



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII.A.
COMMISSION MEETING 10/05/11

October 05, 2011

FROM: KEVIN FABINO, Planning Manager
Development & Resource Management Department


DEPARTMENT DIRECTOR
John Dugan

THROUGH: MIKE SANCHEZ, Planning Manager
Development Services Division

BY: WILL TACKETT, Planner III
Development Services Division

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-11-023; VESTING TENTATIVE TRACT MAP NO. 5993; AND, RELATED ENVIRONMENTAL ASSESSMENT NO. C-11-023/T-5993.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. APPROVE Environmental Assessment No. C-11-023/T-5993; resulting in a Finding of Conformity to Master Environmental Impact Report (MEIR) No. 10130 for the 2025 Fresno General Plan (SCH#2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH#2009051016) (Air Quality MND), dated August 19, 2011.
2. APPROVE Conditional Use Permit Application No. C-11-023, requesting authorization to construct a three-story mixed use project consisting of approximately 2,939 square feet of ground floor commercial retail space and 29 residential units in a gated development with modified property development standards. The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.
3. APPROVE Vesting Tentative Tract Map No. 5993, proposing to subdivide the subject property for the purposes of creating a one common-lot airspace subdivision of the subject property for condominium purposes at an overall density of approximately 29.90 dwelling units per acre. The tentative map also proposes the vacation of portions of adjacent public street rights-of-way.

EXECUTIVE SUMMARY

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-11-023 and Vesting Tentative Tract Map No. T-5993 pertaining to approximately 0.97 net acres of property located on the easterly corner of the intersection of Fulton and San Joaquin Streets.

Conditional Use Permit Application No. C-11-023 requests authorization to construct a three-story common interest mixed use development project consisting of approximately 2,939 square feet of ground floor commercial retail space and 29 residential units at a density of approximately 29.90 dwelling units per acre. The 29 residential units are comprised of two townhouse units situated above the proposed ground floor commercial retail space in one detached structure; and, a combination of nine live/work units, six studio units, and 12 townhouse units within a total of nine triplex structures with attached garages. The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

Vesting Tentative Tract Map No. 5993 proposes a one common-lot airspace subdivision for condominium purposes and the vacation of portions of adjacent public street rights-of-way.

The subject property is currently zoned under the C-4 (*Central Trading District*) zone district classification. The subject property is located within the boundaries of the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan, which designate the subject property for Central Area Commercial Mixed Use Level 2 planned land uses. Pursuant to Exhibit No. 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-4 zone district is consistent with the Central Area Commercial Mixed Use Level 2 planned land use designation.

The proposed subdivision and development of the subject property in accordance with Conditional Use Permit Application No. C-11-023 and Vesting Tentative Tract Map No. 5993 is considered to be in conformance with the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan.

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-11-023 requests authorization to construct a three-story common interest mixed use development project consisting of approximately 2,939 square feet of ground floor commercial retail space and a combination of 29 residential live/work, studio and townhouse units at an overall density of approximately 29.90 dwelling units per acre. Vesting Tentative Tract Map No. 5993 proposes a one common-lot airspace subdivision for condominium purposes and the vacation of portions of adjacent public street rights-of-way.
APPLICANT	FFDA Properties, LLC. (Granville Homes)
LOCATION	Easterly corner of the intersection of Fulton and San Joaquin Streets. (Council District 3, Councilmember Baines)
SITE SIZE	Approximately 0.97 net acres (1.50 gross acres).
PLANNED LAND USE	Existing & Proposed - Central Area Commercial Mixed Use Level 2
ZONING	Existing & Proposed - <u>C-4</u> (<i>Central Trading District</i>)
PLAN DESIGNATION AND CONSISTENCY	Pursuant to Exhibit No. 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-4 (<i>Central Trading</i>) zone district is consistent with the Central Area Commercial Mixed Use Level 2 planned land use designation.

ENVIRONMENTAL FINDING Finding of Conformity to Master Environmental Impact Report (MEIR) No. 10130 for the 2025 Fresno General Plan (SCH#2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH#2009051016) (Air Quality MND), dated August 19, 2011.

STAFF RECOMMENDATION Recommend the Planning Commission: (1) Approve the Finding of Conformity prepared for Environmental Assessment No. C-11-023; (2) Approve Conditional Use Permit Application No. C-11-023; and, (3) Approve Vesting Tentative Tract Map No. 5993.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Commercial Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office & Church (NW)
East	Commercial Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office
South	Commercial Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Vacant / Commercial
West	Commercial Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Restaurant/Tavern & Retail/Office Space

ENVIRONMENTAL FINDING

Development and Resource Management Department staff have prepared an initial study and environmental checklist and evaluated the proposed development in accordance with the land use and environmental policies and provisions of the 2025 Fresno General Plan, the related Master Environmental Impact Report (MEIR) No. 10130 (SCH # 2001071097), and Mitigated Negative Declaration (MND) No. A-09-02 (SCH # 2009051016). The subject property has been proposed to be developed at an intensity and scale that is permitted by the Central Area Commercial Mixed Use Level 2 planned land use designation and existing C-4 (*Central Trading*) zone district classification for the subject site. Thus, the development and subdivision of the subject property in accordance with Conditional Use Permit Application No. C-11-023 and Vesting Tentative Tract Map No. 5993 will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant

effects beyond those identified by MEIR No. 10130 and MND No. A-09-02 as provided by CEQA Section 15177(b)(3).

Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project, as identified in the MEIR pursuant to Section 21157(b)(2) of the Public Resources Code and CEQA Guidelines Section 15177, falls within the scope of a MEIR, provided that the project does not cause significant impacts on the environment that were not previously examined by the MEIR. Relative to the specific project proposal, the environmental impacts noted in the MEIR, pursuant to the 2025 Fresno General Plan land use designation, include impacts associated with the Central Area Commercial Mixed Use Level 2 planned land use designation specified for the subject property. Based on the initial study prepared, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR or MND No. A-09-02 (as indicated on the attached Environmental Assessment Checklist) for the reasons discussed within the environmental assessment for the subject project; and, (3) No new additional mitigation measures are required because the proposed project will not generate additional significant effects not previously identified and analyzed by the MEIR or MND.

Therefore, the project proposal has been determined to be within the scope of the MEIR and MND as defined by Section 15177 of the CEQA Guidelines and staff has properly published a Finding of Conformity to MEIR No. 10130 dated August 19, 2011, with no comments received to date. In addition, after conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the MND 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 or the MND was adopted, has become available.

BACKGROUND / ANALYSIS

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-11-023 and Vesting Tentative Tract Map No. T-5993 pertaining to approximately 0.97 net acres of property located on the easterly corner of the intersection of Fulton and San Joaquin Streets.

Conditional Use Permit Application No. C-11-023 requests authorization to construct a three-story common interest mixed use development project consisting of approximately 2,939 square feet of ground floor commercial retail space and 29 residential units at a density of approximately 29.90 dwelling units per acre. The 29 residential units are comprised of two townhouse units situated above the proposed ground floor commercial retail space in one detached structure; and, a combination of nine live/work units, six studio units, and 12 townhouse units within a total of nine triplex structures with attached garages.

The three triplex buildings incorporating a total of nine live/work units incorporating approximately 200 square-feet of ground floor work space per unit are proposed to address the Fulton Street frontage. These structures are proposed to be setback from the Fulton Street property line a minimum of four feet in order to encourage and enhance the pedestrian scale environment with principal entryways into the units being accessible from the Fulton Street frontage. The proposed townhouse units are spread uniformly across the interior of the subject property with six units within two triplex buildings fronting onto the San Joaquin Street frontage at a setback of five to six feet. All residential units include second story

balconies and four of the townhouse triplexes will also incorporate third story balconies. Where respective structures address adjacent streets, balconies are oriented respectively to the public rights of way and will serve to further facilitate activation of the public street frontage.

Two aggregated open space areas totaling approximately 2,000 square feet in area are proposed to be located central to the interior of the development providing opportunities for both passive and active recreation purposes for prospective tenants. Additionally, an approximately 630 square-foot common open space area affords a principal entryway for pedestrian connectivity to the interior of the development from Fulton Street. Landscaped areas are also proposed to be allocated around the periphery of the development to buffer from adjacent street rights-of-way and adjacent property. The proposed project proposes a total of approximately 6,000 square feet of landscaped area comprising approximately 14 percent of the proposed development area.

The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

Vesting Tentative Tract Map No. 5993 proposes a one common-lot airspace subdivision for condominium purposes. Therefore, the proposed project will provide and facilitate opportunities for separate interest resident ownership of individual units within the overall common interest development. The tentative map also proposes the vacation of portions of adjacent public street rights-of-way. These vacations consist of reductions to the overall adjacent 80-foot wide public street right-of-way widths by four feet on each frontage.

The subject property is currently zoned under the C-4 (*Central Trading District*) zone district classification. The subject property is located within the boundaries of the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan, which designate the subject property for Central Area Commercial Mixed Use Level 2 planned land uses. Pursuant to Exhibit No. 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-4 zone district is consistent with the Central Area Commercial Mixed Use Level 2 planned land use designation.

The subject property is bounded on the north by San Joaquin Street. Office spaces exist to the north across San Joaquin Street and a church exists to the north/northwest on the opposite corner of the Fulton/San Joaquin Street intersection. The Fulton/Van Ness Alley abuts the eastern frontage of the subject property and commercial/office space exists east of the adjacent alley. The subject property is bounded on the west by Fulton Street. A restaurant/tavern exists on the south/southwest corner of the Fulton/San Joaquin Street intersection and primarily vacant retail/office spaces exists on the west side of Fulton Street across from the subject property. Property to the south of the subject property has been developed with a commercial building which is also currently vacant.

Land Use Plans and Policies

Objective C-8 of the 2025 Fresno General Plan encourages the facilitation of the development of mixed uses to blend residential, commercial and public land uses on one site. Supporting policies under this objective include creating an appropriate environment for the inclusion in mixed-use development of higher density single-family residential dwellings, creation of small open spaces, and community facilities and allowances for flexibility in parking requirements.

Objective C-9 of the 2025 Fresno General Plan directs planning for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities.

Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Supporting policy C-9-K & L recommends that Medium-High and High Density Residential uses shall be distributed to maximize utilization of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping, services, and transportation in a manner which is supportive of the City's activity centers.

Objective C-10 of the 2025 Fresno General Plan promotes the development of more compact friendly, single-family residential projects to aid in the conservation of resources such as land, energy, and materials. Supporting policy C-10-a recommends facilitating the construction of higher density single family residential development while maintaining a pleasant living environment. Policy C-10-d encourages the development of two-story homes as a means to conserve land, maintain open space on residential lots, and provide adequate living space.

Similarly, the goals, policies and implementation actions of the Fulton/Lowell Specific Plan are directed toward: (1) Providing a safe, positive, and attractive residential environment that encourages neighborhood pride, identity, and active involvement from both residents and property owners in the Fulton/Lowell area; (2) Encouraging home ownership; and, (3) Improving the building and urban landscape character of residential neighborhoods and business districts in the Fulton/Lowell area to provide a positive, secure, and harmonious design image that is representative of the individual neighborhoods and districts.

The proposed project meets the goals, objectives and policies of the 2025 Fresno General Plan and Fulton/Lowell Specific Plan by providing a project which introduces higher density residential development in a manner which will maintain a pleasant living environment through reservation of adequate living spaces in a compact, pedestrian friendly development located in the downtown activity center which will provide a full range of urban services, neighborhood commercial uses, community centers, public services and transit stops. Design of the proposed project provides minimal front yard setbacks in a manner which captures private spaces while activating the street and encouraging interaction. Such measures are critical to the downtown neighborhoods which have too long suffered from neglect, lack of investment, and blight. Many of the existing buildings within the immediate vicinity remain vacant which has resulted in a lack of eyes on the streets and the presence of invested property owners to take pride, revitalize and monitor the neighborhood. The proposed project introduces the potential for an elemental investment within the community that may foster identification, pride, and removal of blight while encouraging and incentivizing further investment.

The close proximity of downtown amenities provides for a unique and diverse context, which the proposed project will complement and embellish. The proposed project facilitates comprehensive infill development through revitalization, sustainable development, construction of new infrastructure and improvements; and, the introduction of a diversity of housing types, which will further meet the needs of balanced urban growth.

Therefore it is staff's opinion that the proposed project is consistent with respective general, community and specific plan objectives and policies. Furthermore, conditions of approval respective to the proposed project will assure compliance with the objectives and policies of the applicable plans.

Streets, Access Points, and Parking

The subject property is located on the easterly corner of the intersection of Fulton and San Joaquin Streets. Both of the adjacent segments of Fulton and San Joaquin Streets are designated as local streets by the 2025 Fresno General Plan and Central Area Community Plan.

The project proposes to vacate 4 feet of width from the adjacent public street rights-of-way for Fulton Street; and, 4 feet of width from San Joaquin Street. The adjacent local street right-of-way sections have been dedicated at a width of 80 feet. Therefore, existing right-of-way widths are more than sufficient to accommodate the proposed vacations and still provide a wider than normal local street cross section capable of serving the existing and projected traffic generation characteristics of the project and surrounding area. The proposed vacations will require transitions from the existing sidewalk and street patterns for adjacent rights-of-way. These transitions will include removal and reconstruction of portions of existing curb, gutter and sidewalk. The proposed project will be required to construct all frontage improvements to City Standards.

This subdivision proposes one gated vehicular access point from San Joaquin Street. The interior private streets/vehicular circulation aisles have been designed to provide a minimum 22-foot wide section immediately adjacent to the entryway gate with branch circulation aisles ranging between 25-30 feet in width. Private two-car garages will be provided for each live/work unit and single car garages are provided for all studio and townhouse units with the exception of the two townhouse units located above the commercial retail space. An additional 14 off-street visitor parking spaces will be provided within the common area.

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the Department of Public Works, Traffic and Engineering Services Division has assessed that the proposed common interest mixed use development is projected to generate 25 vehicle trips during the morning (7 to 9 a.m.) peak hour travel period and 41 vehicle trips during the evening (4 to 6 p.m.) peak hour travel period.

The Public Works Department, Traffic and Engineering Services Division has reviewed the proposed project and potential traffic related impacts for the conditional use permit and vesting tentative tract map applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic and Engineering Services Division dated August 16, 2011. These requirements generally include: (1) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, and sidewalks, permanent pavement, and underground street lighting systems; and, (2) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and Regional Transportation Mitigation (RTMF) Fee.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

Public Services

The Department of Public Utilities has determined that adequate sanitary sewer and water services are available to serve the project subject to connection to existing public sewer and water main facilities in the Fulton/Van Ness alley and payment of applicable facility fee charges. On-site utility services will be private.

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

identifying water use efficiencies that will be incorporated into the project for conservation purposes to offset demand.

The City of Fresno Fire Department has conditioned the proposed project with requirements for accessibility and installation of sprinkler systems within all structures proposed to be constructed on the subject property. The provision of adequate fire flows will be required per Public Works Standards.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that permanent drainage service is available for the development subject to the developer demonstrating, upon completion of street improvements, that runoff can be safely conveyed to the adjacent roadways. District Fees are also due for the subject property. Amendments or modifications to the FMFCD requirements will be required to be approved by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code, prior to approval of the final map.

Fulton/Lowell Specific Plan Implementation Committee

The proposed project was considered by the Fulton/Lowell Specific Plan Implementation Committee at its meeting held on September 12, 2011. At the meeting the Committee recommended approval of the proposed project. Staff did request specific consideration by the Committee respective to the proposal that six single car garages associated with two triplex buildings within the project front onto San Joaquin Street. The project applicant provided an alternative drawing for comparative purposes at the request of the City, which provided for a further vacation of San Joaquin Street in order to accommodate a depth for driveways to the garages that would allow vehicles to park in the driveways without the potential to obstruct the sidewalk within the public right-of-way. Other options for accessibility to the property from the adjacent alley were also considered by staff but were determined to be infeasible for purposes of the project. The Committee ultimately resolved to approve the proposal as originally submitted with a minimum 5-6 foot setback from property line to the triplex buildings such that the buildings would better address the street. City staff concur with this determination and support the recommendation of the Committee.

Conditional Use Permit Findings

Based upon analysis of the conditional use permit application and subject to the applicant's compliance with all of the conditions of approval noted, staff concludes that the following required findings of Section 12-405-A-2 of the Fresno Municipal Code (FMC) can be made.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.	
<i>a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
Finding a:	The subject site is approximately 0.97 net acres in size. Given that the subject site has been proposed to be developed with approximately 2,939 square feet of commercial retail space and a total of 29 residential units within a total of 10 three-story buildings, in a manner which complies with all applicable development standards utilizing the allowances of the Fresno Municipal Code, it may be determined that there is adequate space to meet all requirements as established in the Special Permit conditions of approval dated October 05, 2011; including yards, spaces, walls and fences, parking, landscaping and open spaces and other required features.

<i>b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i>	
Finding b:	Staff from the Public Works Department, Transportation and Engineering Services Division has estimated that the proposed development will generate approximately 25 a.m./41 p.m. peak hour vehicle trips which can be accommodated by the adjacent streets subject to the improvement and respective dedications and vacations of adjacent portions of Fulton and San Joaquin Streets in accordance with the Department of Public Works and Public Utilities memorandums referenced above. These requirements are necessary and sufficient for the traffic generated by the project and to accommodate city services and meet the needs of the proposed subdivision.
<i>c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of this Code.</i>	
Finding c:	The staff of the Development and Resource Management Department has determined that the proposed use will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the related vesting tentative tract map application review and conditional use permit application review processes.

Tentative Tract Map Findings

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

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

1. The proposed subdivision map, together with its design and improvements, is consistent with the City's 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan. Pursuant to Exhibit No. 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-4 (*Central Trading*) zone district is consistent with the Central Area Commercial Mixed Use Level 2 planned land use designation.
2. This site is physically suitable for the proposed type and density of development, because conditions of approval prepared will ensure adequate access and drainage on and off the site; and, that development shall occur in accordance with adopted standards, goals, objectives, and policies for development in the City of Fresno.
3. The proposed subdivision design and improvement is not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat, because the site is located within the downtown Fresno area, which has been substantially developed with urban uses. The subject property does not contain trees, vegetation, or irrigation to sustain and attract wildlife; or, provide a suitable habitat to species other than vermin.

4. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems because the conditions of approval have shown and will ensure that the subdivision conforms to city health and safety standards, specifications, and policies.
5. The proposed subdivision design will not conflict with public easements within or through the site, because the project design and conditions of approval will assure noninterference with any existing or proposed easements on the subject property.
6. The design of the subdivision provides, to the extent feasible, for future passive and natural heating or cooling opportunities in the subdivision, because of the appropriate use and placement of landscaping plant materials and because of the orientation of the proposed units, which will maximize north-south facing buildings on the subject property. Furthermore, the design of the subdivision to provide for future passive and natural cooling opportunities will not result in reducing allowable densities or the percentages of lots, which may be occupied by building and/or structures.

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

Conclusion

Action by the Planning Commission regarding Conditional Use Permit Application No. C-11-023 is final unless appealed in accordance with Section 12-406-J of the FMC. Vesting Tentative Tract Map No. 5993 is final unless appealed in accordance with Section 12-1019 of the FMC.

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, Fulton Redevelopment Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Conditional Use Permit Application No. C-11-023 and Vesting Tentative Tract Map No. 5993 are appropriate for the project site.

Attachments:

Vicinity Map

2010 Aerial Photograph

Public Hearing Notice Mailing List Vicinity Map

2025 Fresno General Plan Planned Land Use Map

Vesting Tentative Tract Map No. T-5993 dated June 29, 2011

Conditional Use Permit Application No. C-11-023 Exhibits dated July 18, 2011

Conditions of Approval for T-5993, dated October 05, 2011

Conditions of Approval for Conditional Use Permit Application No. C-11-023 dated October 05, 2011

Associated memoranda from responsible or commenting agencies respective to Conditions of Approval for Vesting Tentative Tract Map No. 5993 and Conditional Use Permit Application No. C-11-023.

