

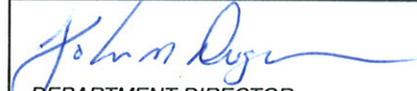


# REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-B  
COMMISSION MEETING 11/02/11

November 2, 2011

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

  
DEPARTMENT DIRECTOR

BY: SANDRA BROCK, Planner III  
Development Services Division

SUBJECT: CONSIDERATION OF REZONE APPLICATION NO. R-11-015, AND ENVIRONMENTAL ASSESSMENT NO. R-11-015/S-11-052, PERTAINING TO 33.26 ACRES OF A 41.36-ACRE OF PROPERTY LOCATED AT 5440 EAST OLIVE AVENUE, ON THE SOUTH SIDE OF EAST OLIVE AVENUE WEST OF NORTH CLOVIS AVENUE (ASSESSOR'S PARCEL No. 456-030-56)

## RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. RECOMMEND APPROVAL (to the City Council) of the adoption of a Finding of Conformity for Environmental Assessment No. R-11-015/S-11-052 for the purpose of the proposed rezone application;
2. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-11-015 requesting removal of the conditions of zoning from the westerly 33.26 acres of Assessor's Parcel No. 456-030-56, which would reclassify this portion of the property from M-1/cz (*Light Manufacturing District, conditions of zoning*) to M-1 (*Light Manufacturing District*) and would thereby allow development and use of this 33.26 acres with the full range of uses permitted in the M-1 zone district.

## EXECUTIVE SUMMARY

Rezone Application No. R-11-015 proposes to reclassify the above-described 33.26 acres from M-1/cz (*Light Manufacturing District, conditions of zoning*) to M-1 (*Light Manufacturing District*) and would thereby allow development and use of this 33.26 acres with the full range of uses permitted in the M-1 zone district (please refer to attached vicinity map and aerial photo). Currently, conditions of zoning imposed in 1981 with Rezone No. 6436 (copy attached) would restrict development and use of the M-1 zoned portions of APN 356-030-56 to warehousing or to only those uses permitted in the M-1-P (*Industrial Park Manufacturing*) zone district.

Site Plan Review (SPR) Application No. S-11-052, filed to establish a smaller swap meet on the 7.5± acre portion of APN 456-030-56 that was improved as paved parking for the original Sunnyside Swap Meet. This site plan review application pertains to the northeast 7.5± acres of the area proposed to be rezoned. This 7.5± acre area is located on the south side of Olive Avenue, adjacent to an abutting parcel to the east that is zoned C-6, *Heavy Commercial District*. (That C-6 property is in different ownership. It was formerly the vending area for Sunnyside Swap Meet, but is now vacant; its special permit has expired.) SPR Application No. S-11-052 was filed at the end of August, 2011. However, staff subsequently ascertained that [Planning] Director's Classification No. 45 for open air flea markets (swap meets) did not allow swap meets in the M-1-P zone district. Therefore the applicant was directed to file a rezone application to remove the condition of zoning applied to the M-1 zoned portion of APN 356-030-15.

Approval of Rezone Application No. R-11-015 is necessary prior to approval of SPR Application No. S-11-015. For that reason, the site plan review application is not being considered by Planning

Commission or City Council at this time, but was included in the environmental assessment of the overall project.

## PROJECT INFORMATION

**PROJECT** Currently being considered: Rezone Application No. R-11-015, which requests removal of the conditions of zoning from the westerly 33.26 acres of Assessor's Parcel No. 456-030-56, to reclassify this portion of the property from M-1/cz (*Light Manufacturing District, conditions of zoning*) to M-1 (*Light Manufacturing District*)

To be considered upon approval of Rezone Application No. R-11-015: Site Plan Review Application No. S-11-052, filed to establish a smaller swap meet on the 7.5± acre portion of APN 456-030-56 that was improved as paved parking for the original Sunnyside Swap Meet.

**APPLICANTS** Bryan Parisi  
Sunnyside Ventura, Inc.  
3711 W. Locust Ave.  
Fresno, CA 93711

Gilda Hudson and Kimberly Hudson, Trustees  
(property owners)  
PO Box 17130  
Fresno, CA 93744

Steve Kalpakoff, Terra Bella Design  
(draftsman for site plan)  
4838 N. Blackstone Ave. Ste. E  
Fresno, CA 93726

**LOCATION** 5440 East Olive Avenue, on the south side of Olive Avenue west of North Clovis Avenue, a portion of APN 456-030-56. Rezone Application No. R-11-015 pertains to the westerly 33.26 acres of this parcel and does not pertain to the portion of the overall APN that is zoned C-M/cz (*Commercial and Manufacturing District, conditions of zoning*) fronting North Clovis Avenue. SPR Application No. S-11-052 pertains to approximately 7.5 acres of the land covered by Rezone Application No. R-11-015, the area previously improved for parking and located on the northeast corner of the subject parcel.

**(Council District 4, Larry Westerlund)**

**SITE SIZE** R-11-015 covers 33.26± acres of an overall 41.36 parcel;  
S-11-052 covers 7.5± acres of the area proposed to be rezoned.

PLANNED LAND USE	Existing	– Light Industrial, with 1.4± acres of planned Open Space/ Neighborhood park (west of the proposed SPR S-11-052 area), with an alternative planned land use designation that is also Light Industrial
	Proposed	– no change in planned land use
ZONING:	Existing	– The 33.26 acres of APN 456-030-56 covered by Rezone Application No. R-11-015 is zoned M-1/cz ( <i>Light Manufacturing District, conditions of zoning</i> ). This is the current zone district pertaining to the location for SPR S-11-052
	Proposed	– The rezone application proposes to remove the conditions of zoning from the above-described 33.26 acres currently zoned M-1/cz ( <i>Light Manufacturing District, conditions of zoning</i> ), resulting in a classification of M-1 ( <i>Light Manufacturing District</i> ), so that all uses allowed in the M-1 zone district would be permitted.
CONSISTENCY WITH PLAN DESIGNATION		Pursuant to Table 2 of the 2025 Fresno General Plan (Planned Land Use and Zone District Consistency Matrix) and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code, the pre-existing M-1 zone district classification pertaining to the predominance of the 33.26-acre subject property may be found consistent; the rezone application does not propose any change in this pre-existing zone district but only removes a condition of zoning.
ENVIRONMENTAL FINDING		The Initial Study conducted for Environmental Assessment No. R-11-015/S-11-052 resulted in a proposed Finding of Conformity with MEIR No. 10130. A Notice of Intent to make this finding was published in the <i>Fresno Bee</i> and posted with the Fresno County Clerk on September 23, 2011.
PLAN COMMITTEE RECOMMENDATION		On September 12, 2011, the Council District 4 Plan Implementation Committee recommended approval of the site plan review application by a vote of 4-0 with one Committee member abstaining and two members absent (see attached Project Record). No Committee quorum was achieved for the October 24, 2011 meeting where Rezone Application No. R-11-015 was scheduled to be considered. However, when staff contacted Committee members by telephone no objections were lodged.

STAFF Recommend Approval (to the City Council) for (1) the adoption of a  
 RECOMMENDATION Finding of Conformity for Environmental Assessment No. R-11-015/  
 S-11-052; and (2) Rezone Application No. R-11-015 to reclassify the  
 subject property from M-1/cz (*Light Manufacturing District, conditions  
 of zoning*) to M-1 (*Light Manufacturing District*).

**BORDERING PROPERTY INFORMATION**

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Light Industrial	<b>M-1</b> <i>Light Manufacturing District,</i>	Office and related equipment storage, including Pacific Bell, US Postal Service, and Fresno Metropolitan Flood Control District
<b>East</b>	General Commercial and Light Industrial	<b>C-6 and C-M/cz</b> <i>Heavy Commercial District and</i>	vacant and undeveloped land
<b>South</b>	Freeway	<b>R-A</b> <i>Residential and Agricultural District</i>	State Route 180-East
<b>West</b>	Light Industrial and Open Space/Neighborhood Park (with alternative Light Industrial) Open Space/ Ponding Basin	<b>M-1/cz and R-A</b> <i>Light Manufacturing District, conditions of zoning and Residential and Agricultural District</i>	A residence and expanded FMFCD ponding basin W

**ENVIRONMENTAL FINDING**

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

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Bullard Community Plan area, including City of Fresno Master Environmental Impact Report (MEIR) No. 10130 certified for the 2025 Fresno General Plan (SCH #2001071097); the City's approved Mitigated Negative Declaration (MND) for the Air Quality Update to the General Plan, Plan Amendment A-09-02 (SCH #2009051016); and the Environmental Impact Report for the El Paseo project west and south of the proposed project (SCH #2008011003). These environmental and technical studies examined issues relating to the subject property and proposed development, including projected wastewater generation, capacity of sanitary sewer collection and treatment facilities;

groundwater conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and school facility siting.

The proposed rezone and site plan review have been determined to be subsequent projects fully within the scope of MEIR No. 10130 as provided by the CEQA Statutes/Public Resources Code Section 21157.1 and Section 15177 of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Article 11.5).

- 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.
- All applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project (see MEIR Mitigation Checklist appended to the proposed finding of Mitigated Negative Declaration for Environmental Assessment No. R-11-015/S-11-052).
- Conditions are being incorporated into the site plan review project to assure that the project will not cause significant adverse impacts or irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02.

On September 23, 2011, a Notice of Intent for a proposed Finding of Conformity for this project was published in the *Fresno Bee* and filed with the Fresno County Clerk. As of the date this report was prepared, no inquiries, comments or objections regarding Environmental Assessment No. R-11-015/S-11-052 have been received by the Development and Resource Management Department.

Staff supports a Commission recommendation to the City Council to approve the Finding of Conformity for Rezone Application R-11-015 and the Finding of Conformity for Environmental Assessment No. R-11-015/S-11-052.

## **BACKGROUND / ANALYSIS**

In 1981, a large extent of land owned by the Papazian family, approximately bounded by Olive, Clovis, Belmont, and Minnewawa Avenues, was rezoned pursuant to Rezone No. 6436 (see attached copy of the covenant for that rezone, and appended Parcel Map 80-01 which provides points of reference for the land described in the rezone covenant). Portions of this land were allocated to three zoning classifications, with conditions of zoning ("cz") applied to each.

The portion of this property zoned M-1/cz (*Light Manufacturing District, conditions of zoning*) was limited to developing with either warehousing or to those uses permitted in the M1-P (*Industrial Park Manufacturing*) zone district. These conditions of zoning were imposed by the City Council in response to requests by area residents that these protections for their neighborhood be included in Rezone 6436.

In the intervening three decades, substantial changes occurred that affected this property, as evidenced by the attached current Assessor's Parcel Map page for the project vicinity.

- State Route 180-East was improved as an urban freeway, removing residences south of the M-1/cz zoned portion of the property.
- Caltrans acquired the westerly 3.67 acres of the Papazian property (creating APN 456-030-57T), then conveyed that parcel to Fresno Metropolitan Flood Control District to expand ponding Basin W to accommodate freeway drainage. This distanced the remaining Papazian family land

approximately 325 feet from the right-of-way of North Minnewawa Avenue, providing a permanent open space buffer for residents in the adjacent Medium-Low Density Residential neighborhood (a County island with Fresno County R-1-C zoning).

After Caltrans acquisitions and conveyance of a small parcel to Bakman Water district for a well site, the large parcel owned by the Papazian family along East Olive Avenue was assigned Assessor's Parcel No. 456-030-56.

In the late 1970s, [Planning] Director's Classification No. 45 was approved to allow indoor flea markets (swap meets) on property zoned C-6 (*Heavy Commercial District*), C-M (*Commercial and Manufacturing District*) and M-1 (*Light Manufacturing District*). In the early 1980s, Director's Classification No. 45 was amended to allow open-air flea markets (swap meets) in the same three zone districts. The request to classify this use in the M-1-P (*Industrial Park Manufacturing zone district*) was not approved by then-Director Kerber. Since the M-1-P zone district favors development of office-business parks with small parcels, a large "campus" use such as a flea market/swap meet might not be compatible with this zoning classification due to space and parking constraints.

As noted above, the Papazian property along East Olive Avenue was previously part of the original Sunnyside Swap Meet. The original Sunnyside Swap Meet involved adjacent APN 456-030-15 (land not owned by the Papazian family), zoned C-6 with no conditions of zoning. This C-6 zoned acreage is where vending occurred for the previous swap meet.

A portion of the M-1/cz property (now under consideration for Rezone Application No. R-11-015) was involved in the prior swap meet but vending could not occur there due to the conditions of zoning that prohibited any use that was not warehousing or was not allowed in the M-1-P zone district. However, the parcel could be improved with paved parking to serve the swap meet because parking lots are a permitted use listed for the M-1-P zone district.

When Site Plan Review Application No. S-11-052 was being processed, staff discovered that the condition of zoning applied to the M-1/cz property would preclude the parking lot area on APN 456-030-56 from being used for a swap meet vending area. The applicant was informed of the need to apply for a rezone to remove the limiting condition of zoning, and promptly filed Rezone Application No. R-11-015.

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

The subject property is included within the boundaries of the Roosevelt Community Plan. It also lies within Airport Area Revitalization Redevelopment Plan area; the Redevelopment Plan defers to land use designations of the 2025 Fresno General Plan.

The attached map of planned land uses in the project vicinity shows that the subject property is predominantly designated for light industrial uses and lies amid other designated planned for light industrial uses. On the westerly edge of the subject property, 1.4± acres (located west of the area proposed to become a swap meet under SPR S-11-052) are depicted for Open Space/Neighborhood Park use. However, Table 4 of the 2025 Fresno General Plan provides an alternative exercisable land use designation of Light Industrial for this 1.4± acres, because it was part of a designated park site which had not been acquired by the City at the time the 2025 Fresno General Plan was adopted.

This project is consistent with the following 2025 Fresno General Plan Goals, Objectives and Policies:

- Goal 9.** Provide activity centers and intensity corridors within plan areas to create a mix of land uses and amenities to foster community identity and reduce travel.

**Goal 13** Plan for a healthy business and diversified employment environment, and provide adequate timely services to ensure that Fresno is competitive in the marketplace.

**Objective C-12.** Commercial land uses shall be classified, located, sized and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts.

**Objective C-13.** Plan and support industrial development to support job growth while enhancing Fresno's urban environment

**Objective C-17.** Encourage and facilitate urban infill by building and upgrading community and neighborhood public infrastructure and services that will enhance public health and convenience and the overall experience and quality of city living....

**Objective C-20.** As part of the city's project review process, major emphasis will be given to site and building design in order to preserve functionality and community aesthetics.

**Policy C-13-h.** Ensure that an adequate amount of area is planned for light industrial uses at appropriate locations where transportation, public utilities, and other necessary resources can be provided in an economically advantageous manner necessary to attract substantial economic and employment growth.

**Policy C-20-a.** Utilize plan implementation/advisory committees, as established through adopted community plans and/or specific plans and City Council actions, to review and make recommendations on proposed developments.

Similarly, the goals, objectives, and policies of the 1992 Roosevelt Community Plan are directed toward: providing for industrial and development that provides for economic opportunity and provides for an appropriate level of goods and services in accessible locations with available public services.

The size, configuration, and location of this land are suitable for the proposed site plan use and for the entire range of light industrial uses allowed in the M-1 zone district. The rezoning maximizes the development potential for this site, since it removes a restriction that currently impairs the full range of economic uses of the property because a wider range of uses may be developed in the M-1 zone district than are allowed in the M-1-P district. Removing the condition of zoning does not impair the potential for development of this site with a business park, because business parks are also allowable in the M-1 zone district. The swap meet is an economic use of the site in the interim, and provides for maintenance of a portion of the vacant property.

The proposed project is considered to be "infill development" because it utilizes a vacant remnant of land in an area otherwise that is fully developed with urban uses.

On September 12, 2011 the Council District 4 Plan Implementation Committee reviewed the SPR S-11-052 application and endorsed it unanimously (one Committee member abstained). A quorum was not achieved for the Committee to review the proposed rezone application, but available members were

polled by planning staff and none objected to removing the conditions of zoning from the subject property as proposed by Rezone Application No. R-11-015.

Therefore, the proposed project would be consistent with General and community plan goals, objectives and policies, and that approval of this project will not conflict with any applicable land use plan goal, objective or policy, or any land use regulation of the City of Fresno. Because the project furthers the goals and objectives of the 2025 Fresno General Plan and Roosevelt Community Plan, no mitigation for land use impacts is deemed necessary.

The site plan review application provides an interim use for industrial land which currently is eliciting little interest for business park development.

As noted above, the Council District 4 Plan Implementation Committee reviewed the site plan review project on September 12, and members voting at that meeting unanimously endorsed it. A quorum was not achieved for the meeting where Rezone Application No. R-11-015 was scheduled for consideration, but three members contacted by staff via telephone had no objections to the proposed rezone.

### **Zoning Consistency**

Removal of the condition of zoning from the existing M-1 zoned portion of APN 456-030-56 does not affect the underlying M-1 (*Light Manufacturing District*) zoning of the parcel. Pursuant to Table 2 of the 2025 Fresno General Plan (Planned Land Use and Zone District Consistency Matrix) and Fresno Municipal Code Section 12-403-B-1 (Zone District Consistency Table), the M-1 classification proposed to be retained for the subject property would remain consistent with the Light Industrial land use designation for this property.

While the 1981 conditions of zoning were intended to protect residential neighborhoods that abutted the original parcel zoned M-1 (*Light Manufacturing District*), conversion of land on, and adjacent to the original M-1 zoned area has distanced and even removed adjacent residential uses. As noted above,

- The construction of Freeway 180 removed any pre-existing residences south of the subject site.
- The expansion of Basin W has introduced an open space buffer over 320 feet wide; moreover, the Basin W expansion area will retain the condition of zoning limiting uses to warehousing or those allowable in the M-1-P zone district (should FMFCD ever sell the land for any reason).
- A small portion of the northeast corner of subject property was developed with a water supply well for Bakman Water District (pursuant to Conditional Use Permit No. C-02-203); that parcel will also retain the condition of zoning applied through Rezone R-6436.

Approval of a swap meet would be consistent with the planned light industrial land use classification of the site. Since flea markets and swap meets are allowed in less intensive zone districts than the M-1 district, the approval of Rezone Application No. R-11-015 would not be an intensification of potential uses on the property.

### **TRANSPORTATION AND CIRCULATION**

The subject property is located on the south side of East Olive Avenue, west of North Clovis Avenue. East Olive Avenue is a planned collector, and the segment of Olive Avenue abutting the subject property has already been improved with four lanes and pedestrian facilities on both sides of the street.

Appendix B of the MEIR prepared for the 2025 Fresno General Plan projects that the segment of East

Olive Avenue between North Minnewawa and North Clovis Avenue, from which this project will be required to take its access, would experience 10,260 average daily trips (ADT) at full buildout of planned land uses in year 2025, and would operate at Level of Service "C."

Area traffic and its associated impacts were re-examined when Plan Amendment Application No. A-09-10 was submitted for review. The year 2000 bidirectional traffic counts for the segment of East Olive Avenue show 12,082 ADT (counts were dated June 13, 2000).

However, completion of Freeway 180 has successively decreased travel on this segment of Olive Avenue as State Route 180-East has been incrementally extended eastward. The current economic slowdown may also have reduced vehicular travel. The April 10, 2008 bidirectional traffic counts for this segment of Olive Avenue west of Clovis Avenue showed 10,771 ADT. Traffic count data obtained on August 17, 2010 showed only 5,882 ADT.

The City's Traffic Engineer requires that this project pay its proportionate share of City major street, traffic signalization fees, and notes that it is subject to Regional Transportation Mitigation fees (which are required to be paid to the Council of Fresno County Governments).

Caltrans Division 6 staff reviewed the TIS and the project description, and indicated (in the attached letter dated September 15, 2011) that a traffic control plan should be required for the proposed swap meet, in order to prevent impacts to the Clovis Avenue interchange with State Route 180.

City Planning staff consulted with Public Works Traffic Engineering and concluded that impacts were not likely, since the interchange only experiences congestion on weekdays at peak travel hours and the swap meet will occur on weekends. When the swap meet is open, Traffic Engineering estimated it would have 665 ADTs; when vehicular travel for this entire site is averaged over an entire week (factoring in caretaker visits for maintenance), Traffic Engineering estimated its traffic impact to be 200 ADTs (see attached revised memorandum from Public Works Traffic Engineering, dated October 27, 2011). In case any unexpected impacts do occur that could be attributed to the swap meet, a condition of approval is being imposed on S-11-052 that would require the traffic management plan, contingent on the City Traffic Engineer and Caltrans District 6 determining that the swap meet caused adverse impacts.

Fresno Area Express (FAX) Route 35 serves this segment of Olive Avenue. The Public Utilities Commission reviewed the proposed project and had no comments to submit regarding railroad crossings in the vicinity.

## **PUBLIC SERVICES**

Fresno Metropolitan Flood Control District (FMFCD) has indicated that drainage service is available for the subject property, and that no drainage fees are required (refer to the FMFCD September 13, 2011 Notice of Requirements, appended to the EA).

