

AGENDA ITEM NO. **VII.B**
COMMISSION MEETING **09-18-2013**

September 18, 2013

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SUBJECT: **CONTINUED CONSIDERATION OF TEXT AMENDMENT APPLICATION NO. TA 13 02 AND RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. TA-13-02, TO ALLOW AGRICULTURAL AND COMMUNITY GARDEN USES IN RESIDENTIAL AND OPEN SPACE ZONE DISTRICTS, AND TO ESTABLISH STANDARDS OF PRACTICE AND REGULATION FOR COMMUNITY GARDENS AND AGRICULTURAL ACTIVITIES, CITY-WIDE**

RECOMMENDATION

Text Amendment Application No. TA-13-02 proposes to amend Chapter 12 of the Fresno Municipal Code (the Zoning Ordinance) to expressly permit commercial agricultural uses and community gardens in open space and residential zone districts, and to establish special standards of practice and regulation which would pertain to agricultural and community gardening activities in the City of Fresno.

The details and appropriateness of the proposed text amendment have been refined and evaluated pursuant to Fresno Municipal Code (FMC) Section 12-402 and pursuant to further consultation with stakeholders and the results of a full Initial Study. The applicant has accepted the refinements and the proposed mitigation measures. The resulting revised version of the proposed Text Amendment, dated September 18, 2013, incorporating changes reviewed with stakeholders and project-specific mitigation measures, is attached.

Staff recommends that the Planning Commission take the following action:

1. RECOMMEND APPROVAL to the City Council of the finding made for Environmental Assessment No. TA-13-02, a Mitigated Negative Declaration dated August 28, 2013.
2. RECOMMEND APPROVAL to the City Council of the revised version of Text Amendment Application No. TA-13-02, which would provide for agricultural and community garden uses in residential and open space zone districts, and would establish standards of practice and regulation for community gardens and agricultural activities, city-wide.

BACKGROUND

Cultivation of crops and ornamental plants on properties classified with residential and open space zoning has been ongoing in the City of Fresno for decades, yet these activities have not been specifically listed as permissible uses in the Zoning. This cultivation is a scalable continuum of activities, ranging from commercial agriculture with commodities sold to wineries and brokers, to small "truck gardens" with field crops sold at farmer's markets and roadside stands, and including community gardening, an activity that is being advocated as a way of increasing the availability of fresh fruit and vegetables and promoting social cooperation.

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Earlier this year, the owner of Granville Homes acquired the 360-acre site in West Fresno formerly known as the "Running Horse" golf course/residential project. The site has been re-named "Mission Ranch" and has been cleared of debris and re-graded with the intention of establishing an almond orchard as an interim use of the property (pending improvement in market conditions which would support filing a new development plan for the property).

Before investing the large amount of capital necessary to establish a large almond orchard, the owner wanted clear authority to farm the site, which has retained its R-1, *Single Family Residential District* zoning. (The previously approved subdivision map and conditional use permit for Running Horse are being allowed to expire.) Therefore, Granville Homes submitted an application for a text amendment that would amend the zoning ordinance to expressly provide for the agricultural activity in the R-1 zone district as a "by-right" permitted use, with a private well being allowed to irrigate such operations when the operation comprises 20 acres or more. In pre-application consultation with Development Services staff, the similar lack of express zoning ordinance clearance for community gardening was discussed, and the text amendment sponsor agreed to include that use in the request. A copy of the resulting March 15, 2013 application letter is attached.

The applicant's representative was advised that text amendments are city-wide in scope (applicable to entire zone districts or groups of zone districts, not pertinent any one location), and that the proposed text amendment should cover all the zone districts where agricultural and community gardening activities could reasonably and beneficially occur.

The applicant was also advised that the range of possible agricultural activities would be narrowed, because certain farming endeavors are not compatible with residential zone districts (*i.e.*, livestock). Also, the text amendment would include standards and restrictions to protect adjacent properties and the environment from potential adverse effects.

Prior to formal initiation by the Development and Resource Management (DARM) Department Director (one of the three initiation methods allowed under Fresno Municipal Code Section 12-402-A), staff evaluated all pertinent zone districts (open space, agricultural, and residential). Reviewed DARM's current written policy for community gardening; and reviewed the Property Development Standards section of the Zoning Ordinance (FMC §12-306) for existing regulations pertaining to agricultural activities. Staff also consulted with agencies having regulatory oversight for various aspects of farming and water use. The resulting expanded text amendment was formally initiated and circulated for inter-agency review and comment on April 23, 2013.

As noted below, the project sponsor met with all the Council District Committees and the Tower Design Review Committee. Concerns relating to use of pesticides were addressed by providing information on pesticide regulations and regulatory agencies. There was also an ongoing consultation with the City Water Division to frame requirements which would best protect groundwater and surface water supplies. The Airport Land Use Commission, which recommended approval of the proposed text amendment at its June 10, 2013 meeting, required a subsection to be added to ensure that cultivation in an airport safety zone is done consistent with that airport's Wildlife Hazard Mitigation Plan (a requirement of the Federal Aviation Agency). A provision was also added to the special standards of practice and regulation to ensure that street trees and on-site shade trees were not damaged or removed for agricultural purposes or community gardening.

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ENVIRONMENTAL FINDING

From the outset, staff recognized that any proposal to allow cultivation and community gardening in the City should be clearly subject to regulations to protect water supplies, air quality, to prevent exposures to hazards, and to minimize conflicts between cultivated properties and neighboring land. A long list of requirements was been included in the special standards of practice and regulation subsection pertaining to cultivated properties (a proposed expansion of Fresno Municipal Code subsection 12-306-N-11, which currently only deals with greenhouses.). Many of the proposed requirements of Text Amendment No. TA-13-02 reflect the regulations of state and local agencies which oversee various aspects related to the growing of crops. Other requirements are being set by the City itself, to instituting setbacks and ensure adequate protections for adjacent properties and the public.

Water balance and groundwater recharge are particular concerns of the City, as reflected in the list of rules outlined in proposed subsection 12-306-N-11.e. The City's Urban Water Management Plan and Metropolitan Water Resource Management Plan contain several measures aimed at ameliorating groundwater overdraft and preventing contamination of groundwater and surface water. These plans have to be implemented in all activities, including irrigating crops and community gardens. The Department of Public Utilities Water Division is charged with reviewing and approving water usage by agricultural and community gardening operations.

The requirement for paying recharge fees for use of private water wells has been memorialized in the City's Master Fee Schedule for well over a decade. This text amendment would allow the Water Division to consider an alternative mitigation for groundwater extraction. (It should be noted, however, that the text amendment does not require the Water Division to automatically accept alternative mitigation in lieu of recharge fees--the Water Division has the option to approve or reject a grower's mitigation proposal based on its adopted plans, policies, agreements, and local conditions.)

Pursuant to the California Environmental Quality Act (CEQA), Development and Resource Management Department staff evaluated the proposed text amendment project in accordance with the land use and environmental policies and provisions of the 2025 Fresno General Plan and its related Master Environmental Impact Report (MEIR) No. 10130 (SCH No. 2001071097) and the Mitigated Negative Declaration (MND) No. A-09-02 (SCH No. 2009051016) for the Air Quality Update to the General Plan (Plan Amendment No. A-09-02). The special standards of practice and regulation in Section 12-306-N-11 were deemed sufficient to prevent significant adverse impacts.

California Environmental Quality Act (CEQA) Guidelines Section 15304 provides for a "Class 4" Categorical Exemption for minor alterations to land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. Listed examples include, but are not limited to, gardening and landscaping. Therefore, a Finding of Categorical Exemption was made for the text amendment on August 6, 2013.

On the day of the Planning Commission hearing on Text Amendment Application No. TA-13-02, a letter was emailed to the City by the "Leadership Counsel for Accountability and Justice" (a copy of that August 21, 2013 letter is attached). The Class 4 Categorical Exemption was challenged as insufficient, with an assertion that residents of West Fresno did not have an opportunity for input or environmental review; that the project would undermine the health and well-being of Fresno

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residents; that it would not provide protection from pesticide drift, dust, noise, and other impacts; that it would further degrade West Fresno and violate the civil rights of its residents. The letter claimed that it is inappropriate to use a single text amendment to add both types of cultivation (agriculture and community gardening) to the City Zoning Ordinance, and that the text amendment "does little to facilitate community gardens." The response to comments regarding potential impacts is primarily found in the revised CEQA finding; the response to overall organization and content of the text amendment is made in the Land Use Plans and Policies and Zoning sections of this staff report.

At the August 21 Planning Commission hearing, the project was referred back to staff for further analysis. A formal Initial Study was prepared, resulting in a proposed finding of Mitigated Negative Declaration (Notice of Intent filed with Fresno County Clerk and published in the *Fresno Bee* on August 28).

Through the Initial Study process, further mitigations were proposed to address concerns. The project sponsor has agreed to these mitigations, and they have been incorporated into the September 18, 2013 revised draft of the text amendment as additional special standards of practice and regulation. (This added material is indicated by heavy dark underlining in the subsections of FMC Section 12-306-N).

While the mitigation measures incorporated into the project via special standards of practice and regulation in FMC 12-306-N will cover generic issues related to cultivation of land, some aspects of some subsequent cultivation operations may involve improvements, water features, and agreements which could, in and of themselves, comprise projects requiring CEQA analysis and individual findings. They could also be proposed in areas where listed species are known to occur. Therefore, construction and grading permits, amendments to special permits, and agreements/contracts relating to individual agricultural, horticultural, and community gardening operations will still be subject to evaluation as to their status as "projects" under CEQA and may require assessment with regard to setting and potential impacts.

ANALYSIS

Land Use Plans and Policies

While the Zoning Ordinance has not expressly permitted agricultural activities in Fresno, gardening and crop growing has long occurred on vacant parcels, in backyards, and on fringe area parcels adjacent to many developed neighborhoods in the city.

The recent economic downturn has stalled construction of several subdivisions which have prime agricultural soil, available surface water, and existing agricultural wells. Allowing such properties to be farmed pending resumption of development can provide tangible economic benefit that extends beyond the agricultural operation itself, given the "multiplier effect" of crop production.

Fresno is experiencing a trend toward large, phased development projects which have buildout periods spanning several years. Interim agricultural and horticultural activities would utilize vacant land in those projects which could otherwise pose a nuisance and incur public expense.

In the past five years, the DARM Department has fielded many inquiries and requests for community gardening projects. These gardens support healthy diets and provide cost-effective fresh produce

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with an element of social recreation. Community gardens vary in scale and may be beneficially sited on parcels of varying sizes. Some involve land owned by churches (land that is usually zoned for residential use); some involve under-utilized areas in apartment complexes; and some utilize park and other open space land. Codifying the process to establish and operate a community garden will improve City oversight and will give better guidance to the groups who wish to sponsor them.

The 2025 Fresno General Plan's goal statement provides policy direction which would support agricultural and community gardening activities:

- Goal 1.** Enhance the quality of life for the citizens of Fresno and plan for the projected population within the moderately expanded Fresno urban boundary in a manner which will respect physical, environmental, fiscal, economic and social issues.
- Goal 10.** Provide quality open space, park and recreational facilities and programs to support the projected population.
- Goal 11.** Protect, preserve, and enhance significant biological, archaeological, and paleontological resources and critical natural resources, including, but not limited to, air, water, agricultural soils, minerals, plants, and wildlife resources.
- Goal 14.** Protect and improve public health and safety.
- Goal 15.** Recognize, respect and plan for Fresno's cultural, social, and ethnic diversity.
- Goal 16.** Work cooperatively with the local agricultural industry to conserve prime farmland and respect its importance as Fresno County's base economic resource.

Growing crops and/or ornamental plants on such land provides new economic input, whether at a commercial truck gardening or farming scale, or at the level of neighborhood and household food security and dietary enhancement. The General Plan's Economic Development Element promotes all types of economic input. Growing food is also a deeply rooted cultural practice of most societies, and the option to raise specialty crops preserves Fresno's diverse ethnic heritages. Providing for community gardening in open space and park settings will foster community involvement and improve neighborhoods' sense of ownership and stewardship of those sites. As a base economic resource, Fresno County farmland has over \$6 billion in cash receipts (2012 data) and there is an economic multiplier effect that at least triples the value of this revenue stream in the local economy. As a city over 100 square miles in size in the heart of the irrigation district with the best water entitlements in the county, the City of Fresno has long been a participant in the agricultural economy.

Because the 2025 Fresno General Plan Urban Form Element was oriented to showing full buildout of all buildable land within its Sphere of Influence, most General Plan objectives and policies dealing with agricultural land were directed toward "metering" development to avoid premature conversion of agricultural land. While no "agricultural reserve" land was designated in the 2025 Fresno General Plan, Plan policies did not call for a cessation of farming; instead, in recognition of property owners' right to farm and in recognition of the economic benefits of farming, General Plan objectives and policies to protect farming on land designated for agricultural use. Numerous City subdivision maps were processed with a requirement that the subdivider execute a Right to Farm covenant, which

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would be binding on all subsequent land owners, requiring acceptance of the usual effects of living in proximity to land being actively cultivated.

Even though General Plan objectives and policies inveighed against “premature” conversion of agricultural land, there was no regulatory mechanism to prevent large enclaves of Fresno’s fringe area, with viable agricultural operations, from being rezoned for residential use and approved for tentative subdivision maps. Economic conditions subsequently occurred that caused planned (and zoned) enclaves of residential land to fail to timely develop with urban housing. Additionally, the required rounding off annexation boundaries has required prezoning of land that was being actively farmed which was not subject to any urban development applications or entitlements (owners of this land had no intention to stop farming; they were not actively seeking annexation or urban residential zoning).

In addition to the policies intending to protect farming outside areas where land is designated for agricultural use, the 2025 Fresno General Plan contained two specific policies for farming land inside the city. Text Amendment Application No. TA-13-02 serves as an implementation measure for these 2025 Fresno General Plan policies:

G-6-a. Policy: Allow for continued agricultural use of vacant land in the city consistent with standards for the protection of the environment, public safety and well-being, and the planned, orderly, and efficient development of the urban area.

G-5-g. Policy: In the San Joaquin River Bottom, accommodate agricultural uses that do not stimulate unplanned growth or conversion of designated open space land to urban uses.

Policy No. G-6-a expressly acknowledges that within City boundaries has been cultivated. This policy was drafted in the late 1990s and adopted by the City in 2002, evidence that agricultural use of property in the City is a longstanding practice. It should be additionally noted that this longstanding practice has not resulted in hazardous material incidents or widespread nuisance problems.

Zoning

In response to the allegation in the Leadership Counsel letter, there was no “political ploy” involved in having the draft text amendment include community gardening: the staff asked if the project sponsor would include it, because groups were asking to establish community gardens but none had come forward with the processing fees to pay for a text amendment to formally add “community gardening” to the Zoning Ordinance.

Staff determined that it is appropriate to combine consideration of agriculture and community gardening into a single text amendment and environmental assessment, because both involve cultivation of land. The text amendment does not restrict the size of community gardens, or prohibit use of pesticides or mechanized equipment on community gardens, since there may be proposals involving large parcels where some tillage is done for the entire site at beginning or end of season, and there may be a need to treat for a severe pest infestation in a community garden.

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As noted previously, cultivation involves parcels of all size, and the range of agricultural activity is a continuum. Some of the existing community gardens in Fresno are larger than some of the smallest sites being farmed by a single entity for income. All cultivation done at a scale beyond private backyard gardening for personal enjoyment can affect nearby land; the text amendment makes it clear that all parties engaging in cultivation activities have responsibility for potential resource and neighbor impacts. Those impacts are scalable; many provisions of the text amendment's special standards of practice and regulation would not apply to non-mechanized cultivation or operations where no pesticides are employed.

It has been suggested that parties wishing to engage in agricultural activities rezone their properties to an agricultural zone district. However, the City's Local Planning and Procedures Ordinance, and the Zoning Consistency Matrix (Table 2) in the 2025 Fresno General Plan would not allow it, because once land has been zoned to a district consistent with its planned land use designation, it cannot be rezoned to a district inconsistent with its planned land use designation. It is similarly infeasible for property owners to seek plan amendments to convert their properties to an agricultural planned land use, because the 2025 Fresno General Plan did not include any Agricultural Reserve area. Rezoning property to an agricultural district is also unadvisable because the Housing Element also committed to maintaining an inventory of land zoned for residential uses to serve future housing needs.

Another alternative to the text amendment that has been discussed is for owners of parcels who want to continue farming (legally, with the use classified for their zoning), or return annexed property to farming activity, could de-annex from the City. After de-annexation, the property would return to the jurisdiction of Fresno County, where it would have an agricultural or rural residential land use designation and concomitant County zoning. This alternative is infeasible for many properties, because the Local Formation Agency Commission has policies against creating islands or irregularities in City boundaries that would be peninsular projections. It also would not alleviate any of the potential adverse impacts of farming, and would potentiate more adverse impacts, because County ordinances relating to farming do not prohibit use of bird or hail cannons, nor do County ordinances for the agricultural and rural residential zone districts require mitigation for groundwater withdrawal; setbacks to allow pedestrian access along roadways; setbacks for beehives; etc. These issues of concern for properties adjacent to farming would be addressed, however, if those properties were to remain in the City and be subject to the special standards of regulation and practice in the proposed text amendment.

One of the requests expressed after the prior Planning Commission hearing was that a new category be created for "urban agriculture." Staff looked into it, and realized that there was no generally accepted legal definition that would provide a demarcation between "regular" agriculture and "urban agriculture."

Black's Law Dictionary (2nd Online Edition) defines "Agriculture" as "The financial practice of growing food or raising livestock..." This legal dictionary goes on to provide refinement of the definition through established case law:

"The science or art of cultivating the ground, especially in fields or large areas, including the tillage of the soil, the planting of seeds, the raising and harvesting of crops, and the rearing of live stock.
- *Dillard v. Webb*, 55 Ala. 474. And see *Binzel v. Grogan*,

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67 Wis. 147, 29 N. W. 895; Simons v. Lovell, 7 Illisk. (Teun.) 510; Springer v. Lewis, 22 Pa. 191.

“A person actually engaged in the “science of agriculture” (within the meaning of a statute giving him special exemptions) is one who derives the support of himself and his family, in whole or in part, from the tillage and cultivation of fields. He must cultivate something more than a garden, although it may be much less than a farm. If the area cultivated¹ can be called a held, it is agriculture, as well in contemplation of law as in the etymology of the word. And if this condition be fulfilled, the uniting of any other business, not inconsistent with the pursuit of agriculture, does not take away the protection of the statute.

- *Springer v. Lewis, 22 Pa. 193.*”

Black’s Law Dictionary does not define “urban agriculture,” but a definition was found on the USLegal.com website:

“In plain language[,] urban agriculture means farming in the city. It refers to the system of cultivating, processing and distributing food in a town or city. It also denotes animal husbandry, aquaculture, agro-forestry and horticulture carried on in a city or town. The cultivation carried out in peri-urban areas is also called as urban agriculture. Urban agriculture is also called as urban farming.

The United Nations Development Programme (UNDP) has defined urban agriculture as an activity that produces, processes, and markets food and other products, by using intensive production methods, natural resources and urban wastes, on land and water in urban and peri-urban areas to yield diversity of crops and livestock.”

It is staff’s analysis that “agriculture” is an all-encompassing term, and that “urban agriculture” is a broad term that can simply mean “farming in a city.” Therefore, no separate classification for “urban agriculture” has been added to the text amendment made since the August 21 Planning Commission hearing. Staff determined early in the process--when scoping the first draft of the text amendment--that the potential adverse effects of allowing livestock and aquaculture in the city made those elements of agriculture undesirable for inclusion in the proposed text amendment. With regard to the cultivation of plants, however, the text amendment remains framed for the broadest possible inclusion of types of farming, excluding only practices that could not be controlled to prevent problems for adjacent property, including regulations needed to prevent adverse effects, and allowing those who wish to cultivate land to choose the scale and methods they prefer within those constraints.

The General Plan Update and new Development Code may further modify zoning provisions relating to agriculture (including community gardening) in the city. Successive drafts of the proposed text amendment were provided to the DARM Sustainability Services Division Long Range Planning Section. Their comments were that the provisions of the text amendment were deemed consistent with the goal direction for the new General Plan and Development Code.

However, a letter was received on August 21st from Fresno Interdenominational Refugee Ministries, Inc. (copy attached.) expressing concerns that a commitment had been made to community

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gardening organizations that community gardening would be allowed "by right," yet the text amendment proposed classifying the use under Code sections relating to uses allowed by conditional use permit (CUP).

It had been staff's understanding that all community gardens in the City of Fresno were on properties already subject to conditional use permit (parks, churches, etc.), and the only way to revise a CUP is by amending the CUP or getting an approved Revised Exhibit to the CUP. In consideration that future community gardens may be sited on other properties with no pre-existing CUP, staff has revised the proposed text amendment to allow new community gardens "by right" where there is no previous CUP. In the single family zone districts, no site plan review is required to establish a by-right use, just a plot plan. The special standards of regulation and practice also require that community gardening proposals have the same water usage and conservation planning as other types of agriculture, that they have written authorization from the underlying property owner, and that they provide the City with contact information for the responsible party in charge of group cultivation activities.

Community Consultation

As noted previously, the applicant and staff met with the Council District and Specific Plan Committees, and all favored the project subject to commercial agricultural operations providing sufficient protections for adjacent property owners. However, staff was not aware that Fresno had an informal working group of community gardening organizations and some urban agriculturalists.

On August 28th, the Long Range Planning Section arranged a consultation between those interests and Current Planning staff working on the text amendment. The result was some clarification of requirements and downscaling of special standards of practice and regulation for smaller parcels.

In addition to the above-mentioned addition of "community gardening" as a by-right use the special standards of practice and regulation were modified with regard to grading: the functional requirement to protect of the urban drainage system remains in place for cultivation affecting less than an acre, but a formal grading permit is not going to be required in consideration that urban lots have already been graded according to the Master Drainage Plan for Fresno Metropolitan Flood Control District. Fencing standards were enhanced to protect prevailing setbacks in established neighborhoods;, and backflow protection requirements were clarified.

On September 5, a larger meeting was held with several community gardening advocates and concerned West Fresno parties (with Leadership Counsel) to review the history and revised content of the text amendment and air remaining concerns. The larger meeting was attended by the project sponsor, the Fresno County Agricultural Commissioner, Executive Director of the Local Agency Formation Commission, and the president of the Fresno County Farm Bureau (attached is the signup sheet from that meeting). Community gardening interests requested that the proposed definition of that use be modified to more closely conform to one used by their national organization. This has been done, as reflected in the heavy underlined wording in draft subsection 12-105-C-19.3.

Most remaining concerns were addressed, except for the following:

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- The West Fresno resident stated that he did not want the text amendment to go forward, because he felt that the existence and effects of farming would impede good development in his area. He said he could instead support rezoning property to agriculture

Reasons for not being able to accommodate this rezoning are explained in the preceding section of this staff report. It is also noted that rezoning the property would not move it farther away from West Fresno residents. The most important responsive point is that the text amendment does not prevent development of zoned residential land anywhere in Fresno, it merely allows agriculture and/or community gardening to be established as an interim use pending improvement of economic and market conditions that would make planned and zoned urban buildout feasible. The prices of land in Fresno with urban residential zoning and available utility services do not make it feasible to farm the property in the long term, even though buildout of the property is not feasible in the short term.

- The West Fresno resident expressed concerns about effects on local water wells.

It was pointed out that the text amendment provides for Water Division control of water usage and that it requires recharge by paying fees into the Citywide recharge program, or by arranging for local recharge. These protections are not required of farming that has been occurring on un-annexed property in the area. Development of housing on the vacant property could also have adverse cumulative and local impacts on groundwater supply: the Kings Basin (and Fresno's Sole Source Aquifer) have been declining due to a "cone of depression" from overdraft caused by urban water consumption. On the other hand, farming that has been done with some types of surface water irrigation has long been considered a plus for its incidental groundwater recharge benefit.

- Leadership Counsel reiterated the objections from its August 21st letter.

Responses to those issues (uses covered in the proposed text amendment, levels of approval for community gardening, dust, noise, human health) are throughout this staff report and in the attached Initial Study (which addresses another concern of the group).

With regard to pesticide concerns in particular: At the September 5th meeting, staff and the Agriculture Commissioner explained that there are three levels of pesticides, and that his office regulates the two levels of these compounds which are not commercially available to the public. The Agriculture Commissioner enforces rules against applying hazardous pesticides near sensitive land uses. (Leadership Counsel did not explain why the regulations would not be adequate protection.) The Agriculture Commissioner went on to state that he was concerned about the risk that community gardeners might use publicly available pesticides in ways contrary to labeling, and the shared nature of their activities might mean that someone could pick something from someone else's treated crop. (The text amendment requires that community gardens provide an operational statement; staff will be reviewing those for the gardens' operating entities rules about pesticide use in the gardens.)

- An urban agriculture advocate wanted farm stands to be permitted in residential front yards.

The text amendment makes reference to FMC subsection 12-306-N-18, which regulates temporary structures such as farm stands; currently, only the City's Exclusive Agricultural zone districts allow farm stands. The City's Home Occupations ordinance, FMC Section 12-105-H-7 (copy attached) allows on-site retail sales of agricultural produce—but only

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these sales could only be done in zone districts where agriculture is permitted. The proposed text amendment would allow sales of agricultural produce in residential zone districts, but it does not propose allowing temporary retail structures in front yard setbacks.

NOTICE OF PLANNING COMMISSION HEARING AND CONTINUED HEARING

In accordance with Fresno Municipal Code Section 12-402-B, notice of the initial Planning Commission hearing to consider Text Amendment Application No. TA-13-02 and its related environmental finding was published in the *Fresno Bee* on Friday, August 9, 2013. As noted previously, the notice of intent to make a finding of Mitigated Negative Declaration for this project, was published in the *Fresno Bee* on August 28, 2013. That published notice included information on the continued hearing date of September 18, 2013.

An email with a link to the Planning Commission agenda and this staff report is being sent to all parties who attended the September 5, 2013 meeting.

CONCLUSION

Fresno would not be improved by requiring prime agricultural land to remain fallow, producing nothing except weeds. The administrative act of applying a residential zone district to property does not make it automatically unsuitable for cultivation. Intensive cultivation has beneficially coexisted with residences for many decades.

The appropriateness of this text amendment has been examined with respect to its consistency with stated goals of the 2025 Fresno General Plan; compatibility with surrounding existing and proposed uses; and avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon completion of this evaluation, it can be concluded that Text Amendment Application No. TA-13-002, as modified through the inter-agency and environmental review process, is appropriate.

Attachments: Revised draft of Text Amendment Application No. TA-13-02, dated September 18, 2013 (Changes reviewed with stakeholders on September 5 are indicated by double-underlining; further augmentations in Section 12-306-N subsections, made pursuant to mitigation measures derived from environmental review, are indicated by heavy underlining.)

March 15, 2013 Letter from Granville Homes, requesting a text amendment to permit agriculture and community gardening in the R-1 zone district

August 21, 2013 letter from Leadership Counsel for Justice and Accountability

August 21, 2013 letter from Fresno Interdenominational Refugee Ministries, Inc.

City of Fresno Zoning Ordinance provisions for Home Occupations

Environmental Assessment No. TA-13-02, a proposed finding of Mitigated Negative Declaration

Adds agriculture & community gardens to open space, agricultural, and residential zone districts and establishes standards of practice and regulations for these uses September 18, 2013

SEC. 12-105-C.19.3 COMMUNITY GARDEN shall mean any piece of land, public or private, managed by a responsible party, where plants are cultivated by a group of individuals for personal consumption, for sale, for donation, for beautification of the community and/or for educational purposes. The special standards of practice and regulation in subsection 12-306-N-11 shall apply to the establishment and operation of a community garden.

SEC. 12-204. - "O" OPEN CONSERVATION DISTRICT.

The "O" Open Conservation District is intended to provide for permanent open spaces in the community and to safeguard the health, safety and welfare of the people by limiting developments in areas where police and fire protection, protection against flooding by storm water and dangers from excessive erosion are not possible without excessive costs to the community. (Rep. and Added Ord. 5748, 1960).

SEC. 12-204.1. - USES PERMITTED.

The following uses shall be permitted in the "O" District:

A. Subject to the provisions of subsection 12-306-N-11, agricultural uses crops, greenhouses, fruit trees, nut trees, vines, and plant nurseries (for producing trees, vines and horticultural stock); and community gardens where there is no underlying conditional use permit, provided that no dwellings, either temporary or permanent, be permitted in relation thereto.

B. Fisheries.

C. Flood control channels, spreading grounds, settling basins, freeways, parkways and park drives.

D. Signs, subject to provisions of Section 12-204.5-K.

E. Wildlife preserves, forest preserves and such buildings and structures as are related thereto. (Added Ord. 5748, 1960; Am. Ord. 6768, 1966; Am. Ord. 83-29, § 1, eff. 3-25-83; Am. Ord. 90-110, § 1, eff. 11-9-90; Am. Ord. 99-55, § 6, 10-14-99).

SEC. 12-204.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

The following uses shall be permitted in the "O" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406.

A. Caretaker's dwelling and necessary accessory buildings.

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- B. Manufacture of concrete products, including hot mix plants, batching plants, or the use of asphalt or petroleum products.
- C. Microwave relay structures.
- D. Recreation areas, parks, and playgrounds.
- E. Removal of natural resources other than as provided for in Section 12-204.3-F, subject to the applicable regulations of Article 5.5 of Chapter 12 of this Code.
- F. Surface mining operations subject to the provisions of Article 5.5 of Chapter 12 of this Code.
- G. Temporary logging camps.
- H. Temporary sawmills and planing mills.
- I. Community gardens where the underlying special permit is a conditional use permit, subject to the provisions of subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 68-58, 1968; Am. Ord. 83-29, § 2, eff. 3-25-83; Am. Ord. 87-79, §§ 2, 3, eff. 7-24-87; Am. Ord. 99-37, §§ 3, 4, eff. 7-9-99; Am. Ord. 99-55, § 7, 10-14-99).

SEC. 12-204.6. - OTHER CONDITIONS TO USE.

Land may be placed in the "O" District only under the following conditions:

A. PUBLIC AND QUASI-PUBLIC USES

- 1. Public Pparks, playgrounds, wildlife preserves, outdoor educational facilities and public and community gardens.
- 2. Flood control channels, creeks, rivers.
- 3. Freeways, parkways and park drives.
- 4. Publicly owned forest lands Natural resource conservation/utilization areas and preserves.

B. PRIVATELY OWNED LAND IN DANGEROUS AREAS

- 1. Areas too steep to build upon or where such building may cause a public hazard due to excessive erosion or flooding.
- 2. Areas subject to flooding or inundation from storm water.

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3. Areas beyond fire servicing, and where development might endanger life, property or the watershed. (Added Ord. 5748, 1960).

SEC. 12-204.10. - "AE-20"—EXCLUSIVE TWENTY ACRE AGRICULTURAL DISTRICT.

The "AE-20" District is intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation. This District has been created to protect the general welfare of the agricultural community from encroachments of nonregulated agricultural uses which by their nature would be injurious to the physical and economic well-being of the agricultural district. (Added Ord. 74-76, § 3, eff. 9-16-74)

SEC. 12-204.11. - USES PERMITTED.

The following uses shall be permitted in the "AE-20" District:

- A. One single family dwelling unit per lot.
- B. Accessory buildings related to permitted uses.
- C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.
- D. Subject to the provisions of subsection 12-306-N-11, aAgricultural crops such as the raising of tree, vine, field, forage and other plant life crops of all kinds; (except mushroom growing); and community gardens where there is no underlying conditional use permit.
- E. Bovine (cow) and equine (horses) animals, where the lot area is one (1) acre or more, shall not exceed four (4) adult animals in any combination of the foregoing animals and their immature offspring. No pen, stable, barn or corral shall be maintained within one hundred (100) feet of any property line or within forty (40) feet of any building used for human habitation unless occupied by the owner or keeper of the animals. Pasturing of these animals is permitted within the above mentioned setbacks.
- F. Family day care homes, small.
- G. Greenhouses, horticultural collections and flower and vegetable gardens, private.
- H. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.
- I. Home occupations as defined in Subsection 12-105-H-7.
- J. Household pets as defined in Subsection 12-105-H-12.

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K. Petroleum products storage, for use by the occupants of the premises but not for resale or distribution, subject to provisions of subsection 12-306-N-11.

L. Poultry raising (limited to hens only), rabbits or similar small furbearing animals, not to exceed twenty-four (24) of any kind or combination thereof, for domestic purposes only provided that no pen, coop, or hutch be located within one hundred (100) feet of any property line or within forty (40) feet of any residence, dwelling or building used for human habitation.

M. Roadside stands, temporary, for the sale of agricultural products produced upon the premises, subject to provisions of subsection 12-306-N-18.

