



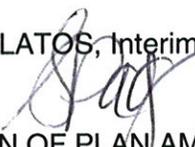
**REPORT TO THE CITY COUNCIL**

AGENDA ITEM NO. 10:15 a.m.  
COUNCIL MEETING: 2-3-09

February 3, 2009

FROM: KEITH BERGTHOLD, Interim Director  
Planning and Development Department

APPROVED BY  
  
DEPARTMENT DIRECTOR

BY: SOPHIA PAGOULATOS, Interim Planning Manager  
Planning Division 

CITY MANAGER

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO.  
A-08-029 AND RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL  
ASSESSMENT NO. A-08-029

**KEY RESULT AREA**

One Fresno.

**RECOMMENDATION**

Staff recommends the City Council take the following action:

1. APPROVE the environmental finding of a Mitigated Negative Declaration for Environmental Assessment No. A-08-029 dated January 6, 2009.
2. APPROVE Plan Amendment Application No. A-08-029 for the Fresno County Official Plan Line entitled "Clinton Avenue/West to Freeway 99 and Yale/West of Weber Avenue" by repealing a 300 foot segment of the OPL beginning at the current western terminus of the existing West Yale Avenue and extending in a northwesterly direction parallel to State Route 99 south of West Clinton Avenue.

**EXECUTIVE SUMMARY**

The proposed application is essentially "clean up" in order to repeal a 300-foot long portion of the West Yale Avenue OPL along a portion of Yale Avenue for which a vacation was already approved by the City Council in 2007 (Resolution 2007-137) related to the old "Mid-State Bowl" property at West Clinton and SR 99. The subject portion of West Yale Avenue was never constructed and is currently vacant land. This application is being sought in order to facilitate development of the site as a police substation and commercial retail center, which are in the pre-application stages.

Consistent with the Fresno Municipal Code, a notice of the Planning Commission and City Council public hearings was mailed to property owners within 500 feet of the subject property. One interested party contacted city staff, and was not in opposition to the proposal. No other communications have been received from the public about the project.

**KEY OBJECTIVE BALANCE**

Council action regarding this proposed land use application optimizes the three Key Objectives of Customer Satisfaction, Employee Satisfaction, and Financial Management. Affirmative action by the Council will result in timely deliverance of the review and processing of the application as is reasonably expected by the applicant/customer. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant/customer has paid to the city a fee for the processing of this application and that fee is, in turn, funding the operations of the Planning and

REPORT TO THE CITY COUNCIL

Plan Amendment A-08-029

February 3, 2009

Page 2

Development Department. Employee satisfaction is derived from the fact that the professional and technical staff, who have reviewed and made a recommendation on this land use application, have done so in a thorough and professional manner, thereby enhancing the sense of accomplishment in the completion of the application process.

**CONCLUSION / RECOMMENDATION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and City of Fresno Official Plan of Streets and Highways; its compatibility with surrounding existing or proposed uses; and, its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that the proposed General Plan Amendment Application No. A-08-029 and is an appropriate planned land use designation for this project site.

Attachments: Report to the Planning Commission, dated January 21, 2009  
Planning Commission Resolution No. 12927 (Plan Amendment)  
City Council Ordinance Bill



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-D  
COMMISSION MEETING 1-21-09

January 21, 2009

FROM: Sophia Pagoulatos, Interim Planning Manager  
Planning Division

APPROVED BY  
  
DEPARTMENT DIRECTOR

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-08-029, AND  
RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT  
NO. A-08-029

**EXECUTIVE SUMMARY**

Plan Amendment Application No. A-08-029 has been filed by Mehmet Noyan, on behalf of Noyan/Frazier LLC and pertains to approximately 19,985 square feet of property (.46 acres). Plan Amendment Application No. A-08-029 proposes to modify the Fresno County Official Plan Line entitled "Clinton Avenue/West to Freeway 99 and Yale/West of Weber Avenue" by repealing a segment of the OPL beginning at the current terminus of the existing West Yale Avenue and extending in a northwesterly direction parallel to State Route 99 between State Route 99 and North Weber Avenue, south of West Clinton Avenue. The approximate length of the OPL segment proposed to be removed is 300 linear feet (19,985 square feet). City Council Resolution No. 2007-137 approved the vacation of this OPL segment. The property is zoned C-M (*Commercial and Light Manufacturing*).

**PROJECT INFORMATION**

PROJECT	Plan Amendment Application No. A-08-029 proposes to modify the Fresno County Clinton Avenue/West to Freeway 99 and Yale/West of Weber Avenue Official Plan Line (OPL) by repealing a segment of the OPL beginning at the current terminus of the existing West Yale Avenue and extending in a northwesterly direction parallel to State Route 99 between State Route 99 and North Weber Avenue, south of West Clinton Avenue. The approximate length of the OPL segment proposed to be removed is 300 linear feet (19,985 square feet). City Council Resolution No. 2007-137 approved the vacation of this OPL segment. The property is zoned C-M ( <i>Commercial and Light Manufacturing</i> ).
APPLICANT	Mehmet Noyan on behalf of Noyan/Frazier, LLC
LOCATION	Southwest Corner of West Clinton and North Weber Avenues <b>(Council District 1, Councilmember Xiong)</b>
SITE SIZE	Approximately .45 ac
LAND USE	Existing - Existing West Yale Avenue OPL is approximately 725 lineal feet and 43,500 square feet in area  Proposed - Proposed West Yale OPL would measure approximately 425 lineal square feet and measure 23,515 square feet in area
ZONING	Existing - n/a  Proposed - n/a



**PLAN DESIGNATION  
 AND CONSISTENCY**

The proposed repeal of the designated portion of the West Yale OPL is consistent with the 2025 Fresno General Plan and the Fresno High-Roeding Community Plan.

**ENVIRONMENTAL  
 FINDING**

Finding of Mitigated Negative Declaration filed on January 6, 2009

**STAFF  
 RECOMMENDATION**

Recommend that the City Council approve the proposed plan amendment to repeal a portion of the West Yale Avenue OPL

**BORDERING PROPERTY INFORMATION**

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Light Industrial	C-M <i>(Commercial and Light Manufacturing).</i>	vacant
<b>South</b>	Light Industrial	M-1 <i>(Light Manufacturing)</i>	Distribution warehouse
<b>East</b>	Light Industrial	C-M <i>(Commercial and Light Manufacturing).</i>	vacant
<b>West</b>	Light Industrial	C-M <i>(Commercial and Light Manufacturing).</i>	Southern Pacific Railroad

**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 pertinent to the Master Environmental Impact Report (MEIR No. 10130) for the 2025 Fresno General Plan. These environmental and technical studies have examined projected public utilities and traffic impacts.

The proposed repeal of the designated portion of the West Yale Avenue OPL, considered a specific plan amendment and plan amendment of the adopted 2025 Fresno General Plan, has been determined to not be 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 determined, however 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 pursuant to CEQA Guidelines Section 15070. Therefore, it has been determined that based upon the evidence in the record that 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 Guidelines Section 15070.

A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-08-029 was published on January 6, 2009 with no appeals received to date.

## **BACKGROUND / ANALYSIS**

Plan Amendment Application No. A-08-029 proposes to modify the Fresno County Clinton Avenue/West to Freeway 99 and Yale/West of Weber Avenue Official Plan Line (OPL) by repealing a segment of the OPL beginning at the current terminus of the existing West Yale Avenue and extending in a northwesterly direction parallel to State Route 99 between State Route 99 and North Weber Avenue, south of West Clinton Avenue. This application is being sought in order to facilitate development of the site as a police substation and commercial retail center, which are in the pre-application stages.

The proposed application is essentially "clean up" in order to repeal a 300-foot long portion of the West Yale Avenue OPL along a portion of Yale Avenue for which a vacation was already approved by the City Council in 2007 (Resolution 2007-137). The subject portion of West Yale Avenue was never constructed and is currently vacant land.

### **Land Use and Circulation Element Plans and Policies**

According to the Fresno Municipal Code (Sections 12-702 through 12-704) Official Plan Lines of Streets and Highways are considered a specific plan and part of the general plan of the city. Any proposed addition or repeal of an Official Plan Line is considered to be an amendment to the Official Plan Line specific plan and the 2025 Fresno General Plan.

