



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO.	VIII. B
COMMISSION MEETING	11-28-12
APPROVED BY	
 DEPARTMENT DIRECTOR <i>M. Scott</i>	

November 28, 2012

FROM: MIKE SANCHEZ, Planning Manager, Development Services Division 

BY: SANDRA L. BROCK, Planner III, Development Services Division *SBrock*

SUBJECT: **CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-11-05, REZONE APPLICATION NO. R-11-006, AND RELATED FINDING FOR ENVIRONMENTAL ASSESSMENT NO. A-11-05/R-11-006, SUBMITTED FOR THE NORTHERLY 8.7± ACRES OF A 25.47-ACRE PARCEL (APN: 503-020-12) LOCATED AT 6421 WEST SPRUCE AVENUE, ON THE NORTHEAST CORNER OF WEST HERNDON AVENUE AND THE ALIGNMENT OF NORTH BRYAN AVENUE**

RECOMMENDATION

After examining the appropriateness of the project with respect to the goals and policies of the 2025 Fresno General Plan and Bullard Community Plan, its compatibility with surrounding existing and proposed land uses, and its avoidance or mitigation of potentially significant adverse environmental effects, staff recommends that the Planning Commission take the following actions:

1. RECOMMEND APPROVAL TO THE CITY COUNCIL for a finding of Mitigated Negative Declaration for Environmental Assessment (EA) No. A-11-05/R-11-006 dated August 31, 2012.
2. RECOMMEND THAT THE CITY COUNCIL APPROVE Plan Amendment Application No. A-11-05 to amend the 2025 Fresno General Plan and Bullard Community Plan by changing the land use designation of the subject 8.7± acres from Commercial Recreational to Community Commercial, in order to match the land use designation currently assigned to the southerly 16.8± acres of the subject property AND
3. RECOMMEND THAT THE CITY COUNCIL APPROVE Rezone Application No. R-11-006 to reclassify the subject 8.7± acres from the C-R/UGM (*Commercial Recreational/Urban Growth Management Area*) zone district to the C-2/UGM/cz (*Community Shopping Center/UGM Area/conditions of zoning*) district, to coordinate with the C-2/EA/UGM/cz (*Community Shopping Center/ Expressway Area Overlay/UGM Area /conditions of zoning*) classification of the parcel's southerly 16.8± acres.

EXECUTIVE SUMMARY

Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006 were filed by Bill Robinson of Sol Development Associates on behalf of property owner Jenco Farms LP. These applications propose to resolve a situation of split plan designation and zoning on a parcel located at the corner of an expressway and collector street, by assigning a Community Commercial land use designation and coordinating C-2/UGM/cz (*Community Shopping Center/UGM Area/conditions of zoning*) to the northerly 8.7± acres (approximately one-third) of Assessor's Parcel Number (APN) 503-020-12. The current planning and zoning designations provide for commercial recreational development, but in the intervening decades since those designations have been applied, the parcel has not attracted any development projects. The proposed plan amendment and rezoning are consistent with goals and policies of the 2025 Fresno General Plan and Bullard Community Plan, and with application of the proposed conditions of zoning any subsequent entitlements will provide for the property's proportionate share of traffic improvements required on West Herndon Avenue and other major streets in the area. (Please refer to the attached vicinity map showing current zoning, aerial photo, and the map of current planned land uses in the project vicinity.)

<p style="text-align: center;">CITY OF FRESNO</p> <p style="text-align: center;">MITIGATED NEGATIVE DECLARATION</p> <p style="text-align: center;">EA No. A-11-05/R-11-006, for</p> <p style="text-align: center;">Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006</p>	<p>Notice of Intent was filed with the</p> <p style="text-align: center;">FRESNO COUNTY CLERK 2221 Kern Street, Fresno, CA 93721</p> <p style="text-align: center;">on August 31, 2012</p>
<p>APPLICANT:</p> <p>Bill Robinson of Sol Development Associates 906 N St., Ste. 100 Fresno, CA 93721</p> <p>on behalf of property owner Jenco Farms LP 1396 W. Herndon Ave., Ste. 108 Fresno, CA 93711</p>	<p>The Initial Study for this project, as well as Master WIR No. 10130 (SCH# 2001071097) as well as EA No. A-09-02 (SCH# 2009051016) are on file at the City of Fresno Development and Resource Management Department, Fresno City Hall, 3rd Floor 2600 Fresno Street Fresno, California 93721</p>
<p>PROJECT LOCATION:</p> <p>6421 West Spruce Avenue, on the northeast corner of West Herndon Avenue and the North Bryan Avenue alignment, on the south side of the alignment of West Spruce Avenue and on the west side of the North Arthur Avenue alignment</p> <p>APN 503-020-12 (Plan Amendment and Rezone pertain to its northerly 8.7± acres)</p> <p>Latitude 36° 50' 23" N, Longitude 119° 54' 33" W ; Township 12S, Range 19E, Section 33, M.D.B.& M.</p>	
<p>PROJECT DESCRIPTION:</p> <p>The following applications pertain to the northerly 8.7± acres of a 25.47-acre property located at 6421 West Spruce Avenue, between West Herndon and West Spruce Avenues east of the North Bryan Avenue alignment (APN 503-020-12)</p> <p>Plan Amendment Application No. A-11-05 proposes to amend the 2025 Fresno General Plan and Bullard Community Plan for these 8.7± acres of this 25.47-acre property from the Commercial Recreation planned land use designation to the Community Commercial land use designation, to match the existing land use already assigned to the southerly 16.8± acres of the overall parcel.</p> <p>Rezone Application No. R-11-006 proposes to reclassify the subject 8.7± acres from the C-R/UGM (<i>Commercial Recreation/Urban Growth Management Area</i>) zone district to the C-2/UGM (<i>Community Shopping Center/UGM Area</i>) zone district. The southerly 16.8± acres of the parcel are currently zoned C-2/EA/UGM/cz (<i>Community Shopping Center/Expressway Area Overlay/UGM Area/conditions of zoning</i>).</p>	
<p>The City of Fresno has conducted an environmental analysis for the above-described project, contained in the attached initial study. The City of Fresno, as Lead Agency, proposes to adopt a Mitigated Negative Declaration for this project. This Mitigated Negative Declaration is tiered from Master Environmental Impact Report No. 10130 (State Clearing House No 2001071097) certified for adoption of the 2025 Fresno General Plan ("MEIR") and Mitigated Negative Declaration No. A-09-02 (SCH# 2009051016) prepared for the 2025 Fresno General Plan Air Quality Update ("Air Quality MND"). Copies of the initial study, MEIR and Air Quality MND may be reviewed in the City of Fresno Development and Resource Management Department, at the address noted above.</p> <p>After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified</p>	

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

The proposed project has been determined to be a subsequent project that is not fully within the scope of the MEIR and Air Quality MND. Pursuant to Public Resources Code § 21157.1 and California Environmental Quality Act (CEQA) Guidelines § 15177, this project has been evaluated with respect to each item on the attached environmental impact checklist to determine whether this project may cause any additional significant effect on the environment which was not previously examined in the MEIR. The checklist, its associated narrative, and proposed mitigation measures reflect applicable comments of responsible and trustee agencies and research and analysis conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the project application and its related environmental assessment application, responses to requests for comment, checklist, initial study narrative, and any attachments thereto, combine to form a record indicating that an initial study has been completed in compliance with the California Environmental Quality Act and CEQA Guidelines.

Based upon the evaluation guided by the environmental checklist form, it was determined that there are foreseeable impacts from the Project that are additional to those identified in the MEIR, impacts which require mitigation measures not included in the MEIR Mitigation Measure Checklist. For these impacts, project-specific mitigation measures have been proposed. Both the MEIR mitigation checklist measures and the project-specific mitigation checklist measures will be imposed on this project.

For some categories of potential impacts, the checklist may indicate that a specific adverse environmental effect has been identified which is of sufficient magnitude to be of concern. Such an effect may be inherent in the nature and magnitude of the project. The completed environmental checklist form indicates whether an impact would be less than significant with mitigation, or less than significant. Effects so rated are not sufficient in themselves to require the preparation of an Environmental Impact Report, and have been mitigated to the extent feasible.

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

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.

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

The finding is, therefore, made that the proposed project will not have a significant adverse effect on the environment and that a finding of Mitigated Negative Declaration is, therefore, appropriate under CEQA Guidelines Section 15178.

Additional information on the proposed project, including the proposed environmental finding and the initial study may be obtained from the Development and Resource Management Department, Development Services Division, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Sandra Brock at (559) 621-8041 or via e-mail at Sandra.Brock@fresno.gov for more information.

<p>INITIAL STUDY PREPARED BY:</p> <p><i>Sandra L Brock</i></p> <p>Sandra L. Brock, Planner</p>	<p>SUBMITTED BY:</p> <p><i>Mike Sanchez</i></p> <p>Mike Sanchez, Planning Manager CITY OF FRESNO DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT</p>
<p>DATE: August 31, 2012</p>	

- Attachments: Notice of Intent to make a finding of Mitigated Negative Declaration for EA No. A-11-05/ R-11-006, filed with the Fresno County Clerk
- Exhibit A, Initial Study Checklist (CEQA Guidelines Appendix G) with attachments
 - Exhibit B, Review of MEIR No. 10130 (SCH# 2001071097)
 - Exhibit C, MEIR Mitigation Measure Checklist for EA No. A-11-05/ R-11-006
 - Exhibit D, Project-Specific Mitigation Measure Checklist for EA No. A-11-05/ R-11-006

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

EA No. A-11-05/R-11-006

**Prepared for Plan Amendment No. A-11-05 and
Rezone No. R-11-006**

APPLICANT:

Bill Robinson of Sol Development Associates
906 N St., Ste. 100
Fresno, CA 93721

on behalf of owner

Jenco Farms LP
1396 W. Herndon Ave., Ste. 108
Fresno, CA 93711

PROJECT LOCATION:

6421 West Spruce Avenue, between W. Spruce and
W. Herndon Avenues, east of the N. Bryan Avenue
alignment

APN 503-020-12 (Plan Amendment and Rezone pertain to its
northerly 8.7± acres)

36° 50' 23" N Latitude, 119° 54' 33" W Longitude

Township 12S, Range 19E, Section 33, M.D.B.& M.

Filed with:

FILED

AUG 31 2012

By  FRESNO COUNTY CLERK
DEPUTY

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

PROJECT DESCRIPTION:

The following applications were filed by Bill Robinson of Sol Development Associates, on behalf of Jenco Farms, LP, and pertain to the northerly 8.7± acres of a 25.47-acre property located at 6421 West Spruce Avenue, between West Herndon and West Spruce Avenues east of the North Bryan Avenue alignment (APN 503-020-12)

Plan Amendment Application No. A-11-05 proposes to amend the 2025 Fresno General Plan and Bullard Community Plan for these 8.7± acres of this 25.47-acre property from the Commercial Recreation planned land use designation to the Community Commercial land use designation, to match the existing land use already assigned to the southerly 15.8± acres of the overall parcel.

Rezone Application No. R-11-006 proposes to reclassify the subject 6421 W Spruce 8.7± acres from the C-R/UGM (*Commercial Recreation/Urban Growth Management Area*) zone district to the C-2/UGM (*Community Shopping Center/UGM Area*) zone district. The southerly 15.8 acres of the parcel are currently zoned C-2/EA/UGM/cz (*Community Shopping Center/Expressway Area Overlay/UGM Area/conditions of zoning*).

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

With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that

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

Additional information on the proposed project, including the MEIR/Air Quality MND proposed environmental finding of a mitigated negative declaration and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, Room 3070, California 93721-3604. Please contact Sandra Brock at (559) 621-8041, or you may email her email at sandra.brock@fresno.gov, for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the 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 September 24, 2012. Please direct comments to Sandra Brock, Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to sandra.brock@fresno.gov; or comments can be sent by facsimile to (559) 498-1026.

INITIAL STUDY PREPARED BY:

Sandra L Brock

Sandra L. Brock, Planner

SUBMITTED BY:

Mike Sanchez

Mike Sanchez, Planning Manager

CITY OF FRESNO DEVELOPMENT AND
RESOURCE MANAGEMENT
DEPARTMENT

DATE: August 31, 2012

CAO033010

ENVIRONMENTAL ASSESSMENT NO. A-11-05/R-11-006
EXHIBIT A, INITIAL STUDY
Environmental Checklist Form (CEQA Guidelines, Appendix G)

1. **Project title:**
PLAN AMENDMENT APPLICATION NO. A-11-05 AND REZONE APPLICATION NO. R-11-006
2. **Lead agency name and address:**
City of Fresno Development and Resource Management Department (DARM)
2600 Fresno Street, 3rd Floor
Fresno, CA 93721-3604
3. **Contact person and phone number:**
Sandra Brock, Planner III
Planning Division, DARM (see address above)
Phone: (559) 621-8041; Fax: (559)- 498-1026; email: sandra.brock@fresno.gov
4. **Project location:** (see attached aerial photo, vicinity map showing zoning in the project area, and Assessor's Parcel Map Book 503 Page 02 depicting the subject property)

The northerly 8.7± acres of a 25.47-acre property (Assessor's Parcel Number 503-020-12, comprising Lots 214, 215, 218 and 219 of the J.C. Forkner Fig Garden Subdivision No. 3) addressed as 6421 West Spruce Avenue, located between West Herndon Avenue and the alignment of West Spruce Avenue, on the east side of the alignment of North Bryan Avenue, in the City and County of Fresno, California

Site Latitude: 36°50'23" North Site Longitude: 119°54'33" West

Mount Diablo Base & Meridian, Township 12 S, Range 19 E, Section 33
5. **Project sponsor's names and addresses:**

Bill Robinson	property owners:	Jenco Farms LP
Sol Development Associates.		1396 W Herndon Avenue, Ste 108
906 N Street, Ste 100.		Fresno, CA 93711
Fresno, CA 93721		
6. **General/Community Plan designation:**

Existing - Commercial Recreational, for this 8.7± acres (Bullard Community Plan),

Proposed - Community Commercial, to match the other 16.8± acres of the parcel
7. **Zoning:**

Existing - C-R/UGM (*Commercial Recreational District, Urban Growth Management Area*)

Proposed - C-2/UGM/cz (*Community Shopping Center District/UGM Area/conditions of zoning*). The southerly 16.8 acres of APN 503-020-12 are currently zoned C-2/EA/UGM/cz, *Community Shopping Center/Expressway Area Overlay/UGM Area/ conditions of zoning*, and will remain so classified.

8. **Description of project:**

Plan Amendment Application No. A-11-05 proposes to amend the 2025 Fresno General Plan and Bullard Community Plan for these 8.7± acres of this 25.47-acre property from the Commercial Recreation planned land use designation to the Community Commercial land use designation, to match the existing land use already assigned to the southerly 16.8± acres of the overall parcel. The entire parcel is currently vacant and undeveloped.

Rezone Application No. R-11-006 proposes to reclassify the zoning of the subject 8.7± acres from C-R/UGM (*Commercial Recreation/Urban Growth Management Area*) to C-2/UGM/cz (*Community Shopping Center/UGM Area/conditions of zoning*).

9. **Surrounding land uses and setting:** (also see attached aerial photo, vicinity map, and map of current planned land uses in the vicinity)

	Planned Land Use	Existing Zoning	Existing Land Use
North	Open Space/ Recreation	AE-5/UGM <i>(Exclusive Five-Acre Agricultural District/ Urban Growth Management Area)</i>	Riverside Golf Course
East	Medium-High Density Residential	AE-5/UGM <i>(Exclusive Five-Acre Agricultural District/ UGM Area)</i>	Vacant, undeveloped parcel
South	Community Commercial and Neighborhood Commercial and Medium Density Residential	C-2/UGM/EA/cz (south half of subject parcel) <i>(Community Shopping Center District/UGM Area/ Expressway Area Overlay/conditions of zoning)</i> and C-1/UGM (south side of Herndon Ave) <i>(Neighborhood Shopping Center District/ UGM Area)</i> and AE-5/UGM <i>(Exclusive Five-Acre Agricultural District/ UGM Area)</i>	Vacant, undeveloped parcels
West	Medium Density Residential	R-1/UGM <i>(Single-Family Residential District/ UGM Area)</i>	Vacant, undeveloped parcel

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

No approvals from other agencies are needed for the plan amendment and rezoning. However, subsequent entitlements would require approval of several local and regional agencies in addition to the City of Fresno.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

The environmental factors checked below would be potentially affected by this project, although none of the impacts would be potentially significant with application of proposed project-specific mitigation measures:

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" 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 checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population /Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Pursuant to CEQA Guidelines Section 15178, a finding of MITIGATED NEGATIVE DECLARATION will be prepared.

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

August 31, 2012

EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

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

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

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

The San Joaquin River scenic resource lies north of the project site, across the alignment of West Spruce Avenue, with Riverside Golf Course intervening. Because the river corridor is lower in elevation than the property surrounding the site of the plan amendment, it would not be visible to area residences from, or across, the project site regardless of plan designation of the subject property. The project vicinity is planned for, and partially developed with, intensive urban uses and infrastructure pursuant to its location approximately inside the urban boundary of Fresno. The subject property has visual characteristics identical to those of the adjoining properties to the south and east; all are required to be kept cleared of vegetation for fire protection purposes. No unique vegetation would be removed for development of this parcel.

The project will be required to provide aesthetic measures such landscape strips with street trees. In addition, its architecture and signage will be compatible with surrounding commercial and residential uses. Design guidelines of the 2025 Fresno General Plan will apply to the project and the project will be subject to the aesthetics mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan.

Subsequent commercial development of the parcel would introduce new sources of lighting on this currently vacant property, because there are safety and building code requirements for lighting walkways, parking lots, and building interiors. However, this lighting is not expected to impinge on the San Joaquin River corridor, given its grade differential with the subject property, and the lighting would not be permitted to create a new source of substantial light or glare, given City of Fresno and California Building Code requirements that require lighting to be down-directed and shielded in order to minimize light reaching neighboring properties.

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

Mitigation Measure

The proposed project shall implement and incorporate, as applicable, aesthetic related Mitigation Measure No. Q-1 as identified in the attached Exhibit C MEIR Mitigation Measure Monitoring Checklist for this project, dated August 31, 2012.

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

The subject property has been planned for urban development for many years, most recently in the 2025 Fresno General Plan. It is not subject to any Williamson Act agricultural land conservation contract. There are no existing agricultural or forestry uses of the subject property.

The project does not have the potential to facilitate future conversion of agricultural lands because the subject property is surrounded by planned, entitled, and developed urban uses; the vacant land in the vicinity was removed from agricultural use many years ago.

By serving urban service needs in this infill location, the project has the effect of preventing conversion of agricultural lands for commercial development elsewhere in Fresno County. Therefore, no adverse environmental impacts related to agricultural would occur as a result of the proposed project and no project-specific mitigation measures are required.

Mitigation Measure

The proposed project shall conform to the Mitigation Measure No. E.2 as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist dated August 31, 2012.

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

Environmental and regulatory setting with regard to air quality

The project is located in Fresno County and within the San Joaquin Valley Air Basin (SJVAB). This region has had chronic non-attainment of federal and state clean air standards for ozone/oxidants and particulate matter due to a combination of topography and climate. Some air pollutants are fairly constant throughout the year in the region, while others vary in concentration according to location and are changeable from day to day and even hour to hour, due to complex interactions of topography, climate, and weather.

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

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

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

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

Summertime wind speed and direction data indicate that the Valley's air mass moves from the north end of the Valley and flows in a south-southeasterly direction through the Valley, through Tehachapi pass, into the Southeast Desert Air Basin.

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

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

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

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

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

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

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

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

No special permit, land division, or parcel line adjustment applications have been filed to date with the Development and Resource Management Department for the 8.7± acres which are the subject of Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006. The applicant's representative has stated that they do not have any projects under design. Therefore, it would be too speculative at this time to assess the potential air quality impacts of the property in its entirety. A subsequent full environmental analysis of the entire parcel is being required as a condition of zoning, to ensure that potential impacts are assessed at the appropriate time with the required level of detail regarding square footage of commercial buildings, as well as incorporated mitigation measures afforded by site location, design, and public services and amenities.

In the interim, the 2025 Fresno General Plan policies direct that that the most current version of the URBEMIS computer model be used to analyze development projects and estimate future air pollutant emissions that can be expected to be generated from operational emissions (vehicular traffic associated with the project), area-wide emissions such as those related to equipment used to maintain landscaping (with mitigations incorporated into the model, such as not having fireplaces and the project's required completion of pedestrian improvements on its frontage). However, in summer of 2012 the APCD de-certified URBEMIS and directed that air impact modeling be performed with the CalEEMod analytic tool.

