

City of
FRESNO  **REPORT TO THE CITY COUNCIL**

August 26, 2010

FROM: Jerry D. Bishop, Assistant Director 
Development and Resource Management Department

Kevin Fabino, Division Manager 
Development Services Division

By: Israel Trejo, Planner 
Development Services Division

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-09-009 AND
ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. A-09-009

CONTINUED HEARING FROM JULY 22, 2010

This item was originally scheduled to be heard before the Fresno City Council on July 22, 2010. On said date, the Fresno City Council continued the item to August 26, 2010. In addition to the information contained in the staff report dated July 22, 2010, additional information has been received. A letter was received from Patience Milrod on or about July 21, 2010 (see Exhibit M). The City promptly contacted Patience Milrod to acknowledge receipt of the correspondence and to address the issues raised in the letter.

An alternative to Plan Amendment Application No. A-09-009 has been proposed by Building Industry Representatives (See Exhibit N). This proposal suggested that private streets are not required to have sidewalk on either side of the street. Staff has fully reviewed this proposal.

Notwithstanding, a second alternative was proposed by Building Industry Representatives and included language allowing previously approved entitlements to be "grandfathered", whereby development could occur without sidewalks. This proposal did not address or provide an opportunity for pending or future tentative tract maps to be designed taking into consideration pedestrian accessibility and connectivity.

In response, staff prepared a written response to the two proposed alternatives related to sidewalks within planned unit developments (See Exhibit O). The letter explains that there is no existing mechanism to alter the proposed plan amendment at this stage in the entitlement process. Consideration of an alternative would modify the project scope, and lead to the process having to start over. The letter further explains that there is an opportunity to present the proposal(s) during the public commentary period at the City Council hearing.

Attachments: Exhibit M - Letter from Patience Milrod, dated July 21, 2010
Exhibit N - Alternative plan amendment language proposed
Exhibit O - Letter from Development and Resource Management Department, dated August 18, 2010
City Council Resolution for Plan Amendment Application No. A-09-009

AGENDA ITEM NO. 2:00 P.M.

COUNCIL MEETING August 26, 2010

APPROVED BY


DEPARTMENT DIRECTOR

CITY MANAGER


**PATIENCE
MILROD**

LAWYER/LICENCIADA EN LEYES

July 21, 2010

John Dugan, Director
Planning and Development Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

By fax to 498-1012

RE: Plan Amendment Application No. A-09-009, proposing to amend Policy E-I-o of the 2025 Fresno General Plan (2025 Plan) as it relates to private street sidewalk requirements.

Dear Mr. Dugan:

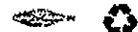
My clients, the League of Women Voters and Medical Advocates for Healthy Air, have requested I write to ensure that their objections are a matter of record in the above-referenced matter.

As you may be aware, in 2003 my clients challenged the original entitlements for the Copper River Ranch developments; Mr. McDonald was one of the signatories to the settlement agreement we reached. Material to the petitioners' decision to settle the case was the oft-repeated representation by Mr. McDonald and the other developers that the project was "air quality friendly," incorporating amenities which would reduce reliance on fossil fuels (biking and walking paths, bike racks, a park and ride facility, CAT 5 wiring to facilitate telecommuting, NEV lanes, use of "clean air trees," etc.) At the time of our settlement, sidewalks on both sides of the street had once again become a requirement for a Fresno City CUP; sidewalks were also explicitly a mitigation measure for the Copper River project.

In February of 2009, I wrote to Mr. Bergthold in connection with an appeal by Gary McDonald from Planning Commission action to deny Vesting Tentative Tract Map no. 5933/UGM Conditional Use Permit Application No. C-08-59 and Addendum to Mitigated Negative Declaration for Environmental Assessment No. T-5202/C-04-153 (Copper River Ranch Master Planned Community). The purpose of Mr. McDonald's appeal was to avoid the two-sidewalks requirements that had been imposed as a condition of his entitlements. We objected, since the grant of his appeal would have abrogated air quality mitigation measures imposed as conditions of the Copper River approval.

This proposed General Plan amendment would effectively accomplish the same result for any subdivision approved since 2000 whose mitigation measures included "pedestrian-enhancing infrastructure." (See, e.g., Copper

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River Ranch Notice of Determination dated June 6, 2003, Final EIR No. 10126, Exhibit D, Mitigation Monitoring Checklist, Mitigation Measure 2.3.2-a (pedestrian-enhancing infrastructure, including sidewalks).

However, CEQA does not permit the City simply to cancel or delete mitigation measures already imposed as conditions of project approval. See, e.g., *Katzeff v. California Dept. of Forestry and Fire Protection*, 181 Cal.App.4th 601, 614, 105 Cal.Rptr.3d 89, 97 (2010). In fact, "where a public agency has adopted a mitigation measure for a project, it may not authorize destruction or cancellation of the mitigation – whether or not the approval is ministerial – without reviewing the continuing need for the mitigation, stating a reason for its actions, and supporting it with substantial evidence." *Id.* [Emphasis added.]

Here, neither the Mitigated Negative Declaration nor the staff report in support of this project even acknowledges that within the past ten years sidewalks have commonly been incorporated as air quality mitigation measures into Mitigation Monitoring Programs, or that the Amendment effectively cancels such mitigation measures. Not surprisingly then, the MND and staff report likewise fail to analyze whether there is a "continuing need for the mitigation," nor state reasons for making the change, nor support or justify the change with substantial evidence.

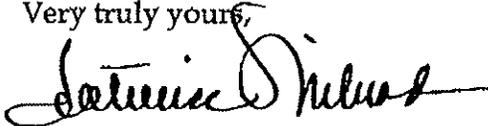
Absent such analysis and supporting substantial evidence, adoption of this General Plan amendment promises to create a complicated tangle whenever a developer with a previously-adopted two-sidewalk approval applies for a new entitlement that omits a sidewalk or two: where a lead agency proposes to delete an earlier-adopted mitigation measure, but fails to state a legitimate reason for the deletion, or if the evidence does not support the lead agency's finding, "the land use plan, as modified by the deletion or deletions, is invalid and cannot be enforced." *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 359, 110 Cal.Rptr.2d 579 (2001) [emphasis added].

The City of Fresno ran into this buzz saw when it attempted to change the mitigation measures for impacts to five historic homes in Old Armenian Town. In that case, the Court of Appeal emphasized that even changing a mitigation measure (let alone eliminating one), and even where the change does not require a subsequent EIR, "it at least requires the lead agency to state a legitimate reason for making the change, supported by substantial evidence." *Heritage Fresno v. Redevelopment Agency of City of Fresno*, 2008 WL 2192826, *10 (2008).

John Dugan
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I understand you've also received comments from Mr. Krugman related to the impact of these proposed changes on the disabled community. My clients join Mr. Krugman in respectfully requesting that the City comply with its own ordinances, and ensure the continued vitality of mitigation measures imposed in the Copper River and other EIRs: it's good public policy, and there is no legitimate reason for doing otherwise.

Please include these comments in the administrative record. Thanking you for your time and attention, I remain,

Very truly yours,


PATIENCE MILROD
Attorney for League of
Women Voters and Medical
Advocates for Healthy Air

PM;eh

cc: City Council President Larry Westerlund (by fax to 621-7848)
Members of the City Council
(by fax to 268-1043, 621-7892, 621-7893, 490-5395, 621-7896, 498-2541)
League of Women Voters
Medical Advocates for Healthy Air
Fresno City Attorney's Office (by fax to 488-1084)

Exhibit N

Current 2025 Fresno General Plan Policy E-1-o

For new single-family residential subdivisions, sidewalks are required on both sides of local residential streets.

Proposed 2025 Fresno General Plan Policy E-1-o

For new single-family residential subdivisions, sidewalks are required on both sides of local residential streets. Sidewalks are not required in new single-family subdivisions where the streets are privately owned or privately maintained.

Exhibit O



Development and Resource Management

2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721-3604
(559) 621-8003, FAX (559) 498-1012

John M. Dugan, AICP
Director

August 18, 2010

Darius Assemi
Granville Homes
1396 W Herndon Ave Suite 101
Fresno, California 93711

SUBJECT: Plan Amendment Application No. A-09-009

Dear Mr. Assemi,

Staff has reviewed your proposal to add alternative language to Plan Amendment A-09-009 (Sidewalk Policy). Unfortunately, no mechanism exists to alter the proposed Plan Amendment at this stage. The Fresno Municipal Code requires a Planning Commission hearing and consideration of all plan amendments before presentation to the City Council. A-09-009 has already been presented to the Planning Commission for hearing and consideration. During the Planning Commission hearing proposed changes were presented by the public. After consideration of the various proposals, the Planning Commission rejected proposed alternatives by recommending the City Council adopt Plan Amendment A-09-009. The Fresno Municipal Code does not provide a mechanism to return this matter for Planning Commission at this point in the process. Instead, the Code mandates the "Director shall set a hearing before the Council ... after the Commission refers the ... amendment to the plan to the Council." (FMC section 12-609-B.)

Although your proposed terms will not be added into the recommended Plan Amendment, you will still have the opportunity to present the proposal during the public commentary period during the Council hearing on the Planning Commission's referral and recommendation. The City Council hearing is currently scheduled for August 26, 2010. Council may then consider and act upon the proposal as authorized by the Fresno Municipal Code and the law. "

Please contact me if you have any questions.

Best regards,

John M. Dugan, AICP
Director

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING THE 2025 FRESNO GENERAL PLAN AND (PLAN AMENDMENT
APPLICATION NO. A-09-009)

WHEREAS, on November 19, 2002, by Resolution No. 2007-379, the City Council adopted the 2025 Fresno General Plan, and by Resolution No. 2002-378 certified Master Environmental Impact Report No. 10130, which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno's designated urban boundary line and extended sphere of influence; and,

WHEREAS, the Director of the Development and Resource Management Department, initiated a plan amendment application to amend Policy E-1-o of the aforementioned plan, which applies to property citywide, and allows a developer to obtain an approved pedestrian access plan, as an alternative to constructing sidewalks on both sides of a private residential street; and,

WHEREAS, the environmental assessment conducted for the proposed plan amendment resulted in the filing of a mitigated negative declaration on April 30, 2010; and,

WHEREAS, the Council District 4 Plan Implementation Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy with the condition that only one sidewalk exception, relating to streets with a length of 200 feet or less and a maximum of 10 lots, be allowed per subdivision on April 26, 2010; and,

WHEREAS, the Council District 5 Plan Implementation Committee, with a vote of 3-0, recommended approval of the draft sidewalk policy with the condition that should a pedestrian access plan be proposed, in addition to the minimum requirements of a pedestrian access plan, sidewalk shall be placed on at least one side of the street on April 26, 2010; and,

WHEREAS, the Council District 6 Plan Implementation Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy on April 26, 2010; and,

WHEREAS, the Council District 7 Plan Implementation Committee, with a vote of 8-0, recommended approval of the draft sidewalk policy on May 3, 2010; and,

WHEREAS, the Fulton-Lowell Advisory Committee, with a 4-0 vote, recommended approval of the draft sidewalk policy on May 3, 2010; and,

WHEREAS, the Tower District Advisory Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy on May 4, 2010; and,

WHEREAS, the Council District 2 Plan Implementation Committee, with a vote of 5-0-1, recommended approval of the draft sidewalk policy on May 10, 2010; and,

WHEREAS, the Disability Advisory Commission, with a 5-0 vote, recommended approval of the draft sidewalk policy with the recommendation that the pedestrian access plan require connectivity to accessible parking on May 10th, 2010; and,

WHEREAS, the Council District 1 Plan Implementation Committee, with a vote of 2-0, recommended approval of the draft sidewalk policy on May 25, 2010; and,

WHEREAS, the Bicycle/Pedestrian Advisory Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy on May 27, 2010; and,

WHEREAS, on June 16, 2010, the Fresno City Planning Commission held a public hearing to consider Plan Amendment Application No. A-09-009 and associated mitigated negative declaration for Environmental Assessment No. A-09-009; and,

WHEREAS, the Planning Commission took action, as evidenced in Planning Commission Resolution No. 13020, to recommend approval of the mitigated negative declaration for Environmental Assessment No. A-09-009 dated April 30, 2010; and,

WHEREAS, the Fresno City Planning Commission took action, as evidenced in Planning Commission Resolution No. 13020, to recommend approval of Plan Amendment Application No. A-09-009, which proposes to amend Policy E-1-o of the 2025 Fresno General Plan, which applies to

property citywide, and allows a developer to obtain an approved pedestrian access plan, as an alternative to constructing sidewalks on both sides of a private residential street; and,

WHEREAS, on July 22, 2010, the Fresno City Council voted to continue the hearing regarding Plan Amendment Application No. A-09-009.

WHEREAS, on August 26, 2010, the Fresno City Council held a public hearing to consider Plan Amendment Application No. A-09-009 and received both oral testimony and written information presented at the hearing regarding Plan Amendment Application No. A-09-009.

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

1. The Council finds in accordance with its own independent judgment that there is no substantial evidence in the record that, with the project specific mitigation imposed, the plan amendment may have additional significant, direct, indirect or cumulative effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND) and that no new or additional mitigation measures or alternatives may be required. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. Accordingly, the Council approves the mitigated negative declaration for Environmental Assessment No. A-09-009 dated April 30, 2010.

2. The Council finds the adoption of the proposed plan amendment as recommended by the Planning Commission is in the best interest of the City of Fresno.
3. The Council of the City of Fresno hereby adopts Plan Amendment Application No. A-09-009 amending Policy E-1-o of the 2025 Fresno General Plan which allows a developer to obtain an approved pedestrian access plan, as an alternative to constructing sidewalks on both sides of a private residential street, as described in Exhibit A, attached hereto and incorporated herein by reference.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the _____ day of _____, 2010.

AYES:
NOES:
ABSENT:
ABSTAIN:

REBECCA E. KLISCH
City Clerk

By _____

APPROVED AS TO FORM

JAMES C. SANCHEZ
City Attorney

By 
Shannon Chaffin, Deputy City Attorney

Date 8/16/10

Exhibit A

Proposed 2025 Fresno General Plan Policy E-1-o

E-1-o Policy: For new single-family residential subdivisions, sidewalks are required on both sides of local residential streets.

- For new single-family residential subdivisions with private streets, sidewalks shall be located on both sides of all private streets. Design, placement and construction of sidewalks on private streets shall be in accordance with the Standard Specifications and Drawings of the City of Fresno Public Works Department and shall have adequate lighting. Sidewalks shall be separated horizontally and vertically from the adjacent street with continuous curbing, landscape strips or other barrier(s) approved by the Director of the Planning and Development Department for the City of Fresno.
- Pedestrian Access Plan alternative. As an alternative to constructing sidewalks on both sides of the private street, the applicant may submit a pedestrian access plan.

A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The pedestrian access plan shall connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel, and shall provide access to adjacent schools, parks and other public or private community amenities.

A pedestrian access plan shall be included as an element of a conditional use permit as required for a planned development, and approval shall be contained within the entitlement submitted. The pedestrian access plan shall demonstrate the safe and effective movement of pedestrians within the subdivision. Detailed drawings of the walk (i.e. surface material, thickness, etc.) shall be provided. Demonstration of safe and effective movement of pedestrians shall include adequate lighting.

Approval of the pedestrian access plan configuration shall be made by the City of Fresno Planning and Development Director. Comments shall be obtained from the City of Fresno Traffic Engineer and/or the City Engineer.

- Exceptions to new single-family residential subdivision sidewalk requirements for private streets:

Sidewalks are not required on streets, which are not through streets, having a length of 200 feet or less and provide access to a maximum of 10 lots. This exception cannot be used as an element of a pedestrian access plan alternative, additionally, it does not apply to a private street intersecting with a private street within a planned development; or

Single loaded streets may eliminate sidewalks on the side opposite the units when it is not needed to provide for logical pedestrian circulation.

- Design guidelines for walks. All pedestrian walks shall be considered an accessible route, as defined by the California Building Code (CBC), and must be constructed in accordance with Chapter 11A of the CBC and the Americans with Disabilities Act (ADA). Considerations for accessibility include, but are not limited to, width, surface material, slope and detectable warnings.
- After the adoption of the 2025 Fresno General Plan, some planned developments were approved by the City of Fresno that had either no sidewalk, sidewalk on one side of the private street or sidewalks on both sides of the private street. The City of Fresno recognizes that developers may have prepared engineered infrastructure and other design improvement plans with the intent on developing projects as approved.

As such, in those cases where both a special permit and tentative (or vesting tentative) tract map which propose private street(s) have received final approval by the City of Fresno and all administrative appeal periods for those entitlements have expired, the developer shall be allowed to rely upon those prior approvals with regard to sidewalk requirements subject to the conditions of approval and associated exhibits for purposes of filing a final map. For the purpose of this policy, lots being further subdivided, or shown as outlots to be re-subdivided, shall be considered approved only when both the special permit and the tentative (or vesting tentative) tract map further subdividing those the lots or outlots are finally approved by the City of Fresno and all administrative appeal periods have expired.



July 22, 2010

FROM: Jerry D. Bishop, Assistant Director 
Development and Resource Management Department

Kevin Fabino, Division Manager 
Development Services Division

By: Israel Trejo, Planner 
Development Services Division

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-09-009 AND
ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. A-09-009

AGENDA ITEM NO. 2:00 P.M.

COUNCIL MEETING July 22, 2010

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

RECOMMENDATION

Staff recommends the City Council approve Plan Amendment Application No. A-09-009 and the environmental finding of a Mitigated Negative Declaration, dated April 30, 2010.

