



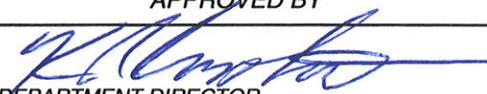
REPORT TO THE CITY COUNCIL

AGENDA ITEM NO. 4:00 p.m. - #2
COUNCIL MEETING: 6/10/08

June 10, 2008

APPROVED BY

FROM: NICK P. YOVINO, Director
Planning and Development Department


DEPARTMENT DIRECTOR

BY: GILBERT J. HARO, Planning Manager
Planning Division



CITY MANAGER

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-08-01,
REZONE APPLICATION NO. R-08-01, AND ENVIRONMENTAL FINDING
FOR ENVIRONMENTAL ASSESSMENT NO. A-08-01/R-08-01/C-08-092

RECOMMENDATION

Staff recommends the City Council take the following action:

1. APPROVE the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-08-01/R-08-01/C-08-092 dated April 22, 2008.
2. APPROVE Plan Amendment Application No. A-08-01 proposing to amend the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate the northwest approximately 6 acre portion of the property from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation, and the southwest approximately 2 acre portion of the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation.
3. APPROVE Rezone Application No. R-08-01 proposing to reclassify the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM/cz (*Single Family Residential/ Urban Growth Management/conditions of zoning*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue subject to the following recommended condition of zoning:
 - a. The Planning Commission shall review all site plan review applications, conditional use permit applications, or other entitlement applications submitted for the subject property.

EXECUTIVE SUMMARY

Plan Amendment Application No. A-08-01, Rezone Application No. R-08-01, and Environmental Assessment No. A-08-01/R-08-01/C-08-092 have been filed by BKM Partners and SKN Properties on behalf of Cris and Don Pilegard for approximately 16 acres of property located on the northeast and southeast corners of South Clovis and East California Avenues. The plan amendment application requests a change in the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate the northwest approximately 6 acre portion of the property from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation, and the southwest approximately 2 acre portion of the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation. Rezone Application No. R-08-01 proposes to redesignate the subject site from the AE-20/UGM (*Exclusive*

Twenty Acre Agricultural/Urban Growth Management) zone district to the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM/cz (*Single Family Residential/ Urban Growth Management/conditions of zoning*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue. If approved, these applications will facilitate the development of a multi-use development to include a 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square foot daycare center. The proposed project is supported by staff.

The proposed C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*), C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) and R-1/UGM/cz (*Single Family Residential/ Urban Growth Management/conditions of zoning*) zone districts are consistent with the existing medium low density residential planned land use designation (for the portion of the subject site proposed for R-1 zoning) and the proposed plan amendment request to the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium low density residential planned land use designation to the neighborhood commercial and office commercial planned land use designations.

The subject property is currently developed with a rural residence on the western portion of the subject site, with the majority of the site being vacant. Properties to the north, south and west are developed with single family residential uses, while property to the east is developed with single family residential and a City of Fresno water storage and treatment facility.

Staff supports the plan amendment request by the applicant for the southern portion of the subject property (going from the medium low density residential planned land use designation to the neighborhood commercial and the office commercial planned land use designations). Policies listed within the Urban Form Element of the 2025 Fresno General Plan discuss the best locations for various types of commercial uses. For example, Objective C-12 states that "Commercial land uses shall be classified, located, sized and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts". Since the 2025 Fresno General Plan was completed for such a large area, there are instances where pieces of property may have a land use that does not allow for uses which meet the needs for goods and services of a particular area. Such is the case of the subject property. The owner of the subject site would like to develop the property with senior housing and a retail center. The senior housing is allowed within the existing planned land use designation with a density bonus, but the proposed retail and office portion of the project is only permitted with the proposed plan amendment. In staff's opinion, the proposed planned land uses of neighborhood commercial and office commercial are more desirable in this location because these planned land uses will allow the proposed site to be developed with a use/service that meets the needs of the surrounding neighborhood. The project site is surrounded by existing residential development and without this plan amendment request, the closest (existing and/or planned) retail centers to this neighborhood are well over a half mile away. The closest grocery store is almost a mile away from the neighborhood. The proposed project will provide for neighborhood commercial development, thus reducing vehicle trips generated by other nearby residential projects, and providing a needed amenity to this area.

Fresno City Planning Commission

The plan amendment and rezone applications were considered by the Fresno City Planning Commission at its regular meeting held on May 21, 2008. At the hearing the Commission reviewed the staff report and related environmental documents and called for speakers in support and in opposition to the proposed plan amendment and rezone applications. There were two speakers in opposition to the project and one speaker who was neither in opposition or support of the proposed project. One of the neighbors in opposition of the proposed project lived in the residential neighborhood to the north of the subject site. She indicated that her home was on the north side of the railroad tracks and one of her concerns was that if the applicant put a block wall on the north side of the subject property (south of the railroad tracks) to mitigate the noise from the railroad tracks, the block wall would cause the noise from the train to be amplified back onto her home. Commissioner Cherry asked that the acoustical analysis for the proposed project include an analysis of whether a proposed block wall would cause an increase in noise for the residential properties to the north of the subject site. This will be required prior to approval of the related Conditional Use Permit Application (C-08-092). This neighbor was also concerned with the traffic caused by the proposed project. A traffic impact study (TIS) was completed for the proposed project that looked at the increased traffic caused by the proposed plan amendment request and the future development of the site with retail, offices, and multi-family senior housing. Bryan Jones, Traffic Engineering Manager, reviewed the TIS and concluded that traffic related mitigation measures imposed on the project will insure that the traffic generated by this site will not have a significant effect on the traffic and circulation on South Clovis Avenue between East Butler and East Church Avenues.

A second neighbor, who lives in the single family neighborhood to the east of the subject site, opposed the plan amendment and rezone request because he prefers that the site be developed with single family residential uses. He was concerned about his property value and said that there were already several drug and grocery stores in the area and, thus, more commercial uses were not needed in this neighborhood.

A third neighbor spoke on the proposed project at the Planning Commission hearing and indicated that he was neither in opposition nor in support of the proposed project. He indicated that he simply wanted to bring up the fact that the applicant had requested a density bonus for the proposed project and he was concerned that the language in the Fresno Municipal Code seemed to indicate that the applicant could potentially develop only 5 of the 106 units with senior housing units and still be given the density bonus. Staff made it clear that in order to take advantage of the density bonus, the applicant would have to develop the entire site with senior housing and would have to enter into an agreement with the City to keep the housing designated for seniors for 30 years.

Because of the neighborhood concern regarding the impact of future development of the proposed site, the Planning Commission decided to put a condition of zoning on the subject site which requires that the related entitlement application for the subject site is reviewed by the Planning Commission so that the Commission can insure that the neighbors' concerns regarding site design, traffic, and noise are addressed at another public hearing.

After a full and complete hearing, the Fresno City Planning Commission took action to recommend to the City Council approval of the environmental assessment, plan amendment application, and rezone application as recommended by staff. Further, the Commission took action to recommend to the City Council the placement of a condition of zoning that would require all site plan review applications,

conditional use permit applications, or other entitlement applications submitted for the subject property be reviewed by the Planning Commission.

Letters Received in Opposition of the Proposed Project

Staff received two letters in opposition of Plan Amendment Application No. A-08-01 and Rezone Application R-08-01. The first letter, submitted by Helen Fort, was submitted on the day of the Planning Commission hearing for the proposed project and was given to Commission members prior to the hearing. Helen was concerned that the Traffic Impact Study (TIS) did not address all significant impacts of the proposed project and felt that all of the intersections that cross South Clovis Avenue, including all of the local street intersections, should be studied. Bryan Jones, Traffic Engineering Manager, responded to her letter and indicated that the TIS submitted studied the roadway segments on Clovis Avenue and study intersections from Kings Canyon to Jensen. The roadway segments and study intersection in the vicinity of the intersection of South Columbia Drive/Clovis Avenue are all operating at Level of Service (LOS) D which is the threshold by which the City of Fresno's 2025 General Plan has identified for intersections and roadway segments to operate. The TIS was done in accordance with the TIS guidelines and was signed and dated by a Professional Engineer in the State of California. He also indicated that the City typically does not study minor residential street access points to major streets except for when reviewing new subdivisions. The peak hour and daily traffic volumes from minor residential streets are usually insignificant compared to major street intersections.

A second letter was submitted in opposition to the proposed project. This letter was submitted by William V. Robinson and was received by staff after the Planning Commission hearing. In this letter Mr. Robinson states that when staff recommended approval to the City Council of Plan Amendment Application No. A-05-07 and Rezone Application No. R-05-036 in November of 2005, that staff indicated that no additional commercial development would be allowed along South Clovis Avenue north of East Jensen Avenue due to cumulative traffic impacts. As previously mentioned, Bryan Jones, Traffic Engineering Manager, has reviewed the Traffic Impact Study submitted by the applicant for Plan Amendment Application No. A-08-01 and Rezone Application No. R-08-01 and concluded that traffic related mitigation measures imposed on the project will insure that the traffic generated by this project will not have a significant effect on the traffic and circulation on South Clovis Avenue. In addition, when you take into account this plan amendment request (A-08-01) and two previous plan amendment requests for property located along South Clovis Avenue in the immediate vicinity, there will be fewer acres planned for commercial uses than originally planned in the 2025 Fresno General Plan (See Table 1 Below).¹

¹ Plan Amendment Application No. A-05-07, for property located on the northwest corner of South Clovis Avenue and East Jensen Avenue, amended the 2025 Fresno General Plan and the Roosevelt Community Plan on the westerly 8.73 acres of a 16.73-acre property from the medium density residential land use to the community commercial land use. The easterly 8 acres was re-designated from the neighborhood commercial land use to the community commercial land use. Plan Amendment Application No. A-05-01 amended approximately 20.05 acres of the Roosevelt Community Plan and the 2025 Fresno General Plan located on the northeast corner of East Church and South Clovis Avenues from the community commercial planned land use designation to the medium-low density residential planned land use designation. Plan Amendment Application No. A-08-01 would redesignate approximately 8 acres of property from the from the medium low density residential planned land use to the neighborhood commercial and office commercial planned land use designations.

Table 1: Planned Land Uses Before and After Approval of Plan Amendment Application Nos. A-05-01, A-05-07, and A-08-01

Planned Land Use	Before	After
Residential	16.73 acres	20.05 acres
Commercial (office, neighborhood and community)	28.5 acres	24.73 acres

CONCLUSION

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 the Roosevelt Community 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-08-01 and Rezone Application No. R-08-01 are appropriate for the project site.

K:\Master Files - 2008\PLAN AMENDMENTS\A-08-001, R-08-001, Clovis and Calif. Multi use, BSA-08-01-R-08-01- City Council Report 6-10-08.doc

Attachments: Report to the Planning Commission dated May 21, 2008
Letter from Helen Fort dated May 21, 2008
Letter from William V. Robinson dated February 13, 2008
Planning Commission Resolution No. 12856 (Plan Amendment)
Planning Commission Resolution No. 12857 (Rezone)
City Council Resolution for Plan Amendment Application No. A-08-01
City Council Ordinance Bill for Rezone Application No. R-08-01



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-E
COMMISSION MEETING 5-21-08

May 21, 2008

FROM: GILBERT J. HARO, Planning Manager
Planning Division

APPROVED BY

DEPARTMENT DIRECTOR

BY: BONIQUE SALINAS, Planner
Planning Division

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-08-01,
REZONE APPLICATION NO. R-08-01 AND RELATED ENVIRONMENTAL
FINDING FOR ENVIRONMENTAL ASSESSMENT NO. A-08-01/R-08-01/C-08-092

EXECUTIVE SUMMARY

Plan Amendment Application No. A-08-01, Rezone Application No. R-08-01, and Environmental Assessment No. A-08-01/R-08-01/C-08-092 have been filed by BKM Partners and SKN Properties on behalf of Cris and Don Pilegard for approximately 16 acres of property located on the northeast and southeast corners of South Clovis and East California Avenues. The plan amendment application requests a change in the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate the northwest approximately 6 acre portion of the property from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation, and the southwest approximately 2 acre portion of the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation. Rezone Application No. R-08-01 proposes to redesignate the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM (*Single Family Residential/ Urban Growth Management*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue. If approved, these applications will facilitate the development of a multi-use development to include a 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square foot daycare center. The proposed project is supported by staff.

PROJECT INFORMATION

PROJECT

Request for a land use change to redesignate the northwest approximately 6 acre portion of the property from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation, and the southwest approximately 2 acre portion of the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation. Rezone Application No. R-08-01 proposes to redesignate the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM (*Single Family Residential/ Urban Growth Management*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue.

If approved, these applications will facilitate the development of a multi-use development to include a 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square foot daycare center.

APPLICANT	BKM Partners and SKN Properties (Owners: Cris and Don Pilegard)
LOCATION	Northeast and southeast corners of South Clovis and East California Avenues . (Council District 5, Councilmember Dages)
SITE SIZE	Approximately 16 net acres
LAND USE	Existing - Single family home on the north side of East California Avenue Proposed - A multi-use development to include a 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square foot daycare center
ZONING	Existing - AE-20/UGM (<i>Exclusive Twenty Acre Agricultural/Urban Growth Management</i>) Proposed - C-1/UGM (<i>Neighborhood Shopping Center/Urban Growth Management</i>) C-P/UGM (<i>Administrative and Professional Office/Urban Growth Management</i>) R-1/UGM (<i>Single Family Residential/ Urban Growth Management</i>)
PLAN DESIGNATION AND CONSISTENCY	The proposed C-1/UGM (<i>Neighborhood Shopping Center/Urban Growth Management</i>), C-P/UGM (<i>Administrative and Professional Office/Urban Growth Management</i>) and R-1/UGM (<i>Single Family Residential/ Urban Growth Management</i>) zone districts are consistent with the existing medium low density residential planned land use designation (for the portion of the subject site proposed for R-1 zoning) and the proposed plan amendment request to the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium low density residential planned land use designation to the neighborhood commercial and office commercial planned land use designations.
ENVIRONMENTAL FINDING	Finding of Mitigated Negative Declaration filed on April 22, 2008
PLAN COMMITTEE RECOMMENDATION	There is no Plan Implementation Committee in Council District 5.
STAFF RECOMMENDATION	Recommend that the City Council approve the proposed plan amendment and rezone applications.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Low Density Residential	R-1-B County	Single Family Residential
South	Medium Low Density Residential	R-1/UGM <i>(Single Family Residential Urban Growth Management)</i>	Single Family Residential
East	Medium Low Density Residential	R-1/UGM <i>(Single Family Residential Urban Growth Management)</i> AE-20/UGM <i>(Exclusive Twenty Acre Agricultural/Urban Growth Management)</i>	Single Family Residential Pump Station
West	Medium Low Density Residential	R-1/UGM/cz <i>(Single Family Residential/Urban Growth Management/conditions of zoning)</i>	Single Family Residential

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

The proposed amendment of the adopted 2025 Fresno General Plan, has been determined to not be fully within the scope of MEIR No. 10130 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a). 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 Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a draft mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-08-01/R-08-01/C-08-092 was published on April 22, 2008 with no appeals received to date.

BACKGROUND / ANALYSIS

Plan Amendment Application No. A-08-01, Rezone Application No. R-08-01, and Environmental Assessment No. A-08-01/R-08-01/C-08-092 have been filed by BKM Partners and SKN Properties on behalf of Cris and Don Pilegard for approximately 16 acres of property located on the northeast and southeast corners of South Clovis and East California Avenues. The plan amendment application requests a change in the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate the northwest approximately 6 acre portion of the property from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation, and the southwest approximately 2 acre portion of the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation. Rezone Application No. R-08-01 proposes to redesignate the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM (*Single Family Residential/ Urban Growth Management*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue. If approved, these applications will facilitate the development of a multi-use development to include a 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square foot daycare center.

The applicant has not proposed to amend the planned land use for the northern half of the subject site proposed to be developed with senior housing and rezoned to the R-1 zone district. According to the land use consistency table adopted with the 2025 Fresno General Plan (and applied within all community plans), the medium low density residential planned land use designation allows 2.19 to 6.0 units per acre. Although the proposed project density is more than allowed by the medium low density residential planned land use, according to Section 12-304-B-13 of the Fresno Municipal Code, a density bonus may be granted when a project is built as Housing for Senior Citizens. According to the applicant's operational statement, all of the units will be reserved for "senior citizens." Pursuant to Section 12-304-B-13 of the FMC, the maximum population density of Housing for Senior Citizens shall be determined by multiplying the maximum population density that would otherwise be permitted by the district by a factor of 3.33. Based upon a net site acreage of approximately 8.5 acres, the density of the project is 12.5 units per acre (106 units proposed divided by 8.5 acres). The maximum number of units allowed on the project site with the density bonus is 170 units (8.51 x 6.0 units/acre x 3.33 density bonus). Thus, the proposed density of the senior housing complex is well within the density allowed by the Fresno Municipal Code pursuant to Section 12-304-B-13, and a plan amendment for this portion of the property is not required.

Staff supports the plan amendment request by the applicant for the ^{western} ~~southern~~ portion of the subject property (going from the medium low density residential planned land use designation to the neighborhood commercial and the office commercial planned land use designations). Policies listed within the Urban Form Element of the 2025 Fresno General Plan discuss the best locations for various types of commercial uses. For example, Objective C-12 states that "Commercial land uses shall be classified, located, sized and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts". Since the 2025 Fresno General Plan was

completed for such a large area, there are instances where pieces of property may have a land use that does not allow for uses which meet the needs for goods and services of a particular area. Such is the case of the subject property. The owner of the subject site would like to develop the property with senior housing and a retail center. The senior housing is allowed within the existing planned land use designation with a density bonus, as described above, but the proposed retail and office portion of the project is only permitted with the proposed plan amendment. In staff's opinion, the proposed planned land uses of neighborhood commercial and office commercial are more desirable in this location because these planned land uses will allow the proposed site to be developed with a use/service that meets the needs of the surrounding neighborhood. The project site is surrounded by existing residential development and without this plan amendment request, the closest (existing and/or planned) retail centers to this neighborhood are well over a half mile away. The closest grocery store is almost a mile away from the neighborhood. The proposed project will provide for neighborhood commercial development, thus reducing vehicle trips generated by other nearby residential projects, and providing a needed amenity to this area.

Land Use Plans and Policies

The plan amendment application proposes to amend the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate the northwest approximately 6 acre portion of the property from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation, and the southwest approximately 2 acre portion of the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation. The rezone application proposes to redesignate the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM (*Single Family Residential/ Urban Growth Management*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue. The proposed C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*), C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) and R-1/UGM (*Single Family Residential/ Urban Growth Management*) zone districts are consistent with the existing medium low density residential planned land use designation (for the portion of the subject site proposed for R-1 zoning) and the proposed plan amendment request to the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium low density residential planned land use designation to the neighborhood commercial and office commercial planned land use designations.

2025 Fresno General Plan

The Land Use Element of the 2025 Fresno General Plan provides guiding principles for the utilization of urban land as efficiently as possible. The General Plan also establishes criteria for the amount and location of commercial uses according to neighborhood and community needs. The following policies, which support the 2025 Fresno General Plan and guide commercial development, relate directly to the proposed project.

Objective C-12 of the 2025 Fresno General Plan states that "Commercial land uses shall be classified, located, sized, and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts." The proposed plan amendment will allow the proposed site to be developed with a use/service that meets the needs of the surrounding

neighborhood. In addition, locating a neighborhood shopping center and a daycare center in an area substantially surrounded by residential uses will minimize travel requirements.

A second policy in the General Plan that applies to the proposed project is Policy C-12-a which states that the City shall "ensure that all commercial land uses are developed and maintained in a manner complimentary to and compatible with adjacent residential land uses, to minimize interface problems with surrounding environment and to be compatible with public facilities and services." Upon review of Conditional Use Permit Application No. C-08-092 (the related entitlement application), it appears that adequate interface measures are shown on the site plan submitted, however, the conditions of approval for this conditional use permit may include additional requirements to ensure that the proposed development, when operating, will be complimentary to and compatible with the adjacent residential uses.

In addition, another policy in the General Plan that applies to the proposed project is Objective C-9 of the 2025 Fresno General Plan which states that the city should "Plan for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. The proposed project includes a 106 unit senior apartment complex. With the increasing number of senior citizens comes the need to provide adequate and affordable housing for this population. This project will provide a type of housing needed within the area in a location that is predominantly surrounded by single family housing.

Finally, Objective C-8 of the 2025 Fresno General Plan states that the city should "Facilitate the development of mixed uses to blend residential, commercial and public land uses on one site." The proposed project, although not a truly mixed use project incorporating vertical integration of uses, is an integrated multi-use project that will blend residential, retail, office, and services on one site. Thus, the proposed project is consistent with this objective of the 2025 Fresno General Plan.

Roosevelt Community Plan

Furthermore, the Roosevelt Community Plan details several policies which apply to the proposed project. The following are excerpts of such policies.

Goal 1-3 of the Roosevelt Community Plan encourages mixed use developments that provide a diversity of land uses. The proposed project meets the intent of this goal. As mentioned above, the proposed project, although not a truly mixed use project (vertically integrating a mix of uses), is an integrated multi-use project that will blend residential, retail, office, and services on one site, and will provide a range of housing opportunities by adding senior housing in an area dominated by single family residential housing.

A second goal in the Roosevelt Community Plan that applies to the proposed project is Goal 1-4, which states that the City shall "improve the quality of life by providing for a revitalized, self-sustaining, and holistic community". The proposed project will improve the quality of life of the existing and future residents of this neighborhood by providing neighborhood serving retail uses and services within walking distance. By providing these shops and services (grocery store, drug store, daycare center, etc.) within walking distance of a residential neighborhood, the proposed project helps this neighborhood become more self-sustaining by allowing residents to access most of their daily consumer and service needs within their own neighborhood.

Based upon implementation of projects developed consistent with planned land use, the applicability of adopted development standards, plan policies/implementation measures, and applicable mitigation

measures of the above-referenced environmental documents, and with consideration of the proposed land use relationship, and recommended neighborhood unifying design principles, it is concluded that the proposed plan amendment and rezone applications will further promote the achievement of the planned urban form and land use objectives of the 2025 Fresno General Plan and the Roosevelt Community Plan, and thus the proposed change in land use from the medium low density residential planned land use designation to the neighborhood commercial and office commercial planned land use designations is appropriate.

Circulation Element Plan Policies and Major Street System Traffic Capacity

As required by the mitigation measures established by the certification of MEIR No. 10130, a traffic impact study (TIS) was prepared to determine the project's impacts at major street intersections adjacent or proximate to the project site. Applying the factors outlined in the Institute of Traffic Engineers Trip Generation Manual, the proposed project, which consists of a 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square foot daycare center, is expected to generate an average of approximately 3,571 average daily trips (ADT). Of these vehicle trips, it is projected that 170 will occur during the morning (7 to 9 a.m.) peak hour travel period and 340 will occur during the evening (4 to 6 p.m.) peak hour travel period.