Environmental Assessment No. C-11-023/T-5993, Finding of Conformity dated August 19, 2011.

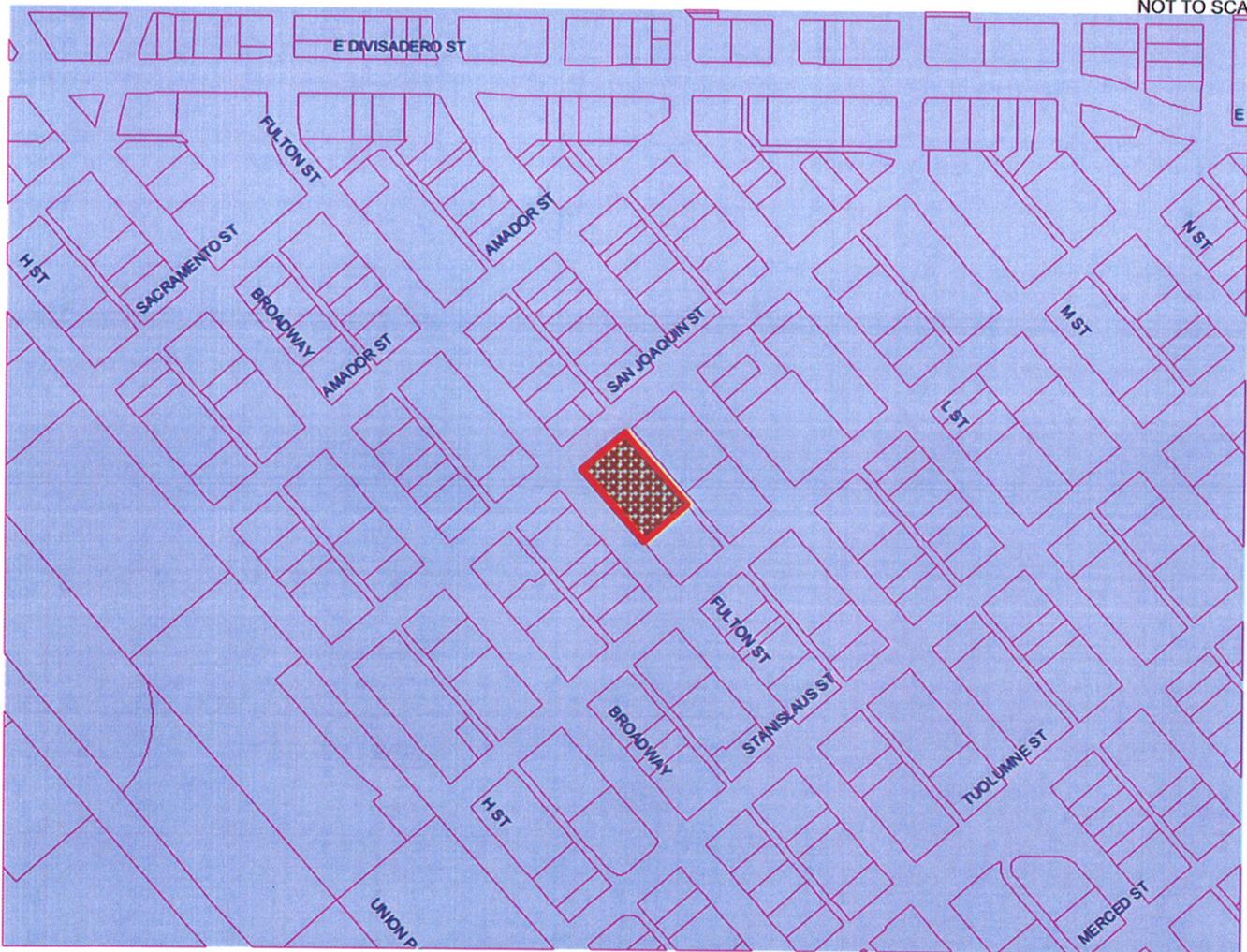
THIS IS A LEGAL NOTICE

Conditional Use Permit Application No. C-11-023
Vesting Tentative Tract Map No. 5993
Easterly corner of Fulton and San Joaquin Streets

VICINITY MAP

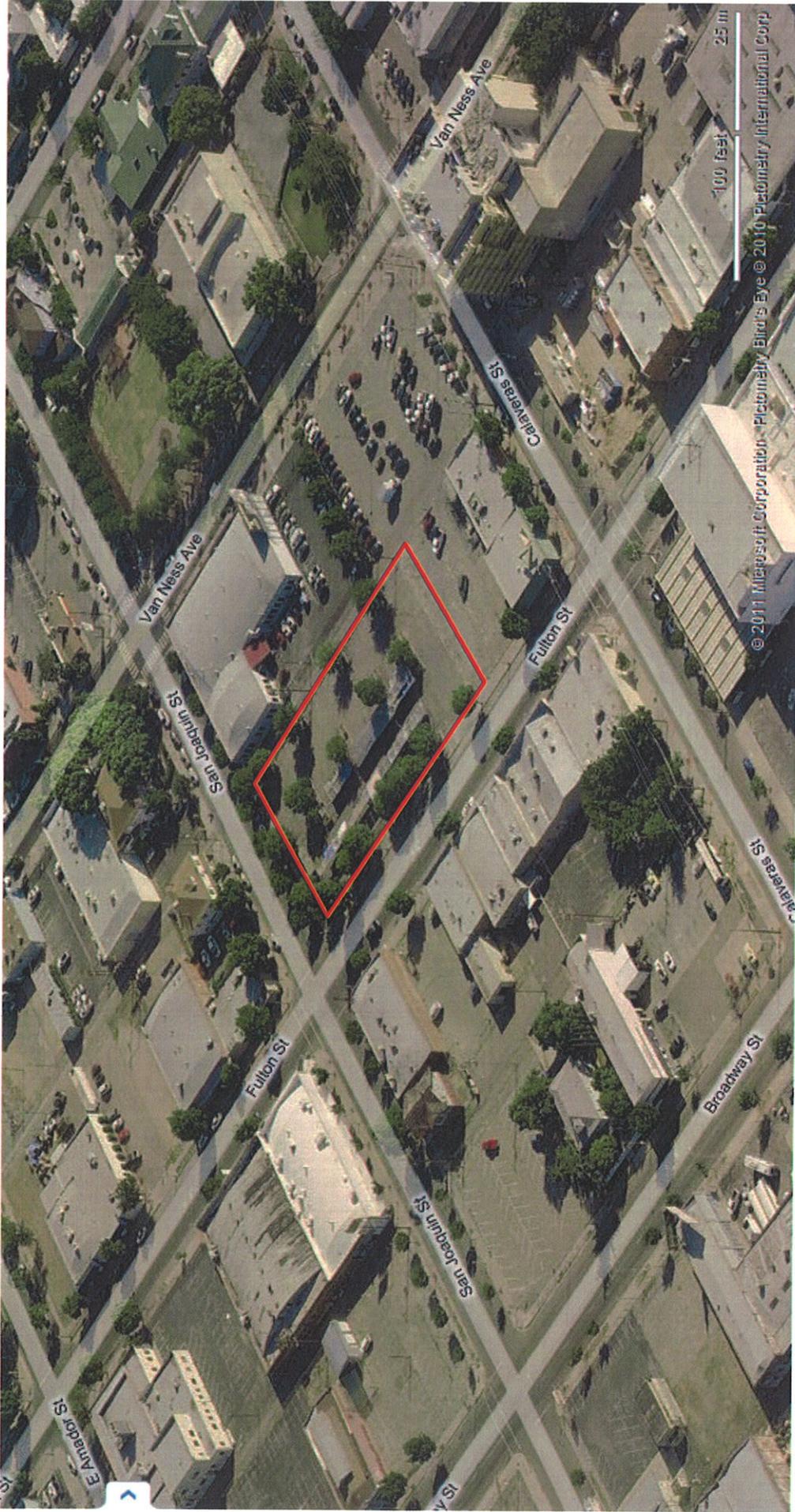


NOT TO SCALE



LEGEND

 Subject Property

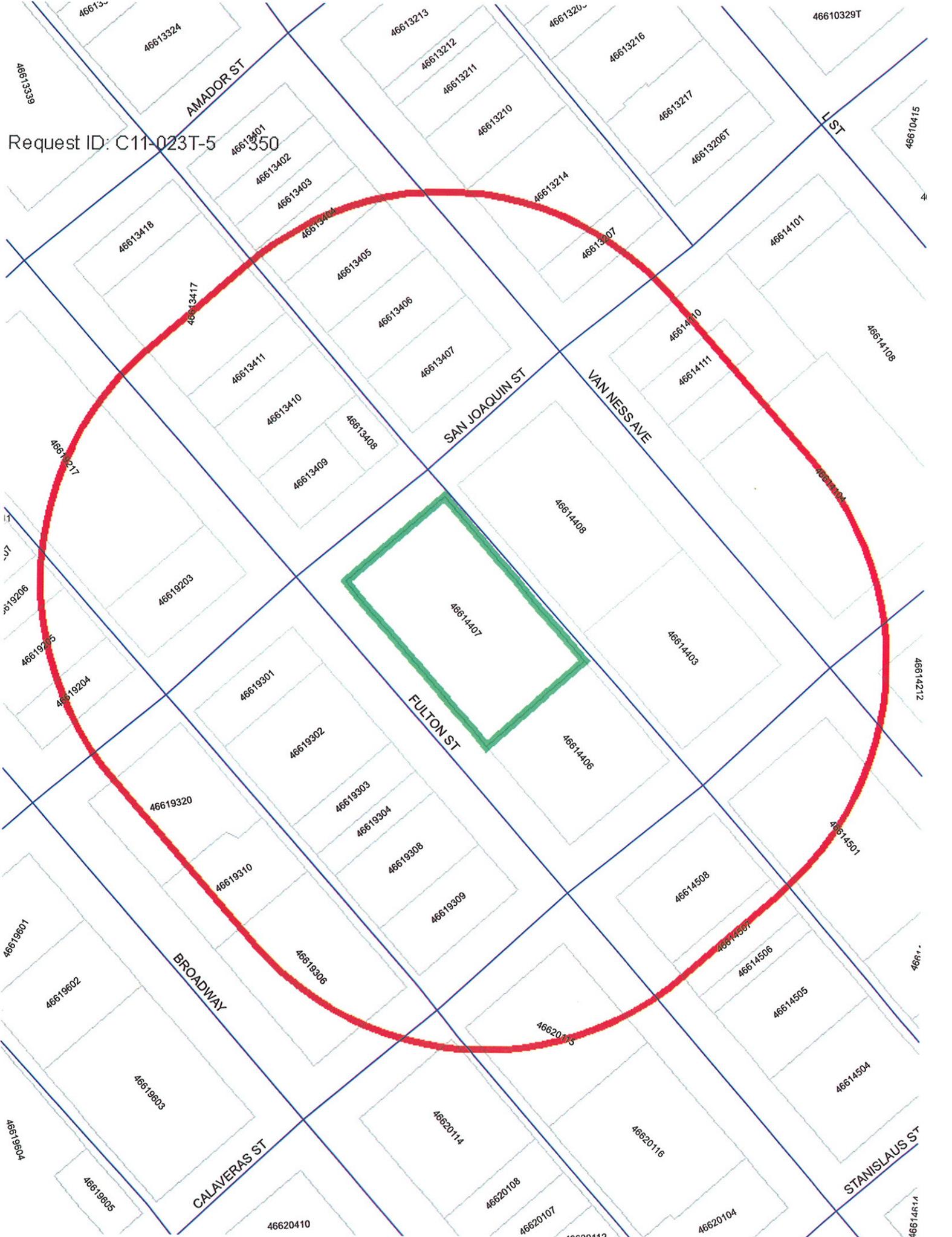


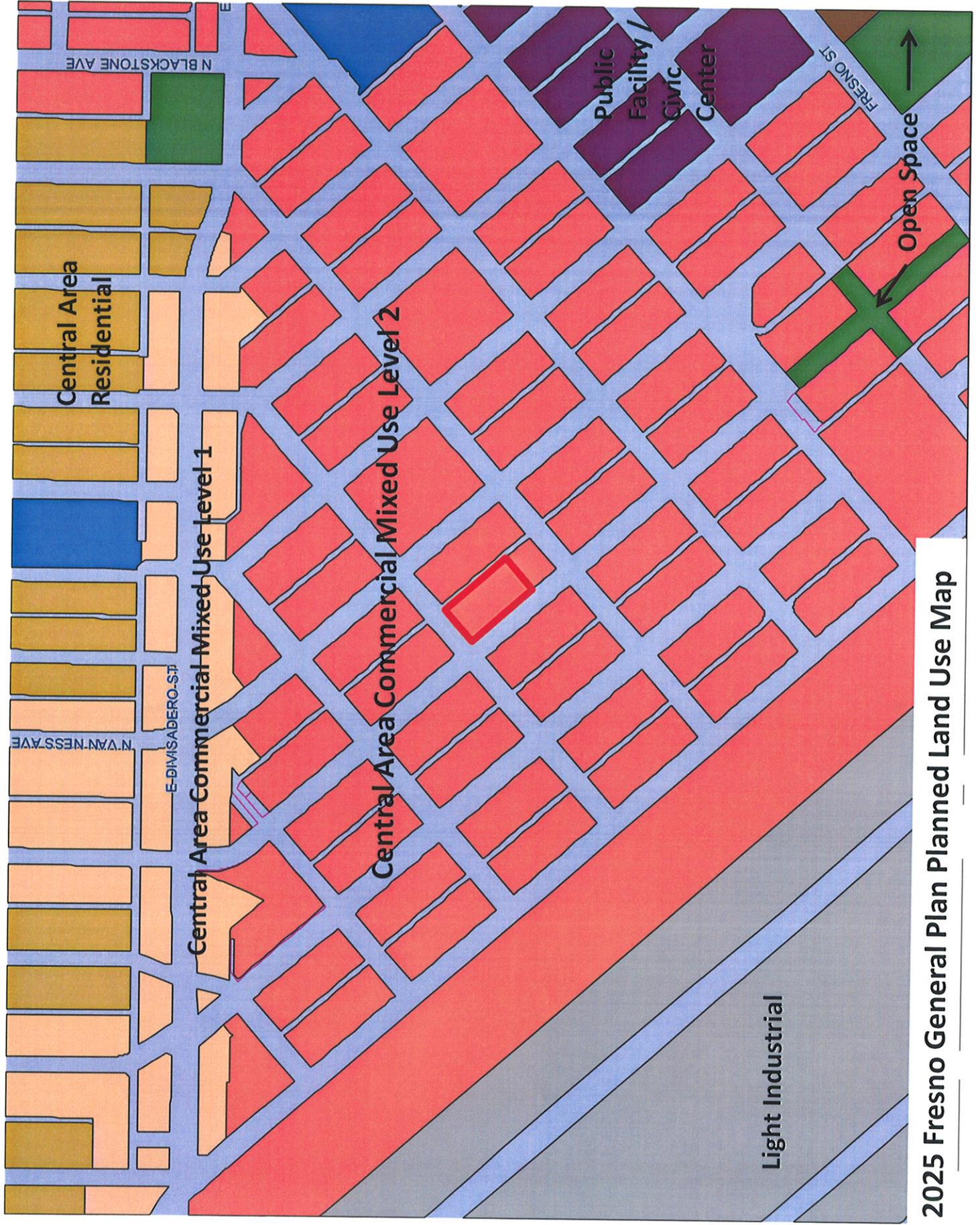
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2010 Aerial Photograph

Request ID: C11-023T-5

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2025 Fresno General Plan Planned Land Use Map

TENTATIVE SUBDIVISION MAP TRACT No. 5993

A VESTING MAP
FOR CONDOMINIUM PURPOSES

APN 466-144-07

GROSS AREA = 1.50 ACRES
NET AREA = 0.97 ACRES

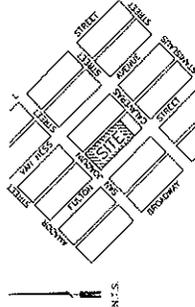
IMPROVEMENTS EXISTING OR TO BE INSTALLED:

1. STREETS - CITY OF FRESNO STANDARDS
2. WATER - CITY OF FRESNO STANDARDS
3. SEWERAGE - CITY OF FRESNO STANDARDS
4. GAS - CITY OF FRESNO STANDARDS
5. PUBLIC UTILITIES - CITY OF FRESNO STANDARDS
6. CABLE TELEVISION - CONCAST
7. CABLE TELEVISION - CONCAST

NOTES:

1. EXISTING ZONING - C-4
2. THERE ARE NO UTILITIES, CLASSICAL, SPONG, COLLECTOR, DUMPSITES OR OTHER UNDERGROUND STRUCTURES WITHIN THIS SUBDIVISION EXCEPT AS SHOWN ON THE MAP.
3. THERE ARE NOT EXISTING AREAS WITHIN THIS SUBDIVISION THAT ARE SUBJECT TO EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS.
4. THERE IS A 20' EASEMENT BETWEEN THE TRACT AND THE EXISTING SAN JOAQUIN STREET AND THE EXISTING SAN JOAQUIN STREET.
5. THE TRACT IS PREVIOUSLY DESIGNATED FOR STREET PURPOSES AS FOR THE MAP OF THE CITY OF FRESNO.
6. PUBLIC STREET TO BE VACATED BY REORDINATION OF THE FINAL MAP.
7. THE SUBDIVISION PROVIDES TO THE EXTENT FEASIBLE, FOR PUBLIC UTILITIES, WATER, GAS, SEWERAGE, AND CABLE TELEVISION OPPORTUNITIES BY MARKING THE MAP.
8. THERE ARE 17 EXISTING ON-SITE TREES TO BE REMOVED.