The portion of West Yale Avenue OPL proposed to be repealed was originally acquired by the state of California in 1955 and Yale was realigned to accommodate the construction of State Route 99. Yale was relinquished by the State to the County of Fresno in 1956 and the street passed to the City's jurisdiction when the area was annexed. According to Bryan Jones, City of Fresno Traffic Engineering Manager, Yale Avenue is not considered a major street in the 2025 General Plan adopted in 2002 and therefore the vacation of the street and repeal of the OPL will have no negative impact on the General Plan circulation element. Conditions of approval required for the vacation of West Yale Avenue are contained in Vacation Agreement No. 1059-D, and were made mitigation measures of the project. Additional traffic-related mitigation measures are contained in the January 16, 2008 letter from Bryan Jones, Traffic Engineering Division (attached).

## **CONCLUSION / RECOMMENDATION**

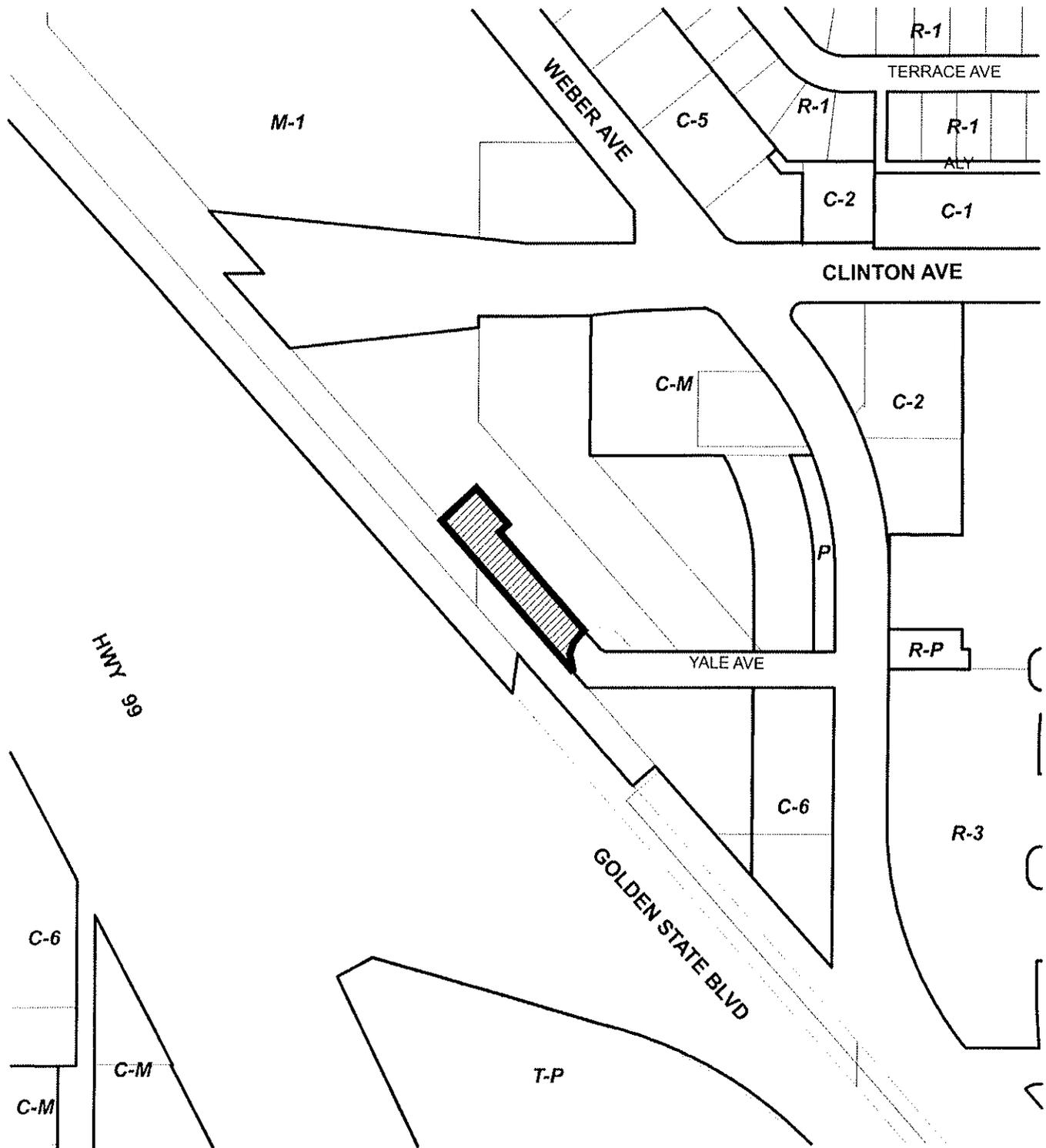
Action by the Planning Commission regarding the plan amendment application will be a recommendation to the City Council.

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Plan Amendment Application No. A-08-029 is appropriate for the project site. Therefore, staff recommends that the Planning Commission:

1. RECOMMEND APPROVAL to the City Council of the environmental finding of a Mitigated Negative Declaration for Environmental Assessment No. A-08-029 dated January 6, 2008.
2. RECOMMEND APPROVAL to the City Council of Plan Amendment Application No. A-08-029 to repeal a 300-foot (approximately 19,985 square foot) portion of the West Yale Avenue OPL;

Attachments: Vicinity Map  
2008 Aerial Photograph of Site  
Planned Land Use Map  
Exhibit A – OPL Map  
Letter from Public Works/Traffic Division dated January 16, 2009  
Environmental Assessment No. A-08-029 Finding of Mitigated Negative  
Declaration dated January 6, 2009





**LEGEND**

 Subject Property

**VICINITY MAP**

PLAN AMENDMENT NO. A-08-029  
 Deletion of a Portion of West Yale Ave.  
 Official Plan Line

Between W. Clinton and N. Golden State Blvd.