The following model was run for the ~8.7-acre subject property, using its baseline condition of vacant, undeveloped land, estimated construction from mid-2014 through mid-2016, and opening (operational date) in 2015.

A-11-05, R-11-006 CONSTRUCTION AIR QUALITY IMPACTS MODELED WITH CalEEMod

<i>All data are in tons</i>	ROG	NOX	CO	PM10	PM2	SOX	CO2e
Construction Totals	3.26	5.66	4.81	0.32	.42	0.00	830.87
APCD adopted Threshold of Significance	10	10	100	14.6	N/A	27.375	N/A

A-11-05, R-11-006 OPERATIONAL AIR QUALITY IMPACTS MODELED WITH CalEEMod

<i>All data are in tons per year</i>	ROG	NOX	CO	PM10	PM2	SOX	CO2e**
Area Source Emissions*	1.61	0.06	0.05	0.01	0.00	0.00	396.09
Mobile Emissions	4.21	17.57	34.35	4.81	0.68	0.01	5,036.74
Project Totals	1.11	17.63	34.40	4.81	0.68	0.01	5,432.83
APCD adopted Threshold of Significance	10	10	100	14.6	N/A	27.375	N/A

* includes energy- and waste-related emissions

** net of carbon sequestration provided by new trees

Because no entitlement has been submitted, the CalEEMod model could be run with only the available information, sans the full range of built-in and applied mitigation measures, only those mitigation measures provided via City of Fresno Zoning and Public Works standards, and City practice could be integrated in the model run: sidewalks, street trees, and recycling. When a more detailed site design and additional construction details are later available for the entire shopping center site, these estimates would be refined through the ISR Air Quality Assessment. Because the CalEEMod computer model does not provide a “community shopping center” or “neighborhood shopping center” level of analysis, the “regional shopping center” land use had to be used in running the model, which would over-estimate expected mobile emissions.

The air pollution modeling for this project demonstrates that development of the subject 8.7 acres with community commercial development would not have a significant adverse impact on air quality, except with potential emissions of oxides of nitrogen. Because the MEIR for the 2025 Fresno General Plan was certified with an over-riding consideration for air quality, and because the subject application proposes only a different type of commercial use for the site than was included in the 2025 Fresno General Plan, the proposed project does not appear to pose a significant change in the physical environment from that analyzed in the MEIR. .

When the entitlement application for the entire property is submitted and the full range of mitigation measures are known, the resulting projected emissions are required to be reduced pursuant to the Indirect Source Review Rule (APCD Rule 9510). Based on its potential total square footage of storage buildings, this project will require an Air Impact Assessment to be filed, because Rule 9510 has a 2,000 square foot size threshold for commercial buildings. The ISR Application is required to be submitted to the APCD prior to a request for approval for a project’s final discretionary permit. The subject plan amendment and rezone applications are

not the final discretionary approvals which would be granted for a community shopping center. Subsequent special permit applications, such as a site plan review and conditional use permit, would be subject to the ISR Rule. Fees are assessed pursuant to detailed modeling (with all mitigations incorporated) and the funds generated from that fee program are used to offset pollution with programs such as those which replace higher-polluting equipment engines with cleaner engines.

Other APCD Rules would apply to development and use of the subject property, including those which regulate paving, architectural coatings, mobile equipment over 50 horsepower, etc. While the 8.7± acre project site is below the threshold of project size required to prepare a Dust Control Plan for construction, development of the entire parcel with a shopping center would require a Dust Control Plan and other APCD Regulation VIII rules for control of fugitive dust.

The project would not evolve hazardous air pollutants or create objectionable odors, but with the adjacent planned multi-family property, a Health Risk Assessment may be required for diesel truck emissions related to merchandise deliveries at the future commercial properties. When a special permit application is filed to develop the entire parcel, a screening analysis will need to be reviewed by the APCD to determine whether a full Health Risk Assessment is in order.

In conclusion, the existing regulatory structure administered by the APCD would act to prevent any significant adverse air quality impacts anticipated to occur as a result of the proposed change in land use designation and zoning, and conditions of zoning require that a full and appropriately detailed assessment be performed, with mitigation measures specific to the design and operation of the shopping center, when subsequent development applications are filed with further detail in relation to the planned and built urban environment at that time.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, air quality-related mitigation measures Nos. B-5, B-7, and C-1 through C-4 as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated August 31, 2012.
2. An air quality impact assessment/ISR Application shall be submitted to the San Joaquin Valley Air Pollution Control District at least 30 days prior to submittal of any entitlement application for development of any part of Assessor's Parcel No. 503-020-12, and a copy of the ISR Application, showing all proposed mitigation measures incorporated into the project, shall be provided to the City of Fresno along with the entitlement application.
3. Prior to submitting any special permit application to the City of Fresno to develop any portion of APN 503-020-12, the applicant (or successor in interest) shall consult with the San Joaquin Valley APCD to determine whether a Health Risk Assessment would be necessary for evaluating potential project effects on sensitive receptors in the vicinity, and shall submit the results of that consultation to the City of Fresno along with the project application.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

As the attached 2008 aerial photo shows, the subject property has been maintained per City ordinance with vegetation removed to prevent fire hazard. No disturbance in habitat would occur pursuant to development of the proposed project. The property does not support "wildlife," as defined in the California Fish & Game code as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." This property is not a wildlife nursery site. The project

would not result in or have the potential to result in harm, harassment, or "take" of any fish and/or wildlife species (where the term "take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill as defined in the California Fish & Game Code). The proposed project would not, directly or indirectly, affect any sensitive, special status, or candidate species; nor would it modify any habitat that supports them.

No habitat conservation plans or natural community conservation plans in the region pertain to the subject property and the Riverside Golf Course lies between the subject property and the San Joaquin River corridor where habitat conservation activities are underway. Due to the intervening distance, the grade differential, and the requirement that urban drainage be directed to FMFCD Basin EH for storm water management, this project would not result in or have the potential to result in noise, vibration, dust, light, pollution, or an alteration in water quality that may affect fish and/or wildlife directly or from a distance.

The proposed project would not result in, or have the potential to result in, any interference with the movement of any fish and/or wildlife species because no wildlife corridors traverse the subject site. Therefore, no actions or activities resulting from the implementation of the proposed project would have the potential to affect floral, or faunal species; or, their habitat. No General Plan policies regarding biological resources are applicable to the subject property, and no mitigation measures are necessary for potential impacts to those resources.

The proposed project was routed to the California Department of Fish and Game Region IV office, and not comments or proposed conditions or mitigation measures were provided by that agency.

Mitigation Measure

Within four days of City Council approval of Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006, the applicant shall pay the required California Department of Fish and Wildlife [formerly California Department of Fish & Game] filing fee to the Fresno County Clerk with the filing of the Notice of Determination for EA No. A-11-05/R-11-006 pursuant to California Fish and Game Code Section 711.4.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?				x
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		x		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		x		

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?		x		

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

The identified boundary of Sacred Lands provided by the California Native Heritage Commission lies beyond the boundaries of the project site (see attached map, provided by the Commission). The ground comprising the project site has been disturbed for cultivation activities. There is no evidence that cultural resources of any type (including historical, archaeological, paleontological, or unique geologic features) exist on the subject property. Therefore, it is not expected that the proposed project would adversely impact any cultural resources.

It is noted, however, that lack of surface evidence or database records of historical/cultural resources does not preclude the subsurface existence of archaeological resources. Therefore, due to the ground disturbing activities that will occur as a result of the project, the appropriate precautionary measures of MEIR No. 10130 Mitigation Monitoring Checklist will be employed to address unexpected finds of human remains and archaeological or paleontological resources.

Mitigation Measures

1. The proposed project shall implement and incorporate, as mitigation measures Nos. J-1 through J-4 related to potential cultural and paleontological resources as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated August 31, 2012.
2. As part of evaluating any special permit, subdivision, or parcel line adjustment application received for APN 503-020-12, the City of Fresno shall undertake a tribal consultation with parties as directed by the California Native American Heritage Commission.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- Would the project:				

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

Geologic and Regulatory Setting

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

Fresno is classified by the U.S. Geologic Survey as being in a moderate seismic risk zone, Category "C" or "D," depending on the soils underlying the specific location being categorized

and that location's proximity to the nearest known fault lines. All new structures are required to conform to current seismic protection standards in the current California Building Code.

The highly erodible face of the San Joaquin River bluff, and small areas of expansive clay in the northeastern portion of the city's Sphere of Influence, are the only unstable soil conditions known to exist in the City. This proposed project is approximately one-quarter mile distant from the Bluff area and is not in the northeastern portion of the City.

Despite long-term overdrafting of groundwater that has lowered the static groundwater level under Fresno by as much as 100 feet over the past century, surface subsidence has not been noted in the vicinity of the city; this is probably due to the geologic strata underlying the city, which features layers of clay and hardpan interleaved with alluvial sand and gravel layers.

Potential Project Impacts

The topography of the project and its environs is relatively flat with no apparent unique or significant land forms such as vernal pools. The U.S. Department of Agricultural National Resource Conservation Service classifies site soil as "Exeter loam, shallow, 0 to 2 percent slopes." This is a soil type that has little erosion potential.

Therefore, no adverse environmental or safety effects related to topography, soils or geology would result from the proposed project and no mitigation for potential impacts should be necessary except for drainage engineering to comply with standards of Fresno Metropolitan Flood Control District and seismic design standards as outlined in the certified MEIR for the 2025 Fresno General Plan

Mitigation Measure

The proposed project shall implement, as applicable, mitigation measure No. L-1 relating to seismic engineering standards (by incorporating compliance with those standards into construction plans), as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project dated August 31, 2012.

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

Environmental and Regulatory Setting

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

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

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

Some GHGs occur naturally and are emitted to the atmosphere through both natural processes and human activities. Other GHGs are created and emitted solely through human activities. Water vapor is the most predominant GHG, and is primarily a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans. The major anthropogenic greenhouse gases (those that enter the atmosphere because of human activities) are carbon dioxide (CO₂), methane, nitrous oxide and fluorinated gases. Some GHGs exert a much more powerful effect of trapping radiant energy in the atmosphere. The effect of methane, for instance, is 29 times as powerful as that of an equal mass of CO₂. In order to describe global warming potential of these differing gases, a convention has been established to quantify GHGs in terms of equivalent quantities of CO₂, and to use metric tonnes as the unit of measure for the CO₂ (hence the abbreviation "MMTCO₂e," for million metric tonnes of CO₂ equivalent).

A major problem with GHGs is that most of them are not very reactive and that makes them extremely long-lived in the atmosphere. For instance, once CO₂ rises above the troposphere (the portion of the atmosphere where plants may absorb some of it for photosynthesis), there are no natural processes that would effectively remove it. The CO₂ will persist and exert its global warming effect for centuries.

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

- ocean level rise that would displace populations,
- economic and infrastructure damage related to ocean rise as well as heat and storm intensity;

- exacerbation of criteria air pollutants (more air pollutants are formed when the atmosphere is warm);
- spreads of infectious diseases through proliferation of mosquitoes and other vectors carrying “tropical” diseases into temperate climate zones;
- alteration of natural flora and fauna in terrestrial and aquatic environments;
- disruption of agriculture and water supply;

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

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

There are, at this time, no “attainment” standards established by the federal or state government for greenhouse gases (although some GHGs are regulated as precursors to criteria pollutants regulated by the federal and California Clean Air Acts). However, in AB 32 the State codified a mandate to reduce GHG emissions to 1990 levels by the year 2020. In order to roll back GHG emissions to this level, a reduction of 174 MMTCO_{2e} needs to be achieved statewide—against the background of California’s general population increase and the need for ongoing land and economic development. The combination of the need to reduce GHGs and the need to grow equates to a need to reduce per capita GHG emissions by some 29% from the “business as usual” scenario of continuing the former rate of escalated GHG emissions over time.

It has been recognized that new development projects would incrementally add GHG emissions and could cumulatively exacerbate global climate change problems, even if the projects are, themselves, small in scale and do not involve powerful GHGs. In order to standardize evaluation of projects under CEQA, Senate Bill 97 (codified as Public Resources Code Sections 21083.05 and 21097) requires the State Resources Agency to adopt guidelines for addressing climate change in environmental analysis. The California Air Pollution Control Officers Association (CAPCOA) produced a comprehensive publication on this topic in August of 2010 titled *Quantifying Greenhouse Gas Mitigation Measures*, which provides methods for quantifying emission reductions via application of a specified list of project-level and municipal-level mitigation measures. This document is intended to further support the efforts of local governments to address the impacts of GHG emissions in their environmental review of projects and in their planning efforts.

In order to standardize global climate change assessments within the San Joaquin Air Basin, the SJVAPCD adopted a protocol for evaluating land use projects: the 2009 *Guidance for Valley Land Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*. The District determined that the most appropriate assessment criteria would be oriented to performance based standards to streamline the CEQA process for determining significance of project impacts, rather than numerical modeling of GHG emissions and emission reductions. Projects meeting the Best Performance Standards (“BPS”) established by the SJVAPCD would be determined to have a less than significant cumulative impact on global climate change.

If projects could not demonstrate compliance with BPS, then a quantification of GHG emissions and demonstration of a 29% reduction in GHG emissions below the “business as usual” level will be required to determine that a project would have a less than significant cumulative impact.

Potential Impact of the Proposed Project

Given its small size and limited projected emissions of CO₂ (5,432.83 tons per year), this project would not be expected to have a significant impact on global climate change. However, as noted above, all projects and activities may cumulatively contribute to significant adverse impacts.

According to the SJVAPCD's *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*, projects can be determined to have a less than significant impact if they do any of the following:

- 1) Use a combination of SJVAPCD approved GHG emission reduction measures to meet BPS;
- 2) Comply with an approved GHG plan or mitigation program; or
- 3) Reduce GHG emissions by at least 29%.

The proposed project meets this requirement by complying with an approved GHG Mitigation program, established through City of Fresno Plan Amendment No. A-09-02, the Air Quality Update to the 2025 Fresno General Plan.

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

As proposed, the project implements many of the general plan policies related to GHGs. The project fosters infill development that will help reduce outward sprawl. It is required to construct sidewalk along Nees Avenue, consistent with the California Attorney General's Office guidance document which directs that projects should “create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking”. Installation of street trees and landscaping will mitigate the urban heat island effect as well as providing for removal of some atmospheric GHGs. Through the California Building Code and statewide regulation of appliance standards, development of this property will conform to energy-efficient building, lighting, and appliance standards.

In addition to being in compliance with local planning guidance on reduction of GHGs, this project's potential impacts will be further reduced by worldwide, national and statewide measures to combat adverse global climate change: Updated engine and tire efficiency standards would apply to vehicles that travel to the project; initiatives applicable to air conditioning and refrigeration equipment will continue to reduce fluorocarbon emissions; regional transportation efficiencies will continue; renewable power generation will increase; and landfill and wastewater methane capture will become more efficient; and “carbon capture”/ “carbon sequestration” technologies will increase removal of CO₂ from the atmosphere.

In addition, the plan amendment and rezone do not provide for manufacturing activities that would generate potent industrial GHGs such as SF₆, HFCs, or PFCs, and those applications do not provide for land uses which would generate methane on site. Buildings eventually constructed on the site will be required to be insulated to current energy efficiency standards. Water conservation technology will also be required for landscaping and plumbing fixtures, which will reduce water vapor emissions and energy consumption involved in municipal well production and water treatment. The project will be required to install non-potable water line for landscape irrigation when a supply of recycled water becomes available. Therefore, based upon the available information, the proposed project will not have a potentially significant cumulatively adverse impact on global climate change.

In addition to evaluating what a project's cumulative global climate change impact on the world might be, the Senate Bill 97 changes to CEQA require that the effects of global climate change on projects should also be evaluated and mitigated if possible. Since no buildings in the proposed project would be occupied, no cooling shelter contingency measures would be required for power outage during a heat wave. In the event that power outages affected gate operations, or water supply for firefighting, the project operator could simply close public access to this non-essential facility and its gates should be equipped with manual operation capability to allow egress of any persons at the site when the power supply goes off. Citywide drought contingency measures require shutdown of non-essential water consumption, such as landscape irrigation.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, mitigation measure No. C-1.d relating to global climate change, as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated August 31, 2012.
2. Any special permit and land division applications for any portion of APN 503-020-12 shall be accompanied by a water demand analysis verifying that Urban Water Management Plan conservation targets are being met.

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

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

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

The applicant and successors in interest are required to comply with Fresno County Environmental Health/Certified Unified Program Agency requirements for filing a hazardous materials business plan for this nonresidential use. Subsequent entitlement applications will be routed to Environmental Health and the responses received will provide direction with regard to any regulatory changes.

Therefore, no project-specific mitigation measures for hazards or hazardous materials would be required for Plan Amendment Application No. A-11-05 or Rezone Application No. R-11-006.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				x
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				x
j) Inundation by seiche, tsunami, or mudflow?				x

Water Supply, Water Treatment and Delivery Infrastructure

Fresno is one of the largest cities in the United States still relying primarily on groundwater for its public water supply. Surface water treatment and distribution has been implemented in the northeastern part of the City, but the city is still subject to an EPA Sole Source Aquifer designation. The City's network of interconnected water wells/pump stations, recharge facilities, water treatment and distribution systems have been expanded incrementally and upgraded to meet increased water demands and respond to groundwater quality challenges.

While the aquifer underlying Fresno typically exceeds a depth of 300 feet and is capacious enough to provide adequate quantities of safe drinking water to the metropolitan area for the foreseeable future, the aquifer level has been declining and localized water supply limitations with low well yields and limited storage capacity in portions of the semi-confined aquifer have evolved.

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

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

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

Improperly abandoned water wells and dry wells endanger groundwater quality by providing a direct conduit for surface contamination to reach the deeper and cleaner levels of the aquifer.

No former domestic or agricultural water wells are in evidence on the subject property at this time. If a well is revealed by subsequent grading activity for this project, it is required to be properly evaluated and abandoned according to procedures of the City Water Division and the most current version of the California Department of Water Resources Well Standards (DWR Bulletin 74-99 or an update thereto).

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

The Department of Public Utilities operates a large and efficient water recharge facility ("Leaky Acres") northwest of Fresno-Yosemite International Airport, and also utilizes suitable FMFCD drainage throughout the metropolitan area basins for its groundwater recharge program. Stormwater ponding basins provide significant opportunity to recharge the aquifer with collected precipitation runoff in the winter as well as surface water obtained from FID (primarily a Kings River supply) and the USBR (supplied by the San Joaquin River) in the months when storms are not anticipated.

When development entitlements are approved, applicants are required to support recharge efforts by contributing toward FMFCD's master planned storm drainage facilities, and to preserve the patency of irrigation canals and pipelines used to deliver surface water to drainage/recharge basins. However, the subject property, does not have any irrigation pipelines, as affirmed by a June 23, 2011 letter from Fresno Irrigation District (copy attached).

Future water demand, water supply projections, and measures to make the best use of that supply are contained in the City's most recent (2008) Urban Water Management Plan (UWMP). Current conservation measure implementation involves universal water metering (mandated by the Central Valley Project Improvement Act via the City's contract for its main surface water supply from the San Joaquin River). The City's Metropolitan Water Resource Management Plan is also being updated per requirements of the California Water Code, and is evaluating scenarios for further increased use of treated surface water and recycled wastewater. The City has proposed a Recycled Water Master Plan which would allow appropriately treated wastewater to be used for non-potable uses such as landscape irrigation.

The purpose of these management plans is to formulate a strategy to meet the future water needs of the metropolitan area, ensuring a safe and dependable water supply that is economically feasible. The plans address the full range of existing and potential city water supplies focusing on the type and timing of water facilities and programs needed to protect water quality, combat groundwater overdraft; ensure water conservation, and provide contingency measures for drought and/or supply disruptions. As can be seen in the attached exhibit of water mains and hydrants, major water distribution facilities already exist in three of the street frontages of APN 503-020-12, excepting only the future frontage of North Arthur Avenue. Facilities such as water mains are reimbursable under the Urban Growth Management (UGM) fee program, so that the applicant would be required to pay UGM fees to reimburse a proportional share of cost for the facilities that will be used by development on the subject property.

