City of FRESNO

Planning and Development Department

2600 Fresno Street, Third Floor

Historic Preservation Commission Agenda

DON SIMMONS, Ph.D.
Chair
CHRISTOPHER JOHNSON A.I.A.
Vice Chair

Commission Members
PATRICK BOYD
SALLY CAGLIA
TERESA ESPAÑA, M.A.
JOE MOORE
MOLLY LM SMITH

KEITH BERGTHOLD
Assistant Director, Department Planning and Development

KARANA HATTESLEY-DRAYTON, M.A.
Secretary; Historic Preservation Project Manager

JOANN ZUNIGA
Recording Secretary

WILL TACKETT, Planner III

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call the Historic Preservation Project Manager at 621-8520.

The Historic Preservation Commission welcomes you to this meeting.

March 22, 2010 **MONDAY** **5:30 p.m.**

CONFERENCE ROOM A
2nd floor, City Hall

2600 FRESNO STREET

I. CALL TO ORDER AND ROLL CALL- 5:30 p.m.

II. APPROVE MEETING MINUTES

A. Approve Minutes for February 22, 2010.

III. APPROVE AGENDA

IV. CONSENT CALENDAR

V. CONTINUED MATTERS

A. Review and Authorize Secretary to Provide Comments from the Commission on the Fresno Merger No. 1 Redevelopment Plan Amendments Project Draft Subsequent Environmental Impact Report, Pursuant to Fresno Municipal Code Section 12-1606(b)(5)(6)(7).

VI. COMMISSION ITEMS

A. Presentation on the Proposed High Speed Rail Vis-à-vis Historic Properties (Eric Von Berg, URS).

B. Review and Comment on Environmental Assessment for a Conditional Use Permit (C-10-46) for a Mixed-Use Residential Infill Project Located at 1045 U Street, Pursuant to Fresno Municipal Code, Section 12-1606(b)(5).

C. Appointment of Sub-Committee on Modernism.

VII. CHAIRPERSON'S REPORT

None

VIII. UNSCHEDULED ITEMS

A. Members of the Commission

B. Staff

C. General Public

IX. NEXT MEETING: Special Meeting to Discuss Fulton Mall nomination to the National Register of Historic Places, Monday, April 5th, 5:30 PM Council Chambers. Next regularly scheduled meeting April 26th.

X. ADJOURNMENT

DRAFT Historic Preservation Commission Meeting
Minutes, February 22, 2010

I. **Call to Order** – Meeting called to order at 5:31 p.m. by Don Simmons, Ph.D.

Commissioners in Attendance:
Patrick Boyd
Sally Caglia
Teresa España, M.A.
Chris Johnson AIA
Joe Moore
Don Simmons, Ph.D.

Commissioners Absent:
Molly LM Smith (excused)

Staff for the City of Fresno:
Karana Hattersley-Drayton, M.A. (Historic Preservation Project Manager)
John M. Dugan, AICP, Director, Planning & Development Department
John Fox, Deputy City Attorney
Sophia Pagoulatos, Planner, Planning & Development Department

II. **Approve Meeting Minutes from January 25, 2010**

Karana Hattersley-Drayton noted that although the commission agreed to create a subcommittee to discuss a possible nomination for a modern resource (based on Modernism report), no subcommittee members were appointed.

Sally Caglia moved and **Patrick Boyd** seconded a motion to approve the minutes. The motion passed unanimously.

III. **Approval of Agenda**

Chris Johnson moved and **Joe Moore** seconded a motion to approve the agenda. The motion passed unanimously.

IV. **Consent Calendar**

None

V. **Continued Matters**

None

VI. **Commission Items**
A. Power Point Presentation by John M. Dugan AICP (Director), "Planning and Preservation Work Program, Fresno Green Development Code and the General Plan Update"

Power Point presentation made, included a description of citywide planning efforts; Director John Dugan expressed interest in having a follow-up workshop to discuss more specifically the work program of the Historic Preservation Commission, role of the commission, staffing up, and Form-Based Codes.

Sally Caglia expressed that she wanted to retain **Karana Hattersley-Drayton** as commission staff.

B. Legal Requirements for Commission Committees and Sub-Committees
Presentation by John W. Fox ESQ (Deputy City Attorney)

Presentation made (with handout).

C. Review and Authorize Secretary to Provide Comments from the Commission on the Fresno Merger No. 1 Redevelopment Plan Amendments Project Draft Subsequent Environmental Impact Report Pursuant to Fresno Municipal Code Section 12-1606(b)(5)(6)(7).

Jerry Freeman and John Raymond (RDA) presenting, with **Karana Hattersley-Drayton** who summarized the staff recommendation.

Chris Johnson requested clarification about 300 DPR forms included in the survey scope for the Fulton Corridor Specific Plan and subsequently requested to know the % of the $2.0 million budget for the downtown specific plans that was allocated to surveys.

Karana Hattersley-Drayton suggested that staff from the Downtown and Community Revitalization Department could attend a future meeting and respond to the question.

Don Simmons opened the floor to public comment.

Jeanette Jurkovich: Historic Preservation Commission is supposed to direct where surveys go; many things to consider; S. Van Ness Industrial Area survey is not completed; this area generates lots of property tax revenue, interesting area, changeable area, potential for a Pearl District [as in Portland, Oregon]. Notes that she is tired of waiting for survey, first it was Roosevelt Community Plan, then S. Van Ness Industrial Area. Need to create an enforceable mitigation measure; create consequences if task not completed. If you wait for development to do a survey, it's an awkward situation. Historic Preservation Commission's job is to identify the resources, then CEQA can occur. Last item: different kind of EIR because it's co-lead agencies. Usually there is one lead agency. In CEQA, there are lead agencies and responsible agencies; city lead and the Redevelopment Agency (RDA) would be a responsible agency. If lead agency not clear, could prolong environmental review processes (this happened with Armenian Town). Ms. Jurkovich ended her comments by

stating that there needs to be an agreement; **John Raymond** said they have been advised that they don't need one.

Public comment period was closed by **Don Simmons**.

Teresa España asked staff to address enforceability of the mitigation measures.

John Raymond responded that once mitigation measures are adopted, they must be applied. Not like an ordinance, but when projects come through the planning department, mitigation measures will be applied. Survey requirement would apply within the Fulton Corridor Specific Plan area.

Joe Moore asked if prior requirement for surveys in S. Van Ness Industrial Area was supposed to occur and didn't happen, what's to stop that from happening again? What happened? What's the weak point?

Jerry Freeman responded that when Final EIR is adopted, it will be adopted by City Council and RDA board; there are recommendations that address city actions. City has strong role in conducting studies and making sure that under that they get done. RDA didn't surface the fact that the city didn't conduct surveys...

Karana Hattersley-Drayton pointed out that an ongoing issue has been defining "the city." It was frankly unclear whose responsibility it was for this survey.

Jerry Freeman stated that there have been lots of changes in Planning & Development Department and City Manager's office; don't want to miss mitigation measures again.

Joe Moore stated that City of Fresno has taken responsibility for the South Van Ness Industrial Area, but asked who is responsible for the other 8 areas?

Karana Hattersley-Drayton responded that 5 areas are in the Fulton Corridor Specific Plan and are underway, 3 other areas would be surveyed on a project by project basis.

Chris Johnson expressed concern that historic preservation is still seen as an obstacle; this is contrary to John Dugan's presentation and new direction of planning. Quoting a letter included in the SEIR, he pointed out that the RDA stated that their goal is to provide redevelopment, not conduct historic preservation. He emphasized that these 2 goals should not be mutually exclusive; they should be complementary. Now there's a commitment to historic preservation, not just an obligation. The narrative for this document is troubling from an overall standpoint.

Jerry Freeman stated that the environmental consultant is saying you may identify resources that you may not be able to preserve.

Chris. Johnson countered that the SEIR conclusion is that impacts will be significant and unavoidable, which is like giving up before your start.

John Raymond clarified that loss of historic resources is inevitable; EIRs must be conservative.

Chris Johnson stated that our identity as a city has suffered because we have not preserved our resources; everybody else is doing it, why not us? Seems a little "retro" that we are looking at it that way (redev vs. preservation).

Joe Moore stated that it's more about mindset; and he cited a recent discussion about "obsolete" floor plates, but creative communities have had success with spaces that would not attract a major department store but still have potential of meeting both redevelopment and preservation goals.

Chris Johnson pointed out that in the South Van Ness Industrial Area, need to survey buildings 45 or older (not 50) 3-B-16 item a.

Don Simmons asked what the rationale was for prior survey not being done and what are the assurances now?

Jerry Freeman responded that both City and RDA dropped the ball; it will be more on City Council radar screen now.

Karana Hattersley-Drayton clarified that Planning and Development Department staff always understood that it was RDA's responsibility to conduct the survey, but now our department will take it on. Not funded currently.

Chris Johnson asked if it was unfunded before.

Jerry Freeman responded that he didn't know, because it was the City's responsibility.

Karana Hattersley-Drayton added that the South Van Ness Industrial Area consists of 500+ acres and approximately 700 buildings; many of which are post 1960's.

Sally Caglia recalled that the original SunMaid plant and housing which was related to that was located in the area

Karana Hattersley-Drayton: Staff would divide the area into sections and do one section at a time. It has a rich story, with fruit packing, parts of Armenian Town, etc.

Chris Johnson: There are other ways of mitigating—always hear it's too costly; we should require proof of infeasibility; we should incorporate more options.

Joe Moore asked if the Commission could request more information on co-lead agencies and which agency has authority to do subsequent environmental review?

Karana Hattersley-Drayton stated that City attorney cannot advise commission; can only advise staff.

Joe Moore asked the RDA if it utilizes city attorney or outside counsel?

John Raymond responded that both are utilized. In this case, **John Fox** is the attorney. However for plan amendments, RDA hires outside counsel for more objectivity. He went on to clarify that part of the reason RDA spent lots of time at the Notice of Preparation stage is because the RDA cannot amend its own plans; amended by the City Council as the City Council. Legislative body (City Council) approves the plan. City's EIR and agency's EIR.

