RESOLUTION NO. 2012-224

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO ADOPT THE REVISED MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. C-11-014/T-5994 AS RELATED TO THE PROPOSED L STREET PROJECT

WHEREAS, in January 2011, FFDA Properties, LLC (Granville Homes) submitted applications with the City of Fresno for a Vesting Tentative Map of Tract No. 5994 and a Conditional Use Permit Application No. C-11-014 for a proposed infill project on a 1.29 acre site ("Subject Property") located at the northeast corner of L and San Joaquin Streets (the "L Street Project" or "Project"); and

WHEREAS, the L Street Project proposes to subdivide the Subject Property into a planned unit development of 28 two-story townhouses units consisting of 14 multiple dwelling (duplex) structures within a proposed gated community; and

WHEREAS, the City of Fresno Historic Preservation Commission approved the environmental finding of a Mitigated Negative Declaration for Environmental Assessment No. C-11-014/T-5994 on June 27, 2011, and the decision was affirmed by the City Council on November 3, 2011; and

WHEREAS, the Mitigated Negative Declaration was challenged in a petition for writ of mandamus filed with Fresno County Superior Court (Case No. 11 CE CG 04172); and

WHEREAS, the Court reversed the City Council’s decision to affirm the Historic Preservation Commission’s approval of the Mitigated Negative Declaration and required the City Council to conduct a de novo noticed public hearing on the issue of whether the Mitigated
Negative Declaration should be approved, and whether the project should go forward without further environmental review; and

WHEREAS, on December 6, 2012, the City Council formally rescinded all of its actions to approve the environmental finding of a Mitigated Negative Declaration for Environmental Assessment No. C-11-014/T-5994 pursuant to Council Resolution No.2012-223; and

WHEREAS, a Revised Mitigated Negative Declaration was prepared, and a Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Public Hearing was published and circulated on November 14, 2012 pursuant to CEQA Guidelines section 15072; and

WHEREAS, on December 6, 2012, the City Council conducted a public hearing and considered and discussed the adequacy of the Revised Mitigated Negative Declaration for Environmental Assessment No. C-11-014/T-5994, and received both oral testimony and written information presented at the hearing; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, based upon the administrative record, testimony and information presented at the hearing, and upon review and consideration of the environmental document provided, as follows:

1. The Council finds in accordance with its own independent judgment and analysis that there is no substantial evidence in the record that, with the project specific mitigation imposed, Environmental Assessment No. C-11-014/T-5994 would result in any adverse effects on the environment or may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") or Mitigated Negative Declaration ("MND") No. A-09-02, and that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project together
with project specific mitigation measures necessary to assure that the project will not cause significant adverse cultural or historic resource impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 as provided by CEQA Guidelines section 15178(a). Pursuant to Public Resources Code, section 21157.6(b)(1), the Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and MND No. A-09-02 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, has become available. Accordingly, the Council adopts the Revised Mitigated Negative Declaration prepared for Environmental Assessment No. C-11-014/T-5994 dated November 14, 2012.

2. The Council finds, based on substantial evidence in the records of proceedings, that with regard to the effects in Exhibit A to this resolution (the Statement of Findings), which is hereby adopted and incorporated by reference, changes have been required in, or incorporated into, the Project through the imposition of mitigation measures in the Mitigation Monitoring and Reporting Program (“MMRP”), which mitigate or avoid the significant effects on the environment. The City Council finds that to the extent that any of the mitigation measures are within the responsibility and jurisdiction of another public agency and not the City, those mitigation measures can and will be adopted and imposed by the other agency based on state and/or federal law, communications by those agencies, and/or existing policies and/or intergovernmental relationships with those agencies.

3. Pursuant to Public Resources Code section 21081.6, the MMRP dated November 14,
2012, as set forth in Exhibit B, is hereby adopted and incorporated herein by this reference to ensure that all mitigation measures adopted for the L Street Project are fully implemented. Additionally, compliance by the applicant with the MMRP will be made a condition of approval of CUP No. C-11-014 and Vesting Tentative Tract Map No. T-5994.