In accordance with the provisions of the 2025 Fresno General Plan and the Bullard Community Plan, the City must make a determination that an adequate source of water is available to serve the project. Groundwater elevation is approximately 85 feet in the project vicinity (as

determined when the water and sewer facility project for Herndon Town Site was done in 2009), and well productivity is generally good in this area. When the application for a subsequent special permit or subdivision is submitted (including applications for parcel line adjustment), the Department of Public Utilities will review the detailed plans for the shopping center, and will make a determination as to whether the applicant for that project is required to provide a new source of water (*i.e.*, to provide for a new water well site and pump station, after drilling test holes for Water Division to evaluate; pump stations and water wells are also reimbursable facilities under the UGM fee program). A specific mitigation measure for this project provides for using non-potable water for landscape irrigation in the future, when a supply of such water becomes available to APN 503-020-12.

Aerial photos of the site do not indicate the presence of any pre-existing water wells; however, should any water well be found during site grading, a project-specific mitigation measure requires that it be properly abandoned to current State Department of Water Resources and City Department of Public Utilities Water Division standards.

Wastewater Management,

As shown in the attached exhibit depicting existing sewer mains, a main has been installed in the right of way of North Bryan Avenue (even though the street has not been paved). When the application for a subsequent special permit or subdivision is received for the overall parcel (including any application for a parcel line adjustment), the Department of Public Utilities will review it to ascertain whether this main has sufficient capacity to serve the project, and what other streets will require installation/extension of sewer mains in other streets/street alignments fronting the project. As with water facilities, the proportionate cost of sewer mains installed in major streets is assessed under the UGM fee program, and a developer required to install mains is reimbursed by subsequent development fees of other properties served.

Visual assessment of the aerial photo of the site does not show evidence of former dwelling units, which could be associated with on-site waste (septic) disposal systems. In case one or more pre-existing septic system is discovered through project grading, a mitigation measure is applied requiring that such system(s) be properly abandoned according to standards of the City's Building and Safety Services Division.

Drainage, Stormwater Management, and Flood Control

As noted previously, Fresno receives low annual precipitation. However, this precipitation tends to occur in storm events which generate peak flows, and in the absence of strong natural drainage capacity the area has had to develop extensive infrastructure to direct and contain these flows in ways that avoid property damage. Much of Fresno's drainage infrastructure is provided by roadside surface gutters and curbing, tributary to drainage pipelines discharging into large ponding basins managed by FMFCD. The FMFCD drainage conveyance system is designed for a two-year storm intensity (a level of precipitation which would be generated by a storm expected to occur in fifty percent of all years, or every other year as a statistical average).

The project is located immediately southeast of FMFCD Basin EG; however, it lies in the drainage area served by Basin EH. Basin EH is located on the alignment of West Sierra Avenue, on the east side of Freeway 99). As indicated in the attached FMFCD letter, dated June 22, 2011, this existing FMFCD drainage system has sufficient capacity to serve the subject property if its planned land use is changed from Commercial Recreational to Community Commercial.

When special permit and subdivision applications are received for the subject property (or for any part of APN 503-020-12), including applications for a parcel line adjustment, the applications will be routed to area agencies and FMFCD will review that detailed development plan to formulate a Notice of Requirements. In that review, FMFCD will identify any on-site and/or off-site drainage facilities needed as well as any drainage fees required to be paid to retire this property's share of cost for installing FMFCD improvements.

The FMFCD Notice of Requirements will also provide additional direction related to controlling storm water pollution. Project sites of any size are required to conform to FMFCD policies for maintaining storm water quality in the urban drainage system, and to comply with City drainage ordinances (Fresno Municipal Code Sections 6-701 *et seq.*). Construction activity involving one acre or more triggers the requirement for filing a Notice of Intent (for new construction) with the Regional Water Quality Control Board and preparation of a formal storm water prevention plan under a State General Permit for Storm Water Discharges Associated with Construction Activities. Retail development is not a use which would, itself, require an ongoing industrial storm water discharge permit; however, some of the subsequent businesses at the community shopping center may have Industrial Classification Codes which would require such a permit.

The FMFCD NOR notes that this property is not in a flood-prone area. This was verified by information in the National Flood Insurance Rate map panel covering the project vicinity, found on the FEMA Map Service Center website:

<https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>

The subject property is located in Zone X, denoting the absence of any "100-year" or "500-year" floodplain (Map Item ID 06019C1535H).

Mitigation Measures (in addition to the water conservation measures specified under the "Global Climate Change" section of this Initial Study)

1. The proposed project shall implement and incorporate, as applicable, mitigation measures Nos. D-3 through D-10 and F-3 relating to hydrology (water supply, water quality, and drainage) as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated August 31, 2012.
2. When a supply of recycled water becomes available to APN 503-020-12, the property applicant or successor(s) in interest shall be required to install and maintain a non-potable water line for irrigation of site landscaping. (The applicant or successor(s) in interest may elect to pre-install the non-potable water line, to avoid subsequent excavation that could disrupt established landscaping.)
3. Any domestic or agricultural water wells known to exist, or found, on the subject property shall be properly abandoned to City of Fresno Water Division and California Department of Water Resource standards.
4. Any on-site wastewater system known to exist, or found, on the subject property shall be properly abandoned to City of Fresno Building and Safety Division standards.

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

Impacts to Land Use Plans and Policies

The attached map of planned land uses in the project vicinity shows that the subject property, located in the Bullard Community Plan area, is planned for Commercial Recreational use and is located in an area incorporating Community Commercial, Regional Commercial, Neighborhood Commercial, Open Space – Recreational, and Medium & Medium-High Density Residential uses.

Although the subject property was designated for Commercial Recreational use in the 1988 Bullard Community Plan by Plan Amendment No. A-01-14 (approved in 2003), it has never been developed for these uses. Other properties in Fresno have developed for commercial recreation in the intervening time (the Island Waterpark at Shaw and Freeway 99; the Camelot recreational development near Herndon and Blackstone Avenues), but the subject property did not generate any applications for commercial recreational use.

The proposed change in land use designation of the subject 8.7± acres to Community Commercial would not divide an established residential community; it would simply comprise a northerly extension of the existing Community Commercial land use designation on the southerly two-thirds of APN 503-020-12 (approximately 16.8 acres). The subject property is proximal to the intersection of an Expressway (West Herndon Avenue), near a planned super-arterial (Veteran’s Boulevard) and the parcel is located at a signalized intersection with North Bryan Avenue. With implementation of City and regional traffic impact fees and the mitigations outlined for this project’s potential traffic impacts, this site would be served by major streets with sufficient traffic carrying capacity.

Under Table 2 of the 2025 Fresno General Plan (Planned Land Use and Zone District Consistency Matrix) and Fresno Municipal Code Section 12-403-B-1 (Zone District Consistency Table), the C-2/UGM (*Community Shopping Center District/UGM Area*) zoning classification requested for this 8.7± acres pursuant to Rezone Application No. R-11-006, is consistent with the Community Commercial land use designation sought for the subject property via Plan Amendment Application No. A-11-05.

This project is consistent with the following 2025 Fresno General Plan goals, objectives, and policies:

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

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

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

Policy C-12-a. Ensure that all commercial land uses are developed and maintained in a manner complimentary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services.

Policy C-12-d. Plan for the appropriate location, size, and distribution of neighborhood and community commercial uses to implement the planned urban form, promote the stability and identity of neighborhood and community areas, and allow efficient access without compromising the operational effectiveness of planned major streets.

• • •

- Community commercial centers should be located at designated activity centers

Policy D-1-b. Create conditions conducive to attract, retain, and expand businesses.

• • •

- Create conditions that will allow Fresno firms to adapt to new market conditions and remain in business.

The vicinity of Herndon and Freeway 99 is planned for intensive uses such as regional commercial and multi-family development, but it does not have other property designated for the community commercial land use to serve the large extent of proximal developed and planned residential development. Siting a viable community shopping center at the proposed project site will prevent excess vehicular travel to areas farther east on Herndon Avenue, and this center will additionally be available to serve residents of areas on the west side of Freeway 99 who would also have to otherwise travel farther east on Herndon Avenue to access a comparable level of retail commercial. The center facilitates job development for the economically depressed Herndon Town site, and would allow residents of that community to walk and bike to work.

While the minimum lot area required for the *C-2/Community Shopping Center* zone district is ten (10) acres, viable community commercial centers in the Fresno area are typically at least twenty acres in size to accommodate a range of retail businesses such as drug and discount stores, supermarkets, restaurants, etc.

Additional site area in a shopping center would be required to facilitate siting transit facilities such as an enhanced Fresno Area Express multi-route stop, or park & ride. Transit amenities such as these can forestall any blight from future commercial vacancies and provide for future ancillary uses of retail space (in the manner that Manchester Shopping Center has devoted considerable square footage for public offices and educational uses).

Thus, designating the entire parcel (APN 503-020-12) for Community Commercial land use through Plan Amendment No. A-11-05 would allow design latitude, making the center more economically competitive and more amenable to “smart growth” development incorporating alternative modes of transportation.

Policy C-12-g. Identify appropriate locations for commercial recreational uses to provide the community with accessible leisure and entertainment opportunities that do not conflict with adjacent sensitive uses.

This General Plan policy does not require that the existing Commercial Recreational land use designation remain in place on the subject property. Riverside Golf Course would not be adversely affected by conversion of the 8.7± acres to the south to a community shopping center use. Vacant land planned and zoned for commercial recreational use does not, in itself, provide leisure or entertainment opportunities that would not conflict with adjacent uses. The appropriateness of the Commercial Recreational land use designation to the subject property can be questioned, since nearly ten years have passed since that designation was made (and since corresponding zoning was applied), and yet no applications have been submitted to actually develop the site for that use. Commercial recreational uses, such as exercise gyms, bicycle shops, bowling alleys, hobby shops, and indoor electronic tagging game facilities (“laser tag”), are all permitted by right (by site plan review) in community commercial shopping centers. Current development patterns in Fresno suggest that the business model of exercise gyms may direct that they be integrated into commercial sites featuring a range of goods and services. Thus, re-designating the subject property to allow the entire parcel to develop as a community commercial shopping center may provide for one or more recreational amenities that otherwise would not develop on the site if it were to retain its Commercial Recreational land use designation.

Pursuant to Table 2 of the 2025 Fresno General Plan (Planned Land Use and Zone District Consistency Matrix) and Fresno Municipal Code Section 12-403-B-1 (Zone District Consistency Table), the C-2 (*Community Shopping Center District*) classification proposed for the subject property pursuant to Rezone Application No. R-11-006 is consistent with the Community Commercial land use designation proposed for this property pursuant to Plan Amendment Application No. A-11-05.

As noted previously, the size, configuration, and location of the entire parcel are suitable for the proposed use pursuant to Fresno Municipal Code (FMC) §12-218 *et seq.* pertaining to the C-2, zone district.

Similarly, the goals, objectives, and policies of the 1988 Bullard Community Plan are directed toward: providing for commercial development that provides an appropriate level of goods and services in accessible locations that can be served with available public infrastructure, with appropriate interface treatment. The Bullard Community Plan Policy prescribes several design

measures for interface treatment when commercial development is adjacent to residential development, and the subsequent special permits and land divisions for the subject property (for all of APN 503-020-12), including parcel line adjustments, will be required to conform to those polices. Again, having a community commercial site which is augmented by the 8.7± acre proposed project allows additional room for implementing interface treatment measures such as building setbacks, loading zone distancing, and landscape buffers.

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, and would not utilize an undue amount of aggregate mineral resources, as determined from review of the aggregate mineral classification maps in the Mineral Resource Element of the 2025 Fresno General Plan. Nor would the proposed project impede access to properties used for, or suitable for, aggregate mineral extraction.

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	

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

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

As noted previously, the proposed project would not involve ongoing industrial equipment use, and noise from the traffic that it generates, and from Herndon Avenue and Freeway 99 would be largely blocked by development of community commercial buildings. Construction of the commercial site will be governed by limitations of the Fresno Municipal Code (the Noise Ordinance) and ongoing noise will be well-contained by interface treatments such as masonry walls on the site perimeter. The special permit applications required prior to development of APN 503-020-12 would be reviewed for potential noise nuisances impinging on adjacent residential and recreational properties, and acoustical treatment would be required as well as design measures such as distancing loading areas and trash/recycling facilities from dwellings.

The City's standard conditions of approval for the self-storage facility will prohibit amplified music or loudspeaker use at the site, which should prevent any nuisances for nearby residential property. Therefore, the proposed project will generate some increment of noise above current levels (in that vacant land generate essentially no noise), but it is not expected that the proposed project would expose sensitive receptors to excessive noise due to the requirements adopted when MEIR No. 10130 was certified for the 2025 General Plan. The MEIR Mitigation measures require acoustical analysis when subsequent entitlement applications submitted to develop APN 503-020-12 indicate that noise may be generated in excess of the 60dB_A levels required at abutting residential outdoor property lines.

Mitigation Measure

The proposed project shall implement and incorporate, as applicable, mitigation measures No. K-1 through K-3 relating to noise, as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project dated August 31, 2012.

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

The subject site is currently vacant and unimproved, with no existing dwelling units and no residents. The existing Commercial Recreational planned land use designation of the subject property would not have provided for any dwelling units; therefore, this project would displace any planned dwelling units.

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

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

Public service departments and agencies have all reviewed the project and have not submitted any conditions or requirements. These agencies' review of the subsequent special permit and land division applications submitted for APN 503-020-12, including applications for parcel line adjustments, would ensure and verify that adequate service capacity and facilities are in place for development of the project site.

Fire and Police services are available to serve the proposed project. Hydrants are in place on three street frontages and will be incorporated into water main installation in North Arthur Avenue when its street improvements are made pursuant to review of special permit and land division applications for the subject property and the adjacent property to the east.

Development fees are required to be paid for police substation facilities, as well as for public parks, roadways, water, and sewer utilities.

As noted above in the analysis of hydrology, Fresno Metropolitan Flood Control District has indicated that adequate drainage system capacity exists to serve the proposed project.

The project does not affect planned or existing parks. The project will not have any residences and will not create any park service demand.

Any building project on the subject property will be required to pay any required school construction fees prior to issuance of construction permits, pursuant to state law and City of Fresno permitting procedures.

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

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 project does not create any new residences, and therefore will create no demand for recreational services and facilities. While it converts land that has been planned for commercial recreation to a more general commercial designation, it does not remove any existing recreational facilities because this land never had any recreational development; therefore, it is not redirecting people to other parks. Additionally, it is possible that recreational uses will be developed as part of a subsequent project, given the range of those uses allowed in the proposed C-2/Community Shopping Center zone district.

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		

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

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

The subject property is located on the north side of West Herndon Avenue, west of the Veteran's Boulevard diagonal, and on the northeast corner of West Herndon Avenue and the alignment of North Bryan Avenues. The property is bounded on the north by the planned alignment of West Spruce Avenue and on the east by the previously-dedicated right of way of North Arthur Avenue, a local street.

Herndon Avenue is an expressway with no direct access permitted and special standards for setbacks and non-motorized travel (the multi-purpose trail alignment). Access to properties fronting Herndon is required to be taken via signalized roadways. The applicant, or his successor in interest, will be required to construct North Bryan Avenue (a collector street), which has a signalized intersection with Herndon Avenue. West Spruce Avenue is also a designated collector street, and the applicant (or his successor in interest) will be required to develop the segment of Spruce Avenue to ultimately connect this roadway from North Bryan Avenue eastward to its current terminus at the westerly edge of the Derrel's Mini Storage property.

The 2025 Fresno General Plan adopted City of Fresno Level of Service (LOS) traffic planning criteria for major roadways, with modified Florida [Department of Transportation] Tables providing the LOS metric for congestion and capacity related delays. The City of Fresno's minimum acceptable LOS is level "D," which allows for some delay during peak travel times.

The MEIR prepared for the 2025 Fresno General Plan included detailed analysis of existing and projected traffic conditions on all major streets, and found that some roadway segments and intersections would not maintain LOS D or better with feasible mitigation measures (extreme roadway widening projects to develop roadways wider than 6 lanes or 8 lanes in various locations not being feasible, given right-of-way constraints in many areas); therefore, an Finding of Over-Riding Considerations was made for those major streets where congestion was predicted to be higher than LOS D.

The segments of Herndon Avenue east and west of Bryan Avenue have already been improved with four travel lanes, a landscaped median island, bike lanes, and some dedicated turn lanes at the Bryan Avenue intersection. In that 4-lane divided roadway configuration, Herndon Avenue has a capacity of 32,000 ADTs (average daily vehicle trips). The typical fully-improved configuration of an expressway would be a 6-lane divided roadway, which would function at LOS D with up to 56,000 ADT. Plans have been adopted to widen the segments of Herndon Avenue in the vicinity of the subject property to accommodate development of Veteran's Boulevard and the El Paseo Master Plan regional commercial project, and to add turn lane capacity.

Appendix B of the MEIR prepared for the 2025 Fresno General Plan projects that the segment of West Herndon Avenue between Freeway 99 and North Hayes Avenue would experience 12,790 to 28,080 ADT at full buildout of planned land uses in year 2025, with the lower number of vehicle trips attributed to the more westerly segments. This is because the General Plan analyzed traffic conditions with Veteran's Boulevard in place (a major street referred to in Appendix B as the "Herndon-Grantland Diagonal"), which is projected to accommodate some 63,970 ADT between Hayes and Golden State Boulevards. (Veteran's Boulevard is a project improved for funding using development fees and "Measure C" sales tax increment fees.) In the vicinity of the Herndon-Veteran's intersection, and east of the Veteran's Boulevard intersection, traffic congestion on West Herndon Avenue is projected to create areas of LOS E and F.

The MEIR analysis of traffic conditions at full buildout of the 2025 Fresno General Plan projected that the Golden State Boulevard-to-Veteran's Boulevard segment of West Herndon Avenue would operate at an unacceptable LOS F in a four-lane configuration, even with Veteran's Boulevard in place. However, improving this segment of Herndon Avenue to six lanes between Golden State Boulevard and Veteran's Boulevard is projected to result in LOS B, matching the expected performance of other segments of Herndon Avenue in the project vicinity.

Current vehicle counts on West Herndon Avenue in the vicinity of the Plan Amendment Application No. A-11-05/Rezone Application No. R-11-006 project show that traffic congestion remains manageable on these segments of Herndon Avenue: The following chart of traffic counting data shows that Herndon Avenue is operating well within its traffic capacity as a four-lane divided roadway and that the City of Fresno is closely monitoring conditions on the segments of West Herndon Avenue which are project to have the lowest level of service as development proceeds. The chart further indicates that the economic recession has had an impact in depressing vehicular travel somewhat, even as population has continued to grow in the project vicinity and in areas served by the major roadways in the project area.

STREET NAME	LOCATION RELATIVE TO CROSS STREET	TRAFFIC DIRECTION	DATE COUNTED	DAILY COUNTS
HERNDON	W/O RT 99 NB OFFRAMP	EB	02/21/06	3,247
HERNDON	E/O RT 99 NB OFFRAMP	WB	02/21/06	7,133
HERNDON	E/O GOLDEN STATE	EB	09/05/07	10,214
HERNDON	E/O GOLDEN STATE	WB	09/05/07	10,335
HERNDON	E/O GOLDEN STATE	EB	09/06/08	10,567
HERNDON	E/O GOLDEN STATE	WB	09/06/08	10,677
HERNDON	W/O GOLDEN STATE	EB	02/19/09	9,690
HERNDON	W/O GOLDEN STATE	WB	02/19/09	9,506
HERNDON	E/O BRYAN	BOTH	10/05/04	23,753
HERNDON	E/O BRYAN	BOTH	01/23/07	19,049
HERNDON	E/O BRYAN	EB	05/14/09	11,731
HERNDON	E/O BRYAN	WB	05/14/09	12,092
HERNDON	W/O HAYES	BOTH	03/15/04	19,501

Along the westerly frontage of the subject property, North Bryan Avenue is a planned collector street. MEIR Appendix B did not project a LOS for this roadway segment, in consideration of the lack of intensive development proposed in the vicinity. Undivided four-lane roadways (the typical developed collector street configuration) have a traffic capacity of 24,000 ADT, which will preserve Level of Service D or better. The traffic impact analysis in MEIR Appendix B did not conclude the future LOS for this segment of Bryan Avenue.

West Spruce Avenue (which transitions into West Josephine Avenue in the vicinity of the subject property) is also a designated collector street, and also has a 24,000 ADT capacity in its fully developed configuration of four travel lanes without median island. The traffic impact analysis in MEIR Appendix B conclude that, at full buildout of the 2025 General Plan, there would be a LOS C for the segment of West Spruce Avenue between North Bryan Avenue and North Hayes Avenue.