Jerry Freeman noted that when the RDA is carrying out projects pursuant to plans, the RDA uses the EIR; in other types of projects, the city relies on the EIR.

Joe Moore asked if other projects would use this EIR for its environmental document?

John Raymond clarified the difference between a program vs project EIR, and the city's use of its Master EIR.

Don Simmons: reopened public comment upon request of a member of the public **(J. Jurkovich).**

Jeanette Jurkovich stated that under CEQA, if there are feasible mitigation measures, they must be implemented. If with a program level EIR one just makes findings of overriding considerations, it's worthless. She used the General Plan MEIR as an example, in which impacts to historic resources will be less than significant because there's a requirement for tiered environmental review. When we have a potential resource, we will do a review. Then people can bring forth ideas and figure out how to save. Have a performance standard as a mitigation measures. Example of this type of mitigation measure: fed/state/local/surveyed resources would be impacted, then we would undergo focused environmental review for that project.

Jerry Freeman stated that the RDA would respond if the concerns were put in writing and submitted to the agency.

Chris Johnson asked what would occur if the potential resource is not listed?

Karana Hattersley-Drayton asked if additional standards could be set up in this document that are different from the Historic Preservation Ordinance?

Karana Hattersley-Drayton cited page 3-22 and noted that the DEIR needs to make more explicit city's demolition protocol.

Chris Johnson stated that he didn't like the policy that not listed means can demolish; he noted that it wasn't that way in the past.

Don Simmons reopened public hearing again, at the request of a member of the public (S. Weil).

Steve Weill clarified that what Ms. Jurkovich recommended is that the commission ask to have document conclude that procedures will mitigate all impacts. For example, regarding traffic impacts: projects simply avoid degrading below Level of Service D. If impacts cause lower that the Level of Service called for in the general plan (LOS D), then additional study and environmental analysis is required and more mitigation measures required. If this procedure could be embedded in this document (the Merger DEIR), then one could make a finding that all significant cultural impacts are mitigated. They would be mitigated by tiered review.

Joe Moore inquired that if the General Plan MEIR mitigates all cultural impacts via tiered mitigation measures, then why can't this document? Would it be possible to include similar language in this document?

John Raymond expressed skepticism that the MEIR concludes that there will be no significant impacts to historical resources for the life of the General Plan. It's possible to mitigate traffic with a series of mitigation measures, as Steve [Weill] stated. For tear-down of a historic resource, a focused EIR would have to be conducted. A demolition of a historic resource could not be adequately addressed in a Mitigated Negative Declaration. Tiered mitigation would have to propose a program EIR, which would include further analysis and options, like documenting, moving building, etc. EIR is not mitigation, its just more study.

Joe Moore stated that with environmental review, project will be self mitigating as was stated as a goal in Fulton Corridor Specific Plan.

John Raymond clarified that this document is self-mitigating, it's just maybe Historic Preservation Commission doesn't like the mitigation measures.

Chris Johnson noted that on page 3-22 b, item 5, the section is jumbled.

Karana Hattersley-Drayton added that language from the 1998 EIR was melded with new provisions and this doesn't work well in this section.

Chris Johnson expressed that he likes some of the language--- recommends adding extending staff reference to Historic Preservation Commission. He also asked what the timing was for review of this DEIR.

Karana Hattersley-Drayton responded that the 45 day review period concludes on March 19. She outlined two options to facilitate the Historic Preservation Commission's evaluation of the preceding discussion and the provision of comments on the DEIR: 1) call a special meeting; or 2) request extension on DEIR comment deadline from RDA.

Don Simmons expressed a preference for the RDA to extend the DEIR comment period.

Chris Johnson asked if staff or the commission could call a special meeting.

Karana Hattersley-Drayton responded in the affirmative.

Don Simmons moved that the Historic Preservation Commission request that RDA extend the comment period to the scheduled March meeting, and if not, requested to call a special meeting.

John Raymond commented that the RDA's next trip is to the planning commission and that he needs to check timeline. He stated that he didn't want to lose a month by extending comment period.

Don Simmons amended his previous motion to state that if information is received that it will not be possible to extend the DEIR comment period, then Historic Preservation Commission will call a special meeting.

Karana Hattersley-Drayton stated that a decision would need to be made no later than March 1, because a special meeting would need to be held no later than March 15.

Joe Moore seconded the amended motion; approved motion unanimously.

Teresa España moved to continue item C, **Joe Moore** seconded the motion, and it passed unanimously.

D. Chairperson's Report

E. Unscheduled Items Report

1. Members of the Commission

Chris Johnson attended the California Preservation Foundation windows workshop and suggested the possibility of further training.

B. Staff

1. Update on Notice and Orders for 1743 and 1749 L Street-

Karana Hattersley-Drayton provided update;
Joe Moore observed that the Notice and Order for the two buildings still stresses "fix-it-up" or "tear-it-down" and wishes to soften demolition language. **Hattersley-Drayton** mentioned that this was the standard protocol and was prepared last summer, prior to the change in direction for the Procedures Manual.

2. **Inter-departmental Historic Preservation Team**; **Karana Hattersley-Drayton** described; **Chris Johnson** would like commissioners to participate...**Karana Hattersley-Drayton** will ask **Director John Dugan** to invite chair & vice chair to next meeting.

3. **CPF Workshop: 'The National Register of Historic Places and the Secretary of the Interior's Standards for the Treatment of Historic Properties, " Tustin, California (Jan 27, 2010) Karana Hattersley-Drayton** mentioned that she attended.

Sally Caglia stated that she understood that a home is to be demolished on the 1900 block of San Joaquin; why didn't Historic Preservation Commission review?

Karana Hattersley-Drayton: The commission did review it around 2 years ago as part of the Arts-Culture Historic Survey. Commission did not find the building eligible for the Local Register and since that review the building has had a fire. There were serious code issues; went through appeal process.

C. General Public
There were no additional comments from the public.

IX. Next Meeting: March 22, 5:30 p.m.

X. Adjournment: 8:08 p.m.

Respectfully submitted,

Sophia Pagoulatos (for) Will Tackett

Attested to:

Don Simmons Ph.D. Chair

Karana Hattersley-Drayton, Secretary

City of FRESNO

REPORT TO THE HISTORIC PRESERVATION COMMISSION

AGENDA ITEM NO. VA HPC MEETING: 03/22/2010
APPROVED BY
DEPARTMENT DIRECTOR

March 22, 2010

FROM: KEITH BERGTHOLD, Assistant Director KRB
Planning and Development Department

BY: KARANA HATTERSLEY-DRAYTON KHD
Historic Preservation Project Manager
Secretary, Historic Preservation Commission

SUBJECT: REVIEW AND AUTHORIZE SECRETARY TO PROVIDE COMMENTS FROM THE COMMISSION ON THE FRESNO MERGER NO. 1 REDEVLOPMENT PLAN AMENDMENTS PROJECT DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, PURSUANT TO FRESNO MUNICIPAL CODE SECTION 12-1606(b)(5)(6)(7)

RECOMMENDATION

Staff recommends that the Historic Preservation Commission review the "Fresno Merger No. 1 Redevelopment Plan Amendments Project Draft Subsequent Environmental Impact Report" and hold a public hearing. Pursuant to FMC 12-1606(b)(5)(6)(7) the Commission has the authority to comment on environmental reviews as well as redevelopment and planning programs as they may pertain to designated historic resources. In addition the Commission may help establish criteria and protocols for historic surveys. The Commission considered the draft SEIR at its February 22, 2010 meeting and asked that the comment period for the Commission be extended past the 45-day period to include an additional opportunity for review. The City's Redevelopment Agency granted this request due to the Commission's status under the Brown Act. Commission comments are now due by March 25th. Staff recommends that the Commission formulate any comments and questions which it wishes to have addressed in the responses to comments included in the Final EIR and request that Staff prepare a letter with those comments and questions to send to the RDA. Staff supports mitigation measures CR-1 and CR-2 which address historic and archaeological surveys and protocols with the caveat that the historic survey protocol (CR-2) needs to incorporate through reference the City's regulatory process for demolition review of historic and non-historic buildings.

EXECUTIVE SUMMARY

The Redevelopment Agency of the City of Fresno ("Agency") proposes to amend nine redevelopment plans within the Agency's Merger No. 1 Redevelopment Project. These project areas are: Mariposa, Central Business District, Convention Center, Jefferson, Chinatown Expanded, West Fresno I, West Fresno II, Fulton and South Van Ness Industrial and are collectively referred to as the "Project." The 1,900 acres of the Project area include most of Fresno's designated and potential historic resources, both above ground (buildings, objects, structures and sites) and sub-surface (archaeological features).
As discussed in the Draft Subsequent Environmental Impact Report (DSEIR) the "Project would 1) extend the Agency's ability to acquire property within the Project Area through use of eminent domain, 2) streamline the Constituent Redevelopment Plans to ensure consistency with the *2025 Fresno General Plan* (General Plan) and future General Plan updates and other specific or community plans, and 3) amend specific time and financial limits for the Constituent Project Areas" (ES-1). The Redevelopment Agency of the City of Fresno (Agency) and the City of Fresno (City) are collectively the Lead Agency pursuant to the California Environmental Quality Act.

The DSEIR is based on the 1998 EIR and analyzes new regulations, standards and statutes which may suggest significant new environmental effects since adoption of the 1998 document. Due to public and agency comments received during the 30-day review period of the NOP/IS (as well as environmental review for this SEIR) it was determined that impacts were significant and unavoidable with mitigation, if feasible for air quality, historic resources, water, noise, utilities and service systems. The impacts to archaeological resources were also not considered in the 1998 EIR and have been analyzed in this SEIR. An Administrative Draft SEIR was prepared by the consultants and staff of the Redevelopment Agency and was circulated in the fall to City staff. Following staff review and meetings with RDA the draft SEIR was revised and has been published for public review. The 45 day comment period ends March 19, 2010 and has been extended to March 25th for the Historic Preservation Commission only.