The City's Department of Public Utilities determined that the property lies in the service area of Bakman Water District (refer to the September 12, 2011 memorandum appended to the Initial Study for EA No. R-11-015/S-11-052). Bakman Water District has been contacted by City Staff and has affirmed that it can supply the project with water.

Pursuant to Public Utilities requirements set forth in the sewer service memorandum dated September 12, 2011 (copy appended to the EA) and to Health Department requirements (refer to the Environmental Health Systems (EHS) letter appended to the EA, dated September 12, 2011, and to the subsequent October 11, 2011 letter attached to this staff report), swap meet restroom facilities are required to connect to the public sewer system. After the October 11 comment was submitted by EHS,

the applicant reconsidered the option of not having food facilities on-site, and has decided to allow mobile food vendors on the site to provide services to swap meet customers. The applicant has already paid sewer connection fees, and will be required to provide proof of EHS permits for food vendors.

#### **DISTRICT 4 PLAN IMPLEMENTATION COMMITTEE AND OTHER PUBLIC OUTREACH**

On September 12, 2011, the applicants met with the Council District 4 Plan Implementation Committee regarding Site Plan Review Application No. S-11-052. The Committee members present and voting at that meeting unanimously approved the proposed swap meet (a copy of the Project Record is attached). A quorum was not achieved for the Committee's subsequent consideration of the rezone application, but staff attempted to contact Committee members by telephone to determine if there were objections to the proposed rezone (informational agenda materials having been previously delivered to the Committee members). Three Committee members responded that they had no objections.

As noted previously, notice of the proposed finding of Mitigated Negative Declaration for EA R-11-015/S-11-052 was published in the *Fresno Bee* on September 23, 2011. On October 21, notices were mailed to owners of property within 350 feet of the proposed project (please refer to the attached copy of the notice and the map of the noticed area). As of the date this report was prepared, no inquiries, comments, or appeals had been submitted by the public.

#### **CONCLUSION**

The action taken by the Planning Commission regarding Rezone Application No. R-11-015 and associated Environmental Assessment No. R-11-015/S-11-052 will be a set of recommendations made to the City Council regarding the proposed plan amendment, rezone, and environmental assessment. The tentative Council hearing date for these applications is Thursday, December 1, 2011.

Attachments: Vicinity Map for Rezone Application No. R-11-015

2008 aerial photograph

Project Record from the September 12, 2011 District 4 Plan Implementation Committee consideration of Site Plan Review Application No. S-11-052

Zoning covenant for Rezone 6436 with appended copy of Parcel Map 80-01 for reference

Assessor's Map Book 456, Page 03 showing subject property and adjacent parcels

Current Land Use Map for project vicinity

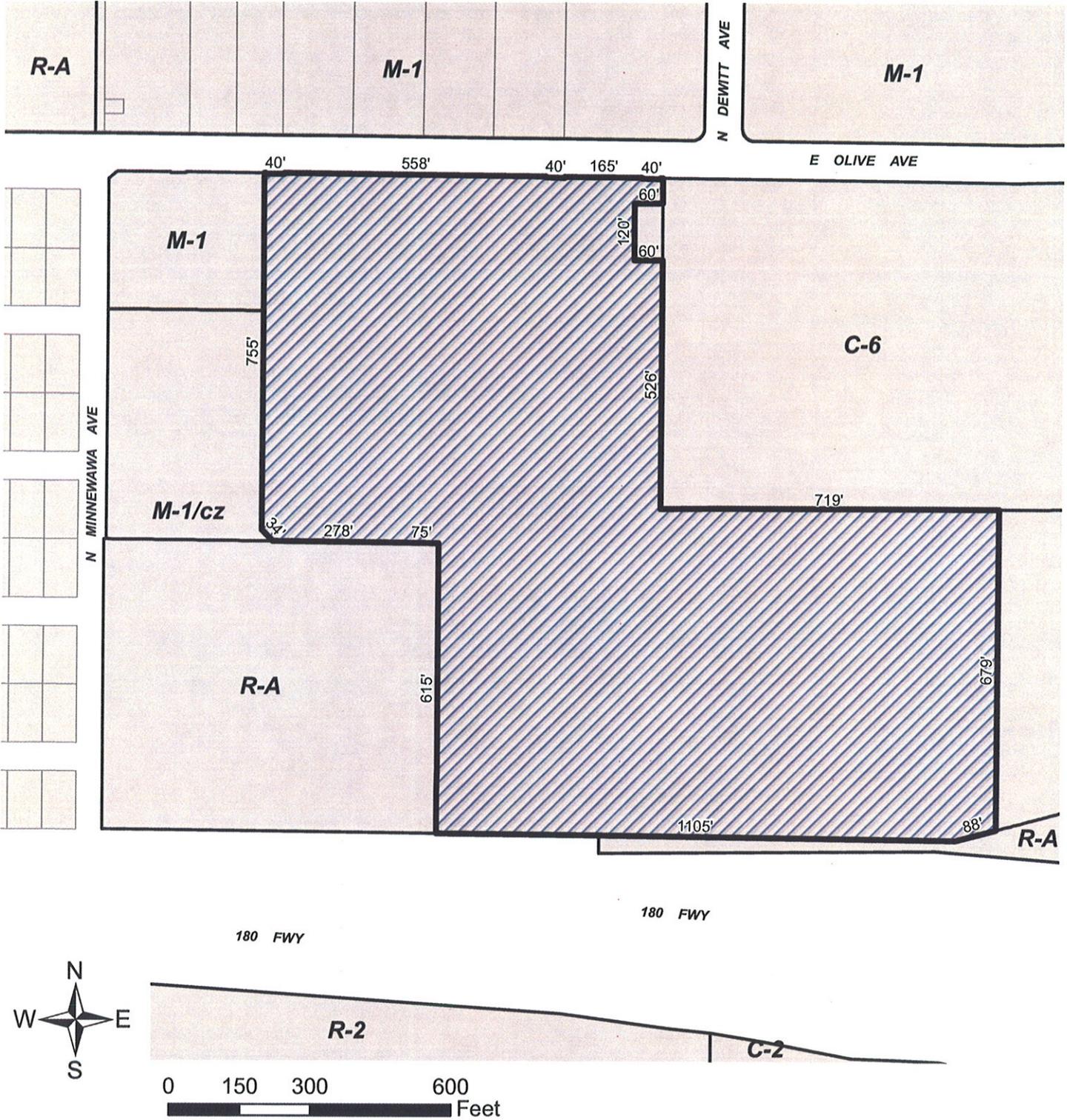
Revised memorandum from City of Fresno Public Works Department Traffic and Engineering Services Division, dated October 27, 2011

Letter from Fresno County Environmental Health, dated October 11, 2011

Planning Commission Public Hearing Notice and map outlining radius for mailed notices

Environmental Assessment No. R-11-015/S-11-052, which resulted in a proposed Finding of Conformity, dated September 23, 2011. Letters and memoranda attached to the EA contain comments and conditions from responding departments and agencies

# EXHIBIT A



**R-11-015**  
**APN: 456-030-56 (portion)**  
**5440 East Olive Avenue**

 **M-1/cz to M-1, 33.21 Acres**





2008 Aerial Photo, overall parcel involved in Rezone R-11-015 & portion involved in S-11-052



DISTRICT 4 PLAN IMPLEMENTATION COMMITTEE

PROJECT REVIEW September 12, 2011

Project Record

Item 4b

PROJECT INFORMATION

Site Plan Review Application No. S-11-052 was filed by Steve Kalpakoff of Terra Bella Design, on behalf of Sunnyside Ventura, Inc., ~~456-030-56~~ and pertains to a 7.4-acre portion of property located on the southwest corner of East Olive and North Clovis Avenues. The applicant requests authorization to re-establish a smaller Sunnyside Swap Meet in the lot zoned M-1/cz (Light Manufacturing/conditions of zoning) just west of the lot where the original swap meet was held.

APN: 456-030-56 & 16

ZONING: M-1/cz

ADDRESS: 5550 E. Olive Ave.

COMMITTEE RECOMMENDATION

APPROVE     APPROVE WITH CONDITIONS     DENY     NO ACTION

	HUMPHREY	POULTER	CLARK	KOSSARAS	LARSON	TIMKEN	WONG
Approve		Y			Y-M	Y-S	Y
Deny							
Abstain	✓						
Absent			A	A			

COMMITTEE CONDITIONS / COMMENTS

Steve Kalpakoff & Brian were in attendance to represent the project. Richard Poulter asked about the movie theatre property. Brian stated its a different property owner. Paul Humphrey asked about the traffic impact. Brian stated the project was smaller then what was previously there. Paul Humphrey abstained from the vote.

(M/S/C, M-1-D-2)

Staff Liaison:

Date: 9.12.11

Rezone 6436  
conditions of zoning

BOOK 7794 PAGE 664

RECEIVED

AUG 20 1981

PLANNING & INSPECTION DEPT.  
CITY OF FRESNO

Recording requested by  
City Clerk, Fresno, California  
No Fee-Govt. Code 6103 & 27382  
Return to City Clerk, Fresno

88042

----- SPACE ABOVE FOR RECORDER'S USE -----

STATEMENT OF COVENANTS  
AFFECTING LAND DEVELOPMENT  
(Rezoning Application No. 6436)

RECORDED IN OFFICIAL RECORDS OF FRESNO COUNTY, CALIFORNIA	
AT 28	AIN. PAST 12
SEP 30 1981	
GALEN LARSON, County Recorder	FEE \$

RECITALS

A. ROBERT PAPAIZIAN, RICHARD PAPAIZIAN and JACK PAPAIZIAN hereinafter referred to as "the Covenantor," is the owner of that certain real property in the City of Fresno, County of Fresno, State of California, hereinafter referred to as "the Subject Property" and more particularly described in Exhibit "A", attached hereto, as Parcels "1", "2", and "3", and by the reference made a part of this Statement of Covenants.

B. The Covenantor has applied to the City of Fresno for a district amendment changing the R-A Zone District classification to the C-2/cz Zone District classification for Parcel "1", C-M/cz for Parcel "2" and M-1/cz for Parcel "3".

C. The City of Fresno desires to obtain covenants from the Covenantor to insure that the Subject Property is not developed, used, or maintained in such a way as to adversely affect adjoining properties.

COVENANTS, CONDITIONS AND RESTRICTION

For favorable action on, and approval of, the covenantor's application for an amendment to the zone district classification of the Subject Property as referred to hereinabove, the Covenantor hereby covenants that the Subject Property shall be held, conveyed, encumbered, used, occupied, developed, maintained, and improved subject to the following covenants, conditions, and restrictions, which are for the purpose of enhancing attractiveness, usefulness, value, and desirability of the Subject Property, the surrounding property, and the public at large, and to minimize possible adverse effects on the public health, safety, peace, and general welfare. Each of the covenants, conditions, and restrictions contained in this Statement

shall run with the Subject Property and shall be binding on each successive owner of the Subject Property and his heirs, administrators, successors, and assigns.

1. Covenantor hereby covenants as follows:

Parcel "1". The commercial floor area on the property shall not exceed 150,000 square feet.

Parcel "2". The following land uses shall be prohibited on the property:

- a. Automobile service stations
- b. Second-hand goods sale
- c. Truck service station
- d. Body and fender shop
- e. Advertising structures
- f. Caretaker's residences
- g. Grocery stores
- h. Truck repairing and overhauling
- i. Machine shops
- j. Welding shops
- k. Manufacturing, compounding, processing, packaging or treatment of dairy products
- l. Manufacturing, compounding, processing, packaging or treatment of food products
- m. Motion picture studio storage yards
- n. Transit storage
- o. Petroleum bulk plants
- p. Creamery
- q. All uses listed as permitted in the C-M Zone District subject to a conditional use permit

Parcel "3". The following land uses shall be permitted on the property subject to the development standards of the M-1-P District:

- a. Only those uses permitted in the M-1-P District
- b. Warehousing

2. The conditions of this Statement are intended to benefit the public and public properties. Accordingly, the City of Fresno shall have the right to enforce this Statement by any legal or equitable means against the Covenantor and such person or persons in actual possession of Subject Property who directly or who through any agent violate the terms hereof. All obligations of the Covenantor under this Statement shall inure solely to the benefit of the City of Fresno. There are no third party beneficiaries of said obligations nor shall the right of the City of Fresno be transferable in any manner to any person other than to a successor municipal corporation whose geographic boundaries include the Subject Property.

3. Covenantor covenants that in the event of failure to comply with the conditions set forth in this Statement, Covenantor will not object to the redistricting of the Subject Property to a land use zoning district which the Council of the City of Fresno determines

is proper without compliance with such conditions, and in such event, Covenantor waives any right to have any uses or improvements, installed subsequently to the change of land use zoning district herein requested, considered or treated as not conforming uses or improvements after such redistricting.

4. The foregoing conditions shall remain in full force and effect until such time as the City of Fresno, pursuant to the district amendment procedure of the Fresno Municipal Code, finds the enforcement of such condition is no longer equitable.

5. The provisions of this Statement shall be deemed independent and severable and the invalidity or partial invalidity or unenforceability of any one provisions or portion thereof shall not affect the validity or enforceability of any other provision hereof. Whenever the context of the statement so requires, in interpreting this Statement, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.

DATED: August 17, 1981

Accepted by:

CITY OF FRESNO  
a municipal corporation

By George A. Kerber  
George A. Kerber, Director  
Dept. of Planning & Inspection

ATTEST:

JACQUELINE L. RYLE  
City Clerk

By Erin M. M...  
Deputy

COVENANTOR

Robert Papazian  
ROBERT PAPA ZIAN

Richard Papazian  
RICHARD PAPA ZIAN

Jack Papazian  
JACK PAPA ZIAN

APPROVED AS TO FORM:

JAMES A. McKELVEY  
City Attorney

By James A. McKelvey

EXHIBIT "A"

Parcel 1 (from R-A to C-2/cz)

Parcel "D" of Parcel Map 80-01, recorded in Book 35, pages 58 and 59 of Parcel Maps, Fresno County Records. EXCEPTING THEREFROM the West 83.00 feet of said Parcel "D".

Parcel 2 (from R-A to C-M/cz)

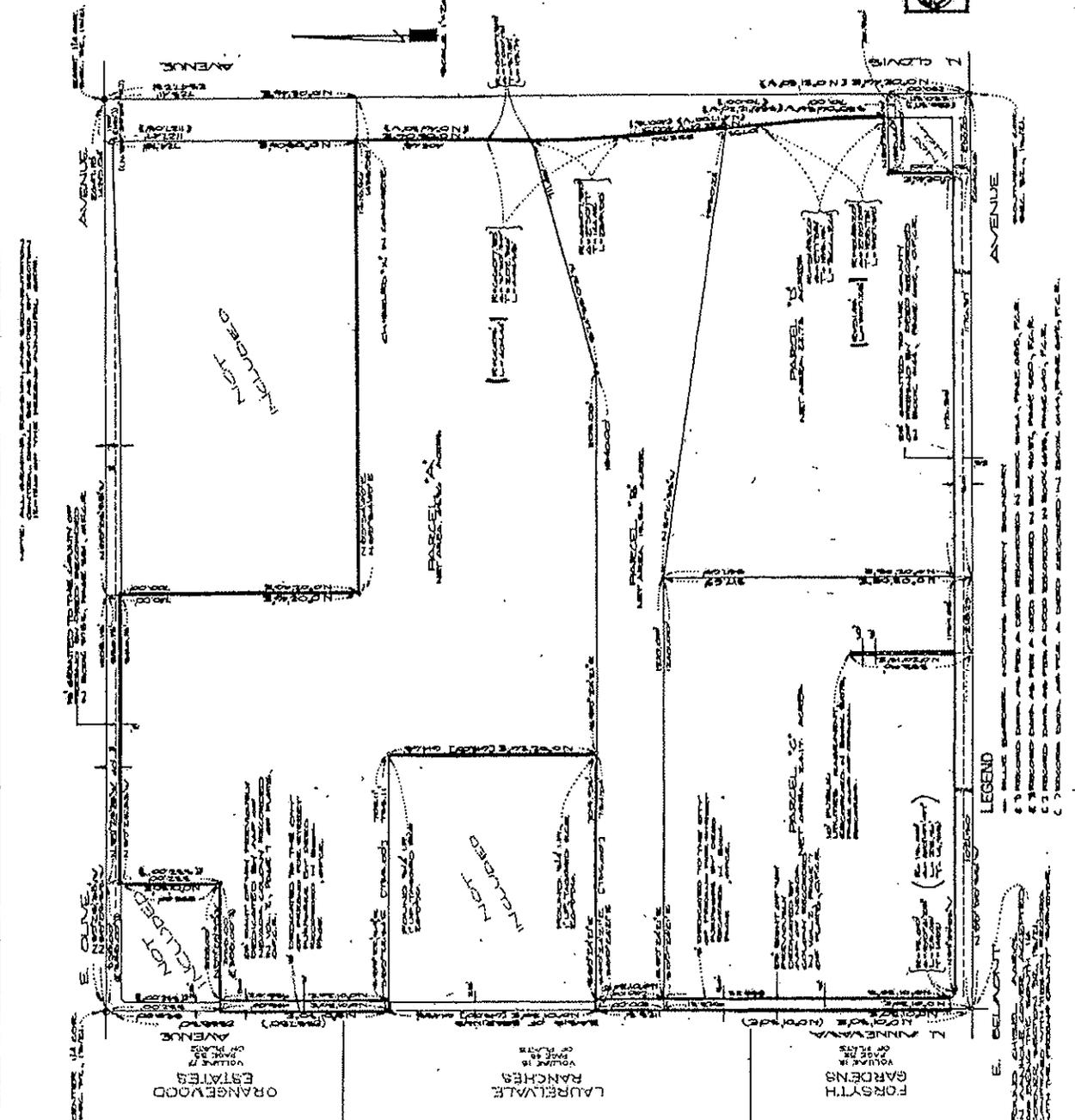
The East 600.00 feet of Parcel "A" of Parcel Map 80-01 recorded in Book 35 pages 58 and 59 of Parcel Maps, Fresno County Records.

Parcel 3 (from R-A to M-1/cz)

The North 332.00 feet of the West 358.00 feet of the Southeast quarter of Section 32, Township 13 South, Range 21 East, Mount Diablo Base and Mercian. ALSO Parcel "A" of Parcel Map 80-01, recorded in Book 35, pages 58 and 59 of Parcel Maps, Fresno County Records. EXCEPTING THEREFROM the East 600.00 feet of said Parcel "A".

# PARCEL MAP 80-01

SHEET TWO OF TWO SHEETS  
CITY OF PISMO, COUNTY OF PISMO, CALIFORNIA



## BASIS OF BEARINGS

THE BEARINGS AND DISTANCES SHOWN ON THIS MAP WERE OBTAINED FROM THE ORIGINAL SURVEY RECORDS OF THE CITY OF PISMO, CALIFORNIA, AND ARE HEREBY CERTIFIED TO BE TRUE AND CORRECT.

## DIRECTOR OF PLANNING AND INSPECTION CERTIFICATE

I, *George A. Fisher*, Director of Planning and Inspection, do hereby certify that the above described parcel map is a true and correct copy of the original survey records of the City of Pismo, California.

## ENGINEER'S CERTIFICATE

I, *George A. Fisher*, Engineer, do hereby certify that the above described parcel map is a true and correct copy of the original survey records of the City of Pismo, California.



## CITY ENGINEER'S CERTIFICATE

I, *George A. Fisher*, City Engineer, do hereby certify that the above described parcel map is a true and correct copy of the original survey records of the City of Pismo, California.

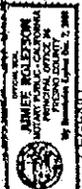
## COUNTY RECORDER'S CERTIFICATE

I, *James Holston*, County Recorder, do hereby certify that the above described parcel map is a true and correct copy of the original survey records of the City of Pismo, California.

## SUBDIVIDER'S CERTIFICATE

I, *James Holston*, Subdivider, do hereby certify that the above described parcel map is a true and correct copy of the original survey records of the City of Pismo, California.