EXECUTIVE SUMMARY

On March 7, 2010, General Plan Amendment Application No. A-09-009, was initiated by the Director of the Development and Resource Management Department, pursuant to Fresno Municipal Code Section 12-606.A.3. Since the adoption of the 2025 Fresno General Plan in November 2002, one particular policy has led to varying interpretations regarding whether planned developments with private streets require sidewalks on both sides of the street. Staff is in support of amending policy E-1-o to better reflect the goals of the 2025 Fresno General Plan, to promote residential development, allow for creative forms of pedestrian access and encourage pedestrian activity in planned developments with private streets. No change is proposed for sidewalk requirements on public residential streets.

The subject general plan amendment proposes to amend Policy E-1-o of the 2025 Fresno General Plan. The general plan amendment will allow an applicant to submit a pedestrian access plan, for approval by the Planning and Development Department Director, as an alternative to constructing sidewalks on both sides of a private street (Exhibit A). A pedestrian access plan may include alternative routes other than sidewalks adjacent to the curb. The pedestrian access plan must include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision to include a connection to the public right-of-way.

The proposed general plan policy was formulated after taking numerous steps, including, meetings with stakeholders (Gary McDonald Homes, Granville Homes, League of Women Voters, Building Industry Association and others), field visits, research of benchmark cities, research of cities throughout the United States, research of professional organizations, consultation with transportation professionals and meetings with the Council District Plan Implementation Committees, Disability Advisory Commission and the Bicycle/Pedestrian Advisory Committee. Previous versions of the proposed sidewalk policy were reviewed by the various interested parties. Staff gathered the comments received to the previous versions and took the comments under consideration when drafting the final version of the proposed sidewalk policy (Exhibit A). Staff is in support of the proposed general plan amendment.

FRESNO CITY PLANNING COMMISSION

The subject amendment was considered by the Fresno City Planning Commission at its regular meeting held on June 16, 2010. At the hearing the Commission reviewed the staff report and related environmental documents and

PLAN AMENDMENT AND ENVIRONMENTAL FINDING FOR A-09-009

Recommend Approval of A-09-009

July 22, 2010

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called for speakers in support and in opposition to the proposed plan amendment. One stakeholder spoke in conditional support of the proposed plan amendment so long as it does not apply to private street planned developments previously approved with a conditional use permit. The stakeholder submitted proposed language to the plan amendment which proposes to allow previously approved projects "to develop under the conditions, rules, and regulations specified by the approved conditional use permit for the project". For example, if an applicant had an approved conditional use permit for a private street planned development which did not require sidewalks, the applicant would be allowed to develop the project without sidewalks.

The general plan policy proposed by staff will allow previously approved projects to develop as approved with regard to sidewalk requirements, in those cases where both a conditional use permit and tentative (or vesting tentative) tract map which propose private street(s) have received final approval by the City of Fresno. For the purpose of this policy, lots being further subdivided, or shown as outlots to be re-subdivided, shall be considered approved only when both the conditional use permit and the tentative (or vesting tentative) tract map further subdividing those the lots or outlots are finally approved by the City of Fresno and all administrative appeal periods have expired.

Two stakeholders were in opposition to the proposed plan amendment because it would apply to private street residential subdivisions which have a previously approved conditional use permit which did not require the construction of sidewalks. One stakeholder spoke in opposition to the proposed plan amendment because the stakeholder felt that sidewalks should be constructed on both sides of all private streets. Finally, one stakeholder spoke in opposition to the proposed plan amendment because the stakeholder felt that sidewalks should be required on private streets under 200 feet in length with 10 or less lots. After a full and complete hearing, the Planning Commission took action to recommend to the City Council approval of the subject plan amendment application by a 7-0 vote.

BACKGROUND

Since the adoption of the 2025 Fresno General Plan in November 2002, Development and Resource Management Department staff have processed numerous applications which have implemented or modified the 2025 Fresno General Plan. While many plan amendments involved planned land use changes, others dealt with specific written policies dealing with subjects such as residential density limitations and property development standards. Policy E-1-o has led to varying interpretations regarding whether planned developments with private streets require sidewalks on both sides of the street. In an effort to establish an updated policy with respect to sidewalk requirements for planned developments with private streets, staff believes an amendment to the 2025 Fresno general Plan is appropriate.

The Development and Resource Management Department has previously recommended that a planned development with a gated-entry and private street system be required to provide sidewalks along both sides of the project's private streets. The application was technically denied (by a 3-3 vote) by the Planning Commission, the project was then appealed by the applicant to the City Council. The City Council directed staff to meet with the applicant and interested community groups to develop a policy for sidewalk requirements for planned developments with private streets.

The proposed general plan policy was formulated after taking numerous steps, including, meetings with stakeholders (Gary McDonald Homes, Granville Homes, League of Women Voters, Building Industry Association and others), field visits, research of benchmark cities, research of cities throughout the United States, research of professional organizations, consultation with transportation professionals and meetings with the Council District Plan Implementation Committees, Disability Advisory Commission and the Bicycle/Pedestrian Advisory Committee. Previous versions of the proposed sidewalk policy were reviewed by the various interested parties. Staff gathered the comments received to the previous versions and took the comments under consideration when drafting the final version of the proposed sidewalk policy.

Exhibits A and B

A draft sidewalk policy (Exhibit B) was reviewed by the stakeholders (Gary McDonald Homes, Granville Homes, League of Women Voters, Building Industry Association and others), the Council District Plan Implementation Committees, the Disability Advisory Commission, the Bicycle/Pedestrian Advisory Committee and City of Fresno routing partners. After all the comments were received to Exhibit B, staff generated the proposed sidewalk policy within attached Exhibit A. Bullet point 3 (regarding sidewalk exceptions) was expanded upon for clarification and bullet point 5 was added to address the issue of when a special permit and tentative (or vesting tentative) tract map which propose private street(s) has received final approval by the City of Fresno.

Local Street

Policy E-1-o of the 2025 Fresno General Plan states "for new single-family residential subdivisions, sidewalks are required on both sides of local residential streets". A local street was not defined within the 1984 Fresno General Plan, however, the definition of a local street is defined within the 2025 Fresno General Plan. Policy E-1-a, relating to the definition of a local street, states (in part) "local: two- to three-lane public or private roadways designed to provide direct access to properties while discouraging through traffic between major streets". Fresno Municipal Code section 12-1002.1(p), defines a private street as "any parcel of land (not dedicated as a public street) used or intended to be used for ingress to or egress from a lot or lots which do not have frontage on a public street". When the 2025 Fresno General Plan was adopted on November 19, 2002, sidewalks became a requirement on both sides of private residential streets.

Proposed General Plan Amendment

The subject general plan amendment proposes to amend Policy E-1-o of the 2025 Fresno General Plan. The plan amendment will allow an applicant to submit a pedestrian access plan, for approval by the Planning and Development Department Director, as an alternative to constructing sidewalks on both sides of a private street (Exhibit A). A pedestrian access plan may include alternative routes other than sidewalks adjacent to the curb. The pedestrian access plan must include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision to include a connection to the public right-of-way. The pedestrian access plan must also connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel.

The pedestrian walks within a pedestrian access plan shall be considered an accessible route, as defined by the California Building Code (CBC) and must be constructed in accordance with Chapter 11A of the CBC. An accessible route is a path that can be negotiated by a person using a wheelchair and is also safe and usable by persons with other disabilities.

The proposed policy will allow streets that are not through streets having a street length of 200 feet or less and provide access to a maximum of 10 lots to develop without sidewalks. Due to the relatively short length of the private street and the small amount of lots allowed in order to utilize the sidewalk exception, hazards to pedestrians are not expected. When conducting research for the proposed sidewalk policy, staff found that in some jurisdictions, sidewalks were allowed to be eliminated on private residential streets in similar limited circumstances.

The proposed policy will allow, in those cases where both a special permit and tentative (or vesting tentative) tract map which propose private street(s) have received final approval by the City of Fresno and all administrative appeal periods for those entitlements have expired, the developer to rely on those approvals with regard to sidewalk requirements subject to the conditions of approval and associated exhibits for purposes of filing a final map. For the purpose of the proposed policy, lots being further subdivided, or shown as outlots to be re-subdivided, shall be considered approved only when both the special permit and the tentative (or vesting tentative) tract map further subdividing those lots or outlots are finally approved by the City of Fresno. Outlots for future development would not be able to develop without sidewalks, since there would be no approved tentative map (or vesting tentative) for said outlot.

2025 Fresno General Plan Objectives and Policies

The subject plan amendment proposes to allow alternatives to sidewalks on both sides of a private residential street as currently required per policy E-1-o. The attached Exhibit C lists various 2025 Fresno General Plan objectives and policies which support the proposed general plan amendment. Said policies and objectives include statements regarding: providing safe and convenient pedestrian walkways within residential developments, safe access and mobility for the physically impaired within pedestrian facilities and innovative lot designs to enhance community livability in residential projects.

Tracts with Private Streets Approved post 2025 Fresno General Plan

Inconsistent application of Policy E-1-o has resulted in many private street residential developments being approved without sidewalks. Since the adoption of the 2025 Fresno General Plan, some planned developments were approved by the City of Fresno that had either no sidewalk, sidewalk on one side of the private street or sidewalks on both sides of the private street. Notwithstanding, the Fresno City Planning Commission has previously expressed concern that past design practices with respect to approving private street residential subdivision without sidewalks, was not compatible with the objectives and policies of the 2025 Fresno General Plan. Exhibit D (attached) provides a listing of approved single-family residential subdivisions with private streets (gated and non-gated), number of lots within the subdivision and whether no sidewalk, limited sidewalk or sidewalk on both sides of the street was provided. A summary of Exhibit D is as follows:

- 2003 – a) three subdivisions were approved without any sidewalks and b) one subdivision was approved with sidewalk on both sides of the street
- 2004 – two subdivisions were approved without any sidewalks
- 2005 – a) six subdivisions were approved without any sidewalks, b) three subdivisions were approved with limited sidewalks, c) one subdivision was approved with sidewalk on one side of the street and d) one subdivision was approved with sidewalk on both sides of the street
- 2006 – a) four subdivisions were approved without any sidewalks, b) one subdivision was approved with limited sidewalks, c) three subdivisions were approved with sidewalk on one side of the street and d) two subdivisions were approved with sidewalks on both sides of the street
- 2007 – three subdivisions were approved with sidewalks on both sides of the street

History of Sidewalks on Public Residential Streets

Between 1993 and 1999, the City of Fresno required sidewalks to be on both sides of local public streets within developments serving densities of four (or more) dwelling units per acre. On February 29, 2000, the City of Fresno began to require sidewalks on both sides of all local residential streets, regardless of dwelling unit density. See Exhibit E for details on the plan amendments, regarding public street sidewalk requirements, processed by the City of Fresno between 1993 and 2000. It is noted that these requirements applied to public streets only and did not apply to private streets.

Council District Plan Implementation Committees and other Interest Groups

A draft sidewalk policy (Exhibit B) was reviewed by the Council District Plan Implementation Committee's, the Disability Advisory Commission and the Bicycle/Pedestrian Advisory Committee, among other interested parties. After all the comments were received to Exhibit B, staff generated the proposed policy within attached Exhibit A. Bullet point 3 (regarding sidewalk exceptions) was expanded upon for clarification and bullet point 5 was added to address the issue of when a special permit and tentative (or vesting tentative) tract map which propose private street(s) has received final approval by the City of Fresno.

The Council District Plan Implementation Committee's, the Disability Advisory Commission and the Bicycle/Pedestrian Advisory Committee have recommended approval (some with comment) of the draft policy (Exhibit B). The voting records and recommendations received are listed in Exhibit F.

Stakeholders

In the development of a comprehensive sidewalk policy staff has held numerous meetings (approximately 9 meetings, including one field visit) with the stakeholders (Gary McDonald Homes, Granville Homes, League of Women Voters, Building Industry Association and others).

Various issues were discussed at the meetings and the sidewalk policy has taken many forms based on the meetings held with the stakeholders. Items discussed included, whether or not private streets should have sidewalks, density issues, street curvatures, pedestrian safety within gated developments, sidewalk exceptions and thresholds, past City of Fresno approvals of planned developments and Americans with Disability Act (ADA) requirements.

The last draft sidewalk policy (Exhibit B) was routed for comment on April 21, 2010 asking for comments prior to May 3, 2010. No comment was received to the proposed sidewalk policy from any of the stakeholders. Shortly, after the end of the comment period the Development and Resource Management Department requested a final meeting with the stakeholders, which was held on May 26, 2010. At that meeting the prevailing comment regarding a change to the draft sidewalk policy, was to add language which would exempt projects in those cases where a Conditional Use Permit or Master Conditional Use Permit has been approved by the City of Fresno that provides the developer the ability to construct private roadways without sidewalks.

Staff took this recommendation into consideration when drafting the final version of the proposed sidewalk policy (Exhibit A). As a result, staff added the following language to the proposed policy: "in those cases where both a special permit and tentative (or vesting tentative) tract map which propose private street(s) have received final approval by the City of Fresno...the developer shall be allowed to rely upon those prior approvals with regard to sidewalk requirements subject to the conditions of approval and associated exhibits for purposes of filing a final map". This allows developers that have an approved special permit (i.e. CUP) and tentative (or vesting tentative) map to develop the property and/or file a file map. For purposes of the proposed policy, outlots for future development would not be able to develop without sidewalks, since there would be no approved tentative map (or vesting tentative) for said outlot.

Fresno County Airport Land Use Commission

The proposed general plan amendment is within the Fresno County Airport Land Use Commission's scope of review for determining consistency with the various airport master plans. The Fresno County Airport Land Use Commission reviewed the subject application on June 7, 2010, and found the application to be consistent with the Airport Land Use Commission's adopted Fresno Air Terminal, Fresno-Chandler Downtown Airport and Sierra Sky Park Airport Land Use Policy Plans.

Regional Benchmark City Sidewalk Requirements for Private Streets

In order to assist with the framework of developing the proposed plan amendment, staff obtained the sidewalk requirements for nine cities throughout California. See attached Exhibit L, which lists the sidewalk requirements for private residential streets within each city. The information was obtained from internet research as well as a phone call(s) placed to each organization. Of the cities surveyed:

- Sacramento, Modesto, Madera and San Jose require sidewalks on both sides of the street within a private street residential subdivision.
- Stockton, Merced and Visalia do not require sidewalks within a private street residential subdivision.
- Bakersfield requires sidewalk on one side of a private street residential subdivision.
- Clovis allows the developer the opportunity to propose a sidewalk plan, which may or may not include sidewalks on both sides of a private residential street.

Sidewalk Deletions

When conducting research for the proposed sidewalk policy, staff found that in some jurisdictions, sidewalks were allowed to be eliminated on private residential streets in limited circumstances. For example, in Boise, Idaho, sidewalks are required on both sides of all private residential streets, however, no sidewalk is required for residential subdivisions with up to 3 lots and a street length less than 200 feet. See Exhibit G for a complete listing of the cities surveyed as well as a description of the allowed sidewalk deletions within those cities.

Professional Organizations Consulted

This section provides information gathered from the Institute of Transportation Engineers, the Federal Highway Administration and consultation with Fehr & Peers Transportation Consultants.

According to the Institute of Transportation Engineers: *Design and Safety of Pedestrian Facilities, 1998*, sidewalks should be on both sides of the street in residential areas along arterials, collectors, and local streets. The standards do allow that when 1 to 4 units per acre are built, both sides still are preferred, but at minimum one side should be built (see Exhibit H).

The Federal Highway Administration (FHWA) conducted a study titled *"Walking along Roadway" Crashes: Research Study and Guidelines for Sidewalks and Walkways, 2002*. The FHWA study developed guidelines for installing sidewalks, as shown in attached Exhibit I. The guidelines show that for local residential streets with more than 4 dwelling units per acre, sidewalks on both sides are required. The standards do show that when 1 to 4 units per acre are built, sidewalks on both sides of the street are preferred.

In August 2009, staff consulted with Fehr & Peers Transportation Consultants for information on sidewalk requirements within private residential streets. Fehr and Peers indicated that many jurisdictions require private streets to comply with the same standards for public streets, i.e., sidewalks are required on both sides of street. Fehr and Peers staff indicated he was not aware of certain thresholds, i.e. density, curvilinear streets, width of streets, etc. which would mandate when sidewalks would or would not be required.

Safety Information

The Fresno Police Department has provided vehicle with pedestrian accident statistics for the years 2008 and 2009 (Exhibit J). For the year 2008, there were 20 accidents involving a vehicle and pedestrian in the city of Fresno. For the year 2009, there were 25 accidents involving a vehicle and pedestrian. None of the accidents for the years 2008 and 2009 were within a gated private street residential development.

According to the National Cooperative Highway Research Program (NCHRP) 500 Volume 10: *A Guide for Reducing Collisions Involving Pedestrians*, "safety concerns can significantly influence a person's decision to walk or use other modes of transportation. However, understanding pedestrian safety issues has proven difficult for engineers and planners. Traditionally, safety problems have been identified by analyzing police crash reports, and improvements have been made only after crashes have occurred. Such methods are not sufficient to fully understand and effectively address pedestrian safety concerns. Waiting for crashes to warrant actions carries a high price, as pedestrian crashes tend to be severe. Crash reports do not provide a complete picture of perceived safe or unsafe pedestrian environments and hence do not offer guidance on effective, proactive measures to promote a safe pedestrian environment".

Development and Resource Management Department staff contacted Fred Ranck with the Federal Highway Administration (FHWA), he indicated that sidewalks reduce pedestrian crashes by 88% in comparison to streets without sidewalks, public or gated. The FHWA recommends the installation of sidewalks for safety. The presence of sidewalks on both sides of the street has been found to be related to significant reductions in the "walking along roadway" pedestrian crash risk compared to locations where no sidewalks or walkways exist.

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Knoblauch et al. (1987) found that locations with no sidewalks were more than two times more likely to have pedestrian crashes than locations with sidewalks. Sidewalks were found to have a large safety benefit in residential and mixed residential areas, but not in commercial areas.