BACKGROUND

The Historic Preservation Commission reviewed the Initial Study for the Merger One SEIR at the August 24, 2009 meeting. Following a presentation by Redevelopment Agency staff, public comments and discussion, the Commission on a 7-0 vote passed the following resolution:

- Recommends that the historic survey, as initially required for the South Van Ness Industrial Area as a mitigation measure (3.15-5), be retained;
- Recommends against project-by-project historic surveys but strongly supports comprehensive surveys performed to State standards, prior to development proposals. Ultimately these surveys provide a baseline of information that is useful in potential development and which may in fact prove to be more cost efficient and less contentious;
- Supports the development of a historic survey protocol and potential MOU/MOA between the City's Planning and Development Department and the RDA that would address standards, funding, cost-sharing and a protocol for accepting and/or adopting the survey findings by the Commission and Council;
- Archaeology needs to be addressed in the SEIR; Commission supports inclusion of the State of California's Office of Historic Preservation protocols for sub-surface resources;
- Include within the SEIR an updated list of historic surveys that have been completed over the past 10 years, with a list of potential historic districts, as called out in these surveys.

A letter with these recommendations was sent to the RDA Project Manager, David Martin, by historic preservation staff on August 25, 2009.

Following staff review, Commission and public comments and subsequent environmental review of the Initial Study, the consultants for RDA, ICF Jones and Stokes, determined that "direct and cumulative historic resources impacts would be significant and unavoidable" (ES-8). As in the 1998 EIR the conclusion was that even with mitigation, "impacts on historic resources would remain significant and unavoidable as a result of the Project" with "cumulatively considerable historic resources impacts that would be significant and unavoidable as a result of site acquisition and clearance; indirect effects related to differences in scale, bulk and mass, architectural style and color; and loss of continuity or association of the historic resource with its surroundings" (ES-8-9).

Impacts to Historic and Cultural Resources and Recommended Mitigation Measures

Impact CR-1: the Project would cause a significant adverse change in the significance of a historical resource as defined in Section 15064.5 of the California Environmental Quality Act. Two mitigation measures were developed to minimize impacts to historic and cultural resources.

MMCR-1: Conduct Historic Building Surveys and Archaeological Surveys of the South Van Ness, Central Business District, Convention Center, Chinatown Expanded, West Fresno I, and Fulton Constituent Project Areas As mitigation measure MMCR-1, the SEIR requires historic and archaeological surveys of six of the constituent plan areas. Due in part to HPC comments the SEIR retains Mitigation Measure 3-15-5 from the 1998 survey which called upon the "City" to prepare a historic survey of the South Van Ness Industrial Revitalization Constituent area. But in addition, the SEIR also would require the City to prepare intensive-level building by building historic surveys for five other of the nine constituent plan areas, which parenthetically coincide with the Fulton Corridor Specific Plan. Thus, ideally, all pre-1965 resources within the Central Business District, the Convention Center, Chinatown, West Fresno I and Fulton would be surveyed by a professional meeting the Secretary of Interior's Professional Qualifications for History or Architectural History, using state protocols as required under the City's Certified Local Government (CLG) agreement with the State of California. The 594 acres of the South Van Ness Industrial area would be the responsibility of the City's Planning and Development Department. Surveys for the Fulton Corridor Specific Plan areas would be completed by 2012; whereas the South Industrial Area would have a five year window for completion (2015). The potential for sub-surface deposits will also be studied through a Phase 1 Archaeological survey of the 6 constituent areas.

At a recent City Council Hearing the Fulton Corridor historic and archaeological surveys were funded as part of the Fulton Corridor Specific Plan. The budget calls for a historic context and up to 300 sets of DPR forms (Primary and BSO forms) as well as an archaeological survey of the Fulton Corridor Plan area. Due to the City's prior survey work, and that prepared for the South Stadium project, it is anticipated that all pre-1965 resources will be fully documented for these five plan areas.

It is proposed that for the South Van Ness Industrial Area the City's Historic Preservation Project Manager will serve as the Principal Investigator for the survey. Potentially a grant will help fund local architectural historians to work as a collaborative team. It should be noted, however, that unlike the Fulton Corridor Specific Plan there is currently no funding for additional staff or consultants in place, either to support or augment the South Van Ness Area Historic Survey, or is there funding for a Phase 1 Archaeological Survey of this area. However, pursuant to the requirements of the SEIR the City has five years to complete this survey and the Planning Department has committed to provide the necessary resources over this five-year period to complete the survey.

MMCR-2 Survey Protocol of Future Development Projects. The SEIR also calls out a protocol for doing historic surveys during the discretionary approval phase of a proposed development. This language, as found in section (3B-20) reflects the protocol currently in use by the Planning and Development Department for proposed projects that occur in areas that have yet to be surveyed. The inclusion in this document, however, is immensely helpful in codifying this approach. Thus until such time as an area has been surveyed, a project developer would be required to prepare both a historic and an archaeological survey for the project area, with the federal definition of an Area of Potential Effects (APE) used for historic resources, and the Area of Direct Impact (ADI) used for potential sub-surface resources. "Development Project" is carefully and usefully defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...: including but not limited to "clearing or grading of land, improvement of existing structures, construction or remodeling or expansion of buildings.... Etc (ES-33). This protocol would incidentally apply to all nine constituent plan areas of the "Project."

One concern in the survey protocol is that the potential for demolition of a listed historic building does not clearly reference and incorporate the City's protocol for demolition review. Thus the regulatory framework for potential adverse affects to designated properties needs to be included in the section now found on

page 3B-22. Under provisions of the General Plan (G-11-c) all demolition permits of buildings over fifty (50) years old are reviewed by the City's Historic Preservation Project Manager and referred to the Commission as appropriate for consideration for listing on the Local Register. However, with the exception of FMC 12-1618 (e) the demolition of a designated Historic Resource, as defined by Fresno Municipal Code, section 12-1603(o), (i.e. listed on the Local Register of Historic Resources) must first be reviewed by the Historic Preservation Commission although any decision may be appealed to the Fresno City Council.

CEQA Guidelines, Section 15088

As part of the public review process outlined in Title 14 of the California Code of Regulations (Chapter 3, "Guidelines for Implementation of the California Environmental Quality Act") public members and agencies have an opportunity to comment on a draft Environmental Impact Report. The Lead Agency must provide a written response to these comments. When recommendations or objections are in variance to the position of the Lead Agency, the Agency must address the comments in detail and provide a "reasoned analysis" made "in good faith." The response to comments may take the form of a revision to the draft EIR or may constitute a separate section in the final EIR. Thus, as a reminder, the Commission's role is to provide questions and comments about the SEIR in the form of a letter addressed to the Redevelopment Agency, which will be answered by the Agency and included in the final EIR.

February 22, 2010 Commission Hearing:

At the February 22, 2010 hearing of the Commission, RDA staff presented an overview of the SEIR process and protocol. The public was asked to comment on the record. The following issues and questions were raised and discussed by public members and commissioners 1) What is the status of the co-lead agencies, the City of Fresno and the RDA; 2) Are the "mitigation measures" for historic resources really enforceable; 3) Why was the mitigation measure in the 1998 EIR for a survey for the South Van Ness Industrial Area not enforced; what is the guarantee that the survey will be accomplished under this EIR?; 4) The tone of the EIR does not appear to support and stress the importance of historic preservation; 5) Why are impacts significant and unavoidable; 6) Buildings in the South Van Ness area should have a DPR form if they are at least 45 years of age (not 50 as stated); 7) If there are impacts to historic properties in the future, there needs to be some kind of performance standard, such as a requirement for further study or a focused EIR; 8) Commissioners also compared the draft SEIR to the City's General Plan MEIR and asked whether the General Plan document more fully considered impacts to historic and cultural resources; 9) Asked that the Historic Preservation Commission's review be added in as well under Item 5, 3B-22.

The Commission may wish to include these and other questions in a written response to the draft EIR pursuant to 15088(a)(b) of the CCR, Chapter 3.

CONCLUSION:

Staff recommends that the Commission adopt a resolution of support for the Cultural Resources mitigation measures as incorporated into this draft Subsequent Environmental Impact Report with the caveat that the survey protocol, as discussed under number 4, page 3B-22, be revised to better reflect the City's regulatory language regarding permit and demolition reviews. Staff further recommends that the Commission authorize the Secretary to draft a letter to the RDA with Commission comments and recommendations.

Attachments: Exhibit A - "Fresno Merger No. 1 Redevelopment Plan Amendments Project Draft Subsequent Environmental Impact Report," Prepared by ICF Jones and Stokes for the Redevelopment Agency of the City of Fresno February 2010.

City of FRESNO

REPORT TO THE HISTORIC PRESERVATION COMMISSION

AGENDA ITEM NO. VI-B HPC MEETING: 03/22/2010
APPROVED BY
DEPARTMENT DIRECTOR

March 22, 2010

FROM: KEITH BERGTHOLD, Assistant Director
Planning and Development Department

BY: KARANA HATTERSLEY-DRAYTON
Historic Preservation Project Manager
Secretary, Historic Preservation Commission

SUBJECT: REVIEW AND COMMENT ON ENVIRONMENTAL ASSESSMENT FOR A CONDITIONAL USE PERMIT (C-10-46) FOR A MIXED-USE RESIDENTIAL INFILL PROJECT LOCATED AT 1045 U STREET, PURSUANT TO FRESNO MUNICIPAL CODE, SECTION 12-1606(b)(5).

RECOMMENDATION

Staff recommends that the Historic Preservation Commission review the attached draft Mitigated Negative Declaration and elevation drawings for the Conditional Use Permit Application No. C-10-46 for a 4-story mixed use residential development located at the southwest corner of Mariposa and U Streets. The Commission should consider whether the proposed project will cause a substantial adverse change to Emmanuel Lutheran Church (HP# 220) located directly north of the proposed project at 1115 U Street. Staff has concluded that due to the diversity of building styles in the neighborhood and the location of the project, the proposed mixed-use infill will have a less than significant impact to both extant historic resources and sub-surface cultural resources. The project will also fulfill the City's mandate to create greater density in the downtown and build "in, up and mixed." It is recommended that the Commission adopt a resolution supporting the City's environmental findings that the proposed project will have a less than significant impact to adjacent historic resources.