N. Signs, subject to provisions of Section 12-204.15-K. (Added Ord. 74-76, § 4, eff. 9-16-74; Am. Ord. 88-94, § 6, eff. 8-12-88; Am. Ord. 90-53, §§ 3, 4, eff. 7-13-90; Am. Ord. 90-110, § 2, eff. 11-9-90; Am. Ord. 99-55, § 10, 10-14-99; Am. Ord. 2006-141, § 26, eff. 10-27-06).

SEC. 12-204.13. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

The following uses shall be permitted in the "AE-20" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

- A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.
- B. Airports, heliports and crop dusting strips, private.
- C. Churches.
- D. Commercial stables and riding academies.
- E. Electric distribution substation.
- F. Electric transmission substation.
- G. Family day care homes, large, subject to compliance with subsection 12-306-N-42.
- H. Golf course, subject to compliance with Subsection 12-306-N-47.
- I. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.
- J. Guest ranches.
- K. Kennels: boarding, training, or breeding.
- L. Microwave relay structures.

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M. Sewage disposal and treatment plants.

N. Surface mining operations, subject to the provisions of Article 5.5 of Chapter 12 of this Code.

O. Community gardens where the underlying special permit is a conditional use permit, subject to the provisions of subsection 12-306-N-11.

(Added Ord. No. 74-76, § 5, eff. 9-16-74; Am. Ord. 88-94, § 7, eff. 8-12-88; Am. Ord. 90-53, § 5, eff. 7-13-90; Am. Ord. 91-68, § 1, eff. 7-26-91; Am. Ord. 99-37, § 5, eff. 7-9-99; Am. Ord. 99-55, § 11, 10-14-99; Am. Ord. 2006-141, § 27, eff. 10-27-06).

SEC. 12-205. - "AE-5"—EXCLUSIVE FIVE ACRE AGRICULTURAL DISTRICT.

The "AE-5" District is intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation. This District has been created to protect the general welfare of the agricultural community from encroachments of nonregulated agricultural uses which by their nature would be injurious to the physical and economic well-being of the Agricultural District.

(Rep. and Added Ord. 5748, 1960).

SEC. 12-205.1. - USES PERMITTED.

The following uses shall be permitted in the "AE-5" District:

- A. One single family dwelling unit per lot.
- B. Accessory buildings related to permitted uses.
- C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.
- D. Subject to the provisions of subsection 12-306-N-11, agricultural crops such as the raising of tree, vine, field, forage and other plant life crops of all kinds; (except mushroom growing); and community gardens where there is no underlying conditional use permit.
- E. Bovine (cow) and equine (horses) animals, where the lot area is one (1) acre or more, shall not exceed four (4) adult animals in any combination of the foregoing animals and their immature offspring. No pen, stable, barn or corral shall be maintained within one hundred (100) feet of any property line or within forty (40) feet of any building used for human habitation unless occupied by the owner or keeper of the animals. Pasturing of these animals is permitted within the above mentioned setbacks.

- F. Family day care homes, small.
- G. Greenhouses, horticultural collections and flower and vegetable gardens, private.
- H. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.
- I. Home occupations as defined in Subsection 12-105-H-7.
- J. Household pets as defined in Subsection 12-105-H-12.
- K. Petroleum products storage, for use by the occupants of the premises but not for resale or distribution, subject to the provisions of subsection 12-306-N-11.
- L. Poultry raising (limited to hens only), rabbits or similar small furbearing animals, not to exceed twenty-four (24) of any kind or combination thereof, for domestic purposes only provided that no pen, coop, or hutch be located within one hundred (100) feet of any property line or within forty (40) feet of any residence, dwelling or building used for human habitation.
- M. Roadside stands, temporary, for the sale of agricultural products produced upon the premises, subject to provisions of subsection 12-306-N-18.
- N. Signs, subject to provisions of Section 12-205.5-K. (Rep. and Added Ord. 5748, 1960; Am. Ord. 6788, 1966; Am. Ord. 88-94, § 8, eff. 8-12-88; Am. Ord. 90-53, §§ 6, 7, eff. 7-13-90; Am. Ord. 90-110, § 3, eff. 11-9-90; Am. Ord. 99-55, § 5, 10-14-99; Am. Ord. 2006-141, § 29, eff. 10-27-06).

SEC. 12-205.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

The following uses shall be permitted in the "AE-5" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

- A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.
- B. Airports, heliports and crop dusting strips, private.
- C. Churches.
- D. Commercial stables and riding academies.
- E. Electric distribution substation.
- F. Electric transmission substation.

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G. Family day care homes, large, subject to compliance with Subsection 12-306-N-42.

H. Golf course, subject to compliance with Subsection 12-306-N-47.

I. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.

J. Guest ranches.

K. Kennels; boarding, training, or breeding.

L. Microwave relay structures.

M. Sewage disposal and treatment plants.

N. Community gardens where the underlying special permit is a conditional use permit, subject to the provisions of subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 68-58, 1968; Am. Ord. 77-120, § 1, eff. 11-11-77; Am. Ord. 88-94, § 9, eff. 8-12-88; Am. Ord. 90-53, § 8, eff. 7-13-90; Added 91-68, § 3, eff. 7-26-91; Am. Ord. 99-55, § 18, 10-14-99; Am. Ord. 2006-141, § 30, eff. 10-27-06).

SEC. 12-206. - "R-A" SINGLE FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT.

The "R-A" District is intended to provide for the development of one family residential estate homes in a semi-rural environment on lots not less than thirty-six thousand (36,000) square feet in area, not more than one (1) dwelling unit permitted on any lot. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Rep. and Added Ord. 5748, 1960).

SEC. 12-206.1. - USES PERMITTED.

The following uses shall be permitted in the "R-A" District:

A. One single family dwelling unit per lot, except for a Second Dwelling in accordance with Subsection 12-306-N-38.

B. Accessory Buildings.

1. Garages.

2. Servants' quarters on parcels of land having a minimum lot area of 36,000 square feet or more.

C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.

D. Subject to the provisions of subsection 12-306-N-11, agricultural crops, greenhouses, fruit trees, nut trees, vines, and nurseries (for producing trees, vines and other horticultural stock); and community gardens where there is no underlying conditional use permit.

E. Bovine (cow) and equine (horses) animals, where the lot area is one (1) acre or more, shall not exceed four (4) adult animals in any combination of the foregoing animals and their immature offspring. No pen, stable, barn or corral shall be maintained within one hundred (100) feet of any property line or within forty (40) feet of any building used for human habitation unless occupied by the owner or keeper of the animals. Pasturing of these animals is permitted within the above mentioned setbacks.

F. Family day care homes, small.

G. Greenhouses, horticultural collections and flower and vegetable gardens, private.

H. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.

I. Home occupations as defined in Subsection 12-105-H-7.

J. Household pets as defined in Subsection 12-105-H-12.

K. Petroleum products storage, for use by the occupants of the premises but not for resale or distribution.

L. Poultry raising (limited to hens only), rabbits or similar small furbearing animals, not to exceed twenty-four (24) of any kind or combination thereof, for domestic purposes only provided that no pen, coop, or hutch be located within one hundred (100) feet of any property line or within forty (40) feet of any residence, dwelling or building used for human habitation.

M. Roadside stands, temporary, for the sale of agricultural products produced upon the premises, subject to provisions of subsection 12-306-N-18.

N. Signs, subject to provisions of Section 12-206.5-K.

O. Tract office, model homes and construction material storage yards of a temporary nature, within the tract being developed.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6768, 1966; Am. Ord. 76-40, § 1, eff. 6-6-76; Am. Ord. 82-3, § 11, eff. 2-5-82; Am. Ord. 82-65, § 2, eff. 7-23-82; Am. Ord. 88-44, § 10, eff. 8-12-88; Am. Ord. 90-53, §§ 9, 10, eff. 7-13-90; Am. Ord. 90-110,

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§ 4, eff. 11-9-90; Am. Ord. 99-55, § 22, 10-14-99; Am. Ord. 2004-136, § 8, 1-25-05; Am. Ord. 2006-141, § 32, eff. 10-27-06).

SEC. 12-206.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

The following uses shall be permitted in the "R-A" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.

B. Churches.

C. Electric distribution substation.

D. Family day care homes, large, subject to compliance with subsection 12-306-N-42.

E. Golf course and country club, subject to compliance with Subsection 12-306-N-47.

F. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.

G. Kennels; boarding, training, or breeding.

H. Microwave relay structures.

I. Schools, parks and playgrounds, public.

J. Schools, private or parochial, of an elementary, secondary or college level.

K. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

L. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

M. Community gardens where the underlying special permit is a conditional use permit, subject to the provisions of subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 68-58, 1968; Am. Ord. 76-40, § 2, eff. 6-6-76; Am. Ord. 88-94, § 11, eff. 8-12-88; Am. Ord. 90-53, § 11, eff. 7-13-90; Am. Ord. 91-64, § 1, eff. 7-12-91; Am. Ord. 91-125, § 5, eff. 12-20-91; Am. Ord. 99-55, § 5, 10-14-99; Am. Ord. 2006-141, § 33, eff. 10-27-06).

SEC. 12-206.4. - USES EXPRESSLY PROHIBITED.

The following uses are expressly prohibited in the "R-A" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-206.1 and 12-206.3 above. The listing herein is for purposes of clarity only:

- A. Advertising structures.
- B. Child day care centers, large.
- C. Commercial uses.
- D. Farm labor camps.
- E. Industrial uses.
- F. Multiple family residential uses. (Added Ord. 5748, 1960; Added Ord. 90-86, § 4, eff. 9-21-90; Am. Ord. 99-55, § 24, 10-14-99).

SEC. 12-207. - "R-1-A" SINGLE FAMILY RESIDENTIAL DISTRICT.

The "R-1-A" District is intended to provide for the development of one family residential homes at urban standards on lots not less than twenty thousand (20,000) square feet in area, not more than one (1) dwelling unit permitted on any lot. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Rep. and Added Ord. 5748, 1960)

SEC. 12-207.1. - USES PERMITTED.

The following uses shall be permitted in the "R-1-A" District:

- A. One single family dwelling unit per lot, except for a Second Dwelling in accordance with Subsection 12-306-N-38.
- B. Accessory buildings.
- C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling..
- D. Family day care homes, small.
- E. Greenhouses, horticultural collections and flower and vegetable gardens, private.

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F. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.

G. Home occupations as defined in Subsection 12-105-H-7.

H. Household pets as defined in Subsection 12-105-H-12.

I. Signs, subject to provisions of Section 12-207.5-K.

J. Tract offices, model homes and construction material storage yards of a temporary nature, within the tract being developed.

K. Subject to the provisions of subsection 12-306-N-11, agricultural crops, fruit trees, nut trees, vines, and plant nurseries (for producing trees, vines and horticultural stock); and community gardens where there is no underlying conditional use permit

(Rep. and Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6357, 1963; Am. Ord. 6768, 1966; Am. Ord. 76-40, § 3, eff. 6-6-76; Am. Ord. 82-3, § 12, eff. 2-5-82; Am. Ord. 82-65, § 2, eff. 7-23-82; Am. Ord. 88-94, § 12, eff. 8-12-88; Am. Ord. 90-53, §§ 12, 13, eff. 7-13-90; Am. Ord. 90-110, § 5, eff. 11-9-90; Am. Ord. 99-55, § 30, 10-14-99; Am. Ord. 2004-136, § 9, 1-25-05; Am. Ord. 2006-141, § 34, eff. 10-27-06).

SEC. 12-207.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

The following uses shall be permitted in the "R-1-A" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.

B. Churches.

C. Electric distribution substation.

D. Family day care homes, large, subject to compliance with subsection 12-306 N-42.

E. Flood control settling grounds.

F. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

G. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.

H. Libraries, public.

I. Schools, parks and playgrounds, public.

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J. Schools, private or parochial, of an elementary, secondary or college level.

K. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

L. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

M. Community gardens where the underlying special permit is a conditional use permit, subject to the provisions of subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 68-58, 1968; Am. Ord. 76-40, § 4, eff. 6-6-76; Am. Ord. 88-94, § 13, eff. 8-12-88; Am. Ord. 90-53, § 14, eff. 7-13-90; Am. Ord. 91-64, § 2, eff. 7-12-91; Am. Ord. 91-125, § 7, eff. 12-20-91; Am. Ord. 2006-141, § 35, eff. 10-27-06).

SEC. 12-207.4. - USES EXPRESSLY PROHIBITED.

The following uses are expressly prohibited in the "R-1-A" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-207.1 and 12-207.3 above. The listing herein is for purposes of clarity only:

- A. Advertising structures.
- B. Agricultural uses not specifically listed as permitted.
- C. Child day care centers, large.
- D. Commercial uses.
- E. Industrial uses.
- F. Multiple family residential uses.

(Added Ord. 5748, 1960; Added Ord. 90-86, § 5, eff. 9-21-90)

SEC. 12-208.10. - "R-1-E" AND "R-1-EH" SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT.

The "R-1-E" and "R-1-EH" Districts are intended to provide for the development of single family residential estate homes at a semi-rural density on lots of not less than 37,500 square feet in area. The regulations for both districts are identical except that horses are a permitted use in the "R-1-EH" District. (Added Ord. 75-16, § 1, eff. 3-2-75).

SEC. 12-208.11. - USES PERMITTED.

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The following uses shall be permitted in the "R-1-E" and "R-1-EH" Districts.

A. All uses permitted in the "R-1-A" District, Section 12-207.1.

B. Horses may be maintained for personal use in the "R-1-EH" District upon an area not less than thirty-seven thousand five hundred (37,500) square feet in area in a number not to exceed two (2) adult animals with their offspring less than one (1) year of age. Provided further, that no stable or corral shall be maintained within twenty-five (25) feet of any side or rear property line or within forty (40) feet of any window or door of any residence, dwelling or other building used for human habitation, or within one hundred (100) feet of the front line of the property; however, horses may be pastured upon irrigated pasture within the above-mentioned side and rear yard setbacks. An additional horse may be permitted for each additional thirty-seven thousand five hundred (37,500) square feet of lot area, provided that the total number shall not, in any case, exceed four (4) horses. Both frontages of through lots shall be considered front property lines.

(Added Ord. 75-16, § 2, eff. 3-2-75; Am. Ord. 90-110, § 7, eff. 11-9-90; Am. Ord. 2006-141, § 36, eff. 10-27-06).

SEC. 12-208.12. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

The following uses shall be permitted in the "R-1-E" and "R-1-EH" Districts, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.

B. Churches.

C. Electrical distribution substation.

D. Family day care homes, large, subject to compliance with Subsection 12-306-N-42.

E. Flood control settling grounds.

F. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

G. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.

H. Libraries, public.

I. Schools, parks and playgrounds, public.

J. Schools, private or parochial, of an elementary, secondary or college level.

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K. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

L. Unit Planned Developments, subject to the provisions of Section 12-304-B-12.

M. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

N. Community gardens where the underlying special permit is a conditional use permit, subject to the provisions of subsection 12-306-N-11.

(Added Ord. 75-16, § 3, eff. 3-2-75; Am. Ord. 78-2, § 1, eff. 2-3-78; Am. Ord. 88-94, § 14, eff. 8-12-88; Am. Ord. 90-53, § 15, eff. 7-13-90; Am. Ord. 2006-141, § 37, eff. 10-27-06).

SEC. 12-208.13. - USES EXPRESSLY PROHIBITED.

The following uses are expressly prohibited in the R-1-E/R-1-EH District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-208.11 and 12-208.12.

A. Those uses listed in Section 12-207.4 (R-1-A District) of this Code.

(Added Ord. 75-16, § 4, eff. 3-2-75; Am. Ord. 2006-141, § 38, eff. 10-27-06).

SEC. 12-209. - "R-1-B" SINGLE FAMILY RESIDENTIAL DISTRICT.

The "R-1-B" District is intended to provide for the development of one family residential homes at urban standards on lots not less than twelve thousand five hundred (12,500) square feet in area, not more than one (1) dwelling unit permitted on any lot. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Rep. and Added Ord. 5748, 1960).

SEC. 12-209.1. - USES PERMITTED.

The following uses shall be permitted in the "R-1-B" District:

A. One single family dwelling unit per lot, except:

1. In a Planned Development as permitted by Section 12-209.3-G; and
2. A Second Dwelling in accordance with Subsection 12-306-N-38.

B. Accessory buildings.

C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.

D. Family day care homes, small.

E. Greenhouses, horticultural collections and flower and vegetable gardens, private;

F. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.

G. Home occupations as defined in Subsection 12-105-H-7.

H. Household pets as defined in Subsection 12-105-H-12.

I. Signs, subject to provisions of Section 12-209.5-K.

J. Tract offices, model homes and construction material storage yards of a temporary nature, within the tract being developed.

K. Subject to the provisions of subsection 12-306-N-11, agricultural crops, fruit trees, nut trees, vines, and plant nurseries (for producing trees, vines and horticultural stock); and community gardens where there is no underlying conditional use permit,.

(Added Ord. 57-48, 1960; Am. Ord. 6121, 1962; Am. Ord. 6357, 1963; Am. Ord. 6758, 1966; Am. Ord. 74-54, § 1, eff. 7-7-74; Am. Ord. 76-40, § 5, eff. 6-6-76; Am. Ord. 82-65, § 2, eff. 7-23-82; Am. Ord. 88-94, § 15, eff. 8-12-88; Am. Ord. 90-53, §§ 16, 17, eff. 7-13-90; Am. Ord. 90-110, § 8, eff. 11-9-90; Am. Ord. 99-55, § 39, 10-14-99; Am. Ord. 2004-136, § 10, 1-25-05; Am. Ord. 2006-141, § 39, eff. 10-27-06).

SEC. 12-209.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

The following uses shall be permitted in the "R-1-B" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.

B. Churches.

C. Family day care homes, large, subject to compliance with subsection 12-306-N-42.

D. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

E. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.

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- F. Libraries, public.
- G. Planned developments, subject to the provisions of Subsection 12-306-N-21.
- H. Schools, parks and playgrounds, public.
- I. Schools, private or parochial, of an elementary, secondary or college level.
- J. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.
- K. Water pump stations, subject to the provisions of Subsection 12-306-N-46.
- L. Community gardens where the underlying special permit is a conditional use permit, subject to the provisions of subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 68-58, 1968; Am. Ord. 74-54, § 2, eff. 7-7-74; Am. Ord. 76-40, § 6, 6-6-76; Am. Ord. 85-121, § 3, 9-13-85; Am. Ord. 88-94, § 16, eff. 8-12-88; Am. Ord. 90-53, § 18, eff. 7-13-90; Am. Ord. 91-64, § 3, eff. 7-12-91; Am. Ord. 91-125, § 10, eff. 12-20-91; Am. Ord. 99-55, § 40, 10-14-99; Am. Ord. 2006-141, § 40, eff. 10-27-06).

SEC. 12-209.4. - USES EXPRESSLY PROHIBITED.

The following uses are expressly prohibited in the "R-1-B" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-209.1 and 12-209.3 above. The listing herein is for purposes of clarity only:

- A. Advertising structures.
- B. Agricultural uses not specifically listed as permitted.
- C. Child day care centers, large.
- D. Commercial uses.
- E. Industrial uses.
- F. Multiple family residential uses.

(Added Ord. 57-48, 1960; Added Ord. 90-86, § 6, eff. 9-21-90; Am. Ord. 99-55, § 41, 10-14-99).

SEC. 12-210. - "R-1-C" SINGLE FAMILY RESIDENTIAL DISTRICT.

The "R-1-C" District is intended to provide for the development of one family residential homes at urban standards on lots not less than nine thousand (9,000) square feet in area, not more than one (1) dwelling unit permitted on any lot. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Rep. and Added Ord. 5748, 1960).

SEC. 12-210.1. - USES PERMITTED.

The following uses shall be permitted in the "R-1-C" District:

A. One single family dwelling unit per lot, except:

1. In a Planned Development as permitted by Section 12-210.3-H; and
2. A Second Dwelling in accordance with Subsection 12-306-N-38.

B. Accessory buildings.

C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.

D. Family day care homes, small.

E. Greenhouses, horticultural collections and flower and vegetable gardens, private.

F. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.

G. Home occupations as defined in Subsection 12-105-H-7.

H. Household pets as defined in Subsection 12-105-H-12.

I. Signs, subject to provisions of Section 12-210.5-K.

J. Tract offices, model homes and construction material storage yards of a temporary nature, within the tract being developed.

K. Subject to the provisions of subsection 12-306-N-11, agricultural crops, fruit trees, nut trees, vines, and plant nurseries (for producing trees, vines and horticultural stock); and community gardens where there is no underlying conditional use permit,

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6357, 1963; Am. Ord. 6768, 1966; Am. Ord. 74-54, § 6, eff. 7-7-74; Am. Ord. 76-40, § 7, eff. 6-6-76; Am. Ord. 82-65, § 2, eff. 7-23-82; Am. Ord. 88-94, § 17, eff. 8-12-88; Am. Ord. 90-53, §§ 19, 20, eff. 7-

13-90; Am. Ord. 90-110, § 9, eff. 11-9-90; Am. Ord. 99-55, § 46, 10-14-99; Am. Ord. 2004-136, § 11, 1-25-05; Am. Ord. 2006-141, § 41, eff. 10-27-06).

SEC. 12-210.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

The following uses shall be permitted in the "R-1-C" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.

B. Churches.

C. Electric distribution substation.

D. Family day care homes, large, subject to compliance with subsection 12-306-N-42.

E. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

F. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.

G. Libraries, public.

H. Planned developments, subject to the provisions of Subsection 12-306-N-21.

I. Schools, parks and playgrounds, public.

J. Schools, private or parochial, of an elementary, secondary or college level.

K. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

L. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

M. Community gardens where the underlying special permit is a conditional use permit, subject to the provisions of subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 68-58, 1968; Am. Ord. 74-54, § 7, eff. 7-7-74, Am. Ord. 76-40, § 8, eff. 6-6-76; Am. Ord. 85-121, § 7, eff. 9-13-85; Am. Ord. 88-94, § 18, eff. 8-12-88; Am. Ord. 90-53, § 21, eff. 7-13-90; Am. Ord. 91-64, § 4, eff. 7-12-91; Am. Ord. 91-125, § 11, eff. 12-20-91; Am. Ord. 99-55, § 47, 10-14-99; Am. Ord. 2006-141, § 42, eff. 10-27-06).

SEC. 12-210.4. - USES EXPRESSLY PROHIBITED.

The following uses are expressly prohibited in the "R-1-C" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-210.1 and 12-210.3 above. The listing herein is for purposes of clarity only:

- A. Advertising structures.
- B. Agricultural uses not specifically listed as permitted.
- C. Child day care centers, large.
- D. Commercial uses.
- E. Industrial uses.
- F. Multiple family residential uses.

(Added Ord. 5748, 1960; Added Ord. 90-86, § 7, eff. 9-21-90; Am. Ord. 99-55, § 48, 10-14-99).

SEC. 12-211. - "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT.

The "R-1" District is intended to provide for the development of one family residential homes at urban standards on lots not less than six thousand (6,000) square feet in area, not more than one (1) dwelling permitted on any lot. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of health, safety and general welfare of the residents. (Rep. and Added Ord. 5748, 1960).

SEC. 12-211.1. - USES PERMITTED.

The following uses shall be permitted in the "R-1" District:

- A. One single family dwelling unit per lot, except:
 - 1. In a Planned Development as permitted by Section 12-211.3-H; and
 - 2. A Second Dwelling in accordance with Subsection 12-306-N-38.
- B. Accessory buildings.
- C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.

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D. Family day care homes, small.

E. Greenhouses, horticultural collections and flower and vegetable gardens, private.

F. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.

G. Home occupations as defined in Subsection 12-105-H-7.

H. Household pets as defined in Subsection 12-105-H-12.

I. Signs, subject to provisions of Section 12-211.5-K.

J. Tract offices, model homes and construction material storage yards of a temporary nature, within the tract being developed.

K. Subject to the provisions of subsection 12-306-N-11, agricultural crops, fruit trees, nut trees, vines, and plant nurseries (for producing trees, vines and horticultural stock); and community gardens where there is no underlying conditional use permit.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6357, 1963; Am. Ord. 6607, 1965; Am. Ord. 6768, 1966; Am. Ord. 75-59, § 1, eff. 7-12-75; Am. Ord. 75-129, § 1, eff. 1-11-76; Am. Ord. 76-40, § 9, eff. 6-6-76; Am. Ord. 81-105, § 3, eff. 9-25-81; Am. Ord. 82-3, § 14, eff. 2-5-82; Am. Ord. 82-65, § 2, eff. 7-23-82; Am. Ord. 88-94, § 19, eff. 8-12-88; Am. Ord. 90-53, §§ 22, 23, eff. 7-13-90; Am. Ord. 90-110, § 10, eff. 11-9-90; Am. Ord. 99-55, § 55, 10-14-99; Am. Ord. 2004-136, § 12, 1-25-05; Am. Ord. 2006-141, § 43, eff. 10-27-06).

SEC. 12-211.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

The following uses shall be permitted in the "R-1" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.

B. Churches.

C. Electric distribution substation.

D. Family day care homes, large, subject to compliance with subsection 12-306-N-42.

E. Farmers Market, subject to the conditions listed in Subsection 12-304-B-25.

F. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

G. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.

H. Libraries, public.

I. Planned developments, subject to the provisions of Subsection 12-306-N-21.

J. Schools, parks and playgrounds, public.

K. Schools, private or parochial, of an elementary, secondary or college level.

L. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

M. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

N. Community Gardens where the underlying special permit is a conditional use permit, subject to the provisions of subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6607, 1965; Am. Ord. 68-58, 1968; Am. Ord. 75-69, § 2, eff. 7-12-75; Am. Ord. 75-129, § 2, eff. 1-11-76; Am. Ord. 76-40, § 10, eff. 6-6-76; Am. Ord. 86-121, § 11, eff. 9-13-85; Am. Ord. 88-94, § 20, eff. 8-12-88; Am. Ord. 90-53, § 24, eff. 7-13-90; Am. Ord. 91-64, § 5, eff. 7-12-91; Am. Ord. 91-125, § 12, eff. 12-20-91; Am. Ord. 99-55, § 56, 10-14-99; Am. Ord. 2006-141, § 44, eff. 10-27-06; Am. Ord. 2008-38, § 37, eff. 7-25-08).

SEC. 12-211.4. - USES EXPRESSLY PROHIBITED.

The following uses are expressly prohibited in the "R-1" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-211.1 and 12-211.3 above. The listing herein is for purposes of clarity only:

A. Advertising structures.

B. Agricultural uses not specifically listed as permitted.

C. Child day care centers, large.

D. Commercial uses.

E. Industrial uses.

F. Multiple family residential uses except as permitted by Subsection 12-211.3-G.

(Rep. and Added Ord. 5748, 1960; Am. Ord. 6607, 1965; Am. Ord. 75-59, § 3, eff. 7-12-75; Am. Ord. 75-129, § 3, eff. 1-11-76; Added Ord. 90-86, § 8, eff. 9-21-90).

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SEC. 12-212. - "R-2" LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT.

The "R-2" District is intended to provide for the development of low density multiple family residential structures where such buildings are reasonably spaced on the lot to provide for light, privacy, air, safety and insulation against transmission of sound, on lots not less than six thousand six hundred (6,600) square feet in area. (Rep. and Added Ord. 5748, 1960).

SEC. 12-212.1. - USES PERMITTED.

The following uses shall be permitted in the "R-2" District:

A. Uses permitted in the "R-1" District, Section 12-211.1 shall apply.

B. One-family, two-family or multiple-family dwellings on a lot with less than two net acres in area. (Refer to Section 12-212.3-H for sites having two (2) net acres or more.) (Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6326, 1963; Am. Ord. 76-40, § 11, eff. 6-6-76; Am. Ord. 81-105, § 2, eff. 9-25-81; Am. Ord. 88-94, § 21, eff. 8-12-88; Am. Ord. 90-110, § 12, eff. 11-9-90; Am. Ord. 99-55, § 65, 10-14-99).

SEC. 12-212.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

The following uses shall be permitted in the "R-2" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.

B. Churches.

C. Electric distribution substation.

D. Family day care homes, large, subject to compliance with Subsection 12-306-N-42.

E. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

F. Group housing facility for seven (7) or more persons, subject to Subsection 12-306-N-43.

G. Libraries, public.

H. Multiple family projects when the subject site contains two (2) or more net acres in area.

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- I. Schools, parks and playgrounds, public.
- J. Schools, private or parochial, of an elementary, secondary or college level.
- K. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.
- L. Water pump stations, subject to the provisions of Subsection 12-306-N-46.
- M. Community gardens where the underlying special permit is a conditional use permit, subject to the provisions of subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6326, 1963; Am. Ord. 68-58, 1968; Am. Ord. 76-40, § 12, eff. 6-6-76; Am. Ord. 88-94, § 22, eff. 8-12-88; Am. Ord. 90-53, § 25, eff. 7-13-90; Am. Ord. 91-64, § 6, eff. 7-12-91; Am. Ord. 91-125, § 13, eff. 12-20-91; Am. Ord. 99-55, § 66, 10-14-99; Am. Ord. 2006-141, § 45, eff. 10-27-06).

SEC. 12-212.4. - USES EXPRESSLY PROHIBITED.

The following uses are expressly prohibited in the "R-2" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-212.1 and 12-212.3 above. The listing herein is for purposes of clarity only:

- A. Advertising structures.
- B. Agricultural uses not specifically listed as permitted.
- C. Commercial uses, including commercial uses such as hotels, apartment hotels, motor courts, motels or other buildings wherein housing facilities are furnished to transient boarders or roomers.
- D. Industrial uses. (Added Ord. 5748, 1960; Am. Ord. 99-55, § 67, 10-14-99).

SEC. 12-213. - "R-3" MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT.

The "R-3" District is intended to provide for the development of medium density multiple family residential structures for purposes of rental or sale to permanent occupants on lots not less than seven thousand five hundred (7,500) square feet in area. (Rep. and Added Ord. 5748, 1960).

SEC. 12-213.1. - USES PERMITTED.

The following uses shall be permitted in the "R-3" District:

- A. Uses permitted in the "R-2" District, Section 12-212.1 shall apply.
- B. Churches and parochial schools.
- C. Libraries, public.
- D. Parks and playgrounds, public.
- E. Schools, public.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 76-40, § 13, eff. 6-6-76; Am. Ord. 88-94, § 23, eff. 8-12-88; Am. Ord. 90-110, § 14, eff. 11-9-90; Am. Ord. 99-55, § 78, 10-14-99; Am. Ord. 2006-141, § 46, eff. 10-27-06).

SEC. 12-213.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

The following uses shall be permitted in the "R-3" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

- A. Adult day care facilities for a maximum of twenty-four (24) adults, subject to Subsection 12-306-N-42.
- B. Boarding and/or rooming house.
- C. Buildings over forty (40) feet in height. (Refer to Section 12-213.5-D, below.)
- D. Clubs and lodges, private, excepting those the principal activity of which is a service customarily carried on as a business.
- E. Electric distribution substation.
- F. Family day care homes, large, subject to compliance with Subsection 12-306-N-42.
- G. Fraternity and Sorority.
- H. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.
- I. Group housing facility for seven (7) or more persons, subject to Subsection 12-306-N-43.
- J. Multiple family projects when the subject site contains two (2) or more net acres in area.
- K. Schools, private or parochial, of an elementary, secondary or college level.

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L. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

M. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

N. Community gardens where the underlying special permit is a conditional use permit, subject to the provisions of subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 68-58, 1968; Am. Ord. 76-40, § 14, eff. 6-6-76; Am. Ord. 88-94, § 24, eff. 8-12-88; Am. Ord. 90-53, §§ 26, 27, eff. 7-13-90; Am. Ord. 91-125, § 15, eff. 12-20-91; Am. Ord. 99-55, § 79, 10-14-99; Am. Ord. 2006-141, § 47, eff. 10-27-06; Am. Ord. 2008-38, § 46, eff. 7-25-08).

SEC. 12-213.4. - USES EXPRESSLY PROHIBITED.

The following uses are expressly prohibited in the "R-3" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-213.1 and 12-213.3 above. The listing herein is for purposes of clarity only:

A. Advertising structures.

B. Agricultural uses not specifically listed as permitted.

C. Commercial uses, including commercial residential uses such as hotels, apartment hotels, motor courts, motels or other buildings wherein housing facilities are furnished to transient boarders or roomers.

D. Industrial uses.

E. Offices. (Added Ord. 5748, 1960; Am. Ord. 91-64, § 7, eff. 7-12-91; Am. Ord. 99-55, § 80, 10-14-99).

SEC. 12-214. - "R-4" HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT.

The "R-4" District is intended to provide for high density multiple family residential development on lots not less than ten thousand (10,000) feet in area. (Rep. and Added Ord. 5748, 1960).

SEC. 12-214.1. - USES PERMITTED.

The following uses shall be permitted in the "R-4" District:

A. Uses permitted in the "R-3" District, Section 12-213.1 shall apply.

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1. Multiple family dwellings, to a maximum density of less than thirty (30) units per acre. (Refer to Section 12-214.3-H I for densities of thirty or more units per acre.)

