

RESOLUTION NO. DD-05-1

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

In the Matter ofLAFCo Determination

**A LANDOWNER PETITION
REQUESTING DETACHMENT
OF TERRITORY FROM THE
PINEDALE COUNTY WATER
DISTRICT.**

) **THE FRESNO LOCAL AGENCY**
) **FORMATION COMMISSION**
) **MAKES APPROPRIATE FINDINGS**
) **AND DETERMINATIONS AND APPROVES**
) **DETACHMENT OF TERRITORY FROM**
) **THE PINEDALE COUNTY WATER DISTRICT.**

WHEREAS, these proceedings were initiated on August 23, 2005, with the submission of a Landowner Petition by Mr. Clifford Tutelian (Chief Petitioner and Landowner) requesting approval of a detachment of the 19.0 acres from the Pinedale County Water District in conjunction with a proposed SOI revision, for territory generally located at the southwest corner of W. Nees and N. Palm Avenues from the District's existing SOI boundary as shown on Figure A; and

WHEREAS, the Pinedale County Water District's district boundaries in this area are coterminous with its SOI, and the affected territory is not currently receiving water service from the District and in order for the District to serve this territory the developer/landowner would be required to pay for the installation of the necessary infrastructure; and

WHEREAS, the Chief Petitioner requested approval of a detachment to allow the City of Fresno to provide water service to an approved commercial/office development to be developed on the subject property; and

WHEREAS, the City of Fresno has approved rezoning and conditional use permit applications for development of the affected territory with 198,468 square feet of office and commercial building, including a three-story, 68,000 square foot office building and a 41,268 square foot fitness center, and said development includes eight other building pads; and

WHEREAS, development of said property with these uses is consistent with the *2025 Fresno General Plan* and the *Bullard Community Plan*, and surrounding land uses; and

WHEREAS, at the time the development project was approved, the City of Fresno determined that the site could be served by existing city sewer and water mains located in N. Palm Avenue adjacent to the property, and that an adequate source of water is available to serve the project; and

WHEREAS, provision of water service by the District would require paying for the installation of necessary infrastructure (water mains) that would have to be extended from existing water lines approximately ¼ mile from the project site, and the site is located in a "peninsula" extending 1,000 feet northwest from existing District services, and said peninsula extends into an area (and is surrounded by property) that is already served (or will be served) by the City of Fresno; and

WHEREAS, all other public services to the subject property are or will be provided by the City of Fresno, and the City of Fresno is ready, willing, and able to provide water service immediately upon payment of all necessary service fees from existing conveyance lines located along the property frontage on N. Palm Avenue, and a "Will Serve" letter from the City of Fresno dated May 23, 2005 has been submitted; and

WHEREAS, the Chief Petitioner requested service from the City of Fresno, and the Fresno Department of Public Utilities agreed to provide water if either the District granted permission or if LAFCo authorized such service from the City, and the landowner agreed to pay all costs associated with City administration, operations and maintenance, and costs associated with conveying water service to the subject territory; and

WHEREAS, the affected territory is almost entirely included in the Pinedale County Water District SOI, however the District is currently unable to service this site without requiring the developer to pay for major capital improvements which include the installation of approximately 1,000 feet of water conveyance pipelines consistent with District standards is required, and the District has not granted permission for the developer to seek water service from the City of Fresno; and

WHEREAS, all planned and existing new development located to the northeast, east, southeast and south of the territory presently receives (or will receive) water service from the City of Fresno; and

WHEREAS, the application for said proposed detachment was accepted for filing by this Commission; and said application was set for hearing on the 28th day of September, 2005, at the hour of 1:30 p.m.; and

WHEREAS, notice of this Commission's hearing of said Proposal was duly given in a publication of general circulation as required by the Act, State law, and the guidelines for CEQA projects; and at the time and in the form and manner provided by law.

WHEREAS, this Commission finds as Lead Agency under CEQA, that the proposed project (SOI revision and detachment) is categorically exempt under section 15320 of CEQA guidelines ("change in organization of agencies") and that approval of the sphere of influence revision and detachment will not have any negative impacts on the environment, and that the proposed activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and that it can be seen with certainty that there is no possibility that the proposed activity may have a significant effect on the environment, and accordingly the project is exempt from the California Environmental Quality Act (CEQA) under the provisions of Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, to further the Commission's understanding of the proposed commercial/office project the environmental documents prepared and adopted by the City of Fresno, concerning the development project, were provided to this Commission, and said environmental assessment determined pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act "CEQA") that the project is within the scope of the "Master Environmental Impact Report (MEIR) No. 10130" prepared and certified for the 2025 Fresno General Plan; and

WHEREAS, a report on the requested detachment was completed by the Executive Officer of the Commission which discussed and evaluated all factors required to be considered in determining an revision to said sphere of influence and said report was provided to the Commission pursuant to state law; and

WHEREAS, under the "Act" an important function of the Commission is to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the community and the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing interests in the matter of efficiently extending government services; and

WHEREAS, the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services in the most efficient manner feasible is the unique responsibility of LAFCo pursuant to Government Code section 56001; and

WHEREAS, the "Act" (Government Code section 56001) recognizes that urban population densities and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls, and when areas become urbanized to the extent that they need the full range of community services, priorities are required to be established regarding the type and levels of services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against the total financial resources available for securing community services; and that those community service priorities are required to reflect local circumstances, conditions, and limited financial resources; and

WHEREAS, Government Code Section 56001 states that a single multi-purpose governmental agency is accountable for community service needs and financial resources and, therefore, may be the best mechanism for establishing community service priorities especially in urban areas, and whether governmental services are proposed to be provided by a single-purpose agency, several agencies, or a multi-purpose agency, responsibility should be given to the agency or agencies that can best provide government services; and

WHEREAS, as a matter of policy, this Commission has held that cities should be the provider of urban services due to their higher visibility, substantially broader sources of revenue, and their historical and legal right to provide services and controls to citizens within their boundaries, and landowners within a city's sphere of influence have been encouraged to look to cities for the provision of urban services and controls through annexation or formal agreement; and

WHEREAS, special districts within a city's sphere of influence have historically been encouraged by this Commission to develop plans for orderly detachment of territory from the district or merger of the district as territory is annexed to the city and should plan capital improvements accordingly, except where the type of district services provided are not provided by the city; and

WHEREAS, though the Pinedale County Water District acquired jurisdiction over the affected territory over 50 years ago, the District has never provided water service to this property primarily due to the fact that said property is located geographically away from other District service areas and the location and configuration of the property (a peninsula) makes it difficult for the District to serve it, since the property extends out from a non-served area in the western part of the District into areas entirely served by the City of Fresno; and

WHEREAS, the existing District boundaries in this area may be considered illogical and inconsistent with LAFCo policies; and

WHEREAS, LAFCo Policies, Standards and Procedures ("PSP") state that reorganization of overlapping and competing agencies or illogical boundaries dividing agency service areas is recommended and the Commission encourages implementation of reorganizations, such as consolidations, mergers, dissolutions, where the result will be better service, reduced cost, and/or more efficient and visible administration of services to the citizens; and

WHEREAS, this Commission has the duty and authority to determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner, and if a new service agency is deemed necessary the Commission by its adopted policies shall consider reorganization with other single-purpose agencies that provide related services; and

WHEREAS, while the District may be able to provide water service to the affected territory with the requirement that the developer install necessary infrastructure, this Commission has determined that the City of Fresno can provide such service in a more logical, cost-effective, and efficient manner: and

WHEREAS, the City of Fresno has indicated an ability and willingness to provide water service immediately upon payment of all necessary service fees from existing conveyance lines located along the property frontage on N. Palm Avenue to the affected territory; and

WHEREAS, the proposed detachment is consistent with LAFCo Policies, Standards and Procedures and the "Act", and the detachment does not conflict with the goals and policies of the Commission to oversee and promote logical formations, planned, well ordered, efficient development patterns and service areas, and orderly urban development; and

WHEREAS, the proposed detachment does not involve conversion of agricultural land, and the approval of the proposed detachment would not convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use, and no significant adverse effects will occur on continuing agricultural operations on adjacent properties; and

WHEREAS, at the regular LAFCo hearing on September 28, 2005, this Commission heard those interested parties at the public hearing.

* * * * *

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:

Section #1. This Commission finds as Lead Agency under CEQA, that the proposed project (SOI revision and detachment) is categorically exempt under section 15320 of CEQA guidelines ("change in organization of agencies") and that approval of the sphere of influence revision and detachment will not have any negative impacts on the environment, and that the proposed activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and that it can be seen with certainty that there is no possibility that the proposed activity may have a significant effect on the environment, and accordingly the project is exempt from the California Environmental Quality Act (CEQA) under the provisions of Section 15061(b)(3) of the CEQA Guidelines.

Section #2. This Commission Makes the following findings in support of approval of the Detachment and finds that the Detachment is consistent with LAFCo Policies, Standards and Procedures and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

1. The Detachment is consistent with Government Code Section 56001 which encourages the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provides necessary governmental services in the most efficient manner feasible.
2. The Detachment is consistent with Government Code Section 56001 which states that a single multi-purpose governmental agency may be the best mechanism for establishing community service priorities especially in urban areas, and that the delivery of governmental services should be given to the agency that can best provide such services.
3. The Detachment is consistent with Government Code Section 56001 which states that the Commission has the duty and authority to determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner.
4. The Detachment is consistent with the important function of the Commission to encourage orderly growth and development, which are essential to the social, fiscal, and economic well being of the community.
5. The Detachment is consistent with Commission policies that hold that cities should be the provider of urban services due to their higher visibility, substantially broader sources of revenue, and their historical and legal right to provide services and controls to citizens within their boundaries. Landowners within a city's sphere of influence are encouraged to look to cities for the provision of urban services.

6. The Detachment is consistent with Commission policies that encourage districts within a city's sphere of influence to develop plans for orderly detachment of territory from the district as territory is annexed to the city and should plan capital improvements accordingly.
7. The Detachment is consistent with Commission policies that encourage reorganization of overlapping and competing agencies or illogical boundaries dividing agency service areas where the result will be better service, reduced cost, and/or more efficient and visible administration of services to the citizens.
8. The Detachment is consistent with Commission purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities.
9. The Detachment is consistent with State law that gives the Commission the authority and responsibility to consider these matters as set forth in Government Code Section 50301.
10. The Detachment is consistent with State law that provides the Commission with the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization (Government Code Section 56100).
11. The Detachment is consistent with State law states that a primary purpose of the Commission is to encourage orderly formation and development of local agencies based on local conditions and circumstances (Government Code Section 56001, 56301, 56425(a)).

Section #3. This Commission finds that approval of the detachment is based on sufficient information as provided to the Commission in the application materials submitted, the Municipal Service Review, the Executive Officer's report to the Commission, and all other testimony, evidence and information provided by persons and interested agencies, and is in compliance with state law, including, but not limited to, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act").

Section #4. This Commission finds that all public notices of this Commission's hearing of this matter were duly given in accordance with State law, including, but not limited to, the "Act" and CEQA laws and guidelines.

Section #5. This Commission approves the proposed detachment from the Pinedale County Water District as depicted in Figure "A".

Section #6. Pursuant to the "Act" find the territory to be detached uninhabited, that the property owner has petitioned for, and consented to the detachment, that not all affected agencies gaining or losing territory as a result of the change of organization have consented to waive protest proceedings, and that the Commission has given written notice pursuant to state law.

Section #7. Direct staff to set a Protest Hearing pursuant to the requirements of the Act (Government Code Section 57000 et seq.).

Section #8. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Government Code Section 56882 and to file, as appropriate, in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by State law.

* * * * *

ADOPTED THIS 28TH DAY OF SEPTEMBER, 2005, BY THE FOLLOWING VOTE:

AYES: Commissioners Lopez, Rodriguez, Fortune, Anderson, and Waterston

NOES: None

ABSENT: None

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

EXECUTIVE OFFICER'S CERTIFICATION

I, Michael R. Waiczis, Executive Officer of the Fresno Local Agency Formation Commission certify that the foregoing resolution was adopted by the Local Agency Formation Commission of Fresno County, State of California, at a regular meeting held on the 28th day of September, 2005.



Michael R. Waiczis, AICP
Executive Officer
Local Agency Formation Commission

--- NOTE ---
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 32, T.12S., R.20E., M.D.B.&M.

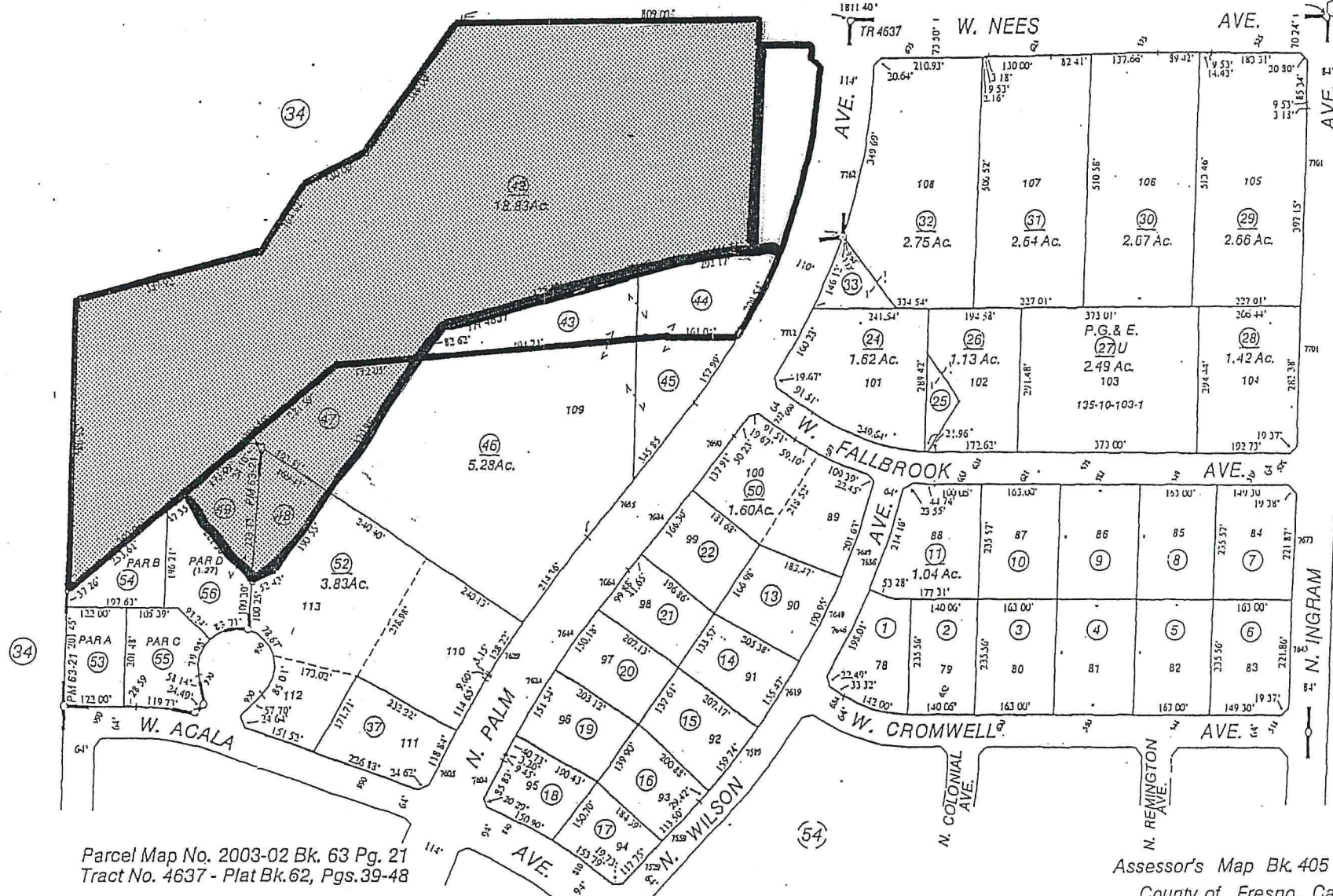
Tax Rate Area
5-089
5-090
5-223

405-53

Bk.
402

29/28
32/33

1" = 200'



Bk.
303

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 405 - Pg. 53
County of Fresno, Calif.

FIGURE "A"

Pinedale County Water District
Sphere of Influence Revision and Detachment
(LAFCo File Nos. RSOI-141 and DD-05-1)

**CERTIFICATE OF COMPLETION
FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)**

The Fresno Local Agency Formation Commission is the Conducting Authority.

The names of agencies whose territory is changed and the type of change for each are:

Detachment from the Pinedale County Water District.

The county in which the entire boundary change is located is Fresno County.

The short title, if any, of the detachment proceeding is "Pinedale County Water District Detachment (Tutelian)" LAFCo File No. DD-05-1

The territory is uninhabited.

The change of organization was ordered without an election. Resolution No. DD-05-1 ordering the change of organization was adopted by the Fresno Local Agency Formation Commission on September 28, 2005.

A legal description of the territory affected by the change is set forth in the attached Exhibit "A".

The terms and conditions of the change of organization, if any, are as follows:

None

I, Rick Ballantyne, Interim Executive Officer of the Fresno Local Agency Formation Commission, hereby certify that the attached legal description does comply with the Commission's resolution of approval.


Rick Ballantyne
Interim Executive Officer

Dated: June 2, 2006

RECORDING REQUESTED BY AND MAIL TO

NAME LAFCO

STREET 2115 KERN STREET, SUITE 310

CITY & STATE FRESNO, CA 93721

ATTN: CANDIE



FRESNO County Recorder
Robert C. Werner

DOC- 2006-0116216

Friday, JUN 02, 2006 14:29:39

Ttl Pd \$0.00

Nbr-0002199538

JZG/R3/1-3

**“PINEDALE COUNTY WATER
DISTRICT DETACHMENT
(TUTELIAN)”**

**CERTIFICATE OF COMPLETION
FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)**

The Fresno Local Agency Formation Commission is the Conducting Authority.

The names of agencies whose territory is changed and the type of change for each are:

Detachment from the Pinedale County Water District.

The county in which the entire boundary change is located is Fresno County.

The short title, if any, of the detachment proceeding is "Pinedale County Water District Detachment (Tutelian)" LAFCo File No. DD-05-1

The territory is uninhabited.

The change of organization was ordered without an election. Resolution No. DD-05-1 ordering the change of organization was adopted by the Fresno Local Agency Formation Commission on September 28, 2005.

A legal description of the territory affected by the change is set forth in the attached Exhibit "A".

The terms and conditions of the change of organization, if any, are as follows:

None

I, Rick Ballantyne, Interim Executive Officer of the Fresno Local Agency Formation Commission, hereby certify that the attached legal description does comply with the Commission's resolution of approval.


Rick Ballantyne
Interim Executive Officer

Dated: June 2, 2006

EXHIBIT "A"

AREA TO BE SERVED BY THE CITY OF FRESNO PUBLIC UTILITIES AND DETACHED FROM THE PINEDALE COUNTY WATER DISTRICT

All that portion of Section 32, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the United States Government Township Plat, described as follows:

Beginning at a point on the North line of said Section which bears 1811.40 feet West of the Northeast corner thereof, said point being in the centerline of the San Joaquin Canal; thence following said centerline, South 35°30' West, along the existing boundary of the Pinedale County Water District, 316.00 feet, South 62°24' West, along said boundary, 130 feet, South 31°27' West, along said boundary, 164.62 feet, and South 74°33' West, along said boundary, 387.92 feet; thence leaving said centerline and also leaving said boundary, South 0°14' West, 586.95 feet, more or less, to a point which bears North 0°14' East 2211.45 feet from that certain angle point "A" as shown on the Record of Survey Map recorded in Book 18 page 56 of Record of Surveys, Fresno County Records; thence North 51°26' East, along said boundary, 301 feet; thence South 38°53' East, along said boundary, 221.5 feet; thence North 66°16' East, along said boundary, 52.45 feet; thence North 33°11' East, along said boundary, 594.3 feet; thence North 73°03' East, along said boundary, 425.65 feet; thence North 82°0' East, along said boundary, 416.55 feet; thence Northerly, along said boundary, and parallel with the East line of said Section 32 to the North line thereof; thence Westerly, along said North line of Section 32, being also along said boundary, 809 feet more or less, to the Point of Beginning.

Prepared: September 23, 2005

Revised: November 29, 2005

Area = 19.77 acres more or less

APPROVED
LAFCO RES. # DD-05-1
September 28, 2005
DATE

3



Fresno Local Agency Formation Commission

DATE: June 2, 2006

TO: Fresno County Recorder - Stop #4

FROM: Rick Ballantyne, Interim Executive Officer

SUBJECT: "Pinedale County Water District Detachments (Tutelian)"

In order to complete the filing of the above, we are sending you for recordation a counterpart original of the Certificate of Completion.

Please assist the completion of this filing by making the required filing of the boundary description with the County Assessor's Office.

Please provide the information below for verification purposes. Thank you for your assistance.

Recorded at 2:29 on 06/02/2006

Document
Number 20060116216

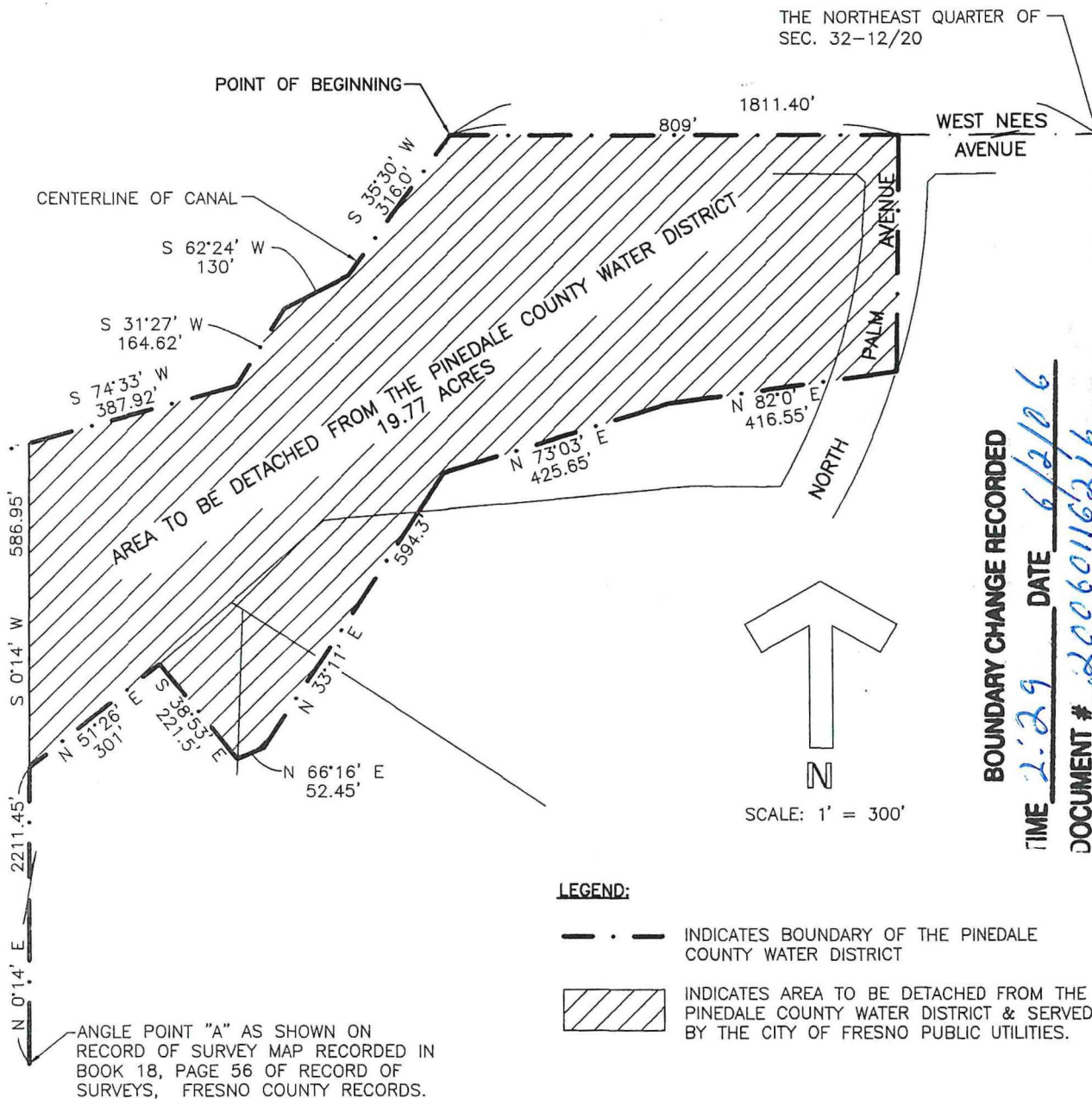
Signed Jack Griffith

cc: Dan Sparks, Assessor's Office

AREA TO BE SERVED BY THE CITY OF FRESNO
PUBLIC UTILITIES AND DETACHED FROM THE
PINEDALE COUNTY WATER DISTRICT

APPROVED

LAFCO RES. # 00-05-1
September 28, 2005
DATE



BOUNDARY CHANGE RECORDED

TIME 2:29 DATE 6/2/06
DOCUMENT # 20060116216
EFFECTIVE June 2, 2006

AREA TO BE SERVED BY THE CITY OF FRESNO PUBLIC UTILITIES
AND DETACHED FROM THE PINEDALE COUNTY WATER DISTRICT

PREPARED BY:

GARY GIANNETTA
1119 "S" STREET
FRESNO, CA. 93721
(559) 264-3590

A PORTION OF SECTION 32, TOWNSHIP 12 SOUTH,
RANGE 20 EAST, MOUNT DIABLO BASE AND MERIDIAN

PREPARED:

9/23/05

REVISED:

11/29/05

**AREA TO BE SERVED BY THE CITY OF FRESNO
PUBLIC UTILITIES AND DETACHED FROM THE
PINEDALE COUNTY WATER DISTRICT**

All that portion of Section 32, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the United States Government Township Plat, described as follows:

Beginning at a point on the North line of said Section which bears 1811.40 feet West of the Northeast corner thereof, said point being in the centerline of the San Joaquin Canal; thence following said centerline, South 35°30' West, along the existing boundary of the Pinedale County Water District, 316.00 feet, South 62°24' West, along said boundary, 130 feet, South 31°27' West, along said boundary, 164.62 feet, and South 74°33' West, along said boundary, 387.92 feet; thence leaving said centerline and also leaving said boundary, South 0°14' West, 586.95 feet, more or less, to a point which bears North 0°14' East 2211.45 feet from that certain angle point "A" as shown on the Record of Survey Map recorded in Book 18 page 56 of Record of Surveys, Fresno County Records; thence North 51°26' East, along said boundary, 301 feet; thence South 38°53' East, along said boundary, 221.5 feet; thence North 66°16' East, along said boundary, 52.45 feet; thence North 33°11' East, along said boundary, 594.3 feet; thence North 73°03' East, along said boundary, 425.65 feet; thence North 82°0' East, along said boundary, 416.55 feet; thence Northerly, along said boundary, and parallel with the East line of said Section 32 to the North line thereof; thence Westerly, along said North line of Section 32, being also along said boundary, 809 feet more or less, to the Point of Beginning.

Prepared: September 23, 2005

Revised: November 29, 2005

Area = 19.77 acres more or less

BOUNDARY CHANGE RECORDED

TIME 2:29 p.m. DATE 6/2/06
DOCUMENT # 20060116216
EFFECTIVE June 2, 2006

APPROVED

LAFCO RES. # DD-05-1
September 28, 2005
DATE

RESOLUTION NO. DD-05-1A

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

In the Matter of

LAFCo Determination

A REQUEST FROM THE PINEDALE	)	THE FRESNO LOCAL AGENCY
COUNTRY WATER DISTRICT TO	)	FORMATION COMMISSION
RECONSIDER APPROVAL OF A	)	DISAPPROVES THE REQUEST FOR
DETACHMENT FROM THE	)	RECONSIDERATION FOR THE
PINEDALE COUNTY WATER	)	DETACHMENT FROM THE PINEDALE
DISTRICT	)	COUNTY WATER DISTRICT"

WHEREAS, these proceedings were initiated on August 23, 2005, with the submission of a Landowner Petition by Mr. Clifford Tutelian (Chief Petitioner and Landowner) requesting approval of a detachment of the 19.0 acres from the Pinedale County Water District in conjunction with a proposed SOI revision, for territory generally located at the southwest corner of W. Nees and N. Palm Avenues from the District's existing SOI boundary as shown on Figure A; and

WHEREAS, the Pinedale County Water District's district boundaries in this area are coterminous with its SOI, and the affected territory is not currently receiving water service from the District and in order for the District to serve this territory the developer/landowner would be required to pay for the installation of the necessary infrastructure; and

WHEREAS, the Chief Petitioner requested approval of a detachment to allow the City of Fresno to provide water service to an approved commercial/office development to be developed on the subject property; and

WHEREAS, the City of Fresno has approved rezoning and conditional use permit applications for development of the affected territory with 198,468 square feet of office and commercial building, including a three-story, 68,000 square foot office building and a 41,268 square foot fitness center, and said development includes eight other building pads; and

WHEREAS, development of said property with these uses is consistent with the 2025 *Fresno General Plan* and the *Bullard Community Plan*, and surrounding land uses; and

WHEREAS, at the time the development project was approved, the City of Fresno determined that the site could be served by existing city sewer and water mains located in N. Palm Avenue adjacent to the property, and that an adequate source of water is available to serve the project; and

WHEREAS, provision of water service by the District would require paying for the installation of necessary infrastructure (water mains) that would have to be extended from existing water lines approximately ¼ mile from the project site, and the site is located in a "peninsula" extending 1,000 feet northwest from existing District services, and said peninsula extends into an area (and is surrounded by property) that is already served (or will be served) by the City of Fresno; and

WHEREAS, all other public services to the subject property are or will be provided by the City of Fresno, and the City of Fresno is ready, willing, and able to provide water service immediately upon payment of all necessary service fees from existing conveyance lines located along the property frontage on N. Palm Avenue, and a "Will Serve" letter from the City of Fresno dated May 23, 2005 has been submitted; and

WHEREAS, the Chief Petitioner requested service from the City of Fresno, and the Fresno Department of Public Utilities agreed to provide water if either the District granted permission or if LAFCo authorized such service from the City, and the landowner agreed to pay all costs associated with City administration, operations and maintenance, and costs associated with conveying water service to the subject territory; and

WHEREAS, the affected territory is almost entirely included in the Pinedale County Water District SOI, however the District is currently unable to service this site without requiring the developer to pay for major capital improvements which include the installation of approximately 1,000 feet of water conveyance pipelines consistent with District standards ~~is required~~, and the District has not granted permission for the developer to seek water service from the City of Fresno; and

WHEREAS, all planned and existing new development located to the northeast, east, southeast and south of the territory presently receives (or will receive) water service from the City of Fresno; and

WHEREAS, the application for said proposed detachment was accepted for filing by this Commission; and said application was set for hearing on the 28th day of September, 2005, at the hour of 1:30 p.m.; and

WHEREAS, notice of this Commission's hearing of said Proposal was duly given in a publication of general circulation as required by the Act, State law, and the guidelines for CEQA projects; and at the time and in the form and manner provided by law.

WHEREAS, this Commission finds as Lead Agency under CEQA, that the proposed project (SOI revision and detachment) is categorically exempt under section 15320 of CEQA guidelines ("change in organization of agencies") and that approval of the sphere of influence revision and detachment will not have any negative impacts on the environment, and that the proposed activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and that it can be seen with certainty that there is no possibility that the proposed activity may have a significant effect on the environment, and accordingly the project is exempt from the California Environmental Quality Act (CEQA) under the provisions of Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, to further the Commission's understanding of the proposed commercial/office project the environmental documents prepared and adopted by the City of Fresno, concerning the development project, were provided to this Commission, and said environmental assessment determined pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act "CEQA") that the project is within the scope of the "Master Environmental Impact Report (MEIR) No. 10130" prepared and certified for the 2025 Fresno General Plan; and

WHEREAS, a report on the requested detachment was completed by the Executive Officer of the Commission which discussed and evaluated all factors required to be considered in determining an revision to said sphere of influence and said report was provided to the Commission pursuant to state law; and

WHEREAS, under the "Act" an important function of the Commission is to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the community and the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing interests in the matter of efficiently extending government services; and

WHEREAS, the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services in the most efficient manner feasible is the unique responsibility of LAFCo pursuant to Government Code section 56001; and

WHEREAS, the "Act" (Government Code section 56001) recognizes that urban population densities and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls, and when areas become urbanized to the extent that they need the full range of community services, priorities are required to be established regarding the type and levels of services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against the total financial resources available for securing community services; and that those community service priorities are required to reflect local circumstances, conditions, and limited financial resources; and

WHEREAS, Government Code Section 56001 states that a single multi-purpose governmental agency is accountable for community service needs and financial resources and, therefore, may be the best mechanism for establishing community service priorities especially in urban areas, and whether governmental services are proposed to be provided by a single-purpose agency, several agencies, or a multi-purpose agency, responsibility should be given to the agency or agencies that can best provide government services; and

WHEREAS, as a matter of policy, this Commission has held that cities should be the provider of urban services due to their higher visibility, substantially broader sources of revenue, and their historical and legal right to provide services and controls to citizens within their boundaries, and landowners within a city's sphere of influence have been encouraged to look to cities for the provision of urban services and controls through annexation or formal agreement; and

WHEREAS, special districts within a city's sphere of influence have historically been encouraged by this Commission to develop plans for orderly detachment of territory from the district or merger of the district as territory is annexed to the city and should plan capital improvements accordingly, except where the type of district services provided are not provided by the city; and

WHEREAS, though the Pinedale County Water District acquired jurisdiction over the affected territory over 50 years ago, the District has never provided water service to this property primarily due to the fact that said property is located geographically away from other District service areas and the location and configuration of the property (a peninsula) makes it difficult for the District to serve it, since the property extends out from a non-served area in the western part of the District into areas entirely served by the City of Fresno; and

WHEREAS, the existing District boundaries in this area may be considered illogical and inconsistent with LAFCo policies; and

WHEREAS, LAFCo Policies, Standards and Procedures ("PSP") state that reorganization of overlapping and competing agencies or illogical boundaries dividing agency service areas is recommended and the Commission encourages implementation of reorganizations, such as consolidations, mergers, dissolutions, where the result will be better service, reduced cost, and/or more efficient and visible administration of services to the citizens; and

WHEREAS, this Commission has the duty and authority to determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner, and if a new service agency is deemed necessary the Commission by its adopted policies shall consider reorganization with other single-purpose agencies that provide related services; and

WHEREAS, while the District may be able to provide water service to the affected territory with the requirement that the developer install necessary infrastructure, this Commission has determined that the City of Fresno can provide such service in a more logical, cost-effective, and efficient manner: and

WHEREAS, the City of Fresno has indicated an ability and willingness to provide water service immediately upon payment of all necessary service fees from existing conveyance lines located along the property frontage on N. Palm Avenue to the affected territory; and

WHEREAS, the proposed detachment is consistent with LAFCo Policies, Standards and Procedures and the "Act", and the detachment does not conflict with the goals and policies of the Commission to oversee and promote logical formations, planned, well ordered, efficient development patterns and service areas, and orderly urban development; and

WHEREAS, the proposed detachment does not involve conversion of agricultural land, and the approval of the proposed detachment would not convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use, and no significant adverse effects will occur on continuing agricultural operations on adjacent properties; and

WHEREAS, at the regular LAFCo hearing on September 28, 2005, this Commission heard those interested parties at the public hearing.

* * * * *

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:

Section #1. This Commission finds as Lead Agency under CEQA, that the proposed project (SOI revision and detachment) is categorically exempt under section 15320 of CEQA guidelines ("change in organization of agencies") and that approval of the sphere of influence revision and detachment will not have any negative impacts on the environment, and that the proposed activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and that it can be seen with certainty that there is no possibility that the proposed activity may have a significant effect on the environment, and accordingly the project is exempt from the California Environmental Quality Act (CEQA) under the provisions of Section 15061(b)(3) of the CEQA Guidelines.

Section #2. This Commission Makes the following findings in support of approval of the Detachment and finds that the Detachment is consistent with LAFCo Policies, Standards and Procedures and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

1. The Detachment is consistent with Government Code Section 56001 which encourages the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provides necessary governmental services in the most efficient manner feasible.
2. The Detachment is consistent with Government Code Section 56001 which states that a single multi-purpose governmental agency may be the best mechanism for establishing community service priorities especially in urban areas, and that the delivery of governmental services should be given to the agency that can best provide such services.
3. The Detachment is consistent with Government Code Section 56001 which states that the Commission has the duty and authority to determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner.
4. The Detachment is consistent with the important function of the Commission to encourage orderly growth and development, which are essential to the social, fiscal, and economic well being of the community.
5. The Detachment is consistent with Commission policies that hold that cities should be the provider of urban services due to their higher visibility, substantially broader sources of revenue, and their historical and legal right to provide services and controls to citizens within their boundaries. Landowners within a city's sphere of influence are encouraged to look to cities for the provision of urban services.

6. The Detachment is consistent with Commission policies that encourage districts within a city's sphere of influence to develop plans for orderly detachment of territory from the district as territory is annexed to the city and should plan capital improvements accordingly.
7. The Detachment is consistent with Commission policies that encourage reorganization of overlapping and competing agencies or illogical boundaries dividing agency service areas where the result will be better service, reduced cost, and/or more efficient and visible administration of services to the citizens.
8. The Detachment is consistent with Commission purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities.
9. The Detachment is consistent with State law that gives the Commission the authority and responsibility to consider these matters as set forth in Government Code Section 50301.
10. The Detachment is consistent with State law that provides the Commission with the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization (Government Code Section 56100).
11. The Detachment is consistent with State law states that a primary purpose of the Commission is to encourage orderly formation and development of local agencies based on local conditions and circumstances (Government Code Section 56001, 56301, 56425(a)).

Section #3. This Commission finds that approval of the detachment is based on sufficient information as provided to the Commission in the application materials submitted, the Municipal Service Review, the Executive Officer's report to the Commission, and all other testimony, evidence and information provided by persons and interested agencies, and is in compliance with state law, including, but not limited to, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act").

Section #4. This Commission finds that all public notices of this Commission's hearing of this matter were duly given in accordance with State law, including, but not limited to, the "Act" and CEQA laws and guidelines.

Section #5. This Commission approves the proposed detachment from the Pinedale County Water District as depicted in Figure "A".

Section #6. Pursuant to the "Act" find the territory to be detached uninhabited, that the property owner has petitioned for, and consented to the detachment, that not all affected agencies gaining or losing territory as a result of the change of organization have consented to waive protest proceedings, and that the Commission has given written notice pursuant to state law.

Section #7. Direct staff to set a Protest Hearing pursuant to the requirements of the Act (Government Code Section 57000 et seq.).

Section #8. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Government Code Section 56882 and to file, as appropriate, in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by State law.

* * * * *

ADOPTED THIS 7TH DAY OF DECEMBER, 2005, BY THE FOLLOWING VOTE:

AYES: Commissioners Fortune, Rodriguez, Anderson, Waterston, Lopez

NOES: None

ABSENT: None

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

EXECUTIVE OFFICER'S CERTIFICATION

I, Michael R. Waiczis, Executive Officer of the Fresno Local Agency Formation Commission certify that the foregoing resolution was adopted by the Local Agency Formation Commission of Fresno County, State of California, at a regular meeting held on the 7th day of December, 2005.



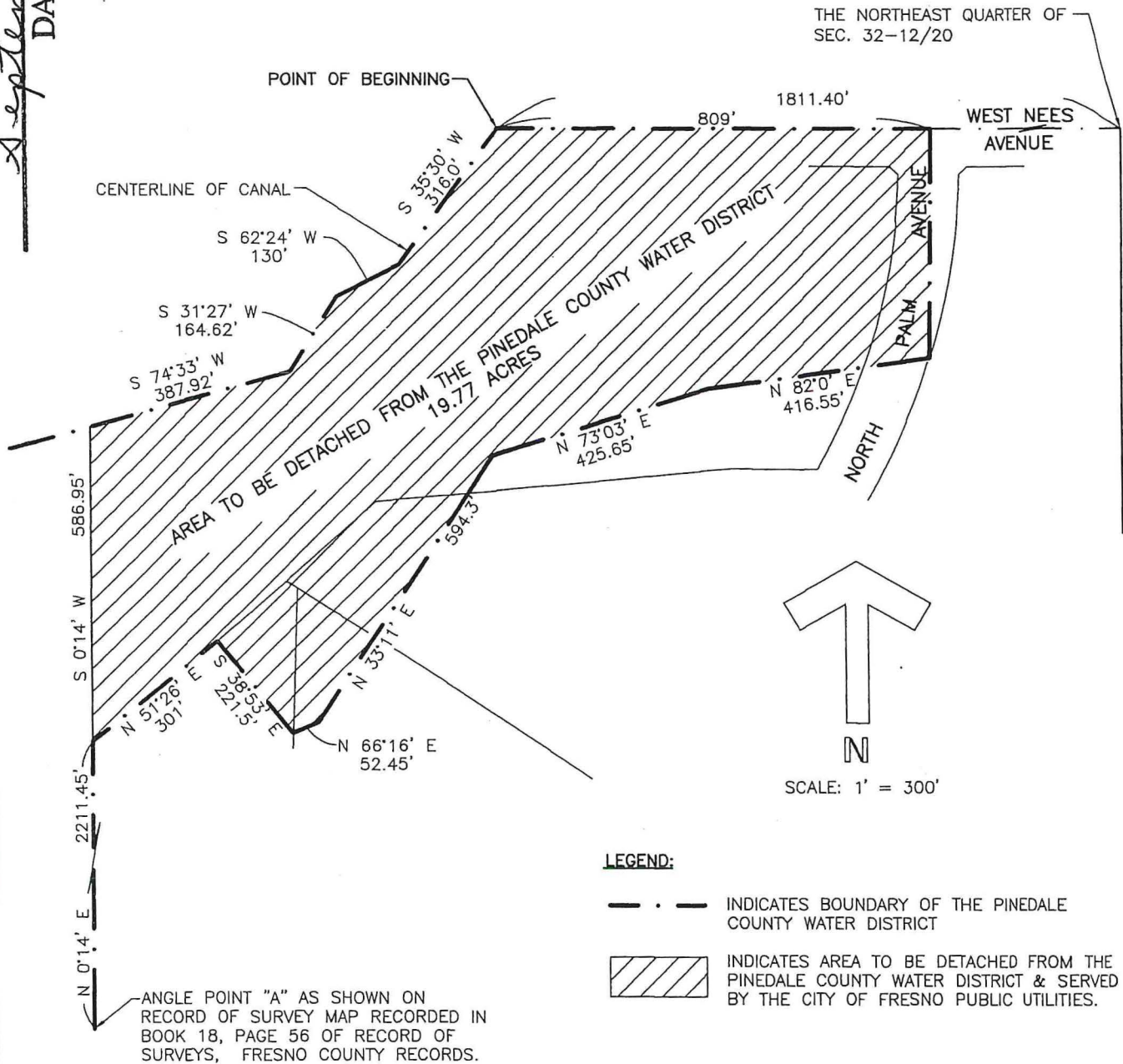
Michael R. Waiczis, AICP
Executive Officer
Local Agency Formation Commission

APPROVED

LAFCO RES. # 00-05-1

September 28, 2005
DATE

AREA TO BE SERVED BY THE CITY OF FRESNO
PUBLIC UTILITIES AND DETACHED FROM THE
PINEDALE COUNTY WATER DISTRICT



AREA TO BE SERVED BY THE CITY OF FRESNO PUBLIC UTILITIES
AND DETACHED FROM THE PINEDALE COUNTY WATER DISTRICT

PREPARED BY:

GARY GIANNETTA
1119 "S" STREET
FRESNO, CA. 93721
(559) 264-3590

PREPARED:

9/23/05

REVISED:

11/29/05

A PORTION OF SECTION 32, TOWNSHIP 12 SOUTH,
RANGE 20 EAST, MOUNT DIABLO BASE AND MERIDIAN

RESOLUTION NO. DD-05-1B

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

CONDUCTING AUTHORITY PROCEEDINGS

DETERMINE THE VALUE OF PROTESTS RECEIVED AND NOT WITHDRAWN RELATED TO THE "PINEDALE COUNTY WATER DISTRICT DETACHMENT (TUTELIAN)"	))))))	RESOLUTION OF APPROVAL STANDS
---	----------------------------	--------------------------------------

WHEREAS, these Conducting Authority proceedings concerning the approved "Pinedale County Water District Detachment" were duly and regularly conducted pursuant to Division 3 of Title 3 of the California Government Code, commencing with Section 56000; and

WHEREAS, said Detachment included the detachment of 19 acres of territory generally located at the southwest corner of W. Nees and N. Palm Avenues, and further described in Exhibit "A," attached hereto and by this reference incorporated herein; and

WHEREAS, at the September 28, 2005 meeting, the Commission conditionally approved the "Pinedale County Water District Detachment (Tutelian)" by adopting Resolution No. DD-05-1; and

WHEREAS, at the September 28, 2005 hearing, this Commission found that not all property owners or affected agencies had submitted a signed, written waiver of protest proceedings and directed the Executive Officer to set the matter for a protest hearing pursuant to Section 57002 of the Government Code; and

WHEREAS, the Executive Officer duly gave notice of the protest hearing in accordance with California Government Code Section 57025, and all other applicable sections of the California Government Code, said noticing being published in the local newspaper and mailed to all property owners in the affected territory; and

WHEREAS, all property owners in the affected territory were provided with written individual notification summarizing the approved detachment, outlining the protest procedures and rules for protesting an uninhabited detachment, and an Official LAFCo Protest Form; and

WHEREAS, this Commission on May 10, 2006, held a duly noticed Protest Hearing, as provided for in Section 57000 et seq. of the California Government Code for the purpose of hearing landowner objections and protests to the approved detachment, to receive written "official" protests, and to allow for the withdrawal of any written protests filed with this Commission prior to or at said hearing, if any; and

WHEREAS, at said protest hearing prior to considering protests and objections, the Executive Officer orally summarized Commission Resolution No. DD-05-1 for this Commission and those in attendance at said hearing; and

WHEREAS, pursuant to the California Government Code Commission actions for uninhabited detachments include the following:

- (1) Terminate proceedings if a majority protest exists. A majority protest is deemed to exist and the proposed reorganization shall be abandoned if the Commission finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent the following:
 - (a) In the case of uninhabited territory, landowners owning 50 percent or more of the assessed value of the land within the territory (Gov. Code Section 57078a).
- (2) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

(Gov. Code Sections 57075(b) (1) (2) and 57078 (b)).