NEIGHBORHOOD MAP:



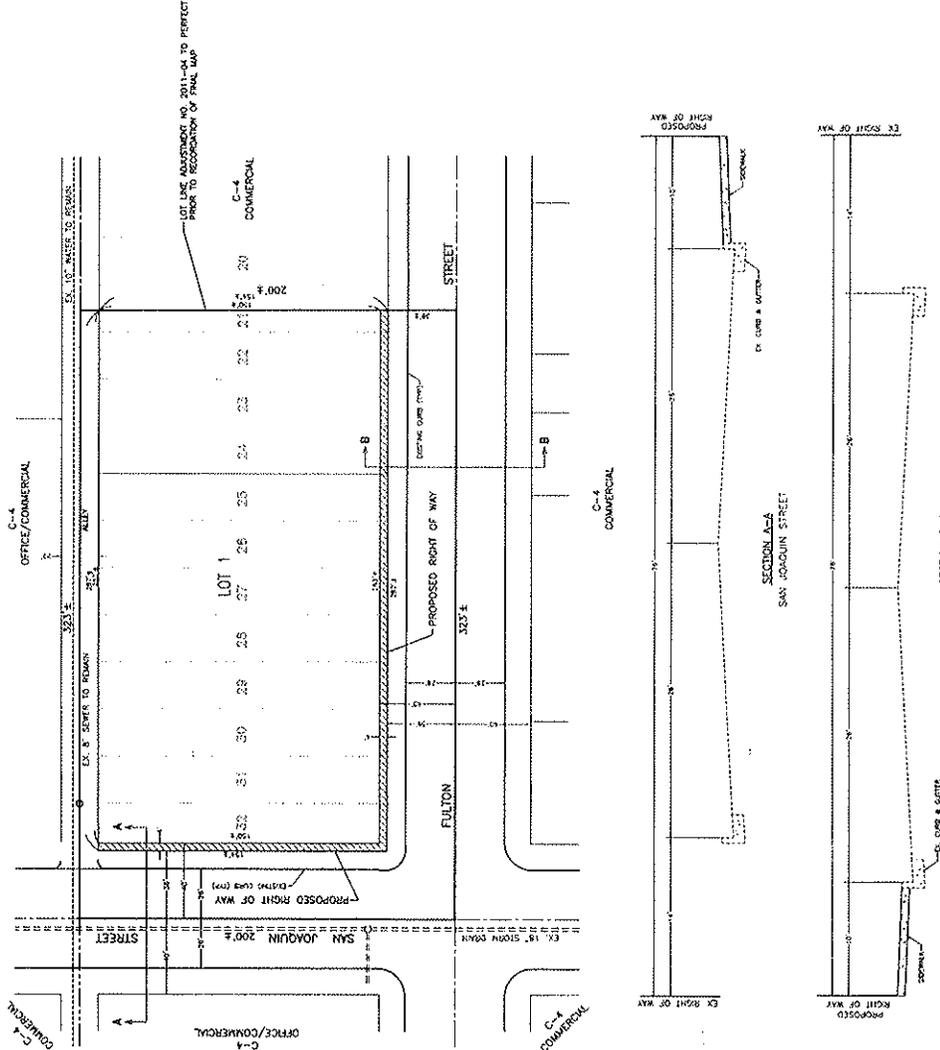
RECEIVED
JUN 23 2011
ENGINEERING DEPARTMENT
CITY OF FRESNO

GARY G. GIANNETTA
CIVIL ENGINEERING & LAND SURVEYING
1414 E STREET
FRESNO, CA 93721
(559) 436-0900

PREPARED BY:
PDA PROPERTIES, LLC
1395 W. HENRIKSON AVE.
FRESNO, CA 93721
(559) 436-0900



SCALE: 1" = 30'

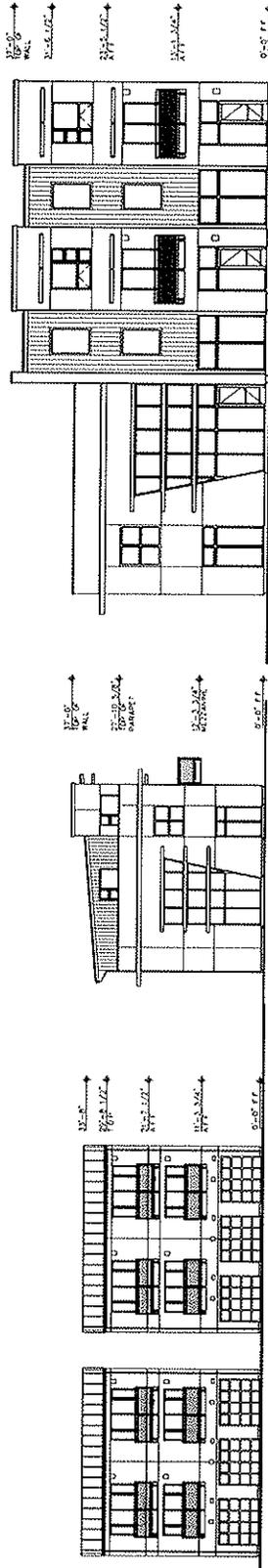


CORNER:
PDA PROPERTIES, LLC
1395 W. HENRIKSON AVE.
FRESNO, CA 93721
(559) 436-0900



Fulton Street Elevation
 Commercial Building w/ Townhouses

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

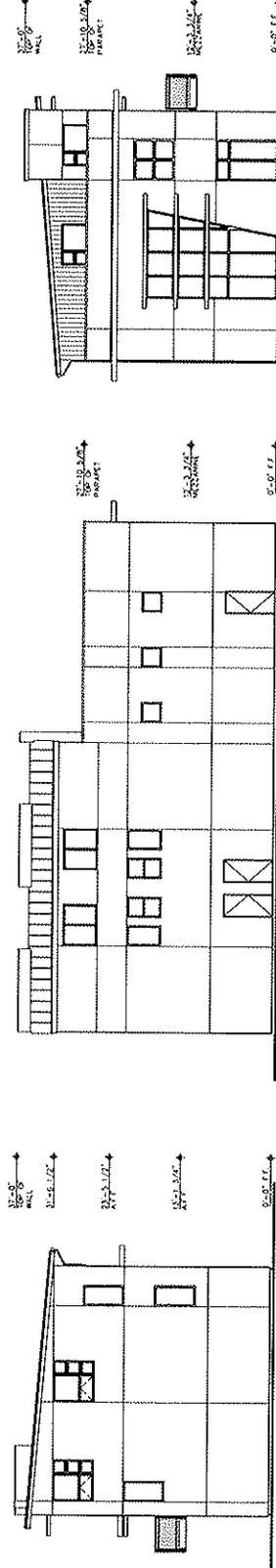


San Joaquin Street Elevation
 Commercial Building w/ Townhouses

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

Front Elevation
 Commercial Building w/ Townhouses

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



Left Elevation
 Commercial Building w/ Townhouses

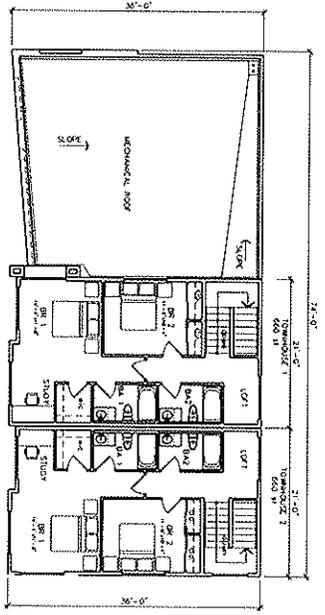
SCALE = 1/8"=1'-0"

Rear Elevation
 Commercial Building w/ Townhouses

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

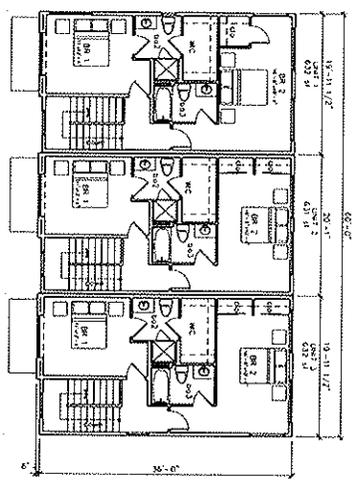
Right Elevation
 Commercial Building w/ Townhouses

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



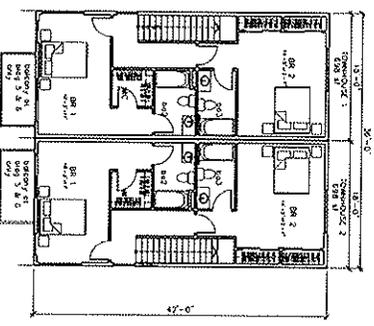
Townhouse Units
Third Floor

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



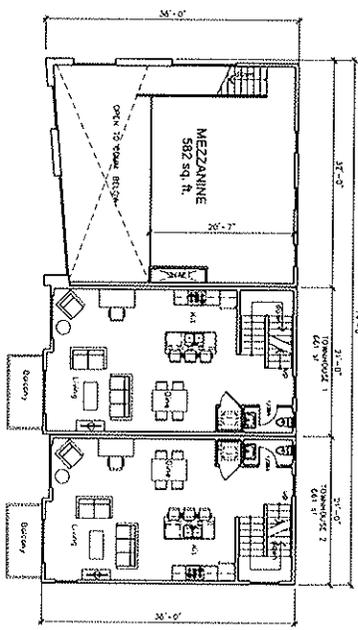
Live Work Units
Third Floor

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



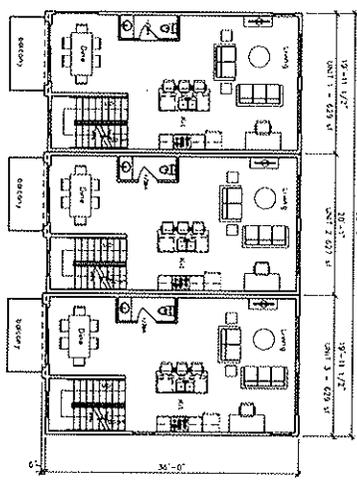
Triplex - Townhouse Units
Third Floor

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



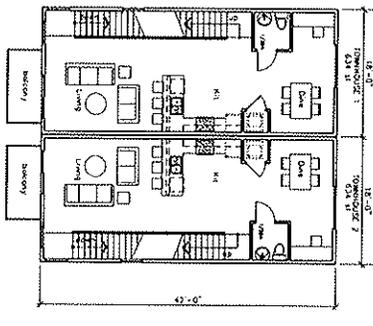
Townhouse Units
Second Floor

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



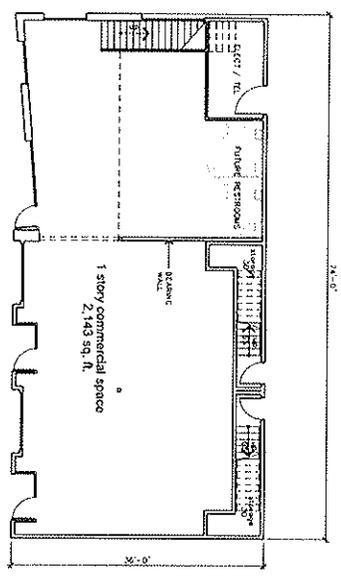
Live Work Units
Second Floor

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



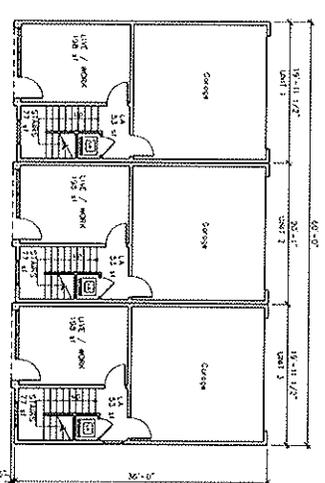
Triplex - Townhouse Units
Second Floor

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



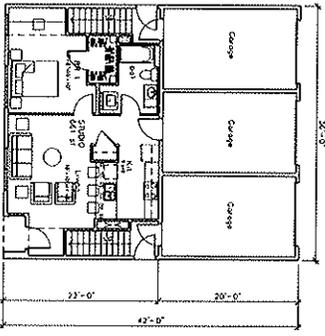
Commercial Bldg
First Floor

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



Live Work Units
First Floor

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



Triplex - Studio
First Floor

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

AREAS - COMMERCIAL BLDG A
Townhouse Units

UNIT	COMMERCIAL	TOT. SQ. FT.
UNIT 1	2145	1320
UNIT 2	2145	1320
UNIT 3	2145	1320
TOTAL	6435	3960

2 per Bldg = 6 Bldgs. = 12 Townhouse Units
Total of 6 Commercial Units on Site

AREAS - LIVE WORK UNITS

UNIT	UNIT 1	UNIT 2	UNIT 3
UNIT	1514	1511	1514
TOTAL	4539	4539	4539
TOTAL	13617	13617	13617

2 per Bldg = 3 Bldgs. = 9 Live Work Units
Total of 9 Live Work Units on Site

AREAS - TRIPLEX STUDIO A

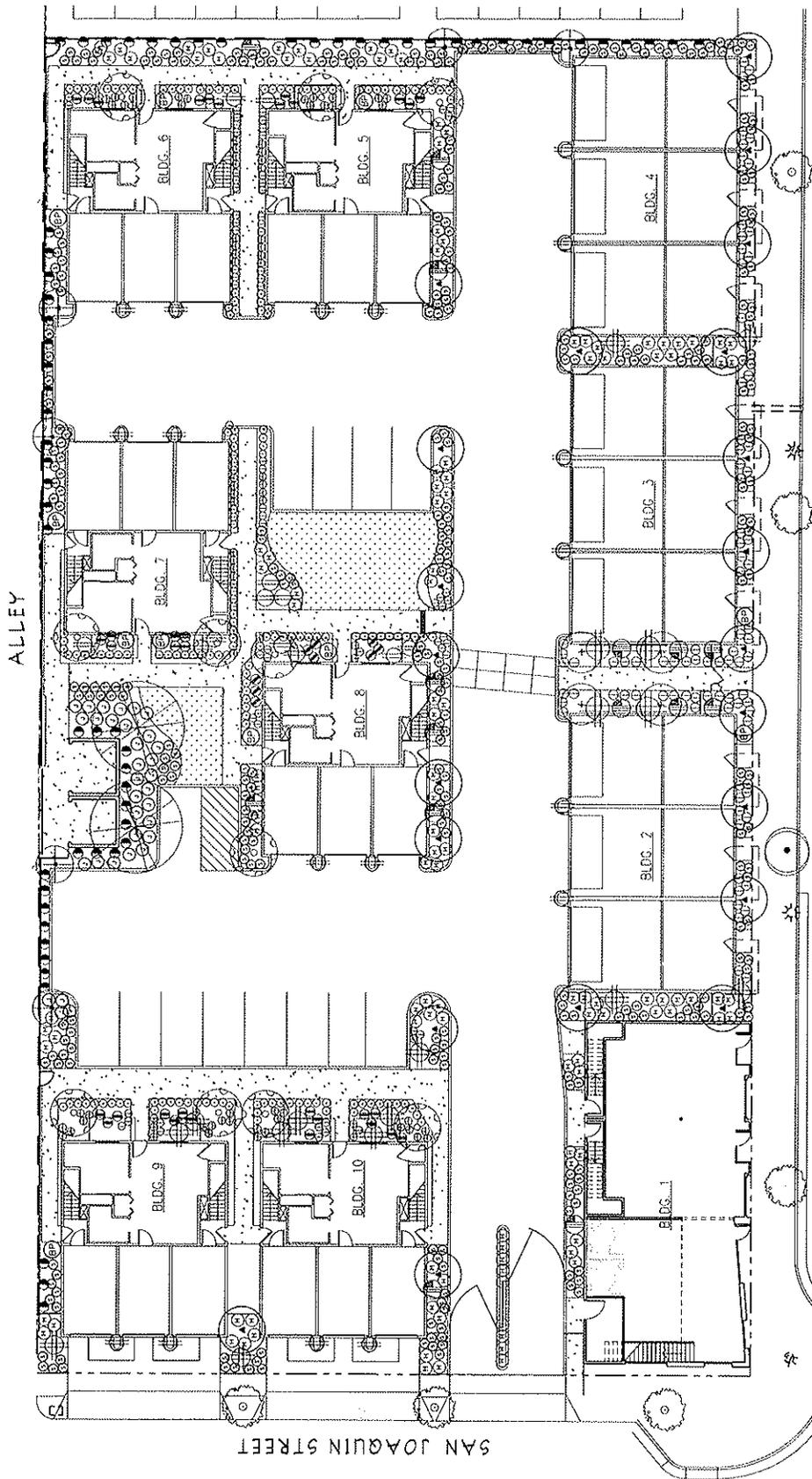
UNIT	TRIPLEX 1	TRIPLEX 2	TRIPLEX 3
UNIT	641	641	641
TOTAL	1923	1923	1923
TOTAL	5889	5889	5889

1 Studio per Bldg = 3 Bldgs. = 6 Studio Units
Total of 6 Studio Units on Site



COMMERCIAL & RESIDENTIAL PROJECT
1612 FULTON STREET FRESNO, CALIFORNIA

Project No: 1513
Date: 02/22/11
Drawn: [Name]
Sheet Number: A2



KEY	DESCRIPTION
①	HEMICALCULUS HYBRIDS
②	LAVANDULA ANGUSTIFOLIA 'HIDCOTE'
③	MANISIA DOMESTICA
④	SALVIA GRECICA
⑤	THALICTROPERUM JACQUARDI
⑥	Acacia Gynanthes 'Oson' Winged Sweet Flag
⑦	Trachypogon peruvianus Star grass
⑧	FRIGUS PRUNICA CAL. CREEPING FC
⑨	IMPATIENS OR SOLOID WARRIOR ESCOLA LARK

KEY	DESCRIPTION
①	LEUCOPHYLLON TROPICAL PURPLE 1 GAL. 1 1/2" TUBS
②	MANISIA O. 'SERRA SURBIDE' 2 GAL. 1 1/2" TUBS
③	MANISIA O. 'SERRA SURBIDE' 5 GAL. 1 1/2" TUBS
④	LEUCOPHYLLON TROPICAL PURPLE 5 GAL. 1 1/2" TUBS
⑤	LEUCOPHYLLON TROPICAL PURPLE 5 GAL. 1 1/2" TUBS
⑥	LEUCOPHYLLON TROPICAL PURPLE 5 GAL. 1 1/2" TUBS
⑦	LEUCOPHYLLON TROPICAL PURPLE 5 GAL. 1 1/2" TUBS
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㊾	LEUCOPHYLLON TROPICAL PURPLE 5 GAL. 1 1/2" TUBS
㊿	LEUCOPHYLLON TROPICAL PURPLE 5 GAL. 1 1/2" TUBS

KEY	DESCRIPTION
①	ACER PALMATUS 15 GAL. JAPANESE MAPLE
②	PRUNUS CAROLINA 'SPOON & TOOT' 15 GAL. CAROLINA LAUREL CHERRY
③	PRUNUS CAROLINA 'SPOON & TOOT' 15 GAL. CAROLINA LAUREL CHERRY
④	PRUNUS CAROLINA 'SPOON & TOOT' 15 GAL. CAROLINA LAUREL CHERRY
⑤	PRUNUS CAROLINA 'SPOON & TOOT' 15 GAL. CAROLINA LAUREL CHERRY
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LYNN HAYS KYLE
Landscape Architect
10471 FERGUSON ROAD
CLAYTON, CA 94519
TEL: (925) 938-2070
FAX: (925) 938-2070



LANDSCAPE PLAN
SCALE = 1/32" = 1'-0"

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL
OCTOBER 05, 2011

VESTING TENTATIVE TRACT MAP NO. 5993
“FOR CONDOMINIUM PURPOSES”

EASTERLY CORNER OF THE INTERSECTION OF FULTON AND SAN JOAQUIN STREETS

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

NOTICE TO PROJECT APPLICANT

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

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 5993, the subdivider may prepare a Final Map in accordance with the approved tentative map, and Conditional Use Permit Application No. C-11-023.
2. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.
3. Submit grading plans and a soils report to the City of Fresno Development and Resource Management Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
4. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Development and Resource Management Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

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

GENERAL INFORMATION

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

- i) Attached for the subdivider/developer's use is a copy of the Mode of Delivery Agreement – New Construction Form.
12. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.
13. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
14. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.
15. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
16. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

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

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

the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

MITIGATION MONITORING REQUIREMENTS

17. Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Finding of Conformity, to the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (SCH#2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH#2009051016) (Air Quality MND), which was prepared for the proposed project and dated August 19, 2011.
 - a) The Finding of Conformity prepared for the proposed project is tiered off of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Air Quality MND. Development of the subject property shall be subject to implementation of all applicable mitigation measures included within the MEIR and Air Quality MND for subsequent projects; included herein by reference.

