 38s, 44s, 48s  
Site Latitude: 36°49'5.9154"N  
Site Longitude: - 119°51'57.4956" W  
Mount Diablo Base & Meridian, Township 13 S, Range 19 E, Section 11

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

Steven G. Spencer  
Spencer Enterprises, Inc.  
5286 East Home Avenue  
Fresno, CA 93727

6. **General plan designation:**

**Existing:** Community Commercial

**Proposed:** Medium-High Density Residential

7. **Zoning:**

**Existing:** C-2/BA-20/UGM (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management*)

**Proposed:** R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*)

8. **Description of project:**

Steven G. Spencer, on behalf of John Allen Company, LLC, has filed Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176 pertaining to approximately 10.12 acres of property located on the north side of North Figarden Drive between North Gates and North Verba Avenues.

Plan Amendment Application No. A-11-011 proposes to amend the 2025 Fresno General Plan and Bullard Community Plan for the subject property from the Community Commercial planned land use designation to the Medium-High Density Residential planned land use designation.

Rezone Application No. R-11-017 proposes to reclassify the subject property from the C-2/BA-20/UGM (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district to the R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district.

Conditional Use Permit Application No. C-11-176 proposes a 160 unit multiple family residential gated community with garages, a pool, and a community building.

9. Surrounding land uses and setting:

	Planned Land Use	Existing Zoning	Existing Land Use
North	Community Commercial & Medium-High Density Residential	<p><b>C-2/BA-20/UGM/cz</b>  <i>Community Shopping Center District/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning</i></p> <p><b>R-2/UGM</b>  <i>Low Density Multiple Family Residential District/Urban Growth Management</i></p>	Vacant & Single Family Residential Planned Development
South	Medium Density Residential & Medium-High Density Residential	<p><b>R-1/UGM</b>  <i>Single Family Residential District/Urban Growth Management</i></p> <p><b>R-2/BA-20/UGM</b>  <i>Low Density Multiple Family Residential District/Boulevard Overlay, 20 feet/Urban Growth Management</i></p>	Single Family Residential & Multiple Family Residential
East	Medium-High Density Residential	<p><b>R-2/BA-20/UGM</b>  <i>Low Density Multiple Family Residential District/Boulevard Overlay, 20 feet/Urban Growth Management</i></p> <p><b>R-2/UGM</b>  <i>Low Density Multiple Family Residential District/Urban Growth Management</i></p>	Multiple Family Residential, Single Family Residential Planned Development, & Rural Residences
West	Community Commercial & Medium Density Residential	<p><b>C-2/BA-20/UGM/cz</b>  <i>Community Shopping Center District/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning</i></p> <p><b>R-1/BA-20/UGM</b>  <i>Single Family Residential District/Boulevard Area Overlay, 20 feet/Urban Growth Management</i></p>	Vacant Land & Single Family Residential Planned Development

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

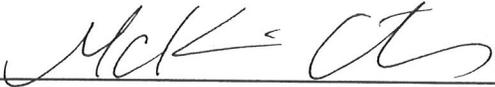
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation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

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been

avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



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

X   
\_\_\_\_\_  
McKencie Contreras, Planner

03.02.12  
\_\_\_\_\_  
March 2, 2012

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

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

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

- a. The significance criteria or threshold, if any, used to evaluate each question; and
- b. The mitigation measure identified, if any, to reduce the impact to less than significance

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

The immediate area is substantially developed with residential uses and several commercial uses; therefore, no public or scenic vista will be obstructed by the development and no valuable vegetation will be removed. The project will not damage any scenic resources nor will it degrade the visual character or quality of the site and its surroundings. The development is proposed to have several architectural features, including concrete roof tiles, stone veneer, and window trims. It will also include dense landscaping throughout the development and an architectural pedestrian entry feature along the Figarden Drive entrance. Staff will also ensure that lights are located in areas that will minimize light sources to the neighboring properties. Furthermore, the project will have a less than significant impact on aesthetics and development of the site will not create a new source of substantial light or glare which would affect day or night time views in the project area.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the aesthetic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.

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

The subject site is designated as "Vacant or Disturbed Land" by the 2006 Rural Mapping Edition: Fresno County Important Farmland Map, and thus has no farmland considered to be prime farmland, farmland of statewide importance, or unique farmland. The 2006 Rural Mapping Edition: Fresno County Important Farmland Map states that "Vacant or Disturbed Land" includes open field areas that do not qualify for an agricultural category, mineral and oil extraction areas, off road vehicle areas, electrical substations, channelized canals, and rural freeway interchanges. The subject site is considered as an open field area that did not qualify for an agricultural category; therefore, is considered vacant land.

The subject site is not currently under cultivation. In addition, according to aerial photos that go as far back as 1992, the site has not been under cultivation for a number of years. The land

surrounding the site to the north, east and west is designated as "Urban and Built-Up Land" and "Vacant or Disturbed Land" and land to the south is designated as "Urban and Built-Up Land" by the above mentioned map.

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

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

Setting

The subject site is located in Fresno County and within the San Joaquin Valley Air Basin (SJVAB). This region has had chronic non-attainment of federal and state clean air standards for ozone/oxidants and particulate matter due to a combination of topography and climate. The San Joaquin Valley (Valley) is hemmed in on three sides by mountain ranges, with prevailing

winds carrying pollutants and pollutant precursors from urbanized areas to the north (and in turn contributing pollutants and precursors to downwind air basins). The Mediterranean climate of this region, with a high number of sunny days and little or no measurable precipitation for several months of the year, fosters photochemical reactions in the atmosphere, creating ozone and particulate matter.

Regional factors affect the accumulation and dispersion of air pollutants within the SJVAB.

Air pollutant emissions overall are fairly constant throughout the year, yet the concentrations of pollutants in the air vary from day to day and even hour to hour. This variability is due to complex interactions of weather, climate, and topography. These factors affect the ability of the atmosphere to disperse pollutants. Conditions that move and mix the atmosphere help disperse pollutants, while conditions that cause the atmosphere to stagnate allow pollutants to concentrate. Local climatological effects, including topography, wind speed and direction, temperature, inversion layers, precipitation, and fog can exacerbate the air quality problem in the SJVAB.

