



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. **VIII-A**
COMMISSION MEETING **11/20/13**

November 20, 2013

FROM: MIKE SANCHEZ, Planning Manager
Development & Resource Management Dept.


DEPARTMENT DIRECTOR

THROUGH: SOPHIA PAGOULATES, Supervising Planner
Development Services Division



BY: BRUCE BARNES, Project Manager
Development Services Division



SUBJECT: CONSIDER PLAN AMENDMENT APPLICATION NO. A-13-002, REZONE APPLICATION NO. R-13-008, CONDITIONAL USE PERMIT APPLICATION NO. C-13-083 AND RELATED ENVIRONMENTAL FINDINGS FILED BY TERRA MORTENSEN, ON BEHALF OF OAKMONT SENIOR LIVING LLC, PERTAINING TO APPROXIMATELY 3.23 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF NORTH FIGARDEN DRIVE BETWEEN WEST BULLARD AND NORTH GATES AVENUES (ASSESSOR'S PARCEL NO. 509-030-67 AND A PORTION OF 509-030-68)

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. RECOMMEND APPROVAL (to the City Council) of Environmental Assessment No. A-13-002/R-13-008/C-13-083 recommending a Mitigated Negative Declaration be adopted;
2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. A-13-002 to amend the 2025 Fresno General Plan and Bullard Community Plan from the Community Commercial planned land use designation to the Medium-High Density Residential land use designation;
3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-13-008 to amend the Official Zone Map to reclassify the subject property from the C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district to the R-2/BA-20/UGM/cz (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district.
4. APPROVE Conditional Use Permit Application No. C-13-083, which would allow for the development of a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly, contingent upon City Council approval of the related Plan Amendment and Rezone application, and Environmental Assessment.

EXECUTIVE SUMMARY

Plan Amendment Application No. A-13-002 proposes to amend the 2025 General Plan and the Bullard Community Plan from the Community Commercial planned land use designation to the Medium-High Density Residential land use designation. Rezone Application No. R-13-008 proposes to amend the Official Zone Map to reclassify the subject property from the C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district to the R-2/BA-20/UGM/cz (*Low Density Multiple Family Residential/Boulevard Area Overlay, 2 feet/Urban Growth Management/conditions of zoning*) zone district, which would be consistent with the requested medium high-density residential land use designation requested in the plan amendment application. A lot line adjustment has been filed to create the 3.23 acre parcel.

City Council approval of the Plan Amendment, the Rezone and the Environmental Assessment are necessary prior to the approval of Conditional Use Permit Application No. C-13-083, which requests authorization to construct a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly. Environmental Assessment (EA) No. A-13-002/R-13-008/C-13-083 recommends that a Mitigated Negative Declaration be adopted for the above Plan Amendment and Rezone applications and for the related Conditional Use Permit Application. The conditions of zoning will continue to apply and include such conditions as a 20 foot landscaped strip along Bullard and Gates and the preservation of mature trees if possible.

According to the California Department of Aging the population in Fresno County for those aged 60 to 85 will increase 100% between 1990 and 2020. Over that same period the demand from residents aged 85 and older will increase by 50%. As previously noted this is a senior project designed to care for residents with dementia, Alzheimer and other forms of memory impairment.

The applicant's operational statement states that the facility will be licensed and monitored by the California Department of Social Services for non-ambulatory residents. Care involves assisting the residents with activities such as dressing, bathing and medication reminders. Three meals are provided daily. Various activities and outings are organized for the residents. A town car and/or small limo will be provided to meet the resident's transportation needs.

The proposed project will have ingress and egress from Gates Avenue, which is a cul-de-sac and local street. On the south side of Figarden Drive, Gates Avenue is designated a collector Street. Figarden Drive is designated as an arterial.

There are no bus routes in the vicinity of the proposed senior living facility. However, the project will have a town car/or small limo in order to meet the meet the transportation needs of the residents.

According to the applicant's operational statement, the highest number of employees on the site at any one time would be 25. This would translate into the need to provide 5 bike racks based on the City's policy of providing 10% of the number of parking stalls (48).

The Public Works Department/Traffic Engineering Division staff has reviewed the proposed traffic yield from the proposed plan amendment and rezoning and use of the subject property and the expected traffic generation will not adversely impact the existing and projected circulation system as analyzed in MEIR No. 10130. A limited traffic analyses done by the Traffic Division of the Public Works Departments indicated that the proposed land use designation of Medium High Density Multiple Family Residential would generate 220 Average Daily Traffic (ADT). The current land use designation of Community Shopping Center would generate an ADT of 1,502. Note that peak hour trips would be 68 trips which is less than the city's significance threshold or 100. Therefore, the proposed project will actually reduce the average daily traffic (ADT) by 85% below the currently approved community commercial land use designation. Furthermore, the streets and intersections adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated.

Therefore, the traffic volume increases are insignificant with respect to the total volume that these adjacent roadways were designed and built to accommodate and no substantial increase in transportation or traffic is expected to result.

PROJECT INFORMATION

PROJECT Plan Amendment Application No. A-13-002 and Rezone Application No. R-13-008, which request that the existing Community Commercial planned land use designation for the subject 3.23-acre property be changed to the Medium High Density Multiple Family Residential land use designation, and that the current C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district be changed to the R-2/BA-20/UGM/cz (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district which is consistent with the requested change in planned land use.

Conditional Use Permit Application No. C-13-083 requests authorization to construct a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly at 5605 N. Gates Avenue.

APPLICANTS Ken Kidd, on behalf of Oakmont Senior Living , LLC
2220 Concourse Blvd.
Santa Rosa, CA 95403

LOCATION 5605 North Gates Avenue, on the north side of NorthFigarden
Drive Avenue between West Bullard and North Gates
Avenues, APN NOs. 509-030-67 AND A PORTION OF 509-
030-68 , (See attached vicinity map and aerial photo.)
(Council District 2, Steve Brandau)

SITE SIZE 3.23 acres

PLANNED LAND USE Existing -- Community Commercial

Proposed -- Medium-High Density Residential

ZONING: Existing -- C-2/BA-20/UGM/cz (*Community Shopping
Center/Boulevard Area Overlay, 20 feet/Urban
Growth Management/conditions of zoning*) zone
district

Proposed -- R-2/BA-20/UGM/cz (*Low Density Multiple Family
Residential/Boulevard Area Overlay, 20
feet/Urban Growth Management/conditions of
zoning*) zone district

CONSISTENCY WITH PLAN DESIGNATION Pursuant to Table 2 of the 2025 Fresno General Plan (Planned
Land Use and Zone District Consistency Matrix) and
Section 12-403-B-1 (Zone District Consistency Table) of the
Fresno Municipal Code, the requested R-2/BA/UGM/cz zone
district classification is consistent with the requested Medium-
High Density Residential planned land use designation.

ENVIRONMENTAL FINDING The Initial Study conducted for Environmental Assessment
(EA) No. A-13-002/R-13-008/C-13-083 resulted in a proposed
Finding of Mitigated Negative Declaration (MND). A Notice of
Intent to make this finding was published in the *Fresno Bee*
and posted with the Fresno County Clerk on October 18, 2013.
The Planning Commission hearing is intended to serve as part
of the process for receiving comments on the EA.

REPORT TO THE PLANNING COMMISSION

Plan Amendment A-13-002, Rezone R-13-008, Conditional Use Permit No. C-13-083 and Environmental Assessment A-13-002/R-13-008/C-13-083

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PLAN COMMITTEE
RECOMMENDATION

On September 19, 2013, the Council District 2 Plan Implementation Committee recommended approval of the plan amendment, rezone, and conditional use permit applications by a vote of 5-0 with two Committee members absent (see attached Project Record), provided that the neighbors are in agreement. The Committee requested that applicant increase its recommended transportation service radius from 10 miles to 15 miles as most medical services are offered North of Herndon Avenue between Fresno Street and Maple Avenue.

The applicant held a neighborhood meeting on November 4, 2013 at Figarden Elementary. Only two neighbors attended and both were in strong support of the project.

STAFF
RECOMMENDATION

Recommend Approval (to the City Council) for (1) the adoption of a Mitigated Negative Declaration for Environmental Assessment No. A-13-002/R-13-008/C-13-083; and (2) approval of Plan Amendment Application No. A-13-002 and Rezone Application No. R-13-008 to amend the Official Zone Map to reclassify the subject property from the C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district to the R-2/BA-20/UGM/cz (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district; and 3) approval of Conditional Use Permit C-13-083 subject to City Council approval of the Plan Amendment and Rezone.

BORDERING PROPERTY INFORMATION

| | Planned Land Use | Existing Zoning | Existing Land Use |
|--------------|----------------------------|--|--------------------------|
| North | Community Commercial | C-2/BA-20/UGM/cz <i>(Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning) zone district</i> | Vacant |
| East | Medium High Residential | R-2/UGM <i>(Low Density Multiple Family Residential/ Urban Growth Management)</i> | Apartments |
| South | Medium Density Residential | R-1/UGM <i>(Single Family Residential/Urban Growth Management Area)</i> | Single-family homes |
| West | Medium Density Residential | R-1/UGM <i>(Single Family Residential/Urban Growth Management Area)</i> | Single-family homes |

ENVIRONMENTAL FINDING

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

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

distribution system capacities; traffic carrying capacity of the planned major street system; and school facility siting.

The proposed plan amendment, rezone and conditional use permit applications have been determined to be subsequent projects not fully within the scope of MEIR No. 10130 as provided by the CEQA Statutes/Public Resources Code Section 21157.1 and Section 15177 of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Article 11.5) because the plan amendment would change the urban form/land use map of the 2025 Fresno General Plan. The project itself was not found to have any significant adverse impacts; therefore, a finding of Mitigated Negative Declaration is recommended, implementing MEIR mitigation measures and project-specific mitigation measures as deemed necessary pursuant to the EA initial study. Conditions are also being incorporated into the conditional use permit project to assure that the project will not cause significant adverse impacts or irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02. A copy of EA No. A-13-002/R-13-008/C-13-083 is attached, with the full initial study (including public agency and interdepartmental comments) and its recommended mitigation measure monitoring checklists.

On October 18, 2013 the Notice of Intent was filed with the Fresno County Clerk and a Notice of Intent for a proposed finding of Mitigated Negative Declaration for this project was published in the *Fresno Bee*. As of the date this report was prepared, no inquiries, comments or objections regarding Environmental Assessment No. A-13-002/R-13-008/C-13-083 have been received by the Development and Resource Management Department.

Staff supports a Commission recommendation to the City Council to approve the Mitigated Negative Declaration for Environmental Assessment No. A-13-002/R-13-008/C-13-083.

BACKGROUND / ANALYSIS

The 1975 Bullard Community Plan deemphasized Shaw Avenue as being the "community center" and created the Bullard-Brawley Loop, encircled by Figarden Drive, in order to minimize the number of grade crossings and awkward intersections with the Santa Fe Railroad and to provide a unique feature and focal area for the location of the community center function. Basically, the node of intensity that was originally shown at Bullard and Brawley Avenues in the 1965 Bullard Plan was carried forward in modified form to the 1975 Bullard Plan except with a loop street instead of a grid system. The loop area provided for a community shopping center, medium-high and medium density residential uses, educational facilities, i.e., a high school, a junior high, an elementary school, offices, and a community center designation to provide for public buildings such as meeting rooms, cultural centers, city offices, police service center and also to provide for a park/open space network. Although the "loop" area was designated as the "community center" instead of Shaw Avenue, the 1975 Bullard Plan did extend the West Shaw Avenue office strip west to Brawley Avenue in reflection of the County's Shaw Avenue Land Use Policy and its extension, the West Shaw Avenue Amendment. The current 2025 General Plan, adopted in 2002, designates the area as a "Potential Activity Center" as identified in Exhibit 6 of that document.

During the recent "housing boom" in the middle of the last decade numerous single family and multiple family housing project were built in the area. This was followed by a tremendous growth in commercial uses which followed a northward path from West Shaw Avenue along Brawley Avenue and extended to Figarden Drive (or Loop). The area now has ample commercial uses and to re-designate 3.23 acres of the existing vacant 25 acre site from Community Commercial to the Medium High Residential land use designation is considered less than significant for planning purposes.

Land Use Plans and Policies

The subject property is included within the boundaries of the Bullard Community Plan. The attached map of planned land uses in the project vicinity shows that the subject property is designated for Community Commercial uses. The proposed change in planned land use designation for the subject 3.23-acre property would constitute shifting the current boundary of the planned Medium Density Residential land use along this segment of Figarden Drive northwesterly by approximately 370 feet.

The project is consistent with the following Bullard Community Plan Goals noted in Section 4.1.2:

1. Provide for a diversity of housing types and housing opportunities to meet the needs of all ages and income levels.
2. Provide for efficient use of land and the public service delivery system while protecting the integrity of established neighborhoods.
3. Provide for safe, clean and aesthetically pleasing neighborhoods free from excessive traffic and noise.
4. Provide for a compatible relationship between differing housing types and densities.

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

Goal 1 Enhance the quality of life for the citizens of Fresno and plan for the projected population within the moderately expanded Fresno urban boundary in a manner that which will respect physical, environmental, fiscal, economic, and social issues.

Objective C-9. Plan for diversity and quality residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Commercial land uses shall be classified, located, sized and developed to meet needs for goods and services

while minimizing travel requirements, infrastructure demands, and adverse impacts.

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

Policy C-9-f. Facilitate the development of new elderly housing projects that are accessible to public transportation and services (although not served by public transportation, the facility will have its own town car/shuttle service).

Policy C-9-l High density residential uses shall be designated for those areas supportive of the city's university, college, activity centers and intensity corridors. (The area is designated in Exhibit 6 of the 2025 General Plan as a Potential Activity Center).

The size, configuration, and location of the subject property are suitable for the proposed senior living complex. The building materials and architectural features of the complex are compatible with nearby residential areas found in the project vicinity: stucco exterior finishes, earth tones, and landscaped buffers. The Department of Public Utilities and Fire Prevention Bureau have verified that adequate public service capacity exists for the proposed project.

Zoning Consistency

Pursuant to Table 2 of the 2025 Fresno General Plan (Planned Land Use and Zone District Consistency Matrix) and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code, the requested R-2/BA/UGM/cz zone district classification is consistent with the requested Medium-High Density Residential planned land use designation.

TRANSPORTATION AND CIRCULATION

The subject property is located on the north side of North Figarden Drive between West Bullard and North Gates Avenues. Figarden Drive is a planned arterial street and is fully developed in the project vicinity. North Gates south of Figarden Drive is a planned collector and north Figarden Drive it is a local street. Access to the project will be from this local street.

The segment of Figarden Drive abutting the subject property has four travel lanes, a landscaped median island, bike lanes, and pedestrian facilities only on the south side of the street.

Appendix B of the MEIR prepared for the 2025 Fresno General Plan projects that the segment of North Figarden Drive between Gates and Bullard Avenues, from which this project will be required to take its access, would experience 21,410 average daily trips (ADT) at full buildout of planned land uses in year 2025, and would operate at an acceptable Level of Service (LOS "D"),

an allowable LOS under policies of the 2025 Fresno General Plan.

The Medium Density Residential land use would generate 220 ADT compared with 1,502 ADT for the Community Commercial land use currently planned for the subject property. If applicant's request is approved this parcel would reduce ADT by 1,282 trips for an 85% reduction in ADT. See memorandum from the Public Works Department, Traffic and Engineering Services Division (attached to EA No. A-13-002/R-13-008/C-13-083).

The City's Traffic Engineer requires that this project pay its proportionate share of City major street impact and traffic signalization impact fees, and notes that it is subject to Regional Transportation Mitigation fees.

In summary, the proposed plan amendment, rezone and conditional use permit for development of senior living facility does not create any traffic conflicts or significant adverse traffic impacts, provided that development occurs consistent with Public Works recommended conditions of approval and with payment of the prescribed traffic/transportation and signalization fees.

PUBLIC SERVICES

Details of the proposed project were circulated to departments and public agencies for review and comment on August 26, 2013. The comments and conditions received by the Development Services Division have been incorporated into the environmental assessment initial study, and will be reflected in the Conditions of Approval for CUP No. C-13-083.

The City's Department of Public Utilities (DPU) determined that the proposed project can be adequately served by existing water and sewer facilities (see DPU memoranda dated August 5 and 15, 2013, attached to EA A-13-002/R-13-008/C-13-083), which complies with General Plan and Bullard Community Plan policies which require affirmation that sufficient public service capacity exists for projects.

The proposed configuration of the solid waste enclosure meets City standards for solid waste collection and recycling. The Fresno Fire Department evaluated the CUP and noted fire protection requirements. Fresno County Environmental Health provided a letter of comment with information relating to filing of reports required by that agency.

Applicant must comply with all conditions noted by the Fresno Police Department (on site cameras), the Fresno Metropolitan Flood Control District (payment of drainage fees), the Fire Department (installation of new fire hydrant), Public Works, Traffic Division (payment of Traffic Impact fees), and Public Works, Engineering Division (payment of public landscaping maintenance fees).

DISTRICT 2 PLAN IMPLEMENTATION COMMITTEE AND OTHER PUBLIC OUTREACH

As noted above in the Land Use section of this report, the Council District 2 Plan Implementation Committee recommended approval of the proposed project, subject to neighborhood agreement.

Notices for the November 20, 2013 Planning Commission hearing were mailed to property owners within a 500-foot radius on November 8, 2013, as required by Fresno Municipal Code Chapter 12, Articles 4 and 6; and the property was posted with a laminated copy of the notice, on

REPORT TO THE PLANNING COMMISSION

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Friday November 8, 2013. A public hearing notice was also published in the *Fresno Bee*. As of the date of preparation of this report, no comments or appeals have been received by the Development and Resource Management Department.

The project developer, Oakmont Senior Living LLC, held a neighborhood meeting at Figarden Elementary School on November 4, 2013 at 5:30 pm. Only two neighbors attended and both were very supportive of the project.

CONCLUSION

The action taken by the Planning Commission regarding Plan Amendment Application No. A-13-02, Rezone Application No. R-13-008 and associated Environmental Assessment No. A-13-02/R-13-008/ C-13-083 will be a set of recommendations made to the City Council regarding the proposed plan amendment, rezone, and environmental assessment. The Planning Commission's action on the Conditional Use Permit will be contingent on the City Council's approval of the Plan Amendment and Rezone currently scheduled for hearing on Thursday, December 19, 2013 at or after 3 pm.