ZONING & PROPERTY DEVELOPMENT STANDARDS

18. The subject property is zoned under the C-4 (Central Trading) zone district classification. Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective C-4 zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-11-023.
 - a) The mix of uses authorized by Conditional Use Permit Application No. C-11-023 shall be retained unless otherwise reviewed and approved by the City of Fresno Development and Resource Management Department through a formal revised or amended entitlement application.
19. The proposed map/subdivision boundary is based upon the deed transaction recorded on May 16, 2011, Document No. 2011-0065619 and the resulting parcels described in Lot Book Guarantee Order No. 1004-3719694, dated June 30, 2011, issued by First American Title Company. The parcel line adjustments approved for Lot Line Adjustment 2011-04 have been determined to be perfected and conform to the provisions of Section §§66412(d) of the State Subdivision Map Act and Section 12-1204(c) of the Fresno Municipal Code. The resulting parcels of said Lot Line Adjustment shall each be considered the lots of record for purposes of a Final Map.
20. Pursuant to Article 9 of Chapter 12, Condominium Conversions, of the Fresno Municipal Code, a Condominium Conversion Project is defined as, an occupied multiple dwelling development in which existing dwellings are converted to a condominium project, a community apartment project, a stock cooperative, or a planned development.
 - a) In the instance that existing multiple dwelling residential apartment units developed on the subject property are occupied, the owner/subdivider shall file an application for a tentative tract map for a condominium conversion project to the City of Fresno for review and approval unless appropriate noticing has been provided to prospective tenants in compliance with the rules and regulations of the State Subdivision Map Act.

- i) The information specified within Section 12-904 of the Fresno Municipal Code, in addition to the requirements of Article 10 of Chapter 12 of the Fresno Municipal Code, shall be required as a prerequisite to filing an application for a tentative tract map for a condominium conversion project.
 - NOTE: The State Subdivision Map Act provides general and specific regulations and procedures that local governments and the applicant must follow in the review of condominium conversion projects. The applicant should become familiar with Sections 66427.1, 66452.8 and 66452.9 of the State Subdivision Map Act, as these sections contain very important requirements relating to the required notices to be given to the tenants by the applicant.
21. Whenever a subdivision, includes area under common ownership (such as is the case within a common interest development for condominium purposes), the use, maintenance, and operation thereof shall be administered by an owner's association regulated by covenants, conditions, and restrictions (CC&R's) pursuant to Section 12-1026 of the Fresno Municipal Code.
- a) Submit draft copies of Declarations of Covenants, Conditions and Restrictions/Owners Association documents (DCC&R's) for review and approval prior to recordation of a Final Map. Final, executed and notarized documents shall be recorded with the final map; or alternatively, the subdivider may enter into a covenant with the City of Fresno to defer the preparation of DCC&R's and formulation of the required Homeowners' Association (HOA) in accordance with the following term:
 - i) A minimum of ninety days before submittal of documents to the Department of Real Estate to obtain the public report for the project or the recordation of a Condo Plan as defined in Section 1351(e) of the California Civil Code, whichever is earlier, the subdivider shall submit to the City for review the Condo Plan, DCC&R and HOA instruments that are compliant with the special permit (Conditional Use Permit Application No. C-11-023) and the tentative map and associated conditions of approval.
 - b) CC&R's are intended to satisfy and secure the enforceability of properties' obligations for retention and maintenance of access, utilities, facilities, and improvements; and, shall, at a minimum, address the following:
 - i) Cross Access for ingress/egress and emergency access to buildings
 - ii) Cross Drainage (if applicable)
 - iii) Shared Parking
 - iv) Shared solid waste facilities
 - v) Maintenance of sewer, water and all other utilities
 - vi) Maintenance of private sidewalks, curbs, gutters, and improvements
 - vii) Maintenance of all landscaping and irrigation systems within the limits of this map
 - viii) Maintenance and retention of fire suppression systems and underground water supplies
 - c) The subdivider shall establish a Home Owners' Association to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City. The agreement with the City described herein, shall among other things, include assignment of responsibility to the homeowner's association for provisions as stated

in the Development and Resource Management Department Guidelines for preparation of CC&Rs dated September 01, 1994 and shall specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.

- NOTE: The owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.
- NOTE: Any amendment by the association to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.

Lot Area and Dimensions

22. The single "common" lot proposed by Vesting Tentative Tract Map No. 5993 is consistent with the existing C-4 (*Central Trading*) zone district.
 - a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 5993.

Building Setbacks

23. Building setbacks shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-11-023.

Fences, Hedges & Walls

24. Fences Hedges and Walls shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-11-023.

LANDSCAPING AND OPEN SPACE

25. On-site landscaping and open space shall be provided and maintained in accordance with the Conditions of Approval and Exhibit(s) "A" & "L" for Conditional Use Permit Application No. C-11-023.

STREETS AND RIGHTS-OF-WAY

32. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.
33. Comply with all of the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated August 16, 2011; with the following exceptions:
 - a) A minimum 18 to 20-foot garage setback is not required for garages fronting onto San Joaquin Street. A redesign of the site plan for Conditional Use Permit Application No. C-11-023 is not required

34. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and is responsible for the dedication of planting and buffer landscape easements as determined by the Development and Resource Management Department. Street trees shall be planted by the developer at the minimum rate of one tree for each 24 feet of street frontage. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards and AB 1881 Model Water Efficient Landscape Ordinance.
 - a) Comply with all of the Street Tree and Maintenance requirements included within the Department of Public Works, Streets Division memorandum from the Parks Supervisor dated July 24, 2011; except as may be modified herein below:
 - i) Based upon the proposed building setbacks of proposed structures to public rights-of-way, street trees may not be required to be planted within a 10-foot Public Planting and Utility Easement subject to approval by the Public Works Department. The number and locations of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to issuance of a street tree planting permit or prior to approval of landscape plans, which are required to be submitted to serve as a street tree planting permit for on-site trees, which may alternatively be planted outside of street rights-of-way and within ten feet of the back of the sidewalk.

SANITARY SEWER SERVICE

The nearest sanitary sewer main to serve the proposed project is an 8-inch main located in the Fulton/Van Ness alley. The following sewer conditions shall be required prior to providing City sewer service to the project:

35. Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated July 28, 2011.

WATER SERVICE

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

36. Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated August 16, 2011.

SOLID WASTE SERVICE

This tract will be serviced as Multi-Family Residential bin service, subject to the following conditions:

37. Comply with all of the requirements included within the attached Department of Public Utilities, Solid Waste Division memorandum dated August 16, 2011.

FIRE SERVICE

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

38. Comply with all of the requirements included within the attached Fresno Fire Department memorandum dated July 21, 2011.
 - NOTE: A covenant is required for access from the adjacent parking lot located on the parcel directly to the south of the subject property (APN[s]: 466-104-06).

FLOOD CONTROL AND DRAINAGE

39. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letters to the Planning and Development Department dated August 16, 2011.

COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

40. Comply with all of the requirements included within the attached County of Fresno Department of Public Health memorandum dated August 02, 2011.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

41. Comply with all of the requirements included within the attached San Joaquin Valley Air Pollution Control District (SJVAPCD) memorandum dated August 22, 2011.
 - a) The subdivider/developer shall comply with all regulations and rules applicable to the development of the subject property in accordance with SJVAPCD requirements.
 - NOTE: These rules and regulations may include, but not be limited to, compliance with Regulation VIII for the control of particulate matter and fugitive dust during construction of this project and Rule 8060 for the control of fugitive dust from paved and unpaved roads.

REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

42. Comply with all requirements included within the attached City of Fresno Redevelopment Agency memorandum dated July 25, 2011.

FRESNO UNIFIED SCHOOL DISTRICT

43. Attached for the subdivider's records and/or consideration is the memorandum from Fresno Unified School District dated July 20, 2011.

RIGHT-OF-WAY ACQUISITION

44. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
45. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must

be determined at the project design stage based on the existing conditions and detailed design information.

- 46. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.
- 47. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.
- 48. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

MAINTENANCE OBLIGATIONS

- 49. Comply with all the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated August 16, 2011 subject to the requirements included herein above related to the formulation of a Homeowners' Association.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

<u>FLOOD CONTROL CHARGES</u>	<u>FEE RATE</u>
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a. FMFCD Drainage Fee	\$9,419.00
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<u>SEWER CONNECTION CHARGES</u>	<u>FEE RATE</u>
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b. Lateral Sewer Charge [1]	\$0.10/sq. ft. (to 100' depth)
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c. Oversize Charge [1]	\$0.05/sq. ft. (to 100' depth)
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d. Trunk Sewer Charge Service Area:	N/A
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e. Wastewater Facilities Charge	S.T.E.P. **
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f. House Branch Sewer Charge [2]	N/A
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<u>WATER CONNECTION CHARGES</u>	<u>FEE RATE</u>
g. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule.
h. Frontage Charge [1]	\$6.50/lineal foot
i. Transmission Grid Main Charge [1]	\$804/net acre (parcels under 5 gross acres)
j. Transmission Grid Main Bond Debt Service Charge [1]	\$304/net acre (parcels under 5 gross acres)
k. UGM Water Supply Fee [2] Service Area:	N/A
l. Well Head Treatment Fee [2] Service Area:	N/A
m. Recharge Fee [2] Service Area:	N/A
n. 1994 Bond Debt Service [1] Service Area:	N/A

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

Notes:

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

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

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

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

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

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

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL

OCTOBER 05, 2011

CONDITIONAL USE PERMIT APPLICATION NO. C-11-023

EASTERLY CORNER OF THE INTERSECTION OF FULTON AND SAN JOAQUIN STREETS

PART A - PROJECT INFORMATION

1. Assessor's Parcel No(s): 466-144-07
2. Street Location: Located on the easterly corner of the intersection of Fulton and San Joaquin Streets.
(Council District 3, Councilmember Baines)
3. Existing & Proposed Zoning "C-4" (*Central Trading District*)
4. Existing & Proposed Planned Land Use: Central Area Commercial Mixed Use Level 2
5. Plan Areas: Central Area Community Plan, Fulton/Lowell Specific Plan, Fulton Redevelopment Plan
6. Project Description: Requests authorization to construct a three-story mixed use project consisting of approximately 2,939 square feet of ground floor commercial retail space and 29 residential live/work and townhouse units. The proposed project also includes the proposed vacation of portions of adjacent public street rights-of-way. Associated Vesting Tentative Tract Map No. 5993 has also been filed for condominium purposes.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The City of Fresno Planning Commission, on October 05, 2011, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E", "F" & "L", inclusive of Conditional Use Permit Application No. C-11-023.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the

health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

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

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. C-11-023 and Vesting Tentative Tract Map No. T-5993.

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

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

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(Include this note on the site plan.)**

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

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

The exercise of rights granted by this special permit must be commenced by October 05, 2015 (four years from the date of Director approval). The time limits for any special permit conditionally granted in conjunction with an approved tentative tract map shall be automatically extended upon the extension of

such tentative tract map pursuant to Section 12-1005.1 of the FMC.

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

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

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

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

NOTICE TO PROJECT APPLICANT

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

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

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

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

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

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit(s) "A" is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree

wells, etc., within the existing and proposed public rights-of-way.

- b) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface private structures and appurtenances extending within the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts/Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.
- c) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:
 - i) Dedications shall take place in accordance with any applicable conditions included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated August 16, 2011.
- d) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:
 - i) Exhibit "A" of Conditional Use Permit Application No. C-11-023 includes a note that public street rights-of-way are to be vacated by recordation of the Final Map for Vesting Tentative Tract Map No. 5993. In the circumstance that development of the subject property should be proposed to begin prior to recordation of a Final Map, then vacations shall take place in accordance with the attached Public Works Department, Traffic and Engineering Services Division memorandum dated August 16, 2011; referenced herein below.
 - ii) A feasibility study for all proposed vacations of existing public rights-of-way is required to be completed prior to either recordation of the Final Map or issuance of building permits. Contact Alan James, Supervising Engineering Technician at (559) 621-8693 for further information.

2. STREET IMPROVEMENTS

- a) All public improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering Services Division at (559) 621-8693, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.
- b) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.
- c) Where required design and construct curb, gutter, AC paving, and residential sidewalk patterns to Public Works standards, specifications, and policies. Plans shall be prepared by a

registered Civil Engineer.

- d) Streetlights are required on all frontages to City Standards and/or as determined by the City Engineer. Street lighting plans are required and must be approved by the Public Works Department/Engineering Services prior to commencement of the work.
- e) Underground all existing off-site overhead utilities within the limits of this site as per FMC Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.
- f) Submit four copies of a Geometric Approval Drawing (GAD) to Traffic Engineering for review and approval, per the attached checklist, prior to submittal of street plans.
- g) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

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

PART D - PLANNING/ZONING REQUIREMENTS

1. PLANNING

- a) Development is subject to the following plans and policies:
 - i) "C-4", *Low Density Multiple Family Residential District (§12-220 of the FMC)*
 - ii) 2025 Fresno General Plan
 - iii) Central Area Community Plan
 - iv) Fulton/Lowell Specific Plan
 - v) Fulton Redevelopment Plan

2. MITIGATION MONITORING REQUIREMENTS

Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Finding of Conformity, to the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (SCH#2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH#2009051016) (Air Quality MND), which was prepared for the proposed project and dated August 19, 2011.

- a) The Finding of Conformity prepared for the proposed project is tiered off of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Air Quality MND. Development of the subject property shall be subject to implementation of all applicable

mitigation measures included within the MEIR and Air Quality MND for subsequent projects; included herein by reference.

3. ZONING

- a) A subsequent entitlement will be required in order to revise the current development proposal or authorize an alternative development scheme for the subject property. Further environmental review may also be required for any future revisions dependent upon the level of intensification that may be proposed.
- b) The subject property is zoned under the C-4 (Central Trading) zone district classification. Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective C-4 zone district except as may be modified herein pursuant to Conditional Use Permit Application No. C-11-023.
 - i) The mix of uses authorized by Conditional Use Permit Application No. C-11-023 shall be retained unless otherwise reviewed and approved by the City of Fresno Development and Resource Management Department through a formal revised or amended entitlement application.

4. BUILDING HEIGHT

- a) No building or structure erected on the subject property shall have a height greater than 60 feet.
 - NOTE: Future buildings or structures which may be proposed at a height, which is in excess of the maximum height development standard as provided herein above shall obtain a conditional use permit pursuant to the provisions of the Mid-Rise and High Rise Ordinance (FMC Section 12-321).
- i) Roof structures for the housing of moot elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys, smokestacks, silos, water tanks or wireless masts or similar structures may be erected above the height limit prescribed when approved by the Director (or Planning Commission) upon finding that the structure may be safely erected and maintained at such height without damaging the surrounding properties taking into consideration the surrounding conditions and circumstances. No roof structures, or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.
- b) New buildings or structures shall be a minimum of two stories or 24 feet in height, whichever is the greater height.
- c) No accessory building erected on the subject property shall have a height greater than one story, not to exceed 12 feet in height. All accessory buildings on the subject property are subject to the provisions of Section 12-306-N-1 (Accessory Buildings) of the FMC.

5. BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

- a) Setbacks and spaces between buildings shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-11-023; and, the following:
- NOTE: Any proposed deviation from the building setbacks established by Exhibit "A" of Conditional Use Permit Application No. C-11-023 requires a revision to Conditional Use Permit Application No. C-11-023.
- b) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

6. OPEN SPACES AND LANDSCAPING

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

- a) A landscape and irrigation plan, prepared by a landscape professional, shall be submitted to the Development Services (Planning) Division and approved for all open space and recreational areas within the development. These plans must be reviewed and approved prior to obtaining building permits.
- b) All yards (including private) and areas designated for open space purposes shall be landscaped and maintained in accordance with Sections 12-306-N-24 of the FMC.
- i) All yards and landscaped areas located adjacent to street frontage shall be provided automatic irrigation systems.
 - ii) All yards (including private) and areas designated for open space purposes shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.
- c) All required Walls or fences, which are accessible to the public, shall incorporate an adjacent landscaped buffer area pursuant to the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."
- d) Provide for the planting of trees on-site per FMC Section 12-306-N-24-g; except as may be modified herein below:
- i) Planting of on-site trees shall occur in accordance with the landscape plan which is required to be submitted to the Development Services (Planning) Division for review and approval prior to issuance of building permits.
 - ii) Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years; or, provide substantiated data satisfactory to the Director demonstrating that existing conditions (tall buildings, etc.) meet the intention of parking lot

shading requirements.

- iii) Trees shall be planted in proposed landscaped areas along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way.
- e) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.
 - NOTE: Street trees shall be planted by the property owner and shall be inspected by the City pursuant to the payment of street tree inspection fees.
- i) Comply with the Street Tree and Maintenance requirements included within the attached Department of Public Works, Streets Division memorandum from the Parks Supervisor dated July 24, 2011.
 - NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant the minimum number of streets trees required based upon the linear feet of street frontage on private property within ten feet of the back of the sidewalk. Based upon the proposed building setbacks of proposed structures to public rights-of-way, street trees may not be required to be planted within a 10-foot Public Planting and Utility Easement (to be determined by the City Engineer).
 - NOTE: The number and location of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to approval of landscape plans and prior to issuance of a street tree planting permit. The approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not in the public right of way. A copy of this plan shall be kept at the job site at all times.
- ii) Call (559) 621-5600 to notify the Public Works Department Construction Management Division 72 hours prior to tree hole drilling/tree planting in the public right-of-way, in order to verify tree locations, to obtain inspection of drilling operations, and to check backfilling procedures and safety barriers.
- iii) All planting, irrigation and related work within the city right-of-way shall comply with the City of Fresno Public Works Department Standard Specifications, Section 25 and 26.
- iv) All landscaping and related work to be performed within the city right-of-way shall be done by a qualified contractor and requires a street encroachment permit from the Public Works Department prior to commencement. Call (559) 621-8685 for information on encroachment permits and required insurance and bonding.
- f) All trees shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Development and Resource Management Department. **(Include this note on the site plan and landscape plan.)**

- g) All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and any such vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.
- h) Landscaping shall be kept free from weeds and undesirable grasses.
- i) Landscaping must be in place before issuance of the certificates of occupancy for proposed structures.
 - i) A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**
 - NOTE: The hold on occupancy may be released at the discretion of the Development and Resource Management Department to subjectively accommodate inappropriate planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).
 - NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.
 - ii) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Development and Resource Management Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**

7. FENCES, HEDGES, AND WALLS

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

- a) All proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Development and Resource Management Department. **(Include this note on the site plan.)**
 - i) Clearly depict any proposed/existing fences, hedges and walls on Exhibit(s) "A" of Conditional Use Permit Application No. C-11-023. Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Development and Resource Management Department.
 - ii) Submit a rendering depicting the fence, hedge or wall height, material, location etc. for review and approval.

- NOTE: Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.
- b) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC except as may be modified herein below.
- NOTE: Without exception, all present and future fences, hedges, and walls shall not exceed three feet in height within the corner cut-off area defined at Section 12-306-H-3-e of the FMC; and, shall conform to all aspects of the corner cut-off provisions of Section 13-227 (Obstruction to Visibility at Intersection) and 13-228 (Intersection Visibility, Investigation and Enforcement. Lien.) of the FMC.
- c) All fences, hedges and walls shall conform to the Fulton/Lowell Design Guidelines; specifically as follows:
- i) Fencing proposed along Fulton and San Joaquin Streets should be semi-transparent and set back from the back of the sidewalk at least 18" to allow a planting area. Fencing style should enhance the architectural style of the proposed structures.
 - NOTE: Chain link fences are unacceptable. Only wrought iron, wood, or masonry will be considered acceptable fencing materials.
 - ii) Gates shall be attractive and in keeping with the fence style.
 - iii) Overheight fences are prohibited pursuant to the Fresno Municipal Code.
- d) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.

8. OFF-STREET PARKING

Off-street parking on the subject property shall be provided and maintained in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-11-023; and, the following:

- a) Comply with any redlines notes on Exhibit "A" of Conditional Use Permit Application No. C-11-023 or other requirements specified within the Department of Public Works, Traffic and Engineering Services Division memorandum dated August 16, 2011; except as follows:
- b) A minimum 18 to 20-foot garage setback is not required for garages fronting onto San Joaquin Street. A redesign of the site plan for Conditional Use Permit Application No. C-11-023 is not required
 - i) No parking shall be allowed on driveways serving as access to garages which are proposed

to front onto San Joaquin Street.