The SJVAB is approximately 250 miles long and averages 35 miles wide, and is the second largest air basin in the state. The SJVAB is defined by the Sierra Nevada in the east (8,000 to 14,000 feet in elevation), the Coast Ranges in the west (averaging 3,000 feet in elevation), and the Tehachapi mountains in the south (6,000 to 8,000 feet in elevation). The Valley is basically flat with a slight downward gradient to the northwest. The Valley opens to the sea at the Carquinez Straits where the San Joaquin-Sacramento Delta empties into San Francisco Bay. The Valley, thus, could be considered a "bowl" open only to the north.

During the summer, wind speed and direction data indicate that summer wind usually originates at the north end of the Valley and flows in a south-southeasterly direction through the Valley, through Tehachapi pass, into the Southeast Desert Air Basin. In addition, the Altamont Pass also serves as a funnel for pollutant transport from the San Francisco Bay Area Air Basin into the region.

During the winter, wind speed and direction data indicate that wind occasionally originates from the south end of the Valley and flows in a north-northwesterly direction. Also during the winter months, the Valley generally experiences light, variable winds (less than 10 mph). Low wind speeds, combined with low inversion layers in the winter, create a climate conducive to high carbon monoxide (CO) and particulate matter (PM10 and PM2.5) concentrations. The SJVAB has an "Inland Mediterranean" climate averaging over 260 sunny days per year. The Valley floor is characterized by warm, dry summers and cooler winters. For the entire Valley, high daily temperature readings in summer average 95°F. Temperatures below freezing are unusual. Average high temperatures in the winter are in the 50s, but highs in the 30s and 40s can occur on days with persistent fog and low cloudiness. The average daily low temperature is 45°F.

The vertical dispersion of air pollutants in the Valley is limited by the presence of persistent temperature inversions. Solar energy heats up the Earth's surface, which in turn radiates heat and warms the lower atmosphere. Therefore, as altitude increases, the air temperature usually decreases due to increasing distance from the source of heat. A reversal of this atmospheric state, where the air temperature increases with height, is termed an inversion. Inversions can

exist at the surface or at any height above the ground, and tend to act as a lid on the Valley, holding in the pollutants that are generated here.

Regulations

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

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

The URBEMIS computer model evaluates the following emissions: ozone precursors (Reactive Organic Gases (ROG)) and NOX; CO, SOX, both regulated categories of particulate matter, and the greenhouse gas carbon dioxide (CO2). The model incorporates geographically-customized data on local vehicles, weather, and SJVAPCD Rules.

The URBEMIS computer model requires information regarding the project and its setting. This analysis was done using the current information available. The land use data provided in URBEMIS is for a 160 unit multiple family residential community.

URBEMIS analysis also required that several factors relating to the project vicinity be analyzed and entered into the model, such as land use mix and availability of retail commercial, pedestrian and bicycle amenities, street patterns, and availability of public transit.

**AREA AND OPERATIONAL AIR QUALITY IMPACTS OF THE PROJECT**

<i>[all data given in tons/year]</i>	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Area Source Emissions	1.43	0.18	2.51	0.01	0.38	0.36	225.46
Operational Emissions	1.27	1.47	14.45	0.01	1.29	0.28	1429.24
<b>Totals</b>	<b>2.70</b>	<b>1.65</b>	<b>16.96</b>	<b>0.02</b>	<b>1.67</b>	<b>0.64</b>	<b>1654.70</b>
<b>Level of Significance</b>	10	10	100	27.375	14.6	N/A	N/A

URBEMIS model projections indicate that the air pollution emitted from daily activities of the proposed project will not exceed threshold of significance limits for regulated air pollutants.

The SJVAPCD has developed the San Joaquin Valley 1991 California Clean Air Act Air Quality Attainment Plan (AQAP), which continues to project nonattainment for the above-noted pollutants in the future. This project will be subject to applicable SJVAPCD rules, regulations, and strategies. In addition, the project may be subject to the SJVAPCD Regulation VIII, Fugitive Dust Rules, related to the control of dust and fine particulate matter. This rule mandates the implementation of dust control measures to reduce the potential for dust to the lowest possible

level. The plan includes a number of strategies to improve air quality including a transportation control strategy and a vehicle inspection program.

Based on information provided, at full build-out the proposed project would be equal to or greater than 50 residential dwelling units. Therefore, the proposed project would be subject to District Rule 9510 (Indirect Source Review).

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the air quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.
2. The proposed project shall implement and incorporate the air quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated March 2, 2012.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

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

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

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the biological resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.

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

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

There is no evidence that cultural resources of any type (including historical, archaeological, paleontological, or unique geologic features) exist on the subject site. Past record searches for the region have not revealed the likelihood of cultural resources on the subject site or in its immediate vicinity. Therefore, it is not expected that the proposed project may impact cultural resources. It should be noted however that lack of surface evidence of historical resources does not preclude the subsurface existence of archaeological resources.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the cultural resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.

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

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

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

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

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the geology and soils related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.

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

**Background**

When sunlight strikes the Earth’s surface, some of it is reflected back into space as infrared radiation. When the net amount of solar infrared 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 should remain more or less constant.

Global climate change (colloquially referred to as "global warming") is the term coined to describe very widespread climate change characterized by a rise in the Earth's ambient average temperatures with concomitant disturbances in weather patterns and resulting alteration of oceanic and terrestrial environs and biota. The predominant opinion within the scientific community is that global climate change is occurring, and that it is being caused and/or accelerated by human activities, primarily the generation of "greenhouse gases" (GHG).

GHGs are gases having properties that absorb and emit radiation within the thermal infrared range, and that would cause thermal energy (heat) to be trapped in the earth's atmosphere. It is believed that increased levels of GHGs in the atmosphere can disturb the thermal equilibrium of the earth when natural carbon cycle processes (such as photosynthesis) are unable to absorb sufficient quantities of carbon dioxide and other GHGs in comparison with the amount of GHGs being emitted. It is believed that a combination of factors related to human activities, such as deforestation, emissions of GHG into the atmosphere from carbon fuel combustion, etc. are causing climate change.

