



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-D
COMMISSION MEETING 11-17-10

November 17, 2010

APPROVED BY

DEPARTMENT DIRECTOR

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

THROUGH: MIKE SANCHEZ, Planning Manager 
Development Services Division

BY: BONIQUE SALINAS, Planner 
Development Services Division

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-09-03, REZONE APPLICATION NO. R-09-03 AND RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. A-09-03/R-09-03/C-10-171

RECOMMENDATION

Upon consideration of staff evaluation, it can be concluded that the proposed Plan Amendment Application No. A-09-03 and Rezone Application No. R-09-03 are appropriate for the project site. Therefore, staff recommends to the Planning Commission take the following actions:

1. RECOMMEND APPROVAL to the City Council of Environmental Assessment No. A-09-03/R-09-03/C-09-171, dated October 15, 2010, which recommends that a Mitigated Negative Declaration be adopted for the plan amendment, rezone application and related conditional use permit application.
2. RECOMMEND APPROVAL to the City Council of Plan Amendment Application No. A-09-03 which is a request to amend the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium-low density residential planned land use designation to the neighborhood commercial land use designation for a 3.75 acre parcel.
3. RECOMMEND APPROVAL to the City Council of Rezone Application No. R-09-03 to redesignate approximately 3.75 acres of property zoned AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) to the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district subject to the conditions of zoning described near the end of this report as "Conditions of Zoning".

EXECUTIVE SUMMARY

Bill Robinson of Sol Development Associates on behalf of Mercey Properties, LP has filed a plan amendment and rezone request pertaining to approximately 3.75 acres of property located on the southwest corner of East Kings Canyon Road and South Temperance Avenue. Plan Amendment Application No. A-09-03 proposes to amend the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate approximately 3.75 acres of property from the medium-low density residential planned land use designation to the neighborhood commercial planned land use designation. Rezone Application No. R-09-03 proposes a zone district reclassification from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) to C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district.

Approval of the plan amendment and rezone requests will facilitate the development of a neighborhood shopping center that is proposed under Conditional Use Permit Application No. C-10-171. This application proposes the construction of two single story buildings totaling approximately 27,400 square

feet (a 15,000± square-foot drug store with a drive-through window, and a 12,400± square-foot grocery store). This conditional use permit application is in process (see attached Exhibit D for site plan and elevations).

PROJECT INFORMATION

PROJECT	Plan Amendment Application No. A-09-03 proposes to amend the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate approximately 3.75 acres of property from the medium-low density residential planned land use designation to the neighborhood commercial planned land use designation. Rezone Application No. R-09-03 proposes a zone district reclassification from the AE-20/UGM (<i>Exclusive Twenty Acre Agricultural/Urban Growth Management</i>) to C-1/UGM (<i>Neighborhood Shopping Center/Urban Growth Management</i>) zone district for this same property.
APPLICANT	Bill Robinson of Sol Development Associates 906 N Street, Suite 100 Fresno, CA 93721
LOCATION	6949 East Kings Canyon Road, Fresno, California 93727 Located on the southwest corner of East Kings Canyon Road and South Temperance Avenue Assessor's Parcel Numbers: 313-040-54 Council District 5, Councilmember Dages
SITE SIZE	Approximately 3.75 acres
LAND USE	Existing - Medium-low density residential Proposed- Neighborhood Commercial
ZONING	Existing- AE-20/UGM (<i>Exclusive Twenty Acre Agricultural/Urban Growth Management</i>) Proposed- C-1/UGM (<i>Neighborhood Shopping Center/Urban Growth Management</i>)
PLAN DESIGNATION AND CONSISTENCY	The proposed C-1 zone district is consistent with the proposed plan amendment request to the 2025 Fresno General Plan and the Roosevelt Community Plan.
ENVIRONMENTAL FINDING	Finding of Mitigated Negative Declaration filed on October 15, 2010
PLAN COMMITTEE RECOMMENDATION	The District 5 Plan Implementation Committee reviewed and recommended approval of the proposed project with no conditions at their July 13, 2009 meeting.
STAFF RECOMMENDATION	Recommend that the City Council approve the proposed plan amendment and rezone applications.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Low Density Residential	AL-20 <i>(County Zoning)</i>	Vacant
East	Southeast Growth Area (SEGA). The land use plan for this area is in progress	AE-20 and C-6 <i>(County Zoning)</i>	Vacant
Southwest	Office Commercial	S-L/EA/UGM <i>(Storage Limited/Expressway Area Overlay/Urban Growth Management)</i>	Vacant <i>(Approved for a Mini-Storage)</i>

ENVIRONMENTAL FINDING

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 Roosevelt Community Plan, including the Master Environmental Impact Report (MEIR No. 10130) for the 2025 Fresno General Plan, and Mitigated Negative Declaration (MND) No. A-09-02 (SCH # 2009051016).

The proposed amendment to the adopted 2025 Fresno General Plan, has been determined to not be fully within the scope of MEIR No. 10130 and Mitigated Negative Declaration No. A-09-02 as provided by CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 and Mitigated Negative Declaration (MND) No. A-09-02 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a). It has been further determined that, although this project does constitute a change in the land use map for the 2025 Fresno General Plan and Roosevelt Community Plan, it is consistent with policies of the 2025 Fresno General Plan. Many of the project's potential impacts fall within the scope of Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan ("MEIR"), State Clearinghouse No. 2001071097 and Mitigated Negative Declaration (MND) No. A-09-02 and this Mitigated Negative Declaration is tiered from that MEIR and MND.

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 MND adopted; and, that no new information, which was not know and could not have been known at the time that the MEIR was certified as complete or the MND was adopted, has become available.

Therefore, based on the attached environmental assessment and the list of identified mitigation measures, staff has determined the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of

CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2). A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-09-03/R-09-03/C-10-171 was published on October 15, 2010 with no comments received within the 20 day comment period.

BACKGROUND / ANALYSIS

Plan Amendment Application No. A-09-03 proposes to amend the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate approximately 3.75 acres of property from the medium-low density residential planned land use designation to the neighborhood commercial planned land use designation. Rezone Application No. R-09-03 proposes a zone district reclassification from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) to C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district. Approval of the plan amendment and rezone requests will facilitate the development of a neighborhood shopping center that is proposed under Conditional Use Permit Application No. C-10-171.

The proposed project was on hold for several months because staff originally intended to recommend denial of the plan amendment request. At that time, the plan amendment request was premature because the Specific Plan for SEGA (the Southeast Growth Area) was still in its early stages. The subject site will act as a gateway to SEGA (it is directly west of the eastern edge of SEGA). Thus, it is important that this site be designed and developed appropriately so that it complements the new development that will occur within SEGA. In order to resolve some of the design concerns, staff required that the applicant submit an entitlement application (rather than just a conceptual site plan). The applicant submitted Conditional Use Permit Application No. C-10-171 on August 10, 2010, thus facilitating the progression of the plan amendment and rezone applications for this site.

Staff supports the proposed plan amendment request primarily because some of the characteristics of this property (i.e. its awkward shape, its small size, and its location along a major arterial and an expressway) make it difficult to develop the subject site with a residential project. A single family residential development is the type of development that is consistent with the existing medium-low density residential planned land use.

COUNCIL DISTRICT PLAN IMPLEMENTATION COMMITTEE

The District 5 Plan Implementation Committee reviewed and recommended approval of the proposed plan amendment and rezone with no conditions at their July 13, 2009 meeting. At that time, the committee had comments related to the timing of the development, the projected uses for the site and how the site uses would blend in with the uses proposed by the Southeast Growth Area specific plan. Many of these questions were answered when the applicant submitted the conditional use permit application for this site (Conditional Use Permit Application No. C-10-171) which the committee reviewed and recommended approval of at their September 13, 2010 meeting.

LAND USE PLANS AND POLICIES

The plan amendment application for the project site proposes to amend the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate approximately 3.75 acres of property planned medium-low density residential to the neighborhood commercial planned land use designation. The plan amendment request will facilitate the development of a neighborhood commercial shopping center with a grocery store and a drug store.

2025 Fresno General Plan

The 2025 Fresno General Plan contains numerous policies that apply to the proposed project. For example, Objective C-12 of the 2025 Fresno General Plan states that "Commercial land uses shall be classified, located, sized, and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts." The proposed plan amendment will allow the proposed site to be developed with a use/service that meets the needs of the surrounding neighborhood. Locating a neighborhood shopping center with a grocery store and a drug store in an area with existing residential uses will minimize travel requirements. Currently the closest grocery store to subject site is approximately 1.75 miles west of the site.

A second policy in the General Plan that applies to the proposed project is Policy C-12-a which states that the City shall "ensure that all commercial land uses are developed and maintained in a manner complimentary to and compatible with adjacent residential land uses, to minimize interface problems with surrounding environment and to be compatible with public facilities and services." The subject site does not directly abut any property planned or zoned for residential uses and the subject site has been designed to be compatible with the existing and planned surrounding uses.

Finally, Policy C-12-d of the 2025 Fresno General Plan states that "Neighborhoods should be anchored by commercial centers with a mix of uses that meet the area's need to achieve activity centers that create a sense of place". Staff believes that this small neighborhood center will contain the types of essential goods and services that will meet the needs of the neighborhood and will be required to contain unique architecture, a corner entry treatment, and pedestrian amenities that will create a "sense of place". The design of this small retail center will also serve to act as a gateway to the proposed SEGA specific plan area.

Roosevelt Community Plan

The Roosevelt Community Plan details several policies which apply to the proposed project. The proposed project complies with the overall land use goals of the Roosevelt Community Plan such as promoting development that will improve the character of existing neighborhoods and providing for the development of smaller neighborhood centers at appropriate major street intersections to meet anticipated neighborhood demand. When the final conditions of approval for Conditional Use Permit Application No. C-10-171 are completed, the project design will be required to comply with all design related goals and policies of the Roosevelt Community Plan such as interface standards and increased landscape requirements.

Circulation Element Plan Policies and Major Street System Traffic Capacity

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

In its Appendix B, the 2025 Fresno General Plan MEIR analyzed 2002 and future (full buildout) traffic impacts for all planned development and predicted levels of service for major roadways. It established Level of Service "D" as an acceptable level, at which significant traffic congestion would not occur.

Because this project includes a plan amendment, and because development of the site would generate over 100 peak hour trips, a traffic impact study (TIS) was required pursuant to MEIR 10130. This required TIS was reviewed by the City of Fresno Public Works Department/Traffic Planning Division.

After the TIS completed a more thorough site-specific investigation of the above roadway segments (and others in the vicinity) and major street intersections in the project area, it was found that there would be adequate roadway and intersection capacity to accommodate the planned development of this site, at LOS D or above, with several improvements to roadways in the area. The City of Fresno Public Works Department Traffic Engineering Division provided a letter (attached and dated August 5, 2009) listing requirements that will be applicable to subsequent development of the subject property. When Conditional Use Permit Application No. C-10-171 was submitted in August of 2010, the Public Works Department prepared a memorandum dated August 25, 2010 that detailed more specific traffic requirements for the subject site (see Exhibit F).

Conditional Use Permit Application No. C-10-171 has been required to comply with all City standards for roadway construction, including geometrics (lane curvature and turning radii), number and widths of travel and turn lanes, signalization and signage, bikeways, sidewalks, trails, and bus turnouts. The project will be required to construct all necessary street frontage improvements to City Standards along Kings Canyon Road and North Temperance Avenue. Right-of-way dedication will also be required to provide for the necessary improvements at the time of site development. The City's Development and Resource Management Department will apply appropriate conditions for the number of on-site parking spaces and bike rack slots, and the Public Works Department has ensured that parking areas for the proposed commercial center will comply with the City of Fresno Parking Manual.

The developer of this project, in accordance with the mitigation measures of the Master Environmental Impact Report (No. 10130) which was certified by the Council with the adoption of the 2025 Fresno General Plan, will be required to pay impact fees specific to the traffic signalization of the major street intersections. This project shall pay its Traffic Signal Mitigation Impact (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 Trip Generation Manual. The applicant shall also be subject to the Regional Transportation Mitigation Fee (RTMF) at the time of issuance of building permits.

The applicant has also been required to pay State of California Department of Transportation fees as determined by Caltrans. The fees will be collected and are payable to the City of Fresno Traffic Engineering Division. A receipt must be shown to the Development and Resource Management Department Land Division prior to issuing Building Permits for the future development of this site.

Public Facilities and Services

Water, Sewer and Solid Waste Services

The Department of Public Utilities has reviewed the proposed project and has determined that there are adequate services (water, sewer, and solid waste services) to serve the proposed plan amendment request as long the required infrastructure improvements are completed by the applicant (see attached memos (2) from the Department of Public Utilities dated August 26, 2010 (attached in Exhibit F) for requirements).

Fire Protection Services

The closest fire station, Fire Station No. 15, is located approximately 2.3 miles west of the subject property. The City of Fresno Fire Department has reviewed the proposal and has indicated that adequate fire services are available to serve the site. The specific fire requirements for this site are detailed on the attached memorandum from the Fire Department dated May 20, 2009 and August 18,

2010 (attached as part of Exhibit F).

Sanger Unified School District

The project site is located within the Sanger Unified School District. The school district has adopted development fees in accordance with current state law and currently levies a development fee based on square footage, which the project site will be subject to at the time of development. The specific requirements are contained in the attached letter from the Sanger Unified School District dated August 18, 2010 (attached as part of Exhibit F).

Conditions of Zoning

Several conditions of zoning have been proposed for the subject site. The reasons for the proposed conditions of zoning are described below the condition in italics:

1. The subject site must be developed in substantial conformance with Exhibit A dated August 16, 2010 (subject to the modifications required based on the conditions of approval) and the operational statement submitted for Conditional Use Permit Application No. C-10-171.

This condition of zoning has been proposed to ensure that subject site is developed with a use that will benefit the surrounding neighborhood and will be designed to act as a gateway to the future SEGA specific plan area.

2. Enhanced pedestrian amenities must be included on the subject site. These pedestrian amenities must include a corner entry treatment (with public art and benches) and additional pedestrian amenities located on the southeast corner of the subject site to accommodate trail users.

This condition of zoning has been proposed to ensure that future development of the subject site is designed to act as a gateway to the future SEGA specific plan area.

3. The architecture depicted on Exhibit EF dated August 16, 2010 submitted for Conditional Use Permit Application No. C-10-171 must be enhanced to provide unique architectural and design features that allow the subject site to act as a gateway to SEGA and provide a unique sense of place for the neighborhood.

This condition of zoning has been proposed to ensure that future development of the subject site is designed to act as a gateway to the future SEGA specific plan area.

4. Future development of the subject site shall comply with the mitigation measures detailed in Environmental Assessment No. A-09-03/R-09-03/C-10-171 dated October 15, 2010.

This condition of zoning has been proposed to ensure that all future development on the subject site complies with all applicable mitigation measures.