McMahon et al. (2002) investigated the effects of sidewalks, other roadway design attributes, and neighborhood demographics on the likelihood of pedestrian crashes. They analyzed a total of 47 crash sites involving pedestrian "walking along roadway" crashes and 94 comparison sites. Physical design factors that were associated with a significantly higher likelihood of being a crash site were higher speed limit, the lack of wide grassy walkable areas, and the absence of sidewalks. Taking into account speed limit and traffic volume, the likelihood of a site with a sidewalk being a crash site was 88 percent lower than a site without a sidewalk. Hence, the presence of a sidewalk clearly had a strong beneficial effect of reducing the risk of "walking along roadway" pedestrian crashes.

An additional study titled, "Caught in the Crosswalk: Pedestrian Safety in California," was issued in 1999 by the Washington, D.C.-based Surface Transportation Policy Project, a coalition of public and private agencies advocating transportation safety (Exhibit K). According to the report, being hit by a car while walking is the second leading cause of death for California children aged 5-12.

Comments Received

County of Fresno Department of Public Health

The Fresno County Department of Public Health Office of Policy, Planning and Communication (OPPC) responded to the proposed plan amendment in a letter dated May 19, 2010. The OPPC recommends that the following language be removed from the proposed policy: "Sidewalks are not required on streets that are not through streets having an entire street length of 200 feet or less and provide access to a maximum of 10 lots".

Due to the relatively short length of the private street and the small amount of lots allowed in order to utilize the sidewalk exception, hazards to pedestrians are not expected. Additionally, when conducting research for the proposed sidewalk policy, staff found that in some jurisdictions, sidewalks were allowed to be eliminated on private residential streets in limited circumstances. For example, in Boise, Idaho, sidewalks are required on both sides of all private residential streets, however, no sidewalk is required for residential subdivisions with up to 3 lots and a street length less than 200 feet. See Exhibit G for a complete listing of the cities surveyed as well as a description of the allowed sidewalk deletions within those cities.

City of Fresno Downtown and Community Revitalization Department

The City of Fresno Downtown and Community Revitalization Department (DCR) responded to the proposed plan amendment in an email dated May 24, 2010. The DCR explains that sidewalks should be required on both sides of local residential street, including streets that are not through streets and the number of lots it provides access to. Staff response: see response above to the comments received from the County of Fresno Department of Public Health.

ENVIRONMENTAL FINDING

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies, including the Master Environmental Impact Report (MEIR No. 10130) for the 2025 Fresno General Plan. These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

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The proposed amendment to the adopted 2025 Fresno General Plan, has been determined to not be fully within the scope of MEIR No. 10130 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a). The project's potential impacts fall within the scope of Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan ("MEIR"), State Clearinghouse No. 2001071097, and this Mitigated Negative Declaration is tiered from that MEIR.

After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 was adopted, has become available.

Therefore, based on the attached environmental assessment and the list of identified mitigation measures, staff has determined the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2). A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-09-009 was published in *The Fresno Bee* on April 30, 2010 with no comments received within the 20 day comment period.

CONCLUSION / RECOMMENDATION

The appropriateness of the proposed plan amendment has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Plan Amendment Application No. A-09-009 is appropriate for approval.

FISCAL IMPACT

The processing of the subject plan amendment application involved community outreach with the council district plan implementation committees, Gary McDonald Homes, Granville Homes, League of Women Voters, Building Industry Association and others. Since this request involves a specific policy change to the 2025 Fresno General Plan that has citywide impacts, staff believes it is appropriate to levy the \$5,000 general plan amendment fee to the General Fund.

Attachments: Exhibit A (current and proposed policy), Exhibit B (draft policy routed for comment), Exhibit C (general plan objectives/policies), Exhibit D (history of tracts approved after Nov. 2002), Exhibit E (history of sidewalks on public streets), Exhibit F (implementation committee comments), Exhibit G (sidewalk exceptions), Exhibit H (ITE guide), Exhibit I (FHWA manual), Exhibit J (2008-2009 accident stats), Exhibit K (caught in crosswalk) Exhibit L (regional benchmark city sidewalk reqmts.)

County of Fresno Department of Community Health letter dated May 19, 2010

Environmental Assessment No. A-09-009, Finding of Mitigated Negative Declaration dated April 30, 2010

Planning Commission Resolution No. 13020

City Council Resolution for Plan Amendment Application No. A-09-009

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Caught in the Crosswalk: Pedestrian Safety in California, Surface Transportation Policy Project. 1999

Knoblauch, R.L., B.H. Tustin, S.A. Smith, and M.T. Pietrucha. *Investigation of Exposure-Based Pedestrian Accident Areas: Crosswalks, Sidewalks, Local Streets, and Major Arterials*. Report No. FHWARD-87-038. Federal Highway Administration, Washington, D.C., 1987.

McMahon, P.J., A.J. Khattak, C. Duncan, J.R. Stewart, and C.V. Zegeer. *An Analysis of Factors Contributing to "Walking along Roadway" Crashes: Research Study and Guidelines for Sidewalks and Walkways*. Report No. FHWA-RD-01-101. Federal Highway Administration, 2002.

National Cooperative Highway Research Program (NCHRP) 500 Volume 10: A guide for Reducing Collisions Involving Pedestrians, Washington, D.C. 2004

Ranck, Fred. "Sidewalks and Paths." *Design and Safety of Pedestrian Facilities*. Traffic Engineering Council Committee TENC-5A-5. Washington, D.C.: Institute of Transportation Engineers, 1998. 29-42.

Exhibit A

Current 2025 Fresno General Plan Policy E-1-o

E-1-o Policy: For new single-family residential subdivisions, sidewalks are required on both sides of local residential streets.

Proposed 2025 Fresno General Plan Policy E-1-o

E-1-o Policy: For new single-family residential subdivisions, sidewalks are required on both sides of local residential streets.

- For new single-family residential subdivisions with private streets, sidewalks shall be located on both sides of all private streets. Design, placement and construction of sidewalks on private streets shall be in accordance with the Standard Specifications and Drawings of the City of Fresno Public Works Department and shall have adequate lighting. Sidewalks shall be separated horizontally and vertically from the adjacent street with continuous curbing, landscape strips or other barrier(s) approved by the Director of the Planning and Development Department for the City of Fresno.
- Pedestrian Access Plan alternative. As an alternative to constructing sidewalks on both sides of the private street, the applicant may submit a pedestrian access plan.

A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The pedestrian access plan shall connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel, and shall provide access to adjacent schools, parks and other public or private community amenities.

A pedestrian access plan shall be included as an element of a conditional use permit as required for a planned development, and approval shall be contained within the entitlement submitted. The pedestrian access plan shall demonstrate the safe and effective movement of pedestrians within the subdivision. Detailed drawings of the walk (i.e. surface material, thickness, etc.) shall be provided. Demonstration of safe and effective movement of pedestrians shall include adequate lighting.

Approval of the pedestrian access plan configuration shall be made by the City of Fresno Planning and Development Director. Comments shall be obtained from the City of Fresno Traffic Engineer and/or the City Engineer.

- Exceptions to new single-family residential subdivision sidewalk requirements for private streets:

Sidewalks are not required on streets, which are not through streets, having a length of 200 feet or less and provide access to a maximum of 10 lots. This exception cannot be used as an element of a pedestrian access plan alternative, additionally, it does not apply to a private street intersecting with a private street within a planned development; or

Single loaded streets may eliminate sidewalks on the side opposite the units when it is not needed to provide for logical pedestrian circulation.

- Design guidelines for walks. All pedestrian walks shall be considered an accessible route, as defined by the California Building Code (CBC), and must be constructed in accordance with Chapter 11A of the CBC and the Americans with Disabilities Act (ADA). Considerations for accessibility include, but are not limited to, width, surface material, slope and detectable warnings.
- After the adoption of the 2025 Fresno General Plan, some planned developments were approved by the City of Fresno that had either no sidewalk, sidewalk on one side of the private street or sidewalks on both sides of the private street. The City of Fresno recognizes that developers may have prepared engineered infrastructure and other design improvement plans with the intent on developing projects as approved.

As such, in those cases where both a special permit and tentative (or vesting tentative) tract map which propose private street(s) have received final approval by the City of Fresno and all administrative appeal periods for those entitlements have expired, the developer shall be allowed to rely upon those prior approvals with regard to sidewalk requirements subject to the conditions of approval and associated exhibits for purposes of filing a final map. For the purpose of this policy, lots being further subdivided, or shown as outlots to be re-subdivided, shall be considered approved only when both the special permit and the tentative (or vesting tentative) tract map further subdividing those the lots or outlots are finally approved by the City of Fresno and all administrative appeal periods have expired.

Exhibit B
(Version routed and reviewed for comment)

E-1-o Policy: For new single-family residential subdivisions, sidewalks are required on both sides of local residential streets.

- For new single-family residential subdivisions with private streets, sidewalks shall be located on both sides of all private streets. Design, placement and construction of sidewalks on private streets shall be in accordance with the Standard Specifications and Drawings of the City of Fresno Public Works Department and shall have adequate lighting. Sidewalks shall be separated horizontally and vertically from the adjacent street with continuous curbing, landscape strips or other barrier(s) approved by the Director of the Planning and Development Department for the City of Fresno.
- Pedestrian Access Plan alternative. As an alternative to constructing sidewalks on both sides of the private street, the applicant may submit a Pedestrian Access Plan.

A Pedestrian Access Plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The Pedestrian Access Plan shall connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel, and shall provide access to adjacent schools, parks and other public or private community amenities.

A Pedestrian Access Plan shall be included as an element of a conditional use permit as required for a planned development, and approval shall be contained within the entitlement submitted. The Pedestrian Access Plan shall demonstrate the safe and effective movement of pedestrians within the subdivision. Detailed drawings of the walk (i.e. surface material, thickness, etc.) shall be provided. Demonstration of safe and effective movement of pedestrians shall include adequate lighting.

Approval of the Pedestrian Access Plan configuration shall be made by the City of Fresno Planning and Development Director. Comments shall be obtained from the City of Fresno Traffic Engineer and/or the City Engineer.

- Exceptions to new single-family residential subdivision sidewalk requirements for private streets:

Sidewalks are not required on streets that are not through streets having an entire street length of 200 feet or less and provide access to a maximum of 10 lots; or

Single loaded streets may eliminate sidewalks on the side opposite the units when it is not needed to provide for logical pedestrian circulation.

- Design guidelines for walks. All pedestrian walks shall be considered an accessible route, as defined by the California Building Code (CBC), and must be constructed in accordance with Chapter 11A of the CBC and the Americans with

Disabilities Act (ADA). Considerations for accessibility include, but are not limited to, width, surface material, slope and detectable warnings.

Exhibit B
(Version routed and reviewed for comment)

E-1-o Policy: For new single-family residential subdivisions, sidewalks are required on both sides of local residential streets.

- For new single-family residential subdivisions with private streets, sidewalks shall be located on both sides of all private streets. Design, placement and construction of sidewalks on private streets shall be in accordance with the Standard Specifications and Drawings of the City of Fresno Public Works Department and shall have adequate lighting. Sidewalks shall be separated horizontally and vertically from the adjacent street with continuous curbing, landscape strips or other barrier(s) approved by the Director of the Planning and Development Department for the City of Fresno.
- Pedestrian Access Plan alternative. As an alternative to constructing sidewalks on both sides of the private street, the applicant may submit a Pedestrian Access Plan.

A Pedestrian Access Plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The Pedestrian Access Plan shall connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel, and shall provide access to adjacent schools, parks and other public or private community amenities.

A Pedestrian Access Plan shall be included as an element of a conditional use permit as required for a planned development, and approval shall be contained within the entitlement submitted. The Pedestrian Access Plan shall demonstrate the safe and effective movement of pedestrians within the subdivision. Detailed drawings of the walk (i.e. surface material, thickness, etc.) shall be provided. Demonstration of safe and effective movement of pedestrians shall include adequate lighting.

Approval of the Pedestrian Access Plan configuration shall be made by the City of Fresno Planning and Development Director. Comments shall be obtained from the City of Fresno Traffic Engineer and/or the City Engineer.

- Exceptions to new single-family residential subdivision sidewalk requirements for private streets:

Sidewalks are not required on streets that are not through streets having an entire street length of 200 feet or less and provide access to a maximum of 10 lots; or

Single loaded streets may eliminate sidewalks on the side opposite the units when it is not needed to provide for logical pedestrian circulation.

- Design guidelines for walks. All pedestrian walks shall be considered an accessible route, as defined by the California Building Code (CBC), and must be constructed in accordance with Chapter 11A of the CBC and the Americans with

Exhibit C

Objective E-1 states: Provide a complete and continuous streets and highways system throughout the Fresno metropolitan area that is safe for vehicle users, bicyclists, and pedestrians and that provides efficient movement of people and goods consistent with the goals and objectives of this plan.

Policy E-1-j states: Provide areas for pedestrian and other non-motorized travel that enhance the safety, utilization, and efficiency of the street system. Pedestrian travel should be encouraged as a viable mode of movement throughout the metropolitan area by providing safe and convenient pedestrian facilities in new and existing urban areas and particularly within the Central Area and urban core community centers.

Policy E-1-n states: Safe access and mobility for the physically impaired must be implemented in the design of all pedestrian facilities.

Policy E-8-c states: Pedestrian circulation, site access, and transit access shall be considered as important criteria for site and community development.

Policy E-8-e states: New residential developments (including planned unit developments with gated access or private streets and development with perimeter sound walls or other barriers) should provide safe, convenient pedestrian walkways that directly link residences and internal streets to transportation routes and transit stops as well as to nearby major activity destinations such as shopping centers, schools, and parks.

Objective C-20 states: As part of the city's project review process, major emphasis will be given to site and building design in order to preserve functionality and community aesthetics.

Policy C-20-c: Consider innovative lot designs and patterns to enhance community livability in residential projects and to most efficiently utilize land for all types of projects.

EXHIBIT D

Year	Project number and location	Non-Gated	Gated	1-50 Lots	51-150 Lots	Over 150 Lots	No Sidewalks	Sidewalks on One Side of the Street	Sidewalks on Both Sides of the Street	Intermittent Walking Paths, Sidewalks, etc.
2002	No applicable tracts approved post Nov. 19 2002									
2003	T-5101, C-02-249, Cedar/Maple/Copper		x		x		x			
	T-5150, C-03-29, Chestnut/Copper/International		x	x			x			
	T-5127, C-02-246, NEC of Jensen and Sunnyside	x		x				x		
	T-5184, C-03-90, Salinas/Figarden/San Jose		x	x			x			
2004	T-5302, C-04-61, Polk/San Joaquin River Bluff		x	x			x			
	T-5315, C-04-179, Salinas/Figarden/Jacquelyn		x	x			x			
	T-5394, C-04-125, Thomas/Weber	x		x						x
2005	T-5350, C-04-237, Running Horse		x			x	x			
	T-5433, C-04-272, SWC Bullard/Jeanne		x			x				x
	T-5455, C-04-330, Brawley/Jeanne		x			x	x			
	T-5450, C-04-334, SWC Fowler/Church		x		x					x
	T-5387, C-04-170, Minnewawa/Kings Canyon/Butler		x	x				x		
	T-5357, C-04-267, Grantland/Bullard	x				x			x	
	T-5481, C-05-82, Shields/Marks/Valentine		x							x
	T-5493, C-05-81, Bryan/Gettysburg		x				x			

Year	Project number and location	Non-Gated	Gated	1-50 Lots	51-150 Lots	Over 150 Lots	No Sidewalks	Sidewalks on One Side of the Street	Sidewalks on Both Sides of the Street	Intermittent Walking Paths, Sidewalks, etc.
	T-5358, C-04-246, Josephine/Riverside Country Club		x		x		x			
	T-5270, C-05-118, Copper River Ranch		x		x		x			
	T-5508, C-05-107, Church/Willow/Chestnut		x		x		x			
2006	T-5268, C-05-247, Copper River Ranch		x			x	x			
	T-5469, C-05-192, Clovis/Belmont/Tulare	x		x				x		
	T-5564, C-06-19, Powers/Cedar/Maple	x		x			x			
	T-5274, C-06-076, Copper River Ranch		x	x			x			
	T-5666, C-06-35, Figarden/Bullard/Santa Fe		x	x			x			
	T-5549, C-05-250, SEC California/West	x			x			x		
	T-5637, C-06-27, NWC Florence/Chestnut		x		x					x
	T-5649, C-05-295, Figarden/Salinas/Gates		x		x			x		
	T-5551, C-06-62, Salinas/Corona/Bullard	x		x				x		
	T-5569, C-06-51, Willow/Kings Canyon	x		x				x		
2007	T-5581, C-06-63, Chestnut/Teague/Shepherd	x		x						x
	T-5838, C-07-14, Copper River Ranch		x		x				x	
	T-5627, C-05-211, SWC Kearney/Crystal		x		x				x	

Year	Project number and location	Non-Gated	Gated	1-50 Lots	51-150 Lots	Over 150 Lots	No Sidewalks	Sidewalks on One Side of the Street	Sidewalks on Both Sides of the Street	Intermittent Walking Paths, Sidewalks, etc.
	T-5558, C-06-143, NWC Herndon/Bryan	x			x				x	
2008	No applicable tracts approved in 2008									

Exhibit E

Plan Amendment Application No. A-92-20

On February 2, 1993, the Fresno City Council approved Plan Amendment Application No. A-92-20, which amended page 90 of the "Neighborhood Streets" subsection of the 1984 Fresno General Plan. The policy added the following objective:

- It is an objective of the City to provide public service and encourage public safety through the development of sidewalks with parkstrips on both sides of residential streets.

The policies/implementation strategies section of the 1984 Fresno General was added to and stated:

- Establish a requirement for sidewalks with park strips of sufficient width to accommodate street trees, along both sides of residential streets (except cul-de-sacs) serving densities of four dwelling units per acre or greater.
- Employ the 56-foot street right-of-way design shown on City of Fresno Public Works Standard Drawing No. P-44A, in residential development with a density of four or more dwelling units per acre.