4. The Council finds, based on substantial evidence in the records of proceedings, that with the approval of the Revised Mitigated Negative Declaration (i) no further environmental review is required for the Project; and (ii) the Council affirms its decision not exercise its discretion under CEQA Guidelines section 15064.5(a)(3) and (4) to make a determination that the (former) Crichton Home and the Sayre Home were historical resources.

5. The record of project approval shall be kept in the office of the City Clerk, City of Fresno, City Hall, 2600 Fresno Street, Fresno, California, which shall be held by the City Clerk as the custodian of the documents; all other record of proceedings shall be kept with the Development and Resource Management Department and the Director, or designee, thereof shall be the custodian of the documents.

Exhibit A: Statement of Findings
Exhibit B: Mitigation Monitoring and Reporting Program

* * * * * * * * * * * *
STATE OF CALIFORNIA  
COUNTY OF FRESNO  
CITY OF FRESNO  

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 6th day of December, 2012.

AYES      : Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier
NOES      : None
ABSENT    : None
ABSTAIN   : None

YVONNE SPENCE, CMC
City Clerk

DATE: 12/6/2012

A Resolution Adopting a Revised Mitigated Negative Declaration as Related to the Proposed "L" Street Project

Resolution No. 2012-224
FINDINGS

Pursuant to the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines (codified at California Code of Regulations, title 14, section 15000 et seq.), the City Council of the City of Fresno, (the “Council”) has evaluated the environmental impacts of the Proposed L Street Project (Conditional Use Permit No. C-11-014 and Tentative Vesting Tract Map Application No. T-5994), an infill project on a 1.29 acre site located at the northeast corner of L Street and San Joaquin Street. The Vesting Tentative Map proposes to subdivide the property into a planned unit development of 28 two-story townhouses units consisting of 14 multiple dwelling (duplex) structures. The Conditional Use Permit Application No. C-11-014 addresses the proposed development as a gated community with private streets and modified property development standards.

The Council, pursuant to its land use approval appeal authority (see Fresno Municipal Code section 12-1620), has held multiple duly noticed public hearings on the approval of the Mitigated Negative Declaration (“MND”) and Revised Mitigated Negative Declaration (“RMND”), including the hearing of the appeal filed by the Citizens for the Restoration of L Street (“Appellants”) on November 3, 2011, and the de novo hearing ordered by the Fresno County Superior Court on December 6, 2012. The Council, having considered all comments, both oral and written constituting the administrative record, makes the following findings:

A. Procedural Findings

1. In January 2011, FFDA Properties, LLC (Granville Homes) submitted applications for a Vesting Tentative Map of Tract No. 5994 and a Conditional Use Permit Application No. C-11-014.

2. An MND for the Proposed Project was prepared and considered by the City’s Historic Preservation Commission (“HPC”) on June 27, 2011.

3. Having considered all the evidence in the record, comments received and testimony at the hearing, the HPC took the following actions:

   a. Adopted findings that the Crichton Home did not fit within the definition of a Historical Resource under CEQA Guideline section 15064.5(a)(2) as it was not listed on the City’s Local Register of Historic Resources, and the preponderance of the evidence demonstrated that the Crichton Home was not historically or culturally significant because it no longer met the definition of a “Heritage Property” as a resource that was worthy of preservation pursuant to Fresno Municipal Code (“FMC”) section 12-1603(n).

   b. Elected not to exercise its discretion, pursuant to CEQA Guideline section 15064.5(a)(3) and (4), to determine that the Crichton Home and Sayre Home were historical resources.
c. Considered and approved the June 6, 2011 Mitigated Negative Declaration for the Conditional Use Permit Application No. C-11-014, Vesting Tentative Map No. 5994 which included and assessed the impacts associated with the demolition of the buildings on the project site and made a determination, based on substantial evidence, that there would be no resulting significant or potentially significant adverse effects.

d. Adopted findings to support the issuance of a permit to demolish the Crichton Home pursuant to FMC section 12-1619(a) and (b) subject to conditions that required (a) a building plan check with the City’s Building and Safety Division prior to demolition and (b) all reusable architectural details and elements from the Crichton Home will be salvaged.