B. Child day care centers, large and small.

C. Clubs and lodges, private, excepting those the principal activity of which is a service customarily carried on as a business. (Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 88-94, §§ 25, 26, eff. 8-12-88; Am. Ord. 90-53, § 28, eff. 7-13-90; Am. Ord. 90-86, § 9, eff. 9-21-90; Am. Ord. 90-110, § 15, eff. 11-9-90; Ord. 96-64, § 1, eff. 11-1-96; Am. Ord. 99-55, § 85, 10-14-99; Am. Ord. 2006-141, § 48, eff. 10-27-06).

SEC. 12-214.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

The following uses shall be permitted in the "R-4" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for a maximum of twenty-four (24) adults, subject to Subsection 12-306-N-42.

B. Boarding and/or rooming house.

C. Buildings over sixty (60) feet in height. (Refer to Section 12-214.5-P. below)

D. Electric distribution substation.

E. Family day care homes, large, subject to Subsection 12-306-N-42.

F. Fraternity and Sorority.

G. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

H. Group housing facility for seven (7) or more persons, subject to Subsection 12-306-N-43.

I. Multiple family dwellings with a density of thirty (30) or more units per acre, or containing two (2) or more net acres in area.

J. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

K. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

L. Community gardens where the underlying special permit is a conditional use permit, subject to the provisions of subsection 12-306-N-11.

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(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 68-58, 1968; Am. Ord. 88-94, § 27, eff. 8-12-88; Am. Ord. 90-53, §§ 29, 30, eff. 7-13-90; Am. Ord. 91-64, § 8, eff. 7-12-91; Am. Ord. 91-125, § 16, eff. 12-20-91; Ord. 96-64, § 2, eff. 11-1-96; Am. Ord. 99-55, § 86, 10-14-99; Am. Ord. 2006-141, § 49, eff. 10-27-06; Am. Ord. 2008-38, § 50, eff. 7-25-08).

SEC. 12-214.4. - USES EXPRESSLY PROHIBITED.

The following uses are expressly prohibited in the "R-4" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-214.1 and 12-214.3 above. The listing herein is for purposes of clarity only:

- A. Advertising structures.
- B. Agricultural uses not specifically listed as permitted.
- C. Commercial uses, excepting:

1. The commercial-residential uses listed as permitted in Section 12-214.1; and

2. Radio or television antennas and transmitters, subject to the granting of a Conditional Use Permit pursuant to Sections 12-405 and 12-406.

D. Hotels and motels.

E. Industrial uses.

F. Offices. (Added Ord. 5748, 1960; Am. Ord. 76-20, § 1, eff. 3-28-76; Am. Ord. 99-55, § 87, 10-14-99).

SEC. 12-245. - "ANX" ANNEXED RURAL RESIDENTIAL TRANSITIONAL OVERLAY DISTRICT.

The "ANX" Annexed Rural Residential Transitional Overlay District is a transitional overlay zone district intended to provide special standards protecting the rural residential lifestyle, as defined in Section 12-105-R-12, at the time of annexation into the city. The regulations of the "ANX" transitional overlay district are deemed to be necessary in order to assist and insure: compatibility with the goals, policies and findings of the 2025 Fresno General Plan related to the orderly growth of the city; the more efficient use of resources, the infrastructure, and municipal facilities. The "ANX" transitional overlay district is intended to allow a transitional rural residential use for properties upon annexation to the city continuing until such time as the properties are further developed consistent with the General Plan. Notwithstanding the underlying zone district designation and Section 12-317, any use allowed in Section 12-245.1 is deemed

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conforming with the Zoning Ordinance of the City of Fresno on property with the "ANX" designation. To the extent the provisions of the "ANX" transitional overlay zone district may be interpreted to be inconsistent with provisions of the Local Planning and Procedures Ordinance of the City of Fresno (Chapter 12, Article 6), the provisions of the "ANX" transitional overlay zone district control.

(Added Ord. 2008-10, § 4, eff. 6-1-08).

SEC. 12-245.1. - USES PERMITTED.

Notwithstanding the underlying zone district designation, the following uses shall be permitted on any property with the "ANX" transitional overlay district designation:

A. Existing Uses. Any use existing at the time the property was annexed to the city so long as the use had been lawfully allowed by the county at the time immediately preceding the annexation, subject to provisions of subsection 12-306-N-11.

B. One single family dwelling unit per lot, except for a Second Dwelling in accordance with Subsection 12-306-N-38.

C. Accessory Buildings.

1. Garages.

2. Servants' quarters on parcels of land having a minimum lot area of 36,000 square feet or more.

3. Barns, stables, corrals, coops and/or animal or fowl pen.

D. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.

E. Agricultural crops, greenhouses, fruit trees, nut trees, vines, nurseries for producing trees, vines and other horticultural stock, and community gardens, subject to provisions of subsection 12-306-N-11.

F. Where the lot area is at least one acre in size, a property owner may have adult bovine (cows) or equine (horses) animals, in any combination thereof, and their immature offspring, per acre. In no event shall any property regardless of size have more than 10 adult bovine or equine, or combination thereof. For every adult bovine or equine allowed on a property, a property owner may substitute two adult ovine (sheep) or adult caprine (goats) (including any immature offspring). Other similar animal types may be allowed upon a determination by the Director that they will not detrimentally affect the public health, safety and/or welfare.

G. Family day care homes, small.

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H. Greenhouses, horticultural collections and flower and vegetable gardens, private.

I. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.

J. Home occupations as defined in Subsection 12-105-H-7.

K. Household pets as defined in Subsection 12-105-H-12.

L. Petroleum products storage, for use by the occupants of the premises but not for resale or distribution.

M. Poultry raising (limited to hens only), rabbits or similar small featherbearing or furbearing animals, not to exceed twenty-four (24) of any kind or combination thereof, for domestic purposes only.

N. Roadside stands, temporary, for the sale of agricultural products produced upon the premises, subject to the provisions of subsection 12-306-N.18.

O. Signs, subject to provisions of Section 12-206.5-K.

P. Where any of the foregoing animals noted in this section are permitted on site, a stormwater runoff permit may be required in accordance with the requirements of the Regional Water Quality Control Board.

(Added Ord. 2008-10, § 5, eff. 6-1-08).

SEC. 12-306. - PROPERTY DEVELOPMENT STANDARDS.

The following property development standards and special standards of practice and regulations shall apply to all land, buildings, uses and structures in all districts, with the exception that notwithstanding any other part of this Code, any building or structure, including signs, that are identified and designated as a Historic Resource pursuant to the Historic Preservation Ordinance, may, at the discretion of the Director, Planning and Development Department upon advice from the City Historic Preservation Specialist, be exempted from any and all property development standards of the zoning ordinance with the exception of those rules and regulations imposed in the vicinity of Airports.

N. SPECIAL STANDARDS OF PRACTICE AND REGULATIONS

The following standards of practice and regulations shall apply to the special uses and conditions listed, as follows:

10. Security Wire Permits. Barbed tape or wire, concertina wire or similar security toppings are specifically prohibited in the city, except for barbed tape or

wire constructed pursuant to a barbed wire permit issued pursuant to this subsection. Any approved security topping must be clearly visible. Planting shall be regulated to maintain the required open areas in said fence structure.

. . .

c. In the O, AE-20, AE-5, R-1-AH, and R-1-EH zone districts, barbed wire for agricultural purposes will be permitted with a barbed wire permit. In the R-A, R-1-A, R-1-E, R-1-C, R-1-B, and R-1 zone districts, barbed wire for agricultural purposes on parcels over five acres in size may be permitted with a barbed wire permit, provided all abutting property owners agree in writing. In such districts, the highest strand of barbed wire shall not be more than five feet above the highest adjacent ground level and fencing incorporating barbed wire for agricultural purposes shall conform to provisions of subsection 12-306-N-11.

. . .

g. Security toppings required by state or federal law are exempt from this section.

11. ~~Greenhouse.~~ Improvement and use of property classified in the open space, agricultural, and residential zone districts for commercial agriculture, plant nurseries, and community gardens:

a. Appropriate grading is required for site clearance and leveling prior to commencement of community gardening, plant nursery, or agricultural activity.

(1) Irrigation tailwater and stormwater runoff shall be managed on-site by means of grading, vegetated swales, and on-site detention facilities so as to prevent drainage to abutting property and to prevent silt and contaminants from entering the municipal stormwater management system, irrigation canals, and natural watercourses.

(2) For sites over one acre in size, a grading permit shall be obtained to show tailwater and stormwater management features.

(3) On-site water detention facilities shall conform to City of Fresno standards for construction and management to prevent breeding of mosquitoes.

(4) Irrigated cropland shall be managed in compliance with California Water Code Section 13260, pertaining to the Irrigated Lands Program, pursuant to regulations of the California Water Boards.

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b. Any Agricultural Land Conservation ("Williamson Act") Contract that was in force prior to (re)establishment of agricultural uses on land classified for single-family residential uses shall be permitted to continue in effect under the terms of Fresno City Council Resolution No. 2006-130 and any successor Resolution or Ordinance enacted by the City. However, no new application for an Agricultural Land Conservation Contracts shall be approved for land classified (zoned) for single-family residential uses, in recognition of the fact that agricultural cultivation of land so classified is incidental to urban use (e.g., ancillary open space associated with a housing project or eleemosynary institution), or is an interim and transitional use prior to planned urbanization.

c. Plantings of trees and vines, buildings, and water wells shall not be installed on portions of a property planned for right-of-way for major streets.

d. When the underlying zone district or an overlay zone district allows use of private storage tanks for fuel, such tanks shall be installed and maintained pursuant to the appropriate permits and required approvals from Fresno County Environmental Health and the Fresno Fire Department. All such tanks shall be located at least 20 feet from property lines and are subject to additional setback requirements at the discretion of regulatory agencies.

e. Use of water for irrigation of crops, plant nurseries and community gardens.

(1) When feasible and permissible, surface water supplies and/or recycled water shall be used for irrigation.

(2) When irrigation district surface water supplies allocated to a property have been assigned to the City of Fresno as part of the annexation process, the City Water Division must approve in writing any subsequent re-direction of those irrigation district surface water allocation to growing crops on the property. When growing activity ceases, the surface water allocation shall revert to the City of Fresno.

(3) Subsection 12-306-O shall apply to construction of any new non-potable water delivery facilities. Appropriate easement covenants shall be recorded for conveyance of non-potable water.

(4) Installation of irrigation pipelines shall be minimized to the extent possible in portions of a property

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planned for right-of-way of major streets. Where it is unavoidable to avoid planned right-of-way, such pipelines shall be constructed of appropriate material to allow subsequent street construction without replacement of the pipeline.

- (5) At the conclusion of agricultural/nursery/community gardening activities, irrigation pipelines shall be removed unless the City approves their retention for non-potable water conveyance. Irrigation easements no longer needed for conveyance of water supplies shall be vacated. Surface water rights shall accrue to the City of Fresno when the irrigation water is no longer being delivered for agricultural activity.
- (6) Any premises having both a potable water utility connection and a separate source of water for agricultural irrigation must have an approved backflow prevention device (meeting to City Water Division standards) on the potable water connection. The backflow device shall be installed with required City permits and is subject to periodic testing.
- (7) Installation of any water line used to deliver a potable water supply for irrigation of an agricultural, plant nursery, or community gardening site requires approved plumbing permits from the City. Any hose bibb or sprinkler connection to a potable water utility system shall be equipped with backflow protection approved by the City, such as a vacuum breaker fitting.
- (8) Any agricultural, nursery, or community garden use of water from a potable water utility system shall be metered.
- (9) Efficient Water Management Practices identified in Fresno Irrigation District's adopted Agricultural Water Management Plan shall be implemented as feasible.
- (10) When 20 or more contiguous acres are involved in agricultural or horticultural activity, a private water well may be developed, reconstructed, or rehabilitated on the premises to supply irrigation water, subject to all of the following:

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- (i) Submittal of an irrigation water use plan for Water Division approval.

- (ii) City Water Division’s written approval of an irrigation water well application pursuant to Fresno Municipal Code Sections 6-402 and 6-505, including siting of the proposed well and portions of the well casing with perforations or screening.

- (iii) Approval of the appropriate level of environmental review for the irrigation well development project.

- (iv) Execution of an agreement with the Water Division to do the following: maintain well production metering and records of well production; to pay the applicable Recharge Fee or provide alternative groundwater extraction mitigation acceptable to Water Division; and to limit the well’s groundwater extraction to a sustainable yield as shall be determined after well development based on the Water Division’s review of pump tests.

- (11) Wells used for agricultural irrigation must be improved pursuant to State of California Department of Water Resources standards and Water Division requirements based on water well application review. Irrigation wells shall additionally be equipped with a meter accessible for periodic readings by the City for the purpose of assessing the City’s Private Well Irrigation Fee.

- (12) Water from an irrigation well must be used solely on the premises where the well is located,

- (13) Water from a private off-site well shall not be used for irrigating agricultural or horticultural activity.

- (14) The practices of “chemigation” and “fertigation,” and any other means of distributing agrichemicals via irrigation water, shall only be permitted if there is no risk of such chemicals flowing back into a well.

(15) At the conclusion of agricultural/nursery/community gardening activities, any associated well shall be destroyed in accordance with the provisions of California Department of Water Resources Water Well Standards and the standards of the City Water Division. Alternatively, and only if approved by the Water Division, a well no longer needed for irrigation may be retained and secured for subsequent public pump station use if the well has been appropriately constructed.

f. Fencing shall be located on the property (not on street rights-of-way). For parcels comprising over five acres, perimeter fencing for agricultural, plant nursery, and community gardening uses shall be set back from property lines as necessary to allow at least six (6) feet for safe pedestrian access along any roadway. For parcels comprising less than five acres, fencing for these uses shall conform to the regulations of the underlying zone district with regard to setbacks from rights-of-way and heights. Fences shall be constructed of approved materials, with use of security wire regulated pursuant to subsection 12-306-N-10.

g. Establishment of Community Gardens. A new community garden proposed for property having no prior special permit, and located in a zone district where no site plan review application is necessary for development of permitted uses, requires an approved plot plan and operational statement with details as set forth in subsections (1) through (6) below. For properties where there is an underlying approved site plan review, establishment of a community garden requires an approved application for a revised exhibit to that site plan review, with plot plan and operational statement containing details as set forth in subsections (1) through (6) below. For property subject to an existing conditional use permit, establishment of a community garden requires an approved, a revised exhibit application, with plot plan and operational statement containing details as set forth in subsections (1) through (6) below:

(1) Establishment of a community garden requires a designated responsible party, which may be an individual, a partnership, a corporate entity, or a tax-exempt organization; and,

(2) If the responsible party is not the owner of the proposed community garden site, the responsible party shall obtain written permission from the owner of the proposed site (or the authorized agent of the owner) prior to applying to establish the community garden. A copy of this written permission, and any agreement between the property owner and the responsible party, shall accompany the special

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permit application materials submitted to the City; and,

- (3) The application shall include a dimensioned drawing of the property showing the intended community garden and other improvements (including setbacks from property lines and buildings, landscaping that will remain and landscaping that is proposed to be removed for the garden, underlying easements, fencing, pedestrian accessibility, parking, trash enclosures and any storage structures proposed to be associated with the garden); and,
- (4) The application shall include an operational statement with the following details at a minimum: responsible managing entity and 24-hour contact information for that entity; hours of gardening operations/access by users; the intended number of gardeners sharing the site; a water supply plan; a waste disposal plan; and any proposed special event activity associated with the garden; and,
- (5) Security wire shall not be permitted for fencing on, or surrounding, community gardens located in any residential zone district.
- (6) Community gardens may only be established in areas designated for on-site stormwater retention if cultivation will not impair drainage characteristics of the basin. From September 15 through April 15, no plastic, shade cloth, netting, wire mesh, twine, or stakes shall be permitted in gardens occupying stormwater retention areas, and vegetative debris shall be removed, in order to prevent clogging drainage facilities.

h. All pesticides, fertilizers, and hazardous materials used and stored at the premises shall be subject to use, storage, handling, disposal, disclosure and inventory requirements administered by the Fresno County Agricultural Commissioner, Fresno County Environmental Health, California Environmental Protection Agency Division of Toxic Substance Control, and Fresno Fire Department. No application of pesticides shall be allowed by means of aircraft (unless such spraying is ordered by the State of California or the Agricultural Commissioner for the entire municipal area to address a serious pest outbreak). All pesticides, fertilizers, and hazardous materials shall be stored in securely locked structures having an impervious floor. All such storage structures shall be

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located at least twenty (20) feet from property lines and are subject to additional setback requirements at the discretion of regulatory agencies.

i. Properties proposed for cultivation shall not be on the list of hazardous materials sites compiled pursuant to California Government Code Section 65962.5; or, if a property does appear on that list, prior to it being cultivated the California Environmental Protection Agency Department of Toxic Substances Control or Fresno County Certified Unified Permit Agency shall provide written clearance that hazardous material residues will not harm persons cultivating the site or consuming any produce grown on the site.

j. Cultivation and soil amendment activities shall conform to applicable regulations of the San Joaquin Valley Air Pollution Control District, including controls for particulate matter, fugitive dust, bulk material handling, and odors. No mechanized cultivation activities which generate dust (including, but not limited to, tillage, harvest, and ground sweeping) shall be done when ambient moisture levels are low and wind speed exceeds 12 miles per hour.

k. No on-site burning of waste material shall be allowed. Waste material and litter associated with agricultural operations shall be properly disposed of in a timely manner, and shall not be permitted to blow onto adjacent properties.

l. When permitted by the underlying zone district, plant products grown on the premises may be sold on the premises by means of an on-site stand subject to provisions of subsection 12-306-N-18.

m. Beehives may be temporarily placed on agricultural and horticultural sites twenty (20) acres or more in size for pollination purposes, when a source of water is provided within 20 feet of all hives and the hives are located at least forty (40) feet from property lines. Beehives shall be properly maintained according to apiary standards administered by the Fresno County Agricultural Commissioner. Aggressive or "Africanized" beehives shall be immediately addressed when reported to the property owner, agricultural operator at the property, or a regulatory agency.

n. Except where the setback requirements of this subsection are more restrictive, setback and lot coverage requirements of the underlying zone district shall apply. A Greenhouses and storage facilities shall be classified as a buildings in determining lot coverage. The property development standards of the underlying zone district shall apply if such with regard to building heights. If a proposed agricultural or horticultural structure exceeds the permitted fence height for the district or if such structure exceeds one hundred (100) square feet in area, the Director shall have discretion to modify the building height standards of the district.

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o. Sonic hail disruptors (“hail cannons”) and noisemaking devices for repelling birds and other crop pests shall not be permitted.

p. Soil amendments and waste material that attracts nuisance flies or supports growth of such flies shall not be permitted.

g. Any agricultural operation or community garden located in an area regulated under an Airport Land Use Compatibility Plan or airport specific plan shall be operated in conformance with the applicable Wildlife Hazard Mitigation Plan for that airport.

r. Street trees and trees established to satisfy shading criteria of applicable special permits and subdivision maps shall not be removed to accommodate agricultural or community gardening activity. Other tree removal shall be subject to requirements of subsection 12-306-N-24.a.

s. Prior to tillage or excavation for cultivation, parties undertaking the activity shall confirm that there are no Fresno Metropolitan Flood Control or Fresno Irrigation District underground facilities and shall call the Underground Service Alert program (the “811 - Call Before You Dig”) line. Parties intending to cultivate trees or trellis crops shall conform to utility company policies and regulations with regard to separations from overhead lines.

t. In order to protect cultural resources, sites proposed and used for cultivation are subject to the following requirements:

(1) If suspected human remains are found, the Fresno County Coroner shall be contacted immediately. If it is determined that 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.

(2) An archaeological assessment shall be conducted for the site if prehistoric human relics are found that were not previously assessed during any prior environmental assessment which may have been conducted for the property. The site shall be formally recorded, and the archaeologist shall make recommendations to the City on further site investigation or site avoidance/preservation measures.

- (3) If the site of proposed cultivation 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). Preservation may include the following options, or equivalent measures approved by the city's Historic Resource Project Manager.
 - (i) Amending construction/cultivation plans to avoid the resources.
 - (ii) Setting aside sites containing these resources by deeding them into permanent conservation easements.
 - (iii) Capping or covering these resources with a protective layer of soil adequate to protect the resources from cultivation.
 - (iv) Incorporating parks, green space or other open space into the project to leave the resources undisturbed and to maintain a protective earth cover over them.
 - (v) Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.

- (4) On a property being cultivated, any maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of an identified historical resource shall be done 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, available from the City of Fresno Historic Preservation Project Manager.

v. In order to protect biological resources, parties proposing to cultivate land should first determine if the site is a sensitive habitat area and/or if it contains sensitive species. City of Fresno General Plan Master Environmental Impact Report Mitigation measures pertaining to

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September 18, 2013

sensitive species and habitats shall pertain as appropriate to cultivation activities.



August 21, 2013

SENT VIA EMAIL TO: cecilia.lopez@fresno.gov and jennifer.clark@fresno.gov

City of Fresno Planning Commission
Development and Resource Management Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

Re: Proposed Text Amendment Application No. TA-13-02 and Related Finding for Environmental Assessment to Provide for Agricultural and Community Garden Uses in Residential and Open Space Districts

Dear City of Fresno Planning Commissioners:

We are writing on behalf of residents of West Fresno with regards to Text Amendment Application No. TA-13-02 (Text Amendment) and related Environmental Assessment No. TA-13-02 which will be before the Planning Commission for consideration at its meeting on August 21, 2013.

The proposed Text Amendment threatens to violate state and federal civil rights law and the California Environmental Quality Act (CEQA). Furthermore, the Text Amendment proposes bad public policy that threatens the health and well-being of Fresno residents and fails to further its stated goal of promoting community gardens. We urge you not to recommend adoption of the Text Amendment and Environmental Finding to the City Council and, instead, allow adequate time for its review and modification to ensure that any change to the Zoning Code complies with the law and benefits all Fresno City residents.

The Report to the Planning Commission Inappropriately Conflates Commercial/Chemical-Intensive Agriculture with Small-Scale Community Gardening

The Report to the Planning Commission conflates its discussion of commercial agriculture and community gardening, though the nature, scale, and environmental effects of these activities often differ dramatically. By conflating its discussion of these two separate topics, the Report obscures the purpose and potential impacts of the proposed Text Amendment on City residents and on residents of West Fresno in particular, where the 360 acre property that embodies the very motivation for this policy change is located. To allow full and clear consideration of the separate

land-use and environmental issues raised by the proposed alterations to the Zoning Ordinance provisions relating respectively to commercial agriculture and to community garden, the Text Amendment must be divided into two separate policies, with distinct environmental, social and economic analyses, and presented to the Planning Commission and City Council as separate agenda items.

The Proposed Text Amendment Undermines the Health and Well-being of Fresno Residents

By allowing commercial crop and ornamental plant production in residential zoned areas by-right, the proposed Text Amendment would facilitate further environmental degradation of West Fresno and other vulnerable residential neighborhoods by permitting chemical-intensive agriculture near residences and other sensitive uses while providing no opportunity for resident input or environmental review to determine potential impacts of dust, noise, pesticides and other impacts on the neighboring community.

The proposed Fresno Municipal Code Section 12-306-N-11 which the Staff Report states will protect property owners and the public from the proposed agricultural uses provides no particular protection for residents who would live in close proximity to such uses from the effects of pesticide drift, dust, noise and other impacts which could affect resident health and property values.

The Proposed Text Amendment Threatens to Violates the Civil Rights of Fresno Residents

California Government Code § 11135 prohibits recipients of state funding from acting in a discriminatory manner or in a manner that causes a disproportionate negative impact on people based on race, ethnicity, national origin, or other enumerated characteristics. The West Fresno residential community is characterized by extremely high rates of concentrated poverty (previously ranked first in the United States by the Brookings Institute) and is composed of approximately 97% people of color. In June 2013, data released by the California Environmental Protection Agency and the Office of Environmental Health Hazard Assessment indicated that the 93706 zip code – the zip code which encompasses West Fresno – is the zip code most burdened by multiple sources of pollution in all of California. The use of certain high-hazard, high-volatility pesticides was among the indicators included for assessing residential exposure to pollution. If adopted and acted upon, this Text Amendment would directly contribute to the increase in use and impacts of pesticides in the West Fresno residential community which is already disproportionately saturated with polluting uses. The proposed Text Amendment, therefore, threatens to violate Government Code § 11135 and other civil rights laws.

The proposed text amendment prefers commercial farming to community gardens

Despite the Text Amendment's stated – and worthy – goal of promoting community gardens, it in fact does far more to promote commercial agriculture than community gardens. Notably, the proposed amendment allows commercial agricultural uses by right yet requires a Conditional Use Permit for community gardens in residential and other land use zones. This discrepancy facilitates commercial agricultural uses while doing little to facilitate community gardens, yet leverages political support for community gardens to strengthen the viability of the proposal.

The Proposed Text Amendment is Not Eligible for Exemption under CEQA

The proposed Text Amendment is not eligible for exemption under Section 15304(b) of the CEQA guidelines as the staff report suggests. As the Staff Report notes, Section 15304(b) provides a CEQA exemption for "minor alterations to land", including "gardening" (defined by Collins Concise English Dictionary as "the planning or tending of a garden", defined as "an area of land, usually planted with grass, trees, flowerbeds, etc., adjoining a house"¹) or landscaping." Commercial agriculture, including pesticide-intensive agriculture in excess of 20 acres as envisioned by the Staff Report and Text Amendment, is *not* "gardening" or "landscaping". An alteration of the Zoning Code provisions pertaining to residential land uses to permit commercial agriculture without any conditional use permit or other requirement ensuring public input is *not* a minor amendment.

As the Text Amendment is not exempt from CEQA, the Planning Commission must consider and adopt an adequately prepared Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report pursuant to CEQA that assesses and, if necessary, identifies ways to mitigate the environmental impacts of this project.

* * * *

Thank you for your consideration of this matter. Please feel free to contact me by email at pseaton@leadershipcounsel.org or by phone at 310.980.6494 to discuss this matter in greater detail.

Sincerely,



Phoebe Seaton, Leadership Counsel for Justice and Accountability

cc: Ashley Werner, Attorney, California Rural Legal Assistance, Inc.

¹ <http://www.wordreference.com/definition/gardening>



FIRM, Inc.

Fresno Interdenominational Refugee Ministries

1940 N. Fresno Street, Fresno, CA 93703 Website: www.firminc.org.

Telephone (559) 487-1500 FAX (559) 487-1550 Email: sophiad@firminc.org

"Sharing Christ's Love to Build Communities of Hope With New Americans"

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Family Advocacy
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Citizenship Services
Community Gardens
Theological Education

August 21, 2013

City of Fresno Planning Commission
2600 Fresno Street
Fresno, CA 93721

Dear Planning Commissioners:

I am writing in regards to Text Amendment Application TA-13-02, submitted by Granville Homes. As a nonprofit organization that currently sponsors several community gardens in the City of Fresno, I am concerned that the proposed amendment will actually end up restricting community gardens in the City, instead of expanding them.

The staff report you have been provided seems to indicate that community gardens and other agricultural uses would be allowed "by right" in R-1 districts and open space areas. However, the explicit text of the amendment suggests the opposite. In fact, in all of the zone districts covered under the amendment, community gardens are only allowed subject to a Conditional Use Permit(CUP).

While this is consistent with current City policy and the 2025 General Plan, it would be inconsistent with the policies drafted for the 2035 General Plan which DO allow for community gardens "by right". These draft policies were developed after extensive community input, which raised the importance of community gardens to residents seeking a healthier and safer community.

We are concerned that adoption of this text amendment as written could permit a "grandfathering in" of policies into the new General Plan that continue to make the development of community gardens difficult—in opposition to the desires of community residents.

I urge you, if you adopt this amendment, to first revise it so that community gardens are truly allowed "by right", along with other agricultural uses. This respects community voice and allows for the flourishing of many more gardens in the future.

Sincerely,

Rev. Sophia DeWitt

Rev. Sophia DeWitt
Interim Co-Director

SIGN-UP SHEET FOR SEPTEMBER 5th MEETING ON PROPOSED TEXT AMENDMENT TA-13-02
(please write clearly!)

NAME (please print)	CONTACT PHONE #	EMAIL (please print)	NAME OF ORGANIZATION OR AGENCY, OR LOCATION OF COMMUNITY GARDEN
Les Wright	600-7516	lwright@co.fresno.ca.us	Fresno Co. Ag. Commissioner
Tom Matott	485-1416	tom@fresnometro.org	Fresno Metro Ministry
Kimi Gragston	746-6939	gragston@sbcglobal.net	Urban Farm in Lowell
Jeremy Gragston	352-7719	gardenwithjeremy@gmail.com	Lowell
Sophia Pagenkub	621-8022	sepna.pagenkubs@fresno.gov	City of Fresno Devmt & Res. Mgmt.
Jeremy Mekling	352-7535	jmekling@Municipal-Orchards.com	Mission Ranch
Asnley Werner		awerner@Leadershipcourse.org	LESA
BOB McFARLAND	485-2768	CCWF	CCWF
Arnoldo Rodriguez	604-8172	Arnoldor@fresno.gov	City of Fresno
Jeff Roberts	288-0888	jroberts@qvhomes.com	Granville/Watson Ranch
DAVID FEY	600-0604	dfey@co.fresno.ca.us	LAFco
Courtney Sorenson	287-0203	courtney@fcb.org	Fresno County Farm Bureau
Ryan Jacobsen	237-0263	ryan@fcb.org	Fresno County Farm Bureau
Don Simmons	246-9970	dsimmons@cs4.fresno.ca.us	Lowell Comm. Garden
Kiel Schmidt	492-7249	kiel15@gmail.com	Tower Urban Family Farm
Mike Sanchez	621-8040	mike.sanchez@fresno.gov	City of Fresno

SIGN-UP SHEET FOR SEPTEMBER 5th MEETING ON PROPOSED TEXT AMENDMENT TA-13-02
(please write clearly!)

NAME (please print)	CONTACT PHONE #	EMAIL (please print)	NAME OF ORGANIZATION OR AGENCY, OR LOCATION OF COMMUNITY GARDEN
Christine Barker	487-1500	christinebarker@gmail.com	FIRM
Sophia Dewitt	487-1500	sophiad@firminc.org	FIRM
Sandra Brock	621-8041	sandra.brock@fresno.gov	City of Fresno DARM
→ ALSO AT MEETING (DID NOT SIGN IN!)			
KEITH BERGTHOLD	621-8049	keith.bergthold@fresno.gov	City of Fresno DARM
→ ALSO REQUESTS BEING ON THIS LIST; COULD NOT ATTEND THE 9/5 MTE:			
Jensen Vang	263-1583	jensen.vang@fresnoec.org	EOC (Food Systems Development)

SIGN-UP SHEET FOR SEPTEMBER 5th MEETING ON PROPOSED TEXT AMENDMENT TA-13-02
(please write clearly!)

NAME (please print)	CONTACT PHONE #	EMAIL (please print)	NAME OF ORGANIZATION OR AGENCY, OR LOCATION OF COMMUNITY GARDEN
Rebecca VanStokkum	244-9227	rvans@ucdavis.edu	

FRESNO MUNICIPAL CODE PROVISIONS RELATING TO HOME OCCUPATIONS AND SIGNAGE FOR HOME OCCUPATIONS

§12-105-H-7. HOME OCCUPATION shall mean any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof.

a. Such Home Occupations may include:

- (1) Consultive professional occupations, whose function is one of rendering a service and does not involve the dispensing of goods or products.
- (2) The selling or otherwise disposing of agricultural services and products produced in the premises.
- (3) Secondary business offices, where said business has its principal office, staff and equipment located elsewhere.
- (4) Farm management offices, where an agricultural operation on the premises requires such office.
- (5) The giving of music lessons and similar occupations.
- (6) The home office of a salesman, when all sales are done by written order with no commodities or displays on the premises.
- (7) Drafting, designing and the like, using only the normal drafting equipment.
- (8) Beauty operators using portable dryers and equipment subject to requirements for [a] Conditional Use Permit [granted per provisions of FMC] Section 12-406 when located in residential zones.

b. The following criteria shall apply for the evaluation of a "Home Occupation:"

- (1) There shall be no employment of help other than members of the resident family.
- (2) There shall be no use of materials or mechanical equipment not recognized as being part of normal household or hobby uses, except that such equipment as typewriters, adding machines, portable hair dryers, permanent wave machines, filing cabinets, and desks shall be permitted.
- (3) There shall be no sales of products or services not produced on the premises.

(over)

- (4) The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
- (5) It shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than a vehicle not to exceed one ton, owned by the operator of such home occupations, which shall be stored in an entirely enclosed garage.
- (6) No excessive or unsightly storage of materials or supplies, indoor or outdoor, for purposes other than those permitted in the district.
- (7) It shall not involve the use of signs or structures other than those permitted in the district of which it is a part.
- (8) Not more than one room in the dwelling shall be employed for the home occupation.
- (9) No building or space outside of the main building shall be used for home occupational purposes except for agricultural uses.
- (10) In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.)
- (11) There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential or agricultural purposes as defined in the district.