Some GHGs occur naturally and are emitted to the atmosphere through both natural processes and human activities. Other GHGs are created and emitted solely through human activities. Water vapor is the most predominant GHG, and is primarily a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans. The major anthropogenic GHGs (those that enter the atmosphere because of human activities) are **carbon dioxide, methane, nitrous oxide and fluorinated gases.**

GHGs were not generally thought of as traditional air pollutants because their impacts are global and diffuse in nature, while the criteria air pollutants and air toxics directly affect the health of people and other living things at ground level in the general region of their release to the atmosphere. However, it has been realized that GHGs and associated climate change could also drastically affect the health of populations not only in the U.S., but around the world through ocean rise that displaces populations, causes economic and infrastructure damage, disrupts agriculture, increases heat-related illnesses, exacerbates effects of criteria air pollutants, spreads of infectious diseases through proliferation of mosquitoes and other vectors carrying "tropical" diseases into temperate climate zones, and alters/endangers natural flora and fauna in terrestrial and aquatic environments. One off-cited example of a predicted change in global climate is that the Sierra snowpack could be reduced to as little as 20% of its historic levels, a dire consequence since it is estimated that over 70% of California's population relies on this "frozen reservoir" for its water supply.

## **Regulation**

The State of California has formally acknowledged these risks and has tasked state and local governments with working toward reduction of potential global climate change. The Governor issued Executive Order No. S-03-05, and subsequently signed Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, which was codified as Health & Safety Code Section 38501 *et seq.*

There are, at this time, no “attainment” concentration standards established by the federal or state government for GHGs (although several of the GHGs are regulated as precursors to criteria pollutants regulated by the federal and California Clean Air Acts). However, the State has codified a mandate to GHG emissions to 1990 levels by the year 2020. In order to roll back GHG emissions to 1990 levels, a reduction of 174 million metric tons of CO<sub>2</sub>e would need to be achieved statewide—against the background of California’s general population increase and the need for ongoing land and economic development. The combination of the need to reduce and the need to grow equate to a need to reduce per capita GHG emissions by some 30%.

It has been recognized that new development projects would potentially add GHG emissions and could exacerbate global climate change problems. In order to standardize evaluation of projects, Senate Bill 97 (codified as Public Resources Code Sections 21083.05 and 21097) requires the State Resources Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act (CEQA). The California Air Pollution Control Officers Association (CAPCOA) produced a comprehensive publication on this topic in August of 2010 titled *Quantifying Greenhouse Gas Mitigation Measures*. The Report provides methods for quantifying emission reductions from a specified list of mitigation measures, primarily focused on project-level mitigation. This document is intended to further support the efforts of local governments to address the impacts of GHG emissions in their environmental review of projects and in their planning efforts.

On December 17, 2009, the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted the guidance: *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* and the policy: *District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency*. The guidance and policy rely on the use of performance based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project specific GHG emissions on global climate change during the environmental review process, as required by CEQA.

Use of BPS is a method of streamlining the CEQA process of determining significance and is not a required emission reduction measure. Projects implementing BPS would be determined to have a less than cumulatively significant impact. Otherwise, demonstration of a 29% reduction in GHG emissions, from business-as-usual, is required to determine that a project would have a less than cumulatively significant impact.

### **Project’s Impact**

The proposed project has been determined to have a less than significant impact on GHGs based on the guidance established by the SJVAPCD in the adopted document titled *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*. According to this document, projects can be determined to have a less than significant impact if they do any of the following: 1) Use a combination of SJVAPCD approved GHG Emission Reduction Measures to meet BPS; 2) Comply with an approved GHG plan or mitigation program; or 3) Reduce GHG emissions by at least 29%. **The proposed project complies with an approved GHG Mitigation program (established through Plan Amendment Application No. A-09-02).**

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

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

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

The proposed project complies with this policy because it will comply with several of the measures detailed in the California Attorney General's Office guidance document titled, *The California Environmental Quality Act Mitigation of Global Warming Impacts at the Local Agency Level*" (updated January 07, 2008). This document offers policy guidance on mitigating GHG emissions. One mitigation measure states that projects should "create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking". The proposed project will be required to maintain sidewalks along the frontage of North Figarden Drive, North Verba Avenue, and North Gates Avenue.

### **Other GHG Reduction Measures**

Through updates in the California Building Code and statewide regulation of appliance standards, this project is also expected to 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). Updated engine and tire efficiency standards would apply to project 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). In addition, the project does not involve manufacturing activities that would generate other GHGs such as SF<sub>6</sub>, HFCs, or PFCs and does not propose any uses which would generate methane on site.

Therefore, based upon the available information, the proposed project will not have a potentially significant adverse impact on GHGs.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the greenhouse gas emissions related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.

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

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the hazards and health related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.

<b>ENVIRONMENTAL ISSUES</b>	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

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

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

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

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

In accordance with the provisions of the 2025 Fresno General Plan and MEIR No. 10130 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project. The City has indicated that groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. The Department of Public Utilities, Water Division has reviewed the proposed project and has determined that water facilities are available to provide service to the subject site subject to several conditions.

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

The mitigation measures of MEIR No. 10130 are incorporated herein by reference and are required to be implemented by the attached mitigation monitoring checklist. In summary, these mitigation measures require participation in the development of groundwater recharge in an amount equal to the project's estimated water consumption. Alternative measures to satisfy this

requirement include paying fees established by the city for construction of recharge facilities, the construction of recharge facilities directly by the project, or participation in augmentation/enhancement/enlargement of the recharge capability of FMFCD storm water ponding basins. While the proposed project may be served by conventional groundwater pumping and distribution systems, full development of the 2025 Fresno General Plan boundaries may necessitate utilization of treated surface water due to inadequate groundwater aquifer recharge capabilities.

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

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

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

The FMFCD has indicated that the proposed rezone lies within the District's Drainage Area "AE" and the system can accommodate the proposed rezone.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the hydrology and water quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.
2. The proposed project shall implement and incorporate the hydrology and water quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated March 2, 2012.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?				X

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		X		
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Although the project includes a proposed amendment to the 2025 Fresno General Plan and Bullard Community Plan, in order to change the planned land use designation of the subject site for the purposes of facilitating future development, the proposed project shall meet the goals, objectives and policies of the 2025 Fresno General Plan and Bullard Community Plan by providing a project which introduces multiple family residential development in a manner which will maintain a pleasant living environment through reservation of adequate living spaces and protecting the integrity of adjacent neighborhoods. The close proximity of existing and planned community commercial, office commercial, school, and single and multiple family residential uses provides for a unique and diverse context, which the future development will complement and embellish.