EXECUTIVE SUMMARY

Concord Construction proposes to construct a 4-story (50-foot height) mixed use residential development on the southwest corner of Mariposa and U Streets in downtown Fresno. The complex will include 3 live-work studios on the ground floor and 34 multiple family residences on the upper three floors. Parking for 25 vehicles will be included on the ground floor. The two parcel(s) are vacant and are located at the "eastern" edge of the proposed "St. John's Cathedral District" in downtown Fresno. The parcel "south" of the proposed project is a strip mall (1962) which includes several businesses. Across from this complex is a 3-story high Office Depot. Diagonally across from the project site is a Starbucks. "North" of the proposed infill project is a designated historic resource, Emmanuel Lutheran Church (HP# 220) constructed in 1929? To the "west" of the project footprint is the rear yard of the Goodman Home (HP# 131, 1906) located at 1060 T Street.

Under Section 12-1606(B)(5) of the City's Historic Preservation Ordinance, the Commission may comment on environmental reviews for any permit that may affect a designated historic resource. Planning staff have analyzed the project and have concluded that the project is not fully within the scope of the City's Master Environmental Impact Report No. 10130 (MEIR) which was prepared for the 2025 General Plan. The Department therefore proposes to adopt a Mitigated Negative Declaration for this project. Staff has concluded that with the imposition of project specific mitigations (see Monitoring Checklist) there is no substantial evidence in the record that the proposed 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 "St. John's Cathedral District" has been identified as a potential historic district since the 1970s and most recently in 1994 in the Ratkovich Plan survey, prepared by John Edward Powell and Michael McGuire. At that time, however, the consultants found that due to the loss of several older homes only 54% of the buildings were potential contributors. Partly for this reason the proposed district has never been designated. The 8-block neighborhood includes 17 designated historic buildings but also numerous modern apartment complexes, parking lots and medical offices. A rich tree canopy, however, helps to tie the divergent buildings styles into a more coherent and very urban mixed use neighborhood.

The Commission may choose to consider the overall context for the proposed project, however any resolution must address the specific environmental impacts, if any, to the designated resources adjacent to the proposed project rather than to a historic district that has never been designated.

BACKGROUND

The proposed multi-family mixed use project has been designed to reflect an updated interpretation of the Spanish Revival/Eclectic style which was developed initially in 1913-1915 for the San Diego Panama Pacific Exposition at Balboa Park. The style was used extensively throughout California for both residential and non-residential buildings including numerous homes and multi-family complexes in the Tower District and along Huntington Boulevard in Fresno. More recently the style has been adapted for new construction, particularly in Southern California (and as seen in the La Quinta Motel one block south on Tulare).

The project elevations as presented include finely textured stuccoed surfaces, inset balconets with wrought iron work, decorative ceramic tiles around several arches openings, and a concrete tile roof that emulates Spanish clay tiles. The 4-story building although massive has architectural interest due to the use of projecting bays with cross-gabled roofs. The parcel is adjacent to a 1-story commercial strip mall and is diagonally across from the very commercial and contemporary Office Depot complex. The concern then is how the project fits with the 1929 Collegiate Gothic style Emmanuel Lutheran Church which the proposed building will face?

Historic properties in the St. John's neighborhood include the Queen Anne Meux Home, the Arts and Crafts style of the Blassingame-Aten Home and the exuberance of the Italian Villa found in the Brix Mansion. The neighborhood in fact represents a remarkable cross-section of late 19th and early 20th architectural styles and includes as well numerous contemporary offices and apartment complexes. As there is no one prevailing vernacular in the St. John's neighborhood it is not useful to suggest that any infill project quote one architectural aesthetic over another. The church, including its set-back from the street is 100 feet away from the proposed project, and thus the profile of the church will continue to be dominant and visible.

The subject parcel includes the site of a former historic resource, the John Meux Home (HP#134) which was built in 1907 and demolished in 1982. The Sanborn Fire Insurance Map of 1906 indicates that the parcel was completely vacant at that time. It is therefore unlikely that sub-surface resources exist at this location as by 1907 privies, wells and other likely features for historic deposits and refuse were no longer in use. However, should any human remains, cultural artifacts, or paleontological material unexpectedly be found during project excavations, conditions of approval and MEIR mitigation

measures direct the appropriate investigations and ensuing evaluation and preservation of the material (see Exhibit E).

Attachments: Exhibit A - Mitigated Negative Declaration for C-10-46: Mariposa and U Street Mixed Use Apartments.

CITY OF FRESNO
PLANNING & DEVELOPMENT DEPARTMENT
Initial Study Impact Checklist for

Environmental Assessment No. C-10-46

March 5, 2010

1. Project title: **Conditional Use Permit No. C-10-46, Mariposa and U Street Mixed Use Apartments**

2. Lead agency name and address: City of Fresno
   Planning & Development Department
   2600 Fresno Street
   Fresno, CA 93721

3. Contact person and phone number: Sophia Pagoulatos, Planner ph 559-621-8062

4. Project location: (See vicinity map and aerial photos, attached as Exhibits 1 and 2)
   1045 U Street, Fresno, California 93721
   Located on the southwesterly corner of Mariposa and U Streets
   Fresno Co. Assessor's Parcel Number 466-043-02, -03
   36° 44' 33" N Latitude, 119° 6' 48" W Longitude

5. Project applicant representative name and address:

   Concord Construction
   Ali Alavi Moghaddam
   1368 West Herndon Avenue
   Fresno, CA 93711

   on behalf of owners:

   Dr. and Mrs. Ibarra
   5561 E. Kings Canyon
   Fresno, CA 93727

6. Description of project:

   Conditional Use Permit Application No. C-10-046 was filed by Ali Moghaddam of Concord Construction on behalf of Dr. and Mrs. Ibarra and pertains to 0.52 acre of property located on the southwesterly corner of Mariposa and U Streets in downtown Fresno (APN No. 466-043-02, -03). The applicant proposes the construction of a 4-story (50-foot height) mixed use residential development consisting of 3 live-work studios on the ground floor and 34 multiple family residential dwelling units on the upper three floors. Residential garage parking (25 spaces) is proposed on the ground floor. The remainder of the parking will be provided on the street. The property is zoned C-6 *(Heavy Commercial)* and is proposed as a mixed use project pursuant to the Fresno Municipal Code Section 12-325. The project will include landscaping on both the private property and in the public right of way. The scope of project also includes a voluntary lot merger to merge the two parcels that currently make up the project site.

7. General plan designation: Commercial Mixed Use Level 1

Zoning: C-6 (*General Heavy Commercial District*)

9. Surrounding land uses and setting:

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Uses
North	Commercial Mixed Use Level 1	C-6 *(Heavy Commercial District)*	church
South	Commercial Mixed Use Level 1	C-6 *(Heavy Commercial District)*	Strip commercial retail use
East	Commercial Mixed Use Level 2	C-6 *(Heavy Commercial District)*	Commercial retail center
West	Commercial Mixed Use Level 1	C-P *(Administrative and Professional Office)*	Single family housing and offices

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

Fresno Metropolitan Flood Control District
State Department of Fish and Game
San Joaquin Valley Air Pollution Control District

11. This mitigated negative declaration is tiered from the City of Fresno's Master EIR (MEIR 10130/SCH 2001071097), certified on November 19, 2002, with findings adopted as set forth in attached Exhibit A. A re-examination of that MEIR has been conducted with regard to this project, and information is attached to substantiate the continuing validity of the MEIR (attached as Exhibit B). In addition, the air quality element of the 2025 Fresno General Plan was updated and Mitigated Negative Declaration A-09-02/SCH No. 2009051016 was adopted by the City Council on June 25, 2009. An MEIR mitigation measure monitoring checklist applicable to this project is attached to the Initial Study (Exhibit C) which includes the mitigation measures from the MEIR as amended to incorporate air quality element amendment A-09-02/ SCH No. 2009051016. Finally,

A project-specific mitigation monitoring checklist is attached as Exhibit D.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist on the following pages.

	Aesthetics		Agricultural Resources	X	Air Quality
	Biological Resources	X	Cultural Resources		Geology /Soils
	Hazards & Hazardous Materials	X	Hydrology / Water Quality	X	Land Use / Planning
	Mineral Resources	X	Noise		Population / Housing
	Public Services		Recreation		Transportation/Traffic
X	Utilities / Service Systems		Mandatory Findings of Significance		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION has been prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION has been prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required and a FINDING OF CONFORMITY has been prepared.

X I find that, with the project specific mitigation imposed, the project will not have additional significant adverse effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR"), SCH No. 2001071097 (please refer to attached Exhibits). Pursuant to CEQA Guidelines Section 15178, a MITIGATED NEGATIVE DECLARATION will be prepared.

X _____ _____

Sophia Pagoulatos Supervising Planner Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) 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).

2) 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.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "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).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, 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 an 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.

6) 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.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) 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.

9) 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

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	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 consists of a 4-story building with a nearly square building footprint (125 feet x 132 feet) and a central atrium on the ground floor that is open to the sky. Parking is provided on the ground level, along with a manager's office/residence and three live-work art studios designed to accommodate art-related retail sales. A small landscaped area is proposed for the center of the ground floor within the parking area and 8- to 10-foot landscaped strips line the perimeter of the project. While the ground floor units are accessed individually, the upper floor units are accessed from balcony corridors that line the building along the atrium. Vehicular access is provided by a security gate along Mariposa Street, and pedestrian access is provided via pedestrian gates on Mariposa and U Streets (see Site Plan and Elevations, Exhibits 4 and 5, respectively).