4. A notice of determination related to the HPC approval of the MND and demolition permits was filed with the Fresno County Clerk on June 30, 2011.

5. On August 1, 2011, Appellants filed an appeal regarding the City Historical Preservation Commission’s adoption of a Mitigated Negative Declaration for the proposed L Street Project.


7. In rendering this action, the City Council determined based on substantial evidence that:

   a. The Crichton Home did not fit within the definition of a historical resource under the California Environmental Quality Act, as it was not listed on the Local Register of Historic Resources;

   b. The Crichton Home was neither historically nor culturally significant because it no longer met even the lower standards defining “Heritage Properties” as a resources worthy of preservation pursuant to Fresno Municipal Code section 12-1603(n), nor the minimum standards of historical or cultural significance set forth in the Public Resources Code; and

   c. The action of the HPC approving the MND and the associated demolition permits was proper. The City Council also elected not to exercise its discretion to determine that any of the then existing buildings on the property were historical resources or that the area in which the project is located should be treated as a historic district, and as such, a historical resource.

8. On December 5, 2011, Appellants filed a Petition for Writ of Mandamus in Fresno County Superior Court challenging the City’s denial of its appeal and affirmation of HPC’s approval of the Project (Case No. 11 CE CG 04172).
9. On October 11, 2012, the Court issued a Statement of Decision vacating the City’s November 3, 2011 decision affirming the HPC’s approval of the MND and granting the application of Granville to demolish the Crichton and Sayre Homes, and ordered the City Council to conduct a de novo noticed public hearing on the issue of whether the MND should be approved, and whether the Project should go forward without further environmental review.

10. Pursuant to that Statement of Decision, the City has revised the MND to reflect the current status and impacts, if any, of the Project, and the City Council held a de novo noticed public hearing to review the RMND.

11. The City Council now finds that there are no procedural flaws in the noticing documents (or in the issuance of said documents) relating to the December 6, 2012 City Council hearing and actions taken therein. This finding is based on the following considerations and facts:

   a. Prior to the December 6, 2012 hearing, the City prepared the RMND. On November 14, 2012, pursuant to CEQA Guidelines section 15072, the City prepared the Notice of Intent (“NOI”) to adopt a Mitigated Negative Declaration, and filed a copy thereof in the office of the County Clerk for the County of Fresno.

   b. On November 14, 2005, the Notice of Intent and Notice of Public Hearing was provided by the City to the County of Fresno for direct mailing to property owners and occupants of contiguous property shown on the latest equalized assessment roll on, as well as all property owners within 350 feet of the project site, which occurred on November 15, 2012.

   c. On November 14, 2012, public notice of the NOI and Notice of Public Hearing was published by the City in the Fresno Bee, a newspaper of general circulation in the area affected by the proposed project.

   d. Lastly, the Council finds that the proposed MND was made available for public review in accordance with CEQA. The City extended the comment period on the MND up to and including December 5, 2012, and provided copies of the MND, which includes electronic copies, to members of the public upon request. The Council also re-adopts and fully incorporates all prior findings identified above in this Section A.

   e. The Council also re-adopts and fully incorporates all prior findings identified above in this Section A.
B. Factual Findings

1. Aesthetic Impacts
   The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any significant impacts related to aesthetics, or such impacts will be less than significant with mitigation incorporated. Although the proposed Project would alter the visual character of the site, the design and appearance of the proposed town homes would be a positive improvement to the vacant site. In addition, the Project would be visually consistent—in terms of mass, scale, texture, and style—with the existing neighborhood and infill developments in downtown Fresno and the Cultural Art’s District. As such, the proposed Project would not degrade the existing visual character or quality of the site and its surroundings and impacts would be less than significant.