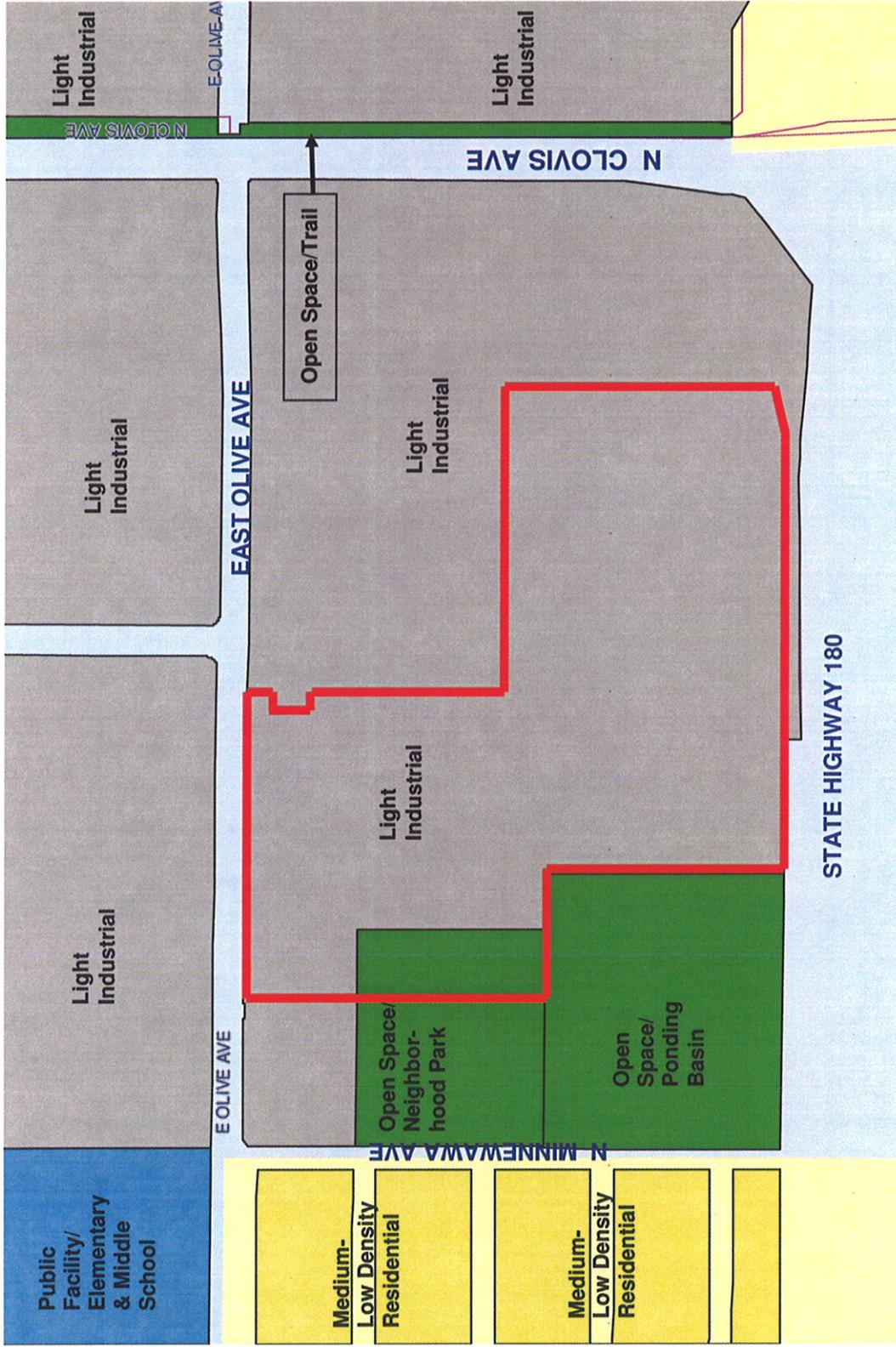
*James Holston*  
Subdivider



## LEGEND

- 1. ALL LOTS SHOWN ON THIS MAP ARE UNRESERVED AND UNRESERVED.
- 2. ALL LOTS SHOWN ON THIS MAP ARE UNRESERVED AND UNRESERVED.
- 3. ALL LOTS SHOWN ON THIS MAP ARE UNRESERVED AND UNRESERVED.
- 4. ALL LOTS SHOWN ON THIS MAP ARE UNRESERVED AND UNRESERVED.





Planned land uses in vicinity of Rezone Application R-11-015 & SPR Application S-11-052



**DATE:** Revised ~~October 4, 2011~~ **October 27, 2011**

**TO:** Sandra Brock, Planner III  
Development and Resource Management Department

**FROM:** Ann Lillie, Senior Engineering Technician  
Public Works Department, Traffic and Engineering Services Division

**SUBJECT:** Conditions of Approval for **S-11-052**

**APN:** **456-030-56 (portion)**

**ADDRESS:** **No Address Assigned (Swap Meet)**

~~APN: 456-030-16~~

~~ADDRESS: 1199 North Clovis Avenue (Reserved Parking)~~ **Removed from application per Planner 9/30/11.**

## **PUBLIC IMPROVEMENT REQUIREMENTS**

~~SITE PLAN REQUIREMENTS: This site plan is incomplete. Please provide the following information prior to Building Permits:~~

~~\*Resubmit with all details for APN 456-030-16 if this is to be part this application for review to 1" = 30' or larger scale; identify and dimension existing property lines, right-of-way lines and easements, identify and dimension proposed parking and how it flows, identify surface material, identify all utilities, fences, signs and existing improvements on and off site.~~

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 **Ann Lillie at (559) 621-8690 / [ann.lillie@fresno.gov](mailto:ann.lillie@fresno.gov)** in the Public Works Department, Traffic and Engineering Services Division.

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

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

## **Survey Monuments and Parcel Configuration**

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

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

### **Street Improvements**

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

Repair all damaged and/or off grade off-site concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600.

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

1. **Off-Street parking is not allowed on dirt. A surfacing material and drainage shall be constructed for planned overflow parking as approved by the City of Fresno, Public Works, Fire and Planning Departments.**
2. 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**.
3. 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.
4. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.

### **Traffic Impact Study**

This development will generate a total of ~~17 a.m. / 57 p.m. peak hour trips and generate a count of 665-200~~ Average Daily Trips (A.D.T.), determined based upon the information provided and as per the **Traffic Engineer. (per Scott Tyler, City Traffic Engineer)**

A Traffic Impact **Study is not** required.

### **Traffic Signal Mitigation Impact (TSMI) Fee:**

This project shall pay its 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.

### **Fresno Major Street Impact (FMSI) Fees:**

This entitlement 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](http://www.fresnocog.org). Provide proof of payment or exemption **prior** to issuance of building permits.



## County of Fresno

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

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October 11, 2011

FA0000351  
LU0016162  
PE 2602

Sandra Brock  
City of Fresno  
Development Department  
2600 Fresno Street  
Fresno, CA 93721

Dear Ms. Brock:

**PROJECT NUMBER: R-11-015**

**Rezone Application No. R-11-015** was filed by Bryan Parisi and pertains to property located on the south side of East Olive Avenue, west of North Clovis Avenue. The applicant is requesting to remove the conditions of zoning for the portion of APN 456-030-56, which is currently zoned M-1/cz (*Light Manufacturing/conditions of zoning*), that would effectively change the zoning on the property to M-1. This change is requested in order to re-establish a reduced size outdoor Sunnyside Swap Meet on the subject property. (Ref: Site Plan Review Application No. S-11-052)

**APN: 456-030-15                      ZONING: M-1/cz                      ADDRESS: 5550 East Olive Avenue**

This Department has the following concerns based upon previous experience with swap meet/flea market operations in that these types of operations attract:

- Mobile food facilities and/or mobile food preparation units operating outside of the approved swap meet (on surrounding streets and nearby parking lots).
- Mobile food facilities and/or mobile food preparation units operating without a valid operating permit issued by the Fresno County Department of Public Health, Environmental Health Division.
- Mobile food facilities and/or mobile food preparation units preparing and/or selling food outside of the approved vehicles (i.e. on tables).
- Vendor(s) selling packaged foods without proper labels.

**The City of Fresno has informed our office that the operator no longer proposes to have food vendors operate within the swap meet facility. The applicant should be advised that food vendors include, but are not limited to: mobile preparation units, hotdog carts, cut fruit cup units, kettle corn operators, coffee carts, taco trucks, shaved ice/snow cone vendors, etc.**

Recommended Conditions of Approval:

- The Swap Meet permit will cover only the on-site sale of whole, uncut produce; and prepackaged, non-potentially hazardous foods by vendors operating at the swap meet.
- The applicant should be advised that if any food facilities are proposed for operation within the swap meet facility, then permanent restroom facilities will be required. All permitted mobile food facilities and/or mobile food preparation units operating inside the swap meet facility shall be located within 200 feet of approved permanent restroom facilities (California Retail Food Code Section 114315). Prior to issuance of building permits for new restroom facility(s), the applicant shall submit complete 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) 600-3334 for more information.
- As the permit holder, Sunnyside Ventura, Inc. shall be responsible for ensuring that there are no food vendors within the facility. Should operations change, then Sunnyside Ventura, Inc. shall be responsible for ensuring that all food vendors operating at the facility remain in compliance with Fresno County Department of Public Health, Environmental Health Division permit requirements. All mobile food facilities and/or mobile food preparation units operating at the facility shall have a valid Fresno County Department of Public Health Permit to Operate, and operate within the scope of the permit.
- The applicant should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers, which may require the Owner/Operator/Vendor to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle) if they generate used tires. Contact CalRecycle at (866) 896-0600 for additional information.

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REVIEWED BY:

Janet Gardner

Digitally signed by Janet Gardner  
DN: cn=Janet Gardner, o=Environmental Health  
Division, ou=Fresno County Public Health  
Department, email=jgardner@co.fresno.ca.us, c=US  
Date: 2011.10.11 17:07:36 -0700

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

Environmental Health Specialist III

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(559) 600-3271

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jg

cc. Stephanie Kahl, Supervising Environmental Health Specialist (CT 3001)  
Baruti/Casagrande/Tolzmam, Environmental Health Division

R-11-015 Swap Meet

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

**NOTICE OF PLANNING COMMISSION HEARING**

**REZONE APPLICATION NO. R-11-015**

NOTICE IS HEREBY GIVEN that, in accordance with California Government Code Sections 65090 and 65091 (Planning and Zoning Law) and in accordance with the provisions of the Fresno Municipal Code (Chapter 12, Articles 4 and 6), the Fresno City Planning Commission will conduct a public hearing to consider its recommendation regarding Rezone Application No. R-11-015, filed by Bryan Parisi, on behalf of Gilda A. Hudson and Kimberly R. Hudson, Trustees (property owners), and will also consider Environmental Assessment No. R-11-015/S-11-052 prepared for this application and for related Site Plan Review Application No. S-11-052. The rezone application pertains to approximately 41.36 acres of property, currently zoned M-1/cz (*Light Manufacturing District/conditions of zoning*), located at 5440 East Olive Avenue, on the south side of East Olive Avenue between the North Clovis Avenue and North Minnewawa Avenue in the City of Fresno (Assessor's Parcel No. 456-030-56). Please refer to vicinity map on the reverse side of this notice.

1. **Rezone Application No. R-11-015** proposes to remove a condition of zoning applied to the 41-36-acre subject property through previously approved (in 1981) with Rezone No. 6436, to remove the requirement that this property be developed only with uses allowed in the M-1-P (*Industrial Park Manufacturing District*) zone district, or that it be developed only with warehousing.
  
3. **Environmental Assessment (EA) No. R-11-015/S-11-052** recommends that a Finding of Conformity be adopted for the above rezone application and to Site Plan Review Application No. S-11-052, filed by Steve Kalpakoff of Terra Bella Design, which would establish a swap meet on approximately 7.5 acres of the subject property, at the site of the former parking area for the previous swap meet conducted on adjacent property.

<p><b>FRESNO CITY PLANNING COMMISSION</b> <b>Wednesday, November 2, 2011, 6:00 pm., or thereafter</b> <b>Fresno City Hall – Council Chamber, Second Floor</b> <b>2600 Fresno Street, Fresno, California 93721</b></p>
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Note: At a later public hearing, the Fresno City Council will consider the Planning Commission's recommendation when it deliberates on final approval of Rezone Application No. R-11-015 and EA No. R-11-015/S-11-052.

If you would like to have additional information on this project, you may contact Sandra Brock in the Current Planning Division at (559) 621-8041, by email at [sandra.brock@fresno.gov](mailto:sandra.brock@fresno.gov), by facsimile at (559) 498-1026, or by mail sent to Ms. Brock at the City of Fresno Development and Resource Management Department, 2600 Fresno Street 3<sup>rd</sup> Floor, Fresno, California 93721-3604.

Any interested person may appear at the public hearing and present testimony in regard to these matters. If you challenge any of the above matters in court, you may be limited to raising only those issues that you, or someone else, raised at the Planning Commission hearing described in this notice, at a subsequent City Council hearing on these items, or in written correspondence delivered to the Development and Resource Management Department, Planning Commission and/or the City Council at, or prior to, the public hearings on these matters.

Mark Scott, Interim Director  
DEVELOPMENT AND  
RESOURCE MANAGEMENT DEPARTMENT

Assessor's Parcel No. 456-030-56  
Dated: October 21, 2011

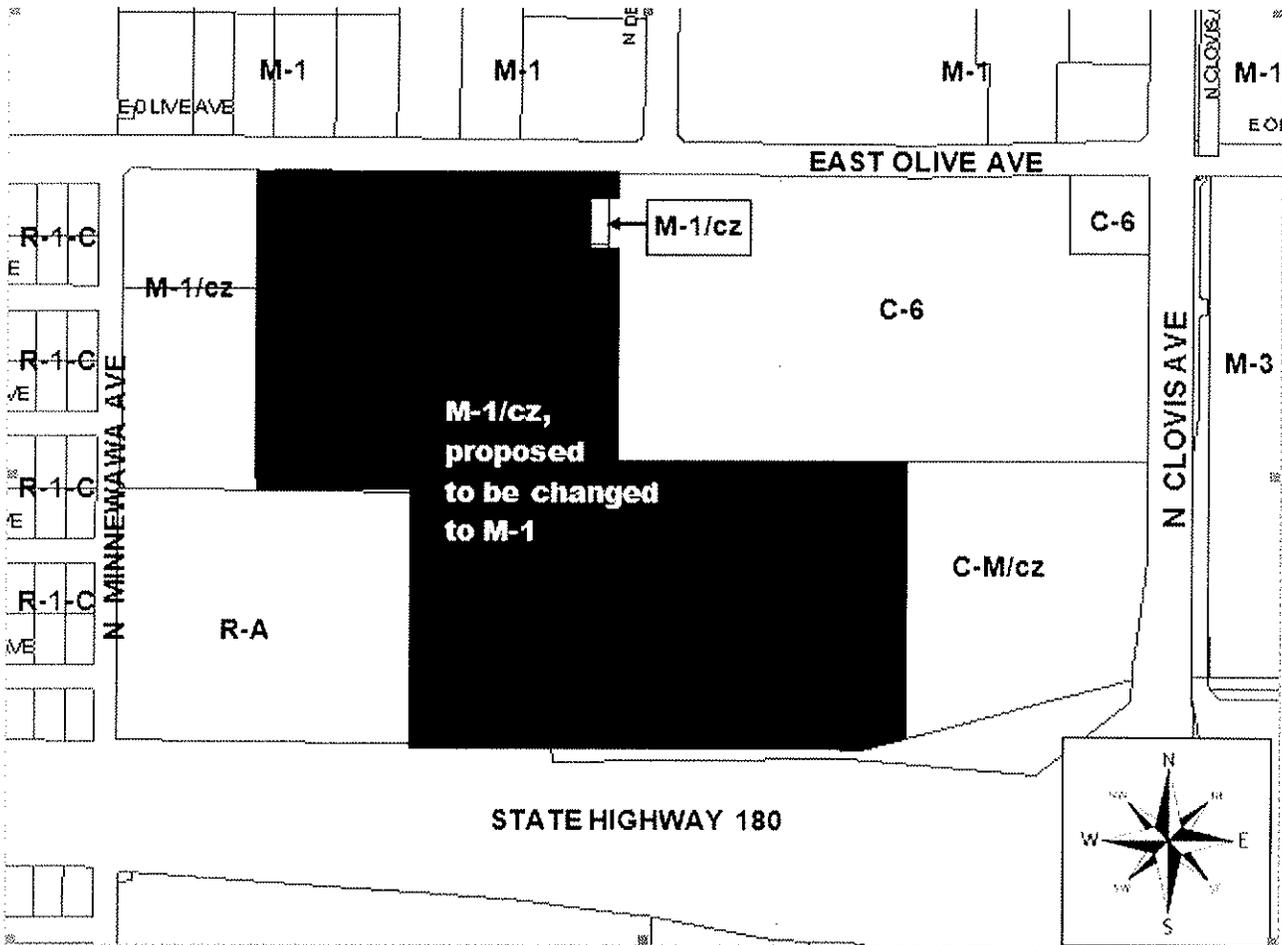


S. Brock

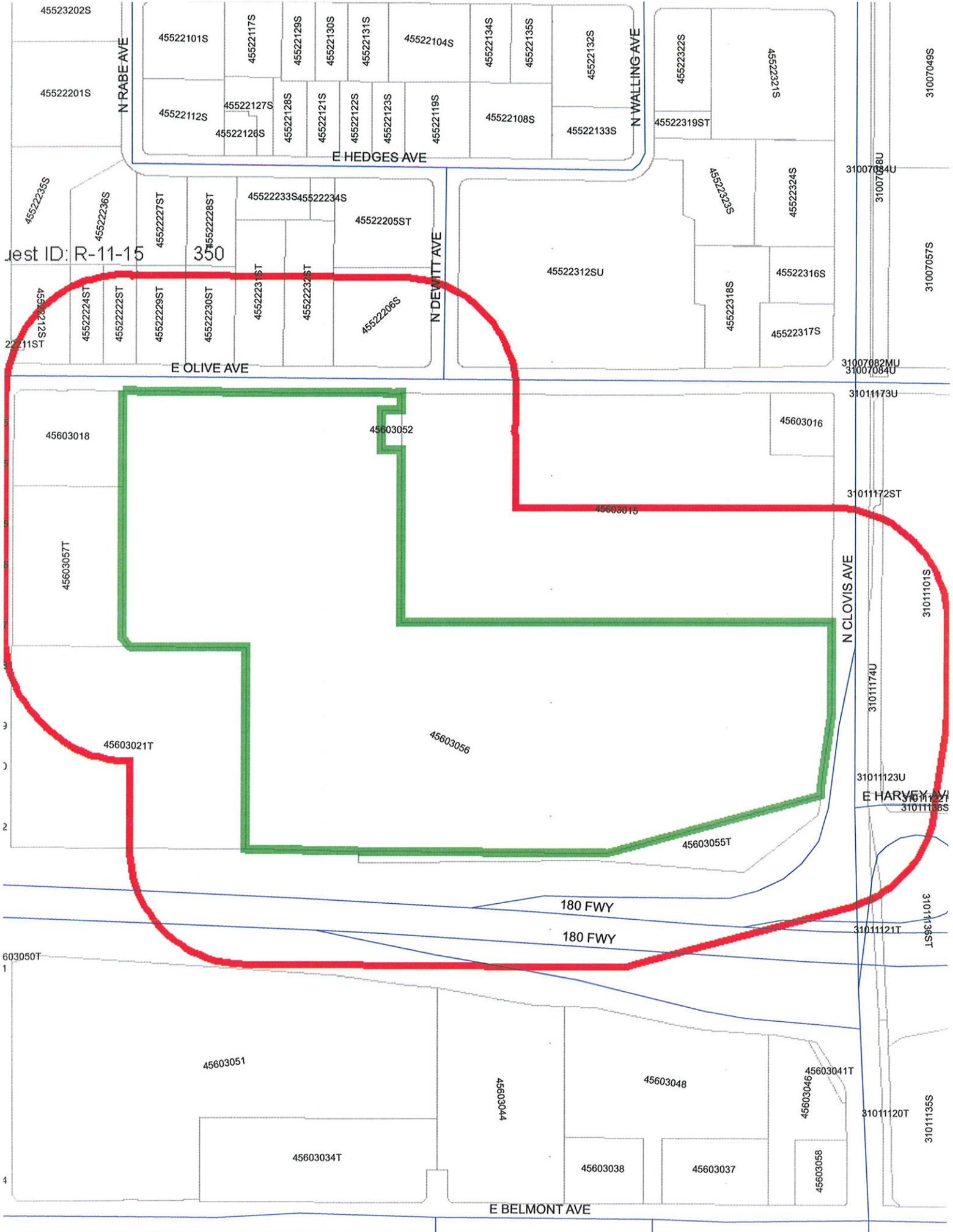
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT  
2600 FRESNO ST, 3<sup>RD</sup> FL  
FRESNO CA 93721-3604  
Rezone Application No. R-11-015  
5440 East Olive Avenue

**THIS IS A LEGAL NOTICE**

### VICINITY MAP



 Subject Property



45523202S

N RABE AVE

45522101S

45522117S

45522129S

45522130S

45522131S

45522104S

45522134S

45522135S

45522132S

N WALLING AVE

45522322S

45522321S

31007049S

45522201S

45522112S

45522126S

45522127S

45522128S

45522121S

45522122S

45522123S

45522119S

45522108S

45522133S

45522319ST

E HEDGES AVE

est ID: R-11-15

350

45522236S

45522236S

45522277ST

45522228ST

45522233S 45522234S

45522205ST

45522323S

45522324S

31007084U

31007084U

31007057S

45522312SU

45522318S

45522316S

45522317S

31007082MU

31007084U

45522212S

22211ST

45522224ST

45522222ST

45522229ST

45522230ST

45522231ST

45522232ST

45522206S

N DEWITT AVE

E OLIVE AVE

31011173U

31011173U

45603018

45603052

45603016

31011172ST

45603015

45603057T

N CLOVIS AVE

31011101S

45603021T

45603056

31011123U

E HARVEY AVE

31011185S

45603055T

31011174U

31011174U

180 FWY

180 FWY

31011123U

E HARVEY AVE

31011185S

31011121T

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31011136ST

603050T

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45603051

45603044

45603048

45603041T

45603046

31011120T

31011135S

45603034T

45603038

45603037

45603058

E BELMONT AVE

4

**CITY OF FRESNO – ENVIRONMENTAL ASSESSMENT**

**FINDING OF CONFORMITY WITH MEIR NO. 10130 FOR THE 2025 FRESNO GENERAL PLAN AND MITIGATED NEGATIVE DECLARATION FINDING APPROVED FOR EA NO. A-09-02 FOR PLAN AMENDMENT A-09-02, THE AIR QUALITY UPDATE TO THE GENERAL PLAN**

Pursuant to Section 21157.1 of the California Public Resource Code (California Environmental Quality Act) the project described below is determined to be within the scope of the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (SCH 2001071097) and the mitigated negative declaration prepared for Plan Amendment No. A-09-02, Air Quality Update to the General Plan (SCH No. 2009051016)

DATE RECEIVED FOR FILING:

**September 23, 2011**

**APPLICANT:**

Bryan Parisi  
Sunnyside Ventura, Inc.  
3711 W. Locust Ave.  
Fresno, CA 93711

Steve Kalpakoff, Terra Bella Design  
(draftsman for site plan)  
4838 N. Blackstone Ave. Ste. E  
Fresno, CA 93726

Gilda Hudson and Kimberly Hudson, Trustees  
(owners)  
PO Box 17130  
Fresno, CA 93744

**LEAD AGENCY:**

City of Fresno

**INITIAL STUDY PREPARED BY:**

Planner: Sandra L. Brock  
Date: September 23, 2011

**ENVIRONMENTAL ASSESSMENT NUMBER:**

**R-11-015/S-11-052**

**APPLICATION NOS.**

**Rezone Application No. R-11-015**  
**Site Plan Review Application No. S-11-052**

**PROJECT LOCATION (INCLUDING APN):**

5440 East Olive Avenue, on the south side of Olive Avenue west of North Clovis Avenue, in the City and County of Fresno, California

Assessor's Parcel Number: 456-030-56

Site Latitude: 36°45'24" N

Site Longitude: 119°42'20" W

Mount Diablo Base & Meridian,  
Township 13 S, Range 21 E, Section 32

**Project Description:**

Bryan Parisi, of Sunnyside Ventura, Inc., and Steve Kalpakoff of Terra Bella Design, on behalf of property owners Gilda Hudson (Trustee) and Kimberly Hudson, have filed Rezone Application No. R-11-015 pertaining to approximately 41.36-acre property located at 5440 East Olive Avenue, on the south side of Olive Avenue west of North Clovis Avenue (APN 456-030-56). Approximately 7.5 acres of the north easterly portion of APN 456-030-36, on the south side of East Olive Avenue, is included in Site Plan Review (SPR) Application No. S-11-052.