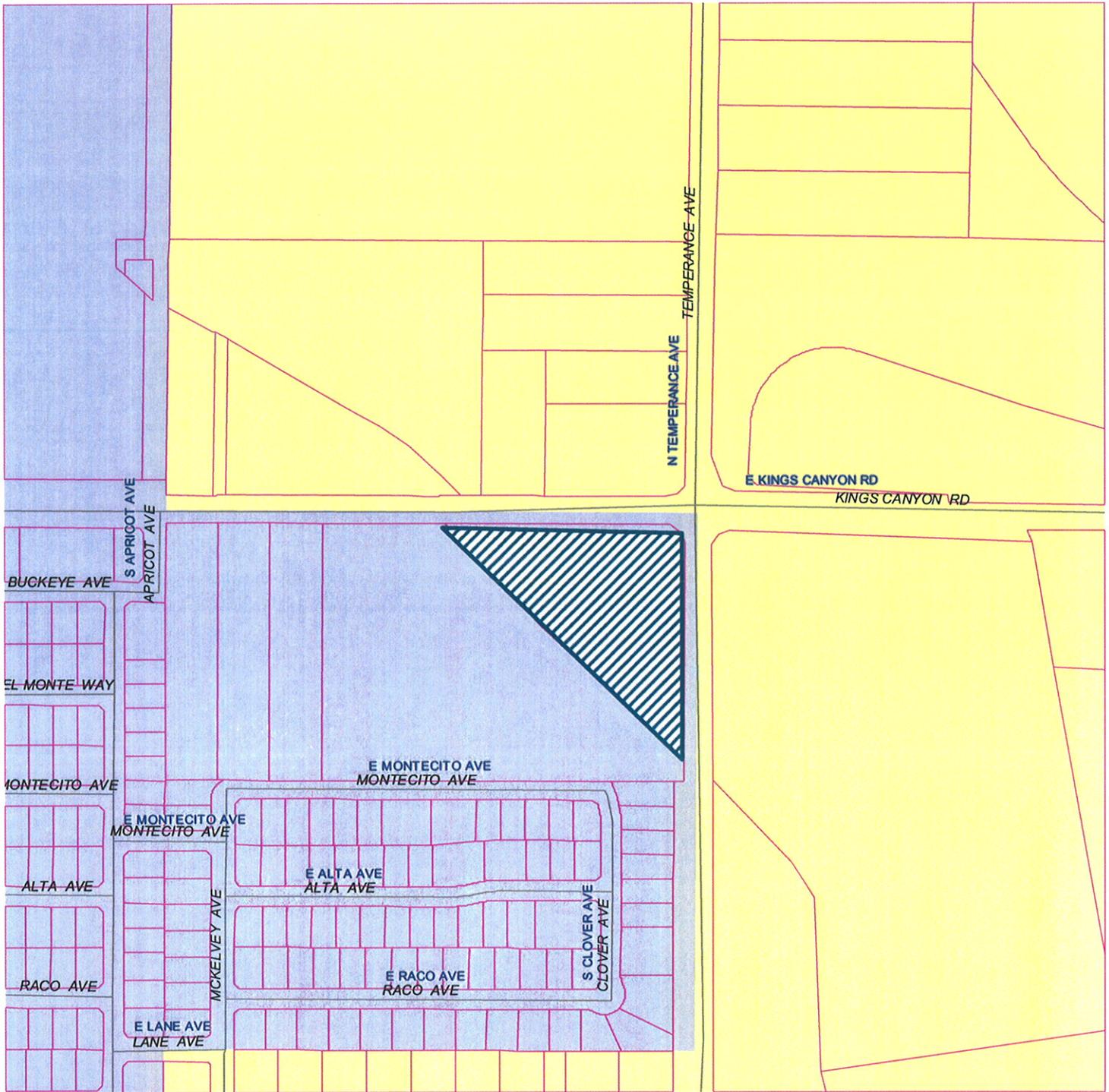
The applicant has agreed to all four proposed conditions of zoning.

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Roosevelt Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Plan Amendment Application No. A-09-03 and Rezone Application No. R-09-03 are appropriate for the project site.

- Attachments:
- Exhibit A: Vicinity Map
 - Exhibit B: 2008 Aerial Photograph of site
 - Exhibit C: Planned Land Use Map
 - Exhibit D: Site Plan, Elevations and Landscape Plan submitted for Conditional Use Permit Application No. C-10-171
 - Exhibit E: Noticing Map (500-foot radius)
 - Exhibit F: Memos/letters/requirements from other agencies and departments for Conditional Use Permit Application No. C-10-171 (not necessarily requirements of the plan amendment and rezone applications)
 - Exhibit G: Environmental Assessment No. A-09-03/R-09-03/C-10-171

Exhibit A
Vicinity Map



Subject Property

VICINITY MAP

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

**PLAN AMENDMENT A-09-03,
REZONE R-09-03**

PROPERTY ADDRESS

6949 E. Kings Canyon Rd.

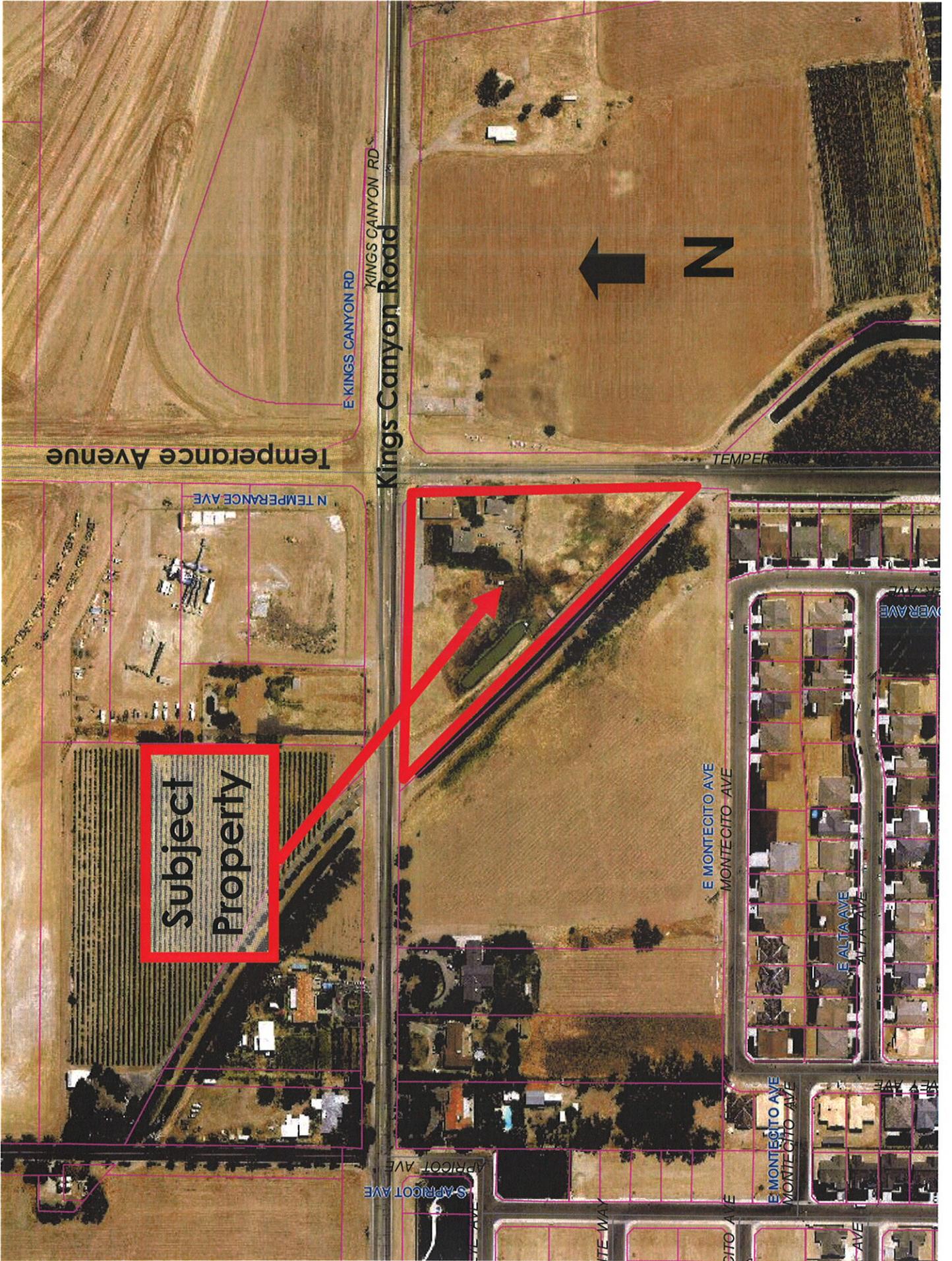


APN: 313-040-54

Zone District: AE-20/UGM to C-1/UGM

By: B. Salinas, November 5, 2010

Exhibit B
2008 Aerial Photograph of Site



**Subject
Property**



Temperance Avenue

E KINGS CANYON RD
KINGS CANYON RD

TEMPERANCE AVE

N TEMPERANCE AVE

E MONTECITO AVE
MONTECITO AVE

E ALTA AVE
ALTA AVE

E MONTECITO AVE
MONTECITO AVE

S APRICOT AVE
APRICOT AVE

WHITE WAY

MONTECITO AVE

ALTA AVE

ALTA AVE

TEMPERANCE AVE

ALTA AVE

ALTA AVE

Exhibit C
Planned Land Use Map

Exhibit D

Site Plan, Elevations and Landscape Plan submitted for
Conditional Use Permit Application No. C-10-171

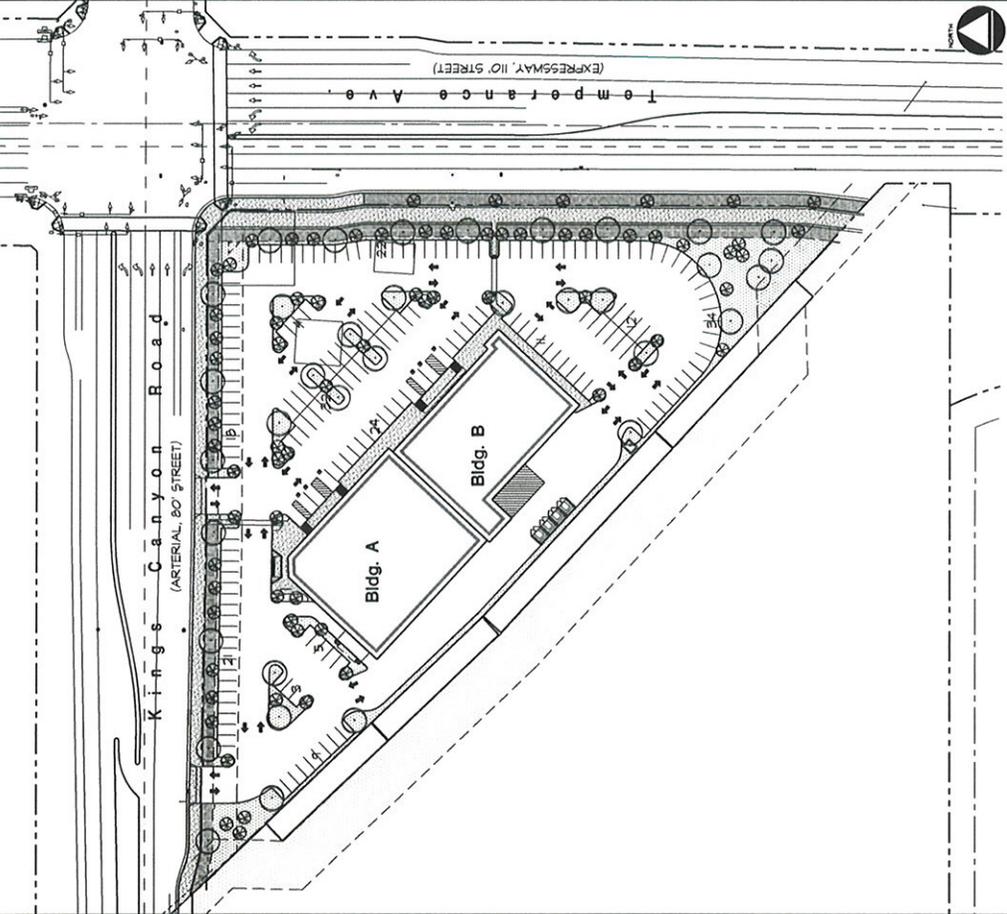
Site Development Notes

Site Plan

Landscape Notes



1. THESE NOTES ARE TO BE USED IN CONJUNCTION WITH THE APPLICABLE CITY ORDINANCES AND THE CITY ENGINEER'S APPROVED LAYOUT PLAN. THE APPLICABLE CITY ORDINANCES AND THE CITY ENGINEER'S APPROVED LAYOUT PLAN SHALL BE THE FINAL AUTHORITY IN ALL MATTERS RELATING TO THE LAYOUT PLAN. THE LAYOUT PLAN SHALL BE THE FINAL AUTHORITY IN ALL MATTERS RELATING TO THE LAYOUT PLAN.
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APPL. NO. C-10-17 EXHIBIT L DATE 8-16-10
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

Landscape Notes / Planting Legend

LANDSCAPE NOTES:

- 1. LANDSCAPE NOTES AND LAYOUT PLAN SHALL BE THE FINAL AUTHORITY IN ALL MATTERS RELATING TO THE LAYOUT PLAN.
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Planting Legend:

- 1" - 2" TREE
- 2" - 4" TREE
- 4" - 6" TREE
- 6" - 8" TREE
- 8" - 10" TREE
- 10" - 12" TREE
- 12" - 14" TREE
- 14" - 16" TREE
- 16" - 18" TREE
- 18" - 20" TREE
- 20" - 24" TREE
- 24" - 28" TREE
- 28" - 32" TREE
- 32" - 36" TREE
- 36" - 40" TREE
- 40" - 44" TREE
- 44" - 48" TREE
- 48" - 52" TREE
- 52" - 56" TREE
- 56" - 60" TREE
- 60" - 64" TREE
- 64" - 68" TREE
- 68" - 72" TREE
- 72" - 76" TREE
- 76" - 80" TREE
- 80" - 84" TREE
- 84" - 88" TREE
- 88" - 92" TREE
- 92" - 96" TREE
- 96" - 100" TREE

Notes:

- 1. COMPLETE PLANTING AND MAINTENANCE PLANS TO BE COMPLETED AND SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
- 2. THE LAYOUT PLAN SHALL BE THE FINAL AUTHORITY IN ALL MATTERS RELATING TO THE LAYOUT PLAN.
- 3. THE LAYOUT PLAN SHALL BE THE FINAL AUTHORITY IN ALL MATTERS RELATING TO THE LAYOUT PLAN.
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- 10. THE LAYOUT PLAN SHALL BE THE FINAL AUTHORITY IN ALL MATTERS RELATING TO THE LAYOUT PLAN.