Attachments: Vicinity Map

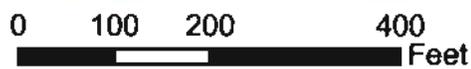
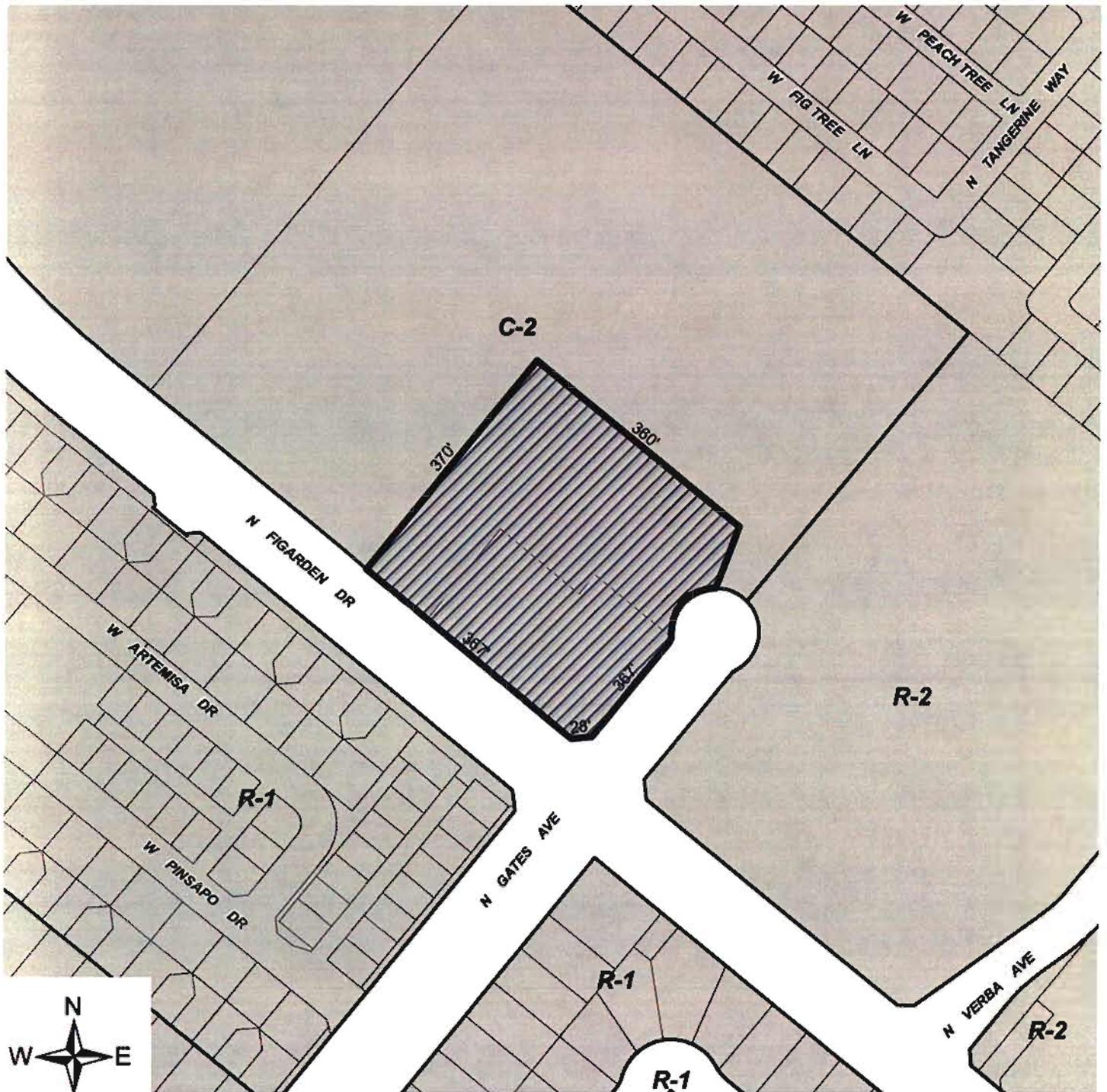
- 1) 2008 aerial photograph
- 2) Planned Land Use Amendment and Rezone
- 3) District 2 Plan Implementation Committee
- 4) Meeting Notice to Neighborhood and
- 5) Conditional Use Permit No. C-13-083
- 6) Comments from Agencies/Department/Property Owner
- 7) Public Notices and Mailing Map
- 8) Environmental Assessment No. A-13-002/R-13-008/C-13-083

1.
Aerial Photograph



2.
Planned Land Use Amendment &
Rezone

EXHIBIT A



A-13-002

R-13-008

C-13-083

**APN: 509-030-67 and
509-030-68 (portion)
5605 North Gates Avenue**

1. Community Commercial Planned Land Use to
Medium-High Residential Planned Land Use

2.  C-2/BA-20/UGM/cz to R-2/BA-20/UGM/cz, 3.23 Acres

3. Conditional Use Permit C-13-083

3.
District 2 Plan Implementation Committee



COUNCIL DISTRICT 2 PLAN IMPLEMENTATION COMMITTEE MEETING

Meeting Room 3078, Third Floor-North, Fresno City Hall 2600 Fresno Street, Fresno CA 93721-3604

ACTION AGENDA

MONDAY, September 9, 2013- 5:30 P.M.

1. ROLL CALL

Members Present: James Poptanich, Chair, Rose Hendry, David Rodriguez, William Scott, Jasdeep Singh

Members Absent: Ralph Kachadourian, Michael Napoli

Others Present: Sophia Pagoulatos, Development and Resource Management Department staff, Terra Mortensen, Precision Engineering

2. APPROVAL OF AGENDA AND MEETING ACTION AGENDA

- a. Agenda for September 9, 2013 *RH moved and DR seconded a motion to approve the agenda. The motion passed unanimously.*
- b. Action Agenda for August 26, 2013 *DR moved and RH seconded a motion to approve the agenda. The motion passed unanimously.*

3. COMMITTEE BUSINESS – Chair Poptanich stated that since R. Hendry will be out for surgery for 3 months, that the number of committee members and quorum be reduced from the current 7 and 4 to 6 and 3 respectively in her absence, but that she retain her membership on the committee. ?? moved and ?? seconded a motion as noted above, the motion passed unanimously.

4. PROJECT REVIEW - CONTINUED MATTERS

- a. **Plan Amendment Application No. A-13-002, Rezone Application No. R-13-008, and Conditional Use Permit Application No. C-13-083** were filed by Terra Mortensen, on behalf of Oakmont Senior Living LLC, and pertain to 3.23 acres of property located on the north side of North Figarden Drive between West Bullard and North Gates Avenues. **Plan Amendment Application No. A-13-002** proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to the medium-high density residential land use designation. **Rezone Application No. R-13-008** proposes to amend the Official Zone Map to reclassify the subject property from the C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district to the R-2/BA-20/UGM/cz (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district. **Conditional Use Permit Application No. C-13-083** proposes the construction of a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly. (A lot line adjustment has also been filed.)

APN: 509-030-67s, 68s portion ZONING: From C-2/BA-20/UGM/cz to R-2/BA-20/UGM/cz
SITE ADDRESS: 5605 NORTH GATES AVENUE

After going over all of the questions from the previous meeting with the applicant, DR moved and RH seconded a motion to approve, with the recommendation that the transportation radius be

increased to 15 miles, as most medical services are located north of Herndon between Fresno Street and Maple Avenue.

- 5. STAFF INFORMATIONAL REPORT – *Staff asked if the committee members would like to learn about special topics. Committee members answered in the affirmative if it is kept brief, and would like the info in writing prior to the meeting. Chair Poptanich asked staff to send out an email to all committee members asking for potential topics. Topics that were mentioned by those present were:***

- a. Ponding basin maintenance***
- b. How to get zoning information***
- c. What happens with no code enforcement***
- d. Modular Homes Update***
- e. Airport 3 million federal grant***

- 6. PUBLIC COMMENTS - *None***

- 7. UNSCHEDULED MATTERS - *None***

Unscheduled matters are items added to the agenda without the required 72-hour legal notice requirement. These items may be discussed but official action may not be taken until legal notices are given as required by law.

- 8. ADJOURNMENT – *DR moved and RH seconded a motion to adjourn at 6:11 p.m. The motion passed unanimously.***

4.
Meeting Notice to Neighborhood and Photographs

NEIGHBORHOOD MEETING NOTICE

November 4, 2013



Dear Neighbor,

We would like to share with you the development plans and concepts for our proposed new Oakmont Senior Living location on the north side of Figarden Drive and North Gates Avenue in Fresno, CA on the parcel identified as 509-030-675 and a portion of APN 509-030-68S. We are proposing 77 unit residential care facility for the elderly, more commonly known as assisted living, on a 3.23 acre portion of the listed parcels, which currently sit vacant. The City of Fresno is now reviewing the submitted entitlements for the project, which involve a Lot Line Adjustment to create the new parcel configuration, General Plan Amendment, Rezone from C-2 commercial to R-2 residential, and Conditional Use Permit to permit the use in the proposed R-2 Medium Residential zone district.

The proposed Oakmont Senior Living development will help implement the 2025 Fresno General Plan by providing a much needed service to enhance the quality of life for the citizens of Fresno and plan for those in the community who will rely on assisted living and/or dementia care now or in the future. The project will provide additional employment opportunities in a field which employs a diverse assortment of professionals. The project will compliment the neighborhood by creating a park-like atmosphere on a parcel which has been vacant for some time and will provide a modern and attractive development which will continue the steady growth along this infill segment of Figarden Drive. The two story building will be developed to be consistent with the requirements of the R-2 zone district. Along with the proposed development, landscaping will be installed and provide needed trees along the frontage of Figarden Drive and North Gates Avenue, which will complete the landscaped streetscape.

You are cordially invited to attend a neighborhood meeting on Monday, November 4th at 5:30PM. The purpose of this meeting is to acquaint you with the design and to receive feedback regarding this new development project on Figarden Drive and Gates Avenue. Please feel free to share this notice with your neighbors or anyone you feel may be interested.

Date: Monday, November 4, 2013
Time: 5:30 p.m.
Place: Figarden Elementary School Cafeteria
6235 N. Brawley Avenue, Fresno, CA

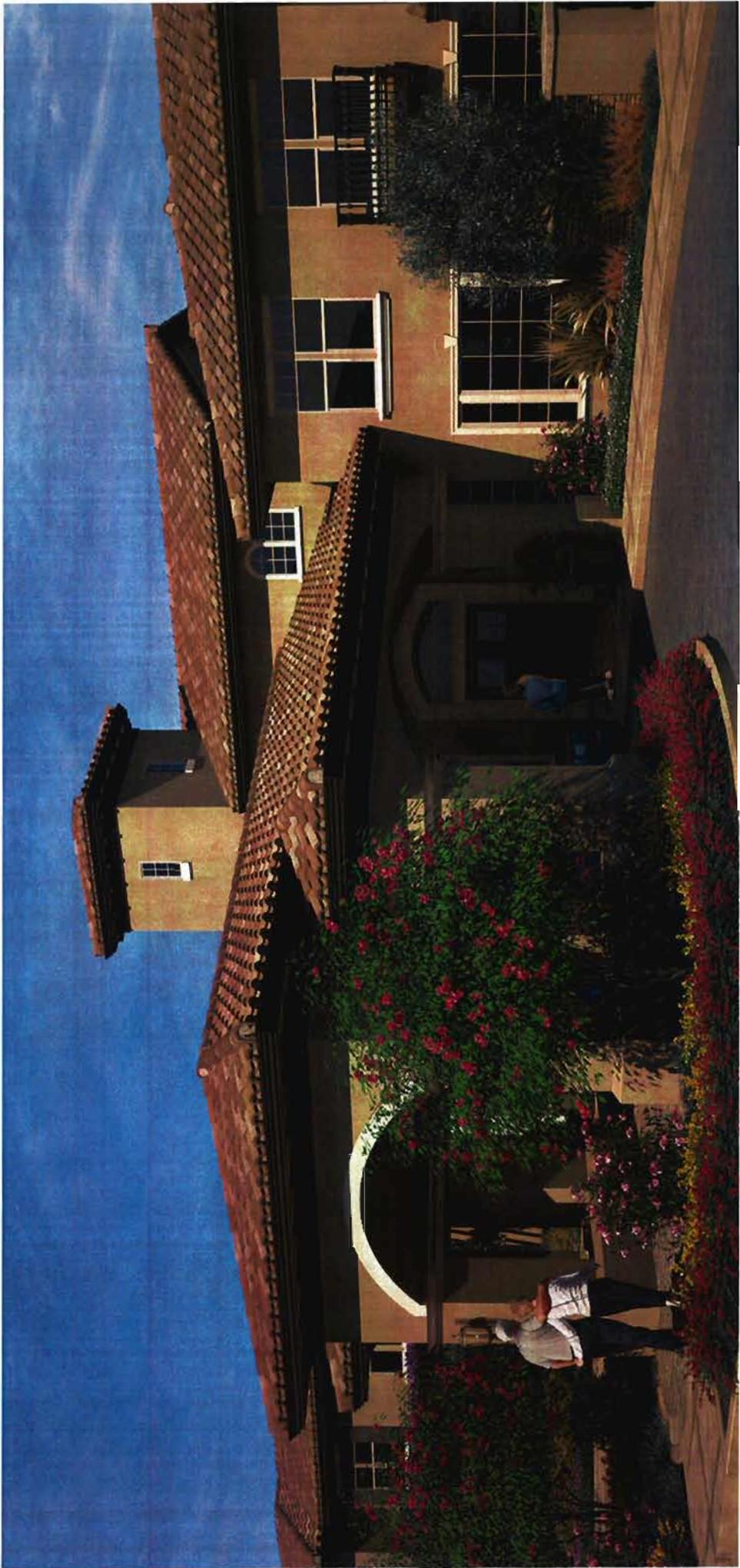
Contact for Questions:
Terra Mortensen, PE
Precision Civil Engineering
(559) 449-4500

 **Oakmont**
Senior Living



PRECISION
CIVIL ENGINEERING, INC.
Planning • Surveying • Civil Engineering
Landscape Architecture • Interior Design









5.
Conditional Use Permit No. C-13-083



2600 Fresno Street, Third Floor
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 498-1012

Development and Resource Management Department
Jennifer K Clark, Director

November 20, 2013

Please reply to:
Bruce Barnes
(559) 621-8047

Ken Kidd
220 Concourse Blvd.
Santa Rosa CA 95403

SUBJECT: SPECIAL PERMIT NO. C-13-083 AT 5605 NORTH GATES AVENUE (APN NO. 509-030-67 AND A PORTION OF 509-030-68)

Dear Mr. Kidd:

The Development and Resource Management Director, on November 20, 2013, approved Special Permit Application No. **C-13-23**, which requests authorization to develop a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly. **Conditional Use Permit Application No. C-13-083 will NOT be in effect until the subsequent approval by the City Council of the related Plan Amendment and Rezone Applications and the associated environmental finding.** The approval of this project is subject to compliance the following Conditions of Approval:

CONDITIONS OF APPROVAL

PART A – ITEMS TO BE COMPLETED

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

Planner to check
when completed

1. Development shall take place in accordance with Exhibits A-1, A-2, B, E-1, E-2 and T dated July 18, 2013. Transfer all comments and conditions on Exhibits to the corrected exhibit(s) and **submit to planner at least 15 days prior to issuance of building permits.**

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

3. **Prior to final inspection**, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development and Resource Management Department (see form, attached).



4. Add applicable notes from the attached document titled "General Notes and Requirements for Entitlement Applications".

PART B – OTHER REQUIREMENTS

1) Planning/Zoning/Environmental Compliance Requirements

- a) Development and operation shall take place in accordance with the attached "General Notes and Requirements for Entitlement Applications" as applicable.
- b) Development shall take place in accordance with the policies of the 2025 Fresno General Plan, Bullard Community Plan, and with the medium high density residential planned land use designation.
- c) Development shall take place in accordance with the R-2/BA-20/UGM/cz (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district and all other applicable sections of the Fresno Municipal Code (attached).
- d) Comply with the operational statement submitted for the proposed project dated July 18, 2013.
- e) Comply with all applicable mitigation measures detailed in the attached Master Environmental Impact Report MEIR Mitigation Monitoring Checklist for the 2025 Fresno General Plan and any applicable project specific mitigation measures contained in the environmental assessment adopted for the project.
- f) Development shall comply with all prior special permits on the property, specifically Conditional Use Permit Application Nos. C-5481, C-5322 and Variance No. 6888, and any applicable conditions of zoning.

2) City and Other Services

Development shall take place in accordance with the attached memoranda and letters:

- a) Comply with Department of Public Utilities, Water Division memos dated August 5, 2013 and Sewer Division dated August 15.
- b) Comply with Public Works, Traffic Division memo dated August 22, 2013 and pay Traffic mitigation fee as required.
- c) Comply with US Postal Service memo date August 1, 2013.
- d) Comply with Public Works (Street Tree requirements) dated September 4, 2013.

- e) Comply with Fresno Metropolitan Flood Control memos dated August 8, 2013 and pay fee as required.
- f) Comply with Fresno Irrigation District memo dated July 29, 2013.
- g) Comply with Fresno Fire Department memo dated August 9, 2013 and install new fire hydrant and fire lanes as required.
- h) Comply with Public Works, Solid Waste Division memo dated August 1, 2013.
- i) Comply with "Limited Traffic Analyses" dated August 21, 2013 and related memo from Peters Engineering dated July 16, 2013 pay fee(s) as required.
- j) Comply with Fresno County Department of Health memo dated July 26, 2013.
- k) Comply with Fresno Airports memo dated August 28, 2013.
- l) Comply with San Joaquin Valley Air Pollution Control District memo dated August 6, 2013.
- m) Comply with Public Works (Community Facilities District No. 9) memo dated August 26, 2013.
- n) Comply with Fresno Police Department memo dated August 21, 2013.
- o) Comply with Oakmont Senior Living- Operational Statement dated July 18, 2013.

3) Miscellaneous Requirements

- a) Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
 - i) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
 - ii) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
 - iii) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
- b) Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

- c) Provide signs under the surveillance cameras which notify the public that the development is monitored by video surveillance.

APPEALS

A notice indicating the Development and Resource Management Department Director's approval of this project was mailed to nearby property owners on November 20, 2013, commencing a 15 day comment/appeal period. Should an appeal be received, it shall be scheduled to be heard before the Planning Commission.

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans and policies, those determined through conditional use permit review and environmental assessment essential to mitigate adverse effects on the health, safety and welfare of the community, and recommend conditions for development that would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Section 12-405 can be made. Discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Director within 15 days. In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the applicant believes the decision or action appealed should not be upheld.

If you wish to appeal the decision, a written request must be received at the Development and Resource Management Department by **December 5, 2013**. The written request should be addressed to Mark Scott, Interim Director, and include the application number referenced above.