WHEREAS, pursuant to the California Government Code said detachment could only be terminated if written protests filed with the Executive Officer or this Commission (and not withdrawn) equaled fifty (50) percent or more of the assessed value of land within the affected territory; and

WHEREAS, following an opportunity for public testimony and an opportunity to file or withdraw written protests, the Interim Executive Officer reported that at the time the public hearing was closed at said protest hearing that zero (0) written protests were filed on Official Protest Forms by landowners and not withdrawn; and

WHEREAS, following an examination of the total assessed value of property in the affected territory the Interim Executive Officer reported that the value of the written protests received and not withdrawn are insufficient to reverse the Commission's September 28, 2005, approval of said detachment.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission of Fresno County does hereby STATE, FIND, DETERMINE, AND ORDER as follows:

Section #1. This Commission determines that following an opportunity for public testimony and an opportunity to file or withdraw written protests that at the time the public hearing was closed at said protest hearing that zero (0) written protests were filed on Official Protest Form(s) by landowners and not withdrawn.

Section #2. This Commission determines that following an examination by LAFCo staff of the total assessed value of property in the affected territory that the value of the written protest is insufficient to reverse this Commission's September 28, 2005, approval of said detachment.

Section #3. This Commission hereby determines that Resolution No. DD-05-1 adopted at the regular LAFCo hearing on the 28th day of September, 2005, conditionally ordering the "Pinedale County Water District Detachment" stands as ordered.

Section #4. All proceedings of this Commission concerning the proposed Detachment have been duly carried out and completed, in conformity with all applicable laws.

**PASSED AND ADOPTED BY THE FRESNO LOCAL AGENCY FORMATION COMMISSION
THIS 10TH DAY OF MAY, 2006, BY THE FOLLOWING VOTE TO WIT:**

AYES: COMMISSIONERS FORTUNE, ANDERSON, NERI, LARSON AND LOPEZ

NOES: NONE

ABSENT: NONE

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

EXECUTIVE OFFICER'S CERTIFICATION

I, Victor Lopez, Commission Chairman Pro Tem of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, certify that the foregoing resolution was adopted by the Commission at a regular meeting held on the 10th day of May, 2006.



Victor Lopez, LAFCo Commission Chairman Pro Tem

... NOTE ...
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 32, T.12S., R.20E., M.D.B.&M.

Tax Rate Area

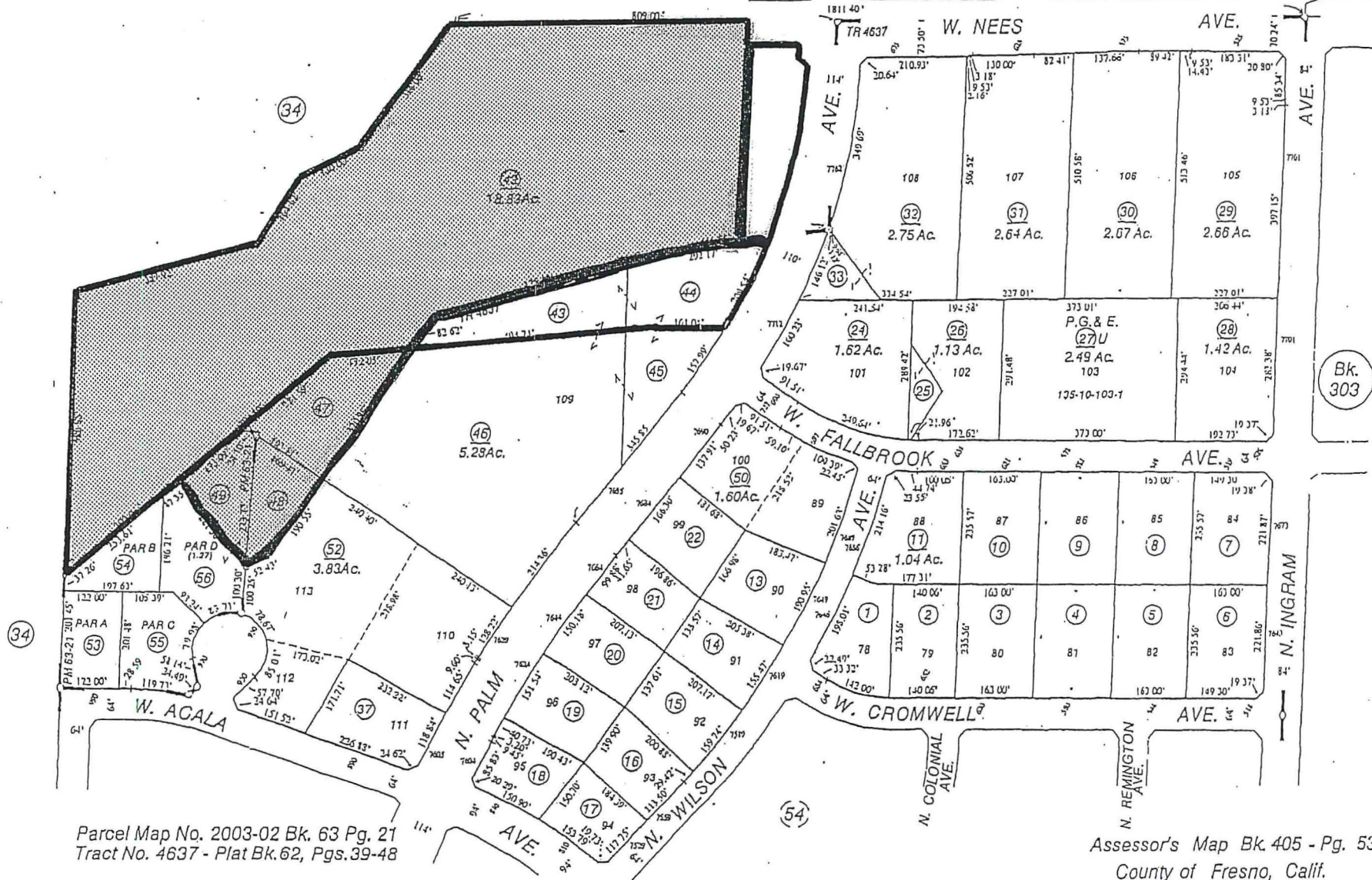
Bk.
402

5-089
5-090
5-223

405-53

29/28
33/33

1"=200'



Parcel Map No. 2003-02 Bk. 63 Pg. 21
Tract No. 4637 - Plat Bk.62, Pgs.39-48

Assessor's Map Bk.405 - Pg. 53
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

FIGURE "A"

Pinedale County Water District
Sphere of Influence Revision and Detachment
(LAFCo File Nos. RSOI-141 and DD-05-1)

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT

AGENDA ITEM NO. 4

DATE: **May 10, 2006**

TO: **Fresno Local Agency Formation Commission**

FROM: **Rick Ballantyne, Interim Executive Officer**

SUBJECT: **Conducting Authority Proceedings - Protest Hearing for the Pinedale County Water District "Pinedale County Water District Detachment"**. A detachment of approximately 19.0 acres from the Pinedale County Water District for territory generally located at the southwest corner of W. Nees and N. Palm Avenues
(Submitted by Landowner Petition - LAFCo File No. DD-05-1)

Background and Summary

- This protest hearing is being conducted pursuant to California Government Code commencing with Section 57000 which requires LAFCo to carry out Conducting Authority Proceedings.
- At its August 23, 2005 meeting, the Commission conditionally approved the "Pinedale County Water District Detachment" by adopting Resolution No. DD-05-1, attached to this Report as Exhibit "A" and incorporated herein by this reference. This protest hearing is required because not all landowners or affected agencies have signed consent forms.
- The approved reorganization consists of the detachment of 19 acres of territory from the Pinedale County Water District.
- At today's hearing, prior to consideration of protests, the Commission's resolution making determinations will be summarized. The Commission will then hear and receive any oral or written protests, objections, or evidence made, presented, or filed.
- All property owners in the affected territory were sent written notice of this hearing, instructions on how to protest, and an official protest form. At this writing, staff has not received any official written protests.
- At any time prior to the conclusion of this hearing any land owner within the affected territory may file a written protest against the annexation.
- Should insufficient valid protests be received and not withdrawn, the Commission's determination to conditionally approve the reorganization stands.

Recommendation

Direct Staff to determine the value of valid protests received and not withdrawn and report these results to the Commission within the time prescribed by state law.¹ If feasible, report these results at this hearing.

¹ Not longer than 30 days following this hearing in accordance with Gov. Code sections 56100, 57075 and 57078.

Conducting Authority Proceedings

Executive Officer's Summary

The following is a summary of the Commission's resolution making determinations, which must be presented at the Hearing prior to the Commission's consideration of protests.

- At its August 23, 2005 meeting, having considered all relevant factors and heard all interested parties wishing to speak regarding the proposal, the Commission determined that the project is categorically exempt under section 15320 of CEQA guidelines ("change in organization of agencies") and that approval of the Sphere of Influence revision and detachment will not have any negative impacts on the environment and that the proposed detachment was consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and LAFCo Policies, Standards and Procedures.
- Having determined that the affected territory is uninhabited but that not all landowners and affected agencies in the territory consented to the annexation in writing the Commission directed staff to set a protest hearing pursuant to the requirements of California Government Code Section 57000.
- Under California Government Code Section 57002, within 35 days following the adoption of the Commission's resolution making determinations, the Executive Officer should have set the annexation proposal for protest hearing and have given notice of such hearing. The date of the hearing should have been not less than 21 days, or more than 60 days, after the date the notice was given. Therefore, the protest hearing for this annexation should have been no later than October 27, 2005. However, due to staffing transitions, the protest hearing for this proposal never occurred. Staff caught the error, set the proposal for protest hearing and has given notice of this hearing to all property owners. As mentioned, as of this writing, staff has not received any official written protests.

While this situation is regrettable, such an error would not invalidate the Commission's previous action. Rather, the time limit for the protest hearing is directory. California Government Code Section 56106 specifically states that "[a]ny provisions of this division governing the time within which an official or the commission is to act shall in all instances, except for notice requirements (which were complied with) and the requirements of subdivision (i) of Section 56658 (the application to initiate proceedings), be deemed *directory*, rather than mandatory." (Emphasis added.) The law defines directory as a "mere direction or instruction of no obligatory force, and involving no invalidating consequence." Under Messrs. Tweedie's (prior to his departure) oversight and Ballantyne's direction, staff has devised a redundant internal system to help ensure that this error does occur again.

Public Testimony

Prior to making its determination for this proposal the Commission must hear and receive any oral or written protests, objections, or evidence made, presented, or filed. The Chairman may call for any final protests to be filed or withdrawn prior to closing the public hearing².

² At this writing, no written protests have been received by your staff.

Commission Action

In the case of an uninhabited proposal for a district where a change of organization consists of an detachment, the Commission is required to make a finding regarding the value of written protests filed and not withdrawn, and take one of the following actions not more than 30 days after the conclusion of the hearing:

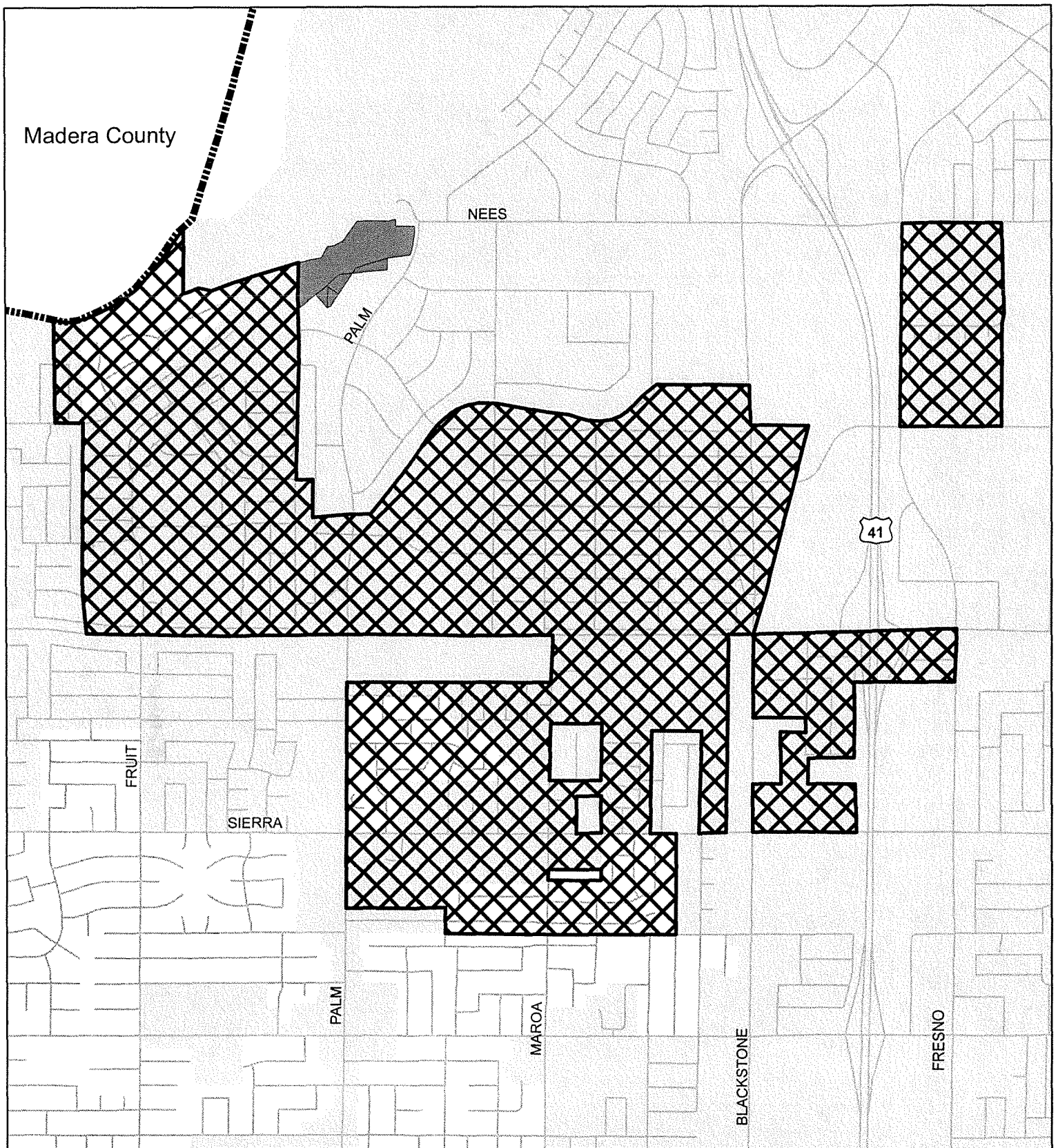
- (1) Terminate proceedings if a majority protest exists. A majority protest is deemed to exist and the proposed reorganization shall be abandoned if the Commission finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent the following:
 - (a) In the case of uninhabited territory, landowners owning 50 percent or more of the assessed value of the land within the territory (Gov. Code Section 57078a).
- (2) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

(Gov. Code Sections 57075(b) (1) (2) and 57078 (b)).

Attached to this report are Exhibit "B", Official Protest Form Information, and Exhibit "C", the "Official Protest Form" for the proposal, which were sent to all landowners in the subject area. Both exhibits are incorporated herein by this reference.

The reorganization will stand as approved if the number of protests filed with LAFCo (and not withdrawn) falls below the thresholds described above.

FIGURE 1 - GENERAL LOCATION



Legend

-  Fresno SOI
-  City of Fresno
-  District Boundary
-  Affected Territory

Pinedale County Water District
"Pinedale County Water District Detachment"
LAFCo File No. DD-05-1



EXHIBIT A

RESOLUTION NO. DD-05-1

FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA

In the Matter of

LAFCo Determination

A LANDOWNER PETITION	)	THE FRESNO LOCAL AGENCY
REQUESTING DETACHMENT	)	FORMATION COMMISSION
OF TERRITORY FROM THE	)	MAKES APPROPRIATE FINDINGS
PINEDALE COUNTY WATER	)	AND DETERMINATIONS AND APPROVES
DISTRICT.	)	DETACHMENT OF TERRITORY FROM
	)	THE PINEDALE COUNTY WATER DISTRICT.

WHEREAS, these proceedings were initiated on August 23, 2005, with the submission of a Landowner Petition by Mr. Clifford Tutelian (Chief Petitioner and Landowner) requesting approval of a detachment of the 19.0 acres from the Pinedale County Water District in conjunction with a proposed SOI revision, for territory generally located at the southwest corner of W. Nees and N. Palm Avenues from the District's existing SOI boundary as shown on Figure A; and

WHEREAS, the Pinedale County Water District's district boundaries in this area are coterminous with its SOI, and the affected territory is not currently receiving water service from the District and in order for the District to serve this territory the developer/landowner would be required to pay for the installation of the necessary infrastructure; and

WHEREAS, the Chief Petitioner requested approval of a detachment to allow the City of Fresno to provide water service to an approved commercial/office development to be developed on the subject property; and

WHEREAS, the City of Fresno has approved rezoning and conditional use permit applications for development of the affected territory with 198,468 square feet of office and commercial building, including a three-story, 68,000 square foot office building and a 41,268 square foot fitness center, and said development includes eight other building pads; and

WHEREAS, development of said property with these uses is consistent with the 2025 *Fresno General Plan* and the *Bullard Community Plan*, and surrounding land uses; and

WHEREAS, at the time the development project was approved, the City of Fresno determined that the site could be served by existing city sewer and water mains located in N. Palm Avenue adjacent to the property, and that an adequate source of water is available to serve the project; and

WHEREAS, provision of water service by the District would require paying for the installation of necessary infrastructure (water mains) that would have to be extended from existing water lines approximately ¼ mile from the project site, and the site is located in a "peninsula" extending 1,000 feet northwest from existing District services, and said peninsula extends into an area (and is surrounded by property) that is already served (or will be served) by the City of Fresno; and

WHEREAS, all other public services to the subject property are or will be provided by the City of Fresno, and the City of Fresno is ready, willing, and able to provide water service immediately upon payment of all necessary service fees from existing conveyance lines located along the property frontage on N. Palm Avenue, and a "Will Serve" letter from the City of Fresno dated May 23, 2005 has been submitted; and

WHEREAS, the Chief Petitioner requested service from the City of Fresno, and the Fresno Department of Public Utilities agreed to provide water if either the District granted permission or if LAFCo authorized such service from the City, and the landowner agreed to pay all costs associated with City administration, operations and maintenance, and costs associated with conveying water service to the subject territory; and

WHEREAS, the affected territory is almost entirely included in the Pinedale County Water District SOI, however the District is currently unable to service this site without requiring the developer to pay for major capital improvements which include the installation of approximately 1,000 feet of water conveyance pipelines consistent with District standards is required, and the District has not granted permission for the developer to seek water service from the City of Fresno; and

WHEREAS, all planned and existing new development located to the northeast, east, southeast and south of the territory presently receives (or will receive) water service from the City of Fresno; and

WHEREAS, the application for said proposed detachment was accepted for filing by this Commission; and said application was set for hearing on the 28th day of September, 2005, at the hour of 1:30 p.m.; and

WHEREAS, notice of this Commission's hearing of said Proposal was duly given in a publication of general circulation as required by the Act, State law, and the guidelines for CEQA projects; and at the time and in the form and manner provided by law.

WHEREAS, this Commission finds as Lead Agency under CEQA, that the proposed project (SOI revision and detachment) is categorically exempt under section 15320 of CEQA guidelines ("change in organization of agencies") and that approval of the sphere of influence revision and detachment will not have any negative impacts on the environment, and that the proposed activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and that it can be seen with certainty that there is no possibility that the proposed activity may have a significant effect on the environment, and accordingly the project is exempt from the California Environmental Quality Act (CEQA) under the provisions of Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, to further the Commission's understanding of the proposed commercial/office project the environmental documents prepared and adopted by the City of Fresno, concerning the development project, were provided to this Commission, and said environmental assessment determined pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act "CEQA") that the project is within the scope of the "Master Environmental Impact Report (MEIR) No. 10130" prepared and certified for the 2025 Fresno General Plan; and

WHEREAS, a report on the requested detachment was completed by the Executive Officer of the Commission which discussed and evaluated all factors required to be considered in determining an revision to said sphere of influence and said report was provided to the Commission pursuant to state law; and

WHEREAS, under the "Act" an important function of the Commission is to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the community and the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing interests in the matter of efficiently extending government services; and

WHEREAS, the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services in the most efficient manner feasible is the unique responsibility of LAFCo pursuant to Government Code section 56001; and

WHEREAS, the "Act" (Government Code section 56001) recognizes that urban population densities and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls, and when areas become urbanized to the extent that they need the full range of community services, priorities are required to be established regarding the type and levels of services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against the total financial resources available for securing community services; and that those community service priorities are required to reflect local circumstances, conditions, and limited financial resources; and

WHEREAS, Government Code Section 56001 states that a single multi-purpose governmental agency is accountable for community service needs and financial resources and, therefore, may be the best mechanism for establishing community service priorities especially in urban areas, and whether governmental services are proposed to be provided by a single-purpose agency, several agencies, or a multi-purpose agency, responsibility should be given to the agency or agencies that can best provide government services; and

WHEREAS, as a matter of policy, this Commission has held that cities should be the provider of urban services due to their higher visibility, substantially broader sources of revenue, and their historical and legal right to provide services and controls to citizens within their boundaries, and landowners within a city's sphere of influence have been encouraged to look to cities for the provision of urban services and controls through annexation or formal agreement; and

WHEREAS, special districts within a city's sphere of influence have historically been encouraged by this Commission to develop plans for orderly detachment of territory from the district or merger of the district as territory is annexed to the city and should plan capital improvements accordingly, except where the type of district services provided are not provided by the city; and

WHEREAS, though the Pinedale County Water District acquired jurisdiction over the affected territory over 50 years ago, the District has never provided water service to this property primarily due to the fact that said property is located geographically away from other District service areas and the location and configuration of the property (a peninsula) makes it difficult for the District to serve it, since the property extends out from a non-served area in the western part of the District into areas entirely served by the City of Fresno; and

WHEREAS, the existing District boundaries in this area may be considered illogical and inconsistent with LAFCo policies; and

WHEREAS, LAFCo Policies, Standards and Procedures ("PSP") state that reorganization of overlapping and competing agencies or illogical boundaries dividing agency service areas is recommended and the Commission encourages implementation of reorganizations, such as consolidations, mergers, dissolutions, where the result will be better service, reduced cost, and/or more efficient and visible administration of services to the citizens; and

WHEREAS, this Commission has the duty and authority to determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner, and if a new service agency is deemed necessary the Commission by its adopted policies shall consider reorganization with other single-purpose agencies that provide related services; and

WHEREAS, while the District may be able to provide water service to the affected territory with the requirement that the developer install necessary infrastructure, this Commission has determined that the City of Fresno can provide such service in a more logical, cost-effective, and efficient manner: and

WHEREAS, the City of Fresno has indicated an ability and willingness to provide water service immediately upon payment of all necessary service fees from existing conveyance lines located along the property frontage on N. Palm Avenue to the affected territory; and

WHEREAS, the proposed detachment is consistent with LAFCo Policies, Standards and Procedures and the "Act", and the detachment does not conflict with the goals and policies of the Commission to oversee and promote logical formations, planned, well ordered, efficient development patterns and service areas, and orderly urban development; and

WHEREAS, the proposed detachment does not involve conversion of agricultural land, and the approval of the proposed detachment would not convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use, and no significant adverse effects will occur on continuing agricultural operations on adjacent properties; and

WHEREAS, at the regular LAFCo hearing on September 28, 2005, this Commission heard those interested parties at the public hearing.

* * * * *

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:

Section #1. This Commission finds as Lead Agency under CEQA, that the proposed project (SOI revision and detachment) is categorically exempt under section 15320 of CEQA guidelines ("change in organization of agencies") and that approval of the sphere of influence revision and detachment will not have any negative impacts on the environment, and that the proposed activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and that it can be seen with certainty that there is no possibility that the proposed activity may have a significant effect on the environment, and accordingly the project is exempt from the California Environmental Quality Act (CEQA) under the provisions of Section 15061(b)(3) of the CEQA Guidelines.

Section #2. This Commission Makes the following findings in support of approval of the Detachment and finds that the Detachment is consistent with LAFCo Policies, Standards and Procedures and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:

1. The Detachment is consistent with Government Code Section 56001 which encourages the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provides necessary governmental services in the most efficient manner feasible.
2. The Detachment is consistent with Government Code Section 56001 which states that a single multi-purpose governmental agency may be the best mechanism for establishing community service priorities especially in urban areas, and that the delivery of governmental services should be given to the agency that can best provide such services.
3. The Detachment is consistent with Government Code Section 56001 which states that the Commission has the duty and authority to determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner.
4. The Detachment is consistent with the important function of the Commission to encourage orderly growth and development, which are essential to the social, fiscal, and economic well being of the community.
5. The Detachment is consistent with Commission policies that hold that cities should be the provider of urban services due to their higher visibility, substantially broader sources of revenue, and their historical and legal right to provide services and controls to citizens within their boundaries. Landowners within a city's sphere of influence are encouraged to look to cities for the provision of urban services.

6. The Detachment is consistent with Commission policies that encourage districts within a city's sphere of influence to develop plans for orderly detachment of territory from the district as territory is annexed to the city and should plan capital improvements accordingly.
7. The Detachment is consistent with Commission policies that encourage reorganization of overlapping and competing agencies or illogical boundaries dividing agency service areas where the result will be better service, reduced cost, and/or more efficient and visible administration of services to the citizens.
8. The Detachment is consistent with Commission purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities.
9. The Detachment is consistent with State law that gives the Commission the authority and responsibility to consider these matters as set forth in Government Code Section 50301.
10. The Detachment is consistent with State law that provides the Commission with the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization (Government Code Section 56100).
11. The Detachment is consistent with State law states that a primary purpose of the Commission is to encourage orderly formation and development of local agencies based on local conditions and circumstances (Government Code Section 56001, 56301, 56425(a)).

Section #3. This Commission finds that approval of the detachment is based on sufficient information as provided to the Commission in the application materials submitted, the Municipal Service Review, the Executive Officer's report to the Commission, and all other testimony, evidence and information provided by persons and interested agencies, and is in compliance with state law, including, but not limited to, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act").

Section #4. This Commission finds that all public notices of this Commission's hearing of this matter were duly given in accordance with State law, including, but not limited to, the "Act" and CEQA laws and guidelines.

Section #5. This Commission approves the proposed detachment from the Pinedale County Water District as depicted in Figure "A".

Section #6. Pursuant to the "Act" find the territory to be detached uninhabited, that the property owner has petitioned for, and consented to the detachment, that not all affected agencies gaining or losing territory as a result of the change of organization have consented to waive protest proceedings, and that the Commission has given written notice pursuant to state law.

Section #7. Direct staff to set a Protest Hearing pursuant to the requirements of the Act (Government Code Section 57000 et seq.).

Section #8. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Government Code Section 56882 and to file, as appropriate, in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by State law.

* * * * *

ADOPTED THIS 28TH DAY OF SEPTEMBER, 2005, BY THE FOLLOWING VOTE:

AYES: Commissioners Lopez, Rodriguez, Fortune, Anderson, and Waterston

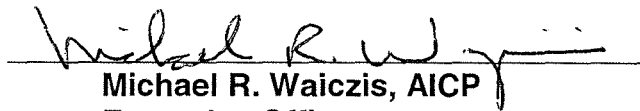
NOES: None

ABSENT: None

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

EXECUTIVE OFFICER'S CERTIFICATION

I, Michael R. Waiczis, Executive Officer of the Fresno Local Agency Formation Commission certify that the foregoing resolution was adopted by the Local Agency Formation Commission of Fresno County, State of California, at a regular meeting held on the 28th day of September, 2005.


**Michael R. Waiczis, AICP
Executive Officer
Local Agency Formation Commission**

--- NOTE ---
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 32, T.12S., R.20E., M.D.B.&M.

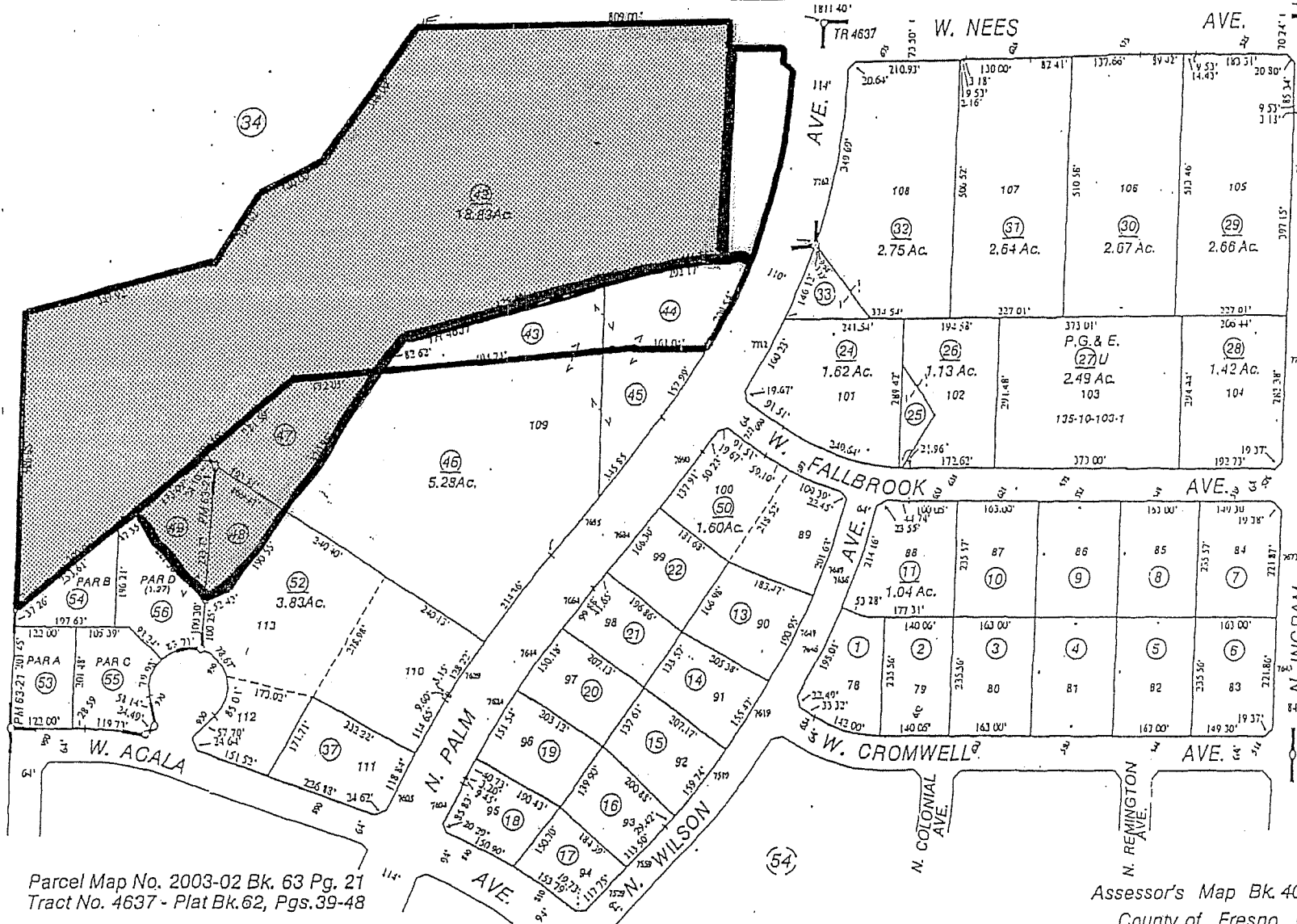
Tax Rate Area
5-089
5-090
5-223

405-53

Bk.
402

2928
3233

1"=200'



Parcel Map No. 2003-02 Bk. 63 Pg. 21
Tract No. 4637 - Plat Bk.62, Pgs.39-48

Assessor's Map Bk. 405 - Pg. 53
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

FIGURE "A"

Pinedale County Water District
Sphere of Influence Revision and Detachment
(LAFCo File Nos. RSOI-141 and DD-05-1)

EXHIBIT B

FRESNO LOCAL AGENCY FORMATION COMMISSION OFFICIAL PROTEST FORM INFORMATION “Pinedale County Water District Detachment”

HOW TO FILE A PROTEST: The following provides specific direction on how to file a protest in opposition to a proposal:

Owners of land within the boundaries of the affected area may file written protests in opposition to the proposed uninhabited city annexation. **Protests may either be mailed or delivered to Fresno LAFCO, 2115 Kern Street, Suite 310, Fresno, CA 93721, or delivered to the LAFCO Executive Officer at the protest hearing.**

Each protest form must state that the person protesting the proposal is a landowner and must include their name, mailing address and a street address or Assessor Parcel Number (APN) identifying the location of the land within the proposal area for which they are protesting. Written protests must be filed no later than the conclusion of the hearing to be considered valid.

Each protest will be counted separately according to the applicable rules (see below). A protest form is attached if you wish to file a protest. This form may be copied.

To file a protest, fill out this form, detach it, and either mail or deliver it to the LAFCo office or deliver it to the LAFCo Executive Officer at the protest hearing. The effect of protests received will be determined within 30 days following the hearing in accordance with Government Code Sections 57075 and 57078 as explained below:

In the case of an uninhabited proposal for a city where a change of organization consists of an annexation and detachment, the Commission is required to make a finding regarding the value of written protests filed and not withdrawn not more than 30 days after the conclusion of the hearing, and take one of the following actions:

In the case of uninhabited territory, take either of the following actions (1 or 2):

(1) Terminate proceedings if a majority protest exists. A majority protest shall be deemed to exist and the proposed change of organization or reorganization shall be abandoned if the Commission finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent the following:

(a) In the case of uninhabited territory, landowners owning 50 percent or more of the assessed value of the land within the territory (Gov. Code Section 57078).

(2) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

(Gov. Code sections 57075(b) (1) (2) and 57078 (b)).

PLEASE NOTE - This official protest form must be utilized to submit a valid protest. The use of any other form will invalidate your protest.

EXHIBIT C

OFFICIAL PROTEST FORM
"Pinedale County Water District Detachment"

PLEASE NOTE - This official protest form must be utilized to submit a valid protest. The use of any other form will invalidate your protest.

Each of the undersigned is the landowner of property located within the affected territory described below and hereby protests the proposed "Pinedale County Water District Detachment" as provided for in the California Government Code.

Date _____ **Name** _____
(Please type or print)

Full Legal Signature _____

Address _____
Number Street City or town

Description of affected property if not at above address _____
Assessor's Parcel Number if known

Address or other description

Date _____ **Name** _____
(Please type or print)

Full Legal Signature _____

Address _____
Number Street City or town

Description of affected property if not at above address _____
Assessor's Parcel Number if known

Address or other description

Date _____ **Name** _____
(Please type or print)

Full Legal Signature _____

Address _____
Number Street City or town

Description of affected property if not at above address _____
Assessor's Parcel Number if known

Address or other description

It is understood that for landowner protests involving a parcel with more than one owner listed on the County's Assessment Roll, only the signer's proportionate share of the value of the property will be credited in the protest.

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT

AGENDA ITEM NOS. 14 & 15

DATE: September 28, 2005

TO: Fresno Local Agency Formation Commission

FROM: Michael R. Waiczis, AICP, Executive Officer

SUBJECT: **Consider Approval – Pinedale County Water District “Sphere of Influence Revision”**. Requested Sphere of Influence revision consisting of the removal of approximately 19.0 acres from the Pinedale County Water District’s Sphere of Influence (SOI) for territory generally located at the southwest corner of W. Nees and N. Palm Avenues. The Commission will also consider the Municipal Service Review (MSR) prepared in conjunction with this action (**Submitted by Written Request - LAFCo File No. RSOI-141**).

Consider Approval – Pinedale County Water District “Pinedale County Water District Detachment”. Requested detachment of approximately 19.0 acres from the Pinedale County Water District for territory generally located at the southwest corner of W. Nees and N. Palm Avenues (**Submitted by Landowner Petition - LAFCo File No. DD-05-1**).

Summary of Proposals

- The Petitioner is requesting: 1) a proposed Sphere of Influence (SOI) revision consisting of the removal of approximately 19.0 acres from the Pinedale County Water District’s Sphere of Influence (SOI) initiated by written request and; 2) a request made by landowner petition for detachment of approximately 19.0 acres from the Pinedale County Water District. Both requests were submitted by Mr. Clifford Tutelian (Chief Petitioner and Landowner) on August 23, 2005.
- The affected territory is generally located at the southwest corner of W. Nees and N. Palm Avenues (see Maps and Figures). The territory is uninhabited.
- The Pinedale County Water District’s SOI and boundaries in this area are coterminous. The affected territory is not currently receiving water service from the District. In order for the District to serve this site the developer would be required to pay for the installation of the necessary infrastructure.
- The Petitioner is requesting approval of a detachment of the 19.0 acres from the Pinedale County Water District in conjunction with the proposed SOI revision. The detachment is being requested to allow the City of Fresno to provide water service to an approved commercial/office development to be developed on the subject property.
- While the District is able to provide water service to the affected territory with the requirement that the developer install necessary infrastructure, these requests raise the issue of which entity can provide such service in a more logical, cost-effective, and efficient manner.

- The City of Fresno is ready, willing, and able to provide water service immediately upon payment of all necessary service fees from existing conveyance lines located along the property frontage on N. Palm Avenue. A "Will Serve" letter from the City of Fresno dated May 23, 2005 has been submitted. All other public services to the subject property are or will be provided by the City of Fresno.
- Approval of a Municipal Service Review and adoption of required determinations is necessary to revise the Pinedale County Water District's SOI. Approval of the SOI revision will also require your Commission to make findings pursuant to Government Code Section 56425(e) (see Exhibit A).
- Two separate actions are required. First the SOI revision may be considered, and if approved, the proposed detachment may be considered.

Petitioner's Justification

The City of Fresno has approved the development of an approximate 19.0 acre commercial/office development on the southwest corner of N. Palm and W. Nees Avenues. The property is almost entirely included in the Pinedale County Water District SOI, but the District is currently unable to service this site without requiring the developer to pay for major capital improvements. In order to get water service from the District, the landowner would be required to trench and install water lines approximately 1,000 feet to serve the subject site. The City of Fresno is able to provide water service from existing lines in N. Palm Avenue immediately adjacent the property. Rather than pay for the installation of infrastructure to receive service from the District, the landowner is requesting the removal of the subject property from the District SOI and boundary.

Environmental Determination

The Local Agency Formation Commission is acting as Lead Agency pursuant to CEQA Guidelines (Title 14 California Code of Regulations, Chapter Three, Section 15000 et seq.). The Executive Officer has determined the proposed project (SOI revision and detachment) to be categorically exempt under Section 15320 of CEQA Guidelines ("Change in Organization of Agencies") and that approval of the Sphere of Influence revision and detachment will not have any negative environmental effects on the environment. Should the Commission approve the requests the Executive Officer should be directed to file a Notice of Exemption with the Fresno County Clerk (CEQA, Section 15062).

To further the Commission's understanding of the proposed commercial/office project we have also attached the environmental documents prepared and adopted by the City of Fresno. Concerning the development project, the City of Fresno determined pursuant to Section 21151.1 of the California Public Resources Code (California Environmental Quality Act "CEQA") that the project is within the scope of the "Master Environmental Impact Report (MEIR) No. 10130" prepared and certified for the 2025 Fresno General Plan (see Attachment "A" and Environmental Documents).

Background

Proposed Development Project - The City of Fresno has approved rezoning and conditional use permit applications for development of the affected territory with 198,468 square feet of office and commercial building, including a three-story, 68,000 square foot office building and a 41,268 square foot fitness center. Eight other building pads are also proposed on the site. Development of the property with these uses is consistent with the *2025 Fresno General Plan* and the *Bullard Community Plan*. Surrounding land uses include light industrial to the south (mini-storage), neighborhood commercial (not yet developed) to the east, Medium-Low Density Residential (not yet developed) to the west, and open space/multi-use and special commercial to the north (existing land use is San Joaquin River/Open Space).

At the time the project was approved, the City of Fresno determined that the site could be served by existing city sewer and water mains located in N. Palm Avenue adjacent to the property, and that an adequate source of water is available to serve the project. While a significant portion of the subject site is currently located within the Pinedale County Water District, it also lies within the boundaries of the City of Fresno. Under normal circumstances the Pinedale County Water District would be the provider of water service for this site. However, the site is located in a "peninsula" extending 1,000 feet northwest from existing District services. This peninsula extends into an area (and is surrounded by property) that is already served (or will be served) by the City of Fresno.

Because water service by the District would require paying for the installation of necessary infrastructure (water mains) that would have to be extended from existing water lines approximately ¼ mile from the project site, Mr. Tutelian (Chief Petitioner) requested service from the City of Fresno. In response, the Fresno Department of Public Utilities provided Mr. Tutelian with a "Water Will Serve" letter on May 23, 2005 (see correspondence). The City of Fresno agreed to provide water if either the District granted permission or if LAFCo authorized such service from the City. The landowner has agreed to pay all costs associated with City administration, operations and maintenance, and costs associated with conveying water service to the subject territory. At this writing the District has not granted permission for the developer to seek water service from the City of Fresno.

Pinedale County Water District - The Pinedale County Water District is presently meeting the water service needs of the residential (1,600) and commercial (1,400) users it serves. The District SOI and boundaries are located entirely within the City of Fresno (or Fresno SOI). The District's service area is located generally north of Herndon Avenue between N. Ingram and N. Fruit Avenues.

When the U.S. Army closed Camp Pinedale in the late 1940s, the District acquired a portion of the sewage treatment facilities originally constructed by the Army in 1943. The former sewage facilities were located on, and generally created the current boundaries of, the present project site. To incorporate this area the District extended its boundaries out from its larger western service area forming a "peninsula" that has never been served. Thus, the subject property is not currently served by the District. In order for water service to be provided to this site by the District the installation of approximately 1,000 feet of water conveyance pipelines consistent with District standards is required.

Analysis and Discussion

The Chief Petitioner (Mr. Tutelian) is requesting approval of a Sphere of Influence (SOI) revision and corresponding detachment to remove approximately 19.0 acres from the Pinedale County Water District. Approval of these requests is being sought to allow the City of Fresno to provide water service to the subject site. The site is almost entirely included in the Pinedale County Water District SOI¹, but the District is currently unable to service this site without requiring the developer to pay for major capital improvements². As noted above, to obtain water service from the District the landowner would be required to pay for the of running water mains approximately 1,000 feet from service lines existing to the southwest to the subject site.

The affected territory extends out from the District's western service as a "peninsula" that is surrounded by the City of Fresno or Fresno SOI. The Pinedale County Water District's SOI and boundaries in this area are coterminous. Planned and existing new development located to the northeast, east, southeast and south of the territory presently receives (or will receive) water service from the City.

The Efficient Provision of Services - Notwithstanding the fact that the affected territory is located inside the Pinedale County Water District's SOI and boundaries, the principal issue in both requests centers around the efficient provision of services³.

Under the "Act" an important function of the Commission is to encourage orderly growth and development "which are essential to the social, fiscal, and economic well-being of the community". The logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing interests in the matter of efficiently extending government services. The logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services in the most efficient manner feasible is the unique responsibility of LAFCo (Government Code section 56001).

The Act recognizes that urban population densities and intensive residential, commercial, and industrial development necessitate a "broad spectrum and high level of community services and controls". When areas become urbanized to the extent that they need the full range of community services, "priorities are required to be established regarding the type and levels of services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against the total financial resources available for securing community services; and that those community service priorities are required to reflect local circumstances, conditions, and limited financial resources". (Government Code section 56001). In this regard, Section 56001 states that:

"a single multi-purpose governmental agency is accountable for community service needs and financial resources and, therefore, may be the best mechanism for establishing community service priorities especially in urban areas.... whether governmental services are proposed to be provided by a single-purpose agency, several agencies, or a multi-purpose agency, responsibility should be given to the agency or agencies that can best provide government services".

¹ It appears that about 2 acres of land located at the intersection of N. Palm and W. Nees Avenues is located outside the District SOI and boundaries.

² It needs to be noted that the developer would receive a reimbursement from the District for a portion of the cost of installing the necessary infrastructure when development occurs on adjacent land.

³ The Pinedale County Water District has not submitted any correspondence or "protest" regarding these applications.

As a matter of policy, traditionally your Commission has held that cities should be the provider of urban services due to their higher visibility, substantially broader sources of revenue, and their historical and legal right to provide services and controls to citizens within their boundaries. Consequently, landowners within a city's sphere of influence have been encouraged to look to cities for the provision of urban services and controls through annexation or formal agreement.

At the same time, districts within a city's sphere of influence have historically been encouraged to develop plans for orderly detachment of territory from the district or merger of the district as territory is annexed to the city and should plan capital improvements accordingly, except where the type of district services provided are not provided by the city (refer to LAFCo Policies, Standards, and Procedures).

The Pinedale County Water District acquired jurisdiction over the affected territory over 50 years ago. For a number of reasons the District has never provided water service to this property. A primary reason, however, is that the property is located geographically away from other District service areas. The location and configuration of the property (a peninsula) makes it difficult for the District to serve it, since the property extends out from a non-served area in the western part of the District into areas entirely served by the City of Fresno. The District boundaries in this area may be considered illogical and inconsistent with LAFCo policies.

LAFCo Policies, Standards and Procedures ("PSP") states that the sphere of influence determined by the Commission "shall take into account the provision of an adequate level and range of services" and that "the Commission shall encourage the provision of adequate services to each community." (PSP Section 101-01)⁴. From the PSP we note that:

"Reorganization of overlapping and competing agencies or illogical boundaries dividing agency service areas is recommended. The Commission encourages implementation of reorganizations, such as consolidations, mergers, dissolutions, where the result will be better service, reduced cost, and/or more efficient and visible administration of services to the citizens." (PSP Section 101-03).