§207.5-K. OUTDOOR ADVERTISING. Signs shall be permitted in this [and other residential zone] District[s] only as herein provided.

1. Nameplates for home occupations conducted in accordance with Section 12-105-H-7 shall be permitted subject to the following conditions:
 - a. Nameplates shall not exceed two (2) square feet in area.
 - b. A nameplate may display the:
 - (1) Name of the premises upon which it is displayed.
 - (2) Name of the owner or lessee of said premises.
 - (3) Address of said premises.
 - (4) Nature of home occupation engaged in on said premises.
 - c. Nameplates shall be affixed flush to the building in which said home occupation is located.

<p style="text-align: center;">CITY OF FRESNO MITIGATED NEGATIVE DECLARATION TA-13-02, for Text Amendment Application No. TA-13-02</p>	<p>Notice of Intent was filed with the FRESNO COUNTY CLERK 2221 Kern Street, Fresno, CA 93721 on August 28, 2013</p>
<p>INITIATING PARTY: Director of the Development and Resource Management Dept. 2600 Fresno Street, Room 3065 Fresno, CA 93721-3604 PROJECT SPONSOR (paid application/processing fees) Granville Homes, Inc. 1396 W. Herndon Ave., Ste. 101 Fresno, CA 93711</p>	<p>The Initial Study for this project, as well as Master EIR No. 10130 (SCH# 2001071097) and EA No. A-09-02 (SCH# 2009051016) are on file at the City of Fresno Development and Resource Management Department, Fresno City Hall, 3rd Floor, 2600 Fresno Street, Fresno, California 93721 Electronic copies of this document (on CD) can be obtained by contacting Sandra Brock at the above address or by telephone, (559) 621-8041</p>
<p>PROJECT LOCATION: The project is applicable within the corporate boundaries of the City of Fresno in Open Conservation ("O"), Exclusive Agricultural ("AE") and single-and multi-family residential zone districts 36° 47' 10" N Latitude, 119° 47' 20" W Longitude (centroid)</p>	
<p>PROJECT DESCRIPTION: The project objectives of Text Amendment No. TA-13-02 are:</p> <ol style="list-style-type: none"> 1. To expressly permit commercial agricultural uses and community gardens in open space, agricultural, and residential zone districts 2. To establish special standards of practice and regulation which would pertain to agricultural and community gardening activities in the City of Fresno in order to reduce potential adverse impacts of those uses and to make those uses more compatible with adjacent urban development. <p>The project amends various sections of Chapter 12 (the Zoning Ordinance of the City of Fresno) to establish a definition of "community gardens" and to expressly allow agricultural and community garden cultivation in the O (<i>Open Conservation</i>) and single- and multi-family residential zone districts. It establishes special standards of practice and regulation applicable to these zone districts and the AE (<i>Exclusive Agricultural</i>) zone districts, in order to ensure protection of health and resources and to minimize land use conflicts for properties adjacent to agricultural and community gardening operations.</p>	
<p>The City of Fresno has conducted an environmental analysis for the above-described project, contained in the attached initial study. The City of Fresno, as Lead Agency, proposes to adopt a Mitigated Negative Declaration for this project. This Mitigated Negative Declaration is tiered from Master Environmental Impact Report No. 10130 (State Clearing House No 2001071097) certified for adoption of the 2025 Fresno General Plan ("MEIR") and Mitigated Negative Declaration No. A-09-02 (SCH# 2009051016) prepared for the 2025 Fresno General Plan Air Quality Update ("Air Quality MND"). Copies of the initial study, MEIR and Air Quality MND may be reviewed in the City of Fresno Development and Resource Management Department, at the address noted above.</p> <p>After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no</p>	

substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available.

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

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

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

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

With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR.

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

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

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

INITIAL STUDY PREPARED BY:  Sandra L. Brock, Planner	SUBMITTED BY:  Mike Sanchez, Planning Manager CITY OF FRESNO DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
DATE: August 28, 2013	

- Attachments: Notice of Intent to make a finding of Mitigated Negative Declaration for EA No. TA-13-02, filed with the Fresno County Clerk on Augusts 28, 2013
- Exhibit A, Initial Study Checklist (CEQA Guidelines Appendix G) with attachments
 - Exhibit B, Review of MEIR No. 10130 (SCH# 2001071097)
 - Exhibit C, MEIR Mitigation Measure Checklist for EA No. TA-13-02
 - Exhibit D, Project-Specific Mitigation Measure Checklist for EA No. TA-13-02

E201310000220

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

EA No. TA-13-02

Prepared for Text Amendment Application No. TA-13-02

INITIATING PARTY:

Director of the Development and Resource Management Dept.
2600 Fresno Street, Room 3065
Fresno, CA 93721-3604

PROJECT SPONSOR (paid application/processing fees)

Granville Homes, Inc.
1396 W. Herndon Ave., Ste. 101
Fresno, CA 93711

PROJECT LOCATION:

Applicable within the corporate boundaries of the City of Fresno in
Open Conservation ("O"), Exclusive Agricultural ("AE") and
single-and multi-family residential zone districts

36° 47' 10" N Latitude, 119° 47' 20" W Longitude (centroid)

Filed with:

FILED

AUG 28 2013

FRESNO COUNTY CLERK
By Romana H. Amador
DEPUTY

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

PROJECT DESCRIPTION:

The project objectives of Text Amendment No. TA-13-02 are:

1. To expressly permit commercial agricultural uses and community gardens in open space, agricultural, and residential zone districts
2. To establish special standards of practice and regulation which would pertain to agricultural and community gardening activities in the City of Fresno in order to reduce potential adverse impacts of those uses and to make those uses more compatible with adjacent urban development.

The project amends various sections of Chapter 12 (the Zoning Ordinance of the City of Fresno) to establish a definition of "community gardens" and to expressly allow agricultural and community garden cultivation in the O (*Open Conservation*) and single- and multi-family residential zone districts. It establishes special standards of practice and regulation applicable to these zone districts and the AE (*Exclusive Agricultural*) zone districts, in order to ensure protection of health and resources and to minimize land use conflicts for properties adjacent to agricultural and community gardening operations.

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

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

certified as complete and the Air Quality MND was adopted, has become available. The project is not site-specific and therefore is not specifically proposed to be located on a site which is on any of the lists enumerated under Section 65962.5 of the Government Code; it does not pertain to commercial or industrial property which comprise the majority of sites which are hazardous waste facilities, land designated as hazardous waste property or hazardous waste disposal sites.

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

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 the Fresno Planning Commission hearing on Text Amendment Application No. TA-13-02 and this related environmental finding, scheduled for September 18, 2013 at 6:00pm or thereafter in the Fresno City Council Chambers (2nd floor of Fresno City Hall).. Please direct written comments to Sandra Brock, Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to sandra.brock@fresno.gov; by facsimile to (559) 498-1026.

INITIAL STUDY PREPARED BY:

Sandra L Brock

Sandra L. Brock, Planner

SUBMITTED BY:

Mike Sanchez

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

DATE: August 28, 2013

E201310000220

FILED

AUG 28 2013

FRESNO COUNTY CLERK
By *Romca H. Avalos*
DEPUTY

ENVIRONMENTAL ASSESSMENT NO. TA-13-02
EXHIBIT A, INITIAL STUDY
Environmental Checklist Form (CEQA Guidelines, Appendix G)

1. **Project title:**

TEXT AMENDMENT APPLICATION NO. TA-13-02

2. **Lead agency name and address:**

City of Fresno Development and Resource Management Department (DARM)
2600 Fresno Street, 3rd Floor
Fresno, CA 93721-3604

3. **Contact person and phone number:**

Sandra Brock, Planner III
Planning Division, DARM (see address above)
Phone: (559) 621-8041; Fax: (559)- 498-1026; email: *sandra.brock@fresno.gov*

4. **Project location:** This project could affect such incorporated property within the City of Fresno that is zoned for open space, agricultural, and single/multi-family residential uses. The activities permitted by means of this text amendment are more likely to occur on vacant parcels, but could also occur on vacant portions of developed land.

36° 47' 10" N Latitude, 119° 47' 20" W Longitude (centroid for City of Fresno)

5. **Project sponsor's name and address:**

This text amendment was initiated by the Director of the City of Fresno Development and Resource Management Department, 2600 Fresno Street, Room 3076, Fresno, California 93721-3604

The project sponsor, who requested the text amendment and paid the application processing fees for it, is Granville Homes, Inc., 1396 West Herndon Avenue, Suite 101, Fresno, California 93711.

6. **General/Community Plan Land Use Designation changes proposed:**

The text amendment would be generally applicable to land planned for open space, agricultural, and residential uses; however activities permitted by this text amendment could be instituted on parcels which are planned for other land use designations but have nonconforming zoning for Open Conservation District, an Exclusive Agricultural Zone District, or a single/multiple family residential zone district.

7. **Zoning Classification changes proposed:**

The text amendment does not propose to change any zone district designations, but would formalize the right to cultivate land for remuneration when that is classified in the O (*Open Conservation*) zone districts and in zone districts which permit single and multiple family residential development. It would also impose special standards of practice and regulation on cultivation operations (agricultural and community gardening).

8. **Description of project:**

The objectives of the project application for Text Amendment No. TA-13-02 are:

1. To expressly permit agricultural uses and community gardens in open space, agricultural, and residential zone districts of the City of Fresno; and
2. To establish special standards of practice and regulation which would pertain to agricultural and community gardening activities in the City of Fresno in order to reduce potential adverse impacts of those uses and to make those uses more compatible with adjacent urban development.

The project amends various sections of Chapter 12 (the Zoning Ordinance of the City of Fresno) to establish a definition of "community gardens" and to expressly allow agricultural and community garden cultivation in the O (*Open Conservation*) and single- and multi-family residential zone districts. It establishes special standards of practice and regulation applicable to these zone districts and the AE (*Exclusive Agricultural*) zone districts, in order to ensure protection of health and resources and to minimize land use conflicts for properties adjacent to agricultural and community gardening operations.

9. **Setting:** The text amendment would change land use regulations applicable to land classified in the O (*Open Conservation*), AE (*Exclusive Agricultural*) and single- and multi-family residential zone districts located within the corporate boundaries of the City of Fresno, a municipality having approximately 106 square miles of annexed area within a 140-square mile Sphere of Influence in the County of Fresno in the San Joaquin Valley region of California (please see Attachment 1, a map of the City of Fresno's corporate boundary; Attachment 2, a map of vacant parcels in the incorporated city of Fresno; Attachment 3, Generalized Fresno County Zoning surrounding the City of Fresno; and Attachment 4, a 2013 aerial photo of the Fresno-Clovis Metropolitan Area.

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

No approvals from other agencies are needed for the text amendment. However, the uses allowed via text amendment may require approvals from one or more of the following agencies: City of Fresno Department of Public Utilities Water Division; City of Fresno Building and Safety Services; Fresno Metropolitan Flood Control District; Fresno County Department of Agriculture; San Joaquin Valley Air Pollution Control District; Fresno County Certified Unified Program Agency; and CalEPA Regional Water Quality Control Board.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

Pursuant to Public Resources Code Section 21001.1, and 21080, the purpose of this initial study is to analyze the potential environmental impacts of the project, to determine whether the project would have significant adverse environmental impacts requiring preparation of an Environmental Impact Report, or whether adverse impacts may be mitigated below a level of significance with features incorporated into the project and imposition of mitigation measures.

It is noted that the environmental setting for this project and a range of potential environmental effects of development and use of land in the City of Fresno Sphere of Influence were described in the Environmental Impact Report (EIR) certified for the 2000 Fresno County General Plan Update, State Clearinghouse (SCH) No 99051024; the Master Environmental Impact Report (MEIR) certified for the 2025 Fresno General Plan (SCH # 2001071097), and the Mitigated Negative Declaration (MND) approved for City of Fresno Plan Amendment A-09-02, the Air Quality Update to the 2025 Fresno General Plan (SCH # 2009051016).

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

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Agriculture and Forestry Resources	<input checked="" type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Geology /Soils
<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input checked="" type="checkbox"/> Hydrology/ Water Quality
<input checked="" type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources	<input checked="" 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: On the basis of this initial evaluation:

I find that, although some aspects of the activities that would be allowed subsequent to the proposed project could have some adverse effects on the environment, those effects would not result in a significant adverse effect because revisions in the project have been made and project-specific mitigation measures will be applied, as agreed to by the project proponent. I further find that the project will not have additional significant adverse effects on the environment beyond those identified in City of Fresno Master Environmental Impact Report No. 10130 (SCH No. 2001071097) certified for the 2025 Fresno General Plan and the Mitigated Negative Declaration approved for Plan Amendment No. A-09-02/ Air Quality Update to the General Plan SCH No. 2009051016).

Therefore, A MITIGATED NEGATIVE DECLARATION will be prepared.

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

August 28, 2013

EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

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

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

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

The project would not adversely affect scenic vistas in the City of Fresno, and would not degrade Fresno's existing visual character, because the height of crops and structures associated with agricultural uses are consistent with, or less than, those of current viewsheds in the City. Current zoning regulations allow owners of residential property to plant orchards for personal use and to construct accessory structures.

Cultivated parcels add aesthetic value from plant material. Vacant land which is not subject to ongoing cultivation and maintenance is frequently rendered un-aesthetic by seasonal growth of weeds, disking which leaves the property in a barren condition, and occasional litter. The special standards of practice and regulation incorporated into the project require parties using land for agriculture and community gardens to remove trash and debris. Protections against removing existing shade trees along streets are incorporated into the special standards of practice and regulation portion of the text amendment.

Nothing in the text amendment potentiates damage to scenic resources. Mitigation measures specific to protecting historic buildings and other cultural resources are being proposed for this project. They are the same measures that pertain to development applications city-wide; for historic buildings the applicable measure is implemented when demolition permits are sought.

Headlights on agricultural equipment are not expected to generate any more light or glare than headlights on vehicles which may traverse roadways and private property, and would be present at lower frequency because night agricultural operations occur less frequently than vehicle trips in the urban area. Agricultural activity on vacant land may create some light or glare, but Building Code requirements address that potential impact by requiring that lighting be shielded and down-directed.

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

Mitigation Measure for potential aesthetic impacts relating to historic buildings

Implement the mitigation measures for cultural resources as identified in the Project-Specific Mitigation Measure Monitoring Checklist for this project, dated August 28, 2013.

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

California's Central Valley achieved primacy among the state's growing regions, primarily due to its expansive plains of fertile alluvial soils and mild climate. The natural fertility of the San Joaquin Valley (SJV) and its suitability for dry-land grain cultivation was recognized early, and was the impetus for routing main railroad lines through the most fertile part of the SJV in order to facilitate shipping of grain. The development of farm equipment and irrigation/water storage facilities (which allowed the region's episodic winter rains to be controlled and directed) provided

for a wide diversity of crops, including vineyards, orchards, berries, field crops and row crops (such as vegetables).

Cities grew up around the original grain shipping points, precipitating the Valley's future conflict between retaining the maximum amount of cropland, and use of that land for homes and commerce as the shipping points evolved into cities.

While California remains the premier agricultural state in the nation, decades of incremental loss of the state's high-quality farmland to development, and the need to protect farmland from urban encroachment, are longstanding and continuing matters of concern to the state government. See Attachment 5, the California Right to Farm Act (Civil Code Section 3485.5, originally enacted in 1981) and Attachment 6, the Legislative Findings for the 2011 California Farmland Conservancy Program Act).

In conjunction with the Natural Resources Conservation Service (formerly called the Soil Conservation Service), The State of California Department of Conservation (DOC) carefully classifies farmland as to quality and utility, and tracks its conversion to other uses.

A primary responsibility of California's statewide network of Local Agency Formation Commissions (LAFCo) is to "[discourage] urban sprawl, preserving open space and prime agricultural lands..." (California Government Code/GC §56001, the Legislative finding and declaration of state interests for the Cortese-Knox-Herzberg Local Government Reorganization Act of 2000).

Fresno County has been the premier agricultural county in California for decades, and has also faced the issue of agricultural land conversion for urban development. For portions of the City of Fresno Sphere of Influence not already annexed to the City, the County maintains agricultural zoning to provide for continuing cultivation (see Attachment 3). Much of the land comprising and surrounding the City of Fresno could meet at least one of the criteria in GC §56064, the comprehensive definition of "Prime Agricultural Land" in the Cortese-Knox-Herzberg Act:

"Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- (b) Land that qualifies for rating 80 through 100 Storie Index Rating.
- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.
- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual bases from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.

- (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

Fresno County LAFCo administers the Cortese-Knox-Herzberg Act through its review of proposed Sphere of Influence amendments and annexations which change the City of Fresno's corporate boundary. The LAFCo Board requires recordation of Right to Farm Covenants for annexed land, in order to help ensure that the intent of the state law and county ordinance protecting agricultural activity are fulfilled by removing potential legal actions that could cause discontinuation of farming when nearby land is urbanized.

Despite the efforts of several laws and agencies, there is continuing attrition of productive farmland in Fresno County due to urban expansion. Attachment 7 hereto presents a series of DOC tables showing the acreage of important farmland in Fresno County that has been annually converted to urban uses over recent years. In general, the loss of farmland has been due to voluntary action on the part of its owners, and constitutes a cessation of farming when the land is sold, rezoned, and/or subdivided for development of urban uses.

Attachment 8 is an excerpt of the DOC 2010 Important Farmland Map for the area around the City of Fresno (the Eastern Fresno County map may be accessed at

ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/fre10_e.pdf

However, land is reclassified by the DOC when the local land use agency reports it as being rezoned or entitled for urban use. This map re-classification does not mean that it has become unsuitable, or even unavailable for, productive cultivation. The assignment of a shade of pink to property on the DOC farmland map only indicates that this land is not likely to be farmed in the future due to existing or impending urban development.

Over the past five decades, the County and the City of Fresno have individually and jointly attempted to minimize unnecessary conversion of farmland. Fresno County has enacted a Right to Farm Ordinance and is a long-term participant in the "Williamson Act) program Agricultural Land Conservation Contracts (ALCCs). The City of Fresno does not have its own Right to Farm Ordinance, and does not have regulations which would allow for annexed land to enter new ALCCs, but has adopted Resolution No. 2006-130 which allows the City to succeed to an ALCC entered in the County when land is annexed. The City and County have cooperated on planning policies which direct intensive development to established cities and service districts with capacity to provide urban services.

The 2003 Restated Memorandum of Understanding between the City and County of Fresno includes STANDARDS FOR ANNEXATION that have been intended to limit conversion of agricultural land by requiring that candidate properties for annexation have approved urban development entitlements (approved tentative subdivision maps for residential uses, and approved site plans for other uses). Provisions of the Cortese-Knox-Herzberg Act require that annexed land be assigned a city zoning classification prior to annexation, so that urban zoning will apply immediately to land upon its inclusion within city boundaries.

However, the STANDARDS also provide for annexing land in addition to the property approved for urban development proposal, when necessary to maintain or create logical boundaries for a city (avoiding islands, peninsular or isthmus configurations of annexed land). The action of these annexation rules is that land which is being farmed, or which could be farmed, is assigned

an urban zoning classification when annexed, even in the absence of urban development applications for that land.

The City of Fresno's Local Planning and Procedures Ordinance, Zoning regulations, and General Plan Land Use Consistency matrix require that zone districts consistent with planned urban uses be assigned. The County and City General Plans and zoning classifications differ greatly in the portion of Fresno west of Freeway 99. This area is predominantly planned for agricultural and rural residential use in the Fresno County General Plan, and when in the unincorporated area is automatically assigned a consistent zone district. When land is annexed to the City of Fresno--which does not have land planned for agricultural uses or an agricultural reserve within its Sphere of Influence—that land is reclassified to an urban zone district consistent with its planned urban use designation pursuant to the City's General Plan.

Loss of agricultural land has been deemed a significant and unavoidable adverse environmental impact in the environmental analysis of a succession of City General and Community Plans. The 2025 Fresno General Plan MEIR concluded that 9,333 acres of vacant land and/or productive agricultural land would be permanently displaced by full buildout of the urban land uses depicted in the Urban Form Element (land use map) of the General Plan; further, that "residential uses may conflict with agricultural operations which typically result in generation of pesticide residues, noise and dust."

2025 Fresno General Plan MEIR Mitigation Measure No. E-4 preserves the viability of agricultural land by reiterating the requirement to record "Right to Farm" covenants and otherwise requiring that developers of urban projects adjacent to designated agricultural land incorporate measures to reduce potential for conflicts with urban uses. This mitigation measure is intended to apply to development project applications filed within the City's Sphere of Influence, and would direct treatment of the urban project/designated agricultural land interface at the Sphere of Influence boundary itself, because all land within the Sphere of Influence is not designated for agricultural use, but for urban development.

Most of Fresno's Sphere of Influence boundary is comprised by major street rights-of-way which provide a considerable buffer distance. The proposed text amendment incorporates buffer zone provisions by prohibiting permanent crops in portions of property planned for major street right-of-way, and by requiring a six-foot setback for any enclosing fences from all street rights-of-way. Since mechanized equipment is required to prepare ground and cultivate permanent crops such as trees and vines, the California Right to Farm Act would not support a blanket prohibition of tractor or other equipment use. Mitigation measures proposed pursuant to other portions of this environmental assessment (implemented via further augmentations to the text amendment's special standards of practice and regulation) provide other types of protections for the urban/agricultural interface.

In certifying the MEIR for the 2025 Fresno General Plan, Findings of Over-riding consideration were made for these impacts (see attached Attachment 9). It was concluded that the impacts could not be completely mitigated, but that the General Plan and MEIR contained policies and mitigations which were feasible for mitigation, referencing General Plan Goals and policies "to facilitate continued cultivation of agricultural lands within the urban boundary until such time as the urban development is necessary and appropriate. These strategies are particularly applicable to properties that will constitute the transition area between urban and agricultural areas." Policies and mitigation measures for maintaining water quality and quantity, and supporting attainment of air quality standards were also referenced.

In 2009, the Air Quality Update to the 2025 Fresno General Plan was approved with additional measures for improving air quality and reducing global climate change. In addition to the revisions in the MEIR Mitigation Measure Checklist adopted through the MND for this General Plan Amendment (No. A-09-02), objectives and policies were added to the General Plan to reduce emissions of greenhouse gases, improve carbon sequestration, and protect human health.

The proposed text amendment augments the agricultural land preservation and resource protection policies and mitigation measures of the 2025 Fresno General Plan and in General Plan Amendment A-09-02 by providing for ongoing and re-established productive cultivation of Fresno's high-quality agricultural soils with additional regulations to protect water and air resources and human health from potential effects of cultivation activity.

The 2008-2009 Great Recession and its attendant (and lingering) real estate development activity downturn have shown that the best prospective controls for farmland conversion can be thwarted by economic factors that are not amenable to planning laws or annexation standards. The State of California has conceded that planned and approved urban development may take years to be built out; hence, a series of state laws extending the life of approved tentative tract maps years into the future.

Over the long term, Planning staff has noted that between five and ten percent of Fresno's urbanized area has remained undeveloped even in portions of the City predominantly built out. This has been attributed to property owner preferences and legal and financial issues associated with properties and owners (estate complications, etc.). When the number of foreclosures increased during the Great Recession, elevated numbers of urban parcels became vacant due to fires in vacant structures and the lack of financing for prompt rebuilding. At the fringes of the urban area, the City has experienced a higher incidence of trash dumping and vegetation fires on properties approved for development but unbuilt and abandoned due to financing delays and bankruptcies of development firms. The City has attempted to recruit replacement uses for once-developed urban lots which have been cleared.

While the City has informally approved some community gardens by amending prior special permits for parks and similar public and quasi-public facilities, the zoning ordinance does not classify "community garden" as a use—and the structure of the City's Zoning Ordinance is that of a "permissive Euclidian" zoning code which does require uses to be classified in order to be permitted.

Similarly, the City has not taken zoning enforcement action against annexed vineyards and orchards at the urban fringe when those properties have been zoned for residential uses, even though assignment of a City residential zone district classification technically disallows continued farming after annexation. And, there has been sporadic use of parcels throughout the incorporated area of Fresno for row crops that have been sold by the growers. Provided that these properties have been cultivated according to regulations pertinent to farming, air quality, and water usage, enforcement agencies have allowed growers to operate on land within Fresno's corporate boundaries.

Further evidence of City's intent to preserve agricultural production until urban development (*i.e.*, re-use of agricultural and rural residential land for more intensive uses) may be imminent is the enactment of the "ANX" overlay district at the end of the past decade. The "ANX" overlay district is intended to expressly allow property owners on land that was zoned for agricultural and rural residential uses which were legal in Fresno County to continue agricultural and rural

residential activities after the property is annexed to the City, whereupon it is generally rezoned for urban residential use.

However, the "ANX" overlay district has only been applied to properties which were brought into City boundaries to "round off" the boundaries; it has not been applied to the properties which were subject to development applications.

If not used to grow crops or ornamental plants, vacant land is required by City ordinance and fire protection regulations to have its vegetation removed. Changes in the transfer and handing of mortgage notes have made it increasingly difficult, often impossible, to locate a responsible party who can be required to spray for weeds or disk vacant land prior to fire season. Even when a responsible entity performs the disking and spraying required by the City's Weed Abatement Ordinance, it exposes the soils to leaching and erosion which adversely affect natural fertility. The vacant ground remains open for trash dumping and provides harborage for undesirable rodents.

The proposed text amendment would facilitate re-use of these un-used sites for cultivation, for community gardening or agriculture. These activities establish active and frequent maintenance by responsible parties and concomitantly improve residents' economic and nutritional well-being. Cultivation activity adds moisture and organic matter that maintain soil biota and fertility, preserving the essence of high-quality agricultural soils. The growing of crops and improvement of soil organic content sequesters carbon, establishes providing ground cover to reduce fugitive dust and contaminated runoff, and provides cooling to combat the urban heat island effect.

The proposed project is required to accomplish these ends on the City's vacant land because the current zoning ordinance allows only personal gardens in residential zone districts. It does not permit collective use by community gardening, and outside of the City's two Exclusive Agricultural zone districts, it does not expressly permit agricultural activity (as "Agriculture" is defined in Black's Law Dictionary as "The financial practice of growing food...").

The act of zoning land for residential or open space use does not automatically remove its usefulness or suitability for growing crops. With the proposed project, high-quality farmland which is undeveloped or vacant would again become a potentially useful agricultural resource, a supply of food and economic input for the community, preserving some of Fresno's high-quality farmland for an intervening period of time until its re-use for more intensive urban development is feasible. No mitigation for agricultural land impacts is necessary, because the project itself enhances city protection of protection of this resource.

Mitigation Measures

The proposed project incorporates and implements as applicable MEIR mitigation measures relating to agricultural and preservation as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist, dated August 28, 2013.

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

Environmental and regulatory setting with regard to air quality

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

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

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

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

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

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

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

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

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

The San Joaquin Valley Air Pollution Control District (hereinafter, "APCD") is the local regional jurisdictional entity charged with attainment planning, rulemaking, rule enforcement, and monitoring under Federal and State Clean Air Acts and Clean Air Act Amendments. In the early 1990s, this agency was created to replace the separate air pollution authorities formerly administered by individual Valley Counties. The regional APCD has provided a means to undertake regional climatological studies for understanding transport and evolution of air pollutants, and a comprehensive approach to reducing air pollution in the entire Valley.

The SJVAPCD has promulgated a series of air quality attainment plans pursuant to requirements of Federal and state Clean Air Acts, complementing the efforts of the California Air

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

Through these attainment plans and implementing regulations (e.g., Rules), the APCD has reduced emissions of pollutants and pollutant precursors overall and has achieved attainment of some national ambient air quality standards. However, ozone/oxidant air pollution is a refractive problem. The SJVAB has a current designation of Extreme Non-Attainment. Full attainment is not projected until year 2024.

The 2025 Fresno General Plan, augmented by Plan Amendment No. A-09-02 (the Air Quality Update), contains significant City policy direction for measures to reduce potential air pollution and reduce emissions of greenhouse gases. While MEIR No. 10130 was certified with adoption of an over-riding consideration for the intractable regional air pollution problem, policies of the General Plan, MEIR mitigation measures, and additional policies added through the Air Quality Update require that restrictions and standards be applied to reduce pollution emissions as much as possible.

The cultivation of plants on otherwise vacant land has an inherently positive effect on air quality. Photosynthesis sequesters carbon and generates oxygen, and the foliage of plants absorbs pollutants and traps dust. Transpiration and shade of plants alleviates the urban heat island effect, reducing ambient temperatures and thereby slowing the rate of ground level photochemical activity.

Several APCD Rules apply to aspects of cultivating land, including those which regulate mobile equipment over 50 horsepower, bulk storage of materials, agricultural road dust control, burning of plant waste materials, and architectural coatings. Compliance with those regulations should mitigate air pollutants from those sources, as the APCD Rules form the main strategy for attaining National and State Ambient Clean Air Standards.

In order to protect urban neighbors of agricultural and community gardening sites, the text amendment's proposed special standards of practice and regulation (an augmentation of Fresno Municipal Code Section 12-306-N-11) proposes additional restrictions.

The text amendment imposes a prohibition on agricultural burning, which would otherwise be allowed, weather and air quality conditions permitting, by the APCD. The text amendment is not permitting animal rearing uses (except to allow beehives under certain conditions), so it is not expected to result in objectionable odors that could be caused by manures and livestock.

Some dust-causing activities related to cultivation are formally exempted from SJVAPCD rules as associated with the statewide Right to Farm Act; these activities would include tillage, harvesting, application of sprays/dusts, ground sweeping, etc. when moisture levels are low (when there is insufficient soil moisture or dew to hold soil particles on ground and foliar surfaces). At the time of the first Planning Commission hearing on the proposed text amendment, concerns were raised regarding the need to protect nearby property owners from fugitive dust which could be generated from agricultural practices such as plowing (tillage) and equipment which harvests nuts by shaking trees.

Particulate matter studies conducted by Maricopa County, Arizona (cited and referenced by the SJVAPCD in its emission inventory compilation for particulate matter) have demonstrated that the critical wind speed for entrainment and movement of dust is 12 miles per hour (mph). Therefore, mitigation is proposed in the form of additional policy language which prohibits mechanized cultivation activities when wind speeds are 12 mph or greater.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, air quality-related mitigation measures Nos. B-5 through B-7, and C-1 as identified in attached Exhibit C, the MEIR Mitigation Measure Monitoring Checklist for this project, dated August 31, 2012.
2. Augment the text amendment's proposed special standards of practice and regulation to prohibit mechanized cultivation activities that could generate fugitive dust when moisture levels are too low to adhere dust particles to surfaces and when wind speed is 12mph or greater and capable of entraining dust.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				x
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				x
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				x

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

Vacant residential property in Fresno is not allowed to be kept in a natural state, because seasonal growth of plants which subsequently dry out poses a recognized fire hazard. Land is required to either be cleared of all vegetation pursuant to existing weed abatement regulations, or to be kept landscaped with ornamental plants. The proposed project would provide some habitat value by ensuring plant cover on properties which would otherwise be plowed or sprayed to remove or prevent plant growth.

Any prior action to zone land for residential use would have included assessment of the project to determine the presence of listed species, wetlands, and important habitat, and would have incorporated mitigation of those potential impacts. Therefore, the text amendment itself would not result in or have the potential to harm, harass, or “take” of any fish and/or wildlife species (where the term “take” means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill as defined in the California Fish & Game Code). The project itself would not, directly or indirectly, affect any sensitive, special status, or candidate species; nor would it modify any habitat that supports them. The text amendment would also not have the potential to result in noise, vibration, dust, light, pollution, or an alteration in water quality that would affect fish and/or wildlife directly or from a distance, because vacant land in the incorporated City of Fresno is already required to either be landscaped or kept denuded of vegetation; cultivation of the land is does not introduce wildlife or habitat effects which would exceed either of those conditions.

The proposed project requires that no stormwater or runoff be directly discharged to Fresno Metropolitan Flood Control District (FMFCD) drainage infrastructure, and that those cultivating land participate in the CalEPA Water Board Irrigated Lands program as applicable.

The special standards of practice and regulation incorporated into the text amendment require, for reasons of airport safety, that agricultural activities conducted in proximity to airports conform to the Wildlife Hazard Mitigation Plan adopted for that airport; however, *all* land located in designated areas proximal to airports is required to implement the Wildlife Hazard

Mitigation Plan, so that the proposed text amendment is not introducing any new potential impacts affecting floral or faunal species; or, their habitat.

The proposed project itself would not result in, or have the potential to result in, any interference with the movement of any fish and/or wildlife species. No habitat conservation plans or natural community conservation plans in the region pertain to land in the City of Fresno outside of the San Joaquin Riverbottom. Activities which may change biota in the San Joaquin Riverbottom are subject to state and federal regulations protecting listed species.

The proposed project was routed to the California Department of Fish and Game Region IV office. No comments or proposed conditions or mitigation measures have been provided by that agency. Within four days of City Council approval of Text Amendment No. TA-13-02, the required California Department of Fish and Wildlife filing fee shall be paid to the Fresno County Clerk with the filing of the Notice of Determination for EA No. TA-13-02, pursuant to California Fish and Game Code Section 711.4.