BACKCHECK PROCESS

Please Note: To complete the back-check process for building permits relative to planning and zoning issues, submit four copies of this corrected, final site plan, together with three copies of the elevations, landscape, and irrigation plans, any fees and title reports for required covenants, and any required studies or analyses to Bruce Barnes in the Development Services Division for final review and approval, at least 15 days before applying for building permits.

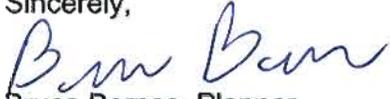
It may be necessary to resubmit these "corrected exhibits" a second time if not all the conditions have been complied with or are not shown on the exhibits. Once the "corrected exhibits" are approved by the Development Services Division, please place these exhibits in the plan check set and contact the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

Copies of the final approved site plan, elevations, landscaping, and irrigation plans stamped by the Development Services Division must be submitted for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to the issuance of building permits.

The exercise of rights granted by this special permit must be commenced by November 20, 2017, (four years from the date of approval). There is no extension. All improvements must be installed prior to the operation of the proposed use.

If you have any questions regarding this letter, feel free to give me a call at the number listed above.

Sincerely,

A handwritten signature in blue ink that reads "Bruce Barnes". The signature is fluid and cursive, with the first and last names being the most prominent.

Bruce Barnes, Planner
Development Services Division

Enclosures: Exhibits
General Notes and Requirements for Entitlement Applications
Landscape Certification Form

C: Property Owner
JAF

6.
Comments from Agencies/Department/Property Owner



Department of Public Utilities – Water Division



Providing Life's Essential Services

DATE: August 5, 2013

TO: BRUCE BARNES, Planner II
Development Department/Current Planning

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

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

SUBJECT: **WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-13-083, PLAN AMENDMENT A-13-002 AND REZONE R-13-008.**

General

A-13-002, R-13-008 & C-13-083 were filed by Terra Mortensen, on behalf of Oakmont Senior Living LLC, and pertain to 3.23 acres of property located on the north side of North Figarden Drive between West Bullard and North Gates Avenues, 5605 North Gates Avenue, APN 509-030-67S, 68S Portion. A-13-002 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to the medium-high density residential land use designation. R-13-008 proposes to amend the Official Zone Map to reclassify the subject property from the C-2-BA-20-UGM-cz, Community Shopping Center-Boulevard Area Overlay, 20 feet-Urban Growth Management-conditions of zoning, zone district to the R-2-BA-20-UGM-cz, Low Density Multiple Family Residential-Boulevard Area Overlay, 20 feet-Urban Growth Management-conditions of zoning, zone district. C-13-083 proposes the construction of a 77,496 square foot 2-story building for a 77-unit residential care facility for the elderly. A lot adjustment has also been filed.

Water Requirements

The nearest water main to serve the proposed project is a 6-inch main located in East Heaton Avenue. Water facilities are available to provide service to the site subject to the following requirements:

1. No comments.





**DEPARTMENT OF PUBLIC UTILITIES
ADMINISTRATION DIVISION
MEMORANDUM**



Providing Life's Essential Services

Date: August 15, 2013

To: BRUCE BARNES
Planning and Development

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

Subject: SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-13-083; PLAN AMENDMENT A-13-002; AND REZONE R-13-008

General

A-13-002, R-13-008 & C-13-083 were filed by Terra Mortensen, on behalf of Oakmont Senior Living LLC, and pertain to 3.23 acres of property located on the north side of North Figarden Drive between West Bullard and North Gates Avenues, 5605 North Gates Avenue, APN 509-030-67S, 68S Portion. A-13-002 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to the medium-high density residential land use designation. R-13-008 proposes to amend the Official Zone Map to reclassify the subject property from the C-2-BA-20-UGM-cz, Community Shopping Center-Boulevard Area Overlay, 20 feet-Urban Growth Management-conditions of zoning, zone district to the R-2-BA-20-UGM-cz, Low Density Multiple Family Residential-Boulevard Area Overlay, 20 feet-Urban Growth Management-conditions of zoning, zone district. C-13-083 proposes the construction of a 77,496 square foot 2-story building for a 77-unit residential care facility for the elderly. A lot adjustment has also been filed.

Sewer Requirements

The nearest sanitary sewer main to serve the proposed project is an 8-inch sewer in N. Figarden Drive. Sewer facilities are available to provide service to the site subject to the following requirements:

1. 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.
2. Abandon any existing on-site private septic systems.
3. Installation of sewer house branch(s) shall be required.
4. On-site sanitary sewer facilities shall be private.
5. The Project shall comply with City of Fresno Ordinances, Standards, Specifications, and Conditions related to providing sanitary sewer service.



Sewer Fees

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

1. Sewer Lateral Charge
2. Sewer Oversize Service Area: # 18
3. Trunk Sewer Charge: Cornelia
4. Upon connection of this Project to the City Sewer System the owner shall be subject to payment of Sewer Facility charges per Fresno Municipal Code Section 6-304 and 6-305. Sewer Facility Charges consist of two components, a Wastewater Facilities Charge and Trunk Sewer Charge where applicable.
5. Sewer Facility Charges are collected after occupancy on a 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.



DATE: August 22, 2013

TO: Bruce Barnes
Development and Resource Management Department

FROM: Mario Rocha, Senior Engineering Technician
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Conditions of Approval for **C-13-083**

ADDRESS: 5605 North Gates Avenue

APN: 509-030-67S

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

A. General Requirements

1. **Property Lines and Easements:** Identify and dimension. Provide a dimension from the section and center lines to the existing and proposed right of way lines.
2. **Scope of work:** All items shall be listed as existing or proposed.
3. **Deeds are required.** See exhibit "A". Submit early to avoid permit delays. There is a 2 month processing time. Contact Bruce Abbott at 621-8694.

B. Offsite Information:

1. **Center Lines:** Identify.
2. **Easements/Dedications:** Identify all existing and proposed easements/dedications. Provide a dimension from the section and center lines to the existing and proposed right of way.
3. **Street Improvements and Furniture:** Identify existing and proposed curb, gutter, sidewalks (provide width), ADA ramps (provide radius), street lights (specify if wood or metal pole), traffic signals, boxes, signs, fire hydrants, etc.
4. **ADA:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property.
5. **Median Islands:** Identify and specify if existing to remain, proposed or to be modified.

C. Onsite Information:

1. **Buildings:** Identify and label all buildings as existing, proposed or to be removed. Provide square footage.
2. **Parking Lot:**
 - a. **Stalls:** Provide length and width. Provide the number that are required, compact and designated for disability parking stalls. Identify the 3' vehicular overhang adjacent to continuous curbing. No obstructions shall be within the 3' overhang. (ground cover is allowable.) Compact parking stalls shall be signed or marked.
 - b. **Directional flow of traffic:** Identify existing and proposed directional arrows.
 - c. **Disability signage:** Identify the location. (Not to be within the 4' clear path of travel and the 3' vehicular overhang).
 - d. **Planters:** provide planter dimensions and radii.
 - e. **Paving:** per Public Works Standards **P-21, P-22, P-23**
3. **Walls or Fencing:** Identify existing and proposed walls and fences.

D. Other Important Information:

1. **Lot Line Adjustments:** Provide reference numbers.
2. **Parcel Map:** Provide reference number.

PUBLIC IMPROVEMENT REQUIREMENTS

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

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

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

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

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

Street work on major streets shall be designed to include Intelligent Transportation Systems (ITS) conduit in accordance with the Public Works ITS specifications.

Survey Monuments and Parcel Configuration

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

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

Street Dedications, Vacations and Encroachment Permits

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

Figarden Drive: Arterial

1. Dedicate a **2'** pedestrian easement to accommodate a **6'** sidewalk.

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

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

Street Improvements

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

Repair all damaged and/or off grade off-site concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current ADA regulations.

Figarden Drive: Arterial

1. Modify or replace the existing ramp to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy. "Detectable Warning Devices" are required, if not existing. Reference Public Works Standards **P-28, P-32**.
2. Construct a **6'** residential sidewalk. A **2'** dedication for a pedestrian easement is required **prior to building permits**.

Gates Avenue: Local

1. **If not existing**, construct concrete sidewalk to Public Works Standard **P-5**.
2. Construct a street-type approach per Public Works standard **P-77**. Site Plan approval of a street type approach (**P-76, P-77**) is a tentative approval until such time that a qualified Civil Engineer prepares street plans that provide the sufficient cross drainage approved by the City Engineer in accordance with Public Works Standard **P-10**.

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
2. Provide directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A-1"**.

Traffic Impact Study: A traffic impact study has been submitted. Comply with the mitigated measures as shown on the attached letter from the Assistant Traffic Engineering Manager dated August 21, 2013.

| Land Use | Size | Average Daily Trips (ADT) | AM Pk Hour | PM Pk Hour |
|-----------------|-------------|----------------------------------|-------------------|-------------------|
| Assisted Living | 80 beds | 220 | 15 | 24 |

Traffic Signal Mitigation Impact (TSMI) Fee: This project shall pay all applicable TSMI Fees at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Contact the Public Works Department, Frank Saburit at (559)621-8797.

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 P-69 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. Contact the Public Works Department, Frank Saburit at (559)621-8797.

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

GROWTH COORDINATOR
UNITED STATES POSTAL SERVICE



August 1, 2013

Plan Amendment Application No A-13-002
Rezone Application No R-13-008
Conditional Use Permit Application No C-13-083

To the City of Fresno – Planning and Development Department:

It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid.

In addition to completing the Agreement, the Developer shall provide a final map (with address detail) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.

Sincerely,

Cathy S. Gilles
New Growth Coordinator
559 4404267

755 E NEES AVE
FRESNO CA 93720-2196
559-442-4287
FAX: 559-440-4287

MODE OF DELIVERY AGREEMENT - NEW CONSTRUCTION United States Postal Service - Sacramento District

| | | | | | |
|--|-------------------------|-------------------|--------|-----------|------------------|
| Name of Project: | | ZIP CODE: | | | |
| Location: | Estimated # Deliveries: | Route Type/Number | | | |
| Unit/Office: | | City # | Rural# | Contract# | To Be Determined |
| Estimated Delivery Date (Month and Year) * | | | | | |

USPS Contact Information

| | | |
|------------------|-------|--------------|
| Contact Made By: | Date: | Telephone #: |
|------------------|-------|--------------|

Builder/Developer/Property Owner Information

| | | |
|-------|----------|--------|
| Name: | Title: | Phone: |
| Firm: | Address: | |

Equipment Information

| TYPE OF PROJECT | | | | TYPE & QUANTITY OF EQUIPMENT | | | |
|-------------------------------------|---------------------|------------|--------|------------------------------|-----------------------|-----|---------------------------|
| check type | | Deliveries | Floors | QTY | Centralized Equipment | QTY | Non-Centralized Equipment |
| <input checked="" type="checkbox"/> | Office Bldg. | | | | CBU Type 1 (8) | | Curbside 2/post |
| | Shopping/Strip Mall | | | | CBU Type II (12) | | Curbside 3/post |
| | Apt. / Condo | | | | CBU Type III (16) | | Curbside 4/post |
| | Townhomes | | | | CBU Type IV (13) | | Other (Specify) |
| | Modular Homes | | | | Wallmount Std4C | | |
| | Single Family | | | | Parcel Lockers | | |
| | Other (Specify) | | | | | | |

Purchase/Installation Responsibility

| | | |
|---|-----------------------------------|--|
| <input checked="" type="checkbox"/> Owner / Developer | <input type="checkbox"/> U.S.P.S. | <input type="checkbox"/> Other: See Comments |
|---|-----------------------------------|--|

Issue Key Responsibility

| | | |
|---|-----------------------------------|--|
| <input checked="" type="checkbox"/> Owner / Developer | <input type="checkbox"/> U.S.P.S. | <input type="checkbox"/> Other: See Comments |
|---|-----------------------------------|--|

Comments:

See attached maps for designated locations.

Builder/Developer/Property Owner understands that he/she must comply with USPS Cement Pad Specifications. Copy provided.

This Agreement will document that the builder/developer will purchase and install the centralized delivery equipment as indicated above at the specified locations. Locations must be clearly designated on plat maps provided by the builder or developer. Any changes must be approved jointly by both undersigned individuals.

USPS REPRESENTATIVE:

Name: Cathy Gilles

Title: Growth Coordinator

Signature: _____ Date: _____

Phone # 559-440-4267

FAX # 559-440-4286

PROPERTY OWNER/DEVELOPER/MANAGER:

*Name: _____

*Title: _____

*Signature: _____ Date: _____

*Telephone #: _____

*FAX #: _____

DISTRICT APPROVAL: _____ DATE: _____

DEPARTMENT OF PUBLIC WORKS

TO: **Bruce Barnes, Project Manager**
Planning Division

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

DATE: September 4, 2013

SUBJECT: SITE PLAN REVIEW NO. C-13-083

The Department of Public Works offers the following comments regarding 5605 North Gates Avenue (APN's: 509-030-67s; 68s portion) located on the north side of North Figarden Drive between West Bullard and North Gates Avenues:

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code. There are approximately 275 lineal feet of street frontage along N. Figarden Dr. resulting in the requirement of five (5) street trees.

2. The designated street tree for N. Figarden Dr. is:

Pistacia chinensis

Chinese Pistache

3. Due to grade changes south of N. Gates on the east side of Figarden Dr., the fiber optics line is in conflict with street tree planting within the city right-of-way. The depth and location of the fiber optics line will need to be verified prior to planting the street trees in the parkstrip.
4. There are approximately 190 lineal feet of street frontage along N. Gates Ave. resulting in the requirement of three (3) street trees.
5. The designated street tree for N. Gates Ave. (to match the project to the south is:

Lagerstroemia indica

Crape Myrtle

6. Please submit landscape and irrigation plans to Public Works at the scale of 1"=20' prior to installation of any street trees..

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
PLAN AMENDMENT APPLICATION NO. A-13-002, REZONE APPLICATION NO. R-13-008, and
CONDITIONAL USE PERMIT APPLICATION NO. C-13-083

FMFCD

Return Completed Form to:

Bruce Barnes
Email: Bruce.Barnes@fresno.gov
Telephone: 559-621-8047
Development & Resource Management
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Plan Amendment Application No. A-13-002, Rezone Application No. R-13-008, and Conditional Use Permit Application No. C-13-083 were filed by Terra Mortensen, on behalf of Oakmont Senior Living LLC, and pertain to 3.23 acres of property located on the north side of North Figarden Drive between West Bullard and North Gates Avenues. Plan Amendment Application No. A-13-002 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to the medium-high density residential land use designation. Rezone Application No. R-13-008 proposes to amend the Official Zone Map to reclassify the subject property from the C-2/BA-20/UGM/cz (Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning) zone district to the R-2/BA-20/UGM/cz (Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning) zone district. Conditional Use Permit Application No. C-13-083 proposes the construction of a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly. (A lot line adjustment has also been filed.)

APN: 509-030-87s, 68s portion ZONING: From C-2/BA-20/UGM/cz to R-2/BA-20/UGM/cz
SITE ADDRESS: 5805 NORTH GATES AVENUE

DATE ROUTED: July 25, 2013

COMMENT DEADLINE: August 26, 2013

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

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

REFER TO ATTACHED LETTER DATED AUGUST 2, 2013

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

SAME AS ABOVE

REQUIRED CONDITIONS OF APPROVAL:

SAME AS ABOVE

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

NO

REVIEWED BY: GARY CHAPMAN ENG. TECH III 456-3292 8/2/13
Name and Title Telephone Number Date
Council District 2; Bullard Community Plan



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 210.414
400.21
410.201
550.10 "AE"

August 2, 2013

Mr. Bruce Barnes
City of Fresno
Development Dept., Planning Division
2600 Fresno Street, Third Floor
Fresno, CA 93721

Dear Mr. Barnes,

Rezone 2013-008
Plan Amendment No. A-13-002
Drainage Area "AE"

The proposed rezone lies within the District's Drainage Area "AE". The District's system can accommodate the proposed rezone.

If there are any questions concerning this matter, please feel free to contact us.

Sincerely,

Gary Chapman
Engineering Technician III

GC/lrl

550.10 "AE"

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
PLAN AMENDMENT APPLICATION NO. A-13-002, REZONE APPLICATION NO. R-13-008, and
CONDITIONAL USE PERMIT APPLICATION NO. C-13-083

FMFCD

Return Completed Form to:

Bruce Barnes
Email: Bruce.Barnes@fresno.gov
Telephone: 559-621-8047
Development & Resource Management
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Plan Amendment Application No. A-13-002, Rezone Application No. R-13-008, and Conditional Use Permit Application No. C-13-083 were filed by Terra Mortensen, on behalf of Oakmont Senior Living LLC, and pertain to 3.23 acres of property located on the north side of North Figarden Drive between West Bullard and North Gates Avenues. Plan Amendment Application No. A-13-002 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to the medium-high density residential land use designation. Rezone Application No. R-13-008 proposes to amend the Official Zone Map to reclassify the subject property from the C-2/BA-20/UGM/cz (Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning) zone district to the R-2/BA-20/UGM/cz (Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning) zone district. Conditional Use Permit Application No. C-13-083 proposes the construction of a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly. (A lot line adjustment has also been filed.)

APN: 509-030-67s, 68s portion ZONING: From C-2/BA-20/UGM/cz to R-2/BA-20/UGM/cz
SITE ADDRESS: 5605 NORTH GATES AVENUE

DATE ROUTED: July 25, 2013

COMMENT DEADLINE: August 26, 2013

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

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

REFER TO FMFCD NOTICE OF REQUIREMENTS FOR
CUP 2013-083.

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

SAME AS ABOVE

REQUIRED CONDITIONS OF APPROVAL:

SAME AS ABOVE

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

NO

REVIEWED BY: GARY CHAPMAN ENG. TECH. III 456-3292 8/2/13
Name and Title Telephone Number Date
Council District 2; Bullard Community Plan

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

File No. 210.413

Page 1 of 4

PUBLIC AGENCY

BRUCE BARNES
DEVELOPMENT SERVICES/PLANNING
CITY OF FRESNO
2600 FRESNO STREET, THIRD FLOOR
FRESNO, CA 93721

DEVELOPER

KEN KIDD, OAKMONT SENIOR LIVING, LLC
220 CONCOURSE BLVD.
SANTA ROSA, CA 95403

FR
CUP No. 2013-083

PROJECT NO: 2013-083

ADDRESS: 5605 N. GATES AVE.

APN: 509-030-67S, 68S

SENT: 8/2/13

| Drainage Area(s) | Preliminary Fee(s) |
|------------------|--------------------|
| AE | \$5,849.00 |

TOTAL FEE: \$5,849.00

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/14 based on the site plan submitted to the District on 7/26/13 Contact FMPCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 2 of 4

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

1. a. Drainage from the site shall BE DIRECTED TO GATES AVENUE AND/OR FIGARDEN DRIVE
 b. Grading and drainage patterns shall be as identified on Exhibit No.
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.