The project will take access from South Clovis and East California Avenues. In the 2025 Fresno General Plan Circulation Element, South Clovis Avenue is designated as a 4-lane divided arterial while East California is designated as a 4-lane arterial (that is currently undivided). The project will be required to construct all necessary street frontage improvements to City Standards. Right-of-way dedication will also be required to provide for the necessary improvements.

With regard to South Clovis Avenue between East Butler and East Church Avenues, Policy E-1-e of the 2025 Fresno General Plan together with projected traffic volumes as noted in Appendix 2 (Council of Fresno County Governments Traffic Model Calibration/Validation Report and Model Documentation) of the adopted MEIR No. 10130 for the 2025 Fresno General Plan calls for this street to operate at LOS D and is projected to operate at LOS D in 2025 with the implementation of the mitigation measures (widening from two lanes to four lanes) set forth in the Project Specific Monitoring Checklist and the MEIR Mitigation Monitoring Checklist. With the development that will take place consistent with the plan amendment and rezone, the traffic generated by this site will be greater than that traffic projected with the currently designated general plan land use. Accordingly, with mitigation as shown in the 2025 Fresno General Plan, the project will not have a significant effect on the traffic and circulation on South Clovis Avenue between East Butler and East Church Avenues, because it will operate at a LOS equal to or better than what is called for in the 2025 Fresno General Plan or no worse than LOS D.

The developer of this project, in accordance with the mitigation measures of the Master Environmental Impact Report (No. 10130) which was certified by the Council with the adoption of the 2025 Fresno General Plan, will be required to pay impact fees specific to the traffic signalization of the major street intersections. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee which is currently \$45.98 per ADT at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Trip Generation Manual. Based on the current fee, the TSMI fee for this project would be \$164,194.58

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

Public Facilities and Services

Water and Sewer Services

The Public Utilities Department has determined that adequate sewer and water facilities are available to serve the site. More detailed infrastructure requirements will be imposed during the review of Conditional Use Permit Application No. C-08-092 which may include extension of sewer and water mains to ensure adequate services. The Public Utilities Department has determined that solid waste facilities are also available to serve the site.

Fire Protection Services

The project site is located within the city's UGM area and must comply with the applicable service delivery requirements necessary to provide not less than the minimum acceptable level of fire protection facilities and services appropriate for urban uses. Fire Station No. 15 is located just over a half-mile north of the project site, on the southeast corner of South Clovis Avenue and East Park Circle Drive. The City of Fresno Fire Department has reviewed the proposal and has indicated that adequate fire services are available to serve the site. However, more detailed emergency vehicular access and hydrant issues will be addressed during the review of Conditional Use Permit Application No. C-08-092.

Sanger Unified School District

The project site is within the Sanger Unified School District. The school district has adopted development fees in accordance with current state law and currently levies a development fee based on square footage, which the project site will be subject to at the time of development.

Fresno Metropolitan Flood Control District

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the Master Plan drainage system is designed to serve medium density residential uses and the existing facilities do not have the capacity to serve the proposed commercial land use. However, the FMFCD has indicated that if the developer either makes improvements to the existing pipeline system to provide additional capacity, or use some type of permanent peak reducing facility, the adverse impacts on the existing system could be eliminated. If the developer chooses to construct a permanent peak reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by the commercial development, to a two-year discharge, which would be produced by the property if developed to medium density residential. The applicant will be required to submit the improvement plans showing the proposed method of mitigation to the FMFCD for review and approval prior to issuance of building permits for the proposed project.

State Department of Transportation (Caltrans)

The California Department of Transportation (Caltrans), District 6, Office of Intergovernmental Relations has submitted the attached comments dated March 18, 2008, indicating that payment into the City's Impact Fee Program will mitigate the project's potential impacts to the intersection of SR 180 (East Kings Canyon Road) and Clovis Avenue. They have indicated that this project requires no other mitigation measures to mitigate the project's impact on the state highway system.

CONCLUSION / RECOMMENDATION

Action by the Planning Commission regarding the plan amendment and rezone applications 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 and the Roosevelt Community 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-08-01 and Rezone Application No. R-08-01 are 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-08-01/R-08-01/C-08-092 dated April 22, 2008.
2. RECOMMEND APPROVAL to the City Council of Plan Amendment Application No. A-08-01 to redesignate the northwest approximately 6 acre portion of the property from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation, and the southwest approximately 2 acre portion of the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation.
3. RECOMMEND APPROVAL to the City Council of Rezone Application No. R-08-01 to redesignate the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM (*Single Family Residential/ Urban Growth Management*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue

Attachments: Vicinity Map

2005 Aerial Photograph of Site

Planned Land Use Map

Proposed Planned Land Use Changes Map

Exhibit A dated April 18, 2008

Exhibit E dated April 18, 2008

Exhibit E-1 dated April 18, 2008

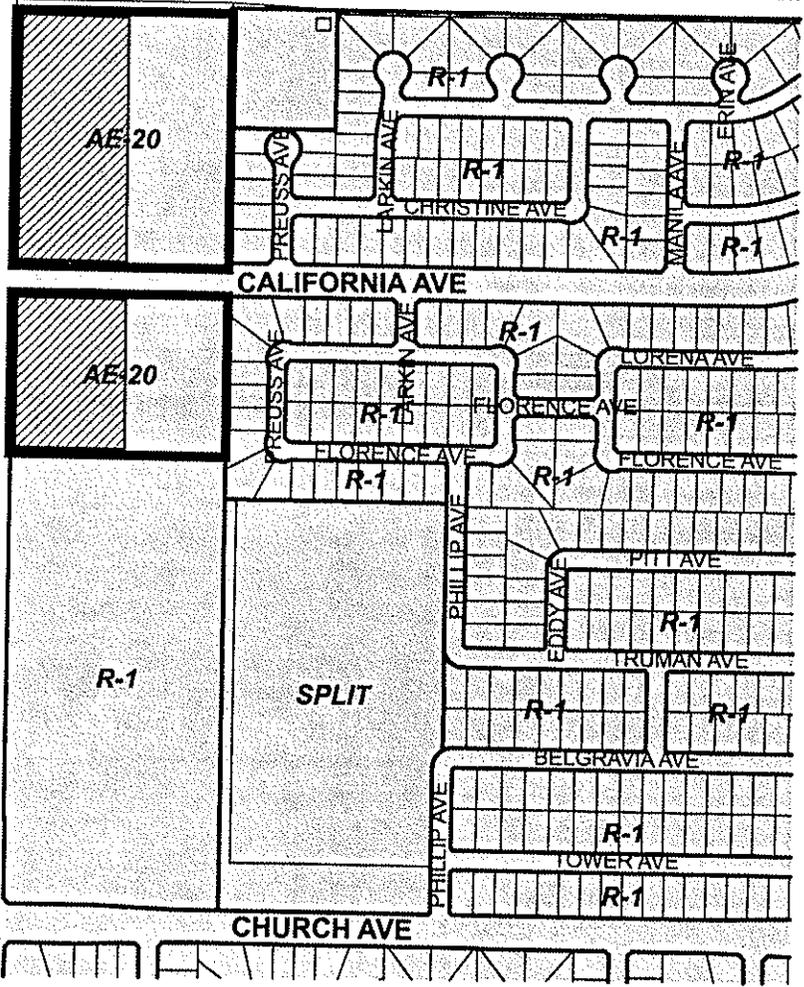
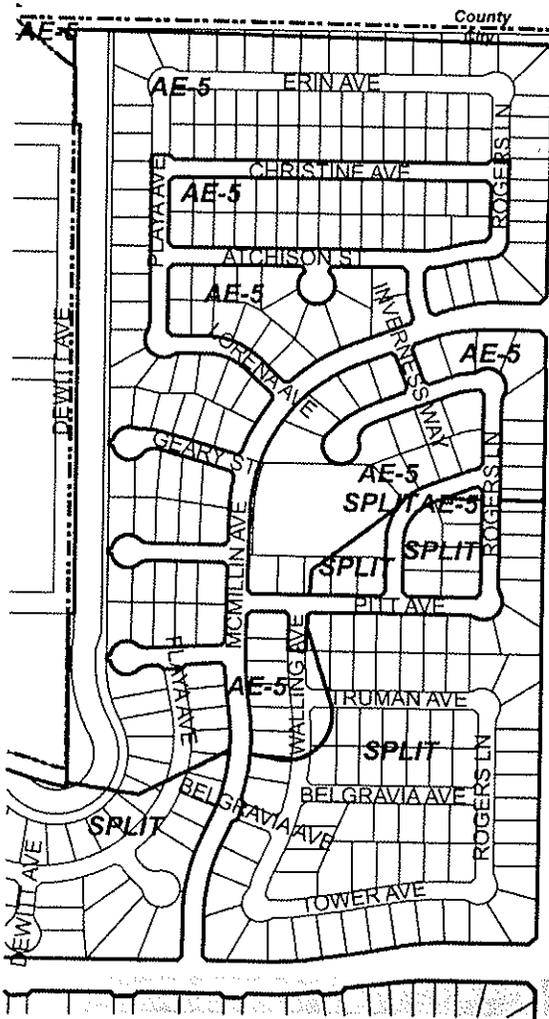
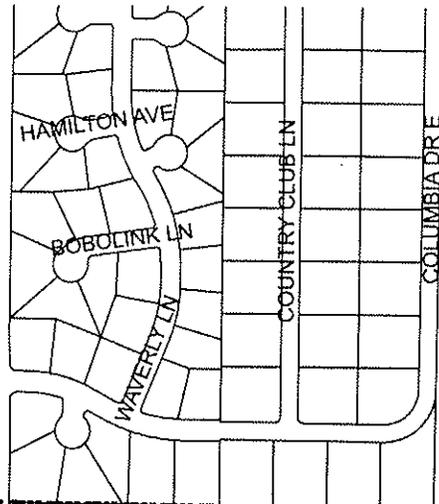
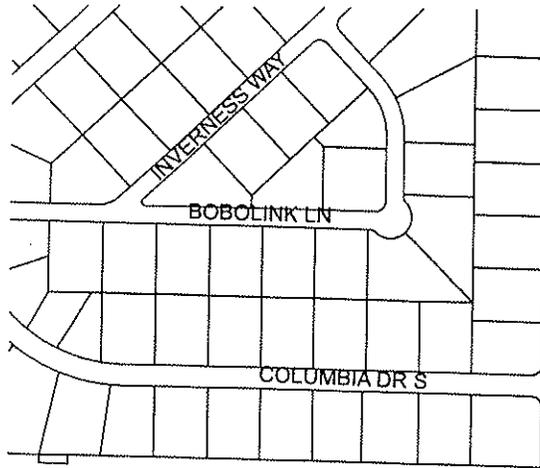
Exhibit L dated April 18, 2008

Letter from Public Works/Traffic Division dated April 18, 2008

Letter from Caltrans dated March 18, 2008

Letter from the San Joaquin Valley Air Pollution Control District dated
March 26, 2008

Environmental Assessment No. A-08-01/R-08-01/C-08-092, Finding of Mitigated
Negative Declaration dated April 22, 2008



LEGEND

 Rezone from AE-20 to R-1, C-1 and C-P/UGM

 From Med. Low Density to Neighborhood Commercial and Office Commercial (C-1, C-P/UGM)

 U.G.M. Area

VICINITY MAP

PLAN AMENDMENT NO. A-08-001
From Med. Low Density Res. to Neighborhood Comm. and Office Comm.

REZONE APPLICATION NO. R-08-001
From AE-20 to R-1, C-1 and C-P/UGM

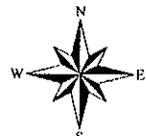
South Clovis Ave. at California Ave.

PLANNING & DEVELOPMENT DEPARTMENT

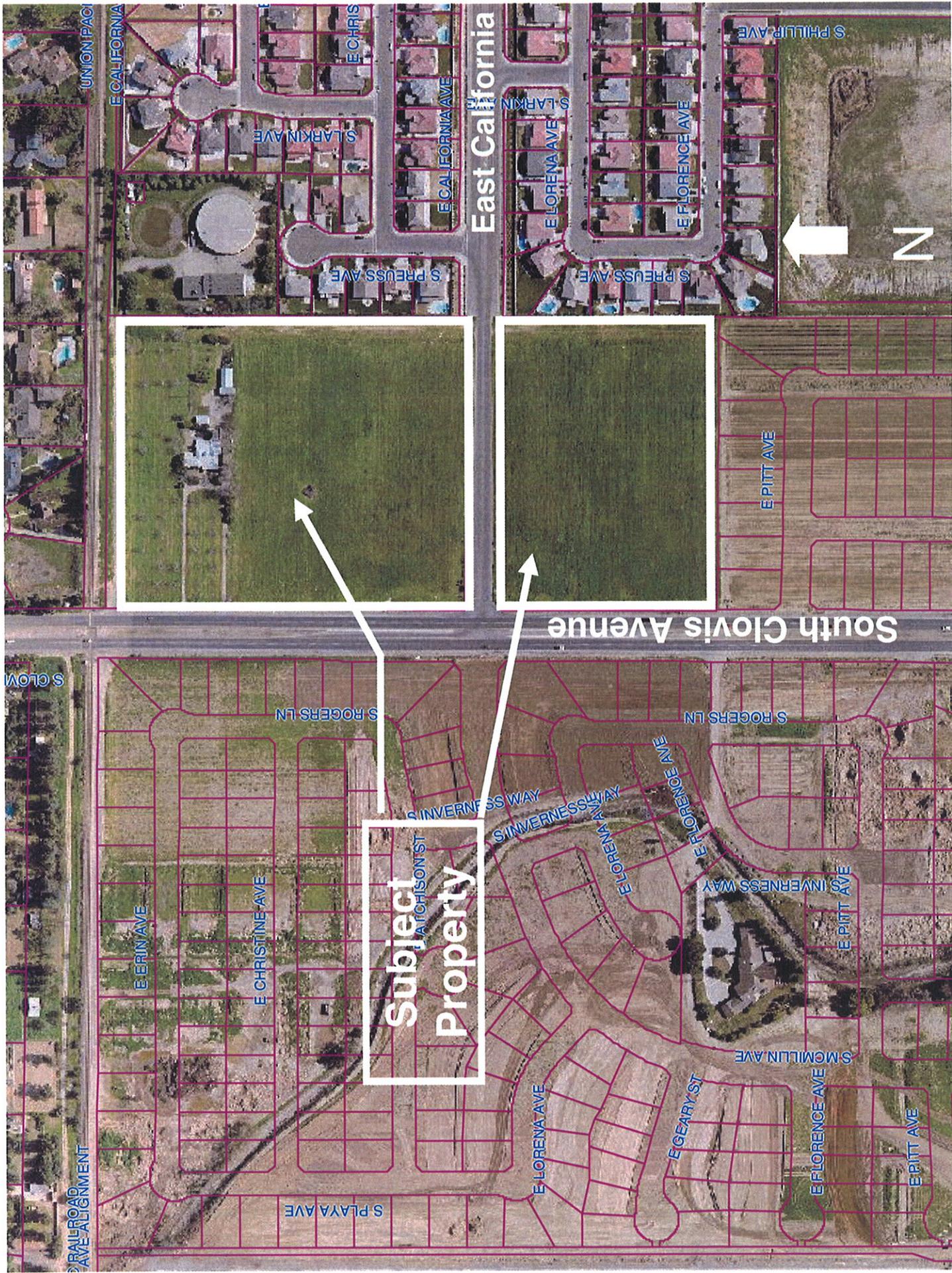
A.P.N.: 313-040-55

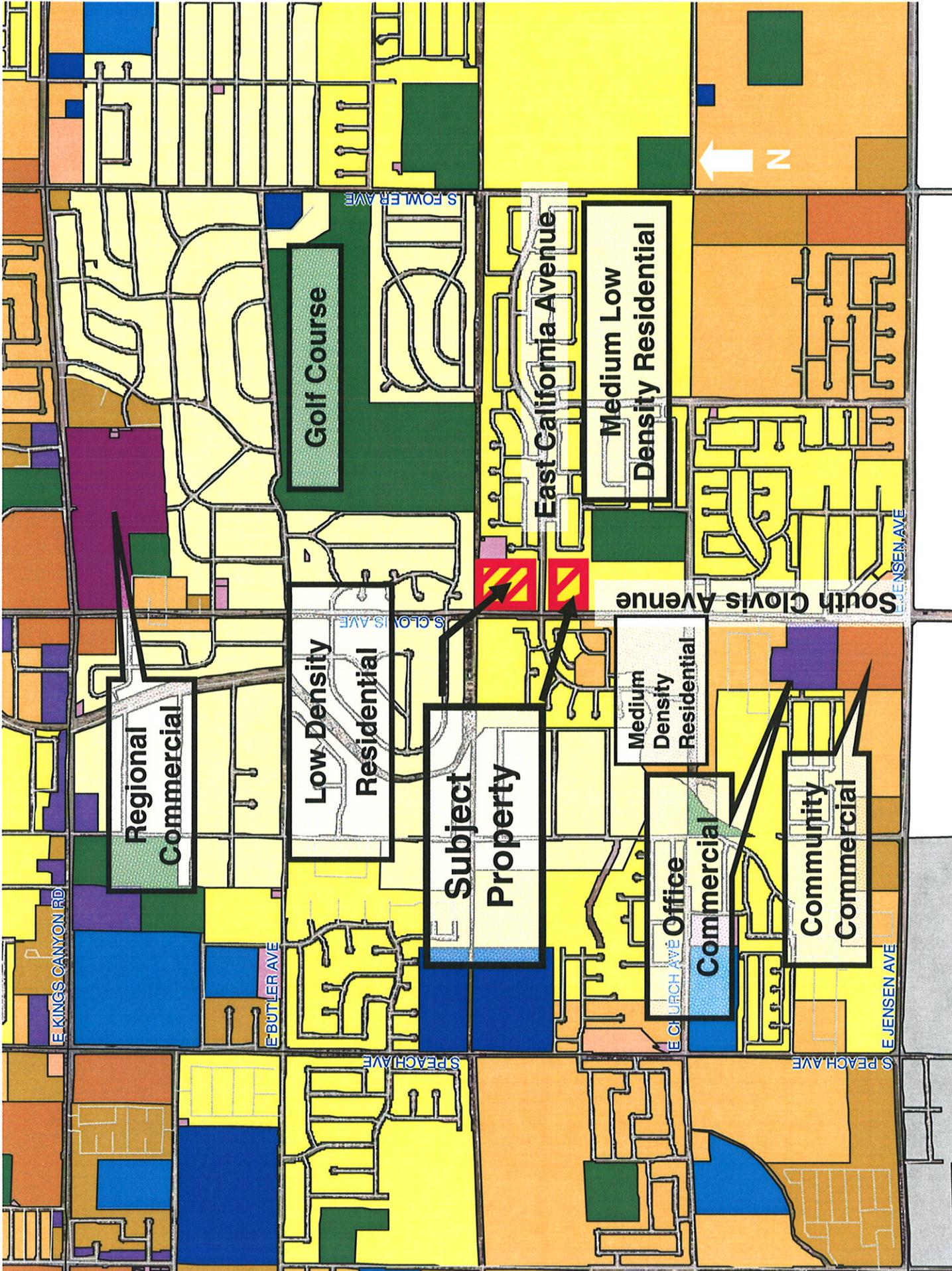
ZONE MAP: 2457

BY/DATE: D.N. / 4-22-08



NOT TO SCALE





Golf Course

East California Avenue

Medium Low
Density Residential

South Clovis Avenue

Regional
Commercial

Low Density
Residential

Subject
Property

Medium
Density
Residential

Office
Commercial

Community
Commercial

E KINGS CANYON RD

E BUTLER AVE

S PEACH AVE

S FOWLER AVE

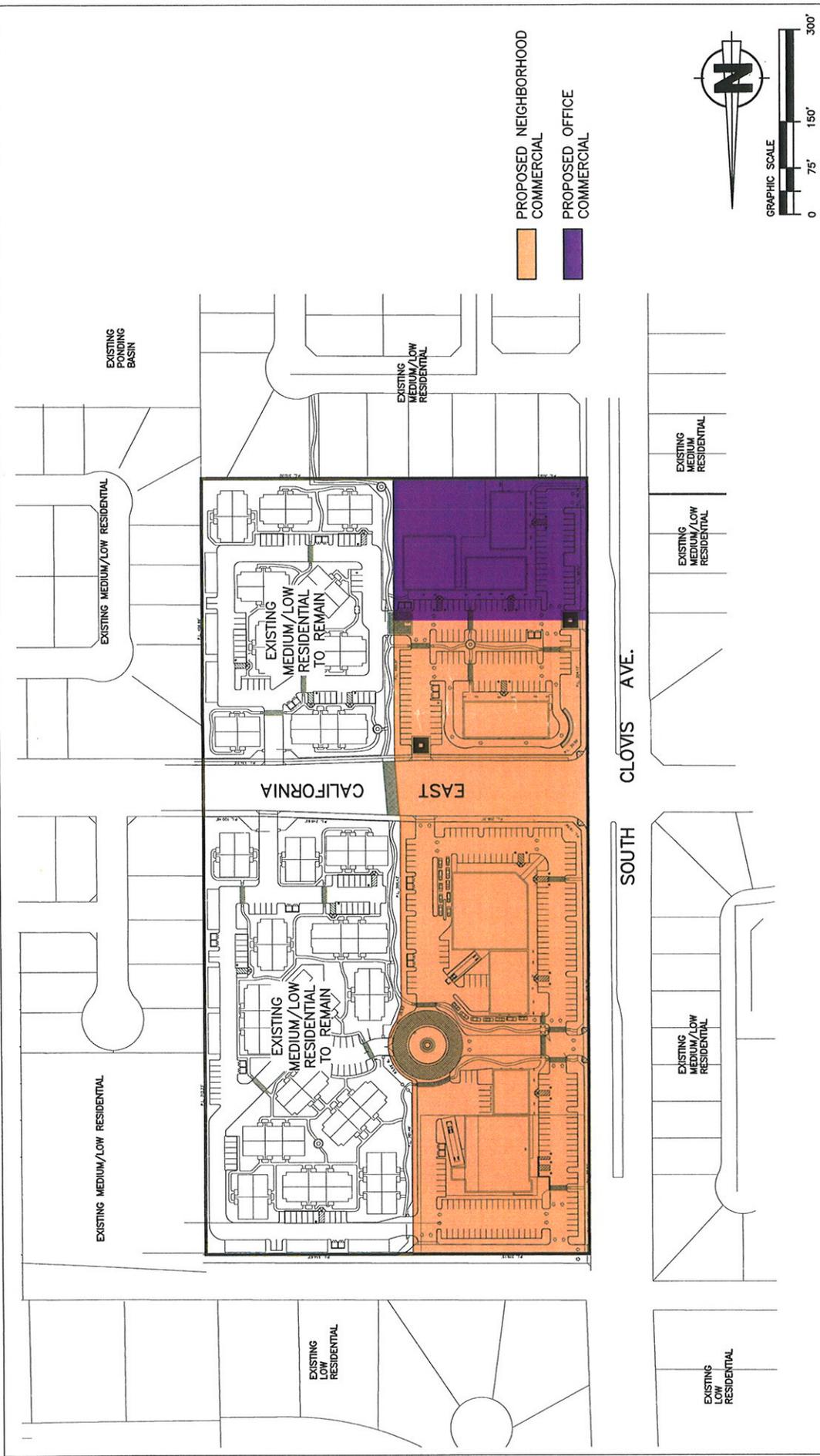
S GLOVIS AVE

E CHURCH AVE

E JENSEN AVE

S PEACH AVE

E JENSEN AVE



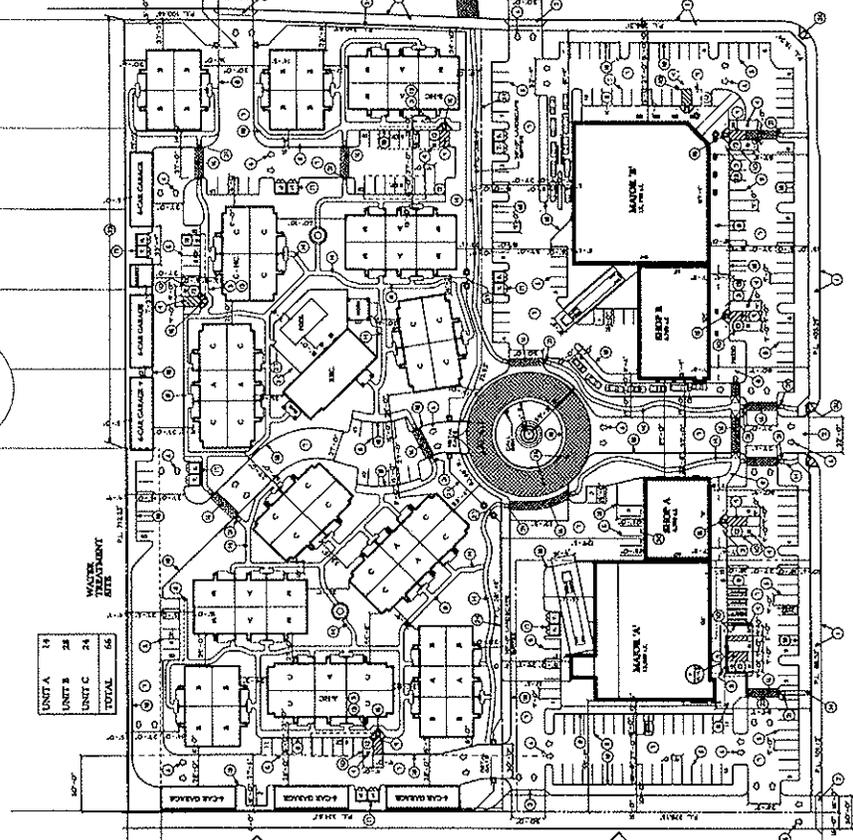
Harbour & Associates
 Civil Engineers
 386 CLOVIS AVENUE # 200 • Clovis, California 93612
 (559) 252-1158 • Fax (559) 252-1709 • e-mail: h_a_c@earthlink.com