Shade Requirements

Required for canopy:

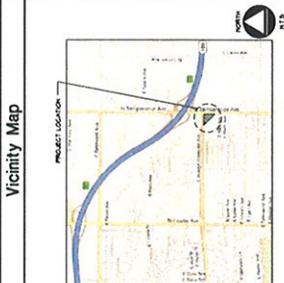
- 1. TOTAL CANOPY AREA: 10,000 SQ FT
- 2. TOTAL CANOPY PERCENTAGE: 10%
- 3. TOTAL CANOPY PER FOOTPRINT: 10%
- 4. TOTAL CANOPY PER SQUARE FOOT: 10%
- 5. TOTAL CANOPY PER SQUARE FOOT: 10%
- 6. TOTAL CANOPY PER SQUARE FOOT: 10%
- 7. TOTAL CANOPY PER SQUARE FOOT: 10%
- 8. TOTAL CANOPY PER SQUARE FOOT: 10%
- 9. TOTAL CANOPY PER SQUARE FOOT: 10%
- 10. TOTAL CANOPY PER SQUARE FOOT: 10%

Required for shade coefficient:

- 1. TOTAL SHADE COEFFICIENT: 10%
- 2. TOTAL SHADE COEFFICIENT PER FOOTPRINT: 10%
- 3. TOTAL SHADE COEFFICIENT PER SQUARE FOOT: 10%
- 4. TOTAL SHADE COEFFICIENT PER SQUARE FOOT: 10%
- 5. TOTAL SHADE COEFFICIENT PER SQUARE FOOT: 10%
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- 9. TOTAL SHADE COEFFICIENT PER SQUARE FOOT: 10%
- 10. TOTAL SHADE COEFFICIENT PER SQUARE FOOT: 10%

Provisions:

- 1. TOTAL AREA SHADE PERCENTAGE: 10%
- 2. TOTAL AREA SHADE PERCENTAGE PER FOOTPRINT: 10%
- 3. TOTAL AREA SHADE PERCENTAGE PER SQUARE FOOT: 10%
- 4. TOTAL AREA SHADE PERCENTAGE PER SQUARE FOOT: 10%
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- 9. TOTAL AREA SHADE PERCENTAGE PER SQUARE FOOT: 10%
- 10. TOTAL AREA SHADE PERCENTAGE PER SQUARE FOOT: 10%



Landscape Plan

Exhibit E
Noticing Map (500-foot radius)

31328012T

31308132T

Request ID: A-09-03 500



Exhibit F

Memos/letters/requirements from other agencies and departments for Conditional Use Permit Application No. C-10-171 (not necessarily requirements of the plan amendment and rezone applications)



DATE: August 25, 2010

TO: Bonique Salinas, Development Services/Planning
Planning and Development Department, Planning Division

FROM: Ann Lillie, Senior Engineering Technician
Public Works Department, Engineering Division

SUBJECT: Conditions of Approval for C-10-171
APN: 310-040-54
ADDRESS: 6959 East Kings Canyon Road

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

A. General Requirements

1. **Parcel of Record:** Identify the entire parcel at the time of permits and a legal description.
2. **Property Lines:** Identify and dimension existing and proposed property lines.

B. Offsite Information:

1. **Dedications:** Identify all proposed dedications. Provide a dimension from the section and center lines to the existing and proposed property lines.
2. **Street Improvements:** Identify proposed street lights.

C. Onsite Information:

1. **Parking Lots:** (proposed)
 - a. **Directional flow of traffic:** Identify proposed directional arrows
 - b. **Lighting:** Identify the location (not to be within the 3' vehicular overhang)

PUBLIC IMPROVEMENT REQUIREMENTS

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

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to **Ann Lillie at (559) 621-8690 / ann.lillie@fresno.gov**, Engineering Division, Traffic Planning Section.

Submit the following, as applicable, in a single package to the City of Fresno Public Works Department Engineering Division (559-621-8650), Plan Check and GIS Mapping Section and Traffic Engineering, 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 Traffic Engineering (Randy Schrey) in advance to make sure that sidewalks or an approved accessible path remain open during construction.

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

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

Survey Monuments and Parcel Configuration

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

Street Dedications, Vacations and Encroachment Permits

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

South Temperance Avenue: Expressway

1. Dedicate 52' to 55' of property, from **Section Line**, for public street purposes, within the limits of this application, per Public Works Standard **P-52A** and **as per approved Street Construction Plans by Public Works City Engineer**. Center line shall be based off of **approved street geometrics by the Traffic and Engineering Division**.
2. Dedicate a corner cut for public street purposes at the intersection of **Temperance** and **Kings Canyon**.

East Kings Canyon Road: Arterial / Super Arterial

1. Dedicate 38' to 51' of property, from **Section Line**, for public street purposes within the limits of this application per Public Works Standards and **as per approved Street Construction Plans by Public Works City Engineer**. **Center line shall be established per County Precise Plan No. 47.**

Bike Path/Trail

1. Dedicate a 26' (minimum) easement for Bike and Pedestrian purposes **only**. (Additional right of way may be required for grading and drainage purposes.) This Department **does not** support the equestrian component of the trail due to health and safety issues. An additional 12' dedication is required for the equestrian portion, if required. Contact the Planning and Development Department.

Deed documents for the required dedications shall be prepared by the applicant's engineer and submitted to the Public works Department, Engineering Division, Special Districts / Projects and Right of Way Section with verification of ownership **prior** to issuance of building permits. The cost of deed document processing and recordation fee must be paid at the time of deed submittal. Deed documents must conform to the format specified by the city. Document format specifications may be obtained from the City of Fresno Public Works Department, Engineering Division, Special Districts / Projects and Right of Way Section, (559) 621-8694.

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

Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed for Collectors and 55 MPH for Arterials. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer.

Street Construction Plans are required and shall be approved by the City Engineer.

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

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

South Temperance Avenue: Expressway

1. Construct a standard curb ramp per Public Works Standard **P-30**, based on a 30' radius.
2. Construct concrete curb and gutter to Public Works Standard **P-5**. The parkway shall be constructed to a 10' pattern.
3. Construct an expressway barrier fence within the limits of this application, per Public Works Standard **P-74** and **P-75**.
4. **Bike and Pedestrian Trail/Path**: Construct a 12' wide concrete Bike and Pedestrian trail/path, complete with lighting, signing, striping and landscaping, per the 2025 Fresno General Plan, Multi-Purpose Trails Plan Map and Public Works Standards **P-59**, **P-60** and **P-60A**. Identify route on the site plan complete with a cross section. Submit engineered construction plans to Public Works. Submit lighting, signing and striping plan to Traffic Engineering for approval. Submit grading, landscape and irrigation plans to Engineering Services.
5. Construct 20' of permanent paving within the limits of this application and transition paving as necessary.
6. Construct an 80' bus bay curb and gutter at the **southwest** corner of **Temperance** and **Kings Canyon** to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.
7. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-10** for Expressways.
8. **Relinquish direct vehicular access rights to Temperance Avenue** within the limits of this application.

East Kings Canyon Road: Arterial

1. All Construction on State Highways must conform to both City of Fresno and State Division of Highways Specifications.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **10'** commercial pattern. Construct **4' x 6'** tree wells per Public Works Standard **P-8**. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, **Section 26-2.11(C)**.
3. Construct **2- 30' to 35'** driveway approach to Public Works Standard(s) **P-2** and **P-4**. **Provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches.**
4. Construct **20'** of permanent paving (measured from face of curb) within the limits of this application.
5. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-7** for Arterial Streets.

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-41, P-42, P-43**.
2. Install **30"** state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a **2"** galvanized post with the bottom of the sign **7'** above ground; located behind curb and immediately behind a major street sidewalk. A "right turn only" sign is also required, at the same location; install a **30" x 36"** state standard sign immediately below the stop sign on the same post.
3. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.

Irrigation / Canal Requirements

The developer shall enter into an agreement with the Fresno Irrigation District providing for piping the canal(s) and submit an executed copy of the agreement or commitment letter from FID to the Planning and Development Department. All piping shall be located outside of the proposed street right of way. Any piping across city streets shall be rubber gasketed reinforced concrete pipe (RGRCP) constructed perpendicular to the street. Submit engineered plans to Public Works Department, Engineering Division for review and approval. **Identify the proposed easement or cross section on the site plan.**

Traffic Impact Study

This development will generate a total of **81** a.m. / **258** p.m. peak hour trips and generate a count of **2,590** Average Daily Trips (A.D.T.), based upon the following:

<u>Land Use</u>	<u>Size</u>	<u>Average Daily Trips (ADT)</u>	<u>AM Pk Hour</u>	<u>PM Pk Hour</u>
Pharmacy w/Drive-Thru	15,000 SF	1,322	40	129
Supermarket	12,400 SF	1,268	41	129
	TOTAL:	2,590	81	258

A Traffic Impact Study **TIS 09-010 has been reviewed**. The Developer/Owner should consult with the City of Fresno Traffic Engineering Section for the scope of the Traffic Impact Study (TIS). A trip trace for the proposed project should be provided prior to consulting with the Traffic Engineering Section. The TIS shall identify the mitigation measures, which would mitigate the project and/or other related projects' significant impacts to a level of insignificance. **Comply with the mitigation requirements of the Public Works Department, Traffic Engineering Manager. See Attached Copy.**

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.

TSMI Requirements:

Southwest corner Temperance and Kings Canyon

1. Relocate signals and equipment to ultimate locations and as approved by the Traffic and Engineering Division.

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

Fresno Major Street Impact (FMSI) Fees:

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

THE FMSI REQUIREMENTS ARE REQUIRED TO BE CONSTRUCTED PRIOR TO OCCUPANCY.

FMSI Requirements:

North Temperance Avenue: Expressway (New Growth Area/Regional Street)

Applicant shall coordinate with the City of Fresno, Public Works Department and the County of Fresno for all construction requirements.

1. Dedicate and construct **1 (17')** and **2 (12') (West Side) and 1 (17') (East Side)** permanent paved center section travel lanes and construct a **raised concrete median island** within the limits of this entitlement **and continue to Tract 5294.**

- Construct a raised concrete median with 250' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate expressway standards and any other grading or transitions as necessary based on a 55 MPH design speed.
2. Design and construct a **Major Street Bridge (65)** at the intersection of **Temperance** and the **Briggs No. 7 Canal –OR- Pipe** in accordance to the City of Fresno, Public Works Department and Fresno Irrigation District Requirements. The timing of the bridge construction shall occur **prior** to occupancy.

East Kings Canyon Road: Arterial (New Growth Area/Regional Street)

Applicant shall coordinate with the City of Fresno, Public Works Department, the County of Fresno, and CalTrans for all construction requirements.

1. Dedicate and construct **1 (17') (North Side) and 1 (29') (South Side)** permanent paved center section travel lanes and construct a **raised concrete median island from South Apricot Avenue to North Temperance Avenue**. Construct a raised concrete median with 250' left turn pockets at all major intersections. Details of said street shall be depicted on the approved Street Construction Plans. Dedication shall be sufficient to accommodate arterial standards and any other grading or transitions as necessary based on a 55 MPH design speed.
2. **North Side:** Dedicate an additional **8'** of street right-of-way and construct an asphalt dike **from South Apricot Avenue to North Temperance Avenue**.
2. Design and construct a **Major Street Bridge** west of **Temperance**, at the intersection of **Kings Canyon** and the **Briggs No. 7 Canal –OR- Pipe** in accordance to the City of Fresno, Public Works Department and Fresno Irrigation District Requirements. The timing of the bridge construction shall occur **prior** to occupancy.

State of California Department of Transportation (Caltrans) Fees:

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering, (559) 621-8820, **prior** to a Building Permit.

Regional Transportation Mitigation Fee (RTMF):

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



City Hall 559-821-8800
2600 Fresno Street, Rm 4064
Fresno, CA 93721-3623
www.fresno.gov

RECEIVED

AUG 11 2009



Public Works Department
Patrick Wiemiller, Director

August 5, 2009

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

SUBJECT: Review of TRAFFIC IMPACT STUDY (TIS) FOR THE PROPOSED for General Plan Amendment A-09-003 R-09-003 28,500 SF Shopping Center located southwest quadrant of Kings Canyon Temperance TIS09-010 dated April 28, 2009

The following Conditions and Comments are from Traffic Engineering staff's review of the study utilizing professional engineering judgment, citizen complaints, field observation, previous engineering studies and warrants, and knowledge of the study area.

Conditions

1. The trip generation based on ITE Trip Generation Manual is acceptable. The proposed project is projected to generate 1,224 daily trips, 29 trips during the AM peak hour and 107 trips during the PM peak hour.
2. This project shall pay its Traffic Signal Mitigation Impact Fee of \$47.12 per Average Daily Trip (ADT) at the time of building permit. This fee is reviewed and updated yearly and the applicant pays the TSMI fee in place at the time of the building permit. Based on 1,224 ADT and the current TSMI fee the project shall pay \$57,674.88.

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

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

4. The proposed project shall make necessary improvements and right-of-way dedications along project frontage as per City of Fresno requirements.
5. The project shall pay State of California Department of Transportation fees as determined by Caltrans. The fees will be collected and are payable to the City of Fresno Traffic Engineering Division. A receipt must be shown to the Planning and Development Department Land Division and/or Building Permit Division prior to issuing Building Permits
6. The proposed project shall be designed to facilitate pedestrians and cyclists between all buildings and adjacent public streets on the site. The proposed project shall also connect with near-by sidewalks and/or Bike Lanes, trails, and/or routes to make this project accessible for both modes of transportation.
7. This project shall provide bike racks at location in close proximity to the building front doors. The bike racks shall be placed at a distance no farther than the closest parking space is to the front door. Bike racks shall be installed in a place that has sufficient visibility. At least one bike rack space shall be provided for every ten vehicle parking spaces and even distributed to major anchors/tenants/buildings.
8. This project can not have access onto Temperance Avenue due to the Expressway designation of Temperance Avenue in the City of Fresno General Plan.
9. Since Caltrans is installing the Kings Canyon/Temperance Traffic Signal as part of the 180 east Highway extension this project does not need to install the traffic signal however this project can not take occupancy until the traffic signal is install. Payment of the TSMI fee will constitute the traffic signal mitigation for this project.

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

Sincerely,



Bryan D. Jones, T.E., PTP
Traffic Engineering Manager
Public Works Department, Traffic Engineering Division

C Traffic Engineering Reading File
Copy filed with Traffic Impact Study
Mike Sanchez, Planning Manager
Louise Gilio, Traffic Planning Supervisor

DEPARTMENT OF TRANSPORTATION

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



*Flex your power!
Be energy efficient!*

September 3, 2010

2131-IGR/CEQA
6-FRE-180-60.177E
C-10-171

Ms. Bonique Salinas
City of Fresno Development Department
Planning Division
2600 Fresno Street
Fresno, CA 93721-3604

Dear Ms. Salinas:

We have completed our review of the proposal to construct a neighborhood shopping center consisting of two single story buildings, a drive-thru drug store and a grocery store on a 3.75-acre site located on the southwest corner of East Kings Canyon Road and South Temperance Ave, approximately 500 feet south of State Route (SR) 180. Caltrans has the following comments:

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights of way. Activity and work planned in the State right of way shall be performed to State standards and specifications at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right of way may be submitted using English units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right of way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." (Revision: 02/23/05). Encroachments are subject to removal by the Department in accordance with Sections 673 and 720 of the Streets and Highways Code.

We have not located the permit that authorized any access (proposed or existing access) from SR 180. The owner will need to provide a copy of the encroachment permit for the access or apply for an encroachment permit. Encroachment permits do not run with the land. A new encroachment permit is needed if ownership has changed.

The highway drainage shall not be modified. Site runoff is not allowed into the State right of way without approval from the Department.

Ms. Bonique Salinas
September 3, 2010
Page 2

Existing or proposed driveways within the State right of way shall meet current State standards. Existing or proposed curb, gutter, sidewalk, and access ramp rehabilitation shall be required to comply with current ADA requirements or other applicable State or Federal law. Existing concrete sidewalk that is damaged or broken (cracked) may need to be rehabilitated.