Goal 5.5.1-1 of the Bullard Community Plan states that the City should, in regards to the Bullard-Brawley Loop/Figarden Drive area, "Provide for a viable 'community center' (focal area of community activity) integrating commercial, medium-high density residential, cultural, social, educational and recreational facilities at a location accessible to the community at large." The surrounding land uses and the subject site, which is surrounded by urban uses, meets the goals of this policy.

Objective C-9 of the 2025 Fresno General Plan directs planning for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Supporting policy C-9-k recommends that Medium-High Density Residential uses shall be distributed to maximize utilization of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping services, and transportation. New residential projects within this land use category should not be permitted to be developed at a density less than the minimum shown in Table 2 in order to better achieve the goals of the city's Housing Element.

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

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the land use related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.
2. The proposed project shall implement and incorporate the land use and planning related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated March 2, 2012.

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

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

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

The subject site is located in the vicinity to the Burlington Northern/Santa Fe Railroad mainline and adjacent to the Figarden Loop. The railroad noise was previously addressed with the single family planned development to the north/northeast of the property. The major street is a source of noise which could disrupt the habitability. However, the City of Fresno Noise Element of the 2025 Fresno General Plan establishes a land use compatibility criterion of 60dB DNL for exterior noise levels in outdoor activity areas of new residential developments. Outdoor activity areas generally include open areas, private patios, etc. of multiple family residential developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation. Furthermore, the Noise Element also requires that interior noise levels attributable to exterior noise sources not exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

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

for stationary noise sources are: (1) 50 dBA  $L_{eq}$  for the daytime and 45 dBA  $L_{eq}$  for the nighttime hourly equivalent sound levels; and, (2) 70 dBA  $L_{max}$  for the daytime and 65 dBA  $L_{max}$  for the nighttime maximum sound levels. If the existing ambient noise levels equal or exceed these levels, mitigation is required to limit noise to the ambient noise level plus 5 dB. Since the subject site currently is vacant, the proposed project will result in an increase in temporary and/or periodic ambient noise levels in the project vicinity above existing levels. However, as discussed above, this increase in noise will be mitigated to an acceptable level. Some increases in ambient noise levels will occur during the time of construction, but project construction will be limited to normal business hours (7am to 7pm) to minimize the impact on the adjacent neighborhood.

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

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

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the noise related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.

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

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

While this project would provide for a potential increase in population at this individual site, it balances its population with other residential development projects in the immediate project vicinity which were not built-out at their full planned density and thus did not accommodate all the population planned for this area. Approximately 88.44 acres of property in the immediate area were planned for approximately 1,259 dwelling units (14.26 dwelling units per acre). However, current development shows 1,074 dwelling units for those 88.44 acres. Therefore, there the area can accommodate the proposed 160 dwelling units.

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

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

The subject site is located within the city's Urban Growth Management Area and shall comply with the applicable service deliver requirements necessary to provide not less than the minimum

acceptable level of fire protection facilities and services appropriate for urban uses. City police and fire protection services are available to serve the subject site. The subject site is located within two miles of the City's Fire Station No. 14.

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

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

The Department of Public Utilities has reviewed the proposed plan amendment, rezone, and conditional use permit applications and has determined that sewer and water facilities are available to provide service to the subject site subject to several conditions. The nearest available water and sewer mains are located in North Figarden Drive and North Verba Avenues. Finally, the Fresno Metropolitan Flood Control District (FMFCD) has indicated that the FMFCD system could accommodate the proposed rezone.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the public service related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.

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

The proposed project will increase the use of the existing parks; however, the developer will be required to pay park impact fees for the development. The fees will address any physical deterioration of existing parks or recreational facilities. The development will not require expansion of existing recreational facilities. The subject site is located within the Urban Growth Management Area, which addresses the growth in the area.

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

The subject site is located on the north side of North Figarden Drive between North Gates and North Verba Avenues. The subject site location is in close proximity to residential and commercial land uses which provide for a pattern of development that is anticipated to have the

potential to reduce the number of average daily vehicle trips.

The mitigation measures established by the certification of MEIR No. 10130, requires that all plan amendments are required to prepare a traffic impact study (TIS). A TIS, dated February 2, 2012 and revised February 28, 2012, was prepared for the proposed apartment complex by Peters Engineering Group. The study has applied the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual. The development of 160 multiple family residential units on the subject site is expected to generate an average of approximately 1,064 average daily trips (ADT). Of these vehicle trips it is projected that 82 will occur during the morning (7 to 9 a.m.) peak hour travel period and 100 will occur during the evening (4 to 6 p.m.) peak hour travel period. The existing 2025 Fresno General Plan planned land uses for the subject site would generate 4,737 ADT, 111 trips occurring during the a.m. peak hour and 412 trips during the p.m. peak hour.

The proposed plan amendment will change the land use to Medium-High Residential, which will substantially reduce the traffic volume, as noted above. The trips would be directed mainly onto North Figarden Drive, which is designated as an arterial according to the 2025 Fresno General Plan and the Bullard Community Plan and is currently operating at a LOS D for PM peak hours. Figarden Drive was designed as a four-lane divided arterial street, with traffic control signalization at intersections with major streets and other major access points. The designed capacity of a four-lane arterial is about 32,000 trips per day.

The TIS analyzed the Figarden/Bullard and Figarden/Gates intersections. It was determined that the intersections are currently operating at acceptable levels of service and the Traffic Signal Mitigation Impact program includes widening of the intersection of Figarden/Bullard to accommodate two left-turn lanes. The developer will be required to make necessary traffic signal improvements for the addition of the east leg of the Figarden/Gates intersection.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the plan amendment, rezone, and conditional use permit applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division and City Engineer dated February 29, 2012, respectively (available for public view at City Hall-Third Floor, 2600 Fresno Street, Fresno, CA 93721). These requirements generally include: (1) Public street improvements; (2) Installation of a paved pedestrian path or sidewalk; and, (3) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

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

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the traffic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.
2. The proposed project shall implement and incorporate the traffic related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated March 2, 2012.

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

The Department of Public Utilities has reviewed the proposed plan amendment, rezone, and conditional use permit applications and has determined that sewer and water facilities are available to provide service to the subject site subject to several conditions. The project site will also be serviced by the Solid Waste Division.

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

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the sewer and water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.