2. Agricultural and Forestry Resources Impacts
   The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any impacts related to agricultural and Forestry Resources. The project site and surrounding areas do not contain active agricultural land. The project site and surrounding areas are designated as “Urban and Built-up Land” and is largely developed with urban uses. The development of the Project would not result in the conversion of Farmland to non-agricultural uses. No impacts would occur.

3. Air Quality Impacts
   The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any significant impacts related to air quality. The project emissions would not exceed the San Joaquin Valley Air Pollution Control District’s (SJVAPCD) significance thresholds and would comply with all applicable rules and regulations, and is therefore, consistent with applicable AQAPs. The Project would not generate, or substantially contribute to, additional traffic that would exceed state or federal CO standards, and would not generate a significant quantity of ozone precursors. The proposed Project would not expose sensitive receptors to substantial concentrations or asbestos, localized PM10, carbon monoxide, diesel particulate matter, or hazardous pollutants after incorporation of mitigation. The proposed Project does not contain land uses typically associated with emitting objectionable odors, and development of the Project would not create a significant odor impact.

4. Biological Resources Impacts
   The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any significant impacts related to biological resources or impacts will be less than significant with mitigation incorporated. Mitigation is proposed to reduce potential impact to roosting bats and migratory nesting birds. There are no riparian habitats or other sensitive natural communities, wetlands located with the project site, and the project site does not support wildlife movement, thus there are no impacts. In compliance with the Municipal Code, the project applicant shall submit a landscaping plan for any tree removal to reduce impacts to less than significant.
Additionally, the General Plan designates the project site as Commercial Mixed Use-Level 2 (Central Area), and has zoned the site as C-P and C4. As such, there are no impacts to Habitat Conservation or Natural Community Conservation Plans.

5. Cultural Resources Impacts
The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any significant impacts related to cultural resources or impacts will be less than significant with mitigation incorporated. The Project will be subject to the cultural resources mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan. The MEIR round impacts to cultural resources would be significant and unavoidable. The City of Fresno adopted a Statement of Overriding Considerations to address these significant and unavoidable impacts to cultural resources:

- Increased development within the City's sphere of influence may impact cultural resources (unknown at this time); and
- Historic building surveys have not been completed to sufficiently assess potentially significant resources within the City's sphere of influence.

MEIR cultural resources mitigation measures are incorporated by reference into this IS/MND and are required. MEIR mitigation measures J-1, J-2, J-3 for minimizing significant effects on cultural resources are applicable and relevant to the Project and will reduce any potential impacts to less than significant.

6. Geology and Soils Impacts
The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any significant impacts related to geology and soils. The Fresno metropolitan area has no known active earthquake faults and is considered by the State to be an area of low seismic risks. The site is not located in an Alquist-Priolo Earthquake Fault Zone or a potential liquefaction zone mapped by California Geological Survey. There are no geologic hazards or unstable soil conditions known to exist on the project site. The project would be served by City of Fresno sanitary sewers and would not require the installation of septic or alternative wastewater disposal systems. No impacts would occur.

7. Greenhouse Gas Emission Impacts
The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any significant impacts related to greenhouse gas emissions. Taking into account the proposed project’s emissions, project reductions, and the progress being made by the State towards reducing emissions in key sectors such as transportation, industry, and electricity, the proposed project furthers the State’s goals of reducing greenhouse gas emissions to 1990 levels by 2020, and does not obstruct the Scoping Plan’s emission reduction goal. Impacts are less than significant.
8. Hazards and Hazardous Materials Impacts
   The Project, the construction of 14 two-story multiple dwelling structures on currently
   vacant property, will not result in any significant impacts related to hazards and
   hazardous materials. The project would not use, transport, or store large quantities of
   hazardous materials. The project would involve small quantities of household hazardous
   wastes, which would be transported, stored, used, and disposed of by residents of the
   project. Therefore, the project would not create a significant hazard through the release
   of hazardous materials; this impact is less than significant. The project site is located in
   an area where existing emergency response times for fire protection, emergency medical
   services, and law enforcement meet adopted standards. The proposed project is required
   to adhere to the standards set forth in the Uniform Fire Code, which identifies the design
   standards for emergency access during both the project’s construction and operational
   phases. The City of Fresno Fire Department will review site plans for consistency with
   the Uniform Fire Code. Less than significant impacts would occur to emergency
   response or evacuation plans.