The Commission has the duty and authority to determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner. If a new service agency is deemed necessary "the Commission shall consider reorganization with other single-purpose agencies that provide related services" (Government Code section 56301).

While the District is able to provide water service to the affected territory with the requirement that the developer install necessary infrastructure, your staff believes that the City of Fresno can provide such service in a more logical, cost-effective, and efficient manner (*"the Commission encourages implementation of reorganizations....where the result will be better service, reduced cost, and/or more efficient and visible administration of services to the citizens - PSP Section 101-03*).

⁴ PSP - Section 101 - Encouraging Orderly Formation and Development of Agencies.

The City of Fresno has indicated an ability and willingness to provide water service immediately upon payment of all necessary service fees from existing conveyance lines located along the property frontage on N. Palm Avenue. A "Will Serve" letter from the City of Fresno dated May 23, 2005 has been submitted. All other public services to the subject property are or will be provided by the City of Fresno.

Conclusions

In light of the above discussion and analysis we are recommending that the SOI revision and detachment are approved. Such approvals would remove the existing SOI (including the "V" shaped property located outside the project boundaries) and detach the corresponding territory from this area. The revised District SOI boundary would be located at the western most property line of the affected territory roughly corresponding to the Harrison Street alignment to the south.

Municipal Service Review

Approval of a Municipal Service Review and adoption of required determinations is necessary to revise the Pinedale County Water District's SOI (see attached MSR for this proposal). Approval of the SOI revision will also require your Commission to make findings pursuant to Government Code section 56425(e) (see Exhibit A).

The Commission is required to conduct an MSR in conjunction with the establishment, update, revision or amendment of an SOI (Government Code section 56425). A Municipal Service Review (MSR) is a study designed to examine and analyze local governmental services to better understand and improve service conditions. With regard to the current request, your Commission is required to adopt written determinations regarding the following nine topics:

1. Infrastructure needs or deficiencies;
2. Growth and population projections for the affected area;
3. Financing constraints and opportunities;
4. Cost avoidance opportunities;
5. Opportunities for rate restructuring;
6. Opportunities for shared facilities;
7. Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers;
8. Evaluation of management efficiencies; and
9. Local accountability and governance.

A specific action to approve the MSR and to make written determinations (presented in the MSR study) is necessary by your Commission (these are included in the "recommended actions for approval" below).

Consistency with LAFCo Policies and State Law

- The Requests are consistent with Government Code Section 56001 which encourages the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services in the most efficient manner feasible.

- The Requests are consistent with Government Code section 56001 which states that a single multi-purpose governmental agency may be the best mechanism for establishing community service priorities especially in urban areas, and that the delivery of governmental services should be given to the agency that can best provide such services.
- The Requests are consistent with Government Code section 56001 which states that the Commission has the duty and authority to determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner.
- The Requests are consistent with the important function of the Commission to encourage orderly growth and development, which are essential to the social, fiscal, and economic well being of the community.
- The Requests are consistent with Commission policies that hold that cities should be the provider of urban services due to their higher visibility, substantially broader sources of revenue, and their historical and legal right to provide services and controls to citizens within their boundaries. Landowners within a city's sphere of influence are encouraged to look to cities for the provision of urban services.
- The Requests are consistent with Commission policies that encourage districts within a city's sphere of influence to develop plans for orderly detachment of territory from the district as territory is annexed to the city and should plan capital improvements accordingly.
- The Requests are consistent with Commission policies that encourage reorganization of overlapping and competing agencies or illogical boundaries dividing agency service areas where the result will be better service, reduced cost, and/or more efficient and visible administration of services to the citizens.
- The Requests are consistent with Commission purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities.
- The Requests are consistent with State law that gives the Commission the authority and responsibility to consider these matters as set forth in Government Code Section 50301.
- The Requests are consistent with State law that provides the Commission with the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization (Government Code Section 56100).
- The Requests are consistent with State law that defines a primary purpose of the Commission is to encourage orderly formation and development of local agencies based on local conditions and circumstances. (Government Code Section 56001, 56301, 56425(a))⁵.

Accordingly, the Executive Officer has determined that the requests are consistent with Commission *Policies, Standards and Procedures*, including, but not limited to, Sections 100, 200, and 300, and the "Act".

⁵ The Act is to be construed liberally to effect its purposes. All of the Commission's determinations shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion. (Government Code Section 56107).

Conducting Authority

The affected territory is uninhabited and the property owner has submitted a Petition requesting the detachment. However, not all affected agencies (Pinedale County Water District) gaining or losing territory as a result of the change of organization have consented in writing to waive protest proceedings. Consequently, should your Commission wish to approve or conditionally approve the detachment it will be necessary to direct staff to set a Protest Hearing pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 57000 *et seq.*).

Recommendations – 1) Make Required Determinations and Approve the Municipal Service Review and; 2) Make Required Determinations and Approve the SOI Revision; and 3) Approve the Detachment.

The Executive Officer recommends the following actions, determinations, and findings (A - J) to approve the requested SOI revision and detachment:

- A. Acting as Lead Agency under CEQA, find that the proposed project (SOI revision and detachment) is categorically exempt under Section 15320 of CEQA Guidelines ("Change in Organization of Agencies") and that approval of the Sphere of Influence revision and detachment will not have any negative impacts on the environment.
- B. Approve the Municipal Service Review (Exhibit "B") and adopt the required written determinations presented in the Municipal Service Review necessary to revise the Pinedale County Water District Sphere of Influence pursuant to California Government Code Section 56425.
- C. Adopt the written determinations required for approval of a Sphere of Influence revision and find that these determinations have been prepared pursuant to California's Government Code, Section 56425(e) (Exhibit "A").
- D. Make the following findings (1-11) that the Sphere of Influence revision and detachment are consistent with LAFCo Policies, Standards and Procedures and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000:
 - 1. The Sphere of Influence revision and detachment are consistent with Government Code Section 56001 which encourages the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services in the most efficient manner feasible.
 - 2. The Sphere of Influence revision and detachment are consistent with Government Code Section 56001 which states that a single multi-purpose governmental agency may be the best mechanism for establishing community service priorities especially in urban areas, and that the delivery of governmental services should be given to the agency that can best provide such services.

3. The Sphere of Influence revision and detachment are consistent with Government Code Section 56001 which states that the Commission has the duty and authority to determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner.
4. The Sphere of Influence revision and detachment are consistent with the important function of the Commission to encourage orderly growth and development, which are essential to the social, fiscal, and economic well being of the community.
5. The Sphere of Influence revision and detachment are consistent with Commission policies that hold that cities should be the provider of urban services due to their higher visibility, substantially broader sources of revenue, and their historical and legal right to provide services and controls to citizens within their boundaries. Landowners within a city's sphere of influence are encouraged to look to cities for the provision of urban services.
6. The Sphere of Influence revision and detachment are consistent with Commission policies that encourage districts within a city's sphere of influence to develop plans for orderly detachment of territory from the district as territory is annexed to the city and should plan capital improvements accordingly.
7. The Sphere of Influence revision and detachment are consistent with Commission policies that encourage reorganization of overlapping and competing agencies or illogical boundaries dividing agency service areas where the result will be better service, reduced cost, and/or more efficient and visible administration of services to the citizens.
8. The Sphere of Influence revision and detachment are consistent with Commission purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities.
9. The Sphere of Influence revision and detachment are consistent with State law that gives the Commission the authority and responsibility to consider these matters as set forth in Government Code Section 50301.
10. The Sphere of Influence revision and detachment are consistent with State law that provides the Commission with the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization (Government Code Section 56100).
11. The Sphere of Influence revision and detachment are consistent with State law states that a primary purpose of the Commission is to encourage orderly formation and development of local agencies based on local conditions and circumstances (Government Code Section 56001, 56301, 56425(a)).

- E. Find that approval of the requested revision to the Pinedale County Water District Sphere of Influence is based on sufficient information as provided to the Commission in the application materials submitted, the Municipal Service Review, the Executive Officer's report to the Commission, and all other testimony, evidence and information provided by persons and interested agencies, and is in compliance with state law, including, but not limited to, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act").
- F. Find that all public notices of this Commission's hearing of this matter were duly given in accordance with State law, including, but not limited to, the "Act" and CEQA laws and guidelines.
- G. Approve and authorize the revision to the Pinedale County Water District Sphere of Influence as depicted in Figure "A".
- H. Approve the proposed detachment from the Pinedale County Water District as depicted in Figure "A".
- I. Pursuant to the "Act" find the territory to be detached uninhabited, that the property owner has petitioned for, and consented to the detachment, that not all affected agencies gaining or losing territory as a result of the change of organization have consented to waive protest proceedings, and that the Commission has given written notice pursuant to state law.
- J. Direct staff to set a Protest Hearing pursuant to the requirements of the Act (*Government Code Section 57000 et seq.*). Direct the Executive Officer to file a Notice of Exemption with the Fresno County Clerk (CEQA, Section 15062).

**Prepared and
Submitted by:**



Michael R. Waiczis, AICP, Executive Officer

06/02/2006, 20060116216

06/02/2006, 20060116216



JUN 02, 2006

REC'T # 0002199538
June 02, 2006 14:29:39

FRESNO County Recorder
Robert C. Werner

Document # 06-0116216-00

REQD BY
Free Issue

Total fee	\$0.00
Amount Tendered...	\$0.00

Change	\$0.00
JZG:R3/3	



County of Fresno

Robert C. Werner
Assessor - Recorder

JUNE 6, 2006

Local Agency Formation Commission
Fresno County Plaza
Fresno, CA 93711



Re: 2007 Assessment Roll

Dear Mr. Waiczis:

This will acknowledge that the below change has been filed with this office pursuant to Section 54,900 et. seq. of the Government Code.

Date Filed: JUNE 2, 2006

City/ District: DETACH FROM PINEDALE COUNTY WATER DISTRICT

Ord./Resolution #: DD-05-1

Subject: PINEDALE COUNTY WATER DISTRICT DETACHMENT

Yours Truly,
Robert C. Werner
Fresno County Assessor

Virginia Quevedo
Cadastral Technician III

Fleming, Candace Lynn

From: Thorn, Nikkole [Nikkole.Thorn@boe.ca.gov]
Sent: Thursday, June 03, 2010 11:09 AM
To: Fleming, Candace Lynn
Subject: Pinedale County Water District

Candie,

I Received the packet for "Derrel's Mini Storage Detachment." Sorry it has taken so long to review it. I was trying to find the other change you mentioned in your letter and I am not finding it. Do you happen to know the BOE change number for "Pinedale County Water District Detachment (Tutelian)"? I'm not remembering what went on with that change.

Nikkole Thorn

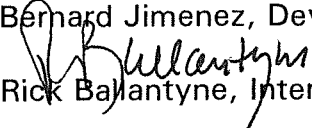
Research Analyst I (GIS)
California State Board of Equalization
Tax Area Services Section
916.323.2898 ~ office
916.327.4251 ~ fax
nikkole.thorn@boe.ca.gov



Fresno Local Agency Formation Commission

DATE: June 2, 2006

TO: Pinedale County Water District
County Elections, Precinct Activities - STOP #28
Stephanie Kahl, Environmental Health - STOP #147
Leona James, Planning Department - STOP #214
Development Engineering - STOP #214
Robin Quinn, Road Maintenance - STOP #214
Pat Guerrero, EMIS - STOP #214
Bernard Jimenez, Development Services - STOP #214

FROM:  Rick Ballantyne, Interim Executive Officer

SUBJECT: "Pinedale County Water District Detachments (Tutelian)"

All required filings for the subject change have been made. The change was effective on June 2, 2006.

A map of the change is attached.

Attachment

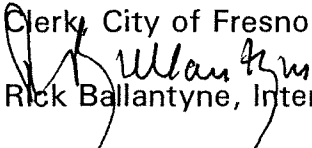


Fresno Local Agency Formation Commission

June 2, 2006

NOTICE OF COMPLETION OF BOUNDARY CHANGE

To: Clerk, Pinedale County District
Clerk, City of Fresno

From:  Rick Ballantyne, Interim Executive Officer

Subject: "Pinedale County Water District Detachments (Tutelian)"

All filings for the above have been made, as required by Government Code Section 57200 et seq. The subject change is now complete and effective.

A certified copy of the Certificate of Completion is enclosed along with the map and legal description indicating the recording numbers affixed by the County Recorder. A Statement of Boundary Change was sent to the County Assessor, County Auditor and the State Board of Equalization.

The maps showing the change of boundaries were also sent to those agencies listed on the attached letter of transmittal.

RB:cf

Attachments

MEMO TO FILE

Date: June 14, 2006
From: Rick Ballantyne
Subject: June 9th State Board of Equalization Letter

I talked with the State Board of Equalization (Nicole Thorn) regarding their request to pay an additional \$800. After explaining what the detachment/annexation involved, they determined that the \$800 payment was not necessary. They indicated that they thought the application involved the entire district.



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION
PROPERTY AND SPECIAL TAXES DEPARTMENT
450 N STREET, MIC: 59, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0059
TELEPHONE (916) 322-7185
FAX (916) 327-4251
www.boe.ca.gov

June 9, 2006



BETTY T. YEE
Acting Member
First District, San Francisco

BILL LEONARD
Second District, Ontario

CLAUDE PARRISH
Third District, Santa Ana

JOHN CHIANG
Fourth District, Los Angeles

STEVE WESTLY
Controller, Sacramento

RAMON J. HIRSIG
Executive Director

Mr. Richard S. Ballantyne
Interim Executive Officer
Fresno County LAFCo
2115 Kern Street, Suite 310
Fresno, CA 93721

Dear Mr. Ballantyne:

The statement filed with Tax Area Services as described below is not complete:

Pinedale County Water District Detachment (Tutelian), Resolution No. DD-05-1

To satisfy the requirements of Sections 54901 and 54902 of the Government Code, you must file the items below with us. Your statement cannot be processed for the 2007/2008 Assessment Roll unless the items are received on or before **December 1, 2006**.

Processing fee. See enclosed schedule. Please make check payable to State Board of Equalization. Mail to: P. O. Box 942879, MIC: 59, Sacramento, CA 94279-0059.

- Please submit a check in the amount of \$800.00, payable to the Board of Equalization. Please reference: Tax Area Services Section, MIC: 59.

Acreage	Fee
19.77	\$800.00
Amount Paid	\$0.00
Amount Due	\$800.00

Please contact Nikkole Thorn at (916) 323-2898 if you have any questions.

Sincerely,

William M. Harris, Supervisor
Tax Area Services Section

WMH:nt

cc: Fresno County Assessor
Fresno County Auditor

Note: If you have not already done so, you must file a complete set of documents, except for the processing fee, with the county assessor and county auditor.



Fresno Local Agency Formation Commission

TO: Mike Harris, State Board of Equalization
Robert Werner, County Assessor
Vicki Crow, County Auditor

SUBJECT: "Pinedale County Water District Detachments (Tutelian)"

In accordance with the requirements of the State Government Code (Section 54900 et seq.) and in accordance with Section 99(b) of the State Revenue and Taxation Code, the attached Statement of Boundary Change is prepared and forwarded to you for filing.

A certificate of completion was executed by the Executive Officer on June 2, 2006.

The change was effective on June 2, 2006.

No filing with the State Board of Equalization is required. The subject district **did not** receive property tax levy and this subject change of organization **will not** result in receiving property tax revenue.

A handwritten signature in black ink, reading "Rick Ballantyne".

Rick Ballantyne
Interim Executive Officer

Date: June 2, 2006

Please acknowledge the filing of this statement by sending a receipt to our office.

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FEE SCHEDULE**

Effective July 1, 1995

SECTION - 350

01 Application Processing

Annexation or Detachment - acreage shall be determined by rounding to nearest whole number the combined net parcel area shown on the Assessor's Map.

Under 3 acres	\$ 750.00
3 to 5 acres	\$ 1,500.00
6 to 10 acres	\$ 3,000.00
11 to 20 acres	\$ 4,500.00
21 to 40 acres	\$ 6,000.00
41 to 80 acres	\$ 7,500.00
81 to 160 acres	\$ 9,000.00
Over 160 acres	\$10,500.00
Dissolution of District (for inactivity, no fee)	\$ 1,500.00
Merger or Subsidiary District	\$1,500.00
Consolidation	\$5,000.00
Incorporation	\$14,000.00
Formation of Special District	\$11,000.00
Disincorporation	\$7,500.00

Reorganization

If a reorganization consists of annexations and detachment only, use fee schedule for one change of organization only, whichever is larger. If other types of changes of reorganization are included, fee for each other change may be added.

Sphere of Influence Revision

Use fee schedule for annexations. If annexation is concurrent and boundaries coterminous, add 25% for sphere revision above annexation fee.

Sphere of Influence Update

Actual cost. Deposit of estimated amount required.

Request for Inclusion

Use fee schedule for annexation, where request for inclusion is made in accordance with Section 311 of the Commission Regulations, giving credit for prior fee.

Request for added Special District Powers, Service, or Function.

Each requested additional Power or Service

\$1 250.00

Additional Fees:
\$ 5,625
- 1,250

\$ 4,375
Made to "Fresno LAFCO"

DATE: 08/23/05 CK#: 3801 TOTAL: \$ 15.00*** BANK: clickcheck - CTI - Operati
PAYEE: Fresno LAFCO(lafco)
Prop/Job/Categ/Acct parkpl/parkplac/61220/17.010.0 Invoice 082305 Description Park Place detachment of Pinedale Wa

Amount

4,375.00
4,375.00

STATEMENT OF BOUNDARY CHANGE

STATE OF CALIFORNIA
BOARD OF EQUALIZATIONPlease mail to the Board of Equalization, Tax Area Services Section, 450 N Street, MIC:59,
P.O. Box 942879, Sacramento, California 94279-0059.

BOE USE ONLY

B.O.E. File No.: _____

County: FRESNO	County # : 10	Acreage: 19.77	Fee: \$ 0	Res./Ord. No.:	DD-05-1B
Conducting Authority: FRESNO LOCAL AGENCY FORMATION COMMISSION				LAFCo. Res.:	DD-05-1
Short Form Designation: "PINEDALE COUNTY WATER DISTRICT DETACHMENT"				Effective Date:	6-2-06

1. Type of
action:
(check one
only)

☐ 01 Annexation to district	☐ 06 Consolidation of TRA's	☐ 10 Redevelopment
☐ 02 Annexation to city	☒ 07 Detachment from district	☐ 11 Name change
☐ 04 City incorporation	☐ 08 Dissolution of district	☐ 12 Reorganization
☐ 05 Consolidation of district	☐ 09 Formation-District	☐ 13 School district change

2. Principal
City/District(s)
affected by
action:

DISTRICT NAME	DISTRICT NAME
DETACH FROM PINEDALE CO. WATER DIST.	

3. Affected
territory is
legally:

☐ Inhabited	☐ Developed	Number of Areas: 1
☒ Uninhabited	☒ Undeveloped	

4. The affected
territory:

☐	Will be taxed for existing bonded indebtedness or contractual obligations as set forth by the terms and conditions as stated in the resolution.
☒	Will not be taxed for existing bonded indebtedness or contractual obligations.

5. Election:

☐	An election authorizing this action was held on _____ date
☒	This action is exempt from election.

6. Enclosed are
the following
items required
at the time of
filing:

☒ Fees	☒ Map(s) and supporting documents
☒ Legal description	☒ Assessor parcel number(s) of affected territory
☒ Resolution of conducting authority	☐ County auditor's letter of TRA assignment (consolidated counties only)
☒ Certificate of Completion (LAFCO only)	

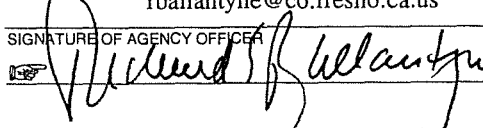
7. City
boundary
changes
only:

☐ Map of limiting addresses (2 copies)	☐ Vicinity maps (2 copies)
☐ Alphabetical list of all streets within the affected area to include beginning and ending street numbers	
☐ Estimated population is: 0	

8. Required:

According to section 54902 of the Government Code, copies of these documents must be filed with the county auditor and county assessor.

Board of Equalization will acknowledge receipt of filing to:

NAME RICHARD S. BALLANTYNE	BOE USE ONLY
TITLE INTERIM EXECUTIVE OFFICER	
AGENCY FRESNO LOCAL AGENCY FORMATION COMMISSION	
STREET 2115 KERN STREET, SUITE 310	
CITY FRESNO	
ZIP CODE 93721	
TELEPHONE NO. (559) 495-0604	
FAX NO. (559) 495-0655	
E-MAIL ADDRESS rballantyne@co.fresno.ca.us	chk #: amt: ltr #:
SIGNATURE OF AGENCY OFFICER 	
DATE 6/2/06	

ASSESSOR'S PARCEL NUMBERS

**“PINEDALE COUNTY WATER DISTRICT DETACHMENT
(TUTELIAN)”**

405-053-42

405-053-43

405-053-47

405-053-48

405-053-49

P.O. Box 126
Fresno, CA 93707
Telephone (559) 490-3400

(Space Below for use of County Clerk only)

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

PUBLIC HEARING

FILE NO RO-06-2

DECLARATION OF PUBLICATION (2015.5 C.C.P.)

Misc. Notice

NOTICE OF PUBLIC HEARING FRESNO LOCAL AGENCY FORMATION COMMISSION

NOTICE IS HEREBY GIVEN that the Fresno Local Agency Formation Commission (LAFCo) will consider the following "Proposals" at a public hearing on May 10, 2006.

1. City of Fresno "Temperance-Gould Canal Reorganization". Proposed reorganization consisting of the annexation of approximately 70.65 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District, for territory located between Armstrong and Temperance Avenues, north of Dakota Avenue and south of the Gould Canal (LAFCo File No. RO-06-2).

2. City of Fresno "Clinton-Temperance Northwest Reorganization". Proposed reorganization consisting of the annexation of approximately 41.36 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District, for territory located north and west of the northwest corner of N. Temperance and E. Clinton Avenues (LAFCo File No. RO-06-3).

3. Consider Approval: City of Fresno "Madison-Valentine Northeast Reorganization". Proposed reorganization consisting of the annexation of approximately 54 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District, for territory located at the northeast corner of W. Madison Avenue and S. Valentine Avenue (LAFCo File No. RO-06-4).

4. Consider Approval: City of Fresno "Clinton-Armstrong Southeast Reorganization". Proposed reorganization consisting of the annexation of approximately 58.55 acres to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District for territory generally located east of N. Armstrong Avenue, west of N. Temperance Avenue and both north and south of E. Clinton Avenue (LAFCo File No. RO-06-9).

5. Adoption of Fiscal Year 2006-2007 Final Budget.

PLEASE BE INFORMED THAT the public hearing to consider these Proposals will be held at 1:30 p.m., or soon thereafter, on May 10, 2006, in Room 301, Hall of Records, Tulare and "M" Streets, Fresno. All interested parties are invited to attend this hearing and present testimony on these matters. For additional information contact the Commission Office at 2115 Kern Street, Suite 310, Fresno, CA 93721 (Telephone: 559-495-0604, e-mail: shendricks@co.fresno.ca.us).

DATED: April 17, 2006

NOTICE OF PROTEST HEARINGS FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

PLEASE BE ADVISED THAT PROTEST HEARINGS will be held on May 10, 2006, by the Fresno Local Agency Formation Commission (LAFCo) concerning the following proposals:

1. "Pinedale County Water District Detachment". A detachment of approximately 19 acres from the Pinedale County Water District for territory generally located at the southwest corner of W. Nees and N. Palm Avenues (submitted by Landowner Petition) (LAFCo File No. DD-05-1).

2. "Formation of CSA #51". Formation of County Service Area ("CSA") No. 51 to provide domestic water service to approximately 600 rural residential homes. The territory consists of approximately

2,100 acres and is located generally north of Shepherd Avenue, extending along N. Fowler Avenue to an area north of Copper Avenue, including Appaloosa Acres. The eastern boundary follows the Armstrong Avenue/DeWolf/Friant-Kern Canal alignment and includes Shenandoah Farms. The western boundary is a north-south line generally along the Sunnyside Avenue alignment extending from Shepherd Avenue to an area north of Copper Avenue, and includes the contiguous parcels in Copper Hills (LAFCo File No. FD-05-1).

3. "Fig Garden Police Protection District Annexation". Annexation to the Fig Garden Police Protection District of three areas totaling 255 acres. These three areas are generally located south, east, and southeast of the existing Fig Garden Police protection District boundaries (LAFCo File No. AD-06-1).

STATE OF CALIFORNIA

COUNTY OF FRESNO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of **THE BUSINESS JOURNAL** published in the City of Fresno, County of Fresno, State of California, Monday, Wednesday and Friday, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of March 4, 1911, in Action No. 14315; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

Apr 17, 2006

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Fresno, California,

ON

April 17, 2006

[Signature]

If you are a property owner or registered voter in any of the proposal areas described above (property owner only for Item No. 1) you have protest rights and may file a written protest in opposition to the change of your property. Official LAFCo Protest Forms may either be mailed or delivered to the Fresno LAFCo office (address below) or handed to the LAFCo Executive Officer before the end of the protest hearing. Please contact the LAFCo Office to obtain information about how to protest and to request an Official LAFCo Protest Form. An Official LAFCo Protest Form must be utilized to submit a valid protest. Forms will be available at the hearing.

THE PROTEST HEARINGS WILL BE HELD at 1:30 p.m., or as soon thereafter as possible, on May 10, 2006, in Room 301, Hall of Records, Tulare and "M" Streets, Fresno. For information contact the Commission Office at 2115 Kern Street, Suite 310, Fresno, CA 93721. Please direct questions to Rick Ballantyne, AICP, LAFCo Deputy Executive Officer at 559-495-0604 or e-mail Mr. Ballantyne at rballantyne@co.fresno.ca.us.

DATED: April 17, 2006
(Apr 17)

THIS IS A LEGAL NOTICE

NOTICE OF PROTEST HEARING REGARDING DETACHMENT OF PROPERTY FROM THE PINEDALE COUNTY WATER DISTRICT

PLEASE BE ADVISED THAT A PROTEST HEARING will be held by the Fresno Local Agency Formation Commission (LAFCo) **on Wednesday, May 10, 2006, at 1:30 p.m., or as soon thereafter as possible**, in Room 301, Hall of Records, Tulare and "M" Streets, in downtown concerning the following:

The "**Pinedale County Water District Detachment**", submitted by Landowner Petition (Clifford Tutelian), consisting of the proposed detachment of approximately 19.0 acres from the Pinedale County Water District, for territory located at the southwest corner of W. Nees and N. Palm Avenues. **Your property is included in this detachment from the Pinedale County Water District.**

At its September 28, 2005 hearing, the Fresno Local Agency Formation Commission **approved** this detachment. Because your property is located in the affected territory, you have the right to protest this decision, should you disagree with it. For a complete description of the proposed reorganization, including its boundaries, terms and conditions, you may request a copy of LAFCo's Resolution approving the proposal at the address below.

HOW TO FILE A PROTEST: Owners of land within the boundaries of the affected territory may file written protests in opposition to the proposed detachment. Protests may either be mailed or delivered to Fresno LAFCo, 2115 Kern Street, Suite 310, Fresno, CA 93721, or handed to the LAFCo Executive Officer before the end of the protest hearing. You need not attend the hearing to file a protest, but each protest form must state that you are a landowner and must include your name, mailing address and street address (if different) or an Assessor Parcel Number (APN) identifying the location of your property within the affected territory. Written protests must be filed no later than the conclusion of the hearing to be considered valid. Each protest filed will be counted separately. An **Official LAFCo Protest Form** is attached if you wish to file a protest. This form may be copied. The results of protests received will be determined within 30 days following the hearing in accordance with California Government Code Sections 57075 and 57078.

EFFECT OF PROTEST: You may present oral protests, objections, or evidence at the hearing, but only valid written protests will be counted. Proceedings will be **terminated** if the Commission finds that valid written protests filed and not withdrawn prior to the conclusion of the Protest Hearing represent landowners owning 50 percent or more of the assessed value of the land within the affected territory. Otherwise, detachment of your property from the Pinedale County Water District will occur.

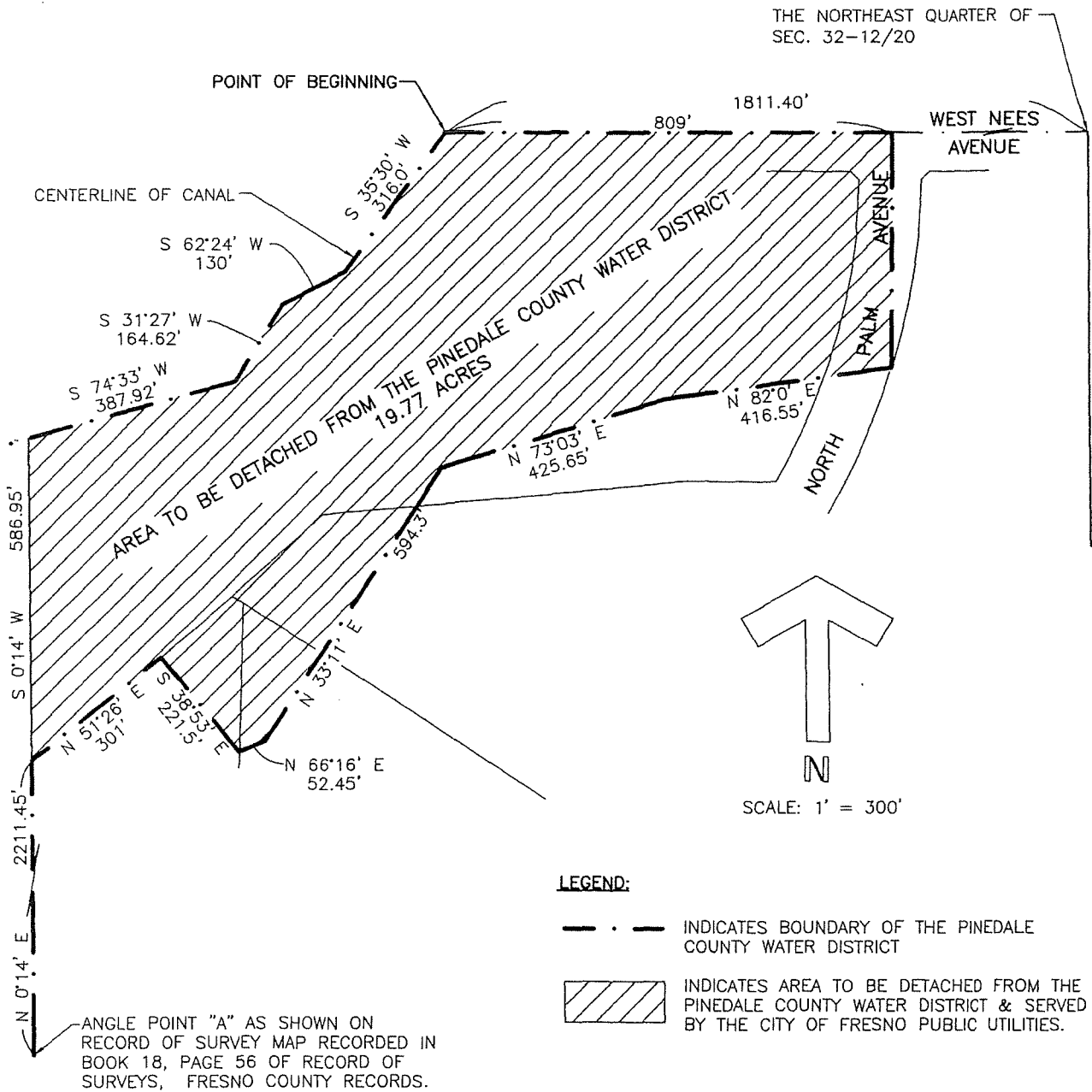
For **additional information** please contact the Commission Office, 2115 Kern Street, Suite 310, Fresno, CA 93721. Please direct any questions or comments to Rick Ballantyne, AICP, LAFCo Deputy Executive Officer at (559) 495-0604 or e-mail Mr. Ballantyne at rballantyne@co.fresno.ca.us.


Jeff Tweedie, Fresno LAFCo Interim Executive Officer

APPROVED

LAFCO RES. # 00-05-1
September 28, 2005
DATE

AREA TO BE SERVED BY THE CITY OF FRESNO
PUBLIC UTILITIES AND DETACHED FROM THE
PINEDALE COUNTY WATER DISTRICT



AREA TO BE SERVED BY THE CITY OF FRESNO PUBLIC UTILITIES
AND DETACHED FROM THE PINEDALE COUNTY WATER DISTRICT

PREPARED BY:

GARY GIANNETTA
1119 "S" STREET
FRESNO, CA. 93721
(559) 264-3590

PREPARED:

9/23/05

REVISED:

11/29/05

A PORTION OF SECTION 32, TOWNSHIP 12 SOUTH,
RANGE 20 EAST, MOUNT DIABLO BASE AND MERIDIAN

OFFICIAL LAFCo PROTEST FOR.
"PINEDALE COUNTY WATER DISTRICT DETACHMENT"

Each of the undersigned is the landowner of the property located within the proposal area described below. The undersigned hereby protests the proposed **"PINEDALE COUNTY WATER DISTRICT DETACHMENT"** as provided for in Section 57051 of the California Government Code.

NAME OF PROPOSAL **"PINEDALE COUNTY WATER DISTRICT DETACHMENT" (DD-05-1)**

☐ Land
Owner

Date _____ **Name** _____
(Please type or print)

Full Legal Signature _____

Address _____
Number Street City or town

Description of affected property if not at above address _____
Assessor's Parcel Number if known

Address or other description

NAME OF PROPOSAL **"PINEDALE COUNTY WATER DISTRICT DETACHMENT" (DD-05-1)**

☐ Land
Owner

Date _____ **Name** _____
(Please type or print)

Full Legal Signature _____

Address _____
Number Street City or town

Description of affected property if not at above address _____
Assessor's Parcel Number if known

Address or other description

NAME OF PROPOSAL **"PINEDLE COUNTY WATER DISTRICT DETACHMENT" (DD-05-1)**

☐ Land
Owner

Date _____ **Name** _____
(Please type or print)

Full Legal Signature _____

Address _____
Number Street City or town

Description of affected property if not at above address _____
Assessor's Parcel Number if known

Address or other description

PLEASE NOTE - This official protest form must be utilized to submit a valid protest. The use of any other form will invalidate your protest. It is understood that for landowner protests involving a parcel with more than one owner listed on the County's Assessment Roll, only the signer's proportionate share of the value of the property will be credited in the protest.

Park Place
1690 W Shaw Avenue #200
Fresno, Ca 93711

Cotdale LP
3265 W Ashlan
Fresno, CA 93722

Miller Family LLC
10 Highland Court
Orinda, CA 94563

970 W Alluvial Partners LLC
970 W Alluvial #101
Fresno, CA 93711

Pinedale County Water District
480 W. Birch
Pinedale, CA 93650

Clifford Tutelian
4626 W Polo Creek Court
Fresno, CA 93722

Park Place Holdings
Tingey Charles L Etal
2300 Tulare #300
Fresno, CA 93721

EXHIBIT C

LETTER OF REQUEST FOR RECONSIDERATION

EXHIBIT C

RICHARD H. HARGROVE
NEAL E. COSTANZO
J. BRENT RICHARDSON

LAW OFFICES
HARGROVE & COSTANZO
A PROFESSIONAL CORPORATION
6495 N. PALM AVENUE
SUITE 101
FRESNO, CALIFORNIA 93704-1063
(559) 261-0163

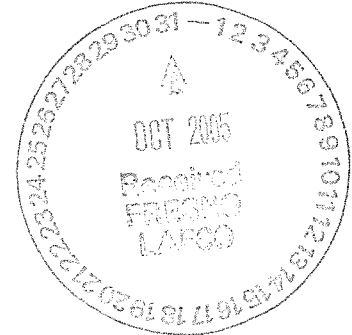
FAX (559) 261-0706

OUR FILE NO. 03343-002

October 28, 2005

SENT VIA FACSIMILE/U.S. MAIL - 495-0655

Michael R. Waiczis, AICP, Executive Officer
Fresno Local Agency Formation Commission (LAFCo)
2115 Kern Street Suite 310
Fresno CA 93721



**Re: Request for Amendment and/or Reconsideration of Resolutions
Adopted by LAFCo on September 28, 2005; Pinedale County Water
District "Sphere of Influence Revision" (Resolution No. RS01-141);
and Detachment of Territory From Pinedale County Water District;
LAFCo Resolution No. DD-05-01)**

Dear Mr. Waiczis:

This office represents the Pinedale County Water District. Pursuant to authorization granted by the Board of Directors of the Pinedale County Water District, this will serve as the written request on behalf of the District as provided for by Government Code section 56895 that LAFCo amend or reconsider the resolutions adopted September 28, 2005, referred to by the agenda for that date as Agenda Items 14 and 15 entitled, Pinedale County Water District "Sphere of Influence Revision," LAFCo Resolution No. RS01-141 and Pinedale County Water District "Pinedale County Water District Detachment," LAFCo Resolution No. DD-05-01 and LAFCo's approval of a municipal service review for the Pinedale County Water District and its directive to the Executive Officer to file a Notice of Exemption with the Fresno County Clerk relative to the project proposed by the aforementioned change in organization. This request relates to each of the referenced resolutions or other action taken by LAFCo relating to the Pinedale County Water District's Sphere of Influence Revision and/or Pinedale County Water District Detachment considered or approved by LAFCo on September 28, 2005, or thereafter. The specific modification to the aforementioned resolutions being requested is that the aforementioned resolutions, and each of them, be rescinded or vacated. The new and different facts that could not have been presented previously which warrant reconsideration or amendment are facts relating to the following determinations:

1. Which agency can best provide services to the land affected by the aforementioned resolutions;
2. Whether the Pinedale County Water District can feasibly provide needed service or services in a more efficient and accountable manner to the affected territory;

3. The extent to which the aforementioned resolutions were inconsistent with Commission policies, practices and precedent;

4. The extent of inconsistency of approval of the aforementioned resolutions with Commission purposes and responsibilities for planning the logical and orderly development and coordination of local governmental agencies;

5. The extent to which approval of the aforementioned resolutions is inconsistent with State law, including but not limited to California Environmental Quality Act (CEQA), Government Code section 56425(e), and other provisions of Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000;

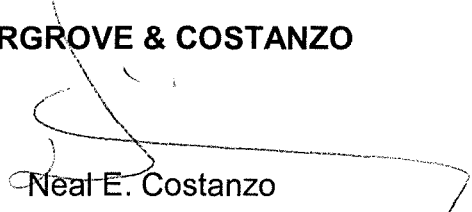
6. Other facts and circumstances relating to which of the affected public entities can provide service to the affected territory in the most logical, cost effective and efficient manner and the cost to the landowner of securing such service for the affected territory from either entity.

In addition to the aforementioned, new and different facts, amendment, modification and reconsideration of each of the aforementioned resolutions is warranted by virtue of law and the lack of sufficient or substantial evidence to support finding by LAFCo in support of its adoption of each of such resolutions. Reconsideration is further warranted by facts relating to a failure by LAFCo to proceed in the manner required by law in adopting the aforementioned resolutions.

Pursuant to subdivision (c) of section 56895 of the Government Code, on receipt of this request, LAFCo and its Executive Officer are precluded from taking any further action with respect to any of the aforementioned resolutions unless and until the Commission acts on this request. Pursuant to subdivision (e) of the same section, upon receipt of this request the Executive Officer is required to place the matter of reconsideration and/or amendment of the aforementioned resolutions on the agenda of the next meeting of the Commission for which notice can be given pursuant to said subdivision. Request is hereby made that notification of the date, time and place of such meeting be provided to the undersigned. During our telephone conversation this morning, you agreed to treat this request as being timely filed on receipt of a copy by facsimile.

Very truly yours,

HARGROVE & COSTANZO


Neal E. Costanzo

General Site Location

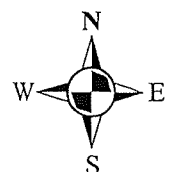


Proposed Sphere of Influence
Revisions and Detachments
for Pinedale Public Utilities District and
Pinedale County Water District
LAFCo File No.'s RSOI-141,
RSOI-142, and RO-05-30

Legend

-  Fresno Sphere of Influence
-  Fresno City Limits
-  Pinedale County Water Dsitrict
-  Affected Territory

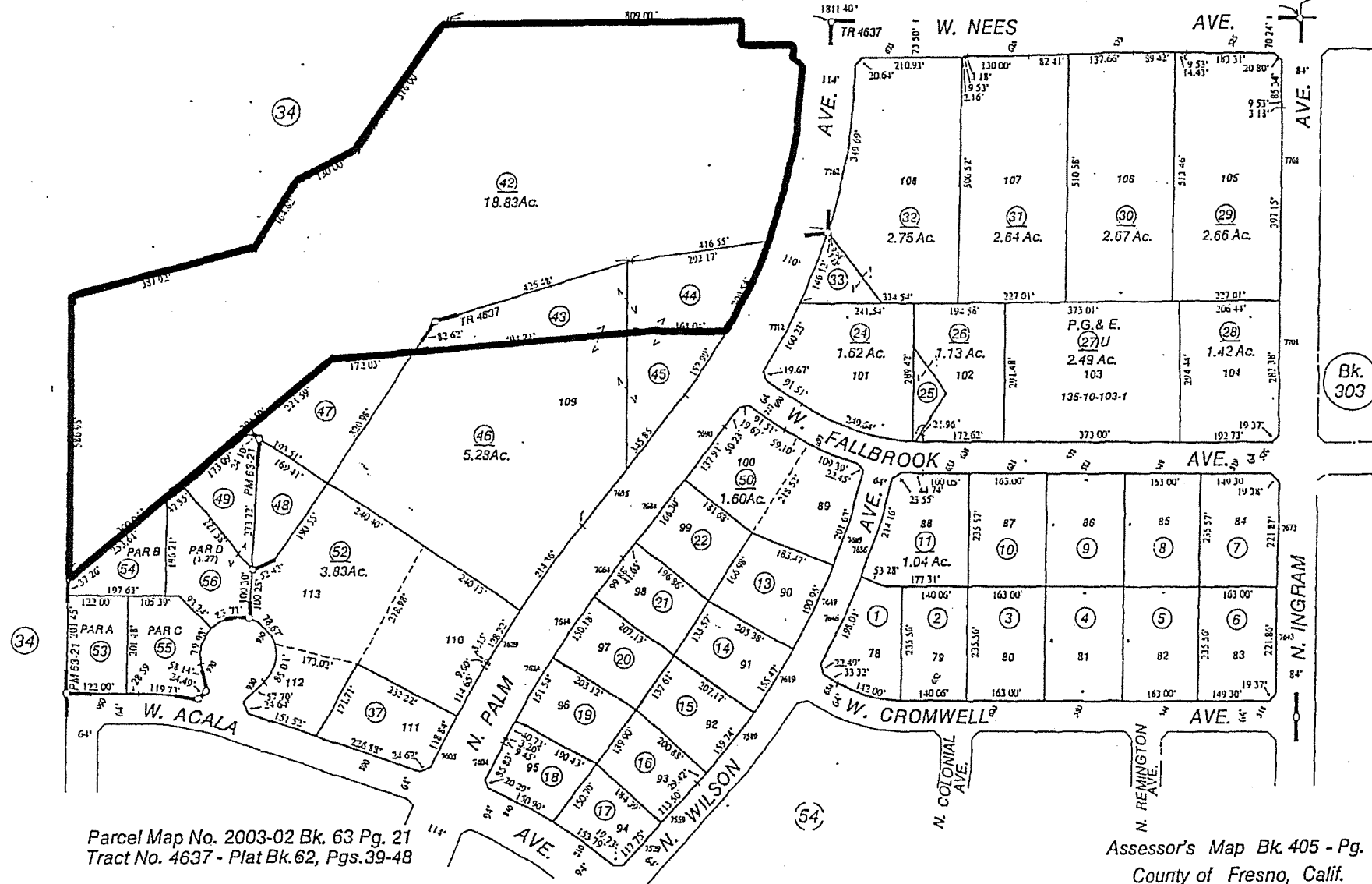
0 0.1 0.2 0.4 0.6 0.8
 Miles



--- NOTE ---
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.

Bk.
4025-089
5-090
5-22329.28
32.33

1"=200'



NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

RICHARD H. HARGROVE
NEAL E. COSTANZO
J. BRENT RICHARDSON

LAW OFFICES
HARGROVE & COSTANZO
A PROFESSIONAL CORPORATION
6495 N. PALM AVENUE
SUITE 101
FRESNO, CALIFORNIA 93704-1063
(559) 261-0163

FAX (559) 261-0706
OUR FILE NO. 03343-002

October 28, 2005

SENT VIA FACSIMILE/U.S. MAIL - 495-0655

Michael R. Waiczis, AICP, Executive Officer
Fresno Local Agency Formation Commission (LAFCo)
2115 Kern Street Suite 310
Fresno CA 93721



**Re: Request for Amendment and/or Reconsideration of Resolutions
Adopted by LAFCo on September 28, 2005; Pinedale County Water
District "Sphere of Influence Revision" (Resolution No. RSOI-141);
and Detachment of Territory From Pinedale County Water District;
LAFCo Resolution No. DD-05-01)**

Dear Mr. Waiczis:

This office represents the Pinedale County Water District. Pursuant to authorization granted by the Board of Directors of the Pinedale County Water District, this will serve as the written request on behalf of the District as provided for by Government Code section 56895 that LAFCo amend or reconsider the resolutions adopted September 28, 2005, referred to by the agenda for that date as Agenda Items 14 and 15 entitled, Pinedale County Water District "Sphere of Influence Revision," LAFCo Resolution No. RSOI-141 and Pinedale County Water District "Pinedale County Water District Detachment," LAFCo Resolution No. DD-05-01 and LAFCo's approval of a municipal service review for the Pinedale County Water District and its directive to the Executive Officer to file a Notice of Exemption with the Fresno County Clerk relative to the project proposed by the aforementioned change in organization. This request relates to each of the referenced resolutions or other action taken by LAFCo relating to the Pinedale County Water District's Sphere of Influence Revision and/or Pinedale County Water District Detachment considered or approved by LAFCo on September 28, 2005, or thereafter. The specific modification to the aforementioned resolutions being requested is that the aforementioned resolutions, and each of them, be rescinded or vacated. The new and different facts that could not have been presented previously which warrant reconsideration or amendment are facts relating to the following determinations:

1. Which agency can best provide services to the land affected by the aforementioned resolutions;
2. Whether the Pinedale County Water District can feasibly provide needed service or services in a more efficient and accountable manner to the affected territory;

Michael R. Waiczis, AICP, Executive Officer
October 28, 2005
Page 2

3. The extent to which the aforementioned resolutions were inconsistent with Commission policies, practices and precedent;

4. The extent of inconsistency of approval of the aforementioned resolutions with Commission purposes and responsibilities for planning the logical and orderly development and coordination of local governmental agencies;

5. The extent to which approval of the aforementioned resolutions is inconsistent with State law, including but not limited to California Environmental Quality Act (CEQA), Government Code section 56425(e), and other provisions of Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000;

6. Other facts and circumstances relating to which of the affected public entities can provide service to the affected territory in the most logical, cost effective and efficient manner and the cost to the landowner of securing such service for the affected territory from either entity.