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

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

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

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

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

K:\Master Files - 2011\PLAN AMENDMENT\A-11-011, R-11-017, C-11-176, 5470 N Figarden Dr 160 apts -- McKIEAVA-11-011, R-11-017, C-11-176 Appendix G.docx

## MEIR Review Summary

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

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

The City has processed 110 plan amendment applications since the adoption of the 2025 Fresno General Plan. These applications have resulted in changes of planned land use that affected approximately 1,000 acres, representing approximately one percent of the land area within the 2025 Fresno General Plan boundary. The impacts of these amendments are minimal and not significant in relation to the balance of the density and intensity of the land uses impacted by the plan amendment applications.

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

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

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

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

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

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

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## MEIR REVIEW SUMMARY

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

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

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

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

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

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

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

## APPENDIX

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

#### EXECUTIVE SUMMARY

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

## SUPPORTING DATA AND ANALYSIS

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

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

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

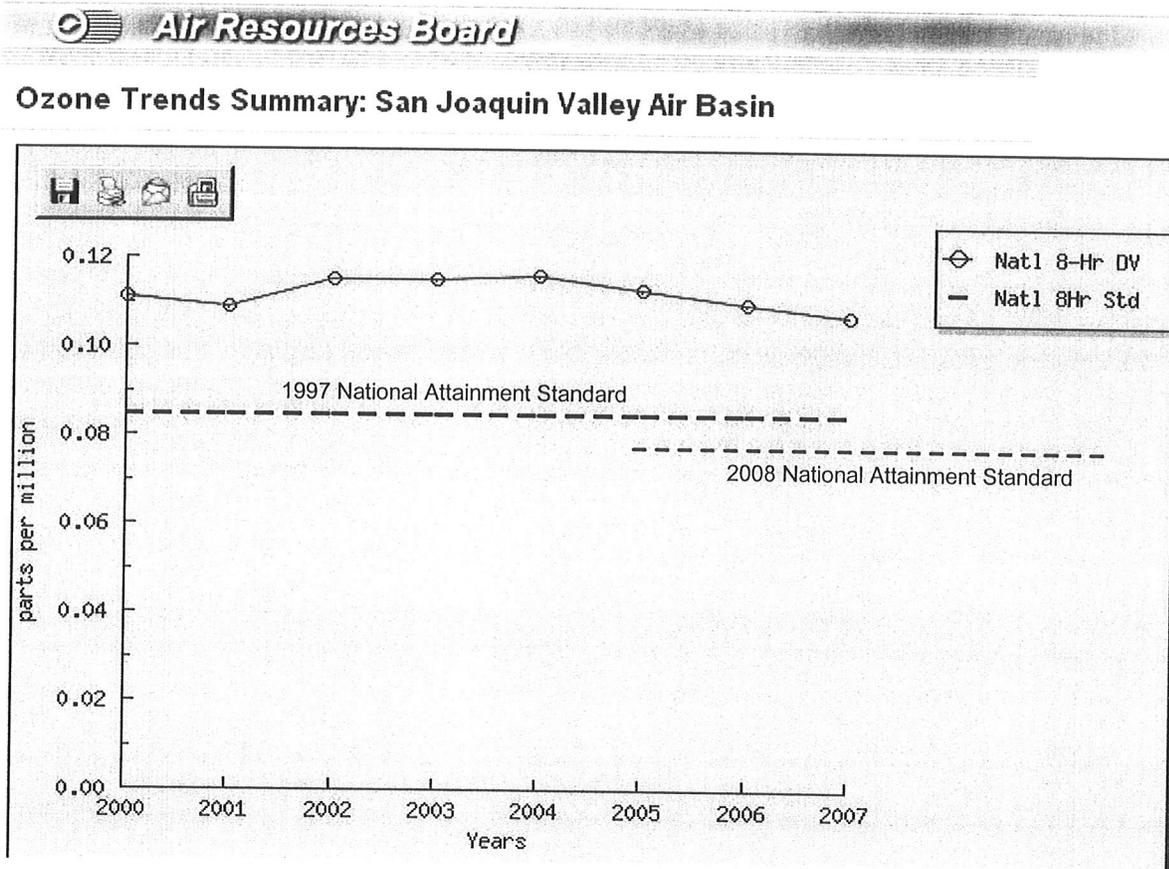
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted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

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

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

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

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



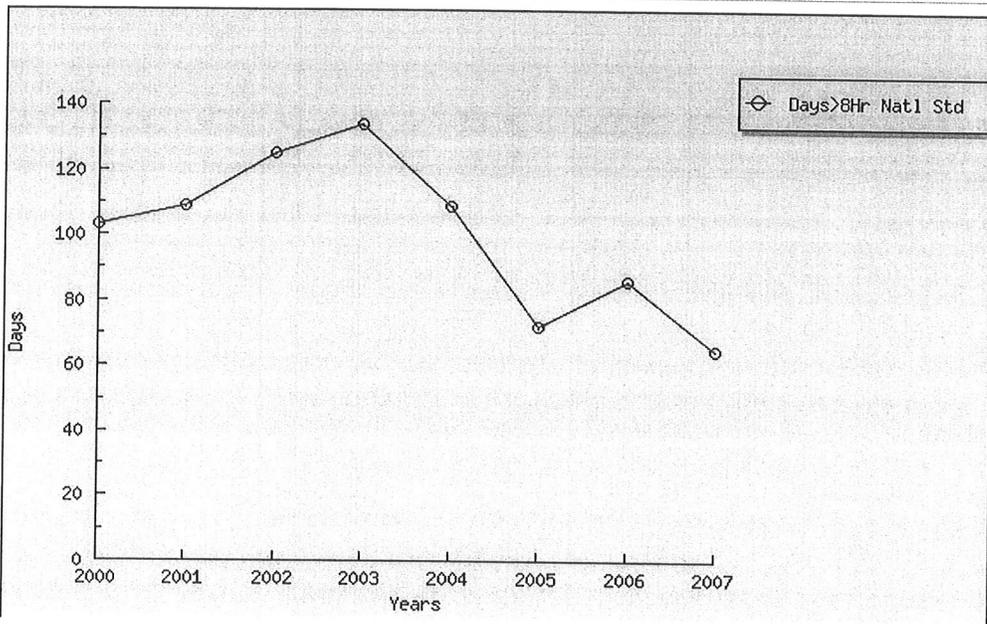
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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