This project is proposed in a fully urbanized area that is developed with a mix of commercial, institutional and residential uses. No scenic vistas, scenic resources, or state scenic highways are in the project vicinity. The project is located in the Mariposa Redevelopment Plan Area and a district identified in the Central Area Community Plan as Community Hospital & Related Uses. The area includes an eclectic mix of hospital, office, commercial and residential uses of varying scales and heights, including a 3-story bank with a 4th story architectural feature within the view-shed of the proposed project. The most salient visual feature in the project vicinity is the church located across the street at 1115 U Street, the Emmanuel Lutheran Church, a locally designated historic resource. Potential impacts to this resource as a historic resource were deemed to be less than significant in the cultural resources section of this Initial Study (see Section V, below). The same conclusion is made with regard to aesthetics, and based on the same logic: the area is so diverse with regard to building types, styles, volumes and heights that the addition of the project will not result in a significant impact.

The proposed project will be required to provide aesthetic measures such landscape strips with street trees. In addition, the architecture and accompanying building signage will be compatible with the residential interface to the west, as well as the surrounding commercial/institutional uses on the other sides of the building (the architecture of the building and the surrounding neighborhood is further discussed in Section V, Cultural

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact

Resources). Design guidelines of the 2025 Fresno General Plan, as well as urban design policies of the Central Area Plan, will apply to the project. Standard City of Fresno project conditions applicable to the site's entitlements, and the California Building Code, require that outdoor lighting be shielded and down-directed to prevent glare from affecting adjacent properties. Therefore, with conditions imposed on the project, aesthetic impacts will be less than significant.

II. AGRICULTURAL RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

The 2025 Fresno General Plan and its MEIR analyzed the potential farmland impacts from urbanizing most agricultural land within the adopted City of Fresno Sphere of Influence. This project conforms to the 2025 Fresno General Plan and its MEIR mitigation measures (see attached Exhibits A and B for a summary of the MEIR's findings and continuing validity, and attached Exhibit C for the list of MEIR mitigation measures).

There are no crops on the site. The site is in the Central Area, the oldest urbanized portion of the city, and was part of the original plat of the City of Fresno, created some time between 1885 and 1897 (see Annexation History Map, Exhibit E). Therefore, the proposed project will not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to a non-agricultural use, nor will it conflict with zoning, land use or a Williamson Act Contract. The construction of the proposed project will not involve any changes in the existing environment which could

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact

result in conversion of farmland to non-agricultural use, since the property has not been used as farmland since the city was incorporated.

III. AIR QUALITYAND 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 SJVAPCD's 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)?				
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?				X
f) Generate sufficient tonnage of CO2 equivalents to have a significant or cumulatively significant effect upon global climate change?]				X

Regulatory Setting. The project site is located in Fresno County and within the San Joaquin Air Basin. 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. The San Joaquin Valley is hemmed in on three sides by mountain ranges, with prevailing winds carrying pollutants and pollutant precursors from urbanized areas to the north (and in turn contributing pollutants and precursors to downwind air basins). The Mediterranean climate of this region, with a high number of sunny days and little or no measurable precipitation for several months of the year,

fosters photochemical reactions in the atmosphere, creating ozone and particulate matter.

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the local regional jurisdictional entity charged with attainment planning, rule making, rule enforcement, and monitoring under Federal and State Clean Air Acts and Clean Air Act Amendments. The California Air Resources Board (CARB), a component of the California Environmental Protection Agency, sets statewide air quality standards and adopts statewide air pollution control measures such as standards for off-road vehicles, smog testing requirements applicable to on-road vehicles in the various air basins in the state, fuel formulation requirements for California and so forth. CARB evaluates and approves air pollution attainment plans proposed by local/regional air pollution control agencies in the state. The U.S. Environmental Protection Agency (EPA) sets national ambient air quality standards and is the agency which has ultimate approval authority for air quality attainment plans in air basins which have chronically or seriously failed to attain the federal air quality standards.

Traditionally, EPA has set the on-road emission standards for vehicle manufacturers. In recent years, there has been some overlap and dispute of the respective authority of CARB and EPA in the matter of on-road vehicular emission standards. CARB has proposed to regulate overall carbon emissions pursuant to state laws adopted to reduce "greenhouse gases," and the federal agency has disputed the state's right to do this. Litigation on these issues is underway.

With respect to adopted air quality standards of the United States Environmental Protection Agency (EPA) and California Air Resources Board (CARB), the San Joaquin Valley Air Basin has been classified as follows:

Ozone: The San Joaquin Valley Air Basin is classified as being in "Serious Nonattainment" status under the Federal 8-hour ozone standard. "Nonattainment" under the State 8 hour standard, and "Severe Nonattainment" under the California Clean Air Act 1 hour standard: The SJVAPCD governing board and CARB have approved a designation of "Extreme Nonattainment" for the federal 8 hour ozone standard, which was forwarded to the EPA for ratification; however, the EPA's rulemaking and comment process is not yet complete so the "Extreme Nonattainment" designation is not yet in effect. An Ozone Attainment Demonstration Plan (OADP) has been prepared, identifying emission reductions and additional air pollution control Rules needed to attain the air quality standard by 2023.

Particulate matter: There are two regulated categories of this pollutant: PM-10, consisting of particles less than 10 microns in diameter, and PM-2.5, composed of particles than 2.5 microns in size. In September of 2008, the U.S. Environmental Protection Agency determined that the SJVAPCD is in Attainment for the Federal PM-10 standard. The Basin's PM-10 classification under California Clean Air Act standards remains "Nonattainment." The Basin has been classified as being in "Nonattainment" for the 1997 federal PM-2.5 standard and for the State

PM-2.5 standard. A PM-2.5 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. The District has been classified under the federal 2006 PM-2.5 standard as nonattainment.

Carbon monoxide (CO): "Attainment" classification by EPA and CARB; however, the Fresno Urbanized Area was previously in "Nonattainment" and continues to be monitored for maintenance of attainment status.

Nitrogen Oxides (NOX): "Attainment" rating by EPA and "Attainment" by CARB. However, NOX is recognized and regulated as a major photochemical precursor for ozone/oxidant and particulate matter pollution.

Sulfur Oxides (SOX): "Attainment": rating by EPA and "Attainment" by CARB. However, SOX is recognized and regulated as a photochemical precursor to ozone/oxidant and particulate matter pollution.

Sulfates: No adopted federal standard; "Attainment" classification by CARB

Particulate Lead: No federal classification/designation; "Attainment" classification by CARB

Hydrogen sulfide (H_2S): No adopted federal standard; "Unclassified" rating by CARB

Visibility Reducing Particles: No adopted federal standard; "Unclassified" rating by CARB

Vinyl Chloride: No adopted federal standard; "Attainment" classification by CARB. As a hazardous air pollutant and a type of reactive organic gas, generators of significant levels of vinyl chloride would be regulated through SJVAPCD permitting rules and reductions in its emissions would be sought through attainment plans for oxidants/ozone and particulate matter.

Exceedances of ozone/oxidant standards set by the U. S. Environmental Protection Agency (EPA) and California Air Resources Board primarily occur during summer months, caused by the effect of heat and sunlight on ozone precursors such as reactive organic gases (ROG) and nitrates of oxygen (NOX). ROG and NOX are typically formed and by combustion of fossil fuels in internal combustion vehicle engines, heating appliances, etc.

Particulate matter exceedances may also be caused by photochemical reactions, but are also caused by direct emissions such as those from fireplace and agricultural waste woodburning, roadway tire wear, and fugitive dust (the effect of wind on open areas of disturbed soil, unpaved and dirty roadways). Despite the dry climate and potential for dust during the summer, particulate matter exceedances have occurred more often during winter months, attributable to residential woodburning and cotton plowdown

activities. Residential wood burning has been partially curtailed by local building ordinances that have prohibit fireplace and wood stove installation in new homes since the early part of this decade, and by woodburning control rules adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD). Control efforts over the past decade have been alleviating particulate matter to the point where the most recent monitoring period indicates attainment with the Federal particulate matter standard (formal approval of "Attainment" status is pending).

The region's high incidence of asthma, particularly childhood asthma, is primarily attributed to ozone and particulate matter exceedances, but may also be in part due to the nature of the pollutants encountered in the Valley, such as defoliants and pollen associated with agricultural operations. Household exposures to tobacco smoke, allergens and respiratory irritants are also being investigated as causal in the development of asthma.

In response to the San Joaquin Valley's chronic nonattainment status for ozone and particulate matter, the San Joaquin Valley Air Pollution Control District has adopted air quality attainment plans. Table VC-1 of MEIR No. 10130 lists the air quality attainment plans that have been adopted by the SJVAPCD as of the date of MEIR certification. The SJVAPCD was expected to adopt an attainment plan for the federal PM2.5 standard in April of 2008. EPA released final designations for the 2006 PM2.5 standards in December 2008 (effective in 2009) designating the Valley as nonattainment for the 2006 PM2.5 standards. Air quality attainment and implementation plans are periodically adopted and updated in response to area needs and federal and state mandates. These attainment and implementation plans prepared in response to the federal Clean Air Act are also intended to fulfill requirements of the California Clean Air Act, with emphasis on meeting California ambient air quality standards.

The principal components of air quality attainment plans consist of data describing measured air pollutant and pollutant precursor levels in the affected region's atmosphere; a baseline emissions inventory for the region; descriptions of control measures that will reduce future emissions; a future emissions inventory that reflects decreases due to implementation of emissions controls as well as increases due to increased population; and the results from a photochemical analysis model relating emissions to ambient pollutant levels, demonstrating attainment of the appropriate standard at a future target date through adoption and amendment of SJVAPCD Rules and Regulations.

The SJVAPCD Rulemaking process provides for public input and economic impact analysis and regulates consumer products and activities contributory to air pollution; permitting and enforcement activities conducted by the SJVAPCD; and public education campaigns. It is also the SJVAPCD's strategy to implement multiple tactics or control measures, focusing on not only specific pollutant sources, but on overall transportation planning--which relates to land use mix, funding for major roadway construction and facilitation of mass transit. Furthermore, SJVAPCD sponsors voluntary and incentive programs to provide for accelerated attainment.