In certifying the 2025 Fresno General Plan MEIR, its mitigation measures were deemed sufficient to mitigate potential effects on biological resources below a level of significance. Therefore, mitigation for this project will be incorporated into the project in the form of a subsection in the special standards of practice and regulation that requires cultivation activities to conform to applicable MEIR mitigation measures for biological resources.

Mitigation Measure

Augment the special standards of practice and regulation portion of the text amendment to incorporate a reference to MEIR mitigation measures Nos. J-1 through J-4 (as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist, dated August 28, 2013).

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

The text amendment serves to continue historic cultivation practices and helps preserve associated vernacular structures such as barns. When any demolitions are considered, the City of Fresno requires a review of the subject property for resources which might be eligible for the National or Local Register of Historic Places, and the subject site is not within either a designated or proposed historic district.

Most property which could be cultivated under the proposed project has been leveled/graded and cultivated in the past, therefore, it is not expected that cultural remains would be disturbed as an indirect result of the project.

However, MEIR Mitigation measures were developed for situations where remains, artifacts or fossils are unexpectedly found due to ground disturbing activities, such as those which could occur through cultivation of land. Mitigation measures Nos. J-1 through J-4 from the 2025 Fresno General Plan MEIR Mitigation Measure Monitoring Checklist relate to protecting cultural and paleontological resources which may be discovered during activities conducted pursuant to the text amendment. Because most community gardens and agricultural uses will not be subject to the special permit process, the requirements memorialized in those mitigation measures need to be added to the proposed special standards of practice and regulation portion of the text amendment.

If a cultivation site has an identified historic resource the MEIR mitigation measure requires that any changes to the resource follow accepted guidelines. The U.S. Department of the Interior offers a website to provide an overview on choosing the appropriate treatment method: http://www.cr.nps.gov/hps/tps/standguide/overview/choose_treat.htm. Work done to preserve, maintain, rehabilitate, restore, stabilize, or conserve the resource is considered to mitigation that reduces impacts below a level of significance if the work is done according to the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Reconstructing Historic Buildings, with guidance available at this website: <http://www.nps.gov/hps/TPS/standguide>.

Mitigation Measure

Augment the special standards of practice and regulation portion of the proposed text amendment to incorporate the content of MEIR mitigation measures Nos. J-1 through J-4 (as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist, dated August 28, 2013) into.

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

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

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

Fresno is classified by the U.S. Geologic Survey as being in a moderate seismic risk zone, Category "C" or "D," depending on the soils underlying the specific location being categorized, the project's location's proximity to the nearest known fault lines, the occupancy classifications of new structures, and their type of construction.. All new structures are required to conform to current seismic protection standards in the current California Building Code.

The highly erodible face of the San Joaquin River bluff, and small areas of expansive clay in the northeastern portion of the city's Sphere of Influence, are the only unstable soil conditions known to exist in the City. These areas will not pose a problem to, or from, the proposed project because

- The presence of expansive clay does not preclude agricultural or community gardening uses of land; and
- The River bluff is too steep to cultivate and prohibitions on irrigating this area would further render it an infeasible area to garden or grow crops (because the project's special standards of practice and regulation requires a permit for irrigation equipment, the City has a means to prevent watering of the bluff face).

Despite long-term overdrafting of groundwater that has lowered the static groundwater level under Fresno by as much as 100 feet over the past century, negligible surface subsidence has noted in the City. This is probably due to the nature of Fresno's underlying geologic strata, which feature "lenses" of clay and hardpan layers interleaved with alluvial sand and gravel deposits.

The U.S. Department of Agriculture Natural Resource Conservation Service has extensively classified soils in, and surrounding the City of Fresno. Most have very shallow slopes, providing little erosion potential. The proposed project would allow cultivation, and some crops do maintain bare soil between rows of plants as a cultivation practice. However, the special standards of practice and regulation do not permit drainage to affect adjacent properties or silt to affect the municipal drainage system, and for parcels in excess of an acre a grading permit is required to ensure stormwater pollution prevention practices. Since those cultivating land at any scale work to improve soil quality to improve moisture retention, deep drainage capacity, and nutrients, the proposed project would improve soil conservation practices.

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

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

Environmental and Regulatory Setting

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

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

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

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

A major problem with GHGs is that most of them are not very reactive and that makes them extremely long-lived in the atmosphere. For instance, once CO₂ rises above the troposphere (the portion of the atmosphere where plants may absorb some of it for photosynthesis), there

are no natural processes that would effectively remove it. The CO₂ will persist and exert its global warming effect for centuries.

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

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

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

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

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

It has been recognized that new development projects would incrementally add GHG emissions and could cumulatively exacerbate global climate change problems, even if the projects are, themselves, small in scale and do not involve powerful GHGs. In order to standardize evaluation of projects under CEQA, Senate Bill 97 (codified as Public Resources Code Sections 21083.05 and 21097) requires the State Resources Agency to adopt guidelines for

addressing climate change in environmental analysis. The California Air Pollution Control Officers Association (CAPCOA) produced a comprehensive publication on this topic in August of 2010 titled *Quantifying Greenhouse Gas Mitigation Measures*, which provides methods for quantifying emission reductions via application of a specified list of project-level and municipal-level mitigation measures. This document is intended to further support the efforts of local governments to address the impacts of GHG emissions in their environmental review of projects and in their planning efforts.

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

In and of itself, the proposed text amendment would mitigate global climate change by improving vegetative cover on otherwise bare land in Fresno, serving as a means of “carbon capture”/“carbon sequestration” to remove CO₂ from the atmosphere and providing ground shading to combat the urban heat island effect. Guidelines for quantifying GHG emission impacts and GHG reduction methods provide specific data on the positive effects of adding vegetation, but the acreage that will benefit from the proposed project cannot be prospectively determined with any useful accuracy.

Some aspects of cultivation would generate GHGs, and those are regulated by APCD Rules pertaining to mobile equipment engines and the project’s proposed special standards of practice and regulation that impose controls on water consumption. This will reduce groundwater usage, lessening the electrical power demand for operation of water wells. The project provides for use of recycled and surface irrigation water supplies when those sources of water are available.

The proposed project meets this requirement by furthering the City’s GHG Mitigation program, established through City of Fresno Plan Amendment No. A-09-02, the Air Quality Update to the 2025 Fresno General Plan. Plan Amendment A-09-02 augmented the City’s General Plan Resource Element/Air Quality Objectives and Policies by adding new General Plan Objective and several supporting policies, as well as expanding the MEIR Mitigation Measure Monitoring Checklist, to address global climate change through municipal activities and regulation of local development.

A-09-02 added new appendices to the 2025 Fresno General Plan, including a 2008 California Attorney General’s Office guidance document titled, “The California Environmental Quality Act Mitigation of Global Warming Impacts at the Local Agency Level” which contains specific guidance on mitigating greenhouse gas emissions through planning and regulation of development. Periodic broadscale GHG modeling will be used to validate the efficacy of these measures and guide implementation and further City rulemaking.

The proposed project works in conjunction with other codes and regulations designed to reduce adverse climate change. Through the California Building Code and statewide regulation of

appliance standards, agricultural structures will conform to energy-efficient building, lighting, and appliance standards (the City of Fresno does not have a separate, lower building code standard for agricultural buildings). Updated engine and tire efficiency standards would apply to vehicles that travel to the cultivated properties. Initiatives applicable to air conditioning and refrigeration equipment will continue to reduce fluorocarbon emissions from storing and processing of crops. The proposed project does not provide for manufacturing activities that would generate potent industrial GHGs such as SF₆, HFCs, or PFCs, and or for animal rearing uses which would generate methane from manures.

Through its water use requirements in the special standards of practice and regulation section, the proposed text amendment implements and incorporates applicable MEIR mitigation measures Nos. D-3, D-8, D-9, D-11 and D-12 relating to global climate change, as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist (dated August 28, 2013). With this mitigation incorporated into the project, and with the additional beneficial effect of carbon sequestration and cooling created by adding vegetation to the City, there is no evidence that this text amendment project would have a potentially significant cumulatively adverse impact on global climate change. Additional project-specific mitigation is not required.

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

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

Hazardous Materials

Pesticides are typically employed to some extent in cultivation of crops. "Pesticide" may be generally defined as a compound or biological agent which inhibits or destroy microbes, weeds, arthropods, or rodents. They are an essential tool for controlling crop pests and pathogens, and some level of treatment may be required to meet phytosanitary standards for transport or market orders. Even organic growing operations can use pesticides of certain types. Cultivation of land may also involve fertilizers (concentrated nutrient compounds); some fertilizers can cause injury via some routes of direct exposure.

Some pesticides and fertilizers are sold to the general public at grocery and hardware stores; locations of usage and quantities used are not tracked. However, in conjunction with an agricultural operation or community garden, the storage of these compounds would be subject to agricultural storage and disclosure requirements of the Fresno County Certified Unified Program Agency (CUPA), staffed by Fresno County Environmental Health Services.

Other pesticides and fertilizers are restricted to varying degrees, and may only be sold to growers and pest control advisors. These compounds are regulated at all levels; even discarding the empty containers is subject to regulation. Fresno County CUPA disclosure and storage requirements apply, but for this level of pesticides the Fresno County Agricultural Commissioner takes the primary role in regulation and tracking, under authority delegated by the California Environmental Protection Agency (CalEPA) Department of Pesticide Regulation and the California Department of Food and Agriculture. The Agriculture Commissioner exercises discretion when issuing pesticide permits, in order to protect sensitive adjacent

properties such as school buildings, parks, day cares, and residential neighborhoods. The Agricultural Commissioner's inspectors ensure that pesticides are used according to product labels; that they are properly stored; that persons handling them have proper licensure and protective equipment; and that no harmful residues remain on the crop products. In the event of a reported pesticide illness or misuse, the Agricultural Commissioner responds and investigates in conjunction with other health and safety agencies.

While pesticide usage in general is a matter of public discussion and concern, there is no evidence in the record to demonstrate that the proposed project could have an adverse effect on health and safety with regard to hazardous materials, given compliance with pesticide labeling and regulations. The existing great extent of interface between agricultural activities and residences in Fresno has caused no hazardous release incidents involving cultivation activities. Intensive, large-scale agricultural activities have been conducted for decades on portions of the California State University-Fresno campus in close proximity to urban housing tracts, without incidents relating to pesticide exposures. As the Attachment 1 and Attachment 3 maps indicate, extensive urban development at the City's western fringe has resulted in neighborhoods being located in close proximity to, and abutting, commercially grown tree, vine, and field crops--again without reported hazardous material incidents affecting public health.

The text amendment's proposed standards of practice and regulation include provisions mandating compliance with regulations of Fresno County Environmental Health and the Agricultural Commissioner, incorporating mitigation into the project itself. In compliance with MEIR Mitigation Measure No. E-4, the text amendment has been augmented with a prohibition on aerial spraying, because aircraft application methods could not reasonably confine applied pesticides to individual parcels located in the midst of urbanized areas. (An exception is made for area-wide spraying which may be ordered by the State of California or the Agricultural Commissioner for abating a serious pest outbreak.)

California's Division of Occupational and Safety and health (CalOSHA) administers Title 8 of the California Code of Regulations for workplace safety; Section 5194 requires a Hazard Communication and on-site access to (Product/Material) Safety Data Sheets at locations where any chemical substances are kept or used—not only pesticides, but also fertilizers, cleaning agents, solvents, fuels, manufacturing substrates, etc. The Safety Data Sheets are required to furnish product information in all languages pertinent to the workforce, listing contents of the material, risks and precautions, and how to treat any exposures to the substance. CalOSHA also requires persons who operate businesses to compile Injury and Illness Prevention Plans, and the agency conducts site inspections to enforce workplace safety regulations.

Aside from safety risks associated with chemicals, urban areas have overhead and buried power, gas, and communication utility lines. Appropriate mitigation for this potential safety hazard is to incorporate direction in the proposed text amendment's special standards of practice and regulation requiring that, prior to tilling or excavating, persons intending to cultivate property the national "Call Before You Dig" number (811) and contact Fresno Metropolitan Flood Control District and Fresno Irrigation District (which do not register their underground facilities with the Underground Service Alert program); also, that parties cultivating tree or trellis crops conform to restrictions pertaining to overhead utility lines.

Hazardous Materials Sites

Not all vacant land located in Fresno is suitable for cultivation, because some of this land may contain residues of hazardous materials. Former legal and illegal landfill sites are typically the

types of properties where this has been an issue in this area. Other properties are affected by leaking underground storage tanks, or chemical contamination associated with former industrial uses.

If a property appears on one of the agency lists that comprise the overall list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, any re-use of the contaminated site requires approval of the agency having jurisdiction over cleanup and abatement per federal, state, and local regulations. These agencies include the U.S. Environmental Protection Agency, Cal-EPA Department of Toxic Substances Control, the State Water Board (Regional Water Quality Control Board), and Fresno County Environmental Health (in its role as CUPA or Lead Enforcement Agency for CalRecycle solid waste regulations). Typically, these agencies would require a site assessment, and may require cleanup and abatement, prior to any subsequent use of contaminated properties.

Mitigation for this potential impact is to augment the proposed special standards of practice and regulation to require that properties proposed for cultivation not be on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or, if they are on that list, to require that the appropriate regulatory agency provide a clearance letter affirming that persons involved in cultivation activity and persons consuming the produce grown on the site would not be adversely impacted by any hazardous material residues on the premises.

Airport Safety

The Federal Aviation Administration requires public airport operators to adopt and administer Wildlife Hazard Mitigation Plans to reduce the risk of bird strikes. Through interagency review of the proposed text amendment, the Fresno County Airport Land Use Commission notified Planning staff that agricultural and community gardening operations in designated airport safety zones are required to conform to the Wildlife Hazard Mitigation Plan for that airport, in order to minimize the presence of raptors and other birds. A subsection was added to the special standards of practice and regulation to notify those cultivating land of this.

Mitigation Measures

1. The City shall continue to implement, as applicable, mitigation measures No. E-4 relating to agricultural land as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist for this project, dated August 31, 2012, and shall augment the text amendment's special standards of practice and regulation to prohibit aerial spraying.
2. Augment the text amendment's special standards of practice and regulation to require that, prior to tilling or excavating, persons intending to cultivate property the national "Call Before You Dig" number (811) and contact Fresno Metropolitan Flood Control District and Fresno Irrigation District (which do not register their underground facilities with the Underground Service Alert program).
3. Augment the text amendment's special standards of practice and regulation to require that parties cultivating tree or trellis crops conform to restrictions pertaining to overhead utility lines.
4. Augment the text amendment's special standards of practice and regulation to require that sites proposed for cultivation not be listed on the hazardous materials sites compiled pursuant to Government Code Section 65962.5, or, if they are on that list, to require that the appropriate regulatory agency provide a clearance letter affirming that persons

involved in cultivation activity and persons consuming the produce grown on the site would not be adversely impacted by any hazardous material residues on the premises.

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

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

Water Supply, Water Treatment and Delivery Infrastructure

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

While the aquifer underlying Fresno typically exceeds a depth of 300 feet and is capacious enough to provide adequate quantities of safe drinking water to the metropolitan area for the foreseeable future, the aquifer level has been declining and localized water supply limitations with low well yields and limited storage capacity in portions of the semi-confined aquifer have evolved. Agricultural wells have long existed on the fringe of Fresno, but the existence of good surface water availability throughout the region has prevented these wells from having serious effects on drawdown. As land has been retired from cultivation and as surface water irrigation has ceased, however, replacement of agricultural wells with domestic and municipal wells has exacerbated drawdown.

One of the issues that the City is attempting to resolve in order to stabilize aquifer levels is its historic trend of high consumptive use of water on a per capita basis (some 250 gallons per day per capita). Under recently adopted California Building Codes and the Master Water Efficient Landscape Ordinance, text amendment requires cultivation sites to incorporate water conservation features, a requirement which heretofore has not applied to agricultural activity in the city or county (although, for larger cultivation sites, the cost of water is a major consideration that has caused the agricultural industry to move toward conservation practices on its own.)

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

Insidious groundwater degradation has occurred in the region due to pollution from pesticides which were not properly evaluated prior to being marketed (chiefly, dibromochloropropane, or DBCP, and its manufacturing byproduct trichloropropane, or TCP); nitrates from on-site

wastewater systems, industrial scale composting, and overuse of fertilizers on domestic and agricultural properties; salinization from wastewater and industrial brine discharges; methyl-tert-butyl ether (MTBE) from gasoline; and industrial solvents such as perchlorethylene (PCE) and its degradation product vinyl chloride.

Fresno also has areas of naturally occurring water contaminants such as arsenic, iron, uranium, and manganese. Increasingly stringent water quality regulations have greatly increased the cost and difficulty of supplying municipal needs via water wells.

Improperly abandoned water wells, and older wells constructed without restrictive casing to prevent cross-contamination between layers of the aquifer may impair groundwater quality by providing a direct conduit for shallower contamination to reach the deeper and cleaner levels of the aquifer. For that reason, the proposed text amendment's special standards of practice and regulation require that the City Department of Public Utilities Water Division review existing wells on a site proposed for cultivation, and determine whether the well is suitable for ongoing use. If a well is not going to be used for continuing irrigation, and is not useful for ongoing monitoring or reconstruction for an urban water supply, it is required to be destroyed according to procedures of the City Water Division and the most current version of the California Department of Water Resources Well Standards (DWR Bulletin 74-99 or an update thereto).

As noted previously, the text amendment's special standards of practice and regulation require adherence to the regulations of the Agricultural Commissioner and Fresno County CUPA with regard to storing, using, and disposing of pesticides and fertilizers and their containers. California's registration process for pesticides includes an evaluation of potential ecologically active residues, and the will de-list, or refuse to list, substances which may cause future contamination by persistence in the environment.

In addition, the California Water Boards "Irrigated Lands Program" (regulations found in California Water Code Section 13260) requires that nutrient loading and potential contamination of ground and surface water supplies be monitored and controlled. There is no minimum acreage for applicability of the Irrigated Lands Program; an entity cultivating land is regulated if they file a tax return relating to cultivation activity. A provision in the text amendment's special standards of practice and regulation is included with a reference to the regulatory agency administering this program.

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

To the extent that surface water supplies of annexed property are assigned to the City of Fresno, any proposal to cultivate land and use surface irrigation requires that the City Water Division evaluate the proposal and enter an agreement that would formalize a temporary reassignment of these surface waters to irrigation.

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

Stormwater ponding basins provide significant opportunity to recharge the aquifer with collected precipitation runoff in the winter as well as surface water obtained from FID (primarily a Kings River supply) and the USBR (supplied by the San Joaquin River) in the months when storms are not anticipated.

When development entitlements are approved, applicants are required to support recharge and water supply efforts by preserving the patency of FID canals and pipelines used to deliver surface water to drainage/recharge basins and downstream users. Whenever feasible, open canals are piped (to prevent accidental drowning and incidental water loss). In locations subject to vehicle travel, irrigation pipelines are required to be replaced with reinforced pipe to sustain wheel loads.

These requirements are memorialized in the text amendment's special standards of practice and regulation, and there is a requirement that irrigation facilities be installed outside of future street rights-of-way to the maximum extent possible, to try to prevent future water delivery service interruptions that could be caused by subsequent relocations of these pipes.

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

The City has also adopted a Recycled Water Master Plan which would allow appropriately treated wastewater to be used for non-potable uses that may include irrigation of landscape and some types of crops where the irrigation water will not have direct contact with produce.

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

The proposed text amendment's special standards of practice and regulation contain extensive water conservation measures to prevent overconsumption of potable water supplies and to prevent aquifer overdraft. The text amendment's special standards of practice and regulation section incorporate requirements from MEIR mitigation measures Nos. D-3 through D-10 and

F-3 relating to hydrology (water supply, water quality, and drainage), as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist, dated August 28, 2013.

The text amendment specifically ensures that any private water wells retained for irrigation are limited to appropriately sized parcels, are restricted to only supplying those parcels, and are metered for purposes of monitoring groundwater use. The text amendment references the City Master Fee Schedule requirement for payment of recharge fees (generating funds that the City uses to purchase and convey water to percolation basins for recharge) based on private well withdrawals.

The text amendment further provides beneficial flexibility in mitigation for groundwater use, by providing for the ability to create a recharge facility on, or near, the site of an agricultural well or some equivalent arrangement (whereas, the recharge fee is used to acquire and percolate water on a City-wide basis). This alternative mitigation may be approved at the discretion of the Water Division. This provision of the special standards of practice and regulation portion of the proposed text amendment constitutes mitigation incorporated into the project for potential groundwater withdrawal impacts.

Drainage, Stormwater Management, and Flood Control

As noted previously, Fresno receives low annual precipitation—but this precipitation tends to occur in episodic storm events which generate peak stormwater flows. In the absence of strong natural drainage features, the Fresno metropolitan area has had to develop extensive infrastructure to direct and contain these flows to avoid property damage. Much of Fresno's drainage infrastructure is provided by roadside surface gutters and curbing, tributary to drainage pipelines discharging into large ponding basins managed by FMFCD. The City of Fresno drainage ordinance (which governs grading practices) requires all properties to be graded so that they drain to the street and to storm drain inlets, not to abutting properties.

As also noted previously, FMFCD captures these flows to the maximum extent possible for groundwater recharge purposes. In order to protect the quality of stormwater runoff and the percolability of FMFCD basins used for recharge, the text amendment's special standards of practice and regulation require that grading and drainage arrangements for a cultivated site not allow silt or contaminants to enter the municipal stormwater drainage system.

Cultivation of small portions of land under provisions of this ordinance would involve parcels formerly graded for residential development. The extent of impervious surfacing on property with agricultural and community gardening would be far less than that associated with urban development of the same property (roofs, driveways, streets, sidewalks, etc.). Therefore, properties of less than an acre devoted to cultivation would not need to be re-graded to have appropriate drainage characteristics, but would need a stormwater filtration system to trap any silt or debris that may be washed off the cultivated area during a major storm. The special standards of practice and regulation mitigate this potential effect by requiring a vegetated swale for natural filtration to serve parcels under an acre in size.

In the fringe areas of Fresno, sites which have not been previously developed for residential uses may not have the concrete work (curb and gutter) installed on street frontages. Under Fresno County grading requirements, these properties are likely to be sloped to retain stormwater flow on the property rather than discharging these flows to the street. Therefore, an approved grading and drainage plan is needed to ensure appropriate drainage and stormwater pollution prevention provisions for portions of cultivated land over an acre in size. The text amendment further requires that any on-site stormwater detention facilities or percolation basins are required to conform to City policies for controlling potential mosquito breeding.

Mitigation Measures

Through its special standards of practice and regulation, the proposed project implements as applicable MEIR mitigation measures relating to hydrology (water supply, water quality, and drainage) as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist, dated August 28, 2013.

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

The proposed project is a text amendment providing for agricultural and community gardening uses on properties zoned for residential use; it does not physically divide an established community because it does not provide for new roadways or physical barriers except to address modifications to existing fencing requirements that apply to individual parcels.

Fresno does not have any established habitat plans within its boundaries and the City has not adopted a natural community conservation plan. In the Biological Resources section of this analysis, biological resources are discussed and mitigation has been incorporated into the project to protect biologically sensitive portions of the City.

Land Use Plans and Policies

The proposed text amendment furthers several 2025 Fresno General Plan goal statements which are supportive of agricultural and community gardening activities, particularly Goals 11, 14 and 16:

- Goal 1.** Enhance the quality of life for the citizens of Fresno and plan for the projected population within the moderately expanded Fresno urban boundary in a manner which will respect physical, environmental, fiscal, economic and social issues.
- Goal 10.** Provide quality open space, park and recreational facilities and programs to support the projected population.
- Goal 11.** Protect, preserve, and enhance significant biological, archaeological, and paleontological resources and critical natural resources, including, but not limited to, air, water, agricultural soils, minerals, plants, and wildlife resources.
- Goal 14.** Protect and improve public health and safety.
- Goal 15.** Recognize, respect and plan for Fresno’s cultural, social, and ethnic diversity.

Goal 16. Work cooperatively with the local agricultural industry to conserve prime farmland and respect its importance as Fresno County's base economic resource.

Growing crops and/or ornamental plants on such land provides new economic input, whether at a commercial truck gardening or farming scale, or at the level of neighborhood and household food security and dietary enhancement. The General Plan's Economic Development Element promotes all types of economic input. Growing food is also a deeply rooted cultural practice of most societies, and the option to raise specialty crops preserves Fresno's diverse ethnic heritages. Providing for community gardening in open space and park settings will foster community involvement and improve neighborhoods' sense of ownership and stewardship of those sites. As a base economic resource, Fresno County farmland has over \$6 billion in cash receipts (2012 data) and there is an economic multiplier effect that at least triples the value of this revenue stream in the local economy. As a city over 100 square miles in size in the heart of the irrigation district with the best water entitlements in the county, the City of Fresno has long been a participant in the agricultural economy.

Because the 2025 Fresno General Plan Urban Form Element was oriented to showing full buildout of all buildable land within its Sphere of Influence, most General Plan objectives and policies dealing with agricultural land were directed toward "metering" development to avoid premature conversion of agricultural land. While no "agricultural reserve" land was designated in the 2025 Fresno General Plan, Plan policies did not call for a cessation of farming; instead, in recognition of property owners' right to farm and in recognition of the economic benefits of farming, General Plan objectives and policies to protect farming on land designated for agricultural use. Numerous City subdivision maps were processed with a requirement that the subdivider execute a Right to Farm covenant, which would be binding on all subsequent land owners, requiring acceptance of the usual effects of living in proximity to land being actively cultivated.

Even though General Plan objectives and policies inveighed against "premature" conversion of agricultural land, there was no regulatory mechanism to prevent large enclaves of Fresno's fringe area, with viable agricultural operations, from being rezoned for residential use and approved for tentative subdivision maps. Economic conditions subsequently occurred that caused planned (and zoned) enclaves of residential land to fail to timely develop with urban housing. Additionally, the required rounding off annexation boundaries has required rezoning of land that was being actively farmed which was not subject to any urban development applications or entitlements (owners of this land had no intention to stop farming; they were not actively seeking annexation or urban residential zoning).

In addition to the policies intending to protect farming outside areas where land is designated for agricultural use, the 2025 Fresno General Plan contained two specific policies for farming land inside the city. Text Amendment Application No. TA-13-02 serves as an implementation measure for these 2025 Fresno General Plan policies:

G-6-a. Policy: Allow for continued agricultural use of vacant land in the city consistent with standards for the protection of the environment, public safety and well-being, and the planned, orderly, and efficient development of the urban area.

G-5-g. Policy: In the San Joaquin River Bottom, accommodate agricultural uses that do not stimulate unplanned growth or conversion of designated open space land to urban uses.

Policy No. G-6-a expressly acknowledges that within City boundaries has been cultivated. This policy was drafted in the late 1990s and adopted by the City in 2002, evidence that agricultural use of property in the City is a longstanding practice. It should be additionally noted that this longstanding practice has not resulted in hazardous material incidents or widespread nuisance problems. Because the proposed project is consistent with, and implements, goals and policies of the 2025 Fresno General Plan, no additional mitigation for land use impacts is required.

The City is engaging in a series of workshops toward formulating a General Plan Update. The proposed new General Plan will include a "Healthy Communities" Element, which is proposed to feature a section on "Access to Healthy Food." Attachment 10 presents the background discussion from a workshop draft of that General Plan update section, which indicates a clear need to use all reasonable means to increase the availability of fresh food for Fresno residents.

Because community gardens may be co-located with other facilities that have existing special permits, and because the group activity nature of community gardening creates a need for clear identification of responsible party, set operating parameters, and written authorization of property owners (who may not choose to participate in the group gardening activity), the text amendment has requirements for establishment of these facilities. In consultation with local community gardening advocates, the text amendment was revised from its August 6, 2013 draft version to reduce the regulatory burden with regard to special permit applications and grading clearances for parcels under an acre. Backflow prevention requirements were also clarified so that the special standards of regulation and practice clearly require cross-contamination prevention equipment appropriate to the nature and scale of irrigation systems used.

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

Areas of Fresno classified as having high-quality aggregate mineral resources are depicted in Exhibit 10 of the 2025 Fresno General Plan, and are located in the San Joaquin Riverbottom. Cultivation of designated aggregate mineral resource land is not considered a competing or conflicting use that would prevent mineral resource preservation or impede access to or recovery of these resources. Activities conducted pursuant to the text amendment would not

utilize an undue amount of aggregate mineral resources. Therefore, no mitigation is required for mineral resources.

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
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. Urban noise is ubiquitous and generated by many sources.

In certifying the MEIR for the 2025 Fresno General Plan (in Appendix B of City Council Resolution No. 2002-378), the City adopted a Finding of Over-Riding Consideration for significant and unavoidable adverse noise impacts that reads, in part,

“The innumerable activities associated with urban living environments typically generate noise that contributes to the ambient noise levels that occur within the community....

“The City of Fresno hereby determines that specific economic, legal, social, technological, and other considerations...outweigh the unavoidable adverse environmental effects identified in the Final MEIR, including any effects not mitigated because of the infeasibility of mitigation measures....”

“The City of Fresno further determines that, based on the findings herein and the evidence in the record, the benefits identified below are each one, in and of themselves, sufficient to make a determination that the adverse environmental effects are acceptable...” [following are listings for considerations categorized as “Economic Considerations,” “Social Impacts,” “Job Creation,” “and “Provision of Affordable Housing”—each substantiated by documentation].”

In the MEIR analysis of noise impacts, , agricultural acreage was deemed to be at risk of noise from urbanization (rather than the other way around): “There are no reasonable mitigation measures available to the City of Fresno which would assure the reduction of impacts upon agricultural land within the planned urban area to a less-than-significant level.”

Use of mechanized agricultural equipment may periodically generate noise and vibration, but those impacts are generally commensurate with, or less than, the levels of noise and vibration that would be involved in preparing the land for construction of homes and infrastructure. Grading and compaction activities for building roads and homes have a duration of days, with multiple layers of material traversed multiple times by water trucks and compaction equipment. In contrast, deep tillage to prepare land for permanent tree and vine crops is completed in one pass. Potential noise from subsequent mechanized cultivation of farmland is commensurate with routine maintenance of vacant land to disk for weeds, as required by the City’s Weed Abatement Ordinance. Use of smaller mechanized equipment for cultivation of smaller plots of land would generate noise commensurate with residential use of roto-tillers, lawn mowers, weed-whackers, and so forth.

Harvest activities which involve shaking trees to dislodge nuts do utilize specialized padded shakers, but the level of vibration is kept to a minimum to avoid breaking trees. Vibration from this activity does not cause disturbance in ground surfaces and is not sufficient to adjacent damage property.

The ambient noise characteristics for agricultural property are not characterized in the City’s Noise Ordinance (Fresno Municipal Code Sections 10-102 *et seq.*). However, subject to qualification by recorded “Right to Farm” covenants, state Right to Farm law, and the Fresno County Right to Farm Ordinance, properties affected by excess farm equipment noise can seek redress under the City’s Noise Ordinance abatement procedures.

The proposed text amendment does prohibit two potential sources of agricultural noise that would not be ordinary activities essential to the right to farm or to prepare and maintain residential zoned property: aircraft application of pesticides, and the use of percussive equipment to repel birds and disrupt hail. Those noise mitigating prohibitions are incorporated into the project. .

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

The text amendment pertains to property which has no existing dwelling units and no residents; no displacement could occur. The project would not result in diminution of the inventory of land available to construct housing, because it would not involve amending the planned land use to anything other than residential, or rezoning the land to anything other than residential.

Property with residential zoning and provision for urban utilities is more cost-effective to develop with homes than property that has not been zoned (or pre-zoned) for residential use. Therefore, when market demand and financial conditions support development of housing on this land, cultivation activities would end and planned residential development would proceed as provided by its assigned residential zoning. For this reason, its interim use for cultivation would not induce population growth outside of areas planned for residential uses. No mitigation is required for population and housing impacts.

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

The text amendment project will not add service demand for public services or facilities, and contains provisions to prevent demands upon public drainage and flood control facilities. By allowing vacant land to be put into managed use (with cultivation and irrigation), the project should reduce service demand on fire protection services by reducing Fresno's inventory of vacant lots requiring weed abatement and trash clean-up.

Potential physical alteration of parks for community gardening activities will not be adverse, due to the requirement that the conditional use permit for such parks be formally revised. Through the review process for the revised special permit for the park, the Development and Resource Management Department will have the ability to place conditions on community gardening activities to ensure adequate park space remains to serve other community needs so that parks continue to meet their objectives in a beneficial way.

Therefore, the proposed project will not pose any adverse impacts on public services, and no additional mitigation is necessary beyond that provided in the project's special standards and regulations and through City requirements and procedures for revising special permits.

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

The project does not remove any existing recreational facilities, inasmuch as using portions of parks for community gardening is a form of recreational use of park sites.