9. Hydrology and Water Quality Impacts
   The Project, the construction of 14 two-story multiple dwelling structures on currently
   vacant property, will not result in any significant impacts related to hydrology and water
   quality, or such impacts will be less than significant with mitigation incorporated.
   Mitigation measures are incorporated to assist compliance with the City’s Municipal
   Separate Storm Sewer Systems (MS4) National Pollution Discharge Elimination System
   (NPDES) permit with the Regional Water Quality Control Board (RWQCB).
   Additionally, the mitigation measures of the MEIR, which assure that an adequate source
   of water is available to serve the project, are incorporated. There are no rivers or streams
   located on the project site, the project site has been mapped outside the 100-year flood
   plain by the Federal Emergency Management Agency (Community Panel No.
   06019C2110H), and the project site does not contain or is not located near any large
   inland bodies of water that could be susceptible to a seiche, therefore, there are less than
   significant or no impacts related to these conditions.

10. Land Use and Planning Impacts
    The Project, the construction of 14 two-story multiple dwelling structures on currently
    vacant property, will not result in any impacts related to land use and planning. The
    Project is consistent with the Goals and Urban Form Objectives and Policies of the
    General Plan. The Project is consistent with the Central Area Community Plan, the

11. Mineral Resources Impacts
    The Project, the construction of 14 two-story multiple dwelling structures on currently
    vacant property, will not result in any impacts related to mineral resources. The project
    site is not located in an area designated for mineral resource extraction by the Fresno
    General Plan 2025. In addition, the project site is not located in a mineral resource zone
    designated by the California Division of Geology and Mines. The proposed project is an
    infill development and replace existing urban uses. Therefore, the project would not
result in the loss of availability of a known mineral resource or affect a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impacts would occur.

12. Noise Impacts
The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any significant impacts related to noise. Construction of the proposed project could generate significant noise, corresponding to the building construction and the noise-generating equipment used. Since certain pieces of construction equipment can generate noise levels of 85 dBA or louder at a distance of 50 feet, project-related construction activities would temporarily raise ambient noise levels in the project vicinity. However, compliance with the Fresno City Noise Regulations and implementation of the following mitigation measure would reduce this impact to a less than significant level. The project would construct 28 residential town homes. Residential land uses are not known generators of substantial noise. Furthermore, the project area has a strong mixture of existing residential and commercial land uses, with the commensurate noise generation of typical residential and commercial facilities. Therefore, the incremental noise from operation of the proposed new residences to be constructed would not result in a substantial increase in ambient noise levels in the project vicinity above levels existing without the project.

13. Population and Housing Impacts
The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any significant impacts to population and housing. The proposed project required the removal of two single-family residential structures, neither of which was being used as housing. Implementation of the proposed project would result in the provision of 28 town homes, thereby providing a net increase of 26 residential units. As such, the proposed project would not displace a substantial number of existing housing or necessitate the construction of replacement housing elsewhere. Impacts would be less than significant.

14. Public Services Impacts
The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any significant impacts to public services. The Project would pay a variety of impact applicable impact fees, including for: utility infrastructure networks, fair share of citywide police and fire, and parks and recreation. Compliance with applicable standards and payment of the impact fees, as well as generation of new local tax revenues, will ensure that the Project has less than significant impact on public services.