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

Sincerely,



JENNIFER BRYAN-SANCHEZ
Office of Transportation Planning
District 6

City of
FRESNO 
FIRE DEPARTMENT

Date: May 20, 2009

To: JOANN ZUNIGA, Management Analyst II
Planning and Development Department

From: RICHARD FULTZ, Senior Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: A-09-003 and R-09-003, filed by Bill Robinson of Sol Development Associates, on behalf of ORO Financial of California, Inc., pertain to approximately 3.75 acres of property located on the southwest corner of East Kings Canyon Road and South Temperance Avenue, 6949 East Kings Canyon Road, APN 313-040-54. The property abuts an existing Fresno Irrigation District canal on its southwesterly boundary. A-09-003 proposes to amend the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium-low density residential planned land use designation to the neighborhood commercial land use designation. Pursuant to Table 2, Planned Land Use and Zone District Consistency Matrix, of the 2025 Fresno General Plan, the proposed C-1-UGM zone district is consistent with the proposed plan amendment request. R-09-003 proposes a zone district reclassification from AE-20-UGM, Exclusive Twenty Acre Agricultural-Urban Growth Management, to C-1-UGM, Neighborhood Shopping Center-Urban Growth Management. There are currently three structures on the property, none of which is proposed to be retained when the parcel is developed. No specific development of the subject property is proposed at this time.

General

Since the site is greater than 2 miles from Fresno City Fire Station 15, all buildings on the site regardless of size will be required to be fire sprinklered.

Access and water supply will be evaluated when a site plan or conditional use permit application are filed.

City of



FIRE DEPARTMENT

Date: August 18, 2010

To: BONIQUE SALINAS, Planner III
Planning and Development Department , Current Planning

From: MIKE SCHMIDT, ^{MS}Supervising Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: C-10-171 was filed by Bill Robinson of Sol Development Associates, LLC, on behalf of Mercey Properties, LP, and pertains to approximately 3.75 acres of property located on the southwest corner of East Kings Canyon Road and South Temperance Avenue, 6949 East Kings Canyon Road, APN 313-040-54. The applicant proposes the construction of a neighborhood shopping center consisting of two single story buildings totaling 27,400 square feet, 15,000 square foot drug store with drive through service window and a 12,400 square foot grocery store. The buildings will be sited on the property diagonally with vehicular access from Kings Canyon Road. The property is zoned AE-20-UGM, Exclusive Twenty Acre Agricultural-Urban Growth Management. Attached for reference is the related Plan Amendment Application A-09-003 and Rezone Application R-09-003, filed in 2009 for the subject property; both applications are pending.

Hydrants

Developer must install on-site hydrants(s). See Plan for location(s). Provide fire hydrant flow of 1500 GPM with a minimum 8" water main.

Public streets hydrant(s) must be installed. Coordinate street hydrant locations with Public Works.

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

face the access lane.

General

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

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



DEPARTMENT OF PUBLIC UTILITIES

Date: August 26, 2010

To: BONIQUE SALINAS, Planner III
Planning and Development Department

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

Subject: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-10-171

General

C-10-171 was filed by Bill Robinson of Sol Development Associates, LLC, on behalf of Mercey Properties, LP, and pertains to approximately 3.75 acres of property located on the southwest corner of East Kings Canyon Road and South Temperance Avenue, 6949 East Kings Canyon Road, APN 313-040-54. The applicant proposes the construction of a neighborhood shopping center consisting of two single story buildings totaling 27,400 square feet, 15,000 square foot drug store with drive through service window and a 12,400 square foot grocery store. The buildings will be sited on the property diagonally with vehicular access from Kings Canyon Road. The property is zoned AE-20-UGM, Exclusive Twenty Acre Agricultural-Urban Growth Management. Attached for reference is the related Plan Amendment Application A-09-003 and Rezone Application R-09-003, filed in 2009 for the subject property; both applications are pending.

Environmental Recommendations

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

Water Requirements

The nearest water mains to serve the proposed project are a 14-inch main located in East Kings Canyon Road at South Apricot Avenue and a 14-inch main located in North Temperance Avenue. The following water improvements shall be required prior to providing City water service to the project.

1. Construct a 14-inch transmission grid water main (including installation of City fire hydrants and water services to adjacent parcels) in East Kings Canyon Road from South Apricot east to the existing 14-inch main in North Temperance Avenue.
2. Installation of water service & meter box shall be required.

3. Seal and abandon existing on-site well in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
4. All public water facilities shall be constructed in accordance with the Department of Public Works standards, specifications, and policies.
5. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the City Water System.
6. The development shall implement mitigation measures such as the installation of low flow fixtures, the use of artificial lawns or xeriscape, the use of evapotranspiration controllers, etc., to facilitate water consumption at a rate of 180 gallons per person per day.
7. The project shall incorporate water use efficiency for landscaping. This shall include the use of artificial turf, native plant material(s), and reduction of turf areas. 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.
8. On-site water facilities shall be private.
9. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the project including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Assistant Public Utilities Director.

Water Fees

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

1. Wet-ties, water service(s), and meter(s) installations to be performed by the City Water Division.
2. Frontage Charge
3. Transmission Grid Main Charge
4. Transmission Grid Main Bond Dept Service Charge
5. Service Area: #501s
6. UGM Water Supply Area: #501s



DEPARTMENT OF PUBLIC UTILITIES

Date: August 26, 2010

To: BONIQUE SALINAS, Planner III
Planning and Development Department

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

Subject: SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-10-171



General

C-10-171 was filed by Bill Robinson of Sol Development Associates, LLC, on behalf of Mercey Properties, LP, and pertains to approximately 3.75 acres of property located on the southwest corner of East Kings Canyon Road and South Temperance Avenue, 6949 East Kings Canyon Road, APN 313-040-54. The applicant proposes the construction of a neighborhood shopping center consisting of two single story buildings totaling 27,400 square feet, 15,000 square foot drug store with drive through service window and a 12,400 square foot grocery store. The buildings will be sited on the property diagonally with vehicular access from Kings Canyon Road. The property is zoned AE-20-UGM, Exclusive Twenty Acre Agricultural-Urban Growth Management. Attached for reference is the related Plan Amendment Application A-09-003 and Rezone Application R-09-003, filed in 2009 for the subject property; both applications are pending.

Environmental Recommendations

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

Sanitary Sewer Requirements

The nearest sanitary sewer main to serve the proposed project is an 8-inch main located in East Buckeye Avenue at South Apricot Avenue. The following conditions shall be required to provide sewer service to the project:

1. Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) from the existing 8-inch main located in East Buckeye Avenue at South Apricot Avenue north to East Kings Canyon Road.
2. Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in East Kings Canyon Road from South Apricot Avenue east to North Temperance Avenue.
3. Installation of sewer house branch(s) shall be required.

4. Abandon all existing on-site private sanitary sewer systems.
5. Public sewer facilities shall be constructed in accordance with the Department of Public Works standards, specifications, and policies.
6. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the sanitary sewer system.
7. Sanitary sewer connection to the existing 12" sewer main in E. Kings Canyon Road shall not be allowed.
8. 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.
9. On-site sanitary sewer facilities shall be private.
10. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
11. All underground street utilities shall be installed prior to permanent street paving.

Sanitary Sewer Fees

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

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



August 26, 2010

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

Project: Conditional Use Permit Application No. C-10-171

District CEQA Reference No: 20100684

Dear Mr. Ahmad:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of the development of a grocery store and pharmacy, located at 6959 E. Kings Canyon Road, in Fresno, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons per year NOx, 10 tons per year ROG, and 15 tons year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have a less than significant adverse impact on air quality.
2. Based on information provided to the District, the proposed project would equal or exceed 2,000 square feet of commercial space. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

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

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

Received 8-27-10

applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

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

If you have any questions or require further information, please call Jessica Willis at (559) 230-5818.

Sincerely,

David Warner
Director of Permit Services



Arnaud Marjollet
Permit Services Manager

DW:jw

Cc: File



SANGER UNIFIED SCHOOL DISTRICT

1905 SEVENTH STREET • SANGER, CA 93657

(559) 875-6521 / 237-3171 FAX 875-0311

MARCUS P. JOHNSON, SUPERINTENDENT

August 18, 2010

Bonique Salinas
City of Fresno, Planning & Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: Application No. C-10-171 (6959 E. Kings Canyon Road)

Dear Bonique:

In response to the request for comments on the referenced project, the District submits the following information:

In accordance with Section 65995(b) of the California Government Code, the maximum development fees that a school district can charge are currently \$0.47 per square foot for commercial/industrial development. The current fee of \$0.47 per square for commercial/industrial development is reviewed biennially and may increase/decrease from the present level.

If you have any questions please feel free to contact me at (559) 875-6521.

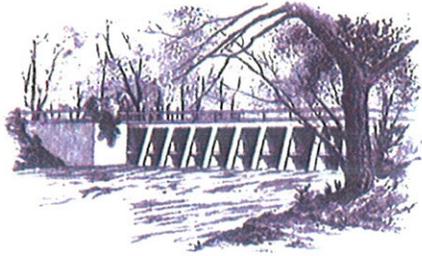
Sincerely,

Richard Sepulveda
Chief Operations Officer

----- "A Tradition of Excellence" -----

Trustees: Peter R. Filippi Jim Gonzalez James D. Karle Kenneth R. Marcantonio
Jesse Vasquez Walter Villarreal Tammy Wolfe

E-File



Your Most Valuable Resource - Water

OFFICES OF
FRESNO
IRRIGATION DISTRICT

PHONE (559) 233-7161
FAX (559) 233-8227
2907 SOUTH MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218

August 27, 2010

Ms. Bonique Salinas
City of Fresno
Development & Resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: Conditional Use Permit C-10-171
FID's Briggs Canal No. 7, SW Kings Canyon and Temperance Avenues

Dear Ms. Salinas:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit No. C-10-171 application where the applicant proposes the construction of a neighborhood shopping center consisting of two single story buildings totaling 27,400 square feet, located southwest of Kings Canyon and Temperance Avenues, APN: 313-040-54.

FID previously reviewed and commented on the subject property as Plan Amendment Application No. A-09-003 and Rezone Application No. R-09-003 on June 10, 2009. Those comments and conditions still apply and a copy is attached for your reference.

In addition to the June 2009 comments, FID would like to include the following comments and conditions as a part of this current application:

1. On August 17, 2010 the adjacent property owner Cenal L.P. (Derrel's Mini Storage), the applicant (Mercey Properties L.P.), and FID entered into a *Grant of Easement and Agreement for the Substitution of Pipeline for Open Canal owned by Fresno Irrigation District* (see attached copy). This Agreement states that Derrel's Mini Storage will be responsible for piping the open Briggs Canal with Mercey Properties L.P. and FID sharing in the cost. The Agreement does not give a timeline as to when the pipeline project will be completed.
2. FID's review comments from June 2009 stated that "since Derrel's has yet to begin site development and/or the piping project, the applicant will be required to

BOARD OF
DIRECTORS

President JEFFREY G. BOSWELL, Vice-President JEFF NEELY
STEVE BALLS, RYAN JACOBSEN, GEORGE PORTER, General Manager GARY R. SERRATO

Ms. Bonique Salinas
Re: CUP C-10-171
August 27, 2010
Page 2 of 2

meet with FID and Derrel's to discuss alternative arrangements". If the applicant moves forward with development of the subject property prior to Derrel's Mini Storage developing their property, FID will require the canal to be pipelined by the applicant.

3. The applicant will be required to grant FID an easement across their property as part of the proposed pipeline project, and will need to enter into a separate agreement for that purpose. The proposed easement area is illustrated on page 8 (Exhibit "B") of the Pipeline Substitution and Easement Agreement recorded on August 17, 2010 as mentioned earlier. The easement agreement must be recorded before FID will approve the construction plans or issue a permit.
4. FID requires its easements be shown on all maps with proper recording information, and that FID be made a party to signing the final map.

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.

Sincerely,



William R. Stretch, P.E.
Chief Engineer

Attachment

Exhibit G

Environmental Assessment No. A-09-03/R-09-03/C-10-171

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

Filed with:

PROJECT TITLE AND ENVIRONMENTAL ASSESSMENT

A-09-03/R-09-03/C-10-171

APPLICANT:

Bill Robinson, Sol Development Associates
906 N Street, Suite 100
Fresno, CA 93721

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, California 93721

FILED
OCT 15 2018
BY [Signature] DEPUTY

PROJECT LOCATION:

6949 East Kings Canyon Road
Fresno, California 93727
APNs: 313-040-54

Latitude 36° 44' 12.59" N and Longitude -119° 39' 50.68" W **E201010000303**

PROJECT DESCRIPTION: Plan Amendment Application No A-09-03, Rezone Application No. R-09-03 and Conditional Use Permit Application No. C-10-171 pertain to approximately 3.75 acres of property located on the southwest corner of East Kings Canyon Road and South Temperance Avenue. The property abuts an existing Fresno Irrigation District canal on its southwesterly boundary. The plan amendment application proposed to amend the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium-low density residential planned land use designation to the neighborhood commercial land use designation. The rezone application is for reclassification from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) to the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*). Pursuant to Table 2 (Planned Land Use Consistency Matrix) of the 2025 Fresno General Plan, the proposed C-1/UGM zone district is consistent with the proposed plan amendment request. The conditional use permit application is a request to construct a neighborhood shopping center consisting of two single story buildings totally 27,400 square feet. One building will be approximately 15,000 square feet and is proposed to be a drug store with a drive-through service window. The second building will be approximately 12,400 square feet and is proposed to be a grocery store. There are currently three structures on the property that will be demolished when the subject site is demolished.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is not fully within the scope of the Master Environmental Impact Report No. 10130 ("MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (MND). Therefore, the Development and Resource Management Department proposes to adopt a Mitigated Negative Declaration for this project. With the project specific mitigation measures 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. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available.

Additional information on the proposed project, including the proposed environmental finding of a mitigated negative declaration initial study and all documents and technical studies referenced in the initial study, may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, Third Floor-North, Room 3076, Fresno, California 93721-3604. Please contact Bonique Salinas at (559) 621-8024 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in

E201010000303

Notice of Intent to Adopt
EA No. A-09-03/R-09-03/C-10-171
October 15, 2010

writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Comments may be submitted at any time between the publication date of this notice and close of business on November 8, 2010. Please direct all comments to Bonique Salinas, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Third Floor-North, Room 3076, Fresno, California, 93721-3604; or by email, Bonique.Salinas@fresno.gov; or by facsimile, (559) 498-1026.

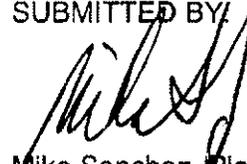
The development applications and this proposed environmental finding have been tentatively scheduled to be considered by the Fresno City Planning Commission on November 17, 2010 at 6:00 p.m., or thereafter, and a public hearing has been tentatively scheduled before the Fresno City Council on December 16, 2010, with time yet to be identified. These hearings will be held in the Fresno City Council Chamber located on the second floor at Fresno City Hall, 2600 Fresno Street, Fresno, California, 93721-3604. Your written and oral comments are welcomed at the hearings and will be considered in the final decision.