Plan Amendment Application No. A-98-04

On May 5, 1998, the Fresno City Council approved Plan Amendment Application No. A-98-04, which amended the 1984 Fresno General Plan. The plan amendment allowed for reduced street widths and required sidewalks on both sides of all local residential streets in subdivisions with a density of more than four units per acre in accordance with the following standards:

- A 50-foot local street pattern with monolithic sidewalks required on both street sides (no planter strip). Any subdivision utilizing this alternative will be required to submit with the tentative tract map a landscape plan or other criteria to provide two medium-sized trees within every front yard; or,
- The present policy which requires a 56-foot local street pattern with sidewalks, curb, gutter and planter strip on both sides of the streets in residential developments of more than four units per acre.

In summary, Plan Amendment Application No. A-98-04 allowed the developer the option of either installing or not installing a parkstrip along local residential streets. As with Plan Amendment Application No. A-92-20, sidewalks on both sides of local residential streets were only required in subdivisions with a density of more than four units per acre.

Plan Amendment Application No. A-99-22

On February 29, 2000, the Fresno City Council approved Plan Amendment Application No. A-99-22, which amended the 1984 General Plan.

Plan Amendment Application No. A-99-22 amended the "Neighborhood Streets" subsection of the 1984 General Plan. The plan amendment required sidewalks on both sides of all local streets in new residential subdivisions regardless of dwelling unit density. Said general plan sidewalk policy amendment continued to allow for reduced street widths, but now required

sidewalks on both sides of all local streets in subdivisions regardless of dwelling unit density, in accordance with the following alternative standards:

- A 50-foot local street pattern with monolithic sidewalks required on both street sides (no planter strip). Any subdivision utilizing this alternative will be required to submit with a tentative tract map a landscape plan or other criteria to provide two medium-sized (or equivalent) trees within every front yard; or,
- A 56-foot wide street pattern with sidewalks, curb, gutter, and planter strips on both sides of the streets.

On February 29, 2000, pursuant to the approval of Plan Amendment Application Nos. A-99-22, the City of Fresno began to require sidewalks on both sides of all local residential streets, regardless of dwelling unit density.

Exhibit F

On April 26, 2010, the Council District 1 Plan Implementation Committee, with a vote of 2-0, recommended approval of the draft sidewalk policy. Since a 2-0 vote is not a majority of sitting committee members, a second meeting was scheduled. On May 25, 2010, the Council District 1 Plan Implementation Committee, with a vote of 2-0, recommended approval of the draft sidewalk policy. Once again, a 2-0 vote is not a majority of sitting committee members.

On April 26, 2010, the Council District 4 Plan Implementation Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy with the condition that only one sidewalk exception, relating to streets with a length of 200 feet or less and a maximum of 10 lots, be allowed per subdivision.

Staff response: the following language, as related to sidewalk exceptions, was added to the draft sidewalk policy: "this exception cannot be used as an element of a pedestrian access plan alternative, additionally, it does not apply to a private street intersecting with a private street within a planned development". Essentially, what the clarification does is prohibit interior private streets of a single subdivision, which may meet the thresholds for no sidewalks, to utilize the sidewalk exception on each of the interior private streets.

On April 26, 2010, the Council District 5 Plan Implementation Committee, with a vote of 3-0, recommended approval of the draft sidewalk policy with the condition that should a pedestrian access plan be proposed, in addition to the minimum requirements of a pedestrian access plan, sidewalk shall be placed on at least one side of the street.

Staff response: staff believes that the language within the existing draft policy would provide adequate pedestrian accessibility within a planned development with private streets; the draft policy requires connections to various amenities in a manner that minimizes out-of-direction travel.

On April 26, 2010, the Council District 6 Plan Implementation Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy.

On May 3, 2010, the Council District 7 Plan Implementation Committee, with a vote of 8-0, recommended approval of the draft sidewalk policy.

On May 3, 2010, the Fulton-Lowell Committee, with a 4-0 vote, recommended approval of the draft sidewalk policy.

On May 4, 2010, the Tower District Advisory Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy.

On May 10, 2010, the Council District 2 Plan Implementation Committee, with a vote of 5-0-1, recommended approval of the draft sidewalk policy.

On May 10th, 2010, the draft sidewalk policy was presented to the Disability Advisory Commission (DAC). The DAC recommended approval of the draft, by a 5-0 vote, with the recommendation that the pedestrian access plan require connectivity to accessible parking.

Staff response: the paths within a pedestrian access plan must be accessible as pursuant to the California Building Code.

It is noted that a previous version of a sidewalk policy was presented to the DAC on October 12th, 2010. Relative to that draft, the DAC recommended approval with the recommendation that all sidewalks, walks or routes included as part of the "Pedestrian Access Plan" meet State and Federal requirements for accessibility for persons with disabilities and/or the requirements that would be in place had the walks been located in the public. The DAC also recommended that walks or routes incorporate "universal design" to provide access to a broad range of users, including persons with disabilities. Staff believes that the final version of the sidewalk policy addresses the DAC's comments.

On May 27, 2010, the Bicycle/Pedestrian Advisory Committee (BPAC) reviewed the draft sidewalk policy. The BPAC recommended approval of the policy by a vote of 4-0.

It is noted that a previous version of a sidewalk policy was presented to the BPAC on October 22, 2010. Relative to that draft, the BPAC had no endorsement of the policy until the following issues were addressed: a) clarification needed to distinguish between a sidewalk and a pedestrian path, b) walks located within the interior of a subdivision (not adjacent to the street) must meet Americans with Disabilities Act (ADA) standards, c) a lighting standard must be included within the policy to address lighting for interior walks (not adjacent to the street) and sidewalks. Staff believes that the final version of the sidewalk policy addresses BPAC's comments.

Exhibit G

In Carlsbad, California, sidewalks are required to be constructed on both sides of all private streets in a residential subdivision. Sidewalks on private streets may be eliminated under any of the following circumstances: a) private streets that are not through streets and have an entire street length less than 150 feet and access a maximum of 12 units, b) private streets that are not through streets which access eight (8) units or less and do not exceed 300 feet of entire street length or c) single loaded streets may eliminate sidewalks on the side opposite the units when it is not needed to provide for a logical pedestrian circulation.

In Boise, Idaho, sidewalks are required on both sides of all private residential streets. Sidewalk requirements can be deleted under any of the following circumstances: up to 3 lots with street length less than 200 feet, no sidewalk is required, b) up to 3 lots with street length greater than 200 feet, sidewalk is required on at least one side of the street, c) 4 lots or more requires sidewalks on both sides of the street.

In Portland, Oregon, the private residential street sidewalk requirements are as follows: a) one to three lots, no sidewalks required or b) more than three lots or street longer than 300 ft., at a minimum sidewalk is required on one side of the street. It is noted that gated subdivisions are not allowed in Portland, Oregon.

In Hillsboro, Oregon, the private residential street sidewalk requirements are as follows: a) sidewalks are required on one side of the street if the total street length is less than 100 feet or b) sidewalks are required on both sides of the street if the street length is greater than 100 feet or if the street is open at both ends.

Exhibit H

Land-Use/Roadway Functional Classification/ and Dwelling Unit	New Urban and Suburban Streets	Existing Urban and Suburban Streets
Commercial and Industrial (All Streets)	Both sides.	Both sides. Every effort should be made to add sidewalks where they do not exist and complete missing links.
Residential (Major Arterials)	Both sides.	Both sides.
Residential (Collectors)	Both sides.	Multifamily--both sides.
		Single family dwellings—prefer both sides; require at least one side.
Residential (Local Streets) More than 4 units per Acre	Both sides.	Prefer both sides; require at least one side.
1 to 4 Units per Acre	Prefer both sides; require at least one side.	At least 4-feet shoulder on both sides required.
Less than 1 Unit per Acre	One side preferred; shoulder on both sides required.	One side preferred; at least 4-feet shoulder on both sides required.

NOTES:

- 1) Any local street within two blocks of a school site that would be on a walking route to school—sidewalk and curb and gutter required.
- 2) Sidewalks may be omitted on one side of a new street where that side clearly cannot be developed and where there are no existing or anticipated uses that would generate pedestrian trips on that side.
- 3) Where there are service roads, the sidewalk adjacent to the main road may be eliminated and be replaced be a sidewalk adjacent to the service road on the side away from the main road.
- 4) For rural roads not likely to serve development, a shoulder at least 4 feet in width, preferable 8 feet on primary highways, should be provided. Surface material should provide a stable, mud-free walking surface.

Exhibit I

Roadway Classification and Land Use	Sidewalk/Walkway Requirements	Future Phasing
Rural Highways (<400 Average Daily Traffic [ADT])	Shoulders preferred, with a minimum width of 0.9 m (3 ft)	Secure/preserve right-of-way (ROW) for future sidewalks
Rural Highways (400 to 2,000 ADT)	1.5-m (5-ft) shoulders preferred, and a minimum width of 1.2 m (4 ft) shoulders required.	Secure/preserve (ROW) for future sidewalks
Rural/Suburban Highway (ADT>2,000 and Less Than 1 Dwelling Unit (d.u.)/.4 hectares (ha) [1 d.u./acre])	Sidewalks or side paths preferred. Minimum of 1.8 m (6 ft) shoulders required.	Secure/preserve (ROW) for future sidewalks
Suburban Highway (1 to 4 d.u./.4 ha [1 to 4 d.u./acre])	Sidewalks on both sides required.	
Major Arterial (residential)	Sidewalks on both sides required.	
Urban Collector and Minor Arterial (residential)	Sidewalks on both sides required.	
Urban Local Street (Residential-Less than 1 d.u./.4 ha [1 d.u./acre])	Sidewalks on both sides preferred. Minimum of 1.5 m (5 ft) shoulder required.	Secure/preserve (ROW) for future sidewalks
Urban Local Street (Residential-1 to 4 d.u./.4 ha [1 to 4 d.u./acre])	Sidewalks on both sides preferred.	Both sides required if density becomes greater than 4 d.u./.4 ha (4 d.u./acre) or if schools, bus stops, etc. are nearby
Local Street (Residential-More than 4 d.u./.4 ha [4 d.u./acre])	Sidewalks on both sides required.	
All Commercial Urban Streets (Commercial Areas)	Sidewalks on both sides required.	
All Streets in Industrial Areas	Sidewalks on both sides preferred. Minimum of 1.5 m (5 ft) shoulders required.	

1 acre = 0.4 hectares (ha)

Source: McMahan et al. (2002)

McMahan, P.J., A.J. Khattak, C. Duncan, J.R. Stewart, and C.V. Zegeer. *An Analysis of Factors Contributing to "Walking along Roadway" Crashes: Research Study and Guidelines for Sidewalks and Walkways*. Report No. FHWA-RD-01-101. Federal Highway Administration, 2002.



CrimeView Bureau

Fresno Police Dept
2323 Mariposa
Fresno, CA 93721

DATE: 1/28/2010
TO: Planner III Israel Trejo
FROM: CSO II/CA Cindy L Slaton
RE: Pedestrian involved traffic accidents

The charts contain the vehicle/pedestrian traffic accidents information you requested, including the location of occurrence.

2008

	CASE NO	LOCATION
1	08001125	E BELMONT AV/N PALM AV
2	08012323	566 E WARWICK AV
3	08018650	WBROWN AV/N HULBERT AV
4	0802468	857 S HAZELWOOD BL
5	08029765	3869 E OLIVE AV
6	08034510	3099 E BELMONT AV
7	08035105	366 N SHELLY AV
8	0803850	N TEILMAN AV/W MCKINLEY AV
9	08039110	2150 TULARE ST
10	0805025	3053 E SHIELDS AV
11	08055981	5175 TERRY COOPER WY
12	08057466	E OLIVE AV/N MINNEWAWA AV
13	08057521	E BELMONT AV/N CLOVIS AV
14	08061358	E TULARE ST/N BARTON AV
15	08066461	48 48 E SAN JOAQUIN ST
16	0808040	VAN NESS AV/TULARE ST
17	08096479	N BLACKSTONE AV/E ASHLAN AV
18	08097487	4834 E GETTYSBURG AV
19	08103515	3300 E TULARE ST
20	08105932	N MARKS AV/W MCKINLEY AV

2009

	CASE NO	LOCATION
1	09004312	2463 S BARDELL AV
2	09019260	W PRINCETON AV/N MARKS AV
3	09019995	N FIRST ST/E BULLARD AV
4	09021029	1721 N DEARING AV
5	09021089	3254 E OLIVE AV
6	0902530	N FIRST ST/E SHAW AV
7	0903004	E BUTLER AV/S WHITNEY AV
8	09032538	N FIRST ST/E MCKINLEY AV
9	0904622	E SHAW AV/N CEDAR AV
10	0905228	E BUTLER AV/S SIERRA VISTA AV
11	09057928	W CLINTON AV/N MARKS AV
12	09070827	E SHAW AV/N FIRST ST
13	09074042	650 W SIERRA AV
14	09075816	N CEDAR AV/E OLIVE AV
15	0908029	VENTURA AV/M ST
16	0908066	3053 E SHIELDS AV
17	09082729	2329 N FIRST ST/E CLINTON AV
18	0908294	N ABBY ST/E DIVISADERO ST
19	0908462	500 500 S BARTON AV
20	0908806	5150 N BLACKSTONE AV
21	0908940	N FIRST ST/PINE AV
22	09092792	E SHIELDS/N SIERRA VISTA
23	0909922	5469 N CEDAR AV
24	09099615	E KINGS CANYON RD/S MILLBROOK
25	0909968	E MCKINLEY AV/N CLINTON

Exhibit K

An additional study titled, "Caught in the Crosswalk: Pedestrian Safety in California," was issued in 1999 by the Washington, D.C.-based Surface Transportation Policy Project, a coalition of public and private agencies advocating transportation safety. According to the report:

- More than 600 people are killed and another 13,000 are injured every year as pedestrians in California. Being hit by a car while walking is the second leading cause of death for California children aged 5-12.
- There have been sharp decreases in the number of children who walk and bicycle to school, even those who live within short distances. Parents are increasingly driving their children back and forth to school due primarily to concerns about traffic. These automobile trips occur during peak rush hours and clog up streets in the vicinity of school facilities as well as choke critical local intersections and roadways.

The study also recommends that cities within California ensure that all new and improved streets include accommodations for pedestrians. At a minimum, all local streets and roadways should include sidewalks and crosswalks that are accessible to people with disabilities and in accordance with the *Recommended Practice* issued by the Institute of Transportation Engineers.

A table within the "Caught in the Crosswalk" study, indicates that in 1998, Fresno County ranked 19th out of 35 California Counties with a population above 100,000, as being the most dangerous for pedestrians.

Rank		Fatalities(1)	Injuries	Population
1	Los Angeles	200	5,541	9,757,500
2	Santa Clara	33	600	1,715,400
4	Sacramento	25	475	1,177,800
16	Madera	7	40	115,800
19	Fresno	26	264	793,800
24	Tulare	10	102	363,300
35	San Luis Obispo	1	44	241,600

Most Dangerous California Counties for Pedestrians, 1998

Source: (1) 1998 Annual Report of Fatal and Injury Motor Vehicle Traffic Collisions, Department of California Highway Patrol

EXHIBIT L

City	Sidewalks Required	one side of street	Both sides of street	Other	Additional Notes
Sacramento	Yes		x	x	Sidewalks required on both sides of street
Stockton	No				No sidewalks required in residential planned developments
Modesto	Yes		x		A developer may propose sidewalks on less than both sides of street, however a variance must be approved by the Planning Commission
Merced	No				No sidewalks required in residential planned developments
Madera	Yes		x	x	The Madera Municipal Code does not require sidewalks on both sides of street, however the Planning Commission has been requiring some walkability amenity, i.e. sidewalks both sides of street/paseos, etc.
Clovis	Yes/No			x	Developer allowed flexibility on sidewalk requirement through planned development process. There is no code requirement as to the amount of sidewalk required. There are no clear guidelines in terms of the amount of sidewalk required. It is up to developer to propose a sidewalk plan
Visalia	No				No sidewalks required in residential planned developments
Bakersfield	Yes	x			Planner was not aware of an applicable code section, however she thought the requirement was made pursuant to a public works policy
San Jose	Yes		x		Planner referred staff to the residential design standards on the CSJ website. He explained there may be some rare instances, for example, developments under four lots, where it made sense to require sidewalk on only one side of the street; he was not aware of a particular code section



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
EDWARD L. MORENO, M.D., M.P.H.
DIRECTOR-HEALTH OFFICER

May 19, 2010

Israel Trejo
Development Services/Planning
City of Fresno Planning and Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

Dear Mr. Trejo:

The Fresno County Department of Public Health's Office of Policy, Planning and Communication (OPPC) has reviewed the City of Fresno Planning and Development Department's Draft Sidewalk Policy. Based on our review, the Department recommends that the following language be removed:

- E-1-o Policy Exception: Sidewalks are not required on streets that are not through streets having an entire street length of 200 feet or less and provide access to a maximum of 10 lots; or

Fresno City dwellings in private street developments may initially be inhabited by the original home owners. However, over time homeowners often move out and renters move in. Consequently, renters on private streets should be afforded the same access to safe sidewalks as renters in non-private locations. Furthermore, we suspect that the recent economic downturn has only magnified the number of homes that are occupied by renters. Finally, when dwellings on private streets are eventually placed on the market, potential homebuyers will most likely be looking for certain amenities such as sidewalks which are indicators of a safe, healthy and sustainable neighborhood.

Thank you for the opportunity to provide feedback on the City of Fresno's land use policies. The Department and the OPPC look forward to providing future feedback on land use policies impacting the health of Fresno City residents.