15. Recreation Impacts
The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any significant impacts to recreation. The proposed project includes the development of up to 28 new residences in the City of Fresno whose inhabitants (up to 78 new residents) would increase demand on existing park and
recreational facilities in the City of Fresno. However, this new demand will be offset by the developer impact fees. As such, impacts would be less than significant.

16. Transportation/Traffic Impacts
The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any significant impacts to transportation/traffic. The proposed project would not conflict with established policies or the effectiveness of the existing vehicular, mass transit, bicycle, or pedestrian transit systems, and would not cause unacceptable congestion on adjacent roadways or conflict with transit, bicycle, or pedestrian facilities. The proposed Project would be designed to incorporate all required City of Fresno Fire Department standards to ensure that its implementation would not result in hazardous design features or inadequate emergency access to the site or areas surrounding the site.

17. Utilities and Service Systems
The Project, the construction of 14 two-story multiple dwelling structures on currently vacant property, will not result in any significant impacts related to utilities and service systems, or such impacts will be less than significant with mitigation incorporated. Sufficient water supplies would be available to serve the proposed project and impacts would be less than significant. The City has existing infrastructure sufficient to accommodate storm water from the proposed Project, and the Project incorporates mitigation measures to reduce potential impacts from construction waste to less than significant.

18. Mandatory Findings of Significance
As evaluated in the Initial Study, the proposed project would not substantially 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 of animal community; reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history of prehistory. Mitigation measures were incorporated to lessen the significance of potential impacts to wildlife species and previously unknown cultural resources. The applicant has agreed to implement all required mitigation measures; therefore, less than significant impacts from project implementation would occur. Impacts resulting from construction and implementation of the proposed project would be reduced to a less than significant level by implementing mitigation measures included in the Initial Study. All potential effects of the proposed project related to air quality, hazardous materials and noise are less than significant or less than significant with mitigation incorporated.

C. Hearing Findings

1. The City Council, based upon the administrative record, comments received, and upon review and consideration of the environmental document provided, hereby makes the
following findings and determinations regarding the Proposed Project:

a. Substantial evidence supports a finding that Environmental Assessment No. C-11-014/T-5994, with the project specific mitigation imposes, would not result in any adverse effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") or Mitigated Negative Declaration ("MND") No. A-09-02, and that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cultural or historic resource impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 as provided by CEQA Guidelines section 15178(a). Pursuant to Public Resources Code, section 21157.6(b)(1), the Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and MND No. A-09-02 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, has become available. Accordingly, the Council adopts the Revised Mitigated Negative Declaration prepared for Environmental Assessment No. C-11-014/T-5994 dated November 14, 2012.

b. With the approval of the Revised Mitigated Negative Declaration, the City Council finds that:

i. no further environmental review is required for the Project; and

ii. the Council affirms its decision not exercise its discretion under CEQA Guidelines section 15064.5(a)(3) and (4) to make a determination that the (former) Crichton Home and the Sayre Home were historical resources.
## Mitigation Monitoring and Reporting Program