**PLANNING & DEVELOPMENT DEPARTMENT**



NOT TO SCALE

A.P.N.: 442-101-15

ZONE MAP: 2248

BY/DATE: D.N. / 1-7-09



# A-08-029 Aerial Photo

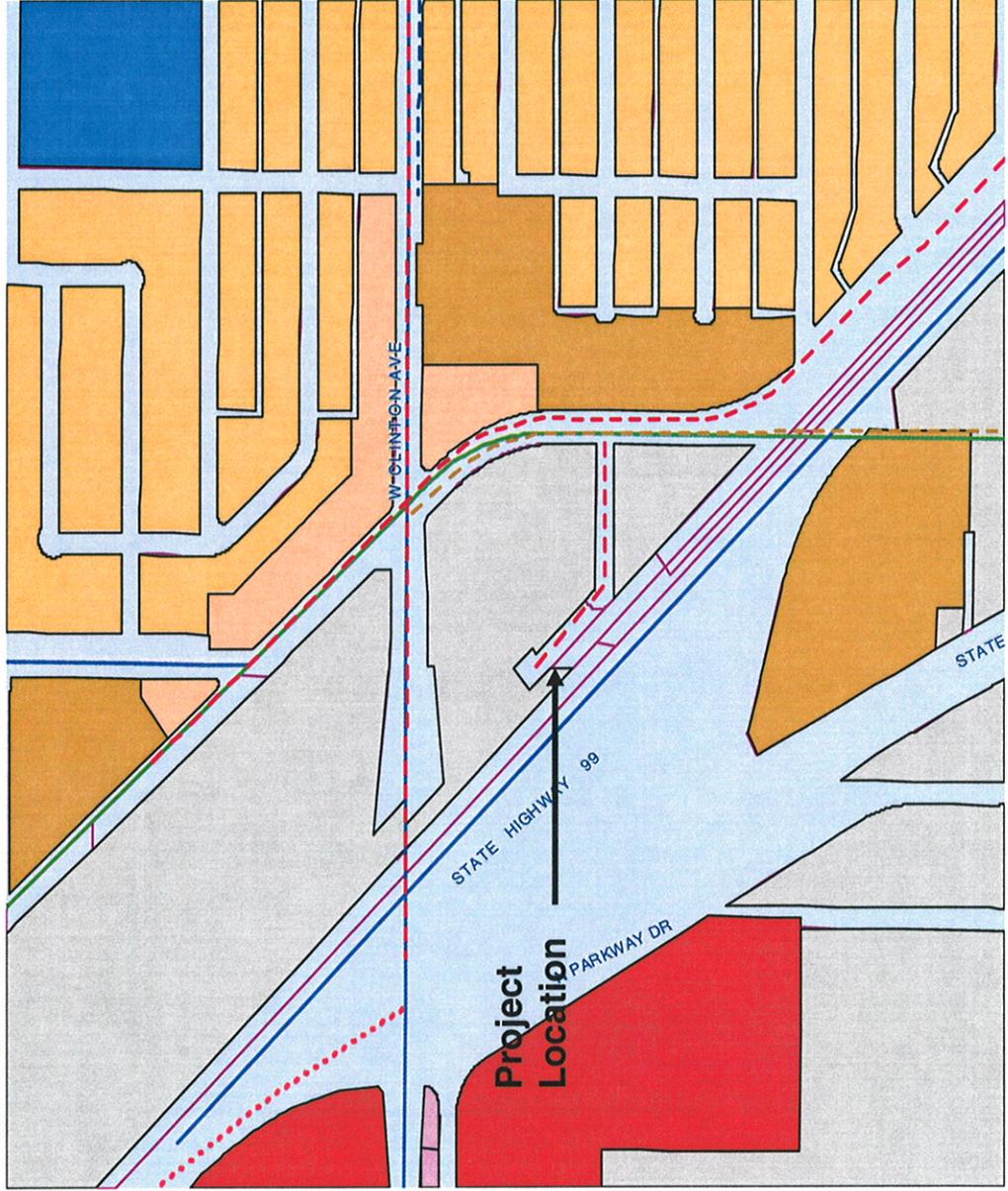


300' portion of  
OPL to be  
repealed



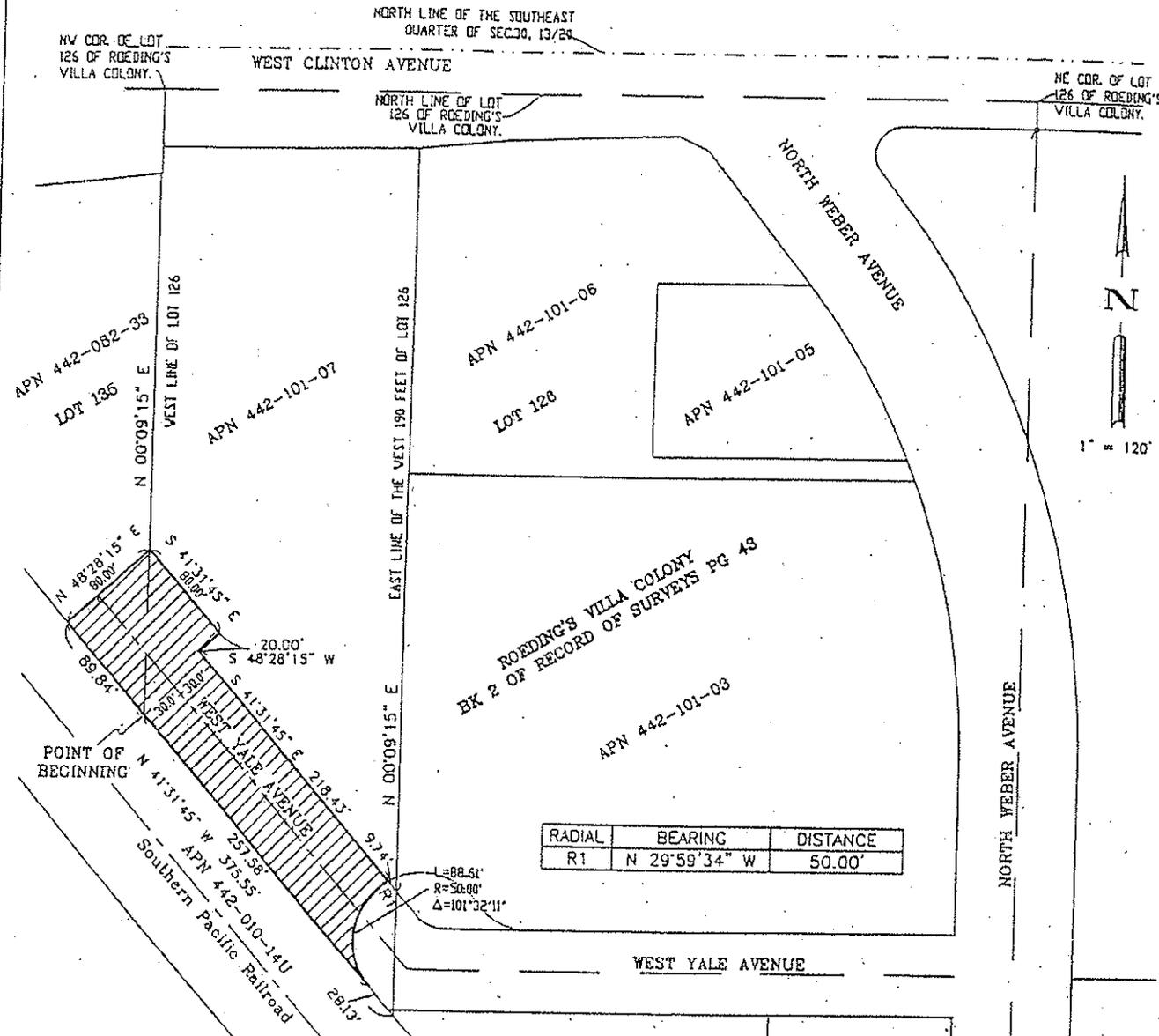
A-08-029

# Planned Land Use Map





# EXHIBIT "A"



RADIAL	BEARING	DISTANCE
R1	N 29°59'34" W	50.00'

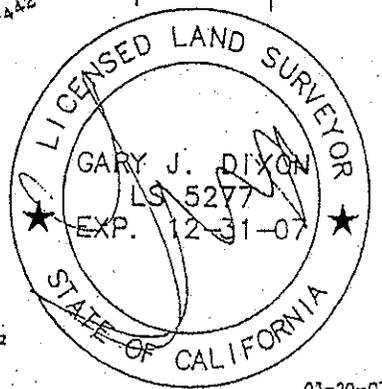
 INDICATES PORTION OF WEST YALE AVENUE TO BE VACATED.  
APPROX. AREA = 19,985 SQ. FT.

LOCATION:  
SOUTH OF W. CLINTON AVE AND  
WEST OF N. WEBER AVE.

SOURCE OF DATA:  
ALTA/ACSM LAND TITLE SURVEY, DATED 1-03-07

OWNER:  
NOYAN/FRAZIER DEVELOPMENT COMPANY, LLC

 **Harbour & Associates**  
Civil Engineers  
375 Woodward Avenue, Suite 103, Clovis, CA 93612  
(559) 325-7676 Fax (559) 325-7699



05-125 03-20-07  
03-16-07

REF. & REV. PW FILE NO. PLAT NO.	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	PORTION OF WEST YALE AVENUE TO BE VACATED	DR. BY MC(HA)/BO CH. BY _____ DATE 05-12-06 SCALE 1" = 120'
		SHEET NO. 1 OF 1 SHEETS

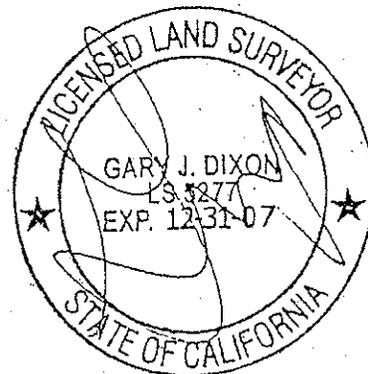
EXHIBIT "B"  
LEGAL DESCRIPTION

AREA TO BE VACATED

A portion of that real property consisting of two parcels originally acquired by the State of California, one parcel being described as Parcel 2 in a Grant Deed recorded June 2, 1954 in Book 3453, Page 400, Official Records of Fresno County (herein referred to as Parcel A) and the other parcel being described as Parcel 2 in a Grant Deed recorded May 20, 1955 in Book 3608, Page 390, Official Records of Fresno County (herein referred to as Parcel B), said real property also being a portion of Lots 126 and 135 of Roeding's Villa Colony, according to the map thereof recorded in Book 2 of Record of Surveys at Page 43, Fresno County Records, said portion being more particularly described as follows:

BEGINNING at the Southeasterly corner of said Lot 135, said Southeasterly corner also being the Southerly corner of said Parcel A; thence North  $41^{\circ}31'45''$  West, along the Southwesterly line of said Lot 135 and along the Southwesterly line of said Parcel A, a distance of 89.84 feet; thence North  $48^{\circ}28'15''$  East, at right angles to said Southwesterly lines and along the Northwesterly line of said Parcel A, a distance of 80.00 feet to a point on the Easterly line of said Lot 135, said point being the most Northerly point of said Parcel B; thence South  $41^{\circ}31'45''$  East, parallel with and 80.00 feet Northeasterly, measured at right angles, from the Southwesterly line of said Lot 126 and along the Northeasterly line of said Parcel B, a distance of 80.00 feet; thence South  $48^{\circ}28'15''$  West, along the boundary of said Parcel B, a distance of 20.00 feet; thence South  $41^{\circ}31'45''$  East, parallel with and 60.00 feet Northeasterly, measured at right angles, from the Southwesterly line of said Lot 126 and along the Northeasterly line of said Parcel B, a distance of 218.43 feet to a point on the arc of a non-tangent curve concave Easterly and having a radius of 50.00 feet, a radial to said point bears North  $29^{\circ}59'34''$  West; thence Southerly along the arc of said non-tangent curve, through a central angle of  $101^{\circ}32'11''$ , an arc distance of 88.61 feet to a point on the Southwesterly line of said Lot 126, said point being North  $41^{\circ}31'45''$  West, a distance of 28.13 feet from the Southeasterly corner of the West 190.00 feet of said Lot 126; thence North  $41^{\circ}31'45''$  West, along the Southwesterly line of said Lot 126 and along the Southwesterly line of said Parcel B, a distance of 257.58 feet to the POINT OF BEGINNING.