Sincerely,

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

ELM:rfa

Dedicated to Public Health

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FILED

Filed with:

APR 30 2010

FRESNO COUNTY CLERK

By *[Signature]* DEPUTYFRESNO COUNTY CLERK
2221 Kern Street, Fresno, California 93721

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

**PROJECT TITLE AND ENVIRONMENTAL ASSESSMENT
A-09-009**

APPLICANT:
City of Fresno – Planning and Development Department
2600 Fresno Street
Fresno, CA 93721

PROJECT LOCATION:
Citywide within the city of Fresno

PROJECT DESCRIPTION: the City of Fresno Planning and Development Department Director has initiated Plan Amendment Application No. A-09-009. Plan Amendment Application No. A-09-009 proposes to amend Policy E-1-o of the 2025 Fresno General Plan (2025 Plan) as it relates to private street sidewalk requirements. Policy E-1-o of the 2025 Plan states “for new single-family residential subdivisions, sidewalks are required on both sides of local residential streets”. Since the definition of a local street, within the 2025 Plan, includes a private street, sidewalks are currently required on both sides of the private street. The subject application proposes to allow developers the opportunity to provide a “Pedestrian Access Plan” in lieu of requiring sidewalks to be constructed on both sides of a private street. No changes are proposed for public street sidewalk requirements.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is not fully within the scope of the Master Environmental Impact Report No. 10130 (“MEIR”) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Planning and Development Department proposes to adopt a Mitigated Negative Declaration for this project. With the project specific mitigation measures imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect, or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR or Air Quality MND. After conducting a review of the adequacy of the MEIR and Air Quality MND pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available.

Additional information on the proposed project, including the proposed environmental finding of a mitigated negative declaration initial study and all documents and technical studies referenced in the initial study, may be obtained from the Planning and Development Department, Fresno City Hall, 2600 Fresno Street, Third Floor-North, Room 3076, Fresno, California 93721-3604. Please contact Israel Trejo at (559) 621-8044 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor’s name and address; (2) the commentor’s interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Comments may be submitted at any time between the publication date of this notice and close of business on May 20, 2010. Please direct all comments to Israel Trejo, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Third Floor-North, Room 3076, Fresno, California, 93721-3604; or by email, Israel.Trejo@fresno.gov; or by facsimile, (559) 498-1026.

Notice of Intent to File
Mitigated Negative Declaration
EA No. A-09-009
April 30, 2010

The plan amendment application and this proposed environmental finding have been tentatively scheduled to be considered by the Fresno City Planning Commission on June 2, 2010, at 6:00 p.m., or thereafter, and a public hearing has been tentatively scheduled before the Fresno City Council on June 10, 2010, with time yet to be identified. These hearings will be held in the Fresno City Council Chamber located on the second floor at Fresno City Hall, 2600 Fresno Street, Fresno, California, 93721-3604. Your written and oral comments are welcomed at the hearings and will be considered in the final decision.

INITIAL STUDY PREPARED BY: Israel Trejo, Planner	SUBMITTED BY:  Mike Sanchez, Planning Manager CITY OF FRESNO PLANNING AND DEVELOPMENT DEPARTMENT
DATE: April 30, 2010	

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT
ENVIRONMENTAL ASSESSMENT – INITIAL STUDY IMPACT
CHECKLIST AND INITIAL STUDY
Mitigated Negative Declaration
Application No. A-09-009
April 30, 2010

1. Project title: Plan Amendment Application No. A-09-009

2. Lead agency name and address:

City of Fresno
Planning & Development Department
2600 Fresno Street
Fresno, CA 93721

3. Contact person and phone number: Israel Trejo, Planner, (559) 621-8044

4. Project location:

Citywide within the city of Fresno

5. Project applicant/sponsor name and address:

City of Fresno
Planning & Development Department
2600 Fresno Street
Fresno, CA 93721

6. Project: Plan Amendment Application No. A-09-009 was initiated by the Director of the Planning and Development Department to amend Policy E-1-o of the 2025 Fresno General Plan (2025 Plan) as it relates to private street sidewalk requirements. Policy E-1-o of the 2025 Plan states "for new single-family residential subdivisions, sidewalks are required on both sides of local residential streets". Since the definition of a local street, within the 2025 Plan, includes a private street, sidewalks are currently required on both sides of the private street. The subject application proposes to allow developers the opportunity to provide a "Pedestrian Access Plan" in lieu of requiring sidewalks to be constructed on both sides of a private street. A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The pedestrian access plan must connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel, and shall provide access to adjacent schools, parks and other public or private community amenities. No changes are proposed for public street sidewalk requirements.

7. General plan designation:
 Not applicable. The proposed general plan amendment applies to projects citywide.

8. Surrounding land uses and setting:
 Not applicable, project is citywide.

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

 Not applicable.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

X _____
Date

X Israel Trejo
Israel Trejo, Planner
4-30-10
Date

EVALUATION OF ENVIRONMENTAL IMPACTS NOT ASSESSED IN THE MEIR OR AIR QUALITY MND:

1. For purposes of this MEIR Initial Study, the following answers have the corresponding meanings:
 - a. "No Impact" means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the MEIR or Air Quality MND.
 - b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, but that impact is less than significant;
 - c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR or Air

Quality MND, however, with the mitigation incorporated into the project, the impact is less than significant.

d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND.

- 2) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 3) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 4) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 5) "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).
- 6) 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.
- 7) 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.
- 8) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 9) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 11) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant

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

The subject plan amendment proposes to allow developers the opportunity to provide a pedestrian access plan in lieu of providing sidewalks on both sides of the street within single-family residential subdivisions; the plan amendment applies to private streets only, no change is proposed for public streets. A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. No public or scenic vista will be obstructed by the project and no valuable vegetation will be removed for this proposal. The plan amendment will not create a new source of substantial light or glare which would affect day or night time views in the project area, given that during the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties. There is no specific project proposal at this time, when a specific project is proposed further consideration will be given aesthetics.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE 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:				

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

The 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. The subject plan amendment proposes to allow developers the opportunity to provide a pedestrian access plan in lieu of providing sidewalks on both sides of a street within single-family residential subdivisions; the plan amendment applies to private streets only, no change is proposed for public streets. A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The plan amendment will apply to projects citywide. The proposed plan amendment will not convert prime farmland to a non-agricultural use, nor will it conflict with a Williamson Act contract. Additionally, during a specific project entitlement process, staff will review each project for compliance with agricultural resources.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY AND GLOBAL CLIMATE CHANGE – (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan (e.g., by having potential emissions of regulated criterion pollutants which exceed the 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)?				x
d) Expose sensitive receptors to substantial pollutant concentrations?				x
e) Create objectionable odors affecting a substantial number of people?				x

Plan Amendment Application No. A-09-009 was initiated by the Director of the Planning and Development Department to amend Policy E-1-o of the 2025 Fresno General Plan (2025 Plan) as it relates to private street sidewalk requirements. Policy E-1-o of the 2025 Plan states "for new single-family residential subdivisions, sidewalks are required on both sides of local residential streets". Since the definition of a local street, within the 2025 Plan, includes a private street, sidewalks are currently required on both sides of the private street. The subject application proposes to allow developers the opportunity to provide a "Pedestrian Access Plan" in lieu of requiring sidewalks to be constructed on both sides of a private street. A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The pedestrian access plan must connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel, and shall provide access to adjacent schools, parks and other public or private community amenities. No changes are proposed for public street sidewalk requirements.

Since there is no specific project to analyze, an URBEMIS computer model could not be run in order to evaluate emissions such as Reactive Organic Gases and NOX; CO, SOX and carbon dioxide. The proposed plan amendment will apply to projects citywide. As noted above, the 2025 Plan requires private streets to have sidewalks on both sides of the street. The subject application proposes to allow a pedestrian access plan in lieu of sidewalks on both sides of the street. A pedestrian access plan would be reviewed as part of a conditional use permit and must demonstrate the safe and effective movement of pedestrians within the subdivision. The pedestrian access plan must connect all residences to common buildings, facilities, amenities, and other residences in a manner that minimizes out-of-direction travel. As such, a loss of pedestrians, due to sidewalks potentially not being placed on both sides of a private street, is not expected.

A proposed exception to sidewalk requirements for private streets is that sidewalks will not be required on private streets that are not through streets having an entire street length of 200 feet or less and provide access to a maximum of 10 lots; additionally, single loaded streets may eliminate sidewalks on the side opposite the units when it is not needed to provide for logical pedestrian circulation. Due to the relatively short length of the private street a decrease in the amount of pedestrians is not expected.

The subject plan amendment incorporates a number of elements which are consistent with the adopted goals, objectives, and policies of the 2025 Fresno General Plan. These elements include strategies which utilize land use patterns designed to reduce travel distances and encourage alternative modes of transportation to the automobile. Policy E-8-e states: new residential developments (including planned unit developments with gated access or private streets and development with perimeter sound walls or other barriers) should provide safe, convenient pedestrian walkways that directly link residences and internal streets to transportation routes and transit stops as well as to nearby major activity destinations such as shopping centers, schools, and parks. Additionally, Policy C-20-c states: consider innovative lot designs and patterns to enhance community livability in residential projects and to most efficiently utilize land for all types of projects.

In summary, the project as mitigated will not significantly impact local air quality. The plan amendments proposed design requirements and project specific mitigation measures will reduce the project's potential air quality impacts to less than significant.

Mitigation Measures

1. The proposed plan amendment shall implement and incorporate the land use and planning related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated April 30, 2010.
2. The proposed plan amendment shall implement and incorporate, as appropriate, the land use related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated April 30, 2010.

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

The proposed plan amendment would not directly affect any sensitive, special status, or candidate species, nor would it modify any habitat that supports them. The subject plan amendment proposes to allow developers the opportunity to provide a pedestrian access plan in lieu of providing sidewalks on both sides of the street within single-family residential subdivisions; the plan amendment applies to private streets only, no change is proposed for public streets. The plan amendment will apply to

projects citywide. During the entitlement process, staff will review each project as it relates to compliance regarding impacts on potential biological resources.

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

The subject plan amendment proposes to allow developers the opportunity to provide a pedestrian access plan in lieu of providing sidewalks on both sides of the street within single-family residential subdivisions; the plan amendment applies to private streets only, no change is proposed for public streets. The plan amendment will apply to projects citywide. The proposed plan amendment will not cause a substantial adverse change of a historical resource nor directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. During the entitlement process, staff will review associated projects for compliance regarding historical, archaeological and paleontological resources. Additionally, the Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan, Mitigation Monitoring Checklist includes measures to address archaeological resources, paleontological resources, and human remains.

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

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

Policy E-1-o of the 2025 Plan states "for new single-family residential subdivisions, sidewalks are required on both sides of local residential streets". Since the definition of a local street, within the 2025 Plan, includes a private street, sidewalks are currently required on both sides of the private street. The subject plan amendment proposes to allow developers the opportunity to provide a pedestrian access plan in lieu of providing sidewalks on both sides of the street; the plan amendment applies to private streets only, no change is proposed for public streets. The plan amendment will apply to projects citywide. 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. No adverse environmental effects related to topography, soils or geology are expected as a result of this project. Additionally, during the entitlement process, staff will review associated projects for compliance with geologic hazards and unstable soil conditions.

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

Plan Amendment Application No. A-09-009 was initiated by the Director of the Planning and Development Department to amend Policy E-1-o of the 2025 Fresno General Plan (2025 Plan) as it relates to private street sidewalk requirements. Policy E-1-o of the 2025 Plan states “for new single-family residential subdivisions, sidewalks are required on both sides of local residential streets”. Since the definition of a local street, within the 2025 Plan, includes a private street, sidewalks are currently required on both sides of the private street. The subject application proposes to allow developers the opportunity to provide a “Pedestrian Access Plan” in lieu of requiring sidewalks to be constructed on both sides of a private street. A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The pedestrian access plan must connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel, and shall provide access to adjacent schools, parks and other public or private community amenities. No changes are proposed for public street sidewalk requirements.

The 2025 Plan requires private streets to have sidewalks on both sides of the street. The subject application proposes to allow a pedestrian access plan in lieu of sidewalks on both sides of the street. A pedestrian access plan would be reviewed as part of a conditional use permit and must demonstrate the safe and effective movement of pedestrians within the subdivision. The pedestrian access plan must connect all residences to common buildings, facilities, amenities, and other residences in a manner that minimizes out-of-direction travel. As such, a loss of pedestrians, due to sidewalks potentially not being placed on both sides of a private street, is not expected.

A proposed exception to sidewalk requirements for private streets is that sidewalks will not be required on private streets that are not through streets having an entire street length of 200 feet or less and provide access to a maximum of 10 lots; additionally, single loaded streets may eliminate sidewalks on the side opposite the units when it is not needed to provide for logical pedestrian circulation. Due to the relatively short length of the private street a decrease in the amount of pedestrians is not expected.

The subject plan amendment incorporates a number of elements which are consistent with the adopted goals, objectives, and policies of the 2025 Fresno General Plan. These elements include

strategies which utilize land use patterns designed to reduce travel distances and encourage alternative modes of transportation to the automobile. Policy E-8-e states: new residential developments (including planned unit developments with gated access or private streets and development with perimeter sound walls or other barriers) should provide safe, convenient pedestrian walkways that directly link residences and internal streets to transportation routes and transit stops as well as to nearby major activity destinations such as shopping centers, schools, and parks. Additionally, Policy C-20-c states: consider innovative lot designs and patterns to enhance community livability in residential projects and to most efficiently utilize land for all types of projects.

In summary, the project as mitigated is not expected to generate greenhouse gas emissions beyond what was analyzed in the Master Environmental Impact Report No. 10130/SCH No. 2001071097 for the 2025 Plan.

Mitigation Measures

1. The proposed plan amendment shall implement and incorporate the land use and planning related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated April 30, 2010.
2. The proposed plan amendment shall implement and incorporate, as appropriate, the land use related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated April 30, 2010.

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

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

Plan Amendment Application No. A-09-009 was initiated by the Director of the Planning and Development Department to amend Policy E-1-o of the 2025 Fresno General Plan (2025 Plan) as it relates to private street sidewalk requirements. Policy E-1-o of the 2025 Plan states "for new single-family residential subdivisions, sidewalks are required on both sides of local residential streets". Since the definition of a local street, within the 2025 Plan, includes a private street, sidewalks are currently required on both sides of the private street. The subject application proposes to allow developers the opportunity to provide a "Pedestrian Access Plan" in lieu of requiring sidewalks to be constructed on both sides of a private street. A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The pedestrian access plan must connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel, and shall provide access to adjacent schools, parks and other public or private community amenities. No changes are proposed for public street sidewalk requirements.

The 2025 Plan requires private streets to have sidewalks on both sides of the street. The subject application proposes to allow a pedestrian access plan in lieu of sidewalks on both sides of the street.

A pedestrian access plan would be reviewed as part of a conditional use permit and must demonstrate the safe and effective movement of pedestrians within the subdivision. The pedestrian access plan must connect all residences to common buildings, facilities, amenities, and other residences in a manner that minimizes out-of-direction travel.

A proposed exception to sidewalk requirements for private streets is that sidewalks will not be required on private streets that are not through streets having an entire street length of 200 feet or less and provide access to a maximum of 10 lots; additionally, single loaded streets may eliminate sidewalks on the side opposite the units when it is not needed to provide for logical pedestrian circulation. Due to the relatively short length of the private street and the low amount of lots allowed (in order to be considered for the sidewalk exception) hazards to pedestrians are not expected.

Additionally, when a specific entitlement is submitted, staff will review the project for compliance regarding the release of hazardous materials, proximity to an airport hazard zone or wildland fire hazard zones, and whether it poses interference with the City's or County's Hazard Mitigation Plans or emergency response plans.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
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

The subject plan amendment proposes to allow developers the opportunity to provide a pedestrian access plan in lieu of providing sidewalks on both sides of the street within single-family residential subdivisions; the plan amendment applies to private streets only, no change is proposed for public streets. A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The proposed application will not violate any water quality standards or waste discharge requirements. The proposed application will not deplete groundwater supplies or interfere substantially with groundwater recharge or otherwise degrade water quality. There is no specific project proposal at this time, when a specific project is proposed further consideration will be given relative to hydrology and water quality.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?				X

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

Plan Amendment Application No. A-09-009 was initiated by the Director of the Planning and Development Department to amend Policy E-1-o of the 2025 Fresno General Plan (2025 Plan) as it relates to private street sidewalk requirements. Policy E-1-o of the 2025 Plan states “for new single-family residential subdivisions, sidewalks are required on both sides of local residential streets”. Since the definition of a local street, within the 2025 Plan, includes a private street, sidewalks are currently required on both sides of the private street. The subject application proposes to allow developers the opportunity to provide a “Pedestrian Access Plan” in lieu of requiring sidewalks to be constructed on both sides of a private street. A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The pedestrian access plan must connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel, and shall provide access to adjacent schools, parks and other public or private community amenities. No changes are proposed for public street sidewalk requirements.

The subject plan amendment incorporates a number of elements which are consistent with the adopted goals, objectives, and policies of the 2025 Fresno General Plan. These elements include strategies which utilize land use patterns designed to reduce travel distances and encourage alternative modes of transportation to the automobile. Policy E-8-e states: new residential developments (including planned unit developments with gated access or private streets and development with perimeter sound walls or other barriers) should provide safe, convenient pedestrian walkways that directly link residences and internal streets to transportation routes and transit stops as well as to nearby major activity destinations such as shopping centers, schools, and parks. Additionally, Policy C-20-c states: consider innovative lot designs and patterns to enhance community livability in residential projects and to most efficiently utilize land for all types of projects.

The proposed plan amendment will not physically divide an established community nor will it conflict with any applicable habitat conservation plan.

Mitigation Measures

1. The proposed project shall implement and incorporate the land use and planning related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated April 30, 2010.