- ii) The property owner shall provide a mechanism in a form approved by the City of Fresno Development and Resource Management and Public Works Department for enforcement of the "no parking" requirement respective to San Joaquin Street included herein above.
 - NOTE: Acceptable measures may include, but not be limited to, the inclusion of stipulations within rental agreements or within covenants, conditions, and restrictions (CC&R's) prepared for the subject property acknowledging the applicable parking restrictions and assuming responsibility for enforcement of said parking restrictions by enforceable means (including towing of vehicles obstructing public rights-of-way, etc.). Any such agreements shall be subject to review and approval by the City of Fresno and may require that the City be made party to any such agreements prepared in accordance with these requirements.

9. ACCESS

- a) There shall be adequate vehicular access from a dedicated and improved street, service road or alley, the design of which shall be approved by the Director of Public Works.
 - i) Vehicular access shall be provided from any frontage other than the primary frontage (Fulton Street) where available.
- b) There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes.
- c) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.
- d) Provide vehicular and/or pedestrian access as noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-11-023.

10. OUTDOOR ADVERTISING AND MARKETING

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

11. BUILDING STANDARDS AND ELEVATIONS

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

The design of the project should address the goal to create a pedestrian scale atmosphere with quality architecture in order to create and achieve a vibrant, livable, walkable, economically viable and sustainable community within the downtown in order to enhance the urban core and form.

Buildings should generally be designed to strengthen street scene, integrating public and private spaces such as to maximize pedestrian use, enjoyment and amenity associated with the proposed structures and public streets. Building elevations shall comply with the following requirements:

- a) Pursuant to Policy numbers C-20-f, C-21-a, C-21-b and C-21-c of the 2025 Fresno General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless "blank" walls. Design measures should be utilized to avoid large scale, massive, monolithic, and repetitive "institutional" visual appearances. Submit elevations inclusive of modifications for review and approval.
 - i) Buildings shall have an attractive appearance on all sides, not just on their front elevations. Side and rear elevations which are visible from the public rights-of-way or which are adjacent to common areas or paths of travel should incorporate aesthetic enhancements to reinforce the quality and character of the development. No monolithic walls shall be permitted. Design features such as the extension of roof treatments and mansards to the sides and backs of buildings; provision of pedestrian overhangs, awnings and sunscreens; and, use of texture, relief, and/or color can be utilized to add interest to otherwise blank walls.
 - ii) At minimum, aesthetic enhancements in combination with landscaped buffers shall be provided and utilized for the rear elevation of proposed Building 1 which is located adjacent to the primary entryway to the development; and, the exterior side elevations of proposed Buildings 2, 3, 4, 9 & 10 which are visible from the public rights of way or which side onto principal entryways (pedestrian or vehicular) into the development. These elevations shall be treated to address such areas as "people spaces".
 - NOTE: Aesthetic enhancements may include a variety of elements including incorporation of architectural character defining features, details and materials, landscaping, decorative fencing, etc. Contact the Development and Resource Management for further information and/or recommendations. Development and Resource Management Department approval shall be obtained for respective elevations of the proposed structures specifically mentioned herein above prior to issuance of building permits.
- b) In accordance with the Fulton/Lowell Design Guidelines and recommendations from the Fresno Police Department for crime prevention through design, appropriate lighting shall be provided on-site to enhance the appearance of the neighborhood while simultaneously providing a sense of security and safety in order to make it possible to use outdoor living spaces after nightfall.
 - i) Residential lighting fixtures should be scaled to be in keeping with the pedestrian nature of the mixed used development.
 - ii) Lighting should be designed to make yard and common areas more livable and to allow neighbors to gather and socialize in the evening hours.
 - iii) Lighting fixtures should complement the architectural style of the structures in terms of both color and style. Fixtures attached to structures and complementing their style are preferred.

- iv) Eave-mounted spotlights should be limited to interior yards and used only to illuminate after-dark activities. The light from these spotlights should be shielded or aimed to eliminate glare escaping into neighbors' yards and windows.
- c) Clearly identify all condensing units, air conditioning and heating units on the site plans and elevations.
 - i) Mechanical equipment placed on the ground within side yard areas shall not obstruct or impede access for emergency service personnel. Maintain minimum 3-foot wide clear paths around equipment; or, provide approval from the City of Fresno Fire Department respective to mechanical equipment locations.
 - ii) Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way. When placed on the ground outside of required yards, condensing units and mechanical equipment shall be screened from view of the public right-of-way with structures, fencing and/or landscaping as may be appropriate.

12. DEVELOPMENT IMPACT FEES

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

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

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

For information related to City of Fresno Development Impact Fees, contact Frank Saburit at (559) 621-8077

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

b) Sewer Connection Charges

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

c) Development Impact Fees

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

d) Other Agencies Impact Fees

- i) Satisfy the Fresno County Facilities Impact Fee obligation. Provide County Facilities Impact Fee receipt from the County Public Works and Planning Department (559-488-3496) as proof of payment or exemption prior to the issuance of building permits.
 - NOTE: The requirement to pay this fee is currently suspended. However, this fee will be required to be paid if the fee has been reinstated at the time of issuance of building permits for this project.
- ii) Satisfy the Fresno County Regional Transportation Mitigation Fee (RTMF), as required by the RTMF Joint Powers Agency (559-233-4148). Provided are the RTMF Informational Summary and the Record of Payment forms.
 - NOTE: The completed Record of Payment of the RTMF form must be submitted to the City prior to the issuance of building permits. Prior to issuance of the Certificate of Occupancy, the Record of Payment of the RTMF form must be signed indicating the Disposition of RTMF by the RTMF JPA.

e) Covenants and Agreements

- i) Deferral of the payment of the Citywide Development Impact Fees for Fire, Parks, Police, Major Streets, and Traffic Signals is available for projects located within the Downtown Priority Areas in accordance with the provisions of Resolution Nos. 2009-265 and 2010-19. A covenant is required for deferral in applicable circumstances and must be recorded prior to issuance of Building Permits.

PART E - CITY AND OTHER SERVICES

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

- a) Comply with all of the requirements included within the attached Department of Public Works, Streets Division memorandum from the Parks Supervisor dated July 24, 2011; except as may be otherwise provided herein above.

2. TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

- a) Comply with all of the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated August 16, 2011; except as may be otherwise provided herein above.

3. PUBLIC UTILITIES REQUIREMENTS

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated July 28, 2011.
- b) Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated August 16, 2011.

4. SOLID WASTE COLLECTION

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Solid Waste Division memorandum dated August 16, 2011.

5. FIRE PROTECTION REQUIREMENTS

- a) Comply with all of the requirements included within the attached City of Fresno Fire Department memorandum dated July 21, 2011.

6. FLOOD CONTROL REQUIREMENTS

- a) Comply with all of the requirements stipulated within the attached Fresno Metropolitan Flood Control District memorandum dated August 16, 2011.

7. COUNTY OF FRESNO, DEPARTMENT OF COMMUNITY HEALTH

- a) Comply with all of the requirements included within the attached County of Fresno Department of Public Health memorandum dated August 02, 2011.

8. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

- a) Comply with all of the requirements included within the attached San Joaquin Valley Air Pollution Control District (SJVAPCD) memorandum dated August 22, 2011.
- i) The subdivider/developer shall comply with all regulations and rules applicable to the development of the subject property in accordance with SJVAPCD requirements.

- NOTE: These rules and regulations may include, but not be limited to, compliance with Regulation VIII for the control of particulate matter and fugitive dust during construction of this project and Rule 8060 for the control of fugitive dust from paved and unpaved roads.

9. REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

- a) Comply with all requirements included within the attached City of Fresno Redevelopment Agency memorandum dated July 25, 2011.

10. FRESNO UNIFIED SCHOOL DISTRICT

- a) Attached for the subdivider's records and/or consideration is the memorandum from Fresno Unified School District dated July 20, 2011.

PART F - MISCELLANEOUS

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

1. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
2. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation.
3. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment

and, if the paleontologist determines the material to be significant, it shall be preserved.

Unless the Planning Commission decision is set for hearing to the Council in accordance with Section 12-406-J of the FMC, the decision of the Commission shall be final and effective at 12:01 a.m. on the sixteenth day after the date of the decision, subject to writ of administrative mandamus under 1094.6 of the Code of Civil Procedures.

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III
Planning Division

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

DATE: July 24, 2011

SUBJECT: Tract 5993; C-11-023 (APN: 466-144-07) located on the southeasterly corner of Fulton and San Joaquin Streets. The Department of Public Works has reviewed the Tentative Subdivision Tract Map proposed by Gary G. Gianetta., on engineering plans dated June 23, 2011 for Granville Homes/FFDA Properties, LCC. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation within the street right-of-way:

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

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

The Preliminary Landscape Plan by Lynn Hays Kyle, dated June 22, 2011 proposes keeping three (3) existing *Podocarpus gracilior* on Fulton St. and adding one more for a total of four (4) street trees. Ten (10) street trees are required.

The designated street tree for Fulton Street is:

Podocarpus gracilior

Fern Podocarpus

The plans also show three (3) of four (4) existing *Zelkova serrata* on San Joaquin St. to remain. Six (6) street trees are required.

The designated street tree for San Joaquin Street is:

Zelkova serrata 'Wireless'

Sawleaf Zelkova

2. Street Tree Planting by Developer: Tree planting shall be within a 10' Public Planting and Utility Easement.
 - a. Street tree inspection fees shall be collected for each 24' of public street frontage. There are approximately 250 lineal feet of street frontage along Fulton Street resulting in the requirement of ten (10) street trees. There are approximately 150 lineal feet of street frontage along San Joaquin Street resulting in the requirement of six (6) street trees.
 - b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."
 - c. Landscape plans for all public use areas shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all street tree planting.

d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications of the City of Fresno.

e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.

MAINTENANCE REQUIREMENTS

1. The subdivider shall provide long term maintenance for all proposed landscaped areas by either petitioning for annexation in a Community Facilities District or by forming a Home Owner's Association.

2. Maintenance Service Through Annexation into the Community Facilities District. Landscape and Irrigation plans are required and shall be submitted to the Department of Public Works for review and approval prior to a Council approval of the final map. Plans shall be numbered to conform to and be included in the Department of Public Works street construction plan set for the final map. Fees are applicable when the subdivider elects to have landscaping maintained by annexing into the City's Community Facilities District.

A. Landscape and irrigation plans shall comply with Sections 12-306-23 & 24 and 14-121 of the Fresno Municipal Code and AB 1881 regarding Water Efficient Landscaping.

D. The water meter(s) serving tree wells shall be sized for the anticipated service flows.

E. No private flags, signs or identification of any kind shall be permitted in the right-of-way, within the City - controlled easement or on the fence or wall facing the street.

F. Landscaping in the right-of-way and landscape setback adjacent to water well sites shall be the responsibility of the City of Fresno Water Division and may not be included in the CFD.

City of



DATE: August 16, 2011

TO: Will Tackett, Planner III
Development and Resource Management Department

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

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

SUBJECT: Public Works Conditions of Approval
TT 5993 / C-11-023, 1612 Fulton Street
FFDA Properties, LLC / Gary G. Giannetta

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

Provide the following information on the tentative map and / or complete the following, prior to Planning Commission.

A. General Requirements

1. Easements: Identify and dimension all existing and proposed easements.
2. Scope of work: All items shall be listed as existing, proposed or future.
3. Property Lines: Correctly dimension all property lines.

B. Offsite Information:

1. Street Improvements: Identify existing alley approaches, street lights (specify type-wood, metal etc.).
2. Street furniture: Identify tree wells, etc.
3. ADA: Identify the required 4' minimum path of travel along the public sidewalk adjacent to property.

C. Onsite Information:

1. Parking Lots:
 - a. Stalls: Revise parking stalls to meet the standard stall size of 9' x 18'. No obstructions shall be within the 3' overhang. (groundcover is allowable.) Compact parking stalls shall be signed or marked.
 - b. Lighting: Identify the location (not to be within the 3' vehicular overhang)
 - c. Disability parking, ramps, signage: provide details
2. Garages fronting on San Joaquin: Resubmit a site plan with a minimum garage setback of 20'. 18' if there is a proposed roll up door. -or- Redesign garage access.

Survey Monuments

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

PUBLIC IMPROVEMENT REQUIREMENTS

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

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

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

Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.

Street widening and transitions shall also include utility relocations and necessary dedications.

Submit the following, as applicable, in a single package to the City of Fresno Development and Resource Management Department for review and approval, **prior** to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Signal Plans.

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

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

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

Fulton Street: Local

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

2. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' pattern. **Identify on the map.** Construct 4' x 6' tree wells per Public Works Standard P-8. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, **Section 26-2.11(C)**.
3. Construct a standard curb ramp per Public Works Standard **P-28** and **P-32**. Radius to be determined. **-OR-** Modify or replace the existing ramp to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy. "Detectable Warning Devices" are required, if not existing. Reference Public Works Standards **P-28** and **P-32**. The proposed "bulb-out" is dependent on an approved grading plan.
4. All existing driveway approaches which no longer provide access to approved vehicle parking areas shall be removed unless otherwise approved by the City Engineer. Such areas shall be reconstructed with curb, gutter, and sidewalk to match existing adjacent street improvements. This work shall be completed and accepted before a Permit of Occupancy is issued or the building is occupied per Fresno Municipal Code (FMC) 11-209.

San Joaquin Street: Local

1. Vacate 4' of right-of-way adjacent to this application, **prior** to building permits. Contact the Public Works Department, Alan James (559) 621-8693 for additional information. A feasibility study for all proposed vacations of existing public rights of way is required to be completed **prior** to building permits.
2. Where missing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' pattern. Construct 4' x 6' tree wells per Public Works Standard P-8. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, **Section 26-2.11(C)**.
3. Construct driveway approaches to Public Works Standard(s) **P-1** and **P-6**.
4. All existing driveway approaches which no longer provide access to approved vehicle parking areas shall be removed unless otherwise approved by the City Engineer. Such areas shall be reconstructed with curb, gutter, and sidewalk to match existing adjacent street improvements. This work shall be completed and accepted before a Permit of Occupancy is issued or the building is occupied per Fresno Municipal Code (FMC) 11-209.

Alley:

1. If the existing alley is in poor shape, provide a 2" overlay to the existing alley adjacent to this application, as determined by the Construction Management Engineer.

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21**, **P-22**, **P-23**.
2. The proposed entry gate shall be 20' minimum from the proposed property line.

Specific Mitigation Requirements:

This development will generate a total of 25 a.m. / 41 p.m. peak hour trips and generate a count of 404 Average Daily Trips (A.D.T.), based upon the following:

<u>Land Use</u>	<u>Size</u>	<u>Average Daily Trips (ADT)</u>	<u>AM Pk Hour</u>	<u>PM Pk Hour</u>
Residential	29 units	278	22	30
Commercial	2,939 s. f.	126	3	11
Total		404	25	41

A Traffic Impact Study (TIS) is not required.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay all applicable Traffic Signal Mitigation Impact Fees (TSMI Fees) at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual for residential and commercial use(fee rate as shown in the Master Fee Schedule).

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

Fresno Major Street Impact (FMSI) Fee :

This Map is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees.

Regional Transportation Mitigation Fee (RTMF):

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

Landscape and Feature Maintenance: Owner to maintain frontage.



DEPARTMENT OF PUBLIC UTILITIES

Date: July 28, 2011

To: WILL TACKETT
Planning and Development Department

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

Subject: SANITARY SEWER REQUIREMENTS FOR VESTING TENTATIVE
TRACT 5993 AND CONDITIONAL USE PERMIT C-11-023



General

T-5993 and C-11-023 were filed by Bret Giannetta of Giannetta Civil Engineering, on behalf of Darius Assemi of FFDA Properties, LLC, and pertain to 1.5 acres of property located on the southeasterly corner of Fulton and San Joaquin Streets in downtown Fresno, 1612 Fulton Street, APN 466-144-07. T-5993 proposes a one common lot condominium airspace subdivision. C-11-023 proposes a mixed use three story residential and commercial development consisting of 2,939 square feet of ground floor retail and 29 multiple family residential units. The commercial building will be a three story building with two townhouse units. The residential buildings will be a mixture of 3 story-2 car garage live-work triplexes and 3 story-1 car garage townhouse triplexes. The property is zoned C-4, Central Trading.

Sewer Requirements

The nearest sewer main to serve the proposed project is an 8-inch main located in the Fulton/Van Ness alley. Sewer facilities are available to provide service to the site subject to the following requirements:

1. On-site sanitary sewer facilities shall be private.
2. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.

Sewer Fees

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

1. Sewer Lateral Charge
2. Oversize Sewer Charge
3. Sewer Facility Charge (Non-Residential)

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



DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION



DATE: August 16, 2011

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

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

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

SUBJECT: **WATER REQUIREMENTS FOR VESTING TENTATIVE TRACT 5993 AND
CONDITIONAL USE PERMIT APPLICATION NO. C-11-023**

General

T-5993 and C-11-023 were filed by Bret Giannetta of Giannetta Civil Engineering, on behalf of Darius Assemi of FFDA Properties, LLC, and pertain to 1.5 acres of property located on the southeasterly corner of Fulton and San Joaquin Streets in downtown Fresno, 1612 Fulton Street, APN 466-144-07. T-5993 proposes a one common lot condominium airspace subdivision. C-11-023 proposes a mixed use three story residential and commercial development consisting of 2,939 square feet of ground floor retail and 29 multiple family residential units. The commercial building will be a three story building with two townhouse units. The residential buildings will be a mixture of 3 story-2 car garage live-work triplexes and 3 story-1 car garage townhouse triplexes. The property is zoned C-4, Central Trading.

Water Service

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

1. Separate water services with meters shall be provided to each lot created.
2. On-site water facilities shall be private
3. The developer shall provide a detailed water usage analysis identifying water fixture, landscape and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities.
4. The development shall incorporate water use efficiency for landscaping including the 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.

5. All public water facilities shall be constructed in accordance with City Standards, specifications, and policies.
6. Seal and abandon any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
7. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Sewer System. Depict neighboring parcels and proposed plans for their continued service.
8. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

August 16, 2011

TO: Will Tackett, Planner III
Development Department, Planning Division

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

SUBJECT: TT 5993 & C-11-023, Solid Waste Conditions of Approval
Location: Southeasterly corner of Fulton and San Joaquin Streets (APN 466-144-07)

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map 5993 & C-11-023 that was submitted by Gary G. Giannetta Civil Engineering and Land Surveying, on behalf of Darius Assemi of FFDA Properties, LLC. The following requirements and conditions are to be placed on this vesting tentative tract map and conditional use permit as a condition of approval by the Department of Public Utilities.

General Requirements:

- Tract 5993 will be serviced as Multi-Family Residential bin service.
- Developer shall provide a minimum of one 2-cell trash enclosure constructed to current standards. The developer shall provide signage to clearly identify all recycling or solid waste collection and the materials accepted therein.
- Owner shall provide a minimum of 15 cubic yards of solid waste and recycling services per week.
- There will be no separate billing for Solid Waste services. The City of Fresno shall be provided with the name and address of a property management company or homeowners association for billing purposes.