Contains an area of 19,985 square feet, more or less.





City Hall 559-621-8800  
2600 Fresno Street, Rm. 4064  
Fresno, CA 93721-3623  
[www.fresno.gov](http://www.fresno.gov)



Public Works Department  
Patrick N. Wiemiller, Director

January 16, 2009

Ms. Sophia Pagoulatos  
Interim Planning Manager  
2600 Fresno Street  
Fresno, CA 93721

**SUBJECT: Review of Traffic Impact Study (TIS) for General Plan Amendment Application A-08-029 requesting authorization to delete a portion of West Yale Avenue Official Plan Line (OPL) beginning at the current terminus of the existing West Yale Avenue and extending in a northwesterly direction parallel to SR 99 between SR 99 and North Weber Avenue, south of West Clinton Avenue. The approximate length of the OPL segment to be deleted is 300 linear feet. TIS05-033 dated June 3, 2005 was utilized to review the impacts**

1. This project shall pay its Traffic Signal Mitigation Impact Fee of \$47.12 per Average Daily Trip (ADT) at the time of building permit. This fee is reviewed and updated yearly and the applicant pays the TSMI fee in place at the time of the building permit. The Police Substation shall provide Traffic Engineering staff an operations statement with the number of employees, hours of operations, shifts, and if citizen reports will be accepted at the police stations and on average how many visitors per day.

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

2. This project shall pay its Fresno Major Street Impact (FMSI) Fee which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the FMSI fee at time of building permit.
3. Yale Avenue has an Official Plan Line. However, this section of Yale Avenue is not yet constructed. Yale Avenue is designed to be a dead-end cul-de-sac and the OPL was most likely completed to provide access to parcels on either side due to the proximity to the Union Pacific

Railroad. Yale Avenue is not considered a major street in the 2025 General Plan adopted in 2002 and therefore the vacation of the street and OPL will have no negative impact on the General Plan circulation element.

4. Clinton Avenue just west of Weber Avenue is anticipated to carry approximately 2,500 AM peak hour vehicles and 3,200 PM peak hour vehicles in 2025. This roadway has sufficient capacity to carry this traffic without Yale Avenue being constructed.
5. Weber Avenue just south of Clinton Avenue is anticipated to carry approximately 750 AM peak hour vehicles and 1,100 PM peak hour vehicles in 2025. This roadway has sufficient capacity to carry this traffic without Yale Avenue being constructed.
6. All parcels shall have access to either Clinton Avenue or Weber Avenue prior to vacation of Yale Avenue.
7. The project shall provide ADA accessibility to bus stops along property frontage from internal walkways. Bus stops will be located at PW Standard locations.
8. This project shall have bike racks installed in close proximity to the main entrance within the project site. Locations and number of bike racks shall be approved by the City Traffic Engineer. A minimum ratio of one bike rack space per every ten parking spaces should be used.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or [bryan.jones@fresno.gov](mailto:bryan.jones@fresno.gov).

Sincerely,

Bryan D. Jones, T.E.  
Traffic Engineering Manager  
Public Works Department, Traffic Engineering Division

C: Traffic Engineering Reading File  
Copy filed with Traffic Impact Study

**CITY OF FRESNO**  
**MITIGATED NEGATIVE DECLARATION**

Notice of Intent was filed with:

X FRESNO COUNTY CLERK  
2221 Kern Street  
Fresno, California 93721

The full Initial Study and the Master Environmental Impact Report No. 10130 are on file in the Planning and Development Department, Fresno City Hall, 3rd Floor 2600 Fresno Street Fresno, California 93721 (559) 621-8277

Environmental Assessment Number:

**A-08-029**

— STATE CLEARINGHOUSE  
Office of Planning & Research  
1400 Tenth Street, Suite 212  
Sacramento, California 95814

APPLICANT:  
Mehmet Noyan on behalf of  
Noyan/Frazier LLC  
685 Alluvial Suite 101  
Fresno, Ca 93711

PROJECT LOCATION:  
North east of Yale and SP Railroad/SR 99, abutting assessor's parcel no. 442-101-15  
Site Latitude: 36°770645 N Longitude and 119°835369 W  
Mount Diablo Base & Meridian, Township 13 S Range 20 E, Section 30

PROJECT DESCRIPTION: Plan Amendment Application No. A-08-029 requests authorization to repeal a portion of West Yale Avenue Official Plan Line (OPL) beginning at the current terminus of the existing West Yale Avenue and extending in a northwesterly direction parallel to the SP Railroad/ SR 99 and North Weber Avenue, south of West Clinton Avenue. The approximate length of the OPL segment to be deleted is 300 linear feet (19,985 square feet; 0.45 acres). The vacation of the subject portion of West Yale Avenue was environmentally assessed in Environmental Assessment No. R-04-99/C-04-204/V-05-09, which was posted on December 1, 2005 and adopted by the planning commission on December 21, 2005. The subject portion of West Yale Avenue was never constructed and is currently undeveloped land.

The City of Fresno has conducted an initial study and proposes to adopt a Mitigated Negative Declaration for the above-described project. The environmental analysis contained in the Initial Study and this Mitigated Negative Declaration is tiered from Master Environmental Impact Report No. 10130 (SCH # 2001071097) prepared for the 2025 Fresno General Plan ("MEIR"). A copy of the MEIR may be reviewed in the City of Fresno Planning Department as noted above. 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. Pursuant to Public Resources Code § 21157.1 and California Environmental Quality Act (CEQA) Guidelines § 15177, this project has been evaluated with respect to each item on the attached environmental checklist to determine whether this project may cause any additional significant effect on the environment which was not previously examined in the MEIR. After conducting a review of the adequacy of the MEIR 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 that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available.

This completed environmental impact checklist form, its associated narrative, and proposed mitigation measures reflect applicable comments of responsible and trustee agencies and research and analysis conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the project application and its related environmental assessment application, responses to requests for comment, checklist, initial study narrative, and any attachments thereto, combine to form a record indicating that an initial study has been completed in compliance with the State CEQA Guidelines and the California Environmental Quality Act.

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

Based upon the evaluation guided by the environmental checklist form, it was determined that there are foreseeable impacts from the Project that are additional to those identified in the MEIR, and/or impacts which require mitigation measures not included in the MEIR Mitigation Measure Checklist.

The completed environmental checklist form indicates whether an impact is potentially significant, less than significant with mitigation, or less than significant.

For some categories of potential impacts, the checklist may indicate that a specific adverse environmental effect has been identified which is of sufficient magnitude to be of concern. Such an effect may be inherent in the nature and magnitude of the project, or may be related to the design and characteristics of the individual project. Effects so rated are not sufficient in themselves to require the preparation of an Environmental Impact Report, and have been mitigated to the extent feasible. With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR. Both the MEIR mitigation checklist measures and the project-specific mitigation checklist measures will be imposed on this project.

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

The finding is, therefore, made that the proposed project will not have a significant adverse effect on the environment.

