



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII.
COMMISSION MEETING 05.21.14

May 21, 2014

APPROVED BY



DEPARTMENT DIRECTOR

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

BY: WILL TACKETT, Supervising Planner
Development Services Division

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-13-137, VESTING TENTATIVE TRACT MAP NOS. 6059 AND 6060; AND, RELATED ENVIRONMENTAL ASSESSMENT NO. C-13-137/T-6059/T-6060.

RECOMMENDATION

The appropriateness of the proposed project has been examined with respect to its consistency with the goals and policies of the 2025 Fresno General Plan, the Central Area Community Plan and the Fulton/Lowell Specific Plan; its compatibility with surrounding existing uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described herein below and by the accompanying environmental assessment.

Upon consideration of the staff evaluation, it can be concluded that proposed Conditional Use Permit Application No. C-13-137, and Vesting Tentative Tract Map Nos. 6059 and 6060 are appropriate for the project site. Therefore, staff recommends the Planning Commission take the following actions:

1. ADOPT the environmental finding and determination of the Mitigated Negative Declaration dated May 01, 2014, which was prepared for Environmental Assessment No. C-13-137/T-6059/T-6060 for purposes of the proposed project.
2. APPROVE Conditional Use Permit Application No. C-13-137, requesting authorization for the development of an 85-unit residential and office/commercial mixed use development on the subject property, subject to the findings included within the Staff Report to the Planning Commission and compliance with the Conditions of Approval dated May 21, 2014.
3. APPROVE Vesting Tentative Tract Map No. 6059, proposing to subdivide an approximately 0.35 acre portion of the subject property for the purpose of creating a one common-lot airspace subdivision of the same portion of the subject property for condominium purposes, subject to the findings included within the Staff Report to the Planning Commission and compliance with the Conditions of Approval dated May 21, 2014.
4. APPROVE Vesting Tentative Tract Map No. 6060, proposing to subdivide an approximately 1.95 acre portion of the subject property for the purpose of creating a one common-lot airspace subdivision of the same portion of the subject property for

condominium purposes, subject to the findings included within the Staff Report to the Planning Commission and compliance with the Conditions of Approval dated May 21, 2014.

EXECUTIVE SUMMARY

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-13-137 and Vesting Tentative Tract Map Nos. T-6059 & 6060 pertaining to approximately 2.30 net acres of property bounded by Van Ness Avenue, Calaveras, Fulton and Stanislaus Streets (the "Met Block") in downtown Fresno.

Conditional Use Permit Application No. C-13-137 requests authorization to construct an 85-unit residential and commercial mixed use development on the subject property. The project is proposed to consist of: 12 two-story triplex buildings; 2 three-story 20-plex buildings (comprised of 4 connected five-plex structures); and, 3 three-story mixed use buildings (comprised of 3 live-work units with residential living area situated above ground floor commercial space).

Vesting Tentative Tract Map Nos. T-6059 and T-6060 have also been filed proposing common-lot airspace subdivisions for condominium purposes on separate portions of the subject property. Vesting Tentative Tract Map Nos. T-6059 pertains to an approximately 0.35 acre portion of the subject property located at the eastern corner of the intersection of Fulton and Calaveras Streets and Vesting Tentative Tract Map Nos. T-6060 pertains to an approximately 1.95 acre portion of the subject property comprising the southeastern majority of the block bounded by Van Ness Avenue, Fulton and Stanislaus Streets.

The proposed project also includes the proposed vacation of four feet of adjacent public street rights-of-way on Fulton and Stanislaus Streets as well as the vacation of the southerly portion of the alley connecting Calaveras and Stanislaus Streets (between Van Ness Avenue and Fulton Streets) within the boundary of Vesting Tentative Tract Map No. 6060; and, installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications of the City of Fresno.

The development and subdivision of the subject property in accordance with Conditional Use Permit Application No. C-13-137, Vesting Tentative Tract Map No. 6059 and Vesting Tentative Tract Map No. 6060 conforms with the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan.

PROJECT INFORMATION

PROJECT Conditional Use Permit Application No. C-13-137 requests authorization to construct an 85-unit residential and office/commercial mixed use development on the subject property. The project is proposed to consist of: 12 two-story triplex buildings; 2 three-story 20-plex buildings (comprised of 4 connected five-plex structures); and, 3 three-story mixed use buildings (comprised of 3 live-work units with residential living area situated above ground floor office/commercial space).

Vesting Tentative Tract Map Nos. T-6059 and T-6060 propose common-lot airspace subdivisions for condominium purposes on separate portions of the subject property. Vesting Tentative Tract Map No. T-6059 pertains to an approximately 0.35 acre portion of the subject property located at the eastern corner of the intersection of Fulton and Calaveras Streets and Vesting Tentative Tract Map No. T-6060 pertains to an approximately 1.95 acre portion of the subject property comprising the southeastern majority of the block bounded by Van Ness Avenue, Fulton and Stanislaus Streets.

The proposed project also includes the proposed vacation of four feet of adjacent public street rights-of-way on Fulton and Stanislaus Streets as well as the vacation of the southerly portion of the alley connecting Calaveras and Stanislaus Streets (between Van Ness Avenue and Fulton Streets) within the boundary of Vesting Tentative Tract Map No. 6060; and, installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications of the City of Fresno.

APPLICANT Gary G. Giannetta Civil Engineering and Land Surveying, on behalf of FFDA Properties, LLC.

LOCATION Bounded by Van Ness Avenue, Calaveras, Fulton, and Stanislaus Streets (the "Met Block") in downtown Fresno.
(Council District 3, Councilmember Baines)

SITE SIZE Approximately 2.30 acres

LAND USE Existing - Vacant
Proposed - Residential and Office/Commercial Mixed Use

ZONING Existing &
Proposed - C-4 (*Central Trading District*)

PLAN DESIGNATION AND CONSISTENCY Pursuant to Table 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan, the existing C-4 (*Central Trading*) zone district and the proposed mixed-use development of the subject property may be found to be consistent with the Commercial Mixed Use Level 2 planned land use designation.

ENVIRONMENTAL FINDING Finding of a Mitigated Negative Declaration dated May 01, 2014

PLAN COMMITTEE RECOMMENDATION The Fulton/Lowell Design Review Committee recommended approval of the proposed project at its meeting held on May 05, 2014.

This project is scheduled to be reconsidered by the District 3 Plan Implementation Committee at its regularly scheduled meeting to be held on May 19, 2014; any comments and/or recommendations will be presented to the Planning Commission for consideration at the scheduled public hearing.

STAFF RECOMMENDATION Recommend the Commission adopt Environmental Assessment No. C-13-137/T-6059/T-6060; approve Conditional Use Permit Application No. C-13-137 and approve Vesting Tentative Tract Map Nos. 6069 & 6060 subject to compliance with the Conditions of Approval dated May 21, 2014.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Commercial/Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office / Commercial Parking
East	Commercial/Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office / Commercial
South	Commercial/Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office
West	Commercial/Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Cornerstone Church / Commercial

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 Central Area 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 project has 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 draft mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. C-13-137/T-6059/T-6060 was published on May 01, 2014 with no comments or appeals received to date.

BACKGROUND / ANALYSIS

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-13-137 and Vesting Tentative Tract Map Nos. T-6059 & 6060 pertaining to approximately 2.30 net acres of property

bounded by Van Ness Avenue, Calaveras, Fulton and Stanislaus Streets (the "Met Block") in downtown Fresno.

Conditional Use Permit Application No. C-13-137 requests authorization to construct an 85-unit residential and office/commercial mixed use development on the subject property. The project is proposed to consist of: 12 two-story triplex buildings; 2 three-story 20-plex buildings (comprised of 4 connected five-plex structures); and, 3 three-story mixed use buildings (comprised of 3 live-work units with residential living area situated above ground floor office/commercial space).

Vesting Tentative Tract Map Nos. T-6059 and T-6060 have also been filed proposing common-lot airspace subdivisions for condominium purposes on separate portions of the subject property. Vesting Tentative Tract Map No. T-6059 pertains to an approximately 0.35 acre portion of the subject property located at the eastern corner of the intersection of Fulton and Calaveras Streets and Vesting Tentative Tract Map Nos. T-6060 pertains to an approximately 1.95 acre portion of the subject property comprising the southeastern majority of the block bounded by Van Ness Avenue, Fulton and Stanislaus Streets.

The proposed project also includes the proposed vacation of four feet of adjacent public street rights-of-way on Fulton and Stanislaus Streets as well as the vacation of the southerly portion of the alley connecting Calaveras and Stanislaus Streets (between Van Ness Avenue and Fulton Streets) within the boundary of Vesting Tentative Tract Map No. 6060; and, installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications of the City of Fresno.

The subject property is currently vacant and is located within the urbanized area of Downtown Fresno. The subject property is surrounded predominantly by public, commercial, and office uses. The subject property is currently designated for Commercial/Mixed Use Level 2 (Central Area) planned land use under the 2025 Fresno General Plan, the Central Area Community Plan, and the Fulton-Lowell Specific Plan.

Two designated historic buildings exist on the same block as the subject property but outside the project boundary: the National Register Fresno Bee Building and the former PG&E pay station (Theater 3). The Fresno Bee Building is a full six stories and was designed in 1922 in a Renaissance Revival style by Sacramento architect Leonard F. Starks. It is located on the southerly corner of Van Ness Avenue and Calaveras Street and until 2010, served as the Fresno Metropolitan Museum. The 1929 PG&E Building is located to the rear of the Met and faces onto Fulton Street. It is a full two stories and once served as the offices and payment center for PG&E customers. Stylistically the building is what is often referred to as "Mediterranean Revival," an imprecise term for a mixture of Mission Revival, Italian Villa style, and Spanish Colonial Revival. It has a concrete frame with infill walls of brick.

Given the fact that no physical alterations are proposed to the identified historic resources for purposes of the proposed project, attention has been given to the proposed project in order to protect the context and integrity of the adjacent historic resources.

Attention to context has been provided through project design to establish a hierarchy, wherein the historic resources on the block are given deference as being the principal and prominent buildings or structures for purposes of establishing appropriate form for the development of the block. This includes consideration of building setbacks, building scale and massing, and streetscape, etc.

Therefore, the project has been designed to match the building setbacks of the adjacent historic resources and attention has been given to spatial relationships, scale and massing at appropriate locations to reinforce street-scene and anchor intersection corners in a manner which would pay homage to the historic resources within the project area.

New structures proposed to be constructed along the Van Ness Avenue frontage of the subject property are proposed to be three stories in height with a setback from property lines approximately five feet to the principal façade elevations. Components of the buildings relative to support structures for private patio and upper floor balcony areas will protrude forward from the principal facades by approximately three feet. Therefore, these buildings will be set with a comparable setback along Van Ness Avenue but slightly behind the façade of the Fresno Bee (Met) Building. New structures proposed to be constructed on Fulton Street are proposed to be two stories in height with a setback from property lines approximately three feet behind the Theater 3 building. In this instance the components of the buildings relative to support structures for private patio and upper floor balcony areas will be on-plane with the Theater 3 building.

Elevations for all buildings have been designed with consideration given to the character defining features of the respective adjacent historic resources. Consideration has been given respective to building typology, style, symmetry, orientation, special features, materials, craftsmanship, etc. However with respect to historic resources, it must be noted that new development or construction should not attempt to create a false sense of history through incorporation or inclusion of features from other properties or by combining features that never existed together historically. New work should be differentiated from the old but should be compatible with the historic materials, features, size, scale and or proportion, and massing to protect the integrity of the property and its environment such that the historic character of properties may be recognized as a physical record of its time, place, and use. No elements of new construction will encroach onto adjacent properties or require new construction which will abut the existing buildings on adjacent properties.

Two-story triplex structures proposed to be developed on the subject property consist of three different floor plan arrangements. All floor plans will include one residential unit on the ground floor and two residential units on the second floor with unit square footages ranging from 528 square-foot studios to 1,113 square-foot units with three bedrooms and two bathrooms.

The three-story five-plex structures proposed to be developed on the subject property consist of one general floor plan arrangement with one ground floor residential unit and two residential units on both the second and third floors. Square footages within these structures range from 477 square-foot studios to 999 square-foot units with two bedrooms and two bathrooms.

Mixed-use three-story structures are proposed to include three live/work units, which are vertically integrated with second and third story residential spaces situated above ground floor office/commercial spaces. Office/commercial spaces range from 608 square feet to 848 square feet in size. Approximately 6,192 square feet of total office/commercial space is proposed to be provided within the limits of the project. Upper floor residential units consist of two bedrooms and two and one-half bathrooms and are approximately 1,418 square feet in size.

Second and third floor balconies for residential units are proposed throughout the project. These upper floor balconies will reinforce street-scene from a design perspective and will contribute to an ability to keep "eyes-on-the-street" for public safety purpose while providing useable and private outdoor spaces for prospective tenants and owners.

Required minimum finished floor elevations for this project will necessitate construction of a retaining wall on the private property side of the street right-of-way along those portions of Fulton and Stanislaus Streets within the boundary of Vesting Tentative Tract No. 6060. The retaining wall will be set in front of the front porch areas of ground floor residential units to support the required grade separation between building pads and adjacent public rights-of-way. In addition to facilitating compliance with Fresno Metropolitan Flood Control District requirements for minimum finished floor elevations, this design feature will also provide separation between public and private property; and, will contribute to the protection of privacy for ground floor residential units in proximity to the public sidewalk.

Single car "tuck-under" garages are proposed for all structures excepting the mixed-use structures. Triplex structures will afford a one-car garage for each unit while five-plex structures will include one-car garages for three of the five residential units. A total 45 off-street parking stalls will also be provided on the interior of the project to supplement owner/tenant parking area while affording potential for visitors' parking as well. Therefore, a total of 105 off-street parking spaces will be provided with the proposed project at a ratio of approximately 1.24 parking spaces per unit.

Streets and Access Points

The subject property is bounded by Van Ness Avenue, Calaveras, Fulton, and Stanislaus Streets. The adjacent segments of Van Ness Avenue and Stanislaus Street are planned as Collector streets within the Central Area circulation plans of the Central Area Community Plan and Fulton/Lowell Specific Plan.

This project has been designed to include three access points. Primary access to the approximately 1.95 acre portion of the subject property (that portion of property covered by Vesting Tentative Tract Map No. 6060) is proposed as a gated entry from Stanislaus Street at the existing alley alignment (subject to the proposed vacation of the southerly portion of the alley). A secondary gated point of access to the same area of the project is proposed to be provided from Calaveras Street through the northerly portion of the alley, which is not proposed to be vacated. Finally, a third access point is proposed to be provided from Calaveras Street to serve the approximately 0.35 acre portion of the property located at the easterly corner of the

intersection of Fulton and Calaveras Streets (that portion of property covered by Vesting Tentative Tract Map No. 6059).

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual to the proposed mixed use development project proposing 85 residential units and approximately 6,192 square feet of live-work office and/or specialty retail space on approximately 2.30 acres of land, it is projected that the Average Daily Trips (ADT) generated by the proposed development is estimated to be 839 ADT with 85 vehicle trips projected to occur during the morning peak hour travel period (7 to 9 a.m.) and 70 vehicle trips projected to occur during the evening peak hour travel period (4 to 6 p.m.). The traffic generation characteristics of the proposed project based upon these traffic projections do not warrant further study such as a traffic impact study based upon adopted thresholds. Traffic Impact Studies are required only for those projects that are projected to produce more than 100 or more peak hour trips.

The Public Works Department, Traffic and Engineering Services Division has reviewed the proposed project and potential traffic related impacts from the proposed project. Given the projected traffic volumes, the vehicle trip generation rates from the proposed project are insignificant with respect to the total volume that the adjacent roadways are planned to accommodate. Therefore, it has been 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 included within the project conditions of approval. These requirements generally include: (1) Right-of-way acquisition and street dedications for the adjacent segment North Grantland Avenue; (2) Improvements (including, but not limited to, construction of concrete curbs, gutters, sidewalks, permanent pavement, and underground street lighting systems where missing; (2) Vacations of public rights-of-way; 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 Regional Transportation Mitigation (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 has determined that adequate sanitary sewer and water services are available to serve the project subject to the installation of house branch connections; and, execution of a covenant agreement setting forth terms for City rights to easements; and, the retention and maintenance of public utility facilities within easements over private property (should the proposed alley vacation be approved by the City Council). The proposed project is required to provide two independent sources of water, meeting Federal and State Drinking Water Act Standards and any on-site septic systems and/or wells are required to

be abandoned in compliance with the State regulations and City and County of Fresno Standards.

Implementation of the 2025 Fresno General Plan policies, mitigation measures of Master Environmental Impact Report No. 10130 and the Water Resources Management Plan will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

The City of Fresno Fire Department has conditioned the proposed project with requirements for installation of Emergency Vehicle Access (EVA) gates with approved police/fire bypass locks at proposed gate locations, the provision of approved "all weather surfaces" for fire apparatus and the provision of adequate fire flows per Public Works Standards, with two sources water.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that drainage service is available for the development subject to the developer demonstrating that drainage from the site may be directed to the adjacent roadways and subject to retention of Master Plan drainage pattern designs for the alley area.

The site is not located within a flood prone or hazard area. However, runoff in this area is located within a flood pool that currently outlets at Belmont Avenue and into the Belmont underpass. Due to this circumstance, construction of the proposed project with ground level entries that have direct access to adjacent streets that convey major storm flows may be at risk of flooding during major storm events and will need to be elevated and protected. Therefore, minimum finished floor elevations for this project must be set a minimum of one foot above the outflow elevation. Elevation of finished floors will necessitate construction of a retaining wall on the private property side of the street right-of-way along those portions of Fulton and Stanislaus Streets within the boundary of Vesting Tentative Tract No. 6060.

District Fees are also due for the subject property. Any amendments or modifications to the FMFCD requirements will be required to be approved by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code, prior to approval of the final map.

Historic Preservation Commission

Following receipt of the development applications, City of Fresno staff, a representative architect who presides on the City of Fresno Historic Preservation Commission, and representatives of the applicant met on April 21, 2014 at City Hall to discuss the original project design and potential concerns with respect to adjacent historic resources in order to establish general adjacency or performance standards that would need to be met in order for the project to not pose a potential impact to the historic resources. The project design was subsequently modified to address building setbacks, typology and style and the overall form of the proposed project. Modifications were presented at a workshop with the City of Fresno Historic Preservation Commission on April 28, 2014 with a request for review and commentary from the Commission and Public. The respective modifications were well received and appreciated by the Commission and no members of the public spoke in opposition.

Fulton/Lowell Design Review Committee

The Fulton/Lowell Design Review Committee recommended approval of the proposed project at its meeting held on May 05, 2014.

Plan Implementation Committee

This project is scheduled to be reconsidered by the District 3 Plan Implementation Committee at its regularly scheduled meeting to be held on May 19, 2014; any comments and/or recommendations will be presented to the Planning Commission for consideration at the scheduled public hearing.

Conditional Use Permit Findings

Based upon analyses 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 Fresno Municipal Code (FMC) can be made.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.

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,

**Finding
a:**

The combined area of the proposed residential and office/commercial mixed-use development is approximately 2.30 net acres in size. The subject property has been proposed to be developed with 85 residential units, at an overall density of approximately 36.96 dwelling units/acre and approximately 6,192 square feet of office/commercial space. Multi-department/agency review of the proposed Conditional Use Permit Application has demonstrated that there is adequate space to meet all applicable requirements of the Fresno Municipal Code and respective building codes subject to compliance with the Special Permit conditions of approval dated May 21, 2014.

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,

**Finding
b:**

Staff from the Public Works Department, Transportation Planning section has estimated that the proposed development will generate approximately 839 Average Daily Trips with 85 a.m. / 70 p.m. peak hour vehicle trips, which can be accommodated by the adjacent streets subject to the construction of improvements in accordance with the Department of Public Works requirements. These requirements are necessary for the traffic generated by the project and to accommodate city services and meet the needs of the proposed project.

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.

**Finding
c:**

Staff from the Development and Resource Management Department have 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 vesting tentative tract map application review and conditional use permit application review processes.

Tentative Tract Map Findings

The Subdivision Map Act (California Government Code Section 66400 et. seq.) requires that a proposed subdivision not be approved unless the map, together with its design and improvements, is found to be consistent with the General Plan and any applicable specific plan (Finding No. 1 below).

State law further provides that the proposed subdivision map be denied if any one of the Finding Nos. 2 - 5 below is made in the negative. In addition, State law requires that a subdivision be found to provide for future passive and natural heating or cooling opportunities in the subdivision development (Finding No. 6 below).

1. The proposed subdivision maps, together with their design and improvements, are consistent with the City's 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan and Fulton Redevelopment Plan which designate the site for Commercial Mixed Use Level 2 (Central Area) planned land uses. Pursuant to Table 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and the Fresno Municipal Code, the project design meets the density and zoning ordinance criteria for development in this plan designation.
2. This site is physically suitable for the proposed type and density of development, because conditions of approval will ensure adequate access and drainage on and off the site. Furthermore, the subject property is of sufficient size to accommodate the development of the subject property at the density proposed, while affording sufficient space and amenities as necessary to ensure the sustainability of the development
3. The proposed subdivision design and improvement is not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat, because all agricultural uses on the subject property have been discontinued. The subject property is vacant within an urbanized area of Downtown Fresno and does not contain trees, vegetation, or irrigation to sustain and attract wildlife; or, provide a suitable habitat to biological species.
4. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems, because the conditions of approval have shown and will ensure that the subdivision conforms to city health and safety standards.

5. The proposed subdivision design will not conflict with public easements within or through the site, because the project design and conditions of approval will assure noninterference with any existing or proposed easements on the subject property.
6. The design of the subdivision provides, to the extent feasible, for future passive and natural heating or cooling opportunities in the subdivision, because of the appropriate use and placement of landscaping plant materials and because of the orientation of the proposed buildings proposed to be constructed on the subject property.

The subdivision map, subject to the recommended conditions of approval, complies with the design and property development standards of the Zoning Ordinance and local Subdivision Ordinance. Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that these findings can be made.

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan, the Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment 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 Conditional Use Permit Application No. C-13-137 and Vesting Tentative Tract Map Nos. 6059 and 6060 are appropriate for the project site.

Action by the Planning Commission regarding the conditional use permits and vesting tentative tract map are final unless appealed in accordance with the Fresno Municipal Code, Sections 12-406-I and 12-1019, respectively.

Attachments:

- Exhibit A: Vicinity Map
- Exhibit B: Aerial Photograph of Site (2013)
- Exhibit C: Public Hearing Notice Mailing List Vicinity Map
- Exhibit D: 2025 Fresno General Plan Planned Land Use Map
- Exhibit E: Conditional Use Permit Application No. C-13-137 Exhibits
- Exhibit F: Vesting Tentative Tract Map No. 6059
- Exhibit G: Vesting Tentative Tract Map No. 6060
- Exhibit H: Conditions of Approval for Conditional Use Permit Application No. C-13-137, Vesting Tentative Tract Map No. 6059 and Vesting Tentative Tract Map No. 6060; including associated memoranda from responsible or commenting agencies.
- Exhibit I: Environmental Assessment No. C-13-137/T-6059/T-6060, finding of a Mitigated Negative Declaration dated May 01, 2014.

Exhibit A:

Vicinity Map

Exhibit "A": Vicinity Map

Conditional Use Permit Application No. C-13-137

Vesting Tentative Tract Map No. 6059

Vesting Tentative Tract Map No. 6059

Between Van Ness Avenue, Fulton, Calaveras
and Stanislaus Streets; in Downtown Fresno

VICINITY MAP



LEGEND



Exhibit B:

**Aerial Photograph of Site
(2013)**



Exhibit "B": Aerial Photograph (2013)

Exhibit C:

**Public Hearing Notice
Mailing List Vicinity Map**

Exhibit "C": Public Hearing Notice Mailing List Vicinity Map

999773 C-13-137

Buffered at:350 Feet, Legal Notices, Owners

46614508
46614513
46614514
46614507



Address List Map, Gary Unruh, c:\gisdm5\automapladrlist.mxd, Fri May 09 13:31:00 2014

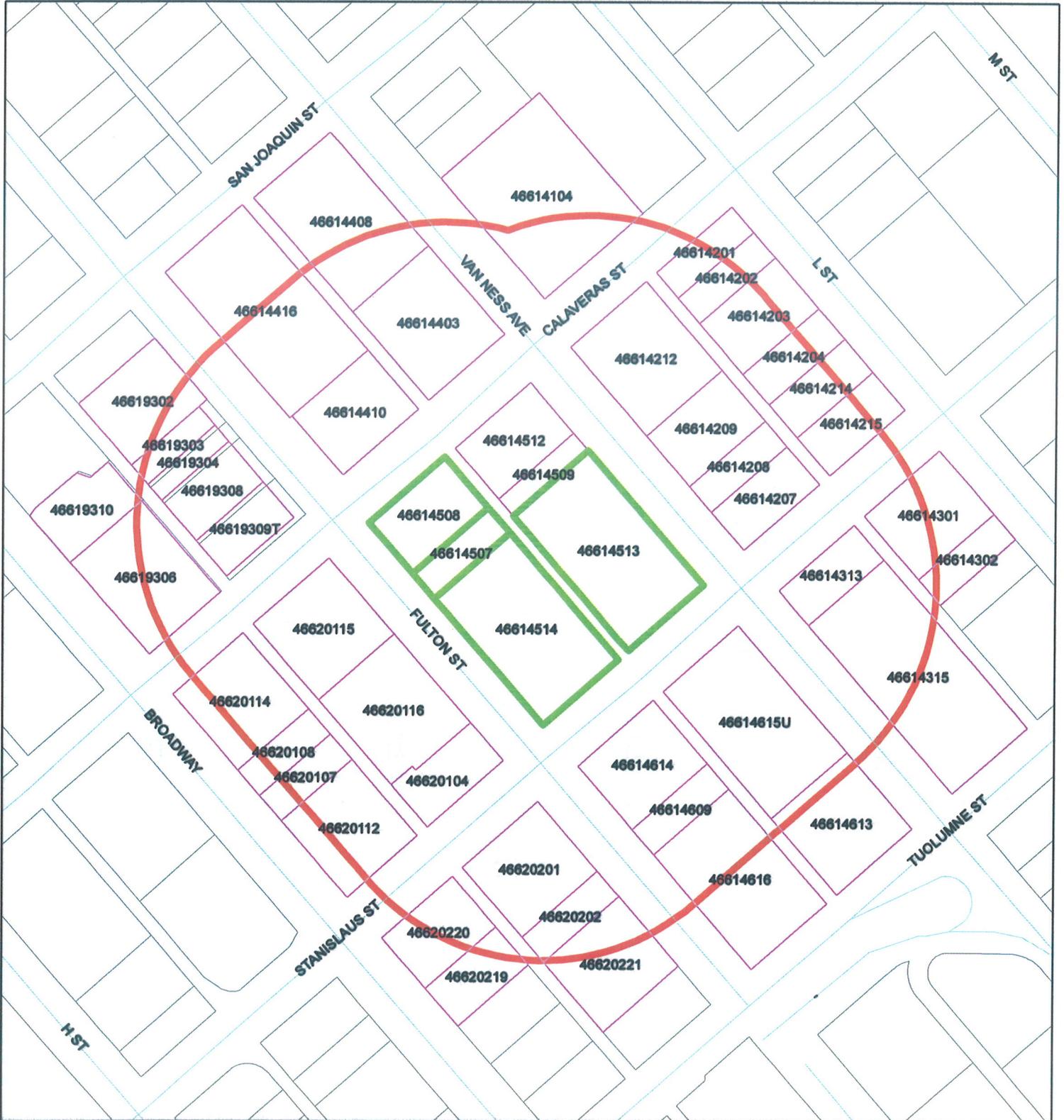


Exhibit D:

**2025 Fresno General Plan
Planned Land Use Map**

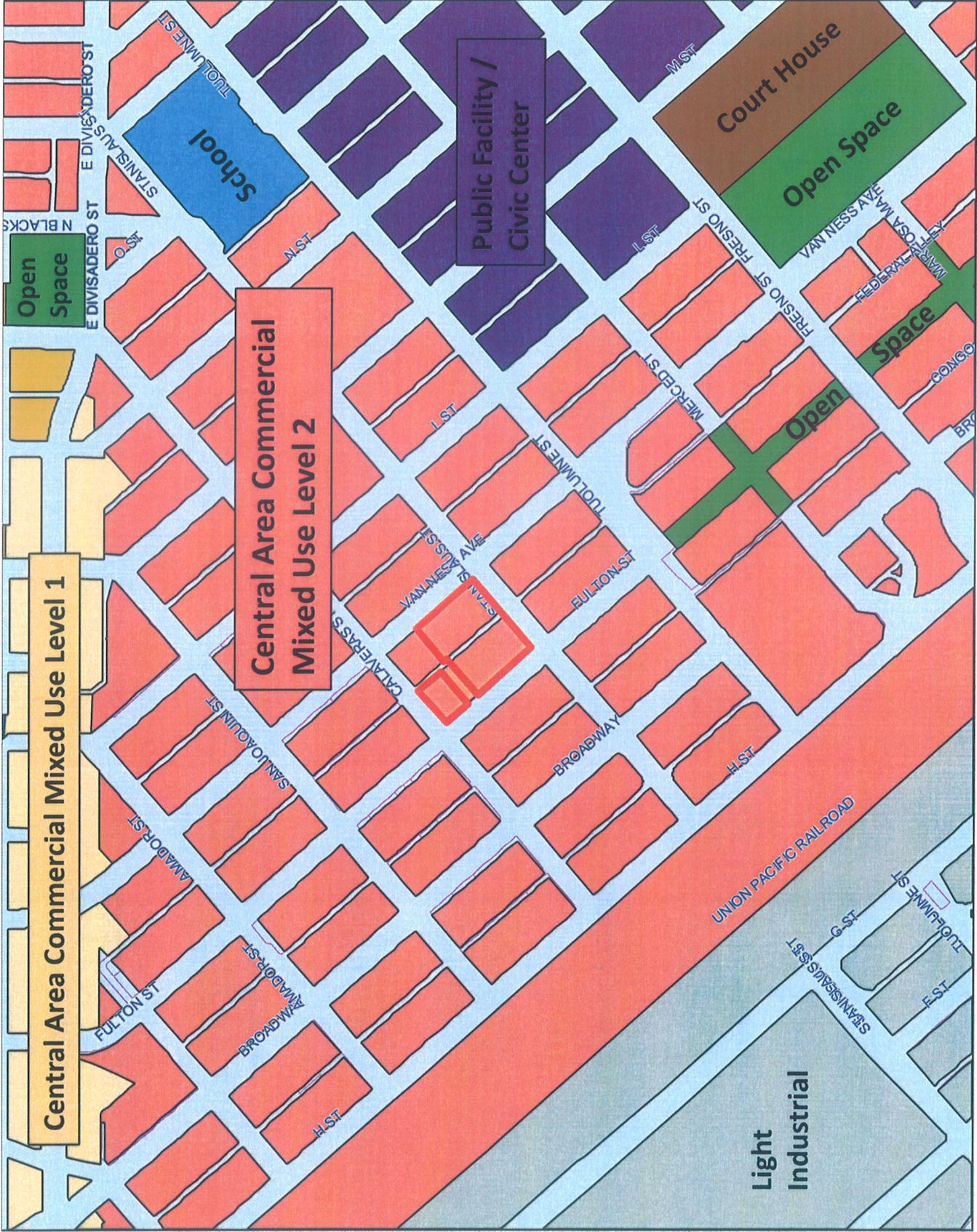


Exhibit "D": 2025 Fresno General Plan Planned Land Use Map

Exhibit E:

**Conditional Use Permit
Application No. C-13-137
Exhibits**

NOTES:

1. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES INVOLVED IN THE PROJECT.
2. ALL UTILITIES, INCLUDING WATER, GAS, AND OTHER UNDERGROUND SERVICES, SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.
3. ALL UNOCCUPIED PARKING SPACES SHALL BE PLACED ADJACENT TO THE BUILDING AND SHALL NOT BE USED FOR STORAGE OR OTHER PURPOSES.
4. ALL GATES ON COMMON ACCESS DRIVES AND ALL ELECTRICAL GATES SHALL BE MAINTAINED IN GOOD REPAIR AT ALL TIMES.
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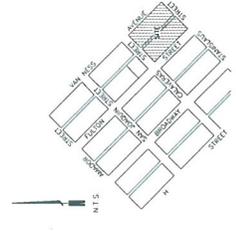
SCALE: 1" = 30'

TOTAL BUILDING AREA	75,243 Sq. Ft.
TOTAL RESIDENTIAL UNITS	40
PARKING SPACES	42
STANDARDS HANDICAP	3
TOTAL	105

LEGEND:

- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- CENTURINE
- EXISTING CURB TO REMAIN
- EXISTING CURB & CUTTER TO REMAIN
- PROPOSED 6" CURB
- PROPOSED 6" WOODGRAD HIGH FENCE
- PUBLIC STREET AND ALLEY TO BE WASHED
- EXISTING STREET LIGHT TO REMAIN

VICINITY MAP:

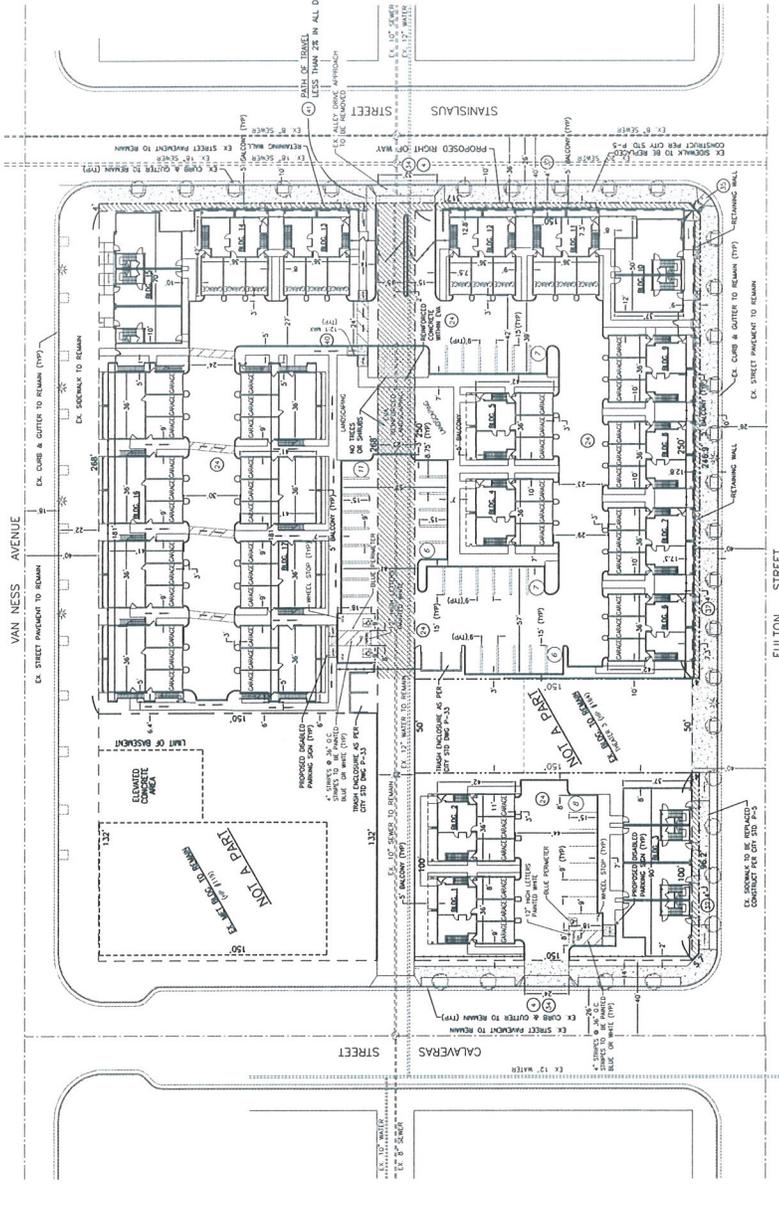


SITE PLAN
1515 VAN NESS AVENUE
APN 466-145-07, 08, 13 & 14
C-13-137

GARY C. GIANNETTA
CIVIL ENGINEERING & LAND SURVEYING
FRESNO, CALIFORNIA
(559) 981-2509 FAX (559) 981-0998
DATE: 4/29/14

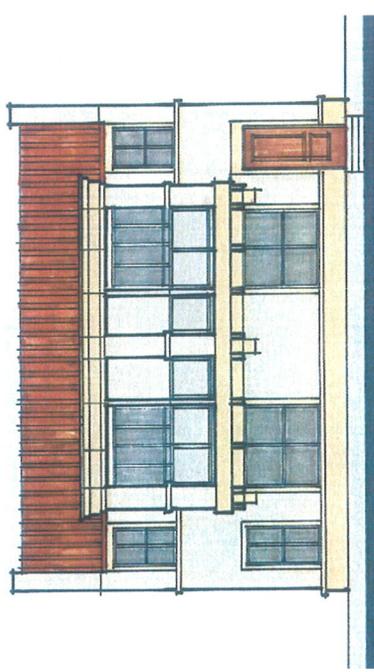
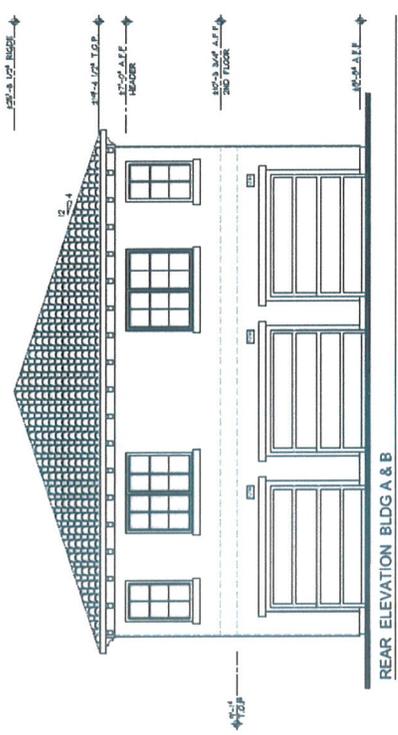
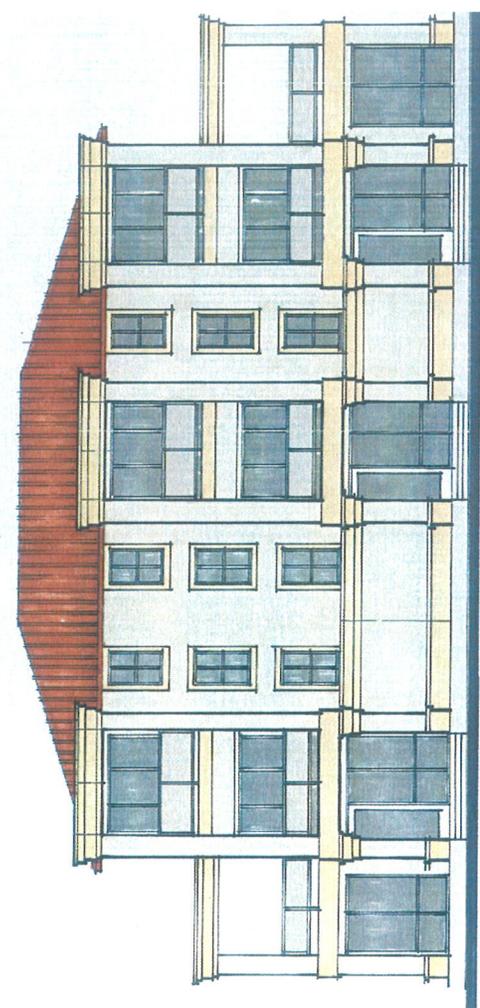
- NOTE:**
1. EXISTING PLANNED LAND USE: CENTRAL AREA
 2. COMMERCIAL MIXED USE LEVEL 2
 3. EXISTING AND PROPOSED ZONING: C-4 (CENTRAL TRADING DISTRICT)
 4. PROJECT SITE AREA: 2.6 ACRES
 5. GROSS AREA: 2.6 ACRES

27. EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.
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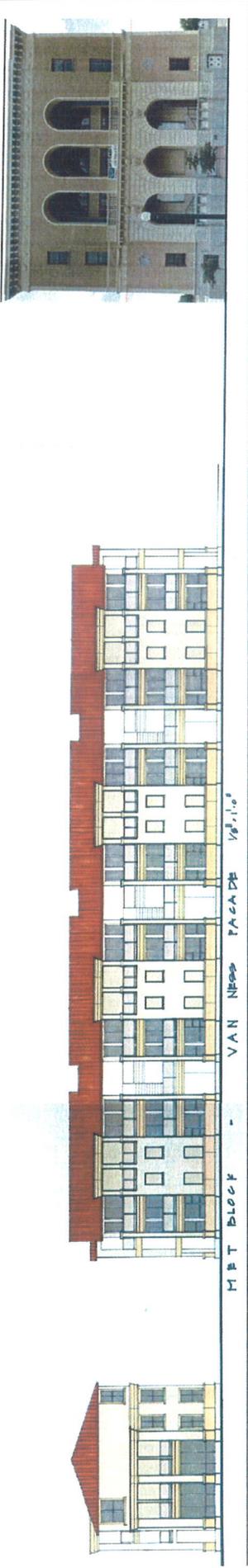
APPL. NO. **C13-137** EXHIBIT **A** DATE **4/29/14**
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

APPL. NO. C-13-132 EXHIBIT E1 DATE 05/01/14
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

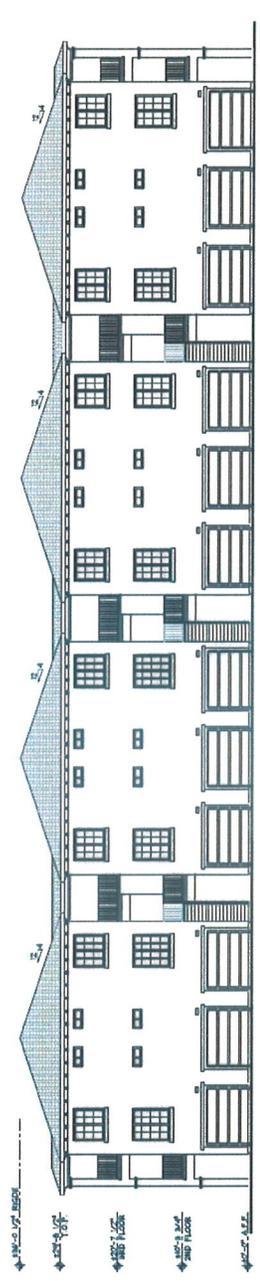


MET BLOCK - FULTON FACADE WITH





MPT BLOCK - VAN NESS PASADE 1/8"=1'-0"



REAR ELEVATION BLDG D

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



APPL. NO. CE-2022 EXHIBIT E2 DATE 05/01/24
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



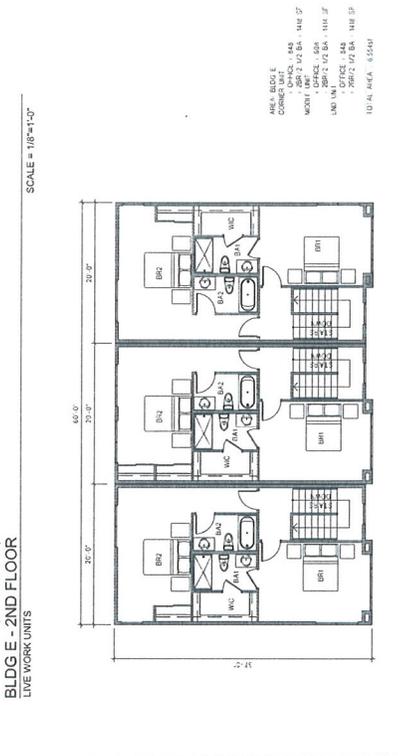
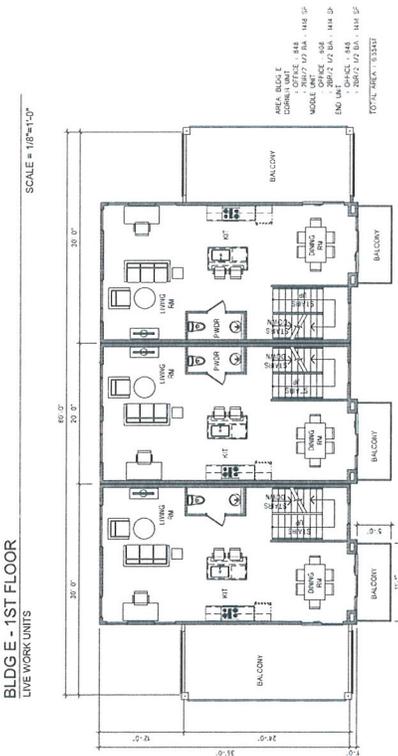
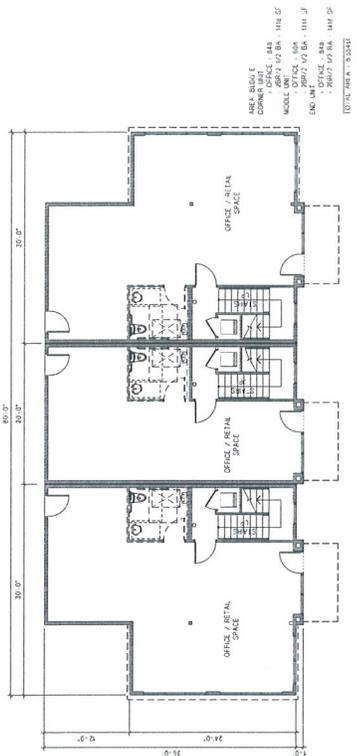
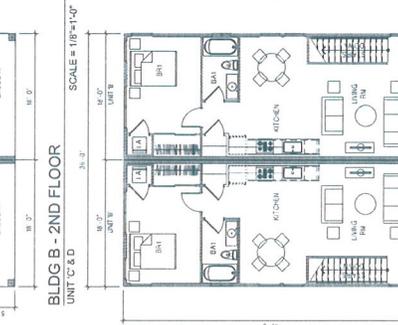
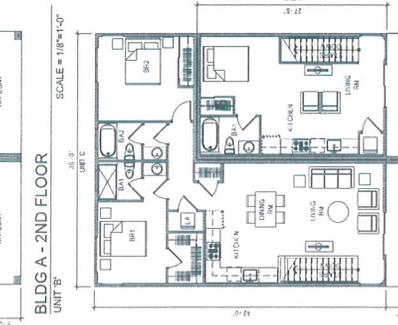
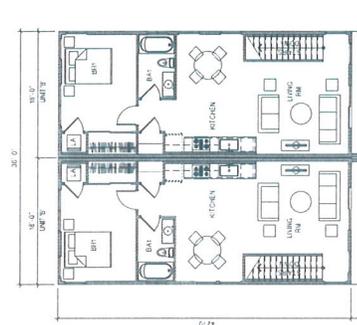
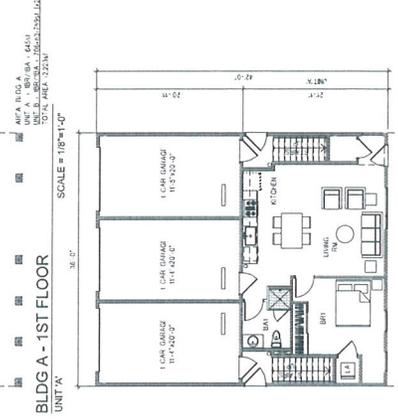
1706 W. Meridian, Suite 101, Fresno, CA 93711
 Address phone: (559) 239-7000 LSC # 026645

THE MET
 PROPOSED MULTI-FAMILY PROJECT
 STANISLAUS STREET, FRESNO, CA

BUILDING PLANS
 BLDG A
 BLDG B
 BLDG C
 BLDG E

Resident	
Project #:	1117
Drawn:	08.28.13
Checked:	91

Sheet Number
A1



AREA BLDG E
 CORNER OFFICE: 848
 CORNER OFFICE: 849
 MODEL UNIT: 850
 END UNIT OFFICE: 848
 END UNIT OFFICE: 849
 END UNIT OFFICE: 850
 TOTAL AREA: 13,524 SF

AREA BLDG E
 CORNER UNIT: 848
 CORNER UNIT: 849
 MODEL UNIT: 850
 END UNIT OFFICE: 848
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 TOTAL AREA: 13,524 SF

APPL. NO. **C-15-137** EXHIBIT **E1** DATE **08/28/13**
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

Exhibit F:

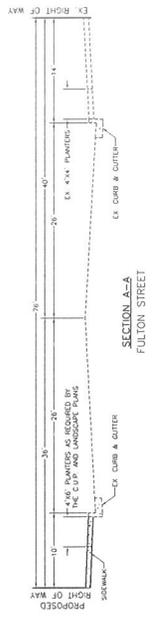
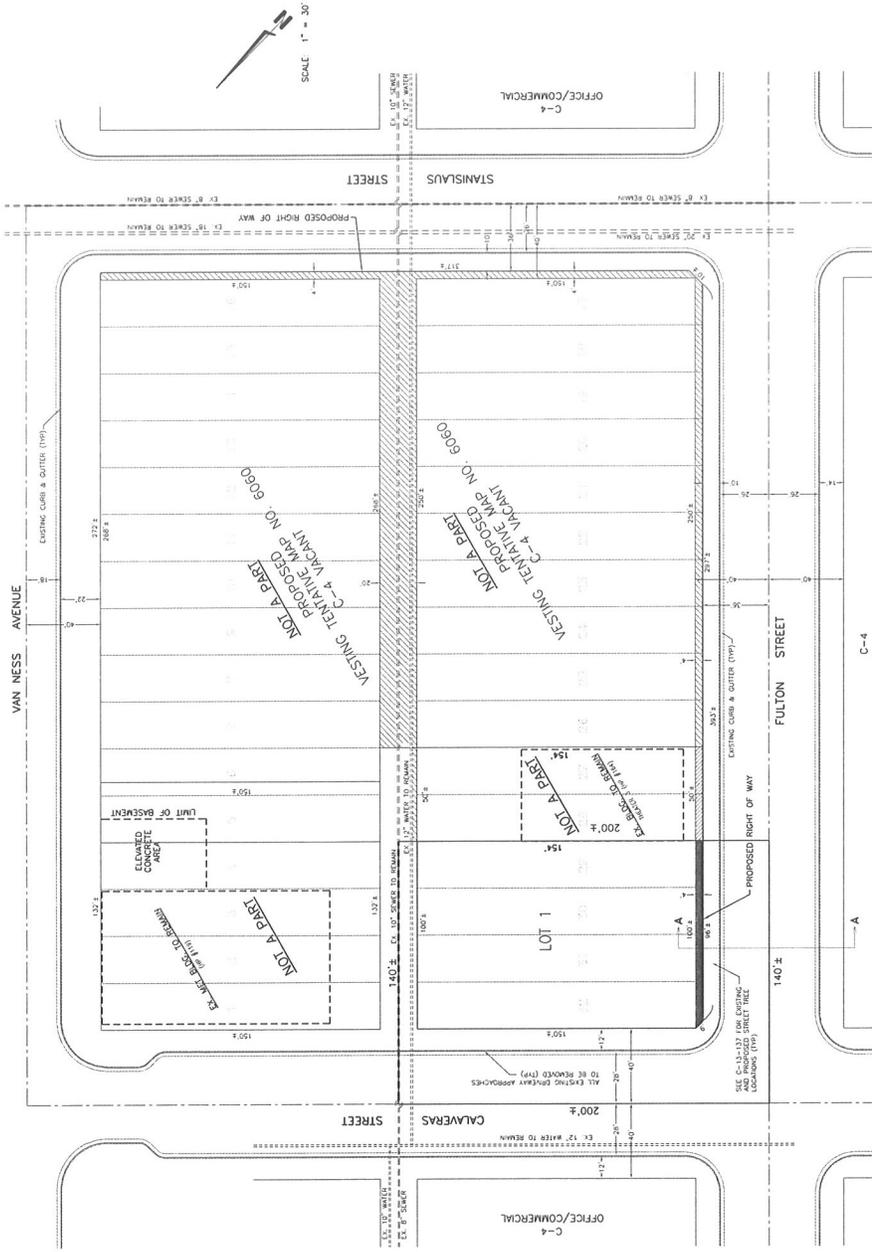
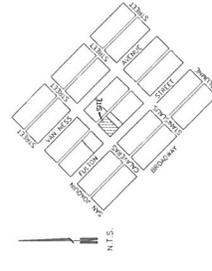
**Vesting Tentative Tract
Map No. 6059**

TENTATIVE SUBDIVISION MAP
TRACT No. 6059
 A VESTING MAP
 FOR CONDOMINIUM PURPOSES

APN 466-145-08
 GROSS AREA = 0.64 ACRES
 NET AREA = 0.35 ACRES

- IMPROVEMENTS EXISTING OR TO BE INSTALLED:
- STREETS - CITY OF FRESNO STANDARDS
 - SEWER - CITY OF FRESNO STANDARDS
 - CURB & GUTTER - CITY OF FRESNO STANDARDS
 - STREET LIGHTS - CITY OF FRESNO STANDARDS
 - STREET LIGHTS - CITY OF FRESNO STANDARDS
 - GAS - CITY OF FRESNO STANDARDS
 - TELEPHONE - AIRTEL
 - CABLE TELEVISION - COMCAST

- NOTES:
- EXISTING ZONING - C-4
 - EXISTING USE - VACANT
 - EXISTING UTILITIES - SEWER, CULVERTS, DUMPSTERS OR OTHER UNDERGROUND STRUCTURES WITHIN THIS SUBDIVISION EXCEPT AS SHOWN ON THIS MAP.
 - THERE ARE NOT EXISTING AREAS WITHIN THIS SUBDIVISION THAT ARE SUBJECT TO INUNDATION OR STORM WATER OVERFLOW FROM ADJACENT PROPERTIES.
 - ADJACENT PROPERTIES TO THE EAST AND SOUTH ARE SUBJECT TO THE BROADWAY/FULTON ALLEY PREVIOUSLY DECATED FOR STREET PURPOSES AS PER THE MAP OF THE TOWN OF FRESNO.
 - PUBLIC STREET TO BE VACATED BY RECORDATION OF THE FINAL MAP.
 - PUBLIC STREET TO BE VACATED BY SEPARATE INSTRUMENT.
 - THE SUBDIVISION PROVIDES TO THE EXTENT FEASIBLE, FOR PASSIVE RECREATION OPPORTUNITIES BY ADJACENT NORTH-SOUTH FACING BUILDINGS.



OWNER:
 FIDA PROPERTIES, L.L.C.
 1396 W. HERNDON AVE.
 FRESNO, CA 93711
 (559) 436-0900

OWNER:
 FIDA PROPERTIES, L.L.C.
 1396 W. HERNDON AVE.
 FRESNO, CA 93711
 (559) 436-0900

DATE: 1/26/14

Exhibit G:

**Vesting Tentative Tract
Map No. 6060**

Exhibit H:

**Conditions of Approval for
Conditional use Permit
Application No.
C-13-137, Vesting
Tentative Tract Map Nos.
6059 & 6060;
including associated
memoranda from
responsible or
commenting agencies.**

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

**CONDITIONS OF APPROVAL
MAY 21, 2014**

**CONDITIONAL USE PERMIT APPLICATION NO. C-13-137
PROPERTY BOUNDED BY VAN NESS AVENUE, CALAVERAS, FULTON AND STANISLAUS
STREETS**

PART A - PROJECT INFORMATION

1. Assessor's Parcel No(s): 466-145-08, 13 & 14
2. Street Location: Located on property bounded by Van Ness Avenue, Calaveras, Fulton and Stanislaus Streets in downtown Fresno (**Council District 3, Councilmember Baines**)
3. Existing Zoning: "C-4" (*Central Trading District*)
4. Existing Planned Land Use: Commercial Mixed Use Level 2 (Central Area)
5. Plan Areas: Central Area Community Plan, Fulton/Lowell Specific Plan, Fulton Redevelopment Plan
6. Project Description: Conditional Use Permit Application No. C-13-137 proposes construction of an 85-unit residential and office/commercial mixed use development on the subject property. The project is proposed to consist of: 12 two-story triplex buildings; 2 three-story 20-plex buildings (comprised of 4 connected five-plex structures); and, 3 three-story mixed use buildings (comprised of 3 live-work units with residential living area situated above ground floor commercial space). Approximately 6,192 total square feet of office/commercial space is proposed.

Vesting Tentative Tract Map Nos. T-6059 and T-6060 have been filed proposing common-lot airspace subdivisions for condominium purposes on separate portions of the subject property. Vesting Tentative Tract Map Nos. T-6059 pertains to an approximately 0.35 acre portion of the subject property located at the eastern corner of the intersection of Fulton and Calaveras Streets and Vesting Tentative Tract Map Nos. T-6060 pertains to an approximately 1.95 acre portion of the subject property comprising the southeastern majority of the block bounded by Van Ness Avenue, Fulton and Stanislaus Streets.

The proposed project also includes the proposed vacation of four feet of adjacent public street rights-of-way on Fulton and Stanislaus Streets as well as the vacation of the southerly portion of the alley connecting Calaveras and Stanislaus Streets (between Van Ness Avenue and Fulton Streets) within the boundary of Vesting Tentative Tract Map No. 6060.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The City of Fresno Planning Commission, on May 21, 2014, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E", "F", inclusive of Conditional Use Permit Application Nos. C-13-137.

IMPORTANT: PLEASE READ CAREFULLY

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

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

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application Nos. C-13-137 and Vesting Tentative Tract Map Nos. T-6059 & T-6060.

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

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The 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 plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(Include this note on the site plan.)**

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

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

The exercise of rights granted by this special permit must be commenced by May 21, 2018 (four years from the date of Director approval). The time limits for any special permit conditionally granted in conjunction with an approved tentative tract map shall be automatically extended upon the extension of such tentative tract map pursuant to Section 12-1005.1 of the FMC.

To complete the back-check process for building permit relative to planning and zoning issues, submit copies of this corrected, final site plan, together with copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Development Services (Planning) Division for final review and approval, a minimum of 15 days before applying for building permits.

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

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

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

NOTICE TO PROJECT APPLICANT

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

project.

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

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

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

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

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit(s) "A" is/are required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the existing and proposed public rights-of-way.
- b) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface private structures and appurtenances extending within the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts/Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.
- c) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:
 - i) Dedications shall be provided in accordance with the attached Public Works Department memorandum dated May 15, 2014.
- d) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:
 - i) The proposed vacations are required to be executed prior to issuance of building permits. A feasibility study for all proposed vacations of existing public rights-of-way is required to be completed prior to either recordation of the Final Map or issuance of building permits. Contact Alan James, Supervising Engineering Technician at (559) 621-8693 for further information.

2. STREET IMPROVEMENTS

- a) All public improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering Services Division at (559) 621-8693, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City **prior** to occupancy.
- b) Repair all damaged and/or off grade off-site concrete street and/or alley 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.
- c) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.
- d) Underground all existing off-site overhead utilities within the limits of this site as per FMC Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.
- e) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

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

PART D - PLANNING/ZONING REQUIREMENTS

1. PLANNING

- a) Development is subject to the following codes, plans, and policies:
 - i) C-4, *Central Trading District* (§12-220 of the FMC)
 - ii) 2025 Fresno General Plan
 - iii) Central Area Community Plan
 - iv) Fulton/Lowell Specific Plan

v) Fulton Redevelopment Plan

2. MITIGATION MONITORING REQUIREMENTS

- a) Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Mitigated Negative Declaration prepared for the proposed project dated May 01, 2014.
 - i) The mitigated negative declaration prepared for the proposed project is tiered off of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (SCH#2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH#2009051016) (Air Quality MND).
 - NOTE: In addition to the project specific mitigation measures identified within the mitigated negative declaration prepared for the proposed project, development of the subject property shall also be subject to implementation of all applicable mitigation measures included within the MEIR and Air Quality MND for subsequent projects; included herein by reference.