In addition to the aforementioned, new and different facts, amendment, modification and reconsideration of each of the aforementioned resolutions is warranted by virtue of law and the lack of sufficient or substantial evidence to support finding by LAFCo in support of its adoption of each of such resolutions. Reconsideration is further warranted by facts relating to a failure by LAFCo to proceed in the manner required by law in adopting the aforementioned resolutions.

Pursuant to subdivision (c) of section 56895 of the Government Code, on receipt of this request, LAFCo and its Executive Officer are precluded from taking any further action with respect to any of the aforementioned resolutions unless and until the Commission acts on this request. Pursuant to subdivision (e) of the same section, upon receipt of this request the Executive Officer is required to place the matter of reconsideration and/or amendment of the aforementioned resolutions on the agenda of the next meeting of the Commission for which notice can be given pursuant to said subdivision. Request is hereby made that notification of the date, time and place of such meeting be provided to the undersigned. During our telephone conversation this morning, you agreed to treat this request as being timely filed on receipt of a copy by facsimile.

Very truly yours,

HARGROVE & COSTANZO

Neal E. Costanzo

APPLICATION INFORMATION

1. **Affected Territory**

Acreage:	19 +/- acres
Current Land Use:	Vacant
Property Owners/Registered Voters:	0-register voters / 1- property owner
Assessors Parcel Numbers:	APN Nos. 405-053-42, 43, 47, 48, 49

2. **Proposed Development:** The City of Fresno has approved a rezone and conditional use permit for development of the affected territory with 198,468 square feet of office and commercial uses, including a three-story, 68,000 square foot office building and a 41,268 square foot fitness center. Eight other building pads are also proposed on the site.

3. **Surrounding Territory:** Surrounding land uses include light industrial to the south (mini-storage), neighborhood commercial (not yet developed) to the east, Medium-Low Density Residential (not yet developed) to the west, and open space/multi-use and special commercial to the north (existing land use is San Joaquin River/Open Space).

4. **Consistency with Adopted Sphere of Influence (SOI):** The requested SOI revision and detachment is consistent with the City of Fresno SOI and public utilities service area.

5. **Consistency with City and County General and Specific Plans:** Development of the property with the proposed uses is consistent with the *2025 Fresno General Plan* and the *Bullard Community Plan*. The requested SOI revision and detachment is consistent with the City of Fresno land use policies.

6. **Existing Service Agencies and Proposed Service Changes:**

The requested SOI revision and detachment from the Pinedale County Water District would allow the City of Fresno to provide water service to the affected territory.

7. **Cities and Districts Included Wholly or Partially within the Affected Territory.**

County of Fresno	Fresno County Library District
Fresno Irrigation District	Fresno County Fire Protection District
Kings River Conservation District	Clovis Unified School District
State Center Jt. Community College Dist,	Fresno Metropolitan Flood Control District
Clovis Memorial District	West Fresno Co. Red Scale Protective District
Pinedale County Water District	Pinedale Public Utilities District

8. **Costs and Other Changes Affecting Residents or Landowners:**

If the City of Fresno provides water to the territory, the landowner must pay all costs associated with City administration, operations and maintenance, and other costs associated with conveying water service to the subject territory.

9. **Agencies and Individuals Submitting Comments** (see Correspondence and Comments)

- Patrick Wiemiller, Interim Director, Department of Public Utilities, City of Fresno
- John Watkins, Management Analyst III, Department of Public Utilities, City of Fresno
- Betty Vaughn, Elections Division, County of Fresno

10. **Territory Boundaries**

The boundaries of the proposed detachment are definite and certain, and there are no conflicts with lines of assessment ownership. The map and description are not sufficient per Daniel Sparks, Assessment Services Supervisor, for filing with the State Board of Equalization. **A revised map and legal description are required.**

11. **Registered Voter Data**

The County of Fresno Elections Office reported that on September 15, there were **zero** (0)-registered voters in the affected territory.

12. **Compliance with the Requirements of CEQA**

Lead Agency: Fresno LAFCo - **Level of Analysis:** Categorical Exemption

Finding: Acting as Lead Agency under CEQA, the Commission made a finding that the proposed project (SOI revision and detachment) is categorical exempt under Section 15320 of CEQA Guidelines ("Change in Organization of Agencies") is appropriate and that approval of the Sphere of Influence revision and detachment will not have any negative impacts on the environment.

13. **Names of Landowners or Parties of Real Interest** - (*Asterisk indicates consent*)

Cliff Tutelian* Pinedale County Water District

Proponent: Clifford Tutelian

14. **Public Notice of Hearing** - Written public notice was issued by the Commission pursuant to the requirements of the state law.

15. **Individuals and Agencies Receiving this Report**

- LAFCo Commissioners and Alternates
- Susan Coberly, LAFCo Counsel
- Bernard Jimenez, Development Services Department
- Cliff Tutelian, Chief Petitioner and Landowner
- Bruce O'Neal, Land Use Associates
- Steve Samuelian, California Consulting, LLC
- Patrick Wiemiller, Interim Director, Department of Public Utilities, City of Fresno
- John Garcia, General Manager, Pinedale County Water District

--- NOTE ---
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 32, T.12S., R.20E., M.D.B.&M.

Tax Rate Area

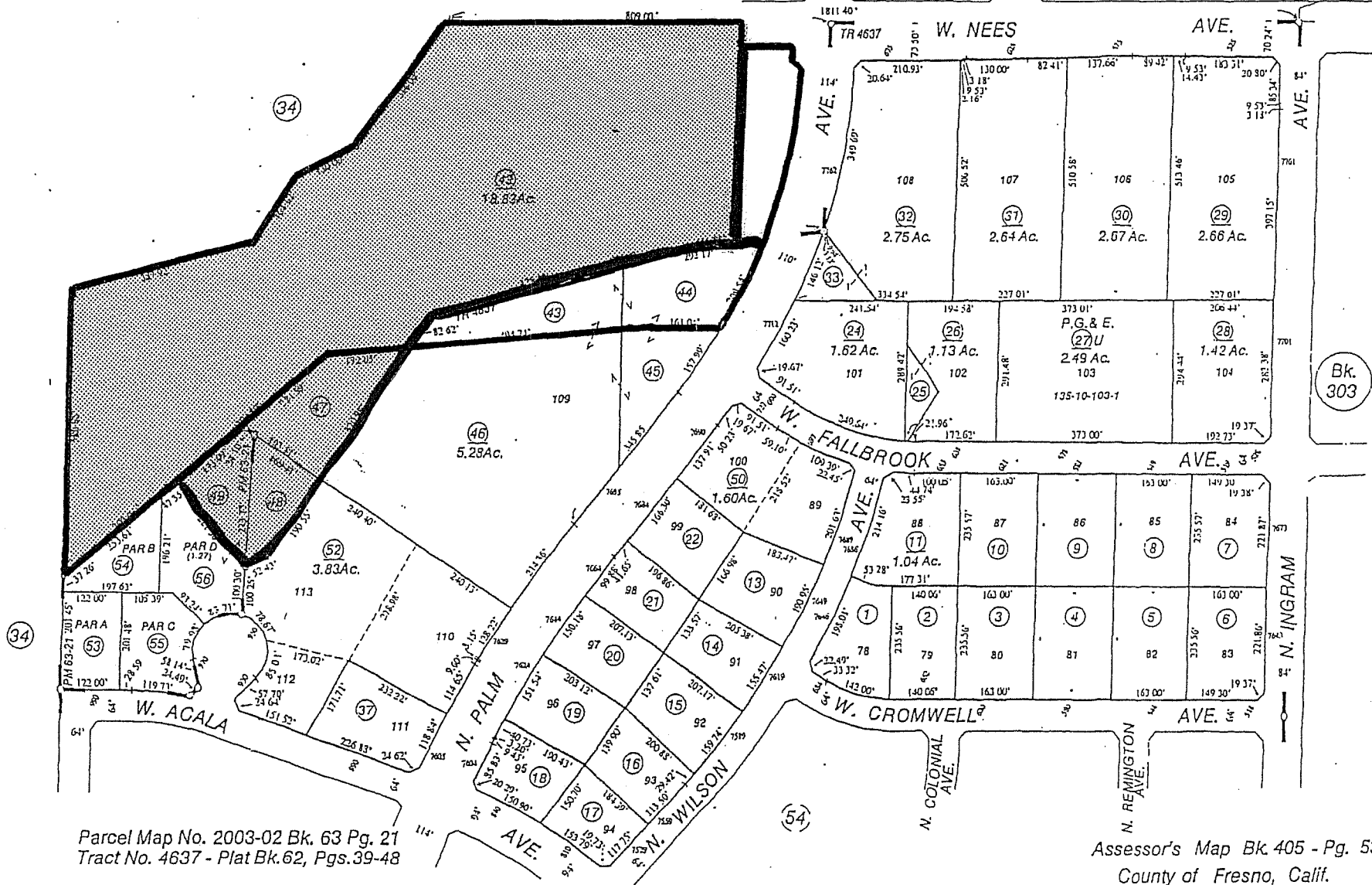
5-089
5-090
5-223

405-53

Bk.
402

29/28
32/30

1" = 200'



Parcel Map No. 2003-02 Bk. 63 Pg. 21
Tract No. 4637 - Plat Bk.62, Pgs.39-48

Assessor's Map Bk. 405 - Pg. 53
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

1-28-2004

FIGURE "A"

Pinedale County Water District
Sphere of Influence Revision and Detachment
(LAFCo File Nos. RSOI-141 and DD-05-1)

EXHIBIT A

DETERMINATIONS PURSUANT TO GOVERNMENT CODE SECTION 56425

The following Determinations have been prepared pursuant to Government Code Section 56425 et seq. with respect to four specific issues required to approve a change to a sphere of influence:

1. Present and Planned Land Uses in the Area Including Agricultural and Open-Spaced Lands.

The City of Fresno has approved rezoning and conditional use permit applications for development of the affected territory with 198,468 square feet of office and commercial uses, including a three-story, 68,000 square foot office building and a 41,268 square foot fitness center. Eight other building pads are also proposed on the site. Development of the property with this uses is consistent with the *2025 Fresno General Plan* and the *Bullard Community Plan*. Surrounding land uses include light industrial to the south (mini-storage), neighborhood commercial (not yet developed) to the east, Medium-Low Density Residential (not yet developed) to the west, and open space/multi-use and special commercial to the north (existing land use is San Joaquin River/Open Space).

The SOI revision would not negatively affect the adjacent San Joaquin River/Open Space area located near the affected territory. The SOI revision will not bring about the conversion of agricultural land or open space. Approval of the SOI revision will not convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use. No significant adverse effects will occur on continuing agricultural operations or open space lands.

2. The Present and Probable Need for Public Facilities and Services in the Area.

The Sphere of Influence (SOI) revision would allow the City of Fresno to provide water service to the subject site. The site is almost entirely included in the Pinedale County Water District SOI but the District is currently unable to service this site without requiring the developer to pay for major capital improvements. To obtain water service from the District the landowner would be required to pay for extending water mains approximately 1,000 feet from existing service lines to the southwest to the subject site.

The affected territory extends out from the District's western service as a "peninsula" that is surrounded by the City of Fresno or Fresno SOI. The Pinedale County Water District's SOI and boundaries in this area are coterminous. Planned and existing new development located to the northeast, east, southeast and south of the territory presently receive (or will receive) water service from the City.

The Pinedale County Water District is presently meeting the water service needs of the residential (1,600) and commercial (1,400) users it serves. The District SOI and boundaries are located entirely within the City of Fresno (or Fresno SOI) generally north of W. Herndon Avenue between N. Ingram and N. Fruit Avenues.

The District acquired the affected territory, a former sewage facility, over 50 years ago. To incorporate this area the District extended its boundaries out from its larger western service area forming a "peninsula" that has never been served. Thus, the subject property is not currently served by the District. In order for water service to be provided to this site by the District the installation of approximately 1,000 feet of water conveyance pipelines consistent with District standards is required.

3. The Present Capacity of Public Facilities and Adequacy of Public Services that the Agency is Authorized to Provide.

The Pinedale County Water District is presently meeting the water service needs of the residential (1,600) and commercial (1,400) users it serves. The District SOI and boundaries are located entirely in the City of Fresno (or Fresno SOI) generally north of W. Herndon Avenue between N. Ingram and N. Fruit Avenues.

While the District is able to provide water service to the affected territory with the requirement that the developer install necessary infrastructure, the City of Fresno can provide such service in a more logical, cost-effective, and efficient manner.

The City of Fresno is ready, willing, and able to provide water service immediately upon payment of all necessary service fees from existing conveyance lines located along the property frontage on Palm Avenue. A "will serve" letter from the City of Fresno dated May 23, 2005 has been submitted. All other public services to the subject property are or will be provided by the City of Fresno.

4. The Existence of Any Social or Economic Communities of Interest in the Area if the Commission Determines that they are Relevant to the Agency.

The City of Fresno and the Pinedale County Water District are "Communities of Interest" in the area. The District acquired the affected territory over 50 years ago. To incorporate this area the District extended its boundaries out from its larger western service area forming a "peninsula" that has never been served. Thus, the subject property is not currently served by the District. In order for water service to be provided to this site by the District, the installation of approximately 1,000 feet of water conveyance pipelines consistent with District standards is required.

The SOI revision is consistent with the City of Fresno SOI and public utilities service area. Development of the property with the proposed uses is consistent with the *2025 Fresno General Plan* and the *Bullard Community Plan*. The SOI revision is consistent with City of Fresno land use policies. The SOI revision would remove territory from the Pinedale County Water District and allow the City of Fresno to provide water service to the affected territory.



County of Fresno

Department of Community Health
Edward L. Moreno, M.D., M.P.H., Interim Director

September 23, 2005



999999999
LU0010943
PE 2620

Mr. Mike Waiczis
Local Agency Formation Commission
2115 Kern St., Suite 310
Fresno, CA 93721

Dear Mr. Waiczis:

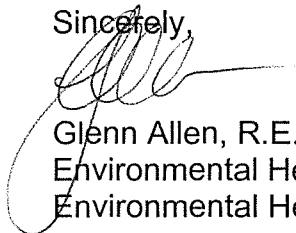
PROJECT NO: RSOI-141 & DD-05-1
SUBJECT: SOI Revision & Detachment for Pinedale County Water District

1. Adequacy and availability of existing and proposed community water and sewer systems:
2. Need for services other than those proposed:
3. Effect of project on air or water quality:
4. Related County plans or projects:
5. Other comments:
 - Due to the location of this project and the potential to be on or near a known landfill and/or areas of groundwater contamination, special provisions shall be taken to comply with guidelines pertaining thereto. Specifically, the applicant should be aware that any trenching activity may result in the excavation of previously landfilled materials that requires adherence to specific health and safety and operational requirements. Prior to any development, the applicant will be required to comply with the provisions set forth in the Post Closure Land Use Elements developed for Calcot, dated November 7, 1997. Contact Dan Betancur with the Fresno County Department of Community Health, Environmental Health Division, Solid Waste Program at 559-445-3271 for more information.

Mike Waiczis
RSOI-141 & DD-05-1
September 23, 2005
Page 2

If I can be of more assistance, please contact me at (559) 445-3357.

Sincerely,



Glenn Allen, R.E.H.S.
Environmental Health Specialist II
Environmental Health Division

ga

cc: Randy Reyes, Environmental Health Division

RSOI-141 & DD-05-1 Park Place

ATTACHMENT A

The City of Fresno utilized a Master Environmental Impact Report (MEIR) for its 2025 General Plan. CEQA Guidelines Section 15176(d) provides that when a MEIR is certified for a general plan, subsequent projects will be considered to be adequately described for later use of the MEIR when the land use designations and permissible densities and intensities of the project site are identified in the MEIR and the general plan.

When a subsequent project is processed the Lead Agency must prepare an Initial Study to analyze whether that proposal may cause any additional significant effect on the environment not examined in the MEIR and whether the Proposal is within the scope of the MEIR. A project will be considered "within the scope" of the MEIR if it is described within that document and will have no additional significant effect on the environment that was not identified in the MEIR and requires no new or additional mitigation measures or alternatives. (Public Resources Code Section 21157.1(c))

When the Lead Agency for the Proposal is able to make a written finding, based on the Initial Study, that the subsequent project is within the scope of the project covered by the MEIR (i.e., the plan or program), no further EIR or Negative Declaration is required. Pursuant to Section 15177 of the CEQA Guidelines, whether a subsequent project is within the scope of the MEIR is a question of fact to be determined by the lead agency. This finding must be supported by substantial evidence in the record.

Prior to carrying out the subsequent project on the basis of the MEIR, the Lead Agency must make a finding of consistency with the MEIR and incorporate all feasible mitigation measures or feasible alternatives appropriate to the project, as set forth in the MEIR.

Concerning the Proposal under consideration, the City of Fresno ("Lead Agency") determined pursuant to Section 21151.1 of the California Public Resources Code (California Environmental Quality Act "CEQA") that the proposed reorganization ("the project") is within the scope of the "Master Environmental Impact Report (MEIR) No. 10130" prepared and certified for the 2025 Fresno General Plan.

SERVICE PLAN FOR PROPOSAL

Supplemental Information – Detachment from the Pinedale County Water District SOI

1. Present and planned land uses in the area, including agricultural and open-space lands.

The site is planned for office and commercial uses on the 2025 Fresno General Plan and zoned in conformance with the plan to the C-P and C-M zone districts. On July 20, 2005, the Fresno Planning Commission approved a CUP for an approximate 200,000 square foot office/commercial center on the property.

2. The present and probable needs for public facilities in the area, including water and sewer.

The request to detach from the Pinedale County Water District SOI is so the City of Fresno may provide water service from existing water lines in Palm Avenue. All other services to the site will be provided by the City of Fresno.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

The City of Fresno has stated the City can provide water service to the property.

4. The existence of any social or economic communities of interest in the area.

All other public services to the site will be provided by the City of Fresno. Provision of water by the City is consistent with LAFCo policies calling for logical and efficient services.

URBAN SERVICES PLAN

The sole purpose of the request to detach from the Pinedale County Water District SOI is so the City of Fresno may provide water service from existing water lines in Palm Avenue. All other public services to the site are to be provided by the City. The City has stated that they can serve the site and have listed the conditions under which such services would be provided (see attached letter). Water service is immediately available to the site subject to the payment by the developer of all fees and costs that will be due to the City of Fresno for connection, inspection, water delivery, and all other goods and services necessary to provide service to the site. This includes up-front, incidental, recurring, and on-going costs.

The on-going costs of providing water service to the site will be paid by monthly service fees.

ENVIRONMENTAL DOCUMENTS

CITY OF FRESNO MITIGATED NEGATIVE DECLARATION

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:
R-04-104/C-04-318

APPLICANT: Clifford Tutelian
2300 Tulare St., Ste. 300
Fresno, CA 93721

Assessor's
Parcel Number:
405-530-42, 43 & 44

RECEIVED**2005 JUN 21 PM 3:31****CITY CLERK, FRESNO CA****PROJECT DESCRIPTION AND LOCATION:**

Clifford Tutelian, on behalf of Park Place Holdings, has filed rezone and conditional use permit applications for a 19.8-acre site located on the southwest corner of North Palm Avenue and West Nees Avenue Alignment. The project rezone application proposes to rezone the property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district. Conditional Use Permit Application No. C-04-318 proposes the construction of a planned office development consisting of 198,468 square feet of building area that will include one three-story office building and eight single story buildings that will include retail shops, offices, a bank, and a fitness center.

Filed with:

REBECCA E. KLISCH, City Clerk
2nd Floor - City Hall
2600 Fresno Street
Fresno, California 93721-3603

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: Arnoldo Rodriguez
Planner III

SUBMITTED BY:



GILBERT J. HARO, Planning Manager
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: June 21, 2005

ENVIRONMENTAL ASSESSMENT (EA) CHECKLIST
POTENTIAL ENVIRONMENTAL EFFECTS
EA NO. R-04-104 & C-04-318

<u>1.0</u>	<u>TOPOGRAPHIC, SOIL, GEOLOGIC CONSIDERATIONS</u>	<u>11.0</u>	<u>URBAN SERVICES</u>
<u>2</u> 1.1	Geologic hazards, unstable soil conditions	<u>1</u> 11.1	Availability of fire protection
<u>1</u> 1.2	Adverse change in topography or ground surface relief	<u>1</u> 11.2	Lack of emergency vehicle access
<u>1</u> 1.3	Destruction of unique geologic or physical features	<u>1</u> 11.3	Adequacy of design for crime prevention
<u>1</u> 1.4	Increased water erosion	<u>1</u> 11.4	Overcrowding of school facilities
		<u>2</u> 11.5	Availability of water mains of adequate size
<u>2.0</u>	<u>AIR QUALITY</u>	<u>2</u> 11.6	Availability of sewer lines of adequate capacity
<u>2</u> 2.1	Substantial indirect source of pollution	<u>1</u> 11.7	Availability of storm water drainage facilities (on or off site)
<u>1</u> 2.2	Direct on-site pollution generation	<u>1</u> 11.8	Availability of adequate park and recreation areas
<u>1</u> 2.3	Generation of objectionable odors	<u>1</u> 11.9	Unusually high solid waste generation
<u>1</u> 2.4	Generation of dust except during construction		
<u>1</u> 2.5	Adverse local climatic changes	<u>12.0</u>	<u>HAZARDS</u>
<u>3.0</u>	<u>WATER</u>	<u>2</u> 12.1	Risk of explosion or release of hazardous substances
<u>1</u> 3.1	Insufficient ground water available for long-term project use	<u>1</u> 12.2	Site subject to flooding
<u>1</u> 3.2	Use of large quantities of ground water	<u>1</u> 12.3	Adverse change in course of flow of flood waters
<u>1</u> 3.3	Wasteful use of ground water	<u>1</u> 12.4	Potential hazards from aircraft accidents
<u>1</u> 3.4	Pollution of surface or ground water supplies	<u>2</u> 12.5	Potential hazards from landfill and/or toxic waste sites
<u>1</u> 3.5	Reduction in ground water recharge		
<u>4.0</u>	<u>PLANT LIFE</u>	<u>13.0</u>	<u>AESTHETICS</u>
<u>1</u> 4.1	Reduction of the numbers of any unique, rare or endangered species	<u>1</u> 13.1	Obstruction to public or scenic vista or view
<u>1</u> 4.2	Reduction in acreage of agricultural crop	<u>1</u> 13.2	Creation of aesthetically offensive conditions
<u>1</u> 4.3	Premature or unnecessary conversion of prime agricultural land	<u>1</u> 13.3	Removal of street trees or other valuable vegetation
		<u>1</u> 13.4	Architectural incompatibility with surrounding area
<u>5.0</u>	<u>ANIMAL LIFE</u>	<u>14.0</u>	<u>HISTORICAL / ARCHAEOLOGICAL</u>
<u>1</u> 5.1	Reduction in the numbers of any rare, unique or endangered species	<u>1</u> 14.1	Removal of historic building, disruption of archaeological site
<u>1</u> 5.2	Deterioration or displacement of valuable wildlife habitat	<u>1</u> 14.2	Construction or activity incompatible with adjacent historic site
<u>6.0</u>	<u>HUMAN HEALTH</u>	<u>15.0</u>	<u>ENERGY</u>
<u>7.0</u>	<u>NOISE</u>	<u>1</u> 15.1	Use of substantial amounts of energy or fuel
<u>2</u> 7.1	Increases in existing noise levels	<u>1</u> 15.2	Substantial increase in demand upon existing sources of energy
<u>1</u> 7.2	Exposure to high noise levels	<u>1</u> 15.3	Wasteful use of energy
<u>8.0</u>	<u>LIGHT AND GLARE</u>	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	
<u>1</u> 8.1	Production of glare which will adversely affect residential areas		
<u>1</u> 8.2	Exposure of residences to high levels of glare		
<u>9.0</u>	<u>LAND USE</u>		
<u>1</u> 9.1	Incompatibility with adopted plans and policies		
<u>1</u> 9.2	Acceleration of growth rate		
<u>1</u> 9.3	Induces unplanned growth		
<u>1</u> 9.4	Adverse change in existing or planned area characteristics		
<u>10.0</u>	<u>TRANSPORTATION AND CIRCULATION</u>		
<u>1</u> 10.1	Generation of vehicle traffic sufficient to cause capacity deficiencies on existing street system		
<u>2</u> 10.2	Cumulative increase in traffic on a major street for which capacity deficiencies are projected		
<u>1</u> 10.3	Specific traffic hazard to motorists, bicyclists, pedestrians		
<u>1</u> 10.4	Routing of non-residential traffic through residential area		
<u>1</u> 10.5	Insufficient or poorly located parking		
<u>1</u> 10.6	Substantial increase in rail and/or air traffic		

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT
ENVIRONMENTAL ASSESSMENT - INITIAL STUDY
JUNE 21, 2005
APPLICATION No. R-04-104 & C-04-318

Rezone Application No. R-04-104 and Conditional Use Permit Application No. C-04-318 filed by Clifford Tutelian on behalf of Park Place Holdings, pertain to approximately 19.08 acres of property located on the southwest corner of North Palm Avenue and the West Nees Avenue Alignment. Application No. R-04-104 proposes to reclassify the northern 17.07 acres of the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural District/Urban Growth Management*) zone district to the C-P/UGM (*Administrative and Professional Office District/Urban Growth Management*) zone district. The southeasternmost 2.01 acres are currently planned for light industrial land uses and zoned C-M (*Commercial and Light Manufacturing District*) and the applicant is not proposing to change either the land use designation or the zone district. The 2025 Fresno General Plan and the Bullard Community Plan designate the 17.07 acre portion of the subject property for office commercial planned land uses. Conditional Use Permit Application No. C-04-318 proposes to develop the site with 198,468 square feet of office and commercial area. The site will be anchored by a three-story, 68,000 square foot office building and a 41,268 square foot fitness center. Eight other building pads are also proposed, one of which contains a bank with a drive-up teller.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Open Space/Multi-use and Special Commercial	AE-20/BP/UGM and C-L/UGM <i>Exclusive Twenty Acre Agricultural District/Bluff Preservation Overlay District/Urban Growth Management</i> and <i>Limited Neighborhood Shopping Center District/Urban Growth Management</i>	San Joaquin River/Open Space
South	Light Industrial	C-M <i>Commercial and Light Manufacturing District</i>	Mini-Storage
East	Neighborhood Commercial	C-1 <i>Neighborhood Shopping Center District</i>	Vacant
West	Medium-Low Density Residential	AE-20/BP/UGM <i>Exclusive Twenty Acre Agricultural District/Bluff Preservation Overlay District/Urban Growth Management</i>	Vacant

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 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, has been determined to not be fully within the scope of MEIR No. 10130 as provided by the California Environmental Quality Act (CEQA), and 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. 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 the filing of a mitigated negative declaration is appropriate in accordance with the provisions of California Environmental Quality Act (CEQA) Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Master Environmental Impact Report 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 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.

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 and F projected for identified major streets and highway network is considered 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 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 prudently 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 (2025 Fresno General Plan), 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

The subject site was previously used as a landfill and a sewage treatment plant and wastewater plant. The landfill operated between the mid-1950's and 1978. In addition, there were two nearby landfills, one of which encroached onto the subject site. During this same time period, a sewage treatment plant was constructed and operated just south of the site. The plant closed in 1977. Given the history of the site and adjoining properties, the applicant retained BSK Associates and The Twining Laboratories, Inc. to conduct a soils and gas analysis and to study the depth and composition of the landfill deposits. As part of their analysis, BSK Associates submitted a "Post Closure Land Use Plan Elements" dated September 1, 2004. The Post Closure Plan is intended to monitor gases, outlines site stripping and monitoring (i.e. removing existing materials), outlines building materials, and health and safety requirements during its development. These reports were also submitted for review and approval to the County of Fresno Department of Health, California Regional Water Quality Control Department and the California Integrated Waste Management Board. As a result, all development will be subject to compliance with the plan and accompanying documents.

Furthermore, all development of the property requires compliance with grading and drainage standards of the City of Fresno and Fresno Metropolitan Flood Control District Standards and will not be allowed to drain to the bluffs.

Mitigation Measures:

1. The proposed project shall implement and incorporate the related mitigation measures as noted in the Post Closure Plan prepared by BSK Laboratories dated September 1, 2004 and accompanying documents.

2.0 – AIR QUALITY; 2.1 – Substantial Indirect Source of Pollution

As a result of the San Joaquin Valley's climate and topography, the San Joaquin Valley Air Basin (SJVAB) is predisposed to poor air quality. High mountain ranges surrounding the Valley frequently create air layer inversions that prevent mixing of air masses. The large number of sunny days per year and high temperatures in the summer favor the formation of ozone. In the winter, inversions form that often trap particulate matter.

With respect to the Fresno area, the SJVAB has been classified as follows:

- Ozone. Recently reclassified from "severe nonattainment" to "extreme nonattainment" by the U.S. EPA. Classified as "severe nonattainment" by the State.
- Particulate Matter (less than 10 microns) (PM10). Classified as "serious nonattainment" at the federal level. Classified as "nonattainment" by the State.
- Carbon Monoxide (CO). Recently reclassified from "nonattainment" to "attainment" by the U.S. EPA.
- Nitrogen Oxide (NO₂). Unclassified/Attainment at the federal level. Classified "attainment" at the State level.
- Sulfur Dioxide (SO₂). Unclassified at the federal level. Classified "attainment" at the State level.

- Sulfates. (No federal standard.) Classified "attainment" at the State level.
- Lead. (No federal designation.) Classified "attainment" at the State level.
- Hydrogen Sulfides (H₂S). (No federal standard.) Unclassified by the State.
- Visibility. (No federal standard.) Unclassified by the State.

In response to the SJVAB's nonattainment status for Ozone (O₃) and particulate matter (PM₁₀), the San Joaquin Valley Air Pollution Control District (SJVAPCD) has adopted air quality attainment plans as required by State and federal regulations. Table VC-1 of MEIR No. 10130 lists the air quality attainment plans that have been adopted by the SJVAPCD.

On April 16, 2004, the Environmental Protection Agency (EPA) issued a final rule classifying the SJVAB as extreme non-attainment, effective May 17, 2004 (69 FR 20550). Under this rulemaking, the SJVAB's attainment date is November 15, 2010. An Extreme Ozone Attainment Demonstration Plan (OADP) must be prepared which is a roadmap that identifies emission reductions needed to attain the air quality standard by this date. According to the final rule reclassifying the SJVAB as extreme nonattainment for the federal one-hour ozone standard, the Extreme OADP was due to the EPA on November 15, 2004. A Draft Extreme Ozone Attainment Demonstration Plan is currently under review.

The principal components of an OADP consist of a baseline emissions inventory, data describing measured ozone levels in the atmosphere for the area in question, descriptions of emissions controls 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 a description of the results from a photochemical model relating emissions to ambient ozone levels and demonstrating attainment of the appropriate standard at a future date.

In addition, this plan fulfills requirements of the California Clean Air Act regarding the development of a triennial update and California Air Quality Attainment Plan revision that examines air pollutant exposure data, control measure implementation, and other air quality information with emphasis on meeting California ambient air quality standards.

As stated in the current Air Quality Attainment Plan, it is SJVAPCD's strategy to implement multiple tactics or control measures. These measures are, in turn, implemented through the extensive collection of District rules, regulations, and permitting requirements established by the SJVAPCD.

The Air District has suggested that the URBEMIS 2002 computer model be used to project future air pollutant emissions that can be expected to be generated from vehicular traffic generated from the urban uses developed on the project site. The computer model evaluated the following emissions: ROG (Reactive Organic Gasses), NOX (Nitrogen Oxides), CO (Carbon Monoxide), SOX (Sulfur Oxides), and PM10 (Particulates) which are summarized below.

URBEMIS 2002 AIR QUALITY IMPACTS

All data in tons/year	ROG	NOx	CO	SOx	PM10
Area Source Emissions	0.04	0.02	0.27	0	0
Operational Emissions	1.95	2.49	25.45	0.02	2.01
Totals	1.99	2.98	25.72	0.02	2.01
Level of Significance	10	10	100	27.375	14.6

The URBEMIS 2002 model projections indicate that the proposed project will not exceed the threshold limits for the emissions listed. This particular analysis included the prohibition of wood burning devices.

The proposed rezone and conditional use permit applications would facilitate the development of 198,468 square feet of office and commercial area. Given that the site will contain a mix of uses, including a daycare center, a fitness center, offices and retail uses, some vehicle trips may be eliminated by driving to the subject site. In addition, staff will require that each building provide bicycle parking spaces and defined pedestrians paths to further encourage active modes of transportation. The applicant would also be required to provide landscaping on the periphery of the project site which would contain trees that would assist in the absorption of air pollutants, reduce ozone levels, and curtail storm water runoff.

In addition, 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.

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

Mitigation Measures:

1. The proposed project shall implement and incorporate, as appropriate, the air quality related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated June 21, 2005.
2. The proposed project shall implement and incorporate, as appropriate, the air quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated June 21, 2005.

3.0 – WATER; 3.1 – Insufficient Groundwater Available for Long-Term Project Use

The subject site is currently within the Pinedale County Water District. However, the City of Fresno, Department of Public Utilities has provided the applicant with several options which would allow the city to serve the site. However, it should be noted that Fresno is one of the largest cities in the United States still relying entirely on groundwater for its public 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 (267 gallons per day per capita), have resulted in a decline in the total usable potable water supply. Regardless, the city has determined that the project may presently be accommodated by the existing sewer mains, subject to any necessary sewer main extensions and connections.

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 implementable 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.

The mitigation measures of 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.

Furthermore, 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 MEIR No. 10130 for the 2025 Fresno General Plan, Final EIR No.10100, Final EIR No.10117, 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.

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 with the implementation of the mitigation measures noted below and are required to be implemented by the attached mitigation monitoring checklist. In summary, these mitigation measures require participation in the development of a water supply and distribution system equal to the project's estimated water consumption.

Mitigation Measures:

1. The proposed project shall implement and incorporate, as appropriate, the water related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated June 21, 2005.
2. The proposed project shall implement and incorporate, as appropriate, the water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated June 21, 2005.

4.0 – PLANT LIFE; and 5.0 – ANIMAL LIFE

There are no native plants or significant wildlife populations known to exist on the project site. The required landscaping on the site would provide habitat for certain species of birds and small animals suited for an urban environment. Furthermore, the site, although proximate to the San Joaquin River, does not contain any trees that may provide refuge for small animals along the river.

6.0 – HUMAN HEALTH

Aside from temporary dust, noise, and potentially offensive aesthetic conditions during the construction of the project, it is not expected to have any other long term impacts on human health. Although the site was previously used as a landfill and a sewage treatment plant and wastewater plant, development will be subject to compliance with the Post Closure Plan drafted by BSK Associates which identifies monitoring and construction techniques that will reduce potential risk to safe levels. Furthermore, the plan contains policies that will require that activities on the property comply with CAL/OHSHA regulations.

7.0 – NOISE

The project site will generate additional noise in comparison to what is existing and visitors will may be exposed to on-site vehicle traffic noise and vehicle noise generated from vehicles traveling on North Palm Avenue and the West Nees Avenue Alignment, both of which are classified as arterial streets. Arterials typically require a 110-foot right-of-way width and are four-to-six lane divided roadways, with somewhat limited access to abutting properties. However, given the layout of the site and its limited uses, noise should be properly mitigated by the placement of buildings and required landscaping. Furthermore, the applicant will be required to install traffic calming devices, such as bulb outs (i.e. chokers, neckdowns, etc.) with landscaping and contrasting pavement materials along the southern drive aisle. This condition is intended to slow traffic and to minimize noise generated by vehicles.

9.0 – LAND USE

The 2025 Fresno General Plan and the Bullard Community Plan designate the northern 17.07 acres of the site for office commercial planned land uses and the southern 2.01 acres for light industrial land uses. As a result, the proposed rezone application and development of the site with office and retail uses is compatible with the existing planned land uses.

10.0 – TRANSPORTATION AND CIRCULATION

10.1 – Generation of Vehicular Traffic Sufficient to Cause Capacity Deficiencies

The development of the project site with the proposed 198,468 square feet of office and commercial area, and the surrounding planned land uses designated by the 2025 Fresno General Plan and Bullard Community Plan, will be required to complete the planned major street network in accordance with applicable development policies and standards including the Urban Growth Management program. Both plans designate North Palm Avenue and the West Nees Avenue Alignment as arterial streets. Arterials typically require a 110-foot right-of-way width and are four-to-six lane divided roadways, with somewhat limited access to abutting properties

The 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 Council of 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).

As required by the mitigation measures established by the certification of MEIR No. 10130, a traffic assessment was prepared by Peters Engineering Group (dated March 9, 2005) to evaluate the number of vehicle trips projected to be generated by the proposed project. Utilizing the Institute of Traffic Engineers (ITE) Trip Generation Manual, Seventh Edition, and associated computer software together with the COG's computerized traffic model, this analysis predicts the number of vehicle trips that will be generated from the proposed project and surrounding planned land uses, and the direction in which these trips will travel. The Traffic Impact Study (TIS) analyzed the intersections at North Palm and West Nees Avenue, North Ingram and West Nees Avenues, West Audubon and East Nees Avenues, North Maroa and West Nees Avenues, West Alluvial and North Palm Avenues, West Locust and North Palm Avenues, and West Audubon and North Maroa Avenues. Assuming a total of 109,400 square feet of office area, a 4,500 square foot bank, a 41,268 square foot fitness center, 14,960 square feet of restaurant space and 22,300 square feet of retail area, the project can be expected to generate an average of approximately 8,366 vehicle trips per day (VTD). Of these vehicle trips, it is projected that 554 will occur during the morning (7 to 9 a.m.) peak hour travel period and 933 will occur during the evening (4 to 6 p.m.) period hour travel period.

The project traffic study indicates that the majority of the peak hour vehicle trips are expected to travel west on West Nees Avenue. However, because much of the immediately surrounding area (i.e. northeast portion of the Bullard Community Plan Area and the southwest portion of the Woodward Park Community Plan) is developed, many of the planned major street and intersection improvements have been completed as required by adopted plans, policies and development standards. Thus, the proposed project, as well as other urban land uses developed as planned by the 2025 Fresno General Plan are required or have already, constructed the planned major street system consistent with the public facility and service delivery requirements. In addition, the developer of this project, in accordance with the

mitigation measures of 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, as identified in the TIS, and will be required to signalize the intersection of North Palm and West Nees Avenues.

These and other 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 related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated June 21, 2005.
2. The proposed project shall implement and incorporate, as applicable, the traffic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated June 21, 2005.

11.0 – URBAN SERVICES

11.1–Availability of Fire Protection

The project site is located within the city's Urban Growth Management 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 service will be provided by City of Fresno Station No. 13, which is located within two miles. City of Fresno Fire Station No. 2, which is within two and one-half miles of the subject property and will provide assistance, if necessary.

Mitigation Measures:

1. The proposed project shall implement and incorporate, as applicable, the fire related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated June 21, 2005.
2. 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 June 21, 2005.

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

The subject site is currently within the Pinedale County Water District. However, the City of Fresno, Department of Public Utilities has provided the applicant with several options which would allow the city to serve the site. However, it should be further noted that the Cities of Fresno and Clovis share jointly in the treatment capacity of the Fresno-Clovis Regional Wastewater Treatment and Reclamation Facility. In 1998, the treatment capacity of the facility was expanded to accommodate up to 80 million gallons per day, and was upgraded with modernized equipment to safeguard against equipment failures. However, in an attempt to serve the anticipated 790,000 metropolitan area population for the year 2025, one or more sub-regional treatment and reclamation facilities will be required.

Regardless, water and sanitary sewer service is available to serve the project, subject to the mitigation measures imposed with the environmental assessment.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the sewer related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated June 21, 2005.
2. The proposed project shall implement and incorporate, as applicable, the sewer related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated June 21, 2005.
3. The applicant shall connect to the City of Fresno water and sewer lines, in accordance with the letter from the Fresno Department of Public Utilities dated May 23, 2005.

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

In order to avoid or reduce the discharge of pollutants into the storm water sewer system, the U.S. Environmental Protection Agency requires that a Notice of Intent for a general National Pollutant Discharge Elimination System (NPDES) permit be filed for a variety of industrial uses and for any construction site of one or more acres of land. The property owner of this development site has been informed of this requirement. It is any business owner's responsibility to ensure that the Notice of Intent is filed in accordance with the regulations published in Volume 55, No. 222, of the Federal Register.

Mitigation Measures:

1. 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 June 21, 2005.

12.0 – HAZARDS

12.1 and 12.5 – Risk of explosion or release of hazardous substances and potential hazards from landfill and/or toxic waste site

Given that the subject site was previously used as a landfill and a sewage treatment plant and wastewater plant as outlined in Section 1 (Topographic, Soil, Geologic Considerations) above, there exist the possibility of potential hazardous substances from being released. In order to minimize this risk, the applicant retained BSK Associates and The Twining Laboratories, Inc. to conduct a soils and gas analysis and to study the depth and composition of the landfill deposits. As part of their analysis, BSK Associates submitted a "Post Closure Land Use Plan Elements" dated September 1, 2004. The Post Closure Plan is intended to monitor gases, outlines site stripping and monitoring (i.e. removing existing materials), outlines building materials and minimum requirements, and health and safety requirements during its development. These reports were also submitted for review and approval to the County of Fresno Department of Health, California Regional Water Quality Control Department and the California Integrated Waste Management Board. All three agencies approved the PCP. As a result, all development will be subject to compliance with the plan and accompanying documents.

Mitigation Measures:

1. The proposed project shall implement and incorporate, the Post Closure Plan prepared by BSK Laboratories dated September 1, 2004 and accompanying documents, including, but not limited to review and approval by County of Fresno Department of Health, the California Regional Water Quality Control and the California Integrated Waste Management Board.

13.0 – AESTHETICS

No public or scenic vista will be obstructed by the development and no valuable vegetation will be removed.

13.2 - Creation of Aesthetically Offensive Conditions

During the clearance, grading and construction phases of the project, the creation of an aesthetically offensive condition can be expected in terms of the general appearance of the site. However, it is anticipated that this condition would be limited to the localized area and would only exist temporarily, therefore no long term impacts are anticipated.

14.0 – HISTORICAL/ARCHAEOLOGICAL

There are no adjacent historical or archaeological sites. However, 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 historical/archaeological mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated June 21, 2005.

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 adverse environmental effect.

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 as identified by the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan 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
MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. R-04-104 and C-04-318**

	MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
1.1	Development shall be conditioned upon compliance with the Post Closure Plan prepared by BSK Laboratories dated September 1, 2004 and accompanying documents	Planning and Development Dept.	Prior to obtaining building permits.	Planning and Development Dept., Building Section and Public Works Dept., Construction Management Div.
2.1	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 Dept., Building Section and Public Works Dept., Construction Management Div.	Prior to occupancy of any building within the project.	Planning and Development Dept., Building Section and Public Works Dept., Construction Management Div.
10.1	Project development is subject to street improvements standards.	Public Works Dept. and Planning and Development Dept.	Prior to occupancy of any building within the project..	Public Works Dept. and Planning and Development Dept.
11.5 and 11.6	Developer shall provide adequate sewer service for the project per Public Utilities Dept. requirements/findings.	Dept. of Public Utilities		Dept. of Public Utilities, Public Works Dept., and Planning and Development Dept.
12.1 and 12.5	Development shall be conditioned upon compliance with the Post Closure Plan prepared by BSK Laboratories dated September 1, 2004 and accompanying documents and County of Fresno Department of Health, California Regional Water Quality Control Department and the California Integrated Waste Management Board	Planning and Development Dept., the County of Fresno Department of Health, California Regional Water Quality Control Department and the California Integrated Waste Management Board	Prior to obtaining building permits, construction, and prior to occupancy of any building within the project.	Planning and Development Dept., Building Section and Public Works Dept., Construction Management Div., the County of Fresno Department of Health, California Regional Water Quality Control Department and the California Integrated Waste Management Board

EIR No. 10130	Mitigation Measures and findings of Final EIR No. 10130 (Bullard Community Plan) are incorporated as noted in attached checklist.	Planning and Development Dept. as authorized by Section 15150 of CEQA.	Prior to occupancy of any building within the project.	Planning and Development Dept.
---------------------	---	--	--	-----------------------------------

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

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

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

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E
B-1. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of service (LOS) D or better in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS D.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X	X			
B-2. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining LOS E.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X				X
B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X				X

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

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

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E
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. 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		X		X
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: a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use.	Ongoing	Fresno Area Express			X		X
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.	Ongoing	Various city departments	X		X		X

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E
D-1. The City shall monitor impacts of land use changes and development project proposals on metropolitan water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept	X		X		X
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing	Department of Public Utilities and Planning and Development Department		X			X
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.	Ongoing	Department of Public Utilities	X		X		X
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department	X	X			X
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.	Ongoing	Planning and Development Department					
D-6. The city shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: a. 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.	Ongoing	Planning and Development Department	X				

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E
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				
J. 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		X		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	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	X
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Planning and Development Department			X		
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Planning and Development Department		X			
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department		X			

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E
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: 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		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				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
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			X

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E
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			X
J. 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				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			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			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
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 including 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.					