INITIAL STUDY PREPARED BY:

SUBMITTED BY:

DATE

*Jan. 6, 2009*



Planning Manager  
PLANNING AND DEVELOPMENT DEPARTMENT



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

**Environmental Assessment No. A-08-029**  
**January 6, 2009**

1. Project title: Application No. A-08-029, Repeal of a Portion of West Yale Avenue OPL

2. Lead agency name and address:

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

3. Contact person and phone number: Sophia Pagoulatos, Interim Planning Manager  
Planning & Development Department (559) 621-8062; Sophia.pagoulatos@fresno.gov

4. Project location: North east of Yale and SR 99, abutting assessor's parcel no. 442-101-15  
Site Latitude: 36°770645 N Longitude and 119°835369 W  
Mount Diablo Base & Meridian, Township 13 S Range 20 E, Section 30

5. Project applicant/sponsor name and address:  
Mehmet Noyan on behalf of  
Noyan Frazier LLC  
685 West Alluvial Avenue, Suite 101  
Fresno, CA 93711

6. Description of project:

Plan Amendment Application No. A-08-029 proposes to modify the Fresno County Clinton Avenue/West to Freeway 99 and Yale/West of Weber Avenue Official Plan Line (OPL) by repealing a segment of the OPL beginning at the current terminus of the existing West Yale Avenue and extending in a northwesterly direction parallel to State Route 99 between State Route 99 and North Weber Avenue, south of West Clinton Avenue. The approximate length of the OPL segment proposed to be removed is 300 linear feet (19,985 square feet). City Council Resolution No. 2007-137 approved the vacation of this OPL segment. The property is zoned C-M (*Commercial and Light Manufacturing*). This application is being sought in order to facilitate development of the site as a police substation and retail development, which are in the pre-application stages.

The proposed application is essentially "clean up" in order to repeal a 300-foot long portion of the West Yale Avenue OPL along a portion of Yale Avenue for which a vacation was already approved by the City Council in 2007 (Resolution 2007-137). The subject portion of West Yale Avenue was never constructed and is currently vacant land.

The proposed site plan for the project is attached as Exhibit 1

7. General plan designation:  
Zoning: The property is zoned C-M (*Commercial and Light Manufacturing*).

9. Surrounding land uses and setting:

A vicinity map is attached as Exhibit B

An aerial photo of the project vicinity is attached as Exhibit C

A planned land use map of the project vicinity is attached as Exhibit D

**BORDERING PROPERTY INFORMATION**

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Light Industrial	C-M <i>(Commercial and Light Manufacturing).</i>	vacant
<b>South</b>	Light Industrial	M-1 <i>(Light Manufacturing)</i>	Distribution warehouse
<b>East</b>	Light Industrial	C-M <i>(Commercial and Light Manufacturing).</i>	vacant
<b>West</b>	Light Industrial	C-M <i>(Commercial and Light Manufacturing).</i>	Southern Pacific Railroad

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

State Department of Fish and Game (waiver requested)

This mitigated negative declaration is tiered from the City of Fresno's Master EIR (MEIR 10130/SCH 2001071097), certified on November 19, 2002, with findings adopted as set forth in attached Exhibit E. A re-examination of that MEIR has been conducted with regard to this project, and information is attached substantiate the continuing validity of the MEIR (attached as Exhibit F). A MEIR mitigation measure monitoring checklist applicable to this project is attached to the Initial Study (Exhibit G). A project-specific mitigation monitoring checklist is attached as Exhibit H.

Attachments:

- Exhibit A: Proposed site plan for project
- Exhibit B: Vicinity Map
- Exhibit C: Aerial Photo
- Exhibit D: Planned land use in project vicinity
- Exhibit E : MEIR mitigation monitoring checklist
- Exhibit F : Project-specific mitigation checklist



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

*Lepina Papulatos* \_\_\_\_\_, [title]      Date 1/6/09

[type out the name below the signature line], [title]

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

EA No. A-08-029 Initial Study Impact Checklist of Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
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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

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no aesthetic impacts will result from the project.

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: X

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? X
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? X
- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? X

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no impacts to agricultural resources will result from the project.

]

III. AIR QUALITY AND GLOBAL CLIMATE

EA No. A-08-029 Initial Study Impact Checklist of Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
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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)?	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/> X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>		<input type="checkbox"/>	X <input type="checkbox"/>
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)?	<input type="checkbox"/>		<input type="checkbox"/>	X <input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) [ INSERT WHATEVER CRITERIA STATE CLEARINHOUSE COMES UP WITH FOR GLOBAL WARMING/GREENHOUSE GAS IMPACT EVALUATION—not known as of August 2008 when this checklist was revised; if no criteria added to SCH Appendix G checklist, delete this row from this table)]				X

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no impacts to air quality will result from the project.

]

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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
---	--------------------------	--------------------------	--------------------------	---

EA No. A-08-029 Initial Study Impact Checklist of Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
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or U.S. Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

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?

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?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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?

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no impacts to biological resources will result from the project.

]

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

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d) Disturb any human remains, including those interred outside of formal cemeteries?



X

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no impacts to cultural resources will result from the project.

]

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

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

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no impacts to geology and soils will result from the project.

]

EA No. A-08-029 Initial Study Impact Checklist of Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
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VII. HAZARDS AND HAZARDOUS MATERIALS B Would the project:

- |  |                          |                          |                          |   |
|--|--------------------------|--------------------------|--------------------------|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input type="checkbox"/> |                          | <input type="checkbox"/> | 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?  | <input type="checkbox"/> |                          | <input type="checkbox"/> | 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?  | <input type="checkbox"/> |                          | <input type="checkbox"/> | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/> |                          | <input type="checkbox"/> | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no impacts related to hazards and hazardous materials will result from the project. West Yale Avenue is a minor

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street and is not a part of the network of major streets that comprise the circulation system of the City of Fresno. The repeal of the subject portion of the West Yale Avenue OPL will not interfere with an emergency evacuation plan.

VIII. HYDROLOGY AND WATER QUALITY -  
- Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>		<input type="checkbox"/>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>			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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
i) Expose people or structures to a significant				x

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risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

j) Inundation by seiche, tsunami, or mudflow?

X

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the hydrology and water quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated January 6, 2009; and
2. The proposed project shall implement and incorporate, as appropriate, the hydrology and water quality resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated January 6, 2009.

]

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?

X

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

X

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

X

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no impacts to land use and planning will result from the project.

Mitigation Measures

3. The proposed project shall implement and incorporate, as appropriate, the hydrology and water quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated January 6, 2009; and

X. MINERAL RESOURCES -- Would the project:

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- |   |                          |                          |                          |   |
|---|--------------------------|--------------------------|--------------------------|---|
| 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?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no impacts to mineral resources will result from the project.

XI. NOISE B Would the project result in:

- |   |                          |                          |                          |                            |
|---|--------------------------|--------------------------|--------------------------|----------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X                          |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X                          |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X                          |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X                          |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> 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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X                          |

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no noise related impacts will result from the project.

XII. POPULATION AND HOUSING -- Would

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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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no impacts to population and housing will result from the project.

### XIII. 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?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Drainage and flood control?		X		
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Schools?				X
Other public services?		X		

A turnaround at the new terminus of West Yale Avenue shall be provided to city standards to facilitate fire access circulation; Drainage impacts addressed under Hydrology and Water Quality Section, above. PG&E and AT&T have facilities within the area proposed to be repealed, an easement is required to be granted in favor of PG&E to accommodate these facilities. In addition, the City has an existing 6-inch

EA No. A-08-029 Initial Study Impact Checklist of Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
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water main within the area to be vacated, which must be abandoned at the applicant's expense prior to construction of any proposed development.

Mitigation Measures

4. The proposed project shall implement and incorporate, as appropriate, the public services related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated January 6, 2009; and
5. The proposed project shall implement and incorporate, as appropriate, the hydrology and water quality resource related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated January 6, 2009.

XIV. RECREATION --

- |  |                          |                          |                          |          |
|--|--------------------------|--------------------------|--------------------------|----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <b>X</b> |
| 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?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <b>X</b> |

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no impacts to recreation will result from the project.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

- |  |                          |                          |                          |          |
|--|--------------------------|--------------------------|--------------------------|----------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <b>X</b> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <b>X</b> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <b>X</b> |

EA No. A-08-029 Initial Study Impact Checklist of Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
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a change in location that results in substantial safety risks?

- |  |                          |                          |                          |                            |
|--|--------------------------|--------------------------|--------------------------|----------------------------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X                          |
| e) Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X                          |
| f) Result in inadequate parking capacity?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X                          |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?                       | <input type="checkbox"/> |                          | <input type="checkbox"/> | X <input type="checkbox"/> |

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no impacts to transportation will result from the project. West Yale Avenue is not a major street and deletion of 300 feet of the westernmost portion will not significantly impact transportation, circulation, or site access, with incorporation of mitigation measures.

Mitigation Measures

- The proposed project shall implement and incorporate, as appropriate, the transportation related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated January 6, 2009; and
- The proposed project shall implement and incorporate, as appropriate, the transportation related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated January 6, 2009.

XVI. UTILITIES AND SERVICE SYSTEMS B

Would the project:

- |  |                          |                          |                          |   |
|--|--------------------------|--------------------------|--------------------------|---|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

EA No. A-08-029 Initial Study Impact Checklist of Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
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environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project=s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Project is to repeal a 300 foot long portion of West Yale Avenue Official Plan Line (OPL); no additional impacts to utilities and service systems will result from the project above those analyzed above in public services.