3. ZONING

- a) A subsequent entitlement will be required in order to revise the current development proposal or authorize an alternative development scheme for the subject property. Further environmental review may also be required for any future revisions dependent upon the level of intensification that may be proposed.
- b) The subject property is zoned under the C-4 (*Central Trading*) zone district classification. Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective C-4 zone district; except as may be modified herein below in accordance with the provisions of the Mixed Use Ordinance (Section 12-325 of the FMC).

4. BUILDING HEIGHT

- a) No building or structure erected on the subject property shall have a height greater than 60 feet.
 - NOTE: Future buildings or structures which may be proposed at a height, which is in excess of the maximum height development standard as provided herein above shall obtain a conditional use permit pursuant to the provisions of the Mid-Rise and High Rise Ordinance (FMC Section 12-321).
- i) Roof structures for the housing of moot elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys, smokestacks, silos, water tanks or wireless masts or similar structures may be erected above the height

limit prescribed when approved by the Director (or Planning Commission) upon finding that the structure may be safely erected and maintained at such height without damaging the surrounding properties taking into consideration the surrounding conditions and circumstances. No roof structures or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.

- b) Each building within the proposed mixed use project shall have a minimum of two stories.
- c) No accessory building erected on the subject property shall have a height greater than one story, not to exceed 12 feet in height. All accessory buildings on the subject property are subject to the provisions of Section 12-306-N-1 (Accessory Buildings) of the FMC.

5. BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

- a) Setbacks and spaces between buildings shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application Nos. C-13-137; and, the following:
 - NOTE: Any proposed deviation from the building setbacks established by Exhibits "A" of Conditional Use Permit Application Nos. C-13-137 requires submittal and approval of a revised or amendment application to Conditional Use Permit No. C-13-137.
- b) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

6. OPEN SPACES AND LANDSCAPING

The subdivider shall provide and maintain all landscaping (and irrigation systems) in accordance with the following:

- a) A landscape and irrigation plan, prepared by a landscape professional, shall be submitted to the Development Services (Planning) Division and approved for all open space and recreational areas within the development. These plans must be reviewed and approved prior to obtaining building permits.
- b) All yards (including private) and areas designated for open space purposes shall be landscaped and maintained in accordance with Sections 12-306-N-24 of the FMC.
 - i) All yards and landscaped areas located adjacent to street frontage shall be provided automatic irrigation systems.
 - ii) All yards (including private) and areas designated for open space purposes shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.
- c) All required walls or fences, which are accessible to the public, shall incorporate an

adjacent landscaped buffer area pursuant to the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."

- d) Provide for the planting of trees on-site per FMC Section 12-306-N-24-g; except as may be modified herein below:
- i) Planting of on-site trees shall occur in accordance with the landscape plan which is required to be submitted to the Development Services (Planning) Division for review and approval prior to issuance of building permits.
 - ii) Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years; or, provide substantiated data satisfactory to the Director demonstrating that existing conditions (tall buildings, etc.) meet the intention of parking lot shading requirements.
 - iii) Trees shall be planted in proposed landscaped areas along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way.
- e) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.
- NOTE: Street trees shall be planted by the property owner and shall be inspected by the City pursuant to the payment of street tree inspection fees.
- i) Comply with the Street Tree and Maintenance requirements included within the attached Department of Public Works, Streets Division memorandum from the Parks Supervisor dated April 29, 2014.
- NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant the minimum number of street trees required based upon the linear feet of street frontage on private property within 10 feet of the back of the sidewalk.
 - NOTE: The number and location of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to approval of landscape plans and prior to issuance of a street tree planting permit. The approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not planted within the public right of way. A copy of this plan shall be kept at the job site at all times.
- ii) Call (559) 621-5600 to notify the Public Works Department Construction Management Division 72 hours prior to tree hole drilling/tree planting in the public right-of-way, in order to verify tree locations, to obtain inspection of drilling operations, and to check backfilling procedures and safety barriers.

- iii) All planting, irrigation and related work within the city right-of-way shall comply with the City of Fresno Public Works Department Standard Specifications, Section 25 and 26.
- iv) All landscaping and related work to be performed within the city right-of-way shall be done by a qualified contractor and requires a street encroachment permit from the Public Works Department prior to commencement. Call (559) 621-8685 for information on encroachment permits and required insurance and bonding.
- f) All trees shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Development and Resource Management Department. **(Include this note on the site plan and landscape plan.)**
- g) All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and any such vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.
- h) Landscaping shall be kept free from weeds and undesirable grasses.
- i) Landscaping must be in place before issuance of the certificates of occupancy for proposed structures.
- i) A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**
 - NOTE: The hold on occupancy may be released at the discretion of the Development and Resource Management Department to subjectively accommodate inappropriate planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).
 - NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.
- ii) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Development and Resource Management Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**

7. FENCES, HEDGES, AND WALLS

Fences, hedges and walls shall be provided in accordance with the following:

- a) All proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Development and Resource Management Department. **(Include this note on the site plan.)**
 - i) Clearly depict any proposed/existing fences, hedges and walls on Exhibit(s) "A" of Conditional Use Permit Application No. C-13-137. Note that all proposed/existing fences, hedges, and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Development and Resource Management Department.
 - ii) Submit a rendering depicting the fence, hedge, or wall height, material, location etc. for review and approval.
 - NOTE: Only those fences, hedges, and walls as shown on the site plan shall be reviewed for approval.
- b) All fences, hedges, and walls shall conform to the provisions of Section 12-306-H of the FMC.
 - NOTE: Without exception, all present and future fences, hedges, and walls shall not exceed three feet in height within the corner cut-off area defined at Section 12-306-H-3-e of the FMC; and, shall conform to all aspects of the corner cut-off provisions of Section 13-227 (Obstruction to Visibility at Intersection) and 13-228 (Intersection Visibility, Investigation and Enforcement. Lien.) of the FMC.
- c) All fences, hedges, and walls shall conform to the Fulton/Lowell Design Guidelines; specifically as follows:
 - i) Fencing proposed along public street frontages should be semi-transparent. Fencing style should enhance the architectural style of the proposed structures.
 - NOTE: Chain link fences are unacceptable. Only wrought iron, wood, or masonry will be considered acceptable fencing materials.
 - ii) Gates shall be attractive and in keeping with the fence style.
 - iii) Over height fences are prohibited pursuant to the FMC.
- d) 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.

8. OFF-STREET PARKING

Off-street parking on the subject property shall be provided and maintained in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-13-137; and, the following:

- a) Comply with any redlines notes on Exhibit "A" of Conditional Use Permit Application No. C-13-137 or other requirements specified within the Department of Public Works, Traffic and Engineering Services Division memorandum dated May 15, 2014.

9. ACCESS

- a) There shall be adequate vehicular access from a dedicated and improved street, service road or alley, the design of which shall be approved by the Director of Public Works.
- b) There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes.
- c) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.
- d) Provide vehicular and/or pedestrian access as noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-13-137 and/or any other requirements specified within the Department of Public Works, Traffic and Engineering Services Division memorandum dated May 15, 2014.

10. OUTDOOR ADVERTISING AND MARKETING

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

11. ADDRESSING

- a) **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'.

12. BUILDING STANDARDS AND ELEVATIONS

Final building elevations for all structures proposed to be constructed on the subject property shall be submitted to the Development and Resource Management Department, Development Services Division for approval prior to issuance of building permits.

The design of the project should address the goal to create a pedestrian scale atmosphere with

quality architecture in order to create and achieve a vibrant, livable, walkable, economically viable and sustainable community within the downtown in order to enhance the urban core and form. Buildings should generally be designed to strengthen street scene, integrating public and private spaces such as to maximize pedestrian use, enjoyment and amenity associated with the proposed structures and public streets. Building elevations shall comply with the following requirements:

- a) Pursuant to Policy numbers C-20-f, C-21-a, C-21-b and C-21-c of the 2025 Fresno General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless "blank" walls. Design measures should be utilized to avoid large scale, massive, monolithic, and repetitive "institutional" visual appearances. Submit elevations inclusive of modifications for review and approval.
 - i) Buildings shall have an attractive appearance on all sides, not just on their front elevations. Side and rear elevations which are visible from the public rights-of-way or which are adjacent to common areas or paths of travel should incorporate aesthetic enhancements to reinforce the quality and character of the development. No monolithic walls shall be permitted. Design features such as the extension of roof treatments and mansards to the sides and backs of buildings; provision of pedestrian overhangs, awnings and sunscreens; and, use of texture, relief, and/or color can be utilized to add interest to otherwise blank walls.
- b) Clearly identify all condensing units, air conditioning and heating units on the site plans and elevations.
 - i) Mechanical equipment placed on the ground within side yard areas shall not obstruct or impede access for emergency service personnel. Maintain minimum three foot wide clear paths around equipment; or, provide approval from the City of Fresno Fire Department respective to mechanical equipment locations.
 - ii) Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way. When placed on the ground outside of required yards, condensing units and mechanical equipment shall be screened from view of the public right-of-way with structures, fencing and/or landscaping as may be appropriate.

13. DEVELOPMENT IMPACT FEES

City of Fresno Development Impact Fee obligations applicable to this project will be computed during the building construction plan check process. The specified fees will be payable at time of issuance of building permit, at time of issuance of certificate of occupancy, or deferred with a fee deferral covenant.

The time of payment for residential construction of all development impact fees has been deferred to the time of issuance of the Certificate of Occupancy in accordance with the provisions of Resolution No. 2008-348.

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.

For information related to City of Fresno Development Impact Fees, contact Frank Saburit at (559) 621-8797.

a) Water Connection Charges

- i) Frontage Charge (based on property frontage to existing water main)
- ii) Transmission Grid Main Charge (based on parcel acreage)
- iii) Transmission Grid Main Bond Debt Service Charge (based on parcel acreage)
- iv) Service Charges (based on service size required by applicant)
- v) Meter Charges (based on service need)

b) Sewer Connection Charges

- i) Lateral Sewer Charge (based on property frontage to existing sewer main, to a depth of 100').
- ii) Oversize Sewer Charge (based on property frontage to a depth of 100')
- iii) Upon occupancy of the project, the developer shall pay the appropriate sewer facility charge pursuant to the Simple Tiered Equity Program (STEP) as determined by the Department of Public Utilities, Wastewater Division, Environmental Services Section (559-621-5153).

c) Development Impact Fees

- i) Citywide Traffic Signal Mitigation Fee.
Commercial, Industrial (based on Average Daily Trips)
Single, Multi-Family Residential (based on the number of residential units)
- ii) Citywide Fire Facilities Charge.
Commercial, Industrial (based on building square footage)
Single, Multi-Family Residential (based on the number of residential units)
- iii) Citywide Park Facility Charge.
Single, Multi-Family Residential (based on the number of residential units)
- iv) Citywide Police Facilities Charge.
Commercial, Industrial (based on building square footage)
Single, Multi-Family Residential (based on the number of residential units)
- v) Citywide Regional Street Charge.
Planned Land Use (based on parcel acreage)

d) Other Agencies Impact Fees

- i) Satisfy the Fresno County Facilities Impact Fee obligation. Provide County Facilities

Impact Fee receipt from the County Public Works and Planning Department (559-488-3496) as proof of payment or exemption prior to the issuance of building permits.

- NOTE: The requirement to pay this fee is currently suspended. However, this fee will be required to be paid if the fee has been reinstated at the time of issuance of building permits for this project.
- ii) Satisfy the Fresno County Regional Transportation Mitigation Fee (RTMF), as required by the RTMF Joint Powers Agency (559-233-4148). Provided are the RTMF Informational Summary and the Record of Payment forms.
- NOTE: The completed Record of Payment of the RTMF form must be submitted to the City prior to the issuance of building permits. Prior to issuance of the Certificate of Occupancy, the Record of Payment of the RTMF form must be signed indicating the Disposition of RTMF by the RTMF JPA.
- e) Covenants and Agreements
- i) Deferral of the payment of the Citywide Development Impact Fees for Fire, Parks, Police, Major 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. A covenant is required for deferral in applicable circumstances and must be recorded prior to issuance of Building Permits.

PART E - CITY AND OTHER SERVICES

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

Comply with all of the requirements included within the attached Department of Public Works, Streets Division memorandum from the Parks Supervisor dated April 29, 2014; except as may be otherwise provided herein above.

2. TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

Comply with all of the following requirements including those requirements outlined within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated May 16, 2014; except, as may be modified by the Public Works Director prior to issuance of building permits:

- a) If vacation of the entire alley is approved by the City of Fresno, then a Mutual Easement and Reciprocal Use Agreement/Covenant shall be recorded between the properties identified as Assessor's Parcel Numbers 466-145-07, 08, 09 & 12-14, which will at minimum, provide: (1) Mutual and reciprocal access to Calaveras Street; (2) Cross Drainage; (3) Maintenance and retention of any and all on-site utilities, fire suppression systems, improvements, and facilities as appropriate within the area of the existing alley way; (4) All terms and requirements included within the Department of Public Utilities memorandums referenced herein below respective to public and/or City easements; and,

- (5) Terms and provisions for future public improvements within the area of the alley proposed to be vacated (which may include but not be limited to improvements and facilities for potential management, conveyance or retention of storm water within the area of the alley proposed to be vacated).
- b) If vacation of a portion of the alley is approved by the City of Fresno, then vacations shall occur in accordance with the requirements of the vacation feasibility study prepared for the proposed vacation and dated October 31, 2013 and the following; except as may be amended through additional study.
- NOTE: Requirements for partial vacation of the alley may include, but not be limited to, provision of an alternate exit from an unvacated portion of the alley via dedication of an additional public alley easement; or, provision of an adequate, improved, turnaround area for vehicles such that a vehicle will not have to back out of the alley after entering.
- i) If vacation of a portion of the alley is approved, then a Covenant Agreement shall be recorded with respect to any portion of the alley to be vacated which will at minimum, provide: (1) Maintenance and retention of any and all on-site utilities, fire suppression systems, improvements, and facilities as appropriate within the area of the existing alley way; (2) All terms and requirements included within the Department of Public Utilities memorandums referenced herein below respective to public and/or City easements; (3) Cross drainage; and, (4) Terms and provisions for future public improvements within the portion of the alley proposed to be vacated (which may include but not be limited to improvements and facilities for potential management, conveyance or retention of storm water within the portion of the alley proposed to be vacated).
- c) Final, executed and notarized documents shall be recorded prior to execution/recordation of vacation documents with the County Recorder.
- d) All of the agreements required to be executed within this section shall run with the land and bind all successors and assigns.
- i) Any amendment to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.
- NOTE: Conditions of Covenants are intended to benefit the public and public properties as well as properties appurtenant; and, secure the enforceability of properties' obligations for retention and maintenance of access, utilities, facilities, and improvements. Failure to comply with the terms of the Covenant may result in the revocation of the Certificate of Occupancy of Special Permit by the City for use of any Parcel of the properties involved. Accordingly, the City of Fresno shall have the right to enforce this Statement by any legal or equitable means. For further information regarding these requirement Contact the Development and Resource Management Department at (559) 621-8277.

- e) If vacation of any portion, or all, of the alley is not approved by the City of Fresno, then a Revised or Amendment Exhibit to Conditional Use Permit Application No. C-13-137 shall be submitted to the Development and Resource Management Department identifying retention of the existing alley easement and any proposed private improvements which may be proposed to encroach into the alley for review and approval by the City of Fresno.

3. PUBLIC UTILITIES REQUIREMENTS

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated April 23, 2014.
- b) Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated April 21, 2014.

4. SOLID WASTE COLLECTION

Comply with all of the requirements included within the attached Department of Public Utilities, Solid Waste Division memorandum dated April 29, 2014.

5. FIRE PROTECTION REQUIREMENTS

Comply with all of the requirements included within the attached City of Fresno Fire Department memorandum dated May 02, 2014.

6. FLOOD CONTROL REQUIREMENTS

Comply with all of the requirements included within the attached Fresno Metropolitan Flood Control District memorandum dated April 29, 2014.

- a) Pay drainage fee pursuant to the Drainage Fee ordinance prior to issuance of building permits at the rates in effect at the time of such issuance.

7. COUNTY OF FRESNO, DEPARTMENT OF PUBLIC HEALTH

Comply with all of the requirements included within the attached County of Fresno Department of Public Health memorandum dated April 17, 2014.

8. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

Comply with all of the requirements included within the attached San Joaquin Valley Air Pollution Control District (SJVAPCD) memorandum dated May 07, 2014; and, the following:

- a) The subdivider/developer shall comply with all regulations and rules applicable to the development of the subject property in accordance with SJVAPCD requirements.

- NOTE: These rules and regulations may include, but not be limited to, compliance

with Regulation VIII for the control of particulate matter and fugitive dust during construction of this project and Rule 8060 for the control of fugitive dust from paved and unpaved roads.

9. FRESNO UNIFIED SCHOOL DISTRICT

Attached for the developer's records and/or consideration is the memorandum from Fresno Unified School District dated May 07, 2014.

PART F - MISCELLANEOUS

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

1. In accordance with the Fulton/Lowell Design Guidelines and recommendations from the Fresno Police Department for crime prevention through design, appropriate lighting shall be provided on-site to enhance the appearance of the neighborhood while simultaneously providing a sense of security and safety in order to make it possible to use outdoor living spaces after nightfall.
 - i) Residential lighting fixtures should be scaled to be in keeping with the pedestrian nature of the mixed used development.
 - ii) Lighting should be designed to make yard and common areas more livable and to allow neighbors to gather and socialize in the evening hours.
 - iii) Lighting fixtures should complement the architectural style of the structures in terms of both color and style. Fixtures attached to structures and complementing their style are preferred.
 - iv) Eave-mounted spotlights should be limited to interior yards and used only to illuminate after-dark activities. The light from these spotlights should be shielded or aimed to eliminate glare escaping into neighbors' yards and windows.
2. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
3. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation.

Conditions of Approval
Conditional Use Permit Application Nos. C-13-137
May 21, 2014
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4. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved.

Unless the Planning Commission decision is set for hearing before 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 16th day after the date of the decision, subject to writ of administrative mandamus under 1094.6 of the Code of Civil Procedures.

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

**CONDITIONS OF APPROVAL
MAY 21, 2014**

**VESTING TENTATIVE TRACT MAP NO. 6059
“FOR CONDOMINIUM PURPOSES”**

EASTERLY CORNER OF THE INTERSECTION OF CALAVERAS AND FULTON STREETS

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

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project. Each local agency shall provide to the project applicant a notice in writing at the time of the approval of the project or at the time of the imposition of the fees, dedications, reservations, or other exactions, a statement of the amount of the fees or a description of the dedications, reservations, or other exactions, and notification that the 90-day approval period in which the applicant may protest has begun (please see section related to Development Fees and Charges included herein below for further information).

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 6059, the subdivider may prepare a Final Map in accordance with the approved tentative map, and Conditional Use Permit Application No. C-13-137.
2. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.
3. Submit grading plans and a soils report to the City of Fresno Development and Resource Management Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
4. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Development and Resource Management Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

5. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
6. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
7. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Article 10, Chapter 12, "Subdivision of Real Property;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
8. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.
9. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
10. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

GENERAL INFORMATION

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

- i) Attached for the subdivider/developer's use is a copy of the Mode of Delivery Agreement – New Construction Form.
12. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.
13. Any existing and/or proposed structure(s) on the site which may be utilized in conjunction with a condominium project are required to maintain compliance with any applicable standards of the California Building Code as it relates to wall protection, allowable area, etc.
 - a) Compliance with the prevailing California Building Code must be demonstrated, respective to the location of new condominium boundaries which may be proposed to be described on a condominium plan, prior to recordation of a Condominium Plan. Contact the Development and Resource Management Department, Building and Safety Services Division at (559) 621-8200.
 - NOTE: In the event the structures do not comply with any applicable standards of the California Building Code, they must be modified so as to meet the standard.
14. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
15. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.
16. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
17. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

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

- a) A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;
- b) A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and
- c) Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.
- d) The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

MITIGATION MONITORING REQUIREMENTS

18. Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Mitigated Negative Declaration prepared for the proposed project dated May 01, 2014.
 - a) The mitigated negative declaration prepared for the proposed project is tiered off of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (SCH#2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH#2009051016) (Air Quality MND).
 - i) In addition to the project specific mitigation measures identified within the mitigated negative declaration prepared for the proposed project, development of the subject property shall also be subject to implementation of all applicable mitigation measures included within the MEIR and Air Quality MND for subsequent projects; included herein by reference.

ZONING & PROPERTY DEVELOPMENT STANDARDS

19. The subject property is zoned under the C-4 (Central Trading) zone district classification. Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective C-4 zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-13-137.
 - a) The uses authorized by Conditional Use Permit Application No. C-13-137 shall be retained unless otherwise reviewed and approved by the City of Fresno Development and Resource Management Department through a formal revised or amended entitlement application.
20. Pursuant to Article 9 of Chapter 12, Condominium Conversions, of the Fresno Municipal Code, a Condominium Conversion Project is defined as, an occupied multiple dwelling development in which existing dwellings are converted to a condominium project, a community apartment project, a stock cooperative, or a planned development.

- a) In the instance that existing multiple dwelling residential apartment units developed on the subject property are occupied, the owner/subdivider shall file an application for a tentative tract map for a condominium conversion project to the City of Fresno for review and approval unless appropriate noticing has been provided to prospective tenants in compliance with the rules and regulations of the State Subdivision Map Act.
- i) The information specified within Section 12-904 of the Fresno Municipal Code, in addition to the requirements of Article 10 of Chapter 12 of the Fresno Municipal Code, shall be required as a prerequisite to filing an application for a tentative tract map for a condominium conversion project.
 - NOTE: The State Subdivision Map Act provides general and specific regulations and procedures that local governments and the applicant must follow in the review of condominium conversion projects. The applicant should become familiar with Sections 66427.1, 66452.8 and 66452.9 of the State Subdivision Map Act, as these sections contain very important requirements relating to the required notices to be given to the tenants by the applicant.

21. Whenever a subdivision, includes area under common ownership (such as is the case within a common interest development for condominium purposes), the use, maintenance, and operation thereof shall be administered by an owner's association regulated by covenants, conditions, and restrictions (CC&R's) pursuant to Section 12-1026 of the Fresno Municipal Code.

- a) Submit draft copies of Declarations of Covenants, Conditions and Restrictions/Owners Association documents (DCC&R's) for review and approval prior to recordation of a Final Map. Final, executed and notarized documents shall be recorded with the final map; or alternatively, the subdivider may enter into a covenant with the City of Fresno to defer the preparation of DCC&R's and formulation of the required Homeowners' Association (HOA) in accordance with the following term:
 - i) A minimum of ninety days before submittal of documents to the Department of Real Estate to obtain the public report for the project or the recordation of a Condo Plan as defined in Section 1351(e) of the California Civil Code, whichever is earlier, the subdivider shall submit to the City for review the Condo Plan, DCC&R and HOA instruments that are compliant with the special permit(s) (Conditional Use Permit Application Nos. C-13-137) and the tentative map and associated conditions of approval.
- b) CC&R's are intended to satisfy and secure the enforceability of properties' obligations for retention and maintenance of access, utilities, facilities, and improvements; and, shall, at a minimum, address the following:
 - i) Cross Access for ingress/egress and emergency access to buildings
 - ii) Cross Drainage (if applicable)
 - iii) Shared Parking
 - iv) Shared solid waste facilities
 - v) Maintenance of sewer, water and all other utilities
 - vi) Maintenance of private sidewalks, curbs, gutters, and improvements
 - vii) Maintenance of all landscaping and irrigation systems within the limits of this map

- viii) Maintenance and retention of fire suppression systems and underground water supplies
- c) The subdivider shall establish a Home Owners' Association to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City. The agreement with the City described herein, shall among other things, include assignment of responsibility to the homeowner's association for provisions as stated in the Development and Resource Management Department Guidelines for preparation of CC&Rs dated September 01, 1994 and shall specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.
- NOTE: The owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.
 - NOTE: Any amendment by the association to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.

Lot Area and Dimensions

22. The single "common" lot proposed by Vesting Tentative Tract Map No. 6059 is consistent with the existing C-4 (*Central Trading*) zone district.
- a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 6059.

Building Setbacks

23. Building setbacks shall be provided in accordance with the Conditions of Approval and the approved site plan(s) (Exhibit[s] "A") for Conditional Use Permit Application No. C-13-137.

Fences, Hedges & Walls

24. Fences Hedges and Walls shall be provided in accordance with the Conditions of Approval and the approved site plan(s) (Exhibit[s] "A") for Conditional Use Permit Application No. C-13-137.

LANDSCAPING AND OPEN SPACE

25. On-site landscaping and open space shall be provided and maintained in accordance with the Conditions of Approval and the approved site plan(s) (Exhibit[s] "A") for Conditional Use Permit Application No. C-13-137.

STREETS AND RIGHTS-OF-WAY

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

27. Comply with all of the following requirements including those requirements outlined within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated May 15, 2014; except, as may be modified by the Public Works Director prior to recordation of a Final Map:

- a) If vacation of the entire alley is approved by the City of Fresno, then a Mutual Easement and Reciprocal Use Agreement/Covenant shall be recorded between the properties identified as Assessor's Parcel Numbers 466-145-07, 08, 09 & 12-14, which will at minimum, provide: (1) Mutual and reciprocal access to Calaveras Street; (2) Cross Drainage; (3) Maintenance and retention of any and all on-site utilities, fire suppression systems, improvements, and facilities as appropriate within the area of the existing alley way; (4) All terms and requirements included within the Department of Public Utilities memorandums referenced herein below respective to public and/or City easements; and, (5) Terms and provisions for future public improvements within the area of the alley proposed to be vacated (which may include but not be limited to improvements and facilities for potential management, conveyance or retention of storm water within the area of the alley proposed to be vacated).
- b) If vacation of a portion of the alley is approved by the City of Fresno, then vacations shall occur in accordance with the requirements of the vacation feasibility study prepared for the proposed vacation and dated October 31, 2013 and the following; except as may be amended through additional study.
 - NOTE: Requirements for partial vacation of the alley may include, but not be limited to, provision of an alternate exit from an unvacated portion of the alley via dedication of an additional public alley easement; or, provision of an adequate, improved, turnaround area for vehicles such that a vehicle will not have to back out of the alley after entering.
- i) If vacation of a portion of the alley is approved, then a Covenant Agreement shall be recorded with respect to any portion of the alley to be vacated which will at minimum, provide: (1) Maintenance and retention of any and all on-site utilities, fire suppression systems, improvements, and facilities as appropriate within the area of the existing alley way; (2) All terms and requirements included within the Department of Public Utilities memorandums referenced herein below respective to public and/or City easements; (3) Cross drainage; and, (4) Terms and provisions for future public improvements within the portion of the alley proposed to be vacated (which may include but not be limited to improvements and facilities for potential management, conveyance or retention of storm water within the portion of the alley proposed to be vacated).
- c) Final, executed and notarized documents shall be recorded prior to execution/recordation of vacation documents with the County Recorder.
- d) All of the agreements required to be executed within this section shall run with the land and bind all successors and assigns.
 - i) Any amendment to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.
 - NOTE: Conditions of Covenants are intended to benefit the public and public properties as well as properties appurtenant; and, secure the enforceability of properties' obligations for retention and maintenance of access, utilities,

facilities, and improvements. Failure to comply with the terms of the Covenant may result in the revocation of the Certificate of Occupancy of Special Permit by the City for use of any Parcel of the properties involved. Accordingly, the City of Fresno shall have the right to enforce this Statement by any legal or equitable means. For further information regarding these requirements Contact the Development and Resource Management Department at (559) 621-8277.

- e) If vacation of any portion, or all, of the alley is not approved by the City of Fresno, then a Revised or Amendment Exhibit to Conditional Use Permit Application No. C-13-137 shall be submitted to the Development and Resource Management Department identifying retention of the existing alley easement and any proposed private improvements which may be proposed to encroach into the alley for review and approval by the City of Fresno.
28. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and is responsible for the dedication of planting and buffer landscape easements as determined by the Development and Resource Management Department. Street trees shall be planted by the developer at the minimum rate of one tree for each 24 feet of street frontage. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards and AB 1881 Model Water Efficient Landscape Ordinance.
- a) Comply with all of the Street Tree and Maintenance requirements included within the Department of Public Works, Streets Division memorandum from the Parks Supervisor dated April 29, 2014; except as may be modified herein below:
 - i) Based upon the proposed building setbacks of proposed structures to public rights-of-way, street trees may not be required to be planted within a 10-foot Public Planting and Utility Easement subject to approval by the Public Works Department. The number and locations of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to issuance of a street tree planting permit or prior to approval of landscape plans. Landscape plans are required to be submitted to serve as a street tree planting permit for any on-site trees, which may alternatively be planted outside of street rights-of-way and within ten feet of the back of the sidewalk.

SANITARY SEWER SERVICE

The nearest sanitary sewer main to serve the proposed project is a 10-inch main located in the alley between Fulton Street/Van Ness Avenue. The following sewer conditions shall be required prior to providing City sewer service to the project:

- 29. Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated April 23, 2014.

WATER SERVICE

The nearest water main to serve the proposed project is a 12-inch main located in the 10-inch main located in the alley between Fulton Street/Van Ness Avenue. The following water improvements shall be required prior to providing City water service to the project:

30. Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated April 21, 2014.

FIRE SERVICE

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

31. Comply with all of the requirements included within the attached Fresno Fire Department memorandum dated May 02, 2014.

FLOOD CONTROL AND DRAINAGE

32. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letters to the Planning and Development Department dated April 29, 2014.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

33. Comply with all of the requirements included within the attached San Joaquin Valley Air Pollution Control District (SJVAPCD) memorandum dated May 07, 2014.