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E
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.					
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				

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E
J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.	X				
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.	Ongoing/prior to submittal of land use entitlement application	Planning and Development Dept.	X				
J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Planning and Development Dept./ Historic Preservation Commission staff	X				
J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Planning and Development Dept./ Historic Preservation Staff					
K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Planning and Development Dept.					X

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E
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.) 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. • Site Planning. See Chapter V for more details. • Barriers. See Chapter V for more details. • Building Designs. See Chapter V for more details.	Ongoing/upon submittal of land use entitlement application	Planning and Development Dept.	X				
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.	Ongoing/prior to building permit issuance	Planning and Development Dept.					X
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 a 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.	Ongoing	Planning and Development Dept.		X			X
N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.	Ongoing	Planning and Development Dept.				X	X
Q-1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.	Ongoing	Planning and Development Dept.	X				

K:\Master Files - 2004\REZONE\R-04-104,C-04-318 7765NPalm Retail-Office-AR\R-04-104, C-04-318-MEIR Monitoring Checklist.wpd

ENVIRONMENTAL ASSESSMENT (EA) CHECKLIST
POTENTIAL ENVIRONMENTAL EFFECTS
EA NO. R-04-104 & C-04-318

<u>1.0</u>	<u>TOPOGRAPHIC, SOIL, GEOLOGIC CONSIDERATIONS</u>	<u>11.0</u>	<u>URBAN SERVICES</u>
<u>2</u> 1.1	Geologic hazards, unstable soil conditions	<u>1</u> 11.1	Availability of fire protection
<u>1</u> 1.2	Adverse change in topography or ground surface relief	<u>1</u> 11.2	Lack of emergency vehicle access
<u>1</u> 1.3	Destruction of unique geologic or physical features	<u>1</u> 11.3	Adequacy of design for crime prevention
<u>1</u> 1.4	Increased water erosion	<u>1</u> 11.4	Overcrowding of school facilities
		<u>2</u> 11.5	Availability of water mains of adequate size
<u>2.0</u>	<u>AIR QUALITY</u>	<u>2</u> 11.6	Availability of sewer lines of adequate capacity
<u>2</u> 2.1	Substantial indirect source of pollution	<u>1</u> 11.7	Availability of storm water drainage facilities (on or off site)
<u>1</u> 2.2	Direct on-site pollution generation	<u>1</u> 11.8	Availability of adequate park and recreation areas
<u>1</u> 2.3	Generation of objectionable odors	<u>1</u> 11.9	Unusually high solid waste generation
<u>1</u> 2.4	Generation of dust except during construction		
<u>1</u> 2.5	Adverse local climatic changes	<u>12.0</u>	<u>HAZARDS</u>
		<u>2</u> 12.1	Risk of explosion or release of hazardous substances
<u>3.0</u>	<u>WATER</u>	<u>1</u> 12.2	Site subject to flooding
<u>1</u> 3.1	Insufficient ground water available for long-term project use	<u>1</u> 12.3	Adverse change in course of flow of flood waters
<u>1</u> 3.2	Use of large quantities of ground water	<u>1</u> 12.4	Potential hazards from aircraft accidents
<u>1</u> 3.3	Wasteful use of ground water	<u>2</u> 12.5	Potential hazards from landfill and/or toxic waste sites
<u>1</u> 3.4	Pollution of surface or ground water supplies		
<u>1</u> 3.5	Reduction in ground water recharge	<u>13.0</u>	<u>AESTHETICS</u>
		<u>1</u> 13.1	Obstruction to public or scenic vista or view
<u>4.0</u>	<u>PLANT LIFE</u>	<u>1</u> 13.2	Creation of aesthetically offensive conditions
<u>1</u> 4.1	Reduction of the numbers of any unique, rare or endangered species	<u>1</u> 13.3	Removal of street trees or other valuable vegetation
<u>1</u> 4.2	Reduction in acreage of agricultural crop	<u>1</u> 13.4	Architectural incompatibility with surrounding area
<u>1</u> 4.3	Premature or unnecessary conversion of prime agricultural land		
		<u>14.0</u>	<u>HISTORICAL / ARCHAEOLOGICAL</u>
<u>5.0</u>	<u>ANIMAL LIFE</u>	<u>1</u> 14.1	Removal of historic building, disruption of archaeological site
<u>1</u> 5.1	Reduction in the numbers of any rare, unique or endangered species	<u>1</u> 14.2	Construction or activity incompatible with adjacent historic site
<u>1</u> 5.2	Deterioration or displacement of valuable wildlife habitat		
		<u>15.0</u>	<u>ENERGY</u>
<u>6.0</u>	<u>HUMAN HEALTH</u>	<u>1</u> 15.1	Use of substantial amounts of energy or fuel
<u>7.0</u>	<u>NOISE</u>	<u>1</u> 15.2	Substantial increase in demand upon existing sources of energy
<u>2</u> 7.1	Increases in existing noise levels	<u>1</u> 15.3	Wasteful use of energy
<u>1</u> 7.2	Exposure to high noise levels		
<u>8.0</u>	<u>LIGHT AND GLARE</u>		
<u>1</u> 8.1	Production of glare which will adversely affect residential areas		
<u>1</u> 8.2	Exposure of residences to high levels of glare		
<u>9.0</u>	<u>LAND USE</u>		
<u>1</u> 9.1	Incompatibility with adopted plans and policies		
<u>1</u> 9.2	Acceleration of growth rate		
<u>1</u> 9.3	Induces unplanned growth		
<u>1</u> 9.4	Adverse change in existing or planned area characteristics		
<u>10.0</u>	<u>TRANSPORTATION AND CIRCULATION</u>		
<u>1</u> 10.1	Generation of vehicle traffic sufficient to cause capacity deficiencies on existing street system		
<u>2</u> 10.2	Cumulative increase in traffic on a major street for which capacity deficiencies are projected		
<u>1</u> 10.3	Specific traffic hazard to motorists, bicyclists, pedestrians		
<u>1</u> 10.4	Routing of non-residential traffic through residential area		
<u>1</u> 10.5	Insufficient or poorly located parking		
<u>1</u> 10.6	Substantial increase in rail and/or air traffic		

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

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 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, has been determined to not be fully within the scope of MEIR No. 10130 as provided by the California Environmental Quality Act (CEQA), and 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. 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 the filing of a mitigated negative declaration is appropriate in accordance with the provisions of California Environmental Quality Act (CEQA) Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Master Environmental Impact Report 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 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.

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.

1.0 – TOPOGRAPHIC, SOIL, GEOLOGIC CONSIDERATIONS

The subject site was previously used as a landfill and a sewage treatment plant and wastewater plant. The landfill operated between the mid-1950's and 1978. In addition, there were two nearby landfills, one of which encroached onto the subject site. During this same time period, a sewage treatment plant was constructed and operated just south of the site. The plant closed in 1977. Given the history of the site and adjoining properties, the applicant retained BSK Associates and The Twining Laboratories, Inc. to conduct a soils and gas analysis and to study the depth and composition of the landfill deposits. As part of their analysis, BSK Associates submitted a "Post Closure Land Use Plan Elements" dated September 1, 2004. The Post Closure Plan is intended to monitor gases, outlines site stripping and monitoring (i.e. removing existing materials), outlines building materials, and health and safety requirements during its development. These reports were also submitted for review and approval to the County of Fresno Department of Health, California Regional Water Quality Control Department and the California Integrated Waste Management Board. As a result, all development will be subject to compliance with the plan and accompanying documents.

Furthermore, all development of the property requires compliance with grading and drainage standards of the City of Fresno and Fresno Metropolitan Flood Control District Standards and will not be allowed to drain to the bluffs.

Mitigation Measures:

1. The proposed project shall implement and incorporate the related mitigation measures as noted in the Post Closure Plan prepared by BSK Laboratories dated September 1, 2004 and accompanying documents.

2.0 – AIR QUALITY; 2.1 – Substantial Indirect Source of Pollution

As a result of the San Joaquin Valley's climate and topography, the San Joaquin Valley Air Basin (SJVAB) is predisposed to poor air quality. High mountain ranges surrounding the Valley frequently create air layer inversions that prevent mixing of air masses. The large number of sunny days per year and high temperatures in the summer favor the formation of ozone. In the winter, inversions form that often trap particulate matter.

With respect to the Fresno area, the SJVAB has been classified as follows:

- Ozone. Recently reclassified from "severe nonattainment" to "extreme nonattainment" by the U.S. EPA. Classified as "severe nonattainment" by the State.
- Particulate Matter (less than 10 microns) (PM10). Classified as "serious nonattainment" at the federal level. Classified as "nonattainment" by the State.
- Carbon Monoxide (CO). Recently reclassified from "nonattainment" to "attainment" by the U.S. EPA.
- Nitrogen Oxide (NO₂). Unclassified/Attainment at the federal level. Classified "attainment" at the State level.
- Sulfur Dioxide (SO₂). Unclassified at the federal level. Classified "attainment" at the State level.

URBEMIS 2002 AIR QUALITY IMPACTS

All data in tons/year	ROG	NOx	CO	SOx	PM10
Area Source Emissions	0.04	0.02	0.27	0	0
Operational Emissions	1.95	2.49	25.45	0.02	2.01
Totals	1.99	2.98	25.72	0.02	2.01
Level of Significance	10	10	100	27.375	14.6

The URBEMIS 2002 model projections indicate that the proposed project will not exceed the threshold limits for the emissions listed. This particular analysis included the prohibition of wood burning devices.

The proposed rezone and conditional use permit applications would facilitate the development of 198,468 square feet of office and commercial area. Given that the site will contain a mix of uses, including a daycare center, a fitness center, offices and retail uses, some vehicle trips may be eliminated by driving to the subject site. In addition, staff will require that each building provide bicycle parking spaces and defined pedestrians paths to further encourage active modes of transportation. The applicant would also be required to provide landscaping on the periphery of the project site which would contain trees that would assist in the absorption of air pollutants, reduce ozone levels, and curtail storm water runoff.

In addition, 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.

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

Mitigation Measures:

1. The proposed project shall implement and incorporate, as appropriate, the air quality related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated June 21, 2005.
2. The proposed project shall implement and incorporate, as appropriate, the air quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated June 21, 2005.

3.0 – WATER; 3.1 – Insufficient Groundwater Available for Long-Term Project Use

Mitigation Measures:

1. The proposed project shall implement and incorporate, as appropriate, the water related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated June 21, 2005.
2. The proposed project shall implement and incorporate, as appropriate, the water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated June 21, 2005.

4.0 – PLANT LIFE; and 5.0 – ANIMAL LIFE

There are no native plants or significant wildlife populations known to exist on the project site. The required landscaping on the site would provide habitat for certain species of birds and small animals suited for an urban environment. Furthermore, the site, although proximate to the San Joaquin River, does not contain any trees that may provide refuge for small animals along the river.

6.0 – HUMAN HEALTH

Aside from temporary dust, noise, and potentially offensive aesthetic conditions during the construction of the project, it is not expected to have any other long term impacts on human health. Although the site was previously used as a landfill and a sewage treatment plant and wastewater plant, development will be subject to compliance with the Post Closure Plan drafted by BSK Associates which identifies monitoring and construction techniques that will reduce potential risk to safe levels. Furthermore, the plan contains policies that will require that activities on the property comply with CAL/OHSHA regulations.

7.0 – NOISE

The project site will generate additional noise in comparison to what is existing and visitors will may be exposed to on-site vehicle traffic noise and vehicle noise generated from vehicles traveling on North Palm Avenue and the West Nees Avenue Alignment, both of which are classified as arterial streets. Arterials typically require a 110-foot right-of-way width and are four-to-six lane divided roadways, with somewhat limited access to abutting properties. However, given the layout of the site and its limited uses, noise should be properly mitigated by the placement of buildings and required landscaping. Furthermore, the applicant will be required to install traffic calming devices, such as bulb outs (i.e. chokers, neckdowns, etc.) with landscaping and contrasting pavement materials along the southern drive aisle. This condition is intended to slow traffic and to minimize noise generated by vehicles.

9.0 – LAND USE

The 2025 Fresno General Plan and the Bullard Community Plan designate the northern 17.07 acres of the site for office commercial planned land uses and the southern 2.01 acres for light industrial land uses. As a result, the proposed rezone application and development of the site with office and retail uses is compatible with the existing planned land uses.

mitigation measures of 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, as identified in the TIS, and will be required to signalize the intersection of North Palm and West Nees Avenues.

These and other 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 related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated June 21, 2005.
2. The proposed project shall implement and incorporate, as applicable, the traffic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated June 21, 2005.

11.0 – URBAN SERVICES

11.1–Availability of Fire Protection

The project site is located within the city's Urban Growth Management 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 service will be provided by City of Fresno Station No. 13, which is located within two miles. City of Fresno Fire Station No. 2, which is within two and one-half miles of the subject property and will provide assistance, if necessary.

Mitigation Measures:

1. The proposed project shall implement and incorporate, as applicable, the fire related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated June 21, 2005.
2. 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 June 21, 2005.

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

Given that the subject site was previously used as a landfill and a sewage treatment plant and wastewater plant as outlined in Section 1 (Topographic, Soil, Geologic Considerations) above, there exist the possibility of potential hazardous substances from being released. In order to minimize this risk, the applicant retained BSK Associates and The Twining Laboratories, Inc. to conduct a soils and gas analysis and to study the depth and composition of the landfill deposits. As part of their analysis, BSK Associates submitted a "Post Closure Land Use Plan Elements" dated September 1, 2004. The Post Closure Plan is intended to monitor gases, outlines site stripping and monitoring (i.e. removing existing materials), outlines building materials and minimum requirements, and health and safety requirements during its development. These reports were also submitted for review and approval to the County of Fresno Department of Health, California Regional Water Quality Control Department and the California Integrated Waste Management Board. All three agencies approved the PCP. As a result, all development will be subject to compliance with the plan and accompanying documents.

Mitigation Measures:

1. The proposed project shall implement and incorporate, the Post Closure Plan prepared by BSK Laboratories dated September 1, 2004 and accompanying documents, including, but not limited to review and approval by County of Fresno Department of Health, the California Regional Water Quality Control and the California Integrated Waste Management Board.

13.0 – AESTHETICS

No public or scenic vista will be obstructed by the development and no valuable vegetation will be removed.

13.2 - Creation of Aesthetically Offensive Conditions

During the clearance, grading and construction phases of the project, the creation of an aesthetically offensive condition can be expected in terms of the general appearance of the site. However, it is anticipated that this condition would be limited to the localized area and would only exist temporarily, therefore no long term impacts are anticipated.

14.0 – HISTORICAL/ARCHAEOLOGICAL

There are no adjacent historical or archaeological sites. However, 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

**CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. R-04-104 and C-04-318**

	MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
1.1	Development shall be conditioned upon compliance with the Post Closure Plan prepared by BSK Laboratories dated September 1, 2004 and accompanying documents	Planning and Development Dept.	Prior to obtaining building permits.	Planning and Development Dept., Building Section and Public Works Dept., Construction Management Div.
2.1	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 Dept., Building Section and Public Works Dept., Construction Management Div.	Prior to occupancy of any building within the project.	Planning and Development Dept., Building Section and Public Works Dept., Construction Management Div.
10.1	Project development is subject to street improvements standards.	Public Works Dept. and Planning and Development Dept.	Prior to occupancy of any building within the project..	Public Works Dept. and Planning and Development Dept.
11.5 and 11.6	Developer shall provide adequate sewer service for the project per Public Utilities Dept. requirements/findings.	Dept. of Public Utilities		Dept. of Public Utilities, Public Works Dept., and Planning and Development Dept.
12.1 and 12.5	Development shall be conditioned upon compliance with the Post Closure Plan prepared by BSK Laboratories dated September 1, 2004 and accompanying documents and County of Fresno Department of Health, California Regional Water Quality Control Department and the California Integrated Waste Management Board	Planning and Development Dept., the County of Fresno Department of Health, California Regional Water Quality Control Department and the California Integrated Waste Management Board	Prior to obtaining building permits, construction, and prior to occupancy of any building within the project.	Planning and Development Dept., Building Section and Public Works Dept., Construction Management Div., the County of Fresno Department of Health, California Regional Water Quality Control Department and the California Integrated Waste Management Board

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

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

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
1. The City shall monitor impacts of land use changes and development project proposals on metropolitan water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept	X		X		X	
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.	Ongoing	Department of Public Utilities and Planning and Development Department		X			X	
3. The City shall implement the Fresno Metropolitan Water Resources Management Plan and update the plan as necessary to ensure the cost-effectiveness use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities	X		X		X	
4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the incidence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department	X	X			X	
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.	Ongoing	Planning and Development Department						X
6. The city shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: Construction in this area from being damaged by the intensity of flooding in the riverbottom; and, Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and, Public health, safety and general welfare from the effects of flood events.	Ongoing	Planning and Development Department	X					

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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: Including a buffer zone of sufficient width between proposed residences and the agricultural use. Restricting the intensity of residential uses adjacent to agricultural lands. Informing residents about possible exposure to agricultural chemicals. 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. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.	Ongoing	Planning and Development Department	X					
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		X	
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				X	
2-a. The City shall provide for containment and management of leachates and sludge adequate to prevent groundwater degradation.	Ongoing	Dept. of Public Utilities					X	X
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			X	

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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 wetland habitat lost.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.					X	
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
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					
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					

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

Project/EA No. R-04-104/C-04-318

Date: June 21, 2005

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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.)	Ongoing/upon submittal of land use entitlement application	Planning and Development Dept.	X					
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.								
Site Planning. See Chapter V for more details. Barriers. See Chapter V for more details. Building Designs. See Chapter V for more details.								
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 building design limits the interior noise environment to 45 CNEL or below.	Ongoing/prior to building permit issuance	Planning and Development Dept.					X	
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 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.	Ongoing	Planning and Development Dept.		X			X	
1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.	Ongoing	Planning and Development Dept.				X	X	
1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.	Ongoing	Planning and Development Dept.	X					

Master Files - 2004\REZONE\R-04-104,C-04-318 7765NPalm Retail-Office--AR\R-04-104, C-04-318-MEIR Monitoring Checklist.wpd

ASSESSOR'S BOUNDARY REPORT

Date 09/27/2005
Proposal No. RSOI-141/2789

"Sphere of Influence Revision for the Pinedale County Water District"

SERL 40553042 FRESNO CNTY SECURED TAX ROLL 2005-06 M01501
APN: 405-530-42 -1 INT: TRA: 005-029 TAX RATE: .0000000
ORIG APN:
ASSESSEE: PARK PLACE

MAILNAME:

CORTAC:

MAILADDR: 1690 W SHAW AVE #200 FRESNO CA 93711 SUP PEND : NO
SUP BILLED: NO

LOCATION: 18.83 IN NE1/4 SEC 32 T12R20

FULL VALUE

LAND: 828348		1ST INSTAL..2ND INSTAL.....TOTAL TAX
IMPS: 0	TAX:	
(TFI: 0)	PEN: .00 .00 .00	
P/P: 0 MH: 0	TOT:	
REG: 0	PD:	
SUB: 828348 **	COL#:	
EX HOX: 0	AMT: .00 .00 .00	
EX BI: 0		
NET: 828348 **		
PEST: 0		
R/C: NO	EXT DEL DATE 1. 2.	
ESCAPES: NO	CONDEMNATION:	BOND/WEED: \$.00

SERL 40553047 FRESNO CNTY SECURED TAX ROLL 2005-06 M01501
APN: 405-530-47 -6 INT: TRA: 005-029 TAX RATE: 1.2358240
ORIG APN:
ASSESSEE: COTDALE L P

MAILNAME:

CORTAC: 5000-0000-7034

MAILADDR: 3265 W ASHLAN FRESNO CA 93722 SUP PEND : NO
SUP BILLED: YES

LOCATION: PAR IN NE1/4 SEC 32 T12R20

FULL VALUE

LAND: 238459		1ST INSTAL..2ND INSTAL.....TOTAL TAX
IMPS: 284032	TAX: \$ 3298.73 \$ 3298.73 \$ 6597.46	
(TFI: 0)	PEN: .00 .00 .00	
P/P: 0 MH: 0	TOT: 3298.73 3298.73 6597.46	
REG: 0	PD:	
SUB: 522491 **	COL#:	
EX HOX: 0	AMT: .00 .00 .00	
EX BI: 0		
NET: 522491 **		
PEST: 0		
R/C: NO	EXT DEL DATE 1. 2.	
ESCAPES: NO	CONDEMNATION:	BOND/WEED: \$ 140.48

ASSESSOR'S BOUNDARY REP

Date
Proposal No.09/27/2005
RSOI-141/2789

"Sphere of Influence Revision for the Pinedale County Water District"

SERL 40553048 FRESNO CNTY SECURED TAX ROLL 2005-06 M01501
APN: 405-530-48 -7 INT: TRA: 005-029 TAX RATE: 1.2358240
ORIG APN:
ASSESSEE: MILLER FAMILY LLC

MAILNAME:

CORTAC:

MAILADDR: 10 HIGHLAND CT ORINDA CA 94563 SUP PEND : NO
SUP BILLED: YES

LOCATION: 007625 N PALM FR

FULL VALUE

LAND:	138192	1ST INSTAL..	2ND INSTAL.....	TOTAL TAX
IMPS:	51000	TAX: \$ 1239.23	\$ 1239.23	\$ 2478.46
(TFI:	0)	PEN: .00	.00	.00
P/P:	0 MH:	0	TOT: 1239.23	1239.23 2478.46
REG:	0	PD:		
SUB:	189192 **	COL#:		
EX HOX:	0	AMT: .00	.00	.00
EX BI:	0			
NET:	189192 **			
PEST:	0			
R/C: NO		EXT DEL DATE 1.	2.	
ESCAPES: NO		CONDEMNATION:	BOND/WEED: \$	140.48

SERL 40553049 FRESNO CNTY SECURED TAX ROLL 2005-06 M01501
APN: 405-530-49 -8 INT: TRA: 005-029 TAX RATE: 1.2358240
ORIG APN:
ASSESSEE: 970 W ALLUVIAL PARTNERS LLC

MAILNAME:

CORTAC:

MAILADDR: 970 W ALLUVIAL #101 FRESNO CA 93711 SUP PEND : NO
SUP BILLED: YES

LOCATION: 000970 W ALLUVIAL FR

FULL VALUE

LAND:	195000	1ST INSTAL..	2ND INSTAL.....	TOTAL TAX
IMPS:	300000	TAX: \$ 3128.88	\$ 3128.88	\$ 6257.76
(TFI:	0)	PEN: .00	.00	.00
P/P:	0 MH:	0	TOT: 3128.88	3128.88 6257.76
REG:	0	PD:		
SUB:	495000 **	COL#:		
EX HOX:	0	AMT: .00	.00	.00
EX BI:	0			
NET:	495000 **			
PEST:	0			
R/C: NO		EXT DEL DATE 1.	2.	
ESCAPES: NO		CONDEMNATION:	BOND/WEED: \$	140.48

Baker Associates
c/o R. Smith, Inc.
7475 N. Palm, #105
Fresno, CA 93711

Angie Spano
c/o Spano Enterprises
7545 N. Del Mar, #206
Fresno, CA 93711

Park Place
1690 W. Shaw, #200
Fresno, CA 93711

CALCOT LTD
P.O. Box 259
Bakersfield, CA 93302

North Palm Investors
c/o R. Smith
7475 N. Palm #105
Fresno, CA 93711

COTDALE LP
3265 W. Ashlan
Fresno, CA 93722

Central Pacific Inv. Corp
c/o Central Pacific Builders
7690 Palm, #101
Fresno, CA 93711

970 W Alluvial Partners, LLC
970 W. Alluvial, #101
Fresno, CA 93711

Miller Family, LLC
10 Highland CT
Orinda, CA 94563

RC Gray Family Limited
Partnership
c/o Topanga Mgmt. Co.
978 W. Alluvial, #101
Fresno, CA 93711

F.A. Wombat
600 W. Shaw, #160
Fresno, CA 93704

Clovis Unified School District
1450 Herndon
Clovis, CA 93711

State Center Jt. Community
College District
1525 E. Weldon Avenue
Fresno, CA 93704

Fresno Irrigation District
2907 S. Maple Avenue
Fresno, CA 93725-2218

Kings River Conservation
District
4886 E. Jensen Avenue
Fresno, CA 93725

Fresno County Fire
Protection District
210 S. Academy Avenue
Sanger, CA 93657

Fresno Metropolitan Flood
Control District
5469 E. Olive
Fresno, CA 93727

Fresno County Library
District
2420 Mariposa Street
Fresno, CA 93721

Clovis Memorial District
453 Hughes
Clovis, CA 93612

Consolidated Irrigation
District
PO. Box 209
Selma, CA 93662

West Fresno County Red
Scale Protective District
21136 Trimmer Springs Road
Sanger, CA 93657

Pinedale County Water
District
480 W. Birch
Pinedale, CA 93650

Pinedale Public Utilities
District
2560 W. Shaw, #102
Fresno, CA 93711

SERL 40553042 FRESNO CNTY SECURED TAX ROLL 2005-06 M01501
APN: 405-530-42 -1 INT: TRA: 005-029 TAX RATE: .0000000
ORIG APN:
ASSESSEE: PARK PLACE

MAILNAME:

CORTAC:

MAILADDR: 1690 W SHAW AVE #200 FRESNO CA 93711 SUP PEND : NO
SUP BILLED: NO

LOCATION: 18.83 IN NE1/4 SEC 32 T12R20

FULL VALUE

LAND: 828348		1ST INSTAL..	2ND INSTAL.....	TOTAL TAX
IMPS: 0	TAX:			
(TFI: 0)	PEN: .00	.00	.00	.00
P/P: 0 MH: 0	TOT:			
REG: 0	PD:			
SUB: 828348 **	COL#:			
EX HOX: 0	AMT: .00	.00	.00	.00
EX BI: 0				
NET: 828348 **				
PEST: 0				
R/C: NO	EXT DEL DATE 1.	2.		
ESCAPES: NO	CONDEMNATION:	BOND/WEED: \$	.00	

SERL 40553043 FRESNO CNTY SECURED TAX ROLL 2005-06 M01501
APN: 405-530-43 -2 INT: TRA: 005-090 TAX RATE: .0000000
ORIG APN:
ASSESSEE: PARK PLACE

MAILNAME:

CORTAC:

MAILADDR: 1690 W SHAW AVE #200 FRESNO CA 93711 SUP PEND : NO
SUP BILLED: NO

LOCATION: NLY PAR IN LOT 109 TRACT NO 4637

FULL VALUE

LAND: 192961		1ST INSTAL..	2ND INSTAL.....	TOTAL TAX
IMPS: 0	TAX:			
(TFI: 0)	PEN: .00	.00	.00	.00
P/P: 0 MH: 0	TOT:			
REG: 0	PD:			
SUB: 192961 **	COL#:			
EX HOX: 0	AMT: .00	.00	.00	.00
EX BI: 0				
NET: 192961 **				
PEST: 0				
R/C: NO	EXT DEL DATE 1.	2.		
ESCAPES: NO	CONDEMNATION:	BOND/WEED: \$	.00	



Fresno Local Agency Formation Commission

September 12, 2005

CERTIFICATE OF FILING

Mr. Clifford Tutelian, President
Tutelian & Co.
2300 Tulare Street, Suite 300
Fresno, CA 93721

Dear Mr. Tutelian:

Subject: ""Sphere of Influence Revision" for the Pinedale County Water District
"Pinedale County Water District Detachment"

Please be advised that pursuant to California Government Code Section 56658(g) that on September 12, 2005, the proposed "Sphere of Influence Revision" for the Pinedale County Water District and "Pinedale County Water District Detachment" applications submitted by landowner petition were determined to be complete by the Executive Officer and have been accepted for filing with the Fresno Local Agency Formation Commission.

The Commission will consider these proposals and make determinations at a public hearing to be held on Wednesday, September 28, at 1:30 p.m., or as soon thereafter, in the Fresno County Board of Supervisors' Chamber, Room 301, Hall of Records, Tulare and "M" Streets, in downtown Fresno. A representative from your agency should attend this hearing and be prepared to provide information about your Proposal to the Commission.

Sincerely,

A handwritten signature in black ink, reading "Michael R. Waiczis". The signature is written in a cursive style with a long horizontal line extending from the end.

Michael R. Waiczis, AICP
Executive Officer

MRW:cf

Cc: LAFCo Commissioners and Alternate Commissioners

Names of landowners or parties of real interest (Asterisk indicates consent):

Clifford Tutelian* COTDALE LP Miller Family LLC 970 W. Alluvial Partners LLC

LAFCO

2100 TULARE STREET SUITE 502

ATTN: CANDIE

FRESNO, CA 93721

PROOF OF PUBLICATION

COUNTY OF FRESNO STATE OF CALIFORNIA

EXHIBIT A.

PUBLIC NOTICE
#133545
**NOTICE OF PUBLIC HEARING
NOTICE OF ADOPTION OF A
NEGATIVE DECLARATION**
Fresno Local Agency Formation Commission
(LAFCo)

NOTICE IS HEREBY GIVEN that the Fresno Local Agency Formation Commission (LAFCo) will consider the following proposals at a public hearing on September 28, 2005:

Detachments and Sphere of Influence Revisions for the Pinedale Water District and the Pinedale Public Utility District - Detachment of approximately 21 acres from the Pinedale County Water District Sphere of Influence. The proposal also includes detachment of approximately 10 acres from the Pinedale Public Utilities District Sphere of Influence. The proposal also includes revisions to the Pinedale Water District and the Pinedale Public Utility District Sphere of Influences (SOI). The detachments and SOI revisions are being requested to allow water service to be provided by the City of Fresno to an approved 21 +/- acre office/commercial development. The affected territory is located at the southwest corner of W. Nees and N. Palm Avenues in the City of Fresno, California. Consideration of the proposals includes the approval and adoption of a Municipal Service Review (MSR) and required written determinations, and adoption of a negative declaration.

PLEASE BE ADVISED that the public hearing will take place on or about 1:30 p.m. in the Board of Supervisor's Chamber, Third Floor, Hall of Records, in downtown Fresno. All interested persons and agencies are invited to attend this hearing and give public testimony. Inquiries may be directed to Mr. Michael R. Waiczis, AICP, Executive Officer at 559-495-0604. Correspondence may be submitted to the Commission at 2115 Kern Street, Suite 310, Fresno, California 93721.
(PUB: September 8, 2005)

The undersigned states:

McClatchy Newspapers in and on all dates herein stated was a corporation, and the owner and publisher of The Fresno Bee.

The Fresno Bee is a daily newspaper of general circulation now published, and on all-the-dates herein stated was published in the City of Fresno, County of Fresno, and has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of November 22, 1994, Action No. 520058-9.

The undersigned is and on all dates herein mentioned was a citizen of the United States, over the age of twenty-one years, and is the principal clerk of the printer and publisher of said newspaper; and that the notice, a copy of which is hereto annexed, marked Exhibit A, hereby made a part hereof, was published in The Fresno Bee in each issue thereof (in type not smaller than nonpareil), on the following dates.

September 8, 2005

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated SEPTEMBER 8, 2005

NOTICE OF INCOMPLETE APPLICATIONS

DATE: August 25, 2005

TO: Cliff Tutelian, President, Tutelian & Co.
Bruce O'Neal, Contract Planner

FROM: Michael R. Waiczis, AICP, Executive Officer

SUBJECT: Sphere of Influence Revision and Detachment from Pinedale County Water District

Please be informed that the Fresno Local Agency Formation Commission (LAFCo) received your application materials for the Proposal listed above on August 22, 2005. Following a review of your application materials we find this application to be incomplete. We have provided a list of the items that are needed to complete your applications.

After receiving an application the Executive Officer is allowed 30 days to determine whether the application is complete and acceptable for filing or whether the application is incomplete. A "complete" application is one that has been submitted in the form prescribed by the Commission and containing all of the information and data required pursuant to State law.

When an application is accepted for filing, the Executive Officer issues a Certificate of Filing to the applicant. From the date of issuance of a Certificate of Filing an application shall be deemed filed. If an application is determined not to be complete, the Executive Officer is required to transmit that determination to the applicant specifying those parts of the application which are incomplete and the manner in which they can be made complete.

Following the issuance of the Certificate of Filing, the Executive Officer will proceed to set the Proposal for hearing and give published notice. The hearing must take place within 90 days after issuance of the Certificate of Filing. Gov. Code sections 56652, 56653, 56654, 56700 *et seq.*

- ☐ Application information is insufficient.
- ☒ Environmental initial study and/or environmental documents not submitted or are incomplete (see comments). **No environmental documents received.**
- ☐ Property tax transfer agreements not received.
- ☐ Resolution of initiation or petition does not comply with State law.
- ☒ Map and legal description. **No legal description of the proposed territory submitted and the map is insufficient for review by the Assessor's office. (Please see attached sample and guidelines.)**
- ☐ Property owner consent forms are not included or are not complete.
- ☐ Verification of notification of affected property owners not received.
- ☒ Required supplemental maps not submitted or are not sufficient. **Location Map, Vicinity Map, Water Map, Sewer Map, Zoning Map.**
- ☒ Application fee not submitted or is insufficient. **The LAFCO fee previously quoted was for under 20 acres. The application says the affected territory is 21+ acres. If this is the case (unable to tell until we receive an engineered map and legal description that gives the acreage), an additional \$1,875 will be required.**

☒ Required Service Plan is not included or insufficient. **No service plan has been received.**

☐ Request is inconsistent with sphere of influence of agency.

☐ Other:

☒ Comments: **PLEASE BE ADVISED**

"Please be advised that all agencies gaining or losing territory must provide a waiver of protest proceedings in writing. While this office will notify these agencies of this proposal and request each agency to sign a statement that it waives protest proceedings with regard to this proposal, if such signed statement is not received by this office prior to the scheduled hearing a Protest Hearing will be required (if approved). Proponents may wish to request such a statement from each affected agency and submit an original copy to this office. Please remember that the City of Fresno and Pinedale County Water District (not all inclusive) are affected agencies and must submit signed written waivers of protest proceedings.

Your application materials along with a refund check will be returned if we do not receive the necessary items listed above to complete your application by **September 6, 2005**. The items needed to complete your application may change depending on comments from affected agencies and responses to requests for information from County departments, responsible and interested agencies. Regardless of the date of submission, this proposal will not be scheduled for public hearing until the Executive Officer issues a Certificate of Filing. In order to have your request considered by the Commission, your application must be determined to be complete before the date necessary for submission of the legal notice to the publisher. You will be scheduled for the next LAFCo hearing available following the issuance of a Certificate of Filing and required legal noticing.

Thank you.

G:\LAFCO WORKING FILES\MISC LETTERS&MEMOS\INSUFFICIENT APPLICATION, PINEDALE WATER DETACHMENT.doc

FRESNO LOCAL AGENCY FORMATION COMMISSION LANDOWNER CONSENT FORM

Name of Proposal Reduce SOT and Detach from Pinedale County Water District

Description of Proposal:

Annex to N.A.

Detach from Pinedale County Water District

Each of the undersigned represents that they are the owner of the property described opposite their name and located within the territory described in the attached legal description, and hereby consents to the change of organization or reorganization described above of said property to the above named city and/or district.

Date	Name	Address	Property Description or County Assessor's Parcel Number
X 8/23/05	CLIFFORD T. LUTHELMAN	4626 W Polo Crescent	405-53042,
		FERRAND, CA 92722	405-530-43,
			405-530-44

The legal description of the territory proposed for change of organization or reorganization must be attached at the time consent is signed.

Each individual listed on the last equalized assessment roll of the county must sign for the subject parcel(s).

Note: If you are an applicant for, or a participant in any proceeding on the agenda and have made a campaign contribution of \$250 or more to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).

PETITION
FOR PROCEEDINGS PURSUANT TO
THE CORTESE-KNOX -HERTZBERG LOCAL GOVERNMENT REORGANIZATION
ACT OF 2000

The undersigned hereby petitions the Local Agency Formation Commission of Fresno County for approval of a proposed change of organization and stipulates as follows:

1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).

2. The specific changes of organization proposed are to reduce the SOI and detach from the Pinedale County Water District ..

3. The boundaries of the territory included in the proposal are as described in exhibits attached hereto and by this reference incorporated herein.

4. The territory included in the proposal is inhabited uninhabited.

5. This proposal is is not consistent with the sphere of influence of the City of Fresno ..

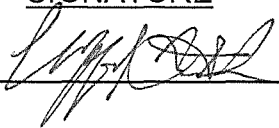
6. The reasons for the proposed reorganization at this time are to receive water from the City of Fresno ..

7. The reason for the proposed boundary is to detach from the Pinedale County Water District in order to receive water service from the City of Fresno.

8. The proposed reorganization is requested to be made subject to the following terms and conditions:

9. The persons signing this petition have signed as registered voters/owners of land.

Wherefore, petitioners requests that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signatures as follows:

DATE	PRINTED NAME	SIGNATURE	RESIDENCE ADDRESS
X 1.8/23/05	CLIFFORD TUTELMAN		4626 W. Polo Creek Ct. Fresno, CA 95722

2. _____

3. _____

PETITION
FOR PROCEEDINGS PURSUANT TO
THE CORTESE-KNOX -HERTZBERG LOCAL GOVERNMENT REORGANIZATION
ACT OF 2000

The undersigned hereby petitions the Local Agency Formation Commission of Fresno County for approval of a proposed change of organization and stipulates as follows:

1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).

2. The specific changes of organization proposed are to reduce the SOI and detach from the Pinedale County Water District ..

3. The boundaries of the territory included in the proposal are as described in exhibits attached hereto and by this reference incorporated herein.

4. The territory included in the proposal is inhabited uninhabited.

5. This proposal is is not consistent with the sphere of influence of the City of Fresno ..

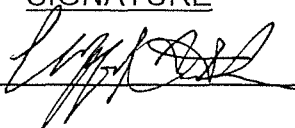
6. The reasons for the proposed reorganization at this time are to receive water from the City of Fresno

7. The reason for the proposed boundary is to detach from the Pinedale County Water District in order to receive water service from the City of Fresno.

8. The proposed reorganization is requested to be made subject to the following terms and conditions:

9. The persons signing this petition have signed as registered voters/owners of land.

Wherefore, petitioners requests that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signatures as follows:

	DATE	PRINTED NAME	SIGNATURE	RESIDENCE ADDRESS
X	1.8/23/05	CLIFFORD TUTELIAN		4616 W. Polo Creek Ct. Fresno, Ca 95722
	2.			
	3.			

LAND USE ASSOCIATES

Bruce O'Neal, AICP
Principal

August 22, 2005

Mr. Michael Waiczis, Executive Officer
Fresno LAFCo
2115 Kern Street, Suite 310
Fresno, CA 93721

SUBJECT: Request for Reduction/Detachment from the Pinedale County Water
District Sphere of Influence for 7765 N. Palm (APNs 405-530-42, 43, & 44)

Dear Mr. Waiczis:

On behalf of Mr. Cliff Tutelian, owner of property located at 7765 N. Palm Avenue in the City of Fresno, I am requesting that Mr. Tutelian's property located at 7765 N. Palm (APNs 405-530-42, 43, & 44) be removed from the Sphere of Influence of the Pinedale County Water District. The property location is shown in the attached figure. A concurrent application requests that the property be detached from the district. The reason for the action is so that the City of Fresno can provide water service to a commercial center to be developed on the subject property. The site is located within the City of Fresno Sphere of Influence and designated for office and commercial use on the 2025 Fresno General Plan. A Conditional Use Permit was approved by the Fresno Planning Commission on July 20 for a 200,000 square foot commercial and office center, with a condition that water is provided by the City of Fresno.

The site is located within the service boundary of the Pinedale County Water District but across Palm Avenue from the City of Fresno water service area. The Pinedale County Water District has stipulated that they cannot serve the property unless water lines are extended to the site or a new well is installed within its district boundaries. The City has stated that they can provide water to the site from existing water lines in Palm Avenue (see attached letter from the Department of Public Utilities), but requires a letter (or resolution) wherein LAFCo grants permission to have the site's water needs served by the City of Fresno. It has been determined that the most expeditious manner to achieve this goal is to detach from the District's SOI and service area.

We request that the matter be brought before LAFCo at the earliest possible date so that a determination can be made that the City can provide water service. Mr. Tutelian agrees with the stipulations of service stated in the City's letter and desires to resolve this service issue as quickly as possible so that construction of the shopping center can begin.

We look forward to your response and the scheduling of this matter before the Commission. After your review, please call with any questions.

Sincerely,
Land Use Associates

A handwritten signature in black ink, appearing to read "Bruce O'Neal". The signature is fluid and cursive, with a large initial "B" and "O".

Bruce O'Neal, AICP

Attachment

Cc Cliff Tutelian
 Steve Samuelian

COUNTY WATER DISTRICTS

 Page	 Page	 Page	 Page	 OCR	 OCR	 OCR	 OCR	 Bulletin
22	23	24	25	22	23	24	25	155

1 Citation	Water Code, Div. 12, comprising §§ 30000-33901 derived from 1913:592:1049 and 1949:274:494. "County Water District Law."
2 Purposes	Furnish water for any present or future beneficial use (§ 31020); acquire, appropriate, control, conserve, store, and supply water, including drainage and flood waters (§§ 31021, 31022, 31047); drain and reclaim lands (§ 31033); generate and sell at wholesale incidental hydroelectric power (§§ 31149.1-31149.3); use any land or water under district control for recreational purposes (§§ 31130- 31132); acquire, construct, and operate sewer, fire protection (§ 31120), and sanitation facilities; (§§ 31141-31110). Note: Mammoth County Water District may operate a propane gas distribution service (§ 31013). The Juniper-Riviera C. W. D. may improve and maintain streets (§ 31014). For other special provisions see §§ 31013-31015, 31035, 31052, 31133, 31143- 31143.5, 31144-31144.6, 31144.7-31144.79, 31145-31149, 31149.3- 31149.5, Calif. Stats. 1961, Ch. 1942; D. A. 206.
3 Territory	County, two or more contiguous counties, or any portion of such county or counties (§ 30200).
4 Overlap	A district may be annexed to or included within a municipal utility district without impairing legal existence (§§ 31180-31182); no agency with substantial identity of purpose may be formed in district without consent of district (§ 30065); publicly owned utilities restricted in district (§§ 31053, 31054). Restrictions on use of revenues from district water system acquired by another public agency (§ 31012). For special provisions see §§ 33300-33306.
5 Petitioners	Voters in district equal to 10% of voters registered in each incorporated area and in the unincorporated area (§§ 30202, 30203).
6 Petition to	Board of supervisors of county in which district or greater portion of district located (§§ 30260, 30064).
7 Procedure	Petition, hearing, election (majority vote in each municipal corporation or part thereof and in unincorporated territory) (§§ 30200-30325). Special districts provisions (§ 30205).
8 Voting	Registered voters, who are residents of the district (§ 30021). For land ownership requirements in certain districts see §§ 30700.5, 30700.6, 31408.5.
9 Records	Formation records: county recorder, county assessor, Secretary of State and State Board of Equalization; resolution changing name: county recorder, Department of Water Resources, State Treasurer and Secretary of State (§§ 30321, 30321.5, 30322, 30586, 31006); annexation: county assessor, county tax collector, and State Board of Equalization (§ 32553).
10 Government Code § 54900	No provision.
11 Governing Board	5 directors, elected at large or by divisions or from divisions (must be voters of district, or of division if elected by divisions, and must be resident of division if elected from divisions by voters of entire district) (§§ 30500, 30730, 30735). For special provisions see §§ 30511, 30513, 30514, 30700.5, 30700.6, 33247.

12 Eminent Domain	Any property necessary to carry out the business of the district (§ 31040).
13 State and Federal Cooperation	May cooperate and contract with the State as to control and distribution of water and construction and operation of works (§§ 31048, 31049). May cooperate and contract with U.S. pursuant to Federal reclamation laws and Irrigation District Federal Cooperation Law; may contract with U.S. to supply water to Indian lands in the district (§§ 31150-31175).
14 Debt Segregation	Improvement districts for bonding and assessment purposes (§§ 31030, 31388, 31575, 31585, 31615, 31625). For revenue bonds see "Bonds." See also "Assessments."
15 Bonds	General obligation, by 2/3 vote; may be confined to improvement districts; refunding, by majority vote (§§ 31610, 31370-31461); revenue bonds by majority or 2/3 vote (§§ 31030, 31480, 31481); may issue 6% warrants for formation expenses (§ 31301); negotiable notes (§ 31304); bonds given same force as municipal bonds (§ 31427). For special provision see §§ 31482, 31483.
16 Revenues	Water and sewer rates (§§ 31023-31025, 31031, 31101, 31104); investments (§ 31336); oil and mineral sales, leases (§ 31046); sales, leases of property § 31041; sale rates for hydroelectric power to public utilities or agencies (§ 31149.2); charges for use of recreational facilities (§ 31131); rates or charges for sanitation services (§ 31136). Special provisions for districts (§§ 31104.5- 32204.8).
17 Assessments	If revenues insufficient, annual ad valorem on all property in district (bond assessments and improvement district assessments only on property in portion of district benefitted; also, bond and improvement taxes or other taxes on land only in some districts) (§§ 31596, 31615, 31703.9, 31650-32000). Special tax by 2/3 vote of the electorate (§ 31653). Shall assess land only, exclusive of improvements, for debt due U.S. (§ 31158). Improvement Act of 1911, Municipal Improvement Act of 1913, and Improvement Bond Act of 1915 applicable (§§ 31501-31503); may levy annual water standby charge not to exceed \$10 per acre per year (§§ 31031, 31032), \$30 for specified districts (§§ 31031.5-31031.8) and special provisions (§§ 31032.10, 31032.12), or annual water standby or availability assessments not to exceed \$30 (§§ 31032.1-31032.9). Delinquent charges for water and other services may be added to annual taxes (§ 31701.5). For special provisions see §§ 31630- 31639. El Dorado Hills C. W. D. may levy bond tax on land only (§ 31703.8). Special rates in Kings C. W. D. (§ 31680).
18 Taxation of District Property	No provision.
19 Sale Outside District	Sale of water outside district limited to surplus water (§§ 31020, 31023).
20 Department of Water Resources	No provision.
21 Inclusion Exclusion	See Cortese-Knox Local Government Reorganization Act of 1985. Inclusion: Land need not be contiguous and may be in adjoining county (§ 32400). Exclusion: Land not substantially and directly benefitted (§ 32200).
22 Dissolution	See Cortese-Knox Local Government Reorganization Act of 1985. Special provisions

(§§ 33100-33162, 33200-33250).