The following traffic counts on nearby (already-built) segments of these two collector streets show that traffic congestion has not occurred to date; however, with intensification of commercial, residential, and light industrial development in this area it is possible that LOS could be adversely impacted in the project vicinity and in more distant parts of the circulation system, unless mitigating measures are applied.

STREET NAME	LOCATION RELATIVE TO CROSS STREET	TRAFFIC DIRECTION	DATE COUNTED	DAILY COUNTS
BRYAN	S/O HERNDON	BOTH	03/27/06	1,985
BRYAN	S/O HERNDON	NB	10/30/03	584
BRYAN	S/O HERNDON	SB	10/30/03	606

STREET NAME	LOCATION RELATIVE TO CROSS STREET	TRAFFIC DIRECTION	DATE COUNTED	DAILY COUNTS
SPRUCE	N/O HERNDON	SB	03/15/04	2,647
SPRUCE	N/O HERNDON	BOTH	03/07/07	4,016
SPRUCE	N/O HERNDON	NB	03/15/04	2,990
SPRUCE	W/O POLK	EB	01/28/08	2,676
SPRUCE	W/O POLK	WB	01/28/08	2,424
SPRUCE	W/O POLK	EB	02/18/10	2,770
SPRUCE	W/O POLK	WB	02/18/10	3,146

North Arthur Avenue is a local street whose previously dedicated right-of-way extends from West Spruce Avenue to Herndon Avenue. At this point, it is uncertain whether Arthur Avenue would be realigned terminate in a frontage road along Herndon Avenue or a cul-de-sac, since direct access to Herndon would not be allowed under the limited access standards for expressways. The design of this segment of North Arthur Avenue will depend on subsequent development applications filed on abutting properties.

With regard to potential impacts on state transportation facilities, the California Department of Transportation was contacted during early consultation on the proposed plan amendment and rezone, and declined to furnish comments in the absence of a pending special permit or land division application (refer to the attached letter from Caltrans Division 6, dated June 23, 2011).

Coordination of development activity in the project vicinity with the timing of planned and programmed major street improvements will be essential to preventing extreme traffic congestion. Toward this end, a great deal of traffic impact analysis was conducted for the El Paseo Master Plan, and was incorporated into the Environmental Impact Report for that project (SCH No. 2008011003). Information from that EIR and its traffic studies was used in the analysis of Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006.

Because no special permit or subdivision application was submitted with the applications for Plan Amendment No. A-11-05 and Rezone No. R-11-006, the applicant did not submit a full Traffic Impact Study. Peters Engineering did prepare a comparison of traffic that would be generated by the subject property developing as commercial recreation vs. community commercial (see the attached August 19, 2011 letter to the property owner). This analysis does show that development of the subject 8.7± acres pursuant to the land use and zoning sought by Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006 would generate more than 100 p.m. peak hour trips.

Instead of preparing a traffic impact study for the proposed plan amendment and rezone, the applicant has opted to let the City of Fresno utilize the recent traffic impact study conducted for the El Paseo Master Plan. Those traffic impact studies identified a range of street and intersection improvements that would be necessary in order to maintain adequate capacity in the surface streets serving this area, in light of proposed commercial development (albeit without analysis of the adjoining segments of West Spruce Avenue and North Bryan Avenue north of Herndon Avenue).

In conjunction with existing City policies for improving major streets in new development areas, the El Paseo traffic study was used as the basis for listing specific traffic impact mitigation measures for this project. Those measures are set forth in the attached letter from City of Fresno Traffic Engineering, dated August 21, 2012, and are incorporated into the project-specific mitigation monitoring measure checklist for EA No. A-11-05/R-11-006 by reference.

This letter from City of Fresno Traffic Engineering further notes that, when development occurs on the subject property, the applicant (or successor in interest) will be required to pay its proportionate share of City major street impact and traffic signalization impact fees, as well as Regional Transportation Mitigation fees (which are required to be paid to the Council of Fresno County Governments).

It is noted that Phase I of the El Paseo regional commercial project is going forward, but portions of Phases 2 through 5 of the El Paseo Master Plan are proposed to revert to their prior Light Industrial and Residential land use designations pursuant to Plan Amendment Application No. A-12-03 and Rezone Application No. R-12-004 (not yet approved). For this and other reasons, including the need to design North Arthur Avenue and analyze proximal segments of West Spruce and North Bryan Avenues, a condition of zoning is being applied to the subject property requiring that a full traffic impact study be submitted along with any subsequent application for special permits or land division affecting APN 503-020-12 (including parcel line adjustment applications).

Commensurate to the detail in the special permit and/or land division/parcel line adjustment application, and in consideration of the status other development and roadway improvements in the area, this required traffic impact study will be able to identify necessary roadway improvements and mitigation measures. As a result of the required traffic impact study, the mitigation measures outlined in the Public Works Traffic Engineering letter dated August 21, 2012 may be refined to be more specific for the proposed uses and developed configuration of APN 503-020-12.

With payment of these fees, and with implementation of the traffic mitigation measures outlined in the Public Works Traffic Engineering letter dated August 21, 2012, no significant adverse traffic impacts are expected to occur as a result of the proposed project.

Fresno Area Express (FAX) planning staff reviewed this project and had no comments to submit. There is no current bus service to the project site; however, FAX Route 45 serves West Herndon Avenue to Milburn Avenue, and may be extended should transit demand warrant. The Public Utilities Commission was contacted for its comments during early consultation on this project, and had no comments to submit regarding railroad crossings in the vicinity.

Mitigation Measures

1. The proposed project and subsequent development and land division applications shall implement and incorporate, as applicable, mitigation measures Nos. B-1 through B-7 and C-3 relating to transportation and transportation infrastructure, as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated August 31, 2012.
2. A condition of zoning shall be applied to the subject property that requires preparation of a full traffic impact study for submittal with any subsequent special permit or subdivision applications on APN 503-020-12, including applications for parcel line adjustments. (Pursuant to City policy for traffic impact studies, this study is to be reviewed and approved by the City of Fresno, Caltrans, and other interested agencies prior to approval of the subsequent entitlements and/or land division/parcel line adjustments.)

3. The project shall pay major street, traffic signalization, and regional transportation impact fees and shall make the circulation system improvements outlined in the City of Fresno Public Works Traffic Engineering letter dated August 21, 2012. These requirements may be modified by the City and other responsible agencies after review of the more detailed traffic impact study required by the condition of zoning for Rezone No. R-11-006.

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

As noted previously, the 2025 Fresno General Plan requires that the City Department of Public Utilities (DPU) make a determination that adequate water supply and sanitary sewer service will be available to serve the proposed project. As noted previously and as depicted in attached

exhibits, there are water and sewer mains installed in major street alignments abutting the subject property. The need for additional mains, or larger mains, will be evaluated when applications are submitted for subsequent special permits and/or land divisions on the subject property (including parcel line adjustments). The proposed community commercial project would not generate specified wastes that would exceed treatment requirements of the applicable Regional Water Quality Control Board.

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

Mitigation Measure

The proposed project shall implement and incorporate measures D-3 through D4, D-9 through D-10, F-1, F-3, and F-5 as outlined in Exhibit C, the MEIR Mitigation Measure Monitoring Checklist dated August 31, 2012.

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

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

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

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

Attachments: 2008 Aerial photo of the Plan Amendment Application No. A-11-005 and Rezone Application No. R-11-006 project site and vicinity
Vicinity map, showing current zoning classifications
Assessor's Parcel Map Book 503 Page 02, which includes the subject property
Vicinity Map, showing current planned land uses
Map of Sacred Lands in the project vicinity, provided by the California Native American Heritage Commission
Letter from Fresno Irrigation District, dated June 23, 2011
Exhibits showing water mains and sewer mains already installed in the vicinity of the subject property
Fresno Metropolitan Flood Control District letter regarding Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006, dated June 22, 2011
Letter from the California Department of Transportation, dated June 23, 2011
Letter from Peters Engineering to property owner Jensen Farms, outlining differences in vehicle trip generation between the current and the proposed land uses of the subject property.
Memorandum from City of Fresno Department of Public Works Traffic and Engineering Division regarding Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006, dated August 21, 2012
Exhibit B, MEIR No. 10130 Review Summary
Exhibit C, MEIR Mitigation Measure Monitoring Checklist, dated August 31, 2012
Exhibit D, Project-Specific Mitigation Measure Monitoring Checklist, dated August 31, 2012

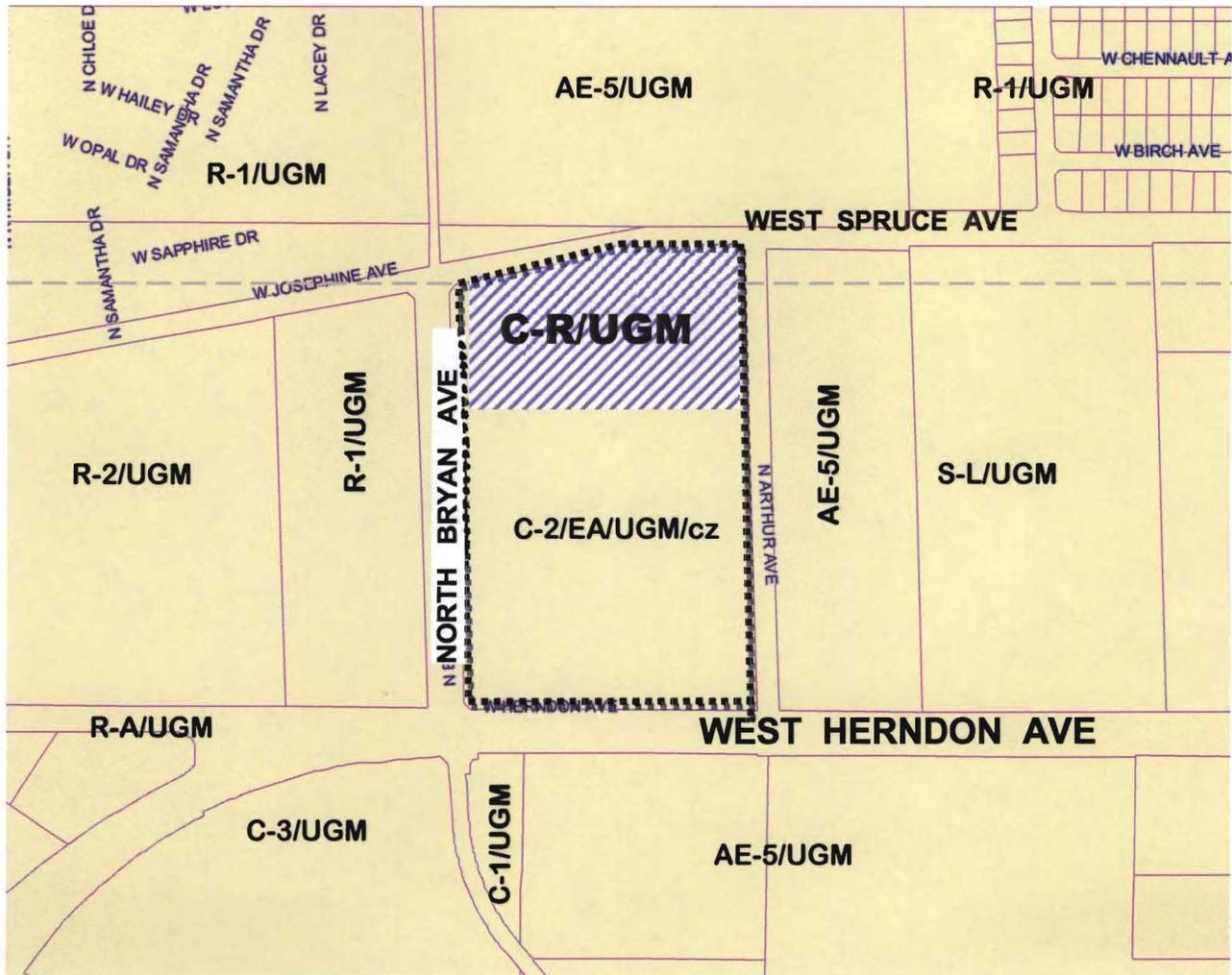


Aerial Photo, vicinity of Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006

VICINITY MAP (showing zoning)

Plan Amendment Application No. A-11-05

Rezone Application No. R-11-006



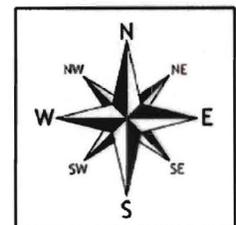
MAP LEGEND



Subject property



Boundary of entire APN 503-02-012

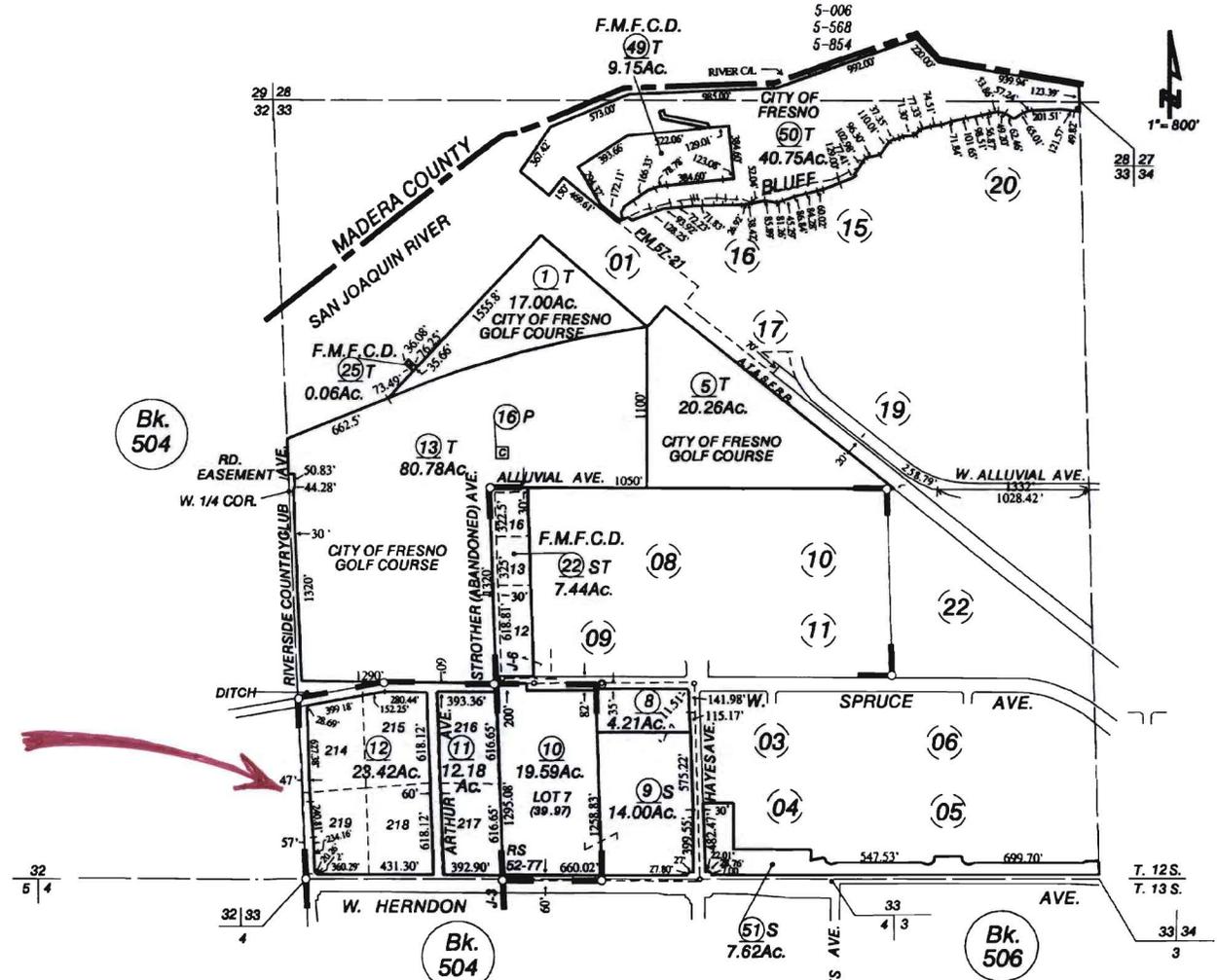


... NOTE ...
 This map is for Assessment purposes only.
 It is not to be construed as portraying
 legal ownership or divisions of land for
 purposes of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SECS. 28 & 33, T.12S., R.19E., M.D.B.& M.

Tax Rate Area

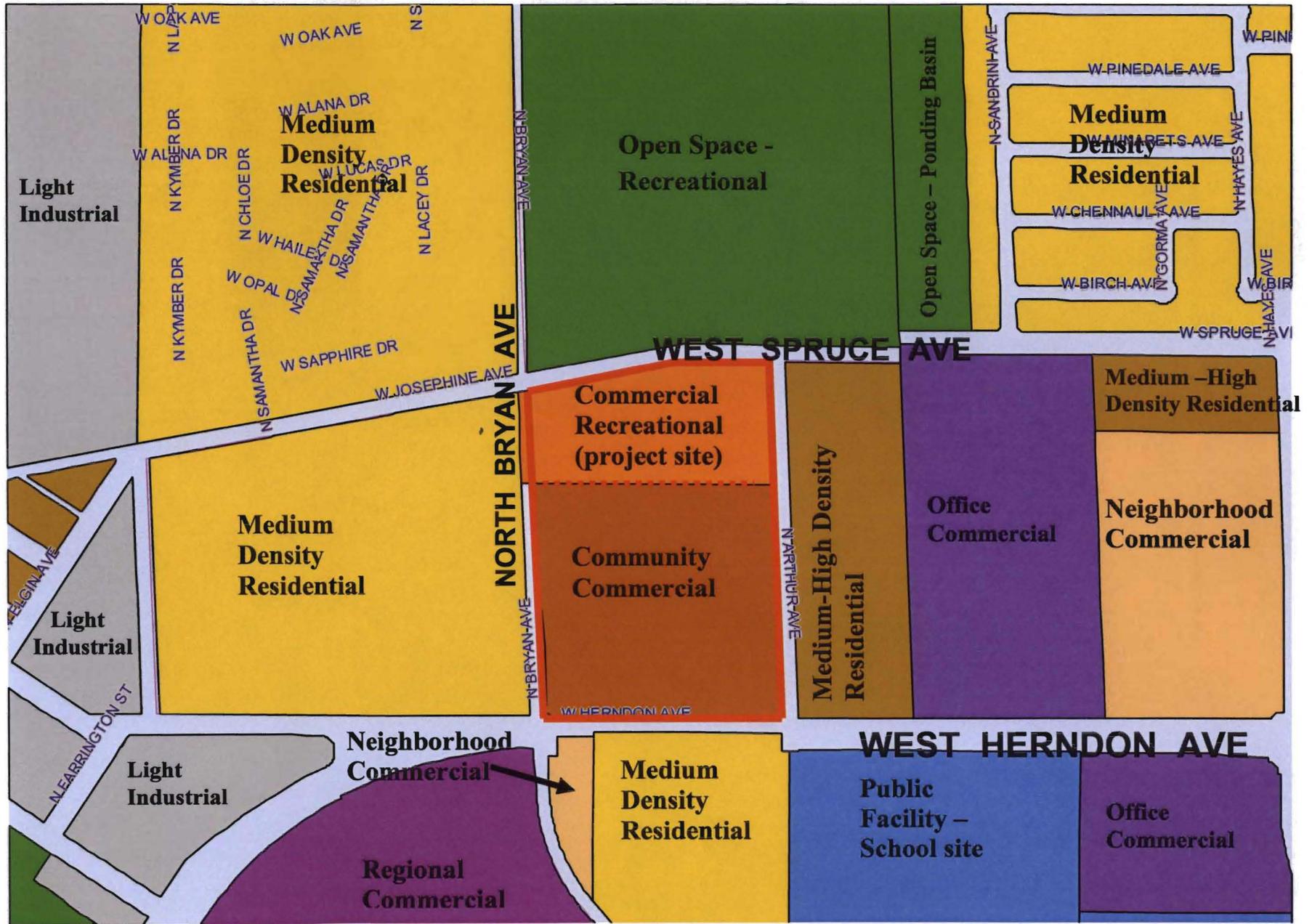
503-02



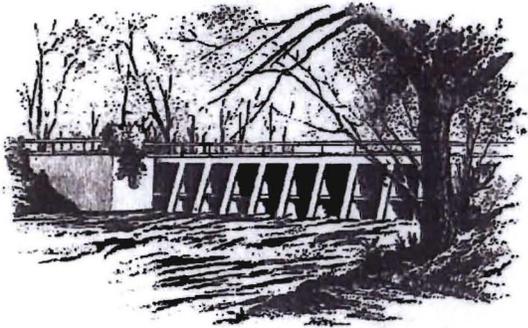
Agricultural Preserve
 J.C. Forkner Fig Garden Subd. No.3 Plat Bk.8 Pg.79
 J.C. Forkner Fig Garden Subd. No.6 Plat Bk.9 Pg.85
 Parcel Map No.96-03, Bk.57, Pgs.21 & 22
 Record of Survey - Bk. 47, Pg. 44
 Record of Survey - Bk. 52, Pg. 77

Assessor's Map Bk.503 - Pg. 02
 County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.