Proposed Planned Land Use Changes Map

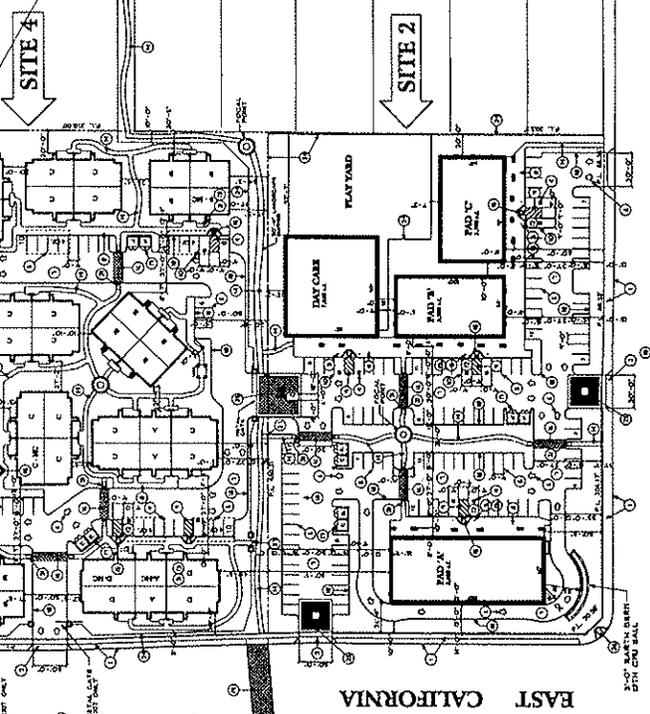
6-17-98
 V.A. 877-088

NO.	DATE	DESCRIPTION
1		
2		
3		

UNIT	QUANTITY
UNIT A	12
UNIT B	12
UNIT C	20
UNIT D	8
TOTAL	52



UNIT	QUANTITY
UNIT A	14
UNIT B	28
UNIT C	24
TOTAL	66



UNIT	QUANTITY
UNIT A	12
UNIT B	12
UNIT C	20
UNIT D	8
TOTAL	52

SITE PLAN

DATE: FEB. 2, 2008
REV. DATE: JUNE 23, 2008
FOR: 08-000-000

SITE NOTE KEY

1. ALL CONCRETE SHALL BE 4000 PSI COMPRESSIVE STRENGTH.
2. ALL CONCRETE SHALL BE CURABLE WITH A 1/2" THICK CONCRETE CURING MEMBRANE.
3. ALL CONCRETE SHALL BE FINISHED WITH A 1/2" THICK CONCRETE CURING MEMBRANE.
4. ALL CONCRETE SHALL BE FINISHED WITH A 1/2" THICK CONCRETE CURING MEMBRANE.
5. ALL CONCRETE SHALL BE FINISHED WITH A 1/2" THICK CONCRETE CURING MEMBRANE.
6. ALL CONCRETE SHALL BE FINISHED WITH A 1/2" THICK CONCRETE CURING MEMBRANE.
7. ALL CONCRETE SHALL BE FINISHED WITH A 1/2" THICK CONCRETE CURING MEMBRANE.
8. ALL CONCRETE SHALL BE FINISHED WITH A 1/2" THICK CONCRETE CURING MEMBRANE.
9. ALL CONCRETE SHALL BE FINISHED WITH A 1/2" THICK CONCRETE CURING MEMBRANE.
10. ALL CONCRETE SHALL BE FINISHED WITH A 1/2" THICK CONCRETE CURING MEMBRANE.

SITE STATISTICS-1	
ADDRESS:	08-000-000
LAND:	2.50 AC. (1.03 AC.)
LANDING RATIO:	1.1 / 1000
PARKING RATIO:	1.1 / 1000

SITE STATISTICS-2	
ADDRESS:	08-000-000
LAND:	2.50 AC. (1.03 AC.)
LANDING RATIO:	1.1 / 1000
PARKING RATIO:	1.1 / 1000

SITE STATISTICS-3	
ADDRESS:	08-000-000
LAND:	2.50 AC. (1.03 AC.)
LANDING RATIO:	1.1 / 1000
PARKING RATIO:	1.1 / 1000

SITE STATISTICS-4	
ADDRESS:	08-000-000
LAND:	2.50 AC. (1.03 AC.)
LANDING RATIO:	1.1 / 1000
PARKING RATIO:	1.1 / 1000

Exhibit A dated April 18, 2008



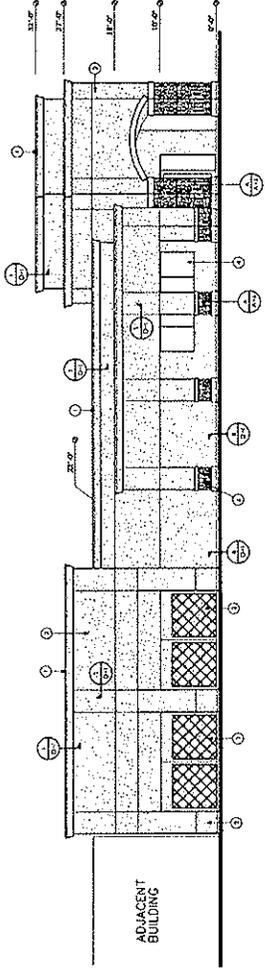
Robert J. Smith
Professional Engineer
State of California
License No. 44898
Mechanical
1500 N. 1st St., Suite 200
San Jose, CA 95131
(408) 281-1111
www.rjsmith.com

A-1

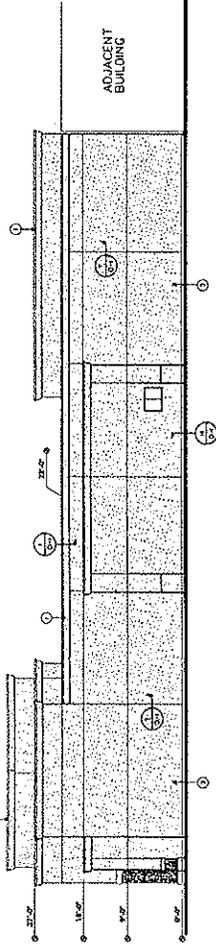
REVISIONS	



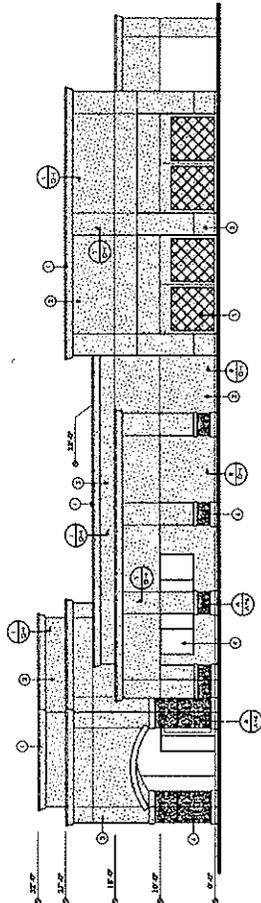
PROJECT NO. 08-01
 SHEET NO. 01
 DATE: 04/18/08
A-6



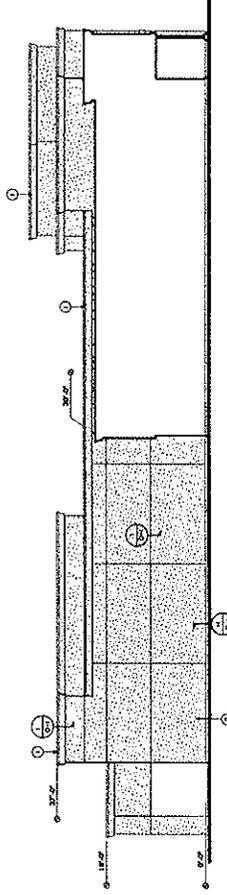
EAST ELEVATION - MAJOR 'B'



WEST ELEVATION - MAJOR 'B'



SOUTH ELEVATION - MAJOR 'B'



NORTH ELEVATION - MAJOR 'B'

Exhibit E dated April 18, 2008

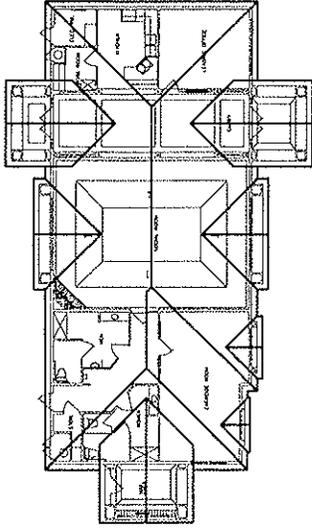
COLOR & MATERIAL SCHEDULE	
1	PAVEMENT
2	BRICK
3	PAVING
4	GLASS WALL SYSTEM - CLEAR GLASS W/ GREY ALUM. AND. FRAME
5	CONCRETE
6	TRUSS

REVISIONS	
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

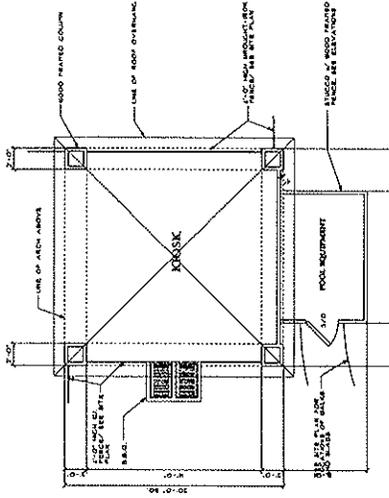
David L. Smith
Professional Engineer
License No. 10000
State of Michigan

DATE: 04/18/08
DRAWN BY: [unintelligible]

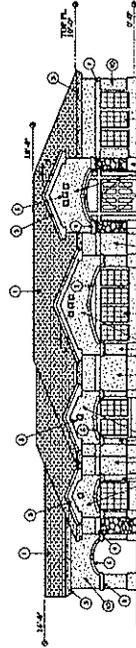
A-



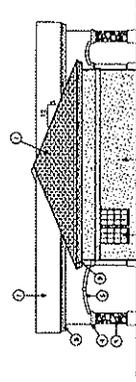
RECREATION BUILDING - ROOF PLAN
SCALE: 1/8" = 1'-0"



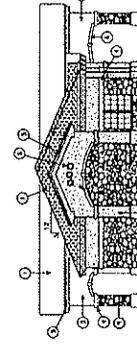
KIOSK FLOOR PLAN
SCALE: 1/8" = 1'-0"



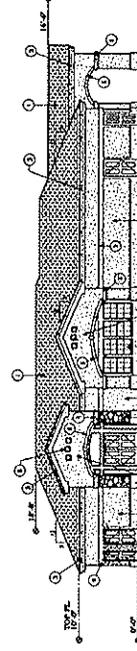
RECREATION BUILDING - FRONT
SCALE: 1/8" = 1'-0"



RECREATION BUILDING - RIGHT SIDE
SCALE: 1/8" = 1'-0"



RECREATION BUILDING - LEFT SIDE
SCALE: 1/8" = 1'-0"



RECREATION BUILDING - REAR
SCALE: 1/8" = 1'-0"

MATERIALS & COLORS	
1.	CONCRETE ON BRICK ROOF - 2" THICK 30 YEAR BLACK MAINT
2.	STUCCO - "BURR EAGLE" 1/4" PAPER BRANCH
3.	PANES - "BURR EAGLE" 1/4" PAPER BRANCH
4.	PAINT - "BURR EAGLE" 1/4" PAPER BRANCH
5.	REGULATIVE TRIM (1" X 1/2" PANEL) 1/2" BRN
6.	EXPANSION JOINT (TYPICAL) 1/2" BRN
7.	BRICKWORK
8.	ROOF VANNER - BURGUNDY STONE "TRAVATA" 1/2" X 1/2"
9.	STUCCO - "BURR EAGLE" 1/4" CORON LITTE
10.	SPR. TRM. CAP - "1/2" PAPER 1/2" BRN
11.	GLASS GLAZING

Exhibit E-1 dated April 18, 2008



City Hall 559-621-8800
2600 Fresno Street, Rm. 4064
Fresno, CA 93721-3623
www.fresno.gov



City of
Public Works Department
Patrick N. Wiemiller, Director

April 18, 2008

Peters Engineering Group
John Rowland, P.E.
55 Shaw Avenue, Suite 220
Clovis, CA 93612

SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY (TIS) FOR THE GENERAL PLAN AMENDMENT for 106 Senior Housing Attached, 60,419 SF Commercial and 7,650 SF day care center. (A-08-001, R-08-001) At the intersection of CALIFORNIA AVENUE and CLOVIS AVENUE TIS08-004 dated December 27, 2007 REVISED based on ADDENDUM dated 4/7/08 by Peters Engineering

APPROVED FOR PLANNING COMMISSION

We reviewed the Traffic Impact Study (TIS) for the proposed subject project. The following report documents the review by the Traffic Engineering staff.

Conditions

1. The trip generation for the proposed General Plan Amendment is acceptable based on ITE Trip Generation Manual. The proposed GPA project is projected to generate 3,571 daily trips, 170 trips during the AM peak hour and 340 trips during the PM peak hour. If the proposed GPA is for 106 apartments rather than senior housing the City of Fresno will utilize ITE code 220 and the GPA would be projected to generate 3,914 daily trips, 215 trips during the AM peak hour and 394 trips during the PM peak hour. The proposed GPA project is projected to generate 2,834 additional daily trips, 112 additional trips during the AM peak hour and 262 additional trips during the PM peak hour to the existing land use of single-family homes.
2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee which is currently \$45.98 per ADT at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Based on senior housing and the current fee the TSMI fee would be \$164,194.58.
3. The proposed project shall make necessary improvements along the property frontage. The FSMI improvements on major streets shall be put in place prior to occupancy of any buildings.
4. The parking lot and site plan shall be reviewed through a site plan review process as per City of Fresno Public Works requirements.
5. The commercial and residential land uses should be designed in such a way to promote safe pedestrian connection and reduce cut-through speeds by utilizing traffic calming or reducing the residential street widths (with our new standards). This will also be reviewed through the site plan and tract map review process.
6. The project shall lengthen left-turn lanes at the intersection of California and Clovis Avenue to accommodate the cumulative 2025 necessary lengthens as outlined in the TIS.

7. The project shall be required to install bike lanes along project frontage on both sides of the streets (Clovis Avenue and California Avenue).
8. The site accesses on California from the commercial projects shall have a left-turn lane and a shared through-right-turn lane on both sides of California.
9. This project shall pay its Fresno Major Street Impact (FMSI) Fee which will be determined at time of building permit.
10. The project shall pay State of California Department of Transportation fees as determined by Caltrans. The fees will be collected and are payable to the City of Fresno prior to occupancy.
11. With regard to Clovis Avenue between Butler and Church Avenue, Policy E-1-f of the 2025 Fresno General Plan calls for this street to operate at LOS D and is projected to operate at LOS D in 2025 with implementation of the mitigation measures (widening from 2 lanes to 4 lanes) set forth in the Project Specific Mitigation Monitoring Checklist and the MEIR Mitigation Monitoring Checklist. With the development that will take place consistent with this Plan Amendment and Rezone, the traffic generated by this site will be greater than that projected with the current zoning. Accordingly, with mitigation as shown in the 2025 Fresno General Plan, the project will not have a significant effect on the traffic and circulation on Clovis Avenue between Butler and Church Avenue, because it will operate at a LOS equal to or better than what is called for in the 2025 Fresno General Plan or no worse than LOS D.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or 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
Mike Sanchez, Planning & Development Dept.
Louise Gilio, Traffic Planning Supervisor

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-4347
FAX (559) 488-4088
TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

March 18, 2008

2131-IGR/CEQA
6-FRE-180-63.4+/-
A-08-001 & R-08-001
MCGUINNESS MIXED-USE

Ms. Bonique Salinas
City of Fresno Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

Dear Ms. Salinas:

Caltrans has reviewed the plan amendment, rezone, and Traffic Impact Study (TIS) for the mixed-use project to be located on the east side of South Clovis Avenue, on both the north and south sides of East California Avenue. We have the following comments:

The TIS indicates that the project will generate 223 AM and 407 PM peak hour trips with 80% of these trips arising from the non-residential portion of the development. The Select Zone analyses determined that the traffic impacts to the interchanges of State Route (SR) 99/Clovis Avenue, SR 99/Jensen Avenue, and SR 180/Clovis Avenue would be minor. However, significant impacts were identified for the intersection of SR 180 (East Kings Canyon Road) and Clovis Avenue.

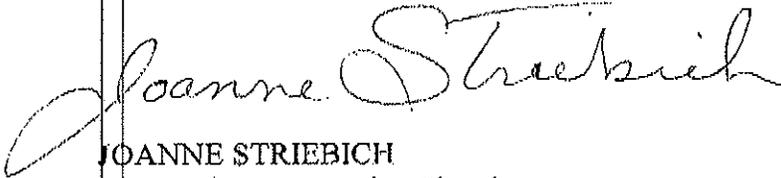
Improvements to the intersection of SR 180 and Clovis Avenue are included in the City's Impact Fee Program. These improvements include widening, right-turn lanes, and signal modifications at all four legs of the intersection. Payment into the City's Impact Fee Program will mitigate this project's impacts to this portion of the State Highway. While these improvements will improve operations at the intersection, dual left-turn lanes on the northbound leg of Clovis Avenue at East Kings Canyon are needed to optimize traffic flow. We recommend that the City add these improvements to the Impact Fee Program as well.

The attached table lists three future improvements projected to be needed for the SR 99 and Clovis Avenue interchange. The TIS indicates that only the northbound off-ramp realignment and signal project are impacted by this project. Because construction costs and project trip growth for this and the other two improvements listed are not known at this time, we are not asking for fair share mitigation from this project. We request that future development proposals in this area of Fresno be required to prepare traffic analyses to evaluate impacts to the interchange and prepare a fair share estimate for the project.

Ms. Bonique Salinas
March 18, 2008
Page 2

If you have any questions, please call me at (559) 488-4347.

Sincerely,



JOANNE STRIEBICH
Office of Transportation Planning
District 6

Attachment

- C: Mr. John Rowland, Peters Engineering Group
- Mr. Scott Mozier, City of Fresno Public Works Department
- Mr. Bryan Jones, City of Fresno Public Works Department
- Ms. Barbara Goodwin, Council of Fresno County Governments

Attachment A

Pro Rata Share Contributions Table
McGuiness Mixed-Use Project
NE and SE Corners of California and Clovis Avenues

PM	DESCRIPTION	PROPOSED IMPROVEMENT	ESTIMATED COST	COST/TRIP	NOTES
IR 99					
12.293	NB Off to Clovis	Signal & Realign	NA	NA	Advance Projection
12.691	NB On from Clovis	Realign	NA	NA	Advance Projection
12.692	SB Off to Clovis	Reconfigure Scissor	NA	NA	Advance Projection



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

RECEIVED

March 26, 2008

Bonique Salinas
City of Fresno Planning Dept.
2600 Fresno Street, 3rd Floor
Fresno, CA 93721-3604

Planning Division
Planning & Development Dept
CITY OF FRESNO

Project: Plan Amendment Application A-08-001 and Rezone Application R-08-001
Subject: District Rule 9510: Indirect Source Review (ISR) applicability
District CEQA Reference No: 20080097

Dear Ms. Salinas:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and determined that the project may be subject to District Rule 9510 (Indirect Source Review). Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational emissions, and potentially mitigate a portion of those emissions. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval.

For your convenience, a document is enclosed which addresses frequently asked questions regarding Indirect Source Review (ISR). This may be used as a reference to better understand ISR, and how the District processes applications. For additional information, please visit the District's ISR website: www.valleyair.org/isr/isrhome.htm

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call the District at (559) 230-6000 and ask to speak with the CEQA/ISR staff. When submitting an ISR application to the District, please include District reference number **20080097**.