The project's construction will be regulated by SJVAPCD Rules and Regulations for grading, paving, mobile construction equipment, and architectural coatings (paint

formulation). Voluntary and incentive-based air pollution control programs may also be involved in the construction and use of this project, but were not included in this project analysis because specifics are not available at this stage of project analysis. The District's Indirect Source Review (ISR) Rule will not apply to this project, as it is below the ISR review threshold of 50 residential units and 2,000 square feet of commercial space (See letter from the San Joaquin Valley Air Pollution Control District dated November 13 in Exhibit F).

Impact Analysis. The MEIR prepared for the 2025 Fresno General Plan requires that that the most current version of the URBEMIS computer model be used to analyze development projects and estimate future air pollutant emissions that can be expected to be generated from operational emissions (vehicular traffic associated with the project), area-wide emissions (sources such as ongoing maintenance activities and use of appliances), and construction activities. The SJVAPCD, in its letter to the City of Fresno Planning and Development Department dated November 12, 2009, stated that "project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality." SJVAPCD district staff confirmed in January of 2010 that because the project qualifies for Small Project Analysis Level (SPAL) as defined in the 2002 Guide for Assessing and Mitigating Air Quality Impacts, emissions have been pre-calculated for a project of this size and determined to have no possibility of exceeding the significance thresholds. SPAL maximums for multiple family low rise apartments are 220 units and for general retail uses is 2,000 square feet. The proposed project is well below these SPAL limits and therefore did not require a project specific URBEMIS model run to be conducted.

However, because the project is to be located in an area currently zoned for heavy commercial land use, a screening level analysis for potential risk associated with heavy-duty trucks allowed by the heavy commercial land use was recommended by the SJVAPCD. It was further recommended that if the screening level analysis indicated a risk of greater than 10 in one million, a health risk assessment should be prepared. A full Health Risk Assessment dated February 16, 2010 was prepared for the project by Michael Brandman Associates, the body of which is included in Exhibit G and is hereby incorporated by reference (appendices available upon request).

The purpose of the report was to estimate the potential health risks (both cancer and non-cancer) to residents located at the proposed project resulting from exposures to air emissions from nearby sources of toxic air contaminants (TACs). The TAC sources of interest included diesel truck and stationary source emissions in the project vicinity. The potential impacts from the assessment were compared with the applicable SJVAPCD's health risk significance thresholds to assess the regulatory significance of the impacts. The analysis concluded that the non-cancer health risk was below the established thresholds, but that, under worst case conditions, the maximum predicted cancer risk at the proposed project associated with the exposures to the TAC emissions was estimated to be 11.5 in one million, which marginally exceeds the SJVAPCD's cancer risk threshold of 10 in one million. A project specific mitigation measure requiring that the building's heating/vacuum/air conditioning (HVAC) system utilize high performance filters has been incorporated into the project.

The study also notes that during the 70-year time period over which cancer risk is calculated, significant area-wide diesel particulate matter reductions are projected to occur due to adopted regulations currently in effect. Although the SJVAPCD does not consider these reductions in performing worst case scenarios for the purpose of environmental review, the consultant performed an additional analysis taking these emissions reductions into consideration and calculated the cancer risk to be 7.1 in one million, which is below the SJVAPCD's thresholds.

In certifying MEIR No. 10130 for the 2025 Fresno General Plan, the City of Fresno adopted a Finding of Overriding Considerations for air quality, holding that generation of air pollutants is an unavoidable significant impact tributary to population growth and the urban development necessary to house and employ the increased population; acknowledging that, with present technology, it may not be feasible to mitigate these impacts below a level of significance (see attached Exhibit A for a summary of the MEIR's findings). This project's mitigation measures, together with the implementation of the "Reasonably Available Control Measures" (RACM), as listed in table VC-3 of MEIR No. 10130, is expected to help the city improve its overall air quality (see Exhibit D attached, for the list of MEIR mitigation measures applicable to this project). Wider implementation of air quality mitigation measures, and adoption of new Rules to regulate additional human activities, is acknowledged to be needed to help the San Joaquin Valley air basin attain its air quality goals.

Project's Impact on Global Warming. Because it is believed that global warming is being caused by human activities on the entire planet, it would be highly speculative to conclude that this project would have an adverse impact on global climate. The Urbemis 2007 computer model does provide data on expected tonnage of CO2 and Oxides of Nitrogen (NOX) (11,098 and 22.93) tons per year, respectively) but because CARB has not 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 to assist any lead agencies in determining whether a particular project will have a significant impact on global warming. Furthermore, the proposed project has an integrated combination of residential and commercial uses (allowing for residential and retail activities) within the project's footprint. 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 07, 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." A mix of land uses in close and connected proximity, such as is being proposed within this project, would be expected to generate fewer vehicle miles traveled per capita, leading to reduced emissions of greenhouse gases from engine emissions.

It is concluded that the project will not have a significant impact on global warming due to the evolving state of regulatory guidance and the nature of this project being a multi-use development that is accessible to public transportation, pedestrians and cyclists. The project incorporates land use strategies that have been proven effective in reducing air quality impacts including, but not limited to,: mixing land

uses; the proximity to a planned metropolitan bus line; integration of walkways, paths and other non-motorized means of travel; the compliance with adopted building codes and development standards that require the use of fossil fuels, removal of walls or other barriers to pedestrian walkways, and implementation of landscaping standards that reduce the site's ambient temperature thereby improving the overall energy efficiency of the project.

Therefore, based upon the available information, project design and the proposed mitigation measures, it cannot be concluded that the proposed project will have a potentially significant adverse impact on global warming.

Global Warming's Impact on the Project. The project 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, the City concludes that the proposed project 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. The project is not currently a habitat resource and would not be affected by any changes in biota induced by global warming.

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 (SJVAPCD) 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 (PM2.5) standards by Year 2014 and to attainment of oxidant/ozone standards by Year 2023, and would adopt additional Rules and emission controls as necessary to decrease emissions inventories by those target dates. There is insufficient information to indicate that global climate change would prevent attainment of air quality parameters affecting health.

If the potential effects of climate change cause a serious and persistent decrease in the Sierra snowpack, some of Fresno's water supply could be affected. 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 (in addition to precipitation captured and percolated in ponding basins, in conjunction with Fresno Metropolitan Flood Control District). It treats and distributes only a minor fraction of its surface water supply from the San Joaquin and Kings Rivers in the municipal water system. In times of drought, a reprioritization of water deliveries and reallocation for critical urban supplies vs. agricultural use is likely, but without drought contingency plans completed by the Kings River Water Association and the

Bureau of Reclamation; it is too speculative at this time to determine any adverse impacts to the City's total water supply from global warming. The City's Metropolitan Water Resources Plan and Urban Water Management Plan Update (approved in August 2008) contain contingencies and responses for drought contingencies, and the City's Department of Public Utilities has affirmed that adequate water service can be provided to this project for potable and fire suppression uses. Because the true long term consequences of climate change on California's water system are speculative at this time and are not fully predictable, there is insufficient information to conclude that there could be a significantly adverse impact on water supply for this project from global warming.

It is theorized that global warming leads to more energy in the atmosphere and to increased intensity of storm events, which could in turn cause excess episodic precipitation. Fresno's long-term weather pattern is that the region's rainfall occurs during episodic 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 this project 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 ditch banks 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. Therefore, based upon the available information it cannot be concluded that global warming may have a potentially significant adverse impact upon this project.

Mitigation Measures

1. The proposed project shall implement and incorporate the air quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated March 5, 2010.

2. The proposed project shall implement and incorporate the air quality related mitigation measures as identified in the attached Mitigation Monitoring Checklist dated March 5, 2010 for measures identified in the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan.

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				X

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

As noted above, the site is located in the Central Area of the City of Fresno, in the first area urbanized after incorporation of the city. The site is currently vacant and devoid of all trees and vegetation, therefore it is unlikely that it serves as significant habitat. In addition, it is small (0.52 acres) and not connected to any other potential habitat area. No adopted local, regional, or state habitat conservation plan or Natural Community Conservation Plan pertains to the site. While the City of Fresno does have an ordinance in the Fresno Municipal Code (Section 12-306-N-24) that calls for Planning and Development Department Director approval for any removal of mature trees, there are several criteria for allowing such removal. The subject property does not contain any trees.

V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the			X	

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
significance of a historical resource as defined in '15064.5?				
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 project is located on the "eastern" edge of a proposed historic district, the St. John's Cathedral District. The neighborhood is comprised of the eight blocks bounded by Fresno on the "north," U Street on the "east," Tulare on the "south" and Q Street (which encompasses the east elevation of the Fresno City Hall) on the "west." A somewhat larger footprint was first identified as the "Hospital Hill District" in an undated *Historic Districts Plan* prepared by Brenda M. Carter for the City of Fresno, presumably in the late 1970s. The 1994 *Supplementary Historic Building Survey for the Ratkovich Plan*, prepared in 1994 by John Edward Powell and Michael McGuire, modified the original proposed district boundaries and noted the loss of several fine homes which left by this date only a potential 54% as possible district contributors.

The St. John's neighborhood is named for St. John's Cathedral Catholic Church (1902) located near the western end of the proposed district at 2814 Mariposa Street. When built, the church was on the very edge of Fresno but soon became the anchor for a new, upscale residential neighborhood. Seventeen properties within the eight blocks including the church are listed on Fresno's Local Register of Historic Resources. Of these seventeen, three additionally are also listed on the National Register of Historic Places: the Thomas R. Meux Home (1889), the Rehorn Home (1906) and the H. H. Brix Mansion (1911).

Of interest is the remarkable architectural diversity, even cacophony of the neighborhood. Historic properties include the Queen Anne style of the Meux Home, the Arts and Crafts style of the Blassingame-Aten Home and the exuberance of the Italian Villa found in the Brix Mansion. In addition to the earlier historic properties the area includes a contemporary infill of medical offices, modern apartment complexes and numerous parking lots. A rich tree canopy and mature landscaping, however, help to tie the divergent building styles into a more coherent and very urban mixed use neighborhood.