Page

22



Page

23



Page

24



Page

25



OCR

22



OCR

23



OCR

24



OCR

25



Bulletin

155

PUBLIC UTILITY DISTRICTS

 Page 65
  Page 66
  Page 67
  Page 68
  OCR 65
  OCR 66
  OCR 67
  OCR 68
  Bulletin 155

1 Citation	Public Utilities Code, Div. 7, comprising §§ 15501-18055: derived from 1921:560:906. "Public Utility District Act."
2 Purposes	Acquire and operate, within or without district, works for supplying inhabitants with light, water, power, communications, means for disposition of garbage, sewage or refuse matter; purchase and distribute such services and commodities; acquire and operate a fire department, street lighting system, public parks, playgrounds, golf courses, swimming pools, recreation and other public buildings, and drainage works (§§ 16461-16463). Parking, cable TV, produce and distribute electricity and gas, snow removal and road maintenance by Kirkwood Meadows P.U.D. (§ 16486). Construction of facilities on undeveloped land owned by Shasta Dam Area P.U.D. (§ 16461.5). Mosquito abatement and vector control in June Lake P.U.D. (§ 16489).
3 Territory	Any unincorporated territory (§§ 15701, 15702).
4 Overlap	Powers of district transferred to city or town whenever all territory of the district becomes a part of any incorporated city or town (§ 15533).
5 Petitioners	Electors in each unit equal to 15% of votes cast for Governor at last election; all area in one county is one unit (§§ 15702, 15703).
6 Petition to	Board of supervisors of county in which land situated (§ 15702).
7 Procedure	Petition; hearing by each board of supervisors to which a petition is presented; election (majority vote in each unincorporated territory); order of board of supervisors of county in which greater portion of district, in point of population, situated; certificate of Secretary of State (§§ 15701-15797).
8 Voting	Registered voters, residing within the district (§§ 15505, 15531, 16153). Special provision for Kirkwood Meadows P.U.D. (§ 15709).
9 Records	Formation order: Secretary of State, county recorders where district situated, county clerk of main county (§ 15794). 17380). Change of name: State Controller, State Board of Equalization (§ 15798). For annexation records, see Cortese-Knox Local Government Reorganization Act of 1985, Government Code § 56000 et seq.
10 Government Code § 54900	No provision.
11 Governing Board	Board of directors: either 3 or 5 members elected at large if in one county, otherwise, one for each unit plus either 3 or 4 to make an odd number (one from each unit having over 5,000 population, balance at large); directors at large must be resident electors (§§ 15951-15953, 15972), or either voter or landowner in the Johnsville P.U.D. (§ 15974); by wards in Georgetown Divide P.U.D. (§ 15975); 5 members at large for Kirkwood Meadows P.U.D. (§ 15976).
12 Eminent Domain	Any property necessary or convenient (§ 16404).
	May contract with any public agency, including U.S., or any person, for joint acquisition, construction or use of sewers (§§ 16871-16879) and water works, or for use of water works by U.S. or others for supplying any area (§§ 16880-16885);

13 State and Federal Cooperation	contracts under these sections exempt from debt limitation; may borrow from U.S. for cost of emergency repairs without regard to debt limitation (§§ 16576-16577); may cooperate and contract with U.S. under Irrigation District Federal Cooperation Law (§ 16409, Wat. Code §§ 23175 et seq.); may accept contributions and loans from U.S. without regard to debt limit and contract for construction, maintenance and operation of works or financing thereof (§ 16578).
14 Debt Segregation	Revenue bonds (§ 16575); improvement districts (§§ 16407, 16408). Zones may be established in districts in Lake Tahoe Basin, for bonding and assessment purposes (§§ 18050-18055). See also "Assessments."
15 Bonds	General obligation, by 2/3 vote (§§ 16571, 16575, 16816, 16846); revenue bonds in like manner (§ 16575); funded indebtedness may not exceed 20% of assessed valuation of real and personal property (§ 16573); limitation may be exceeded for waterworks or sewage disposal facilities financed by bond issue where provision made to pledge all or any part of revenues received over period not to exceed 40 years (§ 16574). (See "State and Federal Cooperation" for another exception). Bonds have same force and value as municipal bonds (§ 17005). Special provision, Kirkwood Meadows P.U.D. (§ 16487). Special provision, Tahoe Basin Districts (§§ 18050-18052).
16 Revenues	Charges for some services or commodities furnished by revenue producing utilities (§§ 16409, 16467-16472.5, 16475); (except for fire departments, street lighting systems, public parks, playgrounds, swimming pools, recreation and other public buildings, and drainage works), only revenue-producing utilities shall be acquired, owned or operated (§§ 16467, 16467.1); charges for surplus facilities, services or commodities supplied outside the district (§§ 16473-16474); sewage facility charges (§§ 16873-16876); charges for waterworks services and facilities (§§ 16880-16883); sales, leases of property (§ 16431). Electricity standby charges (§ 16485); water standby charges (§§ 16475). Sewer standby charges in Tahoe City, North Tahoe, and South Tahoe P.U.D.s. (§ 16478); water standby charges in Tahoe City, North Tahoe, and South Tahoe P.U.D.s. (§ 16476); water standby charges in Fallbrook P.U.D. (§ 16477).
17 Assessments	If revenues inadequate, annual ad valorem upon all taxable property in the district, except farm products or crops (§§ 16641-16659); special tax by 2/3 vote of the electorate (§ 16641.5); Improvement Act of 1911, Municipal Improvement Act of 1913, and Improvement Bond Act of 1915 made applicable (§ 17010). Zone assessments (§ 18054). Street Opening Act of 1903 applicable until January 1, 1976 (§ 17010).
18 Taxation of District Property	No provision.
19 Sale Outside District	May sell water outside district (§§ 16473).
20 Department of Water Resources	No provision.
	Inclusion: unincorporated contiguous or noncontiguous territory, or in Lake Tahoe Basin, contiguous incorporated territory to which the district can provide sewer system treatment and transportation facilities; proceedings pursuant to Cortese-Knox Local

21 Inclusion Exclusion	Government Reorganization Act of 1985 (§§ 17301, 17302); special procedure for inclusion of noncontiguous lands containing at least 10 privately owned acres, or procedure as provided in Cortese-Knox Local Government Reorganization Act of 1985 (§§ 17362-17380). Exclusion: any territory which is not benefited, by proceedings under Cortese-Knox Local Government Reorganization Act of 1985 (§ 17501).
22 Dissolution	See Cortese-Knox Local Government Reorganization Act of 1985.



Page

65



Page

66



Page

67



Page

68



OCR

65



OCR

66



OCR

67



OCR

68



Bulletin

155

KINGS RIVER CONSERVATION DISTRICT

 Page 188
  Page 189
  OCR 188
  OCR 189
  Bulletin 155

1 Citation	1951:931:2463; D.A. 4025; West 59. "Kings River Conservation District Act."
2 Purposes	Conservation, development, control, distribution and use of the waters of the Kings River and its tributaries and power development; protection, drainage and reclamation as to lands within the district; generate electric power; protection and preservation of rights to water; meet various problems affecting such water supply (§§ 4, 26).
3 Territory	Certain described territory (comprising, in general, the Kings River Water Service Area) in the Counties of Fresno, Tulare, and Kings (§ 2).
4 Overlap	Does not affect or supersede any other district now or hereafter established in the area (§ 45).
8 Voting	Registered voters; must be residents of district or division (§ 5(g)).
10 Government Code § 54900	Compliance required (§ 40).
11 Governing Board	Seven directors; one elected at large, six from divisions but elected at large; must be resident of district and of division for which elected; act by majority vote of all members (§§ 8, 11, 24).
12 Eminent Domain	Any property necessary or convenient for district purposes except property held or used for development, storage or distribution of water for public use by public district or mutual water company (§§ 26(12), 46).
13 State and Federal Cooperation	May cooperate and contract with State or U.S. in construction, acquisition and operation of works (§ 26(16)); may cooperate and contract with U.S. under Federal reclamation laws (§ 26(17)).
14 Debt Segregation	Revenue bonds (see "Bonds"); improvement districts for bonding and assessment in accordance with irrigation district provisions, Water Code § 23600 et seq. (§ 28.5).
15 Bonds	General obligation, by 2/3 vote (§ 29); refunding, by majority vote (§ 30); revenue, by 2/3 vote (§ 33); revenue bonds for Dinkey Creek Hydroelectric Project (§ 33.2).
16 Revenues	Water and power rates and other charges for services or work done by the district (§§ 26(7), 26(10), 26(11), 28); sales or leases of property (§ 26(5)); oil and gas sales or leases (§ 26(15)).
17 Assessments	If revenues insufficient, annual ad valorem assessments on lands in district or improvement district sufficient to meet indebtedness on general obligation bonds or under any contract approved by voters (§ 36); annual ad valorem on all land in the district for other expenses and claims, not to exceed 2-1/2 mills on each \$100 assessed value (§ 37). Mineral interests which have separate valuation on assessment roll may not be assessed (§ 39.1).
18 Taxation of District Property	Property belonging to and used for district purposes may not be taxed or assessed for state, county, municipal, or district purposes (§ 44).
19 Sale Outside District	May sell surplus water outside the district (§ 4(10)).

20 Department of Water Resources	Determine whether lands proposed to be excluded will not be substantially benefited by continued inclusion (§ 42).
21 Inclusion Exclusion	Inclusion: Lands susceptible to service of water or power or which may be benefited; may be conditional on payment of special assessments, inclusion or formation in an improvement district, creation of bonded indebtedness; priority given to lands already in district; special rates for water or power, etc. by petition, ordinance of board, election, majority vote (2/3 vote if bonds to be approved) (§ 41). Exclusion: Lands embraced in any incorporated city and not substantially benefited by petition, hearing, order of the board (§ 42); any other territory not substantially benefited by being in district, petition, investigation and report by Department of Water Resources, hearing, order of the board (§ 42).
22 Dissolution	See Cortese-Knox Local Government Reorganization Act of 1985 (§ 51).
23 Projects	If bonded indebtedness to be incurred, board must hold hearing; must establish improvement districts if only portions of district benefited; written protests by owners of majority of land acreage stops formation of an improvement district (§ 29).

NOTE
This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.

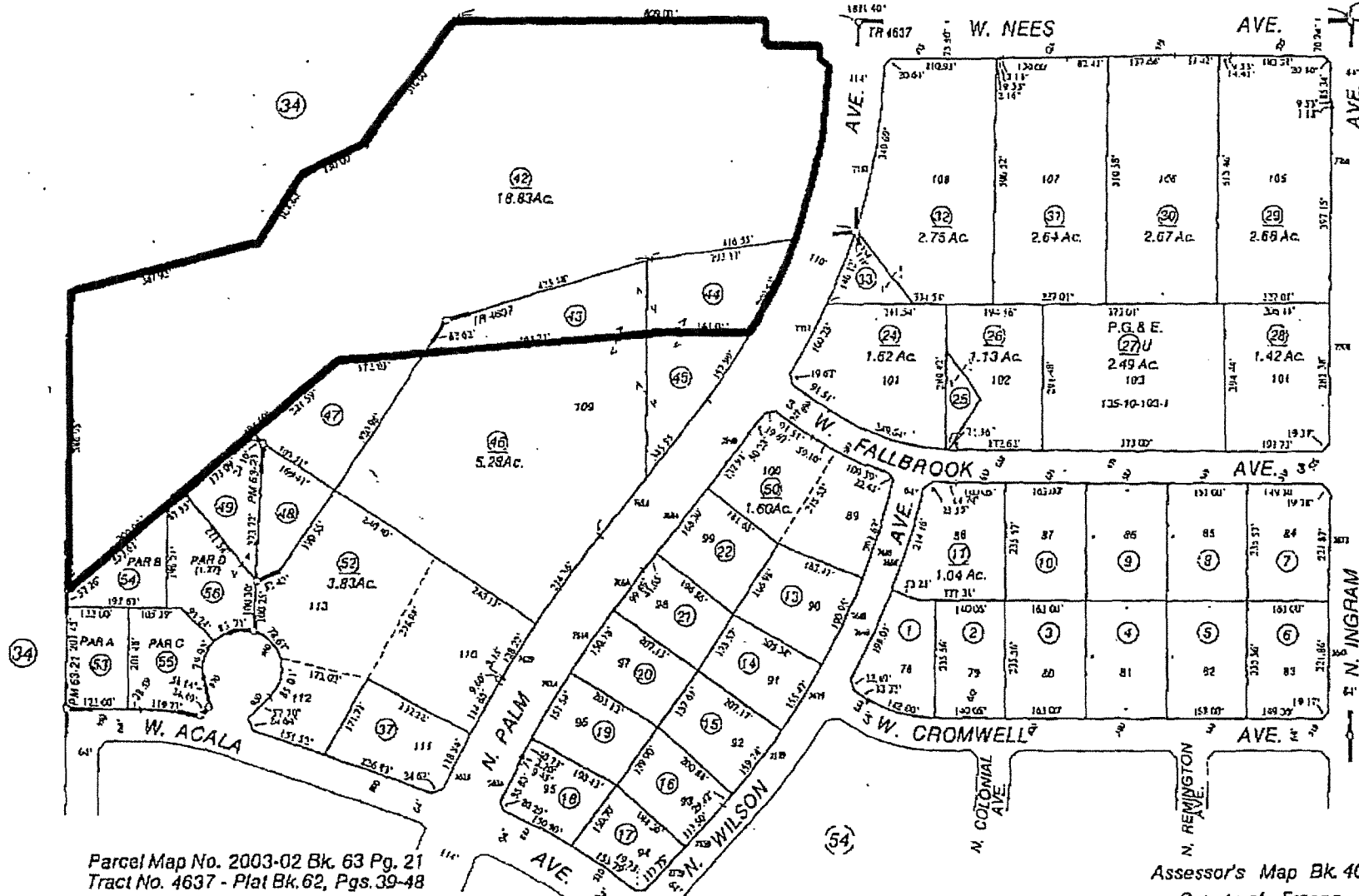
SUBDIVIDED LAND IN POR. SEC. 32, T.12S., R.20E., M.D.B.&M.

Tax Rate Area

405-53

Bk.
402

5-089
5-090
5-223



Parcel Map No. 2003-02 Bk. 63 Pg. 21
Tract No. 4637 - Plat Bk. 62, Pgs. 39-48

Assessor's Map Bk 405 - Pg. 53
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

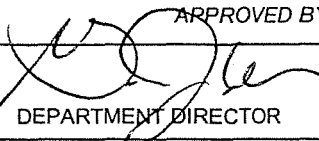


REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-B
COMMISSION MEETING 8/3/05

August 3, 2005

FROM: STAFF, Planning Division
Planning and Development Department

APPROVED BY
 , Fon
DEPARTMENT DIRECTOR

SUBJECT: CONSIDERATION OF REZONE APPLICATION NO. R-04-104 AND
CONDITIONAL USE PERMIT APPLICATION NO. C-04-318 AND
ENVIRONMENTAL ASSESSMENT NO. R-04-104/C-04-318

EXECUTIVE SUMMARY

Rezone Application No. R-04-104 and Conditional Use Permit Application No. C-04-318 filed by Clifford Tutelian on behalf of Park Place Holdings, pertain to approximately 19.08 acres of property located on the southwest corner of North Palm Avenue and the West Nees Avenue Alignment. Application No. R-04-104 proposes to reclassify the northern 17.07 acres of the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural District/Urban Growth Management*) zone district to the C-P/UGM (*Administrative and Professional Office District/Urban Growth Management*) zone district. The southeasternmost 2.01 acres are currently planned for light industrial land uses and zoned C-M (*Commercial and Light Manufacturing District*) and the applicant is not proposing to change either the land use designation or the zone district. The 2025 Fresno General Plan and the Bullard Community Plan designate the 17.07 acre portion of the subject property for office commercial planned land uses. **Rezone Application No. R-04-104 would bring the subject property into conformance with the 2025 Fresno General Plan and the Bullard Community Plan.** Conditional Use Permit Application No. C-04-318 proposes to develop the site with 198,468 square feet of office and commercial area. The site will be anchored by a three-story, 68,000 square foot office building and a 41,268 square foot fitness center. Eight other building pads are also proposed, one of which contains a bank with a drive-up teller. The requested rezoning of the site and the conditional use permit application are supported by staff and the Bullard Community Plan Advisory Committee.

PROJECT INFORMATION

PROJECT	Request to rezone the northern 17.07 acres of the subject site from the AE-20/UGM (<i>Exclusive Twenty Acre Agricultural District/Urban Growth Management</i>) zone district to the C-P/UGM (<i>Administrative and Professional Office District/Urban Growth Management</i>) zone district and to develop the site with a three-story building, a fitness center, and eight additional building pads, one of which contains a bank with a drive-up teller
APPLICANT	Clifford Tutelian on behalf of Park Place Holdings
LOCATION	Southwest corner of North Palm Avenue and the West Nees Avenue Alignment (Council District 2, Councilmember Calhoun)
SITE SIZE	Approximately 19.08 acres
LAND USE	Existing - Vacant Proposed - 198,468 square feet of office and commercial area, including a three-story, 68,000 square foot office building and a 41,268 square foot fitness center. Eight other building pads are also proposed.

ZONING	Existing - AE-20/UGM (<i>Exclusive Twenty Acre Agricultural District/Urban Growth Management</i>) zone district (17.01 acres) C-M (<i>Commercial and Light Manufacturing District</i>) (2.01 acres) Proposed - C-P/UGM (<i>Administrative and Professional Office District/Urban Growth Management</i>) zone district (17.01 acres) C-M (<i>Commercial and Light Manufacturing District</i>) (2.01 acres)
PLAN DESIGNATION AND CONSISTENCY	The proposed C-P/UGM zone district is consistent with 2025 Fresno General Plan and the Bullard Community Plan which designate the site for office commercial planned land uses
ENVIRONMENTAL FINDING	Mitigated Negative Declaration dated June 21, 2005
PLAN COMMITTEE RECOMMENDATION	The Bullard Community Plan Advisory Committee recommended approval of Rezone Application No. R-04-104 and Conditional Use Permit Application No. C-04-318 at their March 28, 2005 meeting
STAFF RECOMMENDATION	Recommend approval of the proposed rezone application to the City Council and approve the conditional use permit application

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Open Space/Multi-use and Special Commercial	AE-20/BP/UGM and C-L/UGM <i>Exclusive Twenty Acre Agricultural District/Bluff Preservation Overlay District/Urban Growth Management</i> and <i>Limited Neighborhood Shopping Center District/Urban Growth Management</i>	San Joaquin River/Open Space
South	Light Industrial	C-M <i>Commercial and Light Manufacturing District</i>	Mini-Storage
East	Neighborhood Commercial	C-1 <i>Neighborhood Shopping Center District</i>	Vacant
West	Medium-Low Density Residential	AE-20/BP/UGM <i>Exclusive Twenty Acre Agricultural District/Bluff Preservation Overlay District/Urban Growth Management</i>	Vacant

found to have no adverse effect upon adjacent properties. City staff recommends that the additional 10 percent be approved given that the site is largely surrounded by light industrial and commercial properties, and the site is at the intersection of two major streets. Furthermore, the permitted uses are limited and will be located along the eastern property line, furthest from the planned residential property immediately to the west of the site.

Fitness Center

The 41,268 square foot fitness center is permitted by Director's Classification No. 111 in the proposed C-P/UGM zone district subject to obtaining a Conditional Use Permit (CUP). Thus, the subject application would permit the fitness center.

Proposed Drive-up Teller

Similar to a fitness center, any drive-up window is subject to a CUP. The applicant is proposing a bank with a drive-up window on the southeasterly corner of the site. It should be noted that staff will require that the applicant modify the drive-up window to allow a minimum stacking lane of 75 feet, in an attempt to decrease the likelihood of vehicles using the drive-up window from impeding the flow of vehicle traffic.

Multi-story building

The subject site will be anchored by a three-story 68,000 square foot building. The applicant has informed staff that the building is conceptual and will not exceed 60 feet. Upon submittal of the elevations, staff will ensure that they are compatible with the other proposed buildings.

Retail Uses

The proposed C-P/UGM zone district is intended for office uses, however it also permits limited commercial uses. In accordance with the FMC, such retail sales and service uses shall not constitute greater than 15 percent of the gross floor area of the development. However, the Planning & Development Director may approve an additional 10 percent if it can be found to have no adverse effect upon adjacent properties. As a result, the proposed development may contain a total of 49,617 square feet of retail uses and the developer is proposing 47,800 square feet in the project. It is staff's position that the additional 10 percent should be granted given that the subject site is largely surrounded by commercial and industrial uses and is located at the intersection of two major streets.

Parking (Vehicle and Bicycle)

The applicant is proposing to provide 1,002 parking spaces. Although difficult to calculate the required number of parking spaces given that the applicant has not identified tenants, staff will require that all proposed and future tenants provide an adequate number of parking. Furthermore, similar to other projects, the number of off-street parking may limit future uses should the minimum number of parking spaces be insufficient. Staff will also require bicycle parking spaces be adjacent to each building.

Northeast Area Plan and Implementation Advisory Committee

The Bullard Community Plan Advisory Committee recommended approval of Rezone Application No. R-04-104 and Conditional Use Permit Application No. C-04-318 at their March 28, 2005 meeting.

Land Use Plans and Policies

The subject site is designated for office commercial planned land uses by the 2025 Fresno General Plan and the Bullard Community Plan. The proposed zone district and development are consistent with the

The project traffic study indicates that the majority of the peak hour vehicle trips are expected to travel west on West Nees Avenue. However, because much of the immediately surrounding area (i.e. northeast portion of the Bullard Community Plan Area and the southwest portion of the Woodward Park Community Plan) is developed, many of the planned major street and intersection improvements have been completed as required by adopted plans, policies and development standards. Thus, the proposed project, as well as other urban land uses developed as planned by the 2025 Fresno General Plan are required or have already, constructed the planned major street system consistent with the public facility and service delivery requirements. In addition, the developer of this project, in accordance with the mitigation measures of 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, as identified in the TIS, and will be required to signalize the intersection of North Palm and West Nees Avenues.

Public Services

Water Resources and Public Water Supply and Sewage Collection System Capacity

The subject site is currently within the Pinedale County Water District. However, in a letter from the City of Fresno, Department of Public Utilities dated May 23, 2005 the city identifies several options to the developer which would allow the city to serve the site. Regardless, the city has determined that the project may presently be accommodated by the existing sewer mains, subject to any necessary sewer main extensions and connections.

The Water Division of the Public Utilities Department has determined that there is an adequate source of water available to serve the project, subject to connecting to the city sewer system. In addition, the Fresno Metropolitan Flood Control District (FMFCD) has indicated that this project may be accommodated by their facilities.

Fire Protection Services

Fire service will be provided by City of Fresno Fire Department Station No. 13, located at the intersection of East Nees Avenue and North Bond Street, which is located within two miles of the subject site. Fire Station No. 2 slightly over two miles from the site will provide assistance if necessary.

Post-Closure Plan (PCP)

It is well-documented that the subject site was previously used as a landfill and a sewage treatment plant and wastewater plant. Given the site's history, the applicant submitted a "Post Closure Land Use Plan Elements" dated September 1, 2004 prepared by BSK Associates and accompanying "Environmental Assessment Report Findings" dated January 20, 2003 prepared by the Twining Laboratories, Inc. The PCP is intended to monitor gases, outlines site stripping and monitoring (i.e. removing existing materials), outlines building materials and techniques, and outlines health and safety requirements during its development. These reports were also submitted for review and approval to the County of Fresno Department of Health, California Regional Water Quality Control Department and the California Integrated Waste Management Board. All three agencies approved the PCP. As a result, all development will be subject to compliance with the plan and accompanying documents.

San Joaquin River Access

The subject parcel is proximate to the San Joaquin River and currently provides access to the river bottom. As a result, the project was sent to the California State Lands Commission, the San Joaquin River Conservancy (State of California), and the San Joaquin River Parkway and Conservation Trust,



LEGEND



Subject Property



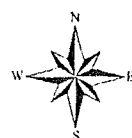
U.G.M. Area

VICINITY MAP

CONDITIONAL USE PERMIT NO. C-04-318

7765 N. PALM AVE.

PLANNING & DEVELOPMENT DEPARTMENT



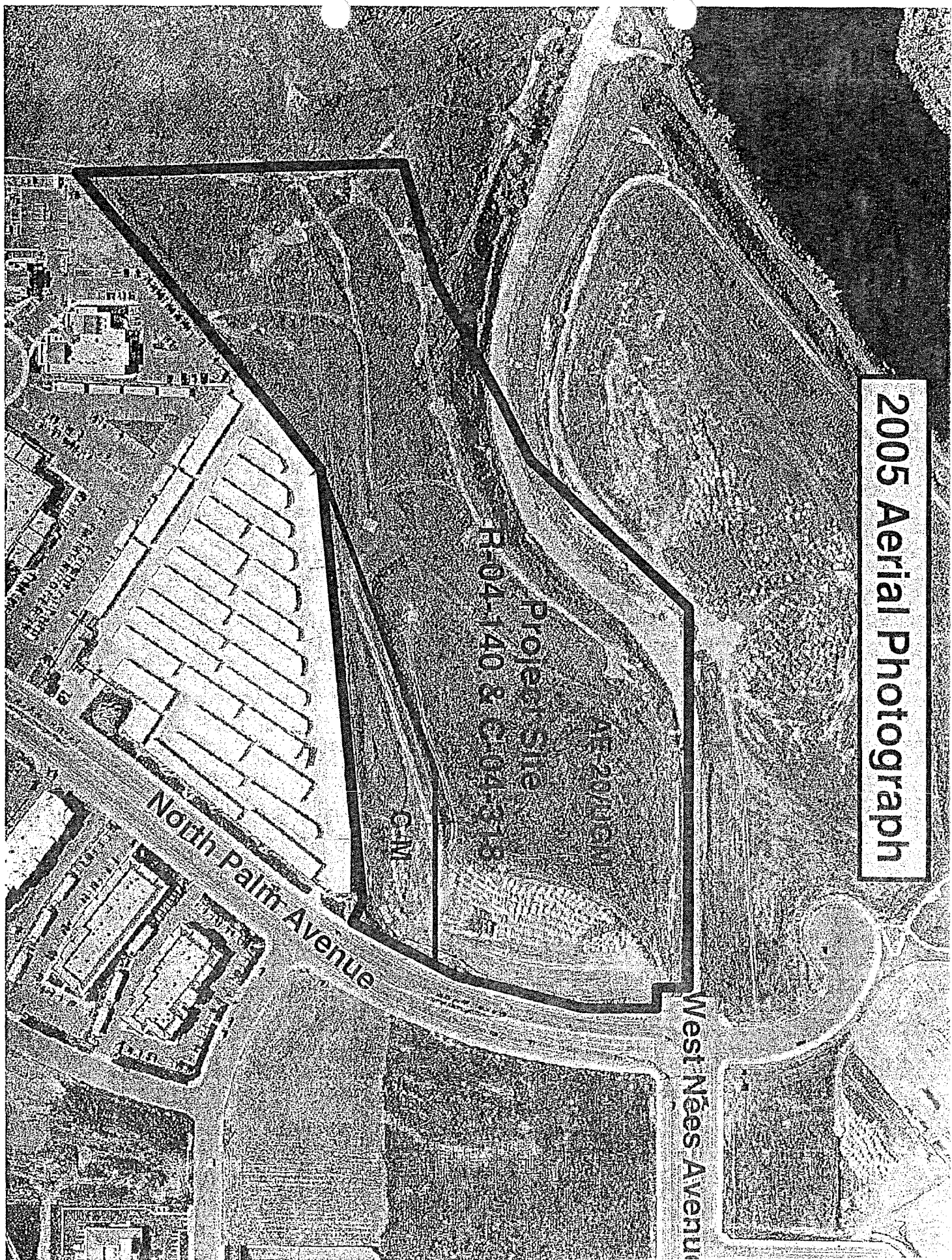
NOT TO SCALE

A.P.N.: 405-530-42,43,44

ZONE MAP: 1649

BY/DATE: J.S. / 2-24-05

2005 Aerial Photograph



Project Site

R-04-140 & C-04-318

AF-20/1001

C-M

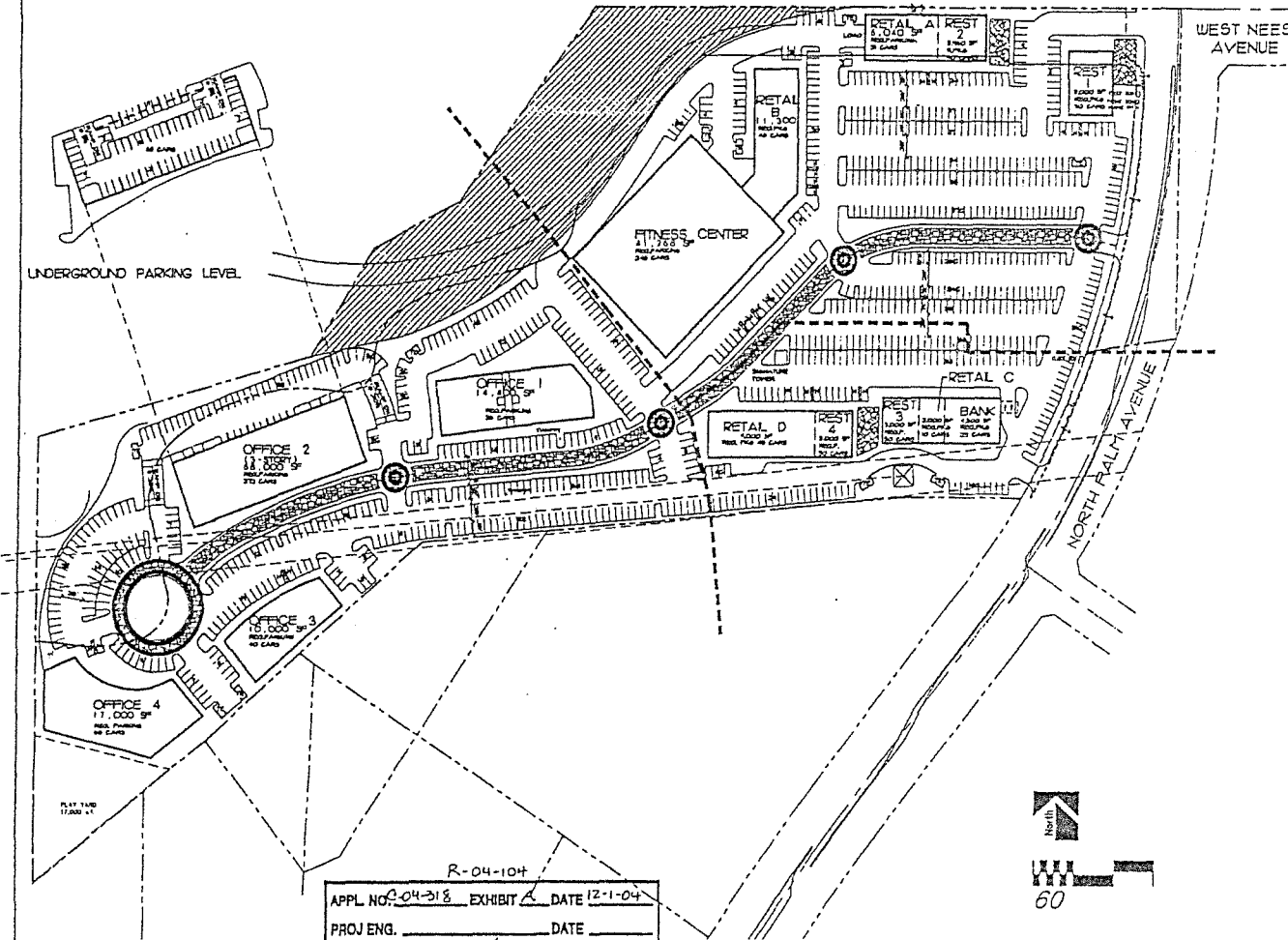
North Palm Avenue

West Nées Avenue

Exhibit A
Proposed Site Plan and Elevations

Proposed Site Plan

Exhibit A-1



Summary

Land	±19.77 AC ±861,456SF
Unusable slope area	85,339SF
Net Buildable area	776,117SF
Building	198,468SF
Land-to-Bldg Ratio	3.3/1
Coverage	23%
Parking Required	99 stalls
Parking Provided	100 stalls
Standard Stalls	822 stalls
Compact Stalls	161 stalls
Handicap Stalls	16 stalls
Parking Ratio	5.0/1000

ZONE A

RETAIL A = 8,000 S.F.
RETAIL B = 5,000 S.F.
RESTAURANT 1 = 3,000 S.F.
RESTAURANT 2 = 3,000 S.F.
HEALTH CLUB = 4,000 S.F.
PARKING REQUIRED = 45 CARS
PARKING PROVIDED = 422 CARS

ZONE B

RETAIL C = 3,000 S.F.
RETAIL D = 4,000 S.F.
RESTAURANT 3 = 3,000 S.F.
RESTAURANT 4 = 3,000 S.F.
BANK = 4,000 S.F.
PARKING REQUIRED = 104 CARS
PARKING PROVIDED = 106 CARS

ZONE C

OFFICES = 104,000 S.F.
PARKING REQUIRED = 400 CARS
PARKING PROVIDED =
STREET SURFACE = 45 LANE = 442 CARS

R-04-104

APPL NO. R-04-104	EXHIBIT A	DATE 12-1-04
PROJ. ENG.		DATE
TRAFFIC ENG.		DATE
COND. APPROVED BY		DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT		

ALL BUILDINGS, IMPROVEMENTS, TREE LOCATIONS AND THE LOTS AS SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO MODIFICATION AT THE OWNER'S DISCRETION WITHOUT NOTICE. THIS PRELIMINARY SITE PLAN IS BASED ON INFORMATION FURNISHED TO NADAL ARCHITECTS INC. AND IS SUBJECT TO VERIFICATION BY LOCAL SURVEY AND EXISTING RECORDS ETC. THE DRAWING IS NOT NECESSARILY A REPRESENTATION AS TO EXISTENCE, TYPE, SIZE, LOCATION, TIME OR OCCUPANCY OF ANY BUILDING WITHIN THE ZONE.

DATE: OCT. 25, 2004
DRAWN: JDB/

SITE PLAN

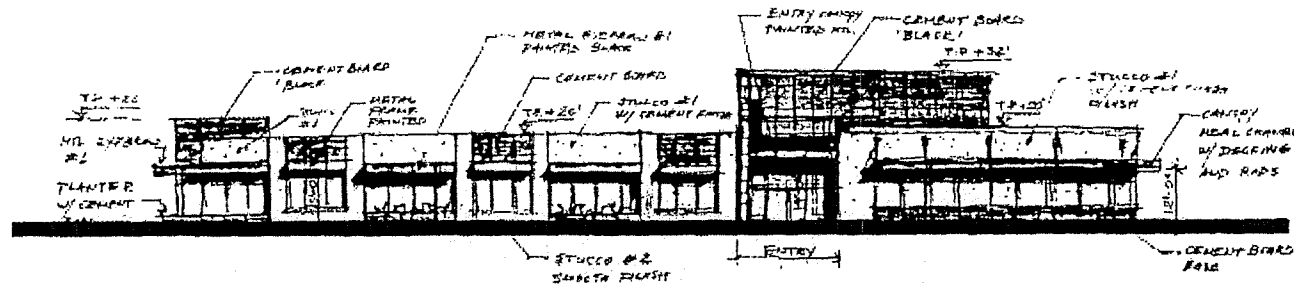
PARK PLACE
FRESNO, CA

1980 S. BUNDEY DR., FOURTH FLOOR
LOS ANGELES, CA. 90025
7310.828.2100 7310.828.0192
WWW.NADALARCHITECTS.COM

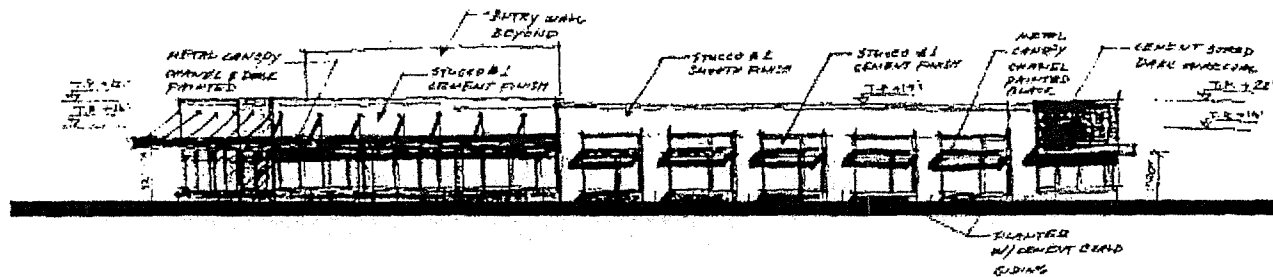


Exhibit A-2

Elevation South



Elevation North

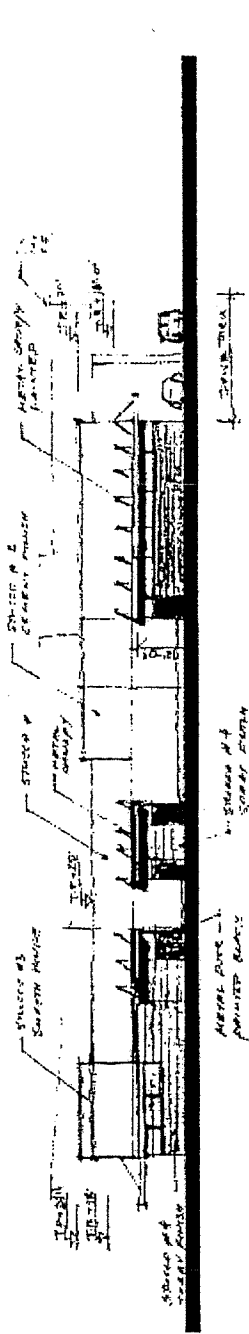


Office 1

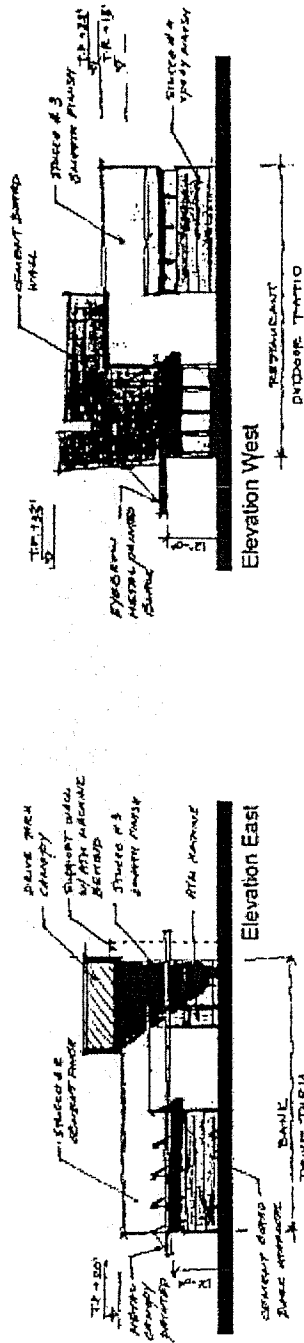
1000 E. 10TH ST. SUITE 100
DENVER, CO 80202
TEL: 303.733.4444
FAX: 303.733.4444

Nadel Architects Inc.

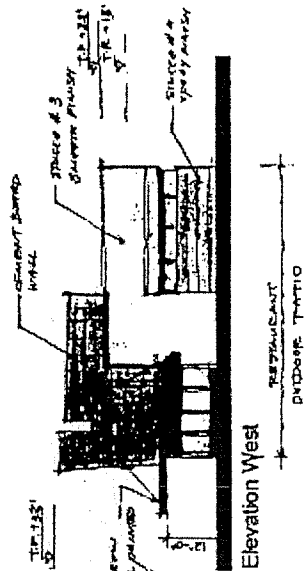
PARK PLACE
DENVER, CO



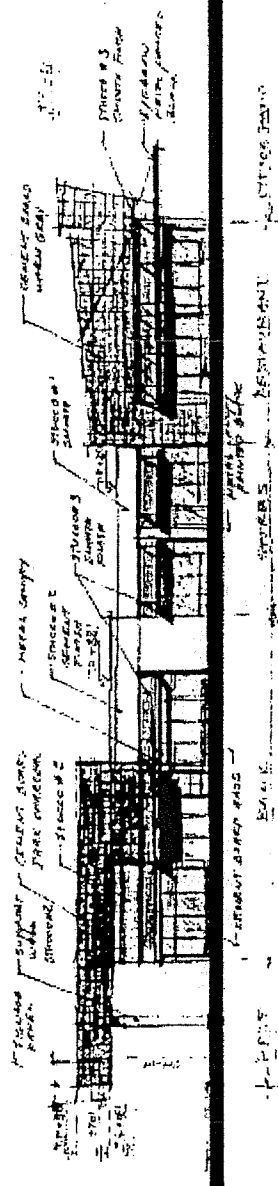
Elevation South



Elevation East

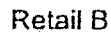


Elevation West



Elevation North

Exhibit A-6



BARA PLACE
STENO, PA

Nadel Architects Inc.

Exhibit B
Letter in support of the project

Russell G.
Smith
Inc.

Exhibit B

RECEIVED

July 26, 2005

JUL 29 2005

Planning Division
Development Department
CITY OF FRESNO

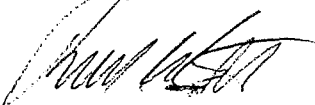
City of Fresno
Planning and Development Department
2600 Fresno Street
Fresno CA 93721-3604

Re: APN 402-030-42, 43 & 44

To Whom It May Concern:

I am the General Partner of partnerships which own property to the East, South, West and across the intersection to the Northeast of the subject property. We fully support the Rezone and Conditional Use Permit Application as proposed.

Sincerely,



Russell G. Smith,
President of
Russell G. Smith, Inc.

Enclosure

/sc

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
P. O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-6666
FAX (559) 488-4088
TTY (559) 488-4066

RECEIVED

JUN 22 2005

Planning Division
Development Department
CITY OF FRESNO

*Flex your power!
Be energy efficient!*

June 21, 2005

2131-IGR/CEQA
6-FRE-41-31.6+/-
C-04-318 & R-04-104
PARK PLACE

Mr. Arnaldo Rodriguez
City of Fresno Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Dear Mr. Rodriguez:

This letter supercedes our previous correspondence on this project.

Caltrans has met with the City's Traffic Engineer and with the project applicant for the "Park Place," an office/commercial development located on the southwest corner of North Palm Avenue and the West Nees Avenue alignment.

We discussed the calculations for one of the cost-per-trip fair share amounts that Caltrans has been using for one of the ramps at the State Route (SR) 41/Friant Road interchange. We concur with the revised trip rate as presented by the City. Therefore, Caltrans has the following revised comments:

Table 3 of the TIS indicates that trips from this site would impact the State Route (SR) 41 interchanges at Friant Road (116 trips) and Herndon Avenue (26 trips). Caltrans finds the trip distribution/trip generation to be satisfactory.

Past traffic studies have calculated a per trip fee for various demand movements as follows:

Northbound off-ramp to Herndon = \$998/trip
Southbound off-ramp to Friant = \$834/trip
Northbound on-ramp from eastbound Friant = \$757/trip
Southbound on-ramp from Friant = \$1,114/trip

Mitigation for project-related impacts:

Northbound off-ramp to Herndon = (5 trips)(\$998/trip) = \$4,990
Southbound off-ramp to Friant = (8 trips)(\$834/trip) = \$6,672
Northbound on-ramp from eastbound Friant = (13 trips)(\$757/trip) = \$9,841
Southbound on-ramp from Friant = (55 trips)(\$1,114/trip) = \$61,270 (revised rate)

This project's proportional fair share to mitigate for project-related impacts to the State Highway System is therefore calculated to be **\$82,773 (revised rate)**. Please have the applicant contact this office so that we may complete the necessary deferment agreement.

Mr. Arnaldo Rodriguez
June 21, 2005
Page 3

C: Mr. Steve Samuelian, California Consulting LLC
Mr. John Rowland, Peters Engineering Group
Mr. Jose Benavides, Transportation Manager, City of Fresno Public Works Department
Ms. Barbara Goodwin, Executive Director, Council of Fresno County Governments

Mr. Arnoldo Rodriguez
June 9, 2005
Page 2

Traffic generated from the site would impact the State Route (SR) 41 interchanges at Herndon Avenue and Friant Road. Due to the traffic generated by the land use changes that the City has approved in this area of Fresno, Caltrans design of the SR 41/Herndon Avenue and the SR 41/Friant Road interchanges are no longer capable of meeting the demand. In order to accommodate this additional growth, Caltrans has various improvements planned for both interchanges. Improvements planned for the SR 41/Herndon Avenue interchange include auxiliary lanes and additional ramp lanes for the northbound off-ramp (from Caltrans' approved Project Study Report). Improvements planned for the SR 41/Friant Road interchange include an auxiliary lane, widening the northbound off ramp to Friant Road and adding an additional lane on the mainline (from Caltrans' approved Project Study Report).

Significant unmitigated impacts will remain if this project is approved without addressing its impacts to the SR 41/Friant Road interchange. The applicant has prepared a traffic impact study that has identified impacts to the interchange. This traffic study was prepared to support the City's environmental assessment of the project and, as such, represents the City's nexus study. We assume this will be the nexus the City will use to require the applicant to make improvements to local streets. If the project's impacts cannot be reduced to a level of insignificance, a mitigated negative declaration is an inappropriate environmental document. If impacts cannot or will not be mitigated, the lead agency needs to require an Environmental Impact Report and then make a finding of overriding consideration in order to approve the project.

Caltrans notes that staff reports prepared for other projects have been deferring mitigation pending the outcome of the interchange deficiency study. Testimony provided at the November 9, 2004 City Council hearing for a multi-family residential development at Ashlan and Parkway, indicated that projects approved now will not be conditioned to mitigate at a later date when the deficiency study is complete. The City should therefore require mitigation for project-related impacts at the time the project is approved. If this project is not required to address its impacts to the State Highway System, significant unmitigated impacts will remain. This project will contribute traffic impacts and should therefore provide a pro rata fair share to reduce its impact to a level less than significant (per CEQA).