2. The proposed project shall implement and incorporate, as appropriate, the land use related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated April 30, 2010.

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

The subject plan amendment proposes to allow developers the opportunity to provide a pedestrian access plan in lieu of providing sidewalks on both sides of the street within single-family residential subdivisions; the plan amendment applies to private streets only, no change is proposed for public streets. The plan amendment will apply to projects citywide. Approval of the proposed plan amendment will not result in the loss of a known mineral resource that would be of value to the region and the residents of the state. At the time of specific project review, further review will be considered relative to mineral resources.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. NOISE : Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

The subject plan amendment proposes to allow developers the opportunity to provide a pedestrian access plan in lieu of providing sidewalks on both sides of the street within single-family residential subdivisions; the plan amendment applies to private streets only, no change is proposed for public streets. The plan amendment will apply to projects citywide. Approval of the proposed plan amendment will not expose people to noise levels in excess of standards established in the local general plan or noise ordinance. Since the proposed plan amendment will be applied citywide, an associated project may be located in an airport land use plan or vicinity of a private airstrip; at the time of specific project review, the project will be reviewed for compliance with the City of Fresno noise ordinance.

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

The subject plan amendment proposes to allow developers the opportunity to provide a pedestrian access plan in lieu of providing sidewalks on both sides of the street within single-family residential subdivisions; the plan amendment applies to private streets only, no change is proposed for public

streets. The plan amendment will apply to projects citywide. The proposed plan amendment will not induce population growth nor will it displace existing housing.

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

The subject plan amendment proposes to allow developers the opportunity to provide a pedestrian access plan in lieu of providing sidewalks on both sides of the street within single-family residential subdivisions; the plan amendment applies to private streets only, no change is proposed for public streets. The plan amendment will apply to projects citywide. Approval of the proposed plan amendment will not result in adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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. Additionally, at the time of specific project review, further review will be considered relative to public services.

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

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

The proposed general plan amendment will not increase the use of parks. The proposed plan amendment does not include or require construction of recreational facilities that might have an adverse physical effect on the environment.

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

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

Plan Amendment Application No. A-09-009 was initiated by the Director of the Planning and Development Department to amend Policy E-1-o of the 2025 Fresno General Plan (2025 Plan) as it relates to private street sidewalk requirements. Policy E-1-o of the 2025 Plan states “for new single-family residential subdivisions, sidewalks are required on both sides of local residential streets”. Since the definition of a local street, within the 2025 Plan, includes a private street, sidewalks are currently required on both sides of the private street. The subject application proposes to allow developers the opportunity to provide a “Pedestrian Access Plan” in lieu of requiring sidewalks to be constructed on both sides of a private street. A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The pedestrian access plan must connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel, and shall provide access to adjacent schools, parks and other public or private community amenities. No changes are proposed for public street sidewalk requirements.

The 2025 Plan requires private streets to have sidewalks on both sides of the street. The subject application proposes to allow a pedestrian access plan in lieu of sidewalks on both sides of the street. A pedestrian access plan would be reviewed as part of a conditional use permit and must demonstrate the safe and effective movement of pedestrians within the subdivision. The pedestrian access plan must connect all residences to common buildings, facilities, amenities, and other residences in a manner that minimizes out-of-direction travel. As such, a loss of pedestrians, due to sidewalks potentially not being placed on both sides of a private street, is not expected.

A proposed exception to sidewalk requirements for private streets is that sidewalks will not be required on private streets that are not through streets having an entire street length of 200 feet or less and provide access to a maximum of 10 lots; additionally, single loaded streets may eliminate sidewalks on the side opposite the units when it is not needed to provide for logical pedestrian circulation. Due to the relatively short length of the private street and the low amount of lots allowed (in order to be considered for the sidewalk exception) hazards to pedestrians are not expected.

The subject plan amendment incorporates a number of elements which are consistent with the adopted goals, objectives, and policies of the 2025 Fresno General Plan. These elements include strategies which utilize land use patterns designed to reduce travel distances and encourage alternative modes of transportation to the automobile. Policy E-8-e states: new residential developments (including planned unit developments with gated access or private streets and

development with perimeter sound walls or other barriers) should provide safe, convenient pedestrian walkways that directly link residences and internal streets to transportation routes and transit stops as well as to nearby major activity destinations such as shopping centers, schools, and parks. Additionally, Policy C-20-c states: consider innovative lot designs and patterns to enhance community livability in residential projects and to most efficiently utilize land for all types of projects.

Mitigation Measures

1. The proposed plan amendment shall implement and incorporate the land use and planning related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated April 30, 2010.
2. The proposed plan amendment shall implement and incorporate, as appropriate, the land use related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated April 30, 2010.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

The subject plan amendment proposes to allow developers the opportunity to provide a pedestrian access plan in lieu of providing sidewalks on both sides of the street within single-family residential subdivisions; the plan amendment applies to private streets only, no change is proposed for public streets. The plan amendment will apply to projects citywide. Approval of the proposed plan amendment will not exceed wastewater treatment requirements nor result in the construction of new drainage facilities which could cause significant environmental effects. There is no specific project proposal at this time, at the time of specific project review, further consideration will be given to utilities and service systems.

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

The subject plan amendment proposes to allow developers the opportunity to provide a pedestrian access plan in lieu of providing sidewalks on both sides of the street within single-family residential subdivisions; the plan amendment applies to private streets only, no change is proposed for public streets. The plan amendment will apply to projects citywide. Approval of the proposed plan amendment will not result in the degradation of the environment or substantially reduce the habitat of a fish or wildlife species. The proposed plan amendment does not have impacts that are individually limited, but cumulatively considerable. The proposed plan amendment will not have environmental effects which will cause substantial adverse effects on human beings. There is no specific project proposal at this time, at the time of specific project review, further consideration will be given to mandatory findings of significance.

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

Project/EA No. A-09-009

Date: April 30, 2010

Mitigation Monitoring Checklist

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

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

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

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

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Date: April 30, 2010

Project/EA No. A-09-009

MEIR Mitigation Monitoring Checklist

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

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Date: April 30, 2010

Project/EA No. A-09-009

MEIR Mitigation Monitoring Checklist

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

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-09-009

Date: April 30, 2010

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
<p>C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs.</p> <p>a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals.</p> <p>b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements.</p> <p>c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations.</p> <p>d. Adopted state and SJVAPCD protocols, standards, and thresholds of significance for greenhouse gas emissions shall be utilized in assessing and approving proposed development projects.</p> <p>e. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.</p>	Ongoing	Planning and Development Department Dept.	X		X				

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**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-09-009

Date: April 30, 2010

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
<p>C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.</p>	Ongoing	Planning and Development Department Dept. SJVAPCD	X						
<p>C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.</p>	Ongoing	Various city departments	X						X
<p>C-4. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as:</p> <ul style="list-style-type: none"> a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use. 	Ongoing	Fresno Area Express	X						X

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-09-009

Date: April 30, 2010

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY					
		A	B	C	D	E	F
D-1. The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.	Ongoing	X					X
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing (City-wide); and prior to approval of land use entitlement as applicable			X			X
D-3. The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing			X			X
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	X					X

A - Incorporated into Project
B - Mitigated

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E - Part of City-Wide Program
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**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Date: April 30, 2010

Project/EA No. A-09-009

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.	Ongoing	Planning and Development Department	X						
D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: a. Allowable construction in this area from being damaged by the intensity of flooding in the riverbottom; b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and c. Public health, safety and general welfare from the effects of flood events.	Ongoing	Planning and Development Department	X						
D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).	Ongoing	Planning and Development Department							X

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-09-009

Date: April 30, 2010

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.</p>	Ongoing	Department of Public Utilities					X	
<p>D-9. The City shall continue its current water conservation programs and implement additional water conservation measures to reduce overall per capita water use within the City with a goal of reducing the overall per capita water use in the City to its adopted target consumption rate. The target per capita consumption rate adopted in 2008 is a citywide average of 243 gallons per person per day, intended to be reached by 2020 (which includes anticipated water conservation resulting from the on-going residential water metering program and additional water conservation by all customers: 5% by 2010, and an additional 5% by 2020.)</p>	Ongoing	Department of Public Utilities					X	

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**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-09-009

Date: April 30, 2010

MEIR Mitigation Monitoring Checklist

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

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-09-009

Date: April 30, 2010

MEIR Mitigation Monitoring Checklist

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

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

A - Incorporated into Project
 B - Mitigated
 C - Mitigation in Process
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 E - Part of City-Wide Program
 F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-09-009

Date: April 30, 2010

MEIR Mitigation Monitoring Checklist

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

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-09-009

Date: April 30, 2010

MEIR Mitigation Monitoring Checklist

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

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MEIR Mitigation Monitoring Checklist

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

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Project/EA No. A-09-009

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MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities	X						
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.	X						
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept.; Planning and Development Dept.	X						
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.	X					X	

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**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-09-009

Date: April 30, 2010

MEIR Mitigation Monitoring Checklist

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

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			A	B	C	D	E	F	
<p>I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.</p>	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.						X	
<p>J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures:</p> <ul style="list-style-type: none"> a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft. 	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.	X					X	

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

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FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. A-09-009

Date: April 30, 2010

MEIR Mitigation Monitoring Checklist

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

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
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MEIR Mitigation Monitoring Checklist

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

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PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST
For Plan Amendment Application No. A-09-009

This monitoring checklist for the above noted environmental assessment is being prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), as required under Assembly Bill 3180, and is intended to establish a project-specific reporting/monitoring program for Plan Amendment Application No. A-09-009. Verification of implementation of these mitigation measures, in addition to the applicable measures specified for this project per the Mitigation Monitoring Checklist prepared for this project pursuant to Master Environmental Impact Report No. 10130 - 2025 Fresno General Plan, will be required upon the application for subdivision of the project site, special permits, or grading of a project site. The captions below refer to corresponding sections of the Initial Study checklist for this project, using the Appendix G format from the CEQA Guidelines.

III. MITIGATION MEASURES FOR AIR QUALITY AND GLOBAL CLIMATE CHANGE

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
Provide a pedestrian access plan, which may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way (see proposed plan amendment for entire text).	Applicant/Planning and Development Department	Entitlement processing	Director of the Planning and Development Department. Comments shall be obtained from the City of Fresno Traffic Engineer and/or the City Engineer.

VII. MITIGATION MEASURES FOR GREENHOUSE GASES

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
Provide a pedestrian access plan, which may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way (see proposed plan amendment for entire text).	Applicant/Planning and Development Department	Entitlement processing	Director of the Planning and Development Department. Comments shall be obtained from the City of Fresno Traffic Engineer and/or the City Engineer.

X. MITIGATION MEASURES FOR LAND USE AND PLANNING

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
Provide a pedestrian access plan, which may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way (see proposed plan amendment for entire text).	Applicant/Planning and Development Department	Entitlement processing	Director of the Planning and Development Department. Comments shall be obtained from the City of Fresno Traffic Engineer and/or the City Engineer.

XVI. MITIGATION MEASURES FOR TRANSPORTATION / TRAFFIC

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
<p>Provide a pedestrian access plan, which may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way (see proposed plan amendment for entire text).</p>	<p>Applicant/Planning and Development Department</p>	<p>Entitlement processing</p>	<p>Director of the Planning and Development Department. Comments shall be obtained from the City of Fresno Traffic Engineer and/or the City Engineer.</p>

MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) REVIEW SUMMARY

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

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

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

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

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

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

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

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

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment No. A-09-009 or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CURRENT CITY OF FRESNO "CLEAN AIR" FLEET

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

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

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

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

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

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

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

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

APPENDIX

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

EXECUTIVE SUMMARY

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

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

Analysis of global climate change analysis was not part of the MEIR in 2002, due to lack of scientific consensus on the matter and a lack of analytical tools. However, under the MEIR and General Plan mitigation measures and policies for reducing all forms of air pollution, levels of greenhouse gases have been reduced along with the other regulated air pollutants. At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Plan Amendment No. A-09-02 or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

SUPPORTING DATA AND ANALYSIS

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

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

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

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

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

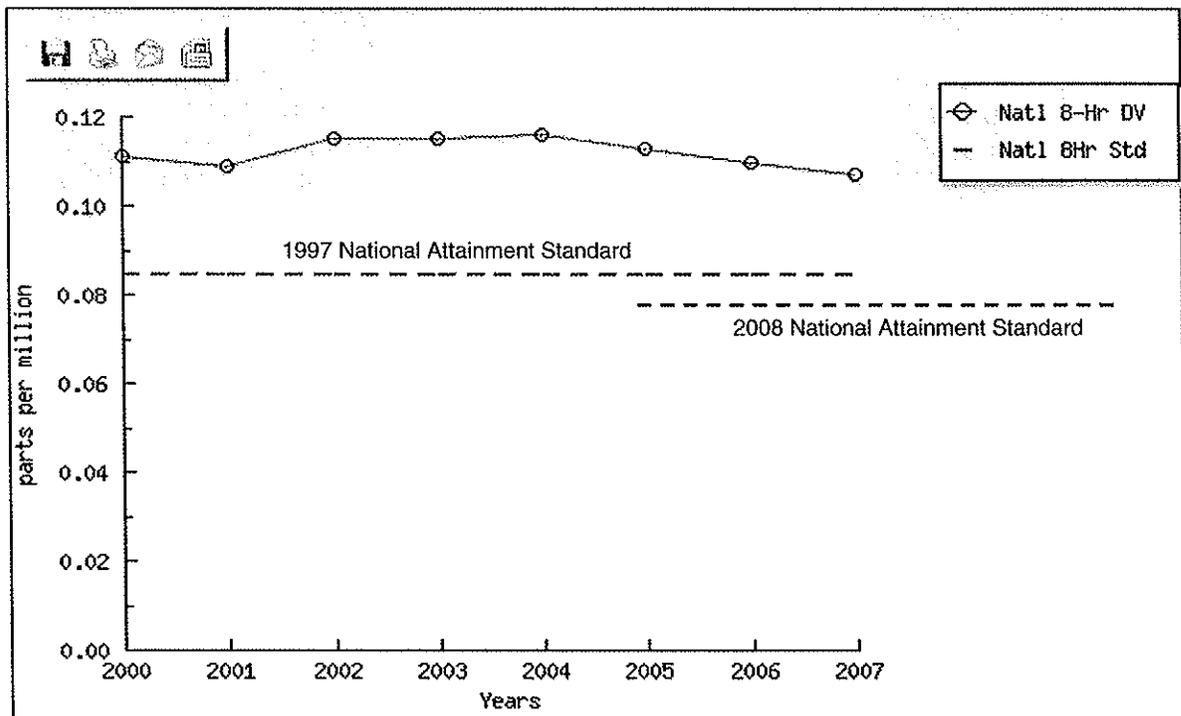
There are no new (*i.e.*, unforeseen in the MEIR) reasonable mitigation measures which have become available since late 2002 that would assure the reduction of cumulative (city-wide) air quality impacts to a less than significant level at project buildout, even with full compliance with attainment plans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

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

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



Ozone Trends Summary: San Joaquin Valley Air Basin



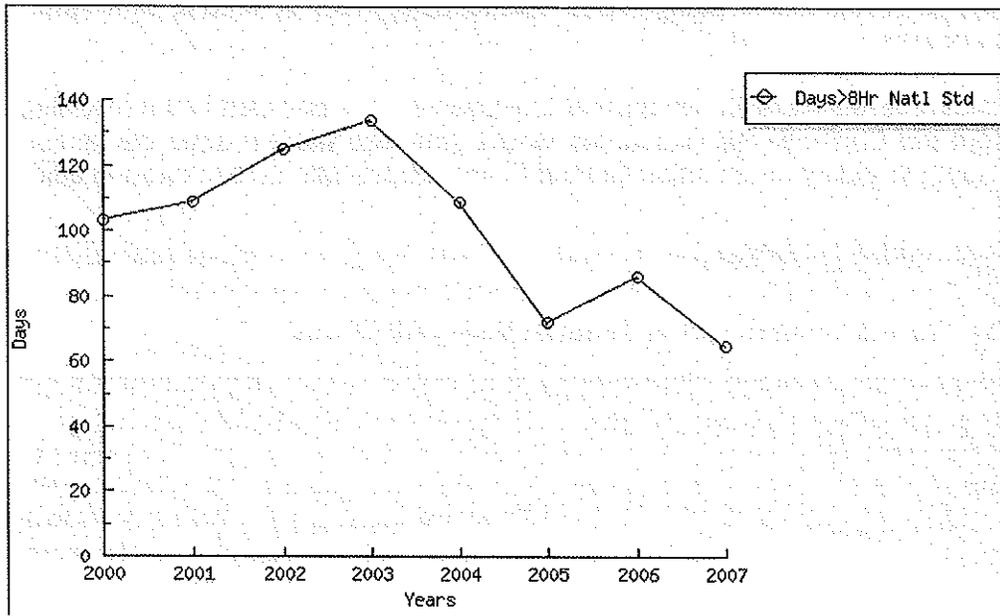
GRAPH NOTES: The "National 1997 8-Hour Ozone Design Value" is a three-year running average of the fourth-highest 8-hour ozone measurement averages in each of the three years (computed according to the method specified in Title 40, Code of Federal Regulations, Part 50, Appendix I).