The proposed multi-family complex has been designed to reflect the aesthetics of the Spanish Revival/Eclectic style which was developed initially in 1913-1915 for the San Diego Panama Pacific Exposition at Balboa Park. The style was used extensively throughout California for both residential and non-residential buildings and passed from favor during the 1940s. Numerous examples of Spanish Revival architecture are located in the Tower District and along Huntington Boulevard. More recently the style has been adapted for new construction, particularly in Southern California (and in the La Quinta

motel one block south on Tulare). The project elevations as presented include finely textured stuccoed surfaces, inset balconets with wrought iron work, decorative ceramic tiles around several arches openings, and a concrete tile roof that emulates Spanish clay tiles. The four story building although massive has architectural interest due to the use of projecting bays with cross-gabled roofs etc. The parcel is adjacent to a one-story commercial strip mall and is diagonally across from the very commercial and contemporary Office Depot complex. The concern then is how the project fits with the 1929 Collegiate Gothic style Emmanuel Lutheran Church which the proposed building will face?

As there is no one prevailing vernacular in the St. John's neighborhood it is not useful to suggest that any infill project quote one architectural aesthetic over another. Although the proposed project is similar to buildings widely seen in Los Angeles, in fact from the bungalow courts of the teens to the present, Fresno architecturally has been a melding of north and south. Indeed the North and the South meet here in the middle in the San Joaquin Valley.

The parcel includes the site of a former historic resource, the John Meux Home (HP#134) which was built in 1907 and demolished in 1982. The Sanborn Fire Insurance Map of 1906 indicates that the parcel was completely vacant at that time. It is therefore unlikely that sub-surface resources exist at this location as by 1907 privies, wells and other likely features for historic deposits and refuse were no longer in use. However, should any human remains, cultural artifacts, or paleontological material unexpectedly be found during project excavations, conditions of approval and MEIR mitigation measures direct the appropriate investigations and ensuing evaluation and preservation of the material (see Exhibit C).

Mitigation Measures

1. The proposed project shall implement and incorporate, as specified, the cultural resource related mitigation measures as identified in the attached Mitigation Monitoring Checklist dated March 5, 2010 for measures identified in the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan.

VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of				X

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
a known fault? Refer to Division of Mines and Geology Special Publication 42.				
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. As noted below, this project is not in the dam failure inundation area for that river.

Fresno is classified in being in a moderate seismic risk zone, Category "C" or "D," depending on the soils underlying the specific location being categorized and that location's proximity to the nearest known fault lines. All new structures are required to conform to current seismic protection standards in the California Building Code. Seismic upgrade/retrofit requirements are imposed on older structures by the City's Planning and Development Department as may be applicable to building modification and rehabilitation projects.

There are no geologic hazards or unstable soil conditions known to exist on the project site, nor are there any apparent unique or significant land forms such as vernal pools. The subject property is on level terrain and does not have expansive clay or soils with

high erosion potential. Despite long-term overdrafting of groundwater that has lowered the static groundwater level under Fresno by as much as 100 feet over the past century, surface subsidence has not been noted in the vicinity of the city.

Development of this property requires compliance with grading and drainage standards of the City of Fresno, Fresno Metropolitan Flood Control District, and Fresno Irrigation District. Compliance with these standards and conditions of approval related to the entitlement, impacts would be less than significant.

VII. HAZARDS AND HAZARDOUS MATERIALS B 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
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

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
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

The project will not generate or use hazardous materials, is not in an airport hazard zone, is not near any wildland fire hazard zones, and poses no interference with the City's or County's Hazard Mitigation Plans or emergency response plans. Therefore there no hazards and hazardous materials-related impacts generated by the project.

VIII. 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		

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
J) Inundation by seiche, tsunami, or mudflow?				X

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

Fresno has attempted to address these issues through metering and revisions to the City's water plans: The Fresno Metropolitan Water Resource Management Plan (Phase I) was completed in December of 2007 and the Urban Water Management Plan was adopted in August of 2008. The purpose of these management plans is to provide safe, adequate, and dependable water supplies to meet the future needs of the metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably implementable measures and facilities. City water wells, pump stations, recharge facilities, water treatment and distribution systems have been expanded incrementally to mitigate increased water demands and respond to groundwater quality challenges.

Implementation of the 2025 Fresno General Plan policies, the Water Resources Management Plan, its Urban Water Management Plan, and the applicable mitigation measures of approved environmental review documents will address the issues of providing an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes. While the proposed project may be served by conventional groundwater pumping and distribution systems, full development of the 2025 Fresno General Plan boundaries is expected to require utilization of treated surface water due to inadequate groundwater aquifer recharge capabilities.

Mitigation measures for the Fresno 2025 General Plan MEIR require that projects estimate future water demand. The water demand of the proposed project is estimated at approximately 6.27 acre feet per year, which is within the levels allocated for multiple family development, according to the Urban Water Management Plan.

MEIR mitigation measures further require participation in the development of groundwater recharge in an amount equal to the project's estimated water consumption. Alternative measures to satisfy this requirement include paying fees established by the city for construction of recharge facilities, the construction of recharge facilities directly by the project, or participation in augmentation/enhancement/enlargement of the recharge capability of Fresno Metropolitan Flood Control District storm water ponding basins, which provide significant opportunity to recharge groundwater with collected storm water run-off and surface water obtained from the Fresno Irrigation District and United States Bureau of Reclamation.

The Department of Public Utilities works with Fresno Metropolitan Flood Control District to utilize suitable FMFCD ponding (drainage) basins for the groundwater recharge program, and works with Fresno Irrigation District to ensure that the City's allotment of surface water is put to the best possible use for recharge.

When development permits are issued, the subject property will be required to contribute to the completion of the Fresno Metropolitan Flood Control District's master planned storm drainage facilities, and to preserve the patency of irrigation canals and pipelines for delivering surface water to recharge/percolation basins. Fees to support expansions and service enhancements of the City's water utility, including recharge activities, are also imposed as conditions of approval for special permits.

In order to protect surface and groundwater, a project-specific mitigation measure requires that stormwater pollution prevention measures and a stormwater discharge permit shall be obtained from Regional Water Quality Control Board for any grading construction at the project location.

The subject property does not appear to have any extant water wells or on-site waste (septic) disposal systems. A project-specific mitigation measure requires that any pre-existing domestic or agricultural water wells and/or waste (septic) disposal systems that may be on the site shall be properly abandoned, in order to prevent the spread of contaminants from the ground surface or from shallow groundwater layers into deeper and cleaner levels of the aquifer.

Occupancy of this site will generate wastewater containing human waste, which is required to be conveyed and treated by the Fresno-Clovis Regional Wastewater Treatment and Reclamation Facility. There will not be any onsite wastewater treatment system. Subsequent special permits for multi-family development will be required to install sewer branches, and to pay connection and sewer facility fees to provide for reimbursement of preceding investments in sewer trunks to connect this site to a publicly owned treatment works.

The attached letter from Fresno Metropolitan Flood Control District (see Exhibit I) notes

that:

The subject property is not presently shown in any flood hazard zone designated by the Federal Emergency Management Agency (FEMA) on its Flood Insurance Rate Map (FIRM). Map Panel No. 06019C2130F shows this property as being in "Zone X."

The property is north of the hazard area depicted on the dam failure inundation map for Pine Flat Dam and south of the hazard area depicted on the dam failure map for Friant Dam. There are no oceans or lakes in or near the City of Fresno, so tsunamis and seiches are not possible.

Mitigation Measures

1. The proposed project shall implement and incorporate the hydrology and water quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated March 5, 2010;

2. The proposed project shall implement and incorporate, as specified, the hydrology and water quality related mitigation measures as identified in the attached Mitigation Monitoring Checklist dated March 5, 2010 for measures identified in the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan

IX. 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 would not physically divide an established community; at its size of .52 acres, it is simply not large enough to create division in its proposed location, with surrounding lots being of equal size or greater. It does not propose to obstruct any portion of the existing surrounding transportation and circulation system which includes Mariposa and U Streets, related sidewalks, and an alley on the westerly boundary of the site.

Additionally, the project may actually contribute to uniting or bridging the community, as it is located on the eastern boundary of a mixed residential-office neighborhood that abuts a large retail center. The placement of a mixed-use project on the boundary between these two neighborhoods provides a transition from the mostly residential neighborhood to the west to the more intense commercial uses to the east. It also will likely provide housing for the large employment center just to the north, Community Medical Center. The outcome could be more pedestrian traffic, which provides increased safety in the public right of way, and also results in reduced vehicle miles travelled. Furthermore, the development of the project will result in streetscape improvements, such as street trees, and will provide "eyes on the street" which will further enhance the perception of safety and encourage walking in the neighborhood. These changes would be positive for the neighborhood, and would tend to unite it rather than divide it.

The proposed mixed use project is consistent with the 2025 Fresno General Plan, and the Central Area Plan, both of which call for mixed use development. Such development is allowed pursuant to the Fresno Municipal Code Section 12-325 which states that mixed use development in the C-6 zone district is permitted with a conditional use permit. The proposed project density is approximately 70 units to the acre; the mixed use provisions of the Fresno Municipal Code allow for the Planning and Development Director to determine density on a case-by-case basis. In this case, since adequate public utility and public service capacity exists to serve the project, the density has been determined to be appropriate for the site, as it provides multiple family housing in an area that lacks it. Furthermore, the volume, height and massing of the project has been determined to be compatible with its surroundings, with a proposed height of four stories and 50 (fifty) feet.

Moreover, the city's housing element, adopted in 2008, calls for additional multiple family development, especially in locations where scarcity of such development exists. Development of the proposed project would be consistent with housing element goals and policies.