RIGHT-OF-WAY ACQUISITION

34. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
35. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.
36. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.
37. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.
38. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

<u>FLOOD CONTROL CHARGES</u>	<u>FEE RATE</u>
a. FMFCD Drainage Fee	\$18,283.00
<u>SEWER CONNECTION CHARGES</u>	<u>FEE RATE</u>
b. Lateral Sewer Charge [1]	\$0.10/sq. ft. (to 100' depth)
c. Oversize Charge [1]	\$0.05/sq. ft. (to 100' depth)
d. Trunk Sewer Charge Service Area:	N/A
e. Wastewater Facilities Charge	S.T.E.P. **
f. House Branch Sewer Charge [2]	N/A
<u>WATER CONNECTION CHARGES</u>	<u>FEE RATE</u>
g. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule.
h. Frontage Charge [1]	\$6.50/lineal foot
i. Transmission Grid Main Charge [1]	\$804/net acre (parcels under 5 gross acres)
j. Transmission Grid Main Bond Debt Service Charge [1]	\$304/net acre (parcels under 5 gross acres)
k. UGM Water Supply Fee [2] Service Area:	N/A
l. Well Head Treatment Fee [2] Service Area:	N/A
m. Recharge Fee [2] Service Area:	N/A
n. 1994 Bond Debt Service [1] Service Area:	N/A

<u>CITYWIDE DEVELOPMENT IMPACT FEES</u>	<u>FEE RATE</u>
o. Fire Facilities Impact Fee – Citywide [4] Residential, Multi Family Commercial	\$439.00/living unit \$236.00/1000 sq. ft. †
p. Park Facility Impact Fee – Citywide [4]	\$2764.00/living unit
q. Quimby Parkland Dedication Fee [2]	N/A
r. Citywide Regional Street Fee [3]	\$13,846.00/adj. acre
s. New Growth Area Major Street Fee [3]	N/A
t. Police Facilities Impact Fee – Citywide [4] Residential, Multi Family Commercial	\$508.00/living unit \$665.00/1000 sq. ft. †
u. Traffic Signal Charge [1] Residential, Multi Family Commercial	\$316.65/living unit \$47.12/ADT †

Notes:

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Please see the attached memorandum from the Fresno Metropolitan Flood Control District (FMFCD) for further information regarding considerations which may affect the fee obligation(s) or the timing or form of fee payment.

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits. (The requirement to pay this fee is currently suspended by Fresno County. However, payment of this fee may be required if the fee has been reinstated at the time of issuance of building permits on the subject property.)

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

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

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

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

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

**CONDITIONS OF APPROVAL
MAY 21, 2014**

**VESTING TENTATIVE TRACT MAP NO. 6060
“FOR CONDOMINIUM PURPOSES”**

PROPERTY BOUNDED BY VAN NESS AVENUE, FULTON AND STANISLAUS STREETS

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

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project. Each local agency shall provide to the project applicant a notice in writing at the time of the approval of the project or at the time of the imposition of the fees, dedications, reservations, or other exactions, a statement of the amount of the fees or a description of the dedications, reservations, or other exactions, and notification that the 90-day approval period in which the applicant may protest has begun (please see section related to Development Fees and Charges included herein below for further information).

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 6060, the subdivider may prepare a Final Map in accordance with the approved tentative map, and Conditional Use Permit Application No. C-13-137.
2. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.
3. Submit grading plans and a soils report to the City of Fresno Development and Resource Management Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
4. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Development and Resource Management Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

5. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
6. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
7. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Article 10, Chapter 12, "Subdivision of Real Property;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
8. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.
9. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
10. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

GENERAL INFORMATION

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

- i) Attached for the subdivider/developer's use is a copy of the Mode of Delivery Agreement – New Construction Form.
12. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.
13. Any existing and/or proposed structure(s) on the site which may be utilized in conjunction with a condominium project are required to maintain compliance with any applicable standards of the California Building Code as it relates to wall protection, allowable area, etc.
 - a) Compliance with the prevailing California Building Code must be demonstrated, respective to the location of new condominium boundaries which may be proposed to be described on a condominium plan, prior to recordation of a Condominium Plan. Contact the Development and Resource Management Department, Building and Safety Services Division at (559) 621-8200.
 - NOTE: In the event the structures do not comply with any applicable standards of the California Building Code, they must be modified so as to meet the standard.
14. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
15. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.
16. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
17. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

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

- a) A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;
- b) A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and
- c) Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.
- d) The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

MITIGATION MONITORING REQUIREMENTS

18. Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Mitigated Negative Declaration prepared for the proposed project dated May 01, 2014.
 - a) The mitigated negative declaration prepared for the proposed project is tiered off of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (SCH#2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH#2009051016) (Air Quality MND).
 - i) In addition to the project specific mitigation measures identified within the mitigated negative declaration prepared for the proposed project, development of the subject property shall also be subject to implementation of all applicable mitigation measures included within the MEIR and Air Quality MND for subsequent projects; included herein by reference.

ZONING & PROPERTY DEVELOPMENT STANDARDS

19. The subject property is zoned under the C-4 (Central Trading) zone district classification. Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective C-4 zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-13-137.
 - a) The uses authorized by Conditional Use Permit Application No. C-13-137 shall be retained unless otherwise reviewed and approved by the City of Fresno Development and Resource Management Department through a formal revised or amended entitlement application.
20. Pursuant to Article 9 of Chapter 12, Condominium Conversions, of the Fresno Municipal Code, a Condominium Conversion Project is defined as, an occupied multiple dwelling development in which existing dwellings are converted to a condominium project, a community apartment project, a stock cooperative, or a planned development.

- a) In the instance that existing multiple dwelling residential apartment units developed on the subject property are occupied, the owner/subdivider shall file an application for a tentative tract map for a condominium conversion project to the City of Fresno for review and approval unless appropriate noticing has been provided to prospective tenants in compliance with the rules and regulations of the State Subdivision Map Act.
- i) The information specified within Section 12-904 of the Fresno Municipal Code, in addition to the requirements of Article 10 of Chapter 12 of the Fresno Municipal Code, shall be required as a prerequisite to filing an application for a tentative tract map for a condominium conversion project.
 - NOTE: The State Subdivision Map Act provides general and specific regulations and procedures that local governments and the applicant must follow in the review of condominium conversion projects. The applicant should become familiar with Sections 66427.1, 66452.8 and 66452.9 of the State Subdivision Map Act, as these sections contain very important requirements relating to the required notices to be given to the tenants by the applicant.

21. Whenever a subdivision, includes area under common ownership (such as is the case within a common interest development for condominium purposes), the use, maintenance, and operation thereof shall be administered by an owner's association regulated by covenants, conditions, and restrictions (CC&R's) pursuant to Section 12-1026 of the Fresno Municipal Code.

- a) Submit draft copies of Declarations of Covenants, Conditions and Restrictions/Owners Association documents (DCC&R's) for review and approval prior to recordation of a Final Map. Final, executed and notarized documents shall be recorded with the final map; or alternatively, the subdivider may enter into a covenant with the City of Fresno to defer the preparation of DCC&R's and formulation of the required Homeowners' Association (HOA) in accordance with the following term:
 - i) A minimum of ninety days before submittal of documents to the Department of Real Estate to obtain the public report for the project or the recordation of a Condo Plan as defined in Section 1351(e) of the California Civil Code, whichever is earlier, the subdivider shall submit to the City for review the Condo Plan, DCC&R and HOA instruments that are compliant with the special permit(s) (Conditional Use Permit Application Nos. C-13-137) and the tentative map and associated conditions of approval.
- b) CC&R's are intended to satisfy and secure the enforceability of properties' obligations for retention and maintenance of access, utilities, facilities, and improvements; and, shall, at a minimum, address the following:
 - i) Cross Access for ingress/egress and emergency access to buildings
 - ii) Cross Drainage (if applicable)
 - iii) Shared Parking
 - iv) Shared solid waste facilities
 - v) Maintenance of sewer, water and all other utilities
 - vi) Maintenance of private sidewalks, curbs, gutters, and improvements
 - vii) Maintenance of all landscaping and irrigation systems within the limits of this map

- viii) Maintenance and retention of fire suppression systems and underground water supplies
- c) The subdivider shall establish a Home Owners' Association to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City. The agreement with the City described herein, shall among other things, include assignment of responsibility to the homeowner's association for provisions as stated in the Development and Resource Management Department Guidelines for preparation of CC&Rs dated September 01, 1994 and shall specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.
- NOTE: The owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.
 - NOTE: Any amendment by the association to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.

Lot Area and Dimensions

22. The single "common" lot proposed by Vesting Tentative Tract Map No. 6060 is consistent with the existing C-4 (*Central Trading*) zone district.
- a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 6060.

Building Setbacks

23. Building setbacks shall be provided in accordance with the Conditions of Approval and the approved site plan(s) (Exhibit[s] "A") for Conditional Use Permit Application No. C-13-137.

Fences, Hedges & Walls

24. Fences Hedges and Walls shall be provided in accordance with the Conditions of Approval and the approved site plan(s) (Exhibit[s] "A") for Conditional Use Permit Application No. C-13-137.

LANDSCAPING AND OPEN SPACE

25. On-site landscaping and open space shall be provided and maintained in accordance with the Conditions of Approval and the approved site plan(s) (Exhibit[s] "A") for Conditional Use Permit Application No. C-13-137.

STREETS AND RIGHTS-OF-WAY

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

27. Comply with all of the following requirements including those requirements outlined within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated May 15, 2014; except, as may be modified by the Public Works Director prior to recordation of a Final Map:
- a) If vacation of the entire alley is approved by the City of Fresno, then a Mutual Easement and Reciprocal Use Agreement/Covenant shall be recorded between the properties identified as Assessor's Parcel Numbers 466-145-07, 08, 09 & 12-14, which will at minimum, provide: (1) Mutual and reciprocal access to Calaveras Street; (2) Cross Drainage; (3) Maintenance and retention of any and all on-site utilities, fire suppression systems, improvements, and facilities as appropriate within the area of the existing alley way; (4) All terms and requirements included within the Department of Public Utilities memorandums referenced herein below respective to public and/or City easements; and, (5) Terms and provisions for future public improvements within the area of the alley proposed to be vacated (which may include but not be limited to improvements and facilities for potential management, conveyance or retention of storm water within the area of the alley proposed to be vacated).
 - b) If vacation of a portion of the alley is approved by the City of Fresno, then vacations shall occur in accordance with the requirements of the vacation feasibility study prepared for the proposed vacation and dated October 31, 2013 and the following; except as may be amended through additional study.
 - NOTE: Requirements for partial vacation of the alley may include, but not be limited to, provision of an alternate exit from an unvacated portion of the alley via dedication of an additional public alley easement; or, provision of an adequate, improved, turnaround area for vehicles such that a vehicle will not have to back out of the alley after entering.
 - i) If vacation of a portion of the alley is approved, then a Covenant Agreement shall be recorded with respect to any portion of the alley to be vacated which will at minimum, provide: (1) Maintenance and retention of any and all on-site utilities, fire suppression systems, improvements, and facilities as appropriate within the area of the existing alley way; (2) All terms and requirements included within the Department of Public Utilities memorandums referenced herein below respective to public and/or City easements; (3) Cross drainage; and, (4) Terms and provisions for future public improvements within the portion of the alley proposed to be vacated (which may include but not be limited to improvements and facilities for potential management, conveyance or retention of storm water within the portion of the alley proposed to be vacated).
 - c) Final, executed and notarized documents shall be recorded prior to execution/recordation of vacation documents with the County Recorder.
 - d) All of the agreements required to be executed within this section shall run with the land and bind all successors and assigns.
 - i) Any amendment to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.
 - NOTE: Conditions of Covenants are intended to benefit the public and public properties as well as properties appurtenant; and, secure the enforceability of properties' obligations for retention and maintenance of access, utilities,

facilities, and improvements. Failure to comply with the terms of the Covenant may result in the revocation of the Certificate of Occupancy of Special Permit by the City for use of any Parcel of the properties involved. Accordingly, the City of Fresno shall have the right to enforce this Statement by any legal or equitable means. For further information regarding these requirements Contact the Development and Resource Management Department at (559) 621-8277.

- e) If vacation of any portion, or all, of the alley is not approved by the City of Fresno, then a Revised or Amendment Exhibit to Conditional Use Permit Application No. C-13-137 shall be submitted to the Development and Resource Management Department identifying retention of the existing alley easement and any proposed private improvements which may be proposed to encroach into the alley for review and approval by the City of Fresno.
28. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and is responsible for the dedication of planting and buffer landscape easements as determined by the Development and Resource Management Department. Street trees shall be planted by the developer at the minimum rate of one tree for each 24 feet of street frontage. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards and AB 1881 Model Water Efficient Landscape Ordinance.
- a) Comply with all of the Street Tree and Maintenance requirements included within the Department of Public Works, Streets Division memorandum from the Parks Supervisor dated April 29, 2014; except as may be modified herein below:
 - i) Based upon the proposed building setbacks of proposed structures to public rights-of-way, street trees may not be required to be planted within a 10-foot Public Planting and Utility Easement subject to approval by the Public Works Department. The number and locations of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to issuance of a street tree planting permit or prior to approval of landscape plans. Landscape plans are required to be submitted to serve as a street tree planting permit for any on-site trees, which may alternatively be planted outside of street rights-of-way and within ten feet of the back of the sidewalk.

SANITARY SEWER SERVICE

The nearest sanitary sewer main to serve the proposed project is a 10-inch main located in the alley between Fulton Street/Van Ness Avenue. The following sewer conditions shall be required prior to providing City sewer service to the project:

- 29. Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated April 23, 2014.

WATER SERVICE

The nearest water main to serve the proposed project is a 12-inch main located in the 10-inch main located in the alley between Fulton Street/Van Ness Avenue. The following water improvements shall be required prior to providing City water service to the project:

30. Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated April 21, 2014.

FIRE SERVICE

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

31. Comply with all of the requirements included within the attached Fresno Fire Department memorandum dated May 02, 2014.

FLOOD CONTROL AND DRAINAGE

32. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letters to the Planning and Development Department dated April 29, 2014.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

33. Comply with all of the requirements included within the attached San Joaquin Valley Air Pollution Control District (SJVAPCD) memorandum dated May 07, 2014.

RIGHT-OF-WAY ACQUISITION

34. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
35. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.
36. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.
37. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.
38. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

<u>FLOOD CONTROL CHARGES</u>	<u>FEE RATE</u>
a. FMFCD Drainage Fee	\$18,283.00
<u>SEWER CONNECTION CHARGES</u>	<u>FEE RATE</u>
b. Lateral Sewer Charge [1]	\$0.10/sq. ft. (to 100' depth)
c. Oversize Charge [1]	\$0.05/sq. ft. (to 100' depth)
d. Trunk Sewer Charge Service Area:	N/A
e. Wastewater Facilities Charge	S.T.E.P. **
f. House Branch Sewer Charge [2]	N/A
<u>WATER CONNECTION CHARGES</u>	<u>FEE RATE</u>
g. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule.
h. Frontage Charge [1]	\$6.50/lineal foot
i. Transmission Grid Main Charge [1]	\$804/net acre (parcels under 5 gross acres)
j. Transmission Grid Main Bond Debt Service Charge [1]	\$304/net acre (parcels under 5 gross acres)
k. UGM Water Supply Fee [2] Service Area:	N/A
l. Well Head Treatment Fee [2] Service Area:	N/A
m. Recharge Fee [2] Service Area:	N/A
n. 1994 Bond Debt Service [1] Service Area:	N/A

<u>CITYWIDE DEVELOPMENT IMPACT FEES</u>	<u>FEE RATE</u>
o. Fire Facilities Impact Fee – Citywide [4] Residential, Multi Family Commercial	\$439.00/living unit \$236.00/1000 sq. ft. †
p. Park Facility Impact Fee – Citywide [4]	\$2764.00/living unit
q. Quimby Parkland Dedication Fee [2]	N/A
r. Citywide Regional Street Fee [3]	\$13,846.00/adj. acre
s. New Growth Area Major Street Fee [3]	N/A
t. Police Facilities Impact Fee – Citywide [4] Residential, Multi Family Commercial	\$508.00/living unit \$665.00/1000 sq. ft. †
u. Traffic Signal Charge [1] Residential, Multi Family Commercial	\$316.65/living unit \$47.12/ADT †

Notes:

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Please see the attached memorandum from the Fresno Metropolitan Flood Control District (FMFCD) for further information regarding considerations which may affect the fee obligation(s) or the timing or form of fee payment.

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits. (The requirement to pay this fee is currently suspended by Fresno County. However, payment of this fee may be required if the fee has been reinstated at the time of issuance of building permits on the subject property.)

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

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

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

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

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III
Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559.621.1345)
Streets Division

DATE: April 29, 2014

SUBJECT: Tract 6059 and 6060; C-13-137; 1502 and 1560 Fulton Street and 1505 Van Ness Avenue (APN: 466-145-08; 13; 14) property bounded by Van Ness Avenue, Calaveras, Fulton and Stanislaus Streets (the "Met Block" in downtown Fresno. Public Works has the following requirements:

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code. Street trees shall be planted at the minimum rate of one tree for each 24' of street frontage or one tree per lot whichever is greater. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards and AB 1881.

The designated street tree for Van Ness is:

The original tree planting in fourteen (14) tree wells provided by the Redevelopment Agency were:

Tilia cordata 'Greenspire'
Cercis 'Oklahoma'

Little Leaf Linden with
Oklahoma Redbud at the intersections

Now there are a variety of trees planted with some vacant tree wells including Linden, Redbud, *Nyssa sylvatica* (Black Tupelo) and *Koelreuteria paniculata* (Goldenrain Tree). Irrigation is provided by the City of Fresno from the 2" backflow on the northwest corner of Van Ness and Calaveras.

The three choices for infill on Van Ness Ave. include:

- a. Infill planting for vacant tree wells only
- b. Install tree planting as per Redevelopment design
- c. Keep trees on corners and install new smaller sized trees mid-block

The three (3) existing street trees on Stanislaus St. are:

Pinus canariensis

Canary Island Pine

The three (3) existing trees on Fulton St. are:

Podocarpus gracilior

Fern Pine

The three (3) existing street trees on Calaveras St. at Fulton St. are:

Podocarpus gracilior

Fern Pine

The existing street tree on the corner of Calaveras St. at Van Ness Ave. is:

Nyssa sylvatica

Black Tupelo

2. Street Tree Planting by Developer: Tree planting shall be within a 10' Public Planting and Utility Easement.
 - a. Street tree inspection fees shall be collected for each 24' of public street frontage.
 - b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."
 - c. Landscape plans for all public use areas shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all street tree planting.
 - d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications of the City of Fresno.
 - e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.

MAINTENANCE REQUIREMENTS

- A. Landscape and irrigation plans shall comply with Sections 12-306-23 & 24 and 14-121 of the Fresno Municipal Code; and AB 1881 regarding Water Efficient Landscaping.
- B. Should the proposed landscape buffers and/or parkway strips be located next to an existing buffer and/or parkway strip, the planting concept shall simulate the adjacent landscape design to present a more uniform appearance on the street. Variances in the landscape concept will be acceptable, but the design of the new landscape buffer and/or parkway strip shall strive to mimic the existing as much as possible.
- C. Landscape plans shall indicate grades on a cross-section detail to include fencing or wall details. All fencing shall be placed outside the landscape easement. Maximum slopes shall not exceed 4:1 with 1 foot of level ground between the slope and the back of the side walk and/or face of fence. Erosion control measures shall be implemented on all slopes of 4:1, including the use of synthetic erosion control netting in combination with ground cover species approved by the Department of Public Works/Engineering Services Division.
- D. The water meter(s) shall be sized for the anticipated service flows.
- E. No private flags, signs or identification of any kind shall be permitted in the right-of-way, within the City controlled easement or on the fence or wall facing the street.



DATE: May 15, 2014

TO: Will Tackett
Development and Resource Management Department

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

SUBJECT: Conditions of Approval for **C-13-137 (packaged with T-6059 and T-6060)**

ADDRESS: 1502 and 1560 Fulton Street and 1505 Van Ness Avenue

APN: 466-145-08, 13, 466-145-07 not a part

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

A. Offsite Information:

1. **Street Improvements and Furniture:** Identify existing and proposed curb, gutter, sidewalks (provide width), driveway approaches (provide width), ADA ramps (provide radius), street lights (specify if wood or metal pole), traffic signals, utility poles, boxes, guy wires, signs, fire hydrants, bus stop benches, trash receptacles, tree wells, etc. **Revise the tentative maps. Dimensions on the map and the site plan need to match.**
2. **ADA:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property.

B. Onsite Information:

1. **Access:** Provide pedestrian, vehicular and service access. Identify in the operational statement the maximum size of vehicle to enter and exit the site. Provide turning templates on the site plan for all large vehicles.
2. **Parking Lots:**
 - a. Compact parking stalls shall be signed or marked.
 - b. **Lighting:** not to be within the 3' vehicular overhang
 - c. **Disability signage:** not to be within the 3' vehicular overhang
3. **Walls or Fencing:** Identify existing and proposed walls and fences complete with location height and type of material.
4. **Gates:** Submit an operational statement for the proposed gate(s) to Traffic Engineering for review and approval, prior to permits. (16' minimum opening required)
5. Provide 10' visibility triangles.

C. Other Important Information:

1. **Tract Maps:** 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, in the Public Works Department, Traffic and Engineering Services Division.

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

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

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

Survey Monuments and Parcel Configuration

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

The parcel configuration depicted for the proposed development does not conform to record information: a **Tract Map** is 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, newsstands, trash receptacles, tree wells, etc. within the public right of way. Also, identify the required **4'** minimum path of travel along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). **A pedestrian easement may be required if Title 24 requirements cannot be met.**

Stanislaus Street: Collector

1. Vacate **4'** of right-of-way adjacent to this application, **prior** to building permits. Contact the Public Works Department, Alan James, (559) 621-8693 for additional information. A feasibility study for all proposed vacations of existing public rights of way is required to be completed **prior** to building permits.

Fulton Street: Local

1. Vacate **4'** of right-of-way adjacent to this application, **prior** to building permits. Contact the Public Works Department, Alan James (559) 621-8693 for additional information. A feasibility study for all proposed vacations of existing public rights of way is required to be completed **prior** to building permits. Reserve corner cuts for ramps, as needed. **Vacate across 466-145-07.**

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

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

Van Ness Avenue: Collector

1. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets. **-OR-** Identify that they are constructed per current City of Fresno Public Works Standards. **Describe pole types.**

Stanislaus Street: Collector

1. Where missing, construct a standard curb ramp per Public Works Standard **P-28** and **P-32**. **-OR-** Modify or replace the existing ramp to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy.
2. Construct concrete sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **10'** pattern. Construct **4' x 6'** tree wells per Public Works Standard **P-8**. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).
3. Construct a 32' minimum driveway approach to Public Works Standards **P-2** and **P-6**. Where parking is permitted, provide **10'** of red curbing (3 coats) on both sides of the proposed driveway approaches.

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-8** for Collector Streets. **-OR-** Identify that they are constructed per current City of Fresno Public Works Standards. **Describe pole types.**
5. Construct an **80'** bus bay reinforced curb and gutter at the southwest corner of Van Ness and Stanislaus to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.

Fulton Street: Local

1. Where missing, construct a standard curb ramp per Public Works Standard **P-28** and **P-32**. **-OR-** Modify or replace the existing ramp to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy.
2. Construct concrete sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **10'** pattern. Construct **4' x 6'** tree wells per Public Works Standard **P-8**. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).
3. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets. **-OR-** Identify that they are constructed per current City of Fresno Public Works Standards. **Describe pole types.**

Calaveras Avenue: Local

1. Construct concrete sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **10'** pattern. Construct **4' x 6'** tree wells per Public Works Standard **P-8**. 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 24' minimum driveway approach to Public Works Standards **P-2** and **P-6**.
3. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets. **-OR-** Identify on the site plan and identify that they are constructed per current City of Fresno Public Works Standards. .
4. Remove the existing alley approach as noted on Exhibit "A", and install sidewalk, curb and gutter per City of Fresno Public Works Standard Drawing **P-5** to match existing or proposed street improvement line and grade per Fresno Municipal Code (FMC) 11-209.

Fulton-Van Ness Alley: This project is proposing a dead-end alley which is in conflict with Public Works policies. Vacate the alley from Calaveras to Stanislaus.

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.
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"**.

Trip Generation: A Traffic Impact Study is not required. Tracts 6059 and 6060 will generate the following trips:

1. 85 apartments – 565 ADT, 43 AM, 53 PM
2. 6,192 s.f. specialty retail - 274 ADT, 42 AM, 17 PM

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 Public Works Department, Frank Saburit at (559)621-8797.

Fresno Major Street Impact (FMSI) Fees: This entitlement is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees. Contact the Public Works Department, Frank Saburit at (559)621-8797.

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

NOTES:

- CONTACT SOLID WASTE DIVISION FOR APPOINTMENT TO ESTABLISH ACCESS AND IMPROVEMENTS REQUIRED AS CONDITIONS OF PROVIDING DISPOSAL SERVICE. 621-8888
- THE SANITARY SEWER SERVICES, WATER, GAS AND ANY OTHER UNDERGROUND SERVICE CONNECTIONS SHALL BE COMPLETED IN ALL AREAS TO BE PAVED PRIOR TO PLACEMENT OF ASPHALT CONCRETE ON SITE.
- ALL HANDICAPPED 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 PARKING VEHICLES WHILE TRAVELING TO OR FROM HANDICAPPED PARKING STALLS AND RAMPS.
- SUBMIT ENGINEERED STREET AND ALLEY CONSTRUCTION PLANS TO PUBLIC WORKS DEPARTMENT, ENGINEERING SERVICES, AS NEEDED.
- ANY 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.
- 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 SPECIFICATIONS AND TYPES OF LIGHTING FIXTURES TO BE INSTALLED ON THE SITE SHALL BE SUBMITTED AND APPROVED BY THE PLANNING DEPARTMENT PRIOR TO ISSUANCE OF THE BUILDING PERMITS. THE AMOUNT OF LIGHT SHALL BE PROVIDED ACCORDING TO THE STANDARDS OF THE DEPARTMENT OF PUBLIC WORKS, THE PLANNING AND DEVELOPMENT DEPARTMENT AND THE FRESNO POLICE DEPARTMENT.
- ALL SIGN PROPOSALS TO BE SUBMITTED TO PLANNING DEPARTMENT FOR SEPARATE SIGN REVIEW PRIOR TO INSTALLATION FOR VERIFICATION OF COMPLIANCE WITH ZONING ORDINANCES.
- REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER PRIOR TO OCCUPANCY. ALL EXISTING SIDEWALKS IN EXCESS OF 2% MAX. CROSS SLOPE MUST BE BROUGHT INTO COMPLIANCE PRIOR TO ACCEPTANCE BY PUBLIC WORKS.
- TWO MEANS OF INGRESS/EGRESS MUST BE MAINTAINED DURING ALL PHASES OF DEVELOPMENT.
- ANY UTILITIES REQUIRING RELOCATION SHALL BE THE RESPONSIBILITY AND AT THE EXPENSE OF THE DEVELOPER. FIRE HYDRANTS WILL BE RELOCATED BY CITY FORCES; DEVELOPER IS RESPONSIBLE TO NOTIFY CITY WATER DIVISION AT 621-5300 TO ARRANGE AND COORDINATE WORK.
- NO USES OF LAND, BUILDING OR STRUCTURES OTHER THAN THOSE SPECIFICALLY APPROVED PURSUANT TO THIS SITE PLAN SHALL BE PERMITTED.
- ALL GATES ON COMMON ACCESS DRIVES AND ALL PEDESTRIAN GATES, WHERE REQUIRED SHALL BE EQUIPPED WITH APPROVED POLICE/FIRE BYPASS LOCKS (BEST LOOKS: PADLOCK 218700 SERIES OR CYLINDER LOCK 1W7B2).
- LANDSCAPING SHALL BE MAINTAINED IN GOOD HEALTH. TREES MAY NOT BE TRIMMED OR PRUNED TO REDUCE THE NATURAL HEIGHT OR OVERALL CROWN OF THE TREE, EXCEPT AS NECESSARY FOR THE HEALTH OF THE TREE AND PUBLIC SAFETY; OR AS MAY OTHERWISE BE APPROVED BY THE DEVELOPMENT DEPARTMENT.
- 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 PLANNING DIVISION.
- SIGNS, OTHER THAN DIRECTIONAL SIGNS, ARE NOT APPROVED FOR INSTALLATION AS PART OF THIS SPECIAL PERMIT. SUBMIT FOR A SEPARATE MASTER SIGN PROGRAM OR SIGN REVIEW APPLICATION. APPLICATIONS AND REQUIREMENTS FOR SUBMITTAL ARE AVAILABLE AT THE PLANNING DIVISION'S PUBLIC FRONT COUNTER.
- SURFACE DRAINAGE OVER DRIVEWAY APPROACHES AND SIDEWALK IS NOT PERMITTED WHEN THE AREA TO BE DRAINED EXCEEDS 1/4 ACRE. SHOW METHOD OF CONVEYING ON-SITE STORM WATER TO STREET. DETAIL CATCH BASINS AND PIPE OR CHANNEL SIZES TO BE USED. PER PUBLIC WORKS STDS. P-22 & P-23.

- A BACKFLOW PREVENTION DEVICE IS REQUIRED! CONTACT WATER DIVISION AT 621-5300 FOR REQUIREMENTS. DEVICES MUST BE INSTALLED ON-SITE IN A LOCATION APPROVED BY THE CROSS CONNECTION CONTROL OFFICER; A PLUMBING PERMIT IS REQUIRED TO INSTALL DEVICE. BACKFLOW PREVENTION DEVICES REQUIRED SHALL BE INSTALLED AT CONSUMER'S EXPENSE BY A QUALIFIED JOURNEYMAN PLUMBER CERTIFIED AS COMPETENT FOR SUCH PURPOSES BY THE WATER SYSTEMS MANAGER. BACKFLOW DEVICES MUST BE TESTED AND ACCEPTED BY THE WATER DIVISION PRIOR TO GRANTING BUILDING FINAL; DEVELOPER IS RESPONSIBLE TO CONTACT THE WATER DIVISION A MINIMUM OF 5 DAYS PRIOR TO REQUEST FOR FINAL BUILDING INSPECTION.
- TWO WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA), CALL 1-800-642-2444.
- AS REQUIRED BY THE CALIFORNIA ADMINISTRATION CODE (TITLE 24), AN UNOBSTRUCTED 4-FOOT MINIMUM PATH OF TRAVEL ALONG THE PUBLIC SIDEWALK WITHIN THE LIMITS OF THE PROPERTY IS PROVIDED.
- RAMP AND SIDE SLOPES SHALL BE ROUGH BROOM FINISH PARALLEL TO GROOVING.
- EACH CURB RAMP SHALL HAVE A DETECTABLE WARNING DEVICE AS PER PW STD. DWGS. P-28 & P-29.
- DESIGN AND CONSTRUCT PARKING LOT PAVEMENT TO PUBLIC WORKS STANDARDS P-21, P-22 AND P-23.
- IF ARCHAEOLOGICAL AND/OR ANIMAL FOSSIL MATERIAL IS ENCOUNTERED DURING PROJECT SURVEYING, GRADING, EXCAVATING, OR CONSTRUCTION, WORK SHALL STOP IMMEDIATELY.
- UNDERGROUND ALL EXISTING OFFSITE OVERHEAD UTILITIES WITHIN THE LIMITS OF THIS SITE/MAP AS PER FMC SECTION 12-1011 AND RES. NO. 78-522/88-229.