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

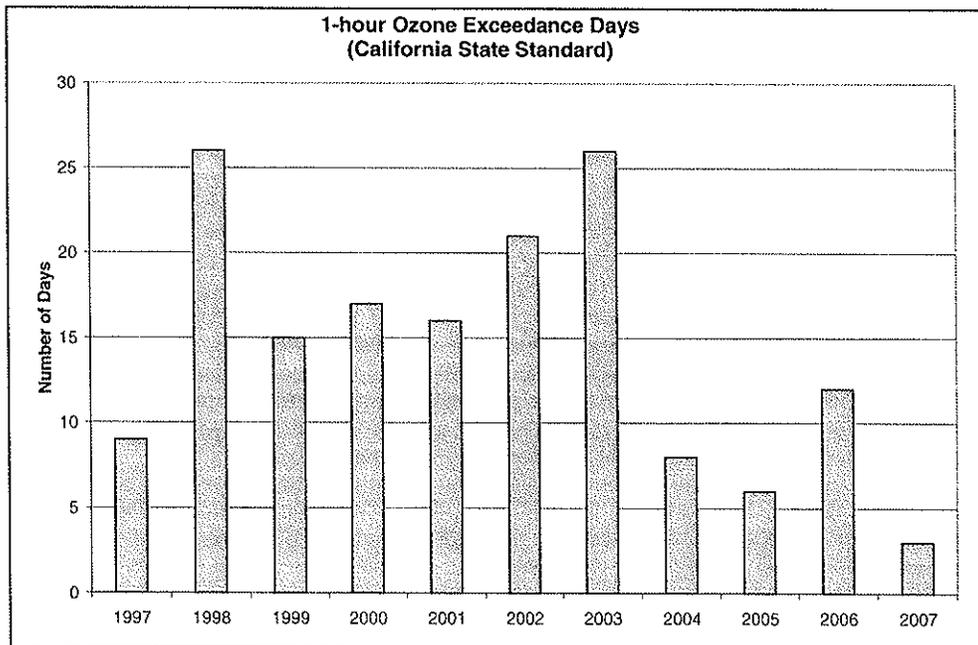
The California Clean Air Act has a different calculation method for its 8-hr oxidant [ozone] standard design value, and an attainment standard that is lower (0.070 ppm). The ozone improvement trend under the state Clean Air Act 8-hour ozone standard parallels the trend for the national 8-hour standard.

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

Ozone Trends Summary: San Joaquin Valley Air Basin



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

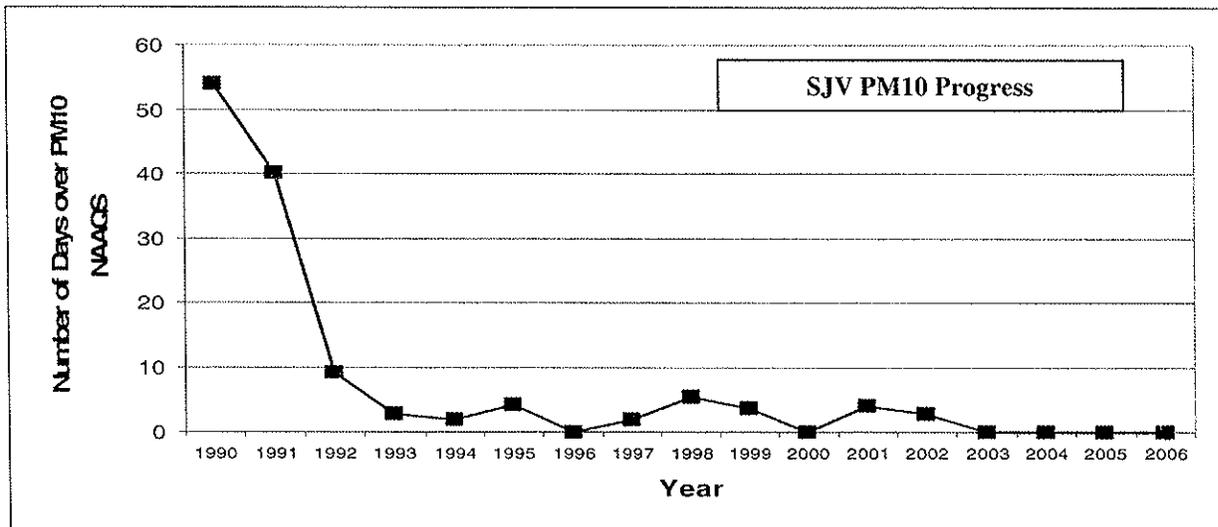


The current ozone attainment plan for the San Joaquin Valley Air Basin, in place when the MEIR for the 2025 Fresno General Plan was certified, is linked to a federal designation of "Serious Nonattainment." While ozone/oxidant air quality conditions are showing a trend toward improvement, the rate of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

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

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

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



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

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

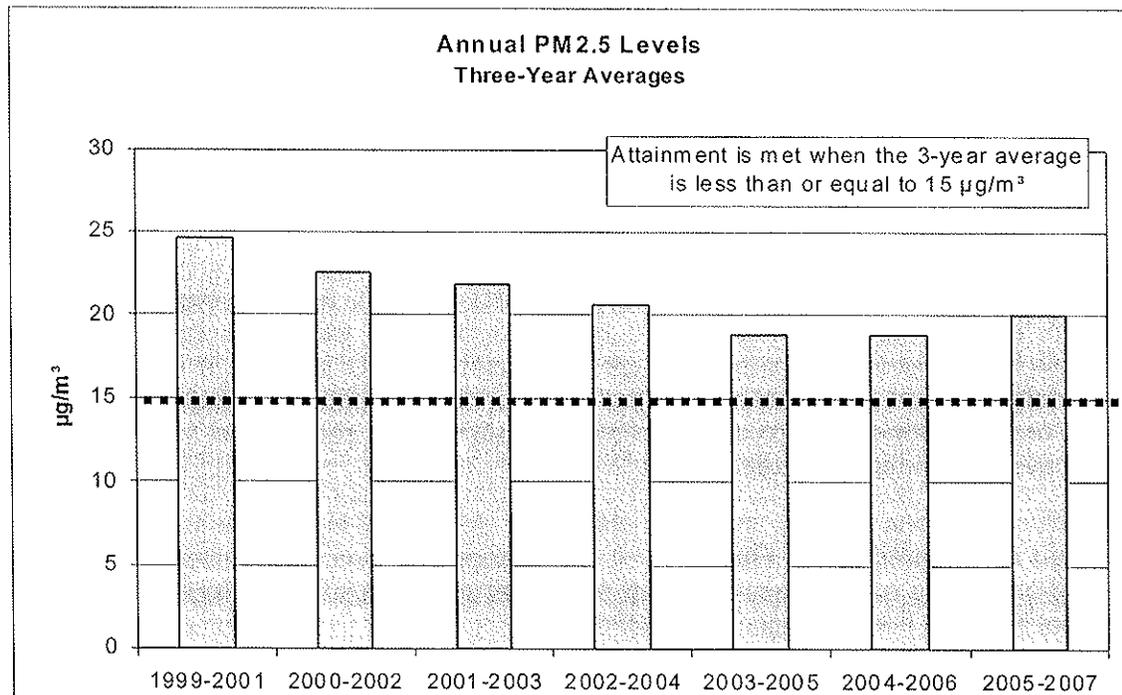
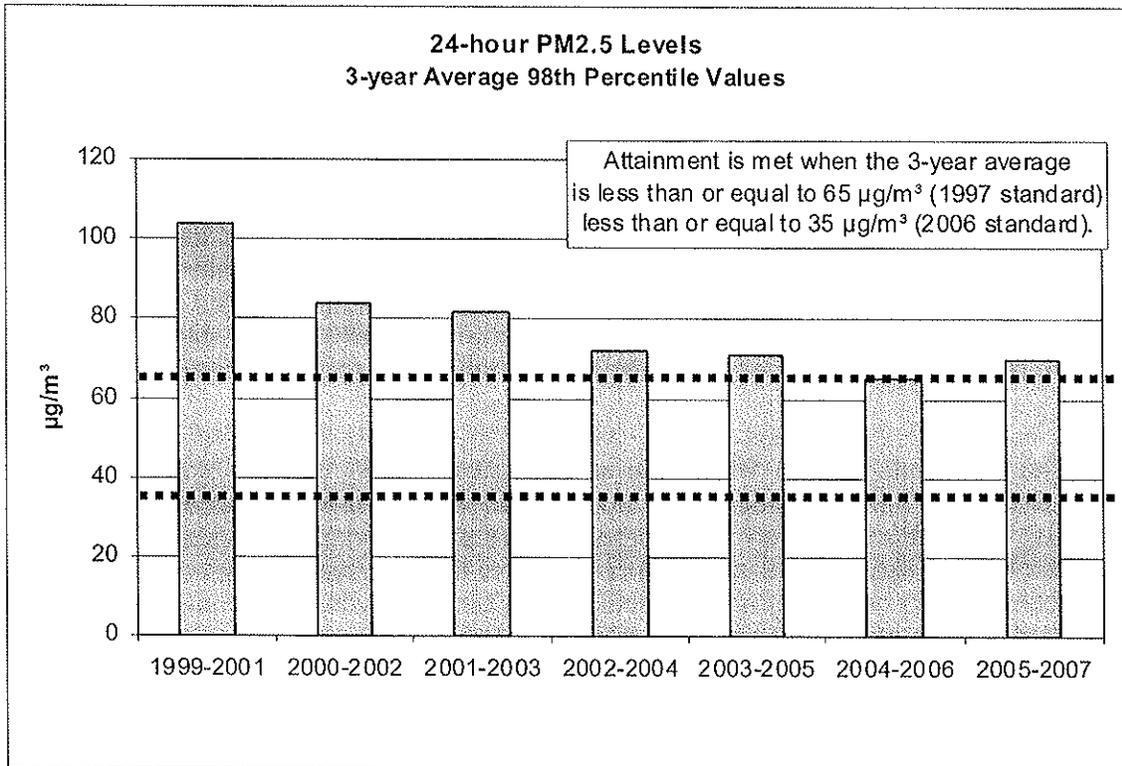
In March of 2006, the San Joaquin Valley Air Pollution Control District adopted Rule 9510, its Indirect Source Review Rule. Full implementation of this Rule has been delayed due to litigation (mitigation fees are being collected and retained in holding accounts), but projects are already being evaluated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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

The recently-released update of the Urbemis computer model (used by the City of Fresno Planning and Development Department for environmental assessments, pursuant to a specific MEIR mitigation measure) does provide data on the amounts of CO₂ and oxides of nitrogen (NOX) potentially generated by development projects. However, at this point in time, neither CARB nor the SJVAPCD has determined what the 1997 baseline or current "inventory" of GHGs is for the entire state nor for any region or jurisdiction within the state. No agency has adopted GHG emission limits and emission reduction measures, and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions (there is an absence of regulatory guidance). Therefore, the City is unable to productively interpret the results of the Urbemis model with regard to GHGs, and there is currently no way to determine the significance of a project's potential impact upon global warming.

The 2025 Fresno General Plan provides an integrated combination of residential, commercial, industrial, and public facility uses allowing for proximate location of living, work, educational, recreational, and shopping activities within Fresno metropolitan area. This combination of uses has been identified as a potential mitigation measure to address global warming impacts in a document published by the California Attorney General's Office entitled, *The California Environmental Quality Act Mitigation of Global Warming Impacts* (updated January 7, 2008). Specifically, this document describes this mitigation measure as follows, "Incorporate mixed-use, infill and higher density development to reduce vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods"—echoing objectives and policies of the 2025 Fresno General Plan adopted in late 2002.

The General Plan contains a mix of land uses would be expected to generate fewer vehicle miles traveled per capita, leading to reduced emissions of greenhouse gases from engine emissions. It provides for overall denser development with high-intensity enclaves, associated with increased public transit use. The plan fosters mixed use and infill development (being implemented by mixed-use zoning ordinances added to the Fresno Municipal Code, as directed by 2025 Fresno General Plan) policies. The urban form element distributes neighborhood-level and larger commercial development, public facilities such as schools, and recreational sites throughout the metropolitan area, reducing vehicle trips.

Any manufacturing activities that would generate SF₆, HFCs, or PFCs would be subject to subsequent environmental review at the project-specific level, as would any uses which would generate methane on site. The City of Fresno has adopted an ordinance prohibiting installation of any woodburning fireplaces or woodburning appliances in new homes, which would reduce CO₂ and N₂O from wood combustion.

Through updates in the California Building Code and statewide regulation of appliance standards, City development projects conform to state-of-the art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication *Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California* (April 2007) and in CARB's *Proposed Early Actions to Mitigate Climate Change in California* (April 2007). The City has further incentivized "green" building projects by providing subsidies for solar photovoltaic equipment for single-family residential construction, by reducing development standards (including reductions in required parking spaces, which further reduces air pollutant and GHG emissions), and by improving its landscape and shading standards (a topic included in the Design Guidelines adopted with the 2025 Fresno General Plan).

Updated engine and tire efficiency standards would apply to residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO₂, removing it from the atmosphere).

Due to the lack of data or regulatory guidance that would indicate the 2025 Fresno General Plan had a significant adverse impact upon global climate change, the relatively small size of the Fresno Metropolitan Area in conjunction with the worldwide scope of GHG emissions, and the emphasis in the 2025 Fresno General Plan upon integrated urban design and air pollution control measures, it could not be concluded in 2002 nor at present that the 2025 Fresno General Plan would have a significant adverse impact on global climate change.

As to potential impacts of global warming upon the 2025 Fresno General Plan: the city is located in the Central Valley, in an urbanized area on flat terrain distant from the Pacific coast and from rivers and streams. It is outside of identified flood prone areas. Based on its location we conclude that Fresno is not likely to be significantly affected by the potential impacts of global climate change such as increased sea level and river/stream channel flooding; nor is it subject to wildfire hazards. While Fresno does contain areas with natural habitat (the San Joaquin Bluffs and Riverbottom), a change in these areas' biota induced by global warming would not leave them bereft of all habitat value—it would simply mean a change in the species which would be encountered in these areas. The 2025 Fresno General Plan preserves this habitat open space area for multiple objectives (protection from soil instability and flood inundation; conservation of designated high-quality mineral resources), so any natural resource species changes in those areas would not constitute a significant adverse impact to the city or a loss of resource area.

Fresno has historically had high ambient summer temperatures and an historic heat mortality level that is among the highest in the state (5 heat-related deaths annually per 100,000 population). Due to the prevalence of air conditioning in dwellings and commercial buildings, an increase in extreme heat days from global warming is not expected by the California Air Resources Board Research Division to significantly increase heat-related deaths in Fresno, as opposed to possible effects in cooler portions of the state such as Sacramento or Los Angeles areas (reference: *Projections of Public Health Impacts of Climate Change in California: Scenario Analysis*, by Dr. Deborah Dreschler, Air Resources Board, April 9, 2008). Increased summertime temperatures which may be caused by global warming will be mitigated by the City's landscaping standards to provide shade trees, by statewide energy efficiency standards which insulate dwellings from heat and cold, and by urban design standards which require east-west orientation of streets and buildings to facilitate solar gain. Fresno has a heat emergency response plan and provides cooling centers and free transportation to persons who do not have access to air conditioning.

Secondary health effects of global warming could include increases in respiratory and cardiac illnesses attributable to poor air quality. The San Joaquin Valley Air Pollution Control District provides daily advisories and warnings in times of high ozone levels to help senior citizens and other sensitive populations avoid exposure. The SJVAPCD has committed to attainment of fine particulate matter (PM_{2.5}) standards by Year 2014 and to attainment of oxidant/ozone standards by Year 2023, and would adopt additional Rules and emission controls as necessary

to decrease emissions inventories by those target dates. There is insufficient information to indicate that global climate change would prevent attainment of air quality parameters affecting health.

Pursuant to 2025 Fresno General Plan policy and MEIR mitigation measures, the City's Department of Public Utilities and Fire Department are required to affirm that adequate water service can be provided to all development projects for potable and fire suppression uses. The City derives much of its water supply from groundwater, using its surface water entitlements from the Kings and San Joaquin Rivers primarily to recharge the aquifer. A high percentage of Fresno's annual precipitation is captured and percolated in ponding basins operated by Fresno Metropolitan Flood Control District. If global climate change leads to a longer rainy season and/or more storm events throughout the year, groundwater supplies could be improved by additional percolation.

The City of Fresno currently treats and distributes only some 20% of its 150,000 acre-foot/year (AFY) surface water entitlement for the municipal water system, directing another 50,000 to 70,000 AFY to recharge activities via ponding basins. Presently, the City is unable to recharge the full balance of its annual entitlement in average and wet years, and releases any unused surface water supplies to area irrigation districts for agricultural use in the metropolitan area, (which further augments groundwater recharge through percolation of irrigated water).

Future surface water plant construction projects envisioned by the 2025 Fresno General Plan would account for less than 120,000 acre-feet per year of the surface supply. The General Plan direction for future Metropolitan Water Resource Management Plans includes exploring the use of recycled treated wastewater for non-potable uses such as landscape irrigation, which would further effectively extending the City's water supply..

If the global climate change were to cause a serious and persistent decrease in Sierra snowpack, some of Fresno's water supply could be affected. However, historic records show that the very long-term prevailing climatic pattern for Central California has included droughts of long (often, multi-year) duration, interspersed with years of excess precipitation. Decades before global climate change was considered as a threat to California's water system, state and local agencies recognized a need to augment water storage capacity for excess precipitation occurring in wet years, to carry the state through the intervening dry years.

The potential for episodic and long-term drought is considered in the city's Metropolitan Water Resource Plan and in its the Urban Water Management Plan Drought Contingency component, to accommodate reductions in available water supplies. In times of extended severe regional or statewide drought, a reprioritization of water deliveries and reallocation for critical urban supplies vs. agricultural use is possible, but it is too speculative at this time to determine what the statewide reprioritization response elements would be (the various responses of statewide and regional water agencies to these situations are not fully formulated and cannot be predicted with certainty). Because the true long term consequences of climate change on California's and Fresno's water system cannot be predicted, and, it is too speculative at this time to conclude that there could be a significant adverse impact on water supply for the 2025 Fresno General Plan due to global climate change.