As noted previously, establishment of community gardens on City park property would be evaluated through the special permit revision process, and conditions may be applied (in addition to the requirements set forth in the text amendment's special standards of practice and regulation section) to prevent physical deterioration of the facility or other adverse effects on the environment. Therefore, the proposed project will not pose any adverse impacts on recreation, and no additional mitigation is necessary beyond that provided in the project's special standards and regulations and through City requirements and procedures for revising special permits.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?				x

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways?				x
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				x
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			x	
e) Result in inadequate emergency access?				x
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				x

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

When property develops with intensive urban uses, developers are required to improve street frontages with the full range of transportation facilities that the new residents and customers at the site will require. (There is a rational nexus between added vehicle trips and alternative transportation demand, and the improvements necessary to meet that demand.) Land that is cultivated does not generate sufficient vehicle trips to necessitate (or justify) exaction of the City's urban level of street improvements.

Land subject to the proposed project would already be zoned for residential uses, and may be located near existing developed urban uses or land in the process of developing. For that reason, it was determined that, while full street improvements could not be required in order to cultivate property, some provisions are needed to protect future planned right-of-way, and to provide for safe vehicular travel on abutting streets and safe pedestrian passage outside of paved traffic lanes of streets. Therefore, mitigation has been incorporated into the project: the proposed special standards of practice and regulation which disallow the planting of trees and

vines in planned rights-of-way, prohibit construction of new water wells in those areas, and which limit the type and extent of irrigation facilities installed in those areas. The required setbacks provide for on-site turning area at the ends of rows to distancing road traffic from farm equipment engaged in cultivation.

As is the case for all San Joaquin Valley cities, roadways at the urban fringe of Fresno are used to move pieces of farm equipment; it is acknowledged that this equipment may travel slower than posted speed limits. The required setback of trees and vines from roadways also provides an enhanced line-of-sight for driveways and side streets that intersect public thoroughfares, so that farm equipment drivers can avoid entering travel lanes in front of oncoming traffic.

Because the properties subject to this text amendment are within the corporate boundary of Fresno, the City Police Department Traffic Unit will have jurisdiction to cite any unsafe travel by such equipment, and can enforce requirements for placarding, vehicle safety lights, and failure to yield.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 proposed project would not create service demand for sewage (wastewater) treatment or conveyance, because any structures or support structure rest rooms constructed to serve agricultural activities or community gardens would be well below the service demand posed by buildout of more intensive residential or recreational facilities.

As has been noted in previous sections relating to water (hydrology, quality, and drainage), the proposed text amendment contains extensive water- and drainage-related provisions that constitute mitigation incorporated into the project for ensuring adequate water supplies (via conservation mandates and appropriate mitigation for water use) and for preventing burdens on the municipal drainage system. The special standards of practice and regulation include provisions applicable to any on-site drainage facilities. Adverse impacts would be prevented through the grading plan review process and the requirement to conform to the City's Basin Design Guidelines for prevention of mosquito breeding (see Attachment 11).

The special standards of practice and regulation require that provision be made for managing trash generated on cultivated property. The quantity of solid waste generated from cultivation is expected to be less than that which would be generated from built-out residential neighborhoods on the property, and the type of waste generated from cultivation is typically green waste, more amenable to composting than municipal trash. Non-green waste trash collected in Fresno is routed through a material sorting and recycling facility, so that the net quantity of solid waste being sent to a repository is relatively small. The City of Fresno has one of the highest waste recycling rates in the nation, exceeding State (AB 949) standards for a fifty percent waste diversion rate. The designated repository for the City's non-recyclable waste stream is the Fresno County American Avenue Landfill, whose capacity is sufficient for the foreseeable future (over 35 years remaining in current permitted capacity).

With the mitigation incorporated into the project via the special standards of practice and regulation, no project-specific mitigation is determined to be necessary for utility and service system impacts.

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

In summary, given the preceding analysis and mitigation measures implemented by, and being incorporated into, the text amendment, it may be concluded that the proposed project:

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

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

Attachments:

1. Map of the City of Fresno's corporate boundary with Sphere of Influence Boundary
2. Map of vacant, agricultural, and rural residential parcels within the City of Fresno (graphic updated September 12, 2013)
3. Map of Generalized Fresno County Zoning in the Fresno-Clovis Metropolitan Area
4. 2013 Aerial photo of the Fresno-Clovis Metropolitan Area
5. The California Right To Farm Act (Civil Code Section 3482.5)
6. Legislative Findings for the 2011 California Farmland Conservancy Program Act
7. Tables tracking acres of important Fresno County farmland converted to other uses, 1984 through 2012 (California Department of Conservation)
8. 2010 California Department of Conservation Map of Important Farmland excerpt, Fresno-Clovis Metropolitan Area, with map key
9. Excerpt from Fresno City Council Resolution No. 2002-378 for certification of the 2025 Fresno General Plan MEIR, Exhibit B - Findings relating to significant unavoidable adverse impacts relating to preservation of agricultural land.
10. Excerpt from Workshop Discussion Draft of the "Access to Healthy Food" section of the "Health[y] Communities Element" of the pending City of Fresno General Plan Update
11. City of Fresno Guidelines for Basin & Pond Maintenance with Public Works Standards P-62 and P-45 for constructing and fencing ponding/percolation basins

Exhibit B, MEIR No. 10130 Review Summary

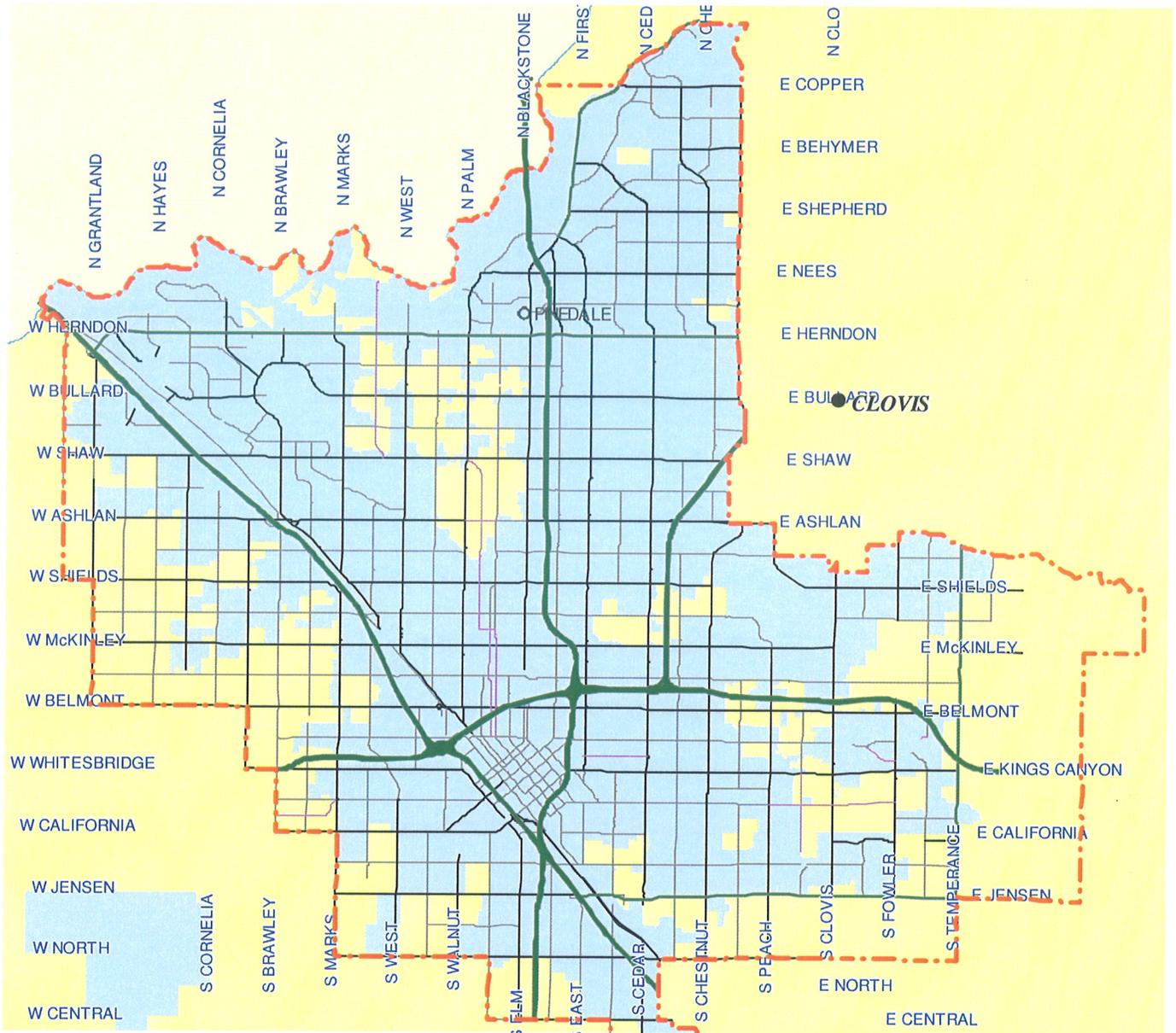
Exhibit C, MEIR Mitigation Measure Monitoring Checklist, dated August 28, 2013

Exhibit D, Project-Specific Mitigation Measure Monitoring Checklist, dated August 28, 2013

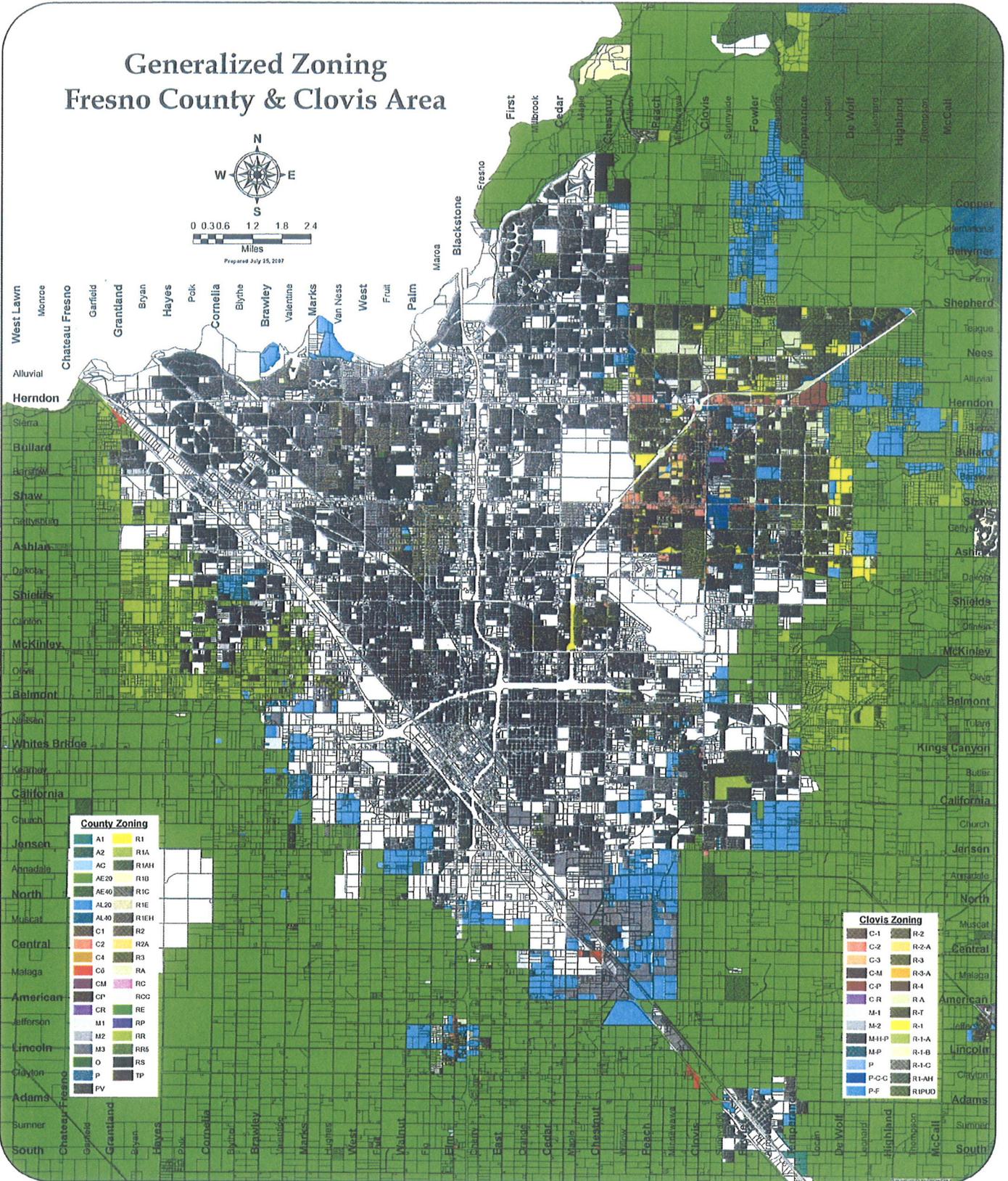
List of Agencies and Sources Consulted

Fresno County Certified Unified Permit Agency (Environmental Health Services/Health Department)
Fresno County Agriculture Commissioner
San Joaquin Valley Unified Air Pollution Control District
Fresno County Airport Land Use Commission
Fresno County Local Agency Formation Commission
City of Fresno Development and Resource Management Department, Development Services
Division, Building & Safety Services Section
City of Fresno Department of Public Utilities, Water Division
Central Valley Regional Water Quality Control Board
Fresno Metropolitan Flood Control District
2025 Fresno General Plan, its MEIR, and Fresno City Council Resolution No. 2002-378 for MEIR
Certification
Fresno Municipal Code
December 9, 2008 Report to the Fresno City Council, PARCS Department budget allocation for
community gardens
Black's Law Dictionary, online 2nd Edition
City of Fresno Community Gardening handout (DARM, 2010)
2000 Fresno County General Plan, Background Report, and its EIR (SCH #99051024)
Cortese-Knox-Herzberg Local Government Reorganization Act
Fresno County Local Agency Formation Commission Right To Farm sample covenant
Fresno City Council Resolution No. 2006-160, establishing procedures for the City to succeed to
Agricultural Land Conservation (Williamson Act) contracts
California Department of Conservation, Farmland Mapping Program, maps and data tables
California Agriculture's Role in the Economy and Water Use Characteristics (California State
University, Fresno, 2011)
2012 Fresno County Annual Crop & Livestock Report
California Farmland Conservancy Act (2011)
South Coast Air Quality Management District, SIP Rule 403-1 (wind entrainment)
Maricopa County [Arizona] PM10 Inventory, Dust Emission Factor methodology section
ICF International Community-Based Surveillance of Supports for Healthy Eating/Active Living
(CBS HE/AL) Surveillance Pilot Study, 2012
Food Hardship in America study (Food Research and Action Center, 2012)
Community Garden Policy Reference Guide (Public Health Law Center, William Mitchell College of Law)

Attachment 1: Map of the City of Fresno's corporate boundaries
 (The City of Fresno Sphere of Influence boundary is the red dash & dot line)



Generalized Zoning Fresno County & Clovis Area



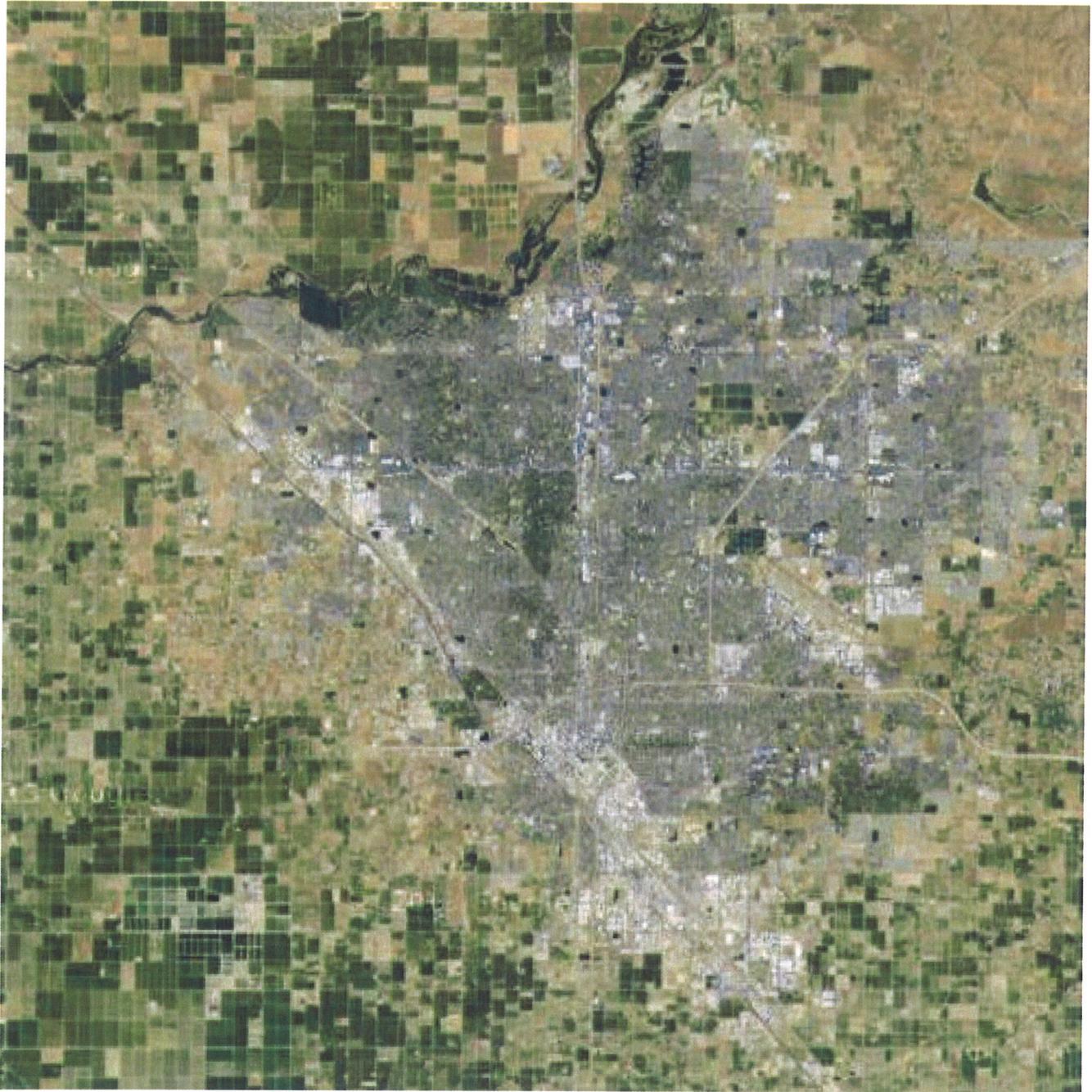
County Zoning

A1	R1
A2	R1A
AC	R1AH
AE20	R1B
AE40	R1C
AL20	R1E
AL40	R1EH
C1	R2
C2	R2A
C4	R3
C6	RA
CM	RC
CP	RCC
CR	RE
M1	RP
M2	RR
M3	RRS
O	RS
P	TP
PV	

Clovis Zoning

C-1	R-2
C-2	R-2A
C-3	R-3
C-M	R-3-A
C-P	R-4
C-R	R-A
M-1	R-T
M-2	R-1
M-1-P	R-1-A
M-P	R-1-B
P	R-1-C
P-C-C	R-1-AH
P-F	R1PU0

Attachment 4: 2013 Aerial Photo of the Fresno-Clovis Metropolitan Area
© 2013 GoogleMap product, satellite photo credited to TerraMetrics



Attachment 5

CALIFORNIA CIVIL CODE § 3482.5, "THE RIGHT TO FARM ACT"
California Agricultural Protection Act
CALIFORNIA CIVIL CODE
DIVISION 4. GENERAL PROVISIONS
PART 3. NUISANCE
TITLE 1. GENERAL PRINCIPLES

§ 3482.5. Agricultural activity not a nuisance; exceptions; construction with other laws

- (a) (1) No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than three years if it was not a nuisance at the time it began.
- (2) No activity of a district agricultural association that is operated in compliance with Division 3 (commencing with Section 3001) of the Food and Agricultural Code, shall be or become a private or public nuisance due to any changed condition in or about the locality, after it has been in operation for more than three years if it was not a nuisance at the time it began. This paragraph shall not apply to any activities of the 52nd District Agricultural Association that are conducted on the grounds of the California Exposition and State Fair, nor to any public nuisance action brought by a city, county, or city and county alleging that the activities, operations, or conditions of a district agricultural association have substantially changed after more than three years from the time that the activities, operations, or conditions began.
- (b) Paragraph (1) of subdivision (a) shall not apply if the agricultural activity, operation, or facility, or appurtenances thereof obstruct the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.
- (c) Paragraph (1) of subdivision (a) shall not invalidate any provision contained in the Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 (commencing with Section 13000) of the Water Code, if the agricultural activity, operation, or facility, or appurtenances thereof constitute a nuisance, public or private, as specifically defined or described in any of those provisions.
- (d) This section shall prevail over any contrary provision of any ordinance or regulation of any city, county, city and county, or other political subdivision of the state. However, nothing in this section shall preclude a city, county, city and county, or other political subdivision of this state, acting within its constitutional or statutory authority and not in conflict with other provisions of state law, from adopting an ordinance that allows notification to a prospective homeowner that the dwelling is in close proximity to an agricultural activity, operation, facility, or appurtenances thereof and is subject to the provisions of this section consistent with Section 1102.6a.

- (e) For purposes of this section, the term "agricultural activity, operation, or facility, or appurtenances thereof" shall include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with those farming operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market.

**ENACTED IN 1981, AMENDED IN 1993 AND 1999.
REVIEWED AND UPDATED BY AAHS IN JUNE 2001.**

CALIFORNIA FARMLAND CONSERVANCY PROGRAM ACT

PUBLIC RESOURCES CODE

10200. This division shall be known, and may be cited, as the California Farmland Conservancy Program Act. Any other references in this division to the Agricultural Land Stewardship Program Act of 1995 shall hereafter mean the California Farmland Conservancy Program Act.

10201. The Legislature hereby finds and declares all of the following:

- (a) The agricultural lands of the state contribute substantially to the state, national, and world food supply and are a vital part of the state's economy.
- (b) The growing population and expanding economy of the state have had a profound impact on the ability of the public and private sectors to conserve land for the production of food and fiber, especially agricultural land around urban areas.
- (c) Agricultural lands near urban areas that are maintained in productive agricultural use are a significant part of California's agricultural heritage. These lands contribute to the economic betterment of local areas and the entire state and are an important source of food, fiber, and other agricultural products. Conserving these lands is necessary due to increasing development pressures and the effects of urbanization on farmlands close to cities.
- (d) The long-term conservation of agricultural land is necessary to safeguard an adequate supply of agricultural land and to balance the increasing development pressures around urban areas.
- (e) A program to encourage and make possible the long-term conservation of agricultural lands is a necessary part of the state's agricultural land protection policies and programs, and it is appropriate to expend money for that purpose. A program of this nature will only be effective when used in concert with local planning and zoning strategies to conserve agricultural land. (f) Funding is necessary to better address the needs of conserving agricultural land near urban areas.

10202. It is the intent of the Legislature, in enacting this division, to do all of the following:

- (a) Encourage voluntary, long-term private stewardship of agricultural lands by offering landowners financial incentives.
- (b) Protect farming and ranching operations in agricultural areas from nonfarm or nonranch land uses that may hinder and curtail farming or ranching operations.
- (c) Encourage long-term conservation of productive agricultural lands in order to protect the agricultural economy of rural communities, as well as that of the state, for future generations of Californians.
- (d) Encourage local land use planning for orderly and efficient urban growth and conservation of agricultural land.
- (e) Encourage local land use planning decisions that are consistent with the state's policies with regard to agricultural land conservation.
- (f) Encourage improvements to enhance long-term sustainable agricultural uses.

Attachment 7: California Department of Conservation Statistics for Conversion of Important Farmland in Fresno County

2000-2010 FRESNO COUNTY Land Use Summary
CALIFORNIA DEPARTMENT OF CONSERVATION
Farmland Mapping and Monitoring Program
 PERCENTAGE OF COUNTY INVENTORIED: 63%

LAND USE CATEGORY	ACREAGE BY CATEGORY (1)						2000-2010 NET ACREAGE CHANGED	AVERAGE ANNUAL ACREAGE CHANGE
	2000	2002	2004	2006	2008 (3)	2010		
Prime Farmland	734,052	731,936	722,584	713,085	693,174	685,411	-48,641	-4,864
Farmland of Statewide Importance	491,569	490,266	483,786	478,729	439,020	415,689	-75,880	-7,588
Unique Farmland	104,223	102,232	100,316	98,090	94,177	92,649	-11,574	-1,157
Farmland of Local Importance	70,691	74,357	84,857	95,534	149,907	176,524	105,833	10,583
Important Farmland Subtotal	1,400,535	1,398,791	1,391,543	1,385,438	1,376,278	1,370,273	-30,262	-3,026
Grazing Land	835,870	835,123	834,254	827,114	826,953	825,752	-10,118	-1,012
Agricultural Land Subtotal	2,236,405	2,233,914	2,225,797	2,212,552	2,203,231	2,196,025	-40,380	-4,038
Urban and Built-Up Land	104,934	107,535	110,899	115,366	117,567	120,753	15,819	1,582
Other Land	95,365	95,256	100,013	108,782	111,702	115,722	20,357	2,036
Water Area	4,911	4,911	4,911	4,912	4,914	4,914	3	0
Total Area Inventoried (2)	2,441,615	2,441,616	2,441,620	2,441,612	2,437,414	2,437,414	-4,201	-420

(1) Figures are generated from the most current version of the GIS data.

(2) Total area inventoried changed in 2000 with the addition of the Western Fresno soil survey area. At the same time, SSURGO data was incorporated into the 2000 data for the remainder of the mapped area.

(3) Total Area Inventoried changed in 2008 due to a legal boundary change in which land was transferred from Fresno to Merced counties. This change was effective January 2008.

1984-2000 FRESNO COUNTY Land Use Summary
CALIFORNIA DEPARTMENT OF CONSERVATION
 Farmland Mapping and Monitoring Program
 PERCENTAGE OF COUNTY INVENTORIED: 29%

LAND USE CATEGORY	ACREAGE BY CATEGORY (1)										1984-2000 NET ACREAGE CHANGED	AVERAGE ANNUAL ACREAGE CHANGE
	1984	1986	1988	1990	1992	1994	1996 (2)	1998	2000			
Prime Farmland	381,079	380,571	380,014	378,490	375,164	374,246	371,858	367,196	363,758	-17,321	-1,083	
Farmland of Statewide Importance	146,408	146,338	146,562	145,732	144,689	144,176	143,004	141,046	139,546	-6,862	-429	
Unique Farmland	96,593	97,068	99,464	99,089	96,957	96,620	96,007	95,212	93,751	-2,842	-178	
Farmland of Local Importance (3)	29,262	28,615	27,533	29,909	29,421	29,644	31,167	42,135	45,112	15,850	991	
Important Farmland Subtotal	653,342	652,592	653,573	653,220	646,231	644,686	642,036	645,589	642,167	-11,175	-698	
Grazing Land	333,406	333,460	329,183	314,845	309,042	308,993	308,216	319,814	319,691	-13,715	-857	
Agricultural Land Subtotal	986,748	986,052	982,756	968,065	955,273	953,679	950,252	965,403	961,858	-24,890	-1,556	
Urban and Built-Up Land	74,148	75,493	77,192	81,410	84,650	86,124	89,272	93,309	97,002	22,854	1,428	
Other Land (3)	57,734	56,984	58,600	69,104	78,656	79,306	79,525	60,594	60,446	2,712	170	
Water Area	4,562	4,667	4,646	4,614	4,615	4,086	4,146	3,891	3,891	-671	-42	
Total Area Inventoried (4)	1,123,192	1,123,196	1,123,194	1,123,193	1,123,194	1,123,195	1,123,195	1,123,197	1,123,197	5	0	

(1) Figures are generated from the most current version of the GIS data. Files dating from 1984 through 1992 were reprocessed with a standardized county line in the Albers Equal Area projection, and other boundary improvements.

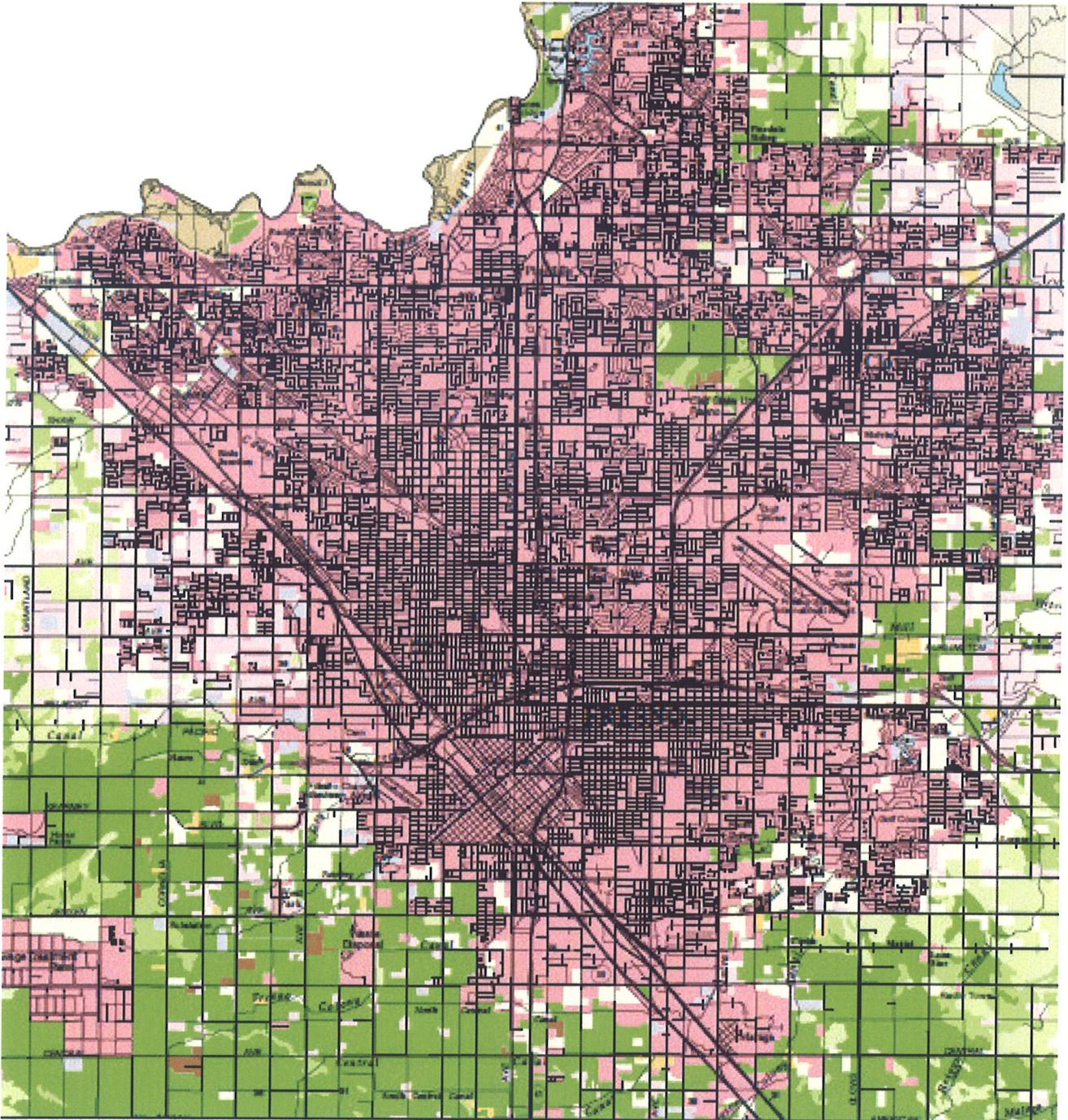
(2) Acreage for Water changed in 1996 when refinements were made to lake and river boundaries from imagery and 1:24,000-scale quadrangles.

(3) Farmland of Local Importance increases, while Other Land decreases, between 1996 and 1998 due to a change in the Farmland of Local Importance definition--the county added confined animal facilities to the definition.

(4) Total area inventoried changed in 2000 with the addition of the Western Fresno soil survey area. See other worksheet for newer data.

Attachment 8: 2010 California Department of Conservation Important Farmland Map – Eastern Fresno County, excerpt showing area around the City of Fresno

(map key is on following page)





PRIME FARMLAND - 693,173 acres

PRIME FARMLAND HAS THE BEST COMBINATION OF PHYSICAL AND CHEMICAL FEATURES ABLE TO SUSTAIN LONG-TERM AGRICULTURAL PRODUCTION. THIS LAND HAS THE SOIL QUALITY, GROWING SEASON, AND MOISTURE SUPPLY NEEDED TO PRODUCE SUSTAINED HIGH YIELDS. LAND MUST HAVE BEEN USED FOR IRRIGATED AGRICULTURAL PRODUCTION AT SOME TIME DURING THE FOUR YEARS PRIOR TO THE MAPPING DATE.