EA No. A-08-029 Initial Study Impact Checklist of Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant	No Impact
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

- |  |                          |                          |                          |          |
|--|--------------------------|--------------------------|--------------------------|----------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <b>X</b> |
| 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)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <b>X</b> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <b>X</b> |



**CITY OF FRESNO  
MITIGATED NEGATIVE DECLARATION  
PROJECT SPECIFIC MITIGATION MONITORING CHECKLIST  
ENVIRONMENTAL ASSESSMENT NO. A-08-029**

Project/EA No. A-08-029

Date: January 6, 2009

	Mitigation Measure	Implemented By	When Implemented	Verified By
8.0 – Hydrology and Water Quality	The proposed repeal of West Yale OPL and related vacation lies within the Fresno Metropolitan Flood Control District's Drainage Area "EE." There are no existing or proposed master plan facilities located within the area to be vacated, but the area proposed to be vacated was planned to provide APN 442-082033 and 442-101-07 drainage conveyance to the Master Plan inlets located at Weber and Yale. FMFCD requires that drainage covenants be provided to allow surface drainage from these two parcels to reach the inlets at Weber and Yale. The City requires written notice from the FMFCD that the drainage covenants have been executed and record	Applicant	Prior to building permits	Planning and Development Department and Fresno Metropolitan Flood Control District
13. -- Public Services	<ol style="list-style-type: none"> <li>1. A turnaround shall be provided at the new terminus of Yale Avenue and shall be constructed in accordance with Public Works standard specifications. An easement to accommodate the turnaround shall be executed and recorded prior to recordation of the vacation</li> <li>2. An easement shall be granted in favor of PG&amp;E to accommodate PG&amp;E and AT&amp;T facilities</li> <li>3. The 6" City of Fresno water main within the area to be vacated shall be abandoned at the applicant's expense prior to construction of any proposed development.</li> </ol>	Applicant	Prior to building permits	
15. - Transportation and Circulation	<ol style="list-style-type: none"> <li>1. This project shall pay its Traffic Signal Mitigation Impact Fee of \$47.12 per Average Daily Trip (ADT) at the time of building permit. This fee is reviewed and updated yearly and the applicant pays the TSMI fee in place at the time of the building permit. The Police Substation shall provide Traffic Engineering staff an operations statement with the number of employees, hours of operations, shifts, and if citizen reports will be</li> </ol>	Applicant	Prior to building permits	Planning and Development Department and Public Works Departments

**CITY OF FRESNO  
 MITIGATED NEGATIVE DECLARATION  
 PROJECT SPECIFIC MITIGATION MONITORING CHECKLIST  
 ENVIRONMENTAL ASSESSMENT NO. A-08-029**

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	<p>accepted at the police stations and on average how many visitors per day.</p> <p>This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan circulation element and included in the Nexus Study for the TSMI fee. Project specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.</p> <p>2. This project shall pay its Fresno Major Street Impact (FMSI) Fee which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee. If the applicant is conditioned with improvements that are credited/reimbursable with</p>			

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	<p>this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the FMSI fee at time of building permit.</p> <p>3. All parcels shall have access to either Clinton Avenue or Weber Avenue prior to vacation of Yale Avenue.</p> <p>4. The project shall provide ADA accessibility to bus stops along property frontage from internal walkways. Bus stops will be located at PW Standard locations.</p> <p>5. This project shall have bike racks installed in close proximity to the main entrance within the project site. Locations and number of bike racks shall be approved by the City Traffic Engineer. A minimum ratio of one bike rack space per every ten parking spaces should be used.</p>			
MEIR No. 10130	Mitigation Measures and findings of Final MEIR No. 10130 (2025 Fresno General Plan Master Environmental Impact Report) are incorporated herein by reference as noted in the MEIR Mitigation Monitoring Checklist.	Applicant	Prior to occupancy of any building within the project.	Planning and Development Department.

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Following is the mitigation monitoring checklist from MEIR No. 10130 as applied to the above noted Project Environmental Assessment as required by City Council Resolution No. 2002-378 and Exhibit "E", thereof, adopted on November 19, 2002, certifying the MEIR for the 2025 Fresno General Plan Update.

**NOTE:** Letters B-Q in mitigation measures refer to eh respective section of Chapter V of MEIR No. 10130

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p><b>B-1.</b> Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of service (LOS) D or better in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS D.</p>	<p>Prior to approval of land use entitlement application</p>	<p>Public Works Dept./ Transportation Planning/Planning and Development Dept.</p>						X
<p><b>B-2.</b> Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining LOS E.</p>	<p>Prior to approval of land use entitlement application</p>	<p>Public Works Dept./ Transportation Planning/Planning and Development Dept.</p>						X
<p><b>B-3.</b> 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 application</p>	<p>Public Works Dept./ Transportation Planning/Planning and Development Dept.</p>						X

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<p><b>B-4.</b> 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 Traffic Impact Studies.</p>	<p>Prior to approval of land use entitlement application</p>	<p>Public Works Dept./Transportation Planning/Planning and Development Dept.</p>	<p align="center">X</p>					
<p><b>B-5.</b> 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.</p>	<p>Prior to approval of land use entitlement application</p>	<p>Public Works Dept./Transportation Planning/Planning and Development Dept.</p>	<p align="center">X</p>					
<p><b>B-6.</b> 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.</p>	<p>Prior to approval or prior to funding of major street project.</p>	<p>Public Works Dept./Transportation Planning/Planning and Development Dept.</p>	<p align="center">X</p>					
<p><b>B-7.</b> 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.</p>	<p>Ongoing</p>	<p>Public Works Dept./Transportation Planning/Planning and Development Dept.</p>					<p align="center">X</p>	

A – Incorporated into Project  
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<p><b>C-1.</b> 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. 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					X	
<p><b>C-2.</b> 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> <p>a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions.</p> <p>b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit.</p> <p>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.</p> <p>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.</p>	Ongoing	Fresno Area Express					X	
<p><b>C-3.</b> 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><b>D-1.</b> The City shall monitor impacts of land use changes and development project proposals on metropolitan water supply facilities and the groundwater aquifer.</p>	Ongoing	Dept of Public Utilities and Planning and Development Dept	X				X	

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

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<b>D-2.</b> 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, recharge facilities, 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	Department of Public Utilities and Planning and Development Department					X	
<b>D-3.</b> The City shall implement the Fresno Metropolitan Water Resources Management Plan and update this plan as necessary to ensure the cost-effectiveness use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities					X	
<b>D-4.</b> The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban storm water 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	Planning and Development Department	X		X		X	
<b>D-5.</b> 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.	Ongoing	Planning and Development Department						X
<b>D-6.</b> The city shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect:	Ongoing	Planning and Development Department						X
a. Construction in this area from being damaged by the intensity of flooding in the riverbottom; and,								
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.								
<b>D-7.</b> 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	
<b>D-8.</b> The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management of all sources of water available to the planning area which is periodically updated to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development.	Ongoing	Department of Public Utilities					X	
<b>D-9.</b> If the City is unable to renew its 60,000-acre foot USBR water supply contract due to the city's Charter meter prohibition, replacement water supplies and/or conservation measures of equal benefit shall be secured.	Ongoing	Department of Public Utilities					X	
<b>D-10.</b> 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	

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<p><b>E-1.</b> 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.</p>	Ongoing	Planning and Development Department					X	
<p><b>E-2.</b> 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.</p>	Ongoing	Planning and Development Department				X		
<p><b>E-3.</b> 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.</p>	Ongoing	Planning and Development Department						X
<p><b>E-4.</b> 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>	Ongoing	Planning and Development Department						X
<p>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.</p>							x	
<p><b>F-1.</b> 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 Department					X	
<p><b>F-2.</b> 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	
<p><b>F-2-a.</b> The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.</p>	Ongoing	Dept. of Public Utilities					X	

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<p><b>F-3.</b> 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. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts.</p>	<p>Ongoing</p>	<p>Dept. of Public Utilities</p>					X	
<p><b>F-4.</b> The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.</p>	<p>Ongoing/prior to approval of land use entitlement application</p>	<p>Dept. of Public Utilities and Planning Department</p>	X				X	
<p><b>F-5.</b> The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.</p>	<p>Ongoing/prior to construction</p>	<p>Dept. of Public Utilities</p>	X				X	
<p><b>G-1.</b> Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.</p>	<p>Ongoing/prior to construction</p>	<p>Fire Dept/Police Dept/ Planning and Development Dept.</p>						X
<p><b>H-1.</b> Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.</p>	<p>Ongoing/prior to construction</p>	<p>Parks and Recreation Dept./Planning and Development Dept.</p>						X
<p><b>I-1.</b> Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species ( or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.</p>	<p>Ongoing/prior to approval of land use entitlement application</p>	<p>Planning and Development Dept.</p>						x
<p><b>I-2.</b> Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall include siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.</p>	<p>Ongoing/prior to approval of land use entitlement application</p>	<p>Planning and Development Dept.</p>						X