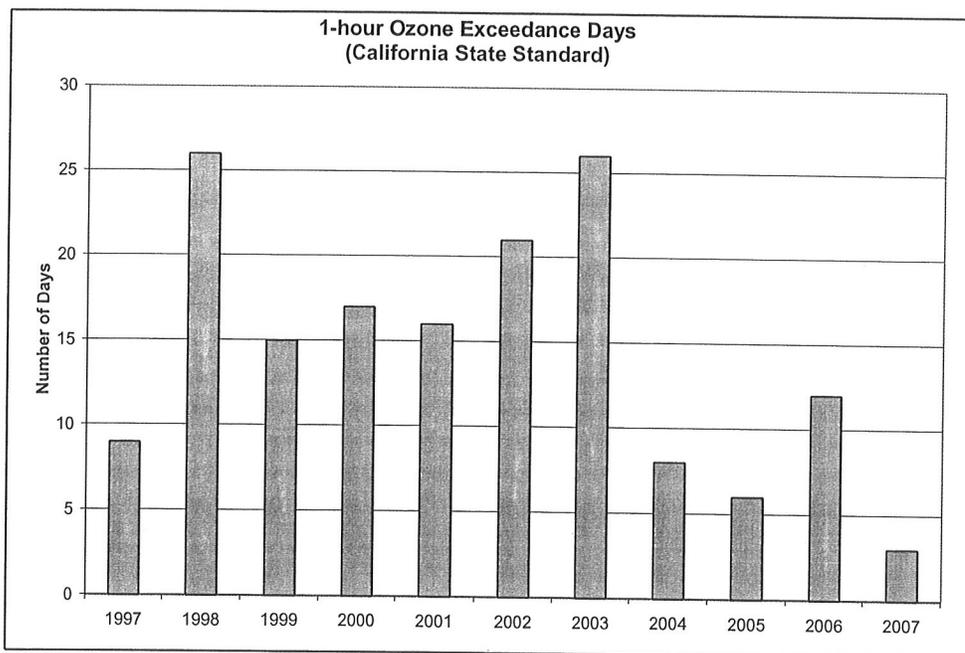
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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