Sincerely,

David Warner
Director of Permit Services

for Arnaud Marjollet
Permit Services Manager

cc: BKM Partners/SKN Properties

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6081
www.valleyair.org

Southern Region
2700 M Street, Suite 275
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San Joaquin Valley Air Pollution Control District



Frequently Asked Questions Regarding Indirect Source Review

Q: What is the purpose of Indirect Source Review (ISR)?

A: As land development and population in the San Joaquin Valley continues to increase, so will indirect air emissions that negatively effect air quality. The emissions are called indirect because they don't come directly from a smokestack, like traditional industry emissions, but rather the emissions are indirectly caused by this growth in population. As a consequence, the San Joaquin Valley Air Pollution Control District (District) adopted Indirect Source Review (Rule 9510) to reduce the impacts of growth in emissions from all new land development in the San Joaquin Valley.

Q: When is a project subject to ISR?

A: A project is subject to ISR if all of the following are applicable:

- The project received its final discretionary approval from the land use agency on or after March 1, 2006.
- The project meets or exceeds the following District applicability thresholds:

- 2,000 square feet commercial	- 25,000 square feet light industrial	- 100,000 square feet heavy industrial
- 20,000 square feet medical office	- 39,000 square feet general office	- 9,000 square feet educational
- 10,000 square feet governmental	- 20,000 square feet recreation space	- 50 residential units
- 9,000 square feet of space not included in the list		

- The project's primary functions are not subject to District Rule 2201 (New and Modified Stationary Source Review Rule), or District Rule 2010 (Permits Required).

For more information on the applicability of ISR regarding a specific project, please contact the District at (559) 230-6000 or visit the District's website at <http://www.valleyair.org/ISR/ISRHome.htm>.

Q: For the purposes of Rule 9510, what is final discretionary approval?

A: A decision by a public agency that requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular development project, as distinguished from situations where the public agency merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. Examples of discretionary approvals include Tentative Tract Maps, Site Plans, and Conditional Use Permits. A building permit would be an example of a ministerial approval.

Q: What pollutants does ISR target?

A: The ISR rule looks to reduce the growth in NO_x and PM_{10} emissions associated with the construction and operation of new development projects in the San Joaquin Valley. The rule requirement is to reduce construction NO_x and PM_{10} emissions by 20% and 45%, respectively, as well as reducing operational NO_x and PM_{10} emissions by 33.3% and 50%, respectively, when compared to unmitigated projects.

Q: What are NO_x and PM_{10} ?

A: Nitrogen oxide (NO_x) is an ozone precursor, or principal component of ozone. Ozone is a colorless, odorless reactive gas comprised of three oxygen atoms. It is found naturally in the earth's stratosphere, where it absorbs the ultraviolet component of incoming solar radiation that can be harmful to life. Ozone is also found near the earth's surface, where pollutants emitted from society's activities react in the presence of sunlight to form ozone. Hot sunny weather with stagnant wind conditions favors ozone formation, so the period from May through September is when high ozone levels tend to occur in the San Joaquin Valley Air Basin.

Particulate matter (PM) is a generic term used to describe a complex group of air pollutants that vary in composition. PM_{10} particles have a diameter of 10 microns (micrometers) or less. The sources of PM can vary from wind blown dust particles to fine particles directly emitted from combustion processes, or may be formed from chemical reactions occurring in the atmosphere.

Q: What is URBEMIS?

A: URBEMIS (Urban Emissions) is a computer modeling program that estimates construction, area source and operational emissions of NO_x and PM_{10} from potential land uses. This program uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors.

Q: How can a project's emissions be reduced to lessen the impact on air quality?

A: A project's emissions can be reduced by incorporating District approved mitigation measures. These include, but are not limited to, the following:

- Bicycle lanes throughout the project
- Proximity to existing or planned bus stops
- Proximity to existing or planned local retail
- Eliminate woodstoves and fireplaces from the project
- Cleaner fleet construction vehicles
- Energy efficiency beyond Title 24 requirements

For more information on additional measures that help reduce emissions, please contact the District at (559) 230-6000.

Q: What will I receive from the District once the Air Impact Assessment (AIA) has been approved?

A: When the AIA is approved the applicant will receive an approval letter, along with the following:

- Off-site emissions estimator worksheet (see below)
- Fee estimator worksheet (see below)
- Monitoring and Reporting Schedule (MRS), if applicable
- Project invoice, if applicable

Q: What is the Off-site Emissions Estimator Worksheet?

A: This Excel worksheet uses the project's total tons of NO_x and PM₁₀ as calculated using URBEMIS and compares the unmitigated emissions against the mitigated emissions, determining whether the reduction in emissions is sufficient to satisfy the rule. If the reduction is not sufficient, the required off-site emission reductions are calculated using the District's off-site emission reduction equations, which can be found on the District's website at <http://www.valleyair.org/rules/currentrules/r9510.pdf> (Sections 7.0 through 7.1.2.2)

Q: What is the Fee Estimator Worksheet?

A: The Fee Estimator is an Excel worksheet used to calculate the total dollar amount of off-site fees that must be paid to the District in order to cover the District's cost of obtaining the required off-site emission reductions, and therefore fulfill the rule requirement. This fee amount is derived by multiplying the total tons of off-site reductions by the applicable rate.

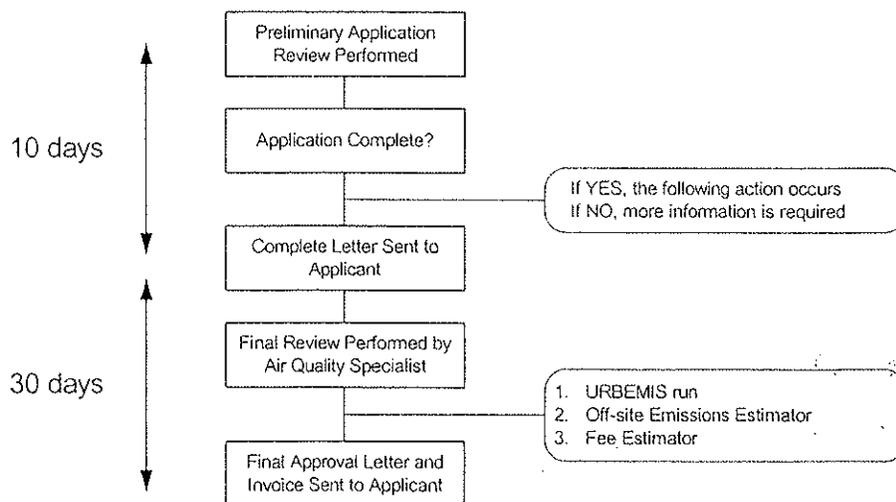
Q: Why are mitigation fees collected, and how are they used by the District?

A: When a development project cannot reduce its NO_x and PM₁₀ emissions to the level required by the rule, then the difference must be mitigated through the payment of a fee. The monies collected from this fee will be used by the District to reduce emissions in the San Joaquin Valley on behalf of the project, with the goal of offsetting the emissions increase from the project by decreasing emissions elsewhere. More specifically, the fees received by the District are used in the District's existing Emission Reduction Incentive Program (ERIP) to fund emission reduction projects.

Q: How can additional information on the Indirect Source Review Program be found?

A: Additional information can be found by visiting the District's website at <http://www.valleyair.org/ISR/ISRHome.htm> or by calling the District at (559) 230-6000.

ISR Processing Flow Chart



CITY OF FRESNO MITIGATED NEGATIVE DECLARATION

FILED

APR 22 2008

Initial Study is on file in the Planning and Development Department, City Hall
2600 Fresno Street, Fresno, California 93721
(559) 621-8277

Environmental Assessment Number:
A-08-01/R-08-01/C-08-092

FRESNO COUNTY CLERK
M. Arena
DEPUTY

APPLICANT: BKM Partners and SKN Partners
680 West Shaw Avenue., #202
Fresno, California 93704

Assessor's Parcel Number:
316-022-01

PROJECT DESCRIPTION AND LOCATION:

BKM Partners and SKN Properties, on behalf of Cris and Don Pilegard, have filed Plan Amendment Application No. A-08-001 and Rezone Application No. R-08-001 pertaining to approximately 17 acres of property located on the northeast and southeast corners of South Clovis and East California Avenues. Plan Amendment Application No. A-08-001 requests a change to the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate the northwest approximately 8 acre portion of the property from the medium-low density residential planned land use designation to the neighborhood commercial planned land use designation, and the southwest approximately 2 acre portion of the subject property from the medium-low density residential planned land use designation to the office commercial planned land use designation. Rezone Application No. R-07-001 proposes to redesignate the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district for the northwest approximately 8 acre portion of the subject site, the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM (*Single Family Residential/ Urban Growth Management*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue. Conditional Use Permit Application No. C-08-092 proposes the development of a 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square-foot daycare on the subject site.

Filed with:
Fresno County Clerk
2221 Kern Street
Fresno, California 93721

The proposed project has been evaluated with respect to each item on the attached environmental checklist. This completed checklist reflects comments of any applicable responsible agencies and research and analysis conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the Environmental Assessment Application, the checklist, and any attachments to the checklist, 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.

Any rating of "2" on the checklist indicates that a specific adverse environmental effect has been identified in a category 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 rated in this manner are not sufficient in themselves to require the preparation of an Environmental Impact Report and/or have been mitigated to the extent feasible.

All new development activity and many non-physical projects contribute directly or indirectly toward a cumulative impact on the physical environment. The incremental effect contributed by this project toward such a cumulative effect is not considered substantial in itself.

The proposed project is not expected to result in any significant adverse effects in terms of the factors considered on the environmental checklist, including any such factors for which minor effects have been identified. Cumulative effects of a significant nature are also not expected. 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 clearly not have a significant adverse effect on the environment.

This Mitigated Negative Declaration will be deemed final and effective if no appeal is filed in the manner specified by Section 12-505 of the Fresno Municipal Code.

INITIAL STUDY PREPARED BY:
Bonique Salinas, Planner

SUBMITTED BY:

Gilbert J. Haro

GILBERT J. HARO, Planning Manager
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: April 22, 2008

ENVIRONMENTAL ASSESSMENT (EA) CHECKLIST
POTENTIAL ENVIRONMENTAL EFFECTS
EA No. A-08-001/R-08-001/C-08-092

- 1.0 TOPOGRAPHIC, SOIL, GEOLOGIC CONSIDERATIONS**
- 1 1.1 Geologic hazards, unstable soil conditions
 - 1 1.2 Adverse change in topography or ground surface relief
 - 1 1.3 Destruction of unique geologic or physical features
 - 1 1.4 Increased water erosion
- 2.0 AIR QUALITY AND GLOBAL CLIMATE CHANGE**
- 1 2.1 Substantial indirect source of pollution
 - 1 2.2 Direct on-site pollution generation
 - 1 2.3 Generation of objectionable odors
 - 1 2.4 Generation of dust except during construction
 - 1 2.5 Adverse local climatic changes
- 3.0 WATER**
- 1 3.1 Insufficient ground water available for long-term project use
 - 1 3.2 Use of large quantities of ground water
 - 1 3.3 Wasteful use of ground water
 - 1 3.4 Pollution of surface or ground water supplies
 - 1 3.5 Reduction in ground water recharge
- 4.0 PLANT LIFE**
- 1 4.1 Reduction of the numbers of any unique, rare or endangered species
 - 1 4.2 Reduction in acreage of agricultural crop
 - 1 4.3 Premature or unnecessary conversion of prime agricultural land
- 5.0 ANIMAL LIFE**
- 1 5.1 Reduction in the numbers of any rare, unique or endangered species
 - 1 5.2 Deterioration or displacement of valuable wildlife habitat
- 6.0 HUMAN HEALTH**
- 7.0 NOISE**
- 1 7.1 Increases in existing noise levels
 - 1 7.2 Exposure to high noise levels
- 8.0 LIGHT AND GLARE**
- 1 8.1 Production of glare which will adversely affect residential areas
 - 1 8.2 Exposure of residences to high levels of glare
- 9.0 LAND USE**
- 2 9.1 Incompatibility with adopted plans and policies
 - 1 9.2 Acceleration of growth rate
 - 1 9.3 Induces unplanned growth
 - 1 9.4 Adverse change in existing or planned area characteristics
- 10.0 TRANSPORTATION AND CIRCULATION**
- 1 10.1 Generation of vehicle traffic sufficient to cause capacity deficiencies on existing street system
 - 2 10.2 Cumulative increase in traffic on a major street for which capacity deficiencies are projected
 - 1 10.3 Specific traffic hazard to motorists, bicyclists, pedestrians
 - 1 10.4 Routing of non-residential traffic through residential area
 - 1 10.5 Insufficient or poorly located parking
 - 1 10.6 Substantial increase in rail and/or air traffic

- 11.0 URBAN SERVICES**
- 1 11.1 Availability of fire protection
 - 1 11.2 Lack of emergency vehicle access
 - 1 11.3 Adequacy of design for crime prevention
 - 1 11.4 Overcrowding of school facilities
 - 1 11.5 Availability of water mains of adequate size
 - 1 11.6 Availability of sewer lines of adequate capacity
 - 1 11.7 Availability of storm water drainage facilities (on or off site)
 - 1 11.8 Availability of adequate park and recreation areas
 - 1 11.9 Unusually high solid waste generation
- 12.0 HAZARDS**
- 1 12.1 Risk of explosion or release of hazardous substances
 - 1 12.2 Site subject to flooding
 - 1 12.3 Adverse change in course of flow of flood waters
 - 1 12.4 Potential hazards from aircraft accidents
 - 1 12.5 Potential hazards from landfill and/or toxic waste sites
- 13.0 AESTHETICS**
- 1 13.1 Obstruction to public or scenic vista or view
 - 1 13.2 Creation of aesthetically offensive conditions
 - 1 13.3 Removal of street trees or other valuable vegetation
 - 1 13.4 Architectural incompatibility with surrounding area
- 14.0 HISTORICAL / ARCHAEOLOGICAL**
- 1 14.1 Removal of historic building, disruption of archaeological site
 - 1 14.2 Construction or activity incompatible with adjacent historic site
- 15.0 ENERGY**
- 1 15.1 Use of substantial amounts of energy or fuel
 - 1 15.2 Substantial increase in demand upon existing sources of energy
 - 1 15.3 Wasteful use of energy

EXPLANATION OF RATINGS

0" Insufficient Information

Insufficient information is available to determine the potential environmental effects which may result from the proposed project in this category.

1" No Significant Environmental Effect

The proposed project will not have an adverse environmental effect in this category, or any such effect is not substantially unusual or of undesirable magnitude. This rating is also utilized in cases where the category is not applicable to the particular project under consideration.

2" Moderate Environmental Effect

The proposed project will have an adverse environmental effect in this category, which is of sufficient magnitude to be of specific concern. However, this effect is not substantial enough in itself to require the preparation of an Environmental Impact Report, and is mitigable through project changes and conditions.

3" Significant Adverse Environmental Effect

The environmental effect identified in this category substantiates in itself or contributes towards a finding that the proposed project has a potentially significant adverse effect on the environment sufficient to require the preparation of an Environmental Impact Report.

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT
ENVIRONMENTAL ASSESSMENT - INITIAL STUDY
Application No. A-08-01/R-08-01/C-08-092

PROJECT DESCRIPTION

Assessor's Parcel	316-022-01	Existing Land Use	Medium low density residential
Job Address	2149 South Clovis Avenue	Existing Zoning and Existing Development	AE-20/UGM Single family home
Street Location	Northeast and southeast corners of South Clovis and East California Avenues	Proposed Land Use	Neighborhood commercial and office commercial planned land use. The north half of the site will remain planned for medium low density residential
		Proposed Zoning	C-1/UGM (<i>Neighborhood Shopping Center/Urban Growth Management</i>) C-P/UGM (<i>Administrative and Professional Office/Urban Growth Management</i>) R-1/UGM (<i>Single Family Residential/ Urban Growth Management</i>)
		Proposed Development	A multi-use development to include a 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square foot daycare center
Latitude/Longitude	36°43'14.26"N-- 119°41'55.14"W	Acreage	Approximately 16 net acres

Plan Amendment Application No. A-08-01, Rezone Application No. R-07-01, and Conditional Use Permit Application No. C-08-092 have been filed by BKM Partners and SKN Properties on behalf of Cris and Don Pilegard for approximately 17 acres of property located on the northeast and southeast corners of South Clovis and East California Avenues. The plan amendment application requests a change in the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate the northwest approximately 6 acre portion of the property from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation, and the southwest approximately 2 acre portion of the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation.

Rezone Application No. R-08-01 proposes to redesignate the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM (*Single Family Residential/ Urban Growth Management*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue.

INITIAL STUDY

Environmental Assessment No. A-08-01/R-08-01/C-08-092

April 22, 2008

Page 2

Conditional Use Permit Application No. C-08-092 proposes a multi-use development to include a 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square foot daycare center. The applicants plan for the commercial retail portion of this project to include a neighborhood market, drugstore, and other stores/offices which offer products and services that improve lifestyle and function by providing convenience for nearby residents.

The subject property is currently developed with a rural residence on the western portion of the subject site, with the majority of the site being vacant. Properties to the north, south and west are developed with single family residential uses, while property to the east is developed with single family residential and a City of Fresno water storage and treatment facility.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Use
North	Low Density Residential	R-1-B County	Single Family Residential
South	Medium Low Density Residential	R-1/UGM <i>(Single Family Residential Urban Growth Management)</i>	Single Family Residential
East	Medium Low Density Residential	R-1/UGM <i>(Single Family Residential Urban Growth Management)</i> AE-20/UGM <i>(Exclusive Twenty Acre Agricultural/Urban Growth Management)</i>	Single Family Residential City of Fresno Water Storage Facility
West	Medium Low Density Residential	R-1/UGM/cz <i>(Single Family Residential/Urban Growth Management/conditions of zoning)</i>	Single Family Residential

2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130

Staff has reviewed the above-referenced project proposal and consulted with affected agencies and interest groups. The proposed project has been evaluated with respect to the provisions of the adopted 2025 Fresno General Plan (City Council Resolution No. 2002-379) and the Roosevelt Community Plan and the corresponding potential adverse environmental impacts, adopted environmental impact mitigation measures and determinations of overriding considerations established by the certification of the related Master Environmental Impact Report (MEIR) No. 10130 (City Council Resolution No. 2002-378). The proposed project, which includes an amendment of the adopted 2025 Fresno General Plan and the Roosevelt Community Plan has been determined to not be fully within the scope of MEIR No. 10130 as provided by the California Environmental Quality Act (CEQA), as codified in the Public Resources Code (PRC) Section 21157.1 (d) and the CEQA Guidelines Section 15177(c).

Based upon an analysis of the project, as summarized in the following environmental assessment initial study, it has been determined that the project may contribute to the creation of certain moderate environmental effects or the project may be adversely impacted by existing conditions as addressed

below. However, these potential impacts have been determined to be equivalent to or less than those adverse impacts identified by MEIR No. 10130. It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code Section 21157.6(b)(1), it is further determined 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. Therefore, it has been determined that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

MEIR No. 10130 examined the potential adverse environmental impacts of implementation of the 2025 Fresno General Plan, which provides plans and policies to accommodate projected population and employment growth through the year 2025. The City of Fresno has determined that specific economic, legal, social, technological and other considerations related to the implementation of the 2025 Fresno General Plan outweigh the unavoidable adverse environmental effects identified in the Final MEIR, including any effects not mitigated because of the infeasibility of mitigation measures and that the identified adverse environmental effects are considered acceptable. It has been determined that the proposed project will contribute to the creation of insignificant environmental effects compared to the development of the medium low density residential planned land use analyzed by the 2025 MEIR or the project may be adversely impacted by environmental situations addressed below.

The following impacts were identified by City Council Resolution No. 2002-378 certifying Final MEIR No. 10130 (2025 Fresno General Plan Update) as significant but mitigable effects:

1. Impact on Water Supply, Quality and Hydrology.
2. Increased Demand for Utilities and Service Systems.
3. Increased Demand for Public Services.
4. Increased Demand for Recreational Services.
5. Loss of Biological Resources.
6. Potential Disturbance of Cultural Resources.
7. Geology and Soils Impact.
8. Increased Demand for Energy.
9. Potential Aesthetic Concerns.

In addition, Resolution No. 2002-378, also identifies the following unavoidable significant impacts and statement of overriding considerations for these impacts:

1. Transportation and Circulation - The vehicular traffic level of service (LOS) of E or F projected for various major street segments throughout the city is considered a significant and unavoidable adverse impact which can not be completely mitigated. Furthermore, there are no reasonable mitigation measures available to only the City of Fresno, which would reduce this impact to a less than significant level while allowing for the implementation of other appropriate alternative transportation facilities.
2. Air Quality - The adverse air quality impacts associated with the myriad of activities associated with the long range general plan for the Fresno metropolitan area can be expected to be significant and unavoidable, and cannot be completely mitigated. Furthermore, there are no

reasonable mitigation measures available only to the City of Fresno, which would assure the reduction of air quality impacts to a less than significant level. In order to provide a suitable living environment within the metropolitan area, the plan strives to facilitate expanded economic growth that will support increased employment opportunities.

3. Preservation of Agricultural Land - The conversion of agricultural land to urban uses within the planned boundary to accommodate the projected population and employment growth of the 2025 Fresno General Plan is a significant and unavoidable adverse impact, which can not be completely mitigated. Furthermore, there are no reasonable mitigation measures available only to the City of Fresno which would assure the reduction of impacts upon agricultural land within the planned urban area to a less than significant level, while also allowing for prudent planned development to accommodate project population and employment growth.
4. Noise - The innumerable activities associated with urban living environments typically generate noise that contributes to the ambient noise levels that occur within the community. The MEIR identifies numerous mitigation measures intended to reduce the impacts of increased noise upon sensitive land uses. The 2025 Fresno General Plan, as the project, also specifies numerous general plan goals and implementing objectives and policies directed to reducing exposure to excessive noise levels. However, sufficient mitigation measures are not reasonably available only to the City of Fresno, which would assure the reduction of noise impacts to less than a significant level.

In addition to MEIR No. 10130, other environmental documents have been certified for major public facilities to accommodate population growth and urban development including Final EIR No. 10118 (Fresno/Clovis Regional Wastewater Treatment and Reclamation Facility Capacity Expansion) and Final EIR No. SCH 95022029 (Fresno Metropolitan Water Resources Management Plan). These environmental impact analyses and conclusions, together with supporting technical studies, further address the impacts of population growth and the necessary public facility capacity expansion associated with the urban development that will accommodate the growth projected by the 2025 Fresno General Plan. To the extent that these referenced environmental impact analyses, conclusions, findings and mitigation measures are applicable to the subject project they are incorporated herein by reference, pursuant to CEQA Guidelines Section 15150.