Existing Planned Land Uses, vic. of Plan Amendment Application A-11-05/Rezone Application R-11-006



E-FILE

OFFICE OF

FRESNO IRRIGATION DISTRICT

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

YOUR MOST VALUABLE RESOURCE - WATER

June 23, 2011

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

RE: Plan Amendment No A-11-005, Rezone No R-11-006, N/E Herndon and Bryan

Dear Ms. Brock:

The Fresno Irrigation District (FID) has reviewed the Plan Amendment No. A-11-005 and Rezone No. R-11-006 applications, being filed concurrently, pertaining to the northerly 8.7± acres of a 24.57-acre property located northeast of Herndon and Bryan avenues, APN: 503-020-12. FID understands the applicant is requesting:

- Authorization to amend the 2025 Fresno General Plan and the Bullard Community Plan from the Commercial Recreation planned land use designation to the Community Commercial land use designation.
- Authorization to reclassify the 8.7± acres from the C-R/UGM zone district to the C-2/UGM zone district.

FID has the following comments:

1. FID does not own, operate or maintain any facilities located on the applicant's property as indicated on the attached FID exhibit map.

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

Sincerely,

William R. Stretch, P.E.
Chief Engineer

Attachment

G:\Agencies\City\Plan Amendment\A-11-005.doc

BOARD OF

DIRECTORS

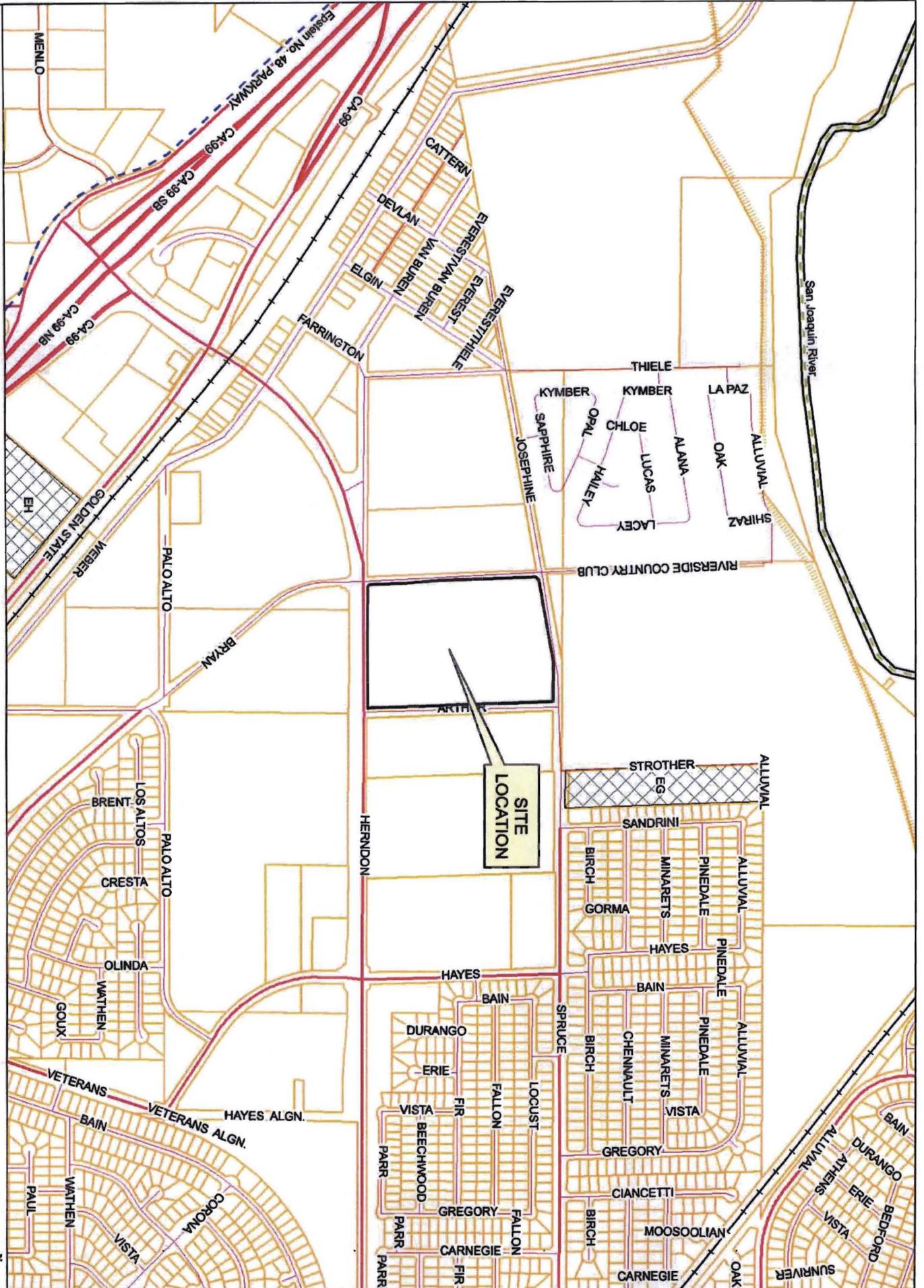
President: JEFF NEELY, Vice-President: RYAN JACOBSEN

JEFF BOSWELL, STEVE BALLS, GEORGE PORTER, General Manager GARY R. SERRATO



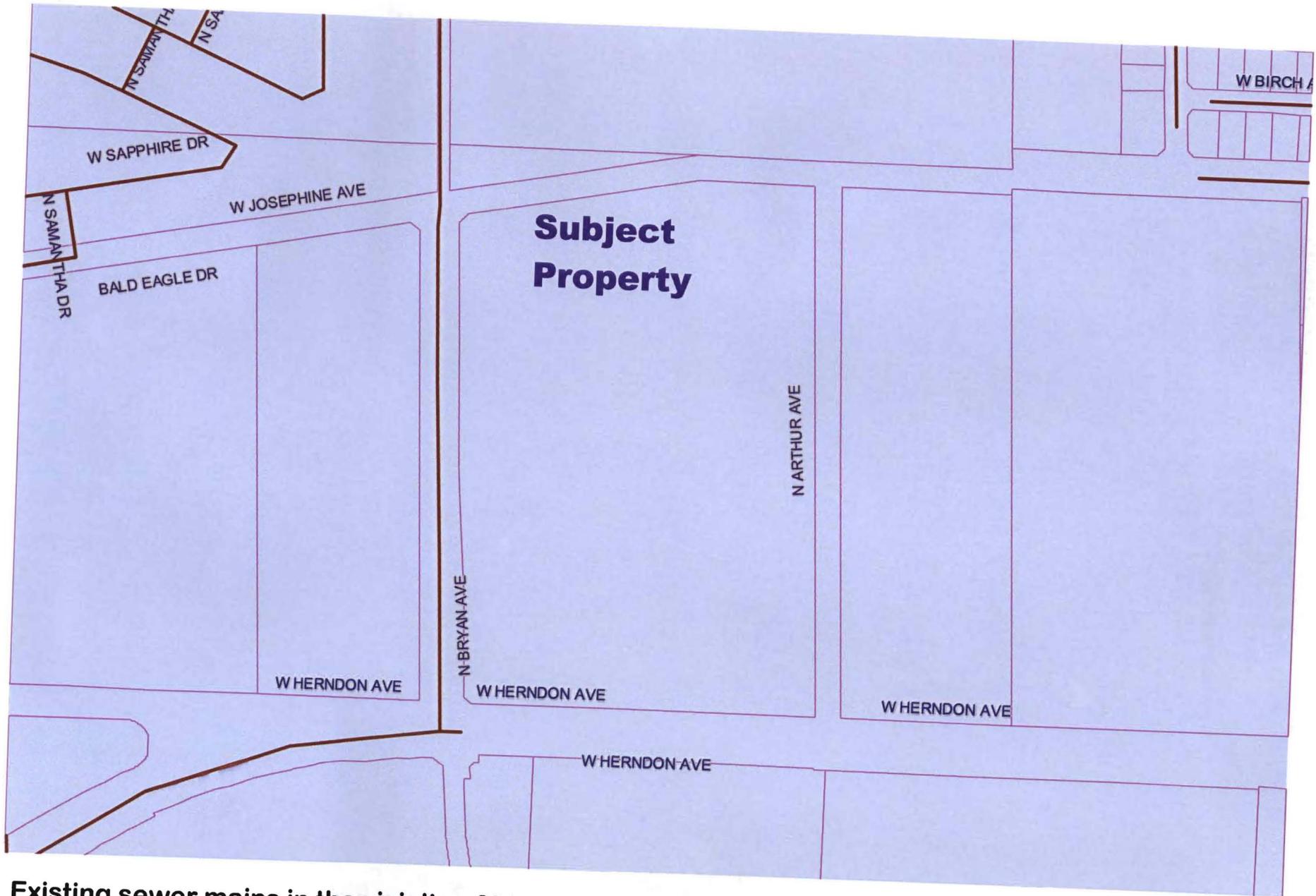
FRESNO IRRIGATION DISTRICT

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

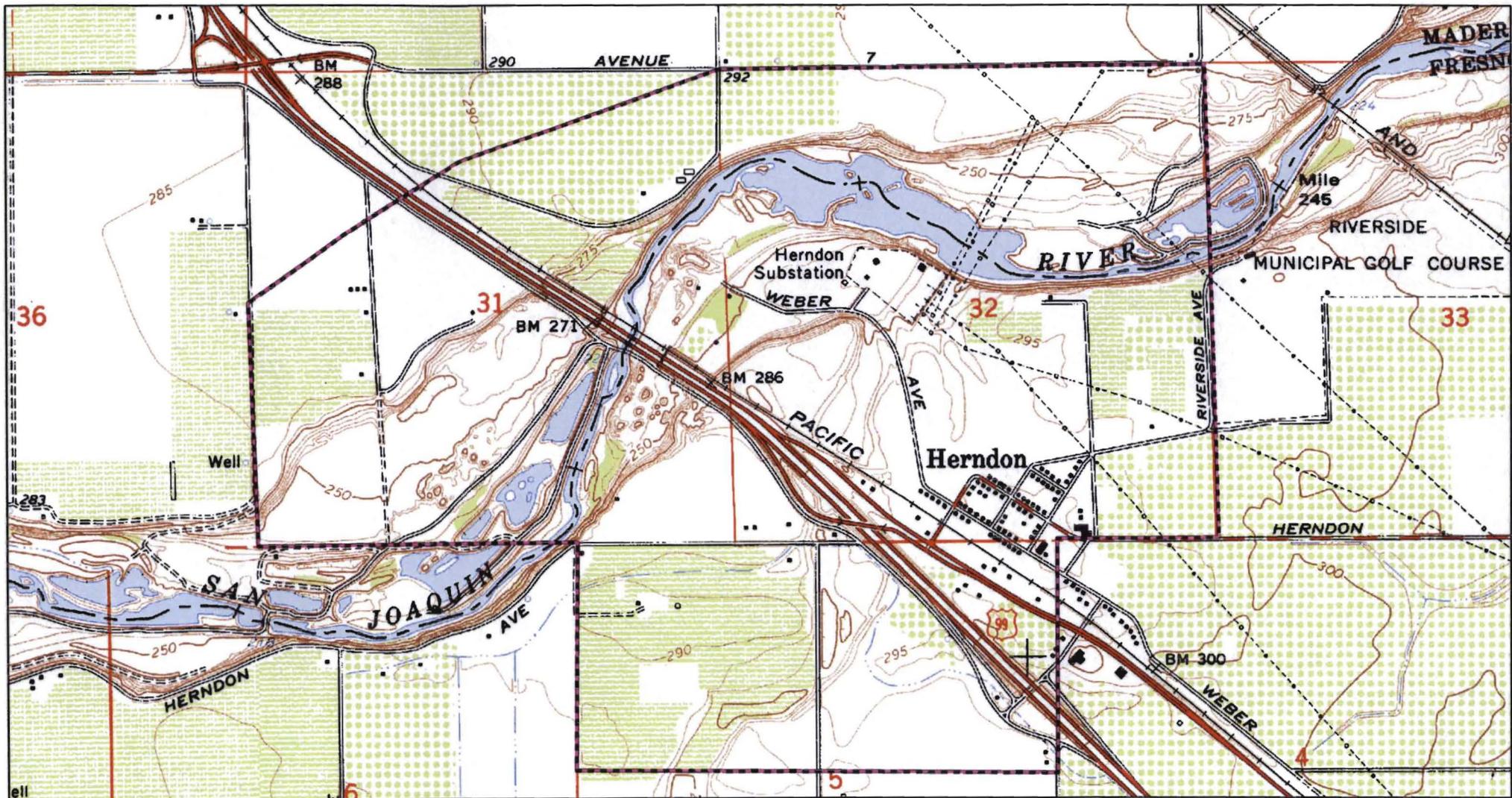




Existing water mains and fire hydrants in the vicinity of Plan Amendment No. A-11-05/Rezone No. R-11-006
(Water mains are depicted as dark blue lines; hydrants as red symbols)



Existing sewer mains in the vicinity of Plan Amendment No. A-11-05 & Rezone No R-11-006
(Sewer mains are depicted as brown lines)



Base Data: CaSIL Website; Teale Albers_NAD 83
 Compiled Data: NAD 83_State Plane, zone 3
 USGS 7.5 Minute Quadrangle: Herndon, CA; 36119g8
 Meridian: Greenwich
 Section No.: 31, 32, and 5
 Township and Range; (Sections 31 and 32) T 12n R 19e,
 Quarter Sections; (Section 31) NW, SW, and SE, (Section 32) All
 Township and Range; (Section 5) T 13n R 19e
 Quarter Section; (Section 5) NW and NE
 Final Maps: Sarah Wallace

Date: 05/19/2008



Sacred Land Boundaries



N

Native American Heritage Commission (NAHC)
 Sacred Lands Inventory Map
 Inventoried Area:
 Property Ownership: Private and State
 Mapping: Property of the Dumna Tribal Government.



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 210.414
400.21
410.201
550.10

June 22, 2011

Ms. Sandra Brock
City of Fresno
Development Dept., Planning Division
2600 Fresno Street, Third Floor
Fresno, CA 93721

Dear Ms. Brock,

Rezone 2011-006
Plan Amendment No. A-11-005
Drainage Area "EH"

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

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

Sincerely,

A handwritten signature in blue ink that reads "Gary Chapman".

Gary Chapman
Engineering Technician II

GC/lrl

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

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



*Flex your power!
Be energy efficient!*

June 23, 2011

2131-IGR/CEQA
6-FRE-99-30.988+/-
A-11-005 & R-11-006
JENCO FARMS, LP

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

Dear Ms. Brock:

We have completed our review of the proposed rezone of the property located on the east side of the North Bryan Avenue alignment between West Herndon and West Spruce Avenues. Caltrans has the following comments:

We have no comment regarding the proposed rezone application that would change the land use designation from C-R/UGM (Commercial Recreation/Urban Growth Management) to C-2/UGM (Community Shopping Center/Urban Growth Management). As there is currently no proposed project for this site, Caltrans requests the opportunity to review any future proposed projects prior to the granting of entitlements.

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

Sincerely,

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

JENNIFER BRYAN-SANCHEZ
Office of Transportation Planning
District 06

- Microwave relay stations
- Night Club
- Riding stables and academies
- Tavern
- Water pump stations

The C-R district allows a wide variety of uses, many of which could generate substantial special-event traffic numerous times per month (e.g., fairgrounds, sports arena, stadium, banquet halls) or recreational traffic that would peak during evenings and weekends (e.g., bowling alleys, churches, miniature golf courses, skating rinks). The wide range of allowable uses suggests that the traffic volumes expected to be generated at the site based on the current 2025 Fresno General Plan are also widely varied.

Data provided in the Institute of Transportation Engineers (ITE) *Trip Generation, 8th Edition*, are typically used to estimate the number of trips anticipated to be generated by the existing and proposed land uses at the site for comparison purposes. The available data for recreational uses typically consist of few data points. Although the existing zoning would allow a wide variety of uses with traffic volumes ranging from intense special events likely to cause severe congestion to other low impact uses that may generate negligible peak hour traffic volumes. For purposes of these analyses, Table 1 presents trip generation characteristics assuming that the site is developed with a 7-acre multipurpose recreational facility (likely to contain miniature golf, batting cages, video arcade, bumper boats, go-carts, etc.) and two 7,000-square foot high-turnover sit-down restaurants.

Table 1
Trip Generation Calculations Without GPA

Land Use	ITE Code	Units	A.M. Peak Hour Traffic Volumes		P.M. Peak Hour Traffic Volumes		Weekday Traffic Volumes	
			Rate	Volume	Rate	Volume	Rate	Volume
Multipurpose Recreational Facility	435	7 acres	1.92	14	5.77	41	90.38	633
High Turnover Sit-Down Restaurant	932	14 ksf	11.52	162	11.15	157	127.15	1,781
TOTALS			-	176	-	198	-	2,414

Note: Directional splits are not available for ITE Code 435
 ksf: 1,000 square feet

Table 2 presents trip generation characteristics assuming that the site is developed with a shopping center in accordance with the proposed GPA. The 9-acre shopping center is assumed to have a 25-percent floor area ratio, resulting in 98,011 square feet of building area.



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Mr. Rodger Jensen
Jensen Farms, LLC
1396 West Herndon Avenue, Suite 108
Fresno, California 93711

August 19, 2011

Subject: Limited Traffic Analyses
Proposed General Plan Amendment
Northeast of the Intersection of Herndon and Bryan Avenues
Fresno, California

This report presents the results of a limited traffic impact study for the subject project. The analysis focuses 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 project site is located northeast of the intersection of Herndon and Bryan Avenues in Fresno, California. The GPA will change the land use on approximately the northernmost eight acres of a 24-acre site from Commercial Recreational to Community Commercial and rezone the land from C-R to C-2.

The "C-R" Commercial Recreation District is intended to group commercial-recreation uses into a planned, integrated center, including related service and commercial uses. The following uses are allowed in the C-R district:

- Bowling alleys
- Churches
- Clubs and lodges
- Driving ranges
- Fairgrounds
- Fishing and fly casting ponds
- General commercial amusements
- Miniature golf courses
- Pitch-and-putt courses
- Pool and billiards
- Skating rinks
- Sports arena
- Stadium
- Swim parks, natatoriums
- Tennis courts
- Barbershops and beauty shops
- Baths, Turkish and the like
- Bicycle shops
- Model swimming pools
- Off-street parking lot or structure
- Restaurants
- Sporting goods stores
- Temporary or permanent telephone booths
- Public parking lot or structure

The following uses are permitted in the C-R district subject to a Conditional Use Permit:

- Alcohol, the retail sale of, for on-site consumption
- Banquet halls
- Electrical distribution substation

Table 2
Trip Generation Calculations With GPA

Land Use	ITE Code	Units	A.M. Peak Hour Traffic Volumes		P.M. Peak Hour Traffic Volumes		Weekday Traffic Volumes	
			Rate	Volume	Rate	Volume	Rate	Volume
Shopping Center	820	98.011 ksf	1.00	98	3.73	366	42.94	4,209

ksf: 1,000 square feet

The results of the trip generation analyses suggest that the proposed GPA may result in greater weekday peak hour traffic volumes than currently anticipated under the existing General Plan. However, it should be noted that the currently-planned recreational use could result in extremely high and unpredictable traffic volumes that would potentially exceed those depicted in Tables 1 and 2 on a regular basis.

Thank you for the opportunity to perform this traffic impact study. Please feel free to call our office if you have any questions.