Ozone Trends Summary: San Joaquin Valley Air Basin



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

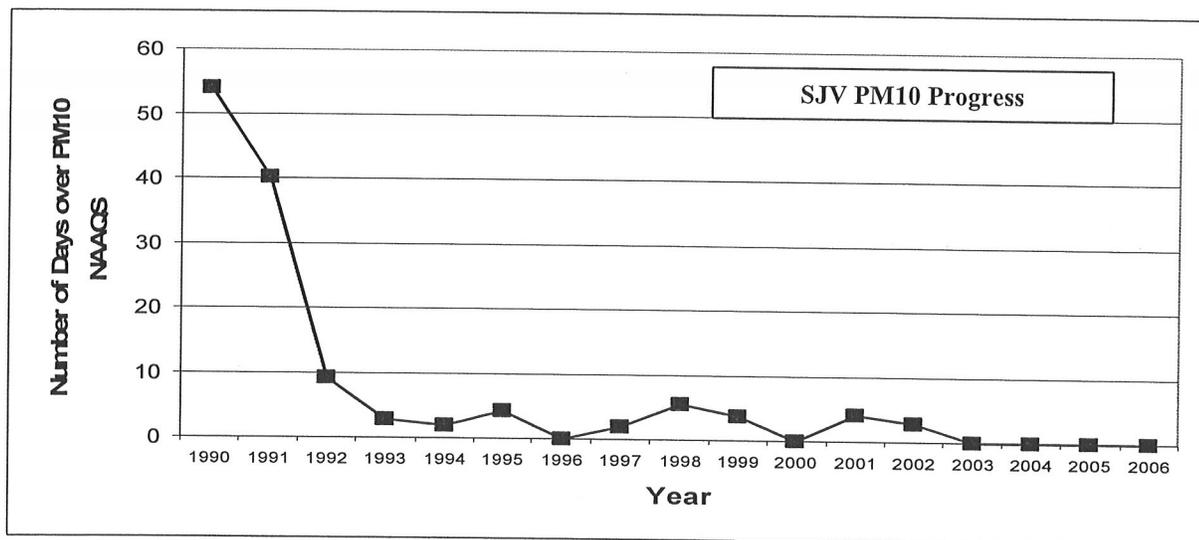


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

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

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

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



## MEIR REVIEW SUMMARY

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

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

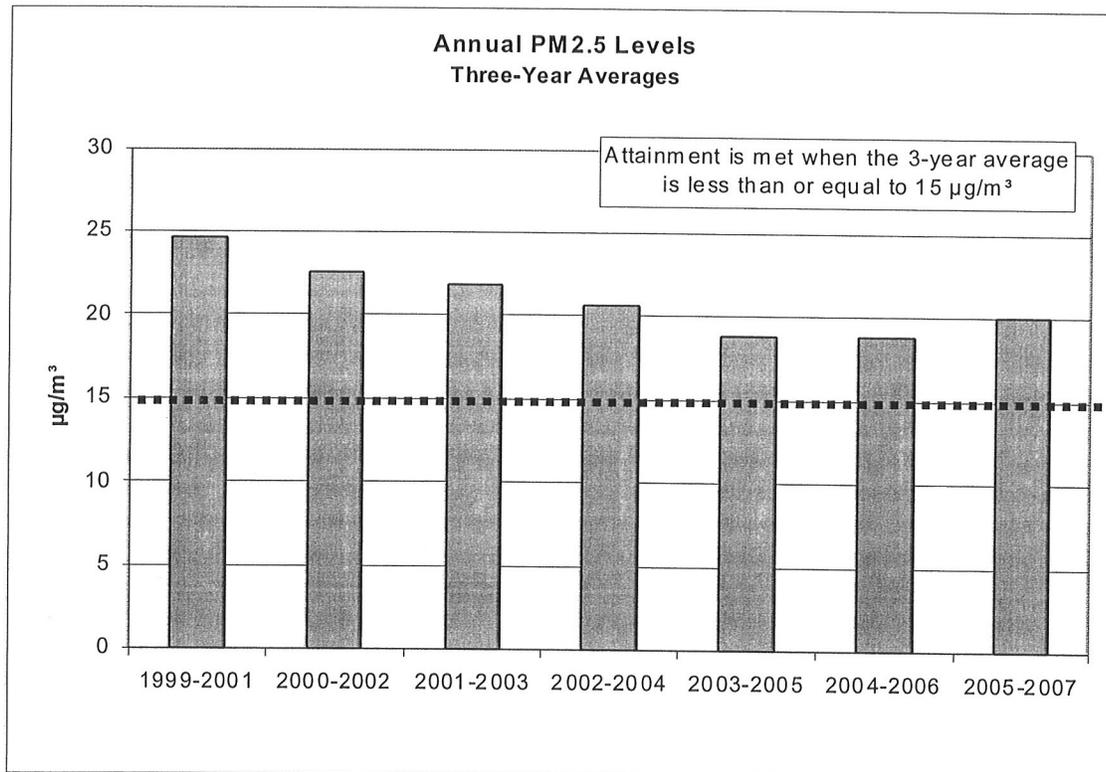
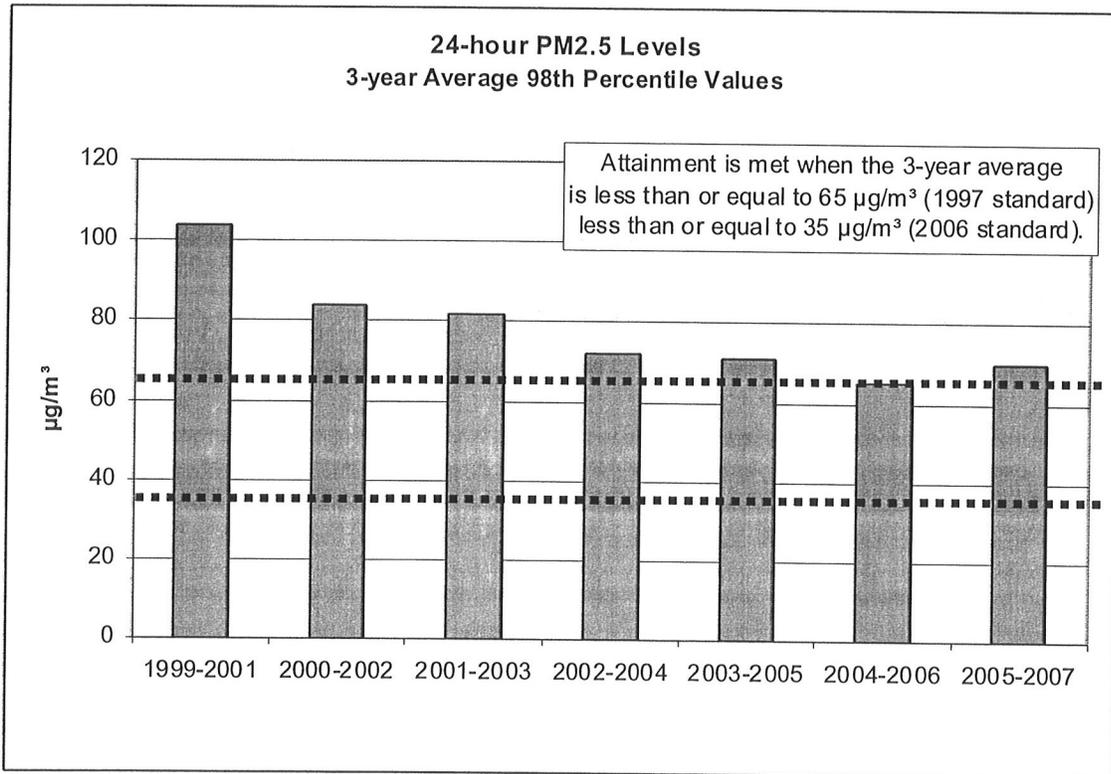
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## MEIR Mitigation Monitoring Checklist

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

**Project/EA No. A-11-0111/R-11-0171/C-11-176**

**Date: March 2, 2012**

**Mitigation Monitoring Checklist**

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

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

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

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

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

Date: March 2, 2012

Project/EA No. A-11-011/R-11-017/C-11-176

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

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

**Project/EA No. A-11-011/R-11-017/C-11-176**

**Date: March 2, 2012**

**MEIR Mitigation Monitoring Checklist**

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

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

Project/EA No. A-11-0111/R-11-017/C-11-176

Date: March 2, 2012

**MEIR Mitigation Monitoring Checklist**

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p><b>C-1.</b> In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs.</p> <ul style="list-style-type: none"> <li>a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals.</li> <li>b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>	Ongoing	Development & Resource Management Dept.	X			X		

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FOR THE 2025 FRESNO GENERAL PLAN**

**Project/EA No. A-11-0111/R-11-017/C-11-176**

**Date: March 2, 2012**

**MEIR Mitigation Monitoring Checklist**

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

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Date: March 2, 2012

Project/EA No. A-11-0111/R-11-017/C-11-176

**MEIR Mitigation Monitoring Checklist**

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

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

**Project/EA No. A-11-011/R-11-017/C-11-176**

**Date: March 2, 2012**

**MEIR Mitigation Monitoring Checklist**

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

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FOR THE 2025 FRESNO GENERAL PLAN**

**Project/EA No. A-11-011/R-11-017/C-11-176**

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**MEIR Mitigation Monitoring Checklist**

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.</p>								
<p><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.)</p>	Ongoing	Department of Public Utilities			X	X		
<p><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.</p>	Prior to approval of land use entitlement	Department of Public Utilities	X			X		

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Project/EA No. A-11-011/R-11-017/C-11-176

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE						
			A	B	C	D	E	F	
D-11. When and if the City adopts a formal management plan for recycled and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.	Prior to approval of development project	Department of Public Utilities				X			X

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

 Prior to approval of development project | Department of Public Utilities |  |  |  | X |  | X |

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

Date: March 2, 2012

Project/EA No. A-11-011/R-11-017/C-11-176

**MEIR Mitigation Monitoring Checklist**

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

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

**Project/EA No. A-11-0111/R-11-017/C-11-176**

**Date: March 2, 2012**

**MEIR Mitigation Monitoring Checklist**

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<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	Development & Resource Management Dept.						<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 Development & Resource Management Dept.	<b>X</b>		<b>X</b>	<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>		

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Project/EA No. A-11-0111/R-11-017/C-11-176

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

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

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY							
			A	B	C	D	E	F	
Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.									
<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	Development & Resource Management 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	Development & Resource Management Dept.							<b>X</b>
<b>I-4.</b> Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.							<b>X</b>

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FOR THE 2025 FRESNO GENERAL PLAN**