In order to ensure a compatible living environment within the project, a project specific mitigation measure has been added requiring lease restrictions on the live-work art studios to limit the uses to those compatible with the residential living environment. A similar requirement has been added in the noise section to ensure noise compatibility within the project.

In summary, the proposed project does not physically divide an established community, nor does it 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. Finally, no habitat conservation plan or natural community conservation plan applies to the project site or vicinity. The only potential impact relates to the mixing of uses, and the mitigation measure below has been applied to the project to reduce it to a less than significant level.

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact

Mitigation Measures

1. The proposed project shall implement and incorporate the land use related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated March 5, 2010.

X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

The subject property is not located in an area designated for mineral resource preservation or recovery; therefore there are no impacts to mineral resources resulting from the proposed project.

XI. NOISE B 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	

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

The State Route 41 and the Burlington-Northern Santa Fe Railroad are the primary sources of noise in the project area. Residential development potentiated by this project would constitute a sensitive receptor. For residential land use, policy H-1-a of the 2025 Fresno General Plan Noise Element sets a 60 Ldn dB (and conditionally 65 Ldn dB) standard for outdoor activity areas and a 45 Ldn dB standard for interior spaces. The project is proposed in the Central Area, which encourages high density mixed use development. It should be noted that it is very common for downtowns to have more intense noise environments that the more suburban portions of the city. In this particular case, the effects of the noise are somewhat mitigated by the location of the project site in relation to the noise generators. State Route 41 is a 6-lane freeway whose centerline is located approximately 840 feet from the project, however it is depressed in the vicinity of the project site, so most noise generated by the facility does not reach the project site. The railroad is located approximately 1,400 feet from the site, however there are many 2- and 3-story buildings between the project site and the railroad, thus blocking the line of sight and the noise.

Furthermore, applicable policies and codes do not require the incorporation of any open space in mixed use projects, so the project does not include any space on the exterior of the building that would be exposed to noise. There is one outdoor space proposed on the ground floor in the middle of the parking area measuring approximately 24 x 26 feet; it is surrounded on all 4 sides by building walls extending to a height of 50 feet and is therefore assumed to be noise-mitigated to the maximum extent possible.

The relevant noise threshold for the proposed project is the interior standard of 45 Ldn dB. Project-specific mitigation measures are required to ensure that interior noise levels meet this standard.

It should be noted that an additional project specific mitigation measure has been included limiting the uses in the live-work artist studios to those that are compatible with the 2025 Fresno General Plan noise standards and the Fresno Noise Ordinance.

The project site is 1.29 miles outside of the outermost land use restricted zone (the Traffic Pattern Zone) of the Fresno Chandler Airport and is therefore outside of any potential area that would be affected by airport noise.

Mitigation Measures

1. The proposed project shall implement and incorporate the noise related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated March 5, 2010.

2. The proposed project shall implement and incorporate the noise related mitigation measures as identified in the attached Mitigation Monitoring Checklist dated March 5,

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact

2010 for measures identified in the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan.

XII. 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

While this project would provide for a potential increase in population at this individual site, the new population would still be within the limits of the 2025 Fresno General Plan population projection for the Central Area Plan Area. The population in the Central Area was estimated to be 14,919 in the year 2000, and was projected to grow to 27,764 by the year 2025, for a net increase of 12,845 persons, or 514 persons per year, on average. If population growth were uniform in the Central Area, according to these projections, the Central Area would have grown in population by 5,140 between the years 2000 and 2010, or by 1,658 dwelling units (at 3.1 persons per household). To date, the construction of dwelling units in the central area has been well below this limit, with constructed or approved units numbering below 500. Therefore the proposed project, with 37 total dwelling units (and projected population of 115 persons) would not exceed population thresholds for the Central Area.

The project would not displace any existing households on the site, which is currently vacant ground whose preceding use was very low density (a single residential household).

XIII. PUBLIC SERVICES 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:	

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
Fire protection?		X		
Police protection?			X	
Drainage and flood control?			X	
Parks?			X	
Schools?			X	
Other public services?			X	

The entitlement for this project has been conditioned upon approval by the Fresno Fire Protection Bureau; City of Fresno Department of Public Utilities (to ensure fire suppression water flow as well as utility service); City of Fresno Department of Public Works (to ensure adequate access for emergency response and emergency egress); Fresno Metropolitan Flood Control District (to ensure adequate drainage and flood control); Fresno Irrigation District (to ensure continued patency of irrigation canals).
The subsequent development project(s) will be required to pay development impact fees for transportation facilities, firefighting, police, drainage/flood control, parks, and Fresno Unified School District, as well as development fees adopted in September and imposed County-wide (in incorporated as well as unincorporated areas) to support libraries, the justice system, and other County services. Project conditions for the entitlement incorporate design measures that also ensure adequate public services. Therefore, with conditions imposed on the project entitlement, impacts are less than significant.

XIV. 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	

As noted above, entitlement requires payment of park impact fees to support construction of park facilities. At least two parks are located within a mile of the project site: Dickey Youth Playground, at Calaveras and Divisadero, and Holmes Park, at First and Huntington Blvd. With conditions imposed on the project entitlement, impacts are less than significant.

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard 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 results 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) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

In its Appendix B, the 2025 Fresno General Plan MEIR analyzed 2002 and future (full buildout) traffic impacts for all planned development and predicted levels of service for major roadways. It established Level of Service "D" as an acceptable level, at which significant traffic congestion would not occur. The proposed project is located at the intersection of two local streets, which are not subject to the LOS rating systems. The closest arteri

The proposed project is located at the intersection of two local streets, Mariposa and U Streets, which currently operate well within acceptable levels. General plan policy and MEIR mitigation measures require that a traffic impact study be completed for any project that would generate 100 or more peak hour trips. Such a study was not required for the proposed project, as the maximum peak hour traffic generation was calculated to be 23 trips in the PM peak hour (19 trips in the AM peak hour). Overall average daily trips were

calculated at 249. This quantity of trips is considered to be well within the capacity of the surrounding roadways, according to the Public Works Traffic Engineering Division, in its memo dated October 12, 2009 (attached as Exhibit J). The trips generated by the proposed project were fewer than those originally assumed for the subject property in the 2025 General Plan. For the MEIR analysis of the 2025 General Plan, the property was assumed to be developed with heavy commercial uses, since it was zoned C-6 and mixed use provisions were not yet enacted. Traffic consultants TPG Consulting, from Visalia, verified trip generation rates for both the General Plan MEIR scenario and the proposed project and found the proposed project to generate fewer trips (see August 19 memorandum from TPG consulting attached as Exhibit K).

MEIR mitigation measures and entitlement conditions of approval will require adherence to City standards for roadway construction, including geometrics (lane curvature and turning radii), number and widths of travel and turn lanes, signalization and signage, bikeways, sidewalks, trails, and bus turnouts. All special permit applications will be reviewed and conditioned by the Fresno Fire Protection Bureau to ensure adequate emergency access at all phases of construction and occupancy. The City's Planning and Development Department will apply appropriate conditions for numbers of on-site parking spaces and bike rack slots, and the Public Works Department will ensure that parking areas for the planned multi-family development shall comply with the City of Fresno Parking Manual.

Therefore, with mitigation measures and project conditions imposed on the entitlement, the impact of the project is less than significant.

]

Mitigation Measures

2. The proposed project shall implement and incorporate the transportation and circulation related mitigation measures as identified in the attached Mitigation Monitoring Checklist dated March 5, 2010 for measures identified in the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan.

XVI. UTILITIES AND SERVICE SYSTEMS B 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

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

No treatment plant capacity enhancements would be required for development potentiated by this project. As noted previously, future development permit conditions will include connections to public water and sewer systems; installation and funding of drainage facilities; and payment of impact fees to provide for planned incremental buildout of planned utility infrastructure networks.

Conditions of approval for subsequent special permits will also include measures for properly storing solid waste on the site to allow for safe trash truck pickup and minimize littering, and for segregating solid waste to maximize recycling to continue the City's compliance with State solid waste diversion laws (Fresno currently has the highest rate of solid waste recycling/landfill diversion among large cities in the United States). Landfill capacity serving the City, at the American Avenue Landfill operated by Fresno County, is adequate for the foreseeable future.

Therefore, with project conditions imposed on the entitlement, the project impacts are less than significant.

XVII. 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			X	

EA No. C-10-46 Impact Checklist	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
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?				
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

As noted in preceding sections of this Initial Study, a project–specific mitigation measure has been imposed to ensure that subsequent development of the site does not adversely impact habitat of any listed native species. There is no evidence in the record to indicate that the increment of environmental impacts that would be potentiated by this project would be cumulatively significant. There is also no evidence in the record that the project would have any adverse impacts directly, or indirectly, on human beings. This project is fully consistent with policies of the 2025 Fresno General Plan, the 2008-2013 City of Fresno Housing Element, and the Central Area Plan to provide or increase densities in order to accommodate Fresno's population while limiting consumption of agricultural land, vehicle miles traveled, and vehicle trips.

Maps/Graphics:

Exhibit 1: Vicinity Map

Exhibit 2: Aerial Photo, 2008

Exhibit 3: Planned Land Use Map

Exhibit 4: Site Plan

Exhibit 5: Elevations

Technical Attachments:

Exhibit A: Summary of 2025 Fresno General Plan MEIR findings

Exhibit B: MEIR Re-Evaluation summary

Exhibit C: MEIR mitigation checklist for EA No. C-10-46

Exhibit D: Project-specific mitigation checklist for EA No. C-10-46

Exhibit E : Annexation History Map

Exhibit F: Letter from the San Joaquin Valley Air Pollution Control District dated November 13, 2009

Exhibit G: Health Risk Assessment dated February 16, 2010

Exhibit H: City Water Division memorandum of requirements dated October 20, 2009

Exhibit I: Fresno metropolitan Flood Control District letter of requirements dated 2.25.10

Exhibit J: City Traffic Engineering letter with review comments and transportation-related conditions dated October 12, 2009

Exhibit K: Letter from TPG Traffic Consultants dated August 19, 2009.