- APPROVAL OF THIS SPECIAL PERMIT MAY BECOME NULL AND VOID IN THE EVENT THAT DEVELOPMENT IS NOT COMPLETED IN ACCORDANCE WITH ALL THE CONDITIONS AND REQUIREMENTS IMPOSED ON THIS SPECIAL PERMIT, THE ZONING ORDINANCE, AND ALL PUBLIC WORKS STANDARDS AND SPECIFICATIONS. THE PLANNING AND DEVELOPMENT DEPARTMENT SHALL NOT ASSUME RESPONSIBILITY FOR ANY DELETIONS OR OMISSIONS RESULTING FROM THE SPECIAL PERMIT REVIEW PROCESS OR FOR ADDITIONS OR ALTERATIONS TO CONSTRUCTION PLAN NOT SPECIFICALLY SUBMITTED AND REVIEWED AND APPROVED PURSUANT TO THIS SPECIAL PERMIT OR SUBSEQUENT AMENDMENTS OR REVISIONS.
- NO STRUCTURES OF ANY KIND (INCLUDING SIGNS, TRASH AND RECYCLING, ETC.) MAY BE INSTALLED OR MAINTAINED WITHIN THE 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 FRONTS 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.
- ALL FUTURE PROPOSED FENCES, HEDGES AND WALLS, ETC. SHALL BE REVIEWED AND APPROVED BY THE CITY OF FRESNO, PLANNING AND DEVELOPMENT DEPARTMENT PRIOR TO INSTALLATION.
- IF ANIMAL FOSSILS ARE UNCOVERED, THE MUSEUM OF PALEONTOLOGY, U.C. BERKELEY SHALL BE CONTACTED TO OBTAIN A REFERRAL LIST OF RECOGNIZED PALEONTOLOGISTS. A PALEONTOLOGIST SHALL CONDUCT AN ASSESSMENT AND, IF THE PALEONTOLOGIST DETERMINES THE MATERIAL TO BE SIGNIFICANT, IT SHALL BE PRESERVED.
- INSTALL STREET LIGHTS ON ALL FRONTAGES TO CITY STANDARDS AS DETERMINED BY THE CITY TRAFFIC ENGINEER. STREET LIGHTING PLANS ARE REQUIRED AND MUST BE APPROVED BY THE PUBLIC WORKS DEPARTMENT/TRAFFIC ENGINEERING PRIOR TO COMMENCEMENT OF THE WORK.

- CONTACT PUBLIC WORKS DEPARTMENT, TRAFFIC ENGINEERING @ 621-8800, 10 WORKING DAYS PRIOR TO ANY OFF-SITE CONCRETE CONSTRUCTION.
- IF THERE ARE SUSPECTED HUMAN REMAINS, THE FRESNO COUNTY CORONER SHALL BE IMMEDIATELY CONTACTED. IF THE REMAINS OR OTHER ARCHAEOLOGICAL MATERIAL IS POSSIBLY NATIVE AMERICAN IN ORIGIN, THE NATIVE AMERICAN HERITAGE COMMISSION (PHONE: 916/653-4082) SHALL BE IMMEDIATELY CONTACTED, AND THE CALIFORNIA ARCHAEOLOGICAL INVENTORY/SOUTHERN SAN JOAQUIN VALLEY INFORMATION CENTER (PHONE: 805/644-2289) SHALL BE CONTACTED TO OBTAIN A REFERRAL LIST OF RECOGNIZED ARCHAEOLOGISTS. AN ARCHAEOLOGICAL ASSESSMENT SHALL BE CONDUCTED FOR THE PROJECT. THE SITE SHALL BE FORMALLY RECORDED, AND RECOMMENDATIONS MADE TO THE CITY AS TO ANY FURTHER SITE INVESTIGATION OR SITE AVOIDANCE/PRESERVATION.
- CONSTRUCT CONCRETE DRIVEWAY APPROACH TO PUBLIC WORKS STANDARD(S) P-2 AND P-6. (24" MIN - 36" MAX.) DEPENDS ON LOCAL OR MAJOR SEE P-6
- CONSTRUCT CONCRETE CURB RAMP TO PUBLIC WORKS STANDARD(S) P-28 AND P-32.
- 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 SOIL OR PER APPROVED ENGINEERED PLANS) YEAR-ROUND AND WITH 24 FEET MINIMUM WIDTH OR OTHER APPROVED METHOD THAT WOULD PREVENT SHOULDER DEGRADATION.
- VACATE 4' OF RIGHT-OF-WAY ADJACENT TO FULTON STREET AND STANISLAUS STREET PRIOR TO BUILDING PERMITS.

- PRIOR TO GRANTING OF FINAL OCCUPANCY, A WRITTEN CERTIFICATION, SIGNED BY A LANDSCAPE PROFESSIONAL APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR, SHALL BE SUBMITTED STATING THAT THE REQUIRED LANDSCAPING AND IRRIGATION SYSTEM HAVE BEEN INSTALLED IN ACCORDANCE WITH THE LANDSCAPING AND IRRIGATION PLANS APPROVED BY THE PLANNING DIVISION.
- WALKWAYS CONNECTING ACCESSIBLE ENTRANCES AND OTHER FEATURES CANNOT SLOPE MORE THAN 5% IN THE DIRECTION OF TRAVEL NOR HAVE A CROSS SLOPE EXCEEDING 2%.
- TRUNCATED DOMES TO BE PLACED ON THE FULL WIDTH AND LENGTH OF ALL ON-SITE CURB RAMPS.
- THE ACCESSIBLE PATH OF TRAVEL AS DELINEATED IS A BARRIER-FREE ROUTE 48" MINIMUM WIDTH WITH NO ABRUPT LEVEL CHANGES EXCEEDING 1/2" UNLESS BEVELED AT A 1:2 MAXIMUM SLOPE. AND NO VERTICAL LEVEL CHANGES EXCEEDING 1/4". THE CROSS SLOPE DOES NOT EXCEED 2% AND SLOPE IN THE DIRECTION OF TRAVEL DOES NOT EXCEED 5%. THE SURFACE IS FIRM, STABLE AND SLIP RESISTANT. THE ACCESSIBLE PATH OF TRAVEL IS FREE OF OVERHANGING OBSTRUCTIONS BELOW 80" AND OBJECTS PROTRUDING GREATER THAN 4" FROM A WALL ABOVE 27" AND BELOW 80". THE ARCHITECT SHALL VERIFY EXISTING CONDITIONS AND DELINEATE ANY REQUIRED UPDATES INCLUDING THOSE FOR CURB RAMPS PER CBC 1127B.5.

IDENTIFY?

REMOVE ALLEY PAVING OR CONSTRUCT? ENGINEERED STREET PLANS FOR WHAT?

PROVIDE MISSING INFORMATION ON SITE PLAN

SEE MIN REQUIREMENTS!

IDENTIFY ALL RAMPS, E OR P

IDENTIFY ALL UTILITIES AND FURNITURE WITHIN STREET ROW

ALL SIDEWALKS SHALL BE BUILT W/TREE WELLS

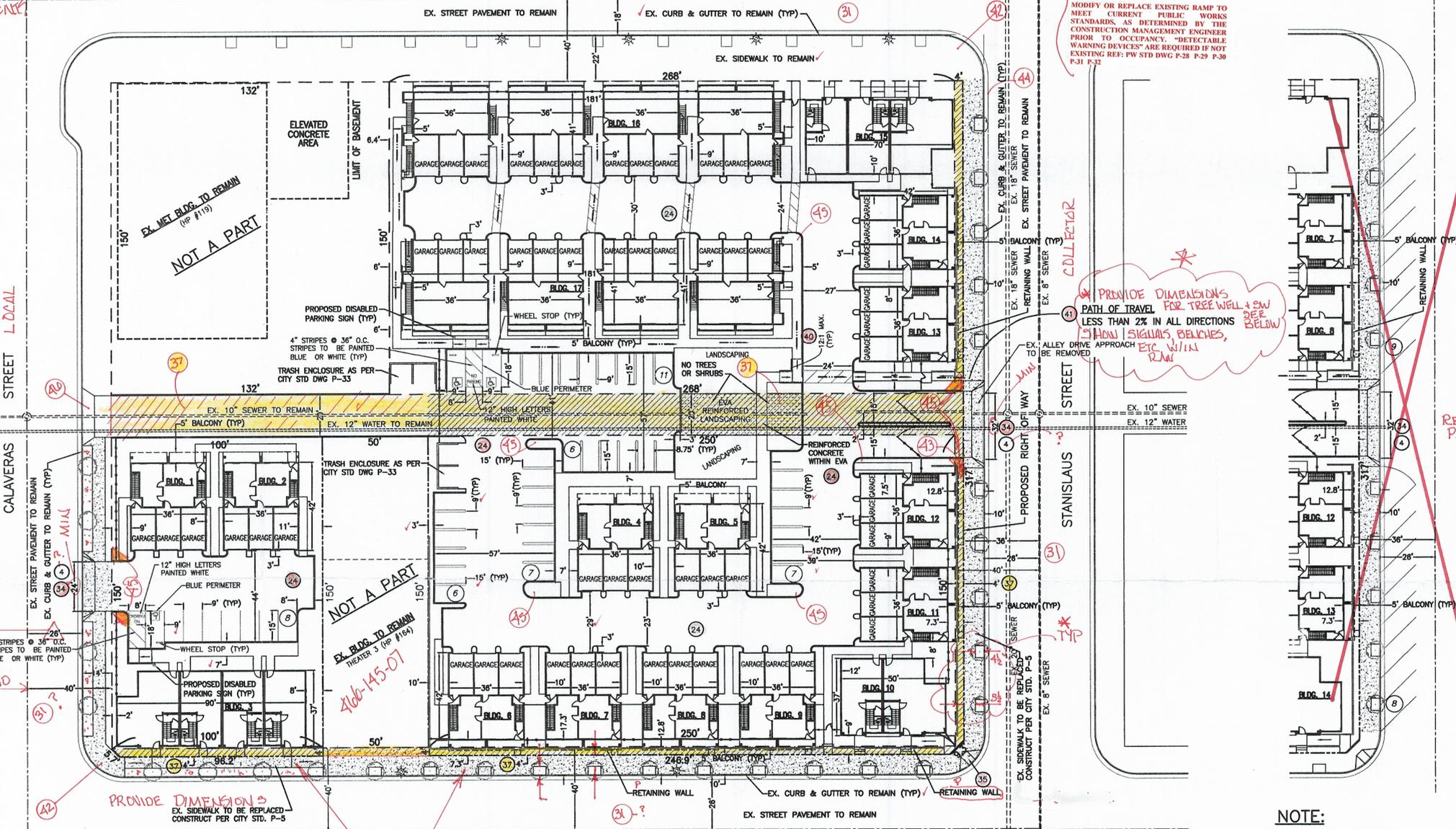
NO DIAGONAL PARKING ON CALAVERAS OR STANISLAUS

ENCROACHMENT PERMIT REQ'D FOR CURB WELLS, 10" WATER SURFACE OR SUB-SURFACE APPURTENANCES IN PUBLIC ROW. NOT ENOUGH DETAIL PROVIDED. TOO SMALL OF SCALE.

DOESN'T MATCH MAP. REVERSE MAP

PROVIDE DIMENSIONS EX. SIDEWALK TO BE REPLACED CONSTRUCT PER CITY STD. P-5

VAN NESS AVENUE COLLECTOR



IF NOT EXISTING CONSTRUCT HANDICAP RAMP PER PUBLIC WORKS STD. P-...

MODIFY OR REPLACE EXISTING RAMP TO MEET CURRENT PUBLIC WORKS STANDARDS, AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER PRIOR TO OCCUPANCY. "DETECTABLE WARNING DEVICES" ARE REQUIRED IF NOT EXISTING REF: PW STD DWG P-28 P-29 P-30 P-31 P-32

PROVIDE DIMENSIONS PATH OF TRAVEL FOR TREE WELL + SW LESS THAN 2% IN ALL DIRECTIONS. SHOW SIGILLAS, BELCHES, ETC WITHIN ROW

CONSTRUCT A 82 FT BUS BAY CURB AND GUTTER TO PUBLIC WORKS STANDARDS P-69 AND P-73 AND A 10 FT MONOLITHIC CONCRETE WALK ADJACENT TO THE BUS BAY.

PROVIDE 10' VISIBILITY TRIANGLES AT ALL LOCATIONS WHERE DRIVEWAY MEETS STREET AND WITHIN PARKING LOT, TYP

REMOVE ALLEY APPROACH AND CONSTRUCT CURB GUTTER AND S.W.

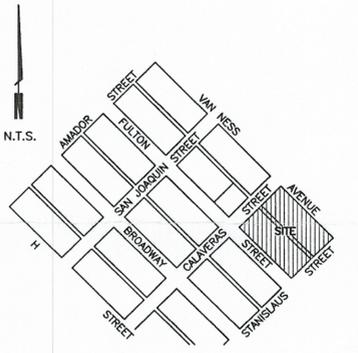
REMOVE DIAGONAL PARKING

TOTAL BUILDING AREA	75,253 Sq. Ft.
TOTAL RESIDENTIAL UNITS	85
PARKING STALLS	60
1-CAR GARAGES	42
STANDARD HANDICAP	3
TOTAL	105

LEGEND:

- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- CENTERLINE
- EXISTING CURB TO REMAIN
- EXISTING CURB & GUTTER TO REMAIN
- PROPOSED 6" CURB
- PROPOSED 6" WROUGHT IRON FENCE
- PUBLIC STREET AND ALLEY TO BE VACATED FROM CALAVERAS TO STANISLAUS EXISTING STREET LIGHT TO REMAIN
- SPECIFY POLE TYPES Note above states to install!

VICINITY MAP:



SITE PLAN
1515 VAN NESS AVENUE

REF. T-6059 & T-6060
APN 466-145-07, 08, 13 & 14
C-13-137

- NOTE:**
- EXISTING PLANNED LAND USE: CENTRAL AREA COMMERCIAL MIXED USE LEVEL 2
 - EXISTING AND PROPOSED ZONING: C-4 (CENTRAL TRADING DISTRICT)
 - PROJECT SITE AREA:
NET AREA = 2.5 ACRES
GROSS AREA = 3.6 ACRES

Vacate access

GARY G. GIANNETTA
CIVIL ENGINEERING & LAND SURVEYING
1119 S STREET
FRESNO, CA 93721
(569) 284-3590 FAX (569) 284-0696

DATE: 4/30/14

C.P. 2



DATE: May 15, 2014

TO: Will Tackett
Development and Resource Management Department

THROUGH: M. Scott Tyler, PE, City Traffic Engineer
Public Works Department, Traffic & Engineering Services Division

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

SUBJECT: Public Works Conditions of Approval
TT 6059, 1502 and 1560 Fulton Street and 1505 Van Ness Avenue
FFDA Properties, L.L.C. / Gary G. Giannetta

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

General Conditions:

1. **Curb Ramps**: Provide curb ramps at all corners within the limits of this subdivision.
2. **Pedestrian Easements**: **Identify** all pedestrian easements on the map.
 - a. **Major Streets**: A 2' dedication for a pedestrian easement is required.
 - b. **Local Streets**: If constructed 42' or 50' a 1' pedestrian easement is required on streets with driveway approaches.
3. **Overhead Utilities**: Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.
4. **Local street lengths** exceeding 800' and four way intersections require traffic calming measures. Construct permanent traffic circles per Public Works Standards **P-83, P-84** and/or **P-85**. **Identify and provide cross sections on the map. No parking is allowed adjacent to the circles.**
5. **Plan Submittal**: Submit the following plans, as applicable, in a single package, to the **Public Works Department** for review and approval: Street: construction, signing, striping, traffic signal and streetlight.
6. Street widening and transitions shall also include utility relocations and necessary dedications.
7. **Garages**: Garages or carports shall be located **not less than twenty feet** from any street frontage where the garage door or carport opening faces and takes direct access to the street.
FMC Section 12-207.5 E-1-e

Frontage Improvement Requirements:

Local Streets:

Calaveras Street: 80' Local w/14' pattern

1. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **14'** residential pattern.
2. Where missing, construct 26' of permanent paving (measured from face of curb) within the limits of this sub-division.
3. Where missing, construct an underground street lighting system to Public Works Standards within the limits of this subdivision. Spacing and design shall conform to Public Works Standards for Local Streets.

Fulton Street: 80' Local

1. A street vacation is required for the proposed 10' sidewalk pattern.
2. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **10'** residential pattern. 5 ½' planter - 4' sidewalk – ½' to r/w
3. Where not existing, construct 26' of permanent paving (measured from face of curb) within the limits of this sub-division.
4. Where not existing, construct an underground street lighting system to Public Works Standards within the limits of this subdivision. Spacing and design shall conform to Public Works Standard for Local Streets.

Fulton-Van Ness Alley: The tentative map is proposing a dead-end alley. Vacate the alley from Calaveras to Stanislaus.

Specific Mitigation Requirements:

1. Tracts 6059 and 6060 will generate the following trips, 85 apartments – 565 ADT, 43 AM, 53 PM and 6,192 s.f. specialty retail - 274 ADT, 42 AM, 17 PM
2. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
3. Entry Gate: Provide a minimum of **16'** clearance for Fire and Solid Waste.
4. A feasibility study for all proposed vacations of existing public rights of way is required to be completed prior to building permits.
5. Do not mix sidewalk patterns from residential to commercial. This should be built as a unified project. Either, construct all sidewalks to a residential pattern per Public Works Specifications or all with a commercial pattern with tree wells.
6. **Diagonal parking is not allowed on Calaveras or Stanislaus.**

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

This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan circulation element and included in the Nexus Study for the TSMI fee. Project specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into

the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.

Fresno Major Street Impact (FMSI) Fee : This Map is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees.

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



DATE: May 15, 2014

TO: Will Tackett
Development and Resource Management Department

THROUGH: M. Scott Tyler, PE, City Traffic Engineer
Public Works Department, Traffic & Engineering Services Division

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

SUBJECT: Public Works Conditions of Approval
TT 6060, 1502 and 1560 Fulton Street and 1505 Van Ness Avenue
FFDA Properties, L.L.C. / Gary G. Giannetta

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

General Conditions:

1. **Curb Ramps:** Provide curb ramps at all corners within the limits of this subdivision.
2. **Overhead Utilities:** Underground all existing offsite overhead utilities within the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.
3. **Plan Submittal:** Submit the following plans, as applicable, in a single package, to the **Public Works Department** for review and approval: Street: construction, signing, striping, traffic signal and streetlight.
4. Street widening and transitions shall also include utility relocations and necessary dedications.
5. **Garages:** Garages or carports shall be located **not less than twenty feet** from any street frontage where the garage door or carport opening faces and takes direct access to the street.
FMC Section 12-207.5 E-1-e

Frontage Improvement Requirements:

Major Streets:

Stanislaus Street: Collector

1. A 12' pattern is needed on a major street that is built to residential standards. Revise the proposed vacation or construct all sidewalks for T-6059 and T-6060 to a commercial pattern.
2. A street vacation is required for the proposed 10' or 12' sidewalk pattern.
3. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **12'** residential pattern per Public Works Specifications. Construct a 6' residential sidewalk per Public Works Standard **P-53** **Or** obtain approval for a **10'** commercial pattern. **Scott T?**

4. Identify the existing or proposed bus stop along Stanislaus between Van Ness and Fulton. If not existing, construct a bus bay curb and gutter to Public Works Standard **P-73** with a 10' minimum monolithic sidewalk or obtain a condition from FAX stating that a bus stop is not needed.
5. Where missing, construct 20' of permanent paving (measured from face of curb) within the limits of this sub-division.
6. Construct an underground street lighting system to Public Works Standards, within the limits of this subdivision. Spacing and design shall conform to Public Works Standards for Collector Streets.

Van Ness Avenue: Collector

1. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **22'** pattern.
2. Construct 20' of permanent paving (measured from face of curb) within the limits of this sub-division.
3. Construct an underground street lighting system to Public Works Standards within the limits of this subdivision. Spacing and design shall conform to Public Works Standards Collector Streets.
4. Relinquish direct vehicular access rights to Van Ness Avenue from all lots within this subdivision.

Local Streets:

Fulton Street: 80' Local

1. A street vacation is required for the proposed 10' sidewalk pattern.
2. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **10'** residential pattern. 5 ½ planter - 4' sidewalk – ½ to r/w
3. Where not existing, construct 26' of permanent paving (measured from face of curb) within the limits of this sub-division.
4. Where not existing, construct an underground street lighting system to Public Works Standards within the limits of this subdivision. Spacing and design shall conform to Public Works Standard for Local Streets.
5. Relinquish direct vehicular access rights to Fulton Street from all lots within this subdivision.

Alley:

Fulton-Van Ness Alley: T-6059 and T-6060 are proposing a dead-end alley. **Vacate the alley from Calaveras to Stanislaus.**

Specific Mitigation Requirements:

1. Tracts 6059 and 6060 will generate the following trips, 85 apartments – 565 ADT, 43 AM, 53 PM and 6,192 s.f. specialty retail - 274 ADT, 42 AM, 17 PM
2. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
3. Entry Gate: Provide a minimum of **16'** clearance for Fire and Solid Waste.
4. A feasibility study for all proposed vacations of existing public rights of way is required to be completed prior to building permits.
5. Do not mix sidewalk patterns from residential to commercial. This should be built as a unified project. Either, construct all sidewalks to a residential pattern per Public Works Specifications or all with a commercial pattern with tree wells. **Scott T?**

6. Diagonal parking is not allowed on Calaveras or Stanislaus.

Traffic Signal Mitigation Impact (TSMI) Fee: This project shall pay the current Traffic Signal Mitigation Impact Fee (TSMI Fee) at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual.

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

Fresno Major Street Impact (FMSI) Fee : This Map is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees.

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



**DEPARTMENT OF PUBLIC UTILITIES
ADMINISTRATION DIVISION
MEMORANDUM**



Providing Life's Essential Services

Date: April 23, 2014

To: WILL TACKETT, Supervising Planner
Planning and Development

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

Subject: SEWER REQUIREMENTS FOR VESTING TENTATIVE TRACT T-6059 (VESTING MAP FOR CONDOMINIUM PURPOSES), VESTING TENTATIVE TRACT T-6060 (VESTING MAP FOR CONDOMINIUM PURPOSES), AND CONDITIONAL USE PERMIT APPLICATION NO. C-13-137

General

T-6059, T-6060 & C-13-137 were filed by Gary Giannetta, on behalf of Granville Homes, Inc., and pertain to 0.35 net acre, Tract 6059, and 1.95 net acres, Tract 6060, of property bounded by Van Ness Avenue, Calaveras Street, Fulton Street, and Stanislaus Street, the Met Block, in downtown Fresno, 1502 & 1560 Fulton Street and 1505 Van Ness Avenue, APN 466-145-08, 13, 14. The applicant proposes a mixed use development consisting of 19 triplex buildings, one 20-plex building, comprised of 4 connected 5-plex structures, and one mixed use building, comprised of 3 residential units above the ground floor commercial space, for a total 80 residential units on site. The property is zoned C-4, Central Trading.

Sewer Requirements

The nearest sewer main to serve the proposed project is a 10-inch main located in the Fulton Street/Van Ness Avenue alley. Sewer facilities are available to provide service to the site subject to the following requirements:

1. On-site sanitary sewer facilities shall be private.
2. Installation of sewer house branch(s) shall be required.
3. Abandon any existing on-site private septic systems.
4. All sewer main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the sewer main. The planting plan, for any proposed landscape within the easement, shall be approved by the Department of Public Utilities. No Trees shall be located within 8 feet of the sewer main.



A Nationally Accredited Public Utility Agency

5. 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.
6. The Project shall comply with City of Fresno Ordinances, Standards, Specifications, and Conditions related to providing sanitary sewer service including payment of all City of Fresno adopted wastewater impact and sewer connections charges established in the City of Fresno Master Fee Schedule.
7. A feasibility study for all proposed vacations of existing public rights-of-way is required to be completed prior to issuance of building permits and/or approval of a Final Map. Contact the Public Works Department, Alan James, (559) 621-8693 for additional information.
8. The Subdivider shall include at a minimum, the following terms in the Covenants, Conditions, and Restrictions, subject to approval as to form by the City Attorney:
 - i) The granting of a public utility easement (P.U.E.).
 - ii) The Subdivider shall include at a minimum, the following terms in the Covenants, Conditions, and Restrictions, subject to approval as to form by the City Attorney:
 - Compliance with Section 12-1026 of the Fresno Municipal Code, as may be amended.
 - Compliance with Chapter 6 of the Fresno Municipal Code, relating to municipal services, as may be amended.
 - City Easements: Subdivider shall include a section of the Declaration entitled "City Easements" wherein Declarant reserves, for the benefit of the City, non-exclusive easements to enter the Community for the maintenance, repair and replacement of the public water and sewer mains and lines that are to be located within the private streets, and other public utility facilities. This section shall also allow the City, at a minimum, to engage in any and all traffic control measures necessary to preserve public health and safety during such maintenance, repair and replacement of the facilities. Finally, this section shall provide that neither the Association nor any Owner may interfere with the City's right to exercise this easement.
 - Costs of repair and/or replacement of asphalt and other street improvements within the community due to repair of public utilities within the streets is at the expense of the Homeowner's Association. These repairs and/or replacement will be to City Standards.
 - To the furthest extent allowed by law, the Homeowner's Association shall indemnify, hold harmless and defend CITY and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by CITY, Homeowner's Association or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of CITY's maintenance, repair or replacement of utilities or related replacement of asphalt or street or other improvements. Homeowner's Association's obligations under the preceding sentence shall apply regardless of whether CITY or any of its officers, officials, employees, agents or volunteers are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of CITY or any of its officers, officials, employees, agents or volunteers.

- Insurance provisions consistent with City requirements as determined by Risk Management.
- Amendments Requiring City Approval. Proposed amendments to Section _____ of this Declaration, entitled "City Easements," shall be approved as to form by the City Attorney prior to the amendments to such Section being valid. No later than the date that is thirty (30) calendar days after its receipt of a proposed amendment, the City shall deliver written notice of its approval or disapproval of the proposed amendment to the party who delivered the proposed amendment to the City. If the City fails to deliver such written notice within such thirty (30) calendar day period, the City shall be deemed to have approved the proposed amendment.

Sewer Fees

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

1. Sewer Lateral Charge
2. Oversize Sewer Charge
3. Sewer Facility Charge
4. 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.
5. Sewer Facility Charges are collected after occupancy on a bi-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
MEMORANDUM**



DATE: April 21, 2014

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

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

FROM: ROBERT DIAZ, Senior Engineering Technician
Department of Public Utilities – Water Division

**SUBJECT: WATER REQUIREMENTS FOR VESTING TENTATIVE TRACTS T-6059
T-6060 AND CONDITIONAL USE PERMIT C-13-137**

General

T-6059, T-6060 & C-13-137 were filed by Gary Giannetta, on behalf of Granville Homes, Inc., and pertain to 0.35 net acre, Tract 6059, and 1.95 net acres, Tract 6060, of property bounded by Van Ness Avenue, Calaveras Street, Fulton Street, and Stanislaus Street, the Met Block, in downtown Fresno, 1502 & 1560 Fulton Street and 1505 Van Ness Avenue, APN 466-145-08, 13, 14. The applicant proposes a mixed use development consisting of 19 triplex buildings, one 20-plex building, comprised of 4 connected 5-plex structures, and one mixed use building, comprised of 3 residential units above the ground floor commercial space, for a total 80 residential units on site. The property is zoned C-4, Central Trading.

Water Service

The nearest water main to serve the proposed project is a 12-inch main located in the Fulton and Van Ness Alleyway. Water facilities are available to provide service to the site subject to the following requirements:

1. *The granting of a public utility easement (P.U.E.).*
2. *The Subdivider shall include at a minimum, the following terms in the Covenants, Conditions, and Restrictions, subject to approval as to form by the City Attorney:*



- *Compliance with Section 12-1026 of the Fresno Municipal Code, as may be amended.*
- *Compliance with Chapter 6 of the Fresno Municipal Code, relating to municipal services, as may be amended.*
- *City Easements: Subdivider shall include a section of the Declaration entitled "City Easements" wherein Declarant reserves, for the benefit of the City, non-exclusive easements to enter the Community for the maintenance, repair and replacement of the public water and sewer mains and lines that are to be located within the private streets, and other public utility facilities. This section shall also allow the City, at a minimum, to engage in any and all traffic control measures necessary to preserve public health and safety during such maintenance, repair and replacement of the facilities. Finally, this section shall provide that neither the Association nor any Owner may interfere with the City's right to exercise this easement.*
- *Costs of repair and/or replacement of asphalt and other street improvements within the community due to repair of public utilities within the streets is at the expense of the Homeowner's Association. These repairs and/or replacement will be to City Standards.*
- *To the furthest extent allowed by law, the Homeowner's Association shall indemnify, hold harmless and defend CITY and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by CITY, Homeowner's Association or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of CITY's maintenance, repair or replacement of utilities or related replacement of asphalt or street or other improvements. Homeowner's Association's obligations under the preceding sentence shall apply regardless of whether CITY or any of its officers, officials, employees, agents or volunteers are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of CITY or any of its officers, officials, employees, agents or volunteers.*
- *Insurance provisions consistent with City requirements as determined by Risk Management.*
- *Amendments Requiring City Approval. Proposed amendments to Section _____ of this Declaration, entitled "City Easements," shall be approved as to form by the City Attorney prior to the amendments to such Section being valid. No later than the date that is thirty (30) calendar days after its receipt of a proposed amendment, the City shall deliver written notice of its approval or disapproval of the proposed amendment to the party who delivered the proposed amendment to the City. If the City fails to deliver such written notice within such thirty (30) calendar day period, the City shall be deemed to have approved the proposed amendment.*



DEPARTMENT OF PUBLIC UTILITIES

April 29, 2014

TO: Will Tackett, Supervising Planner
Development and Resource Management Department, Planning Division

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

SUBJECT: TT 6059, TT 6060 & C-13-137, Solid Waste Conditions of Approval
Location: Bounded by Van Ness Avenue, Calaveras Street, Fulton Street, and Stanislaus Street (the "Met Block") (APN 466-145-08, 13, 14)

The Department of Public Utilities, Solid Waste Division has completed a review of Tentative Tract Maps TT 6059, TT 6060 & C-13-137 that were submitted by Gary Giannetta, on behalf of Granville Homes, Inc. The following requirements and conditions are to be placed on these tentative tract maps as a condition of approval by the Department of Public Utilities.