FARMLAND OF STATEWIDE IMPORTANCE - 439,020 acres

FARMLAND OF STATEWIDE IMPORTANCE IS SIMILAR TO PRIME FARMLAND BUT WITH MINOR SHORTCOMINGS, SUCH AS GREATER SLOPES OR LESS ABILITY TO STORE SOIL MOISTURE. LAND MUST HAVE BEEN USED FOR IRRIGATED AGRICULTURAL PRODUCTION AT SOME TIME DURING THE FOUR YEARS PRIOR TO THE MAPPING DATE.



UNIQUE FARMLAND - 94,177 acres

UNIQUE FARMLAND CONSISTS OF LESSER QUALITY SOILS USED FOR THE PRODUCTION OF THE STATE'S LEADING AGRICULTURAL CROPS. THIS LAND IS USUALLY IRRIGATED, BUT MAY INCLUDE NONIRRIGATED ORCHARDS OR VINEYARDS AS FOUND IN SOME CLIMATIC ZONES IN CALIFORNIA. LAND MUST HAVE BEEN CROPPED AT SOME TIME DURING THE FOUR YEARS PRIOR TO THE MAPPING DATE.



FARMLAND OF LOCAL IMPORTANCE - 137,507 acres

ALL FARMABLE LANDS WITHIN FRESNO COUNTY THAT DO NOT MEET THE DEFINITIONS OF PRIME, STATEWIDE, OR UNIQUE. THIS INCLUDES LAND THAT IS OR HAS BEEN USED FOR IRRIGATED PASTURE, DRYLAND FARMING, CONFINED LIVESTOCK AND DAIRY, POULTRY FACILITIES, AQUACULTURE AND GRAZING LAND.



GRAZING LAND - 826,955 acres

GRAZING LAND IS LAND ON WHICH THE EXISTING VEGETATION IS SUITED TO THE GRAZING OF LIVESTOCK.



CONFINED ANIMAL AGRICULTURE - 12,399 acres

CONFINED ANIMAL AGRICULTURAL LANDS INCLUDE POULTRY FACILITIES, FEEDLOTS, DAIRY FACILITIES, AND FISH FARMS. IN SOME COUNTIES, CONFINED ANIMAL AGRICULTURE IS A COMPONENT OF THE FARMLAND OF LOCAL IMPORTANCE CATEGORY.



NONAGRICULTURAL AND NATURAL VEGETATION - 33,466 acres

NONAGRICULTURAL AND NATURAL VEGETATION INCLUDES HEAVILY WOODED, ROCKY OR BARREN AREAS, RIPARIAN AND WETLAND AREAS, GRASSLAND AREAS WHICH DO NOT QUALIFY FOR GRAZING LAND DUE TO THEIR SIZE OR LAND MANAGEMENT RESTRICTIONS, SMALL WATER BODIES AND RECREATIONAL WATER SKI LAKES. CONSTRUCTED WETLANDS ARE ALSO INCLUDED IN THIS CATEGORY.



SEMI-AGRICULTURAL AND RURAL COMMERCIAL LAND - 6,721 acres

SEMI-AGRICULTURAL AND RURAL COMMERCIAL LAND INCLUDES FARMSTREADS, AGRICULTURAL STORAGE AND PACKING SHEDS, UNPAVED PARKING AREAS, COMPOSTING FACILITIES, EQUINE FACILITIES, FIREWOOD LOTS, AND CAMPGROUNDS.



VACANT OR DISTURBED LAND - 30,611 acres

VACANT OR DISTURBED LAND INCLUDES OPEN FIELD AREAS THAT DO NOT QUALIFY FOR AN AGRICULTURAL CATEGORY, MINERAL AND OIL EXTRACTION AREAS, OFF ROAD VEHICLE AREAS, ELECTRICAL SUBSTATIONS, CHANNELIZED CANALS, AND RURAL FREEWAY INTERCHANGES.



RURAL RESIDENTIAL LAND - 40,906 acres

RURAL RESIDENTIAL LAND INCLUDES RESIDENTIAL AREAS OF ONE TO FIVE STRUCTURES PER TEN ACRES.



URBAN AND BUILT-UP LAND - 117,568 acres

URBAN AND BUILT-UP LAND IS OCCUPIED BY STRUCTURES WITH A BUILDING DENSITY OF AT LEAST 1 UNIT TO 1.5 ACRES, OR APPROXIMATELY 6 STRUCTURES TO A 10-ACRE PARCEL. COMMON EXAMPLES INCLUDE RESIDENTIAL, INDUSTRIAL, COMMERCIAL, INSTITUTIONAL FACILITIES, CEMETERIES, AIRPORTS, GOLF COURSES, SANITARY LANDFILLS, SEWAGE TREATMENT, AND WATER CONTROL STRUCTURES.



WATER - 4,915 acres

PERENNIAL WATER BODIES WITH AN EXTENT OF AT LEAST 40 ACRES.

Attachment 9

Draft MEIR No. 10130
2025 Fresno General Plan
Page 4

Council Resolution No. 2002-378
City Council Hearing 11/19/02
Exhibit B

3. Preservation of Agricultural Land

Implementation of the 2025 Fresno General Plan will result in the permanent displacement of 9,333 acres of vacant land and/or productive agricultural land; and residential uses may conflict with agricultural operations which typically result in generation of pesticide residues, noise and dust. The following are the facts, findings statement and analysis associated with expected unmitigable impacts of the loss of productive agricultural resources:

Findings - Evidence and Explanation in Support of Findings

a. The MEIR identifies numerous mitigation measures (E-1, E-2, E-3 and E-4) intended to reduce the impacts upon agricultural land that is actively cultivated within or adjacent to the planned urban boundary. The 2025 Fresno General Plan, as the project, specifies numerous general plan goals (1, 3, 5, 6, 7, 9, 11, 14, 16) and implementing objectives and policies (objective G-5 and policies G-5-a through G-5-g and objective G-6 and policies G-6-a through G-6-d) that direct the planning and implementation of land use, public facility expansion and resource management strategies to facilitate the continued cultivation of agricultural lands within the planned urban boundary until such time as urban development is necessary and appropriate. These strategies are particularly applicable to properties that will constitute the transition area between urban and agricultural areas.

b. The MEIR and the 2025 Fresno General Plan identify numerous mitigation measures (D-1 through D-9) and goals and policies (goals 1, 3, 5, 6, 7, 9, 11, 14, 16) together with numerous policies contained in the Regional Cooperation, Urban Form, Economic Development, Public Facilities, Open Space and Resource Conservation Elements) to provide comprehensive strategies to maintain water quantity and quality, support the attainment of air quality standards and manage the projected demand for urban development in a manner that limits adverse impacts upon agricultural operations within and adjacent to the planned urban area. In addition, the Final MEIR responses to written comments (L-1 through L-35, BB-1 through BB-5) further elaborate upon the plan's strategies to protect and enhance the area's agricultural resources.

Conclusions: Loss of Productive Agricultural Resources

The conversion of agricultural land to urban uses within the planned urban boundary to accommodate the projected population and employment growth of the 2025 Fresno General Plan is a significant and unavoidable adverse impact, which can not be completely mitigated by measures within the control of the City of Fresno. The mitigation measures identified above (also included within Exhibit E of this resolution), and the numerous policy measures of the 2025 Fresno General Plan are feasible and will be incorporated into the project in accordance with CEQA Guidelines Section 15126.4. However, there are no reasonable mitigation measures available to only the City of Fresno which would assure the reduction of impacts upon agricultural land within the planned urban area to a less-than-significant level.

In order to provide a suitable living environment within the metropolitan area, the plan strives to facilitate expanded economic growth that will support increased employment opportunities. This is a particularly high priority considering the acutely severe local economic conditions, which include rates of unemployment typically ranging between 12 and 15 percent. Therefore, this impact would remain significant and unavoidable.

2002-378

Healthy Communities

ACCESS TO HEALTHY FOOD

In addition to lack of exercise, poor diet is another major risk factor contributing to chronic disease prevalence. In the U.S., obesity and diet-related chronic disease rates are escalating; people are experiencing rising antibiotic resistance as a result of the treatment of farm animals; food, air, soil, and water are being contaminated from chemicals and pathogens related to agriculture; and natural resources such as fresh water and prime farmland are being depleted. These threats have environmental, social, and economic costs that are growing, cumulative, and unequally distributed. These issues all relate to the food system—what we eat and how it is produced.

Obesity is a particularly important concern for the healthy development of children. Childhood obesity has more than tripled in the past 30 years. The prevalence of obesity among children aged 6 to 11 years increased from 6.5 percent in 1980 to 19.6 percent in 2008. The prevalence of obesity among adolescents aged 12 to 19 years increased from 5 percent to 18.1 percent.¹ Obese youth are more likely to have risk factors for cardiovascular disease, such as high cholesterol or high blood pressure. Children and adolescents who are obese are also at greater risk for bone and joint problems, sleep apnea, and social and psychological problems such as stigmatization and poor self-esteem.^{2,3} Finally, obese youth are more likely than youth of normal weight to become overweight or obese adults, and therefore more at risk for associated adult health problems, including heart disease, Type 2 diabetes, stroke, several types of cancer, and osteoarthritis.

Fresno County children and adults are more overweight, suffer from diabetes and heart disease, are less physically active and have less access to healthy food and recreational resources than their statewide counterparts. According to the 2009 California Health Interview Survey, the percentage of overweight and obese adults was 34.4 percent and 30.2 percent, compared to 33.6 percent and 22.7 percent statewide, respectively.⁴

In some communities, healthy food access is a big factor in obesity rates, particularly where there are challenges to both physical proximity and affordability. Residents in communities with a more “imbalanced food

1 Ogden, C.L., et al. “Prevalence of high body mass index in US children and adolescents, 2007–2008.” *Journal of the American Medical Association*, 303(3):242–9 (2010).

2 Daniels, S.R., et al. “Overweight in children and adolescents: pathophysiology, consequences, prevention, and treatment.” *Circulation*, 111;1999–2002, 2005.

3 U.S. Surgeon General. *Overweight and Obesity: Health Consequences*. Rockville: MD (2001).

4 California Health Interview Survey, 2009:
<http://www.chis.ucla.edu/main/DO3/output.asp?rn=0,7438928>

environment” (where fast food restaurants and corner stores are more convenient than grocery stores) have more health problems and higher mortality than residents of areas with a higher proportion of grocery stores, other factors held constant.⁵ Likewise, the presence of a supermarket in a neighborhood is linked to higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity.^{6,7} In low-income neighborhoods, the addition of a supermarket has been found to increase residents’ likelihood of meeting nutritional guidelines by one-third.⁸

“Food deserts,” defined as large and isolated geographic areas where mainstream grocery stores are absent or distant, are linked to poor food habits and associated negative diet-related health outcomes. The 2007 report

“Searching for Healthy Food: The Food Landscape in California Cities and Counties” report found that fast food restaurants and convenience stores were five times more prevalent in Fresno County than supermarkets and produce vendors.⁹ According to the USDA Food Desert Locator, there are 12 census tracts in the county that are classified as food deserts.¹⁰ The distribution of retail food outlets in the county is: 50 percent fast-food restaurants, 34 percent convenience stores, 12 percent supermarkets, 3 percent produce stores, and 1 percent farmer’s markets.³²

Furthermore, 21.6 percent of the population in the county is categorized as “food insecure” compared to 16.6 percent nationwide.¹¹ Fresno County, one of the world’s top producers of fruits and vegetables, exports much of its bounty out of the county. It is not uncommon for produce from Fresno County to be sold to a distributor who ships it out of the county, out of California or out of the U.S. for processing or packaging. The product then finds its way back to Fresno via national supermarket chains at a higher cost.

Figure HC-5 shows the locations where fresh food can be purchased in Fresno: full-service grocery stores and fresh produce markets, with a quarter-mile radius shown for each, which is often a walkable distance; farmers markets; and community gardens. Convenience stores are also mapped, although they may or may not have fresh produce available for purchase. Figure HC-5 also shows the food deserts identified by the USDA that are located within the city limits.

5 Mark Gallagher Research and Consulting Group, Examining the Impact of Food Deserts on Public Health in Chicago, 2006.

6 Inagami, S., et al., “You are where you shop: grocery store locations, weight, and neighborhoods,” American Journal of Preventative Medicine, Vol. 31, Issue 1 (2006).

7 Sturm, R., and A. Datar, “Body mass index in elementary school children, metropolitan area food prices, and food outlet density,” Public Health, Vol. 119 (2005).

8 Morland, K., et al., “The contextual effect of the local food environment on residents’ diet,” American Journal of Public Health, Vol. 92, Issue 11 (November 2002).

9 CA Center for Public Health Advocacy. (2007). Searching for Healthy Food, The Food Landscape in Fresno County.

10 United States Department of Agriculture. (2011). Food Dessert Locator, Fresno County.

11 Feeding America. (2011). Food Insecurity & Food Cost In the US, Fresno County.

Full service grocery stores and produce markets are actually well distributed around Fresno, with fewer on the city's edges; the areas west of Highway 99 are largely devoid of grocery options. All of the city's food deserts are located south of Belmont Avenue, with two west of Highway 99 and one south of the fairgrounds; the fourth one in southeast Fresno is an area under development.

Most city residents would be unable to easily walk to a grocery store though, since their locations are spread out. Only 10 percent of residential land in the city is within walking distance of a grocery store or fresh produce market. Farmers markets are clustered in the Downtown, but distributed in most areas except for central Fresno. The city has few community gardens, and these are mostly located in the eastern areas of Fresno.

Figure HC-6 represents the overlay of healthy food access with parks access. This map reveals that the central areas of Fresno south of Shaw Avenue and west of Highway 41—on both sides of Highway 99—are underserved by grocery stores as well as parks, with fewer and smaller parks than other parts of the city. This quadrant could be considered to be the part of Fresno with the least access to healthy living options. Smaller areas lacking healthy lifestyle access include the neighborhood between McKinley and Highways 41, 168, and 180; the neighborhood immediately west of the fairgrounds, and the area east of Highway 41 between Herndon, Bullard, and Cedar.

OPPORTUNITIES FOR IMPROVEMENT

The City became involved in healthy food access issues in 2007 when it was approached by several entities seeking to establish farmers' markets. One of these applicants had received grant funding, only to discover that in order to allow a farmers' market on its property, a rezoning was necessary to comply with land use regulations. As a consequence, the City has made the zoning regulations for farmers' markets more flexible. Additional initiatives for farmers' markets are presented in this element, and the concurrent Citywide Development Code update will offer regulations for integrating healthy community concepts into the City's regulations, consistent with General Plan policies and programs.

In addition, urban agriculture and community gardening are on the rise in Fresno and in cities around the country. The term "urban agriculture" refers to the growth or production of food for consumption or sale in and around a city or town. The term "community gardening" can include urban agriculture as well as recreational gardening in a community setting. Urban agriculture and community gardening typically occur on a small-scale in urban and suburban areas, such as in a backyard, school yard, or public community garden.

The benefits include:

- Recreational and community-building opportunities for residents;
- Inexpensive access to fresh, healthy produce – which can serve as part of the solution to food deserts and other public health issues related to diet, including obesity;

- Business opportunities for residents to sell goods they grow themselves, e.g. at farmers' markets; and
- Productive use for vacant or underutilized land.

The General Plan reflects the City's recent efforts to commit to several broad strategies to address these issues including

- The 2007 Fresno Green Strategy includes a policy to “encourage all city facilities (including schools) to serve at least 20 percent locally grown and organic foods beginning in 2009.” While this policy was intended mostly as an economic development strategy, it has the possibility to improve healthy food access;
- As part of a multi-jurisdictional working group dedicated to improving health by improving the built environment. The City adopted a “Resolution Supporting the Collaborative Efforts of the City of Fresno Planning and Development Department and the County of Fresno in their Efforts to Incorporate Public Health Strategies into Local Land Use, Transportation and Community Design Planning;”
- Additional partnerships with the County include Walkability Workshops in underserved neighborhoods, participation in Farmers Market and Community Garden conferences, and now, work on healthy communities in the General Plan and Code updates; and
- The City also has been working with The California Endowment in partnership with the communities of central, southeast, and southwest Fresno as part of its Building Healthy Communities campaign.

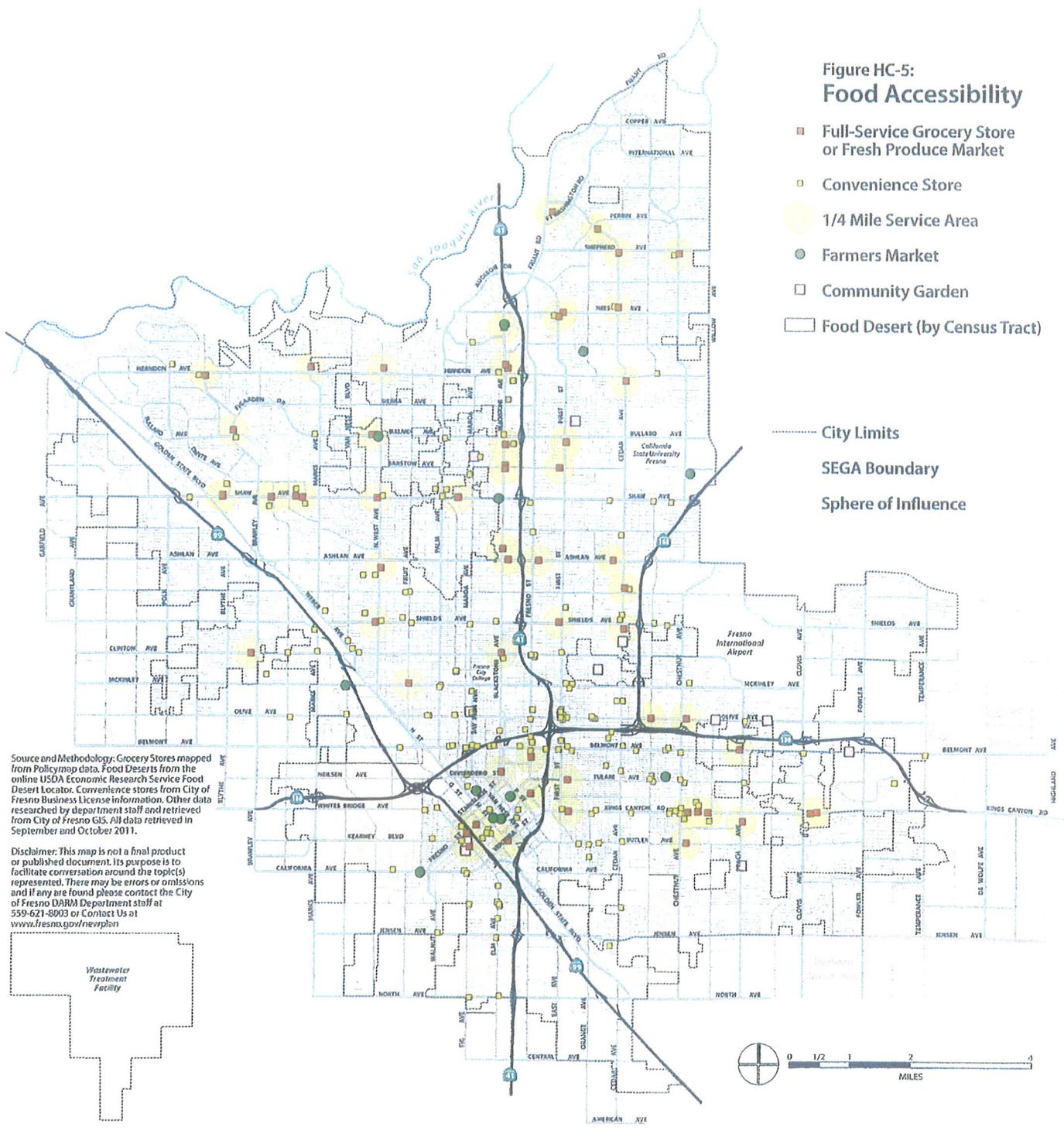
Also, several successful community gardens are thriving in Fresno and offer a precedent for further expansion. Because of the close ties between Fresnans and agriculture, there is significant expertise available to assist new gardeners with getting started. Examples of these resources include Fresno Metro Ministries, the Center for Creative Land Recycling, the Youth Council for Sustainable Communities, and the Fresno Economic Opportunities Commission.

In addition to supporting urban agriculture, farmers markets, and community gardens, the General Plan promotes institutional regional food purchasing, maintenance of local food culture and restrictions on fast food restaurants.

WORKING DRAFT

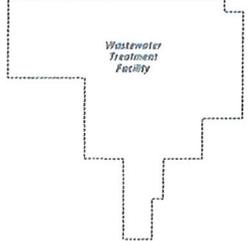
Figure HC-5:
Food Accessibility

- Full-Service Grocery Store or Fresh Produce Market
 - Convenience Store
 - 1/4 Mile Service Area
 - Farmers Market
 - Community Garden
 - Food Desert (by Census Tract)
-
- City Limits
 - SEGA Boundary
 - Sphere of Influence



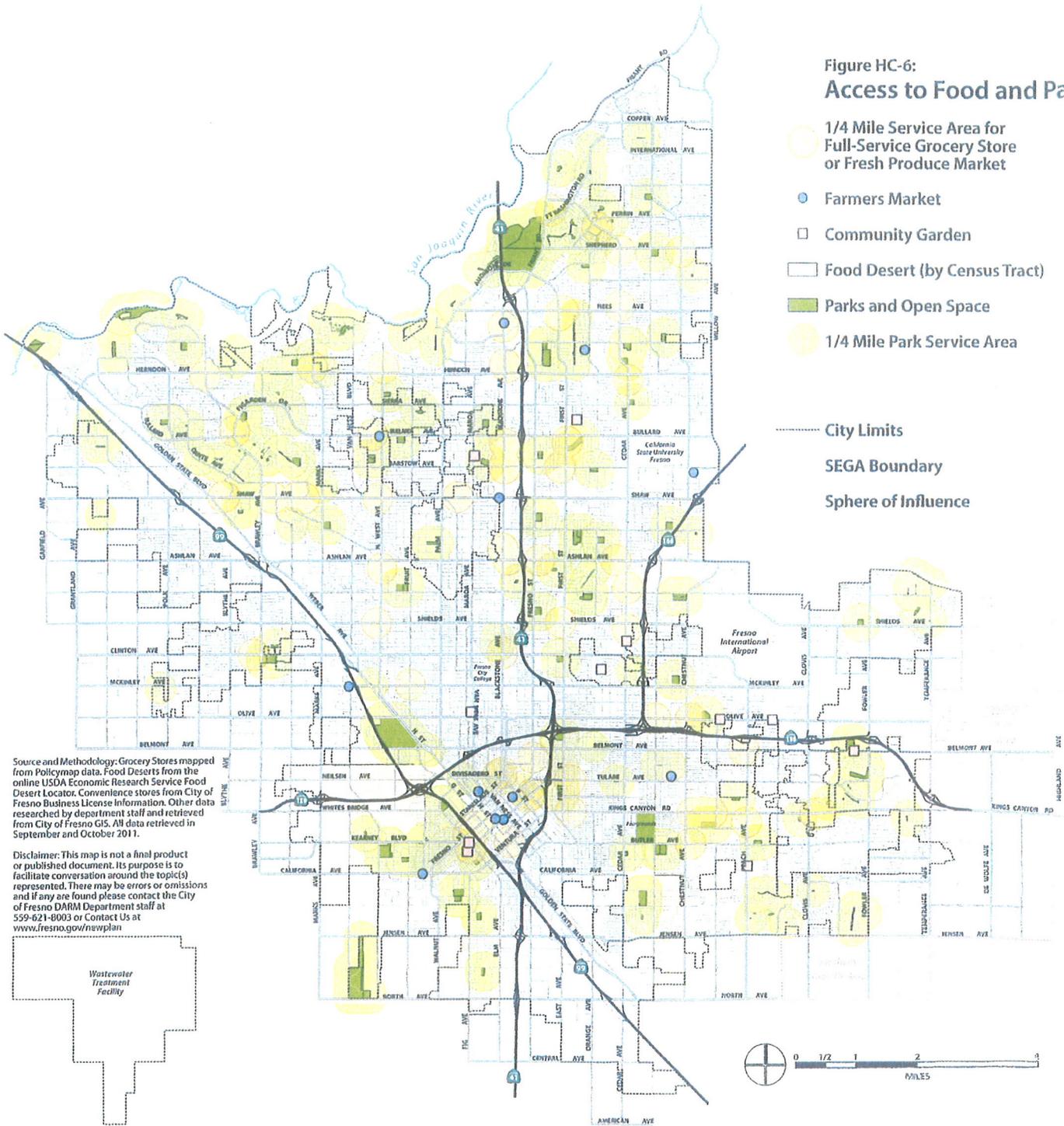
Source and Methodology: Grocery Stores mapped from Polycymap data. Food Deserts from the online USDA Economic Research Service Food Desert Locator. Convenience stores from City of Fresno Business License information. Other data researched by department staff and retrieved from City of Fresno GIS. All data retrieved in September and October 2011.

Disclaimer: This map is not a final product or published document. Its purpose is to facilitate conversation around the topic(s) represented. There may be errors or omissions and if any are found please contact the City of Fresno DARM Department staff at 559-621-8003 or Contact Us at www.fresno.gov/newplan



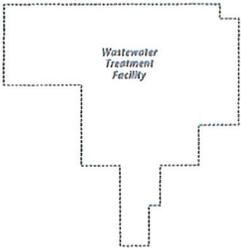
**Figure HC-6:
Access to Food and Parks**

-  1/4 Mile Service Area for Full-Service Grocery Store or Fresh Produce Market
-  Farmers Market
-  Community Garden
-  Food Desert (by Census Tract)
-  Parks and Open Space
-  1/4 Mile Park Service Area
-  City Limits
-  SEGA Boundary
-  Sphere of Influence



Source and Methodology: Grocery Stores mapped from Policymap data. Food Deserts from the online USDA Economic Research Service Food Desert Locator. Convenience stores from City of Fresno Business License Information. Other data researched by department staff and retrieved from City of Fresno GIS. All data retrieved in September and October 2011.

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Attachment 11

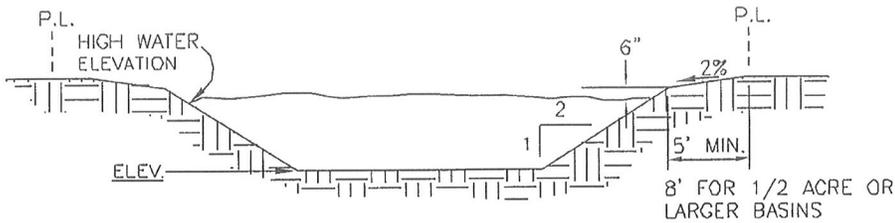
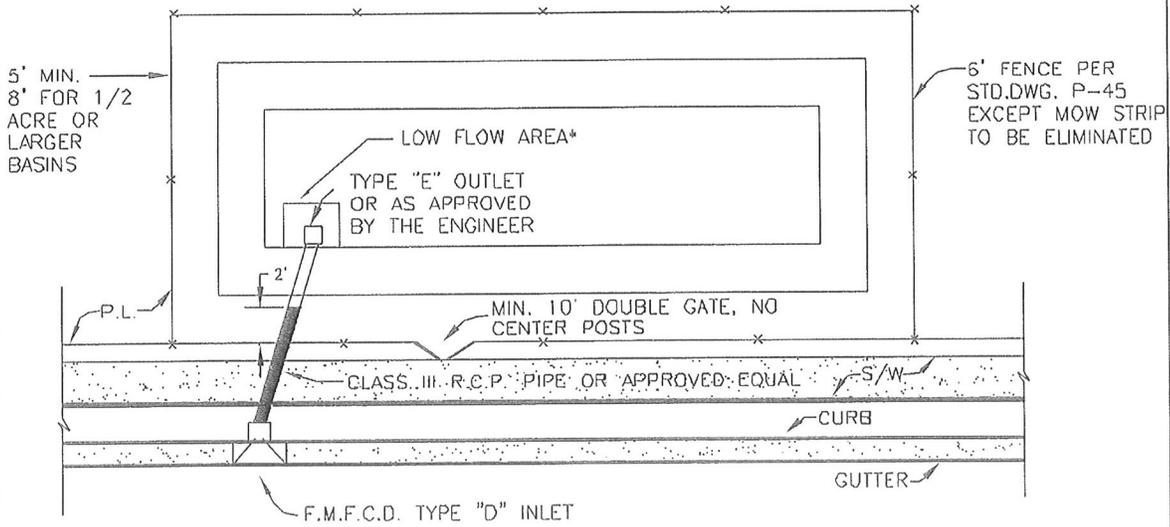
GUIDELINES FOR PONDING BASIN / POND CONSTRUCTION AND MANAGEMENT TO CONTROL MOSQUITO BREEDING

Immature mosquitoes develop in shallow water habitats. Fresno has enough year-round urban runoff from sprinklers, car washing, and pool drainage to keep water in drainage basins even in the summer--when mosquitoes breed the fastest. The design and management of ponding basins and ponds is of critical importance for mosquito control. Following are some new guidelines for these facilities:

- *1. Ponding basins and ponds with fluctuating water levels should have a "low flow" area, a deeper area or sump where drainage will accumulate, instead of a uniform flat bottom. This allows for water to accumulate to a greater depth, and helps "mosquito fish" survive. The low flow area should be located at the pond inlet and should be at least four feet deeper than the rest of the basin floor. The rest of the basin should be graded so that drainage is directed into this low flow area.
- *2. Side slopes of ponds and ponding basins should be as steep as is compatible with safety and grading considerations. They should have a slope ratio of 1:2 (vertical:horizontal).
3. Decorative ponds and artificial wetlands should be constructed so that water depths are maintained in excess of four feet, to preclude invasive emergent vegetation such as cattails.
- *4. Ponds and ponding basins should be constructed to provide for free, unobstructed access around their entire perimeter by vehicle and/or by foot, to allow for maintenance and mosquito abatement activities.
- *5. All ponding basins should be enclosed in chain-link fencing at least six feet tall (to City of Fresno Public Works Standards), with double gates to provide an unobstructed total opening at least ten feet wide (no center post between the gates). Gates should be secured with a standard padlock to allow for access by maintenance workers and mosquito and vector control personnel: a No. 5 MasterLock™ with key numbers 1C95, 3203 or 0855.
6. Ponds and ponding basins should be constructed to allow easy de-watering when needed.
7. Ponding basin and pond edges should be maintained free of excess vegetation and trash that would harbor insects and support mosquito breeding when it falls or blows into the water.
8. Ponding basins and ponds should be managed to control algae and emergent vegetation (plants that emerge from shallow water), to remove harborage for mosquito breeding and to allow "mosquito fish" and other mosquito predators better access to their prey.
9. Ponding basins and ponds should maintain water quality that supports the survival of "mosquito fish" (*Gambusia affinis*, available from local mosquito and vector control agencies). Use caution when selecting herbicides and pesticides for use in or near ponding basins and ponds, because many pesticides are toxic to fish.

* The asterisked guidelines modify the current City of Fresno Public Works Standard No. P-62 for Temporary Ponding Basins.