Date: March 2, 2012

Project/EA No. A-11-0111/R-11-017/C-11-176

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
<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	Development & Resource Management 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	Development & Resource Management 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 these resources undisturbed and to provide a protective cover over them.	Ongoing/prior to approval of land use entitlement	Development & Resource Management Dept.	<b>X</b>		<b>X</b>			<b>X</b>	

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

Date: March 2, 2012

Project/EA No. A-11-011/R-11-017/C-11-176

**MEIR Mitigation Monitoring Checklist**

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

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Date: March 2, 2012

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.									
<b>K-1.</b> The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Development & Resource Management Dept.	X		X			X	
<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.) 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. <ul style="list-style-type: none"> <li>■ Site Planning. See Chapter V for more details.</li> <li>■ Barriers. See Chapter V for more details.</li> <li>■ Building Designs. See Chapter V for more details.</li> </ul>	Ongoing/upon submittal of land use entitlement application	Development & Resource Management Dept.	X			X			
<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.	Ongoing/prior to building permit issuance	Development & Resource Management Dept.						X	

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Project/EA No. A-11-011/R-11-017/C-11-176

Date: March 2, 2012

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			A	B	C	D	E	F	
<p><b>L-1.</b> Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.</p>	Ongoing	Development & Resource Management Dept.						X	
<p><b>N-1.</b> The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.</p>	Ongoing	Development & Resource Management Dept.	X				X		
<p><b>Q-1.</b> The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.</p>	Ongoing	Development & Resource Management Dept.						X	X

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## Project Specific Mitigation Monitoring Checklist

**PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST**  
**For Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and**  
**Conditional Use Permit Application No. C-11-176**

This monitoring checklist for the above noted environmental assessment is being prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), as required under Assembly Bill 3180, and is intended to establish a project-specific reporting/monitoring program for Plan Amendment Application No. A-11-011, Rezone Application No. R-11-017, and Conditional Use Permit Application No. C-11-176. Verification of implementation of these mitigation measures, in addition to the applicable measures specified for this project per the Mitigation Monitoring Checklist prepared for this project pursuant to Master Environmental Impact Report No. 10130 - 2025 Fresno General Plan, will be required upon the application for subdivision of the project site, special permits, or grading on the project site. The captions below refer to corresponding sections of the Initial Study checklist for this project, using the Appendix G format from the CEQA Guidelines.

**MITIGATION MEASURES FOR ENVIRONMENTAL ASSESSMENT NO. A-11-011/R-11-017/C-11-176**

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
Project shall implement and incorporate, as appropriate all mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated March 2, 2012.	Applicant	Processing and review of project proposal prior to approval.	City of Fresno Development & Resource Management Department
Pay applicable Indirect Source Review off-site mitigation fee.	Applicant	Prior to issuance of permits.	City of Fresno Development & Resource Management Department and San Joaquin Valley Air Pollution Control District
Project shall comply with all of the requirements stipulated within the attached memorandum from the Department of Public Utilities-Water Division dated December 29, 2011. -On-site water facilities shall be private.	Applicant	Prior to issuance of building permits for future residential units.	City of Fresno Development & Resource Management Department;

<p>-Installation of water service(s) and meter box(es) shall be required.</p> <p>-The developer shall provide a detailed water usage analysis identifying, water fixture, landscape and laundry efficiencies to document water conservation design characteristics subject to approval by the Director of Public Utilities.</p> <p>-The development shall incorporate water use efficiency for landscaping including the use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features as appropriate and sanitary.</p> <p>-Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Assistant Public Utilities Director.</p> <p>-Pay applicable Water Connection Charges</p>			<p>City of Fresno Department of Public Utilities, Water Division;                  Fresno Metropolitan Flood Control District.</p>
<p>Approval of any future development entitlements on the subject site must comply with all goals and policies contained in the 2025 Fresno General Plan and the Bullard Community Plan.</p>	<p>Applicant</p>	<p>Entitlement processing</p>	<p>City of Fresno Development &amp; Resource Management Department.</p>

<p>Project shall comply with all of the requirements stipulated within the attached memorandum from the Public Works Department-Traffic and Engineering Services Division dated February 29, 2012 Revision.</p>	<p>Applicant</p>	<p>Prior to issuance of building permits, street work permits, etc. for future residential units</p>	<p>City of Fresno Development &amp; Resource Management Department;                  City of Fresno, Public Works Department, Traffic Engineering Division</p>
<p>Project shall comply with all of the requirements stipulated within the attached memorandum from the City Traffic Engineer dated September 7, 2011 related to the Traffic Impact Study prepared for the proposed project.</p> <p>-This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of \$47.12 per ADT at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual and the Master Fee Schedule. The TSMI fee based on the project description and the current fee is \$50,135.68. The fee shall be paid at time of building permit.</p> <p>-The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against signal installation/ modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2025 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offsets developer improvement costs, and/or construction costs increase/decrease.</p>	<p>Applicant</p>	<p>Prior to recordation of Final Map; or, as may be deemed appropriate by the City Traffic Engineer prior to respective approvals for building, street work permits, etc.</p>	<p>City of Fresno Development &amp; Resource Management Department;                  City of Fresno, Public Works Department, Traffic Engineering Division</p>

<p>If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is placed at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineer estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.</p> <p>Project specific impacts that are not consistent with the 2025 General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees are not eligible for TSMI fee reimbursement unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next TSMI fee update and the applicant agrees to pay the new TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.</p> <p>-This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.</p>			
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<p>-The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; <a href="http://www.fresnocog.org">www.fresnocog.org</a>. Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.</p> <p>-The proposed project shall make necessary traffic signal improvements for the addition of the east leg of the Figarden Drive at Gates Avenue intersection.</p> <p>-The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.</p> <p>-The proposed site plan shall be reviewed and approved by the City of Fresno Traffic &amp; Engineering Services Division, Traffic Planning Section.</p> <p>-Note: The rights conferred through approval of a Vested Tentative Parcel Map (i.e., the right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vested tentative map is approved; including applicable fees) would apply regardless of any subsequent filings for entitlements or approvals as long as the vested tentative map has not expired. Therefore, the fees are set by the vested tentative parcel map and will not change as long as the vested tentative map is still active. The map shall record in order for a developer of a property to enjoy the vested rights conferred by</p>			
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an approved vested tentative map.			
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