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<td><strong>Biological Resources</strong></td>
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<tr>
<td><strong>BIO-1: Roosting bats and migratory nesting birds</strong></td>
<td>MM BIO-1: In order to avoid impacts to roosting bats, a tree survey shall be conducted 15 days prior to commencing with tree removal. Tree canopies and cavities slated for removal should be examined for evidence of bat roosting. All bat surveys should be conducted by a biologist with known experience surveying for bats. If no bats are found during the survey, structure demolition and tree removal work shall be conducted within 1 month of the survey. If a maternity colony is found during the surveys, no eviction/exclusion shall be allowed during the maternity season (typically between April 15 and July 30), and impacts to this tree or structure shall be avoided until the young have reached independence. If a non-reproductive group of bats are found within a roost tree, they shall be evicted by a qualified biologist and excluded from the roost site prior to work activities during the suitable time frame for bat eviction/exclusion (February 20 to April 14, and July 30 to October 15).</td>
<td>Inspect project site and prepare tree survey prior to tree removal.</td>
<td>City Dept. of Development and Resource Management (DARM)/Dept. of Public Works</td>
<td>Prior to removal of trees on project site</td>
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<td><strong>BIO-2: Nesting birds</strong></td>
<td>MM BIO-2: If proposed construction activities are to occur during the nesting bird season, which extends from February 15 to August 31, a qualified biologist shall conduct a survey for ground-dwelling nesting birds at least 3 days prior to grading activities. If active nests are observed, construction activity shall be prohibited within a 100-foot buffer around the nest. In the presence of a qualified biologist, it may be determined that construction activities may continue; however, a biological monitor shall be present during the construction activities. In addition, any activity that</td>
<td>Inspect project site and prepare ground survey prior to grading activities during nesting season.</td>
<td>Dept. of Public Works/City DARM Dept.</td>
<td>Prior to grading activities on project site</td>
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<td>BIO-3: City's tree preservation ordinances</td>
<td>May potentially cause a nest failure, including soil disturbance, shall require a biological monitor during the construction activities.</td>
<td>Prepare and submit a landscaping plan to the City for permit approval.</td>
<td>Dept. of Public Works</td>
<td>Prior to removal of trees on project site</td>
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### Cultural Resources

<p>| CUL-1: Change in the significance of a historical resources as defined in CEQA Guideline §15064.5 | MM CUL-1: If potentially significant cultural resources are encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The City of Fresno shall require the project applicant to include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist and recorded on appropriate California Department of Parks and Recreation (DPR) forms, if needed. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramic, wood, or shell artifacts; fossils; or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological report. | Inspect project site before. | City Dept. of Development and Resource Management (DARM) City DARM Dept. | Prior to construction activities on project site |</p>
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<td>CUL-2: Change in the significance of an archaeological resource pursuant to CEQA Guideline § 15064.5</td>
<td>J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options or equivalent measures: a. Amending construction plans to avoid the resources; b. Setting aside sites containing these resources by deeding them into permanent conservation easements; c. Capping or covering these resources with a protective layer of soil before building on the sites; d. Incorporating parks, green space, or other open space into the project to leave these resources undisturbed and to provide a protective cover over them; and e. Avoiding public disclosure of the location of these resources until or unless</td>
<td>Review construction and engineering specifications.</td>
<td>City DARM Dept.</td>
<td>Prior to construction activities at project site</td>
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<tr>
<td>Environmental Impact</td>
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<td>the site is adequately protected from vandalism or theft.</td>
<td>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 archaeologists' recommendations shall be made to the City regarding further site investigation or site avoidance/preservation measures.</td>
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<td>MM CUL-1: If potentially significant cultural resources are encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The City of Fresno shall require the project applicant to include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist and recorded on appropriate California Department of Parks and Recreation (DPR) forms, if needed. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramic, wood, or shell artifacts; fossils; or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant.</td>
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<td>CUL-3: Impact on unique paleontological resource or site or unique geological feature.</td>
<td>The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive report, file it with the appropriate Information Center, and provide for the permanent curation of the recovered materials.</td>
<td>Review construction and engineering specifications.</td>
<td>City DARM Dept.</td>
<td>Prior to construction activities at project site</td>
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<td>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:</td>
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<td>a. Amending construction plans to avoid the resources;</td>
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<td>b. Setting aside sites containing these resources by deeding them into permanent conservation easements;</td>
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<td>c. Capping or covering these resources with a protective layer of soil before building on the sites;</td>
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<td>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; and</td>
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<td>e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.</td>
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<td>MM CUL-2: If animal or plant fossils are encountered during subsurface earthwork activities, all work within 50 feet of the discovery shall cease until a qualified paleontologist has determined the significance of the find and provides recommendations. Project personnel shall not collect or remove any paleontological material. If the paleontological finds are found to be significant, the area shall be avoided by project activities. The recommendations of the paleontologist shall be incorporated into construction plans.</td>
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<td>CUL-4: Disturbance of human remains.</td>
<td>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 in origin, the Native American Heritage Commission shall be contacted immediately, and the California Archeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists. MM CUL-3: In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to</td>
<td>Inspect project site.</td>
<td>Fresno County Coroner, Native American Heritage Commission</td>
<td>During construction activities</td>
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<td>overlie adjacent human remains until the Fresno County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the &quot;most likely descendant&quot; (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. The City of Fresno shall also be notified of any discoveries of human remains.</td>
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<td>2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:</td>
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<td>• The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.</td>
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<td>• The descendent identified fails to make a recommendation.</td>
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<td>• The landowner or his authorized representative rejects the recommendation of the descendent, and mediation by the NAHC fails to provide measures acceptable to the landowner.</td>
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**Hydrology and Water Quality**