1.0-TOPOGRAPHIC, SOIL, GEOLOGIC CONSIDERATIONS

There are no geologic hazards or unstable soil conditions known to exist on the site. The existing topography is flat with no apparent unique or significant land forms such as vernal pools. Development of the property requires compliance with grading and drainage standards of the City of Fresno and Fresno Metropolitan Flood Control District Standards. Grade differentials at property lines must be limited to one foot or less, or a cross-drainage covenant must be executed with affected adjoining property owners.

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

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

The highly erodible face of the San Joaquin River bluff, and small areas of expansive clay in the northeastern portion of the city's Sphere of Influence, are the only unstable soil conditions known to exist in the City. Despite long-term overdrafting of groundwater that has lowered the static groundwater level under Fresno by as much as 100 feet over the past century, surface subsidence has not been noted in the vicinity of the city (this is probably due to the geologic strata underlying the city, which features layers of clay and hardpan interleaved with alluvial sand and gravel layers).

No adverse environmental effects related to topography, soils or geology are expected as a result of this project. Implementation of the mitigation measures listed in MEIR No. 10130 and the attached MEIR Mitigation Monitoring Checklist will reduce the topographic, soils and geologic impacts to less than significant.

2.0-AIR QUALITY AND GLOBAL CLIMATE CHANGE

Air Quality

The project site is located in Fresno County and within the San Joaquin Air Basin. This region has had chronic non-attainment of federal and state clean air standards for ozone/oxidants and particulate matter due to a combination of topography and climate. The San Joaquin Valley is hemmed in on three sides by mountain ranges, with prevailing winds carrying pollutants and pollutant precursors from urbanized areas to the north (and in turn contributing pollutants and precursors to downwind air basins).

The Mediterranean climate of this region, with a high number of sunny days and little or no measurable precipitation for several months of the year, fosters photochemical reactions in the atmosphere, creating ozone and particulate matter.

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

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

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

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

Particulate matter: There are two regulated categories of this pollutant: PM-10, consisting of particles less than 10 microns in diameter, and PM-2.5, composed of particles than 2.5 microns in size. A "Serious Nonattainment" rating for federal PM-10 classification is still in force although the basin's monitoring results have demonstrated Attainment with this standard; the Serious Nonattainment rating will remain in effect until Federal Clean Air Act Section 107(d)(3) requirements are met. The Basin's PM-10 classification under state standards remains "Nonattainment." The Basin has been classified as being in "Nonattainment" for the 1997 federal PM-2.5 standard and for the State PM-2.5 standard, with an attainment demonstration plan for the federal 2006 PM-2.5 standard having been adopted by the San Joaquin Valley Air Pollution Control District as of April 2008. Currently, the proposed attainment plan with a target date of 2014, is under review by CARB and if approved by CARB, the PM2.5 Attainment Plan will go to the EPA for final approval (classification is expected by 2009).

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

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

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

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

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

Hydrogen sulfide (H₂S): No adopted federal standard; "Unclassified" rating by CARB

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

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

Exceedances of ozone/oxidant standards set by the U. S. Environmental Protection Agency (EPA) and California Air Resources Board primarily occur during summer months, caused by the effect of heat and

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sunlight on ozone precursors such as reactive organic gases (ROG) and nitrates of oxygen (NOX). ROG and NOX are typically formed and by combustion of fossil fuels in internal combustion vehicle engines, heating appliances, etc.

Particulate matter exceedances may also be caused by photochemical reactions, but are also caused by direct emissions such as those from fireplace and agricultural waste woodburning, roadway tire wear, and fugitive dust (the effect of wind on open areas of disturbed soil, unpaved and dirty roadways). Despite the dry climate and potential for dust during the summer, particulate matter exceedances have occurred more often during winter months, attributable to residential woodburning and cotton plowdown activities. Residential wood burning has been partially curtailed by local building ordinances that have prohibit fireplace and wood stove installation in new homes since the early part of this decade, and by woodburning control rules adopted by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). Control efforts over the past decade have been alleviating particulate matter to the point where the most recent monitoring period indicates attainment with the Federal particulate matter standard (formal approval of "Attainment" status is pending).

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

In response to the San Joaquin Valley's chronic nonattainment status for ozone and particulate matter, the San Joaquin Valley Air Pollution Control District has adopted air quality attainment plans. Table VC-1 of MEIR No. 10130 lists the air quality attainment plans that have been adopted by the SJVUAPCD as of the date of MEIR certification. The SJVUAPCD adopted an attainment plan for the federal PM_{2.5} standard in April of 2008. Air quality attainment and implementation plans are periodically adopted and updated in response to area needs and federal and state mandates. These attainment and implementation plans prepared in response to the federal Clean Air Act are also intended to fulfill requirements of the California Clean Air Act, with emphasis on meeting California ambient air quality standards.

The principal components of air quality attainment plans consist of data describing measured air pollutant and pollutant precursor levels in the affected region's atmosphere; a baseline emissions inventory for the region; descriptions of control measures that will reduce future emissions; a future emissions inventory that reflects decreases due to implementation of emissions controls as well as increases due to increased population; and the results from a photochemical analysis model relating emissions to ambient pollutant levels, demonstrating attainment of the appropriate standard at a future target date through adoption and amendment of SJVUAPCD Rules and Regulations. The SJVUAPCD's formal Rulemaking process provides for public input and economic impact analysis and regulates consumer products and activities contributory to air pollution; permitting and enforcement activities conducted by the SJVUAPCD; and public education campaigns. SJVUAPCD also sponsors voluntary and incentive programs to provide for accelerated attainment.

It is the SJVUAPCD's strategy to implement multiple tactics or control measures, focusing on not only specific pollutant sources, but on overall transportation planning--which relates to funding for major roadway construction and mass transit. The District's Indirect Source Review (ISR) Rule 9510, effective March 1, 2006, is intended to encompass regional planning, transportation system, and site mitigation issues.

The MEIR prepared for the 2025 Fresno General Plan requires that the most current version of the URBEMIS computer model be used to analyze development projects and estimate future air pollutant emissions that can be expected to be generated from operational emissions (vehicular traffic associated with the project), area-wide emissions (sources such as ongoing maintenance activities and use of appliances), and construction activities. The URBEMIS computer model evaluates the following emissions: ozone precursors (Reactive Organic Gases (ROG) and NOX; CO, SOX, and particulate matter. Project air quality impacts are evaluated using the SJVUAPCD's current version (2002) of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), as updated by attainment plans, rules, and standards approved since 2002. For key pollutants and their precursors, the Threshold Levels of Significance, are expressed in tons per year in Table 2, below

As required by MEIR No. 10130, the proposed project has been analyzed by City of Fresno Planning Division staff using URBEMIS. The URBEMIS model analyzed impacts related to constructing 106 senior apartments, 60,419 square feet of retail space, and a 7,650 square foot daycare center. The URBEMIS program requires information inputs regarding pedestrian and bicycle amenities that will serve the development, availability of public transit; street trees, and street lighting. The analysis also incorporates mitigation measures required by the City and feasibly incorporated at this stage of project analyses. These mitigations include watering of construction sites and unpaved construction roads three times daily; reducing speed on construction roadways to 15 mph; and a prohibition of residential woodburning.

The following URBEMIS analysis was done with information available at the current stage of project approval. Refinements to URBEMIS and its inputs may yield somewhat different results in future air quality impact modeling Pursuant to SJVUAPCD Rule 9510, the Indirect Source Review Rule (ISR), other mitigation measures may be applied during construction and would be incorporated into the project. When the applicant completes the Indirect Source Review Rule application, SJVUAPCD will prepare a more elaborate URBEMIS analysis incorporating more defined project information that would be available at the special permit and construction permit levels of project development, such as information relating to construction fleet equipment and other potential mitigation factors including enhanced energy efficiency measures such as added insulation and solar equipment. As part of the ISR, the applicant will be required to either implement mitigation measures to reduce the project's emissions or to pay a fee to reduce emissions off-site.

All data in the following table is expressed in tons per year, and utilizes an estimated construction start time of 2009.

Table 2: POTENTIAL AIR QUALITY IMPACTS OF A-08-01/R-08-01/C-08-092

<i>All data in tons/year</i>	ROG	NOX	CO	PM10	SOX
Area Source Emissions	0.24	0.23	0.58	0.00	0.00
Operational Emissions	4.83	8.4	54.84	3.42	0.03
Totals	5.07	8.63	55.42	3.42	0.03
SJVUAPCD Adopted Level of Significance	10	10	100	14.6	27.375

*Based on a maximum of 106 senior apartments, 60,419 square feet of retail space, and a 7,650 square foot daycare.

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URBEMIS analysis shows that the overall urban development of 106 senior apartments, 60,419 square feet of retail space, and a 7,650 square foot daycare would not generate potentially significant levels of reactive organic gases and nitrogen oxides. In addition, the project is not expected to exceed the air quality thresholds set forth in the URBEMIS Air Quality Model. Implementation of the mitigation measures as identified in the attached Project Specific Monitoring Checklist dated April 22, 2008, and MEIR No. 10130 prepared for the 2025 Fresno General Plan will reduce the air quality impact to less than significant.

The SJVAPCD has developed the San Joaquin Valley 1991 California Clean Air Act Air Quality Attainment Plan (AQAP), which continues to project nonattainment for the above-noted pollutants in the future. This project will be subject to applicable Air District rules, regulations, and strategies. In addition, the construction phase of the project will be subject to the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Regulation VIII, Fugitive Dust Rules, related to the control of dust and fine particulate matter. This rule mandates the implementation of dust control measures to reduce the potential for dust to the lowest possible level. The plan includes a number of strategies to improve air quality including a transportation control strategy and a vehicle inspection program. In addition, the District encourages innovations in measures to reduce air quality impacts such as energy efficient building materials and household appliances, as well as site design features including landscaping, pedestrian and bicycle access features.

The 2025 Fresno General Plan also recognizes the benefit of sound land use planning strategies in order to mitigate the degradation of air quality within the San Joaquin Valley and Fresno County. The 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 (City Council Resolution No. 2002-378) includes "Reasonably Available Control Measures, which were adopted by the Fresno City Council on April 09, 2002 (resolution #2002-119). These measures include encouraging land use patterns which support public transit and other alternatives modes of transportation. In general, these measures would encourage land use patterns designed to reduce travel distances between related land uses (such as with mixed use projects) in order to facilitate development that reduces dependence upon the single-occupant vehicle. Accordingly, the measures also encourage and promote bicycle and pedestrian travel to reduce automobile use and improve air quality.

The 2025 Fresno General Plan MEIR No. 10130 recognizes that pedestrian travel is quite feasible for short shopping, business, school trips and is facilitated by the implementation of adopted ordinances and standards, including the Fresno Municipal Code, which requires installation of landscaping along all major and local streets with a street tree spacing of one tree every 60 feet. The 2025 Fresno General Plan and the Roosevelt Community Plan major street design standards and bikeway plans provide for thorough distribution of alternative transportation improvements. These facilities assure convenient accessibility to neighborhood uses including schools, parks, and commercial centers using alternative nonvehicular means of transportation. Neighborhood parks are acquired and developed with urban growth management fees, frequently located in conjunction with an elementary school site that facilitate related academic, athletic, recreational, and other community activities that promote combined trip-making and encourage the use of nonvehicular modes of transportation.

The subject development proposal incorporates a number of elements which are consistent with the adopted goals, objectives, and policies of the 2025 Fresno General Plan. These elements include strategies which utilize land use patterns designed to reduce travel distances and encourage alternative modes of transportation to the automobile through the integration and planned proximity of neighborhood commercial and open space land uses. The proposed project incorporates nodes of higher housing densities (in the form of senior apartment housing) adjacent to neighborhood commercial uses (including a small grocery store, drugstore, etc.), and other commercial uses, including a daycare center and office uses, in an area that is already served by public services. This results in a complete and integrated community containing housing, shops, work places, and daycare facilities, all of which are essential to the daily life of the residents,

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within easy walking distance of each other. Although there are no public parks within walking distance of the subject site, the senior housing complex has ample on-site open space and recreational amenities including a recreation room and a swimming pool. In addition Sunnyside Country Club, a private open space amenity, is within walking distance of the subject site.

The City of Fresno continues to plan and implement the expansion of its fixed-route bus public transportation system in order to serve developing urban areas. Adopted standards and conditions of development require the provision of adequate bus stop facilities at appropriate major street locations to facilitate future public transportation services. The closest bus stop to the subject site is located at the corner of South Clovis and East Kings Canyon Road, approximately one and a half miles from the subject site. Although there is not a fixed route bus line to serve the proposed project, the seniors in the proposed senior apartment complex who are ADA eligible are eligible to use the City's Handy Ride system. This system is a door-to-door service designed to provide persons with disabilities transit service comparable to the City's bus service. In addition, the applicant has indicated that they intend to provide some type of shuttle service for the seniors in the proposed senior housing complex. Thus, there is an increased likelihood that the residents of the proposed project will use transit or shuttle services to make some of their longer distance trips.

Furthermore, as noted above, this project will require major mitigation under Rule 9510. This Rule provides for incorporation of a wide range of mitigation measures into projects, and levies fees for pollutants generated by development projects. The fees are used to provide for regional air quality improvements and mitigations. Specifically, Rule 9510 requires that operational (traffic-associated) and construction equipment emissions of projects be reduced by at least 32% and 45%, respectively.

In summary, the project as mitigated will not significantly impact local air quality. This project's proposed design and mitigation measures, together with the implementation of the "Reasonably Available Control Measures" (RACM), as listed in table VC-3 of MEIR No. 10130, on all other applicable projects is expected to help the city improve its overall air quality. However, a larger regional implementation of these measures is needed to significantly help the air basin reach its air quality goals.

Climate Change and Global Warming

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

When sunlight strikes the Earth's surface, some of it is reflected back into space as infrared radiation. When the net amount of solar energy reaching Earth's surface is equivalent to the energy radiated back into space, the average ambient temperature of the Earth's surface would remain more or less constant. Greenhouse gases disturb this equilibrium by absorbing and retaining infrared energy, trapping heat in the atmosphere – the "greenhouse gas effect." The belief is that global warming is now occurring because natural carbon cycle processes (such as photosynthesis) are unable to absorb sufficient quantities of carbon dioxide and other GHG, and cannot keep the level of these gases under control. It is believed that a combination of factors related to human activities, such as deforestation and an increased emission of GHG into the atmosphere, is causing global warming.

Water vapor is the most predominant GHG, and is primarily a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans. The predominant types of anthropogenic greenhouse gases (those caused by human activity), are:

- **Carbon Dioxide (CO₂):** Largely generated by combustion activities such as coal and wood burning and fossil fuel use in vehicles but also a byproduct of respiration and volcanic activities;
- **Methane (CH₄):** Known commonly as "natural gas," is present in geologic deposits and is also evolved by anaerobic decay processes and animal digestion. On a ton-for-ton basis, CH₄ exerts about 20 times the greenhouse gas effect of CO₂;
- **Nitrous Oxide (N₂O):** produced in large part by soil microbes and enhanced through application of fertilizers. N₂O is also a byproduct of fossil fuel burning; atmospheric nitrogen, an inert gas that makes up a large proportion of the atmosphere, is oxidized when air is exposed to high-temperature combustion. N₂O is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N₂O is one component of "Oxides of Nitrogen" (NOX), long recognized as precursors of smog-causing atmospheric oxidants;
- **Chlorofluorocarbons (CFCs):** Synthetic chemicals developed in the late 1920s for use as improved refrigerants (e.g., "FreonTM"). It was recognized over two decades ago that this class of chemicals exerted powerful and persistent greenhouse gas effects. In 1987, the Montreal Protocol halted production of CFCs;
- **Hydrofluorocarbons (HFCs):** Another class of synthetic refrigerants developed to replace CFCs;
- **Perfluorocarbons (PFCs):** Used in aluminum and semiconductor manufacturing, have an extremely stable molecular structure, with biological half-lives tens of thousands of years, leading to ongoing atmospheric accumulation of the GHGs; and,
- **Sulfur Hexafluoride (SF₆):** Is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF₆ exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO₂ on a ton-for-ton basis.

In an effort to address the perceived causes of global warming by reducing the amount of anthropogenic greenhouse gases generated in California, the state enacted the Global Warming Solutions Act of 2006 (AB32) (Codified as Health & Safety Code Section 38501 et seq.). Key Provisions include the following:

- Codification of the state's goal by requiring that California's GHG emissions be reduced to 1990 "baseline" levels by 2020.
- Set deadlines for establishing an enforcement mechanism to reduce GHG emissions:
 - By June 30, 2007, the California Air Resources Board (CARB) was required to publish "discreet early action" GHG emission reduction measures. Discrete early actions are regulations to reduce greenhouse gas emissions to be adopted by the CARB and enforceable by January 01, 2010;
 - By January 01, 2008, CARB was required to identify what the state's GHG emissions were in 1990 (set the "baseline") and approve a statewide emissions limit for the year 2020 that is equivalent to 1990 levels. (These statewide baseline emissions have not yet been allocated to regions, counties, or smaller political jurisdictions.) By this same date, CARB was required to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions.

- By January 01, 2011, CARB must adopt emission limits and emission reduction measures to take effect by January 01, 2012.

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

On August 24, 2007, California also enacted legislation (Public Resources Code § 21083.05 and § 21097) requiring the state Resource Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act. By July 01, 2009, the Governor's Office of Planning and Research (OPR) is required to prepare guidelines for the mitigation of greenhouse gas emissions, and transmit those draft regulations to the Resources Agency. The Resources Agency must then certify and adopt the guidelines by January 01, 2010.

Because it is believed that global warming is being caused by human activities on the entire planet, it would be highly speculative to conclude that this project would have an adverse impact on global climate. The Urbemis 2007 computer model does provide data on expected tonnage of CO₂ and Oxides of Nitrogen (NO_x) (55.42 and 8.63 tons per year, respectively) but because CARB has not adopted GHG emission limits and emission reduction measures and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions, there is an absence of regulatory guidance to assist any lead agencies in determining whether a particular project will have a significant impact on global warming. Furthermore, the proposed project has an integrated combination of residential and commercial uses (allowing for office and retail activities) within the project's footprint. This combination of uses has been identified as a potential mitigation measure to address global warming impacts in a document published by the California Attorney General's Office entitled, *The California Environmental Quality Act Mitigation of Global Warming Impacts* (updated January 07, 2008). Specifically, this document describes this mitigation measure as follows, "Incorporate mixed-use, infill and higher density development to reduce vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods." A mix of land uses in close and connected proximity, such as is being proposed within this project, would be expected to generate fewer vehicle miles traveled per capita, leading to reduced emissions of greenhouse gases from engine emissions. In addition, this project is surrounded by existing residential development and without this plan amendment request, the closest (existing and/or planned) retail centers to this neighborhood are well over a half mile away. The closest grocery store is almost a mile away from the neighborhood. The proposed project will provide for neighborhood commercial development, thus reducing vehicle trips generated by other nearby residential projects.

In addition, the proposed project incorporates another mitigation identified in the above document published by the Attorney General's office as a measure that addresses global warming impacts. This measure is as follows: "...Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking". Although the proposed project is not easily accessible by public transportation, the proposed commercial uses are easily accessible by bicycling or walking. The commercial and residential portions of the proposed project are highly integrated and include ample pedestrian trails and walkways. For example, not including access from public sidewalks, the proposed commercial portion of this project is accessible from the adjacent proposed senior housing complex from four separate pedestrian pathways. In addition, the commercial portion of this site is accessible from a trail that will connect the site to the single family residential neighborhood to the northeast of the subject site.

The project does not involve manufacturing activities that would generate SF₆, HFCs, or PFCs and does not propose any uses which would generate methane on site. The City of Fresno prohibits installation of woodburning appliances in new homes, which would reduce CO₂ and N₂O from wood combustion.

Through updates in the California Building Code and statewide regulation of appliance standards, this project is also expected to conform to state-of-the-art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication *Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California* (April 2007) and in CARB's *Proposed Early Actions to Mitigate Climate Change in California* (April 2007). Updated engine and tire efficiency standards would apply to project residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO₂, removing it from the atmosphere).

It is concluded that the project will not have a significant impact on global warming due to the evolving state of regulatory guidance, the relatively small size of this project, the fact that this project does not exceed the established thresholds criteria for pollutant emissions, and the nature of this project being a multi-use development that is accessible to pedestrians and cyclists.

The project is located in the Central Valley, in an urbanized area on flat terrain distant from the Pacific coast and from rivers and streams. It is outside of identified flood prone areas. Based on its location we conclude that the proposed project is not likely to be significantly affected by the potential impacts of global climate change such as increased sea level and river/stream channel flooding; nor is it subject to wildfire hazards. The project is not currently a habitat resource and would not be affected by any changes in biota induced by global warming.

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

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

If the potential effects of climate change cause a serious and persistent decrease in the Sierra snowpack, some of Fresno's water supply could be affected. The City derives much of its water supply from groundwater, using its surface water entitlements from the Kings and San Joaquin Rivers primarily to recharge the aquifer (in addition to precipitation captured and percolated in ponding basins, in conjunction with Fresno Metropolitan Flood Control District). It treats and distributes only a minor fraction of its surface water supply from the San Joaquin and Kings Rivers in the municipal water system. In times of drought, a reprioritization of water deliveries and reallocation for critical urban supplies vs. agricultural use is likely, but without drought contingency plans completed by the Kings River Water Association and the Bureau of Reclamation, it is too speculative at this time to determine any adverse impacts to the City's total water supply from global warming. The City's Metropolitan Water Resources Plan contains contingencies and responses for drought contingencies, and the City's Department of Public Utilities has affirmed that adequate water service can be provided to this project for potable and fire suppression uses. Because the true long term consequences of climate change on California's water system are speculative at this time and are not fully predictable, there is insufficient information to conclude that there could be a significantly adverse impact on water supply for this project from global warming.

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

Therefore, based upon the available information it cannot be concluded that global warming may have a potentially significant adverse impact upon this project.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the air quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated April 22, 2008.
2. The proposed project shall implement and incorporate, as appropriate, the air quality related mitigation measures as identified in the attached Mitigation Monitoring Checklist for measures identified in the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan (hereinafter, "MEIR Mitigation Measure Checklist"), dated April 22, 2008.

3.0-WATER

Fresno is one of the largest cities in the United States, which relies on groundwater for the vast majority of its public water supply. Surface water treatment accounts for 15 percent of the City's potable water supply. While the aquifer exceeds a depth of 300 feet and is large enough to provide adequate quantities of safe drinking water to the metropolitan area well into the twenty-first century, groundwater degradation, increasingly stringent water quality regulations, as well as high consumptive use of water on a per capita basis (157 gallons per day per capita), have resulted in a decline in the total usable potable water supply.

The adverse groundwater conditions of limited supply and compromised quality have been well- documented by planning, environmental impact report and technical studies over the past 20 years including the Master Environmental Impact Report No. 10130 for the 2025 Fresno General Plan, Final EIR No.10100, Final EIR No.10117, and Final EIR No. SCH 95022029 (Fresno Metropolitan Water Resource Management Plan), et al. These conditions include water quality degradation due to DBCP, arsenic, iron, and manganese concentrations; low water well yields; limited aquifer storage capacity and recharge capacity; and, intensive urban or semi-urban development occurring upgradient from the Fresno Metropolitan Area. The proposed project places additional demand upon peak water use capacity. The proposed project must contribute to short-term and long-range water supply and distribution remediation projects in order to adequately address any deficiencies.