The property is currently zoned M-1/cz (*Light Manufacturing District/conditions of zoning*). The 7.5 acres of the subject property involved in SPR Application No. S-11-052 is developed with a parking lot, out of use for several years. The remainder of APN 456-030-56 is vacant and unimproved.

Rezone Application No. R-11-015 seeks to remove conditions of zoning from the westerly 33.26 acres of the above-referenced property. These conditions of zoning would restrict uses on the M-1 zoned portion of the property to only those allowed in the M-1-P (*Industrial Park Manufacturing*) zone district or to warehousing. Those conditions of zoning were applied in 1981 with approval of Rezone No. 6436. SPR Application No. S-11-052 requests authorization to re-establish a Sunnyside Swap Meet on a smaller scale than the previous swap meet, utilizing approximately 7.5 acres of APN 456-030-56, land that was previously used for the parking lot for the previous swap meet. This portion of the property is within the boundaries of Rezone Application No. R-11-015.

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

The subject property is located within the boundaries of the 2025 Fresno General Plan and Roosevelt Community Plan, which designate the subject property predominantly for Light Industrial planned land uses, with less than 1.4 acres of APN 456-030-56, an area west of the bounds of Site Plan Review Application No. S-11-052, depicted in the Urban Form Element/Land Use Map for Open Space/Neighborhood Park use. The property is also within the jurisdiction of the Fresno Airport Area Revitalization Redevelopment Project, which defers to the underlying General and community plan land use designation.

Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the planned land use designation is predominantly consistent with the subject property's existing M-1/cz (*Light Manufacturing District/condition of zoning*) classification, which predated the 2025 Fresno General Plan, and would remain equally consistent with removal of the condition of zoning as proposed in Rezone Application No. R-11-015.

The Development and Resource Management Department staff has prepared an Initial Study (see attached Initial Study, Exhibit A) to evaluate the proposed Rezone and Site Plan Review application(s) in accordance with the land use and environmental policies and provisions of lead agency's MEIR No. 10130 Plan (SCH # 2001071097) prepared for the 2025 Fresno General Plan and the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 (SCH 2009051016) prepared for Plan Amendment No. A-09-02, the Air Quality Update of the 2025 Fresno General Plan ("Air Quality MND"). Approximately 7.5 acres of the subject property is currently developed with a paved parking lot, a portion of which may be used for a swap meet pursuant to SPR Application No. S-11-052 at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site, with removal of the 1981 condition of zoning as proposed by Rezone Application No. R-11-015.

Relative to this specific project proposal, environmental impacts noted in the MEIR and the Air Quality MND, pursuant to the 2025 Fresno General Plan land use designation include impacts associated with the light industrial planned land use designation specified for the subject property. The rezone and site plan review application(s) will not facilitate intensification of uses beyond that which would be allowed by the light industrial planned land use designation. Moreover, it is not expected that use and improvement of the site pursuant to SPR S-11-052 will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and the Air Quality MND have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Guidelines Section 15177(b)(3).

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

Based on this Initial Study, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its location, land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project is fully within the scope of the MEIR and Air Quality MND because it will not generate additional significant effects on the environment not previously examined and analyzed by the MEIR or Air Quality MND for the reasons set forth in the Initial Study; and (3) other than identified below, there are no new or additional mitigation measures or alternatives required.

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

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



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PLANNING MANAGER, CITY OF FRESNO

September 23, 2011

DATE

- Attachments:
- Copy of filed Notice of Intent to Adopt a Finding of Conformity
  - Exhibit A, Initial Study for Environmental Assessment No. R-11-015/S-11-052
  - Exhibit B, Review Summary of MEIR No. 10130 with attachment regarding MEIR/Air Quality MND analysis of air quality and climate change)
  - Exhibit C, MEIR Mitigation Monitoring Checklist for Environmental Assessment No. R-11-015/S-11-052

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

Filed with:

**EA No. R-11-015/S-11-052**

for Rezone Application No. R-11-015 and  
Site Plan Review Application No. C-11-078

**FILED**

SEP 23 2011

By *[Signature]*  
FRESNO COUNTY CLERK  
DEPUTY

FRESNO COUNTY CLERK  
2221 Kern Street, Fresno, CA 93721

**APPLICANT:**

Bryan Parisi  
Sunnyside Ventura, Inc.  
3711 W. Locust Ave.  
Fresno, CA 93711

Gilda Hudson and Kimberly Hudson, Trustees  
PO Box 17130  
Fresno, CA 93744

**PROJECT LOCATION:**

5440 East Olive Avenue, on the south side of Olive Avenue west of North Clovis Avenue, in the City and County of Fresno, California

Assessor's Parcel Number: 456-030-56

Site Latitude: 36°45'24" N  
Site Longitude: 119°42'20" W

Mount Diablo Base & Meridian, Township 13 S,  
Range 21 E, Section 32

**PROJECT DESCRIPTION:**

Steve Kalpakoff of Terra Bella Design and Bryan Parisi, on behalf of Sunnyside Ventura, Inc. and on behalf of property owners Gilda Hudson (Trustee) and Kimberly Hudson, have filed Rezone Application No. R-11-015 and Site Plan Review Application (SPR) No. S-11-052 pertaining to approximately 41-acre property located at 5440 East Olive Avenue, on the south side of Olive Avenue west of North Clovis Avenue (APN 456-030-56).

The property is zoned M-1/cz (*Light Manufacturing District/conditions of zoning*). The subject property is located within the boundaries of the 2025 Fresno General Plan and Roosevelt Community Plan, which designate the subject property for Light Industrial planned land uses. The existing M-1 (*Light Manufacturing District*) zoning is consistent with the Light Industrial planned land use designation for the subject property.

Rezone Application No. R-11-015 seeks to remove conditions of zoning from the above-referenced property that would restrict uses to only those allowed in the M-1-P (*Industrial Park Manufacturing*) zone district or to warehousing. SPR Application No. S-11-052 requests authorization to re-establish a Sunnyside Swap Meet on a smaller scale than the previous swap meet, utilizing land that was previously used for the parking lot for the previous swap meet.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 ("MEIR") prepared for the 2025 Fresno General Plan (SCH # 2001071097) and the Mitigated Negative

Declaration ("Air Quality MND") prepared for Plan Amendment No. A-09-02 (SCH # 2009051016). Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

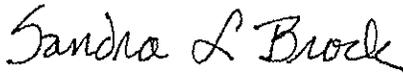
With the mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR or Air Quality MND. After conducting a review of the adequacy of the MEIR and Air Quality MND pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available.

Additional information on the proposed project, including the proposed environmental finding and the initial study may be obtained from the Development and Resource Management Department, Development Services Division, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Sandra Brock at (559) 621-8041 or via e-mail at [Sandra.Brock@fresno.gov](mailto:Sandra.Brock@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 commenter's name and address; (2) the commenter'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 October 25, 2011, Please direct comments to Sandra Brock, City of Fresno Development and Resource Management Department, Development Services Division, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to [Sandra.Brock@fresno.gov](mailto:Sandra.Brock@fresno.gov). Comments may also be sent by facsimile to (559) 498-1026.

INITIAL STUDY PREPARED BY:

Sandra L. Brock, Planner



SUBMITTED BY:



DATE: September 23, 2011

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

**ENVIRONMENTAL ASSESSMENT NO. R-11-015/S-11-052**  
**EXHIBIT A: INITIAL STUDY**  
**Environmental Checklist Form (CEQA Guidelines, Appendix G)**

1. **Project title:**  
REZONE APPLICATION NO. R-11-015 AND SITE PLAN REVIEW APPLICATION  
No. S-11-052
2. **Lead agency name and address:**  
City of Fresno Development and Resource Management Department (DARM)  
2600 Fresno Street, 3<sup>rd</sup> Floor  
Fresno, CA 93721-3604
3. **Contact person and phone number:**  
Sandra Brock, Planner III  
Planning Division, DARM (see address above)  
Phone: (559) 621-8041; Fax: (559)- 498-1026; email: sandra.brock@fresno.gov
4. **Project location:** (see attached vicinity map and aerial photo)  
Assessor's Parcel Number: 456-030-56 (5440 East Olive Avenue), 41.36 acres of  
property located on the south side of East Olive Avenue between North Clovis  
Avenue and North Minnewawa Avenue (see attached Assessor's Parcel Map).  
Rezone Application No. R-11-015 would affect some 33.26 acres of this property.  
Site Plan Review Application No. S-11-052 pertains to approximately 7.5 acres of at  
the northeast corner of this site, abutting East Olive Avenue.  
  
Site Latitude: 36°45'24" N  
Site Longitude: 119°42'20" W  
  
Mount Diablo Base & Meridian, Township 13 S, Range 21 E, Section 32
5. **Project sponsor's names and addresses:**  

Bryan Parisi Sunnyside Ventura, Inc. 2721 Ventura St. Fresno, CA 93721	property owners: Gilda Hudson, Trustee Kimberly Hudson, Trustee P.O. Box 17130 Fresno, CA 93744
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6. **General/Community Plan designation:**  
**Existing** - Light Industrial (Roosevelt Community Plan), with approximately 1.4 acres  
(west of the area covered by Site Plan Review S-11-052) of planned Open  
Space/Neighborhood Park, with an alternative planned Light Industrial use.  
**Proposed** - no change
7. **Zoning:**  
**Existing** - M-1/cz (*Light Manufacturing District, conditions of zoning*)  
**Proposed** - M-1 (*Light Manufacturing District*)

8. **Description of project:**

For the westerly 33.26 acres of the above-described 41.36-acre APN 456-030-56, Rezone Application No. R-11-015 proposes to remove a condition of zoning imposed in 1981 (pursuant to Rezone No. 6436) which would limit developed uses on the subject property to those allowed in the M-1-P (*Industrial Park Manufacturing*) zone district or to warehousing. For 7.5± acres located at the northeast corner of the subject property, Site Plan Review No. S-11-052 proposes to re-establish a Sunnyside Swap Meet on a smaller scale than the previous swap meet, utilizing the portion of APN 456-030-56 that was previously improved for the parking lot for the previous swap meet.

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

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Light Industrial	<b>M-1</b> <i>Light Manufacturing District,</i>	Office and related equipment storage, including Pacific Bell, US Postal Service, and Fresno Metropolitan Flood Control District (FMFCD)
<b>East</b>	General Commercial and Light Industrial	<b>C-6 and C-M/cz</b> <i>Heavy Commercial District and Commercial and Manufacturing District, conditions of zoning</i>	vacant and undeveloped land
<b>South</b>	Freeway	<b>R-A</b> <i>Residential and Agricultural District</i>	State Route 180-East
<b>West</b>	Light Industrial and Open Space/ Neighborhood Park (with alternative Light Industrial) and Open Space/ Ponding Basin	<b>M-1/cz and R-A</b> <i>Light Manufacturing District, conditions of zoning and Residential and Agricultural District</i>	A residence and expanded FMFCD ponding basin W

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

- Fresno County Environmental Health (if there are retail food activities at the swap meet)
- City of Fresno Public Works Department/Traffic Engineering and Caltrans District 6 (if a traffic control plan is subsequently deemed necessary)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

Pursuant to Public Resources Code Section 21157.1(b) and CEQA Guidelines 15177(b)(2), the purpose of this initial study is to analyze whether the subsequent project was described in the City of Fresno Master Environmental Impact Report (“MEIR”) No. 10130 for the 2025 Fresno General Plan (SCH # 2001071097), and whether the subsequent project may cause any additional significant effect on the environment which was not previously examined in that MEIR or the Mitigated Negative Declaration (“MND”) prepared for Plan Amendment A-09-02/the Air Quality Update to the 2025 Fresno General Plan (SCH # 2009051016).

The environmental factors checked below would be potentially affected by this project:

- |  |   |   |
|--|---|---|
| <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 checked="" 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 checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems          | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that, with the mitigation imposed through measures included in the MEIR Mitigation Measure Checklist, the project will not have additional significant adverse effects on the environment that were not identified in City of Fresno Master Environmental Impact Report No. 10130 (SCH No. 2001071097) certified for the 2025 Fresno General Plan and the Mitigated Negative Declaration approved for Plan Amendment No. A-09-02/ Air Quality Update to the General Plan (SCH No. 2009051016).

Pursuant to CEQA Guidelines Section 15178, a FINDING OF CONFORMITY with MEIR No. 10130 will be prepared.

X Sandra L Brock  
Sandra L. Brock, Planner III, City of Fresno

September 23, 2011

## EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

1. For purposes of this 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 (see attached Exhibit B for a summary of MEIR findings).
  - 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, the checklist answers must then 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 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 ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

The immediate area is largely undeveloped and consists primarily of ponding basin area and vacant land kept cleared of vegetation for fire protection purposes. The area is planned for intensive urban uses and infrastructure. Therefore, no public or scenic vista would be obstructed by the development of this project and no unique vegetation would be removed.

The configuration of the subject property and its surrounding uses do not direct light or glare onto any sensitive receptors. The project will be subject to the aesthetics mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan. The Site Plan Review does not propose operations during the evening, and development of the site will not be permitted to create a new source of substantial light or glare which would affect day or night time views in the project area, given standard City of Fresno requirements for special permits that require all site lighting to be down-directed and shielded in order to minimize light reaching neighboring properties.

Therefore, this project will not damage any scenic resources, nor will it degrade the visual character or quality of the site and its surroundings. As a result, a determination has been made that this project would have a less than significant impact on aesthetics.

Mitigation Measure

1. The proposed project shall implement and incorporate, as applicable, aesthetic related Mitigation Measure No. Q-1 as identified in the attached Exhibit C MEIR Mitigation Measure Monitoring Checklist for this project, dated September 23, 2011.

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

The subject property does not fall into any of the categories listed above and is not subject to a Williamson Act agricultural land conservation contract. There are no existing agricultural or forestry uses of the subject property. The project does not have the potential to facilitate future conversion of agricultural lands because the subject property is surrounded by urban uses; any vacant land in the vicinity was removed from agricultural use many years ago. By serving urban service needs in this infill location, the project has the effect of preventing conversion of agricultural lands for commercial development elsewhere in Fresno County. Therefore, no adverse environmental impacts related to agricultural would occur as a result of the proposed project and no project-specific mitigation measures are required.

Mitigation Measure

The proposed project shall conform to the Mitigation Measure No. E.2 as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist dated September 23, 2011.

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

Environmental and regulatory setting with regard to air quality

The project 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. Some air pollutants are fairly constant throughout the year in the region, while others vary in concentration according to location and are changeable from day to day and even hour to hour, due to complex interactions of topography, climate, and weather.

Regional factors affect the accumulation and dispersion of air pollutants within the SJVAB. The SJVAB is approximately 250 miles long, averages 35 miles wide, and is the second largest air basin in the state. It is bounded, and its climatological characteristics are essentially defined by geography: The floor of the Valley is flat (with a slight downward gradient to the northwest) and is hemmed in on three sides by mountain ranges:

- the Sierra Nevada to the east rises from 8,000 to 14,000 feet in elevation;
- the Tehachapi mountains in the south range from 5,000 to 8,000 feet in elevation; and
- the Coast Range in the west averages 3,000 feet in elevation.

The Coast Range barrier has an opening to the Pacific Ocean at the Carquinez Straits where the San Joaquin-Sacramento Delta empties into San Francisco Bay and via the Altamont Pass. However, air entering the Valley at these points carries pollutants and pollutant precursors from urbanized coastal areas. (In turn, the SJVAB contributes pollutants and precursors to downwind air basins when air escapes the Valley through mountain passes or high-level flows.) Topography, wind speed and direction, temperature, inversion layers, precipitation, and fog exacerbate the air quality problem in the SJVAB. These factors can combine to create air pollution and affect the ability of the atmosphere to disperse pollutants.

The Valley has a Mediterranean climate, with a high number of sunny days (over 260 per year, on the average) and little or no measurable precipitation for several months of the year. High temperature readings in summer average 95°F. This fosters photochemical reactions in the atmosphere that generate oxidants and particulate matter.

Summertime wind speed and direction data indicate that the Valley's air mass moves from 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.

During the winter, average high temperatures in the winter are in the 50s and the average daily low temperature is 45°F. Temperatures below freezing are unusual, but highs in the 30s and 40s can occur on days with persistent fog and low cloudiness. Wintertime wind speed and direction data indicate that prevailing flows occasionally reverse, with wind originating from the south end of the Valley and blowing in a north-northwesterly direction. While the Valley generally experiences light winds (less than 10 mph), more disturbed weather conditions with stronger ground level winds can generate fugitive dust and exacerbate particulate matter pollution. Winter also predisposes the SJVAB to inversion layers, where warm air in the upper atmosphere caps cold air at lower elevations, with little or no normal convection to mix the air mass. 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.

Occurrences of high barometric pressure at any time of the year tend to cause the Valley atmosphere to stagnate and allow pollutants to concentrate. These factors create a climate conducive to elevated particulate matter (PM10 and PM2.5) concentrations and accumulation of carbon monoxide (CO).

Valley air quality has adverse impacts on human health, a situation rendered more serious due to the elevated proportion of sensitive persons (children and the elderly) in the local population. Childhood and adult asthma are prevalent and there with a high level of asthma mortality in the region. Outdoor recreation is often contraindicated, which has secondary cardiopulmonary effects from lack of physical activity.

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. In the early 1990s, this agency was created to replace the separate air pollution authorities formerly administered by individual Valley Counties. The regional SJVAPCD has provided a means to undertake regional climatological studies for understanding transport and evolution of air pollutants, and a comprehensive approach to reducing air pollution in the entire Valley.

The SJVAPCD has promulgated a series of air quality attainment plans pursuant to requirements of Federal and state Clean Air Acts, complementing the efforts of the California Air Resources Board. These plans include a range of strategies to improve air quality through land use planning and transportation control measures, vehicle inspection programs, industrial point source permit controls, emission offsets, incentive programs to replace higher-polluting equipment/vehicles with newer/cleaner technologies, and even regulations aimed at reducing the amount of pollutants transported into the Valley from the coastal (Bay) area. SJVAPCD Rulemaking efforts have focused on cost-effective technologies and measures which have aimed to reduce the most pollutants at the least cost on a regional basis.