We request that this letter be made a part of the permanent record for this project and that a copy of our letter be included in the staff reports for both the City Council and the Planning Commission. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,



MOSES STITES
Office of Transportation Planning
District 06

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
P. O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-6666
FAX (559) 488-4088
TTY (559) 488-4066

**RECEIVED**

*Flex your power!
Be energy efficient!*

JUN 09 2005

June 8, 2005

Planning Division
Development Department
CITY OF FRESNO

2131-IGR/CEQA
6-FRE-41-31.6+/-
C-04-318 & R-04-104
PARK PLACE

Mr. Arnolando Rodriguez
City of Fresno Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Dear Mr. Rodriguez:

Caltrans was notified by the applicant's traffic consultant that our June 2, 2005 letter contained two errors that would change our fair share calculation for the office/commercial development located on the southwest corner of North Palm Avenue and the West Nees Avenue alignment.

Caltrans concurs with one of the assertions of the traffic consultant, and note that the wrong demand movement was used in our calculations. We have made the correction from "trips impacting the northbound on-ramp from westbound Friant" to "trips impacting the northbound on-ramp from eastbound Friant."

Caltrans does not concur with the traffic consultant on the second issue; namely that the cost per trip for the southbound on-ramp from Friant should be \$1,114. We stand by our cost of \$1,673 per trip.

Therefore, Caltrans has the following revised comments:

Table 3 of the TIS indicates that trips from this site would impact the State Route (SR) 41 interchanges at Friant Road (116 trips) and Herndon Avenue (26 trips). Caltrans finds the trip distribution/trip generation to be satisfactory.

Past traffic studies have calculated a per trip fee for various demand movements as follows:

Northbound off-ramp to Herndon = \$998/trip
Southbound off-ramp to Friant = \$834/trip
Northbound on-ramp from eastbound Friant = \$757/trip
Southbound on-ramp from Friant = \$1,673/trip

Mr. Arnoldo Rodriguez
June 8, 2005
Page 3

Commission. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,

A handwritten signature in cursive script that reads "Moses Stites".

MOSES STITES
Office of Transportation Planning
District 06

C: Mr. Steve Samuelian, California Consulting LLC
Mr. John Rowland, Peters Engineering Group
Mr. Jose Benavides, Transportation Manager, City of Fresno Public Works Department
Ms. Barbara Goodwin, Executive Director, Council of Fresno County Governments

Mr. Arnoldo Rodriguez
June 2, 2005
Page 2

planned for the SR 41/Herndon Avenue interchange include auxiliary lanes and additional ramp lanes for the northbound off-ramp (from Caltrans' approved Project Study Report). Improvements planned for the SR 41/Friant Road interchange include an auxiliary lane, widening the northbound off ramp to Friant Road and adding an additional lane on the mainline (from Caltrans' approved Project Study Report).

Significant unmitigated impacts will remain if this project is approved without addressing its impacts to the SR 41/Friant Road interchange. The applicant has prepared a traffic impact study that has identified impacts to the interchange. This traffic study was prepared to support the City's environmental assessment of the project and, as such, represents the City's nexus study. We assume this will be the nexus the City will use to require the applicant to make improvements to local streets. If the project's impacts cannot be reduced to a level of insignificance, a mitigated negative declaration is an inappropriate environmental document. If impacts cannot or will not be mitigated, the lead agency needs to require an Environmental Impact Report and then make a finding of overriding consideration in order to approve the project.

Caltrans notes that staff reports prepared for other projects have been deferring mitigation pending the outcome of the interchange deficiency study. Testimony provided at the November 9, 2004 City Council hearing for a multi-family residential development at Ashlan and Parkway, indicated that projects approved now will not be conditioned to mitigate at a later date when the deficiency study is complete. The City should therefore require mitigation for project-related impacts at the time the project is approved. If this project is not required to address its impacts to the State Highway System, significant unmitigated impacts will remain. This project will contribute traffic impacts and should therefore provide a pro rata fair share to reduce its impact to a level less than significant (per CEQA).

We request that this letter be made a part of the permanent record for this project and that a copy of our letter be included in the staff reports for both the City Council and the Planning Commission. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,



MOSES STITES
Office of Transportation Planning
District 06

C: Mr. Steve Samuelian, California Consulting LLC
Mr. John Rowland, Peters Engineering Group
Mr. Jose Benavides, Transportation Manager, City of Fresno Public Works Department
Ms. Barbara Goodwin, Executive Director, Council of Fresno County Governments

Mr. Arnolando Rodriguez
March 25, 2005
Page 2

SR 41/Friant Road interchange include an auxiliary lane, widening the northbound off ramp to Friant Road and adding an additional lane on the mainline (from Caltrans' approved Project Study Report).

Significant unmitigated impacts will remain if this project is approved without addressing its impacts to the SR 41/Friant Road interchange. The applicant has prepared a traffic impact study that has identified impacts to the interchange. This traffic study was prepared to support the City's environmental assessment of the project and, as such, represents the City's nexus study. We assume this will be the nexus the City will use to require the applicant to make improvements to local streets. If the project's impacts cannot be reduced to a level of insignificance, a mitigated negative declaration is an inappropriate environmental document. If impacts cannot or will not be mitigated, the lead agency needs to require an Environmental Impact Report and then make a finding of overriding consideration in order to approve the project.

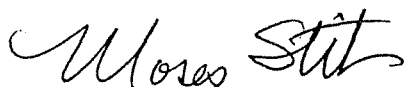
Caltrans notes that staff reports prepared for other projects have been deferring mitigation pending the outcome of the interchange deficiency study. Testimony provided at the November 9, 2004 City Council hearing for a multi-family residential development at Ashlan and Parkway, indicated that projects approved now will not be conditioned to mitigate at a later date when the deficiency study is complete. The City should therefore require mitigation for project-related impacts at the time the project is approved. If this project is not required to address its impacts to the State Highway System, significant unmitigated impacts will remain. This project will contribute traffic impacts and should therefore provide a pro rata fair share to reduce its impact to a level less than significant (per CEQA).

The City should consider using the "Toolbox" from the San Joaquin Valley Growth Response Study to prepare an analysis of the impacts created by this and other approved developments in the City. This would help to clarify issues that have been raised since the General Plan Update regarding densities in general and the High Rise Corridor specifically. Caltrans is available to partner with the City in this endeavor.

We request that this letter be made a part of the permanent record for this project and that a copy of our letter be included in the staff reports for both the City Council and the Planning Commission. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,



MOSES STITES
Office of Transportation Planning
District 06

C: Mr. Jose Benavides, Transportation Manager, City of Fresno Public Works Department
Ms. Barbara Goodwin, Executive Director, Council of Fresno County Governments

Mr. Arnaldo Rodriguez
February 23, 2005
Page 2

and the High Rise Corridor specifically. Caltrans is available to partner with the City in this endeavor.

Caltrans notes that staff reports prepared for other projects have been deferring mitigation pending the outcome of the interchange deficiency study. Testimony provided at the November 9, 2004 City Council hearing for a multi-family residential development at Ashlan and Parkway, indicated that projects approved now will not be conditioned to mitigate at a later date when the deficiency study is complete. The City should therefore require mitigation for project-related impacts at the time the project is approved. If this project is not required to address its impacts to the State Highway System, significant unmitigated impacts will remain. This project will contribute traffic impacts and should therefore provide a pro rata fair share to reduce its impact to a level less than significant (per CEQA).

We request that this letter be made a part of the permanent record for this project and that a copy of our letter be included in the staff reports for both the City Council and the Planning Commission. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,



MOSES STITES
Office of Transportation Planning
District 06

C: Mr. Jose Benavides, Transportation Manager, City of Fresno Public Works Department
Ms. Barbara Goodwin, Executive Director, Council of Fresno County Governments

**CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT**

CONDITIONS OF APPROVAL
AUGUST 3, 2005

CONDITIONAL USE PERMIT APPLICATION No. C-04-318

PART A - PROJECT INFORMATION

1. Assessor's Parcel No: 405-530-42, 405-530-43 & 405-530-44
2. Zone Map No: 1649
3. Job Address: 7765 North Palm Avenue (site address)
4. Street Location: Southwest corner of North Palm Avenue and the West Nees Avenue Alignment
5. Existing Zoning: AE-20/UGM (*Exclusive Twenty Acre Agricultural District/Urban Growth Management*) (17.07 acres)
C-M (*Commercial and Light Manufacturing District*) (2.01 acres)

Proposed Zoning: C-P/UGM (*Administrative and Professional Office District/Urban Growth Management*) zone district, subject to approval of Rezone Application No. R-04-104 (17.07 acres)

C-M zone district (2.01 acres) no change
6. Planned Land Use: Office Commercial and Light Industrial Planned Land Use Designations
7. Plan Areas: Bullard Community Plan
2025 Fresno General Plan
8. Project Description: Authorization to develop 198,468 square feet of office and commercial area. The site will be anchored by a three-story, 68,000 square foot office building and a 41,268 square foot fitness center. Eight other building pads are also proposed. The proposal also includes a bank which contains a drive-up teller.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The Fresno City Planning Commission, on August 3, 2005, approved the special permit application subject to the enclosed list of conditions and Exhibits A, E-1, E-2, E-3, E-4, E-5, and E-6 dated December 1, 2004.

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. **(Include this note on the site plan.)**

Transfer all red line notes, etc., shown on all original site plan exhibit to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by August 3, 2009 (four years from the date of the Planning Commission action). There is no exception.

To complete the back-check process for building permit relative to planning and zoning issues, submit eight copies of this corrected, final site plan, together with six copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Planning Division, Current Planning Section, for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division must be substituted for unstamped copies of same in each of the four sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please contact Arnoldo Rodriguez at (559) 621-8633 or via e-mail at Arnoldo.Rodriguez@fresno.gov for an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservation or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

- i) Remove existing improvements and install required improvements to new street alignment and grade.
- j) Install permanent paving, paving transition, concrete curb, gutter, sidewalk and driveway approaches to City Standard Specifications within all street frontages indicated on Exhibit A.
- k) Provide signage and striping plans. The signing and striping plans shall be done per the current Caltrans standards.
- l) Install wheel chair ramp at locations noted on Exhibit A.
- m) Underground all existing off-site overhead utilities within the limits of this site per FMC Section 12-1011 and Resolution No. 78-522/88-229.
- n) Submit the following as a single package to the Public Works Department, Engineering Division, Plan Check and GIS Mapping Section for review and approval prior to the issuance of building and street work permits: street improvement plans, signing and striping plans, street lighting plans and landscape and irrigation plans.

OFF-STREET PARKING FACILITIES AND GEOMETRICS

- o) Off-Street (on-site) parking facilities and geometrics shall conform to the City of Fresno, Public Works Department, Parking Manual Standard Specifications, P-41, P-42 and P-43.
- p) Provide parking spaces needs, circulation, access, directional signs, etc., as noted on Exhibit A.

SURVEY MONUMENTS AND PARCEL CONFIGURATION

- q) Existing survey monuments shall be preserved and if disturbed, shall be reset by a registered civil engineer or a licensed land surveyor. **(Include this note on the site plan.)**
- r) *The parcel configuration depicted on the proposed site plan does not conform to record information. A tract map, parcel map or lot line adjustment may be required to establish the lot depicted on the site plan. Contact the Planning & Development Department for additional information.*

URBAN GROWTH MANAGEMENT MAJOR STREET REQUIREMENTS

- s) The project site is located within Major Street Zone B Urban Growth Management area. Pay all fees at the time of issuance of building permits. Note that a building permit cannot be issued until all UGM requirements have been satisfied.

- e) Pursuant to Director's Classification No. 111 (adopted on November 7, 1984), the proposed fitness center is a permitted in the proposed C-P zone district subject to obtaining a Conditional Use Permit and compliance with the following conditions:

- i) The club shall be limited to racquetball courts, squash courts, an aerobics and exercise rooms, a weight room, a swimming pool, gymnasium, a snack bar and dining room and business offices. All facilities and activities shall be located within the building or structure, except for the swimming pool.
- ii) A fitness club shall be permitted in a planned office complex at least five acres in area.
- iii) Off-street parking shall be provided on the basis of four spaces per each 1,000 square feet of gross floor area. This may be modified based on an integrated site plan and the uses in the planned office complex.

Note that Section 12-306-I-2.2-B of the FMC contains special parking requirements for gymnasiums, therefore parking shall be subject to review in accordance with the FMC.

- iv) The exterior design of the club building shall be architecturally compatible with the buildings and structures in the planned office complex.
- v) If an outdoor swimming pool is constructed, the pool shall be enclosed within a six-foot solid masonry wall, except for gates and other openings, and shall comply with requirements of the FMC and the California Building Code for security and safety.

3) POPULATION DENSITY (Residential Projects)

- a) Not Applicable.

4) BUILDING HEIGHT

- a) Buildings may not exceed 60 feet within the proposed C-P zone district.
- b) **Clearly depict the proposed "Signature Tower." The tower elevations must be reviewed and approved prior to installation.**

5) LOT COVERAGE

- a) No Requirements in either the proposed C-P or C-M zone districts.

6) BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

- a) Provide the following minimum building setbacks:
 - i) 20 feet along North Palm Avenue
 - ii) 50 feet along the western property line (*Bullard Community Plan Policy 4.2.4-7-d*).

impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.

NOTE: One medium sized tree is defined as attaining a height of 30-60 feet at maturity. Two small trees, up to 30-feet high at maturity may be substituted for one medium sized tree.

- g) Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached *Development Department, Performance Standards for Parking Lot Shading*, including tree species and tree counts.
- h) Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Planning and Development Department. **(Include this note on the site plan.)**
- i) Submit six copies of landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Planning Division. These plans must be reviewed and approved prior to obtaining building permits.
- j) Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Planning Division. **(Include this note on the site and landscape plans.)**

7) SPACE BETWEEN BUILDINGS

- a) Not Applicable.

8) FENCES, HEDGES, AND WALLS

- a) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.
- b) Only those fences as shown on the site plan shall be reviewed for approval. Any proposed fence must be located at the rear of the required landscape setback along the streets listed above, with the exception of the required fence along the western property line (i.e. common property line between the subject site and the adjoining residential planned land use parcel).
- c) Submit a rendering depicting the fence height, color, location etc. for review and approval.
- d) Section 12-216.5-H of the FMC requires a solid masonry wall six feet in height when a C-P zoned parcel, abuts a residential zone district. Thus, this wall shall be installed along the western property line.

Refer to the "Development Requirements for Handicapped Accessibility" of above-mentioned code.

- d) All handicapped stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**
- e) All handicapped parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from handicapped parking stalls and ramps. **(Include this note on the site plan.)**
- f) Lighting where provided to illuminate parking shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works, the Planning and Development Department and the Fresno Police Department. **(Include this note on the site plan.)**
- g) Clearly depict all proposed light fixtures, including height.
- h) Provide bicycle parking spaces per Section 12-306-I-2.1-C of the Fresno Municipal Code adjacent to *each* proposed building. Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures (depict on Exhibit A).
- i) Outdoor storage, including ISO containers, is prohibited **(Include this note on the site plan.)**

10) LOADING SPACES

- a) Per Section 12-306-L of the Fresno Municipal Code, loading space requirements will apply when a use involves pick-up and delivery of materials (other than normal solid waste collections) from trucks and tractor-trailers weighing more than two tons. Should trucks exceeding two tons not be utilized in the operation of the proposed business, a letter must be submitted to the Planning Division stating such. Loading spaces shall not be less than 12 feet in width and 40 feet in length and shall have 14 foot of vertical clearance.
- b) Where loading is adjacent to a residential district, loading shall be done only between the hours of 8:00 a.m. to 6 p.m.; unless the loading is located not less than 100 feet from such district or is completely enclosed.

submittal are available at the Planning Division's Public Front Counter. **(Include this note on the site plan.)**

- b) In an effort to prevent potential problems with the flow of traffic in the area, directional signs may be installed at each project entrance, which is located on a major street. The signs shall not exceed 24 square feet in area or 8 feet in height and shall contain a directional arrow and business name and/or address. These signs must be approved as part of a Conditional Use Permit, but are not required as part of a Sign Review Application nor a Master Sign Program Application.

PART E - CITY AND OTHER SERVICES

16) FIRE PROTECTION REQUIREMENTS

- a) Comply with the requirements of the attached Fire Department memorandum dated March 1, 2005.

17) SOLID WASTE COLLECTION

- a) Comply with the attached Solid Waste Management Requirements dated March 22, 2005.

18) POLICE PROTECTION REQUIREMENTS

- a) The Police Department offered no comments.

19) PUBLIC UTILITIES REQUIREMENTS

- a) The subject site is currently within the Pinedale County Water District. However, in a letter from the City of Fresno, Department of Public Utilities dated May 23, 2005 the city identifies several avenues for the city to serve the site. Thus, comply with the attached Public Utilities memorandum dated May 23, 2005.

20) FLOOD CONTROL REQUIREMENTS

- a) Comply with the attached Fresno Metropolitan Flood Control District memorandum, dated March 11, 2005.
- b) A \$115,806.00 FMFCD drainage fee must be paid prior to issuance of building permits.
- c) No surface run-off shall be directed towards the bluffs.

21) SCHOOL FEES

- a) School fees must be paid prior to issuance of building permits. (Contact Clovis Unified School District.) Provide proof of payment (or no fee required) prior to issuance of building permits.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

- 1) Include a color and material schedule on the site plan, as well as on the elevations, for the exterior of all buildings and structures. Note that pursuant to Policy C-20-f of the 2025 General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings (i.e. specifically those visible from North Palm Avenue) shall not be developed with featureless "blank" walls. This may be accomplished by varying the building footprint with indentations, projections, offsets, different building material, adding polyfoam with a stucco finish, accent banding, etc. to add visual interest and to break up the monotonous walls. Submit elevations, of all proposed buildings, for review and approval.
- 2) Roof-mounted and detached mechanical equipment for commercial and office uses shall be screened from view and acoustically baffled to prevent the noise level rating for the equipment from exceeding 55 Ldn measured at the nearest property line. **(Include this note on the site plan.)**
- 3) If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**
- 4) 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 (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) 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. **(Include this note on the site plan.)**
- 5) If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Planning and Development Department Director within 15 days.



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



Public Works Department
David Healey, Director

August 1, 2005

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

SUBJECT: RESPONSE TO TRAFFIC IMPACT STUDY (TIS) FOR THE OFFICE AND RETAIL COMPLEX ON THE WEST OF THE INTERSECTION OF PALM AND NEES AVENUE

We reviewed the Traffic Impact Study (TIS) dated March 9, 2005; Addendum 1 dated April 21, 2005; and Addendum 2, dated May 12, 2005 for the proposed office and retail complex center with a gross leasable area of 128,740 square feet. Based on the ITE Trip Generation manual, this project will generate 8,366 daily trips, 572 AM and 972 PM peak hour trips.

The City has the following comments to the traffic impact study:

As a mitigation measure, this project shall:

1. As a condition of the proposed project, the Owner/Developer shall signalize the intersection of **Palm at Nees Avenue**. Eligible work at this intersection can be credited against the required Traffic Signal Mitigation Impact Fee (TSMI fee) in item number 3 below. This proposed construction of this signal shall include, but not limited to the following:
 - a. The intersection shall be signalized to City of Fresno Standards complete with actuation, left/right turn phasing, and signal pre-emption.
 - b. Protected dual westbound left-turn lanes
 - c. Protected dual northbound left-turn lanes
2. (Future conditions) The developer/owner shall pay its fair share cost for the **Audubon at Nees Avenue** improvements using the Caltrans Equitable Share Formula. The City of Fresno has established a geometric layout and cost estimate for the improvements for the intersection of Audubon at Nees Avenue. The cost is estimated to be \$260,000. Based on the equitable fair share percentage, the impact is 66.2%, which results in the amount of a total mitigation fee of \$172,120. This was based on the following formula:

Calculations for Audubon at Nees Avenue:

$$EquitableShare = \left(\frac{674}{3,037 - 2,019} \right) = .662 \Rightarrow 66.2\%$$

$$P = \left(\frac{p}{f - e} \right)$$

Where,

P=Fair share percentage

p=The higher of the AM or PM Peak hour project trips without General Plan Amendment (G.P.A.)

f=Total 2025 corresponding future peak hour traffic without project.

e=Existing traffic.

**AREA TO BE SERVED BY THE CITY OF FRESNO
PUBLIC UTILITIES AND DETACHED FROM THE
PINEDALE COUNTY WATER DISTRICT**

All that portion of Section 32, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the United States Government Township Plat, described as follows:

Beginning at a point on the North line of said Section which bears 1811.40 feet West of the Northeast corner thereof, said point being in the centerline of the San Joaquin Canal; thence following said centerline, South 35°30' West, along the existing boundary of the Pinedale County Water District, 316.00 feet, South 62°24' West, along said boundary, 130 feet, South 31°27' West, along said boundary, 164.62 feet, and South 74°33' West, along said boundary, 387.92 feet; thence leaving said centerline and also leaving said boundary, South 0°14' West, 586.95 feet, more or less, to a point which bears North 0°14' East 2211.45 feet from that certain angle point "A" as shown on the Record of Survey Map recorded in Book 18 page 56 of Record of Surveys, Fresno County Records; thence North 51°26' East, along said boundary, 301 feet; thence South 38°53' East, along said boundary, 221.5 feet; thence North 66°16' East, along said boundary, 52.45 feet; thence North 33°11' East, along said boundary, 594.3 feet; thence North 73°03' East, along said boundary, 425.65 feet; thence North 82°0' East, along said boundary, 416.55 feet; thence Northerly, along said boundary, and parallel with the East line of said Section 32 to the North line thereof; thence Westerly, along said North line of Section 32, being also along said boundary, 809 feet more or less, to the Point of Beginning.

Prepared: September 23, 2005
Revised: November 29, 2005

Area = 19.77 acres more or less

BOUNDARY CHANGE RECORDED

TIME 2:29 p.m. DATE 6/2/06
DOCUMENT # 20060116216
EFFECTIVE June 2, 2006

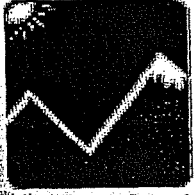
APPROVED

LAFCO RES. # DD-05-1
September 28, 2005
DATE

**AREA TO BE SERVED BY THE CITY OF FRESNO
PUBLIC UTILITIES AND DETACHED FROM THE
PINEDALE COUNTY WATER DISTRICT**

All that portion of Section 32, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the United States Government Township Plat, described as follows:

Beginning at a point on the North line of said Section which bears 1811.40 feet West of the Northeast corner thereof, said point being in the centerline of the San Joaquin Canal; thence following said centerline, South 35°30' West 316.00 feet, South 62°24' West 130 feet, South 31°27' West 164.62 feet, and South 74°33' West 387.92 feet; thence leaving said centerline, South 0°14' West 586.95 feet, more or less, to a point which bears North 0°14' East 2211.45 feet from that certain angle point "A" shown on the Record of Survey Map recorded in Book 18 page 56 of Record of Surveys, Fresno County Records; thence North 51°26' East 301 feet; thence South 38°53' East 221.5 feet; thence North 66°16' East 52.45 feet; thence North 33°11' East 594.3 feet; thence North 73°03' East 425.65 feet; thence North 82°0' East 416.55 feet; Thence Northerly and parallel with the East line of said Section 32 to the North line thereof; thence Westerly, along said North line of Section 32, 809 feet more or less, to the Point of Beginning.



San Joaquin Valley
Air Pollution Control District

COMPLIANCE ASSISTANCE BULLETIN
October 2004

Fugitive Dust Control at Construction Sites: New Requirements

Regulation VIII, Fugitive PM10 Prohibitions, of the District's Rules and Regulations apply to activities that generate fugitive dust. Fugitive dust is emitted into the air by activities that disturb the soil, such as from earthmoving activities and vehicular/equipment traffic on unpaved surfaces. Windblown dust is also of concern at construction sites.

The District adopted Regulation VIII in 1993 and its most recent amendments became effective on October 1, 2004. This is a basic summary of the regulation's requirements as they apply to construction sites.

Visible Dust Emissions (VDE) may not exceed 20% opacity during periods when soil is being disturbed by equipment or by wind at any time. Visible Dust Emissions opacity of 20% means dust that would obstruct an observer's view of an object by 20%. District inspectors are state certified to evaluate visible emissions. Dust control may be achieved by applying water before/during earthwork and onto unpaved traffic areas, phasing work to limit dust, and setting up wind fences to limit wind blown dust.

Soil Stabilization is required at regulated construction sites after normal working hours and on weekends and holidays. This requirement also applies to inactive construction areas such as phased projects where disturbed land is left unattended. Applying water to form a visible crust on the soil and restricting vehicle access are often effective for short-term stabilization of disturbed surface areas. Long-term methods including applying dust suppressants and establishing vegetative cover.

Carryout and Trackout occur when materials from emptied or loaded vehicles falls onto a paved surface or shoulder of a public road or when materials adhere to vehicle tires and are deposited onto a paved surface or shoulder of a public road. Should either occur, the material must be cleaned up at least daily, and immediately if it extends more than 50 feet from the exit point onto a paved road. The appropriate clean-up methods require the complete removal and cleanup of mud and dirt from the paved surface and shoulder. Using a blower device or dry sweeping with any mechanical device other than a PM10-efficient street sweeper is a violation. Larger construction sites must prevent carryout and trackout from occurring by installing gravel pads, grizzlies, wheel washers, paved interior roads, or a combination thereof at each exit point from the site.

Access and Haul Roads that are unpaved, as well as unpaved vehicle and equipment traffic areas at construction sites must have dust control. Speed limit signs limiting vehicle speed to 15 mph or less at construction sites must be posted every 500 feet.

Storage Piles and Bulk Materials have handling, storage, and transportation requirements that include applying water when handling materials, wetting or covering stored materials, and installing wind barriers to limit VDE. Also, limiting vehicle speeds, loading haul trucks with a freeboard of six inches or greater along



DATE: March 8, 2005

TO: Planning and Development Department, Planning Division

FROM: Public Works Department, Engineering Division

SUBJECT: Conditions of Approval for **C-04-318**

PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to David Padilla at (559) 621-8798 / David.Padilla@fresno.gov or Greg Jenness at (559) 621-8812 / Greg.Jenness@fresno.gov Engineering Division, Traffic Planning Section.

TRAFFIC IMPACT STUDY

This development will generate 477 a.m. / 806 p.m. peak hour trips and generate a daily count of 6791 V.T.D. A Traffic Impact Study is required. If yes, the Developer/Owner should consult with the City of Fresno Traffic Engineering Section for the scope of the Traffic Impact Study (TIS). A trip trace for the proposed project should be provided prior to consulting with the Traffic Engineering Section. The TIS shall identify the mitigation measures, which would mitigate the project and/or other related projects' significant impacts to a level of insignificance.

Note: All projects that are projected to generate 100 or more peak hour trips (AM or PM) shall prepare a Traffic Impact Study, as identified in the 2025 Fresno General Plan, Traffic Mitigation Measure B-4, b.

STREET DEDICATIONS AND ENCROACHMENT PERMITS

Identify all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc. within the public right of way. Also, identify the required 4-foot minimum path of travel along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). A pedestrian easement may be required if Title 24 requirements cannot be met.

Vacate 80-feet of right-of-way along North Palm Avenue, prior to building permits.

The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the Public Works Department, Engineering Division, Special Districts / Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.

The parcel configuration depicted for the proposed development does not conform to record information: a tract map, parcel map, or lot line adjustment (whichever is applicable) is required to establish this configuration. Contact the Planning and Development Department for details or submit a revised exhibit confining the proposed development within existing parcel lines.

URBAN GROWTH MANAGEMENT MAJOR STREET REQUIREMENTS

The project site is located within the Major Street Zone "B", Urban Growth Management (UGM) area. Pay all fees at the time of issuance of building permits. The UGM Fee obligations for this development will be computed during the building construction plan check process.

A BUILDING PERMIT CANNOT BE ISSUED UNTIL THE UGM REQUIREMENTS HAVE BEEN SATISFIED.

FRESNO FIRE DEPARTMENT

FPB-42

FIRE HYDRANT AND ACCESS REQUIREMENTS

APPLICATION NO. R-04-104 / C-04-318 DATE 3/1/05
 LOCATION 7765 N. Palm Ave REVIEWED BY W. Deste J. J. J.

HYDRANTS

1. ☒ Developer must install on-site hydrant(s). See plan for location(s). Provide fire hydrant flow of [] 1500 GPM ☒ 2500 GPM 8" water main minimum.
2. ☒ Public street hydrant(s) must be installed. Coordinate street hydrant locations with Public Works. *If west Nees is extended to the west, hydrants would be required every 45 f*
3. ☒ Fire hydrants shall be tested and approved, and all surface access roads shall be installed and made serviceable prior to and during the time of construction. The 4-1/2" outlet shall face the access lane.

ACCESS

GENERAL:

4. ☐ Two means of ingress/egress must be provided. This access must be maintained during all phases of development.
5. ☒ All construction work on this project is subject to interruption if the road system becomes impassable for fire apparatus due to rain or other obstacles.
6. ☒ All openings in the perimeter of a building shall be accessible from within 150 feet of a public street or private driveway.
7. ☐ Loading zones shall not be located in required fire lanes.
8. ☒ Where buildings or portions thereof are more than 35 feet in height, an aerial truck setup area shall be located adjacent to at least one side of such buildings. Aerial truck setup areas shall be minimum width of 30 feet wide for not less than 60 feet when part of through fire lanes *Office 2"*
9. ☒ Aerial truck setup areas, as described in No. 8 above, shall be provided adjacent to at least two sides of buildings more than 35 feet in height that exceed 150 feet in length or width. *? "Office 2"*
10. ☐ All private streets and driveways that are provided for common access, and are required for Fire Department access, shall be constructed to a minimum unobstructed width of 20 feet. For drives separated by a median, 15 foot minimum lanes are required.
11. ☒ Streets highlighted on plan shall be identified as fire lanes as provided in the California Vehicle Code, Section 22500.1. Designate highlighted curbs as fire lanes (red curb with "Fire Lane" in 3" white letters every 50 feet or approved signs every 50 feet).
12. ☒ Provide sign(s) (17" X 22" minimum) at all public entrance drives to the property, which state, "Warning - Vehicles stopped, parked, or left standing in fire lanes will be immediately removed at owner's expense - 22658 _____ California Vehicle Code - Fresno Police Department 498-1414."
13. ☐ Turns in private drives and intersecting drives shall have a minimum 34 foot centerline turning radius.
14. ☒ Turns in private drives for aerial truck access, required in No. 5 above, shall have a minimum 44 foot centerline turn radius *(If Office Two is more than 35')*

**CITY OF FRESNO - PLANNING AND DEVELOPMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
REZONE APPLICATION NO. R-04-104 AND
CONDITIONAL USE PERMIT APPLICATION NO. C-04-318**

DPU - Solid Waste Management

Return Completed Form to:

Arnoldo Rodriguez, Planner III ph: 621-8633
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Applications for rezone and conditional use permit have been filed for a 19.8±-acre site located on the southwest corner of North Palm Avenue and West Nees Avenue Alignment. **Rezone Application No. R-04-104** is a request to rezone the property from AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district. **Conditional Use Permit Application No. C-04-318** proposes the construction of 198,468 square feet of building area that will include retail shops, offices, bank, and fitness center adjacent to the Palm Bluffs Corporate Center.

APN: 405-530-42, 43, 44 **ZONING:** AE-20/UGM to C-P/UGM **ADDRESS:** 7765 North Palm Avenue

DATE ROUTED: February 16, 2005

COMMENT DEADLINE: February 26, 2005

If no response is received by the comment deadline, it will be assumed you have no comments to submit.

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.) **YES, PROPOSED PROJECT WILL BE SERVICED BY SOLID WASTE DIVISION**

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

- ENCLOSURES ARE NOT SHOWN TO CURRENT SPECIFICATIONS
- 3 CELLS REQUIRED FOR RESTAURANTS (SEE ATTACHED)
- NEED TO SHOW TURNING TEMPLATES FOR ROUND ABOUTS
- ALL DIMENSIONS ARE NOT SHOWN THROUGHOUT PROJECT

RECOMMENDED CONDITIONS OF APPROVAL:

- PROJECT WILL BE SERVICED BY SOLID WASTE DIVISION
- ENCLOSURES MUST BE BUILT TO CURRENT STANDARDS
- PROVIDE TURNING TEMPLATES FOR ROUND ABOUTS
- PROVIDE 3 CELL ENCLOSURES FOR RESTAURANTS

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (If yes, list specific information.):

REVISE PLANS TO SHOW ALL SOLID WASTE REQUIREMENTS STATED ABOVE AND RESUBMIT FOR APPROVAL.

REVIEWED BY:

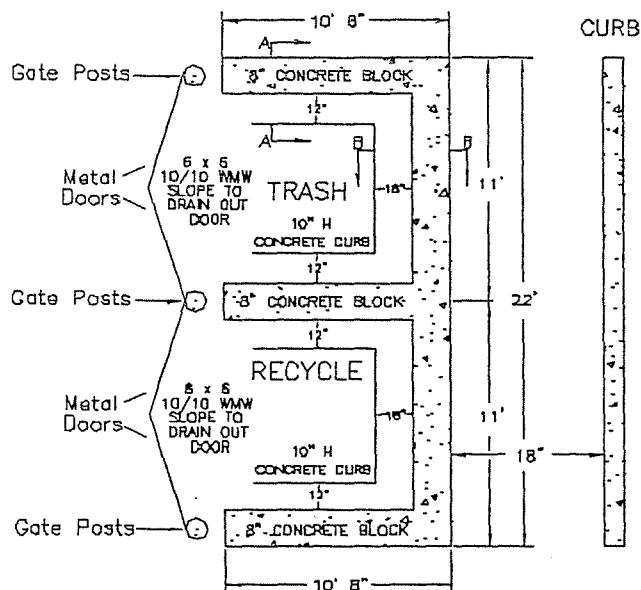
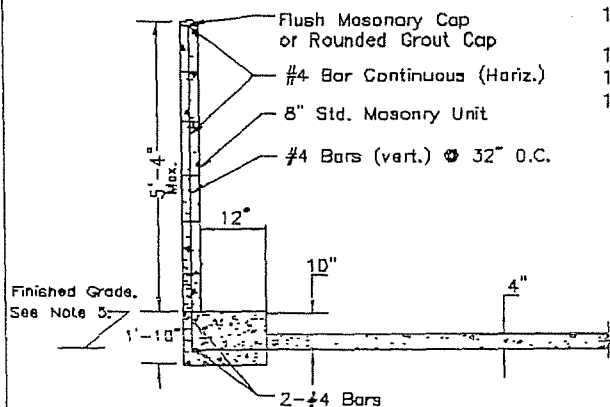
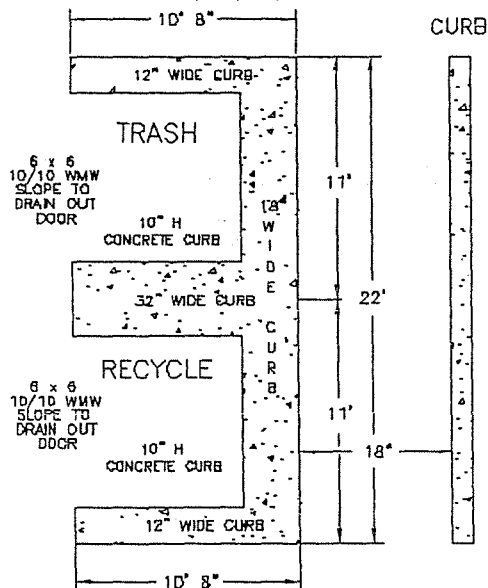
Donald R. Rie Staff Assistant 621-1873 2/22/05

Name and Title

Telephone Number

Date

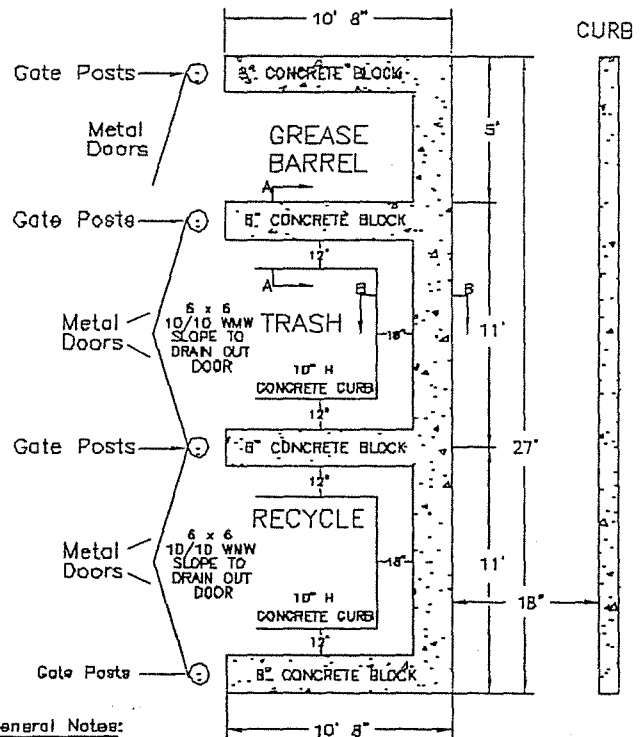
ENCLOSURE SCALE / STANDARD

ENCLOSURE SCALE/ CURB ONLY
ZONES-M1,M2,M3, & CM ONLY

View "A-A"

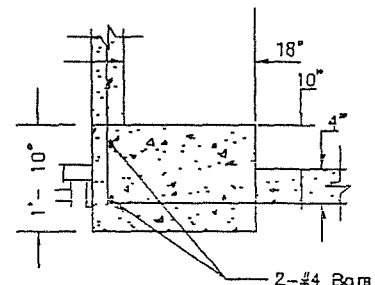
Typical Section w/ Concrete Block Wall

ENCLOSURE SCALE / RESTAURANT



General Notes:

1. All construction shall comply with the Fresno Municipal Code.
2. Grout all cells.
3. All masonry units shall comply with the latest adopted California Building Code and U.B.C. standard 24-4 Grade N.
4. All masonry walls shall be inspected by the City of Fresno.
5. Depth of footings are into natural undisturbed soil or tested and approved compacted fill.
6. All masonry units shall be minimum f'm=1500 psi.
7. Reinforcing steel shall be deformed bar, min. Grade 40.
8. Footing concrete shall be a minimum 2000 psi at 28 days.
9. Mortar shall be type-S (minimum 1800 psi at 28 days).
One (1) part cement, Type-1
One-half (1/2) part lime putty or hydrated lime.
Four and one-half (4 1/2) parts sand (maximum).
10. Grout shall be a minimum 2000 psi at 28 days.
One (1) part cement.
Three (3) parts sand.
Two (2) parts pea gravel.
11. Finish pad elevation to be flush with grade at access pavement.
12. Any gate hinges should be located on the outside.
13. Metal doors are required on all enclosures, chain link is not acceptable.
14. 8" concrete block to be used for walls.
15. 2 cells are required for commercial/industrial buildings.
16. 3 cells are required for restaurants.

Finished Grade,
See Note 5.

View "B-B"

TYPICAL REFUSE CONTAINER
ENCLOSURE DETAILSREF. & REV.
APRIL, 2004

CITY OF FRESNO

P-33

City of



Department of Public Utilities
Administration Division
2600 Fresno Street • Fresno, California 93721-3624
(559) 621-8600 • FAX (559) 498-1304
www.fresno.gov



RECEIVED

JUN 06 2005

May 23, 2005

Planning Division
Development Department
CITY OF FRESNO

Mr. Cliff Tutelian
2300 Tulare Street, Suite 300
Fresno, CA 93721

RE: Water "Will Serve" letter for the proposed Park Place Shopping Complex
APN 405-530-42, 43 and 44 7765 North Palm Avenue

Dear Mr. Tutelian:

You have requested that the City of Fresno provide water service (both initial connection and ongoing service) to the project site listed above. I am writing to inform you of the conditions under which the City of Fresno may be able to provide water service to this project.

As you are aware, this project site lies not only within the boundaries of the City of Fresno, it also lies within the boundaries of the Pinedale County Water District (PCWD). Under normal circumstances, PCWD would be the provider of water service for this site. However, you have informed me that, according to a letter you received from your project engineer Bret Giannetta (copy attached), the site is currently not serviceable by PCWD. Hence your request that the City of Fresno provide the water service to the site.

The City of Fresno will provide water service to the site subject to the following criteria:

1. Payment of all fees and costs that will be due to the City of Fresno for connection, inspection, water delivery, and all other goods and services necessary to provide service to the site. This includes up-front, incidental, recurring, and ongoing costs.
2. Delivery to this office of a letter from PCWD wherein PCWD states that they are currently unable to provide service to the site, and that PCWD grants permission to have the site's water needs served by the City of Fresno.
- or -
Delivery to this office of a letter from the Fresno County Local Agency Formation Commission (LAFCo) wherein LAFCo grants permission to have the site's water needs served by the City of Fresno.

Note: In either case, the City of Fresno will bill directly to the responsible party (you, your agent, or your successor) for any costs of service.

Water "Will Serve" Letter
Mr. Cliff Tutelian
May 23, 2005
Page 2

Unless PCWD and/or LAFCo indicate otherwise, it is the City's understanding that service to the site by the City of Fresno will continue only until such time that PCWD is able to serve the site.

Thank you for your efforts to support economic development within our community, and for your investment in Fresno.

Sincerely,



for Patrick Wiemiller
Interim Director

Attachment

cc: Nick Yovino, Director of Planning & Development
Lon Martin, Water Division Manager
Jim Bier, Chief Engineering Technician

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT NOTICE OF REQUIREMENTS

PUBLIC AGENCY

Mr. Gil Haro, Planning Manager
Planning & Development Department
City of Fresno
2600 Fresno Street
Fresno, CA 93721

DEVELOPER

CLIFFORD TUTELIAN
2300 TULARE ST., SUITE 300
FRESNO, CA 93721
-

PROJECT NO. 2004-318DRAINAGE AREA " DH " " - "DATE 3-11-05APN 405-53042,43,44

PRELIMINARY FEE(S) (See below)

DRAINAGE AREA " DH " \$115,806.00DRAINAGE AREA " - " -TOTAL FEE \$115,806.00ADDRESS 7765 N. PALM AVE.

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through May 8, 2005 based on the site plan submitted to the District on 02/23/05 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- a) Fees related to undeveloped or phased portions of the project may be deferrable.
- b) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.

CUP**No.****2004-318**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**

Page 3 of 4

6. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.

a.

State General Permit for Storm Water Discharges Associated with Construction Activities, approved August 1999, (modified December 2002.) A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.

b.

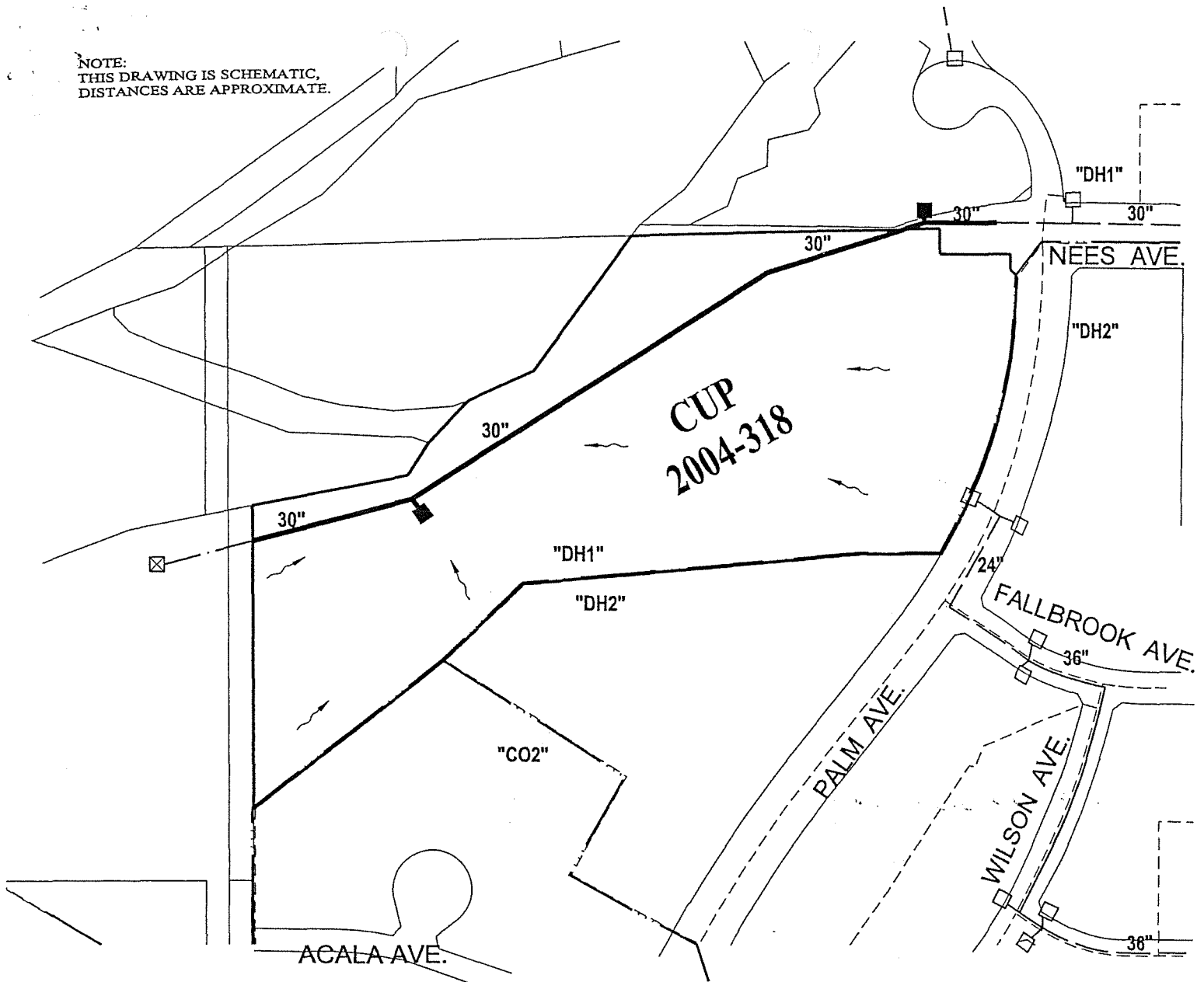
State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office.) A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.