As noted above, it is theorized that global warming could lead to more energy in the atmosphere and to increased intensity or frequency of storm events. Fresno's long-term weather pattern is that rainfall occurs during episodic and fairly high-intensity events. The Fresno Metropolitan

Flood Control District (FMFCD) drainage and flood control Master Plan, which sets policies for drainage infrastructure and grading in the entire Fresno-Clovis area, is already predicated on this type of weather pattern. FMFCD sizes its facilities (which development potentiated by the 2025 Fresno General Plan will help to complete) for "two-year storm events," storms of an intensity expected in approximately 50 percent of average years; however, the urban drainage system design has additional capacity built into the street system so that excess runoff from more intense precipitation events is directed to the street system. The City's Flood Plan Ordinance and grading standards require that finished floor heights be above the crowns of streets and above any elevated ditchbanks of irrigation canals. FMFCD project conditions also preserve "breakover" historic surface drainage routes for runoff from major storms. Ultimately, drain inlets and FMFCD basin dewatering pumps direct severe storm runoff into the network of Fresno Irrigation District canals and pipelines still extant in the metropolitan area, with outfalls beyond the western edge of the metropolitan area.

Scientific information, analytical tools, and standards for environmental significance of global warming and green house gases were not available to the Planning and Development Department in 2002 when the 2025 Fresno General Plan and its MEIR were formulated and approved--and at this point, there is still insufficient data available to draw any conclusions as to the potential impacts, or significance of impacts, related to global climate change for the 2025 Fresno General Plan. Similarly, there is insufficient information to conclude that global warming may have a potentially significant adverse impact upon the 2025 Fresno General Plan. In a situation when it would be highly speculative to estimate impacts or to make conclusions as to the degree of adversity and significance of those impacts, the California Environmental Quality Act allows agencies to terminate the analysis. In that regard, there is no material change in status from the degree of environmental review on this topic contained in the 2025 Fresno General Plan MEIR.

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13020**

The Fresno City Planning Commission at its regular meeting on June 16, 2010, adopted the following resolution relating to Plan Amendment Application No. A-09-009.

WHEREAS, Plan Amendment Application No. A-09-009 has been filed by Director of the Development and Resource Management Department, proposing to amend policy E-1-o of the 2025 Fresno General Plan, which allows a developer to obtain an approved pedestrian access plan, as an alternative to constructing sidewalks on both sides of a private residential street; and,

WHEREAS, the Council District 4 Plan Implementation Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy with the condition that only one sidewalk exception, relating to streets with a length of 200 feet or less and a maximum of 10 lots, be allowed per subdivision on April 26, 2010; and,

WHEREAS, the Council District 5 Plan Implementation Committee, with a vote of 3-0, recommended approval of the draft sidewalk policy with the condition that should a pedestrian access plan be proposed, in addition to the minimum requirements of a pedestrian access plan, sidewalk shall be placed on at least one side of the street on April 26, 2010; and,

WHEREAS, the Council District 6 Plan Implementation Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy on April 26, 2010; and,

WHEREAS, the Council District 7 Plan Implementation Committee, with a vote of 8-0, recommended approval of the draft sidewalk policy on May 3, 2010; and,

WHEREAS, the Fulton-Lowell Advisory Committee, with a 4-0 vote, recommended approval of the draft sidewalk policy on May 3, 2010; and,

WHEREAS, the Tower District Advisory Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy on May 4, 2010; and,

WHEREAS, the Council District 2 Plan Implementation Committee, with a vote of 5-0-1, recommended approval of the draft sidewalk policy on May 10, 2010; and,

WHEREAS, the Disability Advisory Commission, with a 5-0 vote, recommended approval of the draft sidewalk policy with the recommendation that the pedestrian access plan require connectivity to accessible parking on May 10th, 2010; and,

WHEREAS, the Council District 1 Plan Implementation Committee, with a vote of 2-0, recommended approval of the draft sidewalk policy on May 25, 2010; and,

WHEREAS, the Bicycle/Pedestrian Advisory Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy on May 27, 2010; and,

WHEREAS, on June 16, 2010, the Fresno City Planning Commission conducted a public hearing to review the proposed plan amendment, received public testimony and considered the Planning and Development Department's report recommending approval of the proposed plan amendment; and,

WHEREAS, a representative of Granville Homes qualified their support of the proposed plan amendment so long a project with a previously approved conditional use permit, which did not require the construction of sidewalks, be allowed to continue in force without the requirement for sidewalks and not be required to comply with the proposed general plan policy; and,

WHEREAS, representatives of Gary McDonald Homes and the Building Industry Association were in opposition to the proposed plan amendment because it would apply to private street residential subdivisions which have a previously approved conditional use permit which did not require the construction of sidewalks; and,

WHEREAS, a representative of the disability community spoke in opposition to the proposed plan amendment because they felt that sidewalks should be constructed on both sides of all streets, regardless of whether a pedestrian access plan was proposed; and,

WHEREAS, a representative of the League of Women Voters spoke in opposition to the proposed plan amendment because they felt that sidewalks should be required on private streets under 200 feet in length with 10 or less lots; and,

WHEREAS, the Fresno City Planning Commission has reviewed the environmental assessment prepared for this plan amendment, Environmental Assessment No. A-09-009, dated April 30, 2010, and is satisfied that the appropriate measures of development will adequately reduce or alleviate any potential adverse impacts either generated from the proposal, or impacting the proposal from an off-site source, and hereby concurs with the issuance of a Mitigated Negative Declaration; and,

WHEREAS, the Planning Commission reviewed the subject plan amendment application in accordance with the land use policies of the 2025 Fresno General Plan; and,

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission finds in accordance with its own independent judgment that there is no substantial evidence in the record that the proposed plan amendment may have a significant effect on the environment and hereby recommends that the City Council approve the finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-09-009, dated April 30, 2010.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that Plan Amendment Application No. A-09-009, which proposes to amend policy E-1-o of the 2025 Fresno General Plan, which allows a developer to obtain an approved pedestrian access plan, as an alternative to constructing sidewalks on both sides of a private residential street, as described in Exhibit A, attached hereto and incorporated herein by reference, be approved.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Vasquez, seconded by Commissioner Dawar.

Fresno City Planning Commission Resolution No. 13020

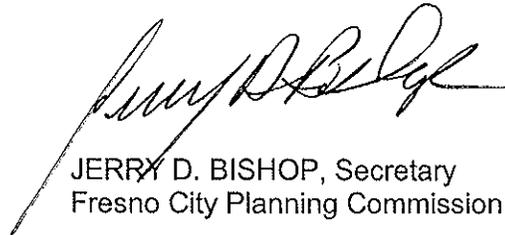
Plan Amendment No. A-09-009

June 16, 2010

Page 3

VOTING: Ayes - Vasquez, Dawar, Caprioglio, Hansen-Smith, Medina, Torossian,
 Holt (chair)
 Noes - None
 Not Voting - None
 Absent - None

DATED: June 16, 2010



JERRY D. BISHOP, Secretary
Fresno City Planning Commission

Resolution No. 13020
Plan Amendment Application No. A-09-009
Filed by John M. Dugan, Director of the
Development and Resource
Management Department
Action: Recommend Approval

Exhibit A

Proposed 2025 Fresno General Plan Policy E-1-o

E-1-o Policy: For new single-family residential subdivisions, sidewalks are required on both sides of local residential streets.

- For new single-family residential subdivisions with private streets, sidewalks shall be located on both sides of all private streets. Design, placement and construction of sidewalks on private streets shall be in accordance with the Standard Specifications and Drawings of the City of Fresno Public Works Department and shall have adequate lighting. Sidewalks shall be separated horizontally and vertically from the adjacent street with continuous curbing, landscape strips or other barrier(s) approved by the Director of the Planning and Development Department for the City of Fresno.
- Pedestrian Access Plan alternative. As an alternative to constructing sidewalks on both sides of the private street, the applicant may submit a pedestrian access plan.

A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The pedestrian access plan shall connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel, and shall provide access to adjacent schools, parks and other public or private community amenities.

A pedestrian access plan shall be included as an element of a conditional use permit as required for a planned development, and approval shall be contained within the entitlement submitted. The pedestrian access plan shall demonstrate the safe and effective movement of pedestrians within the subdivision. Detailed drawings of the walk (i.e. surface material, thickness, etc.) shall be provided. Demonstration of safe and effective movement of pedestrians shall include adequate lighting.

Approval of the pedestrian access plan configuration shall be made by the City of Fresno Planning and Development Director. Comments shall be obtained from the City of Fresno Traffic Engineer and/or the City Engineer.

- Exceptions to new single-family residential subdivision sidewalk requirements for private streets:

Sidewalks are not required on streets, which are not through streets, having a length of 200 feet or less and provide access to a maximum of 10 lots. This exception cannot be used as an element of a pedestrian access plan alternative, additionally, it does not apply to a private street intersecting with a private street within a planned development; or

Single loaded streets may eliminate sidewalks on the side opposite the units when it is not needed to provide for logical pedestrian circulation.

- Design guidelines for walks. All pedestrian walks shall be considered an accessible route, as defined by the California Building Code (CBC), and must be constructed in accordance with Chapter 11A of the CBC and the Americans with Disabilities Act (ADA). Considerations for accessibility include, but are not limited to, width, surface material, slope and detectable warnings.
- After the adoption of the 2025 Fresno General Plan, some planned developments were approved by the City of Fresno that had either no sidewalk, sidewalk on one side of the private street or sidewalks on both sides of the private street. The City of Fresno recognizes that developers may have prepared engineered infrastructure and other design improvement plans with the intent on developing projects as approved.

As such, in those cases where both a special permit and tentative (or vesting tentative) tract map which propose private street(s) have received final approval by the City of Fresno and all administrative appeal periods for those entitlements have expired, the developer shall be allowed to rely upon those prior approvals with regard to sidewalk requirements subject to the conditions of approval and associated exhibits for purposes of filing a final map. For the purpose of this policy, lots being further subdivided, or shown as outlots to be re-subdivided, shall be considered approved only when both the special permit and the tentative (or vesting tentative) tract map further subdividing those the lots or outlots are finally approved by the City of Fresno and all administrative appeal periods have expired.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING THE 2025 FRESNO GENERAL PLAN AND (PLAN AMENDMENT
APPLICATION NO. A-09-009)

WHEREAS, on November 19, 2002, by Resolution No. 2007-379, the City Council adopted the 2025 Fresno General Plan, and by Resolution No. 2002-378 certified Master Environmental Impact Report No. 10130, which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno's designated urban boundary line and extended sphere of influence; and,

WHEREAS, the Director of the Development and Resource Management Department, initiated a plan amendment application to amend Policy E-1-o of the aforementioned plan, which applies to property citywide, and allows a developer to obtain an approved pedestrian access plan, as an alternative to constructing sidewalks on both sides of a private residential street; and,

WHEREAS, the environmental assessment conducted for the proposed plan amendment resulted in the filing of a mitigated negative declaration on April 30, 2010; and,

WHEREAS, the Council District 4 Plan Implementation Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy with the condition that only one sidewalk exception, relating to streets with a length of 200 feet or less and a maximum of 10 lots, be allowed per subdivision on April 26, 2010; and,

WHEREAS, the Council District 5 Plan Implementation Committee, with a vote of 3-0, recommended approval of the draft sidewalk policy with the condition that should a pedestrian access plan be proposed, in addition to the minimum requirements of a pedestrian access plan, sidewalk shall be placed on at least one side of the street on April 26, 2010; and,

WHEREAS, the Council District 6 Plan Implementation Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy on April 26, 2010; and,

WHEREAS, the Council District 7 Plan Implementation Committee, with a vote of 8-0, recommended approval of the draft sidewalk policy on May 3, 2010; and,

WHEREAS, the Fulton-Lowell Advisory Committee, with a 4-0 vote, recommended approval of the draft sidewalk policy on May 3, 2010; and,

WHEREAS, the Tower District Advisory Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy on May 4, 2010; and,

WHEREAS, the Council District 2 Plan Implementation Committee, with a vote of 5-0-1, recommended approval of the draft sidewalk policy on May 10, 2010; and,

WHEREAS, the Disability Advisory Commission, with a 5-0 vote, recommended approval of the draft sidewalk policy with the recommendation that the pedestrian access plan require connectivity to accessible parking on May 10th, 2010; and,

WHEREAS, the Council District 1 Plan Implementation Committee, with a vote of 2-0, recommended approval of the draft sidewalk policy on May 25, 2010; and,

WHEREAS, the Bicycle/Pedestrian Advisory Committee, with a vote of 4-0, recommended approval of the draft sidewalk policy on May 27, 2010; and,

WHEREAS, on June 16, 2010, the Fresno City Planning Commission held a public hearing to consider Plan Amendment Application No. A-09-009 and associated mitigated negative declaration for Environmental Assessment No. A-09-009; and,

WHEREAS, the Planning Commission took action, as evidenced in Planning Commission Resolution No. 13020, to recommend approval of the mitigated negative declaration for Environmental Assessment No. A-09-009 dated April 30, 2010; and,

WHEREAS, the Fresno City Planning Commission took action, as evidenced in Planning Commission Resolution No. 13020, to recommend approval of Plan Amendment Application No. A-09-009, which proposes to amend Policy E-1-o of the 2025 Fresno General Plan, which applies to

property citywide, and allows a developer to obtain an approved pedestrian access plan, as an alternative to constructing sidewalks on both sides of a private residential street; and,

WHEREAS, on July 22, 2010, the Fresno City Council held a public hearing to consider Plan Amendment Application No. A-09-009 and received both oral testimony and written information presented at the hearing regarding Plan Amendment Application No. A-09-009.

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

1. The Council finds in accordance with its own independent judgment that there is no substantial evidence in the record that, with the project specific mitigation imposed, the plan amendment may have additional significant, direct, indirect or cumulative effects effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND) and that no new or additional mitigation measures or alternatives may be required. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. Accordingly, the Council approves the mitigated negative declaration for Environmental Assessment No. A-09-009 dated April 30, 2010.
2. The Council finds the adoption of the proposed plan amendment as recommended by the Planning Commission is in the best interest of the City of Fresno.

3. The Council of the City of Fresno hereby adopts Plan Amendment Application No. A-09-009 amending Policy E-1-o of the 2025 Fresno General Plan which allows a developer to obtain an approved pedestrian access plan, as an alternative to constructing sidewalks on both sides of a private residential street, as described in Exhibit A, attached hereto and incorporated herein by reference.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the _____ day of _____, 2010.

AYES:
NOES:
ABSENT:
ABSTAIN:

REBECCA E. KLISCH
City Clerk

By _____

APPROVED AS TO FORM

JAMES C. SANCHEZ
City Attorney

By 
Shannon Chaffin, Deputy City Attorney

Date 7/18/10

Exhibit A

Proposed 2025 Fresno General Plan Policy E-1-o

E-1-o Policy: For new single-family residential subdivisions, sidewalks are required on both sides of local residential streets.

- For new single-family residential subdivisions with private streets, sidewalks shall be located on both sides of all private streets. Design, placement and construction of sidewalks on private streets shall be in accordance with the Standard Specifications and Drawings of the City of Fresno Public Works Department and shall have adequate lighting. Sidewalks shall be separated horizontally and vertically from the adjacent street with continuous curbing, landscape strips or other barrier(s) approved by the Director of the Planning and Development Department for the City of Fresno.
- Pedestrian Access Plan alternative. As an alternative to constructing sidewalks on both sides of the private street, the applicant may submit a pedestrian access plan.

A pedestrian access plan may include methods other than sidewalks adjacent to the curb, but shall include an on-site pedestrian path (sidewalks and/or walks) throughout the subdivision and include connection(s) to the public right-of-way. The pedestrian access plan shall connect all residences to common buildings, facilities, amenities, and other residences, in a manner that minimizes out-of-direction travel, and shall provide access to adjacent schools, parks and other public or private community amenities.

A pedestrian access plan shall be included as an element of a conditional use permit as required for a planned development, and approval shall be contained within the entitlement submitted. The pedestrian access plan shall demonstrate the safe and effective movement of pedestrians within the subdivision. Detailed drawings of the walk (i.e. surface material, thickness, etc.) shall be provided. Demonstration of safe and effective movement of pedestrians shall include adequate lighting.

Approval of the pedestrian access plan configuration shall be made by the City of Fresno Planning and Development Director. Comments shall be obtained from the City of Fresno Traffic Engineer and/or the City Engineer.

- Exceptions to new single-family residential subdivision sidewalk requirements for private streets:

Sidewalks are not required on streets, which are not through streets, having a length of 200 feet or less and provide access to a maximum of 10 lots. This exception cannot be used as an element of a pedestrian access plan alternative, additionally, it does not apply to a private street intersecting with a private street within a planned development; or

Single loaded streets may eliminate sidewalks on the side opposite the units when it is not needed to provide for logical pedestrian circulation.

- Design guidelines for walks. All pedestrian walks shall be considered an accessible route, as defined by the California Building Code (CBC), and must be constructed in accordance with Chapter 11A of the CBC and the Americans with Disabilities Act (ADA). Considerations for accessibility include, but are not limited to, width, surface material, slope and detectable warnings.
- After the adoption of the 2025 Fresno General Plan, some planned developments were approved by the City of Fresno that had either no sidewalk, sidewalk on one side of the private street or sidewalks on both sides of the private street. The City of Fresno recognizes that developers may have prepared engineered infrastructure and other design improvement plans with the intent on developing projects as approved.

As such, in those cases where both a special permit and tentative (or vesting tentative) tract map which propose private street(s) have received final approval by the City of Fresno and all administrative appeal periods for those entitlements have expired, the developer shall be allowed to rely upon those prior approvals with regard to sidewalk requirements subject to the conditions of approval and associated exhibits for purposes of filing a final map. For the purpose of this policy, lots being further subdivided, or shown as outlots to be re-subdivided, shall be considered approved only when both the special permit and the tentative (or vesting tentative) tract map further subdividing those the lots or outlots are finally approved by the City of Fresno and all administrative appeal periods have expired.