Through these attainment plans and implementing regulations (e.g., Rules), the SJVAPCD has reduced emissions of pollutants and pollutant precursors overall and has achieved attainment of some national ambient air quality standards. However, ozone/oxidant air pollution is a refractive problem, with the SJVAB repeatedly failing to attain National Ambient Air Quality Standards and a current designation of Extreme Non-Attainment, where full Valley attainment is not projected until year 2024.

The 2025 Fresno General Plan, augmented by Plan Amendment No. A-09-02 (the Air Quality Update), contains significant City policy direction for measures to reduce potential air pollution and for consideration of potential air quality and global climate change impacts when development projects are contemplated. While MEIR No. 10130 was certified with adoption of an over-riding consideration for the intractable regional air pollution problem, the MEIR does require that subsequent development projects be analyzed with regard to their potential air quality impacts and that reasonable mitigation be applied. All proposed projects are routed to the SJVAPCD for their review and comment.

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

However, the proposed rezone does not change the planned land use of the site. The potential air quality impacts from buildout of the site were assessed in MEIR No. 10130 prepared for the 2025 Fresno General Plan. The swap meet weekend use of the subject property is not a land use category available in the URBEMIS computer model; nor is its trip generation characterized in the Institute of Traffic Engineers Manual; further, the swap meet does not involve grading, construction of permanent buildings, and is a land use that is less intensive than built-out light industrial uses.

The San Joaquin Valley Unified Air Pollution Control District (APCD) has indicated that it has no comments on the project (see attached copy of the August 31, 2011 email), but that APCD staff is available to discuss any requirements with the project applicant. APCD Rules which could apply would include those which regulate any mobile equipment such as generators over 50 horsepower, etc.—although none were proposed with the application.

The rezone and site plan would not evolve hazardous air pollutants or create objectionable odors, given requirements to properly dispose of trash.

Therefore, there are no significant adverse air quality impacts anticipated to occur as a result of the proposed project.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, air quality-related mitigation measures Nos. B-5, B-7, and C-1 through C-4 as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated September 23, 2011.

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, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				x
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				x
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				x

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

As the attached 2008 aerial photo shows, the subject property is paved; vegetation removal would not occur pursuant to development of the proposed project. The proposed plan amendment and rezone applications would not create any ground disturbance.

The property does not support "wildlife," as defined in the California Fish & Game code as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." This property is not a wildlife nursery site. The project would not result in or have the potential to result in harm, harassment, or "take" of any fish and/or wildlife species (where the term "take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill as defined in the California Fish & Game Code).

The project is surrounded by developed urban uses or denuded vacant urban land kept free of weeds per City Fire Prevention regulations. No habitat conservation plans or natural community conservation plans in the region pertain to the subject property or land in the project's immediate vicinity. In the vicinity of the proposed project, there are no riparian habitats, there are no federally protected wetlands or sensitive natural community identified by the California Department of Fish and Game or the U.S. Fish and Wildlife Service; therefore, the project would not result in or have the potential to result in noise, vibration, dust, light, pollution, or an alteration in water quality that may affect fish and/or wildlife directly or from a distance. The proposed project would not, directly or indirectly, affect any sensitive, special status, or candidate species; nor would it modify any habitat that supports them.

The proposed project would not result in, or have the potential to result in, any interference with the movement of any fish and/or wildlife species because no wildlife corridors traverse the subject site. Therefore, no actions or activities resulting from the implementation of the proposed project would have the potential to affect floral, or faunal species; or, their habitat.

No General Plan policies regarding biological resources are applicable to the subject property, and no mitigation measures are necessary for potential impacts to those resources. A request will be submitted to the California Department of Fish & Game Region IV office for a formal "No Effect" determination

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 CEQA Guidelines §15064.5?				x
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		x		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		x		
d) Disturb any human remains, including those interred outside of formal cemeteries?		x		

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

There is no evidence that cultural resources of any type (including historical, archaeological, paleontological, or unique geologic features) exist on the subject property. Therefore, it is not expected that the proposed project would adversely impact any cultural resources.

It is noted, however, that lack of surface evidence or database records of historical/cultural 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 appropriate precautionary measures of MEIR No. 10130 Mitigation Monitoring Checklist will be employed to address unexpected finds of human remains and archaeological or paleontological resources.

Mitigation Measures

The proposed project shall implement and incorporate, as mitigation measures Nos. J-1 through J-4 related to potential cultural and paleontological resources as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated September 23, 2011.

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

Geologic and Regulatory Setting

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 U.S. Geologic Survey 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 current 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. This proposed project is several miles distant from those areas. 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).

Potential Project Impacts

The topography of the project and its environs is relatively flat with no apparent unique or significant land forms such as vernal pools. The proposed swap meet is sited on land that has already been paved, and no permanent structures are associated with the project.

Therefore, no adverse environmental effects related to topography, soils or geology would result from the proposed project and no mitigation for potential impacts should be necessary.

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

Environmental and Regulatory Setting

When sunlight strikes the Earth's surface, some of it is reflected back into space as infrared radiation. When the amount of infrared energy reaching Earth's surface is about the same as the amount of infrared energy radiated back into space, the average ambient temperature of the Earth's surface is expected to remain more or less constant. However, when atmospheric conditions prevent re-radiation of this infrared energy, the world's temperature equilibrium is expected to be disturbed.

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” (GHGs).

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 greenhouse gases 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 greenhouse gases (those that enter the atmosphere because of human activities) are carbon dioxide (CO<sub>2</sub>), methane, nitrous oxide and fluorinated gases. Some GHGs exert a much more powerful effect of trapping radiant energy in the atmosphere. The effect of methane, for instance, is 29 times as powerful as that of an equal mass of CO<sub>2</sub>. In order to describe global warming potential of these differing gases, a convention has been established to quantify GHGs in terms of equivalent quantities of CO<sub>2</sub>, and to use metric tonnes as the unit of measure for the CO<sub>2</sub> (hence the abbreviation “MMTCO<sub>2</sub>e,” for million metric tonnes of CO<sub>2</sub> equivalent).

A major problem with GHGs is that most of them are not very reactive and that makes them extremely long-lived in the atmosphere. For instance, once CO<sub>2</sub> rises above the troposphere (the portion of the atmosphere where plants may absorb some of it for photosynthesis), there are no natural processes that would effectively remove it. The CO<sub>2</sub> will persist and exert its global warming effect for centuries.

GHGs were not generally thought of as air pollutants because the criterion air pollutants (such as ozone) and air toxics directly affect health at ground level in the general vicinity of their release to the atmosphere. The impacts of GHGs are global and diffuse in nature, and take time to exert effects that could harm humans. However, it has been realized that the climate changes associated with GHGs can drastically harm health and well-being around the world, not only with regard to heat-related illnesses but through broadscale changes in the environment:

- ocean level rise that would displace populations,
- economic and infrastructure damage related to ocean rise as well as heat and storm intensity;
- exacerbation of criteria air pollutants (more air pollutants are formed when the atmosphere is warm);
- spreads of infectious diseases through proliferation of mosquitoes and other vectors carrying “tropical” diseases into temperate climate zones;
- alteration of natural flora and fauna in terrestrial and aquatic environments;

- disruption of agriculture and water supply;

The last point is of particular importance to Fresno. One oft-cited prediction for global climate change is that the Sierra snowpack could be reduced to as little as 20% of its historic levels. This could have dire consequences, since over 70% of California's population relies on the "frozen reservoir" of Sierra snowpack for its water supply. Fresno's aquifer has been declining and the City's Metropolitan Water Resources Master Plan notes that the city will need to make greater use of its surface water entitlements...which are derived from Sierra snowpack.

The State of California formally acknowledges 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" standards established by the federal or state government for greenhouse gases (although some GHGs are regulated as precursors to criteria pollutants regulated by the federal and California Clean Air Acts). However, in AB 32 the State codified a mandate to reduce GHG emissions to 1990 levels by the year 2020. In order to roll back GHG emissions to this level, a reduction of 174 MMTCO<sub>2e</sub> needs 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 GHGs and the need to grow equates to a need to reduce per capita GHG emissions by some 29% from the "business as usual" scenario of continuing the former rate of escalated GHG emissions over time.

It has been recognized that new development projects would incrementally add GHG emissions and could cumulatively exacerbate global climate change problems, even if the projects are, themselves, small in scale and do not involve powerful GHGs. In order to standardize evaluation of projects under CEQA, 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. 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*, which provides methods for quantifying emission reductions via application of a specified list of project-level and municipal-level mitigation measures. 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.

In order to standardize global climate change assessments within the San Joaquin Air Basin, the SJVAPCD adopted a protocol for evaluating land use projects: the 2009 *Guidance for Valley Land Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*. The District determined that the most appropriate assessment criteria would be oriented to performance based standards to streamline the CEQA process for determining significance of project impacts, rather than numerical modeling of GHG emissions and emission reductions. Projects meeting the Best Performance Standards ("BPS") established by the SJVAPCD would be determined to have a less than significant cumulative impact on global climate change. If projects could not demonstrate compliance with BPS, then a quantification of GHG emissions and demonstration of a 29% reduction in GHG emissions below the "business as usual" level will be required to determine that a project would have a less than significant cumulative impact.

### Potential Impact of the Proposed Project

Given its small size and limited projected emissions of CO<sub>2</sub>, this project would not be expected to have a significant impact on global climate change. However, as noted above, all projects and activities may cumulatively contribute to significant adverse impacts.

According to the SJVAPCD's *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*, 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 meets this requirement by complying with an approved GHG Mitigation program, established through City of Fresno Plan Amendment No. A-09-02, the Air Quality Update to the 2025 Fresno General Plan.

Plan Amendment A-09-02 augmented the City's Resource Element / Air Quality General Plan Objectives and Policies by adding new General Plan Objective and several supporting policies, as well as expanding the MEIR Mitigation Measure Monitoring Checklist, to address global climate change through municipal activities and regulation of local development. A-09-02 added new appendices to the 2025 Fresno General Plan, including a 2008 California Attorney General's Office guidance document titled, "The California Environmental Quality Act Mitigation of Global Warming Impacts at the Local Agency Level" which contains specific guidance on mitigating greenhouse gas emissions through planning and regulation of development.

Periodic broadscale GHG modeling will be used to validate the efficacy of these measures and guide implementation and further City rulemaking.

As proposed, the project implements many of the general plan policies related to GHGs. The project fosters infill development that will help reduce outward sprawl. It has a sidewalk along Olive Avenue, consistent with the California Attorney General's Office guidance document which directs that projects should "create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking". Through updates in the California Building Code and statewide regulation of appliance standards, the eventual development of this property will conform to 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).

In addition to being in compliance with local planning guidance on reduction of GHGs, this project's potential impacts will be further reduced by worldwide, national and statewide measures to combat adverse global climate change: Updated engine and tire efficiency standards would apply to vehicles that travel to the project; initiatives applicable to air conditioning and refrigeration equipment will continue to reduce fluorocarbon emissions; regional transportation efficiencies will continue; renewable power generation will increase; and landfill and wastewater methane capture will become more efficient; and "carbon capture"/ "carbon sequestration" technologies will increase removal of CO<sub>2</sub> from the atmosphere.

In addition, the plan amendment and rezone do not provide for manufacturing activities that would generate potent industrial GHGs such as SF<sub>6</sub>, HFCs, or PFCs, and those applications do not provide for land uses which would generate methane on site. Buildings eventually constructed on the site will be required to be insulated to current energy efficiency standards.

Water conservation technology will also be required for landscaping and plumbing fixtures, which will reduce water vapor emissions and energy consumption involved in municipal well production and water treatment. The subsequent special permit application required prior to development will re-examine the project for its potential impact on global climate change at a level of detail commensurate with the special permit application. Therefore, based upon the available information, the proposed project will not have a potentially significant cumulatively adverse impact on global climate change.

In addition to evaluating what a project's cumulative global climate change impact on the world might be, the Senate Bill 97 changes to CEQA require that the effects of global climate change on projects should also be evaluated and mitigated if possible. If there were a power outage during a heat wave, they may need to close to protect people in the buildings from heat-related illness. It is also likely that drought contingency measures could require shutdown of non-essential water consumption activities.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, mitigation measure No. C-1.d relating to global climate change, as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated September 23, 2011.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIAL -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				x
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				x
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				x
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				x

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				x
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				x
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				x
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				x

There are no known existing hazardous material conditions on the site and the project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project itself is not near any wildland fire hazard zones, or airport safety zones. It poses no interference with the City's or County's Hazard Mitigation Plans or emergency response plans. The subject property has not been under cultivation for several years. No pesticides or hazardous materials are known to exist on the site. Therefore, no mitigation should be necessary for hazardous materials mitigation.

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. HYDROLOGY AND WATER QUALITY --</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements?				x

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

## Water Supply, Water Treatment and Delivery Infrastructure

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. The City's network of interconnected water wells/pump stations, recharge facilities, water treatment and distribution systems have been expanded incrementally and upgraded to meet increased water demands and respond to groundwater quality challenges.

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 for the foreseeable future, the aquifer level has been declining and localized water supply limitations with low well yields and limited storage capacity in portions of the semi-confined aquifer have evolved.

One of the issues that the City is attempting to resolve in order to stabilize aquifer levels is its historic trend of high consumptive use of water on a per capita basis (some 250 gallons per day per capita). Under recently adopted California Building Codes and the Master Water Efficient Landscape Ordinance, the project will be required to incorporate fixtures and landscape irrigation fittings that conserve water and reduce consumption, compared to older neighborhood commercial development.

Adverse groundwater conditions have been well-documented by environmental impact reports and technical studies over recent decades, including the EIR prepared for the 1995 Fresno Metropolitan Water Resource Management Plan (SCH No. 95022029), City of Fresno EIRs Nos. 10100, and 10117, and MEIR No. 10130 for the 2025 Fresno General Plan.

Insidious groundwater degradation has occurred in the region due to pollution with salinization from wastewater and industrial brine discharges, pesticides (chiefly, dibromochloropropane, or DBCP), nitrates from on-site wastewater systems, methyl-tert-butyl ether (MTBE) from gasoline; solvents such as perchlorethylene (PCE). Fresno also has areas of naturally occurring water contaminants such as arsenic, iron, uranium, and manganese. Increasingly stringent water quality regulations have greatly increased the cost and difficulty of supplying municipal needs via water wells.

Improperly abandoned water wells and dry wells endanger groundwater quality by providing a direct conduit for surface contamination to reach the deeper and cleaner levels of the aquifer. No former domestic or agricultural water wells are in evidence on the subject property at this time. If a well is revealed by subsequent grading activity for this project, it is required to be properly evaluated and abandoned according to procedures of the City Water Division and the most current version of the California Department of Water Resources Well Standards (Bulletin 74-99 or an update thereto).

The City of Fresno works with Fresno Metropolitan Flood Control District (FMFCD), Fresno Irrigation District (FID) and the U.S. Department of the Interior Bureau of Reclamation (USBR) to ensure that the City's acreage-based surface water entitlements and contractual surface water supplies are put to the best possible use. Over the past decade, Fresno and has begun to treat and distribute a share of its surface water via a water treatment plant, instead of solely using its surface water supplies for recharge.

The Department of Public Utilities operates a large and efficient water recharge facility ("Leaky Acres") northwest of Fresno-Yosemite International Airport, and also utilizes suitable FMFCD drainage throughout the metropolitan area basins for its groundwater recharge program. Stormwater ponding basins provide significant opportunity to recharge the aquifer with collected

precipitation runoff in the winter as well as surface water obtained from FID (primarily a Kings River supply) and the USBR (supplied by the San Joaquin River) in the months when storms are not anticipated.

When development entitlements are approved, applicants are required to support recharge efforts by contributing toward FMFCD's master planned storm drainage facilities, and to preserve the patency of irrigation canals and pipelines used to deliver surface water to drainage/recharge basins. However, the subject property, however, does not have any irrigation pipelines, as affirmed by Fresno Irrigation District's September 9, 2011 letter (attached).

Future water demand, water supply projections, and measures to make the best use of that supply are contained in the City's most recent (2008) Urban Water Management Plan (UWMP). Current conservation measure implementation involves universal water metering (mandated by the Central Valley Project Improvement Act via the City's contract for its main surface water supply from the San Joaquin River). The City's Metropolitan Water Resource Management Plan is also being updated per requirements of the California Water Code, and is evaluating scenarios for further increased use of treated surface water and recycled wastewater.

The purpose of these management plans is to formulate a strategy to meet the future water needs of the metropolitan area, ensuring a safe and dependable water supply that is economically feasible. The plans address the full range of existing and potential city water supplies focusing on the type and timing of water facilities and programs needed to protect water quality, combat groundwater overdraft; ensure water conservation, and provide contingency measures for drought and/or supply disruptions.

In accordance with the provisions of the 2025 Fresno General Plan and the Bullard Community Plan, the City must make a determination that an adequate source of water is available to serve the project. The City's Department of Public Utilities September 12, 2011 memorandum regarding SPR S-11-052 (see attached copy) directs that this project is within the service area of Bakman Water District. A Bakman Water district supply well abuts the northeast corner of the subject property, and the subject site has a pre-existing potable water service from Bakman Water District.

The main uses of water for this site would be irrigation of landscaping (included trees shading the parking area) and for rest rooms/handwashing and incidental washdown of parking/vending spaces. Bakman Water District participates in area groundwater recharge efforts.

#### Wastewater Management.

The subject property does not appear to have any remaining on-site waste (septic) disposal system. Any pre-existing septic systems discovered through project grading shall be properly abandoned according to standards of the City's Building and Safety Services Division.

Eventual occupancy of the site will generate sewage, which the Fresno Municipal Code requires to be discharged into the sanitary sewer system. Pursuant to MEIR mitigation measures, adequate sewer main and sewer trunk capacity must be assured for development projects, and adequate treatment capacity must be assured at the city's publicly owned treatment works, the Fresno-Clovis Regional Wastewater Treatment and Reclamation Facility.

The City's "iView" GIS informational tool shows that a sewer main is installed in East Clovis Avenue. Pursuant to the Sewer Requirements memorandum from the Department of Public Utilities, dated September 12, 2011, the applicant is required to connect to City sewer service.

Drainage, Stormwater Management, and Flood Control

The project will be served by Fresno Metropolitan Flood Control District’s master planned storm drainage facilities. As indicated in the attached letter, dated September 13, 2011, FMFCD Drainage Area “W” has sufficient capacity to serve the subject property, and no new drainage fee impacts are anticipated from the proposed project that would necessitate drainage fees. Basin W abuts the westerly edge of APN 356-030-56. This basin was expanded to accommodate runoff from Freeway 180. It is also used for groundwater recharge.

The swap meet is not proposing any grading or construction that would trigger requirements for a Notice of Intent (for new construction) to the Regional Water Quality Control Board or preparation of a formal stormwater prevention plan. However, even sites less than one acre in size are required to conform to FMFCD policies for maintaining stormwater quality in the urban drainage system. A swap meet is not one of the industrial uses which would require an ongoing industrial stormwater discharge permit. Any subsequent industrial development of the subject property would be re-evaluated when one or more special permits are submitted for those uses.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, mitigation measures Nos. D-3 through D-10 and F-3 relating to hydrology (water supply, water quality, and drainage) as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated September 23, 2011.

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

## Impacts to Land Use Plans and Policies

The attached map of planned land uses in the project vicinity shows that the subject property is predominantly planned for light industrial uses and lies amid other properties planned for light industrial uses. On the westerly edge of the subject property, 1.4± acres (located west of the area proposed to become a swap meet under SPR S-11-052) is depicted for Open Space/Neighborhood Park use. However, Table 4 of the 2025 Fresno General Plan provides an alternative exercisable land use designation of Light Industrial for this 1.4± acres, because it was part of a designated park site which had not been acquired by the City at the time the 2025 Fresno General Plan was adopted.

The subject property is included within the boundaries of the Roosevelt Community Plan. It also lies within Airport Area Revitalization Redevelopment Plan area; the Redevelopment Plan defers to land use designations of the 2025 Fresno General Plan.

The size, configuration, and location of this land are suitable for the proposed site plan use and for the entire range of light industrial uses allowed in the M-1 zone district. The project is not located within any conservation plan areas and will not conflict with any conservation plans.

Pursuant to Table 2 of the 2025 Fresno General Plan (Planned Land Use and Zone District Consistency Matrix) and Fresno Municipal Code Section 12-403-B-1 (Zone District Consistency Table), the M-1 (*Light Manufacturing District*) classification proposed for the subject property would remain consistent with the proposed Light Industrial land use designation for this property.

Swap meets and flea markets are allowed "by right" (by means of an approved Site Plan Review Application) in the C-6 (*Heavy Commercial*), C-M (*Commercial and Manufacturing*), and M-1 (*Light Manufacturing*) zone districts pursuant to 1978 [Planning] Director's Classification No. 45, but were disallowed in the M-1-P (*Industrial Park Manufacturing*) zone district. (The original Director's Classification required the swap meets to be indoor, but a 1982 amendment to Director's Classification No. 45 allows them outdoors in the C-6, C-M, and M-1 zone districts). While the underlying zoning of the subject property is M-1, assigned through City Council approval of Rezone Application No. 6436 in 1981, a specific condition of zoning was applied to the subject property warehousing or to those uses allowable in the M-1-P (*Industrial Park Manufacturing*) zone district. Thus, a rezone application to remove that condition of zoning is required to be approved prior to approval of a site plan review application proposing a swap meet on the subject property.