General Requirements:

- Tracts 6059 & 6060 will be serviced as Multiple Family Residential with commercial bin service.
- This location is serviced by a Commercial Solid Waste Franchisee. For service information, please contact:
 - Mid Valley Disposal at 559-237-9425
- Developer shall provide a minimum of two 2-cell trash enclosures constructed to current standards. The developer shall provide signage to clearly identify all recycling or solid waste collection and the materials accepted therein.
- Owner shall provide a minimum of 43 cubic yards of solid waste and recycling services per week.
- In lieu of providing a 44' (centerline) turning radius throughout the development, developer states the solid waste vehicles are to enter off of Calaveras Street, service the two trash enclosures, turn around and exit to Calaveras Street.
- Developer still needs to provide a 44' (centerline) turning radius at the T-turnaround (or hammerhead) area where the solid waste vehicle is to turn around.
- Developer shall provide a minimum of 16' feet of unobstructed clearance at the entrances and exits gates and also along the path the solid waste vehicles travel.

City of



FIRE DEPARTMENT

Date: May 2, 2014

To: JOANN ZUNIGA
Development Department/Current Planning

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

Subject: Vesting Tentative Tract Map No. 6059 (Vesting Map for Condominium purposes), Vesting Tentative Tract Map No. 6060 (Vesting Map for Condominium purposes), and Conditional Use Permit Application No. C-13-137 (1502 and 1560 Fulton Street, 1505 and 1515 Van Ness Avenue) were filed by Gary Giannetta, on behalf of Granville Homes, Inc., and pertain to 0.35 net acre (Tract 6059) and 1.95 net acres (Tract 6060) of property bounded by Van Ness Avenue, Calaveras, Fulton, and Stanislaus Streets (the "Met Block") in downtown Fresno. The applicant proposes a mixed use development consisting of 19 triplex buildings, one 20-plex building (comprised of 4 connected 5-plex structures), and one mixed use building (comprised of 3 residential units above the ground floor commercial space) for a total of 80 residential units on site. The property is zoned C-4 (*Central Trading*).

1. () This project was reviewed by the fire department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.
2. () Install an EVA gate at wrought iron fence located in alley way or provide turns in private drives for fire apparatus access that have a minimum 44 foot

POSTED

centerline turn radius.

3. () All secondary emergency access gates are required to be electrified. Provide approved police/fire bypass lock ("Best" padlock model 21B700 series or electric cylinder switch model 1W7B2) on emergency drive access gates.
4. () Clarify and provide details on the EVA reinforced landscaping.
5. () All required fire access lanes shall be provided and maintained with an approved "all weather" surface capable of supporting 80,000 lb. vehicles (minimum 4" of base rock over compacted or undisturbed native soil or per approved engineered plans) year-around and with 24 feet minimum width or other approved method that would prevent shoulder degradation.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

File No. 210.413

Page 1 of 4

PUBLIC AGENCY

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

DEVELOPER

CLAUDIA CAZARES, GRANVILLE HOMES
1396 W. HERNDON AVE., SUITE 101
FRESNO, CA 93711

PROJECT NO: 2013-137

ADDRESS: 1505 VAN NESS AVE.

APN: 466-145-08, 13, 14

SENT: 4/29/14

Drainage Area(s)	Preliminary Fee(s)
FF	\$18,283.00
TOTAL FEE: \$18,283.00	

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/15 based on the site plan submitted to the District on 4/09/14 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.
2013-137

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 2 of 4

FR
CUP No. 2013-137

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

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

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
 Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".
 None required.

3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
 Grading Plan
 Street Plan
 Storm Drain Plan
 Water & Sewer Plan
 Final Map
 Drainage Report (to be submitted with tentative map)
 Other
 None Required

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

5. The proposed development:
 Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
 Does not appear to be located within a flood prone area.

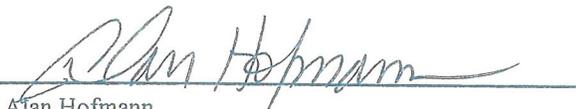
6. The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 3 of 4

FR
CUP No. 2013-137

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, effective July 1, 2010, as amended. 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 and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
 - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
 - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. X See Exhibit No. 2 for additional comments, recommendations and requirements.


Alan Hofmann
Assistant District Engineer/Design


Rick Lyons
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

JEFF ROBERTS, GRANVILLE HOMES

1396 W. HERNDON AVE., SUITE 101

FRESNO, CA 93711

GARY GIANNETTA

1119 "S" ST.

FRESNO, CA 93721

FR CUP No. 2013-137

OTHER REQUIREMENTS
EXHIBIT NO. 2

The District requires that the developer of CUP 2013-137 conform to the drainage patterns of the District's Master Plan. Runoff in this area is located within a flood pool that currently outlets at Belmont Avenue at elevation 284.34 (USGS datum) and into the Belmont underpass. Therefore, the minimum finish floor for this project shall be set one (1) foot above the outflow elevation; at 285.34 (USGS datum). Street crown elevations need to be checked by the developer's engineer to confirm that these elevations are, or are not, a factor in creating the controlling flood safety overflow point, dependent on depth of flow, for the development.

Construction of the proposed project with ground level entries that have direct access to adjacent streets that convey major storm flows may be at risk of flooding during major storm events and will need to be elevated and protected. Protection and elevation of finish floors should be considered when determining building setbacks, the need for ADA ramps, or other specific adaptations. The finish floor may be required to be elevated above the back of walk relative to the higher of the outlet elevation at Belmont Avenue or the street crown elevation.

The District requires that the Master Plan drainage patterns remain as designed for the alley area not previously vacated.

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

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

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

Development No. CUP 2013-137



April 17, 2014

County of Fresno

DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, DIRECTOR

Joann Zuniga
City of Fresno Development Department
2600 Fresno Street
Fresno, CA 93721

LU0017625
2602

Dear Ms. Zuniga:

PROJECT NUMBER: C-13-137, T-6059 & T-6060

Vesting Tentative Tract Map No. 6059 (Vesting Map for Condominium purposes), Vesting Tentative Tract Map No. 6060 (Vesting Map for Condominium purposes), and Conditional Use Permit Application No. C-13-137 were filed by Gary Giannetta, on behalf of Granville Homes, Inc., and pertain to 0.35 net acre (Tract 6059) and 1.95 net acres (Tract 6060) of property bounded by Van Ness Avenue, Calaveras, Fulton, and Stanislaus Streets (the "Met Block") in downtown Fresno. The applicant proposes a mixed use development consisting of 19 triplex buildings, one 20-plex building (comprised of 4 connected 5-plex structures), and one mixed use building (comprised of 3 residential units above the ground floor commercial space) for a total 80 residential units on site. The property is zoned C-4 (*Central Trading*).

APN: 466-145-08, 13, 14

ZONING: C-4

**ADDRESS: 1502 and 1560 Fulton Street and
1505 Van Ness Avenue**

Comments/Concerns:

Since all of the tenants have not been identified for this application, the full range of C-4 uses must be considered. The potential adverse impacts could include (but are not limited to) storage of hazardous materials and/or wastes, medical waste, solid waste, water quality degradation, excessive noise, and odors.

Recommended Conditions of Approval Regarding C-4 Zone District.

- Should a retail food establishment be proposed, then prior to issuance of building permits the applicant or future tenant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, the applicant or future tenant may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- The applicant should be advised that construction and operating permits may be required by the State of California, Department of Health Services for wholesale food manufacturing. Contact the staff at the Division of Food and Drug at (559) 445-5323 for more information.

Promotion, preservation and protection of the community's health

1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646

Email: EnvironmentalHealth@co.fresno.ca.us ❖ www.co.fresno.ca.us ❖ www.fcdph.org

Equal Employment Opportunity ❖ Affirmative Action ❖ Disabled Employer

- Prior to operations, the applicant shall complete the online Hazardous Materials Business Plan submittal (<https://www.fresnocupa.com/> or <http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
- Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.
- Should a body art facility (i.e. tattoo, piercing, branding or permanent cosmetics facility) be proposed, prior to issuance of building permits, the tenant shall submit complete body art facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Body Art Program at (559) 600-3357 for more information.

Recommended Conditions of Approval Regarding Tract Map 6059 & 6060:

- 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. Concurrence should be obtained from the State Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's Municipal Code.
- All water wells (not intended for use by the project) and septic systems that exist or have been abandoned within the project area shall be properly destroyed by an appropriately licensed contractor.
- 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.

REVIEWED BY:

Kevin Tsuda

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=Fresno
County EH,
email=ktsuda@co.fresno.ca.us, c=US
Date: 2014.04.17 12:55:01 -0700

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II

(559) 600-3271

kt

cc: Gary Giannetta, Civil Engineer (garygce@sbcglobal.net) (CT 01.00)
Claudia Cazares, Applicant (ccazarws@gvhomes.com)
Jeff Roberts, Representative (jroberts@gvhomes.com)



May 7, 2014

Will Tackett, Supervising Planner
City of Fresno
Development and Resource Management
2600 Fresno Street, Third Floor, Room 3043
Fresno, CA 93721-3604

Project: Vesting Tentative Tract Map No. 6059, Vesting Tentative Tract Map No. 6060, and Conditional Use Permit No. C-13-137 – Met Block by Granville Homes

District CEQA Reference No: 20140211

Dear Mr. Tackett:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of 80 residential units and 2,310 square feet of commercial space located at 1502 and 1560 Fulton Street and 1505 Van Ness Avenue, in Fresno, California. The District offers the following comments:

1. Based on the information provided to the District, project specific criteria pollutant emissions 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 a less than significant adverse impact on air quality.
2. Based on information provided to the District, at full build-out the proposed project would exceed 50 residential dwelling units and 2,000 square feet of commercial space. 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. Review of District records indicates that the District has not yet received an AIA application for this project.

Sayed Sadredin
Executive Director/Air Pollution Control Officer

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

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. Additional information regarding compliance with District Rule 9510 can be obtained by:

- Visiting the District's website at: <http://www.valleyair.org/ISR/ISRHome.htm>;
- E-mailing inquiries to District ISR staff at: ISR@valleyair.org; or
- Contacting District ISR staff by phone at: (559) 230-6000.

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 on the District's website at: 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 contact Jessica Willis by phone at (559) 230-5818, or by e-mail at jessica.willis@valleyair.org.

Sincerely,

Arnaud Marjollet
Director of Permit Services



For: Chay Thao
Permit Services Manager

AM:jw



Preparing Career Ready Graduates

REVISED



Facilities Management & Planning

BOARD OF EDUCATION

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

SUPERINTENDENT

Michael E. Hanson

May 7, 2014

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

SUBJECT: VESTING TENTATIVE TRACT MAPS NO. 6059 & 6060
CONDITIONAL USE PERMIT APPLICATION NO. C-13-137 - REVISED
'MET BLOCK' - MIXED USE DEVELOPMENT
1502 & 1560 FULTON ST. AND 1505 VAN NESS AVE.

Dear Mr. Tackett,

Fresno Unified School District submits the following response to your request for review and comment on the above referenced Vesting Tentative Tract Maps and Conditional Use Permit Application. The applicant proposes a mixed use development consisting of 85 residential units (revised from 80), to be located at 1502 & 1560 Fulton Street and 1505 Van Ness Avenue.

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 partially 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 is subject to development fees, currently \$3.20 per square foot for residential and \$0.51 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. For mixed use projects the housing units and retail space will be charged the residential and commercial rates, respectively.

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

Elementary School: Lowell
Middle School: Tehipite
High School: Roosevelt

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

Sincerely,

Lisa LeBlanc, Executive Officer
Facilities Management and Planning

LL:hh

Exhibit I:

**Environmental
Assessment No.
C-13-137/T-6059/T-6060
dated May 01, 2014**

CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION

Notice of Intent was filed with:

FRESNO COUNTY CLERK
2221 Kern Street
Fresno, California 93721

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:

C-13-137/T-6059/T-6060

on

May 01, 2014

APPLICANT:

FFDA Properties, L.L.C.
1396 West Herndon Avenue, Suite 101
Fresno, CA 93711

PROJECT LOCATION:

1502 and 1560 Fulton Street; and, 1505 Van Ness Avenue
±2.30 net acres of property bounded by Van Ness Avenue, Calaveras, Fulton and Stanislaus Streets in downtown Fresno.

Site Latitude: 36°44'23.00" N

Site Longitude: 119°47'44.00" W

Mount Diablo Base & Meridian, Township 14S, Range 20E
Section 4 – Fresno South, CA Quadrangle
Assessor's Parcel Number(s): 466-145-08, 13 & 14

PROJECT DESCRIPTION:

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-13-137 and Vesting Tentative Tract Map Nos. T-6059 & 6060 pertaining to approximately 2.30 net acres of property bounded by Van Ness Avenue, Calaveras, Fulton and Stanislaus Streets (the "Met Block") in downtown Fresno.

Conditional Use Permit Application No. C-13-137 requests authorization to construct an 85-unit residential and commercial mixed use development on the subject property. The project is proposed to consist of: 12 two-story triplex buildings; 2 three-story 20-plex buildings (comprised of 4 connected five-plex structures); and, 3 three-story mixed use buildings (comprised of 3 live-work units with residential living area situated above ground floor commercial space).

Vesting Tentative Tract Map Nos. T-6059 and T-6060 have also been filed proposing common-lot airspace subdivisions for condominium purposes on separate portions of the subject property. Vesting Tentative Tract Map Nos. T-6059 pertains to an approximately 0.35 acre portion of the subject property located at the eastern corner of the intersection of Fulton and Calaveras Streets and Vesting Tentative Tract Map Nos. T-6060 pertains to an approximately 1.95 acre portion of the subject property comprising the southeastern majority of the block bounded by Van Ness Avenue, Fulton and Stanislaus Streets.

The proposed project also includes the proposed vacation of four feet of adjacent public street rights-of-way on Fulton and Stanislaus Streets as well as the vacation of the southerly portion of the alley connecting Calaveras and Stanislaus Streets (between Van Ness Avenue and Fulton Streets) within the boundary of Vesting Tentative Tract Map No. 6060; and, installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

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: Will Tackett, Supervising Planner	SUBMITTED BY: 
DATE: May 01, 2014	Will Tackett, Supervising Planner DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT
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 May 01, 2014 - Project Specific Mitigation Monitoring Checklist dated May 01, 2014

CITY OF FRESNO

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

Filed with:

FILED
E201410000107
MAY 01 2014

EA No. C-13-137/T-6059/T-6060

Conditional Use Permit Application No. C-13-137
Vesting Tentative Tract Map No. T-6059
Vesting Tentative Tract Map No. T-6060

FRESNO COUNTY CLERK
By *[Signature]*
DEPUTY

APPLICANT:

FFDA Properties, L.L.C.
1396 West Herndon Avenue, Suite 101
Fresno, CA 93711

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

PROJECT LOCATION:

1502 and 1560 Fulton Street; and, 1505 Van Ness Avenue
±2.30 net acres of property bounded by Van Ness Avenue,
Calaveras, Fulton and Stanislaus Streets in downtown Fresno.
Site Latitude: 36°44'23.00" N
Site Longitude: 119°47'44.00" W
Mount Diablo Base & Meridian, Township 14S, Range 20E
Section 4 – Fresno South, CA Quadrangle
Assessor's Parcel Number(s): 466-145-08, 13 & 14

PROJECT DESCRIPTION: Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-13-137 and Vesting Tentative Tract Map Nos. T-6059 & 6060 pertaining to approximately 2.30 net acres of property bounded by Van Ness Avenue, Calaveras, Fulton and Stanislaus Streets (the "Met Block") in downtown Fresno.

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The proposed project also includes the proposed vacation of four feet of adjacent public street rights-of-way on Fulton and Stanislaus Streets as well as the vacation of the southerly portion of the alley connecting Calaveras and Stanislaus Streets (between Van Ness Avenue and Fulton Streets) within the boundary of Vesting Tentative Tract Map No. 6060; and, installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

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

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

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding of a mitigated negative declaration and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Will Tackett at (559) 621-8063 or via e-mail at Will.Tackett@fresno.gov for more information.

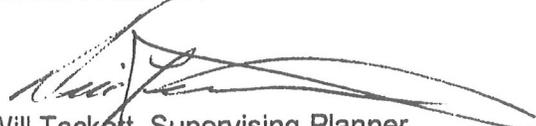
ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on May 21, 2014. Please direct comments to Will Tackett, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to Will.Tackett@fresno.gov; or comments can be sent by facsimile to (559) 498-1026.

These development applications and this proposed environmental finding have been scheduled to be heard by the Planning Commission on May 21, 2014 at 6:00 p.m. or thereafter. The hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:
Will Tackett, Supervising Planner

DATE: May 01, 2014

SUBMITTED BY:

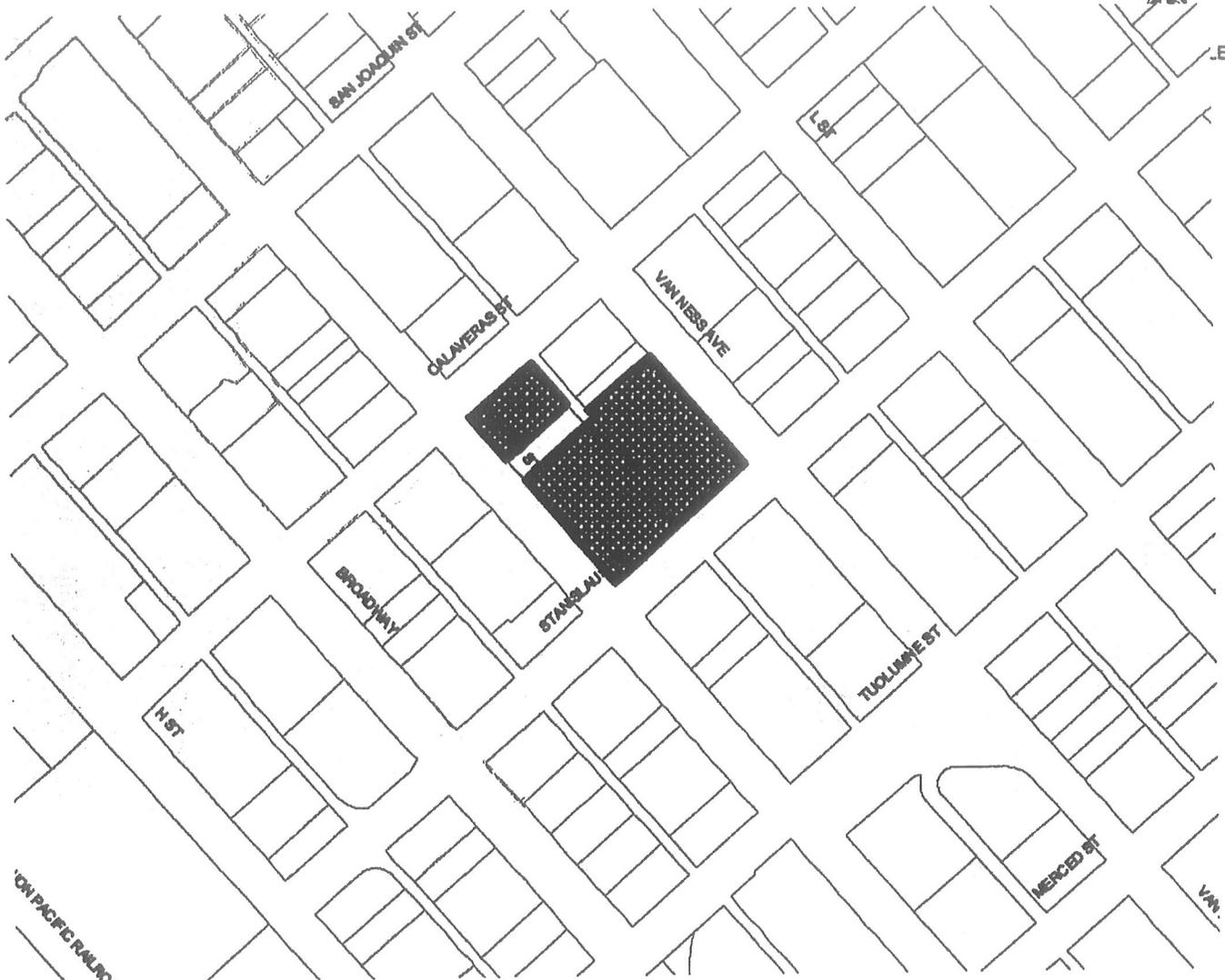

Will Tackett, Supervising Planner
CITY OF FRESNO DEVELOPMENT AND
RESOURCE MANAGEMENT
DEPARTMENT

THIS IS A LEGAL NOTICE

Conditional Use Permit Application No. C-13-137
Vesting Tentative Tract Map No. 88359
Vesting Tentative Tract Map No. 88359

Between Van Ness Avenue, Fulton, Calaveras
and Stanislaus Streets, in Downtown Fresno

VICINITY MAP



LEGEND

 Subject Property

E201410000107

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

**Environmental Checklist Form
For EA No. C-13-137/T-6059/T-6060**

1. **Project title:**
Conditional Use Permit Application No. C-13-137
Vesting Tentative Tract Map No. T-6059
Vesting Tentative Tract Map No. T-6060
2. **Lead agency name and address:**
City of Fresno
Development and Resource Management Department
2600 Fresno Street
Fresno, CA 93721
3. **Contact person and phone number:**
Will Tackett, Supervising Planner
City of Fresno
Development & Resource Management Department
(559) 621-8063
4. **Project location:**
1502 and 1560 Fulton Street; and, 1505 Van Ness Avenue

±2.30 net acres of property bounded by Van Ness Avenue, Calaveras, Fulton and Stanislaus Streets in downtown Fresno.

Site Latitude: 36°44'23.00" N
Site Longitude: 119°47'44.00" W

Mount Diablo Base & Meridian, Township 14S, Range 20E
Section 4 – Fresno South, CA Quadrangle
Assessor's Parcel Number(s): 466-145-08, 13 & 14
5. **Project sponsor's name and address:**
FFDA Properties, L.L.C.
1396 West Herndon Avenue, Suite 101
Fresno, CA 93711
6. **General plan designation:**
Existing: Commercial/Mixed Use Level 2 (Central Area)
Proposed: Commercial/Mixed Use Level 2 (Central Area)
7. **Zoning:**
Existing: C-4 (*Central Trading District*)
Proposed: C-4 (*Central Trading District*)

8. **Description of project:**

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-13-137 and Vesting Tentative Tract Map Nos. T-6059 & 6060 pertaining to approximately 2.30 net acres of property bounded by Van Ness Avenue, Calaveras, Fulton and Stanislaus Streets (the “Met Block”) in downtown Fresno.

Conditional Use Permit Application No. C-13-137 requests authorization to construct an 85-unit residential and commercial mixed use development on the subject property. The project is proposed to consist of: 12 two-story triplex buildings; 2 three-story 20-plex buildings (comprised of 4 connected five-plex structures); and, 3 three-story mixed use buildings (comprised of 3 live-work units with residential living area situated above ground floor commercial space).

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The proposed project also includes the proposed vacation of four feet of adjacent public street rights-of-way on Fulton and Stanislaus Streets as well as the vacation of the southerly portion of the alley connecting Calaveras and Stanislaus Streets (between Van Ness Avenue and Fulton Streets) within the boundary of Vesting Tentative Tract Map No. 6060; and, installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications of the City of Fresno.

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

	Planned Land Use	Existing Zoning	Existing Land Use
North	Commercial/Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office / Commercial Parking
East	Commercial/Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office / Commercial
South	Commercial/Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office
West	Commercial/Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Cornerstone Church / Commercial

10. Other public agencies whose approval is required:

Development and Resource Management Department, Building & Safety Services Division; Department of Public Works; Department of Public Utilities; County of Fresno, Department of Community Health; City of Fresno Fire Department; Fresno Metropolitan Flood Control District; San Joaquin Valley Air Pollution Control District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

<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	<input type="checkbox"/> Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

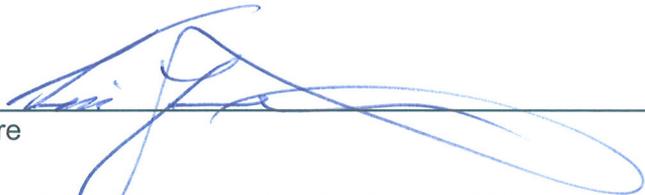
On the basis of this initial evaluation:

I find that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND such that no new additional mitigation measures or alternatives may be required. All applicable mitigation measures contained in the Mitigation Monitoring Checklist shall be imposed upon the proposed project. A FINDING OF CONFORMITY will be prepared.

I find that the proposed project is a subsequent project identified in the MEIR and Air Quality MND but that it is not fully within the scope of the MEIR and Air Quality MND because the proposed project could have a significant effect on the environment that was not examined in the MEIR or Air Quality MND. However, there will not be a

significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project specific mitigation measures and all applicable mitigation measures contained in the MEIR Mitigation Monitoring Checklist will be imposed upon the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project is a subsequent project identified in the MEIR but that it MAY have a significant effect on the environment that was not examined in the MEIR or Air Quality MND, and an ENVIRONMENTAL IMPACT REPORT is required to analyze the potentially significant effects not examined in the MEIR or Air Quality MND pursuant to Public Resources Code Section 21157.1(d) and CEQA Guidelines 15178(a).



Signature May 01, 2014
Date

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

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

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

11. The explanation of each issue should identify:

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

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

The site is located within the downtown area, which is planned for, and has been substantially developed with, urban uses. Furthermore, the site is not surrounded by a scenic vista. 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 within a scenic highway nor will it degrade the visual character or quality of the site and its surroundings.

The project site is currently vacant. Two designated historic buildings exist on the same block as the subject property but outside the project boundary: the National Register Fresno Bee Building (HP#119) and the former PG&E pay station (Theater 3) (HP#164). The design, setbacks, and overall massing of the proposed new units as compared to the extant resources is considered compatible and will have a less than significant impact on the existing visual character of the site and its surroundings (reference section 5 related to Cultural Resources below for further information). Development of the site will not create a new source of substantial light or glare which would affect day or night time views in the project area, given that during the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties. As a result, the project will have a less than significant impact on aesthetics. The project will be subject to the aesthetics mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan. Conditions to ensure the project is aesthetically appealing will be further defined during the conditional use permit review process to ensure that the development is consistent with all plans and design guidelines.

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 subject site and its surroundings, given that the project site is in an area planned and approved for single family residential development to the north and west, planned Regional and Office Commercial uses to the east, and planned Business Park uses to the south. The 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. Furthermore, through the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties. As a result, the project will have no impact on aesthetics.

Mitigation Measures

1. The proposed project shall implement and incorporate, the aesthetic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated May 01, 2014.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 “Urban and Built-Up Land” by the 2006 Rural Mapping Edition: Fresno County Important Farmland Map, and thus has no farmland considered to be prime farmland, farmland of statewide importance, or unique farmland. The subject site is currently vacant, and does not contain active agricultural land. Furthermore, the subject site is not under a Williamson Act contract and is not surrounded by sites under a Williamson Act contract. Therefore, development of the proposed project would not result in the conversion of Important Farmland to non-agricultural use and no impacts related to agriculture will occur.

The proposed project does not conflict with any forest land or Timberland Production or result in any loss of forest land. The project site is designated C-4 (Central Trading District) by the City of Fresno, which is a non-forest zoning designation. The proposed project is an infill development and replaces previous urban uses. This condition precludes the possibility of the proposed project conflicting with a forest zoning designation.

The project site and surrounding area does not contain active agricultural land, does not contain forest or timberland zoning and is entirely developed with urban uses. Therefore, land use and development activities contemplated by the proposed project would not impact these resources. No impacts will occur.

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

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

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

**Environmental Checklist Form
For EA No. C-13-137/T-6059/T-6060**

1. **Project title:**
Conditional Use Permit Application No. C-13-137
Vesting Tentative Tract Map No. T-6059
Vesting Tentative Tract Map No. T-6060
2. **Lead agency name and address:**
City of Fresno
Development and Resource Management Department
2600 Fresno Street
Fresno, CA 93721
3. **Contact person and phone number:**
Will Tackett, Supervising Planner
City of Fresno
Development & Resource Management Department
(559) 621-8063
4. **Project location:**
1502 and 1560 Fulton Street; and, 1505 Van Ness Avenue

±2.30 net acres of property bounded by Van Ness Avenue, Calaveras, Fulton and Stanislaus Streets in downtown Fresno.