PETERS ENGINEERING GROUP

John Rowland, PE, TE



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Public Works Department
 Patrick Wiemiller, Director

August 21, 2012

Bill Robinson, Principal
 Sol Development Associates, LLC
 906 N Street, Ste 100
 Fresno, CA 93721

SUBJECT: TRAFFIC REVIEW OF THE PROPOSED PLAN AMENDMENTS AND REZONE APPLICATIONS FOR A-11-05, R-11-06, FOR THE PROPERTY LOCATED ON THE NORTHEAST CORNER OF HERNDON AND BRYAN AVENUES

The following general conditions relate to traffic conditions for the proposed plan amendments and rezone applications for the property located on the northeast corner of Herndon and Bryan Avenues. The general plan amendment proposes to change the northernmost approximately eight (8) acres of the 24-acre site from Commercial Recreational to Community Commercial and rezone the land from C-R to C-2.

A traffic analysis, dated August 19, 2011, was prepared by Peter's Engineering Group. The report compared the trip generation of allowed Commercial Recreational uses and the proposed plan amendment for Community Commercial uses. The trip generation shown as part of this report shows the AM and PM peak hour and the average daily trips (ADT) without and with the proposed general plan amendment. The trip generations are shown in Tables 1 and 2.

Table 1 Trip Generation without GPA								
Land Use	ITE Code	Units	AM Peak Hour Traffic Volumes		PM Peak Hour Traffic Volumes		Weekday Traffic Volumes	
			Rate	Volume	Rate	Volume	Rate	Volume
Multipurpose Recreational Facility	435	7 acres	1.92	14	5.77	41	90.38	633
High Turnover Sit-Down Restaurant	932	14 ksf	11.52	162	11.15	157	127.15	1,781
TOTALS			-	176	-	198	-	2,414

Note: Directional splits are not available for ITE Code 435
 ksf = 1,000 square feet

Table 2 Trip Generation with GPA								
Land Use	ITE Code	Units	AM Peak Hour Traffic Volumes		PM Peak Hour Traffic Volumes		Weekday Traffic Volumes	
			Rate	Volume	Rate	Volume	Rate	Volume
Shopping Center	820	98.011 ksf	1.00	98	3.73	366	42.94	4,209

ksf = 1,000 square feet

GENERAL CONDITIONS

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

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

Payment of the TSMI fees is the project's fair share contribution to construct the following improvements:

- State Route (SR) 99 northbound off-ramp at Herndon Avenue
 - Install traffic signal and coordinate with the Golden State Boulevard/Herndon Avenue traffic signal.
 - Widen the northbound off-ramp and construct a third lane; approach lane configuration would be a left-turn lane and two (2) right-turn lanes.
 - If required by Caltrans, remove existing adjacent southbound off-ramp and re-route southbound off-ramp traffic to Golden State Boulevard/Herndon Avenue.
2. 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.

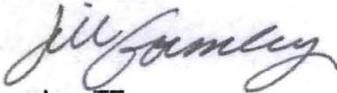
Payment of the FMSI fees is the project's fair share contribution to construct the following improvements:

- Herndon Avenue
 - Construct third westbound lane from Bryan Avenue to Weber Avenue.

3. The proposed project shall make the following improvements before occupancy of any buildings and/or enter a secured developer agreement with the City:
 - Bryan Avenue at Herndon Avenue intersection:
 - Modify the existing traffic signal. This traffic signal is included in the TSMI fee and can be credited/reimbursed.
 - Construct the intersection to the ultimate lane configurations of dual left-turn lanes, three (3) through lanes, and a right-turn lane on the Herndon Avenue approaches.
 - Construct the intersection to the ultimate lane configurations of dual left-turn lanes, one (1) through lane and a right-turn lane on the Bryan Avenue approaches.
 - Bryan Avenue: Construct two (2) 17-foot travel lanes and a 12-foot center two-way left-turn lane on Bryan Avenue from Herndon Avenue to Spruce Avenue/Josephine Avenue.
 - Spruce Avenue: Construct two (2) 17-foot travel lanes and a 12-foot center two-way left-turn lane on Spruce Avenue/Josephine Avenue from Bryan Avenue to the existing Spruce Avenue roadway to the east.
4. The proposed project shall make necessary frontage 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.
5. 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.
6. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section. Additional conditions of approval may be added to the project during the site plan and/or C.U.P review.

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

EXHIBIT B
MASTER ENVIRONMENTAL IMPACT REPORT (MEIR)
REVIEW SUMMARY

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

The City has processed 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 two percent of the land area within the 2025 Fresno General Plan boundary. The impacts of these amendments are minimal and not significant in relation to the balance of the density and intensity of the land uses impacted by the plan amendment applications.

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

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

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

MEIR REVIEW SUMMARY

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

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

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

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment No. A-11-05, Rezone No. R-11-006 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 significant adverse impact upon the City of Fresno or specific development projects.

MEIR REVIEW SUMMARY

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

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

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

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

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

MEIR REVIEW SUMMARY

Page 4

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 or sold to City solid waste franchisee

MEIR REVIEW SUMMARY

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

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

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

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

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

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

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

APPENDIX

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

EXECUTIVE SUMMARY

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment No. A-11-05, Rezone No. R-11-006, 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.

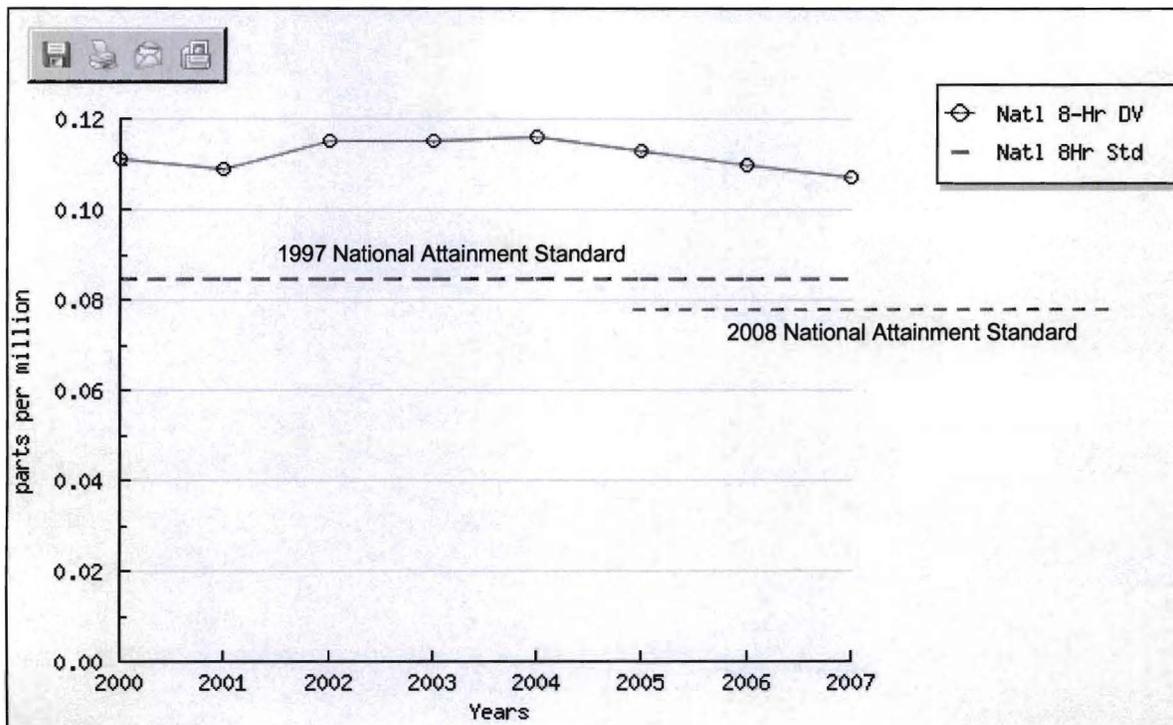
There are no new (*i.e.*, unforeseen in the MEIR) reasonable mitigation measures which have become available since late 2002 that would assure the reduction of cumulative (city-wide) air quality impacts to a less than significant level at project buildout, even with full compliance with attainment plans 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):

 **Air Resources Board**

Ozone Trends Summary: San Joaquin Valley Air Basin



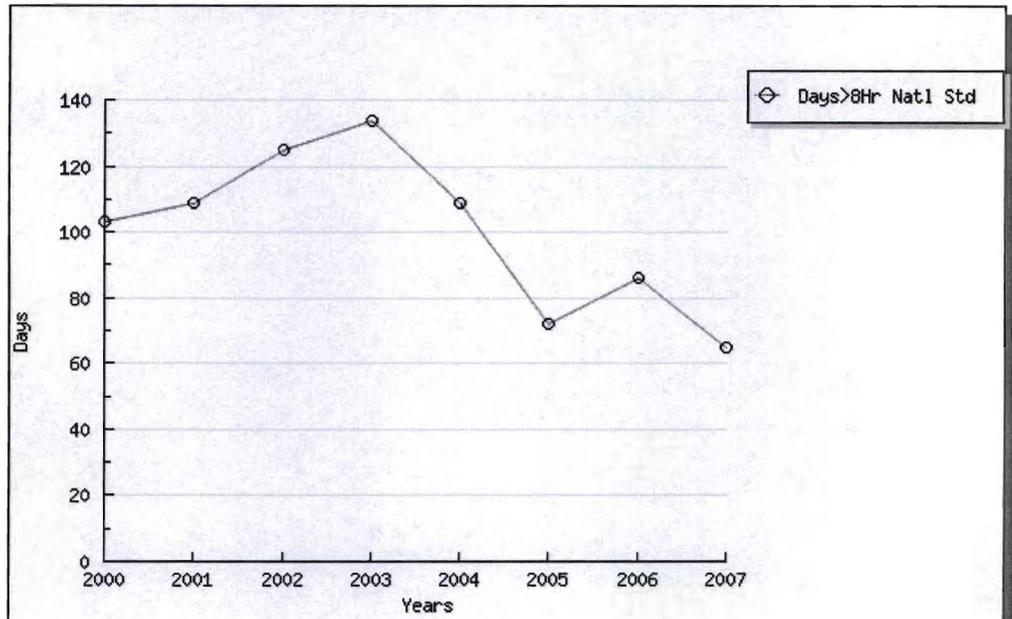
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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

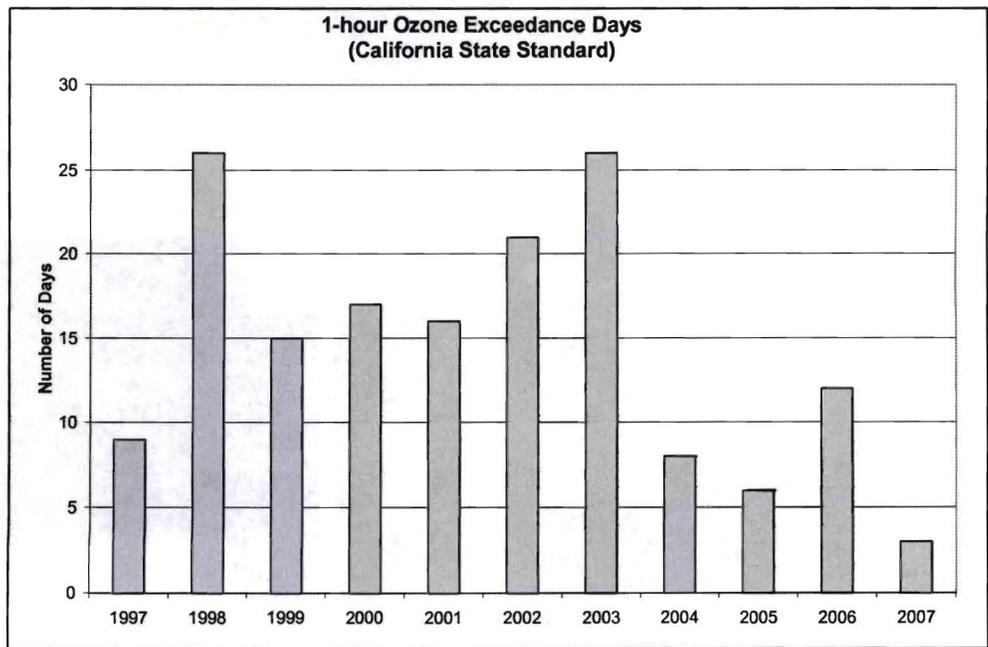
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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

Ozone Trends Summary: San Joaquin Valley Air Basin



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

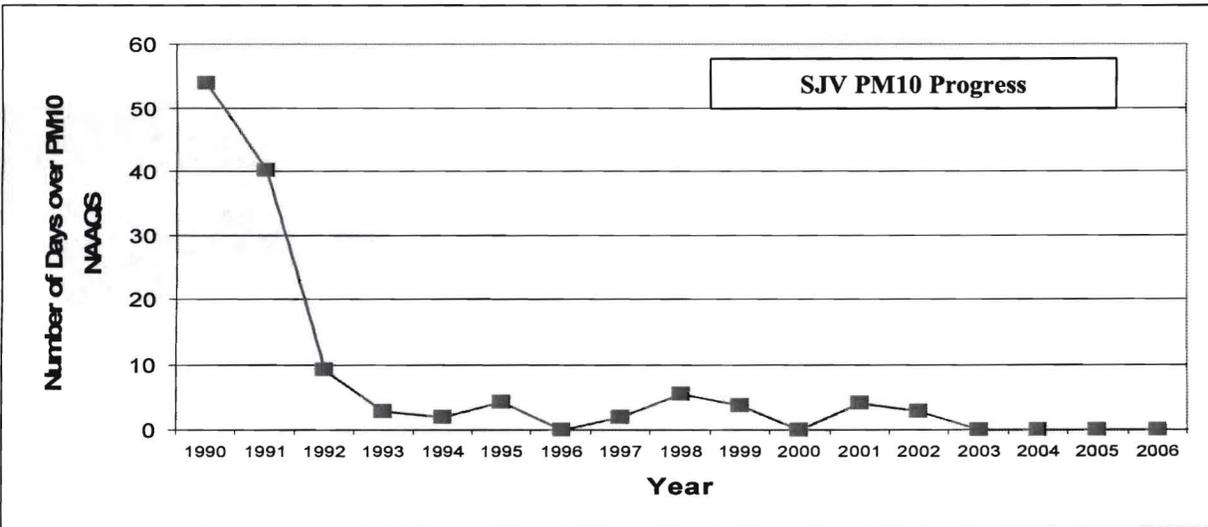


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

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

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

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



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

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

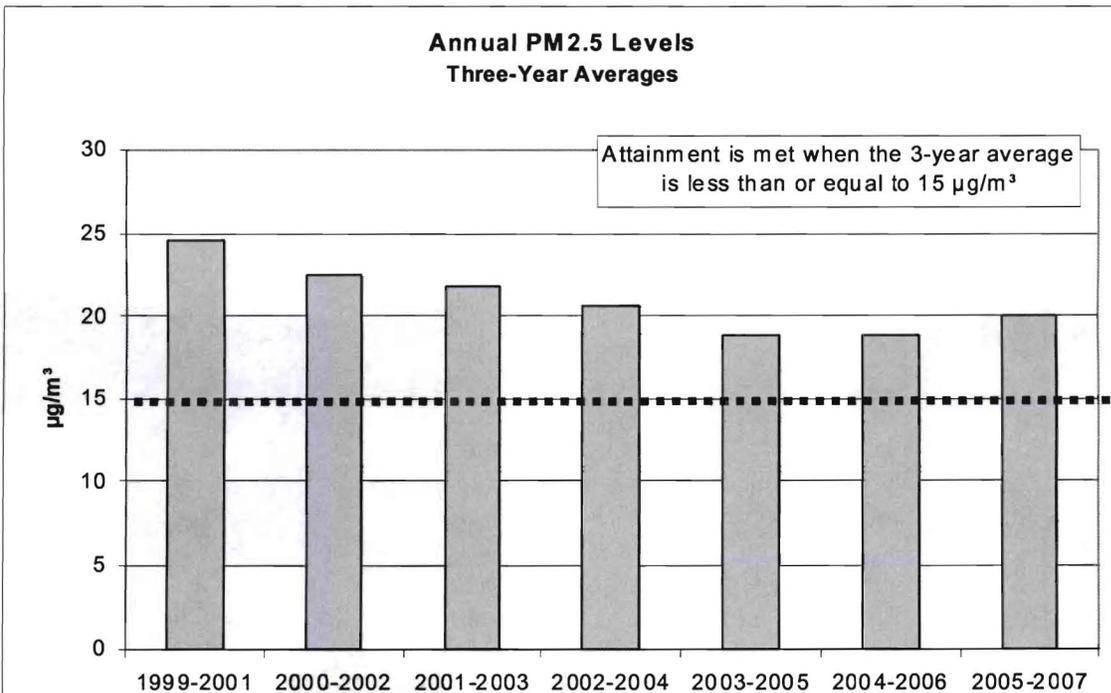
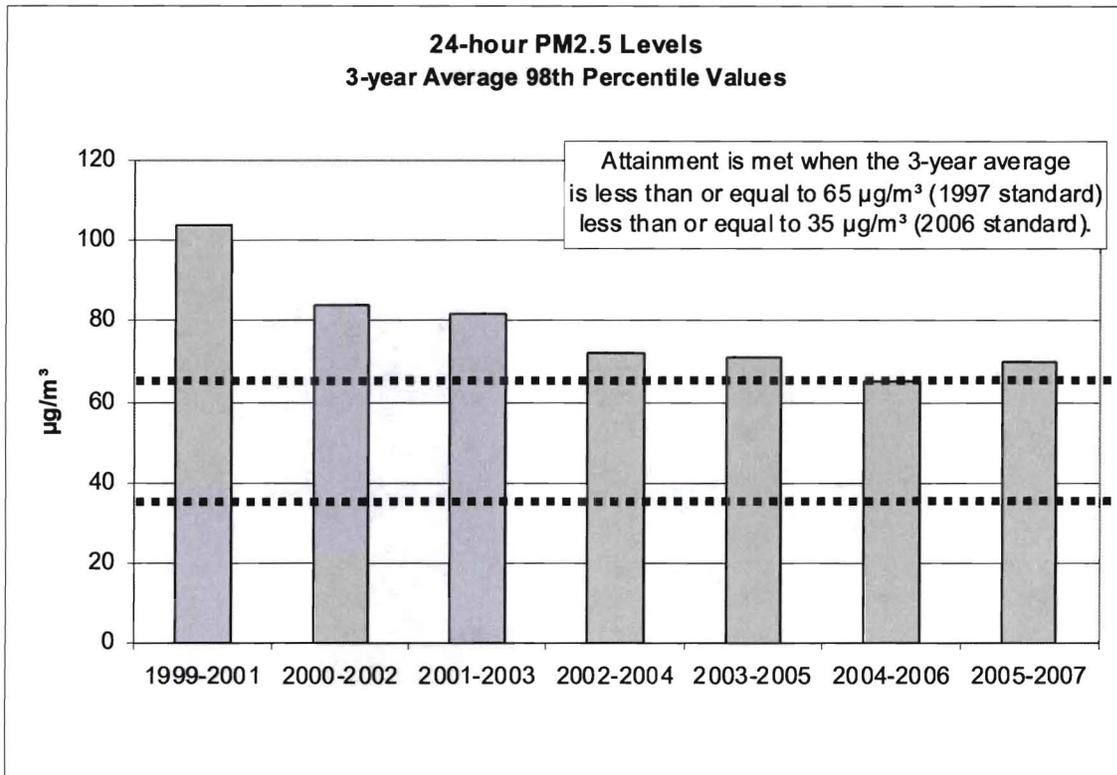
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

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

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

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

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



When the 2025 Fresno General Plan and its MEIR were approved in late 2002, the planning and environmental documents did not directly or separately analyze potential global warming

and climate change impacts. However, the general policy direction for consideration of air quality parameters in development project evaluations and for reducing those air pollutants which are already under regulation would operate to control these potential adverse impacts.

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

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

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

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

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- *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.