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

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

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

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

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

FR
CUP No. 2013-083

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 3 of 4

FR
CUP No. 2013-083

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


Alan Hofmann
Assistant District Engineer/Design


Gary Chapman
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

TERRA MORTENSEN, PRECISION CIVIL ENGINEERING

1234 "O" STREET

FRESNO, CA 93721

JOHN ALLEN COMPANY, LLC

PO BOX 8548

CALABASAS, CA 91302

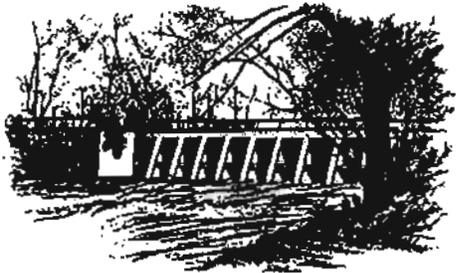
FR CUP No. 2013-083

OTHER REQUIREMENTS
EXHIBIT NO. 2

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

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

Development No. CUP 2013-083



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93726-2208

July 29, 2013

Mr. Bruce Barnes
City of Fresno
Development and Resource Management Department
2600 Fresno Street, Third Floor
Fresno, CA 93721

RE: Plan Amendment Application No. A-13-002, Rezone Application No. R-13-008,
and Conditional Use Permit Application No. C-13-083, S/E Bullard & Figarden

Dear Mr. Barnes:

The Fresno Irrigation District (FID) has reviewed the Plan Amendment Application No. A-13-002, Rezone Application No. R-13-008 and Conditional Use Permit Application No. C-13-083 pertaining to the 3.23 acres of property located on the north side of North Figarden Drive between West Bullard and North Gates Avenues. Plan Amendment Application No. A-13-002 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to the medium-high density residential land use designation. Rezone Application No. R-13-008 proposes to amend the Official Zone Map to reclassify the subject property from the C-2/BA-20/UGM/cz (Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning) zone district to the R-2/BA-20/UGM/cz (Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning) zone district. Conditional Use Permit Application No. C-13-083 proposes the construction of a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly. (A lot line adjustment has also been filed), APN: 509-030-67s, 68s. FID has the following comments and conditions:

1. FID does not own, operate or maintain any facilities located on the subject property as shown on the attached FID exhibit map.

G:\Agencies\FresnoCity\Plan Amendment\A-13-002.doc

BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President STEVEN BALLS
JEFFERY NEELY, GEORGE PORTER, GREGORY BEBERIAN, General Manager GARY R. SERRATO

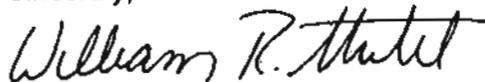
Mr. Bruce Barnes
Re: A-13-002, R-13-008, C-13-083
July 29, 2013
Page 2 of 2

2. For informational purposes; FID's H-Ditch Canal No. 128 runs southwesterly and crosses Figarden Avenue approximately 600 feet northwest of the subject property, as shown on the attached FID exhibit map. Should this project expand to include any street improvements, utility connections, etc. along Figarden Avenue and in the vicinity of the canal crossing, FID requires it review and approval of all plans.

3. For informational purposes; FID's E-4 Canal No. 127 runs southwesterly and crosses Figarden Avenue approximately 700 feet southeast of the subject property, as shown on the attached FID exhibit map. Should this project expand to include any street improvements, utility connections, etc. along Figarden Avenue and in the vicinity of the canal crossing, FID requires it review and approval of all plans.

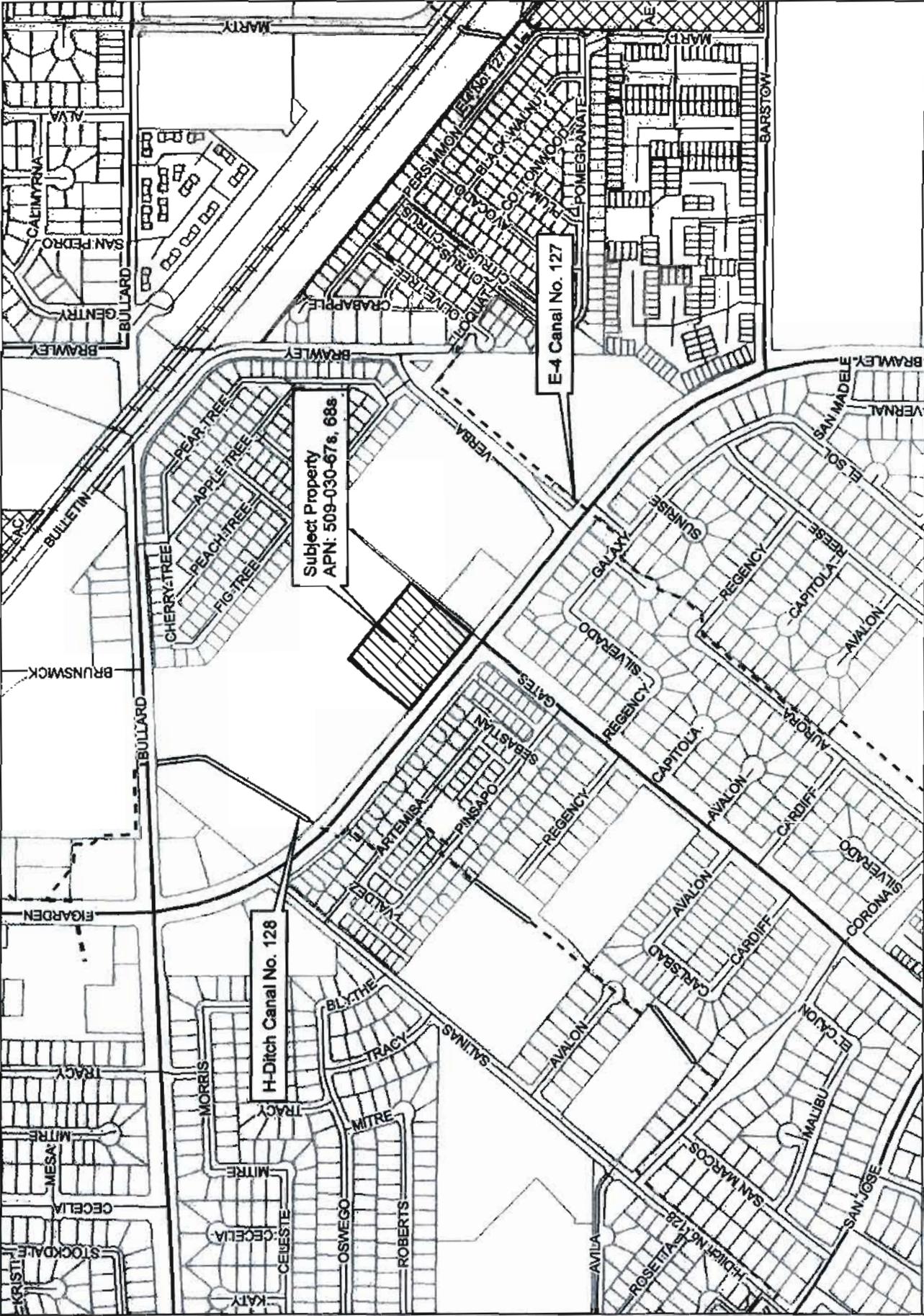
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Sen Saetern at 233-7161 extension 7406 or ssaetern@fresnoirrigation.com.

Sincerely,



William R. Stretch, P.E.
Assistant General Manager - Operations

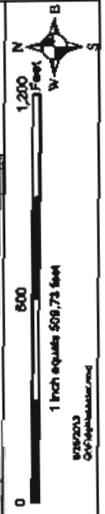
Attachment



Subject Property
 APN: 509-030-67s. 68s

E-4 Canal No. 127

H-Ditch Canal No. 128



- Legend**
- FID Canal
 - Private Canal
 - Abandoned Canal
 - FID Pipeline
 - Private Pipeline
 - Abandoned Pipeline
 - Stream Group
 - Other-Channel/River
 - Other-Pipeline
 - FID Boundary
 - Channel
 - Street & Hwy
 - Parcel
 - Proposed Acquired Basin
 - Proposed Basin

FRESNO IRRIGATION DISTRICT





FIRE DEPARTMENT

Date: August 9, 2013

To: BRUCE BARNES, Project Manager
Planning and Development Department , Planning

From: DARLA SCOTT, Senior Fire Prevention Inspector
Fire Department, Fire Prevention Division

Subject: A-13-002, R-13-008 & C-13-083 were filed by Terra Mortensen, on behalf of Oakmont Senior Living LLC, and pertain to 3.23 acres of property located on the north side of North Figarden Drive between West Bullard and North Gates Avenues, 5605 North Gates Avenue, APN 509-030-67S, 68S Portion. A-13-002 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to the medium-high density residential land use designation. R-13-008 proposes to amend the Official Zone Map to reclassify the subject property from the C-2-BA-20-UGM-cz, Community Shopping Center-Boulevard Area Overlay, 20 feet-Urban Growth Management-conditions of zoning, zone district to the R-2-BA-20-UGM-cz, Low Density Multiple Family Residential-Boulevard Area Overlay, 20 feet-Urban Growth Management-conditions of zoning, zone district. C-13-083 proposes the construction of a 77,496 square foot 2-story building for a 77-unit residential care facility for the elderly. A lot adjustment has also been filed.

Hydrants

Developer must install an on-site hydrant. See Plan for location. Provide fire hydrant flow of 1500 GPM with a minimum 8 inch water main.

Fire hydrants shall be installed, tested, approved, and all surface access roads shall be installed and made serviceable prior to and during the time of construction. The hydrant 4½ inch 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."

Pedestrian Access

Designate the gate just east of the resident's garden as a fire access gate.

All Pedestrian gates designed as fire access gates shall remain unlocked or be provided with 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.

Other

The 14 inch water main on Gates shown on the plans is an abandoned water main.

The 14 inch water main shown on the plans on Figarden Drive is located on the opposite side of the street.

The minimum size of the fire service shall be 8 inches.

Due to the proposed location of the fire sprinkler riser, a remote FDC will need to be installed.

This project was reviewed by the fire department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.



DEPARTMENT OF PUBLIC UTILITIES



Date: August 01, 2013

To: BRUCE BARNES, Project Manager
Planning and Development Department, Planning

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

Subject: A-13-002, R-13-008 & C-13-083 were filed by Terra Mortensen, on behalf of Oakmont Senior Living LLC, and pertain to 3.23 acres of property located on the north side of North Figarden Drive between West Bullard and North Gates Avenues, 5605 North Gates Avenue, APN 509-030-67S, 68S Portion. A-13-002 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to the medium-high density residential land use designation. R-13-008 proposes to amend the Official Zone Map to reclassify the subject property from the C-2-BA-20-UGM-cz, Community Shopping Center-Boulevard Area Overlay, 20 feet-Urban Growth Management-conditions of zoning, zone district to the R-2-BA-20-UGM-cz, Low Density Multiple Family Residential-Boulevard Area Overlay, 20 feet-Urban Growth Management-conditions of zoning, zone district. C-13-083 proposes the construction of a 77,496 square foot 2-story building for a 77-unit residential care facility for the elderly. A lot adjustment has also been filed.

General

This location is serviced by a Commercial Solid Waste Franchisee. For service information, please contact Allied Waste at 559-275-1551 or 800-493-4285 .

Does Project Affect Your Agency/Jurisdiction

Yes - Project has or will be required to provide a trash enclosure.

Suggestions to Reduce Impacts/Address Concerns

The proposed site plan indicates "covered refuse/recycle enclosure." The minimum height of a covered enclosure is 7 feet. What is the proposed height?

Enclosure shall be constructed on a level surface.

Recommended Conditions of Approval

Enclosure shall be built in accordance with current City of Fresno Standards P-33 and P-34.
2-cell trash enclosure required.

Additional Information

Location of enclosure is acceptable.

Need answers to questions stated above.



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



City of
Public Works Department
Patrick Wiemiller, Director

August 21, 2013

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

**SUBJECT: REVIEW OF THE LIMITED TRAFFIC ANALYSES (LTA) FOR THE PROPOSED OAKMONT SENIOR LIVING, GENERAL PLAN AMENDMENT A-13-002 REZONE APPLICATION R-13-002, AND CONDITIONAL USE PERMIT C-13-083, LOCATED ON THE NORTH SIDE OF NORTH FIGARDEN AVENUE BETWEEN WEST BULLARD AND NORTH GATES AVENUES
TIS 13-007 DATED JULY 16, 2013**

LIMITED TRAFFIC ANALYSES APPROVED FOR PLANNING COMMISSION

We have reviewed the Limited Traffic Analyses (LTA) prepared by Peters Engineering Group for the proposed 77-unit residential care facility for the elderly (assisted living) "project". The proposed 77,496 square foot two-story structure could consist of up to 80 occupied beds. The project proposes to amend the land use designation of the 3.23-acre parcel on the northeast corner of Figarden Drive and Gates Avenue from community commercial to the medium-high density residential land use designation. The plan also proposes to amend the Official Zone Map to reclassify the subject property from the C-2/BA-20-UGM/cz (Community Shopping Center/Boulevard Overlay, 20feet/Urban Growth Management/conditions of zoning) zone district to the R-2/BA-20/UGM/cz (Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning) zone district.

GENERAL COMMENTS and CONDITIONS

1. Trip generation based on the Institute of Transportation Engineers (ITE) Trip Generation Manual Assisted Living use (ITE code 254) is acceptable. Using the number of occupied beds, 80, the proposed General Plan Amendment and planned project will generate 220 average daily trips (ADT) 15 trips during the AM peak hour and 24 trips during the PM peak hour.

The existing General Plan land use generates 1,502 ADT, 34 trips during the AM peak hour and 131 trips during the PM peak hour. This trip generation is based on the Shopping Center land use (ITE code 820) assuming a 25-percent floor area ratio on the 3.23 acre site.

2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of \$47.12 per ADT, per the Master Fee Schedule, at the time of building permit. Based on the reported 220 ADT for the proposed project, the fee would be \$10,366.40 payable at the time of the building permit.

The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2025 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is

regularly updated as new traffic signals are added, new grant funds offset developer improvement costs, and/or construction costs increase/decrease. If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is in place at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.

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

3. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at 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 project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocog.org. Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
5. The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.
6. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.

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

Sincerely,



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

C: Copy filed with Traffic Impact Study
Scott Tyler, PE, City Traffic Engineer
Mike Sanchez, Planning & Development Dept.
Louise Gillo, Traffic Planning Supervisor
Bruce Barnes, Planning & Development Dept.



PETERS ENGINEERING GROUP
A CALIFORNIA CORPORATION

Mr. Ken Kidd
Oakmont Senior Living
220 Concourse Boulevard
Santa Rosa, California 95403

July 16, 2013

Subject: Limited Traffic Analyses
Proposed Assisted Living Facility
Northeast of the Intersection of Figarden Drive and Gates Avenue
Fresno, California

Dear Mr. Kidd:

This report presents limited analyses for the subject project. The analyses focus on the anticipated volume of vehicle traffic resulting from the project. The primary purpose of this study is to evaluate the expected net change in traffic generated at the site as a result of the proposed General Plan Amendment (GPA).

The proposed Oakmont Senior Living project is a 77-unit residential care facility for the elderly, more commonly known as assisted living. The proposed two-story structure covers approximately 77,496 square feet on a 3.23-acre parcel located northeast of the intersection of Figarden Drive and Gates Avenue in Fresno, California. The facility could have up to 80 occupied beds. The project requires a General Plan Amendment to allow R-2 zoning. Peters Engineering Group understands that the current zoning is C-2 and the current land use designation is community commercial.

Data provided in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition*, are typically used to estimate the number of trips anticipated to be generated by the current and proposed land use designations at the site for comparison purposes. Table 1 presents trip generation characteristics based on the current land use designation. Assuming a shopping center with 25-percent floor area ratio (FAR) on the 3.23-acre site, the building size would be 35,175 square feet.

Table 1
Trip Generation Calculations - Existing Development

| Land Use | Size | Daily | | A.M. Peak Hour | | | | P.M. Peak Hour | | | | | |
|-----------------------|----------------|-------|-------|----------------|--------|----|-----|----------------|------|--------|----|-----|-------|
| | | Rate | Total | Rate | In:Out | In | Out | Total | Rate | In:Out | In | Out | Total |
| Shopping Center (820) | 35,175 sq. ft. | 42.70 | 1,502 | 0.96 | 62:38 | 21 | 13 | 34 | 3.71 | 48:52 | 63 | 68 | 131 |

Reference: *Trip Generation Manual, 9th Edition*, Institute of Transportation Engineers 2012
Rates are reported in trips per 1,000 square feet of building area

Table 2 presents trip generation characteristics based on the proposed project.

Table 2
Trip Generation Calculations With Proposed Project

| Land Use | Size | Daily | | A.M. Peak Hour | | | | P.M. Peak Hour | | | | | |
|-----------------------|------|-------|-------|----------------|--------|----|-----|----------------|------|--------|----|-----|-------|
| | | Rate | Total | Rate | In:Out | In | Out | Total | Rate | In:Out | In | Out | Total |
| Assisted Living (254) | 80 | 2.74 | 220 | 0.18 | 68:32 | 10 | 5 | 15 | 0.29 | 50:50 | 12 | 12 | 24 |

Reference: *Trip Generation Manual, 9th Edition*, Institute of Transportation Engineers 2012
 Rates are reported in trips per occupied bed

Table 3 presents the net project trip generation by taking the difference between the current land use designation trip generation (Table 1) and the proposed project trip generation (Table 2).

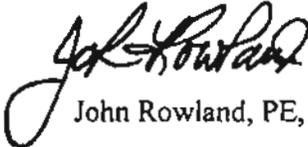
Table 3
Net Project Trip Generation

| Scenario | Daily | A.M. Peak Hour | | | P.M. Peak Hour | | |
|-------------------|---------------|----------------|-----------|------------|----------------|------------|-------------|
| | | In | Out | Total | In | Out | Total |
| Proposed | 220 | 10 | 5 | 15 | 12 | 12 | 24 |
| Current | 1,502 | 21 | 13 | 34 | 63 | 68 | 131 |
| Difference | -1,282 | -11 | -8 | -19 | -51 | -56 | -107 |

The results of the trip generation analyses suggest that the proposed project will result in substantially fewer trips than would be expected under the current land use designation.

Thank you for the opportunity to perform these analyses. Please feel free to call our office if you have any questions.