The paved parking area was developed on the subject property (APN 456-030-56) pursuant to Conditional Use Permit No. C-97-259 for the original Sunnyside Swap Meet. A parking lot was a use allowable in the M-1-P zone district, which is why it was allowed on the subject property. The vending area for the previous swap meet was located east of the subject property, on land zoned C-6, *Heavy Commercial District* (APN 456-030-15). Because the original Sunnyside Swap Meet use was discontinued for over a year, CUP No. C-97-259 expired and a new site plan review is required to institute a use on the subject property.

While the 1981 conditions of zoning were intended to protect residential neighborhoods that abutted the original parcel proposed for M-1 zoning, conversion of land on, and adjacent to the original M-1 zoned area has distanced and even removed adjacent residential uses. Caltrans purchased the westerly portion of the original M-1 zoned parcel and conveyed it to Fresno

Metropolitan Flood Control District for an expansion of Basin W. This introduces an open space buffer over 350 feet wide; moreover, the Basin W expansion area will retain the condition of zoning limiting uses to warehousing or those allowable in the M-1-P zone district (should FMFCD ever sell the land for any reason). The construction of Freeway 180 removed any pre-existing residences south of the subject site. A small portion of the northeast corner of subject property was developed with a water supply well for Bakman Water District (pursuant to Conditional Use Permit No. C-02-203); that parcel will also retain the condition of zoning applied through Rezone R-6436.

This project is consistent with the following 2025 Fresno General Plan Goals, Objectives and Policies:

- Goal 9.** Provide activity centers and intensity corridors within plan areas to create a mix of land uses and amenities to foster community identity and reduce travel.
- Objective C-12.** Commercial land uses shall be classified, located, sized and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts.
- Objective C-13.** Plan and support industrial development to support job growth while enhancing Fresno's urban environment
- Policy C-13-h.** Ensure that an adequate amount of area is planned for light industrial uses at appropriate locations where transportation, public utilities, and other necessary resources can be provided in an economically advantageous manner necessary to attract substantial economic and employment growth.
- Objective C-17.** Encourage and facilitate urban infill by building and upgrading community and neighborhood public infrastructure and services that will enhance public health and convenience and the overall experience and quality of city living....
- Objective C-20.** As part of the city's project review process, major emphasis will be given to site and building design in order to preserve functionality and community aesthetics.
- Policy C-20-a.** Utilize plan implementation/advisory committees, as established through adopted community plans and/or specific plans and City Council actions, to review and make recommendations on proposed developments.

Similarly, the goals, objectives, and policies of the 1992 Roosevelt Community Plan are directed toward: providing for industrial and development that provides for economic opportunity and provides for an appropriate level of goods and services in accessible locations with available public services.

The rezoning maximizes the development potential for this site, since more intensive uses may be developed in the M-1 zone district than are allowed in the M-1-P district (and business parks are also allowable in the M-1 zone district). With the condition removed, the property may be utilized for a broader range of uses.

The swap meet is an economic use of the site in the interim, and provides for maintenance of a portion of the vacant property. The proposed project is considered to be "infill development" because it utilizes a vacant remnant of land in an area otherwise that is fully developed with urban uses.

On September 12, 2011 the Council District 4 Plan Implementation Committee reviewed the SPR S-11-052 application and endorsed it unanimously (one Committee member abstained).

Therefore, the proposed project would be consistent with General and community plan goals, objectives and policies, and that approval of this project will not conflict with any applicable land use plan goal, objective or policy, or any land use regulation of the City of Fresno. Because the project furthers the goals and objectives of the 2025 Fresno General Plan and Roosevelt Community Plan, no mitigation for land use impacts is deemed necessary.

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

The subject property is not located in an area designated for mineral resource preservation or recovery, and would not utilize an undue amount of aggregate mineral resources, as determined from review of the aggregate mineral classification maps in the Mineral Resource Element of the 2025 Fresno General Plan.

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

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

Noise frequently stems from on-site operations, use of outdoor equipment, uses where large numbers of persons assemble, and vehicular traffic. In developed areas of the community, noise conflicts often occur when a noise-sensitive land use is located adjacent to a noise generator. The 2025 Fresno General Plan contains an over-arching goal directed at preserving the quality of life for the residents of the city, and the primary objective of the General Plan's Noise Element directs specific consideration of noise.

The subject property is planned for light industrial uses and is abutted by similarly-planned land and a freeway; industrial uses are not sensitive noise receptors. Conditions of approval for the swap meet will prohibit amplified music or loudspeaker use at the site, which should prevent any nuisances for nearby light industrial property. Swap meets are outdoor uses, but because these outdoor uses are commercial rather than residential or recreational, swap meets would not be considered sensitive receptors. The Fresno Yosemite International Airport's 65 CNEL airport noise contour line lies very close to the northerly property line of the subject site; however, this is not a significant impact, given that the swap meet is not a sensitive noise receptor (and in light of the comparable or higher levels of noise generated by traffic on East Olive Avenue). Therefore, the proposed project will not create any exposure to excessive noise and no noise mitigation is necessary beyond that incorporated into SPR S-11-052 through conditions of approval.

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

The subject site is currently vacant and unimproved, with no existing dwelling units and no residents. The light industrial plan designation and M-1 zoning do not provide for housing construction. Therefore, no displacement of homes or residents could occur from the proposed project.

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

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Schools?				x
Other public services?			x	

Public service departments and agencies have all reviewed the project and submitted any necessary conditions. Fire and Police services are available to serve the proposed project, with Fresno Fire Prevention conditions of approval for Site Plan Review S-11-052. Fresno Police Department reviewed both the site plan and rezone applications; the Department expressed no concerns.

As noted above in the analysis of hydrology, Fresno Metropolitan Flood Control District has indicated that its public facilities are adequate to provide drainage and flood control service. Since the project proposes no grading and no new impervious area, it would have no impact on drainage capacity. Also as noted previously, FMFCD has no plans to develop recreational open space on Basin W. The 1.4± acres of APN 456-030-56 planned for Open Space/Neighborhood Park use would not be feasible to develop as a park for reasons cited previously, and that planned park site was assigned an alternative, exercisable Light Industrial land use designation in the 2025 Fresno General Plan.

Fresno County Environmental Health (EHS), in its letters of September 12, 2011 (copy attached), notes that several aspects of swap meets fall under its regulation. Conditions of approval for SPR S-11-052 require the applicant to provide sanitary facilities and obtain EHS permits.

Therefore, the proposed project will not affect public services beyond its share of cumulative impacts as analyzed in MEIR No. 10130 certified for the 2025 Fresno General Plan.

<b>ENVIRONMENTAL ISSUES</b>	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 project removes does not create new residential development and, therefore, will create no demand for recreational services and facilities. As noted previously, less than 1.5 acres of APN 456-030-56 was planned for Open Space/Neighborhood Park use, with an underlying exercisable planned Light Industrial land use designation in consideration of the fact that the parcel had not been purchased for park use at the time the 2025 Fresno General Plan was adopted. Removal of the condition of zoning in and of itself does not change underlying zoning and does not preclude eventual acquisition of this or other land in the vicinity for park space. SPR S-11-052 does not overlie any planned open space area. Therefore, the proposed project would not reduce planned open space. An open-air swap meet may also provide some element of recreation for the community.

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

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

Fresno's street network design is the product of careful planning that projects traffic capacity needs based on vehicle trip generation anticipated for planned land uses. The street network provides adequate access to individual properties, collectively affording the community an adequate and efficient circulation system. The hierarchy of street designations and the location of major roadways recognizes the traffic generating characteristics of tributary local streets and the aggregate traffic generation of planned land uses. In recent decades, the city has increased its emphasis on non-vehicular travel, requiring additional infrastructure improvements to serve bicycle, pedestrian, and mass transit modes of travel.

The subject property is located on the south side of East Olive Avenue, west of North Clovis Avenue. East Olive Avenue is a planned collector, and the segment of Olive Avenue abutting the subject property has already been improved with four lanes and pedestrian facilities on both sides of the street.

Appendix B of the MEIR prepared for the 2025 Fresno General Plan projects that the segment of East Olive Avenue between North Minnewawa and North Clovis Avenue, from which this project will be required to take its access, would experience 10,260 average daily trips (ADT) at full buildout of planned land uses in year 2025, and would operate at Level of Service "C."

Area traffic and its associated impacts were re-examined when Plan Amendment Application No. A-09-10 was submitted for review. The year 2000 bidirectional traffic counts for the segment of East Olive Avenue show 12,082 ADT (counts were dated June 13, 2000).

However, completion of Freeway 180 has successively decreased travel on this segment of Olive Avenue as State Route 180-East has been incrementally extended eastward. The current economic slowdown may also have reduced vehicular travel. The April 10, 2008 bidirectional traffic counts for this segment of Olive Avenue west of Clovis Avenue showed 10,771 ADT. Traffic count data obtained on August 17, 2010 showed only 5,882 ADT.

The City's Traffic Engineer requires that this project pay its proportionate share of City major street, traffic signalization fees, and notes that it is subject to Regional Transportation Mitigation fees (which are required to be paid to the Council of Fresno County Governments).

Caltrans Division 6 staff reviewed the TIS and the project description, and indicated (in the attached letter dated September 15, 2011) that a traffic control plan should be required for the proposed swap meet, in order to prevent impacts to the Clovis Avenue interchange with State Route 180.

City Planning staff consulted with Public Works Traffic Engineering and concluded that impacts were not likely, since the interchange only experiences congestion on weekdays at peak travel hours and the swap meet will occur on weekends. In case any unexpected impacts do occur that could be attributed to the swap meet, a condition of approval is being imposed on S-11-052

that would require the traffic management plan, contingent on the City Traffic Engineer and Caltrans District 6 determining that the swap meet caused adverse impacts.

Fresno Area Express (FAX) Route 35 serves this segment of Olive Avenue. The Public Utilities Commission reviewed the proposed project and had no comments to submit regarding railroad crossings in the vicinity.

In summary, with payment of the prescribed traffic/transportation and signalization fees, and contingent measures to implement a traffic control plan if the swap meet does create any traffic conflicts, no significant adverse impacts to transportation or traffic circulation are expected to result from approval of the rezone and site plan review applications beyond those traffic impacts determined through MEIR No. 10130 certified for the 2025 Fresno General Plan.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, mitigation measures Nos. B-1 through B-7 and C-3 relating to transportation and transportation infrastructure, as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated September 23, 2011.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS - - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	

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

As noted previously, the 2025 Fresno General Plan requires that the City Department of Public Utilities (DPU) make a determination that adequate sanitary sewer and water supply service will be available to serve the proposed project. When a special permit application is filed for the subject property, the nature of the water demand and wastewater generation will be known for the subject property, and the City of Fresno Department of Public Utilities will be able to make an appropriate finding and impose any requirements for capacity enhancements. Ability to serve findings were incorporated into the Department of Public Utilities sewer service memorandum dated September 12, 2011 and the Bakman Water District has approved connection to its water system for the proposed swap meet.

Fresno Irrigation District has noted that it has no facilities located on the subject property (see attached letter, dated September 9, 2011).

The proposed project is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

The only new water or wastewater facilities anticipated necessary to serve this project would be an individual wastewater line (a house branch) to serve the restroom and handwashing facilities for the swap meet. One or more on-site hydrants that may be required pursuant to Fire Prevention Bureau review of the corrected site plan exhibit for the swap meet.

No new public storm drainage facilities are required for this project; as related in the previously-referenced FMFCD letter dated September 13, 2011.

The project site can be serviced by the DPU Solid Waste Division or by a private contractor, at the applicant's option. Conditions of approval for the site plan require that an appropriate receptacle be constructed on the site to accommodate waste bins.

The City of Fresno has one of the highest waste diversion (recycling) rates in the nation, so the net quantity of solid waste being sent to a repository from this facility is expected to be small. The designated repository for the City's non-recyclable waste stream is the Fresno County American Avenue Landfill, whose capacity is sufficient for the foreseeable future (over 35 years remaining in current permitted capacity).

Mitigation Measures

1. The proposed project shall implement and incorporate measures D-3 through D4, D-9 through D-10, F-1, F-3, and F-5 as outlined in Exhibit C, the MEIR Mitigation Measure Monitoring Checklist dated September 23, 2011.

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 preceding analysis and mitigation measures required of the proposed project, it may be concluded that the proposed project:

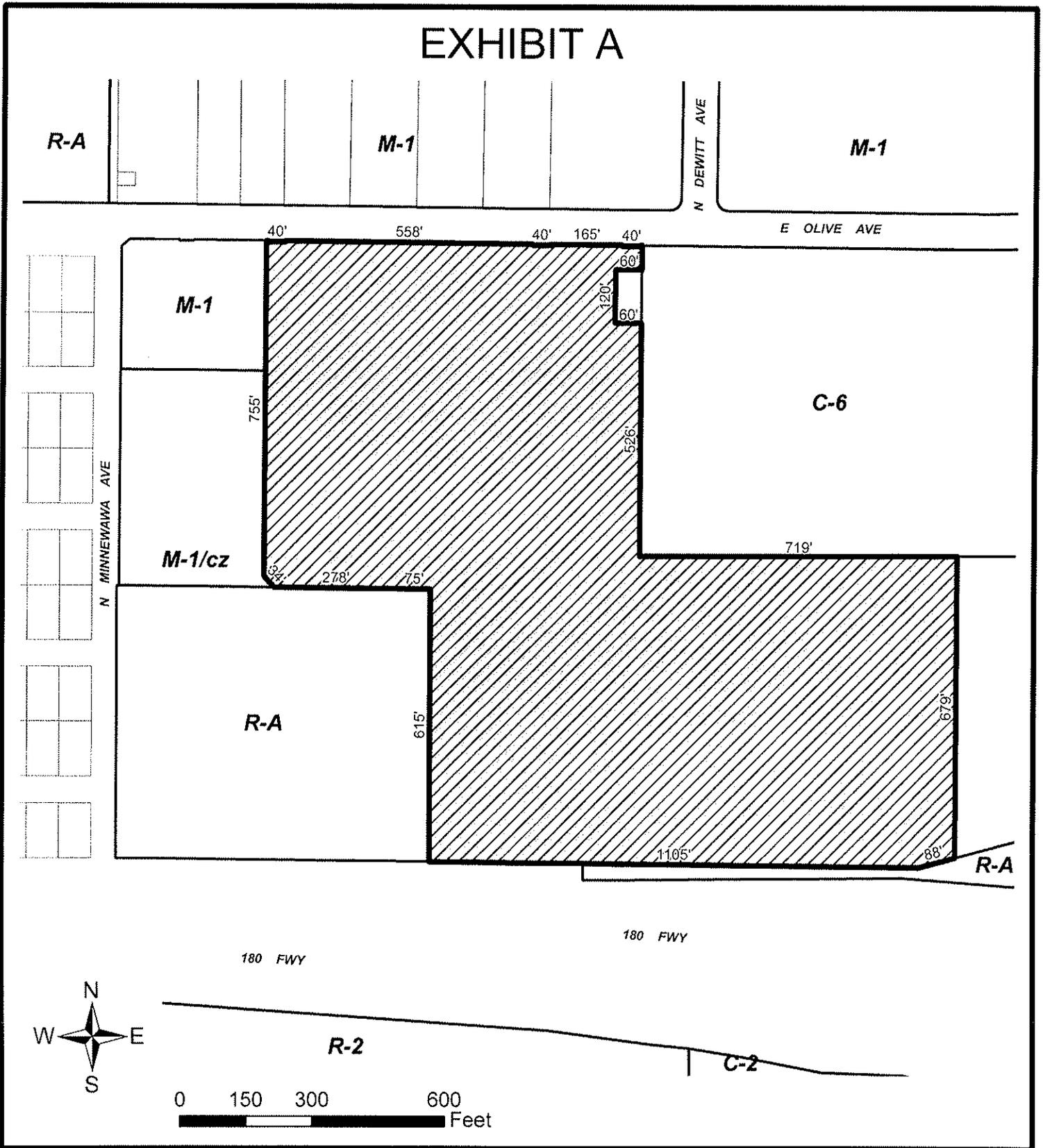
- does not have environmental impacts which will cause substantial adverse effects on human beings, either directly nor indirectly.
- does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish/wildlife or native plant species (or cause their population 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.

Attachments: Vicinity Map for Rezone Application No. R-11-015  
2008 Aerial photo of project site and vicinity  
Assessor's Map Page depicting APN 356-030-56 and surrounding parcels  
Email from San Joaquin Valley Air Pollution Control District, dated August 31, 2011  
Memoranda from Department of Public Utilities regarding Water and Sewer Requirements, both dated September 12, 2011  
Fresno Metropolitan Flood Control District Notice of Requirements dated September 13, 2011  
Letter from Fresno County Environmental Health, dated September 12, 2011  
Map of current planned land uses in the project vicinity  
Letter from the California Department of Transportation, dated September 15, 2011  
Letter from Fresno Irrigation District, dated September 9, 2011  
Exhibit B, MEIR No. 10130 Review Summary  
Exhibit C, MEIR Mitigation Measure Monitoring Checklist, dated September 23, 2011

# EXHIBIT A



R-11-015  
APN: 456-030-56 (portion)  
5440 East Olive Avenue

 M-1/cz to M-1, 33.21 Acres



2008 Aerial Photo, overall parcel involved in Rezone R-11-015 & portion involved in S-11-052



## Sandra Brock

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**From:** Cherie Clark [Cherie.Clark@valleyair.org]  
**Sent:** Wednesday, August 31, 2011 4:13 PM  
**To:** Sandra Brock  
**Subject:** S-11-052, Re-establish smaller Sunnyside Swap Meet

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of **re-establishment of a smaller Sunnyside Swap Meet** and has no comments to offer at this time.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. To identify 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 at [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

If you have any questions or require further information, please call the District at (559) 230-6000 and ask to speak to the ISR/CEQA group.





**DEPARTMENT OF PUBLIC UTILITIES**

**Date:** September 12, 2011

**To:** SANDRA BROCK  
Planning and Development Department

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

**Subject:** WATER REQUIREMENTS FOR SITE PLAN PERMIT S-11-052

**General**

S-11-052 was filed by Steve Kalpakoff of Terra Bella Design, on behalf of Sunnyside Ventura, Inc., and pertains to a 7.4 acre portion of property located on the southwest corner of East Olive and North Clovis Avenues, 5550 East Olive Avenue, APN 456-030-56 & 16. The applicant requests authorization to re-establish a smaller Sunnyside Swap Meet in the lot zoned M-1-cz, Light Manufacturing-conditions of zoning, just west of the lot where the original swap meet was held.

**Water Requirements**

1. Project site is located within the jurisdiction of another provider for water service. The applicant should contact BAKMAN Water District for service conditions and/or restrictions.



## DEPARTMENT OF PUBLIC UTILITIES

**Date:** September 12, 2011

**To:** SANDRA BROCK  
Planning and Development Department

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

**Subject:** SEWER REQUIREMENTS FOR SITE PLAN PERMIT S-11-052



### General

S-11-052 was filed by Steve Kalpakoff of Terra Bella Design, on behalf of Sunnyside Ventura, Inc., and pertains to a 7.4 acre portion of property located on the southwest corner of East Olive and North Clovis Avenues, 5550 East Olive Avenue, APN 456-030-56 & 16. The applicant requests authorization to re-establish a smaller Sunnyside Swap Meet in the lot zoned M-1-cz, Light Manufacturing-conditions of zoning, just west of the lot where the original swap meet was held.

### Sanitary Sewer Requirements

The nearest sanitary sewer main to serve the proposed project is a 15-inch main located in E Olive Ave. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. Installation of sewer house branch(s) shall be required.
2. Abandon any existing on-site private septic systems.
3. 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.

### Sanitary Sewer Fees

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

1. Payment of all applicable sewer connection fees shall be required.
2. 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.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

File No. 210.412

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PUBLIC AGENCY

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

DEVELOPER

BRYAN PARISI - SUNNYSIDE VENTURA INC.  
2721 VENTURA ST.  
FRESNO, CA 93721

PROJECT NO: 2011-052

ADDRESS: 5550 E. OLIVE AVE.

APN: 456-030-52

SENT:

9/13/11

Drainage Area(s)	Preliminary Fee(s)
W	\$0.00

**TOTAL FEE: \$0.00**

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/12 based on the site plan submitted to the District on 8/31/11 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

**FR SPR No. 2011-052**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 5

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

1.  a. Drainage from the site shall REMAIN AS EXISTING  
 b. Grading and drainage patterns shall be as identified on Exhibit No.  
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:  
  
 Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".  
 None required.
3. The following final improvement plans shall be submitted to the District for review prior to final development approval:  
  
 Grading Plan  
 Street Plan  
 Storm Drain Plan  
 Water & Sewer Plan  
 Final Map  
 Other  
 None Required
4. Availability of drainage facilities:  
  
 a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).  
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.  
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available. TEMPORARY SERVICE IS AVAILABLE THROUGH EXISTING ON-SITE TEMPORARY POND  
 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.