City of



FIRE DEPARTMENT

Date: July 21, 2011

To: WILL TACKETT, Planner II
Planning and Development Department , Advance Planning

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

Subject: T-5993 and C-11-023 were filed by Bret Giannetta of Giannetta Civil Engineering, on behalf of Darius Assemi of FFDA Properties, LLC, and pertain to 1.5 acres of property located on the southeasterly corner of Fulton and San Joaquin Streets in downtown Fresno, 1612 Fulton Street, APN 466-144-07. T-5993 proposes a one common lot condominium airspace subdivision. C-11-023 proposes a mixed use three story residential and commercial development consisting of 2,939 square feet of ground floor retail and 29 multiple family residential units. The commercial building will be a three story building with two townhouse units. The residential buildings will be a mixture of 3 story-2 car garage live-work triplexes and 3 story-1 car garage townhouse triplexes. The property is zoned C-4, Central Trading.

General

Vertical access is required for aerial truck ladder set up where buildings or portions of buildings are more than 30 feet in height at the eaves, measured from natural grade. 26' (minimum) driveways shall be located adjacent to at least one (long) side of such building. 26' minimum lanes shall be provided adjacent to at least two sides of such buildings that exceed 150 feet in length or width. Due to the layout and location of the project, standard ariel truck/ladder access as mentioned above cannot be provided. In lieu of standard truck/ladder access, a covenant for access will be required from the adjacent parking lot. Additionally, all buildings on site are required to install an NFPA 13 sprinkler system, rather than a 13R system, due to mixed

live/work space. This will mitigate the requirement for on-site truck/ladder access.

Pedestrian Access

All pedestrian gates, where required for compliance of the “200’ rule,” shall remain unlocked or be provided with Police/Fire bypass locks. (“Best” padlock model 21B700 series) The man gate facing Fulton St.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

File No. 210.413

Page 1 of 4

FR CUP No. 2011-023

PUBLIC AGENCY

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

DEVELOPER

DARIUS ASSEMI - FFDA PROPERTIES, LLC
1396 W. HERNDON AVE., SUITE 101
FRESNO, CA 93711

PROJECT NO: 2011-023
ADDRESS: 1612 FULTON ST.
APN: 466-144-06, 07

SENT: 8/16/11

Drainage Area(s)	Preliminary Fee(s)
FF	\$9,419.00
TOTAL FEE: \$9,419.00	

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/12 based on the site plan submitted to the District on 7/19/11 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

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

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

- 1. a. Drainage from the site shall BE DIRECTED TO FULTON AND/OR SAN JOAQUIN STREETS.
- b. Grading and drainage patterns shall be as identified on Exhibit No.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 2 of 4

FR
CUP No. 2011-023

- c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".
 None required.
 X
3. The following final improvement plans shall be submitted to the District for review prior to final development approval:
 X Grading Plan
 X Street Plan
 Storm Drain Plan
 Water & Sewer Plan
 X Final Map
 Other
 None Required
4. Availability of drainage facilities:
 X a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available. TEMPORARY SERVICE IS AVAILABLE THROUGH
 X d. See Exhibit No. 2.
5. The proposed development:
 Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
 X Does not appear to be located within a flood prone area.
6. The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

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CUP
No. 2011-023

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



Gerald E. Lakeman
District Engineer



Rick Lyons
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

BRET GIANNETTA

1119 'S' STREET

FRESNO, CA 93721

FR CUP No. 2011-023

OTHER REQUIREMENTS
EXHIBIT NO. 2

There are existing city cross drainage facilities in the south and east corners of the Fulton/San Joaquin intersection that convey storm drainage water to existing Master Plan facilities downstream of this project. The District requests that the grading engineer contact the District as early as possible to review the proposed site and drainage design and to discuss options for the conveyance of storm water that will adhere to the Master Plan design.

No surface runoff shall be directed towards the alley.

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

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

Development No. CUP 2011-023



County of Fresno

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

August 2, 2011

FA0274056
LU0016103
PE 2602

Will Tackett
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Tackett:

PROJECT NUMBER: T-5993, C-11-023

Vesting Tentative Map of Tract No. 5993 and Conditional Use Permit Application No. C-11-023 were filed by Bret Giannetta of Giannetta Civil Engineering, on behalf of Darius Assemi of FFDA Properties, LLC, and pertain to 1.5 acres of property located on the southeasterly corner of Fulton and San Joaquin Streets in downtown Fresno. **Vesting Tentative Map of Tract No. 5993** proposes a one common lot condominium "airspace" subdivision. **Conditional Use Permit Application No. C-11-023** proposes a mixed use three story residential and commercial development consisting of 2,939 square feet of ground floor retail and 29 multiple family residential units. The commercial building will be a three story building with two townhouse units. The residential buildings will be a mixture of 3 *story*/2 car garage live work triplexes and 3 *story*/1 car garage townhouse triplexes. The property is zoned C-4 (*Central Trading*).

APN: 466-144-07

ZONING: C-4

ADDRESS: 1612 Fulton Street

Comments/Concerns:

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

Recommended Conditions of Approval:

- Due to the proximity of the proposed project to residential uses, consideration should be given to conformance with the noise standards in the City of Fresno Municipal Code.
- Should a retail food establishment be proposed, prior to issuance of building permits, the tenant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 445-3334 for more information.
- Prior to operation, future tenants may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.

Will Tackett
T-5993, C-11-023
August 2, 2011
Page 2 of 2

- Certain uses allowed may utilize hazardous materials or create hazardous wastes. If a tenant with such uses is proposed, then prior to occupancy the tenant shall complete and submit a Hazardous Materials Business Plan form to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.
- Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.

REVIEWED BY:

Janet Gardner

Digitally signed by Janet Gardner
DN: cn=Janet Gardner, o=Environmental Health Division,
ou=Fresno County Public Health Department,
email=jjgardner@co.fresno.ca.us, c=US
Date: 2011.08.02 14:23:31 -07'00'

R.E.H.S., M.P.H.
Environmental Health Specialist III

(559) 445-3271

jg

cc. Baruti/Casagrande/Tolzmann, Environmental Health Division

T-5993 C-11-023 Mixed Use C-4



AUG 22 2011

Planning Department
City Of Fresno
2600 Fresno St., 3rd Floor
Fresno, CA 93721-3604

Re: **Air Impact Assessment (AIA) Application Approval**
ISR Project Number: C20110103
Land Use Agency: City of Fresno
Land Use Agency ID Number: Tract 5993

To Whom It May Concern:

The San Joaquin Air Pollution Control District (District) has approved the Air Impact Assessment (AIA) for Tract 5993 project, located at 1612 Fulton Street in Fresno, California. The District has determined that the mitigated baseline emissions for construction and operation will be less than two tons NO_x and two tons PM₁₀. Pursuant to District Rule 9510 Section 4.3, this project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the rule. As such, the District has determined that this project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site mitigation fees.

Pursuant to District Rule 9510, Section 8.4, The District is providing you with the following information:

- A notification of AIA approval (this letter)
- A statement of tentative rule compliance (this letter)
- An approved Monitoring and Reporting Schedule

Certain emission mitigation measures proposed by the applicant may be subject to approval or enforcement by the City of Fresno. No provision of District Rule 9510 requires action on the part of the City of Fresno, however, please review the enclosed list of mitigation measures and notify the District if the proposed mitigation measures are inconsistent with your agency's requirements for this project. The District can provide the detailed emissions analysis upon request.

Page 2

If you have any questions, please contact Ms. Debbie Johnson at (559) 230-5817.

Sincerely,

David Warner
Director of Permit Services



Arnaud Marjollet
Permit Services Manager

DW:dj

Enclosures

Indirect Source Review Complete Project Summary Sheet & Monitoring and Reporting Schedule

Project Name:	TRACT 5993
Applicant Name:	FFDA PROPERTIES
Project Location:	1612 FULTON STREET FULTON STREET & SAN JOAQUIN STREET APN(s): 466-144-07
Project Description:	LAND USE: Commercial/Retail - 2 Acres - Other Commercial/Retail - 2 Acres - Other Commercial/Retail - 29 Dwelling Unit - Other ACREAGE: 1.5
ISR Project ID Number:	C-20110103
Applicant ID Number:	C-301602
Permitting Public Agency:	CITY OF FRESNO
Public Agency Permit No.	TRACT 5993

Existing Emission Reduction Measures

Enforcing Agency	Measure	Quantification	Notes
There are no Existing Measures for this project.			

Non-District Enforced Emission Reduction Measures

Enforcing Agency	Measure	Specific Implementation	Source Of Requirements
CITY OF FRESNO	Wood Fireplaces	Zero Fireplaces	
CITY OF FRESNO	Electrical Outlets	3% Landscape Equipment electrically powered	
CITY OF FRESNO	Woodstoves	Zero Wood Stoves	
CITY OF FRESNO	Streets Design	426 Nodes/square mile	
CITY OF FRESNO	Sidewalk Coverage	100% sidewalks on both sides	
CITY OF FRESNO	Bus Service	216# Daily Weekday Busses within 1/4 mile of the site boundaries	
CITY OF FRESNO	Jobs to Housing Ratio	10695 Jobs to 1402 DU	
CITY OF FRESNO	Local Serving Retail	Selected	

Number of Non-District Enforced Measures: 8

District Enforced Emission Reduction Measures

Indirect Source Review Complete Project Summary Sheet & Monitoring and Reporting Schedule

(District Enforced Emission Reduction Measures Continued)

Enforcing Agency	Measure	Specific Implementation	Measure For Compliance	District Review
SJVAPCD	Construction and Operation - Recordkeeping	For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. Records shall be made available for District inspection upon request.	(Compliance Dept. Review)	Ongoing
SJVAPCD	Construction and Operational Dates	For each project phase, maintain records of (1) the construction start and end dates and (2) the date of issuance of the first certificate of occupancy, if applicable.	(Compliance Dept. Review)	Ongoing

Number of District Enforced Measures: 2

REDEVELOPMENT AGENCY OF THE CITY OF FRESNO
2344 Tulare Street, Suite 200, Fresno, CA 93721 (559) 621-7600

Application No.:	VTM 5993, C-11-023 (Will Tackett)	Date:	7/25/2011
Assessor Parcel No.:	466-144-07	Reviewer:	Jeff Findley, Senior Project Coordinator
Site address:	1612 Fulton Street	Telephone:	621-7609
Redevelopment Area:	Fulton		

Agency Staff Recommendation:

APPROVE PROJECT WITH THE FOLLOWING CONDITIONS:

1. The property identified in Application Nos. VTM 5993 and C-11-023 is located within the adopted Fulton Redevelopment Project area and is subject to all requirements of the Redevelopment Plan.
2. The Redevelopment Agency does not object to the proposed Vesting Tentative Map and construction of a mixed-use three story development consisting of 2,939 square feet of retail and 29 multi-family units on 1.5 acres. Agency support of this project is conditioned on the ability of the development to be in conformance with all requirements of the Redevelopment Plan and the C-4 (Central Trading) zone district and Section 12-304 (including subsequent applicable Sections) of the Fresno Zoning Ordinance.
3. The project shall be developed in accordance with the Operation Statement, Landscape Plan, Vesting Tentative Map, Site Plan, Floor Plans and Exterior Elevations (or as revised by the City of Fresno) submitted for Applications No. C-11-023 and Vesting Tentative Map No. 5993.
4. Approval of this entitlement applies only to the development identified in Application Nos. VTM 5993 and C-11-023, and any modifications or additions shall not be allowed without the modification of this Conditional Use Permit Application with prior approval from the City of Fresno Development Department and the Redevelopment Agency.
5. The project shall also be subject to and be in conformance with the requirements of the Industrial Development Design Guidelines as applicable.
6. Agency recommends a Master Sign Plan with a signage pattern that will enhance the appearance of the building and its association with the frontages of Fulton and San Joaquin Streets.
7. All existing and future landscaped areas shall be properly maintained and any dead plants, trees or ground cover will be removed and immediately replaced with the appropriate landscaping. All landscaping irrigation systems on site shall be properly maintained or repaired to ensure the healthy growth of plants and trees.
8. All outdoor storage on-site shall be screened from view of public streets and in conformance with requirements of City code.

PLEASE MAKE APPLICANT AWARE OF AGENCY COMMENTS

9. Outside patios shall not be used for storage purposes.
10. Specific attention shall be given to the design, amount and availability of residential amenities, such as community open space and recreation areas, that will be provided on the site to ensure a usable and identifiable (residential) living environment.
11. Dense landscaping and specimen size street trees are recommended in the landscaped islands and tree wells on all the street frontages to enhance the visual character of the buildings and the streets.
12. All streets trees shall be in conformance with the City of Fresno recommended list of street trees.
13. The construction of sidewalk tree wells and street landscape islands on the frontages of Fulton and San Joaquin Streets shall be in conformance with adopted city standards.
14. The proposed redesign of the street frontages and alignments shall be in conformance with City of Fresno Street Standards and be compatible with existing street patterns.
15. All required landscaping setback, street trees and street improvements on and adjacent to the project site shall be completed to the satisfaction of the Public Works and the Planning and Development Departments of the City of Fresno before the final approval for occupancy of the buildings.
16. The use of complimentary building materials and colors are encouraged.
17. All on-site and off-site parking areas shall be developed in conformance with the requirements of the Fresno Zoning Ordinance, especially the requirement for 50% shading where applicable.
18. Any fence and related gates installed along the frontage of Fulton and San Joaquin Streets shall be constructed of wrought iron.
19. The City of Fresno and Redevelopment Agency shall be informed of any deviation from the conditions of this Entitlement or the Statement of Operations, especially any change in the established use of the property.
20. The Agency reserves the right to reconsider the issuance of VTM 5993 and C-11-023 should the City of Fresno or the Redevelopment Agency of the City of Fresno receives any complaints about the maintenance and operation of the mixed-use development inconsistent with the conditions and requirements of this Application; which can result in a recommendation to the City of Fresno to revoke the application.



Preparing Career Ready Graduates

July 20, 2011

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

Re: **VESTING TENTATIVE MAP OF TRACT NO. 5993
CONDITIONAL USE PERMIT NO. C-11-023
1612 FULTON ST.**



BOARD OF EDUCATION

Michelle A. Asadoorian, President
Janet Ryan, Clerk
Valerie F. Davis
Lindsay Cal Johnson
Carol Mills, J.D.
Larry A. Moore
Tony Vang., Ed.D.

SUPERINTENDENT

Michael E. Hanson

Dear Mr Tackett,

In response to your request for review and comment on Vesting Tentative Map of Tract No. 5993 and Conditional Use Permit C-11-023, Fresno Unified School District submits the following.

Any urban residential development occurring as a result of project approval will have an impact on the District's student housing capacity. The District, through local funding, is in a position to mitigate its shortage of classrooms to accommodate planned population growth for the foreseeable future. However, the District recognizes that the legislature, as a matter of law, has deemed, under Government Code Section 65996, that all school facilities impacts are mitigated as a consequence of SB 50's Level 1, 2 and 3 developer fee legislative provisions.

Any new development on the subject property or conversion of non-habitable to habitable/residential space is subject to development fees of \$2.97 per square foot. Any new retail/commercial space is subject to development fees of \$0.47 per square foot. Development will be subject to the development fee prior to issuance of a building permit. For mixed use projects the housing units and retail space will be charged the residential and commercial rates, respectively

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

Elementary School: Lowell
Intermediate School: Tehipite
High School: Edison

Thank you for the opportunity to comment. Please contact Deana Clayton at (559) 457-3066, if you have any questions or require additional information regarding our comments.

Sincerely,

Lisa LeBlanc, Executive Director
Facilities Management and Planning

LL:hh
c. Bret Giannetta, Applicant/Agent

**CITY OF FRESNO – ENVIRONMENTAL ASSESSMENT
FINDING OF CONFORMITY / MEIR NO. 10130/MND FOR PLAN AMENDMENT A-09-02
(AIR QUALITY MND)**

<p>Pursuant to Section 21157.1 of the California Public Resource Code (California Environmental Quality Act) the project described below is determined to be within the scope of the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan</p>	<p style="text-align: center;">DATE RECEIVED FOR FILING:</p> <p style="text-align: center;">Notice of Intent filed with the Fresno County Clerk's Office on:</p> <p style="text-align: center;">August 19, 2011</p>
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<p>Applicant:</p> <p>FDA Properties, LLC. 1396 West Herndon Avenue, Suite 101 Fresno, CA 93711</p>	<p>Initial Study Prepared By:</p> <p>Will Tackett, Planner III December 17, 2010</p>
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<p>Environmental Assessment Number:</p> <p><u>C-11-023/T-5993</u></p> <p>Conditional Use Permit Application No. C-11-023; and, Vesting Tentative Tract Map No. 5993/UGM</p>	<p>Project Location (including APN):</p> <p>1612 Fulton Street</p> <p>Located on the easterly corner of the intersection of Fulton and San Joaquin Streets, in the City and County of Fresno, California</p> <p>Assessor's Parcel Number(s): 466-144-07</p> <p>Site Latitude: 36°44'27.00" N Site Longitude: 119°47'50.00" W</p> <p>Mount Diablo Base & Meridian, Township 14 S Range 20E, Section 4</p>
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Project Description:

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-11-023 and Vesting Tentative Tract Map No. T-5993 pertaining to approximately 0.97 net acres of property located on the easterly corner of the intersection of Fulton and San Joaquin Streets.

Conditional Use Permit Application No. C-11-023 requests authorization to construct a three-story common interest mixed use development project consisting of approximately 2,939 square feet of ground floor commercial retail space and 29 residential units at a density of approximately 29.90 dwelling units per acre. The 29 residential units are comprised of two townhouse units situated above the proposed ground floor commercial retail space in one detached structure; and, a combination of nine live/work units, six studio units, and 12 townhouse units within a total of nine triplex structures with attached garages. The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

Vesting Tentative Tract Map No. 5993 proposes a one common-lot airspace subdivision for condominium purposes and the vacation of portions of adjacent public street rights-of-way.

The subject property is currently zoned under the C-4 (*Central Trading District*) zone district classification. The subject property is located within the boundaries of the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan, which designate the subject property for Central Area Commercial Mixed Use Level 2 planned land uses. Pursuant to Exhibit No. 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-4 zone district is consistent with the Central Area Commercial Mixed Use Level 2 planned land use designation.

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

The adopted 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan, designate the subject property for Central Area Commercial Mixed Use Level 2 planned land uses. Pursuant to Exhibit No. 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-4 zone district is consistent with the Central Area Commercial Mixed Use Level 2 planned land use designation.

The Development and Resource Management Department staff have prepared an Initial Study (See Attached "Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02 (Air Quality MND)/Initial Study") to evaluate the proposed conditional use permit application and vesting tentative tract map in accordance with the land use and environmental policies and provisions of lead agency City of Fresno's 2025 Fresno General Plan (SCH # 2001071097), the related Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan (Air Quality MND). The subject property may be developed at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site. Thus, the proposed development and subdivision of the subject property for permissible uses within the proposed zone district will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and the Air Quality MND have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Guidelines Section 15177(b)(3).

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

Relative to this specific project proposal, the environmental impacts noted in the MEIR and the Air Quality MND, pursuant to the 2025 Fresno General Plan land use designation, include impacts associated with the Central Area Commercial Mixed Use Level 2 planned land use designation specified for the subject property. Based on this Initial Study, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its, location, land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project is fully within the scope of the MEIR and Air Quality MND because it will not generate additional significant effects on the environment not previously examined and analyzed by the MEIR or Air Quality MND for the reasons set forth in the Initial Study; and (3) other than identified below, there are no new or additional mitigation measures or alternatives required.