PETERS ENGINEERING GROUP


 John Rowland, PE, TE



Signed: July 16, 2013



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, M.B.A., R.E.H.S.
INTERIM DIRECTOR

July 26, 2013

Bruce Barnes
City of Fresno Development Department
2600 Fresno Street
Fresno, CA 93721

999999999
LU0017435
2602

Dear Mr. Barnes:

PROJECT NUMBER: A-13-002, R-13-008, C-13-083

Plan Amendment Application No. A-13-002, Rezone Application No. R-13-008, and Conditional Use Permit Application No. C-13-083 were filed by Terra Mortensen, on behalf of Oakmont Senior Living LLC, and pertain to 3.23 acres of property located on the north side of North Figarden Drive between West Bullard and North Gates Avenues. **Plan Amendment Application No. A-13-002** proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to the medium-high density residential land use designation. **Rezone Application No. R-13-008** proposes to amend the Official Zone Map to reclassify the subject property from the C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district to the R-2/BA-20/UGM/cz (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district. **Conditional Use Permit Application No. C-13-083** proposes the construction of a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly. (A lot line adjustment has also been filed.)

APN: 509-030-67s, 68s portion ZONING: From C-2/BA-20/UGM/cz to R-2/BA-20/UGM/cz

SITE ADDRESS: 5605 NORTH GATES AVENUE

Recommended Conditions of Approval:

- Prior to issuance of building permits, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, the applicant shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Should the applicant wish to sell alcoholic beverages, they must first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.

Bruce Barnes
July 26, 2013
A-13-002, R-13-008, C-13-083
Page 2 of 2

- Due to the proximity of the proposed residential uses to an existing thoroughfare, adequate information should be provided by the applicant to ensure compliance with the City's noise ordinance.
- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- All water wells (not intended for use by the project) and septic systems that exist or have been abandoned within the project area shall be properly destroyed by an appropriately licensed contractor.

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

- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

REVIEWED BY:

Kevin Tsuda

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=San Fresno
County EH,
email=tsuda@cc.fresno.ca.us, c=US
Date: 2013.07.26 13:54:25 -0700

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

(559) 600-3271

cc: Baruti, Casagrande, Tolzmann, Vang- Environmental Health Division (CT 42.12)
Ken Kidd, Applicant (ken.kidd@oakmontsl.com)
Terra Mortensen, Representative (tmortensen@precisioneng.net)
John Allen, Owner (johnallen@gentechcorp.com)

Bruce Barnes

From: Nathan Sanchez
Sent: Monday, August 26, 2013 3:46 PM
To: Bruce Barnes
Subject: RE: Request for Comment - Plan Amendment, Rezone, Conditional Use Permit on Figarden Drive and Gates Avenue for 77 unit elderly care facility

Project Address: 5605 North Gates Avenue
APN: 509-030-67s and 68s portion

This is the Department of Airports response to the above named application:

The Department of Airports anticipates no adverse impacts on the Fresno Yosemite International Airport or the Fresno Chandler Executive Airport



From: Daniel Yrigollen
Sent: Friday, July 26, 2013 11:19 AM
To: Nathan Sanchez
Subject: FW: Request for Comment - Plan Amendment, Rezone, Conditional Use Permit on Figarden Drive and Gates Avenue for 77 unit elderly care facility

For your review and comment. Check proximity to Sierra Sky Park.



From: Fresno Development Services
Sent: Friday, July 26, 2013 9:42 AM
To: Louise Gillo; Hilary Kimber; Ann Lillie; Michael Carbajal; Doug Hecker; Robert Diaz; Chris Weibert; 'developmentreview@fresnofloodcontrol.org'; 'Dave Padilla'; 'Jennifer Bryan-Sanchez'; 'skahl@co.fresno.ca.us'; 'glallen@co.fresno.ca.us'; 'jgardner@co.fresno.ca.us'; 'Tsuda, Kevin'; Michael Reid; Jon Papaleo; Carl McKnight; Daniel Yrigollen; 'ceqa@valleyair.org'; 'bstretch@fresnoirrigation.com'; Sen Saetern; John Downs; Jon Bartel; hcontreras@centralusd.k12.ca.us; 'ajs4@pge.com'; 'gef5@pge.com'; Steve Brandau; Sophia Pagoulatos; 'cathy.s.gilles@usps.gov'; Arnoldo Rodriguez
Cc: Bruce Barnes
Subject: Request for Comment - Plan Amendment, Rezone, Conditional Use Permit on Figarden Drive and Gates Avenue for 77 unit elderly care facility



August 6, 2013

Bruce Barnes
City of Fresno
Development and Resource Management
2600 Fresno St., Third Floor
Fresno, CA 93721-3604

Project: Plan Amendment App. No. A-13-002; Rezone App. No. R-13-008

District CEQA Reference No: 20130642

Dear Mr. Barnes:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of rezoning property and amending the Fresno General Plan as well as the Bullard Community Plan to accommodate anticipated residential construction. The plan amendments and property use rezoning action will not have an impact on air quality. However, if approved, future development will contribute to the overall decline in air quality due to construction activities, increased traffic, and ongoing operational emissions. The District offers the following comments:

1. Future development may require further environmental review and mitigation. Referral documents for those projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.
2. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:
 - 50 dwelling units
 - 2,000 square feet of commercial space;
 - 25,000 square feet of light industrial space;
 - 100,000 square feet of heavy industrial space;
 - 20,000 square feet of medical office space;
 - 39,000 square feet of general office space; or
 - 9,000 square feet of educational space; or
 - 10,000 square feet of government space; or

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 93728-0244
Tel: (559) 230-6000 FAX: (559) 230-6081

Southern Region
34948 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

- 20,000 square feet of recreational space; or
 - 9,000 square feet of space not identified above
3. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at <http://www.valleyair.org/ISR/ISRHome.htm>.
 4. Individual development projects may also be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
 5. 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.
 6. 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 Cherie Clark, at (559) 230-5940.

Sincerely,

David Warner
Director of Permit Services

Cherie Clark for:

Arnaud Marjollet
Permit Services Manager

DW: cc



DATE: August 26, 2013

TO: Bruce Barnes, Project Manager
Development and Resource Management Department

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

SUBJECT: CONDITIONS OF CONDITIONAL USE PERMIT NO. 2013-083 FOR
MAINTENANCE REQUIREMENTS

ADDRESS: 5605 North Gates Avenue
APN: 509-030-67S and 68S portion

MAINTENANCE REQUIREMENTS OF PUBLIC IMPROVEMENTS

The Property Owner for multi-family developments shall be responsible for providing maintenance for certain required public improvements located within and adjacent to the public streets on the perimeter associated with their development and as approved by the Public Works Department.

Community Facilities District No. 9

The property owners within Final Parcel Map No. 2006-20 has had the territory of the final map annexed as Annexation No. 4 of Community Facilities District No. 9 ("CFD No. 9") to provide financing for the maintenance and operations of certain public improvements ("Services") in the North Gates Avenue cul-de-sac. All parcels of Final Parcel Map No. 2006-20 shall pay their fair share for providing Services by CFD No. 9 as shown on the attached Features to be Added by Annexation No. 4.

Property Owner's Maintenance Responsibilities

Certain public improvements, not included in the CFD No. 9, shall be the property owner's responsibility to provide financing for the maintenance and operations per the Fresno Municipal Code and City standards. These items are as follows:

- All City required landscaping, trees and irrigation systems in the public street rights-of-way of North Figarden Drive and North Gates Avenue as associated with this development.
- Basic maintenance of the concrete sidewalks and curb ramp in the street rights-of-way of North Figarden Drive and North Gates Avenue as associated with this development.

The property owner of this development shall be responsible for providing a maintenance covenant reflective of the above requirements prior to final sign-off of this application. Contact the Development and Resource Management Department for further details.

Any change to this development that would affect these conditions shall require a revision of this letter.

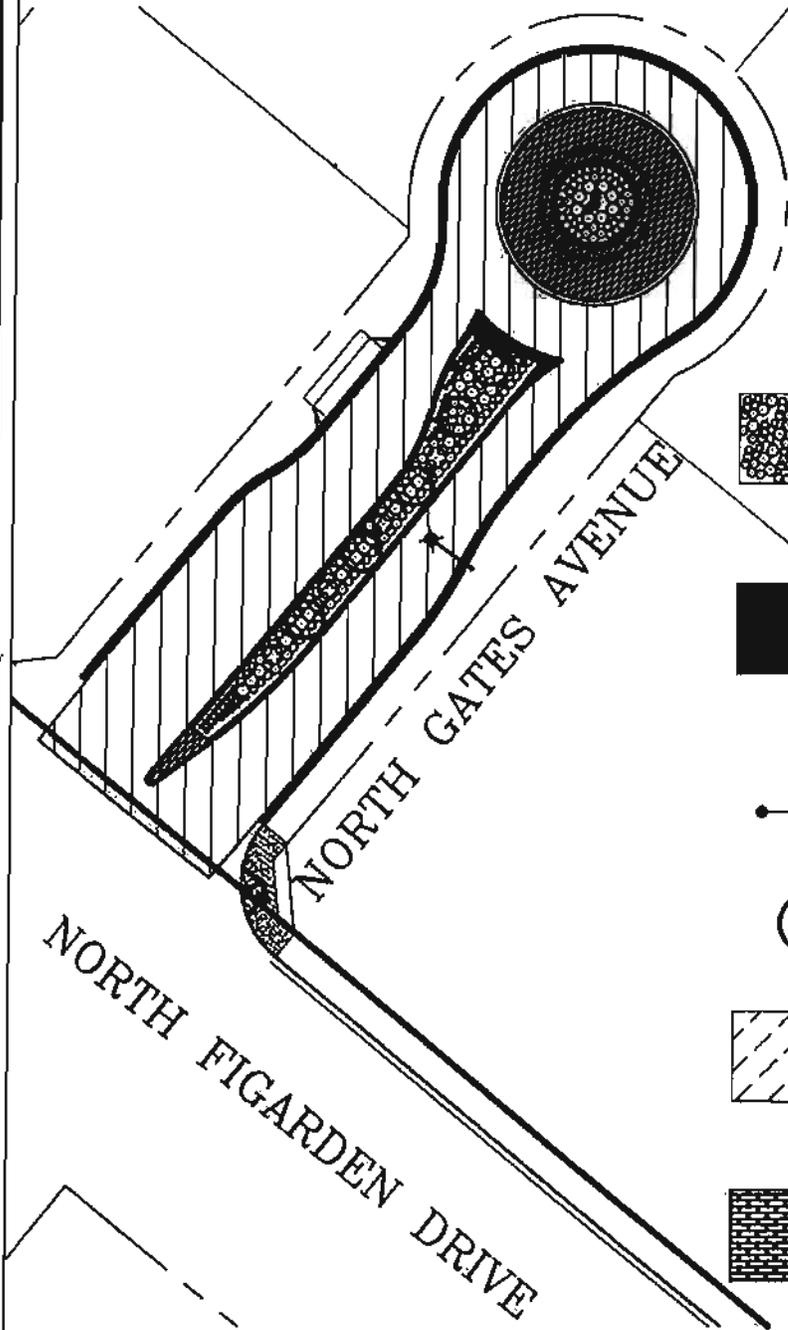
For any questions regarding these conditions please contact me at (559) 621-8690 / ann.lillie@fresno.gov

CITY OF
FRESNO
 PUBLIC WORKS DEPARTMENT
 TRAFFIC AND ENGINEERING SERVICES DIVISION



NOT TO SCALE
 March 11, 2013

FEATURES TO BE ADDED BY ANNEXATION NO. 4
 COMMUNITY FACILITIES DISTRICT NO. 9



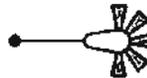
LANDSCAPE AND IRRIGATION:
 MEDIAN ISLAND = 1,996 SF
 ROUNDABOUT = 491 SF
 TOTAL = 2,487 SF



CONCRETE IMPROVEMENTS:
 CURB & GUTTER = 603 LF
 MEDIAN & ROUNDABOUT CURB = 478 LF



STREET LIGHTS:
 TOTAL = 1 EACH



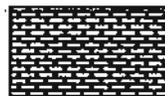
SMALL TREES = 6 EA



INTERIOR PAVEMENT:
 TOTAL AREA = 14,253 SF



STAMPED CONCRETE
 NON-PAVEMENT = 117 SF
 IN ROAD-PAVEMENT = 2,601 SF



FINAL PARCEL MAP NO. 2006-20
 APN 509-030-63S, 64S, 65S and 66S



August 21, 2013

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

Attn: Bruce Barnes, Development and Resource Management

Re: Conditional Use Permit (CUP) Application No. C-13-083
Applicant: Oakmont Senior Living LLC
5605 N. Gates Avenue
Fresno, CA 93722
A.P.N. 509-030-67s, 68s portion

Dear Mr. Barnes,

The City of Fresno has requested that the Fresno Police Department review an application for a Conditional Use Permit for the construction of a seventy seven (77) unit residential care facility for the elderly at **5605 N. Gates Avenue**. Rezone Application No. R-13-008 proposes to amend the Official Zone Map to reclassify the property from **C-2/BA-20/UGM/cz** (Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning) zone district to the **R-2/BA-20/UGM/cz** (Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning) zone district.

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

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

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

2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,
3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding shall not apply to uses which are subject to the provisions of Section 12-306-N-39 of the Fresno Municipal Code (Regulating Adult Businesses).

The conditions are established to ensure public safety, and to minimize any impact for the surrounding area. We request the following conditions be included as Conditions of Approval for the updated Conditional Use Permit Application No. C-13-083. These conditions will maintain an environment that is least likely to generate public complaints and calls for service.

The Fresno Police Department is not in opposition of this Conditional Use Permit, provided the applicant agrees to the listed conditions. If the following conditions are not included as conditions of approval pertaining to CUP No. C-13-083, the Fresno Police Department shall oppose the approval of this Conditional Use Permit, as well as all other requested city permits, and shall appeal such approval to the Planning Commission. As such, we request that you provide Fresno Police Department **Detective Dawnielle Serrano #1051** with notice of the Director's decision regarding this updated Conditional Use Permit as well as a complete copy of the conditions of approval, should the Director approve the Conditional Use Permit.

Requested Conditions of Approval:

1. **Fresno Municipal Codes:**

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

- FMC 10-105 (Noise Ordinance)
- FMC 10-708 (Unlawful Nuisances - High Calls for Police Service)

2. **Contests or Promotions:**

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

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

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

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

3. Video Surveillance Camera System:

Prior to exercising any privileges granted by this CUP (No. C-13-083), the applicant must install a fully functional, color digital video recording (DVR) camera system that meets or exceeds the following requirements:

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

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

4. **Property Responsibility:**

Frequent responses by the FPD arising out of or relating to the operation or management of the real property owned or controlled by the permittee causing any combination of the following: animal disturbances; violent criminal acts; illegal consumption of intoxicants in public view; gaming activities; and juvenile disturbances, or any of the other activities set forth in the Fresno Municipal Code section 10-708(g) may result the commencement of CUP revocation proceedings pursuant to FMC12-405-E. In addition to recommending the commencement of revocation proceedings, the FPD may pursue any of the other remedies set forth in FMC, section 10-710, including assessing fines against the proprietor for the violations of the Management of Real Property Ordinance.

“Frequent” is defined by FMC, section 12-405-E.

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

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

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

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

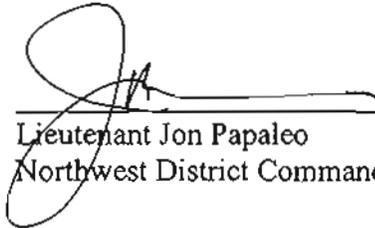
6. **Security Plan:**

Prior to the approval of this Conditional Use Permit, the establishment shall prepare and submit to the District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval of CUP C-13-083. The establishment shall be responsible to have the District Commander or his/her designee re-approve the security plan annually running from the anniversary date of the final approval of the CUP. The establishment is responsible for providing both the District Commander and the Planning and Development Department a copy of the approved security plan.

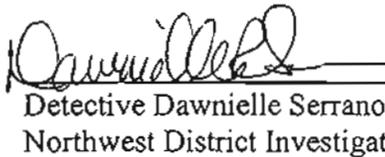
7. Posting Property:

The applicant shall post the property with the appropriate Fresno Municipal Code signs advising that consumption of alcoholic beverages, gambling, trespassing or loitering will be in violation of municipal ordinances. The applicant shall send a letter to the Fresno Police Department, signed and dated by the applicant, every 180 days that authorizes FPD peace officers to enter the applicant's real property and/or establishment to enforce against the aforementioned activities at the business. The owners and employees are responsible for abating those activities when they occur during business hours.

FRESNO POLICE DEPARTMENT


Date: 8/22/13
Lieutenant Jon Papaleo
Northwest District Commander


Date: 8/22/13
Sergeant Carl McKnight #S765
Northwest District Supervisor


Date: 8-22-13
Detective Dawnielle Serrano #1051
Northwest District Investigations/POP



Op-Statement
1085
July 18, 2013

Oakmont Senior Living – Operational Statement

Address: North Figarden Drive and North Gates Avenue, Fresno, CA

APN: 509-030-67s and a portion of 509-030-68s

Existing General Plan Land Use Designation: Commercial/Community

Existing Zone District: C-2, Community Shopping Center

Existing Use: Vacant with trees and moderate weed growth

Proposed General Plan Land Use Designation: Residential/Medium High Density

Proposed Zone District: R-2, Low Density Multi-family

Site Acreage included in GPA/Rezone: 3.23 acres

Community Plan: Bullard Community Plan

The proposed Oakmont of Fresno site plan was developed in close coordination with the adjacent property owners, including the owner of the vacant parcels to the west and north as well as the future multifamily project to the east across North Gates Avenue. The proposed assisted living use is complimentary with the surrounding R-1 and R-2 zoned parcels, which consist of future multifamily and existing single family residential.

The proposed Oakmont Senior Living development will help implement the 2025 Fresno General Plan by providing a much needed service to enhance the quality of life for the citizens of Fresno and plan for those in the community who will rely on assisted living and/or dementia care now or in the future. The project will further revitalize the neighborhood by providing park-like atmosphere in an area which until recently had not seen much development or improvement. The project will provide additional employment opportunities in a field which employs a diverse assortment of professionals.

Project Description

The proposed Oakmont Senior Living project is a 77 unit residential care facility for the elderly, more commonly known as assisted living. This facility will be licensed and monitored by the California Department of Social Services for non-ambulatory residents (RCFE – Title 22, Division 6, Chapter 8). Care involves assisting the residents with the activities of daily life such as dressing, bathing and medication reminders. Three meals are provided daily. Various activities and outings are organized for the residents. A town car and/or small limo-bus will be provided to meet the residents' transportation needs. This two-story structure of approximately 77,496 square feet is designed architecturally from the ground up with many features throughout the project that meet the special needs of the frail elderly. Oakmont's residentially designed facilities are known nationally for innovative features, outstanding care, unparalleled service and superior management.