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<p>I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.</p>	<p>Ongoing/prior to approval of land use entitlement application and during construction</p>	<p>Planning and Development Dept.</p>						X
<p>I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.</p>	<p>Ongoing/prior to approval of land use entitlement application and during construction</p>	<p>Planning and Development Dept.</p>						X
<p>I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).</p>	<p>Ongoing/prior to approval of land use entitlement application and during construction</p>	<p>Planning and Development Dept.</p>						X
<p>I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.</p>	<p>Ongoing/prior to approval of land use entitlement application and during construction</p>	<p>Planning and Development Dept.</p>						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> <ol style="list-style-type: none"> <li>Amending construction plans to avoid the resources.</li> <li>Setting aside sites containing these resources by deeding them into permanent conservation easements.</li> <li>Capping or covering these resources with a protective layer of soil before building on the sites.</li> <li>Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them.</li> <li>Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.</li> </ol>	<p>Ongoing/prior to approval of land use entitlement application</p>	<p>Planning and Development Dept.</p>						X

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<p><b>J-2.</b> An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologists' recommendations shall be made to the City on further site investigation or site avoidance/preservation measures.</p>	<p>Ongoing/prior to submittal of land use entitlement application</p>	<p>Planning and Development Dept.</p>						X
<p><b>J-3.</b> 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.</p>	<p>Ongoing</p>	<p>Planning and Development Dept./ Historic Preservation Commission staff</p>	X					
<p><b>J-4.</b> 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.</p>	<p>Ongoing</p>	<p>Planning and Development Dept./ Historic Preservation Staff</p>						X
<p><b>K-1.</b> The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.</p>	<p>Ongoing</p>	<p>Planning and Development Dept.</p>					X	
<p><b>K-2.</b> 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 General Plan.) The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4.</p> <ul style="list-style-type: none"> <li>• <b>Site Planning.</b> See Chapter V for more details.</li> <li>• <b>Barriers.</b> See Chapter V for more details.</li> <li>• <b>Building Designs.</b> See Chapter V for more details.</li> </ul>	<p>Ongoing/upon submittal of land use entitlement application</p>	<p>Planning and Development Dept.</p>						X
<p><b>K-3.</b> 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 CNEEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEEL or below.</p>	<p>Ongoing/prior to building permit issuance</p>	<p>Planning and Development Dept.</p>						X
<p><b>L-1.</b> Any construction that occurs as a result of a project shall conform with current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.</p>	<p>Ongoing</p>	<p>Planning and Development Dept.</p>						X

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

A – Incorporated into Project  
B – Mitigated

C – Mitigation in Progress  
D – Responsible Agency Contacted

Page 9

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

**FRESNO CITY PLANNING COMMISSION  
RESOLUTION NO. 12927**

The Fresno City Planning Commission at its regular meeting on January 21, 2009, adopted the following resolution relating to Plan Amendment Application No. A-08-029.

WHEREAS, Plan Amendment Application No. A-08-029, was filed by Mehmet Noyan, on behalf of Noyan/Frazier, LLC., pertaining to approximately .46 acres of property at the western terminus of West Yale Avenue south of West Clinton Avenue, west of North Weber Avenue, and north of West Yale Avenue; and,

WHEREAS, the plan amendment application proposes to amend the Official Plan of Streets and Highways by modifying the Fresno County Official Plan Line entitled "Clinton Avenue/West to Freeway 99 and Yale/West of Weber Avenue" through the repeal of a 300-foot segment of the OPL beginning at the current terminus of the existing West Yale Avenue, and

WHEREAS, on January 21, 2009, the Fresno City Planning Commission conducted a public hearing to review the proposed plan amendment, requested public testimony and considered the Planning and Development Department's report recommending approval of the proposed plan amendment; and,

WHEREAS, no members of the general public spoke in opposition to the proposed change in land use; and,

WHEREAS, the Fresno City Planning Commission has reviewed the environmental assessment prepared for this plan amendment, Environmental Assessment No. A-08-029, dated January 6, 2009, and is satisfied that the appropriate measures of development will adequately reduce or alleviate any potential adverse impacts either generated from the project, or impacting the project from an off-site source, and hereby concurs with the issuance of a mitigated negative declaration; and,

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission finds there is no substantial evidence in the record that the proposed plan amendment may have a significant effect on the environment and hereby approves the finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-08-029 dated January 6, 2009.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that Plan Amendment Application No. A-08-029, which proposes to amend the Official Plan of Streets and Highways as noted above and as depicted on the attached Vicinity Map, be approved.

Fresno City Planning Commission Resolution No. 12927  
Plan Amendment No. A-08-029  
January 21, 2009  
Page 2

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

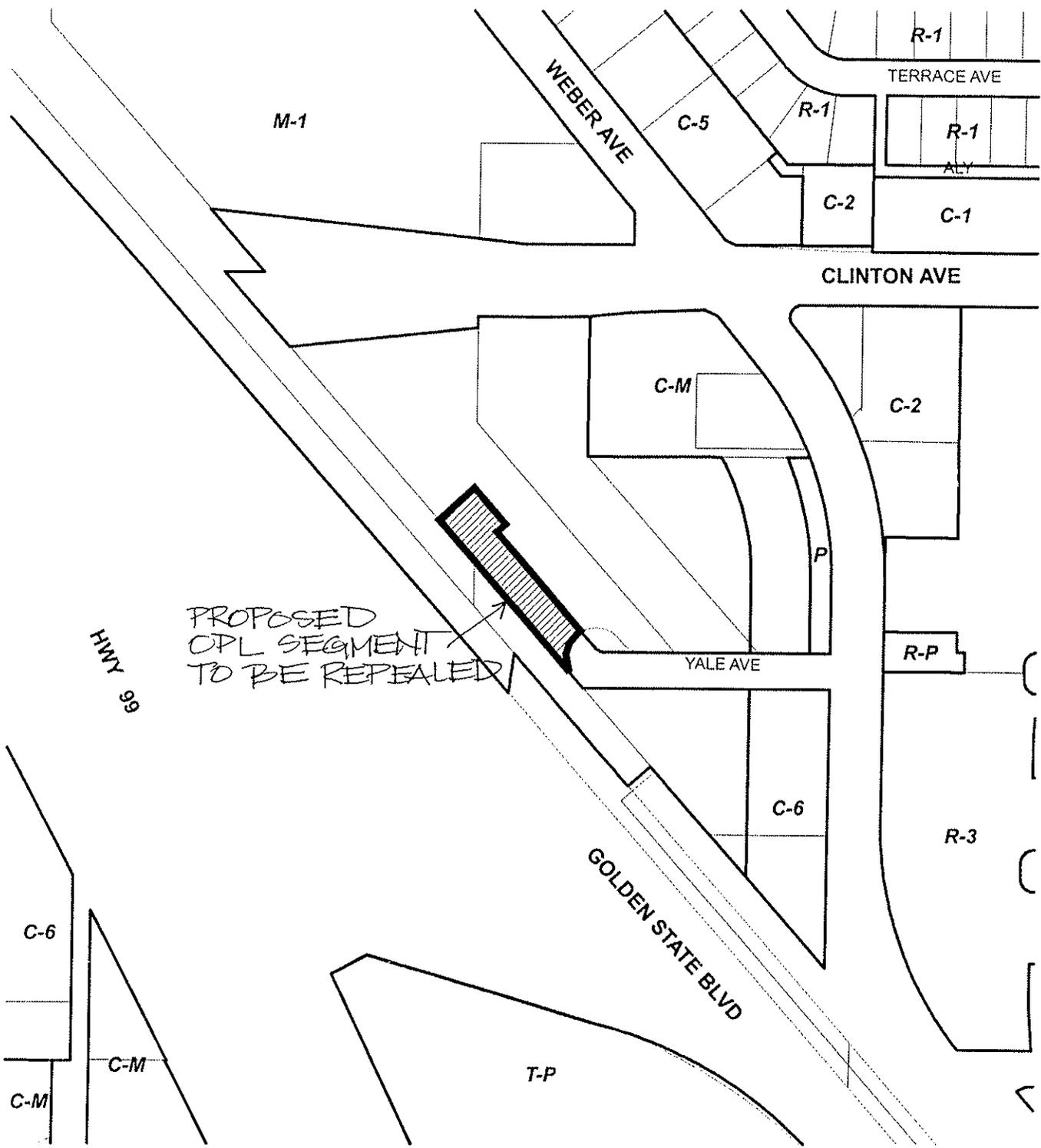
VOTING:           Ayes - Vasquez, Holt, Cherry, DiBuduo, Torossian, Vang, Kissler  
                      Noes - None  
                      Not Voting - None  
                      Absent - None

DATED: January 21, 2009



KEITH BERGTHOLD, Secretary  
Fresno City Planning Commission

Resolution No. 12927  
Plan Amendment Application No. A-08-029  
Filed by Mehmet Noyan on behalf of  
Noyan/frazier, LLC.  
Action: Recommend Approval



PROPOSED  
OPL SEGMENT  
TO BE REPEALED

**LEGEND**

 Subject Property

**VICINITY MAP**

PLAN AMENDMENT NO. A-08-029  
Deletion of a Portion of West Yale Ave.  
Official Plan Line

Between W. Clinton and N. Golden State Blvd.