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

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



Mike Sanchez, Planning Manager, City of Fresno

8/19/11
Date

Attachments: Notice of Intent to Adopt a Finding of Conformity
Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02 (Air
Quality MND)/Initial Study for Environmental Assessment No. C-11-023/T-5993
2025 General Plan Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 and Environmental
Assessment No. A-09-02 Mitigation Monitoring Checklist for Environmental Assessment No. C-11-023/T-5993
Master Environmental Impact Report (MEIR) Review Summary (Attachment: Status of MEIR Analysis with Regard to
Air Quality and Climate Change)

<p style="text-align: center;">CITY OF FRESNO</p> <p style="text-align: center;">NOTICE OF INTENT TO ADOPT A FINDING OF CONFORMITY</p>	<p>Filed with:</p> <p style="text-align: center;">FILED</p> <p style="text-align: center;">AUG 19 2011</p> <p style="text-align: center;">FRESNO COUNTY CLERK By <u><i>Kristina M. Lopez</i></u> DEPUTY</p> <p style="text-align: center;">FRESNO COUNTY CLERK 2221 Kern Street, Fresno, CA 93721</p>
<p><u>EA No. C-11-023/T-5993</u></p> <p>Conditional Use Permit Application No. C-11-023; and, Vesting Tentative Tract Map No. 5993/UGM</p>	
<p>APPLICANT: <u>FFDA Properties, LLC.</u> <u>1396 West Herndon Avenue, Suite 101</u> <u>Fresno, CA 93711</u></p>	
<p>PROJECT LOCATION: <u>1612 Fulton Street</u></p> <p><u>Located on the easterly corner of the intersection of Fulton and San Joaquin Streets, in the City and County of Fresno, California</u></p> <p><u>Assessor's Parcel Number(s): 466-144-07</u></p> <p><u>Site Latitude: 36°44'27.00" N</u> <u>Site Longitude: 119°47'50.00" W</u></p> <p><u>Mount Diablo Base & Meridian, Township 14 S Range 20E, Section 4</u></p>	
<p>PROJECT DESCRIPTION:</p> <p>Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-11-023 and Vesting Tentative Tract Map No. T-5993 pertaining to approximately 0.94 net acres of property located on the easterly corner of Fulton and San Joaquin Streets.</p> <p>CUP Application No. C-11-023 requests authorization to construct a three-story mixed use project consisting of approximately 2,939 square feet of ground floor commercial retail space and 29 residential units. Vesting Tentative Tract Map No. 5993 proposes a one common-lot airspace subdivision for condominium purposes.</p> <p>The proposed project also includes the proposed vacation of portions of adjacent public street rights-of-way.</p> <p>The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.</p> <p>The subject property is located within the boundaries of the 2025 Fresno General Plan, Central Area Community Plan, Fulton-Lowell Specific Plan, and Fulton Redevelopment Plan, which designate the subject property for Central Area Commercial Mixed Use Level 2 planned land uses. Pursuant to Exhibit 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan, the existing C-4 (<i>Central Trading</i>) zone district may be found to be consistent with the Commercial Mixed Use Level 2 (Central Area) planned land use designation for the subject property.</p>	

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 ("MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and the Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

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

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

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on September 20, 2011, Please direct comments to Will Tackett, City of Fresno Development and Resource Management Department, Development Services Division, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to Will.Tackett@Fresno.gov. Comments may also be sent by facsimile to (559) 498-1026.

These development applications and this proposed environmental finding have been tentatively scheduled to be heard by the Planning Commission on September 21, 2011 at 6:00 p.m. or thereafter. The hearing will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY:

Will Tackett, Planner

SUBMITTED BY:



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

DATE: August 19, 2011

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

Environmental Checklist Form for:

EA No. C-11-023/T-5993

1. Project title:

Conditional Use Permit Application No. C-11-023; and,
Vesting Tentative Tract Map No. T-5993

2. Lead agency name and address:

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

3. Contact person and phone number:

Will Tackett, Planner III
City of Fresno
Development & Resource Management Dept.
(559) 621-8063

4. Project location:

1612 Fulton Street

Located on the easterly corner of the intersection of Fulton and San Joaquin Streets, in the
City and County of Fresno, California

Assessor's Parcel Number(s): 466-144-07

Site Latitude: 36°44'27.00" N

Site Longitude: 119°47'50.00" W

Mount Diablo Base & Meridian, Township 14 S Range 20E, Section 4.

5. Project sponsor's name and address:

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

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

Central Area Commercial Mixed Use Level 2

7. **Zoning:**

Existing - C-4 (*Central Trading District*)

Proposed - C-4 (*Central Trading District*)

8. **Description of project:**

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of FFDA Properties, LLC., property owner, has filed Conditional Use Permit (CUP) Application No. C-11-023 and Vesting Tentative Tract Map No. T-5993 pertaining to approximately 0.97 net acres of property located on the easterly corner of the intersection of Fulton and San Joaquin Streets.

Conditional Use Permit Application No. C-11-023 requests authorization to construct a three-story common interest mixed use development project consisting of approximately 2,939 square feet of ground floor commercial retail space and 29 residential units at a density of approximately 29.90 dwelling units per acre. The 29 residential units are comprised of two townhouse units situated above the proposed ground floor commercial retail space in one detached structure; and, a combination of nine live/work units, six studio units, and 12 townhouse units within a total of nine triplex structures with attached garages.

The three triplex buildings incorporating a total of nine live/work units incorporating approximately 200 square-feet of ground floor work space per unit are proposed to address the Fulton Street frontage. The proposed townhouse units are spread uniformly across the interior of the subject property with six units within two triplex buildings fronting onto the San Joaquin Street frontage. All residential units include second story balconies and four of the townhouse triplexes will also incorporate third story balconies. Where respective structures address adjacent streets, balconies are oriented respectively to the public rights-of-way.

Two aggregated open space areas totaling approximately 2,000 square feet in area are proposed to be located central to the interior of the development providing opportunities for both passive and active recreation purposes for prospective tenants. Additionally, an approximately 630 square-foot common open space area affords a principal entryway for pedestrian connectivity to the interior of the development from Fulton Street. Landscaped areas are also proposed to be allocated around the periphery of the development to buffer from adjacent street rights-of-way and adjacent property. The proposed project proposes a total of approximately 6,000 square feet of landscaped area comprising approximately 14 percent of the proposed development area.

The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

Vesting Tentative Tract Map No. 5993 proposes a one common-lot airspace subdivision for condominium purposes. Therefore, the proposed project will provide and facilitate opportunities for separate interest resident ownership of individual units within the overall

common interest development. The tentative map also proposes the vacation of portions of adjacent public street rights-of-way. These vacations consist of reductions to the overall adjacent 80-foot wide public street right-of-way widths by four feet on each frontage.

The subject property is currently zoned under the C-4 (*Central Trading District*) zone district classification. The subject property is located within the boundaries of the 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan, which designate the subject property for Central Area Commercial Mixed Use Level 2 planned land uses. Pursuant to Exhibit No. 8 (Central Area Land Use Association Matrix) of the Central Area Community Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-4 zone district is consistent with the Central Area Commercial Mixed Use Level 2 planned land use designation.

The subject property is bounded on the north by San Joaquin Street. Office spaces exist to the north across San Joaquin Street and a church exists to the north/northwest on the opposite corner of the Fulton/San Joaquin Street intersection. The Fulton/Van Ness Alley abuts the eastern frontage of the subject property and commercial/office space exists east of the adjacent alley. The subject property is bounded on the west by Fulton Street. A restaurant/tavern exists on the south/southwest corner of the Fulton/San Joaquin Street intersection and primarily vacant retail/office spaces exists on the west side of Fulton Street across from the subject property. Property to the south of the subject property has been developed with a commercial building which is also currently vacant.

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

	Planned Land Use	Existing Zoning	Existing Land Use
North	Commercial Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office & Church (NW)
East	Commercial Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Office
South	Commercial Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Vacant / Commercial
West	Commercial Mixed Use Level 2 (Central Area)	C-4 <i>Central Trading District</i>	Restaurant/Tavern & Retail/Office Space

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

City of Fresno (COF) Department of Public Works; COF Department of Public Utilities; COF Building and Safety Services Division; COF Fire Department; Fresno Metropolitan Flood Control District; Fresno County Department of Public Health; Fresno Redevelopment Agency; Fresno Area Express (FAX).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

DETERMINATION: (To be completed by the Lead Agency)

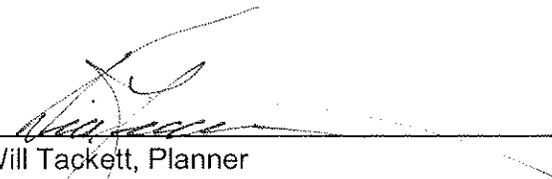
On the basis of this initial evaluation:

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

I find that the proposed project is a subsequent project identified in the MEIR and Air

Quality MND but that it is not fully within the scope of the MEIR and Air Quality MND because the proposed project could have a significant effect on the environment that was not examined in the MEIR or Air Quality MND. However, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project specific mitigation measures and all applicable mitigation measures contained in the MEIR Mitigation Monitoring Checklist will be imposed upon the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

X  _____ 
Will Tackett, Planner August 19, 2011

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

1. For purposes of this MEIR Initial Study, the following answers have the corresponding meanings:
 - a. "No Impact" means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the MEIR or Air Quality MND.
 - b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, but that impact is less than significant;
 - c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, however, with the mitigation incorporated into the project, the impact is less than significant.
 - d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND.
2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one

involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

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

9. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
10. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
11. The explanation of each issue should identify:
- a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance

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

The site is located within the downtown area, which is planned and has been substantially developed with urban uses. Therefore, no public or scenic vista will be obstructed by the development and no valuable vegetation will be removed. The project will not damage any scenic resources nor will it degrade the visual character or quality of the site and its surroundings. Furthermore, development of the site will not create a new source of substantial light or glare which would affect day or night time views in the project area, given that during the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties. As a result, the project will have a less than significant impact on aesthetics. The project will be subject to the aesthetics mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan. Conditions to ensure the project is aesthetically appealing will be further defined during the conditional use permit review process to ensure that the development is consistent with all plans and design guidelines.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				x
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				x
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				x
d) Result in the loss of forest land or conversion of forest land to non-forest use?				x
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 is located within the downtown area, currently remains vacant and is surrounded predominantly by urban uses. The subject property is currently designated for Central Area Commercial Mixed Use Level 2 planned land uses under the 2025 Fresno General Plan. The site does not fall into any of the categories listed above and does not have a Williamson Act contract. There are no existing agricultural uses of the subject property; and, the project does not have the potential to facilitate future conversion of agricultural lands within the vicinity. There are no forested lands occurring within the City sphere of influence. Therefore, no environmental impacts related to agricultural are anticipated as a result of the proposed project.

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

The project will not occur at a scale or scope with potential to contribute substantially or cumulatively to existing or projected air quality violations, impacts, or increases of criteria pollutants for which the San Joaquin Valley region is under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). The proposed project will comply with all applicable air quality plans. Therefore, no violations of air quality standards will occur and no net increase of pollutants will occur. The proposed commercial/residential mixed use of the property is allowed within the existing C-4 (*Central Trading*) zone district, which is consistent with the Central Area Commercial Mixed Use Level 2 planned land use for the subject property specified by the applicable plans. Development of the subject property, pursuant to Conditional Use Permit Application No. C-11-023 and Vesting Tentative Tract Map No. 5993, will not expose sensitive receptors to substantial pollutant concentrations. Due to the close proximity of other commercial

and urban uses surrounding the subject site, there will be no impact in the increase of pollutant. The proposed project is not proposing a use which will create objectionable odors. Therefore, there are no air quality or global climate change impacts perceived to occur as a result of the proposed project.

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

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

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

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

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

City of Fresno Historic Property No. 147, the Romain Home (1905), is located at 2055 San Joaquin Street on the westerly corner of the intersection of Van Ness Avenue and San Joaquin Street. The Romain Home is a designated historic resource included on the Local Register of Historic Resources and the National Register of Historic Places. The home has been found to be significant due to its association with individuals who have made significant contributions to the City of Fresno, the San Joaquin Valley, and the State of California; and, due to the fact that it is one of the very few remaining examples of a style of architecture that was once prominent in the Fresno County area. The home is also one of the oldest residential structures still standing in the City of Fresno.

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

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

Aside from physical demolition, a project does not have the ability to materially impair or physically alter characteristics of association with prominent persons. Furthermore, as no physical alterations to the identified historic resource will result from the proposed project, there exists no potential to materially impair or change the characteristic features of the resource, which defines its architectural significance; and, which justifies its inclusion on the historic registries.

Furthermore, development within the vicinity of the proposed project, which has occurred since construction of the Romain Home (1905) and prior to its designation to the respective historic registries (1980-1981), has altered the immediate surroundings of the resource such that the context relative to its period of significance has been changed. As the Romain Home was still found eligible and subsequently designated to the historic registries despite this loss of context, the proposed development (which conforms to the existing urban environment) will not further alter its immediate surroundings in a manner which will result in a substantial adverse change in the significance of the resource.

As the Romain Home, which is located within the vicinity of the proposed project is considered to be significant and is a designated historic resource based upon its inclusion on the Local and National registries due to association with the lives of persons significant in Fresno's past, and its embodiment of distinctive characteristics of a type, period or method of construction, it may be determined that the proposed project, consisting of the development of a common interest mixed use project (and construction of related facilities and infrastructure) does not carry the potential to materially alter in an adverse manner those physical characteristics of the historic resource which convey its historical significance and that justifies its inclusion on the Local and National registries.

Finally, there is no evidence that cultural resources of any type (including historical, archaeological, paleontological, or unique geologic features) exist on the subject property. Past

record searches for the region have not revealed the likelihood of cultural resources on the subject property or in its immediate vicinity. Therefore, it is not expected that the proposed project may impact cultural resources. While it should be noted that lack of surface evidence of historical resources does not preclude the subsurface existence of archaeological resources, the proposed project will not involve any substantial ground disturbing activities and will not involve physical demolition, destruction, relocation, or alteration of identified historic, archaeological, or paleontological resources. Mitigation measures J-1 through J-3 of the MEIR will be applied to the proposed project such that appropriate mitigation may be implemented should any subsurface cultural materials be encountered during construction activities, which were not previously assessed or identified herein.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

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

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

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS -- Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

The proposed project will not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of greenhouse gas emissions, either directly or indirectly. Under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases will be reduced along with other regulated air pollutants. At this point in time, detailed analyses and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks are not completed.

The proposed project will not affect greenhouse gas emissions beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIAL -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 will not generate or use hazardous materials in a manner outside health department requirements, is not near any wildland fire hazard zones, and poses no interference with the City's or County's Hazard Mitigation Plans or emergency response plans. The subject site has not been under cultivation for several years. No pesticides or hazardous materials are known to exist on the site and the proposed project will have no environmental impacts related to potential hazards or hazardous materials as identified above. The subject property is not located within an airport land use plan and is not within the vicinity of a private airstrip. Therefore, there will be no impacts related to hazards.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

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

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

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

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

determined that water service will be available to the proposed project subject to payment of applicable connection charges and fees and compliance with The Department of Public Works standards, specifications, and policies; and, incorporation of water use efficiencies to offset demand as approved by the Director of Public Utilities.

There are no aspects of this project that will result in impacts to water supply or quality beyond those analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan or MND. The project will not substantially alter existing drainage patterns of the site or area or substantially increase the rate or amount of runoff in a manner which would result in flooding, exceed planned storm water drainage systems, or provide substantial sources of polluted runoff. The site is not located within a flood prone or hazard area. The subject property is proposed to be developed at intensity and scale permitted by the planned land use and proposed zoning designation for the site. Thus, the proposed development project will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation; resulting in additional impacts on water supply from increased demand.

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

The proposed project will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. The proposed project is found; (1) To be consistent with the applicable 2025 Fresno General Plan, Central Area Community Plan, Fulton/Lowell Specific Plan, and Fulton Redevelopment Plan; (2) To be Suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject property or adjacent lands.

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

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

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

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

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

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

The proposed project is not located within an airport land use plan or within the vicinity of a private airstrip.

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

Conditions of approval respective to construction related activity will require incorporation of noise reduction measures into any necessary construction activity, if appropriate.

The proposed project will not expose persons to excessive noise levels. Although the project will create additional activity in the area, the project will be required to comply with all noise policies from the 2025 Fresno General Plan and noise codes from the Fresno Municipal Code.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

The subject site is designated for Central Area Commercial Mixed Use Level 2 planned land uses. Although the project will be intensifying the use of the currently vacant subject property, development and use may occur at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site. Thus, the development of the subject property and the subsequent utilization of the subject property for commercial and residential uses will not facilitate an additional intensification of uses beyond that which would be allowed by the above-noted planned land use designation.

All of the properties within the vicinity of the subject property are planned for Central Area Commercial Mixed Use Level 2 uses and have been developed with primarily office and commercial uses at an intensity and scale designated by the 2025 Fresno General Plan and Central Area Community Plan. Therefore the proposed project will not either directly or indirectly induce substantial population growth in the area. Furthermore, the subject property is currently vacant of any structures. Therefore, the proposed project does not have the potential to displace existing housing or residents as a result of new development thereon.

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Drainage and flood control?				X
Parks?				X
Schools?				X
Other public services?				X

The Department of Public Utilities has reviewed the proposed project and has determined that adequate sewer, water, and solid waste facilities are available subject to compliance with the conditions submitted by the Department of Public Utilities for this project. City police and fire protection services are also available to serve the proposed project. Finally, the Fresno Metropolitan Flood Control District has indicated that there are adequate facilities to serve the proposed project subject to compliance with the conditions submitted by the District for the proposed project. These departments and agencies have all submitted conditions that will be required as Conditions of Approval for the subject special permit application (Conditional Use Permit Application No. C-11-023). These conditions of approval will ensure that the proposed project will have a less than significant impact to urban services. All conditions of approval must be complied with prior to occupancy.

The demand for parks generated by the project is within planned services levels of the City of Fresno Parks and Community Services Department and the applicant will pay any required impact fees at the time building permits are pulled.

Any future development occurring as a result of the proposed project will have an impact on the District's student housing capacity. The District, through local funding, is in a position to mitigate its shortage of classrooms to accommodate planned population growth for the foreseeable future. However, the District recognizes that the legislature, as a matter of law, has deemed under Government Code Section 65996, that all school facilities impacts are mitigated as a consequence of SB 50 Level 1, 2 and 3 developer fee legislative provisions. The developer will pay appropriate impact fees at time of building permits.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION --				

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

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?				X
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

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

Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the proposed project is projected to generate 25 vehicle trips during the morning peak hour travel period (7 to 9 a.m.), 41 vehicle trips during the evening peak hour travel period (4 to 6 p.m.) and 270 average daily trips. The traffic generation characteristics of the proposed project based upon these traffic projections do not warrant further study such as a traffic impact study based upon adopted thresholds. Furthermore, it has been determined that these traffic volume increases are insignificant with respect to the total volume that these roadways were designed and built to accommodate. Both segments of Fulton and San Joaquin Streets are operating at Level of Service C or better during the peak hours and daily thresholds based on both field observations by the City Traffic Engineer and data recently collected for other long range planning studies. Therefore, the adjacent public street network is sufficient to accommodate and serve the quantity and kind of traffic expected within the area.

The streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated by the proposed development subject to the requirements stipulated within the Department of Public Works, Traffic and Engineering Services Division memorandum dated August 16, 2011.

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

is expected to result.

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

The Department of Public Utilities has determined that adequate sanitary sewer and water services will be available to serve the proposed project subject to the payment of any applicable connection charges and/or fees; compliance with the Department of Public Utilities standards, specifications, and policies; the rules and regulations of the California Public Utilities Commission and California Health Services; and, completion of incremental expansions to facilities for planned water supply, treatment, and storage.

The project site will be serviced by the Solid Waste Division and have water and sewer facilities available subject to the conditions stipulated for the proposed project.

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

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

The proposed project is considered to be proposed at a size and scope which is neither a direct or indirect detriment to the quality of the environment through reductions in habitat, populations, or examples of local history (through either individual or cumulative impacts).