The Fresno Metropolitan Water Resource Management Plan has been adopted and the accompanying Final EIR (SCH #95022029) certified. The purpose of the management plan is to provide safe, adequate, and dependable water supplies to meet the future needs of the metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably implementation measures and facilities. In addition, the proposed project must contribute to the completion of the Fresno Metropolitan Flood Control District's master planned storm drainage facilities. Stormwater ponding basins provide significant opportunity to recharge groundwater with collected storm water run-off and surface water obtained from the Fresno Irrigation District and United States Bureau of Reclamation on the northern edge of the current urban limit boundary.

The mitigation measures of Master EIR No. 10130 are incorporated herein by reference and are required to be implemented by the attached mitigation monitoring checklist. In summary, these mitigation measures require participation in the development of groundwater recharge in an amount equal to the project's estimated water consumption. Alternative measures to satisfy this requirement include paying fees established by the city for construction of recharge facilities, the construction of recharge facilities directly by the project, or participation in augmentation/enhancement/enlargement of the recharge capability of Fresno Metropolitan Flood Control District storm water ponding basins. While the proposed project may be served by conventional groundwater pumping and distribution systems, full development of the 2025 Fresno General Plan boundaries may necessitate utilization of treated surface water due to inadequate groundwater aquifer recharge capabilities.

Implementation of the 2025 Fresno General Plan policies, the Water Resources Management Plan, and the applicable mitigation measures of approved environmental review documents will address the issues of providing an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

In accordance with the provisions of the 2025 Fresno General Plan and Master EIR No. 10130 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project. The City has indicated that groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate

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increased water demands. The Water Division of the Public Utilities Department estimated that the proposed mixed use residential and commercial development will have an adequate source of water available to serve the project with the implementation of the mitigation measures noted below.

Implementation of the mitigation measures as identified in the attached MEIR No. 10130 prepared for the 2025 Fresno General Plan will reduce the project's water impacts to less than significant. However, upon review of Conditional Use Permit C-08-092, more exact requirements will be imposed.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130 2025 Fresno General Plan Mitigation Monitoring Checklist dated April 22, 2008.

4.0-PLANT LIFE; and 5.0-ANIMAL LIFE

The subject site is currently partially developed with a single rural residence with the majority of the site being vacant. There are no native plants, riparian vegetation, significant wildlife populations or wetlands known to exist on the project site and the site does not support sensitive wildlife. There are a few trees, hedges, and other vegetation surrounding the existing residence that will be removed in order to construct the proposed project. This landscaping does not appear to be native vegetation. The landscaping proposed on-site will provide habitat for certain species of birds and small animals suited for an urban environment. As a result, the project's impact on plant and animal life will be less than significant and therefore it is not subject to the mitigation measures listed in the attached MEIR Mitigation Monitoring Checklist dated April 22, 2008.

6.0-HUMAN HEALTH/SAFETY

The project is not expected to have any impacts on human health or safety. Since a retail food establishment is a potential use on the project site, the County of Fresno Department of Community Health has indicated that prior to occupancy the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Community Health, Environmental Health Division, for review and approval. The Fresno County Department of Community Health has also indicated that they are concerned that abandoned water wells and septic systems are not being properly destroyed, particularly with respect to new development projects. As City boundaries expand, community services are provided to areas originally served by only individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the City's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells. Prior to occupancy, any water wells or septic systems on the subject property must be properly destroyed as detailed in the Fresno County Department of Community Health's letter dated February 25, 2008.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the human health/safety mitigation measures as noted in the attached Project Specific Monitoring Checklist dated April 22, 2008.
2. The proposed project shall implement and incorporate, as applicable, the human health/safety related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated April 22, 2008.

7.0-NOISE

The proposed project is a request to construct a multi-use development consisting of an 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square foot daycare on the approximately 17 acre site.

In developed areas of the community, noise conflicts often occur when a noise sensitive land use is located adjacent to a noise generator. Noise in these situations frequently stems from on-site operations, use of outdoor equipment, uses where large numbers of persons assemble, and vehicular traffic.

Some land uses, such as residential dwellings, are considered noise sensitive receptors and involve land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise.

The City and County Noise Elements establish a land use compatibility criterion of 60dB DNL for exterior noise levels in outdoor activity areas of new residential developments. Outdoor activity areas generally include backyards of single family residences and patios and common open space areas in multi-family developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation. Furthermore, the Noise Element also requires that interior noise levels attributable to exterior noise sources not exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

Given that the existing single family residential neighborhood directly north of the subject site will be buffered from the commercial property by a senior housing complex, the potential noise nuisance from the commercial uses will be minimal or non-existent. In addition, the senior housing complex will be over 80-feet from any buildings or loading zoning proposed on the commercial portion of the site, including a 20-foot landscaping buffer.

The applicant will be subject to further mitigation measures which will mitigate any noise generated by the proposed project on the neighboring residential uses. Such, mitigation measures will ensure that the proposed project will not result in the exposure of persons to or generation of noise levels in excess of the standards established in the 2025 Fresno General Plan and the Fresno Municipal Code. Furthermore, hours of operation, building design, site layout, and implementation of the mitigation measures as identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan will reduce the project's noise impacts to less than significant. Upon review of Conditional Use Permit No. C-08-092, the development will be subject to further conditions addressing noise, including preparation of the required acoustical analysis.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the noise related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated April 22, 2008.

9.0-LAND USE

The plan amendment application for the project site proposes to amend the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate the northwest approximately 6 acre portion of the property from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation, and the southwest approximately 2 acre portion of the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation.

The related rezone application would redesignate the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM (*Single Family Residential/ Urban Growth Management*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue.

Conditional Use Permit Application No. C-08-092 proposes the development of a 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square foot daycare. The proposed uses of the CUP application are consistent with the proposed C-1 (*Neighborhood Shopping Center*), C-P (*Administrative and Professional Office*), and R-1 (*Single Family Residential*) zone districts.

The 2025 Fresno General Plan contains numerous policies that apply to the proposed project. For example, Objective C-12 of the 2025 Fresno General Plan states that "Commercial land uses shall be classified, located, sized, and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts." The proposed plan amendment will allow the proposed site to be developed with a use/service that meets the needs of the surrounding neighborhood. In addition, locating a neighborhood shopping center and a daycare center in an area substantially surrounded by residential uses will minimize travel requirements.

A second policy in the General Plan that applies to the proposed project is Policy C-12-a which states that the City shall "ensure that all commercial land uses are developed and maintained in a manner complimentary to and compatible with adjacent residential land uses, to minimize interface problems with surrounding environment and to be compatible with public facilities and services." Upon review of Conditional Use Permit Application No. C-08-092 (the related entitlement application), it appears that adequate interface measures are shown on the site plan submitted, however, the conditions of approval for this conditional use permit may include additional requirements to ensure that the proposed development, when operating, will be complimentary to and compatible with the adjacent residential uses.

In addition, another policy in the General Plan that applies to the proposed project is Objective C-9 of the 2025 Fresno General Plan which states that the city should "Plan for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities". The proposed project includes a 106 unit senior apartment complex. With the increasing number of senior citizens comes the need to provide adequate and affordable housing for this population. This project will provide a type of housing needed within the area in a location that is predominantly surrounded by single family housing.

Finally, Objective C-8 of the 2025 Fresno General Plan states that the city should "Facilitate the development of mixed uses to blend residential, commercial and public land uses on one site." The proposed project, although lacking vertical integration of uses, is an integrated multi-use project that will blend residential, retail,

office, and services over the entire site. Thus, the proposed project is consistent with this objective of the 2025 Fresno General Plan.

Furthermore, the Roosevelt Community Plan details several policies which apply to the proposed project. The following are excerpts of such policies.

Goal 1-3 of the Roosevelt Community Plan encourages mixed use developments that provide a diversity of land uses. The proposed project meets the intent of this goal. As mentioned above, the proposed project, although not a truly mixed use project, will blend residential, retail, office, and services on one site, and will provide a range of housing opportunities by adding senior housing in an area dominated by single family residential housing.

A second goal in the Roosevelt Community Plan that applies to the proposed project is Goal 1-4, which states that the City shall "improve the quality of life by providing for a revitalized, self-sustaining, and holistic community". The proposed project will improve the quality of life of the existing and future residents of this neighborhood by providing neighborhood serving retail uses and services within walking distance. By providing these shops and services (grocery store, drug store, daycare center, etc.) within walking distance of a residential neighborhood, the proposed project helps this neighborhood become more self-sustaining by allowing residents to access most of their daily consumer and service needs within their own neighborhood.

Based upon implementation of projects developed consistent with planned land use, the applicability of adopted development standards, plan policies/implementation measures, and applicable mitigation measures of the above-referenced environmental documents, and with consideration of the proposed land use relationship, and recommended neighborhood unifying design principles, it is concluded that the proposed plan amendment and rezone applications will further promote the achievement of the planned urban form and land use objectives of the 2025 Fresno General Plan and the Roosevelt Community Plan, and thus the proposed change in land use from the medium low density residential planned land use designation to the neighborhood commercial and office commercial planned land use designations is appropriate.

Mitigation Measure

1. The proposed project shall implement and incorporate, as applicable, the land use related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated April 22, 2008.
2. The proposed project shall implement and incorporate, as appropriate, the land use related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130/2025 Fresno General Plan Mitigation Monitoring Checklist dated April 22, 2008.

10.0-TRANSPORTATION AND CIRCULATION

The Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (incorporated herein by reference) utilized macro-level traffic analysis techniques to examine the traffic flow level of service (LOS) for major street segments that would occur in the year 2025. This analysis utilized the unadjusted Council of Fresno County Governments (COG) traffic model projected traffic volumes and the Florida Tables, which are an accepted national tabular standard of the Highway Capacity Manual (HCM) methodology. LOS is a characterization of a street's traffic flow operations that range from an LOS of A (reflecting a very low traffic volume with no travel delay) to an LOS of F (reflecting a very high traffic volume with substantial congestion and travel delay).

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The project will take access from South Clovis and East California Avenues. In the 2025 Fresno General Plan Circulation Element, South Clovis Avenue is designated as a 4-lane divided arterial while East California is designated as a 4-lane arterial (that is currently undivided). The project will be required to construct all necessary street frontage improvements to City Standards. Right-of-way dedication will also be required to provide for the necessary improvements.

As required by the mitigation measures established by the certification of MEIR No. 10130, a traffic impact study (TIS) was prepared to determine the project's impacts at major street intersections adjacent or proximate to the project site. Applying the factors outlined in the Institute of Traffic Engineers Trip Generation Manual, the proposed development, which consists of a 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square foot daycare, is expected to generate an average of approximately 3,571 average daily trips (ADT). Of these vehicle trips, it is projected that 170 trips will occur during the morning (7 to 9 a.m.) peak hour travel period and 340 trips will occur during the evening (4 to 6 p.m.) peak hour travel period. It is projected that the proposed project could generate approximately 2,834 additional daily trips, 112 additional trips during the morning peak hour and 262 additional trips during the evening peak hour to the existing land use of medium low density residential (single family homes).

With regard to South Clovis Avenue between East Butler and East Church Avenues, Policy E-1-e of the 2025 Fresno General Plan together with projected traffic volumes as noted in Appendix 2 (Council of Fresno County Governments Traffic Model Calibration/Validation Report and Model Documentation) of the adopted MEIR No. 10130 for the 2025 Fresno General Plan calls for this street to operate at LOS D and is projected to operate at LOS D in 2025 with the implementation of the mitigation measures (widening from two lanes to four lanes) set forth in the Project Specific Monitoring Checklist and the MEIR Mitigation Monitoring Checklist. With the development that will take place consistent with the plan amendment and rezone, the traffic generated by this site will be greater than that traffic projected with the currently designated general plan land use. Accordingly, with mitigation as shown in the 2025 Fresno General Plan, the project will not have a significant effect on the traffic and circulation on South Clovis Avenue between East Butler and East Church Avenues, because it will operate at a LOS equal to or better than what is called for in the 2025 Fresno General Plan or no worse than LOS D.

The developer of this project, in accordance with the mitigation measures of the Master Environmental Impact Report (No. 10130) which was certified by the Council with the adoption of the 2025 Fresno General Plan, will be required to pay impact fees specific to the traffic signalization of the major street intersections. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee which is currently \$45.98 per ADT at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Trip Generation Manual. Based on the current fee, the TSMI fee for this project would be \$164,194.58.

The project shall pay the appropriate street impact fee which will be determined at time of building permit.

The California Department of Transportation (Caltrans), District 6, Office of Intergovernmental Relations has submitted the attached comments dated March 18, 2008, indicating that payment into the City's Impact Fee Program will mitigate the project's potential impacts to the intersection of SR 180 (East Kings Canyon Road) and Clovis Avenue. They have indicated that this project requires no other mitigation measures to mitigate the project's impact on the state highway system.

Along with other cities and Fresno County, the City of Fresno has partnered with the Fresno County Council of Governments and Caltrans on a regional study for the greater Fresno-Clovis-Madera Metropolitan area. The study may provide the nexus/rough proportionality study necessary for determining a developer's proportionate responsibility for capital improvements to the state highway system.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the traffic and circulation related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated April 22, 2008.
2. The proposed project shall implement and incorporate, as applicable, the traffic and circulation related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated April 22, 2008.

11.0-URBAN SERVICES

The Public Utilities Department has determined that adequate sewer and water facilities are available to serve the site. More detailed infrastructure requirements will be imposed during the review of Conditional Use Permit Application No. C-08-092 which may include extension of sewer and water mains to ensure adequate services. City police and fire protection services are also available to serve the proposed project. The Public Utilities Department has determined that solid waste facilities are also available to serve the site.

11.1-Availability of Fire Protection

Fire Station No. 15 is located just over a half-mile north of the project site, on the southeast corner of South Clovis Avenue and East Park Circle Drive. The City of Fresno Fire Department has reviewed the proposal and has indicated that adequate fire services are available to serve the site. However, more detailed emergency vehicular access and hydrant issues will be addressed during the review of Conditional Use Permit Application No. C-08-092.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the fire related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated April 22, 2008.

11.5 - Availability of Water and 11.6-Availability of Sewer Lines of Adequate Capacity

The project will be required to install sewer house branches, water service and meter boxes, while any existing on-site private septic systems must be properly abandoned. Furthermore, the Department of Public Utilities has reviewed the proposal and has indicated that they have adequate resources to serve the project subject to implementation of the mitigation measures as identified in the attached Project Specific Monitoring Checklist dated April 22, 2008, and MEIR No. 10130 prepared for the 2025 Fresno General Plan will reduce the project's impacts on water and sewer service to less than significant. Conditional Use Permit Application No. C-08-092 will contain a detailed set of infrastructure requirements for the subject parcel to further reduce impacts to waste and sewer.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the sewer and water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated April 22, 2008.

11.7 - Availability of Storm Water Drainage Facilities On or Off Site

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the Master Plan drainage system is designed to serve medium density residential uses and the existing facilities do not have the capacity to serve the proposed commercial land use. However, the FMFCD has indicated that if the developer either makes improvements to the existing pipeline system to provide additional capacity, or use some type of permanent peak reducing facility, the adverse impacts on the existing system could be eliminated. If the developer chooses to construct a permanent peak reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by the commercial development, to a two-year discharge, which would be produced by the property if developed to medium density residential. The applicant will be required to submit the improvement plans showing the proposed method of mitigation to the FMFCD for review and approval prior to issuance of building permits for the proposed project.

In addition, the property owner/developer will also be required to prepare a grading plan in order to eliminate adverse impacts on the existing system. Implementation of the mitigation measures as identified in the attached Project Specific Monitoring Checklist dated April 22, 2008, and in MEIR No. 10130 prepared for the 2025 Fresno General Plan will reduce the project's drainage impacts to less than significant. Upon review of Conditional Use Permit Application No. C-08-092, more specific requirements will be drafted by the District and incorporated into the project.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the storm water related mitigation measures as noted in the attached Project Specific Monitoring Checklist, dated April 22, 2008.
2. The proposed project shall implement and incorporate, as applicable, the storm water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated April 22, 2008.

12.0-HAZARDS

There are no known hazards associated with the project site. The project is not located within a 100 year floodway and, therefore, is not subject to flooding nor is it located within an airport flight path. The project does not involve the handling or hauling of hazardous materials or waste. With no hazards being associated with the project, it is not subject to the mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan.

13.0 – AESTHETICS

The immediate area is substantially developed with urban uses; therefore, no public or scenic vista will be obstructed by the development and no valuable vegetation will be removed. The project will not damage any scenic resources nor will it degrade the visual character or quality of the site and its surroundings.

Furthermore, development of the site will not create a new source of substantial light or glare which would affect day or night time views in the project area, given that during the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties, including the existing residences to the east. As a result, the project will have a less than significant impact on aesthetics. The project will be subject to the aesthetics mitigation measures identified in MEIR No. 10130 prepared for the 2025 Fresno General Plan and on the attached Mitigation Monitoring Checklist dated April 22, 2008. Conditions to ensure the project is aesthetically appealing will be further defined upon review of Conditional Use Permit No. C-08-092.

14.0-HISTORICAL/ARCHAEOLOGICAL

Given that the immediate area is substantially developed with urban uses, there are no adjacent historical or archaeological sites. The subject site has an existing single family home located on it. There are no records indicating when this building was constructed, but it appears it may have been constructed sometime in the 1950's. Upon review of all sources available, including current pictures of the house, it appears that this single family home and its related accessory buildings have no historical significance.

To ensure that any possible sites will be protected, the following conditions have been added to this special permit approval:

1. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
2. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation.
3. If animal fossils are uncovered, the Museum of Paleontology at U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the archeological related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated April 22, 2008.

DETERMINATION

Based upon these previous actions and the applicability of adopted development standards, plan policies/implementation measures, and applicable mitigation measures of the above-referenced environmental documents, it is concluded that the proposed land uses will not result in a significant indirect adverse environmental effect.

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On the basis of this initial evaluation, it is determined that the proposed project is consistent with all applicable city plans and policies and conforms to all applicable zoning standards and requirements. Pursuant to Section 15070 of the California Environmental Quality Act (CEQA) Guidelines, it is further determined that there is no substantial evidence in the record that the proposed project may have a significant effect on the environment. **This is based upon the mitigation measures required as conditions of project approval, which are referenced by this environmental assessment and are conditions upon which a mitigated negative declaration can be recommended.** A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.

**CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
PROJECT SPECIFIC MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. A-08-01/R-08-01/C-08-092**

Project/EA No. A-08-01/R-08-01/C-08-092

Date: April 22, 2008

	Mitigation Measure	Implemented By	When Implemented	Verified By
2.1 - Air Quality	Approval of the proposed project shall be conditioned upon compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII, Rule 8020, as related to fine particulate matter and dust.	Planning and Development Department, Building Section and Public Works Department, Construction Management Division.	Prior to occupancy of any building	Planning and Development Department, Building Section and Public Works Department, Construction Management Division
2.1 - Air Quality	Wood burning devices shall be in accordance with the Uniform Mechanical Code, as recently amended by the City Council.	Planning and Development Department	During construction	Planning and Development Department
2.1 - Air Quality	Approval of the proposed project shall be conditioned upon compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 9510, the Indirect Source Review (ISR). The rule requirement is to reduce construction NOX and PM10 emissions by 20% and 45%, respectively, as well as reducing operational NOX and PM10 emissions by 33.3% and 50%, respectively, compared to unmitigated projects. As part of the ISR, the applicant will be required to either implement mitigation measures to reduce the project's emissions or to pay a fee to reduce emissions off-site. The following are several mitigation measures that the SJVAPCD may require in order for the project to comply with Rule 9510: <ol style="list-style-type: none"> 1. Project is located within one mile of a park and ride lot operated by a transportation agency. 2. Other trip reduction services on site or within 1/4 mile of site. 	Planning and Development Department and the San Joaquin Valley Air Pollution Control District	Prior to approval of entitlement application	Planning and Development Department (after obtaining a Mitigation Monitoring Reporting Schedule from the SJVAPCD)

**CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
PROJECT SPECIFIC MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. A-08-01/R-08-01/C-08-092**

Project/EA No. A-08-01/R-08-01/C-08-092

Date: April 22, 2008

	Mitigation Measure	Implemented By	When Implemented	Verified By
	<ol style="list-style-type: none"> 3. Projects that minimize the need for trips in high density residential, mixed, or retail/commercial use areas that are located within a 1/2 mile of project centers. 4. Provide Class I and Class II bicycle parking/storage facilities on-site. Bicycle parking facilities should be near destination points and easy to find. At least one bicycle parking space for every 20 vehicle parking spaces. 5. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees. 6. Install Class I or II bike lanes on arterial/collector streets, or where a suitable route exists. 7. Provide building access and paths which are physically separated from street parking lot traffic and that eliminate physical barriers such as walls, berms, landscaping and slopes that impede the use of pedestrians, bicycle facilities, or public transportation vehicles. 8. Provide traffic reduction modifications to project roads, such as: narrower streets, speed platforms, bulb-outs and intersection modifications designed to reduce vehicle speeds and to encourage pedestrian and bicycle travel. 			