The facility will consist of 27 studios, 20 one bedroom units and 7 two bedroom shared units. The facility will include common lobby, lounge, reading room, central dining areas with central kitchen, private dining rooms, café, activity rooms, beauty salon, fitness center, massage room, media room, laundries and offices for the staff.

Twenty (23) of the units are dedicated to our specialized dementia care program. This programming will include a section of the building designed for residents with Alzheimer's, dementia or other forms of memory impairment. This special needs area is a secure area with 24-hour staffing, dining and activities designed for residents with memory impairments.

Oakmont Senior Living maintains 24-hour staffing, three shifts of care managers, licensed nurses and professional department managers. A detailed communication system will be in place for shift change issues, emergency response and daily monitoring of our residents. Oakmont staffing ratios are based upon time of day, shift and acuity levels of our residents. Staff are trained in CPR, First Aid, and resident care issues. Oakmont also maintains a detailed training program for all staff including training on residents' communication, wellness, health, dementia care and medication management. There are estimated to be approximately 6-8 visitors/guests to the property daily.

There are neither potential environmental concerns nor any foreseeable effects from construction and/or operation of the site which would impact neighbors. The project will adhere to strict San Joaquin Valley Air Pollution Control District requirements for dust control, State Water Resources Control Board requirements from erosion and sediment control, and will maintain an organized and efficient construction site during construction in order to minimize impacts to the surrounding neighbors. The site operations are anticipated to produce less average daily vehicle trips than permitted in either a C-2 or R-2 zone designation and will operate well below the allowable noise levels permitted in both zones.



Oakmont Senior Living - Statement of Design Intent

The design of this building was driven by two concerns: 1) to take advantage of the unique characteristics of the project location including the site features, the local climate and the surrounding Fresno community and 2) to provide a safe, varied and comfortable living space for its elderly residents. The building sits on the site providing residents with a variety of spaces to occupy, from an enclosed garden courtyard in the middle of the building to an open orchard overlooking the ravine in the rear. There are areas for sunshine on the south side of the building, and a gazebo for shade on the north side. There is a dining terrace at the public front of the building, while more contemplative activities can occur in the private gardens within the courtyard and at the back of the building. The site will be fully landscaped with pedestrian paths that encircle the building.

In the front of the building, there are a series of outdoor spaces that begin at the sidewalk and culminate in a porte cochere with a pedestrian archway leading to the building entry. From the street, this will be the project's front door and the tower element will provide a welcoming landmark in the community. The building itself will have articulated facades on all four sides to present a residential feel to the building. Wood trellises, wrought iron balcony elements, and shutters will provide visual interest and be placed to balance the elevations.

In an effort to fit into the neighborhood and to create a sense of permanence, the building will be stucco with a clay tile roof. Windows will be accented with stone and stucco elements. Trellises will be built with large timber members. Stone pavers and colored concrete will accentuate building entries and common outdoor areas. Quality materials will be used to create a sense of place in areas where residents and guests relax.

Our intent is to build a project that welcomes people in and provides a thriving active environment for those that live there.

| Oakmont Senior Living of Fresno | | | | |  | |
|--|------------|-----------|-------------|-------------|---|--|
| Budgeted Staffing & Shift Requirements | | | | | | |
| July 2013 | | | | | | |
| | AM Shift | Day Shift | PM Shift | Night Shift | | |
| | 6am-2:30pm | 8am-5pm | 2pm-10:30pm | 10pm-6:30am | | |
| Staffing | | | | | | |
| Executive Director | | 1 | | | | |
| Marketing Director | | 1 | | | | |
| Marketing Associate | | 1 | | | | |
| Activity Director | | 1 | | | | |
| Activity Assistant | | 1 | | | | |
| Nurse | | 1 | | | | |
| Bookkeeper | | 1 | | | | |
| Consierge | | 1 | | | | |
| Culinary Director | | 1 | | | | |
| Cook | 1 | | 1 | | | |
| Kitchen Staff | 1 | | 1 | | | |
| Meal Servers | 1 | | 2 | | | |
| Housekeeping | 1 | | 1 | 1 | | |
| Maintenance Director | 1 | | | | | |
| Maintenance Assistant | | | 1 | | | |
| Caregivers | 7 | | 7 | 1 | | |
| Bus Driver | | 1 | | | | |
| | | | | | | |
| | 12 | 10 | 13 | 2 | | |
| | | 37 | | | | |
| | | | | | | |
| | | | | | | |



Questions: 1,5,9,11,12

Oakmont Senior Living is a nationally recognized leader in the development, construction and operation of high-end senior communities. We are licensed and highly regulated by the State of California Department of Social Services. Please refer to Title 22, Division 6, Chapter 8 of the regulations. (www.dss.ca.gov/ord/PG240.htm) Open the licensing residential page and find Division 6 Chapter 8, which refers to Residential Care Facilities for the Elderly.

Question: 2

The doorbell is connected to a system of pagers which each staff member carries at all times during their shift. If the doorbell is rung, the pager notifies all staff on duty. The call will immediately be attended to. This system has worked very well in all of our facilities. To my knowledge there has not been one complaint.

Question: 3

There is one elevator located in the SE corridor of the building. We have found this serves the facility well. It is only a two story building so there is never a long wait, if any at all.

Question: 4

The Memory Care wing is located on the first floor of the building. Memory Care residents also have access to a private, secure exterior yard space to enjoy the outdoors.

Question: 6

We have an identical building located in the city of Roseville. We have had no problems with traffic or congestion on the site. The City of Fresno Planning Department will insure that Oakmont meets or exceeds city building codes.

Question: 7

According to the California Department of Aging, the population in Fresno County aged 60 to 85 will increase 100% to 149.9% between the years of 1990 to 2020. The population of aged 85 and over will increase by 50% to 149.9% in the same time period. Oakmont Senior Living facilities as a whole have an average occupancy rate of 98% at this time. Many facilities are 100% occupied with waiting lists. Our Fresno facility will be state of the art and provide a much needed service in the community.

Question: 8

Most residents that live in our facilities have had a long term relationship with their doctors. We make no referrals to local doctors. The decision to choose a particular doctor is left up to our residents and their families.

Question: 11

The average age of our resident is 85 years. Many are rather frail. The exercise room which will be available for their use will be equipped with machines specifically designed for seniors. The size of the room is more than adequate since there are usually no more than one or two people using the room at any one time.

Question: 13

Our Fresno facility will be licensed for approximately 90 to 100 residents.

Question: 14

The first floor of the building will have 23 units in the memory care wing and 12 units for assisted care. The second floor will have 42 assisted living only units.

General Notes and Requirements for Entitlement Applications

GENERAL

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

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

FENCES/WALLS, LANDSCAPING, PARKING

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

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

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

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

SIGNAGE

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

MISCELLANEOUS

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

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

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

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

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

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

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

FEES

(Not all fees will be applicable to all projects)

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

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

46. FRESNO COUNTY FACILITY IMPACT FEE

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

47. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

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

48. SCHOOL FEES

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

49. FLOOD CONTROL FEES

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

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

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

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

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

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

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

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

7.
Public Notice and Mailing Map

**CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
NOTICE OF PUBLIC HEARING**

**PLAN AMENDMENT APPLICATION NO. A-13-002, REZONE APPLICATION NO. R-13-008,
CONDITIONAL USE PERMIT NO. C-13-083
AND ENVIRONMENTAL ASSESSMENT No. A-13-002/R-13-008/C-13-083**

NOTICE IS HEREBY GIVEN that the Fresno City Planning Commission, in accordance with Sections 65090 and 65091 (Planning and Zoning Law) of the Government Code and in accordance with the procedures of Fresno Municipal Code Chapter 12, Articles 4 and 6, will conduct a public hearing to consider **Plan Amendment Application No. A-13-002**, **Rezone Application No. R-13-008**, and **Conditional Use Permit Application No. C-13-083** pertaining to 3.23 acres of property located on the north side of North Figarden Drive between West Bullard and North Gates Avenues. These applications were filed by Terra Mortensen on behalf of Oakmont Senior Living LLC. Applicant proposes the construction of a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly. A lot line adjustment has also been filed.

1. **Plan Amendment Application No. A-13-002:** Proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to the medium-high density residential land use designation.
2. **Rezone Application No. R-13-008:** Proposes to amend the Official Zone Map to reclassify the subject property from the C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district to the R-2/BA-20/UGM/cz (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district.
3. **Conditional Use Permit Application No. C-13-083** proposes the construction of a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly.
4. **Environmental Assessment (EA) No. A-13-002/R-13-008/C-13-083** recommends that a Mitigated Negative Declaration be adopted for the above plan amendment and rezone applications and for related Conditional Use Permit Application No. C-13-083. The Development and Resource Management Director can consider approval of Conditional Use Permit Application No. C-13-083 subsequent to City Council approval of the related Plan Amendment and Rezone Applications.

FRESNO CITY PLANNING COMMISSION

Date: Wednesday, November 20, 2013
Time: 6:00 p.m., or thereafter
Place: City Hall Council Chamber, 2nd Floor
2600 Fresno Street, Fresno, CA 93721

FRESNO CITY COUNCIL

Date: Thursday, December 19, 2013
Time: 3:00 p.m., or thereafter
Place: City Hall Council Chamber, 2nd Floor
2600 Fresno Street, Fresno, CA

NOTE: This public hearing notice is also being mailed to surrounding property owners within 500 feet of the project site pursuant to the requirements of Fresno Municipal Code Section 12-608-A.

For additional information, contact Bruce Barnes, Development Services Division, Development and Resource Management Department by telephone, 559-621-8047; via e-mail sent to bruce.barnes@fresno.gov; by fax at 559-498-1026; or by mail at Fresno City Hall, 3rd Floor, 2600 Fresno Street, Fresno, California 93721-3604. *Para información en español, comuníquense con Sophia Magoulatos (al número de teléfono 559-621-8062).*

Any interested person may appear at the public hearings and present written testimony, or speak in favor or against the project proposal. If you challenge the above applications in court, you may be limited to raising only those issues, you, or someone else, raised at the public hearing described in this notice, or in written correspondence delivered to the Development Services Division of the Development and Resource Management Department and/or City Council at, or prior to, the public hearing.

JENNIFER K. CLARK, Director
Development and Resource Management Department
City of Fresno Planning Commission

DATED: November 8, 2013

APN: 509-030-67s, 68s(portion)

8.
Environmental Assessment No. A-13-002/R-13-008/C-13-
083

CITY OF FRESNO

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

EA No. A-13-002-/R-13-008/C-13-083

Plan Amendment Application No. A-13-002, Rezone Application No. R-13-008, and Conditional Use Permit Application No. C-13-083

APPLICANT:

Ken Kidd
220 Concourse Blvd.
Santa Rosa, CA 95403

PROJECT LOCATION:

± 3.23 acres of property located at on the north side of North Figarden Drive between West Bullard and North Gates Avenues, in the City and County of Fresno, California

36°82'74" N Latitude, - 119°86'54" W Longitude

Assessor's Parcel Number: 509-030-67s, 68s portion

Filed with:

FILED

OCT 18 2013

FRESNO COUNTY CLERK
By *James McLaughlin*
DEPUTY

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

E201310000259

PROJECT DESCRIPTION:

Terra Mortensen, on behalf of Oakmont Senior Living LLC, filed Plan Amendment Application No. A-13-002, Rezone Application No. R-13-008, and Conditional Use Permit Application No. C-13-083 pertaining to 3.23 acres of property located on the north side of North Figarden Drive between West Bullard and North Gates Avenues (see Exhibit A attached).

Plan Amendment Application No. A-13-002 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the Community Commercial planned land use designation to the Medium-High Density Residential land use designation.

Rezone Application No. R-13-008 proposes to amend the Official Zone Map to reclassify the subject property from the C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district to the R-2/BA-20/UGM/cz (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district.

Conditional Use Permit No. C-13-083 proposes the construction of a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly. (A lot line adjustment has also been filed.)

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

E201310000259

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

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding of a mitigated negative declaration and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604, or for an electronic copy of the environmental finding, and for additional information on the project, please contact Bruce Barnes at (559) 621-8047 for more information.

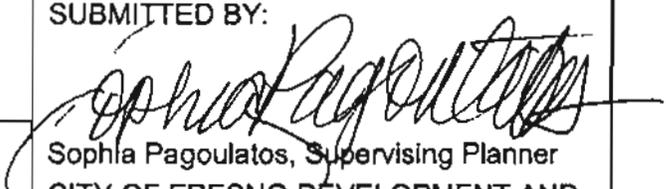
ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on November 19, 2013. Please direct comments to Bruce Barnes, Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to Bruce.Barnes@Fresno.gov or comments can be sent by facsimile to (559) 498-1026.

These development applications and this proposed environmental finding have been scheduled to be heard by the Planning Commission on November 20, 2013 at 6:00 p.m. or thereafter. The hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:

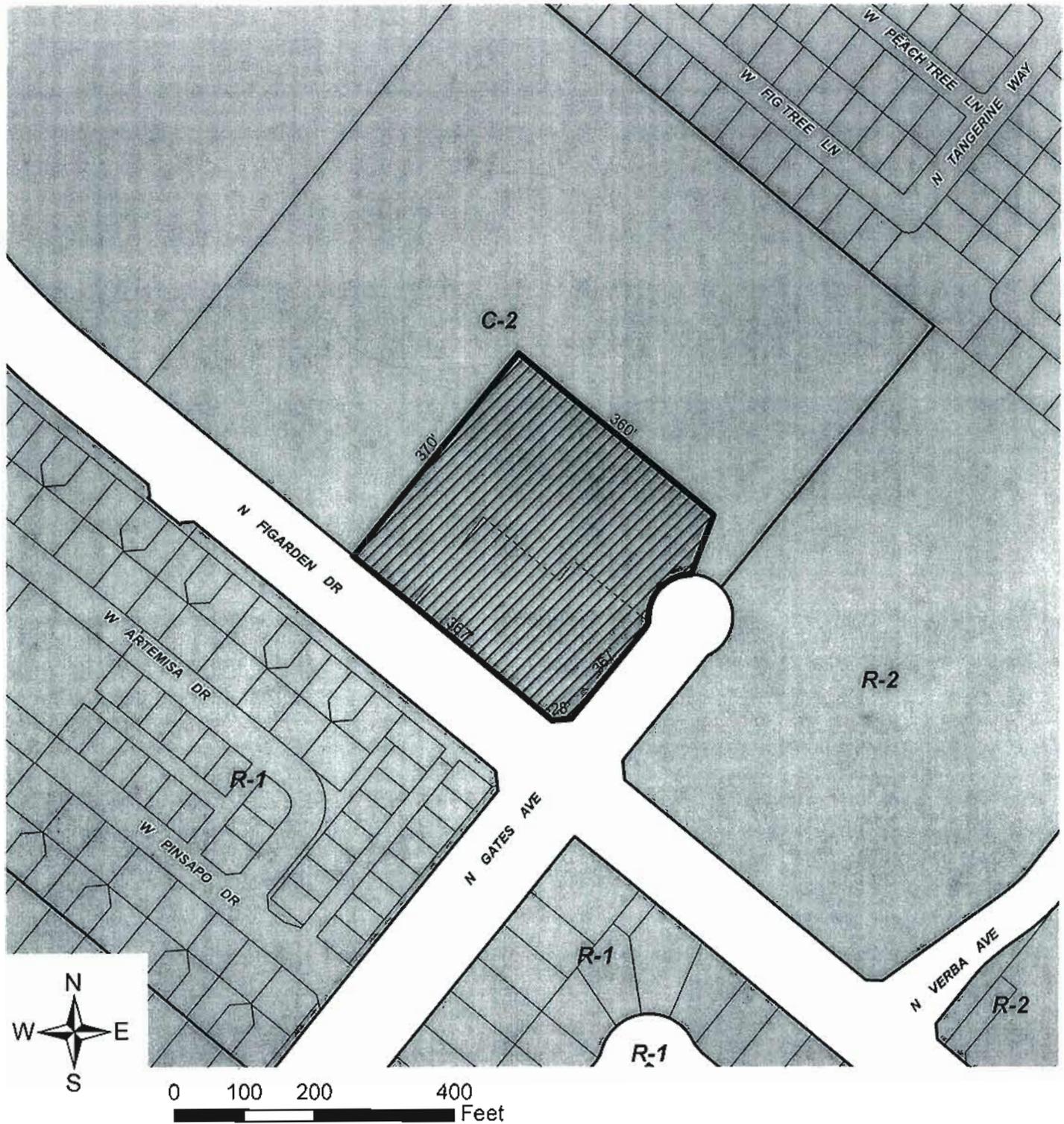
Bruce Barnes, Planner

SUBMITTED BY:


Sophia Pagoulatos, Supervising Planner
CITY OF FRESNO DEVELOPMENT AND
RESOURCE MANAGEMENT
DEPARTMENT

DATE: October 18, 2013

EXHIBIT A



R-13-008

APN: 509-030-67 and

509-030-68 (portion)

5605 North Gates Avenue



C-2/BA-20/UGM/cz to R-2/BA-20/UGM/cz, 3.23 Acres

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

Environmental Checklist Form for:

A-13-002,R-13-008,C-13-083

1. Project title:

Plan Amendment A-13-002, Rezone Application No.R-13-008, Conditional Use Permit No.
C-13-083;

Oakmont Senior Living Facility

2. Lead agency name and address:

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

3. Contact person and phone number:

Bruce Barnes, Project Manager
City of Fresno
Development & Resource Management Dept.
(559) 621-8047

4. Project location:

5605 North Gates Avenue

Located on the north side of North Figarden Drive between West Bullard and North Gates
Avenues in the City and County of Fresno, California

Assessor's Parcel Number(s): 509-030-67s, 68s portion

Site Latitude: 36°82'74" N

Site Longitude: 119°86'54" W

Mount Diablo Base & Meridian, Township 13S Range 20E, Section 19, Fresno South USGS
Quadrangle

5. Project sponsor's name and address:

Ken Kidd

220 Concourse Blvd.
Santa Rosa, CA 95403

6. **General & Specific plan designation:**

Existing: Community Commercial land use

Proposed: Medium High Residential land use

7. **Zoning:**

Existing: C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/conditions of zoning*) zone district

Proposed: R-2/cz (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district

8. **Description of project:**

Plan Amendment Application No. A-13-002, Rezone Application No. R-13-008, and Conditional Use Permit Application No. C-13-083 were filed by Terra Mortensen, on behalf of Oakmont Senior Living LLC, and pertain to 3.23 acres of property located on the north side of North Figarden Drive between West Bullard and North Gates Avenues. **Plan Amendment Application No. A-13-002** proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the community commercial planned land use designation to the medium-high density residential land use designation. **Rezone Application No. R-13-008** proposes to amend the Official Zone Map to reclassify the subject property from the C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district to the R-2/BA-20/UGM/cz (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district. **Conditional Use Permit Application No. C-13-083** proposes the construction of a 77,496± square-foot 2-story building for a 77-unit residential care facility for the elderly. (A lot line adjustment has also been filed.)