EXHIBIT C
MEIR Mitigation Measure Monitoring Checklist for EA No. A-11-05/R-11-006
August 31, 2012

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

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

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

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

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

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

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<p>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.</p>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning; Development & Resource Management Dept.</p>				X	X	
<p>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.</p>	<p>Prior to approval or prior to funding of major street project.</p>	<p>Public Works Dept./Traffic Planning; Development & Resource Management Dept.</p>	X			X	X	
<p>B-7. Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably as bicycle lanes, shall be provided on all new major streets and shall be considered when designing improvements for existing major streets.</p>	<p>Ongoing</p>	<p>Public Works Dept./Traffic Planning; Development & Resource Management Dept.</p>	X			X	X	

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			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. 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		
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		

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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 their incentive programs for reducing single-passenger vehicle use.	Ongoing	Fresno Area Express					X	
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	X	

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

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<p>D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect:</p> <p>a. Allowable construction in this area from being damaged by the intensity of flooding in the riverbottom;</p> <p>b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and</p> <p>c. Public health, safety and general welfare from the effects of flood events.</p>	Ongoing	Development & Resource Management Dept.						X
<p>D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).</p>	Ongoing	Development & Resource Management Dept.						X
<p>D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.</p>	Ongoing	Department of Public Utilities	X			X	X	
<p>D-9. The City shall continue its current water conservation programs and</p>	Ongoing	Department of	X		X	X	X	

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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.)		Public Utilities							
D-10. All development projects shall be required to comply with City Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. Project conditions shall include, but are not limited to, water use efficiency for landscaping, use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.	Prior to approval of land use entitlement	Department of Public Utilities	X			X	X		
D-11. When and if the City adopts a formal management plan for recycled and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.	Prior to approval of development project	Department of Public Utilities	X			X	X		

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

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<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> <p>a. Including a buffer zone of sufficient width between proposed residences and the agricultural use.</p> <p>b. Restricting the intensity of residential uses adjacent to agricultural lands.</p> <p>c. Informing residents about possible exposure to agricultural chemicals.</p> <p>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.</p> <p>e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.</p>	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	
<p>F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.</p>	Ongoing	Dept. of Public Utilities			X	X	X	
<p>F-2-a. The City shall provide for containment and management of leachates and sludge adequate to prevent groundwater degradation.</p>	Ongoing	Dept. of Public Utilities					X	X

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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	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 Dept.			X	X	X	
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities			X	X	X	

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			G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Development & Resource Management Dept.			
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept. & Development & Resource Management Dept.						X
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement	Development & Resource Management Dept.						X
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall including 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

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I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.						X
I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.						X
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.						X
I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement and during construction	Development & Resource Management Dept.						X

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			J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: 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.	Ongoing/prior to approval of land use entitlement	Development & Resource Management Dept.	X		
J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.	Ongoing/prior to submittal of land use entitlement application	Development & Resource Management Dept.	X				X	
J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Development & Resource Management Dept./ Historic Preservation Commission staff	X				X	

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 F - Not Applicable

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-11-05/R-11-006

August 31, 2012

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

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-11-05/R-11-006

August 31, 2012

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	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				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	

A - Incorporated into Project
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E - Part of City-Wide Program
 F - Not Applicable

EXHIBIT D

CITY OF FRESNO

PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST

ENVIRONMENTAL ASSESSMENT (EA) No. A-11-05/R-11-006

August 31, 2012

This monitoring checklist for the above noted environmental assessment is being prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), as required under Assembly Bill 3180. It is intended to establish a project-specific reporting/monitoring program for Plan Amendment Application No. A-11-05 and Rezone No. R-11-006. Prior to development and use of the subject property, verification of implementation of these mitigation measures is required, in addition to verification of implementation of the applicable measures specified for this project per the Master Environmental Impact Report (MEIR) Mitigation Monitoring Checklist for this project (pursuant to MEIR No. 10130 certified for the 2025 Fresno General Plan and the Mitigated Negative Declaration approved for EA No. A-09-02, for the Air Quality Update to the 2025 General Plan).

AIR QUALITY: The San Joaquin Valley Air Basin is in Extreme Non-Attainment for ozone/oxidants and has not attained National Ambient Air Quality Standards for other criterion pollutants such as PM10 and PM2.5. Development of the subject project is subject to San Joaquin Valley Air Pollution Control District (APCD) Rule 9510, the Indirect Source Review Rule.

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
An Air Quality Impact Assessment/ ISR Application shall be submitted to the San Joaquin Valley Air Pollution Control District (APCD) at least 30 th days prior to submittal of any entitlement application for development of any part of Assessor's Parcel Number (APN) 503-020-12, and a copy of the ISR Application, showing all air quality mitigation measures incorporated into the project, shall be provided to the City of Fresno along with the entitlement application	Applicant	At least 30 days prior to submitting applications to the Cit of Fresno for entitlements to develop any portion of APN 503-020-12	City of Fresno and San Joaquin Valley APCD

AIR QUALITY: (continued)

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
<p>Prior to submitting any special permit application to the City of Fresno to develop any portion of APN 503-020-12, the applicant (or successor in interest) shall consult with the APCD to determine whether a Health Risk Assessment would be necessary for evaluating potential project effects on sensitive receptors in the vicinity, and shall submit the results of that consultation to the City of Fresno along with the project application</p>	<p>Applicant</p>	<p>At least 30 days prior to submitting any special permit applications to the City of Fresno to develop any portion of APN 503-020-12</p>	<p>City of Fresno and San Joaquin Valley APCD</p>

BIOLOGICAL RESOURCES: California Fish and Game Code regulations require payment of CEQA fees at the time a Notice of Determination is filed on a project for which a Negative Declaration, Mitigated Negative Declaration, or EIR is approved.

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
<p>Within four days of City Council approval of Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006, the applicant shall pay the required California Department of Fish and Wildlife [formerly California Department of Fish & Game] filing fee for a Mitigated Negative Declaration to the Fresno County Clerk with the filing of the Notice of Determination for EA No. A-11-05/ R-11-006 pursuant to California Fish and Game Code Section 711.4</p>	<p>Applicant</p>	<p>Within four days of City Council approval of the environmental finding for EA No. A-11-05/ R-11-006</p>	<p>Fresno County Clerk and the California Department of Fish and Wildlife [formerly California Department of Fish & Game]</p>

CULTURAL RESOURCES: The proposed project does not have known cultural resources, but is adjacent to a Sacred Lands area delineated by the California Native American Heritage Commission.

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
As part of evaluating any special permit, land division or parcel line adjustment applications received for APN 503-020-12, the City of Fresno shall undertake a tribal consultation with parties as directed by the California Native American Heritage Commission	City of Fresno Development and Resource Management Department (DARM)	During review of subsequent special permit, land division, or parcel line adjustment applications filed for any portion of APN 503-020-12	DARM and the California Native American Heritage Commission

GLOBAL CLIMATE CHANGE: Global climate change may be adversely affected by water overconsumption (because a considerable energy input, mostly derived by fossil fuel combustion, is required to pump and treat potable water in the City of Fresno. Also global climate change may adversely affect the city's water supply, particularly its surface water entitlements.

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
Any special permit and land division applications for any portion of APN 503-020-12 shall be accompanied by a water demand analysis verifying that Urban Water Management Plan conservation targets are being met.	Applicant	During review of subsequent special permit and land division, applications filed for any portion of APN 503-020-12	DARM and the City of Fresno Department of Public Utilities Water Division

HYDROLOGY AND WATER QUALITY: Development projects need to incorporate measures to conserve water to halt excess water consumption and to remedy groundwater overdraft. The Fresno Sole Source/Kings Basin aquifer needs to be protected from further contamination. In addition to previously noted mitigation measure specified for global climate change, additional measures are required:

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
When a supply of recycled water becomes available to APN 503-020-12, the applicant or successor(s) in interest shall be required to install and maintain a non-potable water line for irrigation of site landscaping. (The applicant or successor(s) in interest may elect to pre-install the non-potable water line, to avoid subsequent excavation that could disrupt established landscaping.)	Applicant	When a recycled water main is installed in any street fronting the project, or earlier at the discretion of the applicant or successor(s) in interest.	DARM and the City of Fresno Department of Public Utilities
Any domestic or agricultural water wells known to exist, or found, on the subject property shall be properly abandoned to City of Fresno Water Division and California Department of Water Resource standards	Applicant	Prior to completion of any grading activity on APN 503-020-12	DARM and the City of Fresno Department of Public Utilities/Water Division
Any on-site wastewater system known to exist, or found, on the subject property shall be properly abandoned to City of Fresno Building and Safety Division standards	Applicant	Prior to completion of any grading activity on APN 503-020-12	DARM

TRANSPORTATION SYSTEM: The proposed project could adversely affect traffic capacity and level of service on West Herndon Avenue, North Blythe Avenue, and other major streets in the vicinity. There is also a need to appropriately design major and local streets fronting APN 503-020-12..

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
<p>A condition of zoning shall be applied to the subject property that requires preparation of a full traffic impact study for submittal with any subsequent special permit or subdivision applications on APN 503-020-12, including applications for parcel line adjustments. (Pursuant to City policy for traffic impact studies, this study is to be reviewed and approved by the City of Fresno, Caltrans, and other interested agencies prior to approval of the subsequent entitlements and/or land division/parcel line adjustments.)</p>	<p>Fresno City Council, through its action on Rezone Application No. R-11-006; and subsequently by DARM and the applicant through preparation and recordation of a covenant reflecting this condition of zoning</p>	<p>After City Council approval of Rezone Application No. R-11-006 and prior to approval of any subsequent special permits, land divisions, or parcel line adjustments on APN 503-020-12</p>	<p>DARM and the City of Fresno Public Works Department Traffic Engineering Section</p>
<p>The project shall pay major street, traffic signalization, and regional transportation impact fees and shall make circulation system improvements outlined in the City of Fresno Public Works Traffic Engineering letter dated August 21, 2012, incorporated herein by reference. These requirements may be modified by the City and other responsible agencies after review of the more detailed traffic impact study required by the condition of zoning for Rezone No. R-11-006.</p>	<p>Applicant</p>	<p>During entitlement review and construction permitting for subsequent development of any portion of APN 503-020-12</p>	<p>DARM , City of Fresno Public Works Traffic and Engineering Section, Caltrans District 6, and the Fresno County Council of Governments</p>

PROJECT INFORMATION

PROJECT	<p>Plan Amendment Application No. A-11-05 proposes to amend the 2025 Fresno General Plan and Bullard Community Plan for these 8.7± acres of this 25.47-acre property from the Commercial Recreation planned land use designation to the Community Commercial land use designation, to match the existing land use already assigned to the southerly 16.8± acres of the overall parcel. The entire parcel is currently vacant and undeveloped.</p> <p>Rezone Application No. R-11-006 proposes to reclassify the zoning of the subject 8.7± acres from C-R/UGM (<i>Commercial Recreation/Urban Growth Management Area</i>) to C-2/UGM/cz (<i>Community Shopping Center/UGM Area/conditions of zoning</i>).</p>
APPLICANT	<p>Bill Robinson of Sol Development Associates, on behalf of property owner Jenco Farms LP</p>
LOCATION	<p>The northerly 8.7± acres of a 25.47-acre property (Assessor's Parcel Number 503-020-12, comprising Lots 214, 215, 218 and 219 of the J.C. Forkner Fig Garden Subdivision No. 3) addressed as 6421 West Spruce Avenue, located between West Herndon Avenue and the alignment of West Spruce Avenue, on the east side of the alignment of North Bryan Avenue, in the City and County of Fresno, California</p> <p>Site Latitude: 36°50'23" North Site Longitude: 119°54'33" West Mount Diablo Base & Meridian, Township 12 S, Range 19 E, Section 33</p>
SITE SIZE	<p>8.7± acres of a 25.47-acre parcel</p>
PLANNED LAND USE DESIGNATION	<p>Existing - Commercial Recreational for the 8.7± subject property (Community Commercial for the balance of the parcel)</p> <p>Proposed - Community Commercial</p>
ZONING	<p>Existing - C-R (<i>Commercial Recreational District/UGM Area</i>) for the 8.7± subject property (C-2/EA/UGM/cz, <i>Community Shopping Center District/Expressway Area Overlay/UGM Area/conditions of zoning</i> exists on the balance of the parcel)</p> <p>Proposed - C-2/UGM/cz, <i>Community Shopping Center District/ UGM Area/ conditions of zoning</i></p>
LAND USE	<p>The entire parcel is vacant and undeveloped</p>
ENVIRONMENTAL FINDING	<p>The proposed finding of EA No. A-11-05/R-11-006 conducted for the applications is a Finding of Mitigated Negative Declaration, dated August 31, 2012 (a copy of the finding, with the full Initial Study, is attached)</p>
PLAN COMMITTEE RECOMMENDATION	<p>The District 2 Plan Implementation Committee reviewed and recommended approval of the proposal at their meeting on June 27, 2011 by a vote of 6-0 with two members absent (a copy of the Project Record is attached).</p>

STAFF RECOMMENDATION	Staff recommends the Planning Commission recommend approval to the City Council for the proposed Mitigated Negative Declaration finding made for EA No. A-11-05/R-11-006, Plan Amendment Application No. A-11-005 and Rezone Application No. R-11-006.
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BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Open Space/ Recreation	AE-5/UGM <i>(Exclusive Five-Acre Agricultural District/ Urban Growth Management Area)</i>	Riverside Golf Course
East	Medium-High Density Residential	AE-5/UGM <i>(Exclusive Five-Acre Agricultural District/ UGM Area)</i>	Vacant, undeveloped parcel
South	Community Commercial and Neighborhood Commercial and Medium Density Residential	C-2/UGM/EA/cz (south half of subject parcel) <i>(Community Shopping Center District/UGM Area/ Expressway Area Overlay/conditions of zoning)</i> and C-1/UGM (south side of Herndon Ave) <i>(Neighborhood Shopping Center District/ UGM Area)</i> and AE-5/UGM <i>(Exclusive Five-Acre Agricultural District/ UGM Area)</i>	Vacant, undeveloped parcels
West	Medium Density Residential	R-1/UGM <i>(Single-Family Residential District/ UGM Area)</i>	Vacant, undeveloped parcel

ENVIRONMENTAL FINDING

Pursuant to the California Environmental Quality Act (CEQA), Development and Resource Management Department staff circulated the proposed project to other responsible and trustee agencies and evaluated the proposed project in accordance with the land use and environmental policies and provisions of the 2025 Fresno General Plan and its related Master Environmental Impact Report (MEIR) No. 10130 (SCH No. 2001071097), Mitigated Negative Declaration (MND) No. A-09-02 (SCH No. 2009051016) for, the Air Quality Update to the General Plan (Plan Amendment. A-09-02),

and the City of Fresno Zoning Ordinance. Pursuant to Public Resources Code, Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. An Initial Study was prepared to summarize the assessment, using a CEQA Guidelines Appendix G checklist to evaluate potential project impacts.

The proposed amendment of the adopted 2025 Fresno General Plan, has been determined to not be fully within the scope of MEIR No. 10130 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project, together with a project-specific mitigation measures, including a condition of zoning for Rezone No. R-11-006 necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 as provided by CEQA Section 15178(a).

Based upon the upon the evidence in the record (summarized in the attached environmental assessment) and the list of identified mitigation measures, staff determined that the project would not have a significant impact on the environment and that the filing of a Mitigated Negative Declaration would be appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

A Notice of Intent to make this finding for Environmental Assessment Application No. A-11-05/R-11-006 was posted with the Fresno County Clerk on August 31, 2012 and public notice of the proposed finding was published in the *Fresno Bee* on the same date, with no comments received.

BACKGROUND / ANALYSIS

In June of 2003, the Fresno City Council approved Plan Amendment No. A-01-14 to change the planned land use designation of this 8.7± acres from Medium Density Residential to Commercial Recreational, and approved Rezone No. R-01-17 to rezone the site from AE-5/EA/UGM (*Exclusive Five-Acre Agricultural District/Expressway Area Overlay/UGM Area*) to C-R/UGM (*Commercial Recreational/UGM Area*), with an adopted environmental finding of Mitigated Negative Declaration for that project. At the time, a conceptual development plan was proposed for a tennis club on the subject property, with several standard courts, a center court with spectator seating, a 5,000 square foot clubhouse with outdoor patio, and jogging area. The staff analysis at the time indicated that the proximity of Riverside Golf Course and Central Unified school site on the south side of Herndon (the Rio Vista Middle School) would attract development of this proposal.

However, in the intervening ten years, no special permit application was submitted for recreational development of this 8.7± acres. Other properties in the Fresno metropolitan area have developed with similar uses, but the subject property has not attracted recreational proposals.

In 2007, applications were submitted for a plan amendment, rezoning, and conditional use permit that would have facilitated development of a large Walmart store and ancillary lease sites for other commercial uses; however, Walmart withdrew those applications and found an alternative site in northwest Fresno that better suited its needs.

The property owner has, therefore, submitted Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006 to resolve dissimilar split plan designations and zoning on this overall 25.57-acre parcel.

The attached map of planned land uses in the project vicinity shows that the subject property, is located in an area incorporating Community Commercial, Regional Commercial, Neighborhood Commercial, Open Space – Recreational, and Medium & Medium-High Density Residential, and that this parcel comprises the only community-level planned commercial site in the immediate area.

At this time, the applicant has no conceptual plan for the future shopping center, and so one or more subsequent special permits will be required when a development proposal for the site is formulated. In the absence of information as to future commercial tenants or specific land uses on the site, the review of this proposal has been generic in nature and oriented to the basic land use and zoning proposed.

Land Use Plans and Policies

The subject property is located within the boundaries of the Bullard Community Plan and is within the corporate boundary of the City of Fresno area subject to the 2025 Fresno General Plan. This project is consistent with the following 2025 Fresno General Plan goals, objectives, and policies:

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

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

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

Policy C-12-a. Ensure that all commercial land uses are developed and maintained in a manner complimentary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services.

Policy C-12-d. Plan for the appropriate location, size, and distribution of neighborhood and community commercial uses to implement the planned urban form, promote the stability and identity of neighborhood and community areas, and allow efficient access without compromising the operational effectiveness of planned major streets.

. . .

- Community commercial centers should be located at designated activity centers

Policy D-1-b. Create conditions conducive to attract, retain, and expand businesses.

. . .

- Create conditions that will allow Fresno firms to adapt to new market conditions and remain in business.

The vicinity of Herndon and Freeway 99 is planned for intensive uses such as regional commercial and multi-family development, but it does not have other property designated for the community commercial land use to serve the large extent of proximal developed and planned residential development. Siting a viable community shopping center at the proposed

project site will prevent excess vehicular travel to areas farther east on Herndon Avenue, and this center will additionally be available to serve residents of areas on the west side of Freeway 99 who would also have to otherwise travel farther east on Herndon Avenue to access a comparable level of retail commercial. The center facilitates job development for the Herndon Town site area and newer residential development to the northeast, allowing residents of that community who work at the shopping center to walk and bike to work.

While the minimum lot area required for the *C-2/Community Shopping Center* zone district is ten (10) acres, viable community commercial centers in the Fresno area are typically at least twenty acres in size to accommodate a range of retail businesses such as drug and discount stores, supermarkets, restaurants, etc. Additional site area in a shopping center would be required to facilitate siting transit facilities such as an enhanced Fresno Area Express multi-route stop, or park & ride. Transit amenities such as these can forestall any blight from future commercial vacancies and provide for future ancillary uses of retail space (in the manner that Manchester Shopping Center has devoted considerable square footage for public offices and educational uses).

Thus, designating the entire parcel (APN 503-020-12) for Community Commercial land use through Plan Amendment No. A-11-05 would allow design latitude, making the center more economically competitive and more amenable to "smart growth" development incorporating alternative modes of transportation.

Policy C-12-g. Identify appropriate locations for commercial recreational uses to provide the community with accessible leisure and entertainment opportunities that do not conflict with adjacent sensitive uses.

This General Plan policy does not require that the existing Commercial Recreational land use designation remain in place on the subject property. Riverside Golf Course would not be adversely affected by conversion of the 8.7± acres to the south to a community shopping center use. Vacant land planned and zoned for commercial recreational use does not, in itself, provide leisure or entertainment opportunities that would not conflict with adjacent uses. The appropriateness of the Commercial Recreational land use designation to the subject property can be questioned, since nearly ten years have passed since that designation was made (and since corresponding zoning was applied), and yet no applications have been submitted to actually develop the site for that use. Commercial recreational uses, such as exercise gyms, bicycle shops, bowling alleys, hobby shops, and indoor electronic tagging game facilities ("laser tag"), are all permitted by right (by site plan review) in community commercial shopping centers. Current development patterns in Fresno suggest that the business model of exercise gyms may direct that they be integrated into commercial sites featuring a range of goods and services. Thus, re-designating the subject property to allow the entire parcel to develop as a community commercial shopping center may provide for one or more recreational amenities that otherwise would not develop on the site if it were to retain its Commercial Recreational land use designation.