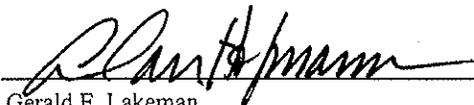
FR SPR No. 2011-052

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

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FR SPR No. 2011-052

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

  
Gerald E. Lakeman  
District Engineer

  
Phu Q. Duong  
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 5

CC:

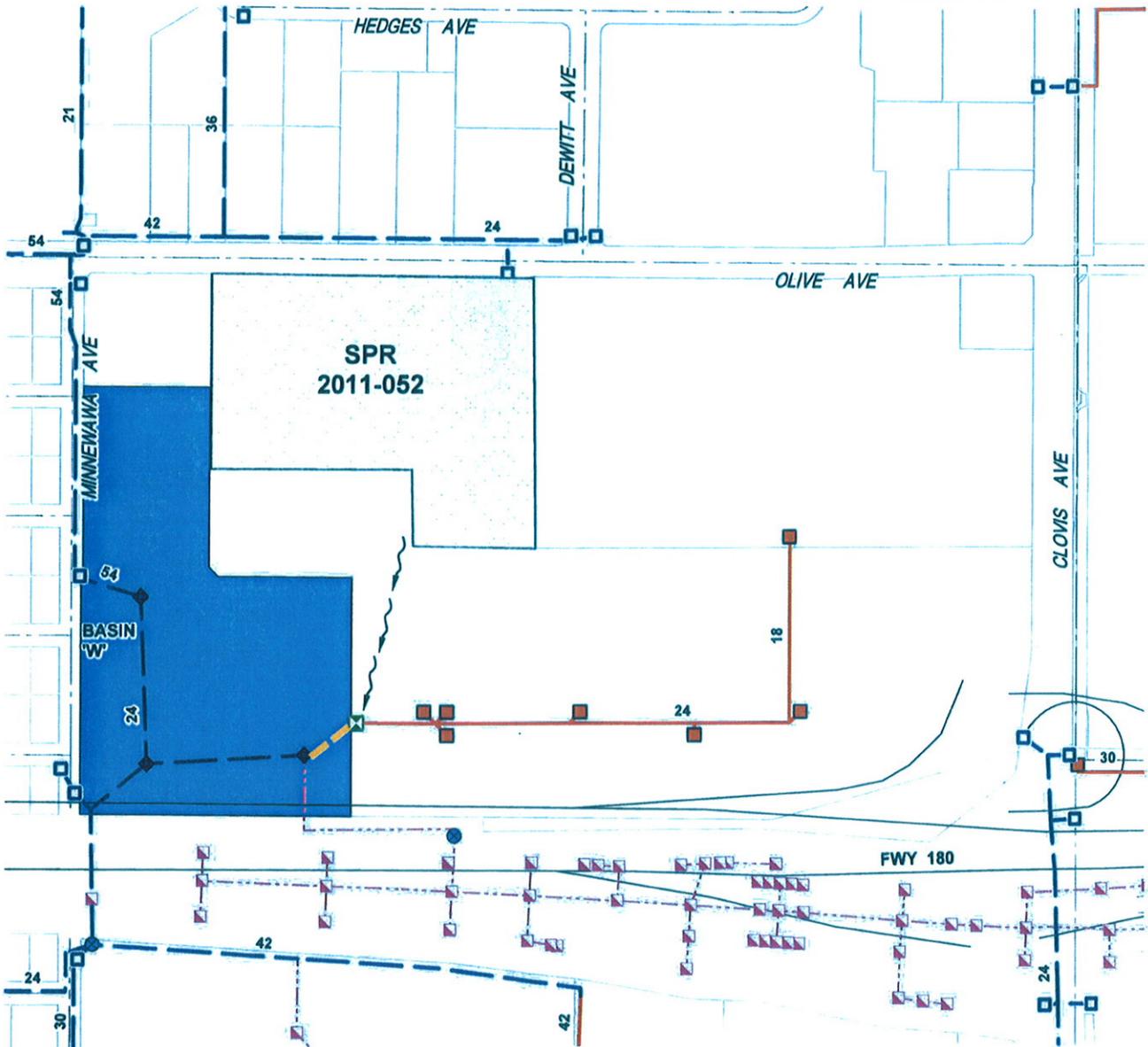
STEVE KALPAKOFF - TERRA BELLA DESIGN

4838 N. BLACKSTONE, #E

FRESNO, CA 93726

**FR SPR No. 2011-052**

NOTE:  
THIS MAP IS SCHEMATIC  
DISTANCES ARE APPROXIMATE.



### LEGEND

-  Existing Master Plan Facilities
-  Future Master Plan Facilities
-  Private Facilities
-  Optional Temporary Non-Master Plan Inlet To Be Constructed By Developer (Not Eligible For Fee Credit)
-  Optional Master Plan Facilities To Be Constructed By Developer (Eligible For Fee Credit)
-  Direction Of Swale
-  Limits of SPR 2011-052



1" = 400'

**SPR 2011-052**  
**DRAINAGE AREA "W"**

EXHIBIT NO. 1



**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

Prepared by: wadet

Date: 9/9/2011

Path: K:\Autocad\DWGS\10EXHIBIT\CITYSPR\2011-052.mxd





## County of Fresno

Department of Public Health

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

September 12, 2011

FA0000351  
LU0016162  
PE 2602

Sandra Brock  
City of Fresno  
Development Department  
2600 Fresno Street  
Fresno, CA 93721

Dear Ms. Brock:

**PROJECT NUMBER:** S-11-052

**Site Plan Review Application No. S-11-052** was filed by Steve Kalpakoff of Terra Bella Design, on behalf of Sunnyside Ventura, Inc., Inc., and pertains to a 7.4-acre portion of an overall 21-acre parcel located on the southwest corner of East Olive and North Clovis Avenues. The applicant requests authorization to re-establish a smaller Sunnyside Swap Meet in the lot zoned M-1/cz (*Light Manufacturing / conditions of zoning*) just west of the lot where the original swap meet was held.

**APN:** 456-030-15

**ZONING:** M-1/cz

**ADDRESS:** 5550 East Olive Avenue

This Department requires the following information / clarifications to complete our review and comment on the proposed project. It is requested that the applicant revise their operational statement to address the following:

- The applicant indicates in item #9 of the city's Environmental Assessment that the proposed project will cause smoke, odors or gases from food vendors. The applicant further states in his operational statement item #10 b) Restricted Items; *edible items other than those being sold by management approved food vendors* are restricted. However, item #17 Food Preparation specifically states that the use of any type of cooking equipment (barbeques, stoves, hot plates, etc.) inside the vendor space is prohibited.

It is unclear what types of food vendors will be allowed (mobile food vehicles, produce, farmer's market type, etc.). The applicant should be advised that swap meet food vendors are limited to only commercially pre-packaged non-potentially hazardous foods, and whole, uncut produce.

- The site plan indicates existing men's and women's restroom facilities, along with proposed porta-potties. The applicant further states that restrooms and office are proposed to be temporary until the business is successful estimated to be within 1-2 years. The applicant shall indicate the type of restroom facilities proposed for use, or if he only intends to have porta-potties on site. (As per our conversation with the applicant, it was indicated that a temporary restroom trailer with connections to City sewer and water is proposed.) The applicant should be advised that swap meet food vendors must have permanent restroom facilities.

This Department has the following concerns based upon previous experience with swap meet/flea market operations in that these types of operations attract:

- Mobile food facilities and/or mobile food preparation units operating outside of the approved swap meet (on surrounding streets and nearby parking lots).

Sandra Brock  
S-11-052  
September 12, 2011  
Page 2 of 2

- Mobile food facilities and/or mobile food preparation units operating without a valid operating permit issued by the Fresno County Department of Public Health, Environmental Health Division.
- Mobile food facilities and/or mobile food preparation units preparing and/or selling food outside of the approved vehicles (i.e. on tables).
- Vendor(s) selling packaged foods without proper labels.

Recommended Conditions of Approval:

- As the permit holder, Sunnyside Ventura, Inc. shall be responsible for ensuring that all food vendors operating at the facility remain in compliance with Fresno County Department of Public Health, Environmental Health Division permit requirements. All mobile food facilities and/or mobile food preparation units operating at the facility shall have a valid Fresno County Department of Public Health Permit to Operate, and operate within the scope of the permit.
- The Swap Meet permit will cover the on-site sale of whole, uncut produce; and prepackaged, non-potentially hazardous foods by vendors operating at the swap meet. All other foods proposed for sale will be required to be sold from permitted mobile food facilities and/or mobile food preparation units. This information shall be provided to the vendors in the form of an agreement/contract between the Swap Meet operator and prospective vendors.
- Permanent restroom facilities will be required. All permitted mobile food facilities and/or mobile food preparation units that may be operating inside the swap meet facility shall be located within 200 feet of approved permanent restroom facilities (California Retail Food Code Section 114315). Prior to issuance of building permits for the new restroom facility(s), the applicant shall submit complete 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) 445-3334 for more information.
- The applicant should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers, which may require the Owner/Operator/Vendor to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle) if they generate used tires. Contact CalRecycle at (8666) 896-0600 for additional information.

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REVIEWED BY:

**Janet Gardner**

Digitally signed by Janet Gardner  
DN: cn=Janet Gardner, o=Environmental Health Division,  
ou=Fresno County Public Health Department,  
email=jgardner@fresno.co.us, c=US  
Date: 2011.09.12 15:59:36 -0700

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

Environmental Health Specialist III

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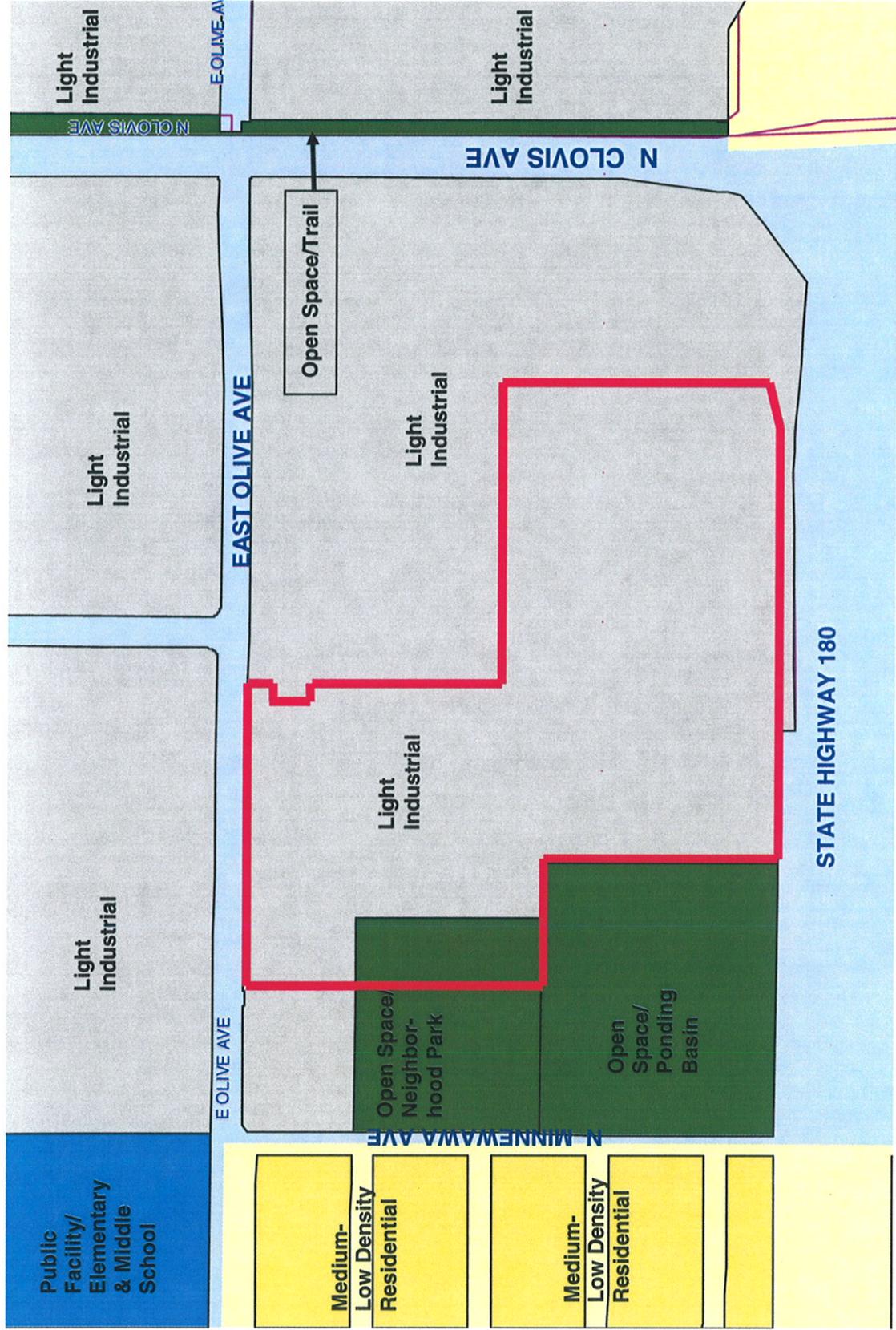
(559) 445-3271

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jg

cc. Stephanie Kahl, Supervising Environmental Health Specialist (CT 3001)  
Matt Gore, Environmental Health Division  
Steve Kalpakoff, Terra Bella Design (via e-mail)  
Bryan Parisi, Sunnyside Ventura Inc. (via e-mail)

S-11-052 Swap Meet (2)



Planned land uses in vicinity of Rezone Application R-11-015 & SPR Application S-11-052

**DEPARTMENT OF TRANSPORTATION**

1352 WEST OLIVE AVENUE  
P. O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-5868  
FAX (559) 488-4088  
TTY (559) 488-4066



*Flex your power!  
Be energy efficient!*

September 15, 2011

2131-IGR/CEQA  
6-FRE-180-63.449+/-  
S-11-052  
SUNNYSIDE VENTURA, INC.

Ms. Sandra Brock  
City of Fresno  
Development and Resource Management  
2600 Fresno Street, Third Floor  
Fresno, CA. 93721-3604

Dear Ms. Brock:

We have completed our review of the proposal to allow a swap meet that would be located approximately ¼ mile west of the intersection of Clovis and Olive Avenues. The proposed swap meet would initially cover only 7.4 acres of a larger 21-acre parcel. The applicant indicates that there would be a maximum of 250 vendors. The parking lot has 325 spaces available. The swap meet would operate every Saturday and Sunday, unless there is inclement weather. Caltrans has the following comments:

Given that the intersection of Clovis and Olive Avenues is approximately ¼ mile north of the State Route (SR) 180 interchange at Clovis Avenue, and given the relative newness of the SR 180 interchange at Clovis Avenue, it is likely that traffic generated by this proposed development would impact the SR 180 interchange at Clovis Avenue; however, impacts from this initial phase of the development would likely be minimal on State facilities. The operational statement indicates that the development could double or triple in size in the future, but the applicant is requesting that future expansions be done under separate applications.

Based upon prior experiences with other similar swap meet developments, it is recommended that a full build out analysis of this proposed development be required. The traffic analysis should include an operational analysis of the nearby SR 180 ramp intersections. The focus of the operational analysis should be on the queue analysis.

It may be necessary that a development such as this provide a Traffic Management Plan (TMP) that has been prepared by a qualified traffic analyst. The TMP should cover the different phases of the development. The TMP should also be flexible enough so that adjustments could be made given certain situations. The traffic management plan should also be subject to review by the City Police, CHP, and Caltrans District 6 Office of Traffic Management. Furthermore, it is recommended that the TMP be subject to review by these agencies on an annual basis.

Ms. Sandra Brock  
September 15, 2011  
Page 2

If you have any questions, please call me at (559) 445-5868.

Sincerely,

MICHAEL NAVARRO  
Office of Transportation Planning  
District 06



YOUR MOST VALUABLE RESOURCE - WATER

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

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

September 9, 2011

Ms. Sandra Brock  
City of Fresno  
Development and Resource Management  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

RE: Site Plan Review No. S-11-052, S/W Olive and Clovis avenues

Dear Ms. Brock

The Fresno Irrigation District (FID) has reviewed the Site Plan Review No. S-11-052 where the applicant requests authorization to re-establish a smaller Sunnyside Swap Meet in the lot zoned M-1/cz just west of the lot where the original swap meet was held, located southwest of Olive and Clovis avenues, APN: 456-030-15, and has the following comments:

1. FID does not own, operate or maintain any facilities located on the applicant's property as indicated on the attached FID exhibit map.
2. For informational purposes; FID's Forsyth Canal No. 326 runs south and crosses Olive Avenue, approximately 365 feet west of the subject property as shown on the attached FID exhibit map. Should any street improvements be required along Olive Avenue and in the vicinity of the canal crossing FID requires it review and approval of all plans.

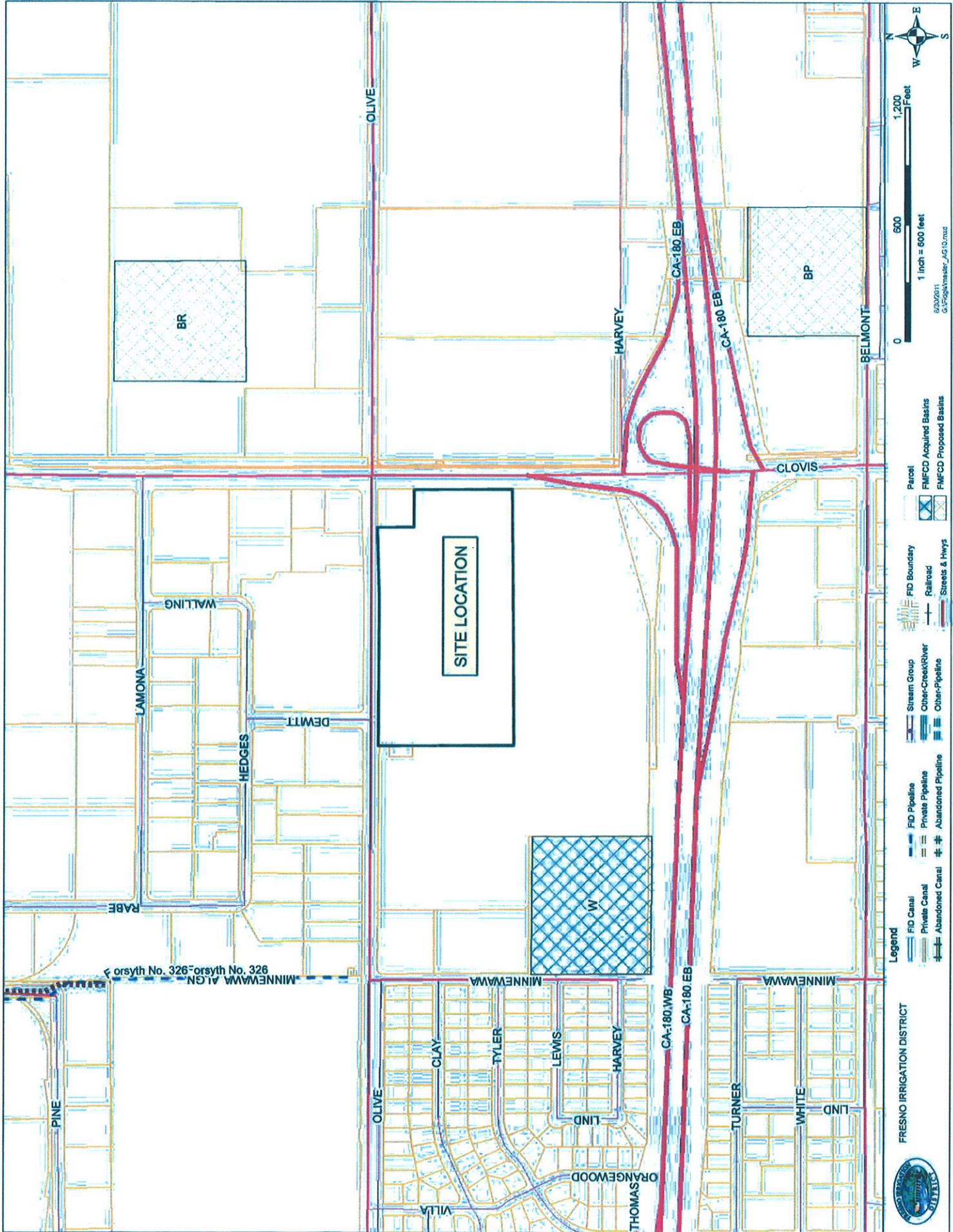
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact James Shields at 233-7161 extension 319 or [jshields@fresnoirrigation.com](mailto:jshields@fresnoirrigation.com).