According to the applicant's operational statement, the facility will be licensed and monitored by the California Department of Social Services for non-ambulatory residents. Care involves assisting the residents with activities such as dressing, bathing and medication reminders. Three meals are provided daily. Various activities and outings are organized for the residents. A town car and/or small limo will be provided to meet the resident's transportation needs.

The property is located within the jurisdiction of the Bullard Community Plan and the 2025 General Plan. The 2025 General Plan designates the subject property for Community Commercial planned land uses. The property is currently zoned C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*).

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

| | Planned Land Use | Existing Zoning | Existing Land Use |
|--------------|---------------------------------|---|---------------------------|
| North | Medium High Density Residential | C-2 <i>Community Shopping Center</i> | Vacant |
| East | Medium High Density Residential | R-2 Low Density Multiple Family Residential | Apartments |
| South | Medium Density Residential | R-1 Single Family Residential | Single Family Residential |
| West | Community Commercial | C-2 <i>Community Shopping Center</i> | Vacant |

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement): California Department of Social Services, San Joaquin Valley Air Pollution Control District, and the Fresno Metropolitan Flood Control District and various City of Fresno Departments.

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 (if any) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project 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.

XX 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).

X 

Bruce Barnes, Planner

October 18, 2013

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

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

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

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

The subject property is currently vacant. Two story apartments are located east of the subject property, single family residential uses are located across Figarden Drive to the south, and vacant property is located to the north and west. No public or scenic vista will be obstructed by the development and no valuable vegetation will be removed. The project will not damage any scenic resources nor will it degrade the visual character or quality of the site and its surroundings. Approval of the subject property will not create a new source of substantial light or glare which would affect day or night time views in the project area due to the existing ambient light emanating from the existing major street. Furthermore, the entitlement review process will ensure that lights are located in areas that will minimize light sources to the neighboring properties. As a result, the project will have a less than significant impact on aesthetics. The project will be subject to the aesthetics mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan. Conditions to ensure the project is aesthetically appealing will be further defined during the special permit review process to ensure that the development is consistent with all applicable plans and any applicable design guidelines.

The applicant proposes to construct the facility in a park-like setting with ample open space and gardens including an enclosed garden courtyard in the middle of the building and orchard overlooking a ravine to the rear of the property. There are areas for sunshine on the south side of the site and a gazebo for shade on the north side. The building itself will be stucco with clay tile roof. Windows will be accented with stone and stucco elements. Trellises will be built with large members. Stone paver and colored concrete will accentuate building entries and common outdoor area. The proposed building materials and architectural style will be compatible with the surrounding environment and therefore, no impacts will result beyond those identified in the MEIR or the Air Quality MND.

Mitigation Measures

1. The proposed project shall implement and incorporate, the aesthetic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130–2025 Fresno General Plan Mitigation Monitoring Checklist dated **October 18, 2013**.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| <p>II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. -- Would the project:</p> | | | | |
| <p>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?</p> | | | | x |
| <p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p> | | | | x |
| <p>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))?</p> | | | | x |
| <p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p> | | | | x |
| <p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</p> | | | | x |

The subject property is currently vacant and has not been farmed since at least 1992, according to the City of Fresno’s 1992 aerial photos. The subject property is surrounded predominantly by urban uses making agricultural impractical. The subject property and all of the properties

within the general vicinity of the subject property are planned for urban land uses by the 2025 Fresno General Plan and the Bullard Community Plan. The site does not fall into any of the categories listed above and does not have a Williamson Act contract. There are no existing agricultural uses of the subject property; and, the project does not have the potential to facilitate future conversion of agricultural lands within the vicinity. There are no forested lands occurring within the City sphere of influence. Therefore, there is no potential for environmental impacts related to agricultural and/or forestry resources to occur as a result of the proposed project.

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

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

The proposed project will comply with all applicable air quality plans and will be subject to all applicable SJVAPCD rules, regulations, and strategies.

The subject property is currently zoned C-2 (Community Commercial) and would generate daily traffic of 1,502 trips. If the the proposed designation of R-2 (Low Density Single Family Residential) and the proposed development of 77-unit assisted living facility is approved, there would only be 220 average daily trips. This is a net reduction of 1,282 daily trips according to Peters Engineering Group dated July 16, 2013. Therefore, the proposed project would reduce the number of trips by 85% along with a significant reduction in transportation related air pollution.

In conclusion, there are no significant air quality or global climate change impacts perceived to occur as a result of the proposed project, no violations of air quality standards will occur and no net increase of pollutants will occur.

Mitigation Measures

1. The proposed project shall implement and incorporate, the air quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated **October 18, 2013**.
2. The proposed project shall implement and incorporate, the air quality related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated **October 18, 2013**.

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

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

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

No habitat conservation plans or natural community conservation plans in the region pertain to

natural resources, which exist on the subject site or in its immediate vicinity.

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

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

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

There is no evidence that cultural resources of any type (including historical, archaeological, paleontological, or unique geologic features) exist on the subject property. Past record searches for the region have not revealed the likelihood of cultural resources on the subject property or in its immediate vicinity. Therefore, it is not expected that the proposed project may impact cultural resources.

The MEIR identifies several mitigation measures including but not limited to the following:

- a) Amending construction plans to avoid archaeological or paleontological resources
- b) Setting aside sites containing these resources by deeding them into permanent conservation easements.
- c) Capping or covering these resources with a protective layer of soil before building on the sites.
- d) Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them.
- e) Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.

Mitigation Measures

1. The proposed project shall implement and incorporate, the cultural resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130–2025 Fresno General Plan Mitigation Monitoring Checklist dated **October 18, 2013**.

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| VI. GEOLOGY AND SOILS -- Would the project: | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | 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 |

There are no known geologic hazards or unstable soil conditions known to exist on the site. The existing topography is flat with no apparent unique or significant land forms such as vernal pools. Any future development of the property requires compliance with grading and drainage standards of the City of Fresno and Fresno Metropolitan Flood Control District Standards. There will be no Grade differentials on the subject property of more than six inches unless approved by the City of Fresno.

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

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

No adverse environmental effects related to topography, soils or geology are expected as a result of this project since the project involves new construction. Implementation of the mitigation measures listed in MEIR No. 10130 and the attached MEIR Mitigation Monitoring Checklist will ensure that no adverse environmental effects related to topography, soils or geology will result from the proposed project.

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

As noted in the Air Quality and Global Climate Change section, the proposed project would reduce average daily trips (ADT) by 85% compared to the current general plan designation and zoning designation. Therefore, transportation related air pollution would be substantially

reduced. Furthermore, the proposed project will not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of greenhouse gas emissions, either directly or indirectly. Under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases will be reduced along with other regulated air pollutants. At this point in time, detailed analyses 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 are not completed.

The proposed project will not affect greenhouse gas emissions beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 / SCH No. 2009051016 (Air Quality MND).

1. The proposed project shall implement and incorporate, the air quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130–2025 Fresno General Plan Mitigation Monitoring Checklist dated **October 18, 2013**.

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

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

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

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

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

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

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

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

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 City of Fresno Department of Public Utilities, Water Division has reviewed the proposed project and has determined that water service will be available to the proposed project subject to payment of applicable connection charges and fees and compliance with The Department of Public Works standards, specifications, and policies.

Since the project is to develop a 77-unit Senior Living facility instead of a commercial project, there are no aspects of this project that will result in impacts to water supply or quality beyond those analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan or MND. The project will not substantially alter existing drainage patterns of the site or area or substantially increase the rate or amount of runoff in a manner which would result in flooding, exceed planned storm water drainage systems, or provide substantial sources of polluted runoff. The site is not located within a flood prone or hazard area. The subject property is proposed to be developed at intensity and scale permitted by the planned land use and proposed zoning designation for the site. Thus, the proposed

development project will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation; resulting in additional impacts on water supply from increased demand.

Mitigation Measures

1. The proposed project shall implement and incorporate, the hydrology and water quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated **October 18, 2013**.

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

Although not consistent with the Exhibit 3 of the General Plan Land Use Map, the proposed project will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. In fact the proposed land use designation and zoning designation is far less intense than the current designations. The proposed project is found to be consistent with the applicable 2025 intensity denoted in the 2025 General Plan and to be consistent with goals and policies of the 2025 General Plan and Bullard Community Plan.

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

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

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

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

| ENVIRONMENTAL ISSUES | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | | | | X |

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

The subject site is located in the vicinity to the Burlington Northern/Santa Fe Railroad mainline and adjacent to the Figarden Loop. The railroad noise was previously addressed with the single family planned development to the north/northeast of the property. The major street is also a source of noise. However, the City of Fresno Noise Element of the 2025 Fresno General Plan establishes a land use compatibility criterion of 60dB DNL for exterior noise levels in outdoor activity areas of new residential developments, or up to 65dB with best available noise reduction building design. Outdoor activity areas generally include open areas, private patios, etc. of multiple family residential developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation.

Furthermore, the Noise Element also requires that interior noise levels attributable to exterior noise sources not exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

The subject property is located within 60-65 CNEL, dB ranges for Figarden Avenue. The Fresno Municipal Code deems 60-65 CNEL dB to be the ambient noise level for residential if located in a rail line corridor---this site is only 1,400 feet away but there are many two-story apartments and houses between the site and the rail line which will buffer the noise level to some degree.

Some increases in ambient noise levels will occur during the time of construction, but project construction will be limited to normal business hours (7am to 7pm) to minimize the impact on the adjacent neighborhood. Construction activities associated with the development of the proposed project could expose persons or structures to excessive groundborne vibration or noise levels. Conditions of approval related to construction related activity will require incorporation of noise reduction measures into their construction activity. However, this would only be during the construction phase of the proposed project and thus, this is a less than significant impact.

Therefore, there is no evidence that the future use of the subject property will create a significant increase in ambient noise levels which may have the potential to impact any noise sensitive receptors within the project area beyond those previously analyzed.

Although the project could create additional activity in the area, the project will be required to comply with all noise policies from the 2025 Fresno General Plan and noise regulations from the Fresno Municipal Code. Therefore, no significant effects will occur from either transportation or stationary noise sources and the proposed project will not expose persons to excessive noise levels.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the noise related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130–2025 Fresno General Plan Mitigation Monitoring Checklist dated **October 18, 2013**.

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

The 3.23 site is currently designated as community commercial planned land use and is proposed to be designated medium high density residential planned land uses. The addition of a maximum of 77 senior housing units would not induce substantial population growth. The project would not displace housing as the site is currently vacant. As previously noted this is a senior project designed to care for residents with dementia, alzheimer and other forms of memory impairment.

According to the California Department of Aging the population in Fresno County for those aged 60 to 85 will increase 100% between 1990 and 2020. And over that same period the demand from residents aged 85 and older will increase by 50%.

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

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

The Department of Public Utilities has reviewed the proposed project and has determined that adequate sewer (memo dated August 15, 2013), water (memo dated August 5, 2013), and solid waste facilities (memo dated August 1, 2013) are available subject to compliance with the conditions submitted by the Department of Public Utilities for this project. City police (memo dated August 21, 2013) and fire protection services (memo dated August 9, 2013) are also available to serve the proposed project. Finally, the Fresno Metropolitan Flood Control District (memos dated August 2, 2013) has indicated that there are adequate facilities to serve the proposed project subject to compliance with the conditions submitted by the District for the proposed project. These departments and agencies have all submitted conditions that will be required as Conditions of Approval for a future entitlement application. These conditions of approval will ensure that the proposed project will have a less than significant impact to urban

services. All conditions of approval must be complied with prior to occupancy.

When the site is developed the proposed project will have to pay any applicable school fees.

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

Mitigation Measures

1. The proposed project shall implement and incorporate, the public services related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated **October 18, 2013**.
2. The proposed project shall implement and incorporate, the public service related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated **October 18, 2013**.

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

The proposed project will not result in the physical deterioration of existing parks or recreational facilities; and, will not require expansion of existing recreational facilities or affect recreational services beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan.

There is an existing 7-acre "baseball" park located about a half mile from the proposed senior living project. About two-thirds of the park is for the exclusive use as a baseball diamond while the remainder of the site is a passive park with benches and tables and play structures. The

park is handicapped accessible and would be appropriate for residents of the proposed senior living complex.

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

The proposed project will have ingress and egress from Gates Avenue, which is a cul-de-sac and Local Street. On the south side of Figarden Drive, Gates Avenue is designated a Collector Street. Figarden Drive is designated as an Arterial.

There are no bus routes in the vicinity of the proposed senior living facility. However, the project will have a town car/or small limo in order to meet the meet the transportation needs of the residents.

According to the Applicant's Operational Statement, the highest number of employees on the site at any one time would be 25. This would translate into the need to provide 3 bike racks based on the City's policy of providing 10% of the number of employees.

The Public Works Department/Traffic Engineering Division staff has reviewed the proposed traffic yield from the proposed plan amendment and rezoning and use of the subject property and the expected traffic generation will not adversely impact the existing and projected circulation system as analyzed in MEIR No. 10130. A Limited Traffic Analyses done by the Traffic Division of the Public Works Departments indicated that the proposed land use designation of Low Density Multiple Family Residential would generate 220 Average Daily Traffic (ADT). The current land use designation of Community Shopping Center would generate an ADT of 1,502. Therefore, the proposed project will actually reduce the average daily traffic (ADT) by 85% over the currently approved community commercial land use designation. Furthermore, the streets and intersections adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated.

Therefore, the traffic volume increases are insignificant with respect to the total volume that these adjacent roadways were designed and built to accommodate and no substantial increase in transportation or traffic is expected to result.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system; no substantial increase in transportation or traffic is expected to result.

Mitigation Measures

1. The proposed project shall implement and incorporate, the transportation/traffic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130–2025 Fresno General Plan Mitigation Monitoring Checklist dated **October 18, 2013**.
2. The proposed project shall implement and incorporate, the transportation/traffic related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated **October 18, 2013**.

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

The Department of Public Utilities has determined that adequate sanitary sewer and water services will be available to serve the proposed project subject to the payment of any applicable connection charges and/or fees; compliance with the Department of Public Utilities standards, specifications, and policies; the rules and regulations of the California Public Utilities Commission and California Health Services; and, completion of incremental expansions to facilities for planned water supply, treatment, and storage as identified within MEIR No. 10130

The project site will be serviced by the Solid Waste Division (memo dated August 1, 2013) and will have water (memo dated August 5, 2013) and sewer facilities (memo dated August 15, 2013) available subject to the conditions stipulated for the proposed project.

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

Mitigation Measures

1. The proposed project shall implement and incorporate, the utilities and service systems related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130--2025 Fresno General Plan Mitigation Monitoring Checklist dated **October 18, 2013**.

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

The proposed project is considered to be proposed at a size and scope which is neither a direct or indirect detriment to the quality of the environment through reductions in habitat, populations, or examples of local history (through either individual or cumulative impacts). The proposed project does not have the potential to degrade the quality of the environment or reduce the habitat of wildlife species and will not threaten plant communities or endanger any floral or faunal species. Furthermore the project has no potential to eliminate important examples of major periods in history. Therefore, as noted in preceding sections of this Initial Study, there is no evidence in the record to indicate that incremental environmental impacts facilitated by this project would be cumulatively significant. There is also no evidence in the record that the proposed project would have any adverse impacts directly, or indirectly, on human beings.

10.
Project Specific Mitigation Monitoring Checklist

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

Project/EA No. Plan Amendment Application No. A-13-002, Rezone Application No. R-13-008, Conditional Use Application No. C-13-083

Date: October 18, 2013

Mitigation Monitoring Checklist

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

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

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

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

Project/EA No. A-13-002/R-13-008/C-13-083

Date: October 18, 2013

MEIR Mitigation Monitoring Checklist

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

| | | | | | | | |
|--|--|---|--|--|--|--|----------|
| <p>B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.</p> | <p>Prior to approval of land use entitlement</p> | <p>Public Works Dept./Traffic Planning; Development & Resource Management Dept.</p> | | | | | 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</p> | <p>Prior to approval of land use entitlement</p> | <p>Public Works Dept./Traffic Planning; Development & Resource Management Dept.</p> | X | | | | X |
|---|--|---|----------|--|--|--|----------|

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

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

Project/EA No. A-13-002/R-13-008/C-13-083

Date: October 18, 2013

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | COMPLIANCE VERIFIED BY | | | | | | | |
|---|--|--|------------------------|---|---|----------|---|----------|--|--|
| | | | A | B | C | D | E | F | | |
| vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of Traffic Impact Studies. | | | | | | | | | | |
| B-5. Circulation and site design measures shall be considered for development projects so that local trips may be completed as much as possible without use of, or with reduced use of, major streets and major street intersections. Appropriate consideration must also be given to compliance with plan policies and mitigation measures intended to promote compatibility between land uses with different traffic generation characteristics. | Prior to approval of land use entitlement | Public Works Dept./Traffic Planning; Development & Resource Management Dept. | X | | | X | | | | |
| B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile. | Prior to approval or prior to funding of major street project. | Public Works Dept./Traffic Planning; Development & Resource Management Dept. | X | | | X | | | | |
| B-7. Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably as bicycle lanes, shall be provided on all new major streets and shall be considered | Ongoing | Public Works Dept./Traffic Planning; Development & Resource | 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-13-002/R-13-008/C-13-083

Date: October 18, 2013

MEIR Mitigation Monitoring Checklist

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

| | | | | | | | | | |
|---|--|------------------|--|--|--|--|--|--|--|
| when designing improvements for existing major streets. | | Management 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> <ul style="list-style-type: none"> a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements. 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. 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. 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. | Ongoing | Development & Resource Management Dept. | X | | | | X | | |
|---|---------|---|---|--|--|--|---|--|--|

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

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

Date: October 18, 2013

Project/EA No. A-13-002/R-13-008/C-13-083

MEIR Mitigation Monitoring Checklist

| MITIGATION MEASURE | WHEN IMPLEMENTED | COMPLIANCE VERIFIED BY | COMPLIANCE VERIFIED BY | | | | | | |
|--|------------------|--|------------------------|---|---|---|----------|----------|--|
| | | | 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 | Development & Resource Management Dept and SJVAPCD | X | | | | 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 | |

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B - Mitigated
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FOR THE 2025 FRESNO GENERAL PLAN
Project/EA No. A-13-002/R-13-008/C-13-083
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|--|--|--|------------------------|---|---|---|---|---|--|--|
| | | | 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 Development & Resource Management Dept. | X | | X | | | X | | |
| D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts. | Ongoing (City-wide); and prior to approval of land use entitlement as applicable | Department of Public Utilities and Development & Resource Management Dept. | | | X | | X | X | | |
| D-3. The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies. | Ongoing | Department of Public Utilities | | | | | | X | | |