Similarly, the goals, objectives, and policies of the 1988 Bullard Community Plan are directed toward: providing for commercial development that provides an appropriate level of goods and services in accessible locations that can be served with available public infrastructure, with appropriate interface treatment. The Bullard Community Plan Policy prescribes several design measures for interface treatment when commercial development is adjacent to residential development, and the subsequent special permits and land divisions for the subject property (for all of APN 503-020-12), including parcel line adjustments, will be required to conform to those policies. Having a community commercial site

which is augmented by the 8.7± acre proposed project allows additional room for implementing interface treatment measures such as building setbacks, loading zone distancing, and landscape buffers.

Zoning

Pursuant to Table 2 of the 2025 Fresno General Plan (Planned Land Use and Zone District Consistency Matrix) and Fresno Municipal Code Section 12-403-B-1 (Zone District Consistency Table), the C-2 (*Community Shopping Center District*) classification proposed for the subject property pursuant to Rezone Application No. R-11-006 is consistent with the Community Commercial land use designation proposed for this property pursuant to Plan Amendment Application No. A-11-05.

The size, configuration, and location of the parcel are suitable for the proposed use pursuant to Fresno Municipal Code (FMC) §12-218 *et seq.* pertaining to the C-2 (*Community Shopping Center*) zone district. In the C-2 zone district, the minimum size required to develop a community shopping center is ten acres. However, such centers typically developed in Fresno on sites of 20 acres in size, and this amount of acreage is generally designated for community commercial centers when activity centers are designed in new growth areas. Therefore, the proposed project will facilitate development of this site, and would allow additional area to be used for interface treatment to protect adjacent residential areas, as well as providing room on the site for future transit-related uses.

Pursuant to EA No. A-11-05/R-11-006, a mitigation measure is being applied in the form of a condition of zoning that will ensure that a full traffic impact study will be prepared for City Caltrans, etc. review when a development application is submitted for the subject property to supply specific details on future commercial uses and development configuration on the subject property. The proposed condition of zoning is:

A full traffic impact study shall be submitted with any subsequent special permit or subdivision applications on APN 503-020-12, including applications for parcel line adjustments.

PUBLIC SERVICES

As noted above, the plan amendment and rezone applications have not been accompanied by a conditional use permit and/or parcel map application to show the detailed future configuration of the community shopping center and its various commercial uses. In the absence of a detailed and specific development proposal, most responding City departments and public agencies have not provided specific comments.

As related in the attached Initial Study prepared for Environmental Assessment No. A-11-05/R-11-006, water and sewer lines have been installed in some of the street alignments abutting the subject property. Three of the streets bounding APN 503-020-12 are undeveloped, and design of those streets will be a major consideration when a future shopping center is designed.

The subject property is located on the north side of West Herndon Avenue west of the Veteran's Boulevard diagonal. Herndon Avenue is an expressway with no direct access permitted and special standards for setbacks and non-motorized travel (the multi-purpose trail alignment). Access to properties fronting Herndon is required to be taken via signalized roadways.

On its west side, the property is bounded by the alignment of North Bryan Avenue, which presently has a signalized intersection with Herndon Avenue. The property is bounded on the north by the planned alignment of West Spruce Avenue (a designated collector street). The applicant for subsequent

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development will be required to design and construct North Bryan Avenue and West Spruce Avenue, or pay a proportionate share of cost for another developer having constructed those major streets.

On its east side, the property is bounded by North Arthur Avenue, an undeveloped local street whose previously dedicated right-of-way extends from West Spruce Avenue to Herndon Avenue. At this point, it is uncertain whether Arthur Avenue would be realigned terminate in a frontage road along Herndon Avenue or a cul-de-sac, since direct access to Herndon would not be allowed under the limited access standards for expressways. The design of this segment of North Arthur Avenue will depend on subsequent development applications filed on this and adjacent properties.

Traffic carrying capacity and potential congestion on West Herndon Avenue and its intersecting streets has been a longstanding concern. The 2025 Fresno General Plan adopted City of Fresno Level of Service (LOS) traffic planning criteria, a metric for congestion and capacity related delays. The City of Fresno's adopted minimum acceptable LOS is level "D," which allows for some delay during peak travel times.

The MEIR prepared for the 2025 Fresno General Plan included detailed analysis of existing and projected traffic conditions on all major streets, and found that some roadway segments and intersections would not maintain LOS D or better with feasible mitigation measures (extreme roadway widening projects to develop roadways with than 6 or more lanes in various locations not being feasible, given right-of-way constraints in many areas); therefore, an Finding of Over-Riding Considerations was made for those major streets where congestion was predicted to be higher than LOS D. Several segments of Herndon Avenue were included in the MEIR Finding of Over-Riding Consideration, because it was determined infeasible to achieve an ultimate mitigation of a ten-lane configuration for those segments, particularly in light of the limited duration of congestion (during peak hours) and the capacity of other parallel major streets to accommodate driver choices to avoid congestion.

The segments of Herndon Avenue east and west of Bryan Avenue have already been improved with four travel lanes, a landscaped median island, bike lanes, and some dedicated turn lanes at the Bryan Avenue intersection. However, pedestrian improvements in the frontage of this portion of West Herndon Avenue have not been installed, due to the lack of development on most properties.

In its current 4-lane divided roadway configuration, Herndon Avenue has a capacity of 32,000 ADTs (average daily vehicle trips). Appendix B of the MEIR prepared for the 2025 Fresno General Plan projects that the segment of West Herndon Avenue between Freeway 99 and North Hayes Avenue would experience 12,790 to 28,080 ADT at full buildout of planned land uses in year 2025, with the lower number of vehicle trips attributed to the more westerly segments.

The typical fully-improved configuration of an expressway would be a 6-lane divided roadway, which would function at LOS D with up to 56,000 ADT. Plans have been adopted to widen the segments of Herndon Avenue in the vicinity of the subject property to accommodate development of Veteran's Boulevard and the El Paseo Master Plan regional commercial project, and to add turn lane capacity.

The 2025 General Plan MEIR also analyzed traffic conditions for the planned Veteran's Boulevard (a major street referred to in Appendix B as the "Herndon-Grantland Diagonal"), which was projected to accommodate some 63,970 ADT between Hayes and Golden State Boulevards. Veteran's Boulevard is a project improved for funding using development fees and "Measure C" sales tax increment fees. In the vicinity of the Herndon-Veteran's intersection, and east of the Veteran's Boulevard intersection, traffic congestion on West Herndon Avenue is projected to create areas of LOS E and F.

REPORT TO THE PLANNING COMMISSION

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The MEIR analysis of traffic conditions at full buildout of the 2025 Fresno General Plan projected that the Golden State Boulevard-to-Veteran's Boulevard segment of West Herndon Avenue would operate at an unacceptable LOS F in a four-lane configuration, even with Veteran's Boulevard in place (this was also covered by the Finding of Over-Riding Considerations made when MEIR No. 10130 was certified for the 2025 Fresno General Plan). However, improving this segment of Herndon Avenue to six lanes between Golden State Boulevard and Veteran's Boulevard is projected to result in LOS B, matching the expected performance of other segments of Herndon Avenue in the project vicinity. .

Current vehicle counts on West Herndon Avenue in the vicinity of the Plan Amendment Application No. A-11-05/Rezone Application No. R-11-006 project show that vehicular travel is manageable on these segments of Herndon Avenue: Trip counts on the built segments of North Bryan and West Spruce Avenue in the project vicinity show that existing travel is at very low levels (the attached Initial Study contains charts of traffic counting data). So, the major streets in the area of the proposed project are currently operating well within their designed traffic capacities with good LOS.

Because no special permit or subdivision application was submitted with the applications for Plan Amendment No. A-11-05 and Rezone No. R-11-006, and because there is not even a conceptual development plan for APN 503-020-12, the applicant did not commission a full Traffic Impact Study. Peters Engineering did prepare a comparison of traffic that would be generated by the subject property developing as commercial recreation vs. community commercial (in the form of a letter to the property owner, dated August 19, 2011; it is attached to the Initial Study accompanying this staff report).

Instead of preparing a traffic impact study for the proposed plan amendment and rezone, the applicant has opted to let the City of Fresno utilize the recent traffic impact study conducted for the El Paseo Master Plan. Those traffic impact studies identified a range of street and intersection improvements that would be necessary in order to maintain adequate capacity in the surface streets serving this area, in light of proposed commercial development (albeit without analysis of the adjoining segments of West Spruce Avenue and North Bryan Avenue north of Herndon Avenue).

In conjunction with existing City policies for improving major streets in new development areas, the El Paseo traffic study was used as the basis for listing specific traffic impact mitigation measures for this project. Those measures are set forth in the letter to the project applicant from the City of Fresno Traffic Engineering, dated August 21, 2012, attached to the Initial Study EA No. A-11-05/R-11-006. The letter from City of Fresno Traffic Engineering further notes that, when development occurs on the subject property, the applicant (or successor in interest) will be required to pay its proportionate share of City major street impact and traffic signalization impact fees, as well as Regional Transportation Mitigation fees (which are required to be paid to the Council of Fresno County Governments). The specific traffic engineering requirements for this project set forth in the August 21, 2012 letter from Traffic Engineering have been incorporated into the project-specific mitigation monitoring measure checklist.

It is noted that Phase I of the El Paseo regional commercial project is going forward, but portions of Phases 2 through 5 of the El Paseo Master Plan are proposed to revert to their prior Light Industrial and Residential land use designations pursuant to Plan Amendment Application No. A-12-03 and Rezone Application No. R-12-004 (not yet approved). For this and other reasons, including the need to redesign North Arthur Avenue and analyze proximal segments of West Spruce and North Bryan Avenues, a condition of zoning is being applied to the subject property requiring that a full traffic impact study be submitted along with any subsequent application for special permits or land division affecting APN 503-020-12 (including parcel line adjustment applications).

Commensurate to the detail in the special permit and/or land division/parcel line adjustment application, and in consideration of the status other development and roadway improvements in the

area, this required traffic impact study will be able to identify necessary roadway improvements and mitigation measures. As a result of the required traffic impact study, the mitigation measures outlined in the Public Works Traffic Engineering letter dated August 21, 2012 (attached to the initial study) may be later refined to be more specific for the proposed uses and developed configuration of APN 503-020-12.

Fresno Area Express (FAX) planning staff reviewed this project and had no comments to submit. There is no current bus service to the project site; however, FAX Route 45 serves West Herndon Avenue to Milburn Avenue, and may be extended should transit demand warrant. The California Public Utilities Commission was contacted for its comments during early consultation on this project, and had no comments to submit regarding railroad crossings in the vicinity.

PUBLIC PARTICIPATION AND NOTICE OF PLANNING COMMISSION HEARING

As outlined previously, this project was reviewed by the Council District 2 Citizens Advisory Committee and was unanimously approved (6-0) by the committee members (two members were absent).

In accordance with the Local Planning and Procedures Ordinance, a notice of this Planning Commission hearing was posted on the street frontage of the subject property and was mailed to property owners within 500 feet of the subject site (actually, within 550 feet to allow for street right-of-way widths). A copy of this notice, and the map showing the noticing radius, is attached. A Planning Commission hearing notice was also published in the *Fresno Bee* on November 16, 2012.

As of the date of preparation of this staff report, the Development and Resource Management Department has not received any comments, or appeals regarding the proposed project.

CONCLUSION

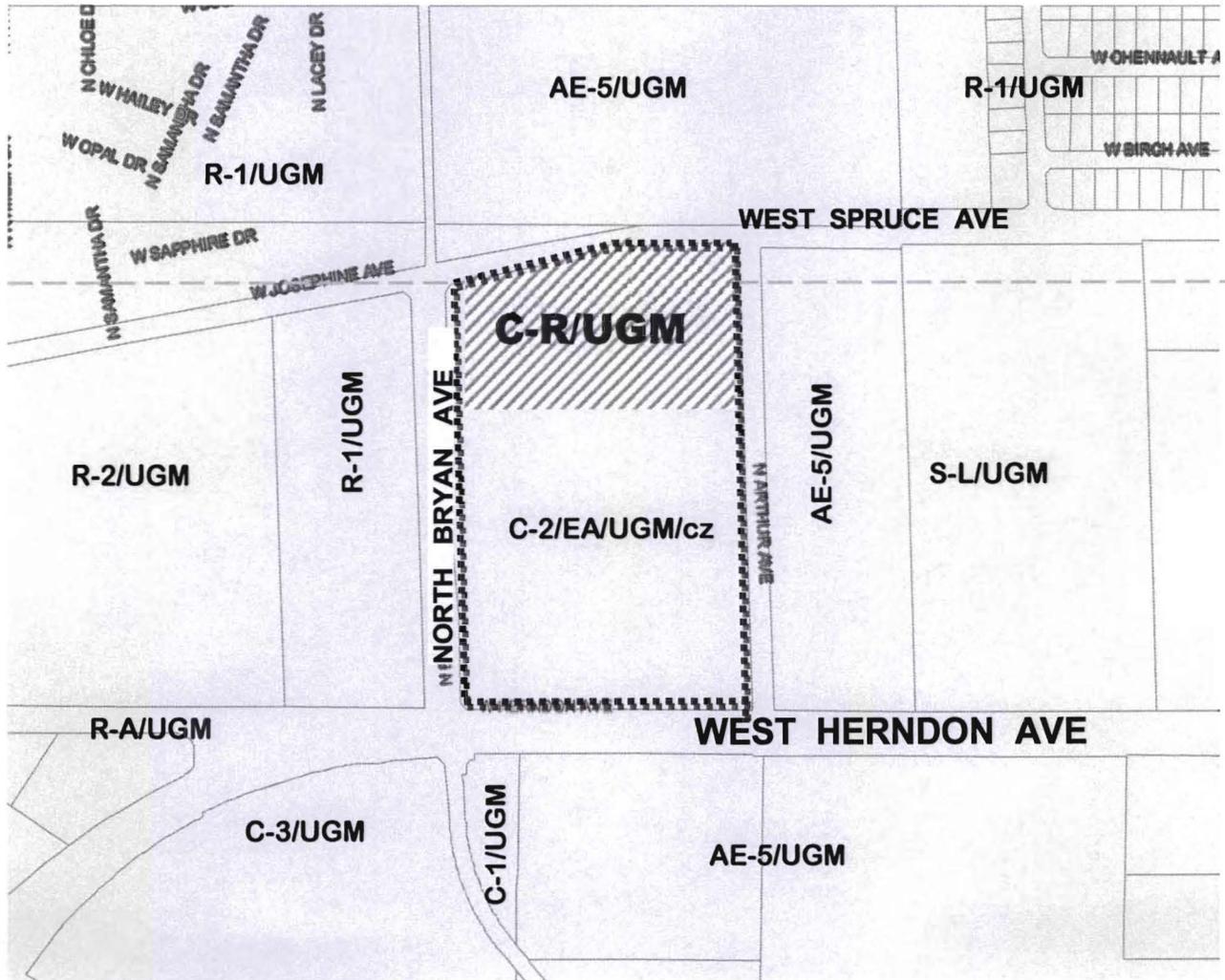
Staff recommends that the Planning Commission recommend City Council approval for the Mitigated Negative Declaration finding for Environmental Assessment No. A-11-05/R-11-006, approval of Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006.

- Attachments:
- Vicinity Map showing area zoning
 - 2008 aerial photograph of project vicinity
 - Map showing planned land uses in the project vicinity
 - Project review record from the Council District 2 Plan Implementation Committee
 - Planning Commission hearing notice and map showing 350-foot radius for distributing hearing notices
 - Environmental Assessment NoA-11-05/R-11-006, dated August 31, 2012, with appended background information including letters and memoranda received from responsible and trustee agencies (including City departments) regarding the proposed project, the MEIR Mitigation Measure Monitoring Checklist, and the Project-Specific Mitigation Measure Monitoring Checklist

VICINITY MAP (showing zoning)

Plan Amendment Application No. A-11-05

Rezone Application No. R-11-006



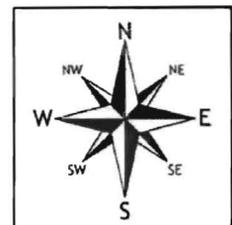
MAP LEGEND



Subject property



Boundary of entire APN 503-02-012





Aerial Photo, vicinity of Plan Amendment Application No. A-11-05 and Rezone Application No. R-11-006



COUNCIL DISTRICT 2 PLAN IMPLEMENTATION COMMITTEE

PROJECT REVIEW - June 27, 2011

Project Record

PROJECT INFORMATION

a. **Plan Amendment Application No. A-11-005 and Rezone Application No. R-11-006** were filed by Bill Robinson of Sol Development, on behalf of Jenco Farms LP. These applications pertain to the northerly 8.7± acres of a 24.57-acre property (Assessor's Parcel No. 503-020-12) located on the east side of the North Bryan Avenue alignment between West Herndon and West Spruce Avenues. **Plan Amendment Application No. A-11-005** proposes to amend the 2025 Fresno General Plan and Bullard Community Plan for this 8.7± acres from the Commercial Recreation planned land use designation to the Community Commercial land use designation, which would give the 8.7± acres the same land use designation as the remaining 15.8± acres of APN 503-020-12. **Rezone Application No. R-11-006** proposes to reclassify these 8.7± acres from C-R/UGM (*Commercial Recreation/Urban Growth Management*) to C-2/UGM (*Community Shopping Center/Urban Growth Management*). The southerly 15.8 acres of the parcel are currently zoned C-2/EA/UGM/cz (*Community Shopping Center/Expressway Area Overlay/Urban Growth Management/conditions of zoning*).

APN: 503-020-12 **ZONING:** C-R/UGM to C-2/UGM **ADDRESS:** 6421 W Spruce Avenue

COMMITTEE RECOMMENDATION

X APPROVE APPROVE WITH CONDITION(S) DENY NO ACTION

	Bznouni	Hendry	Kachadourian	Napoli	Poptanich	Rodriguez	Scott	Singh
Approve		X	X		X	X	X	X
Deny								
Abstain								
Absent	X			X				

COMMITTEE CONDITIONS / COMMENTS

D. Rodriguez moved and W. Scott seconded a motion to approve the project with no conditions. The motion passed by a 6-0-2 vote.

Staff Liaison: Sophia Lagoukates Date: 6/27/11

**CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
NOTICE OF PUBLIC HEARING
PLAN AMENDMENT APPLICATION NO. A-11-05
REZONE APPLICATION NO. R-11-006**

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-11-05, Rezone Application No. R-11-006, and Environmental Assessment No. A-11-05/R-11-006. These applications have been filed by Bill Robinson of Sol Development Associates, on behalf of property owner Jenco Farms LP, and pertain to the northerly 8.7± acres of a 25.47-acre property located at 6421 West Spruce Avenue, between West Herndon and West Spruce Avenues east of the North Bryan Avenue alignment (APN 503-020-12). At this hearing, the following will be considered:

1. **Plan Amendment Application No. A-11-05**, which proposes to amend the 2025 Fresno General Plan and Bullard Community Plan for this 8.7± acres from the Commercial Recreation planned land use designation to the Community Commercial land use designation, to match the existing land use designation assigned to the southerly 15.8± acres of the overall parcel.
2. **Rezone Application No. R-11-006**, which proposes to the northerly 8.7± acres of this 25.47-acre property from C-R/UGM (*Commercial Recreation District/Urban Growth Management Area*) zoning to C-2/UGM/cz (*Community Shopping Center District/UGM Area/conditions of zoning*). The southerly 15.8 acres of the parcel are currently zoned C-2/EA/UGM/cz (*Community Shopping Center/Expressway Area Overlay/UGM Area/conditions of zoning*)
3. **Environmental Assessment (EA) No. A-11-05/R-11-006** recommends that a Mitigated Negative Declaration be adopted for the above applications.

CITY OF FRESNO PLANNING COMMISSION

Date: Wednesday, November 28, 2012

Time: 6:00 p.m., or thereafter

Place: City Hall Council Chamber, Second Floor

The proposed Plan Amendment, Rezone, and environmental finding will require a subsequent hearing before the Fresno City Council.

For additional information, contact Sandra Brock, Development Services Division, Development and Resource Management Department by telephone, 559-621-8041; via e-mail sent to Sandra.Brock@fresno.gov; by fax at 559-498-1026; or by mail at Fresno City Hall, 3rd Floor, 2600 Fresno Street, Fresno, California 93721-3604.

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.

NOTE: The Fresno Municipal Code requires that this notice be sent to owners of property within 500 feet of the subject property. Notices have been sent to all owners of property within 550 feet of the subject property, to allow for major street right-of-way.

DATED: November 16, 2012
Assessor's Parcel No. 503-020-12

Keith Bergthold, Secretary
Fresno City Planning Commission

SEE MAP ON REVERSE SIDE