Site Latitude: 36°44'23.00" N
Site Longitude: 119°47'44.00" W

Mount Diablo Base & Meridian, Township 14S, Range 20E
Section 4 – Fresno South, CA Quadrangle
Assessor's Parcel Number(s): 466-145-08, 13 & 14
5. **Project sponsor's name and address:**
FFDA Properties, L.L.C.
1396 West Herndon Avenue, Suite 101
Fresno, CA 93711
6. **General plan designation:**
Existing: Commercial/Mixed Use Level 2 (Central Area)
Proposed: Commercial/Mixed Use Level 2 (Central Area)
7. **Zoning:**
Existing: C-4 (*Central Trading District*)
Proposed: C-4 (*Central Trading District*)

8. **Description of project:**

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-13-137 and Vesting Tentative Tract Map Nos. T-6059 & 6060 pertaining to approximately 2.30 net acres of property bounded by Van Ness Avenue, Calaveras, Fulton and Stanislaus Streets (the "Met Block") in downtown Fresno.

Conditional Use Permit Application No. C-13-137 requests authorization to construct an 85-unit residential and commercial mixed use development on the subject property. The project is proposed to consist of: 12 two-story triplex buildings; 2 three-story 20-plex buildings (comprised of 4 connected five-plex structures); and, 3 three-story mixed use buildings (comprised of 3 live-work units with residential living area situated above ground floor commercial space).

Vesting Tentative Tract Map Nos. T-6059 and T-6060 have also been filed proposing common-lot airspace subdivisions for condominium purposes on separate portions of the subject property. Vesting Tentative Tract Map Nos. T-6059 pertains to an approximately 0.35 acre portion of the subject property located at the eastern corner of the intersection of Fulton and Calaveras Streets and Vesting Tentative Tract Map Nos. T-6060 pertains to an approximately 1.95 acre portion of the subject property comprising the southeastern majority of the block bounded by Van Ness Avenue, Fulton and Stanislaus Streets.

The proposed project also includes the proposed vacation of four feet of adjacent public street rights-of-way on Fulton and Stanislaus Streets as well as the vacation of the southerly portion of the alley connecting Calaveras and Stanislaus Streets (between Van Ness Avenue and Fulton Streets) within the boundary of Vesting Tentative Tract Map No. 6060; and, installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications of the City of Fresno.

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

	Planned Land Use	Existing Zoning	Existing Land Use
North	Commercial/Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office / Commercial Parking
East	Commercial/Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office / Commercial
South	Commercial/Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office
West	Commercial/Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Cornerstone Church / Commercial

10. Other public agencies whose approval is required:

Development and Resource Management Department, Building & Safety Services Division; Department of Public Works; Department of Public Utilities; County of Fresno, Department of Community Health; City of Fresno Fire Department; Fresno Metropolitan Flood Control District; San Joaquin Valley Air Pollution Control District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

<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	<input type="checkbox"/> Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND such that no new additional mitigation measures or alternatives may be required. All applicable mitigation measures contained in the Mitigation Monitoring Checklist shall be imposed upon the proposed project. A FINDING OF CONFORMITY will be prepared.

I find that the proposed project is a subsequent project identified in the MEIR and Air Quality MND but that it is not fully within the scope of the MEIR and Air Quality MND because the proposed project could have a significant effect on the environment that was not examined in the MEIR or Air Quality MND. However, there will not be a

significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project specific mitigation measures and all applicable mitigation measures contained in the MEIR Mitigation Monitoring Checklist will be imposed upon the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project is a subsequent project identified in the MEIR but that it MAY have a significant effect on the environment that was not examined in the MEIR or Air Quality MND, and an ENVIRONMENTAL IMPACT REPORT is required to analyze the potentially significant effects not examined in the MEIR or Air Quality MND pursuant to Public Resources Code Section 21157.1(d) and CEQA Guidelines 15178(a).

Signature

May 01, 2014
Date

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

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

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

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.

AIR QUALITY

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

The SJVAPCD has reviewed the proposed project and determined that the project will not occur at a scale or scope with potential to contribute substantially or cumulatively to existing or projected air quality violations, impacts, or increases of criteria pollutants for which the San Joaquin Valley region is under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). The proposed project will comply with all applicable air quality plans.

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

Review requires an Air Impact Assessment (AIA) application to be submitted to the Air District in accordance with SJVAPCD requirements. The AIA evaluates a project's total contribution to construction and/or area source and operational emissions and ozone precursors from potential land uses and compares potential unmitigated emissions against mitigated emissions in order to determine whether the required reduction in emissions is sufficient to satisfy the rule. If reductions are determined to not be sufficient, then the AIA (utilizing off-site emission reduction equations) calculates the total dollar amount of off-site fees that must be paid to the District in order to cover the District's cost of obtaining the required off-site emission reductions, and therefore fulfill the rule requirement. Any such fees shall be paid prior to issuance of a building permit.

The proposed project will also be required to comply with other District Rules and Regulations, which may include but not be limited to, Regulation VIII (Fugitive PM 10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

Development of the subject property, pursuant to Conditional Use Permit Application No. C-13-137 and Vesting Tentative Tract Map Nos. 6059 and 6060, will not expose sensitive receptors to substantial pollutant concentrations. A residential development is considered a "sensitive receptor" type use. However, the subject site is not located adjacent to high traffic freeways, roads or rail yard uses called out by the California Environmental Protection Agency California Air Resources Board as having significant negative air quality impacts.

Due to the close proximity of other commercial and urban uses surrounding the subject site, there will be no significant impact in the increase of pollutant. The proposed project is not proposing a use which will create objectionable odors; therefore the project will not have the potential to affect a substantial number of people. The proposed project is not expected to generate substantial pollutant concentrations; therefore the project will not create pollutants that would impact sensitive receptors.

The proposed residential/commercial mixed use development of the subject property is a use identified as being permissible within the existing C-4 (*Central Trading*) zone district, and therefore is consistent with the Central Area Commercial Mixed Use Level 2 planned land use for the subject property specified by the applicable 2025 Fresno General and Central Area Community plans.

The proposed project will comply with the Air Quality Element of the 2025 Fresno General Plan and the Goals, Policies and Objectives of the Regional Transportation Plan adopted by the Fresno Council of Fresno County Governments; therefore the project will not conflict with or obstruct an applicable air quality plan.

Finally, there are no significant air quality or global climate change impacts perceived to occur as a result of the proposed project, no violations of air quality standards will occur and no net increase of pollutants will occur beyond those previously analyzed by the MEIR or Air Quality MND.

Subject to compliance with the construction and development requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the Air Quality Element of the 2025 Fresno General Plan, no violations of air quality standards will occur. The project will not occur at a scale or scope with potential to contribute substantially to an existing or projected air quality

violation. The project will not occur at a scale or scope which will result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment.

Therefore, subject to implementation of the mitigation measures included below, no violations of air quality standards will occur, no net increase of pollutants will occur and no significant air quality or global climate change impacts are 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 May 01, 2014.
2. The proposed project shall implement and incorporate the air quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated May 01, 2014.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 US Fish and Wildlife Service. No federally protected wetlands are located on the subject site. Therefore, there would be no impacts to species, riparian habitat or other sensitive communities and wetlands. There are also no bodies of water on the subject site or in the immediate vicinity of the subject site. The proposed project would have no impact on the movement of migratory fish or wildlife species or on established wildlife corridors or wildlife nursery sites. No local policies regarding biological resources are applicable to the subject site and there would be no impacts with regard to those plans.

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?		X		

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

Two designated historic buildings exist on the same block as the subject property but outside the project boundary: the National Register Fresno Bee Building and the former PG&E pay station (Theater 3). The Fresno Bee Building is a full six stories and was designed in 1922 in a Renaissance Revival style by Sacramento architect Leonard F. Starks. It is located on the southerly corner of Van Ness Avenue and Calaveras Street and until 2010, served as the Fresno Metropolitan Museum. The 1929 PG&E Building is located to the rear of the Met and faces onto Fulton Street. It is a full two stories and once served as the offices and payment center for PG&E customers. Stylistically the building is what is often referred to as "Mediterranean Revival," an imprecise term for a mixture of Mission Revival, Italian Villa style, and Spanish Colonial Revival. It has a concrete frame with infill walls of brick.

The character-defining elements of a structure or resource include, but are not limited to, the overall shape and form of the buildings, its roof and roof structures openings, projections, trim, materials, craftsmanship, decorative details, as well as the various aspects of its site and environment. Although having somewhat different pedigrees, the two historic buildings share some character-defining features. Both have flat roofs, with a pent roof on the façade of the PG&E building which is clad in clay tiles. (Incidentally, the earliest photos of the Bee Building indicate that this building originally had a tile pent roof on the principle elevation). The construction and/or the cladding of the exterior walls of each building are masonry of a high caliber. Both buildings have terra cotta work, most likely produced by Gladding, McBean and Co., and both buildings have operable windows with wood muntins and true divided lights. Consistent with the ideals of the renaissance, both facades are also rigorously symmetrical.

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

The significance of an historical resource is materially impaired when a project: (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or, (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of

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

Aside from physical demolition, a project does not have the ability to materially impair or physically alter characteristics of association with events that have made a significant contribution to the broad patterns of history or association with prominent persons, which justify inclusion on a historic registry.

Therefore, given the fact that no physical alterations are proposed to the identified historic resources for purposes of the proposed project, attention has been given to the proposed project in order to protect the context and integrity of the adjacent historic resources.

Historic context may be defined as an organizing structure for interpreting history that groups information about historic properties that share a common theme, common geographical area, and a common time period. The development of historic contexts is a foundation for decisions about the planning, identification, evaluation, registration, and treatment of historic properties, based upon comparative historic significance. Historical context are those patterns or trends in history by which a specific event, property, or site is understood and its meaning within history or prehistory is illuminated.

The subject property is currently vacant of any structures. Therefore, it is difficult to establish a narrow context for the adjacent historic resources within the boundary of the project and its respective city block; aside from the physical location and characteristics of the extant resources themselves. A broader historical context for downtown Fresno may, of course, be realized. However, development of the proposed project would not have any potential to affect the overall remaining context of the historic resources within this broader framework based upon their respective periods of significance.

Therefore, attention to context has been provided through project design to establish a hierarchy, wherein the historic resources on the block are given deference as being the principal and prominent buildings or structures for purposes of establishing appropriate form for the development of the block. This includes consideration of building setbacks, building scale and massing, and streetscape, etc.

Therefore, the project has been designed to match the building setbacks of the adjacent historic resources and attention has been given to spatial relationships, scale and massing at appropriate locations to reinforce street-scene and anchor intersection corners in a manner which would pay homage to the historic resources within the project area.

New structures proposed to be constructed along the Van Ness Avenue frontage of the subject property are proposed to be three stories in height with a setback from property lines approximately five feet to the principal façade elevations. Components of the buildings relative to support structures for private patio and upper floor balcony areas will protrude forward approximately from the principal facades by approximately three feet. Therefore, these

buildings will be set with a comparable setback along Van Ness Avenue but slightly behind the façade of the Fresno Bee Buildings. New structures proposed to be constructed on Fulton Street are proposed to be two stories in height with a setback from property lines approximately three feet behind the Theater 3 building. In this instance the components of the buildings relative to support structures for private patio and upper floor balcony areas will be on-plane with the Theater 3 building.

Elevations for all buildings have been designed with consideration given to the character defining features of the respective adjacent historic resources. Consideration has been given respective to building typology, style, symmetry, orientation, special features, materials, craftsmanship, etc. However with respect to historic resources, it must be noted, that new development or construction should not attempt to create a false sense of history through incorporation or inclusion of features from other properties, or by combining features that never existed together historically. New work should be differentiated from the old but should be compatible with the historic materials, features, size, scale and or proportion, and massing to protect the integrity of the property and its environment such that the historic character of properties may be recognized as a physical record of its time, place, and use.

Integrity may be defined as the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association.

As previously stated, the subject property is vacant with the historic resources identified situated on property adjacent to the proposed project. No elements of new construction will encroach onto adjacent properties or require new construction which will abut the existing buildings. Therefore, adjacent new construction is proposed to be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic properties and their existing environment would be unimpaired.

Following receipt of the development applications, City of Fresno staff, a representative architect who presides on the City of Fresno Historic Preservation Commission, and representatives of the applicant met on April 21, 2014 at City Hall to hold an internal charrettes of sorts to discuss the original project design and potential concerns with respect to adjacent historic resources in order to establish general adjacency or performance standards that would need to be met in order for the project to not pose a potential impact to historic resources. The project design was subsequently modified to address setbacks, typology and style and the overall form of the proposed project. Modifications were presented at a workshop with the City of Fresno Historic Preservation Commission on April 28, 2014 with a request for review and commentary from the Commission and Public. The respective modifications were well received and appreciated by the Commission and no members of the public spoke in opposition.

There is no evidence that cultural resources of any type (including historical, archaeological, paleontological, or unique geologic features) exist on the subject property. Past record searches for the region have not revealed the likelihood of cultural resources on the subject property or in its immediate vicinity. Therefore, it is not expected that the proposed project may impact cultural resources. It should be noted however that lack of surface evidence of historical resources does not preclude the subsurface existence of archaeological resources. Therefore, due to the ground disturbing activities that will occur as a result of the project, the measures within the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025

Fresno General Plan, Mitigation Monitoring Checklist to address archaeological resources, paleontological resources, and human remains will be employed to guarantee that should archaeological and/or animal fossil material be encountered during project excavations, then work shall stop immediately; and, that qualified professionals in the respective field are contacted and consulted in order to insure that the activities of the proposed project will not involve physical demolition, destruction, relocation, or alteration of historic, archaeological, or paleontological resources.

Therefore, there will not be a significant effect on cultural resources in this case because revisions in the project have been made by and agreed to by the project proponent which would alleviate potential impacts. However, project specific mitigation measures are hereby incorporated to formalize and memorialize appropriate performance and adjacency standards should project revisions or amendments be proposed in the future.

Mitigation Measures

1. The proposed project shall implement and incorporate 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 May 01, 2014.
2. The proposed project shall implement and incorporate the cultural resource related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated May 01, 2014.

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

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

This project is located in the metropolitan area of Downtown Fresno. There are no known geologic hazards or unstable soil conditions known to exist on the site. The existing topography demonstrates no apparent unique or significant land forms such as vernal pools. Development of the property requires compliance with grading and drainage standards of the City of Fresno and Fresno Metropolitan Flood Control District Standards.

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.

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 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 CO₂e 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 is located in Downtown Fresno and will be required to improve and maintain sidewalks consistent with City of Fresno Standards along all public street frontages of the proposed project; including, Van Ness Avenue and Fulton, Calaveras and Stanislaus Streets.

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 CO₂, removing it from the atmosphere). In addition, the project does not involve manufacturing activities that would generate other GHGs such as SF₆, 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 green house gas emissions related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated May 01, 2014.

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

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

There are no known existing hazardous material conditions on the site and the project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project is not in an airport hazard zone, is not near any wildland fire hazard zones, and poses no interference with the City's or County's Hazard Mitigation Plans or emergency response plans.

No pesticides or other hazardous materials are known or anticipated to exist on the site from historical uses.

The principal use proposed for the subject property is residential with a moderate and appurtenant live-work mixed use component incorporated for approximately 10 percent of the units proposed. Such a use would not be anticipated to involve the handling or hauling of hazardous materials or waste. However, as the mixed use project does incorporate potential commercial and/or office space for which tenants have not been identified, the full range of uses listed as being permissible in the existing C-4 (Central Trading) zone district should be considered. Project conditions of approval will assure that County Health requirements are met. Complete food facility plans and specifications are required to be submitted to the Fresno County Department of Public Health prior to issuance of building permits; operating permits for wholesale food manufacturing will be required as mandated by the State of California; a Hazardous Materials Business Plan is required to be completed prior to operations where applicable; any handling of hazardous wastes is required to occur in accordance with California Code of Regulations, Title 22, Division 4.5; and, medical waste permits may be required as appropriate.

The proposed project will have no environmental impacts related to potential hazards or hazardous materials as indentified above.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 an historic trend of high consumptive use of water on a per capita basis (some 250 gallons per day per capita), have resulted in a general decline in aquifer levels, increased cost to provide potable water, and localized water supply limitations.

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

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

This mitigated negative declaration prepared for the proposed project is tiered from Master Environmental Impact Report No. 10130 (SCH #2001041097) and Mitigated Negative Declaration No. A-09-02 (SCH # 2009051016) prepared for the 2025 Fresno General Plan (collectively, the "MEIR"), which contains measures to mitigate projects' individual and cumulative impacts to groundwater resources and to reverse the groundwater basin's overdraft conditions.

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

The City has indicated that groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. One of the primary objectives of Fresno's future water supply plans detailed in Fresno's current UWMP is to balance groundwater operations by 2025. Through careful planning, Fresno has designed a comprehensive plan to accomplish this objective by increasing surface water supplies and surface water treatment facilities, intentional recharge, and conservation, thereby reducing groundwater pumping. The City continually monitors impacts of land use changes and development project proposals on water supply facilities by assigning fixed demand allocations to each parcel by land use as currently zoned or proposed to be

rezoned. The UWMP was made available for public review together with the MND for the proposed project.

Until 2004, groundwater was the sole source of water for the City. In June 2004, a \$32 million Surface Water Treatment Facility ("SWTF") began providing Fresno with water treated to drinking water standards. A second surface water treatment facility is planned for 2015 in southeast Fresno to meet demands anticipated by the growth implicit in the 2025 General Plan. Surface water is used to replace lost groundwater through the Fresno's artificial recharge program at the City-owned Leaky Acres and smaller facilities in Southeast Fresno. Fresno holds entitlements to surface water from Millerton Lake and Pine Flat Reservoir. In 2006, Fresno renewed its contract with the United States Bureau of Reclamation, through the year 2045, which entitles the City to 60,000 acre-feet per year of Class 1 water. This water supply has further increased the reliability of Fresno's water supply.

Also, in 2006, Fresno updated its Metropolitan Water Resources Management Plan designed to ensure the Fresno metro area has a reliable water supply through 2050. The plan implements a conjunctive use program, combining groundwater, treated surface water, artificial recharge and an enhanced water conservation program.

The City has been adding to and upgrading its water supplies through capital improvements, including adding pipelines to distribute treated surface water. Additionally, in 2009, the treatment capacity of the Fresno/Clovis Regional Wastewater Reclamation Facility was improved. The City has recently been providing tertiary treatment at some of its wastewater treatment plants to supply tertiary treated recycled water for landscape irrigation to new growth areas and the North Fresno Wastewater Reclamation Facilities Satellite Plant was recently built to serve the Copper River development and golf course in the northern part of Fresno.

The City also has implemented an extensive water conservation program which is detailed in Fresno's current UWMP and additional conservation is anticipated as more of the City's residential customers become metered. The City has implemented a residential water meter program; installing and metering water service for all single-family residential customers in the City by 2013. At a point of approximately eighty percent completion, the installation already demonstrated an approximately 15% decrease in water usage. The City also intends to commence providing tiered rates to incentivize further reduction in water usage.

Fresno continues to periodically update its water management plans to ensure the cost-effective use of water resources and continued availability of groundwater and surface water supplies. Fresno's current UWMP is scheduled to be updated in 2013.

The City of Fresno Department of Public Utilities, Water Division has reviewed the proposed project and has determined existing water services are available and sufficient to serve the proposed project. The proposed project will be responsible for payment of applicable connection charges and fees and compliance with the Department of Public Works standards, specifications, and policies.

Furthermore, a Water Demand/Usage Analysis is required for the proposed project in accordance with MEIR Mitigation Measures D-10 and D-12 for purposes of identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics such as high-efficiency/low-water-use plumbing fixtures and appliances as well as state-of-the-art low-water-use planting materials and irrigation techniques, which are subject

to approval by the Director of Public Utilities. Pursuant to this mitigation measure, such water use efficiencies as are determined necessary by the Director of Public Utilities are required to be installed in order to offset any increase in demand, which may occur beyond the water allocation for a respective property based upon the UWMP.

Therefore, there are no aspects of this project that will result in impacts to water supply or quality beyond those analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan or Air Quality MND because the project applicant has been required to provide data (meeting the Department of Public Utilities' criteria for such data) on the anticipated annual water demand for the proposed project; and, because implementation of the mitigation measures of the 2025 Fresno General Plan will require that any increase in water demand for the subject property beyond that allocated in the City's Urban Water Management Plan (UWMP) will be required to be offset or mitigated through incorporation of water use efficiencies and conservation design characteristics in a manner acceptable to the Director of Public Utilities.

The subject property is proposed to be developed at intensity and scale permitted by the planned land use and proposed zoning designation for the site. Thus, the proposed development project will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation; resulting in additional impacts on water supply from increased demand.

The project will not substantially alter existing drainage patterns of the site or area or substantially increase the rate or amount of runoff in a manner which would result in flooding, exceed planned storm water drainage systems, or provide substantial sources of polluted runoff.

The site is not located within a flood prone or hazard area. However, runoff in this area is located within a flood pool that currently outlets at Belmont Avenue at an elevation of 284.34 (USGS datum) and into the Belmont underpass. Due to this circumstance, construction of the proposed project with ground level entries that have direct access to adjacent streets that convey major storm flows may be at risk of flooding during major storm events and will need to be elevated and protected. Therefore, minimum finished floor elevations for this project must be set a minimum of one foot above the outflow elevation, at 285.34.

Proposed projects within the City of Fresno are required to participate in the completion of the Fresno Metropolitan Flood Control District's master planned storm drainage facilities regardless of whether the proposed project results in any requirements for construction of Master Plan Facilities. Stormwater ponding basins are utilized city-wide as an opportunity to recharge groundwater with collected storm water run-off and surface water obtained from the Fresno Irrigation District and United States Bureau of Reclamation on the northern edge of the current urban limit boundary.

The mitigation measures of the MEIR 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 a project's estimated water consumption. Alternative measures to satisfy this requirement include paying fees established by the city for construction of recharge facilities, the construction of recharge facilities directly by the project, or participation in augmentation/enhancement/enlargement of the recharge capability of Fresno Metropolitan Flood Control District storm water ponding basins. While the proposed project may be served

by conventional groundwater pumping and distribution systems, full development of the 2025 Fresno General Plan boundaries may necessitate utilization of treated surface water due to inadequate groundwater aquifer recharge capabilities.

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

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

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

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

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

Based upon the analyses contained herein and within Section XVII: Utilities and Service Systems contained herein below, implementation of the mitigation measures identified within the MEIR as well as the project specific mitigation measures, as specified below, will reduce the project's hydrology and water quality impacts to less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate 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 May 01, 2014.
2. The proposed project shall implement the hydrology and water quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated May 01, 2014.

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

The subject property is currently vacant and is located within the urbanized area of Downtown Fresno. The subject property is surrounded predominantly by public, commercial, and office uses. The subject property is currently designated for Commercial/Mixed Use Level 2 (Central Area) planned land use under the 2025 Fresno General Plan, the Central Area Community Plan, and the Fulton-Lowell Specific Plan.

The subject property does not contain any roadways, bridges, or passable corridors that could be considered as used for access to surrounding areas. The development will not physically divide an established community; therefore, there will be no impact.

Objectives and policies of the 2025 Fresno General Plan promote residential infill development in the city center. Objective C-5 supports the improvement and overall image in the Central Plan Area. The proposed project would implement architectural details and building massing that would complement the appearance of the historic buildings on adjacent properties and the surrounding area. Landscaping will be provided throughout the site, which will contribute to the overall image of the development. Objective C-7 guides and supports developments to preserve the quality of housing in the city center. The proposed project would add quality and well designed residential units to the existing neighborhood contributing to its image.

Objective C-15 of the 2025 Fresno General Plan supports infill opportunities that will revitalize the built-up urban core communities and neighborhoods of Fresno, provide residential development for diverse population, and improve overall quality of the urban environment. It is evident from the above mentioned policy that the development of vacant land in the urban core is a high priority to the City of Fresno. The proposed project will meet the intent of the objective because it will result in a development that will provide an attractive, safe neighborhood for residents in the urban core with opportunities for live-work arrangements through the inclusion of mixed use elements. It creates a higher density development that will integrate well into the existing surrounding urban mix of uses.

Similarly, the goals of the Central Area Community Plan and the Fulton Lowell Specific are directed toward planning for a diversity of residential types and infill development in order to provide balanced urban growth, efficient use of resources and public facilities, and maintenance of a safe, attractive, and stable environment. Supporting goals of the Central Area Community Plan encourage comprehensive planning of residential development. The proposed project represents compatible infill located within an area that contains historically and architecturally significant features. The proposed development was designed to complement adjacent historic properties with deference to the context, setting and the character defining features of the historic resources; providing a balance between new and historic structures.

The subject property is not located within the boundaries of a habitat or natural community conservation plan.

It is staff's opinion that the proposed project is consistent with respective general, community, and specific plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. Furthermore, the proposed project, including the design and improvement of the subject property, is found; (1) To be consistent with the goals, objectives and policies of the applicable 2025 Fresno General Plan, Central Area Community Plan, and the Fulton Lowell Specific Plan; (2) To be Suitable for the type and development; and, (3) To be safe from potential cause or introduction of serious public health problems. Therefore, no impacts would occur.

Mitigation Measures

1. The proposed project shall implement and incorporate 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 May 01, 2014.

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
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, hotels or motels, hospitals, nursing homes, educational facilities, and libraries 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. Industrial, commercial, agricultural, and urban reserve land uses are generally not considered to sensitive to ambient noise.

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 backyards of single family residences. 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 project site currently is vacant, the proposed project will result in an increase in temporary and/or periodic ambient noise levels in the project vicinity above existing levels. While it should be noted that the project site is located within the heavily urbanized area of Downtown Fresno, where ambient noise levels may generally exceed those experienced in more suburban areas, some increases in ambient noise levels will occur during the time of construction.

Construction of the proposed project could generate significant noise, corresponding to the building construction and the noise-generating equipment used. Since certain pieces of construction equipment can generate noise levels of 85 dBA or louder at a distance of 50 feet, project-related construction activities would temporarily raise ambient noise levels in the project vicinity and expose persons to groundborne vibrations. However, this would only be during the construction phase of the proposed project.

Therefore, although the project will create additional activity in the area, compliance with the Fresno City Noise Regulations and implementation of the mitigation measures incorporated herein below would reduce potential impacts to a less than significant level.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the noise related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated May 01, 2014.
2. The proposed project shall implement and incorporate the noise related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated May 01, 2014.

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

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

The subject site is designated for Commercial/Mixed Use Level 2 (Central Area) planned land uses and is zoned C-4, which permits multiple family residential and mixed use development projects. Although the development will be intensifying the use of the currently vacant site, the subject site is surrounded by commercial development, public facilities and other new residential and mixed use development projects within the vicinity. The proposed project of 85 dwelling units with approximately 6,192 square feet of office/commercial live-work space is consistent with the planned land use designation and zoning as well as the respective objectives and policies of the applicable general, community and specific plans as identified herein above. Properties within the vicinity of the subject site have been developed and continue to develop at the intensity and scale designated by the 2025 Fresno General Plan. Therefore, the proposed project will not either directly or indirectly induce substantial population growth in the area. Furthermore, the development of proposed project on a vacant site does not have the potential to displace existing housing or residents.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES --				

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Department of Public Utilities has reviewed the proposed project and has determined that adequate sewer, water, and solid waste facilities are available subject to compliance with the respective conditions submitted by the Department of Public Utilities for this project.

City police and fire protection services are also available to serve the proposed project.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that drainage service is available for the development subject to the developer demonstrating that drainage from the site may be directed adjacent streets to allow surface drainage to reach Master Planned inlets; providing a path for major storm conveyance. Any applicable District Fees due for the subject property shall be paid prior to issuance of building permits or recordation of a final map. Any amendments or modifications to the FMFCD requirements will be required to be approved by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code.

The demand for parks generated by the project is 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. However, the increase in units is not significant enough to create an adverse impact. 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. Therefore, there will be no significant impact.

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

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

The subject site is located less than one mile of two neighborhood parks; Dickey and Hobart Parks as well as a future planned park at the intersection of Fulton and Calaveras Streets. The proposed project is also located within one block of the Fulton Mall and within three block of the the Courthouse Park at Van Ness Avenue and Fresno Street. The proposed project will not result in the physical deterioration of existing parks or recreational facilities; and, will not require expansion of existing recreational facilities or affect recreational services beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan. The project will include useable open space on-site for residents to use, and will afford ease of access to recreational space through its proximity to the surrounding parks within the vicinity.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				

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

The Public Works Department/Traffic Engineering Division staff has reviewed the proposed traffic yield from the proposed development project and the expected traffic generation will not adversely impact the existing and projected circulation system as analyzed in MEIR No. 10130.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual to the proposed mixed use development project proposing 85 residential units and approximately 6,192 square feet of live-work office and/or specialty retail space on approximately 2.30 acres of land, it is projected that the Average Daily Trips (ADT) generated by the proposed development is estimated to be a maximum of 680 ADT with 85 vehicle trips projected to occur during the morning peak hour travel period (7 to 9 a.m.) and 70 vehicle trips projected to occur during the evening peak hour travel period (4 to 6 p.m.).

The traffic generation characteristics of the proposed project based upon these traffic projections do not warrant further study such as a traffic impact study based upon adopted thresholds. Traffic Impact Studies are required only for those projects that are projected to produce more than 100 or more peak hour trips.

The proposed project would have gated entries from San Joaquin and Calaveras Streets. San Joaquin and Calaveras Streets are designated as Local Streets by the 2025 Fresno General Plan and are designed to provide direct access to properties while discouraging through traffic between major streets. Local Streets are not subject to Level of Service (LOS) designations as outlined by the General Plan. However, based on both field observations by the City Traffic Engineer and data recently collected for other long range planning studies all street segments adjacent to the proposed project are operating at Level of Service C or better during the peak hours and daily thresholds. Furthermore, it has been determined that these traffic volume increases are insignificant with respect to the total volume that these roadways were designed and built to accommodate.

Traffic volume increases downtown are cumulatively insignificant with respect to the total volume that these roadways were designed and built to accommodate. Nearby downtown local and major streets are operating at Level of Service C or better during the peak hours and daily thresholds based on both field observations by the City Traffic Engineer and data recently collected for other long range planning studies.

Therefore, the adjacent public street network is sufficient to accommodate and serve the quantity and kind of traffic expected within the area.