INITIAL STUDY PREPARED BY:

Bonique Salinas, Planner

DATE: October 15, 2010

SUBMITTED BY:



Mike Sanchez, Planning Manager

CITY OF FRESNO DEVELOPMENT AND
RESOURCE MANAGEMENT DEPARTMENT

CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION

Notice of Intent was filed with:

FRESNO COUNTY CLERK
2221 Kern Street
Fresno, California 93721

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

Environmental Assessment Number:
A-09-03/R-09-03/C-10-171

STATE CLEARINGHOUSE
Office of Planning & Research
1400 Tenth Street, Suite 212
Sacramento, California 95814

APPLICANT:

Bill Robinson, Sol Development Associates
906 N Street, Suite 100
Fresno, CA 93721

PROJECT LOCATION:

6949 East Kings Canyon Road
Fresno, California 93727
APNs: 313-040-54
Latitude 36° 44' 12.59" N and Longitude -119° 39' 50.68" W

PROJECT DESCRIPTION: Plan Amendment Application No A-09-03, Rezone Application No. R-09-03 and Conditional Use Permit Application No. C-10-171 pertain to approximately 3.75 acres of property located on the southwest corner of East Kings Canyon Road and South Temperance Avenue. The property abuts an existing Fresno Irrigation District canal on its southwesterly boundary. The plan amendment application proposed to amend the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium-low density residential planned land use designation to the neighborhood commercial land use designation. The rezone application is for reclassification from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) to the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*). Pursuant to Table 2 (Planned Land Use Consistency Matrix) of the 2025 Fresno General Plan, the proposed C-1/UGM zone district is consistent with the proposed plan amendment request. The conditional use permit application is a request to construct a neighborhood shopping center consisting of two single story buildings totally 27,400 square feet. One building will be approximately 15,000 square feet and is proposed to be a drug store with a drive-through service window. The second building will be approximately 12,400 square feet and is proposed to be a grocery store. There are currently three structures on the property that will be demolished when the subject site is demolished.

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

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

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

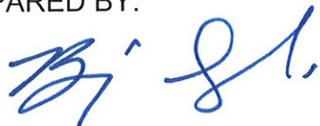
Based upon the evaluation guided by the environmental checklist form, it was determined that there are foreseeable impacts from the Project that are additional to those identified in the MEIR, and/or impacts which require mitigation measures not included in the MEIR Mitigation Measure Checklist.

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

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

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

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

<p>INITIAL STUDY PREPARED BY:</p> <p>Bonique Salinas </p> <p>DATE 10-15-10</p>	<p>SUBMITTED BY:</p> <p> Mike Sanchez, Planning Manager DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT</p>
---	--

- Attachments:
- Exhibit A: Initial Study Impact Checklist and Initial Study (Appendix G)
 - Exhibit B: Master Environmental Impact Report (MEIR) Review Summary
 - Exhibit C: Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 15, 2010
 - Exhibit D: Project-Specific Mitigation Monitoring Checklist
 - Exhibit E: Letter from the Public Works Department dated August 9, 2009

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

Exhibit A

1.	Project title: <u>Plan Amendment Application No. A-09-03</u> <u>Rezone Application No. R-09-03</u> <u>Conditional Use Permit Application No. C-10-171</u>
2.	Lead agency name and address: <u>City of Fresno</u> <u>Development & Resource Management Department</u> <u>2600 Fresno Street</u> <u>Fresno, CA 93721</u>
3.	Contact person and phone number: <u>Bonique Salinas, Planner, (559) 621-8024</u>
4.	Project location: 6949 East Kings Canyon Road Fresno, California 93727; County of Fresno Assessor's Parcel Number: 313-040-54 Latitude 36° 44' 12.59" N and Longitude 119° 39' 50.68" W
5.	Project sponsor's name and address: Bill Robinson, Sol Development Associates 906 N Street, Suite 100, Fresno, California 93721
6.	General plan designation: Light Industrial
7.	Zoning: M-1 (<i>Light Manufacturing District</i>)
8.	Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation including any off-site infrastructure improvements necessary to address impacts from the project. Attach additional sheets if necessary.) Plan Amendment No. A-09-03, Rezone Application No. R-09-03, and Conditional Use Permit Application No. C-10-171 pertain to approximately 3.75 acres of property located on the southwest corner of East Kings Canyon Road and South Temperance Avenue. The property abuts an existing Fresno Irrigation District canal on its southwesterly boundary. Plan Amendment Application No. A-09-03 proposes to amend the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium-low density residential planned land use designation to the neighborhood commercial land use designation. Rezone Application No. R-09-03 proposes a zone district reclassification from AE-20/UGM (<i>Exclusive Twenty Acre Agricultural/Urban Growth Management</i>) to C-1/UGM (<i>Neighborhood Shopping Center/Urban Growth Management</i>). Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the proposed C-1/UGM zone district is consistent with the proposed plan amendment request. Conditional Use Permit Application No. C-10-171 proposes the construction of a neighborhood shopping center consisting of two single story buildings totaling approximately 27,400 square feet (a 15,000± square-foot drug store with drive through service window and a 12,400± square-foot grocery store). There are currently three structures on the property, none of which is proposed to be retained when the parcel is

	developed.																
9.	<p>Surrounding land uses and setting: (Briefly describe the project's surroundings)</p> <table border="1"> <thead> <tr> <th></th> <th>Planned Land Use</th> <th>Existing Zoning</th> <th>Existing Land Use</th> </tr> </thead> <tbody> <tr> <td>North</td> <td>Medium Low Density Residential</td> <td>AL-20 <i>(County Zoning)</i></td> <td>Vacant</td> </tr> <tr> <td>East</td> <td>Southeast Growth Area (SEGA). The land use plan for this area is in progress</td> <td>AE-20 and C-6 <i>(County Zoning)</i></td> <td>Vacant</td> </tr> <tr> <td>Southwest</td> <td>Office Commercial</td> <td>S-L/EA/UGM <i>(Storage Limited/Expressway Area Overlay/Urban Growth Management)</i></td> <td>Vacant (Approved for a Mini-Storage)</td> </tr> </tbody> </table>		Planned Land Use	Existing Zoning	Existing Land Use	North	Medium Low Density Residential	AL-20 <i>(County Zoning)</i>	Vacant	East	Southeast Growth Area (SEGA). The land use plan for this area is in progress	AE-20 and C-6 <i>(County Zoning)</i>	Vacant	Southwest	Office Commercial	S-L/EA/UGM <i>(Storage Limited/Expressway Area Overlay/Urban Growth Management)</i>	Vacant (Approved for a Mini-Storage)
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East	Southeast Growth Area (SEGA). The land use plan for this area is in progress	AE-20 and C-6 <i>(County Zoning)</i>	Vacant														
Southwest	Office Commercial	S-L/EA/UGM <i>(Storage Limited/Expressway Area Overlay/Urban Growth Management)</i>	Vacant (Approved for a Mini-Storage)														
10	<p>Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):</p> <p><u>San Joaquin Valley Air Pollution Control District</u> <u>Fresno Irrigation District</u> <u>City of Fresno Building and Safety Division (for building permits)</u></p>																

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

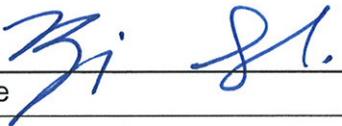
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agriculture and Forestry Resources		Air Quality
	Biological Resources		Cultural Resources		Geology /Soils
	Greenhouse Gas Emissions		Hazards & Hazardous Materials		Hydrology/Water Quality
	Land Use/Planning		Mineral Resources		Noise

	Population /Housing		Public Services		Recreation
	Transportation/Traffic		Utilities/Service Systems		Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

—	I find that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND such that no new additional mitigation measures or alternatives may be required. All applicable mitigation measures contained in the Mitigation Monitoring Checklist shall be imposed upon the proposed project. A FINDING OF CONFORMITY will be prepared.
<u>X</u>	I find that the proposed project is a subsequent project identified in the MEIR and Air Quality MND but that it is not fully within the scope of the MEIR and Air Quality MND because the proposed project could have a significant effect on the environment that was not examined in the MEIR or Air Quality MND. However, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project specific mitigation measures and all applicable mitigation measures contained in the MEIR Mitigation Monitoring Checklist will be imposed upon the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.
—	I find that the proposed project is a subsequent project identified in the MEIR but that it MAY have a significant effect on the environment that was not examined in the MEIR or Air Quality MND, and an ENVIRONMENTAL IMPACT REPORT is required to analyze the potentially significant effects not examined in the MEIR or Air Quality MND pursuant to Public Resources Code Section 21157.1(d) and CEQA Guidelines 15178(a).
Signature	Date
	<u>10-15-10</u>

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

1. For purposes of this MEIR Initial Study, the following answers have the corresponding meanings:
 - a. "No Impact" means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the MEIR or Air Quality MND.
 - b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, but that impact is less than significant;

- c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, however, with the mitigation incorporated into the project, the impact is less than significant.
- d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND.
2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
 3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
 4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
 5. A "Finding of Conformity" is a determination based on an initial study that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND.
 6. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
 7. Earlier analyses may be used where, pursuant to the tiering, program EIR or MIER, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the MEIR or another earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
8. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 9. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 10. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
 11. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	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	

There is no public or scenic vista in the immediate area and thus the proposed project will not obstruct a scenic or public vista. The project will not damage any scenic resources nor will it degrade the visual character or quality of the site and its surroundings. Furthermore, development of the site will not create a new source of substantial light or glare which would affect day or night time views in the project area, given that during the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties. As a result, the project will have a less than significant impact on aesthetics. The project will be subject to the aesthetics mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan and on the attached Mitigation

Monitoring Checklist dated October 15, 2010. Conditions to ensure the project is aesthetically appealing will be further defined in the Conditions of Approval for Conditional Use Permit No. C-10-171.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the aesthetic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 15, 2010.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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				X

conversion of Farmland, to non-agricultural use?				
As shown on the Fresno County Important Farmland Map from 2008, the subject site is designated as Rural Residential Land and is thus not considered prime or unique farmland. The site does not fall into any of the categories listed above and does not have a Williamson Act contract. Therefore, no environmental impacts related to agricultural are anticipated as a result of the proposed project.				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY -- 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?				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
<u>Setting</u>				
<p>The project site is located in Fresno County and within the San Joaquin Air Basin. This region has had chronic non-attainment of federal and state clean air standards for ozone/oxidants and particulate matter due to a combination of topography and climate. The San Joaquin Valley is hemmed in on three sides by mountain ranges, with prevailing winds carrying pollutants and pollutant precursors from urbanized areas to the north (and in turn contributing pollutants and precursors to downwind air basins). The Mediterranean climate of this region, with a high number of sunny days and little or no measurable precipitation for several months of the year, fosters photochemical reactions in the atmosphere, creating ozone and particulate matter.</p> <p>Regional factors affect the accumulation and dispersion of air pollutants within the San Joaquin Valley Air Basin (SJVAB).</p>				

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

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

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

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

The vertical dispersion of air pollutants in the Valley is limited by the presence of persistent temperature inversions. Solar energy heats up the Earth's surface, which in turn radiates heat and warms the lower atmosphere. Therefore, as altitude increases, the air temperature usually decreases due to increasing distance from the source of heat. A reversal of this atmospheric state, where the air temperature increases with height, is termed an inversion. Inversions can exist at the surface or at any height above the ground, and tend to act as a lid on the Valley, holding in the pollutants that are generated here.

Regulations

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

The MEIR prepared for the 2025 Fresno General Plan requires that the most current version of the URBEMIS computer model be used to analyze development projects and estimate future air pollutant emissions that can be expected to be generated from operational emissions (vehicular traffic associated

with the project), area-wide emissions (sources such as ongoing maintenance activities and use of appliances), and construction activities.

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

The URBEMIS computer model requires information regarding the project and its setting. This analysis was done by the applicant's air quality consultant with information available at the current stage of project approval and reasonable assumptions as to timing and methods of construction. The land use data provided in Urbemis was for an approximately 28,000 square-foot small retail center (as this current project proposes).

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

AREA AND OPERATIONAL AIR QUALITY IMPACTS OF THE PROJECT

<i>[all data given in tons/year]</i>	ROG	NOx	CO	SO ₂	PM10	PM2.5	CO2
Area Source Emissions	0.04	0.05	0.18	0.00	0.00	0.00	60.58
Operational Emissions	1.15	1.66	11.29	0.01	0.80	0.19	943.07
Totals	1.19	1.71	11.47	0.01	0.80	0.19	1,003.65
Level of Significance	10	10	100	27.375	14.6	N/A	N/A

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

The SJVAPCD has developed the San Joaquin Valley 1991 California Clean Air Act Air Quality Attainment Plan (AQAP), which continues to project nonattainment for the above-noted pollutants in the future. This project will be subject to applicable Air District rules, regulations, and strategies. In addition, the project may be subject to the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Regulation VIII, Fugitive Dust Rules, related to the control of dust and fine particulate matter. This rule mandates the implementation of dust control measures to reduce the potential for dust to the lowest possible level. The plan includes a number of strategies to improve air quality including a transportation control strategy and a vehicle inspection program.

Furthermore, this project must fully comply with Rule 9510. This Rule provides for incorporation of a wide range of mitigation measures into projects, and levies fees for pollutants generated by development projects. The fees are used to provide for regional air quality improvements and mitigations. Specifically, Rule 9510 requires that operational (traffic-associated) NOX and PM10 emissions be reduced by at least 33.3% and 45%, respectively, and construction equipment NOX and PM10 emissions of projects be reduced by at least 20% and 45%, respectively. As part of obtaining the permit from SJVAPD, the district may impose additional conditions on the issuance of its permit.

In summary, the project will not significantly impact local air quality.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the air quality related mitigation measures as identified in the attached Mitigation Monitoring Checklist for measures identified in the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan (hereinafter, "MEIR Mitigation Measure Checklist"), dated October 15, 2010.

IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Given that the proposed project has been substantially developed with commercial and residential uses for at least the past 50 years, the proposed project will have no impact on biological resources.

<u>Mitigation Measures</u>				
1. The proposed project shall implement and incorporate, as appropriate, the biological resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated October 15, 2010.				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	
<p>The project site does not contain any resources currently listed on the local, state or national registers. Also, given that the immediate area is substantially developed with urban uses, there are no known adjacent historical or archaeological sites. However, mitigation measures from the 2025 Fresno General Plan EIR will be incorporated into the project which contain protocols to be taken in the event that cultural resources are discovered during construction.</p> <p>The Historic Preservation Project Manager conducted a preliminary review of the site using current aerial photos and pictures of the existing buildings on the subject site. She determined that given that the two homes on the subject site are modest bungalows that are very typical for Fresno and because the commercial structure doesn't appear to have particular architectural significance, the existing buildings proposed to be demolished do not reach the threshold required under the Local Register of Historic Resources to prevent their demolition.</p>				
<u>Mitigation Measures</u>				
1. The proposed project shall implement and incorporate, as appropriate, the cultural resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated October 15, 2010.				

	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:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
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	
<p>There are no geologic hazards or unstable soil conditions known to exist on the site. The existing topography is flat with no apparent unique or significant land forms. Development of the property requires compliance with grading and drainage standards of the City of Fresno and Fresno Metropolitan Flood Control District Standards. Grade differentials at property lines must be limited to one foot or less, or a cross-drainage covenant must be executed with affected adjoining property owners. The canal that traverses the subject site will be undergrounded.</p> <p>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</p>				

upper reaches of the San Joaquin River.