PLAN VIEW OF TYPICAL TEMPORARY PONDING BASIN



SECTION

NOTES: DESIGN MINIMUMS

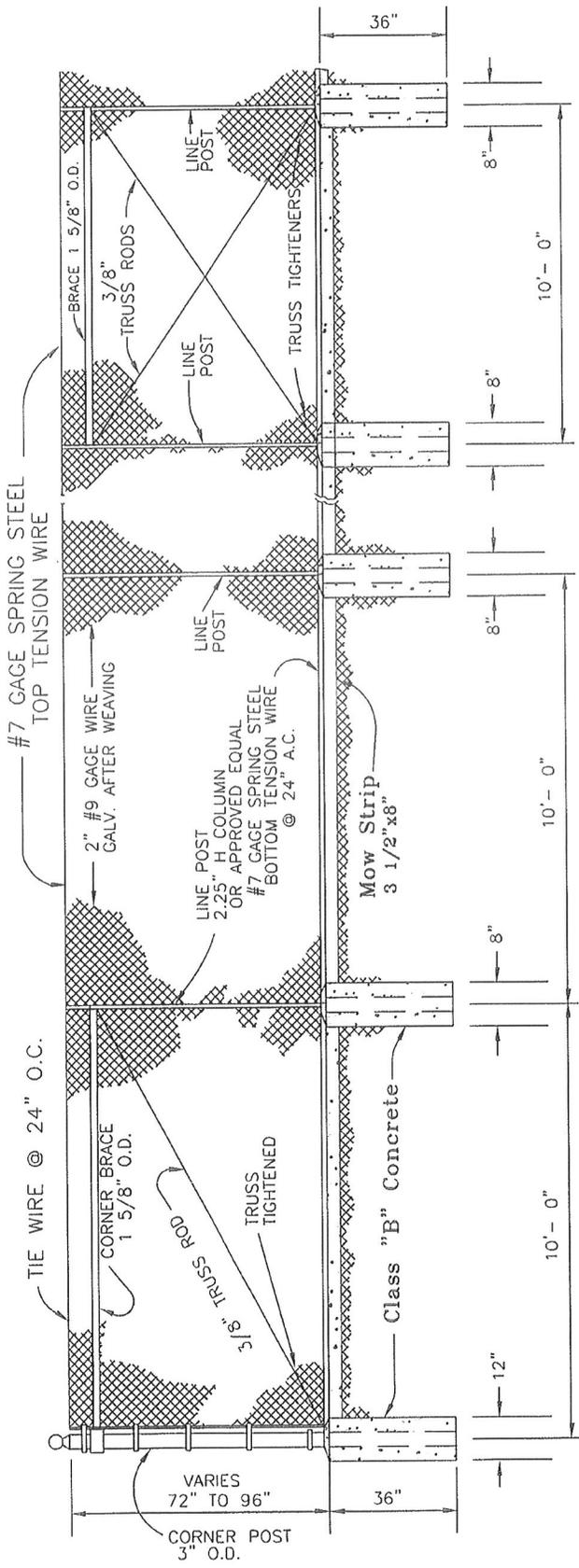
1. OVERFLOW MUST BE TO THE STREET.
 2. DESIGN WATER SURFACE ELEVATION SHALL BE TWO FEET BELOW THE LOWEST INLET FLOW LINE OR POND PERIPHERAL ELEVATION, WHICHEVER IS LOWER.
 3. REQUIRED CAPACITY: $V = CIA$ WHERE V = REQUIRED BASIN CAPACITY IN CUBIC FEET, C = RUNOFF COEFFICIENT, I = RAINFALL FROM A DESIGN STORM (0.35 FEET), AND A = TRIBUTARY AREA IN SQUARE FEET.
 4. PROVIDE COMPOSITE "C" CALCULATIONS.
 5. THE ENGINEER MAY REQUIRE AN 8' WIDE VEHICLE RAMP WITH A MAX. SLOPE OF 15% IN 1/2 ACRE OR LARGER BASINS.
 6. TEMPORARY PONDING BASINS SHALL BE FENCED WITHIN 7 DAYS TIME AFTER THEY BECOME OPERATIONAL OR WHEN REQUIRED BY THE ENGINEER.
 7. THE CITY ENGINEER MAY CONSIDER OTHER BASIN DESIGN ALTERNATIVES, AS A SUBSTITUTE FOR PROVIDING THE 2 FOOT FREEBOARD, WHEN THE BASIN SIZE IMPACTS PROJECT FEASIBILITY.
 8. LOCKS FOR THE GATE TO BE #5 MASTER LOCKS, NO. 1C95, 3203 OR 0855.
- * SIZE AND DEPTH OF LOW FLOW AREA TO BE DETERMINED BY THE ENGINEER.

TEMPORARY PONDING BASIN

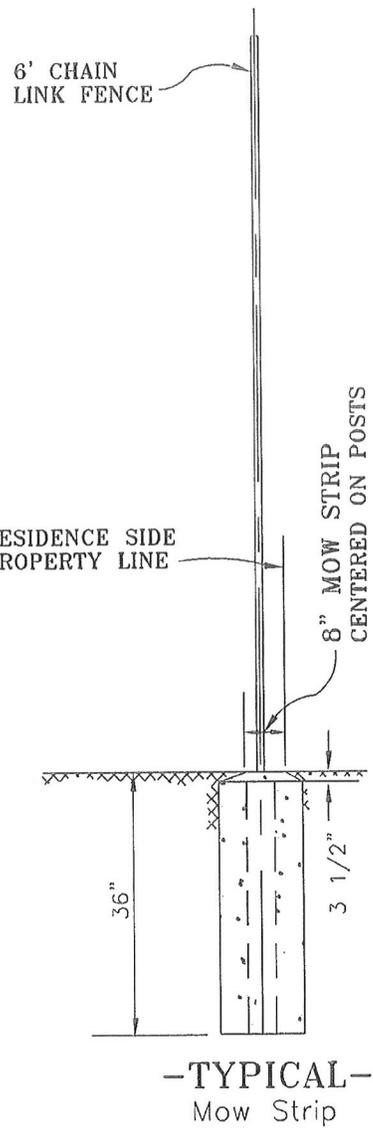
REF. & REV.
DEC., 2004

CITY OF FRESNO

P-62



LINE POSTS @ 1000' MAX. INTERVALS
 BRACED & TRUSSED IN BOTH DIRECTIONS
 REFER TO STATE SPECIFICATIONS EXCEPT
 FOR GATES WHICH ARE 9 GAUGE.



-TYPICAL-
 Mow Strip

CHAIN LINK FENCE CONSTRUCTION DETAILS

REF. & REV.
 AUG. 2002

CITY OF FRESNO

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EXHIBIT B
MASTER ENVIRONMENTAL IMPACT REPORT (MEIR)
REVIEW SUMMARY

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

The City has processed 134 plan amendment applications since the adoption of the 2025 Fresno General Plan. These applications have resulted in changes of planned land use that affected approximately 1,422 acres, representing approximately two percent of the land area within the 2025 Fresno General Plan boundary. The impacts of these amendments are minimal and not significant in relation to the balance of the density and intensity of the land uses impacted by the plan amendment applications.

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

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

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

MEIR REVIEW SUMMARY

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

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

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

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Text Amendment No. A-13-02 or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significant adverse impact upon the City of Fresno or specific development projects.

MEIR REVIEW SUMMARY

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

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

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

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

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

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 GWt of energy (equivalent to operation of 286 homes per year) and has resulted in reduction of 966 tons of CO₂ emissions (equivalent to 2,414,877 vehicular miles not driven).
- Replacement of a significant number of vehicles in the municipal fleet with clean air vehicles (please refer to the following table).

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

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

MEIR REVIEW SUMMARY

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

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

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

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

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

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

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

APPENDIX

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

EXECUTIVE SUMMARY

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Text Amendment No. A-13-02, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

SUPPORTING DATA AND ANALYSIS

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

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

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

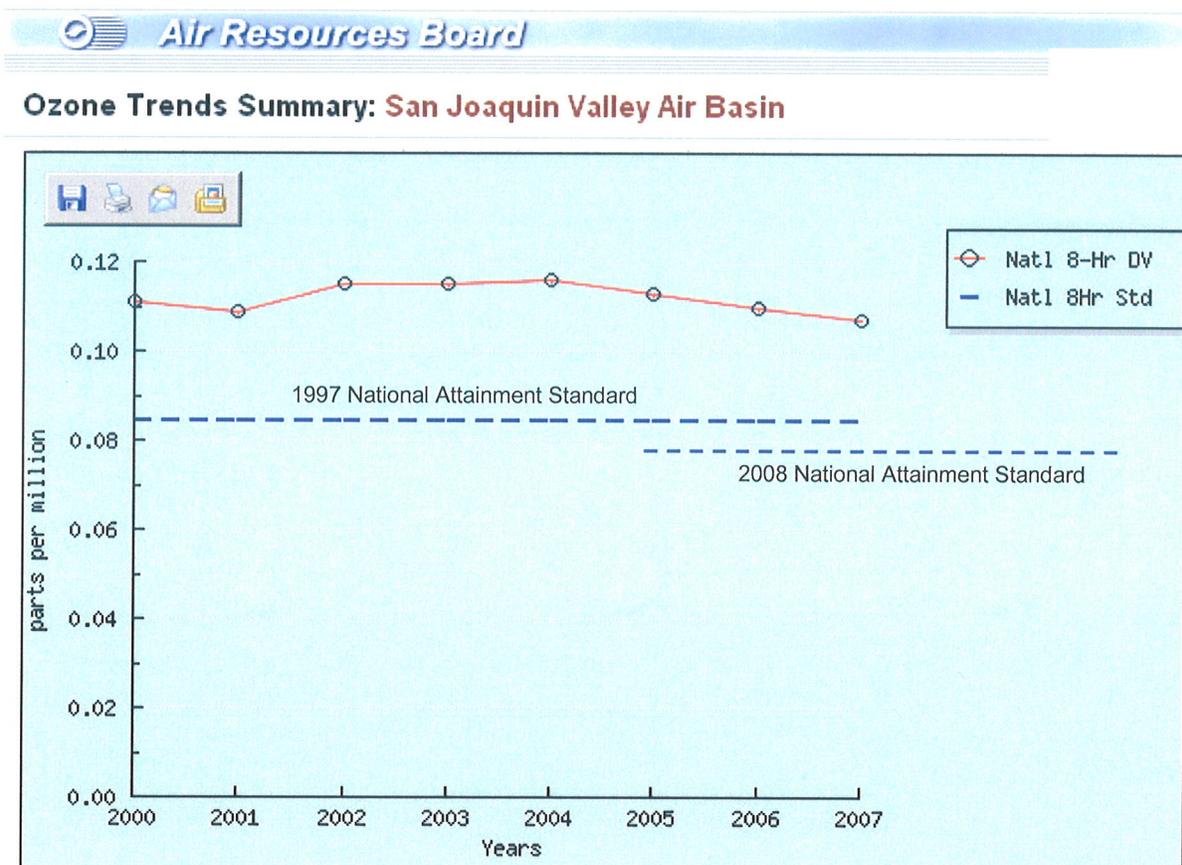
The MEIR mitigation checklist sketched out a series of actions for the City to pursue with regard to its own operations, and City departments are pursuing these objectives. The Fresno Area Express (FAX) bus fleet and the Department of Public Utilities solid waste collection truck fleet are being converted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

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

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

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

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



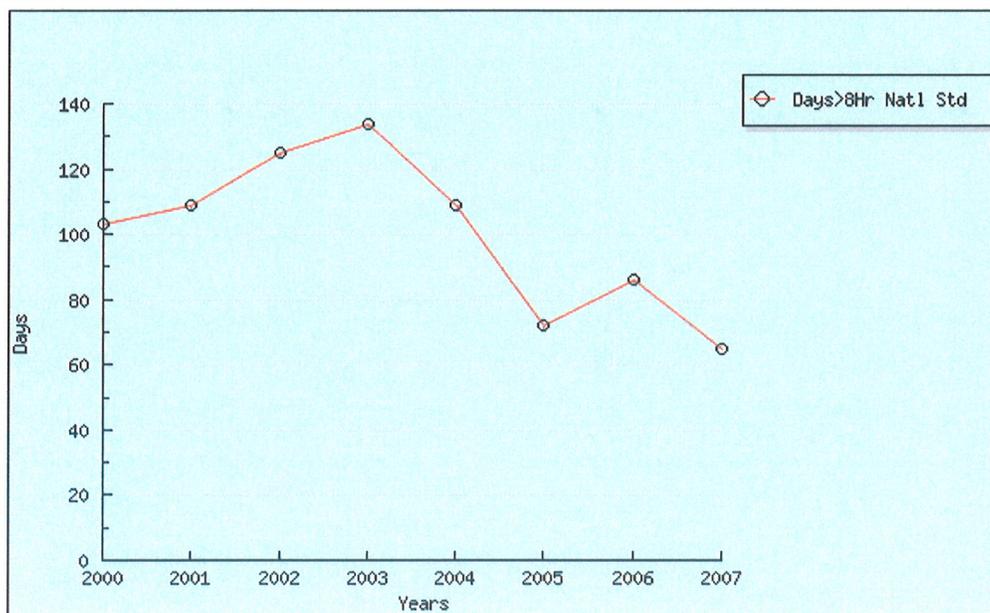
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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

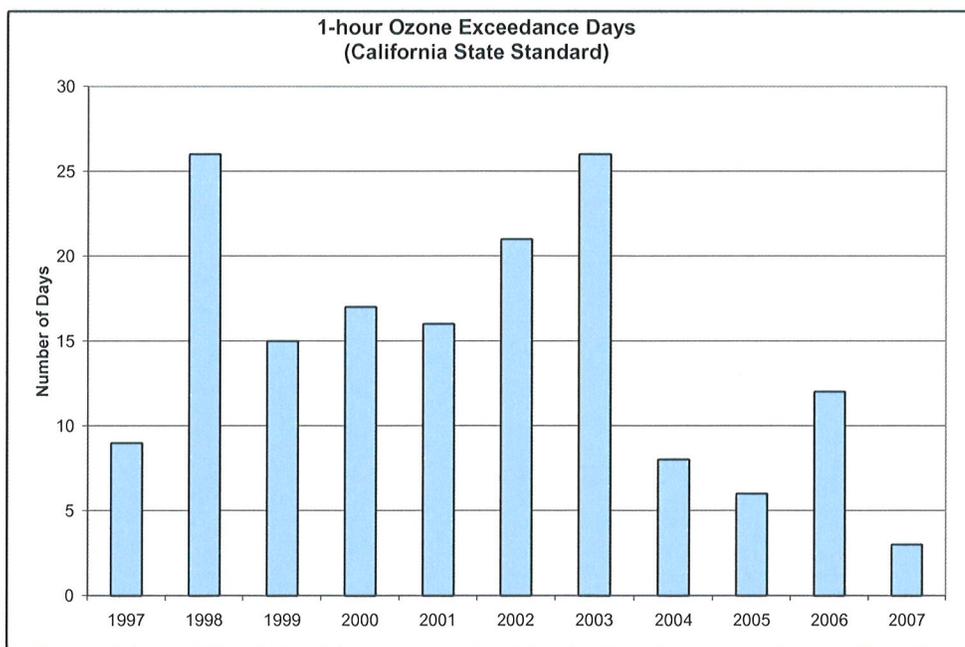
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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

Ozone Trends Summary: San Joaquin Valley Air Basin



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

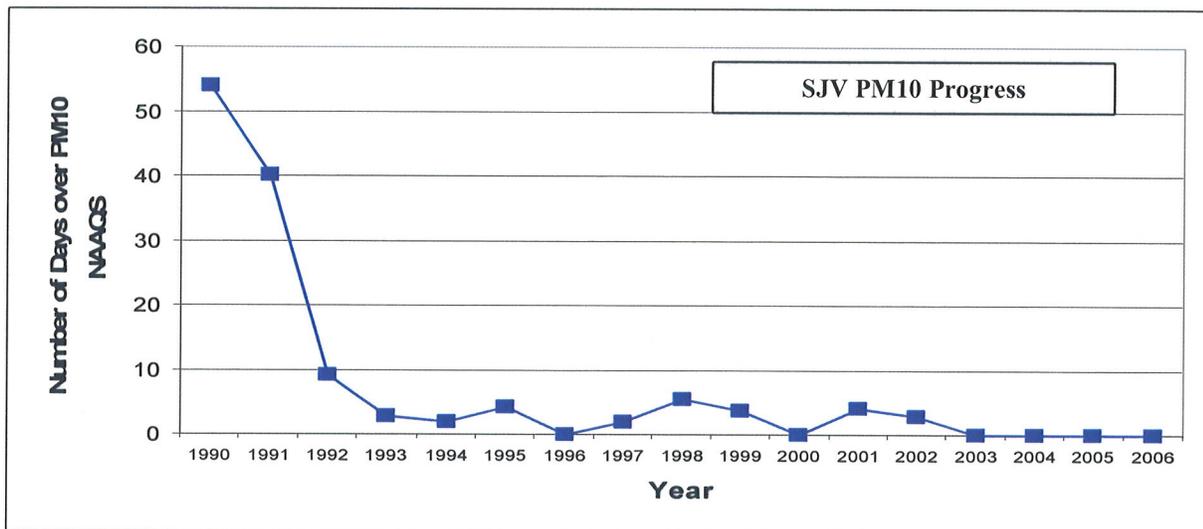


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

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

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

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



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

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

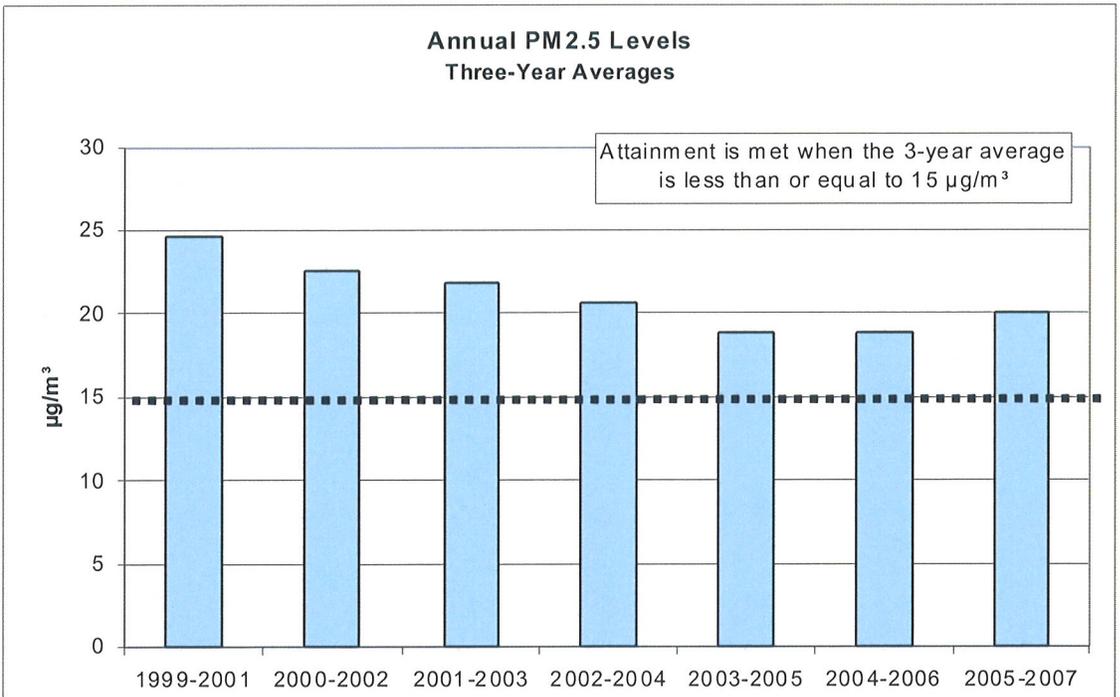
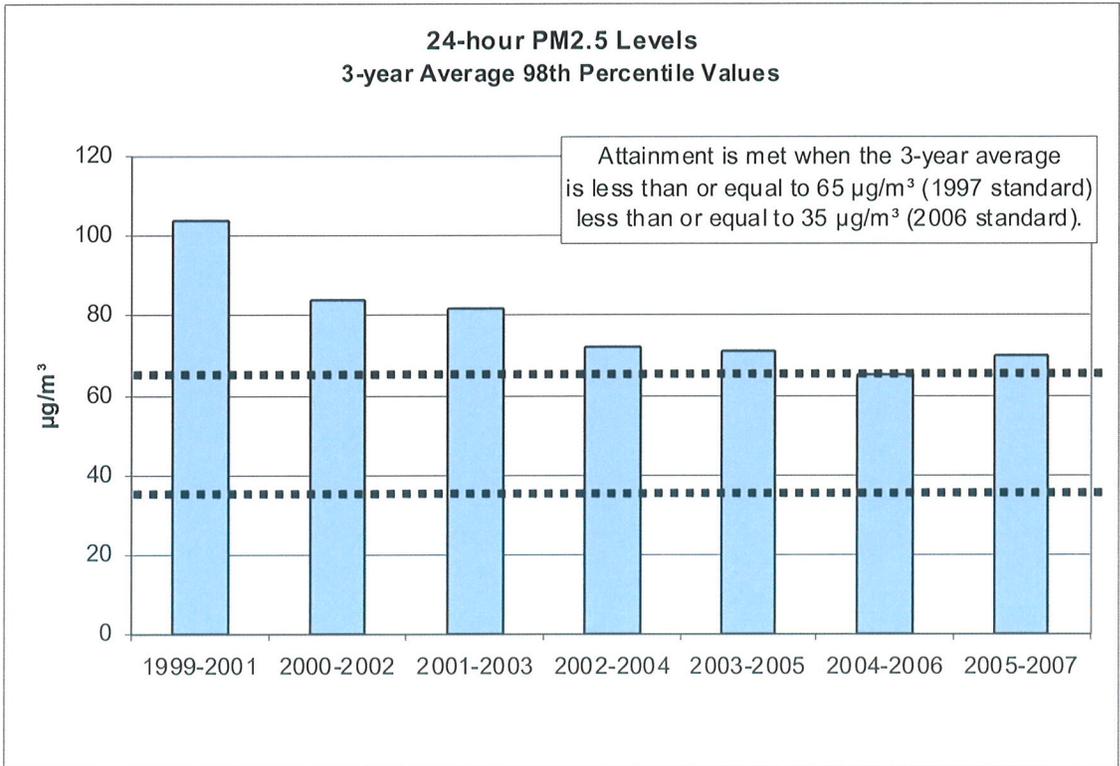
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

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

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

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

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



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

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

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

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

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

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

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

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

- 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

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

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

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

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

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

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

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

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

Scientific information, analytical tools, and standards for environmental significance of global warming and green house gases were not available to the Planning and Development Department in 2002 when the 2025 Fresno General Plan and its MEIR were formulated and approved--and at this point, there is still insufficient data available to draw any conclusions as to the potential impacts, or significance of impacts, related to global climate change for the 2025 Fresno General Plan. Similarly, there is insufficient information to conclude that global warming may have a potentially significant adverse impact upon the 2025 Fresno General Plan. In a situation when it would be highly speculative to estimate impacts or to make conclusions as to the degree of adversity and significance of those impacts, the California Environmental Quality Act allows agencies to terminate the analysis. In that regard, there is no material change in status from the degree of environmental review on this topic contained in the 2025 Fresno General Plan MEIR.

EXHIBIT C
MEIR Mitigation Measure Monitoring Checklist for EA No. TA-13-02
August 38, 2013

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

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

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

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

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

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F						
			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 & Resource Management Dept.				X	X	X	X
B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.	Prior to approval or prior to funding of major street project.	Public Works Dept./Traffic Planning; Development & Resource Management Dept.				X	X	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 & Resource Management Dept.	X			X	X	X	X

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. 	<p>Ongoing</p>	<p>Development & Resource Management Dept.</p>	<p>X</p>		<p>X</p>			
<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>	<p>Ongoing</p>	<p>Development & Resource Management Dept and SJVAPCD</p>			<p>X</p>			<p>X</p>

A - Incorporated into Project
 B - Mitigated

C - Mitigation in Process
 D - Responsible Agency Contacted

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F						
			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	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	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 & Resource Management Dept.	X		X			X	X

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>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.</p>	<p>Ongoing (City-wide); and prior to approval of land use entitlement as applicable</p>	<p>Department of Public Utilities and Development & Resource Management Dept.</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>
<p>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.</p>	<p>Ongoing</p>	<p>Department of Public Utilities</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>
<p>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.</p>	<p>Ongoing</p>	<p>Development & Resource Management Dept.</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>
<p>D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.</p>	<p>Ongoing</p>	<p>Development & Resource Management Dept.</p>	<p></p>	<p></p>	<p></p>	<p></p>	<p>X</p>	<p>X</p>

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<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 & Resource Management Dept.						X
<p>D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).</p>	Ongoing	Development & Resource Management Dept.					X	X
<p>D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.</p>	Ongoing	Department of Public Utilities	X		X	X	X	

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>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.)</p>	<p>Ongoing</p>	<p>Department of Public Utilities</p>	<p>X</p>		<p>X</p>	<p>X</p>	<p>X</p>	
<p>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.</p>	<p>Prior to approval of land use entitlement</p>	<p>Department of Public Utilities</p>	<p>X</p>		<p>X</p>	<p>X</p>	<p>X</p>	
<p>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.</p>	<p>Prior to approval of development project</p>	<p>Department of Public Utilities</p>	<p>X</p>		<p>X</p>	<p>X</p>	<p>X</p>	

MITIGATION MEASURE		WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F																															
<p>D-12. All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:</p> <table border="1"> <thead> <tr> <th rowspan="2">FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)</th> <th colspan="3">PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:</th> </tr> <tr> <th>01/01/2005 THROUGH 12/31/2010</th> <th>01/01/2010 THROUGH 12/31/2024</th> <th>AFTER 01/01/2025</th> </tr> </thead> <tbody> <tr> <td>Single family residential</td> <td>3.8</td> <td>3.5</td> <td>3.5</td> </tr> <tr> <td>Multi-family residential</td> <td>6.5</td> <td>6.2</td> <td>6.2</td> </tr> <tr> <td>Commercial and institutional</td> <td>2</td> <td>1.9</td> <td>1.9</td> </tr> <tr> <td>Industrial</td> <td>2</td> <td>1.9</td> <td>1.9</td> </tr> <tr> <td>Landscaped open space</td> <td>3</td> <td>2.9</td> <td>2.9</td> </tr> <tr> <td>South East Growth Area</td> <td>3.4</td> <td>3.2</td> <td>3.2</td> </tr> </tbody> </table> <p>NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan</p>		FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:			01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024	AFTER 01/01/2025	Single family residential	3.8	3.5	3.5	Multi-family residential	6.5	6.2	6.2	Commercial and institutional	2	1.9	1.9	Industrial	2	1.9	1.9	Landscaped open space	3	2.9	2.9	South East Growth Area	3.4	3.2	3.2	Prior to approval of development project	Department of Public Utilities	X		X	X	X	
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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F						
			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	X		
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Development & Resource Management Dept.	X		X	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 & Resource Management Dept.	X					X	
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Development & Resource Management Dept.						X	

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	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 & Resource Management Dept.	X			X	X	
<p>F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.</p>	Ongoing	Dept. of Public Utilities and Development & Resource Management Dept.				X	X	X
<p>F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.</p>	Ongoing	Dept. of Public Utilities				X	X	X
<p>F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.</p>	Ongoing	Dept. of Public Utilities			X		X	X

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>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.</p>	<p>Ongoing</p>	<p>Dept. of Public Utilities</p>			X	X	X	X
<p>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.</p>	<p>Ongoing/prior to approval of land use entitlement</p>	<p>Dept. of Public Utilities and Development & Resource Management Dept.</p>			X	X	X	X
<p>F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.</p>	<p>Ongoing/prior to construction</p>	<p>Dept. of Public Utilities</p>			X	X	X	X

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

<p>G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.</p>	<p>Ongoing/prior to construction</p>	<p>Fire Dept/Police Dept/ Development & Resource Management Dept.</p>						
							X	X

<p>H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.</p>	<p>Ongoing/prior to construction</p>	<p>Parks and Recreation Dept. & Development & Resource Management Dept.</p>						
							X	X

<p>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.</p>	<p>Ongoing/prior to approval of land use entitlement</p>	<p>Development & Resource Management Dept.</p>	X				X	

<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 & Resource Management Dept.</p>	X					

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. TA-13-02

August 28, 2013

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<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 & 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 & 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 construction</p>	<p>Development & Resource Management Dept.</p>	X					
<p>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.</p>	<p>Ongoing/prior to approval of land use entitlement and during construction</p>	<p>Development & Resource Management Dept.</p>	X					

A - Incorporated into Project
 B - Mitigated

C - Mitigation in Process
 D - Responsible Agency Contacted

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

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

<p>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:</p> <ul style="list-style-type: none"> a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft. 	<p>Ongoing/prior to approval of land use entitlement</p>	<p>Development & Resource Management Dept.</p>	<p>X</p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p>X</p>
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<p>J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.</p>	<p>Ongoing/prior to submittal of land use entitlement application</p>	<p>Development & Resource Management Dept.</p>	<p>X</p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p>X</p>
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<p>J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a</p>	<p>Ongoing</p>	<p>Development & Resource Management Dept./ Historic Preservation</p>	<p>X</p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p>X</p>
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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
referral list of recognized archaeologists.		Commission staff						
J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Development & Resource Management Dept./ Historic Preservation Staff	X				X	
K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Development & Resource Management Dept.					X	X
K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 Fresno General Plan.) The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4. <ul style="list-style-type: none"> ■ Site Planning. See Chapter V for more details. ■ Barriers. See Chapter V for more details. ■ Building Designs. See Chapter V for more details. 	Ongoing/upon submittal of land use entitlement application	Development & Resource Management Dept.					X	X

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. TA-13-02

August 28, 2013

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

<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>	<p>Ongoing/prior to building permit issuance</p>	<p>Development & Resource Management Dept.</p>							

<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>	<p>Ongoing</p>	<p>Development & Resource Management Dept.</p>							

<p>N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.</p>	<p>Ongoing</p>	<p>Development & Resource Management Dept.</p>							

<p>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.</p>	<p>Ongoing</p>	<p>Development & Resource Management Dept.</p>							

EXHIBIT D
CITY OF FRESNO
PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT (EA) No. TA-13-02

August 28, 2013

This monitoring checklist for the above noted environmental assessment is being prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), as required under Assembly Bill 3180. It is intended to establish a project-specific reporting/monitoring program for Text Amendment Application No. TA-13-02. Prior to approval of the proposed text amendment, verification of implementation (incorporation) of these mitigation measures into the text amendment is required, in addition to verification of implementation of applicable measures specified for this project per the Master Environmental Impact Report (MEIR) Mitigation Monitoring Checklist for this project (pursuant to MEIR No. 10130 certified for the 2025 Fresno General Plan and the Mitigated Negative Declaration approved for EA No. A-09-02, for the Air Quality Update to the 2025 General Plan).

AIR QUALITY: The San Joaquin Valley Air Basin has not attained National Ambient Air Quality Standards for PM10 and PM2.5, and agricultural activities may entrain fugitive dust, which contains these criterion pollutants as well as larger particles which could affect nearby property, when ambient moisture levels are low and wind speed exceeds 12 miles per hour and is sufficient to entrain dust from surfaces.

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
<p>Augment the text amendment's special standards of practice and regulation to prohibit mechanized cultivation activities that could generate fugitive dust when moisture levels are too low to adhere dust particles to surfaces and when wind speed is 12mph or greater and capable of entraining dust.</p>	<p>City of Fresno Development and Resource Management Department (DARM)</p>	<p>Prior to adoption of the proposed text amendment</p>	<p>City of Fresno (DARM, Planning Commission, and Fresno City Council)</p>

BIOLOGICAL RESOURCES: Cultivation of land in some portions of Fresno may affect biological resources.

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
Augment the special standards of practice and regulation portion of the text amendment to incorporate a reference to MEIR mitigation measures Nos. J-1 through J-4 (as identified in the attached Exhibit C, MEIR Mitigation Measure Monitoring Checklist, dated August 28, 2013).	City of Fresno Development and Resource Management Department (DARM)	Prior to adoption of the proposed text amendment	City of Fresno (DARM, Planning Commission, and Fresno City Council)

CULTURAL RESOURCES: Cultivation of land may reveal and affect human remains, artifacts, fossils, and other cultural resources.

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
Augment the special standards of practice and regulation portion of the proposed text amendment to incorporate the content of MEIR mitigation measures Nos. J-1 through J-4 (as identified in the MEIR Mitigation Measure Monitoring Checklist, dated August 28, 2013).	City of Fresno Development and Resource Management Department (DARM)	Prior to adoption of the proposed text amendment	City of Fresno (DARM, Planning Commission, and Fresno City Council)

HAZARDS: Cultivation practices may involve excavations and overhead locations which could cause unsafe contact with buried or aerial utility lines.

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
<p>Augment the text amendment's special standards of practice and regulation to require that, prior to tilling or excavating, persons intending to cultivate property the national "Call Before You Dig" number (811) and contact Fresno Metropolitan Flood Control District and Fresno Irrigation District (which do not register their underground facilities with the Underground Service Alert program))</p>	<p>City of Fresno Development and Resource Management Department (DARM)</p>	<p>Prior to adoption of the proposed text amendment</p>	<p>City of Fresno (DARM, Planning Commission, and Fresno City Council)</p>
<p>Augment the text amendment's special standards of practice and regulation to require that parties cultivating tree or trellis crops conform to restrictions pertaining to overhead utility lines.</p>	<p>City of Fresno Development and Resource Management Department (DARM)</p>	<p>Prior to adoption of the proposed text amendment</p>	<p>City of Fresno (DARM, Planning Commission, and Fresno City Council)</p>
<p>Augment the text amendment's special standards of practice and regulation to prohibit aerial pesticide spraying, with an exemption for areawide spraying ordered by the State of California or the Agricultural Commissioner.</p>	<p>City of Fresno Development and Resource Management Department (DARM)</p>	<p>Prior to adoption of the proposed text amendment</p>	<p>City of Fresno (DARM, Planning Commission, and Fresno City Council)</p>

HAZARDOUS MATERIALS: Some vacant land may not be safe or suitable for cultivation due to the presence of hazardous material residues.

<p>Augment the text amendment's special standards of practice and regulation to require that sites proposed for cultivation not be listed on the hazardous materials sites compiled pursuant to Government Code Section 65962.5, or, if they are on that list, to require that the appropriate regulatory agency provide a clearance letter affirming that persons involved in cultivation activity and persons consuming the produce grown on the site would not be adversely impacted by any hazardous material residues on the premises</p>	<p>City of Fresno Development and Resource Management Department (DARM)</p>	<p>Prior to adoption of the proposed text amendment</p>	<p>City of Fresno (DARM, Planning Commission, and Fresno City Council)</p>
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