The project site is also located in an area that is well served by the Fresno Area Express (FAX) and is approximately one-third of a mile from the Downtown Transit Mall where bus transfers can be made to several bus routes. According to data provided by the U.S. Census 2005-2009 American Community Survey for the City of Fresno, approximately 12 percent of the population use public transportation to commute to work. Assuming the proposed project would result in 264 persons (3.1 persons per household) FAX ridership could be expected to increase by 32 people from the project site. This is a relatively small number of additional riders and would not be expected to negatively affect the effectiveness or performance of the existing public transportation system.

The proposed project would not include features that would affect existing bicycle routes.

The proposed project would include the installation of new sidewalks along all public street frontages and would therefore improve and encourage pedestrian transit in the project vicinity.

The streets adjacent to and near the subject site will therefore be able to accommodate the quantity and kind of traffic which may be potentially generated by the proposed development. In summary the proposed project would not conflict with established policies or the effectiveness of the existing vehicular, mass transit, bicycle, or pedestrian transit systems.

The project does not propose to make changes to roadways that would create road hazards or alter design features developed to mitigate such hazards. Furthermore, alterations to adjacent roadways will be required to adhere to City Standards for roadway construction, including geometrics (land curvature and turning radii), number and width of travel and turn lanes, signalization and signage, bikeways, sidewalks, trails, and bus turnouts, as applicable.

Public Improvement requirements will be imposed as conditions of approval for the proposed project in order to complete the transportation network as identified by the 2025 Fresno General Plan. These requirements will generally include, as applicable: (1) Adjacent public street improvements, right-of-way dedications and vacations (including, but not limited to, construction of concrete curbs, gutters, sidewalks, bus bays, transition paving, permanent pavement, and underground street lighting systems; (2) Installation of bike lanes; (3) Installation of Bus bays; and, (4) 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; no substantial increase in transportation or traffic is expected to result.

As discussed above, the proposed project would not cause unacceptable congestion on adjacent roadways, and would not conflict with transit, bicycle, or pedestrian facilities. As such, impacts would be less than significant.

Therefore, no substantial increase in transportation or traffic is expected to result with incorporation and implementation of the mitigation measures included herein below.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the traffic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated May 01, 2014.
2. The proposed project shall implement and incorporate the traffic related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated May 01, 2014.

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

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

The Department of Public Utilities has determined that adequate sanitary sewer and water services are available to serve the proposed project subject to the provision and construction of standard branch connections, as identified and determined necessary by the Department of Public Utilities; the payment of any applicable connection charges and/or fees; compliance with the Department of Public Utilities standards, specifications, and policies; the rules and regulations of the California Public Utilities Commission and California Health Services; and, implementation of the City-wide program for the completion of incremental expansions to facilities for planned water supply, treatment, and storage.

The applicable mitigation measures of the 2025 Fresno General Plan MEIR No. 10130 also provide that applicants for future development projects shall provide data (meeting Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for a proposed project. Furthermore, 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.

Implementation of the mitigation measures of the MEIR requires that development projects demonstrate compliance with respective Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. As discussed in the Hydrology and Water Quality analysis referenced herein above, and in compliance with the mitigation measures of the MEIR, the developer is required to identify water fixture and laundry efficiencies to document water conservation design characteristics in order to offset any potential for additional water demand. The development will also be required to incorporate water use efficiency for landscape irrigation including the use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial water bodies and fountains unless only treated surface water or recycled water supplies are used for decorative or recreational features that may be proposed in the future, as appropriate and sanitary.

As conditioned, and with the incorporation of the MEIR mitigation measures, the project will not have a significant impact on groundwater resources or water supplies, individually or cumulatively.

The project site will be serviced in accordance with the City of Fresno Solid Waste Division standards and agreements by Mid Valley Disposal. Despite privatization of Solid Waste services, solid waste disposal must follow the requirements of any contracted waste hauler, which follows federal, state, and local statutes and regulations related to the collection of solid waste. The proposed project would comply with all state and local waste diversion requirements regarding trash and recycling areas.

The proposed project is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. There will be no impact to storm drainage facilities given that the developer will be required to provide drainage services and participate in the completion of the Master Plan facilities identified by the Fresno Metropolitan Flood Control District.

Any future development occurring as a result of the proposed project 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 Level 1, 2 and 3 developer fee legislative provisions. The developer will pay appropriate impact fees at time of building permits.

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

Mitigation Measures

1. The proposed project shall implement and incorporate 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 May 01, 2014.

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

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

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

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

MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) REVIEW SUMMARY

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

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

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

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

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

MEIR REVIEW SUMMARY

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(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 Conditional Use Permit Application No. C-13-137, Vesting Tentative Tract Map Nos. T-6059 or T-6060, 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.

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

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

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

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

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

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

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

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

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

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

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

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

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

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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 Conditional Use Permit Application No. C-13-137, Vesting Tentative Tract Map Nos. T-6059 or T-6060, 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.

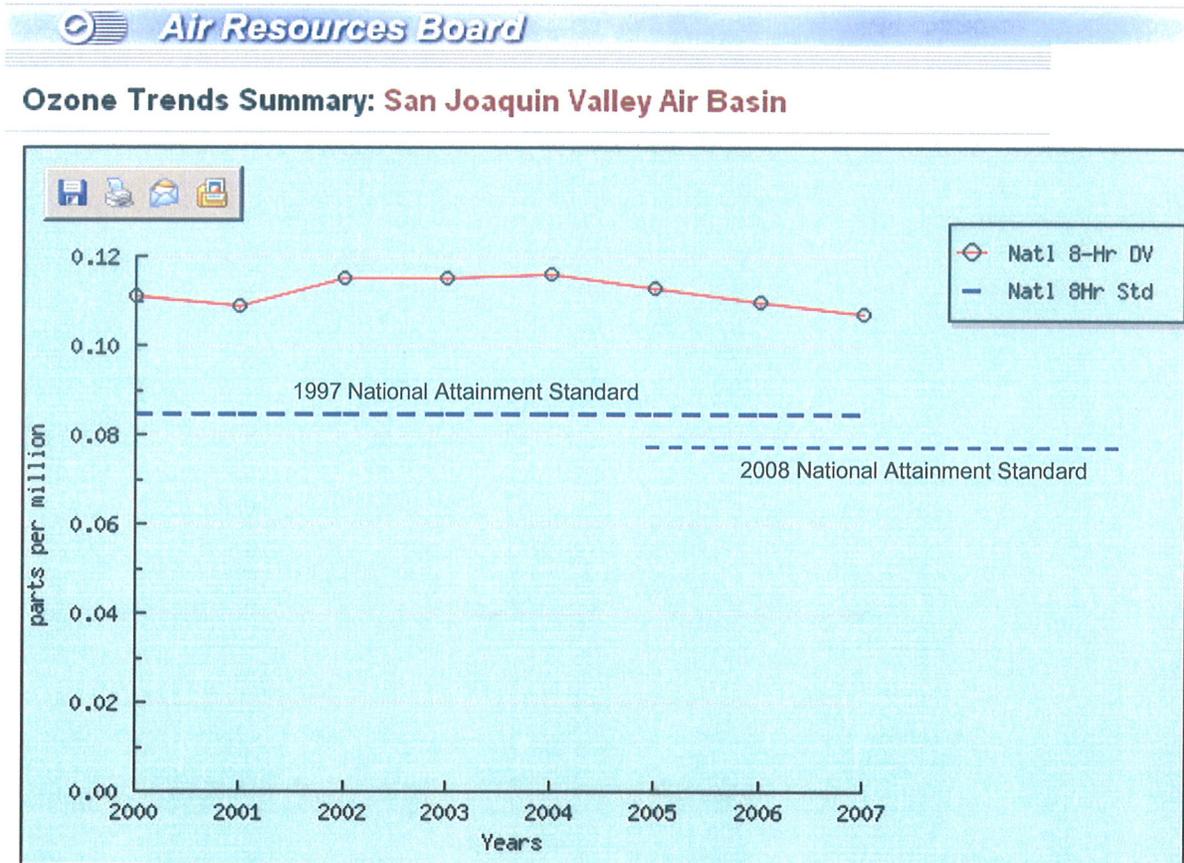
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted 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):



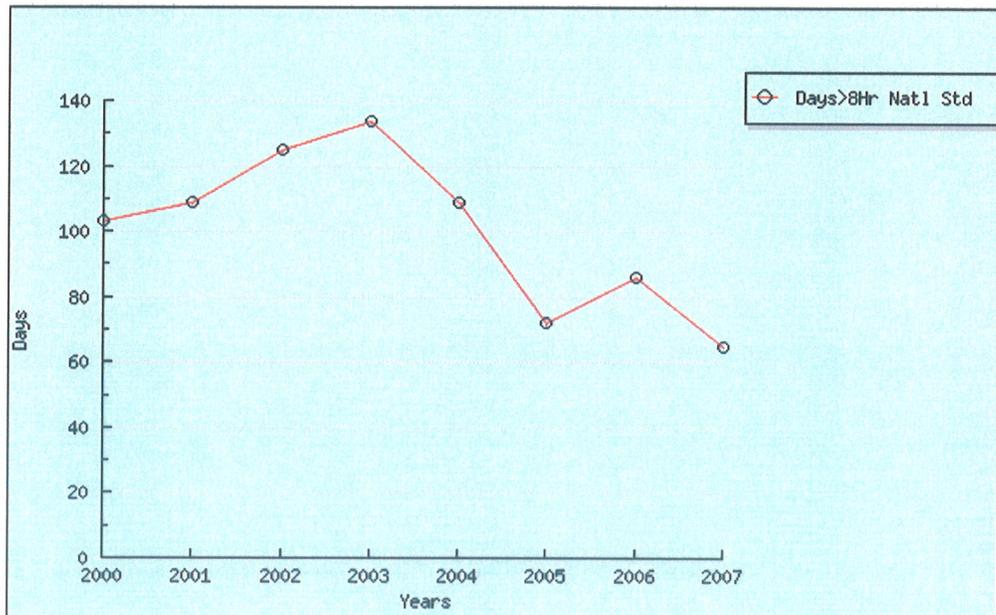
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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.

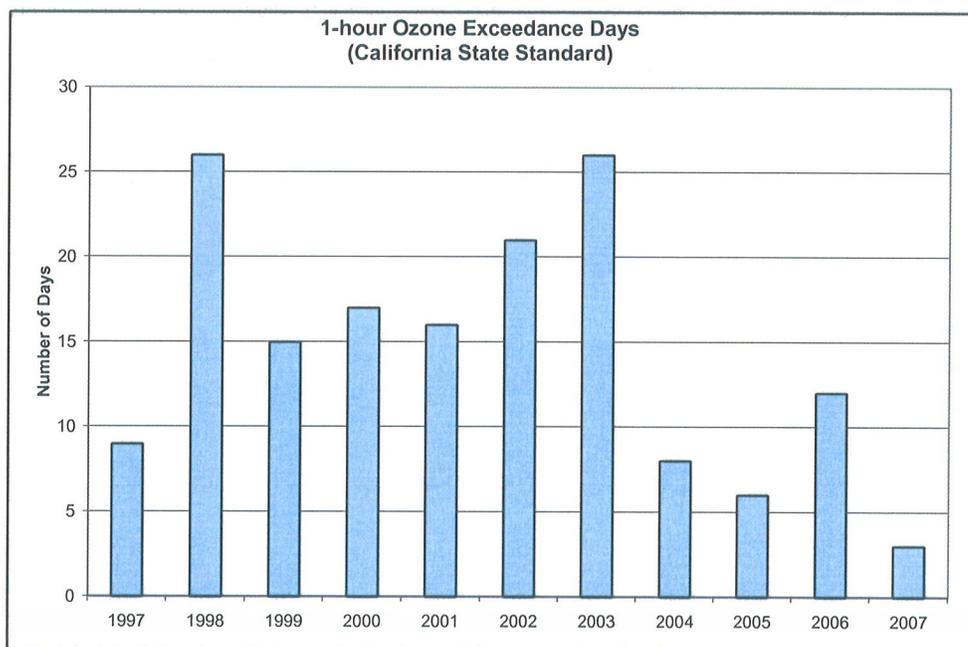
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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:

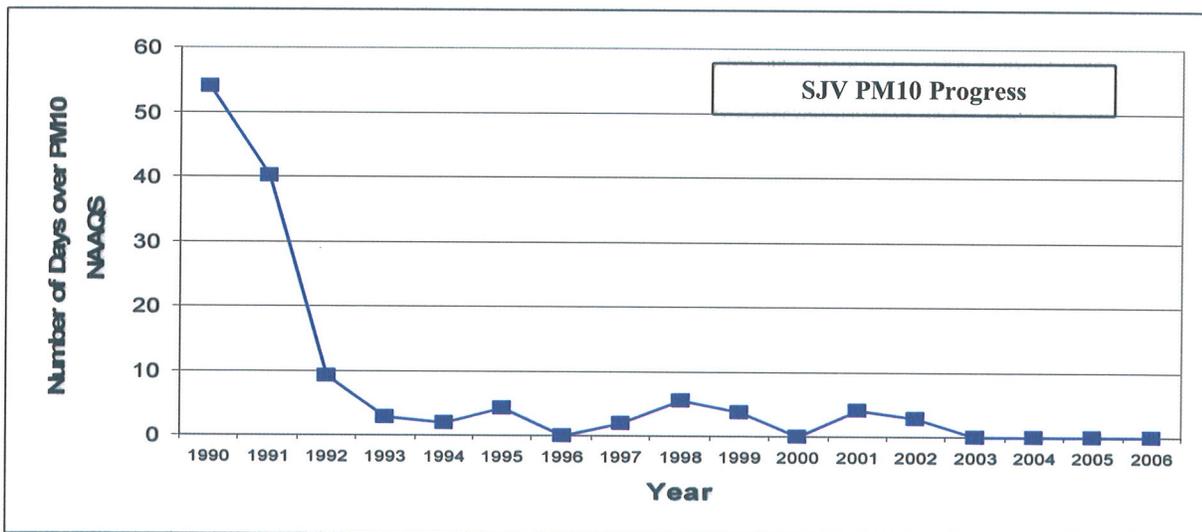


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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



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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.

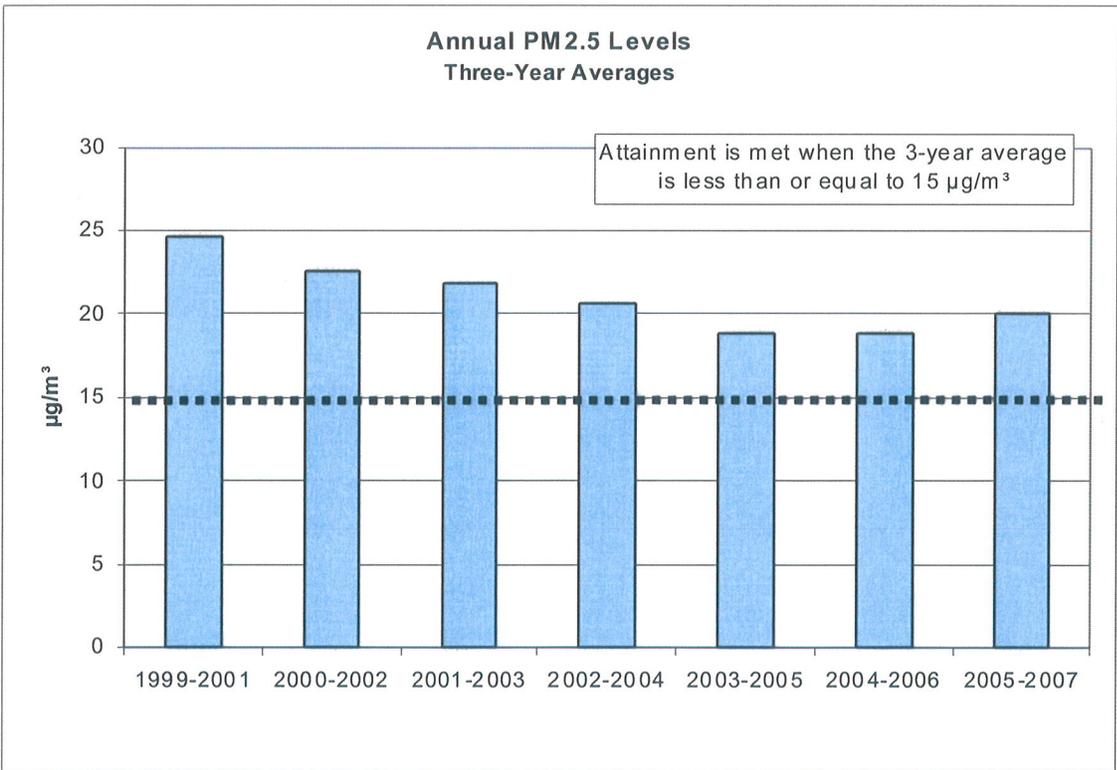
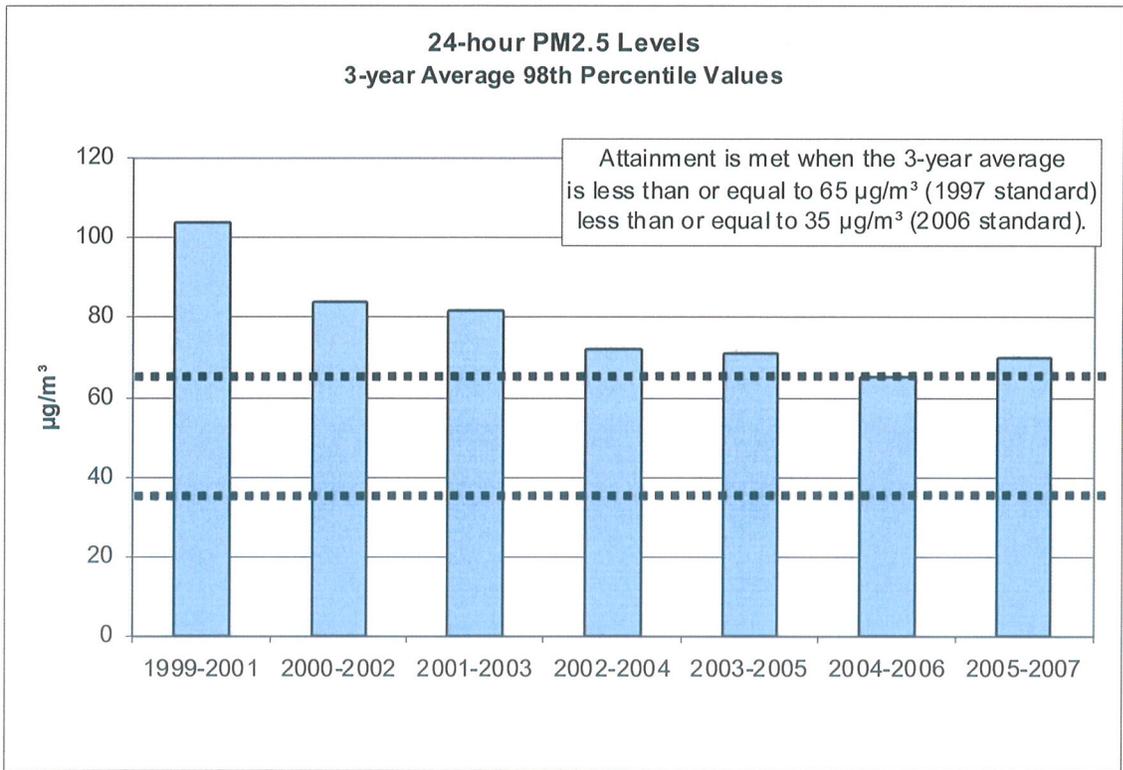
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated 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 (CO₂), largely generated by combustion activities such as coal and wood burning and fossil fuel use in vehicles but also a byproduct of respiration and volcanic activity;
- *methane (CH₄), known commonly as “natural gas,” is present in geologic deposits and is also evolved by anaerobic decay processes and animal digestion. On a ton-for-ton basis, CH₄ exerts about 20 times the greenhouse gas effect of CO₂;
- *nitrous oxide (N₂O), produced in large part by soil microbes and enhanced through application of fertilizers. N₂O is also a byproduct of fossil fuel burning: atmospheric nitrogen, an inert gas that makes up a large proportion of the atmosphere, is oxidized when air is exposed to high-temperature combustion. N₂O is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N₂O is one component of “oxides of nitrogen” (NOX), long recognized as precursors of smog-causing atmospheric oxidants.
- *chlorofluorocarbons (CFCs), synthetic chemicals developed in the late 1920s for use as improved refrigerants (e.g., “Freon™”). It was recognized over two decades ago that this class of chemicals exerted powerful and persistent greenhouse gas effects. In 1987, the Montreal Protocol halted production of CFCs.

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- *hydrofluorocarbons (HFCs), another class of synthetic refrigerants developed to replace CFCs;
- *perfluorocarbons (PFCs), used in aluminum and semiconductor manufacturing, have an extremely stable molecular structure, with biological half-lives tens of thousands of years, leading to ongoing atmospheric accumulation of these GHGs.
- *sulfur hexafluoride (SF₆) is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF₆ exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO₂ on a ton-for-ton basis.
- water vapor, the most predominant GHG, and a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans.

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

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

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

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

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

The recently-released update of the Urbemis computer model (used by the City of Fresno Planning and Development Department for environmental assessments, pursuant to a specific MEIR mitigation measure) does provide data on the amounts of CO₂ and oxides of nitrogen (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 SF₆, HFCs, or PFCs would be subject to subsequent environmental review at the project-specific level, as would any uses which would generate methane on site. The City of Fresno has adopted an ordinance prohibiting installation of any woodburning fireplaces or woodburning appliances in new homes, which would reduce CO₂ and N₂O from wood combustion.

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

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

Updated engine and tire efficiency standards would apply to residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO₂, removing it from the atmosphere).

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

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

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

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

other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (PM_{2.5}) standards by Year 2014 and to attainment of oxidant/ozone standards by Year 2023, and would adopt additional Rules and emission controls as necessary to decrease emissions inventories by those target dates. There is insufficient information to indicate that global climate change would prevent attainment of air quality parameters affecting health.

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

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

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

FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097 & ENVIRONMENTAL ASSESSMENT NO. A-09-02

Project/EA No. C-13-137/T-6059/T-6060

Date: May 01, 2014

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

**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. C-13-137/T-6059/T-6060

Date: May 01, 2014

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE						
			A	B	C	D	E	F	
<p>B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.</p>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning; Development and Resource Management Dept.</p>				X			X
<p>B-4. For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors:</p> <p>a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services.</p> <p>b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of Traffic Impact Studies.</p>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning; Development and Resource Management Dept.</p>	X				X		

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

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

Project/EA No. C-13-137/T-6059/T-6060

Date: May 01, 2014

MEIR Mitigation Monitoring Checklist

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

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097 &
 ENVIRONMENTAL ASSESSMENT NO. A-09-02 FINDING OF MITIGATED NEGATIVE DECLARATION
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Project/EA No. C-13-137/T-6059/T-6060

Date: May 01, 2014

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE						
			A	B	C	D	E	F	
<p>C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs.</p> <p>a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals.</p> <p>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.</p> <p>c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations.</p> <p>d. Adopted state and SJVAPCD protocols, standards, and thresholds of significance for greenhouse gas emissions shall be utilized in assessing and approving proposed development projects.</p> <p>e. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.</p>	Ongoing	Development and Resource Management Dept.	X			X		X	
<p>C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.</p>	Ongoing	Development and Resource Management Dept. and SJVAPCD	X			X		X	

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

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

Project/EA No. C-13-137/T-6059/T-6060

Date: May 01, 2014

MEIR Mitigation Monitoring Checklist

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

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B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097 &
ENVIRONMENTAL ASSESSMENT NO. A-09-02 FINDING OF MITIGATED NEGATIVE DECLARATION
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Project/EA No. C-13-137/T-6059/T-6060

Date: May 01, 2014

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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 and Resource Management Dept.			X	X	X		
D-3. The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities			X	X	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 and Resource Management Dept.	X			X			
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood	Ongoing	Development and Resource Management Dept.							X

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Protection Board and the National Flood Insurance Protection Program.									
<p>D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect:</p> <ul style="list-style-type: none"> a. Allowable construction in this area from being damaged by the intensity of flooding in the riverbottom; b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and c. Public health, safety and general welfare from the effects of flood events. 	Ongoing	Development and Resource Management Dept							X
<p>D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).</p>	Ongoing	Development and Resource Management Dept							X
<p>D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.</p>	Ongoing	Department of Public Utilities			X			X	

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

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

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

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

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environmental impacts.									
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Development and Resource Management Dept.							X
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept.; Development and Resource Management Dept.							X
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement	Development and Resource Management Dept.							X

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<p>I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall include siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.</p>	Ongoing/prior to approval of land use entitlement	Development and Resource Management Dept.							X
<p>I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.</p>	Ongoing/prior to approval of land use entitlement and during construction	Development and Resource Management Dept.							X
<p>I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.</p>	Ongoing/prior to approval of land use entitlement and during construction	Development and Resource Management Dept.							X
<p>I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).</p>	Ongoing/prior to approval of land use entitlement and during	Development and Resource Management Dept.							X

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<p>I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.</p>	<p>Ongoing/prior to approval of land use entitlement and during construction</p>	<p>Development and Resource Management Dept.</p>							X

<p>J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: Amending construction plans to avoid the resources. Setting aside sites containing these resources by deeding them into permanent conservation easements. Capping or covering these resources with a protective layer of soil before building on the sites. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.</p>	<p>Ongoing/prior to approval of land use entitlement</p>	<p>Development and Resource Management Dept.</p>	X						

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

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

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 ENVIRONMENTAL ASSESSMENT NO. A-09-02 FINDING OF MITIGATED NEGATIVE DECLARATION
 FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. C-13-137/T-6059/T-6060

Date: May 01, 2014

MEIR Mitigation Monitoring Checklist

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

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

**PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST
For Conditional Use Permit Application No. C-13-137, and Vesting Tentative Tract Map Nos. 6059 & 6060**

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 Conditional Use Permit Application No. C-13-137 and Vesting Tentative Tract Map Nos. 6059 & 6060. 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. C-13-137/T-6059/T-6060

	Mitigation Measure	Implemented By	When Implemented	Verified By
3-Air Quality and Global Climate Change	Comply with the Indirect Source Review Complete Project Summary Sheet and Monitoring and Reporting Schedule from the San Joaquin Valley Air Pollution Control District dated July 10, 2013.	Applicant	Prior to development.	City of Fresno Development & Resource Management Department San Joaquin Valley Air Pollution Control District
5-Cultural Resources	<p>New buildings adjacent to or within 100 feet of designated historic resources shall visually complement the adjacent historic buildings through implementation of the following adjacency and performance standards:</p> <ul style="list-style-type: none"> • New buildings shall match the building setbacks of the historic building(s) and establish the prevailing setback pattern for respective street frontages; • New buildings shall match the roof pitch of the historic building(s); • New buildings shall be similar in scale and massing to the historic building(s); • New buildings shall be similar in organization and size of openings to the historic building(s); 	Applicant	Prior to development.	City of Fresno Development & Resource Management Department

	Mitigation Measure	Implemented By	When Implemented	Verified By
	<ul style="list-style-type: none"> Adjacent new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of adjacent historic resources or properties and their existing environment would be unimpaired. 			
<i>8-Hazards & Hazardous Materials</i>	<p>All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code.</p> <p>Should any underground storage tanks be found on the premises, the applicant shall apply for and secure an Underground Storage Tank Removal Permit.</p> <p>Seal and abandon any existing on-site wells in compliance with the State of California Well Standards and abandon any existing on-site private septic system.</p> <p>Future development of the site shall incorporate comments provided by the County of Fresno, Department of Public Health, dated August 31, 2011.</p>	Applicant	During construction	City of Fresno, Development and Resource Management Department & County of Fresno, Department of Public Health.
<i>9-Hydrology and Water Quality & 17- Utilities and Service Systems</i>	Comply with all indoor water conserving plumbing fixtures, appliances, and outdoor landscape and irrigation assumptions within the Water Usage/Demand analysis prepared for the proposed project as approved by the Public Utilities Department Director.	Applicant	Prior to approval of building permits for development.	City of Fresno, Development and Resource Management Department and Department of Public Utilities
<i>12-Noise</i>	<p>Construction Activities shall be limited to between 7:00 a.m. and 6:00 p.m., Monday through Saturday, to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on Sundays and holidays; and shall be subject to the following:</p> <ul style="list-style-type: none"> Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical 	Prior to issuance of building permit	City of Fresno, Development and Resource Management Department & County of Fresno	Prior to issuance of building permit

	Mitigation Measure	Implemented By	When Implemented	Verified By
<p>16 - <i>Transportation</i></p>	<p>feasibility takes precedence, which will be determined by the Construction Site Manager.</p> <ul style="list-style-type: none"> Construction equipment noise shall be minimized by muffling and shielding intakes and exhaust on construction equipment (in accordance with the manufacturer's specifications) and by shrouding or shielding impact tools. Construction contractors shall locate fixed construction equipment (such as compressors and generators) and construction staging areas as far as possible from any nearby residences or sensitive receptors. <p>Use of the proposed office/commercial retail areas proposed shall be for purposes of office and/or specialty retail uses (as defined by the Institute of Traffic Engineers [ITE] Trip Generation Manual) only.</p> <ul style="list-style-type: none"> If use of the office/commercial areas is proposed to be utilized for purposes of a fast food restaurant, coffee shop, convenience market or offices for public facilities, then additional study may be required, as determined necessary by the Director of the Public Works Department and subsequent environmental review will be required if determined to not be within the scope of this environmental finding. Pay the Regional Transportation Mitigation Impact Fee to the Joint Powers Authority 	<p>Applicant / Property Owner</p>	<p>Prior to building permits or zoning clearance.</p>	<p>City of Fresno, Development and Resource Management Department & Public Works Department, Traffic Division & Fresno County Council of Governments (COG)</p>
<p>MEIR No. 10130</p>	<p>Mitigation Measures and findings of Final MEIR No. 10130 (2025 Fresno General Plan Master Environmental Impact Report) are incorporated herein by reference as noted in the MEIR Mitigation Monitoring Checklist.</p>	<p>Applicant</p>	<p>Prior to issuance of building permits</p>	<p>City of Fresno</p>