Sincerely,

William R. Stretch, P.E.  
Chief Engineer

Attachment

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orsyth No. 326-orsyth No. 326  
MINNEWAWA ALIGN

SITE LOCATION

BR

BP

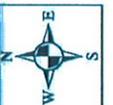
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Legend

FRESNO IRRIGATION DISTRICT



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



8/20/2011  
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## EXHIBIT B

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

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

The City has processed 128 plan amendment applications since the adoption of the 2025 Fresno General Plan. These applications have resulted in changes of planned land use that affected approximately 1,000 acres, representing approximately one percent of the land area within the 2025 Fresno General Plan boundary. The impacts of these amendments are minimal and not significant in relation to the balance of the density and intensity of the land uses impacted by the plan amendment applications.

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

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

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

## MEIR REVIEW SUMMARY

Page 2

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

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

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

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Rezone No. R-11-015, Site Plan Review No. S-11-052, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

## MEIR REVIEW SUMMARY

Page 3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

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

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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 Rezone No. R-11-015, Site Plan Review No. S-11-052 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.

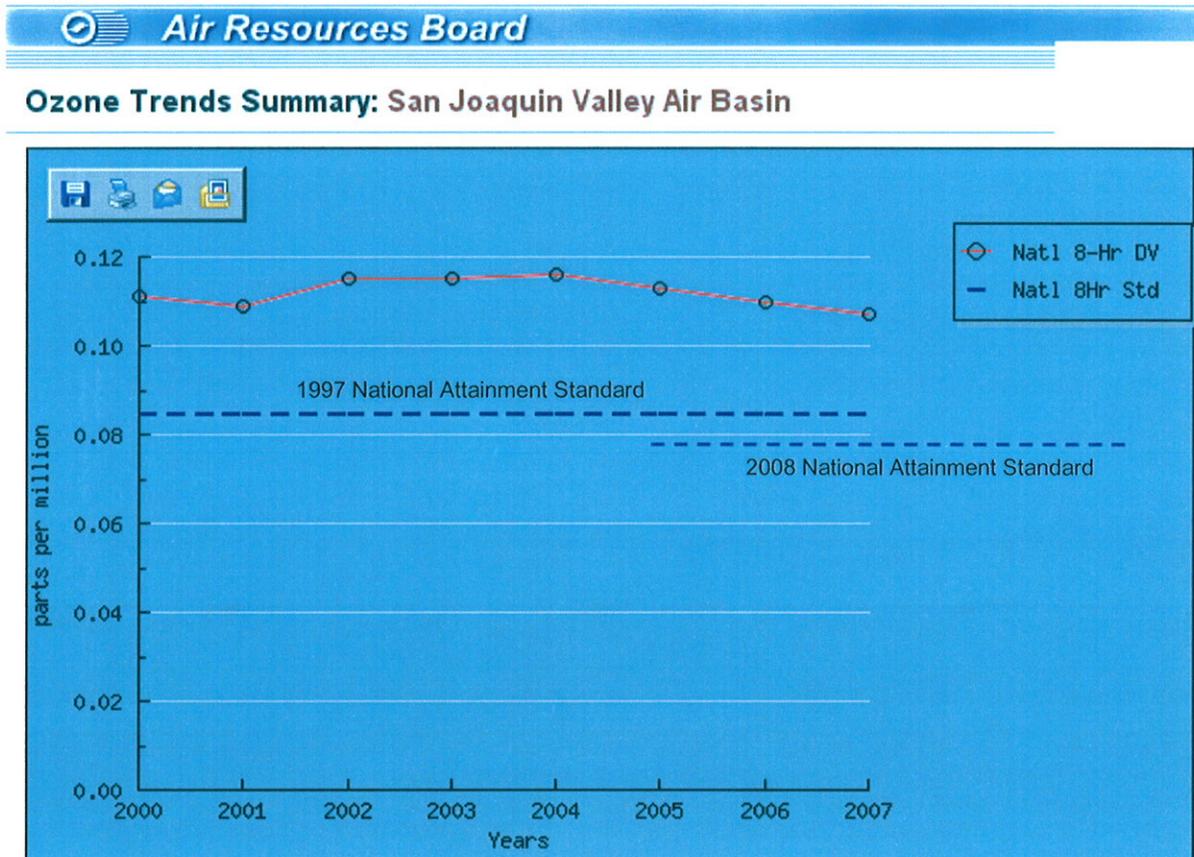
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted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



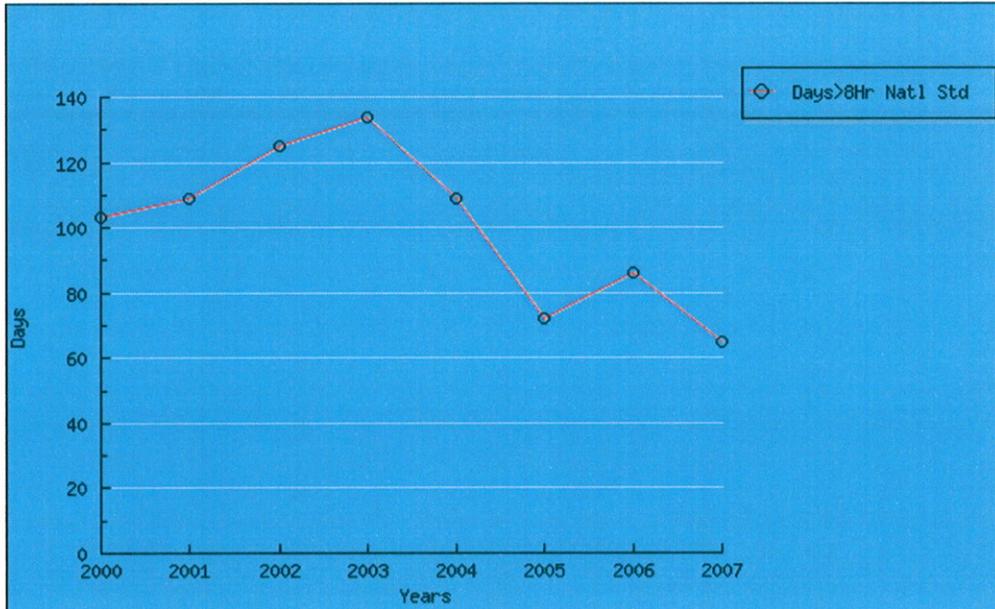
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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.

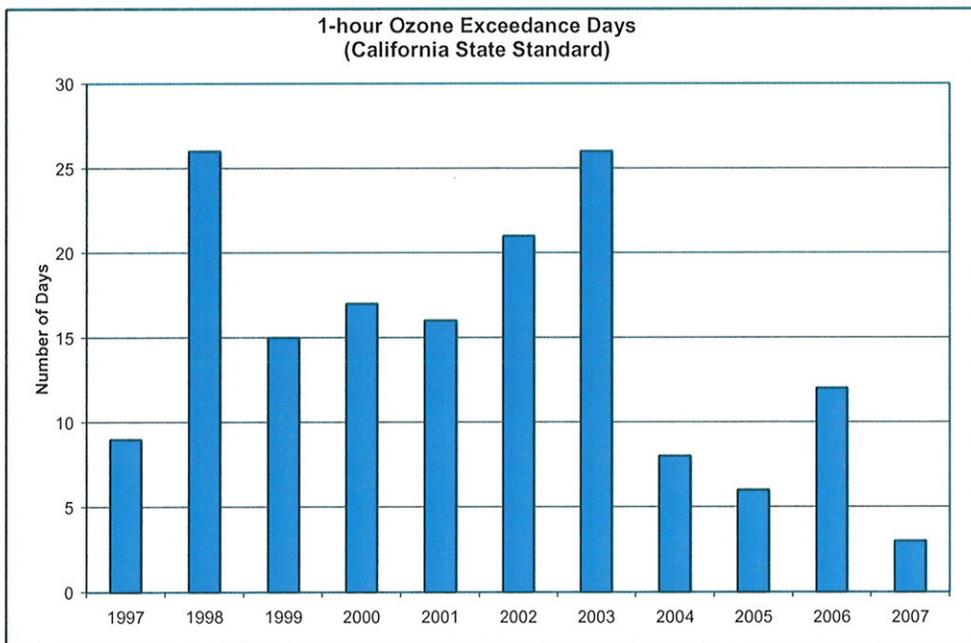
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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:

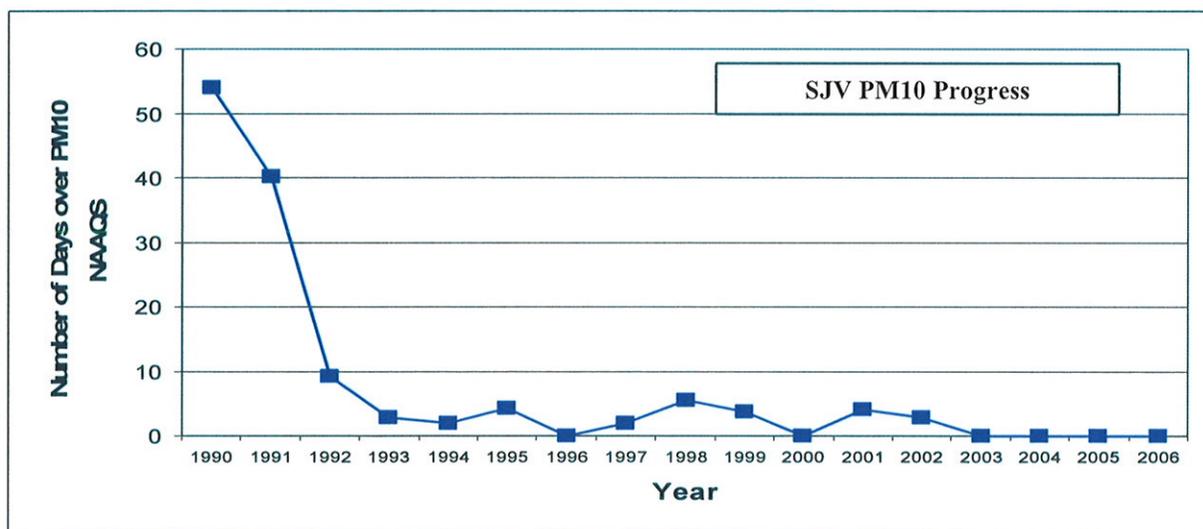


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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



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

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

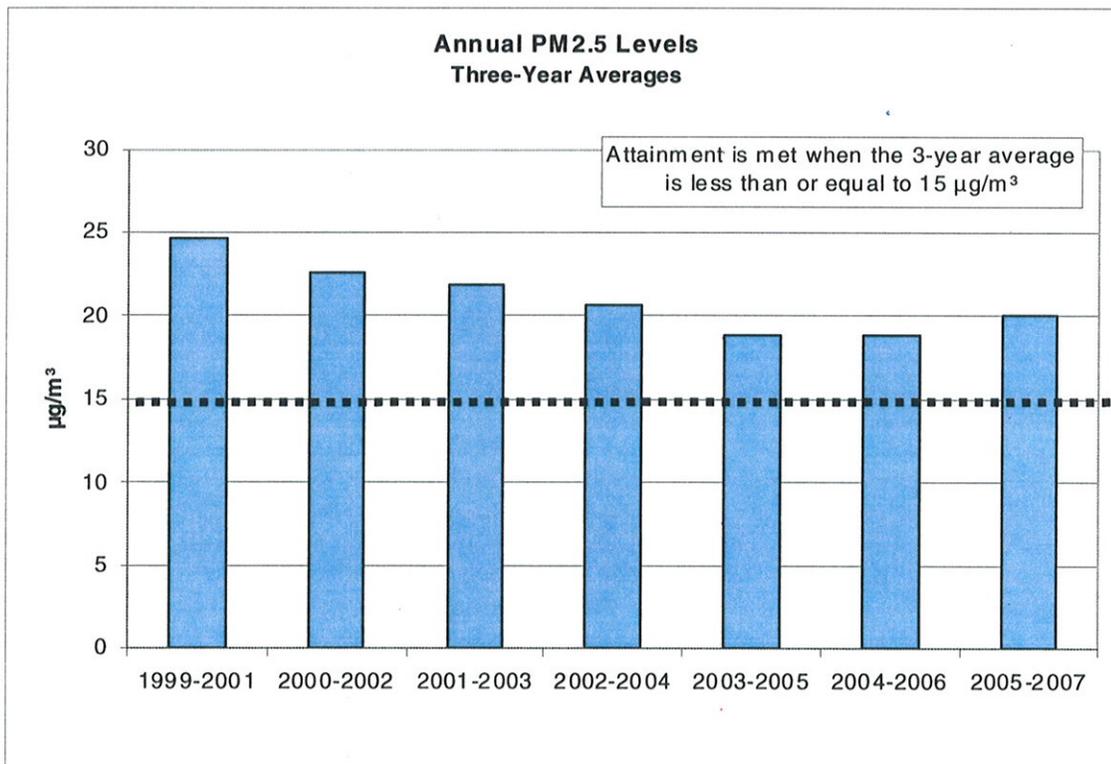
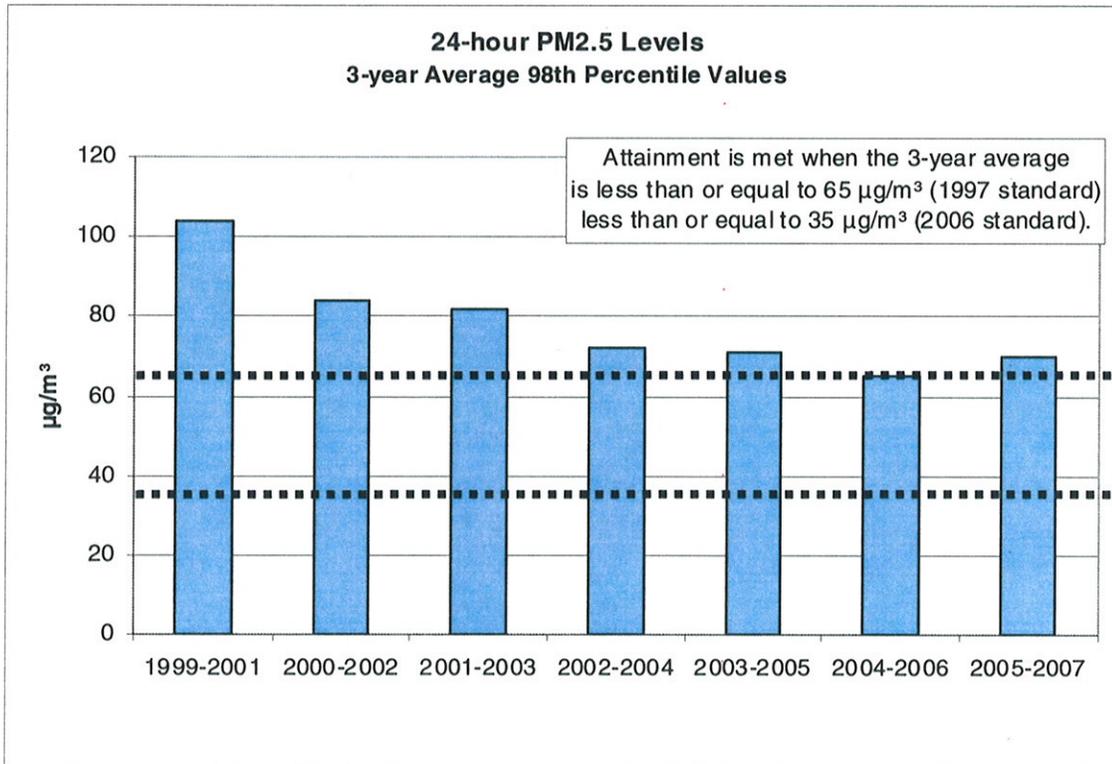
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

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

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

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

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



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

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

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

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

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

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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 (SF<sub>6</sub>) is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF<sub>6</sub> exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO<sub>2</sub> on a ton-for-ton basis.
- water vapor, the most predominant GHG, and a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (PM<sub>2.5</sub>) 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.

EXHIBIT C

**MEIR Mitigation Measure Monitoring Checklist for EA No. R-11-015/S-11-052  
September 23, 2011**

**INCORPORATING MEASURES FROM MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / CERTIFIED FOR THE 2025 FRESNO GENERAL PLAN (SCH No. 2001071097) AND THE MITIGATED NEGATIVE DECLARATION APPROVED FOR ENVIRONMENTAL ASSESSMENT NO. A-09-02 (RELATING TO PLAN AMENDMENT NO. A-09-02, THE AIR QUALITY UPDATE TO THE FRESNO GENERAL PLAN)**

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

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

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

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p><b>B-3.</b> Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.</p>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning; Development &amp; Resource Management Dept.</p>				X		X
<p><b>B-4.</b> For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors:</p> <ol style="list-style-type: none"> <li>Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services.</li> <li>In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of Traffic Impact Studies.</li> </ol>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning; Development &amp; Resource Management Dept.</p>	X			X		

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

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

A - Incorporated into Project  
 B - Mitigated

C - Mitigation in Process  
 D - Responsible Agency Contacted

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p><b>C-3.</b> The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.</p>	<p>Ongoing</p>	<p>Various city departments</p>					<p>X</p>	
<p><b>C-4.</b> The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as:</p> <ul style="list-style-type: none"> <li>a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions.</li> <li>b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit.</li> <li>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.</li> <li>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.</li> </ul>	<p>Ongoing</p>	<p>Fresno Area Express</p>					<p>X</p>	
<p><b>D-1.</b> The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.</p>	<p>Ongoing</p>	<p>Dept of Public Utilities and Development &amp; Resource Management Dept.</p>		<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	

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

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

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY					
		A	B	C	D	E	F

<p><b>D-12.</b> All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:</p> <table border="1"> <thead> <tr> <th 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	<p>Prior to approval of development project</p>	<p>Department of Public Utilities</p>	X					
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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
<b>D-13.</b> The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities			X	X	X		
<b>E-1.</b> The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Development & Resource Management Dept.						X	
<b>E-2.</b> To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Development & Resource Management Dept.	X					X	
<b>E-3.</b> The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Development & Resource Management Dept.							X

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY					
			A	B	C	D	E	F

<p><b>F-3.</b> The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. This shall include provision of tertiary treatment facilities to produce recycled water for landscape irrigation and other non-potable uses. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts.</p>	<p>Ongoing</p>	<p>Dept. of Public Utilities</p>	<p>X</p>		<p>X</p>	<p>X</p>	<p>X</p>	
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<p><b>F-4.</b> The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.</p>	<p>Ongoing/prior to approval of land use entitlement</p>	<p>Dept. of Public Utilities and Development &amp; Resource Management Dept.</p>	<p>X</p>		<p>X</p>	<p>X</p>	<p>X</p>	
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<p><b>F-5.</b> The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.</p>	<p>Ongoing/prior to construction</p>	<p>Dept. of Public Utilities</p>	<p>X</p>		<p>X</p>	<p>X</p>	<p>X</p>	
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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Development & Resource Management Dept.							X
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept. & Development & Resource Management Dept.							X
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement	Development & Resource Management Dept.							X
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.	Ongoing/prior to approval of land use entitlement	Development & Resource Management Dept.							X

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY							
			A	B	C	D	E	F		
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.	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.								X
I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.								X
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.								X
I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.								X

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p><b>J-1.</b> If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures:</p> <ul style="list-style-type: none"> <li>a. Amending construction plans to avoid the resources.</li> <li>b. Setting aside sites containing these resources by deeding them into permanent conservation easements.</li> <li>c. Capping or covering these resources with a protective layer of soil before building on the sites.</li> <li>d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them.</li> <li>e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.</li> </ul>	<p>Ongoing/prior to approval of land use entitlement</p>	<p>Development &amp; Resource Management Dept.</p>	X				X	
<p><b>J-2.</b> An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.</p>	<p>Ongoing/prior to submittal of land use entitlement application</p>	<p>Development &amp; Resource Management Dept.</p>	X				X	
<p><b>J-3.</b> If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.</p>	<p>Ongoing</p>	<p>Development &amp; Resource Management Dept./Historic Preservation Commission staff</p>	X				X	

MITIGATION MEASURE		WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<b>J-4.</b>	Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Development & Resource Management Dept./ Historic Preservation Staff						X
<b>K-1.</b>	The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Development & Resource Management Dept.					X	
<b>K-2.</b>	Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 Fresno General Plan.) The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4. <ul style="list-style-type: none"> <li>■ Site Planning. See Chapter V for more details.</li> <li>■ Barriers. See Chapter V for more details.</li> <li>■ Building Designs. See Chapter V for more details.</li> </ul>	Ongoing/upon submittal of land use entitlement application	Development & Resource Management Dept.				X		X

A - Incorporated into Project  
 B - Mitigated

C - Mitigation in Process  
 D - Responsible Agency Contacted

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
<b>K-3.</b> The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.	Ongoing/prior to building permit issuance	Development & Resource Management Dept.						X	X
<b>L-1.</b> Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.	Ongoing	Development & Resource Management Dept.	X						X
<b>N-1.</b> The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.	Ongoing	Development & Resource Management Dept.				X			
<b>Q-1.</b> The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.	Ongoing	Development & Resource Management Dept.	X						X