**CITY OF FRESNO
 MITIGATED NEGATIVE DECLARATION
 PROJECT SPECIFIC MONITORING CHECKLIST
 ENVIRONMENTAL ASSESSMENT NO. A-08-01/R-08-01/C-08-092**

Project/EA No. A-08-01/R-08-01/C-08-092

Date: April 22, 2008

	Mitigation Measure	Implemented By	When Implemented	Verified By
	<p>9. Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees, residents, or visitors.</p> <p>10. Display Bike Route Maps, Bus Schedules, and any other transportation information such as carpooling, car sharing</p> <p>11. Project design uses models by the Local Government Commission (LGC) in the "Smart Growth Guidebook," such as: street block patterns that form an interconnected grid, short block faces, numerous alleys and narrow streets.</p> <p>12. Develop and implement parking pricing strategies, such as charging parking lot fees to low occupancy (single occupant vehicles) vehicles.</p> <p>13. Provide preferential parking spaces near the entrance of buildings for those who carpool/vanpool/rideshare and provide signage.</p> <p>14. Install efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces and boiler units beyond Title 24 requirements (see Title 24, Part 6, Energy Efficiency Standards for Residential and Nonresidential Buildings: http://www.energy.ca.gov/title24/standard)</p> <p>15. Improve the thermal integrity/efficiency of</p>			

**CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
PROJECT SPECIFIC MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. A-08-01/R-08-01/C-08-092**

Project/EA No. A-08-01/R-08-01/C-08-092

Date: April 22, 2008

Mitigation Measure	Implemented By	When Implemented	Verified By
<p>buildings, and reduce the thermal load with automated and timed temperature controls or occupant sensors.</p> <p>16. Solar Design</p> <p>17. Use devices that minimize the combustion of fossil fuels.</p> <p>18. Install high efficiency Energy Star heating or ground source heat pumps</p> <p>19. Install energy efficient interior lighting.</p> <p>20. Install built-in energy efficient appliances.</p> <p>21. Install electrical outlets on the exterior walls of both the front and back of residences or all commercial buildings to promote the use of electric landscape maintenance equipment.</p> <p>22. Install electric vehicle recharging station with both conductive and inductive charging capabilities in residential garages / parking lots.</p> <p>23. Project provides and/or requires use of electric maintenance equipment; including, but not limited to electric lawn mowers, electric leaf blowers, etc.</p> <p>24. Prohibit gas powered landscape maintenance equipment within developments.</p>			

**CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
PROJECT SPECIFIC MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. A-08-01/R-08-01/C-08-092**

Project/EA No. A-08-01/R-08-01/C-08-092

Date: April 22, 2008

	Mitigation Measure	Implemented By	When Implemented	Verified By
2.1 - Air Quality (Climate Change)	The applicant shall incorporate all applicable and feasible, as defined by Public Resources Code § 21061.1 and as determined by the Director of Planning and Development, Sustainable Building Policies established by City Council on February 1, 2005.	Planning and Development Department (Planning Division)	During review of entitlement application	Planning and Development Department (both the Planning Division and the Building and Safety Division)
6.0 - Human Health/Safety	Prior to occupancy, any water wells or septic systems on the subject property must be properly destroyed as detailed in the Fresno County Department of Community Health's letter dated February 25, 2008.	Planning and Development Department and Department of Public Utilities	Prior to construction	Planning and Development Department and Department of Public Utilities
9.0 - Land Use	Approval is subject to the requirements and standards of the adopted 2025 Fresno General Plan and the Roosevelt Community Plan.	Planning and Development Department.	Entitlement processing	Planning and Development Department
10.0, 10.1 and 10.2 - Traffic and Circulation	This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit. This project shall pay its appropriate street impact fee which will be determined at time of building permit. The project shall make necessary improvements and right-of-way dedications along adjacent public streets as per City of Fresno requirements.	Planning and Development and Public Works Department	Prior to occupancy	Planning and Development Department and Public Works Department.
11.7 - Availability of Storm Water Drainage Facilities	The developer must either make improvements to the existing pipeline system to provide additional capacity, or use some type of permanent peak reducing facility. If the developer chooses to construct a permanent peak reducing facility, such a system would be required to reduce runoff from a	Planning and Development Department, Public Works Department, FMFCD	Prior to issuance of building for the proposed project	Public Works Department, Construction Management Division, FMFCD

**CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
PROJECT SPECIFIC MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. A-08-01/R-08-01/C-08-092**

Project/EA No. A-08-01/R-08-01/C-08-092

Date: April 22, 2008

	Mitigation Measure	Implemented By	When Implemented	Verified By
MEIR No. 10130	<p>ten-year storm produced by the commercial development, to a two-year discharge, which would be produced by the property if developed to medium density residential. The applicant will be required to submit the improvement plans showing the proposed method of mitigation to the FMFCD for review and approval prior to issuance of building permits for the proposed project.</p> <p>In addition, the property owner/developer will also be required to create a grading plan in order to eliminate adverse impacts on the existing system.</p> <p>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.</p>	Planning and Development Dept. as authorized by Section 15150 of CEQA.	Prior to occupancy of any building within the project.	Planning and Development Department.

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN
Mitigation Monitoring Checklist**

Project/EA No. A-08-01/R-08-01/C-08-092

Date: April 22, 2008

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

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 AEE, 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 the respective section of Chapter V of MEIR No. 10130.

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

A - Incorporated into Project
B - Mitigated

C - Mitigation in Progress
D - Responsible Agency Contacted

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

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN
Mitigation Monitoring Checklist**

Project/EA No. A-08-01/R-08-01/C-08-092

Date: April 22, 2008

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>B-4. For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors:</p> <p>a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services.</p> <p>b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of 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-5. Circulation and site design measures shall be considered for development projects so that local trips may be completed as much as possible without use of, or with reduced use of, major streets and major street intersections. Appropriate consideration must also be given to compliance with plan policies and mitigation measures intended to promote compatibility between land uses with different traffic generation characteristics.</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-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.</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-7. Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably as bicycle lanes, shall be provided on all new major streets and shall be considered when designing improvements for existing major streets.</p>	<p>Ongoing</p>	<p>Public Works Dept./ Transportation Planning/Planning and Development Dept.</p>	<p align="center">X</p>					

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Date: April 22, 2008

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs.</p> <ul style="list-style-type: none"> a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements. c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations. d. 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. 	Ongoing	Planning and Development Department	X					
<p>C-2. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as:</p> <ul style="list-style-type: none"> a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use. 	Ongoing	Fresno Area Express					X	

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.</p>	Ongoing	Various city departments	X				X	
<p>D-1. 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				
<p>D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, 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.</p>	Ongoing	Department of Public Utilities and Planning and Development Department		X		X		
<p>D-3. 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.</p>	Ongoing	Department of Public Utilities					X	
<p>D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.</p>	Ongoing	Planning and Development Department	X				X	
<p>D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods.</p>	Ongoing	Planning and Development Department						X
<p>D-6. The city shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect:</p>	Ongoing	Planning and Development Department						X

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Project/EA No. A-08-01/R-08-01/C-08-092

Date: April 22, 2008

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY							
			A	B	C	D	E	F	
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.									
D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).	Ongoing	Planning and Development Department							X
D-8. 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		
D-9. 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		
D-10. The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities					X		
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Planning and Development Department					X		
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate	Ongoing	Planning and							X

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F						
			A	B	C	D	E	F	
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.		Development Department							
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department		X					
E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.	Ongoing	Planning and Development Department		X					
F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.	Ongoing	Dept. of Public Utilities and Planning and Development Department	X	X					
F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.	Ongoing	Dept. of Public Utilities						X	
F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.	Ongoing	Dept. of Public Utilities						X	

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Project/EA No. A-08-01/R-08-01/C-08-092

Date: April 22, 2008

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F						
			A	B	C	D	E	F	
F-3. The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing	Dept. of Public Utilities	X					X	
F-4. The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.	Ongoing/prior to approval of land use entitlement application	Dept. of Public Utilities and Planning and Development Department	X	X					
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City=s jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities	X						
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.				X			
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept./Planning and Development Dept.				X			
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project=s approval.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.						X	

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Date: April 22, 2008

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE STATUS						
			A	B	C	D	E	F	
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall include siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.						X	
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.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X	
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.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X	X
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).	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X	
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.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X	

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Date: April 22, 2008

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures:</p> <ul style="list-style-type: none"> a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft. 	<p>Ongoing/prior to approval of land use entitlement application</p>	<p>Planning and Development Dept.</p>	<p align="center">X</p>				<p align="center">X</p>	
<p>J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and 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>	<p align="center">X</p>				<p align="center">X</p>	
<p>J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory=s Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.</p>	<p>Ongoing</p>	<p>Planning and Development Dept./ Historic Preservation Commission staff</p>	<p align="center">X</p>				<p align="center">X</p>	
<p>J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior=s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project=s impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.</p>	<p>Ongoing</p>	<p>Planning and Development Dept./ Historic Preservation Staff</p>					<p align="center">X</p>	
<p>K-1. 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>	<p align="center">X</p>				<p align="center">X</p>	

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Date: April 22, 2008

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 General Plan.)</p> <p>The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4.</p> <p>§ Site Planning. See Chapter V for more details. § Barriers. See Chapter V for more details. § Building Designs. See Chapter V for more details.</p>	<p>Ongoing/upon submittal of land use entitlement application</p>	<p>Planning and Development Dept.</p>	<p>X</p>	<p>X</p>	<p></p>	<p></p>	<p></p>	<p></p>
<p>K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.</p>	<p>Ongoing/prior to building permit issuance</p>	<p>Planning and Development Dept.</p>	<p>X</p>	<p></p>	<p></p>	<p></p>	<p>X</p>	<p></p>
<p>L-1. 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>	<p>X</p>	<p></p>	<p></p>	<p></p>	<p>X</p>	<p></p>
<p>N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.</p>	<p>Ongoing</p>	<p>Planning and Development Dept.</p>	<p></p>	<p></p>	<p>X</p>	<p></p>	<p></p>	<p></p>
<p>Q-1. The City shall establish and implement design guidelines applicable to all commercial and 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>	<p>X</p>	<p></p>	<p></p>	<p></p>	<p>X</p>	<p></p>

5610 Columbia Drive South
Fresno, CA 93727
May 21, 2008

City of Fresno Planning Commission
City Hall Council Chamber, 2nd Floor
2600 Fresno Street
Fresno, CA 93721

Attn: Keith Bergthold, Secretary
Fresno City Planning Commission

Re: General Plan Amendment Application No. A-08-01
Rezone Application No. R-08-01
Environmental Assessment No. A-08-001/R-08-001/C-08-092

As a resident adjacent to this project, I have several concerns regarding this project and request that this letter be read and entered into the comments section of this report for the public record at this evening's meeting.

The Traffic Impact Study did not address all the significant impacts of this project. The average daily traffic from this project, as well as the peak hour traffic, will significantly affect Clovis Avenue from Jensen Avenue to Kings Canyon, which is already experiencing traffic problems with all the additional development that has taken place over the past several years. Right and left turns out of my street, Columbia Drive South, take up to 10 minutes to complete during peak hours. Why weren't all the intersections that cross Clovis Avenue studied?

This development will significantly increase traffic from other residential areas as the proposed neighborhood commercial endeavors will also depend on sales outside the "neighborhood." Also, what are the hours of operation of these stores; will they be selling alcohol, etc. We do not need anymore strip malls in this area. We already have several vacant stores in the vicinity which lend themselves to various crime issues and add to the blight.

Without proper and adequate analysis of all the significant impacts of this project, a Mitigated Negative Declaration is not appropriate for this project. A full Environmental Impact Report needs to be done since all the traffic impacts and mitigation have not been disclosed, consequently, the Planning Commission is unable to make a fully informed decision.

Sincerely,

Helen Fort

Helen Fort
Resident, Sunnyside Place

cc: Bonique Salinas
Sunnyside Place HOA

February 13, 2008

Hand Delivered

Mr. Nick Yovino
Director of Planning and Development Department
City of Fresno
2600 Fresno Street
Fresno, CA 93721-3604

Subject: A-05-07, R-05-036, C-07-119
Northwest Corner of East Jensen & South Clovis Avenue

Dear Mr. Yovino:

This is to confirm our conversation at a meeting with Assistant Director Keith Bergthold on Wednesday, January 30, 2008, regarding the elimination of commercial land use conversions on South Clovis Avenue between Kings Canyon Boulevard and East Jensen Avenue. We are sending this letter at the direction of our client, Catlin Properties, and as requested by Mr. Bergthold.

For your reference, in 2005 General Plan Amendment A-05-07 and Rezone R-05-036 were processed for the 15.6 acre property at the NWC of East Jensen and South Clovis Avenues (Catlin property). These entitlements were approved by the Fresno City Council on November 1, 2005, and changed the planned use designation from Medium Density Residential to Community Shopping Center District on an approximately eight acre parcel adjacent on the west to a Neighborhood Commercial designated use parcel at the NWC of East Jensen and South Clovis Avenues.

During the time A-05-07 and R-05-036 were being processed by staff, you stated that due to the problem of cumulative traffic impacts additional commercial development would not be allowed along South Clovis north of East Jensen. To mitigate the problem of this cumulative traffic impacts the Catlin Properties General Plan Amendment application required the conversion of the commercial designated use to a residential use on a similar sized parcel on the east side of North Clovis at the NEC of East Church and South Clovis. This parcel was being converted to residential use by Tract 5503 filed by Lennar Fresno, Inc. for which the final map was approved by City Council on November 27, 2007. Furthermore, during the City Council hearing for the Catlin Properties entitlement applications planning staff indicated the NWC of Clovis and Jensen Avenues is where they wanted the commercial use located for a shopping center since it would serve not only the current population in the area but also the new Southeast Growth Area.

Catlin Properties proceeded with development entitlements beyond the General Plan Amendment and Rezone by submitting a Conditional Use Permit Application C-07-119

for a Community Shopping Center based upon the commitment that no additional retail commercial land uses would be allowed on South Clovis between East Jensen and East Kings Canyon. The CUP Application was approved for a Community Shopping Center on November 7, 2007.

Efforts to attract tenants is based upon the market service area surrounding the Catlin Properties shopping center being separated from other commercial areas in the southeast region of Fresno and its identification as a strategically located, unique and desirable location for commercial tenants.

During the summer of 2007 we received information the owner (Lennar) of the former commercial zoned parcel at the NEC of East Church and South Clovis wanted to change the zoning back to commercial. We contacted you at that time to reaffirm with you that the cumulative traffic impact problem still remained and you indicated the change back to commercial could not happen without the consent of Catlin Properties, which they are not inclined to offer.

We have recently become aware of a pending effort by a development group to pursue a General Plan Amendment and Rezone for property located at South Clovis and East California currently planned for residential use. This location is within one mile of the Catlin site and would have a negative impact. The California and Clovis site may be attractive to some of the same tenants we are seeking due to the close proximity.

Therefore, on behalf of Catlin Properties we hereby formally object to the creation of any additional commercial land uses that may contain retail tenants or owners south of Kings Canyon Boulevard and north of East Jensen Avenues on South Clovis Avenue. We proceeded with our project in good faith and feel our ability to attract and hold tenants would be adversely affected by any land use conversions to commercial for retail along South Clovis Avenue north of East Jensen Avenue.

If you have any questions or require any additional information, please contact me at our office (559) 497-1900.

Respectfully submitted,

William V. Robinson
Principal

c: Keith Bergthold, City of Fresno
Robert W. Ashin, Catlin Properties

FRESNO CITY PLANNING COMMISSION RESOLUTION NO. 12856

The Fresno City Planning Commission at its regular meeting on May 21, 2008, adopted the following resolution relating to Plan Amendment Application No. A-08-01.

WHEREAS, Plan Amendment Application No. A-08-01 has been filed with the City of Fresno by BKM Partners and SKN Properties on behalf of Cris and Don Pilegard, proposing to amend the 2025 Fresno General Plan and the Roosevelt Community Plan for approximately 8 acres of property located on the northeast and southeast corners of South Clovis and East California Avenues from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation for the northwest approximately 6 acre portion of the property, and from the medium low density residential planned land use designation to the office commercial planned land use designation for the southwest approximately 2 acre portion of the subject property; and,

WHEREAS, Council District 5 does not have a Plan Implementation Committee; and,

WHEREAS, the Fresno City Planning Commission conducted a noticed public hearing on May 21, 2008, at which time the Commission reviewed the staff report and Environmental Assessment No. A-08-01/R-08-01/C-08-092, dated April 22, 2008, prepared for the plan amendment; and,

WHEREAS, the Planning Commission is satisfied that the project conditions 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 concurs with the issuance of a Mitigated Negative Declaration; and,

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

WHEREAS, the Planning Commission considered public testimony related to the proposed plan amendment application with two members of the general public speaking in opposition; and,

WHEREAS, the Planning Commission did receive one letter in opposition to the plan amendment application citing concerns regarding traffic congestion along South Clovis Avenue and the difficulty getting from local residential streets onto South Clovis Avenue because of this increase in traffic congestion; and,

WHEREAS, at the same hearing the Commission reviewed related Rezone Application R-08-01 proposing to reclassify the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM/cz (*Single Family Residential/ Urban Growth Management/conditions of zoning*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue subject to the following recommended condition of zoning:

- a. The Planning Commission shall review all site plan review applications, conditional use permit applications, or other entitlement applications submitted for the subject property.

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 recommends that the Council approve the finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-08-01/R-08-01/C-08-092.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that Plan Amendment Application No. A-08-01, which proposes to amend the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation for the northwest approximately 6 acre portion of the property, and from the medium low density residential planned land use designation to the office commercial planned land use designation for the southwest approximately 2 acre portion of the subject property, as depicted by attached Exhibit A, be approved.

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

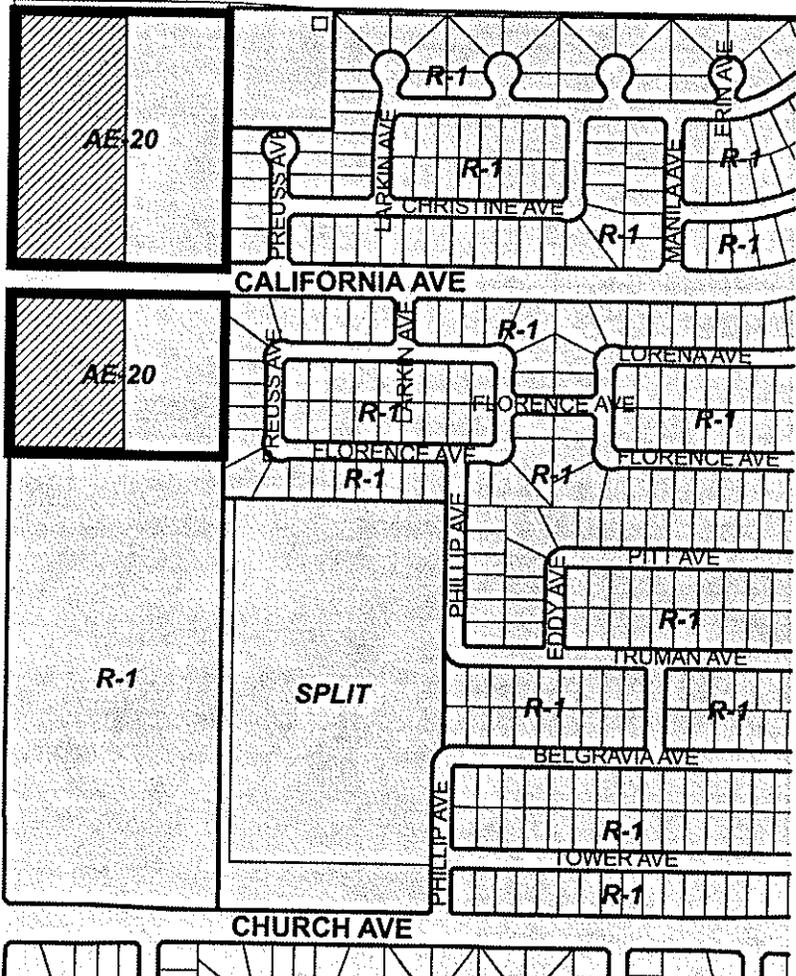
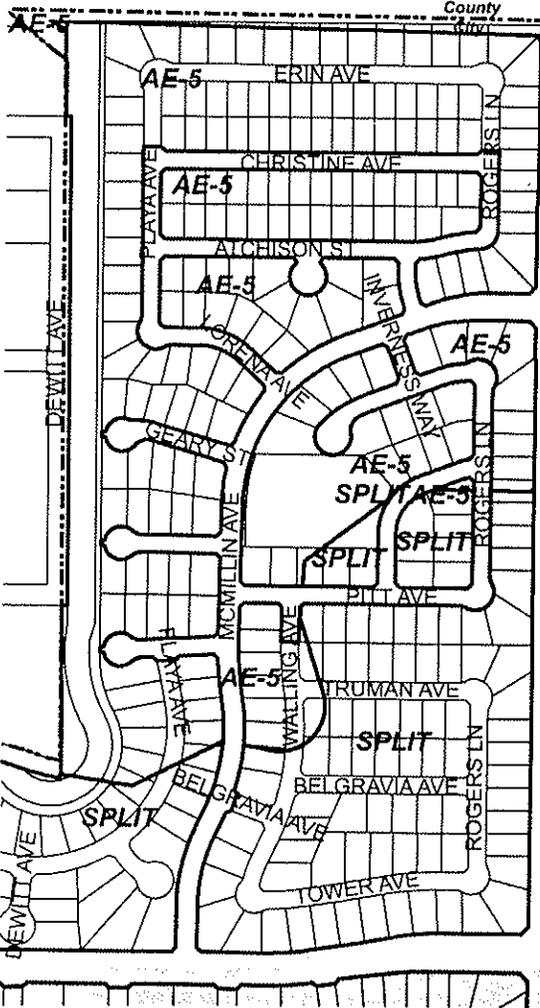
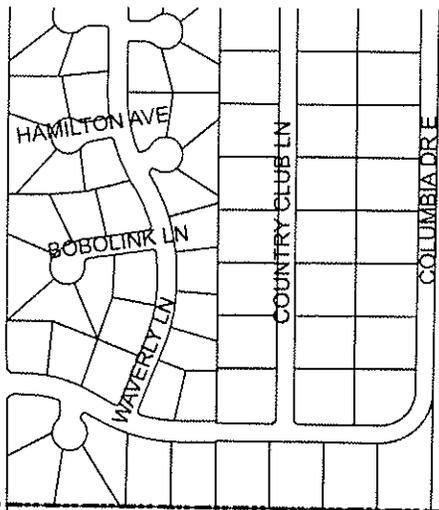
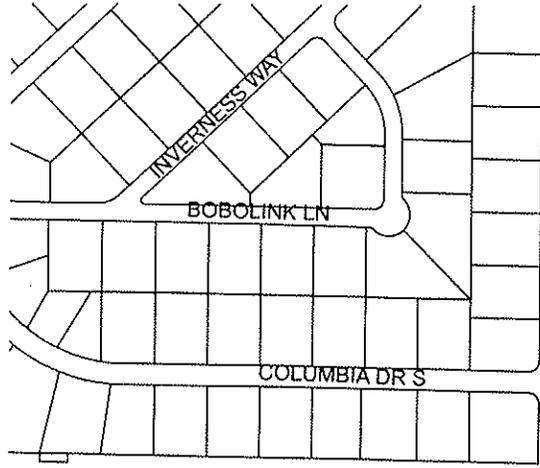
VOTING: Ayes - Holt, Cherry, DiBuduo, Torossian, Vang, Vasquez
 Noes - None
 Not Voting - None
 Absent - Kissler

DATED: May 21, 2008


KEITH BERGTHOLD, Secretary
Fresno City Planning Commission

Resolution No. 12856
Plan Amendment Application No. A-08-01
Filed by BKM Partners and SKN Properties on behalf of Cris and Don Pilegard
Action: Recommend Approval

Exhibit A



LEGEND

 Rezone from AE-20 to R-1, C-1 and C-P/UGM

 From Med. Low Density to Neighborhood Commercial and Office Commercial (C-1, C-P/UGM)

 U.G.M. Area

VICINITY MAP

PLAN AMENDMENT NO. A-08-001
 From Med. Low Density Res. to Neighborhood Comm. and Office Comm.
 REZONE APPLICATION NO. R-08-001
 From AE-20 to R-1; C-1 and C-P/UGM
 South Clovis Ave. at California Ave.