**HYD 1: Water quality standards or waste discharge requirements.**

<p>| HYD 1: Water quality standards or waste discharge requirements. | MM HYD-1: Applicant shall prepare a preliminary and final Storm Water Mitigation Plan (SWMP) consistent with the City's Storm Water Ordinance. The Plan shall include water quality management source control and treatment control measures to mitigate identified pollutants of concern. Low Impact Development (LID) strategies and hydromodification control Best Management Practices (BMPs) are recommended and may be required by the Regional Water Quality Board. The plan shall be reviewed and approved by the City of Fresno Department of Public Utilities, Water Division prior to issuance of grading permits. | Preparation and submittal of Storm Water Mitigation Plan. | City Dept. of Public Utilities, Water Division | Prior to construction activities at project site |</p>
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<td>applicant/owner will be responsible for the costs of construction or installation and maintenance of any structural BMPs. Prior to the issuance of a grading permit, the applicant/owner's civil engineer shall identify the appropriate source control and structural treatment BMPs to treat identified pollutants of concern, and design for and depict on the precise grading plans the approved structural treatment best management practices (BMPs) and route all urban runoff and stormwater flows to these structural BMPs prior to such waters exiting the site and entering the City's storm drain system. The applicant shall propose a maintenance mechanism for maintenance of BMPs that are within the City's right-of-way, subject to city acceptance and approval.</td>
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<td>Noise</td>
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<td>MM NOI-1: The Applicant shall implement the following measures during project-related construction:</td>
<td>Inspection project site.</td>
<td>City DARM Dept.</td>
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<td>NOI-1: Increase in ambient noise levels.</td>
<td>• Construction activities shall be limited to between 7 a.m. and 6 p.m., Monday through Saturday, to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on Sundays and holidays.</td>
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<td>• Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical feasibility takes precedence, which will be determined by the Construction Site Manager.</td>
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### Environmental Impact Mitigation Measures

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|                      | • Construction equipment noise shall be minimized by muffling and shielding intakes and exhaust on construction equipment (in accordance with the manufacturer’s specifications) and by shrouding or shielding impact tools.  
• Construction contractors shall locate fixed construction equipment (such as compressors and generators) and construction staging areas as far as possible from nearby residences. | 1) Review of project plans.  
2) Submittal of documentation to City. | 1) City DARM Dept.  
2) City DARM Dept. | 1) Prior to construction activities  
2) During construction activities |

### Utilities and Service Systems

| FU-1: Landfills | MM PU-1: Prior to issuance of building permits, the project applicant shall provide the City of Fresno with a demolition and construction recycling statement indicating the location and methodology to reduce construction waste and separate out those construction and demolition materials that will be recycled. Following the completion of construction and demolition activities, the project applicant shall provide documentation to the satisfaction of the City of Fresno (such as landfill receipts, donation receipts, or photographed separations) demonstrating that construction and demolition debris was recycled. | 1) Review of project plans.  
2) Submittal of documentation to City. | 1) City DARM Dept.  
2) City DARM Dept. | 1) Prior to construction activities  
2) During construction activities |