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

The highly erodible face of the San Joaquin River bluff, and small areas of expansive clay in the northeastern portion of the city's Sphere of Influence, are the only unstable soil conditions known to exist in the City. Despite long-term overdrafting of groundwater that has lowered the static groundwater level under Fresno by as much as 100 feet over the past century, surface subsidence has not been noted in the vicinity of the city (this is probably due to the geologic strata underlying the city, which features layers of clay and hardpan interleaved with alluvial sand and gravel layers).

No adverse environmental effects related to topography, soils or geology are expected as a result of this project. Implementation of the mitigation measures listed in MEIR No. 10130 and the attached MEIR Mitigation Monitoring Checklist will reduce the topographic, soils and geologic impacts to less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the geology and soils related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 15, 2010.

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

Background

When sunlight strikes the Earth's surface, some of it is reflected back into space as infrared radiation. When the net amount of solar infrared energy reaching Earth's surface is about the same as the amount of energy radiated back into space, the average ambient temperature of the Earth's surface should remain more or less constant.

Global climate change (colloquially referred to as "global warming") is the term coined to describe very widespread climate change characterized by a rise in the Earth's ambient average temperatures with concomitant disturbances in weather patterns and resulting alteration of oceanic and terrestrial environs and biota. The predominant opinion within the scientific community is that global climate change is

occurring, and that it is being caused and/or accelerated by human activities, primarily the generation of "greenhouse gases" (GHG).

Greenhouse gases (GHGs) are gases having properties 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, Methane, Nitrous Oxide and Fluorinated Gases.

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

Regulation

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

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

It has been recognized that new development projects would potentially add GHG emissions and could

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

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

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

Project's Impact

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

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

will help to reduce this project's potential GHG impact. One new policy adopted in the City's Air Quality Plan Amendment is described below:

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

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

The proposed project complies with this policy because it will comply with several of the measures detailed in the California Attorney General's Office guidance document titled, *The California Environmental Quality Act Mitigation of Global Warming Impacts at the Local Agency Level*" (updated January 07, 2008). This document offers policy guidance on mitigating greenhouse gas emissions. One mitigation measure states that projects should "create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking". The proposed project will be located adjacent to a bike/pedestrian trail and the applicant is required to provide enhanced pedestrian amenities, thus making the site more convenient to access by bicycling or walking.

In addition, a second measure in the Attorney General's guidance document states that development projects should "support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods". The proposed project will provide commercial uses in an area lacking such retail uses as a grocery store. The vehicle miles traveled will be reduced because people in this neighborhood won't have to drive as far to meet their daily retail service needs.

Other Reduction Measures

In addition, through updates in the California Building Code and statewide regulation of appliance standards, this project is also expected to conform to state-of-the-art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication *Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California* (April 2007) and in CARB's *Proposed Early Actions to Mitigate Climate Change in California* (April 2007). Updated engine and tire efficiency standards would apply to project residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO₂, removing it from the atmosphere). In addition, the project does not involve manufacturing activities that would generate SF₆, HFCs, or PFCs and does not propose any uses which would generate methane on site.

Therefore, based upon the available information and project design, the proposed project will not have a potentially significant adverse impact on green house gas emissions.

<p>1. The proposed project shall implement and incorporate, as appropriate, the green house gas emissions related mitigation measures as identified in the attached Mitigation Monitoring Checklist for measures identified in the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan (hereinafter, "MEIR Mitigation Measure Checklist"), dated November 15, 2010.</p>				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</p>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

The project will not generate or use hazardous materials (other than those materials typically sold and/or used in the operation of general retail uses), is not in an airport hazard zone, is not near any wildland fire hazard zones, and poses no interference with the City's or County's Hazard Mitigation Plans or emergency response plans.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the hazards and health related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated October 15, 2010.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water 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				X

Insurance Rate Map or other flood hazard delineation map?				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

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

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

The adverse groundwater conditions of limited supply and compromised quality have been well-documented by planning, environmental impact report and technical studies over the past 20 years including the Master Environmental Impact Report No. 10130 for the 2025 Fresno General Plan, Final EIR No.10100, Final EIR No.10117, and Final EIR No. SCH 95022029 (Fresno Metropolitan Water Resource Management Plan), et al. These conditions include water quality degradation due to DBCP, arsenic, iron, and manganese concentrations; low water well yields; limited aquifer storage capacity and recharge capacity; and, intensive urban or semi-urban development occurring upgradient from the Fresno Metropolitan Area. The proposed project places additional demand upon peak water use capacity. The proposed project must contribute to short-term and long-range water supply and distribution remediation projects in order to adequately address any deficiencies.

The Fresno Metropolitan Water Resource Management Plan has been adopted and the accompanying Final EIR (SCH #95022029) certified. The purpose of the management plan is to provide safe, adequate, and dependable water supplies to meet the future needs of the metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably implementation measures and facilities. In addition, the proposed project must contribute to the completion of the Fresno Metropolitan Flood Control District's master planned storm drainage facilities. Stormwater ponding basins provide significant opportunity to recharge groundwater with collected storm water run-off and surface water obtained from the Fresno Irrigation District and United

States Bureau of Reclamation on the northern edge of the current urban limit boundary.

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

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

In accordance with the provisions of the 2025 Fresno General Plan and Master EIR No. 10130 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project. The City has indicated that groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. The Water Division of the Public Utilities Department estimated that the proposed development will have an adequate source of water available to serve the project.

The project is not located within a 100 year floodway (the site is located in Zone X on the Flood Insurance Rate Map dated February 18, 2009).

Implementation of the mitigation measures as identified in the attached MEIR No. 10130 prepared for the 2025 Fresno General Plan will reduce the project's water impacts to less than significant. The applicant will be required to comply with all requirements of the City of Fresno Department of Public Utilities, including the payment of any necessary connection fees applicable.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the hydrology and water quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated October 15, 2010.

	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		X		

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?				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

The plan amendment application for the project site proposes to amend the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium-low density residential planned land use to the neighborhood commercial planned land use designation for the 3.75 acre site. The proposed plan amendment is consistent with the goals and policies contained in both the 2025 Fresno General Plan and the Roosevelt Community Plan, as described below.

2025 Fresno General Plan

The proposed project is consistent with the goals and policies contained in the 2025 Fresno General Plan. For example, Objective C-12 of the 2025 Fresno General Plan states that “Commercial land uses shall be classified, located, sized, and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts.” The proposed plan amendment will allow the proposed site to be developed with a use/service that meets the needs of the surrounding neighborhood. Locating a neighborhood shopping center with a grocery store and a drug store in an area with existing residential uses will minimize travel requirements. Currently the closest grocery store to subject site is approximately 1.75 miles west of the site.

A second policy in the General Plan that applies to the proposed project is Policy C-12-a which states that the City shall “ensure that all commercial land uses are developed and maintained in a manner complimentary to and compatible with adjacent residential land uses, to minimize interface problems with surrounding environment and to be compatible with public facilities and services.” The subject site does not directly abut any property planned or zoned for residential uses and the subject site has been designed to be compatible with the existing and planned surrounding uses.

Finally, Policy C-12-d of the 2025 Fresno General Plan states that “Neighborhoods should be anchored by commercial centers with a mix of uses that meet the area’s need to achieve activity centers that create a sense of place”. Staff believes that this small neighborhood center will contain the types of essential goods and services that will meet the needs of the neighborhood and will be required to contain unique architecture, a corner entry treatment, and pedestrian amenities that will create a “sense of place”. The design of this small retail center will also serve to act as a gateway to the proposed SEGA specific plan area.

Roosevelt Community Plan

The proposed project is consistent with the goals and policies contained in the 2025 Fresno General Plan. For example, the proposed project complies with the overall land use goals of the Roosevelt Community Plan such as promoting development that will improve the character of existing neighborhoods and providing for the development of smaller neighborhood centers at appropriate major street intersections to meet anticipated neighborhood demand. When the final conditions of approval for Conditional Use Permit Application No. C-10-171 are completed, the project design will be required to

comply with all design related goals and policies of the Roosevelt Community Plan such as interface standards and increased landscape requirements.

The proposed project would not divide an established community because it will be located on an already developed property. No habitat conservation or natural community conservation plan is applicable to the site, so no land use impacts exist in that category.

Based upon implementation of projects developed consistent with planned land use, the applicability of adopted development standards, plan policies/implementation measures, and applicable mitigation measures of the above-referenced environmental documents, and with consideration of the proposed land use relationship, and recommended neighborhood unifying design principles, it is concluded that the proposed plan amendment and rezone applications will further promote the achievement of the planned urban form and land use objectives of the 2025 Fresno General Plan and the Roosevelt Community Plan, and thus the proposed change in land use from the medium-low density residential planned land use designation to the neighborhood commercial planned land use designation is appropriate.

Mitigation Measures

1. The proposed project shall implement and incorporate the land use and planning related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated October 15, 2010.
2. The proposed project shall implement and incorporate, as appropriate, the land use related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 15, 2010.

	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.				
	Potentially Significant	Less Than Significant	Less Than Significant	No Impact

	Impact	with Mitigation Incorporated	Impact	
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

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

The City and County Noise Elements establish a land use compatibility criterion of 60dB DNL for exterior noise levels in outdoor activity areas of new residential developments. Outdoor activity areas generally include backyards of single family residences and patios and common open space areas in multi-family developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation. Furthermore, the Noise Element also requires that interior noise levels attributable to exterior noise sources not exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

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

The proposed project is not located within the jurisdiction of an adopted airport land use plan. The proposed project site is not located in the vicinity of a private airstrip.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the noise related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated October 15, 2010.

	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	

Given that the proposed project will only result in the addition of approximately 27,000 square feet of commercial uses and proposes no new residential uses, the project will not induce substantial population growth. The proposed project may displace people and two residential structures, but the owner of the subject site is the person who is requesting the plan amendment. In addition, two residential units is not considered "substantial". Therefore, no population and housing impacts result from the project.

	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	
Schools?			X	
Parks?			X	
Other public facilities?			X	

The Public Utilities Department has reviewed the proposed project and has determined that adequate sewer, water, and solid waste facilities are available to serve the site. City police and fire protection services are also available to serve the proposed project. Finally, the Fresno Metropolitan Flood Control District has indicated that there are adequate facilities to serve the proposed project. These departments and agencies have all submitted conditions that will be required as Conditions of Approval for the subject entitlement application (Conditional Use Permit Application No. C-10-171). These conditions of approval will ensure that the proposed project will have a less than significant impact to urban services. In addition, the demand for parks generated by the project is within planned services levels of the City of Fresno Parks and Community Services Department and the applicant will pay any required impact fees at the time building permits are pulled. The demand for schools generated by the project is within planned projections of the Sanger Unified School District and applicant will pay impact fees at time of building permits.

	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

Given that the proposed project does not include any new residential uses, the project will not substantially increase the use of parks in the area. The demand for recreational facilities generated by the project is within planned projections of the City of Fresno Parks and Community Services Department. The project does not include or require construction of recreational facilities that might have an adverse physical effect on the environment, therefore no recreation impacts are generated by the project.

	Potentially Significant Impact	Less Than Significant with	Less Than Significant Impact	No Impact

		Mitigation Incorporated		
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?			X	
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.			X	
<p>The Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (incorporated herein by reference) utilized macro-level traffic analysis techniques to examine the traffic flow level of service (LOS) for major street segments that would occur in the year 2025. This analysis utilized the unadjusted Council of Fresno County Governments (COG) traffic model projected traffic volumes and the Florida Tables, which are an accepted national tabular standard of the Highway Capacity Manual (HCM) methodology. LOS is a characterization of a street's traffic flow operations that range from an LOS of A (reflecting a very low traffic volume with no travel delay) to an LOS of F (reflecting a very high traffic volume with substantial congestion and travel delay).</p> <p>In its Appendix B, the 2025 Fresno General Plan MEIR analyzed 2002 and future (full buildout) traffic impacts for all planned development and predicted levels of service for major roadways. It established Level of Service "D" as an acceptable level, at which significant traffic congestion would not occur.</p> <p>Because this project includes a plan amendment, and because development of the site would generate over 100 peak hour trips, a traffic impact study (TIS) was required pursuant to MEIR 10130. This required TIS was reviewed by the City of Fresno Public Works Department/Traffic Planning Division.</p>				

After the TIS completed a more thorough site-specific investigation of the above roadway segments (and others in the vicinity) and major street intersections in the project area, it was found that there would be adequate roadway and intersection capacity to accommodate the planned development of this site, at LOS D or above, with several improvements to roadways in the area. The City of Fresno Public Works Department Traffic Engineering Division provided a letter (attached and dated August 5, 2009) listing requirements that will be applicable to subsequent development of the subject property. When Conditional Use Permit Application No. C-10-171 was submitted in August of 2010, the Public Works Department prepared a memorandum dated August 25, 2010 that detailed more specific traffic requirements for the subject site (see Exhibit F).

Conditional Use Permit Application No. C-10-171 has been required to comply with all City standards for roadway construction, including geometrics (lane curvature and turning radii), number and widths of travel and turn lanes, signalization and signage, bikeways, sidewalks, trails, and bus turnouts. The project will be required to construct all necessary street frontage improvements to City Standards along Kings Canyon Road and North Temperance Avenue. Right-of-way dedication will also be required to provide for the necessary improvements at the time of site development. The City's Development and Resource Management Department will apply appropriate conditions for the number of on-site parking spaces and bike rack slots, and the Public Works Department has ensured that parking areas for the proposed commercial center will comply with the City of Fresno Parking Manual.

The developer of this project, in accordance with the mitigation measures of the Master Environmental Impact Report (No. 10130) which was certified by the Council with the adoption of the 2025 Fresno General Plan, will be required to pay impact fees specific to the traffic signalization of the major street intersections. This project shall pay its Traffic Signal Mitigation Impact (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 Trip Generation Manual. The applicant shall also be subject to the Regional Transportation Mitigation Fee (RTMF) at the time of issuance of building permits.

The applicant has also been required to pay State of California Department of Transportation fees as determined by Caltrans. The fees will be collected and are payable to the City of Fresno Traffic Engineering Division. A receipt must be shown to the Development and Resource Management Department Land Division prior to issuing Building Permits for the future development of this site.

Mitigation Measures

1. The proposed project shall implement and incorporate the traffic related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated October 15, 2010; and:
2. The proposed project shall implement and incorporate, as appropriate, the traffic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated October 15, 2010.