PLANNING & DEVELOPMENT DEPARTMENT



NOT TO SCALE

A.P.N.: 313-040-55
 ZONE MAP: 2457
 BY/DATE: D.N. / 4-22-08

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 12857**

The Fresno City Planning Commission, at the regular meeting on May 21, 2008, adopted the following resolution relating to Rezone Application No. R-08-01.

WHEREAS, Rezone Application No. R-08-01 has been filed with the City of Fresno to rezone the property as described below:

REQUESTED ZONING: C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM/cz (*Single Family Residential/ Urban Growth Management/conditions of zoning*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue

EXISTING ZONING: AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district

APPLICANT: BKM Partners and SKN Properties on behalf of Cris and Don Pilegard

LOCATION: Northeast and southeast corners of South Clovis and East California Avenues

APN: 316-022-01

LEGAL DESCRIPTION: From AE-20/UGM to C-1/UGM/cz:

That portion of the Northwest quarter of the Northwest quarter of Section 16, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 16;

Thence North 89°13'16" East, along the North line of said Section 16, a distance of 358.22 feet;

Thence South 00°58'06" East, a distance of 75.00 feet to the TRUE POINT OF BEGINNING;

Thence South 00°58'06" East, a distance of 281.87 feet to the beginning of a 63.69 foot radius non-tangent curve, concave to the West, a radial to said beginning bears North 22°25'15" East;

Thence Southerly, along said curve, through a central angle of 104°54'30", an arc distance of 116.62 feet;

Thence non-tangent to said curve, South 16°13'21" West, a distance of 26.00 feet;

Thence South 00°58'06" East, a distance of 300.42 feet;

Thence South 05°42'00" East, a distance of 101.69 feet;
Thence South 00°58'06" East, a distance of 225.69 feet;
Thence South 89°01'54" West, a distance of 360.33 feet to a point being 23.00 feet East of the West line of said Section 16;
Thence North 00°59'00" West, parallel with and 23.00 feet East of the West line of said Section 16, a distance of 1033.20 feet to a point being 75.00 feet South of the North line of said Section 16;
Thence North 89°13'16" East, parallel with and 75.00 feet South of the North line of said Section 16, a distance of 335.20 feet to the TRUE POINT OF BEGINNING.
Containing 8.32 acres, more or less.

From AE-20/UGM to C-P/UGM/cz:

That portion of Lot 1 of Henrietta Rancho, according to the map thereof recorded in Book 2 of Plats at Page 20, Fresno County Records, located in the Northwest quarter of the Northwest quarter of Section 16, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, being more particularly described as follows:

COMMENCING at the Southeast corner of said Lot 1;
Thence South 89°14'35" West, along the South line of said Lot 1, a distance of 310.01 feet to the TRUE POINT OF BEGINNING;
Thence South 89°14'35" West, continuing along the South line of said Lot 1, a distance of 360.27 feet to a point being 23.00 feet East of the West line of said Section 16;
Thence North 00°59'00" West, parallel with and 23.00 feet East of the West line of said Section 16, a distance of 229.98 feet;
Thence North 89°01'54" East, a distance of 360.33 feet;
Thence South 00°58'06" East, a distance of 231.31 feet to the TRUE POINT OF BEGINNING.
Containing 1.91 acres, more or less.

From AE-20/UGM to R-1/UGM/cz:

That portion of the Northwest quarter of the Northwest quarter of Section 16, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 16;

Thence North 89°13'16" East, along the North line of said Section 16, a distance of 358.22 feet;

Thence South 00°58'06" East, a distance of 75.00 feet to the TRUE POINT OF BEGINNING;

Thence North 89°13'16" East, parallel with and 75.00 feet South of the North line of said Section 16, a distance of 334.67 feet to a point on the East line of Lot 1 of Henrietta Rancho, according to the map thereof recorded in Book 2 of Plats at Page 20, Fresno County Records;

Thence South 01°00'08" East, along the East line of said Lot 1, a distance of 1263.44 feet to the Southeast corner of said Lot 1;

Thence South 89°14'35" West, along the South line of said Lot 1, a distance of 310.01 feet;

Thence North 00°58'06" West, a distance of 457.00 feet;

Thence North 05°42'00" West, a distance of 101.69 feet;

Thence North 00°58'06" West, a distance of 300.42 feet;

Thence North 16°13'21" East, a distance of 26.00 feet to the beginning of a 63.69 foot radius non-tangent curve, concave to the West, a radial to said beginning bears South 52°40'15" East;

Thence Northerly, along said curve, through a central angle of 104°54'30", an arc distance of 116.62 feet;

Thence non-tangent to said curve, North 00°58'06" West, a distance of 281.87 feet to the TRUE POINT OF BEGINNING.

Containing 9.20 acres, more or less.

WHEREAS, the above-named applicant is requesting a zoning change on the above property in order to develop the subject site with a multi-use development to include a 106 unit senior apartment complex, 60,419 square feet of retail space, and a 7,650 square foot daycare center; and,

WHEREAS, there is no Plan Implementation Committee in Council District 5; and,

WHEREAS, the Fresno City Planning Commission conducted a noticed public hearing on May 21, 2008, at which time the Commission reviewed the staff report and Environmental Assessment No. A-08-01/R-08-01/C-08-092, dated April 22, 2008, prepared for the rezone application; and,

WHEREAS, the Planning Commission is satisfied that the project conditions 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 concurs with the issuance of a Mitigated Negative Declaration; and,

WHEREAS, the Planning Commission reviewed the subject rezone application in accordance with the policies of the 2025 Fresno General Plan and the Roosevelt Community Plan; and,

WHEREAS, the Planning Commission considered public testimony related to the requested rezone application with two members of the general public speaking in opposition; and,

WHEREAS, the Planning Commission did receive one letter in opposition to the plan amendment application citing concerns regarding traffic congestion along South Clovis Avenue and the difficulty getting from local residential streets onto South Clovis Avenue because of this increase in traffic congestion; and,

WHEREAS, at the same hearing the Commission reviewed related Plan Amendment Application No. A-08-01 proposing to redesignate the site from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation for the northwest approximately 6 acre portion of the property, and from the medium low density residential planned land use designation to the office commercial planned land use designation for the southwest approximately 2 acre portion of the subject property.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission finds there is no substantial evidence in the record that the proposed rezone application may have a significant effect on the environment and hereby recommends that the City Council approve the finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-08-01/R-08-01/C-08-092.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that the requested C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM/cz (*Single Family Residential/ Urban Growth Management/conditions of zoning*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue be approved subject to the following condition of zoning:

- a. The Planning Commission shall review all site plan review applications, conditional use permit applications, or other entitlement applications submitted for the subject property.

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

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

DATED: May 21, 2008


KEITH BERGTHOLD, Secretary
Fresno City Planning Commission

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING THE 2025 FRESNO GENERAL PLAN AND THE ROOSEVELT
COMMUNITY PLAN (PLAN AMENDMENT APPLICATION NO. A-08-01)

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

WHEREAS, BKM Partners and SKN Properties on behalf of Cris and Don Pilegard, filed an application to amend the land use designation of the aforementioned plans, relating to approximately 8 acres of property located on the northeast and southeast corners of South Clovis and East California Avenues, from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation for the northwest approximately 6 acre portion of the property, and from the medium low density residential planned land use designation to the office commercial planned land use designation for the southwest approximately 2 acre portion of the subject property; and,

WHEREAS, the environmental assessment conducted for the proposed plan amendment resulted in the finding of a Mitigated Negative Declaration filed on April 22, 2008; and,

WHEREAS, there is no Plan Implementation Committee in Council District 5; and,

WHEREAS, on May 21, 2008, the Fresno City Planning Commission held a public hearing to consider Plan Amendment Application No. A-08-01 and associated Mitigated Negative Declaration for Environmental Assessment No. A-08-01/R-08-01/C-08-092; and,

WHEREAS, the Fresno City Planning Commission took action, as evidenced in Planning Commission Resolution No. 12856, to recommend approval of Plan Amendment Application No. A-08-01, which proposes to amend the planned land use designation for the subject site from the medium low density residential planned land use designation to the neighborhood commercial planned land use

designation for the northwest approximately 6 acre portion of the property, and from the medium low density residential planned land use designation to the office commercial planned land use designation for the southwest approximately 2 acre portion of the subject property; and,

WHEREAS, on June 10, 2008, the Fresno City Council held a public hearing to consider Plan Amendment Application No. A-08-01 and received both oral testimony and written information presented at the hearing regarding Plan Amendment Application No. A-08-01.

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

1. The Council finds that, with the project specific mitigation measures imposed, there is no substantial evidence in the record that Plan Amendment Application No. A-08-01 may have a significant effect on the environment and pursuant to Public Resources Code, Section 21157.6(b)(1), Council further 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 hereby adopts Environmental Assessment No. A-08-01/R-08-01/C-08-092 dated April 22, 2008, which is a finding of Mitigated Negative Declaration.
2. The Council finds the adoption of the proposed plan amendment as recommended by the Planning Commission is in the best interest of the City of Fresno.
3. The Council of the City of Fresno hereby adopts Plan Amendment Application No. A-08-01 amending the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium low density residential planned land use designation to the neighborhood commercial planned land use designation for the northwest approximately 6 acre portion of the property, and from the medium low density residential planned land use designation to

the office commercial planned land use designation for the southwest approximately 2 acre portion of the subject property, as depicted by Exhibit A, attached hereto and incorporated herein by reference.

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CLERK'S CERTIFICATION

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

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the _____ day of _____, 2008.

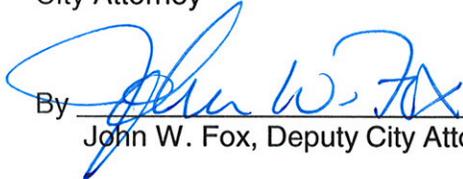
AYES:
NOES:
ABSENT:
ABSTAIN:

REBECCA E. KLISCH
City Clerk

By _____

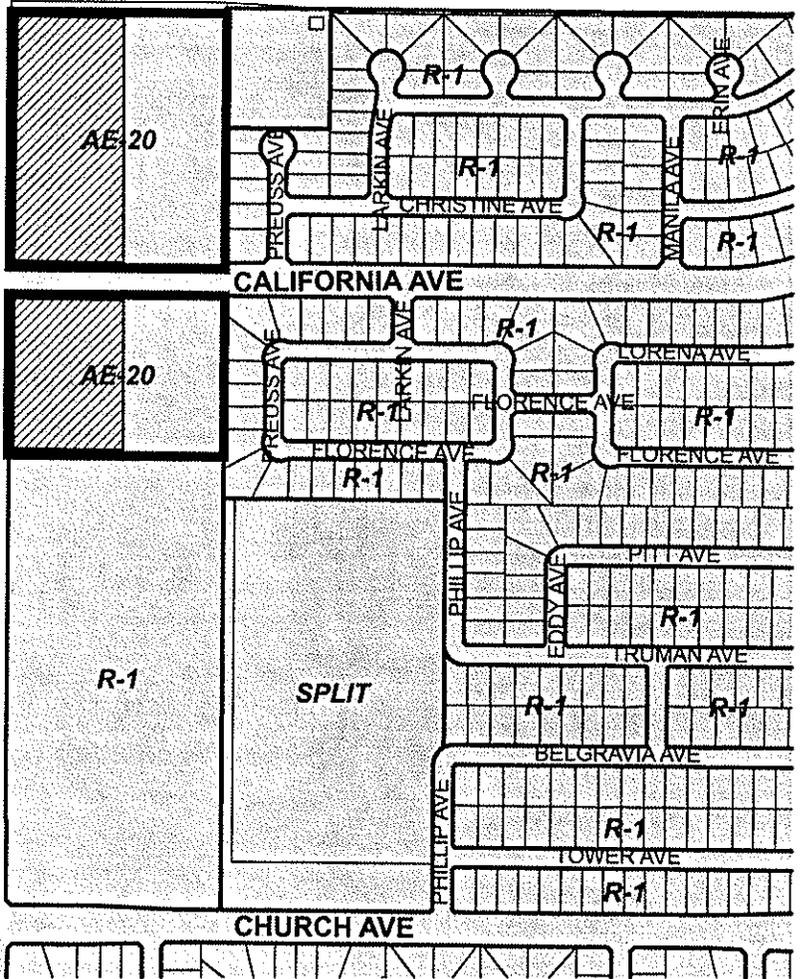
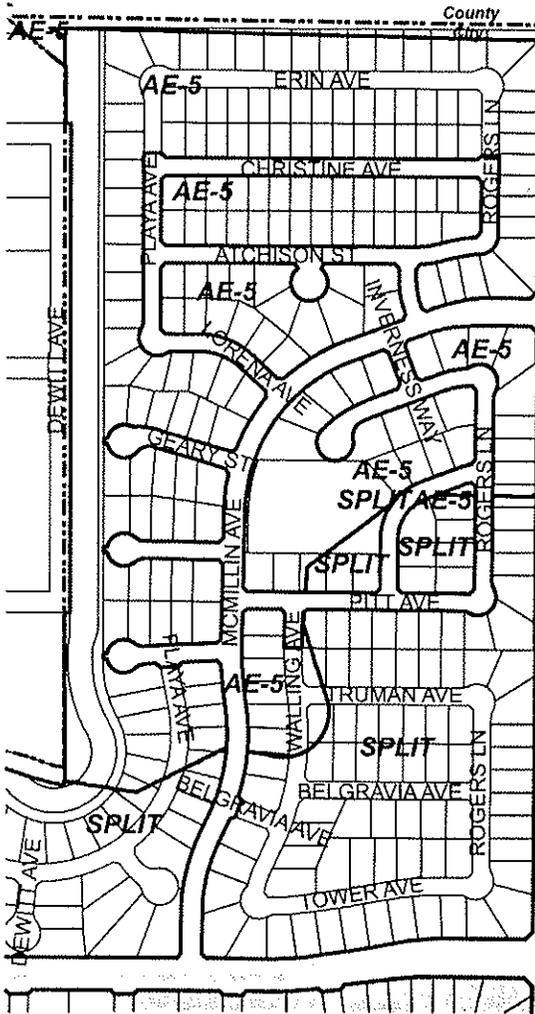
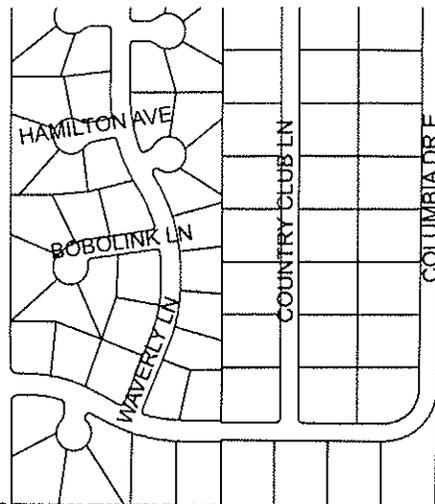
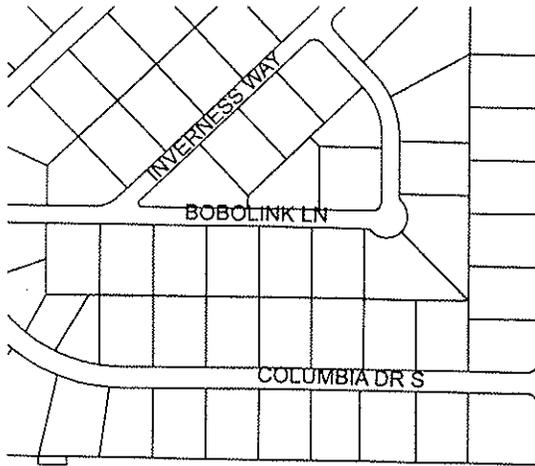
APPROVED AS TO FORM

JAMES C. SANCHEZ
City Attorney

By  _____
John W. Fox, Deputy City Attorney

Date 6/5/2008

Exhibit A



 Rezone from AE-20 to R-1, C-1 and C-P/UGM

 From Med. Low Density to Neighborhood Commercial and Office Commercial (C-1, C-P/UGM)

 U.G.M. Area

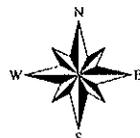
VICINITY MAP

PLAN AMENDMENT NO. A-08-001
From Med. Low Density Res. to Neighborhood Comm. and Office Comm.

REZONE APPLICATION NO. R-08-001
From AE-20 to R-1; C-1 and C-P/UGM

South Clovis Ave. at California Ave.

PLANNING & DEVELOPMENT DEPARTMENT



NOT TO SCALE

A.P.N.: 313-040-55

ZONE MAP: 2457

BY/DATE: D.N. / 4-22-08

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

Return to City Clerk, Fresno

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 ZONE MAP OF THE CITY OF FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF FRESNO

WHEREAS, Rezone Application No. R-08-01 has been filed with the City of Fresno by BKM Partners and SKN Properties, applicant, on behalf of Cris and Don Pilegard, owners, to rezone property as described hereinbelow; and,

WHEREAS, there is no Plan Implementation Committee in Council District 5; 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 May 2008 to consider Rezone Application No. R-08-01 and related Environmental Assessment No. A-08-01/R-08-01/C-08-092, during which the Commission considered the environmental assessment and recommended to the Council of the City of Fresno approval of the rezone application that proposes to amend the City's Zoning Ordinance on real property described hereinbelow from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth*

Management/conditions of zoning) zone district for the northwest approximately 6 acre portion of the subject site, the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) zone district for the southwest approximately 2 acre portion of the subject site, and the R-1/UGM/cz (*Single Family Residential/ Urban Growth Management/conditions of zoning*) zone district on approximately 8 acres located on the east side of the subject site on both sides of East California Avenue; and,

WHEREAS, the Council of the City of Fresno, on the 10th day of June 2008 received the recommendation of the Fresno City 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 rezoning 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 measures imposed, the rezoning 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 further 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, Environmental Assessment No. A-08-01/R-08-01/C-08-092 dated April 22, 2008, which is a finding of Mitigated Negative Declaration, is hereby approved.

SECTION 2. The Council finds the requested C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*), C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*), and the R-1/UGM/cz (*Single Family Residential/ Urban Growth Management/conditions of zoning*) zone districts are consistent with the neighborhood commercial, office commercial, and medium low density residential planned land uses according to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403 of the Fresno Municipal Code.

SECTION 3. The Council finds that the zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*), C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*), and the R-1/UGM/cz (*Single Family Residential/ Urban Growth Management/conditions of zoning*) zone districts.

From AE-20/UGM to C-1/UGM/cz:

That portion of the Northwest quarter of the Northwest quarter of Section 16, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 16;

Thence North 89°13'16" East, along the North line of said Section 16, a distance of 358.22 feet;

Thence South 00°58'06" East, a distance of 75.00 feet to the TRUE POINT OF BEGINNING;

Thence South 00°58'06" East, a distance of 281.87 feet to the beginning of a 63.69 foot radius non-tangent curve, concave to the West, a radial to said beginning bears North 22°25'15" East;

Thence Southerly, along said curve, through a central angle of 104°54'30", an arc distance of 116.62 feet;

Thence non-tangent to said curve, South 16°13'21" West, a distance of 26.00 feet;

Thence South 00°58'06" East, a distance of 300.42 feet;
Thence South 05°42'00" East, a distance of 101.69 feet;
Thence South 00°58'06" East, a distance of 225.69 feet;
Thence South 89°01'54" West, a distance of 360.33 feet to a point being 23.00 feet East of the West line of said Section 16;
Thence North 00°59'00" West, parallel with and 23.00 feet East of the West line of said Section 16, a distance of 1033.20 feet to a point being 75.00 feet South of the North line of said Section 16;
Thence North 89°13'16" East, parallel with and 75.00 feet South of the North line of said Section 16, a distance of 335.20 feet to the TRUE POINT OF BEGINNING.
Containing 8.32 acres, more or less.

From AE-20/UGM to C-P/UGM/cz:

That portion of Lot 1 of Henrietta Rancho, according to the map thereof recorded in Book 2 of Plats at Page 20, Fresno County Records, located in the Northwest quarter of the Northwest quarter of Section 16, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, being more particularly described as follows:

COMMENCING at the Southeast corner of said Lot 1;

Thence South 89°14'35" West, along the South line of said Lot 1, a distance of 310.01 feet to the TRUE POINT OF BEGINNING;

Thence South 89°14'35" West, continuing along the South line of said Lot 1, a distance of 360.27 feet to a point being 23.00 feet East of the West line of said Section 16;

Thence North 00°59'00" West, parallel with and 23.00 feet East of the West line of said Section 16, a distance of 229.98 feet;

Thence North 89°01'54" East, a distance of 360.33 feet;

Thence South 00°58'06" East, a distance of 231.31 feet to the TRUE POINT OF BEGINNING.

Containing 1.91 acres, more or less.

From AE-20/UGM to R-1/UGM/cz:

That portion of the Northwest quarter of the Northwest quarter of Section 16, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 16;

Thence North 89°13'16" East, along the North line of said Section 16, a distance of 358.22 feet;

Thence South 00°58'06" East, a distance of 75.00 feet to the TRUE POINT OF BEGINNING;

Thence North 89°13'16" East, parallel with and 75.00 feet South of the North line of said Section 16, a distance of 334.67 feet to a point on the East line of Lot 1 of Henrietta Rancho, according to the map thereof recorded in Book 2 of Plats at Page 20, Fresno County Records;

Thence South 01°00'08" East, along the East line of said Lot 1, a distance of 1263.44 feet to the Southeast corner of said Lot 1;

Thence South 89°14'35" West, along the South line of said Lot 1, a distance of 310.01 feet;

Thence North 00°58'06" West, a distance of 457.00 feet;

Thence North 05°42'00" West, a distance of 101.69 feet;

Thence North 00°58'06" West, a distance of 300.42 feet;

Thence North 16°13'21" East, a distance of 26.00 feet to the beginning of a 63.69 foot radius non-tangent curve, concave to the West, a radial to said beginning bears South 52°40'15" East;

Thence Northerly, along said curve, through a central angle of 104°54'30", an arc distance of 116.62 feet;

Thence non-tangent to said curve, North 00°58'06" West, a distance of 281.87 feet to the TRUE POINT OF BEGINNING.

Containing 9.20 acres, more or less.

SECTION 4. This ordinance shall be conditioned upon the record owner of the property described in Section 3 executing and causing to be recorded a covenant running with the land that will affect land development to guarantee that:

- a. The Planning Commission shall review all site plan review applications, conditional use permit applications, or other entitlement applications submitted for the subject property.

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 and upon recording of the covenant noted in Section 4 above.

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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 _____ day of _____, 2008, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

REBECCA E. KLISCH
City Clerk

By _____

JAMES C. SANCHEZ
City Attorney

By  _____
John W. Fox, Deputy City Attorney

Date 6/5/2008

Rezone Application No. R-08-01
Filed by Filed by BKM Partners and SKN Properties on behalf of Cris and
Don Pilegard
Assessor's Parcel No. 316-022-01