The proposed project does not have the potential to degrade the quality of the environment or reduce the habitat of wildlife species and will not threaten plant communities or endanger any floral or faunal species. Furthermore the project has no potential to eliminate important examples of major periods in history.

Therefore, as noted in preceding sections of this Initial Study, there is no evidence in the record to indicate that incremental environmental impacts facilitated by this project would be cumulatively significant. There is also no evidence in the record that the proposed project would have any adverse impacts directly, or indirectly, on human beings.

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

Project/EA No. C-11-023/T-5993

Date: August 19, 2011

Mitigation Monitoring Checklist

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

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

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

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

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

Project/EA No. C-11-023/T-5993

Date: August 19, 2011

MEIR Mitigation Monitoring Checklist

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

A - Incorporated into Project
B - Mitigated

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D - Responsible Agency Contacted

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

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

Project/EA No. C-11-023/T-5993

Date: August 19, 2011

MEIR Mitigation Monitoring Checklist

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

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MEIR Mitigation Monitoring Checklist

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

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MEIR Mitigation Monitoring Checklist

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

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			A	B	C	D	E	F	
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing (City-wide); and prior to approval of land use entitlement as applicable	Department of Public Utilities and Development and Resource Management Dept.			X	X	X		
D-3. The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities			X	X	X		
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Development and Resource Management Dept.	X				X		
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood	Ongoing	Development and Resource Management Dept.							X

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

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

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<p>D-12. All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:</p> <table border="1"> <thead> <tr> <th>FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)</th> <th>PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:</th> </tr> </thead> <tbody> <tr> <td>Single family residential</td> <td> <table border="1"> <tr> <td>01/01/2005 THROUGH 12/31/2010</td> <td>01/01/2010 THROUGH 12/31/2024</td> <td>AFTER 01/01/2025</td> </tr> <tr> <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> </tr> <tr> <td>Commercial and institutional</td> <td>2</td> <td>1.9</td> </tr> <tr> <td>Industrial</td> <td>2</td> <td>1.9</td> </tr> <tr> <td>Landscaped open space</td> <td>3</td> <td>2.9</td> </tr> <tr> <td>South East Growth Area</td> <td>3.4</td> <td>3.2</td> </tr> </table></td></tr></tbody> </table>		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:	Single family residential	<table border="1"> <tr> <td>01/01/2005 THROUGH 12/31/2010</td> <td>01/01/2010 THROUGH 12/31/2024</td> <td>AFTER 01/01/2025</td> </tr> <tr> <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> </tr> <tr> <td>Commercial and institutional</td> <td>2</td> <td>1.9</td> </tr> <tr> <td>Industrial</td> <td>2</td> <td>1.9</td> </tr> <tr> <td>Landscaped open space</td> <td>3</td> <td>2.9</td> </tr> <tr> <td>South East Growth Area</td> <td>3.4</td> <td>3.2</td> </tr> </table>	01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024	AFTER 01/01/2025	3.8	3.5	3.5	Multi-family residential	6.5	6.2	Commercial and institutional	2	1.9	Industrial	2	1.9	Landscaped open space	3	2.9	South East Growth Area	3.4	3.2
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NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan

 Prior to approval of development project | Department of Public Utilities | X | | | X | | |

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MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE STATUS						
			A	B	C	D	E	F	
D-13. The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities			X		X		
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Development and Resource Management Dept.					X		X
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Development and Resource Management Dept.			X		X		
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Development and Resource Management Dept.							X

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

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

Project/EA No. C-11-023/T-5993

Date: August 19, 2011

MEIR Mitigation Monitoring Checklist

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

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

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Project/EA No. C-11-023/T-5993

Date: August 19, 2011

MEIR Mitigation Monitoring Checklist

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

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

Project/EA No. C-11-0237T-5993

Date: August 19, 2011

MEIR Mitigation Monitoring Checklist

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

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

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

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

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

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MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) REVIEW SUMMARY

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

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

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

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

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

MEIR REVIEW SUMMARY

Page 2

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

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

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

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Conditional Use Permit Application No. C-11-023, Vesting Tentative Tract Map No. 5993, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

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

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

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

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

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

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

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

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

APPENDIX

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

EXECUTIVE SUMMARY

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Conditional Use Permit Application No. C-11-023, Vesting Tentative Tract Map No. 5993 or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

SUPPORTING DATA AND ANALYSIS

While there have been changes in air quality regulations since the November 2002 certification of the 2025 Fresno General Plan MEIR, the actual environmental setting has not evidenced degradation of air quality.

The adverse air quality impacts associated with the myriad of human activities potentiated by the long range general plan for the Fresno metropolitan area can be expected to remain significant and unavoidable, and cannot be completely mitigated through the General Plan or through project-level mitigation measures. In order to provide a suitable living environment within the metropolitan area, the General Plan and its MEIR included numerous air pollution reduction measures.

The 2025 Fresno General Plan and its MEIR gave emphasis to pursuing cleaner air as an overarching goal. The urban form element of the General Plan was designed to foster efficient transportation and to support mass transit and subdivision design standards are being implemented to support pedestrian travel. Strong policy direction in the Public Facilities and Resource Conservation elements require that air pollution improvement be a primary consideration for all land development proposals, that development and public facility projects conform to the 2025 Fresno General Plan and its EIR mitigation measures, and that the City work conjunctively with other agencies toward the goal of improving air quality.

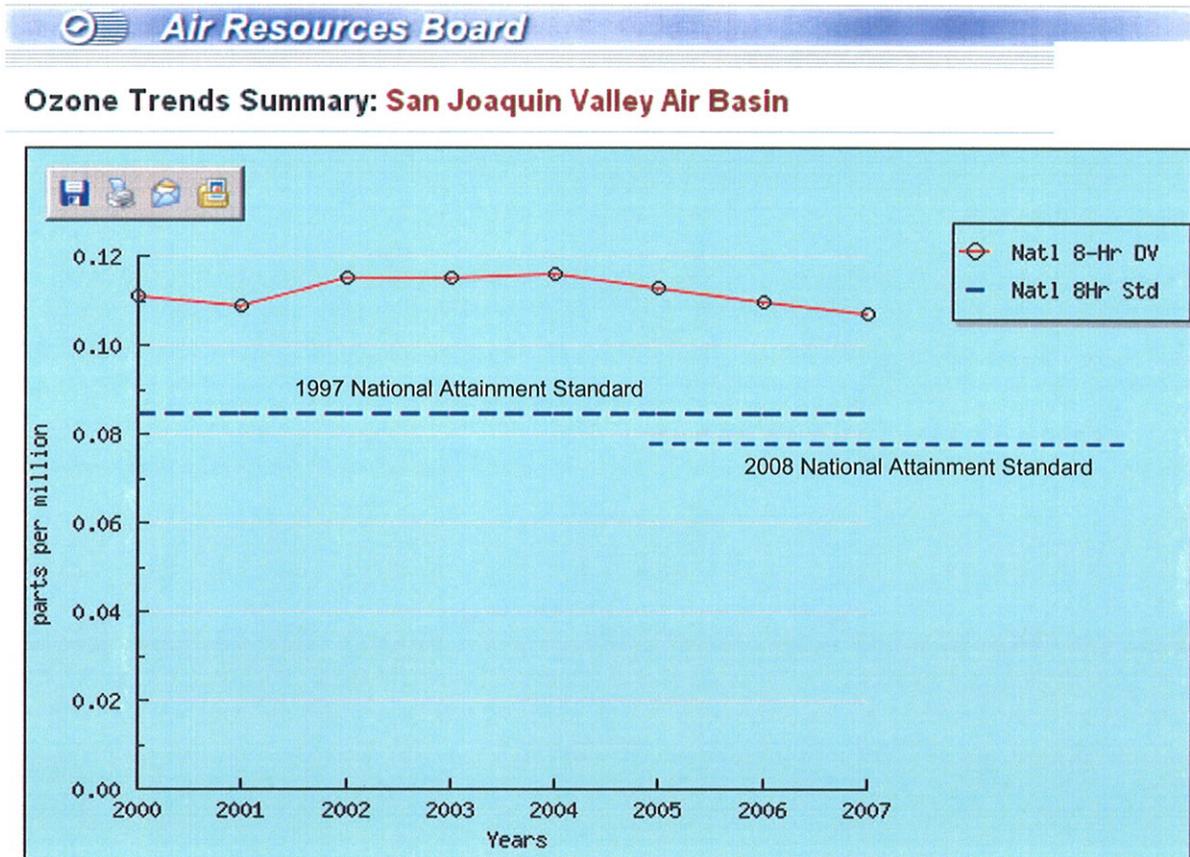
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted to cleaner fuels. Lighter-duty vehicle fleets are also incorporating alternative fuels and "hybrid" vehicles. Mass transit system improvements are supporting increased ridership. Construction of sidewalks, paseos, bicycle lanes and bike paths is being required for new development projects, and are being incorporated into already-built segments of City rights-of-way with financing from grants, gas tax, and other road construction revenues. Traffic signal synchronization is being implemented. The Planning and Development Department amended the Fresno Municipal Code to ban all types of residential woodburning appliances, thereby removing the most prominent source of particulate matter pollution from new construction.

Pursuant to a specific MEIR mitigation measure, all proposed development projects are evaluated with the "Urbemis" air quality impact model that evaluates potential generation of a range of air pollutants and pollutant precursors from project construction, project-related traffic, and from various area-wide non-point air pollution sources (*e.g.*, combustion appliances, yard maintenance activities, etc.). The results of this "Urbemis" model evaluation are used to determine the significance of development projects' air quality impacts as well as the basis for any project-specific air quality mitigation measures.

There are no new (*i.e.*, unforeseen in the MEIR) reasonable mitigation measures which have become available since late 2002 that would assure the reduction of cumulative (city-wide) air quality impacts to a less than significant level at project buildout, even with full compliance with attainment plans and rules promulgated by the California Air Resources Board and the San Joaquin Valley Air Pollution Control District.

Through implementation of regional air quality attainment plans by the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD), as supported by implementation of 2025 Fresno General Plan policies and MEIR mitigation measures, air pollution indices have shown improvement. Progress is being made toward attainment of federal and state ambient air quality standards.

Ozone/oxidant levels have shown gradual improvement, as depicted in the following graphs and charts from the California Air Resources Board (graphics with an aqua background) and from the San Joaquin Valley Air Pollution Control District (those with no background color):



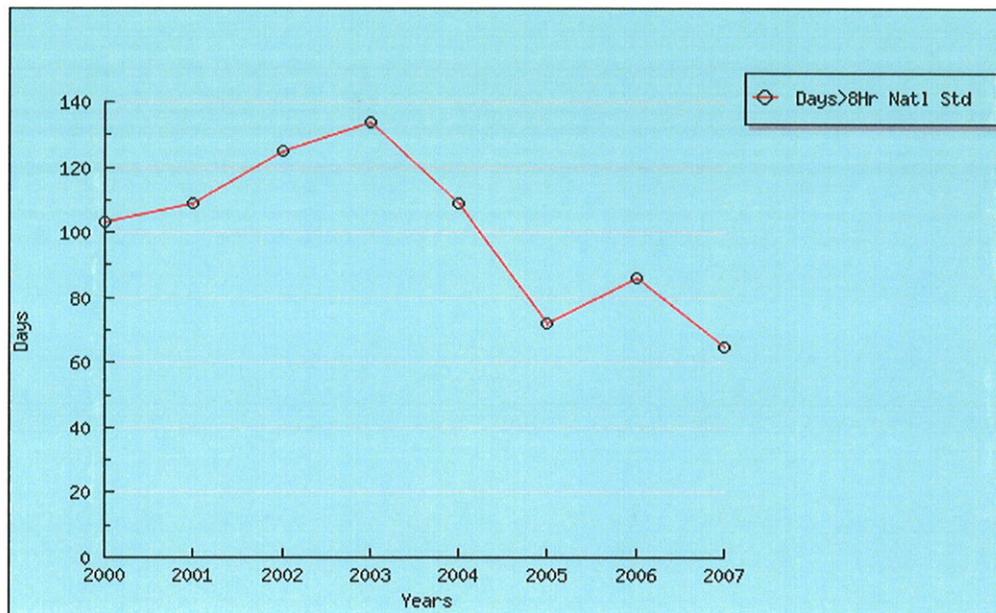
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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

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

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

Ozone Trends Summary: San Joaquin Valley Air Basin



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

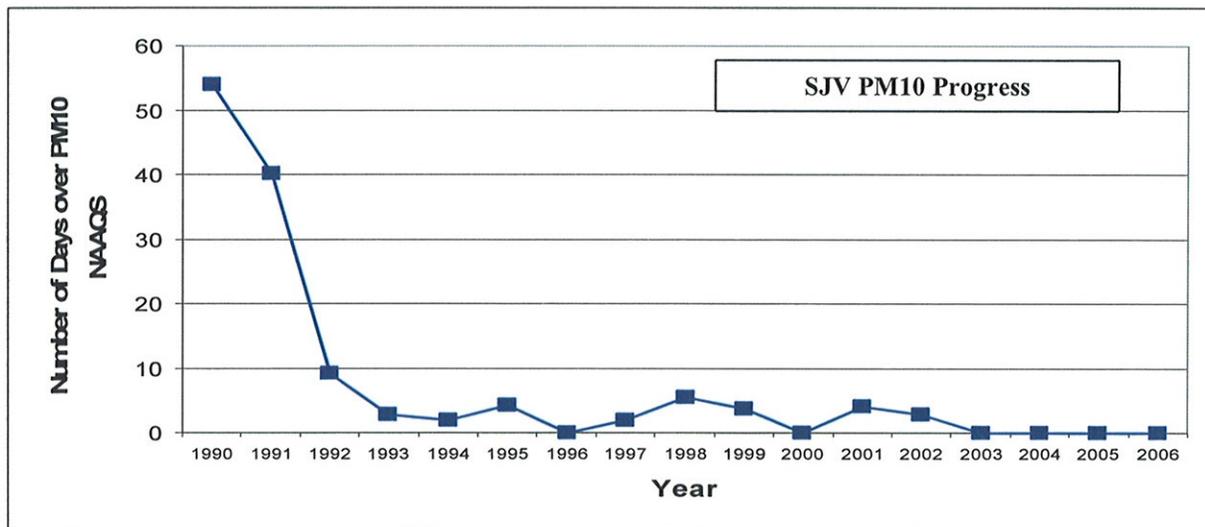


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

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

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

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



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

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

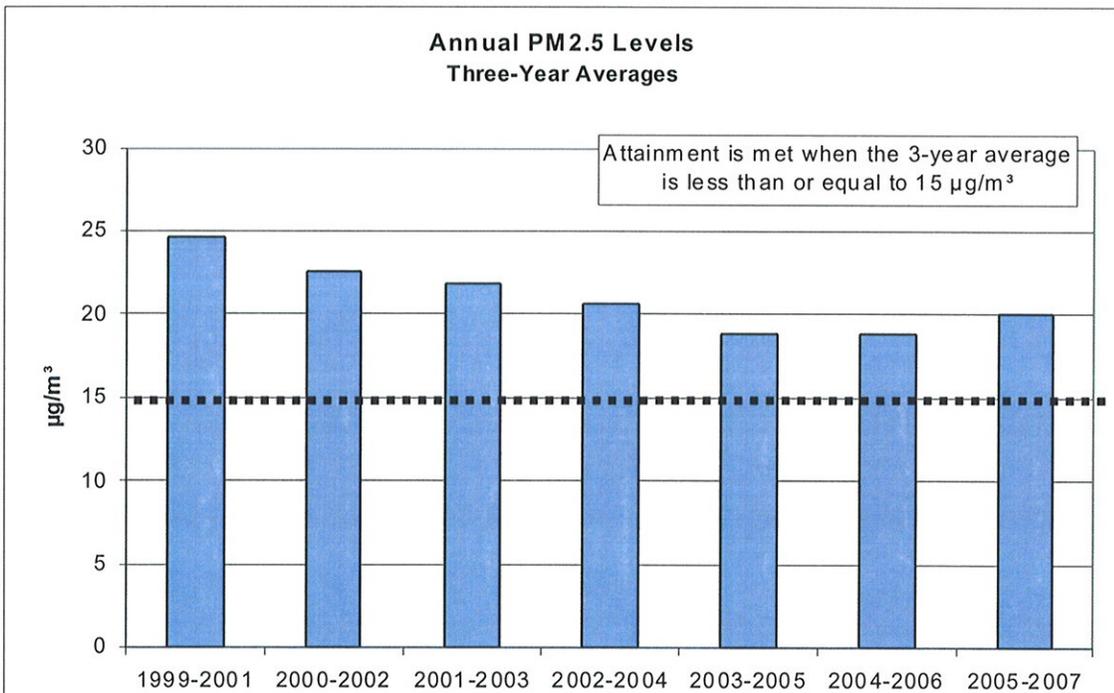
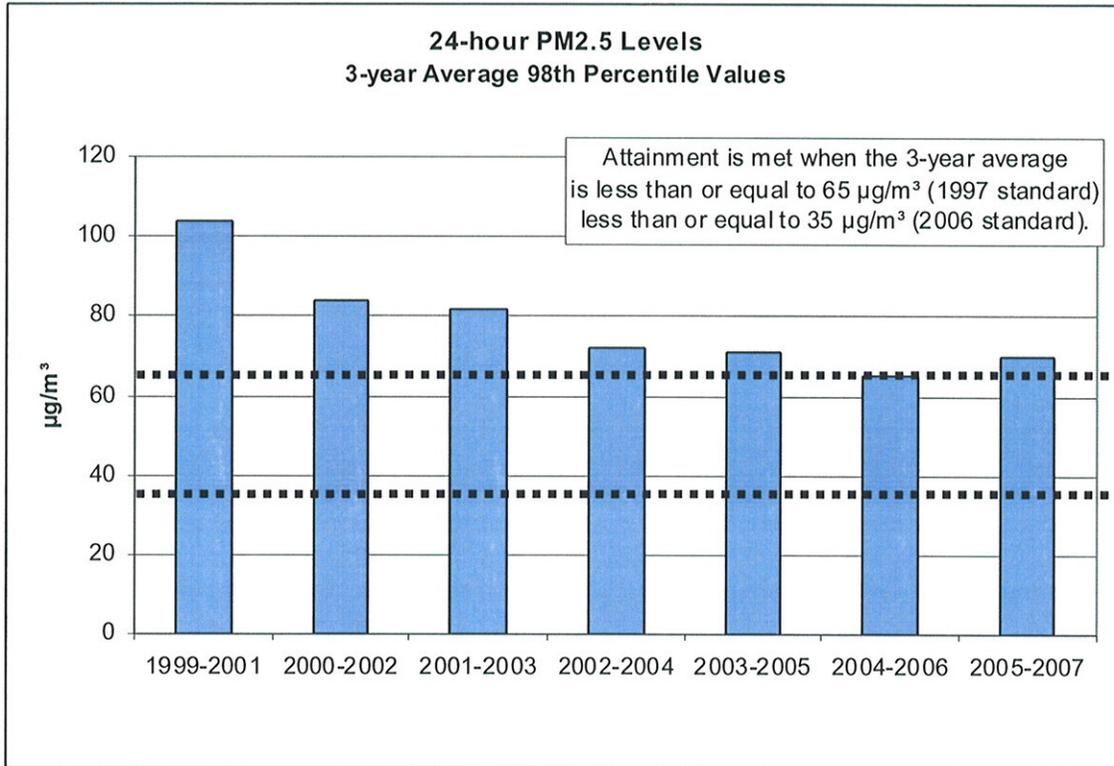
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

The recently-released update of the Urbemis computer model (used by the City of Fresno Planning and Development Department for environmental assessments, pursuant to a specific MEIR mitigation measure) does provide data on the amounts of 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.