	Potentially Significant Impact	Less Than Significant with	Less Than Significant Impact	No Impact
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		Mitigation Incorporated		
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
<p>The City of Fresno Department of Public Utilities has confirmed that adequate sewer and water, and solid waste facilities are available to service the project subject to the conditions imposed on Conditional Use Permit Application No. C-10-171. As previously mentioned, the applicant will be required to obtain necessary permits from the Regional Water Quality Control Board and comply with all federal, state, and local regulations related to solid waste. Implementation of the mitigation measures as identified in the attached MEIR No. 10130 prepared for the 2025 Fresno General Plan will reduce the project's impacts to less than significant.</p> <p><u>Mitigation Measures</u></p> <p>The proposed project shall implement and incorporate, as appropriate, the sewer and water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated November 15, 2010.</p>				
	Potentially Significant Impact	Less Than Significant with	Less Than Significant Impact	No Impact

		Mitigation Incorporated		
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
<p>In summary, given the mitigation measures required of the proposed project and the analysis detailed in the preceding Initial Study, the proposed project:</p> <ul style="list-style-type: none"> ➤ 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. <p>Therefore, there are no mandatory findings of significance and preparation of an Environmental Impact Report is not warranted for this project.</p>				

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

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

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

In addition to the local street system, the City has entered into an agreement with the California Department of Transportation to collect impact fees for state highway facilities which may be impacted by new development projects. The City participates in the Fresno County

Transportation Authority, which recently was successful in obtaining voter re-authorization of a half-cent sales tax to be dedicated to a wide range of transportation facilities and programs (including mass transit). The City is also an active participant in ongoing regional transportation planning efforts, such as a freeway deficiency study, a corridor study for one or more additional San Joaquin River crossings, and the State's "Blueprint for the Valley" process. All these studies were commenced after the MEIR was certified, but none of them is yet completed. Therefore, it cannot be concluded that Fresno's environmental setting or the MEIR analysis of traffic and circulation have materially changed since November of 2002.

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

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

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment Application No. A-09-03, Rezone Application No. R-09-03 and Conditional Use Permit Application No. C-10-171, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient

information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

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

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

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

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

Agricultural Resources. The implementation of applicable policies since adoption of the 2025 Fresno General Plan has encouraged the development of urban uses in a more systematic pattern that avoids discontinuity and the creation of vacant by-passed properties. These efforts, together with the requirement to record "right-to-farm" covenants, facilitate the continuation of existing agricultural uses within the city's planned urban growth boundary during the interim

period preceding orderly development of the property as anticipated by the General Plan. Staff is not aware of any particular circumstance or information that would make impacts from loss of agricultural resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of agricultural resources pursuant to CEQA Guideline Section 15179(b)(1).

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

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

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

Biological Resources. The City continues to evaluate all development proposals for potential impacts upon natural habitats and associated species dependent upon these habitats. The City supports continuing efforts to acquire the most prominent habitats where appropriate, such as

portions of the San Joaquin River environs. When development or public works projects have been proposed in this area, they have been subject to site-specific evaluation through supplemental environmental analyses, and appropriate mitigation measures and conditions applied as derived from consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The City has imposed MEIR mitigation measures related to Biological Resources on projects that identified potential impacts to biological resources. Staff finds that this has adequately addressed any potential impact to biological resources. Staff is not aware of any particular circumstance or information that would make impacts from loss of biological resources a reasonably foreseeable impact or more severe impact from that identified in the MEIR. Staff finds that the circumstances have not changed from the time the MEIR was certified and/or new information is not known related to loss of biological resources pursuant to CEQA Guideline Section 15179(b)(1).

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

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

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

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

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

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

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

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

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

- Construction of solar panel generator facilities at the Municipal Services Center (MSC) and at Fresno-Yosemite International Airport. The MSC facility, completed_ in 2004, generates 3.05 GWh of energy (equivalent to operation of 286 homes per year) and has resulted in reduction of 966 tons of CO₂ emissions (equivalent to 2,414,877 vehicular miles not driven).
- Replacement of a significant number of vehicles in the municipal fleet with clean air vehicles (please refer to the following table).

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

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

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 TO EXHIBIT B

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

EXECUTIVE SUMMARY

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment Application No. A-09-03, Rezone Application No. R-09-03 and Conditional Use Permit Application No. C-10-171, 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.

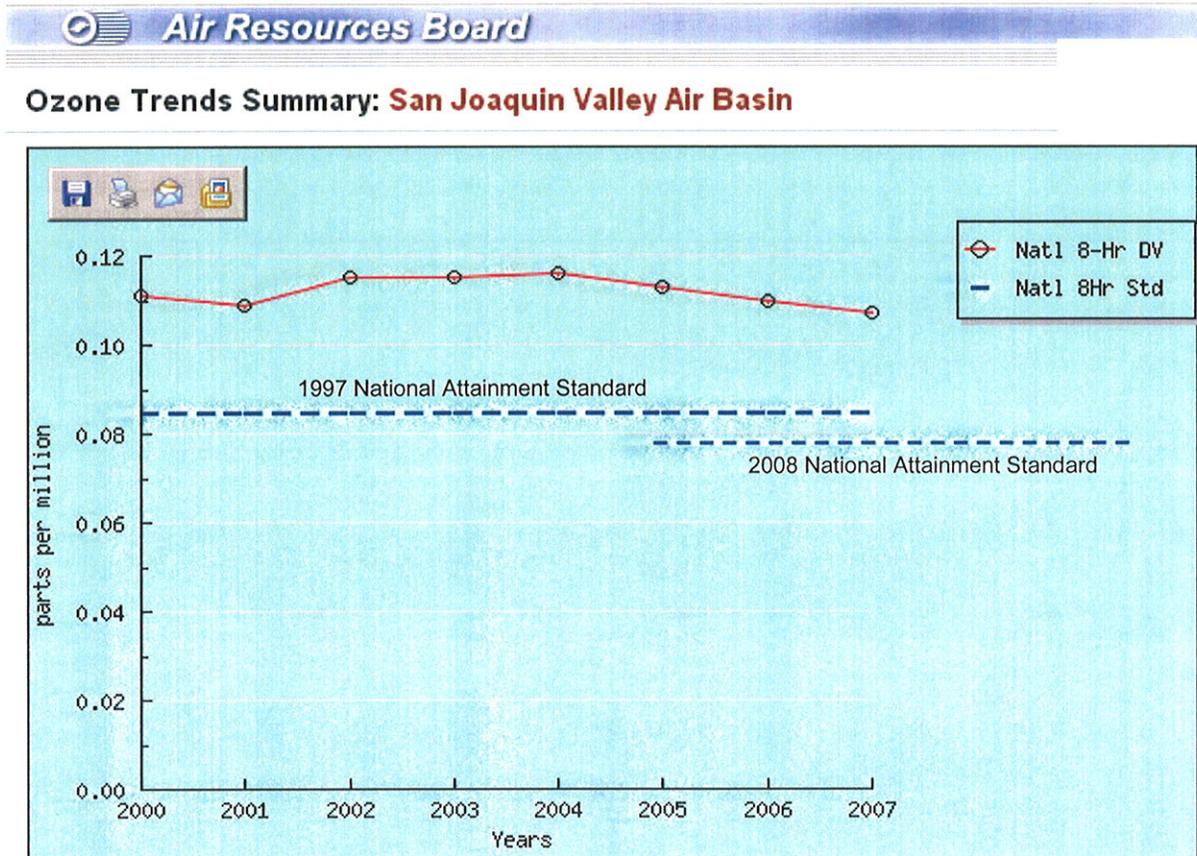
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted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



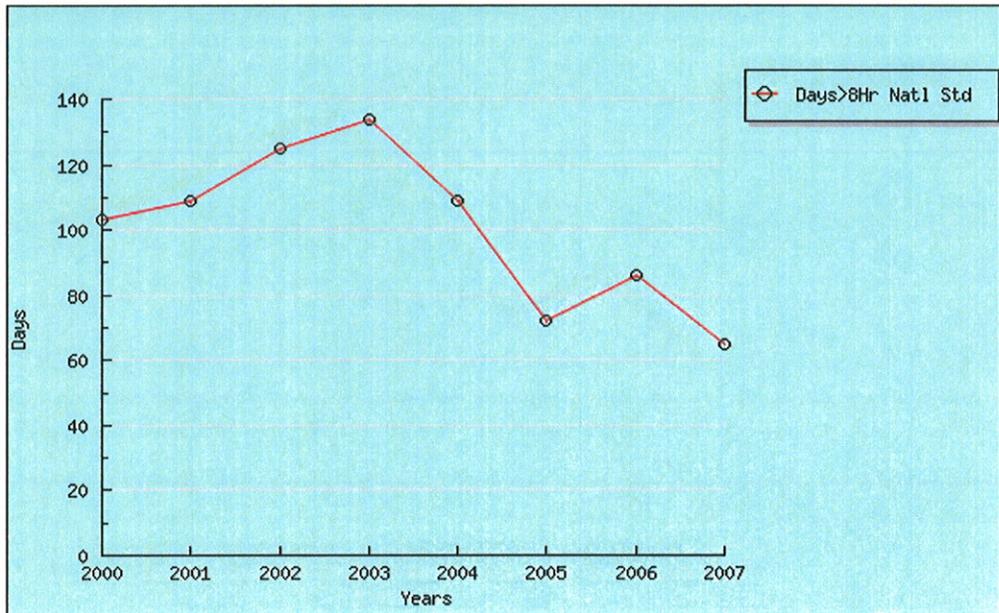
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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.

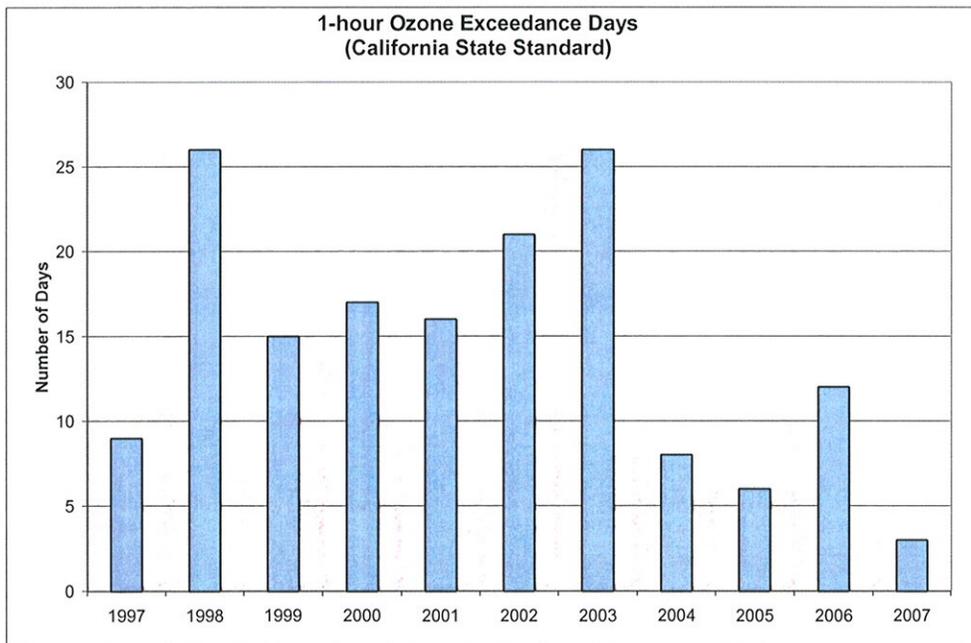
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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:

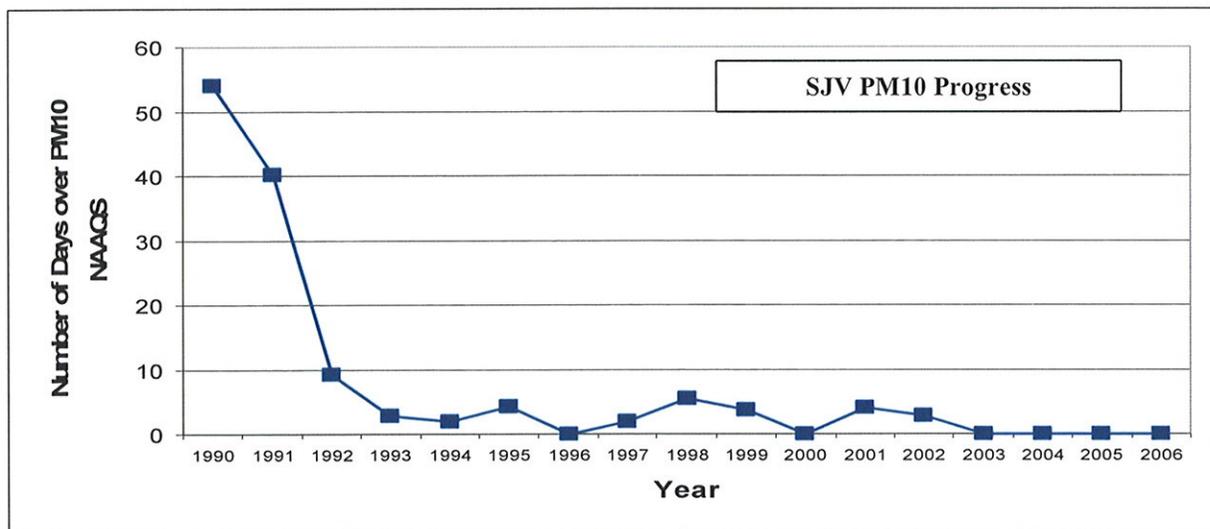


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

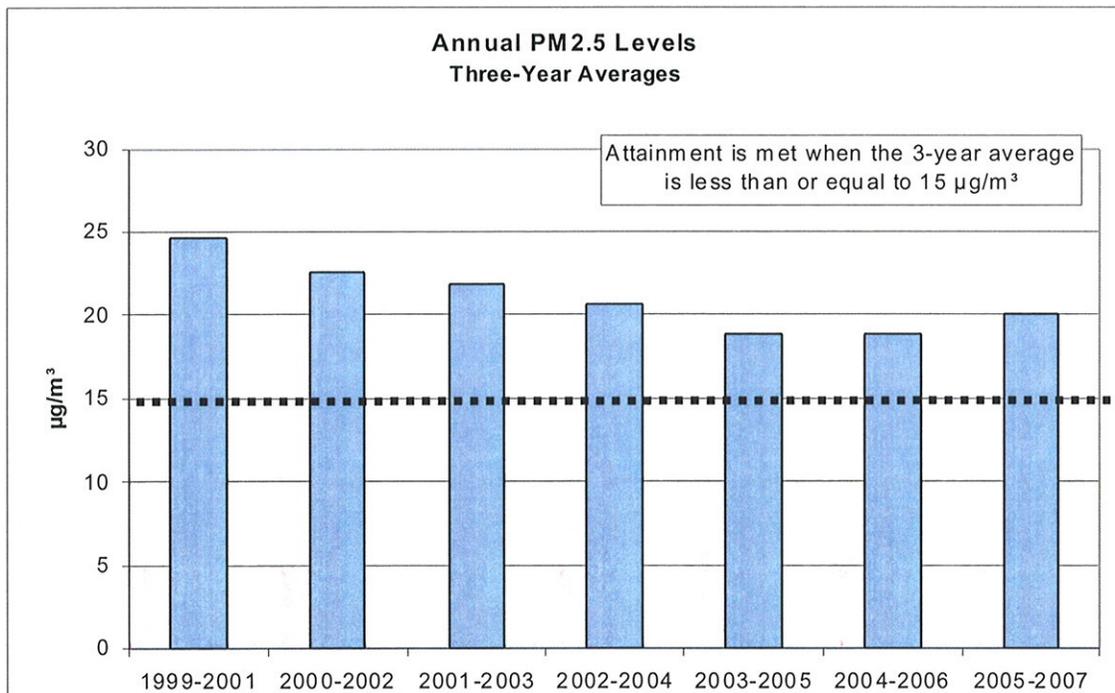
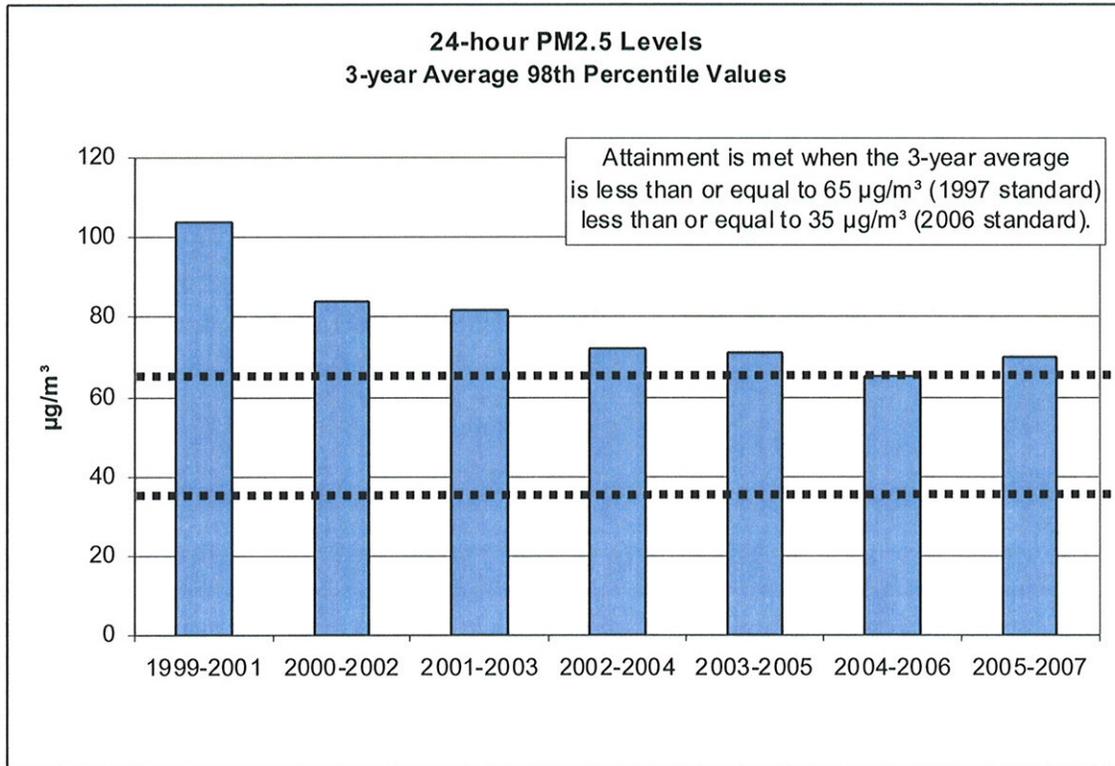
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

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

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

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

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

On August 24, 2007, California also enacted legislation (Public Resources Code §§ 21083.05 and 21097) requiring the state Resources Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act. By July 1, 2009, the Governor's Office of Planning and Research (OPR) is required to prepare guidelines for the mitigation of greenhouse gas emissions, and transmit those draft regulations to the Resources Agency. The Resources Agency must then certify and adopt the guidelines by January 1, 2010.

The recently-released update of the Urbemis computer model (used by the City of Fresno Planning and Development Department for environmental assessments, pursuant to a specific MEIR mitigation measure) does provide data on the amounts of CO₂ and oxides of nitrogen (NOX) potentially generated by development projects. However, at this point in time, neither CARB nor the SJVAPCD has determined what the 1997 baseline or current "inventory" of GHGs is for the entire state nor for any region or jurisdiction within the state. No agency has adopted GHG emission limits and emission reduction measures, and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions (there is an absence of regulatory guidance). Therefore, the City is unable to productively interpret the results of the Urbemis model with regard to GHGs, and there is currently no way to determine the significance of a project's potential impact upon global warming.

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

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

Any manufacturing activities that would generate SF₆, HFCs, or PFCs would be subject to subsequent environmental review at the project-specific level, as would any uses which would generate methane on site. The City of Fresno has adopted an ordinance prohibiting installation of any woodburning fireplaces or woodburning appliances in new homes, which would reduce CO₂ and N₂O from wood combustion.

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

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

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

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

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

Secondary health effects of global warming could include increases in respiratory and cardiac illnesses attributable to poor air quality. The San Joaquin Valley Air Pollution Control District provides daily advisories and warnings in times of high ozone levels to help senior citizens and other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (PM_{2.5}) standards by Year 2014 and to attainment of oxidant/ozone standards by Year 2023, and would adopt additional Rules and emission controls as necessary

to decrease emissions inventories by those target dates. There is insufficient information to indicate that global climate change would prevent attainment of air quality parameters affecting health.

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

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

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

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

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

As noted above, it is theorized that global warming could lead to more energy in the atmosphere and to increased intensity or frequency of storm events. Fresno's long-term weather pattern is that rainfall occurs during episodic and fairly high-intensity events. The Fresno Metropolitan

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

Scientific information, analytical tools, and standards for environmental significance of global warming and green house gases were not available to the Planning and Development Department in 2002 when the 2025 Fresno General Plan and its MEIR were formulated and approved--and at this point, there is still insufficient 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

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

Project/EA No. A-09-03/R-09-03/C-10-171

Date: October 15, 2010

Mitigation 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

Following is the mitigation monitoring checklist from MEIR No. 10130 as applied to the above-noted Project Environmental Assessment as required by City Council Resolution No. 2002-378 and Exhibit E thereof, adopted on November 19, 2002, certifying the MEIR for the 2025 Fresno General Plan Update.

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

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

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

Project/EA No. A-09-03/R-09-03/C-10-171

Date: October 15, 2010

Mitigation Monitoring Checklist

Exhibit C

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

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

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

Project/EA No. A-09-03/R-09-03/C-10-171

Date: October 15, 2010

Mitigation Monitoring Checklist

Exhibit C

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE STATUS						
			A	B	C	D	E	F	
designing improvements for existing major streets.		Dept.							
<p>C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs.</p> <p>a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals.</p> <p>b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements.</p> <p>c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations.</p> <p>d. Adopted state and SJVAPCD protocols, standards, and thresholds of significance for greenhouse gas emissions shall be utilized in assessing and approving proposed development projects.</p> <p>e. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.</p>	Ongoing	Planning and Development Department Dept.	X						

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D - Responsible Agency Contacted

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

Project/EA No. A-09-03/R-09-03/C-10-171

Date: October 15, 2010

Mitigation Monitoring Checklist

Exhibit C

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	Date: October 15, 2010						
			A	B	C	D	E	F	
C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.	Ongoing	Planning and Development Department Dept. SJVAPCD	X						
C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.	Ongoing	Various city departments						X	
C-4. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as: a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate	Ongoing	Fresno Area Express						X	

A - Incorporated into Project
B - Mitigated

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D - Responsible Agency Contacted

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F - Not Applicable

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

Project/EA No. A-09-03/R-09-03/C-10-171

Date: October 15, 2010

Exhibit C Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE STATUS							
			A	B	C	D	E	F		
their incentive programs for reducing single-passenger vehicle use.										
D-1. The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept	X							
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing (City-wide); and prior to approval of land use entitlement as applicable	Department of Public Utilities and Planning and Development Department	X					X		
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					

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

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

Project/EA No. A-09-03/R-09-03/C-10-171

Date: October 15, 2010

Mitigation Monitoring Checklist

Exhibit C

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

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

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

Project/EA No. A-09-03/R-09-03/C-10-171

Date: October 15, 2010

Mitigation Monitoring Checklist

Exhibit C

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE							
			A	B	C	D	E	F		
reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).										
D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.	Ongoing	Department of Public Utilities	X					X		
D-9. The City shall continue its current water conservation programs and implement additional water conservation measures to reduce overall per capita water use within the City with a goal of reducing the overall per capita water use in the City to its adopted target consumption rate. The target per capita consumption rate adopted in 2008 is a citywide average of 243 gallons per person per day, intended to be reached by 2020 (which includes anticipated water conservation resulting from the on-going residential water metering program and additional water conservation by all customers: 5% by 2010, and an additional 5% by 2020.)	Ongoing	Department of Public Utilities							X	
D-10. All development projects shall be required to comply with City Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. Project conditions shall include, but are not limited to, water use efficiency for landscaping, use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated	Prior to approval of land use entitlement	Department of Public Utilities	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

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

Project/EA No. A-09-03/R-09-03/C-10-171

Date: October 15, 2010

Exhibit C Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE STATUS							
			A	B	C	D	E	F		
surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.										
D-11. When and if the City adopts a formal management plan for recycled and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.	Prior to approval of development project	Department of Public Utilities	X							
D-12. All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:	Prior to approval of development project	Department of Public Utilities	X							

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

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

Project/EA No. A-09-03/R-09-03/C-10-171

Date: October 15, 2010

Exhibit C Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE STATUS						
			A	B	C	D	E	F	
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Planning and Development Department						X	
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Planning and Development Department						X	
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department						X	
E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals.	Ongoing	Planning and Development Department							X

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

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

Project/EA No. A-09-03/R-09-03/C-10-171

Date: October 15, 2010

Mitigation Monitoring Checklist

Exhibit C

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY							
			A	B	C	D	E	F		
d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences.										
e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.										
F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.	Ongoing	Dept. of Public Utilities and Planning and Development Department	X						X	
F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.	Ongoing	Dept. of Public Utilities							X	
F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.	Ongoing	Dept. of Public Utilities							X	
F-3. The City shall ensure the provision of adequate sewage treatment and	Ongoing	Dept. of Public	X							

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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.		Utilities						
F-4. The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.	Ongoing/prior to approval of land use entitlement	Dept. of Public Utilities and Planning and Development Department	X				X	
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities	X					
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development					X	

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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	Dept. Parks and Recreation Dept.; Planning and Development 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	Planning and Development 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	Planning and Development Dept.	X						
I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat	Ongoing/prior to approval of land use entitlement and during	Planning and Development Dept.							X

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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.	construction								
I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.	X						
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.							X
I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.							X
J-1. If the site of a proposed development or public works project is found to	Ongoing/prior to	Planning and	X						

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<p>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> <p>a. Amending construction plans to avoid the resources.</p> <p>b. Setting aside sites containing these resources by deeding them into permanent conservation easements.</p> <p>c. Capping or covering these resources with a protective layer of soil before building on the sites.</p> <p>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.</p> <p>e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.</p>	approval of land use entitlement	Development Dept.						
<p>J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.</p>	Ongoing/prior to submittal of land use entitlement application	Planning and Development Dept.	X					
<p>J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's</p>	Ongoing	Planning and Development Dept./ Historic Preservation	X					

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

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<ul style="list-style-type: none"> ■ Building Designs. See Chapter V for more details. 									
<p>K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.</p>	Ongoing/prior to building permit issuance	Planning and Development Dept.	X						
<p>L-1. Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.</p>	Ongoing	Planning and Development Dept.	X						
<p>N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.</p>	Ongoing	Planning and Development Dept.						X	
<p>Q-1. The City shall establish and implement design guidelines applicable to all</p>	Ongoing	Planning and Development Dept.	X						

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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.		Development Dept.							

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EXHIBIT D

PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST

Plan Amendment Application No. A-09-03, Rezone Application No. R-09-03 and Conditional Use Permit Application No. C-10-171

This monitoring checklist for the above noted environmental assessment is being prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), as required under Assembly Bill 3180, and is intended to establish a project-specific reporting/monitoring program for Plan Amendment Application No. A-09-03, Rezone Application No. R-09-03, and Conditional Use Permit Application No. C-10-171. Verification of implementation of these mitigation measures, in addition to the applicable measures specified for this project per the Mitigation Monitoring Checklist prepared for this project pursuant to Master Environmental Impact Report No. 10130 - 2025 Fresno General Plan, will be required upon approval of any special permits and prior to operation. The section numbers below refer to corresponding sections of the Initial Study checklist for this project, using the Appendix G format from the CEQA Guidelines.

X. MITIGATION MEASURES FOR LAND USE AND PLANNING

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
Approval is subject to the requirements and standards of the adopted 2025 Fresno General Plan and the Roosevelt Area Community Plan.	Applicant	Entitlement processing	City of Fresno Development and Resource Management Department

XVI. MITIGATION MEASURES FOR TRANSPORTATION / TRAFFIC

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
Comply with the project traffic and transportation conditions listed in the letter from the City of Fresno Public Works Department Traffic Engineering Manager, dated August 5, 2010. (Exhibit E)	Applicant	Design phase (include these features in subsequent development applications) Prior to obtaining construction permits	Development and Resource Management Department Public Works Department Traffic Engineering Division



Exhibit E
RECEIVED

AUG 10 2009



Public Works Department
Patrick Wiemiller, Director

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

August 5, 2009

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

SUBJECT: Review of TRAFFIC IMPACT STUDY (TIS) FOR THE PROPOSED for General Plan Amendment A-09-003 R-09-003 28,500 SF Shopping Center located southwest quadrant of Kings Canyon Temperance TIS09-010 dated April 28, 2009

The following Conditions and Comments are from Traffic Engineering staff's review of the study utilizing professional engineering judgment, citizen complaints, field observation, previous engineering studies and warrants, and knowledge of the study area.

Conditions

1. The trip generation based on ITE Trip Generation Manual is acceptable. The proposed project is projected to generate 1,224 daily trips, 29 trips during the AM peak hour and 107 trips during the PM peak hour.
2. This project shall pay its Traffic Signal Mitigation Impact Fee of \$47.12 per Average Daily Trip (ADT) at the time of building permit. This fee is reviewed and updated yearly and the applicant pays the TSMI fee in place at the time of the building permit. Based on 1,224 ADT and the current TSMI fee the project shall pay \$57,674.88.

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

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

Exhibit E

4. The proposed project shall make necessary improvements and right-of-way dedications along project frontage as per City of Fresno requirements.
5. The project shall pay State of California Department of Transportation fees as determined by Caltrans. The fees will be collected and are payable to the City of Fresno Traffic Engineering Division. A receipt must be shown to the Planning and Development Department Land Division and/or Building Permit Division prior to issuing Building Permits.
6. The proposed project shall be designed to facilitate pedestrians and cyclists between all buildings and adjacent public streets on the site. The proposed project shall also connect with near-by sidewalks and/or Bike Lanes, trails, and/or routes to make this project accessible for both modes of transportation.
7. This project shall provide bike racks at location in close proximity to the building front doors. The bike racks shall be placed at a distance no farther than the closest parking space is to the front door. Bike racks shall be installed in a place that has sufficient visibility. At least one bike rack space shall be provided for every ten vehicle parking spaces and even distributed to major anchors/tenants/buildings.
8. This project can not have access onto Temperance Avenue due to the Expressway designation of Temperance Avenue in the City of Fresno General Plan.
9. Since Caltrans is installing the Kings Canyon/Temperance Traffic Signal as part of the 180 east Highway extension this project does not need to install the traffic signal however this project can not take occupancy until the traffic signal is install. Payment of the TSMI fee will constitute the traffic signal mitigation for this project.

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

Sincerely,



Bryan D. Jones, T.E., PTP
Traffic Engineering Manager
Public Works Department, Traffic Engineering Division

C: Traffic Engineering Reading File
Copy filed with Traffic Impact Study
Mike Sanchez, Planning Manager
Louise Gilio, Traffic Planning Supervisor