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Date: October 18, 2013

MEIR Mitigation Monitoring Checklist

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|---|------------------|---|-------------------|---|---|---|---|---|---|---|
| | | | 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 | Development & Resource Management Dept. | X | | | | X | | X | |
| D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program. | Ongoing | Development & Resource Management Dept. | | | | | | X | | |
| 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: a. Allowable construction in this area from being damaged by the intensity of flooding in the riverbottom; b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and c. Public health, safety and general welfare from the effects of flood events. | Ongoing | Development & Resource Management Dept. | | | | | | X | | 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 | Ongoing | Development & Resource Management Dept. | | | | | | | X | X |

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|--|---|--------------------------------|------------|---|---|---|---|---|--|
| | | | A | B | C | D | E | F | |
| subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds). | | Dept. | | | | | | | |
| 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 | 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 | 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 | | |

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

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

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

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|--------------------|------------------|------------------------|------------------------|---|---|---|---|---|
| | | | A | B | C | D | E | F |

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|--|--|-------|--|--|--|--|--|--|--|
| | | Dept. | | | | | | | |
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|---|-------------------------------|---------------------------|----------|--|--|--|----------|--|--|
| <p>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.</p> | Ongoing/prior to construction | Dept. of Public Utilities | X | | | | X | | |
| | | | | | | | | | |

| | | | | | | | | | |
|---|-------------------------------|--|--|--|--|--|--|----------|--|
| <p>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.</p> | Ongoing/prior to construction | Fire Dept/Police Dept/ Development & Resource Management Dept. | | | | | | X | |
| | | | | | | | | | |

| | | | | | | | | | |
|--|-------------------------------|--|--|--|--|--|--|----------|--|
| <p>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.</p> | Ongoing/prior to construction | Parks and Recreation Dept. & Development & | | | | | | X | |
| | | | | | | | | | |

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

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|---|---|---|---|---|---|---|---|---|---|
| | | | A | B | C | D | E | F | |
| I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved. | Ongoing/prior to approval of land use entitlement and during construction | Development & Resource Management Dept. | | | | | | | X |
| I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection). | Ongoing/prior to approval of land use entitlement and during construction | Development & Resource Management Dept. | | | | | | | X |
| I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species. | Ongoing/prior to approval of land use entitlement and during construction | Development & Resource Management Dept. | | | | | | | X |
| J-1. If the site of a proposed development or public works project is found to | Ongoing/prior to | Development & | X | | X | | | | 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> <ul style="list-style-type: none"> a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft. | approval of land use entitlement | Resource Management 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 | Development & Resource Management Dept. | X | | | | 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 Southern San Joaquin Valley Information Center shall be contacted to obtain a</p> | Ongoing | Development & Resource Management Dept./ Historic Preservation | X | | | | X | |

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

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EXHIBIT C

MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) REVIEW SUMMARY

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

As of August 2012, the City has processed 132 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 1,422 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 No. A-09-02 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

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 No. A-09-02 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.

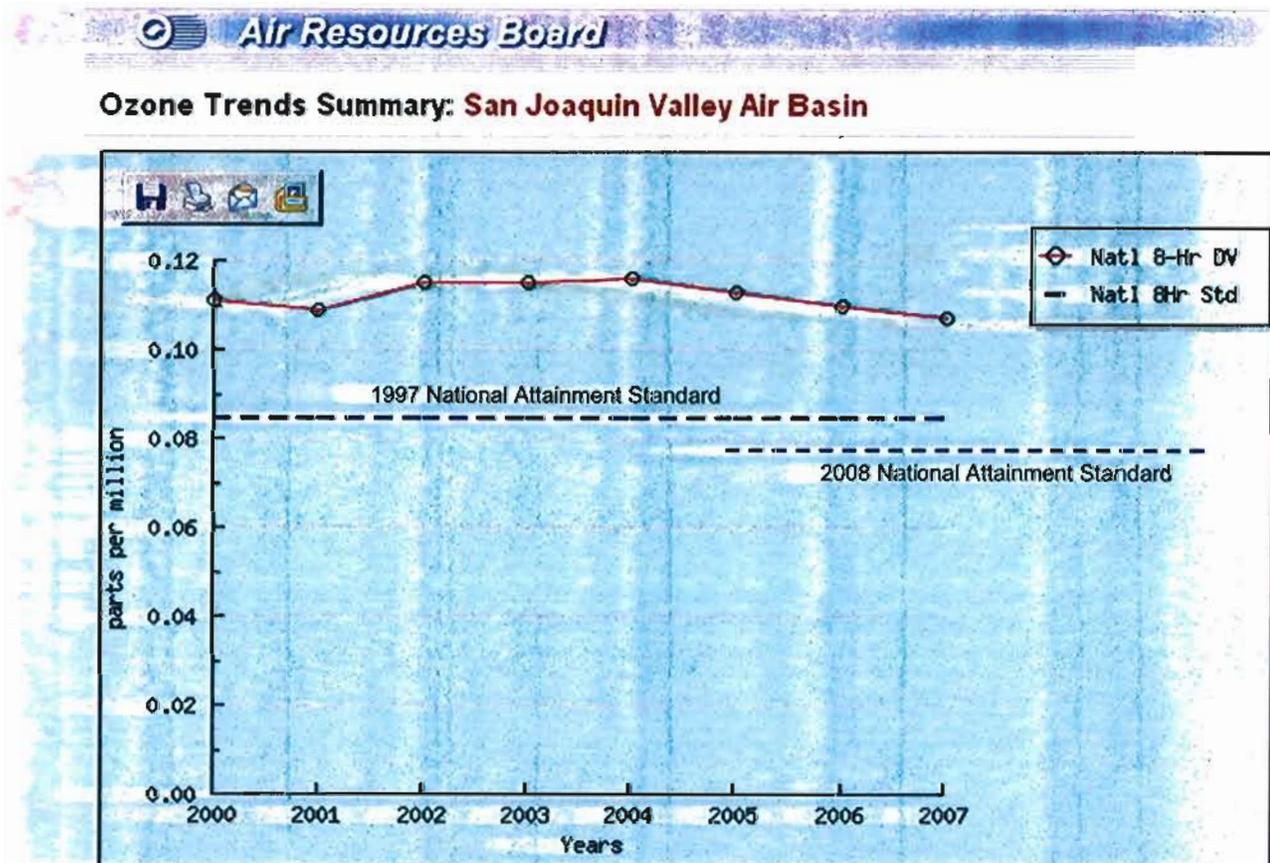
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted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



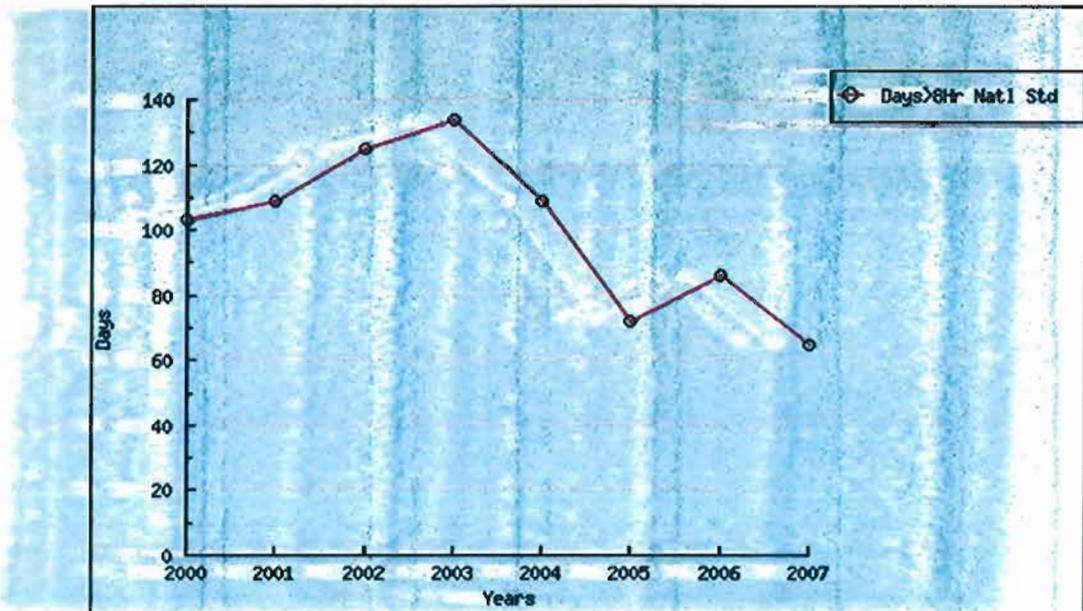
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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.

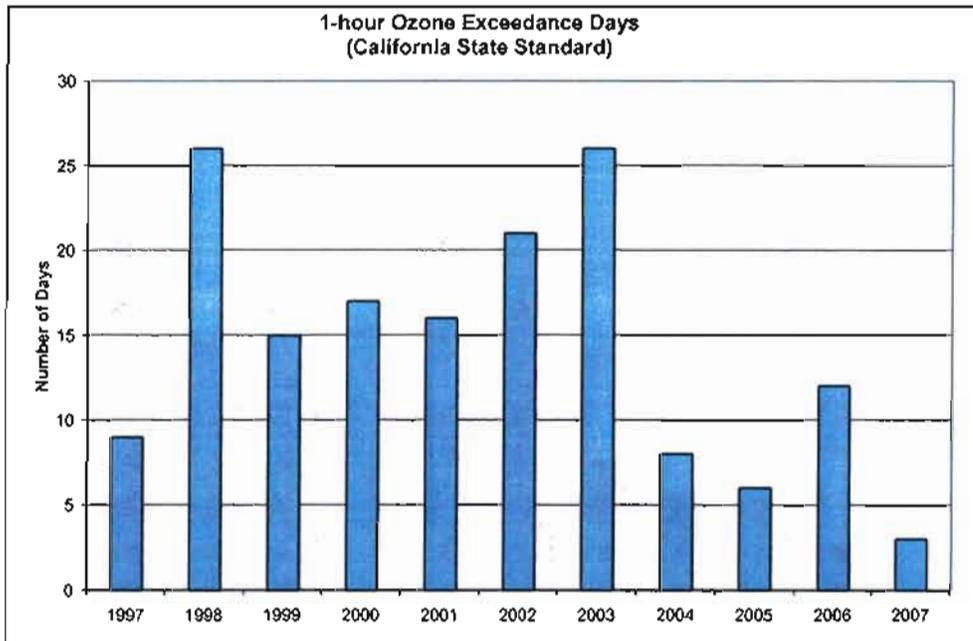
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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:

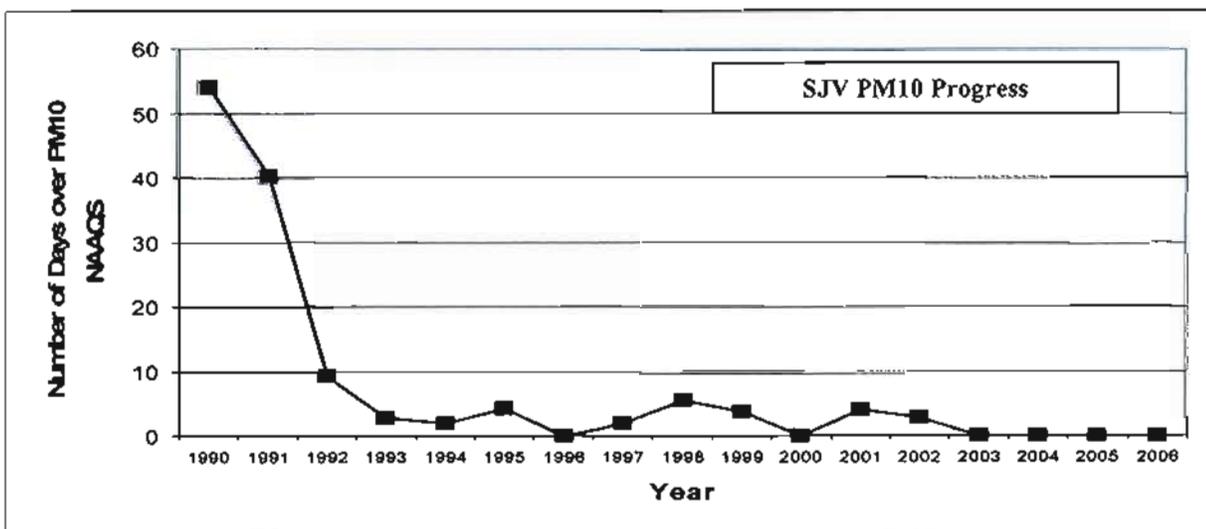


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

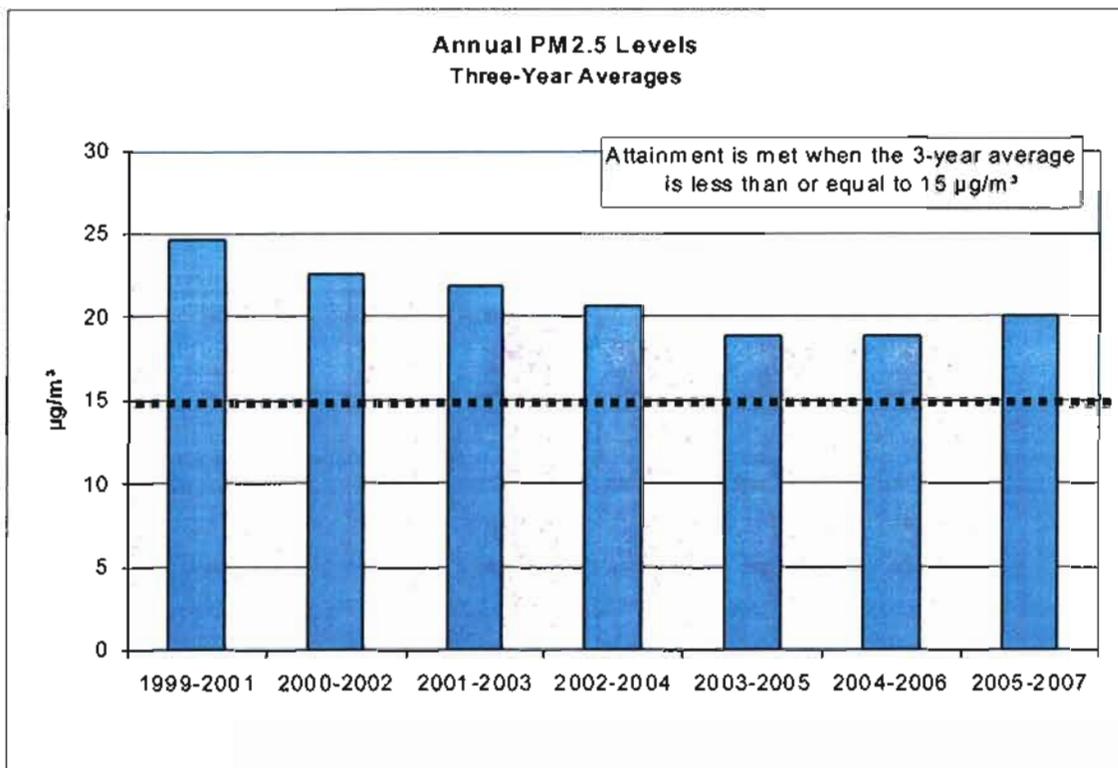
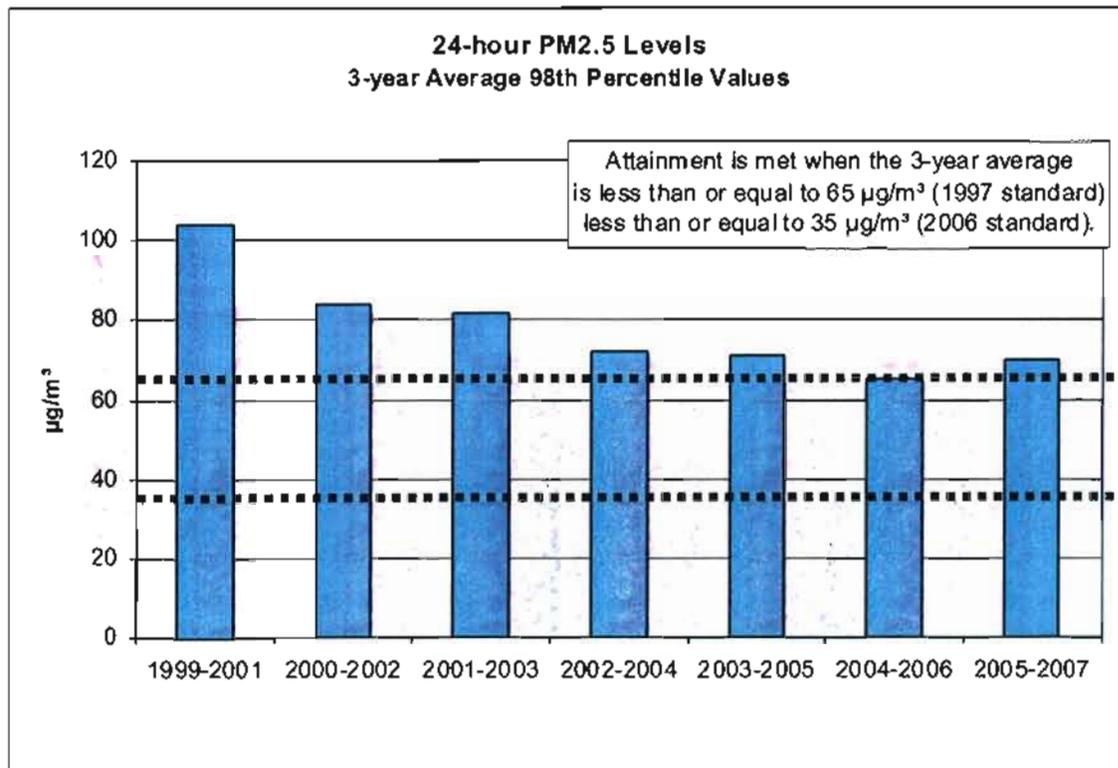
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated 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 data available to draw any conclusions as to the potential impacts, or significance of impacts, related to global climate change for the 2025 Fresno General Plan. Similarly, there is insufficient information to conclude that global warming may have a potentially significant adverse impact upon the 2025 Fresno General Plan. In a situation when it would be highly speculative to estimate impacts or to make conclusions as to the degree of adversity and significance of those impacts, the California Environmental Quality Act allows agencies to terminate the analysis. In that regard, there is no material change in status from the degree of environmental review on this topic contained in the 2025 Fresno General Plan MEIR.