**PLANNING & DEVELOPMENT  
DEPARTMENT**



A.P.N.: 442-101-15  
ZONE MAP: 2248  
BY/DATE: D.N. / 1-7-09

**Recording Requested by:**  
City Clerk, Fresno, California  
No Fee-Govt. Code 6103

**Return to City Clerk, Fresno**

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Space above this line reserved for Fresno County Recorder's Office

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
PROPOSED AND INITIATED BY \_\_\_\_\_  
MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING  
THE OFFICIAL PLAN OF STREETS AND HIGHWAYS OF THE CITY OF  
FRESNO HERETOFORE ADOPTED BY ARTICLE 7 OF THE FRESNO  
MUNICIPAL CODE, BEING THE OFFICIAL PLAN LINES, STREETS AND  
HIGHWAYS ORDINANCE OF THE CITY OF FRESNO

WHEREAS, Plan Amendment Application A-08-029 has been filed by , Mehmet Noyan, on behalf of Noyan/Frazier, LLC., to delete a portion of the Official Plan Line entitled "Clinton Avenue/West to Freeway 99 and Yale/West of Weber Avenue" as described herein below; and,

WHEREAS, pursuant to the provisions of Article 7 of the Fresno Municipal Code, "Official Plan Lines" means the future right-of-way line of plan lines of any street or highway as shown on the Official Plan of Streets and Highways for street use; and

WHEREAS, pursuant to the provisions of Article 7 of the Fresno Municipal Code the Official Plan of Streets and Highways as heretofore adopted and amended is hereby affirmed and continued in force as a specific plan and part of the General Plan of the city; and

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 21st day of January, 2009, to consider Plan Amendment A-08-029 and related Environmental Assessment No. A-08-029, during which

the Commission considered the environmental assessment and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 12927, of the plan amendment application; and,

WHEREAS, the Council of the City of Fresno, on the 3rd day of February, 2009, received the recommendation of the Planning Commission.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed plan amendment is in the best interest of the City of Fresno. 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 effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") 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 that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Accordingly, the Council approves the mitigated negative declaration for Environmental Assessment No. A-08-029.

SECTION 2. The Council finds the recommended amendment to the Official Plan of Streets and Highways will have no negative impact on the General Plan Circulation Element and is therefore consistent with the 2025 Fresno General Plan as specified in Section 12-403-B of the Fresno Municipal Code.

SECTION 3. The Council finds that the Official Plan of Streets and Highways is hereby amended to repeal a segment of Official Plan Line entitled "Clinton Avenue/West to Freeway 99 and Yale/West of Weber Avenue" as described in Exhibit A.

SECTION 5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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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 ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 27<sup>th</sup> day of January, 2009, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

REBECCA E. KLISCH  
City Clerk

By \_\_\_\_\_

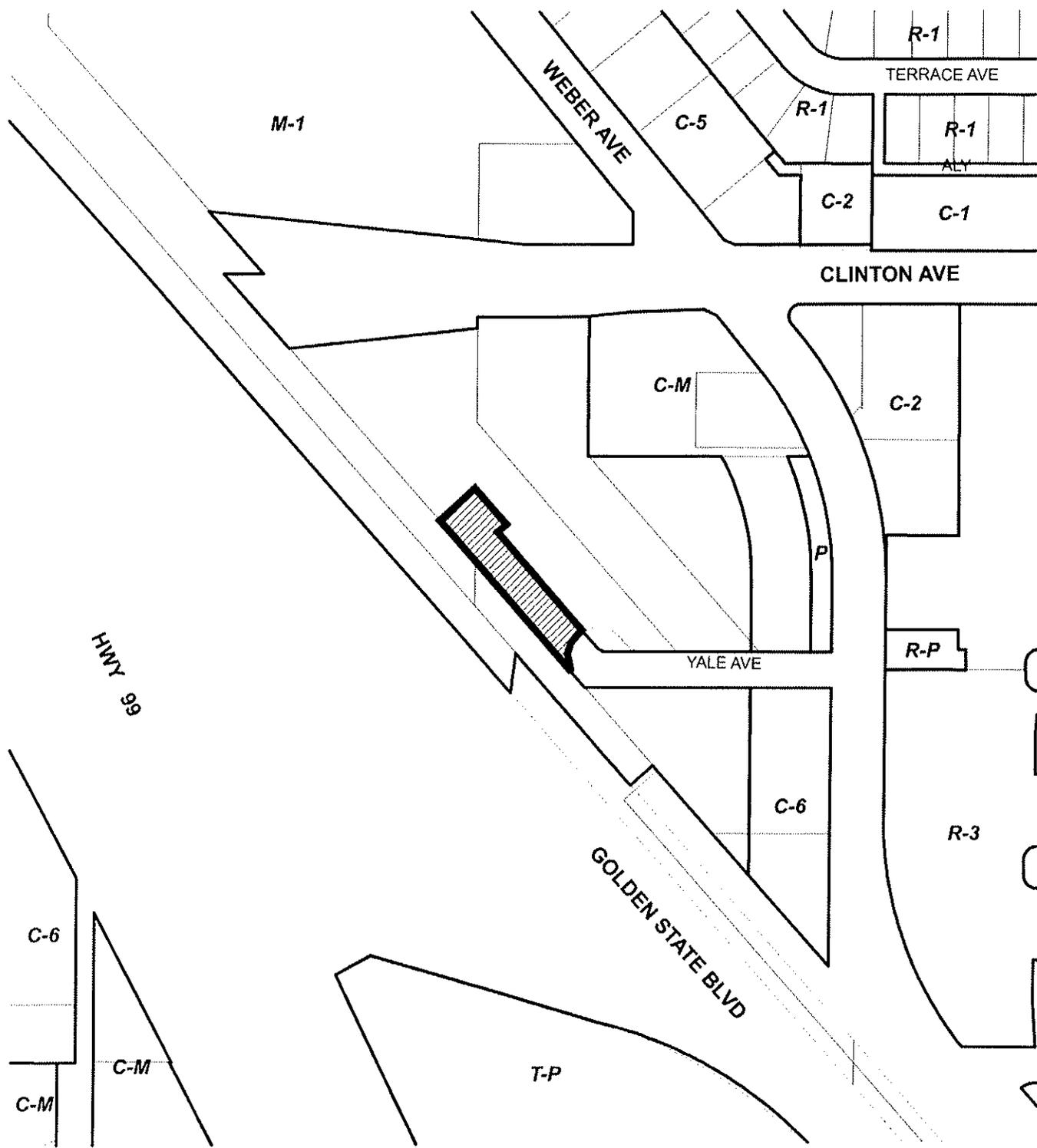
APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By  \_\_\_\_\_  
John W. Fox  
Deputy City Attorney

Date 1/28/2009

Plan Amendment Application No. A-08-029  
Filed by Mehmet Noyan, on behalf of Noyan/Frazier,  
LLC.



**LEGEND**



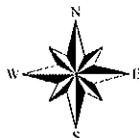
Subject Property

**VICINITY MAP**

PLAN AMENDMENT NO. A-08-029  
 Deletion of a Portion of West Yale Ave.  
 Official Plan Line

Between W. Clinton and N. Golden State Blvd.

**PLANNING & DEVELOPMENT DEPARTMENT**



NOT TO SCALE

A.P.N.: 442-101-15

ZONE MAP: 2248

BY/DATE: D.N. / 1-7-09