CUP

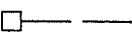
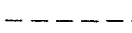
No.

2004-318

NOTE:
THIS DRAWING IS SCHEMATIC,
DISTANCES ARE APPROXIMATE.



LEGEND

-  Master Plan Facilities To Be Constructed By Developer - Pipeline (size Shown) & Inlet.
-  Existing Master Plan Facilities
-  Direction Of Drainage
-  Inlet Boundary
-  Existing Temporary Inlet

SCALE = 1"=300'

CUP 2004-318
DRAINAGE AREA: "DH"



EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

OTHER REQUIREMENTS
EXHIBIT NO. 2

A minimum fifteen-foot (15') wide storm drain easement will be required whenever storm drain facilities are located on private property. No encroachments into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

The easement may be slightly realigned to accommodate future development, provided the property owner accepts the responsibility to grade the property such that the drainage from the property will reach inlets on the alternate pipeline alignment, and accepts any additional costs for the construction of additional storm drain facilities that may be required. Any proposed storm drain alignments must be reviewed and approved by the District.

The subject site is located within the District's Drainage Area "DH". Runoff from the CUP 2004-318 system will ultimately drain to the San Joaquin River. Drainage runoff from commercial and industrial land uses directly to the river is prohibited by City of Fresno and District policy. The District is therefore requiring on-site mitigation of the runoff quality prior to discharge to the public drainage system. The specific plan and detail of the proposed mitigation must be reviewed and approved by the District prior to implementation. The Developer is responsible to implement mitigation features which will maintain compliance with the Local, State, and EPA standards and regulations throughout the life of the project.

No surface run-off shall be directed towards the bluffs.

Development No. CUP 2004-318

additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.

Regulation VIII (Fugitive PM10 Prohibitions)- Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction, road construction, bulk materials storage, landfill operations, etc. If a non-residential project is 5.0 or more acres in area, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. If a non-residential site is 1.0 to less than 5.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities (see section 6.4.2). A compliance assistance bulletin has been enclosed for the applicant. A template of the District's Dust Control Plan is available at:

<http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2010-14-2004.pdf>

Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

Rule 4601 (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Rule 4692-(Commercial Charbroiling) regulates chain-driven charbroilers to limit Volatile Organic Compounds (VOC) and PM10 emissions. Items subject to this rule include (but are not limited to): grill charbroilers, flamebroilers and direct-fired barbecues.

The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as City development standards. Any measure selected should be implemented to the fullest extent possible.) The suggestions listed below should not be considered all-inclusive and remain options that land-use authority should consider:

- Trees should be carefully selected and located to protect the buildings from energy consuming environmental conditions, and to shade paved areas. Trees should be selected to shade paved areas that will shade 50% of the area within 15 years. Structural soil should be used under paved areas to improve tree growth.
For Structural Soil see <http://www.hort.cornell.edu/uhi/outreach/csc/>
For Tree Selection see <http://www.ufe.org/>
For Urban Forestry see <http://www.coolcommunities.org> <http://wcufre.ucdavis.edu>
http://www.lgc.org/bookstore/energy/downloads/siv_tree_guidelines.pdf
- If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements should be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and shade structures. Appropriations made to facilitate public or mass transit will help mitigate trips generated by the project. Direct pedestrian access to the main entrance of the project from existing or potential public transit stops and provide appropriately designed sidewalks. Such access should consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes.
- Sidewalks and bikeways should be installed throughout as much of the project as to encourage walking and bicycling. Connections to nearby public uses and commercial areas should be made as

with applying water to the top of the load, and covering the cargo compartments are effective measures for reducing VDE and carryout from vehicles transporting bulk materials.

Demolition activities require the application of water to the exterior of the buildings and to unpaved surfaces where materials may fall. Consider all structures slated for demolition as possibly being regulated because of asbestos, per District Rule 4002 - *National Emission Standards for Hazardous Air Pollutants*. Contact the District well before starting because a 10 working day notice will likely be required before a demolition can begin.

Dust Control Plans identify the dust sources and describe the dust control measures that will be implemented before, during, and after any dust generating activity for the duration of the project. Owners or operators are required to submit plans to the District if, at anytime, the project involves:

- Residential developments of ten or more acres of disturbed surface area.
- Non-residential developments of five or more acres of disturbed surface area.
- Relocating more than 2,500 cubic yards per day of materials on at least three days.

Construction activities may not commence until the District has approved the Dust Control Plan.

Notification by owners or operators of construction projects that are at least one acre in size and where a Dust Control Plan is not required, must provide written notification to the District at least 48 hours in advance of any earthmoving activity.

Record Keeping is required to document compliance with the rules and must be kept for each day any dust control measure is used. The District has developed record forms for water application, street sweeping, and "permanent" controls such as applying long term dust palliatives, vegetation, ground cover materials, paving, or other durable materials. Records must be kept for one year after the end of dust generating activities (Title V sources must keep records for five years).

Exemptions exist for several activities. Those occurring above 3,000 feet in elevation are exempt from all Regulation VIII requirements and Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities* exempts the following construction and earthmoving activities:

- Blasting activities permitted by California Division of Industrial Safety.
- Maintenance or remodeling of existing buildings provided the addition is less than 50% of the size of the existing building or less than 10,000 square feet (due to asbestos concerns, contact the District at least two weeks ahead of time).
- Additions to single family dwellings.
- The disking of weeds and vegetation for fire prevention on sites smaller than ½ acre.
- Spreading of daily landfill cover to preserve public health and safety and to comply with California Integrated Waste Management Board requirements.

Nuisances are prohibited at all times because District Rule 4102 – *Nuisance* applies to all construction sources of fugitive dust, whether or not they are exempt from Regulation VIII. It is important to monitor dust-generating activities and implement appropriate dust control measures to limit the public's exposure to fugitive dust.

For more information please contact the Compliance Division of the District office nearest to you. Information on Regulation VIII, where you may obtain copies of record keeping forms, the Dust Control Plan template, and the Construction Notification form, is available on the District's website at:

street tree planting permit and a street work permit.

Trees planted in the right of way shall be located with the following minimum setbacks:

30' from street corners for visibility & 15' from driveways, stop signs, alleys, light poles and power poles

10' from fire hydrants & 8' from sewer lines

5' from building overhangs and 2' from adjacent concrete and adjoining property lines

3' from gas, electrical, and water lines, and roof drains

Drilling to pierce hardpan shall be required prior to planting each street tree. Notify Parks Inspector (559.621.8690) two working days in advance of drilling date for inspection of drilling operations and to check backfilling procedures and safety barriers.

Drilling shall be completed within the 14 days for which clearance was obtained for approved locations. Holes shall be 2 feet in diameter and drilled to a depth where visual evidence of the subsurface sand or gravel drainage stratum is apparent; the drainage hole shall be drilled to a minimum of 10 feet deep. Immediately following drilling, the hole shall be backfilled with soil drilled from the hole, using sufficient water to thoroughly saturate the backfill material. Immediately following backfilling, the white spot designating the planting site is painted black to indicate the site has been drilled. The drilled sites are barricaded and checked daily for 5 working days for soil settling. Soil levels are adjusted as necessary during this time. After 7 days, the barricades and excess soil are removed. Soil shall be allowed to settle for a minimum of 20 days prior to planting

FEES:

4. As a reminder, please verify that the following administrative/plan check fees are collected:

STREET TREES FEES:

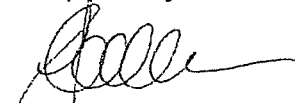
Collect the street tree landscape plan review fee of \$56.00 (Acct #39599, Fund #24001, Org #179900)

Mr. Cliff Tutelian
Park Place, Post Closure Land Use Plan Elements
November 10, 2004
Page 2

In conclusion, this Department accepts the Post Closure Land Use Plan Elements by requiring that the comments and recommendations stated in this letter be incorporated into any future plan submittals for the proposed development. Please note that any changes or additions to the Post Closure Land Use Plan will need to be approved by our Department and the CIWMB prior to project construction.

Our office would welcome the opportunity to meet with the property owners/clients to discuss any questions or concerns regarding this letter and/or requirements. You can contact me at (559) 445-3271.

Respectfully,



Glenn Allen, R.E.H.S.
Environmental Health Specialist II
Environmental Health System

GA/rc

Enclosure

cc: Michael Wochnick, California Integrated Waste Management Board
Nick Yovino, Director, City of Fresno, Development Department
Seyed Sadredin, San Joaquin Valley Air Pollution Control District
Lonnie Wass, Regional Water Quality Control Board

If the project will result in the discharge of dredged or fill material into navigable waters or wetlands (jurisdictional waters), the proponent must obtain a permit pursuant to Section 404 of the Clean Water Act from the US Army Corps of Engineers and a Section 401 Water Quality Certification from this office. The Regional Board will review the Section 401 certification application to ensure that discharges will not violate water quality standards. If the project will result in the discharge of dredged or fill material into wetlands that are determined by the Corps to be non-jurisdictional, the proponent will not be required to obtain a Section 401 Water Quality Certification, but may be required to submit a report of waste discharge (RWD) if the wetlands are waters of the State. The Regional Board will either prescribe WDRs that will incorporate measures to mitigate potentially significant impacts to water quality and potential public nuisances or issue a waiver of WDRs. For more information regarding Section 404 permitting, contact the Sacramento District of the Corps of Engineers at (916) 557-5250.

Thank you for the opportunity to comment on this Early Consultation. If you have any questions regarding our comments, please call me at (559) 445-6046.



LISA GYMER
Environmental Scientist

cc: State Clearinghouse, Sacramento

Mr. Reyes
Page 2 of 2

4. The passive system shall be designed such that it can be converted into an active system if required depending on the concentrations detected.
5. Provide CIWMB with at least 72 hours advanced notice prior to any construction activities.
6. Please note that any deviation from Title 27 of the California Code of Regulations, Section 21190, "Post Closure Land Use" must be submitted to CIWMB, the Local Enforcement Agency as well as the Regional Water Quality Control Board for review and approval prior to implementation in the field.
7. Modifications or revisions to this Plan requires review and approval by all regulatory agencies.

For your information, please find below CIWMB previous comments regarding the workplan:

1. Due to the nature of the proposal, approvals for the project from all regulatory agencies must be obtained.
2. All structures shall be designed to comply with Title 27 of the California Code of Regulations, Section 21190, "Post Closure Land Use".
3. Once development of the parcel is initiated, permanent gas monitoring probes designed and constructed in accordance with 27 CCR must be installed. The number and location of these probes must be approved by the Local Enforcement Agency.
4. Any alteration to this work plan due to conditions found during field investigation shall be communicated with all agencies and approval obtained prior to proceed with the investigation.
5. The effect of settlement of fill materials must be considered during the design and construction of structures.
6. A Health and Safety Plan must be prepared and submitted for approval prior to initiation of field investigation activities.

Thank you for the opportunity to review and comment on the Plan. Please call Gino Yekta of my staff at (916) 341-6354 or me at (916) 341-6318 if you have any questions.

Sincerely,

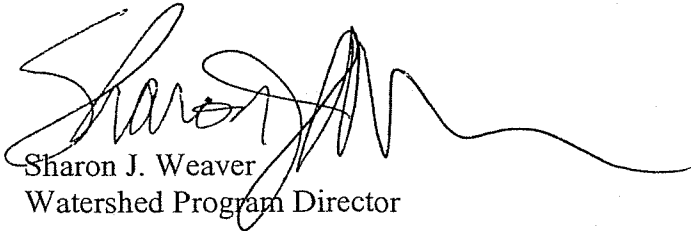
Michael B. Wochnick, PE, Senior Engineer
Remediation, Closure and Technical Services

Cc: Mr. Glenn Allen, R.E.H.S., Fresno County LEA
Mr. Dane S. Johnson, Regional Water Quality Control Board, Central Valley Region
Mr. Seyed Sadredin, San Joaquin Valley Air Pollution Control District
Mr. Cliff Tutelian, Tutelian & Company
Mr. Hugo Kevorkian, C.E., G.E., Senior Principal, BSK Associates

willingness to work toward a mutually beneficial access arrangement, we do not yet have any specific agreement. I must therefore request that the City of Fresno require the applicant to complete a formal access agreement before completing the development process, in order to protect the public's interest in access to riverbottom lands.

Thank you for your consideration. I look forward to working with you and the applicant toward a positive solution. Please call me at (559) 433-3190 extension 2# if you have any questions or need additional information.

Sincerely,



Sharon J. Weaver
Watershed Program Director

City of Fresno
Planning and Development
Page Two

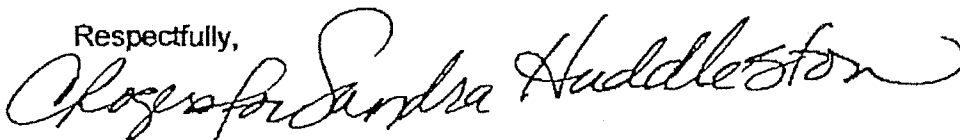
The City of Fresno Department of Parks, Recreation, and Community Services has an interest in providing public recreation within the Conservancy's lands identified as Spano on the attached map. The City and Conservancy plan to initiate in the fall of this year environmental review and public participation to develop public recreation improvements at the site.

Maintenance, emergency, and public and emergency access to the Spano property is a primary concern in developing the Parkway for public use in this area. The Conservancy has full access to the Spano property via the Perrin Avenue alignment, which would require Fresno residents to travel over the river approximately one mile into Madera County before doubling back to the Parkway at Spano, and via a right of way at River Bluff Avenue traversing through residential neighborhoods. The access road at the far southern end of the property would provide much more efficient emergency access. Further, due to the steep bluff at the southern end of the Spano property, maintenance vehicle and handicapped access cannot be accommodated without use of the existing easement. There may be a need to reconfigure the site-planned access road to accommodate Parkway uses.

The Conservancy will appreciate any measures the City can take to ensure the Parkway is developed in compliance with the City General Plan and to facilitate access in the vicinity of the planned development.

If you have any questions, please call me at (559) 253-7324.

Respectfully,

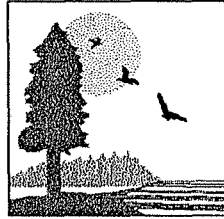
A handwritten signature in cursive script, appearing to read "Sandra Huddleston".

Sandra Huddleston
Associate Government Program Analyst

Enclosures

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

**PAUL D. THAYER**, Executive Officer

(916) 574-1800 FAX (916) 574-1810

California Relay Service From TDD Phone **1-800-735-2922**
from Voice Phone **1-800-735-2929**

Contact Phone: 916-574-1828**Contact FAX: 916-574-1825****Contact Email: smithj@slc.ca.gov****VIA FACSIMILE (559) 488-1020**

July 8, 2005

RECEIVED**JUL 13 2005****W 26092**

Arnoldo Rodriguez, Planner III
City of Fresno, Planning & Development
2600 Fresno Street
Fresno, CA 93721

Planning Division
Development Department
CITY OF FRESNO

Re: Park Place Holdings, Rezone app. # R-04-104; CUP app. # C-04-318;
APNs 405-530-42, 43, 44

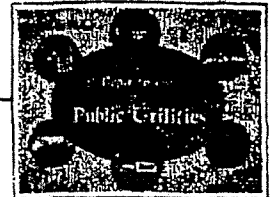
Dear Mr. Rodriguez:

Thank you for the opportunity to comment on the Conditional Use Permit and Rezone applications for the Park Place development. Our staff has been involved for many years in issues regarding access to the San Joaquin River in the vicinity of the proposed project. It is in that context that we offer the following comments.

Staff of the California State Lands Commission (Commission) has been involved in analyses, negotiations and boundary and title settlement agreements relating to riparian property along the San Joaquin River for over 15 years. Last year the Commission entered into a title settlement agreement with the Spano family directly adjacent to the Park Place property, which included the grant of a 40-foot non-exclusive public access easement from the Spano family to the State over their portion of the existing road connecting Nees Avenue to the San Joaquin River. The upper portion of the existing paved road passes through the Park Place property where it then connects to Nees Avenue. This road has been used for over 40 years to provide access to the San Joaquin River and to the surrounding property for a number of uses including gravel operations and the Pinedale Landfill. While gravel operations have ceased, we believe that the Spano family has ongoing responsibilities regarding the landfill on their property that require inspection and maintenance. It is believed that the existing road from Nees Avenue is necessary to carry out those functions. The existing road also provides necessary access for fire, rescue, police and maintenance vehicles to the San Joaquin River (under the jurisdiction of the State Lands Commission) and the San Joaquin River Parkway (lands acquired by the San Joaquin River Conservancy) and therefore serves as an essential public health and safety link between the populated portions of the City of Fresno and its public safety operations in the San Joaquin River and Parkway.



Department of Public Utilities
Administration Division
2600 Fresno Street • Fresno, California 93721-3624
(559) 621-8600 • FAX (559) 498-1304
www.fresno.gov



May 23, 2005

Mr. Cliff Tutelian
2300 Tulare Street, Suite 300
Fresno, CA 93721

RE: Water "Will Serve" letter for the proposed Park Place Shopping Complex
APN 405-530-42, 43 and 44 7765 North Palm Avenue

Dear Mr. Tutelian:

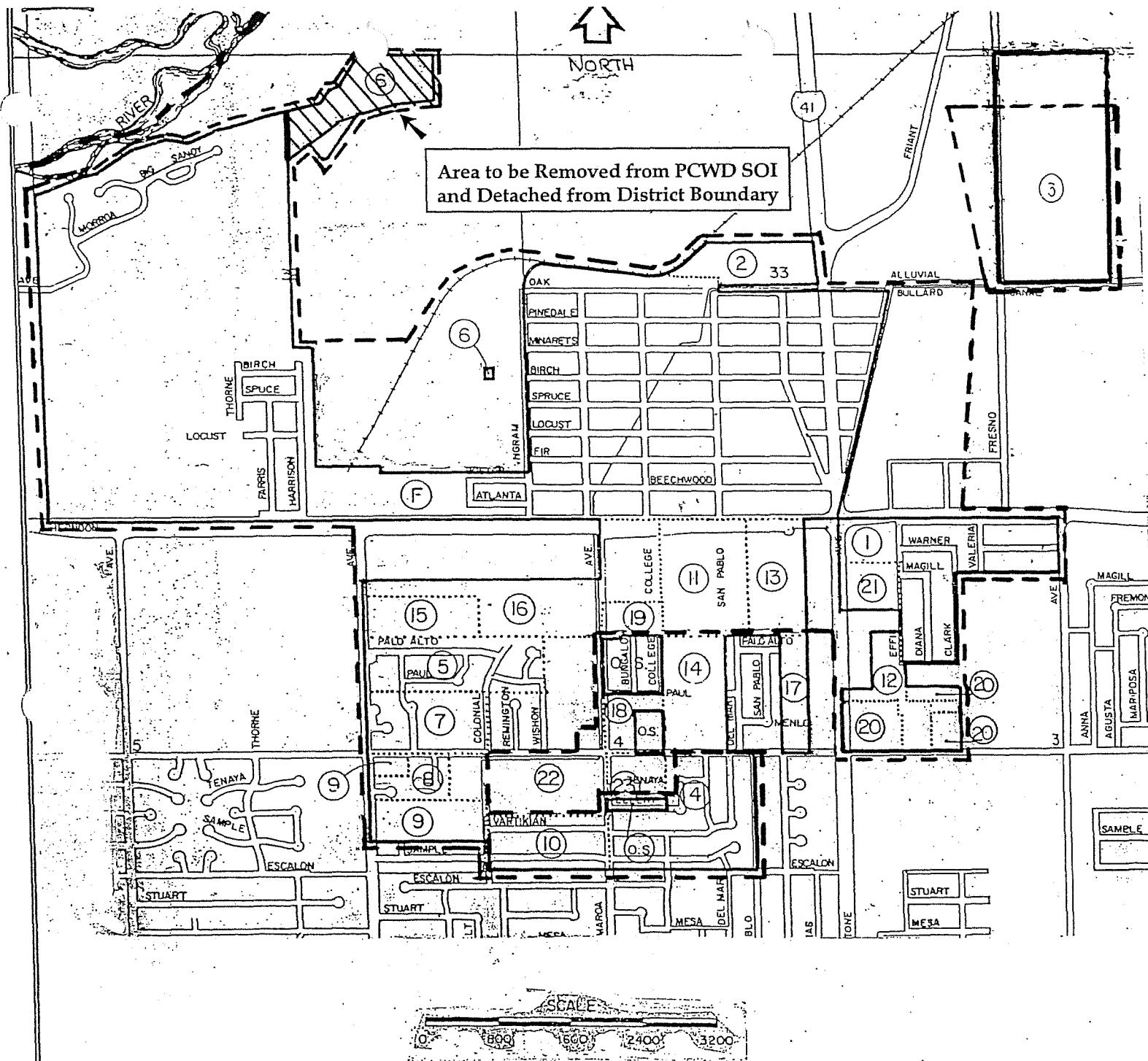
You have requested that the City of Fresno provide water service (both initial connection and ongoing service) to the project site listed above. I am writing to inform you of the conditions under which the City of Fresno may be able to provide water service to this project.

As you are aware, this project site lies not only within the boundaries of the City of Fresno, it also lies within the boundaries of the Pinedale County Water District (PCWD). Under normal circumstances, PCWD would be the provider of water service for this site. However, you have informed me that, according to a letter you received from your project engineer Bret Giannetta (copy attached), the site is currently not serviceable by PCWD. Hence your request that the City of Fresno provide the water service to the site.

The City of Fresno will provide water service to the site subject to the following criteria:

1. Payment of all fees and costs that will be due to the City of Fresno for connection, inspection, water delivery, and all other goods and services necessary to provide service to the site. This includes up-front, incidental, recurring, and ongoing costs.
2. Delivery to this office of a letter from PCWD wherein PCWD states that they are currently unable to provide service to the site, and that PCWD grants permission to have the site's water needs served by the City of Fresno.
- or -
Delivery to this office of a letter from the Fresno County Local Agency Formation Commission (LAFCo) wherein LAFCo grants permission to have the site's water needs served by the City of Fresno.

Note: In either case, the City of Fresno will bill directly to the responsible party (you, your agent, or your successor) for any costs of service.



SPHERE OF INFLUENCE PINEDALE COUNTY WATER DISTRICT

LEGEND

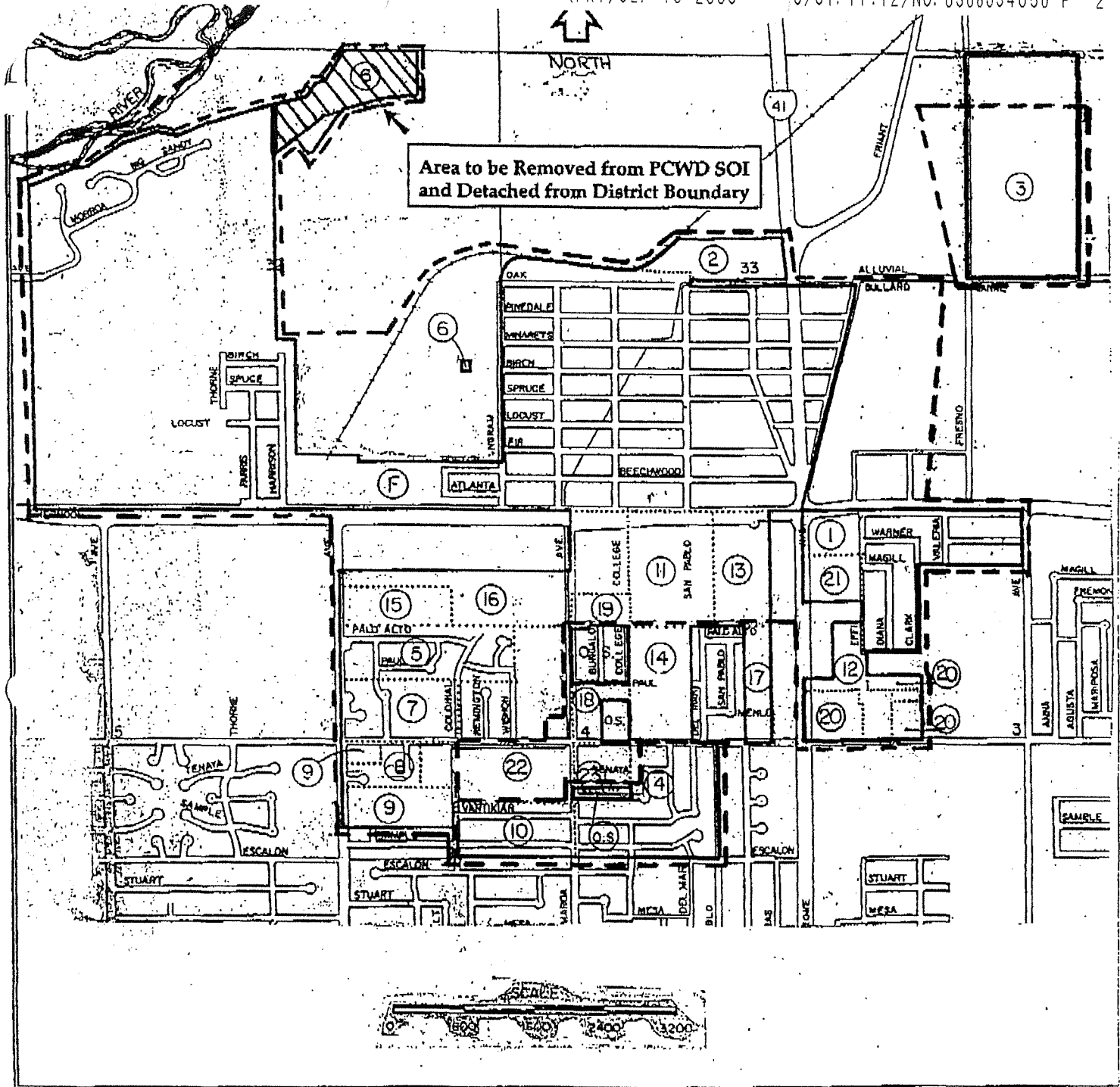
- District Boundary
- Sphere of Influence

(water service only)

Location: T.12S., R.20E.

(Page 1 of 2) FRESNO LOCAL AGENCY FORMATION COMMISSION

Adopted: March 14, 1975
 Revised: September 6, 1978
 Map Date: January, 1993



SPHERE OF INFLUENCE PINEDALE COUNTY WATER DISTRICT

LEGEND

- District Boundary
- Sphere of Influence

(water service only)

Location: T.12S., R.20E.

(Page 1 of 2) FRESNO LOCAL AGENCY FORMATION COMMISSION

Adopted: March 14, 1975

Revised: September 6, 1978

Map Date: January, 1993



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-B
COMMISSION MEETING 8/3/05

August 3, 2005

FROM: STAFF, Planning Division
Planning and Development Department

APPROVED BY

DEPARTMENT DIRECTOR

SUBJECT: CONSIDERATION OF REZONE APPLICATION NO. R-04-104 AND
CONDITIONAL USE PERMIT APPLICATION NO. C-04-318 AND
ENVIRONMENTAL ASSESSMENT NO. R-04-104/C-04-318

EXECUTIVE SUMMARY

Rezone Application No. R-04-104 and Conditional Use Permit Application No. C-04-318 filed by Clifford Tutelian on behalf of Park Place Holdings, pertain to approximately 19.08 acres of property located on the southwest corner of North Palm Avenue and the West Nees Avenue Alignment. Application No. R-04-104 proposes to reclassify the northern 17.07 acres of the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural District/Urban Growth Management*) zone district to the C-P/UGM (*Administrative and Professional Office District/Urban Growth Management*) zone district. The southeasternmost 2.01 acres are currently planned for light industrial land uses and zoned C-M (*Commercial and Light Manufacturing District*) and the applicant is not proposing to change either the land use designation or the zone district. The 2025 Fresno General Plan and the Bullard Community Plan designate the 17.07 acre portion of the subject property for office commercial planned land uses. **Rezone Application No. R-04-104 would bring the subject property into conformance with the 2025 Fresno General Plan and the Bullard Community Plan.** Conditional Use Permit Application No. C-04-318 proposes to develop the site with 198,468 square feet of office and commercial area. The site will be anchored by a three-story, 68,000 square foot office building and a 41,268 square foot fitness center. Eight other building pads are also proposed, one of which contains a bank with a drive-up teller. The requested rezoning of the site and the conditional use permit application are supported by staff and the Bullard Community Plan Advisory Committee.

PROJECT INFORMATION

PROJECT

Request to rezone the northern 17.07 acres of the subject site from the AE-20/UGM (*Exclusive Twenty Acre Agricultural District/Urban Growth Management*) zone district to the C-P/UGM (*Administrative and Professional Office District/Urban Growth Management*) zone district and to develop the site with a three-story building, a fitness center, and eight additional building pads, one of which contains a bank with a drive-up teller

APPLICANT

Clifford Tutelian on behalf of Park Place Holdings

LOCATION

Southwest corner of North Palm Avenue and the West Nees Avenue Alignment

(Council District 2, Councilmember Calhoun)

SITE SIZE

Approximately 19.08 acres

LAND USE

Existing - Vacant

Proposed - 198,468 square feet of office and commercial area, including a three-story, 68,000 square foot office building and a 41,268 square foot fitness center. Eight other building pads are also proposed.

ZONING	Existing -	AE-20/UGM (<i>Exclusive Twenty Acre Agricultural District/Urban Growth Management</i>) zone district (17.01 acres) C-M (<i>Commercial and Light Manufacturing District</i>) (2.01 acres)
	Proposed -	C-P/UGM (<i>Administrative and Professional Office District/Urban Growth Management</i>) zone district (17.01 acres) C-M (<i>Commercial and Light Manufacturing District</i>) (2.01 acres)
PLAN DESIGNATION AND CONSISTENCY	The proposed C-P/UGM zone district is consistent with 2025 Fresno General Plan and the Bullard Community Plan which designate the site for office commercial planned land uses	
ENVIRONMENTAL FINDING	Mitigated Negative Declaration dated June 21, 2005	
PLAN COMMITTEE RECOMMENDATION	The Bullard Community Plan Advisory Committee recommended approval of Rezone Application No. R-04-104 and Conditional Use Permit Application No. C-04-318 at their March 28, 2005 meeting	
STAFF RECOMMENDATION	Recommend approval of the proposed rezone application to the City Council and approve the conditional use permit application	

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Open Space/Multi-use and Special Commercial	AE-20/BP/UGM and C-L/UGM <i>Exclusive Twenty Acre Agricultural District/Bluff Preservation Overlay District/Urban Growth Management</i> and <i>Limited Neighborhood Shopping Center District/Urban Growth Management</i>	San Joaquin River/Open Space
South	Light Industrial	C-M <i>Commercial and Light Manufacturing District</i>	Mini-Storage
East	Neighborhood Commercial	C-1 <i>Neighborhood Shopping Center District</i>	Vacant
West	Medium-Low Density Residential	AE-20/BP/UGM <i>Exclusive Twenty Acre Agricultural District/Bluff Preservation Overlay District/Urban Growth Management</i>	Vacant

found to have no adverse effect upon adjacent properties. City staff recommends that the additional 10 percent be approved given that the site is largely surrounded by light industrial and commercial properties, and the site is at the intersection of two major streets. Furthermore, the permitted uses are limited and will be located along the eastern property line, furthest from the planned residential property immediately to the west of the site.

Fitness Center

The 41,268 square foot fitness center is permitted by Director's Classification No. 111 in the proposed C-P/UGM zone district subject to obtaining a Conditional Use Permit (CUP). Thus, the subject application would permit the fitness center.

Proposed Drive-up Teller

Similar to a fitness center, any drive-up window is subject to a CUP. The applicant is proposing a bank with a drive-up window on the southeasterly corner of the site. It should be noted that staff will require that the applicant modify the drive-up window to allow a minimum stacking lane of 75 feet, in an attempt to decrease the likelihood of vehicles using the drive-up window from impeding the flow of vehicle traffic.

Multi-story building

The subject site will be anchored by a three-story 68,000 square foot building. The applicant has informed staff that the building is conceptual and will not exceed 60 feet. Upon submittal of the elevations, staff will ensure that they are compatible with the other proposed buildings.

Retail Uses

The proposed C-P/UGM zone district is intended for office uses, however it also permits limited commercial uses. In accordance with the FMC, such retail sales and service uses shall not constitute greater than 15 percent of the gross floor area of the development. However, the Planning & Development Director may approve an additional 10 percent if it can be found to have no adverse effect upon adjacent properties. As a result, the proposed development may contain a total of 49,617 square feet of retail uses and the developer is proposing 47,800 square feet in the project. It is staff's position that the additional 10 percent should be granted given that the subject site is largely surrounded by commercial and industrial uses and is located at the intersection of two major streets.

Parking (Vehicle and Bicycle)

The applicant is proposing to provide 1,002 parking spaces. Although difficult to calculate the required number of parking spaces given that the applicant has not identified tenants, staff will require that all proposed and future tenants provide an adequate number of parking. Furthermore, similar to other projects, the number of off-street parking may limit future uses should the minimum number of parking spaces be insufficient. Staff will also require bicycle parking spaces be adjacent to each building.

Northeast Area Plan and Implementation Advisory Committee

The Bullard Community Plan Advisory Committee recommended approval of Rezone Application No. R-04-104 and Conditional Use Permit Application No. C-04-318 at their March 28, 2005 meeting.

Land Use Plans and Policies

The subject site is designated for office commercial planned land uses by the 2025 Fresno General Plan and the Bullard Community Plan. The proposed zone district and development are consistent with the

The project traffic study indicates that the majority of the peak hour vehicle trips are expected to travel west on West Nees Avenue. However, because much of the immediately surrounding area (i.e. northeast portion of the Bullard Community Plan Area and the southwest portion of the Woodward Park Community Plan) is developed, many of the planned major street and intersection improvements have been completed as required by adopted plans, policies and development standards. Thus, the proposed project, as well as other urban land uses developed as planned by the 2025 Fresno General Plan are required or have already, constructed the planned major street system consistent with the public facility and service delivery requirements. In addition, the developer of this project, in accordance with the mitigation measures of 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, as identified in the TIS, and will be required to signalize the intersection of North Palm and West Nees Avenues.

Public Services

Water Resources and Public Water Supply and Sewage Collection System Capacity

The subject site is currently within the Pinedale County Water District. However, in a letter from the City of Fresno, Department of Public Utilities dated May 23, 2005 the city identifies several options to the developer which would allow the city to serve the site. Regardless, the city has determined that the project may presently be accommodated by the existing sewer mains, subject to any necessary sewer main extensions and connections.

The Water Division of the Public Utilities Department has determined that there is an adequate source of water available to serve the project, subject to connecting to the city sewer system. In addition, the Fresno Metropolitan Flood Control District (FMFCD) has indicated that this project may be accommodated by their facilities.

Fire Protection Services

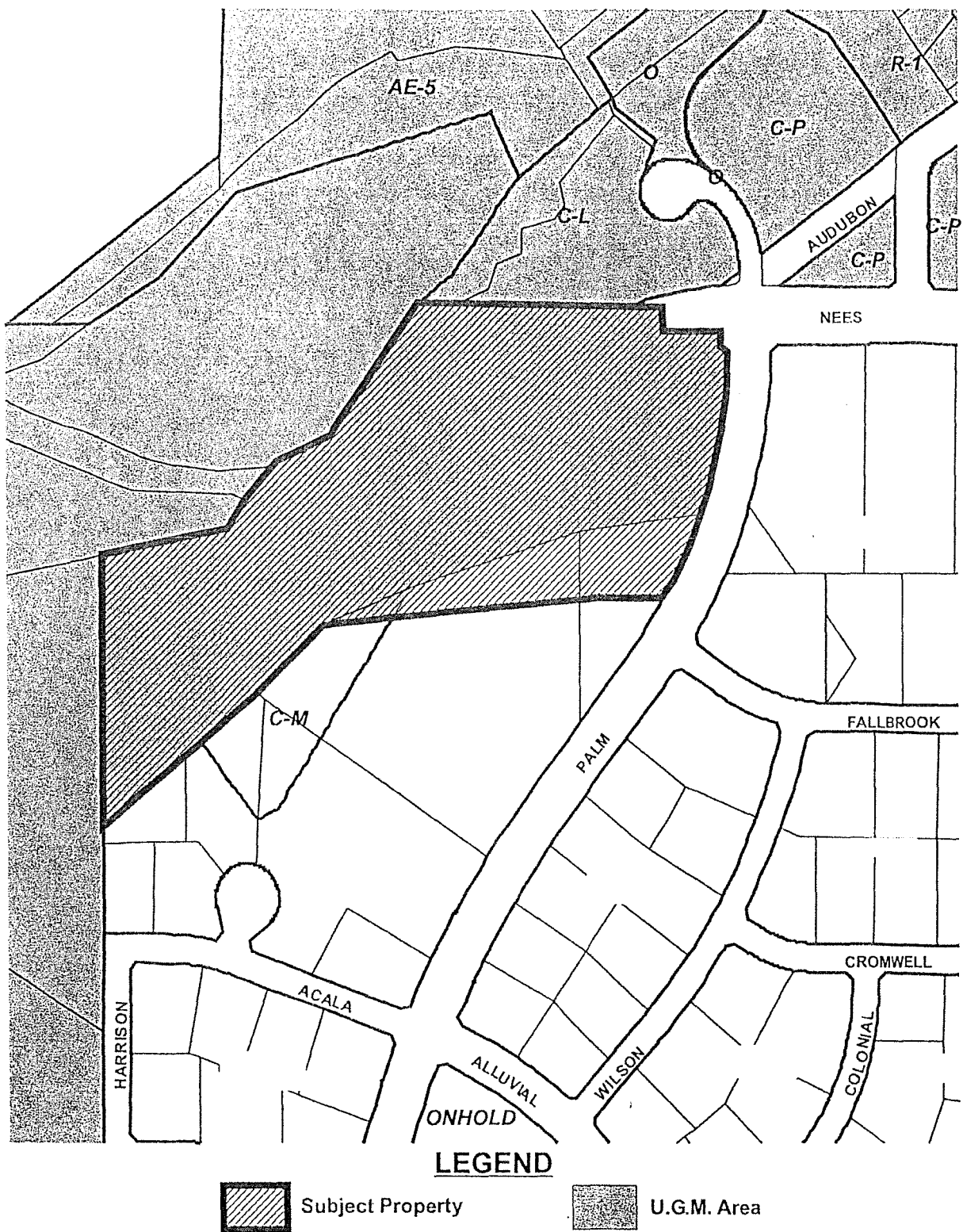
Fire service will be provided by City of Fresno Fire Department Station No. 13, located at the intersection of East Nees Avenue and North Bond Street, which is located within two miles of the subject site. Fire Station No. 2 slightly over two miles from the site will provide assistance if necessary.

Post-Closure Plan (PCP)

It is well-documented that the subject site was previously used as a landfill and a sewage treatment plant and wastewater plant. Given the site's history, the applicant submitted a "Post Closure Land Use Plan Elements" dated September 1, 2004 prepared by BSK Associates and accompanying "Environmental Assessment Report Findings" dated January 20, 2003 prepared by the Twining Laboratories, Inc. The PCP is intended to monitor gases, outlines site stripping and monitoring (i.e. removing existing materials), outlines building materials and techniques, and outlines health and safety requirements during its development. These reports were also submitted for review and approval to the County of Fresno Department of Health, California Regional Water Quality Control Department and the California Integrated Waste Management Board. All three agencies approved the PCP. As a result, all development will be subject to compliance with the plan and accompanying documents.

San Joaquin River Access

The subject parcel is proximate to the San Joaquin River and currently provides access to the river bottom. As a result, the project was sent to the California State Lands Commission, the San Joaquin River Conservancy (State of California), and the San Joaquin River Parkway and Conservation Trust,

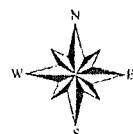


VICINITY MAP

CONDITIONAL USE PERMIT NO. C-04-318

7765 N. PALM AVE.

PLANNING & DEVELOPMENT DEPARTMENT



NOT TO SCALE

A.P.N.: 405-530-42,43,44

ZONE MAP: 1649

BY/DATE: J.S. / 2-24-05

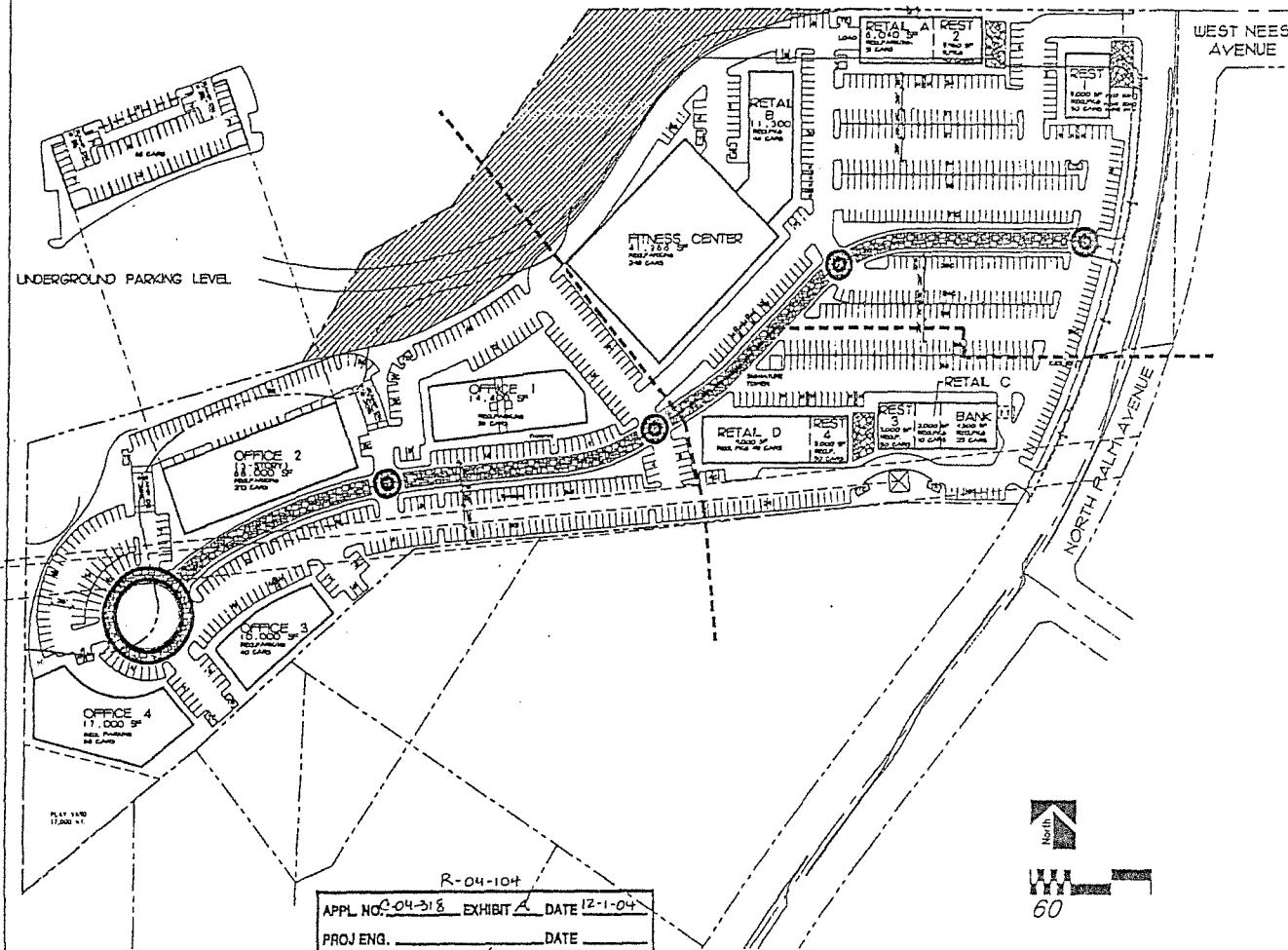
2005 Aerial Photograph



Exhibit A
Proposed Site Plan and Elevations

Proposed Site Plan

Exhibit A-1



Summary

Land	±19.77 AC ±861,456SF
Unusable slope area	85,339SF
Net Buildable area	776,117SF
Building	198,468SF
Land-to-Bldg Ratio	3.3/1
Coverage	23%
Parking Required	99 stalls
Parking Provided	100 stalls
Standard Stalls	822 stalls
Compact Stalls	161 stalls
Handicap Stalls	16 stalls
Parking Ratio	5.0/1000

ZONE A

RETAIL A = 6,000 S.F.
 RETAIL B = 11,000 S.F.
 RESTAURANT 1 = 5,000 S.F.
 RESTAURANT 2 = 5,000 S.F.
 HEALTH CLUB 10,000 S.F.
 PARKING REQUIRED = 495 CARS
 PARKING PROVIDED = 432 CARS

ZONE B

RETAIL C = 10,000 S.F.
 RETAIL D = 10,000 S.F.
 RESTAURANT 3 = 5,000 S.F.
 RESTAURANT 4 = 5,000 S.F.
 BANK = 4,000 S.F.
 PARKING REQUIRED = 104 CARS
 PARKING PROVIDED = 136 CARS

ZONE C

OFFICES - 10,000 S.F.
 PARKING REQUIRED = 490 CARS
 PARKING PROVIDED = 432 CARS
 STY SURFACE = 65 CAR = 432 CARS

R-04-104

APPL. NO. 04-318 EXHIBIT A DATE 12-1-04

PROJ. ENG. _____ DATE _____

TRAFFIC ENG. _____ DATE _____

COND. APPROVED BY _____ DATE _____

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

ALL BUILDING SUPERVISORS, THEIR OFFICERS AND THE LIES AS SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO MODIFICATION BY THE OWNER'S DESIGNER WITHOUT NOTICE. THIS PRELIMINARY SITE PLAN IS BASED ON INFORMATION FURNISHED TO NADAL ARCHITECTS INC. AND IS SUBJECT TO VERIFICATION BY LOCAL, STATE AND FEDERAL AGENCIES ETC. THE OWNER IS NOT RESPONSIBLE FOR ANY DISCREPANCY IN THE EXISTING, TYPE, SIZE, LOCATION, TIME OR OCCUPANCY OF ANY BUILDING SHOWN ON THIS PLAN.

DATE: OCT. 31, 2004
 MODEL: 3008 04-178

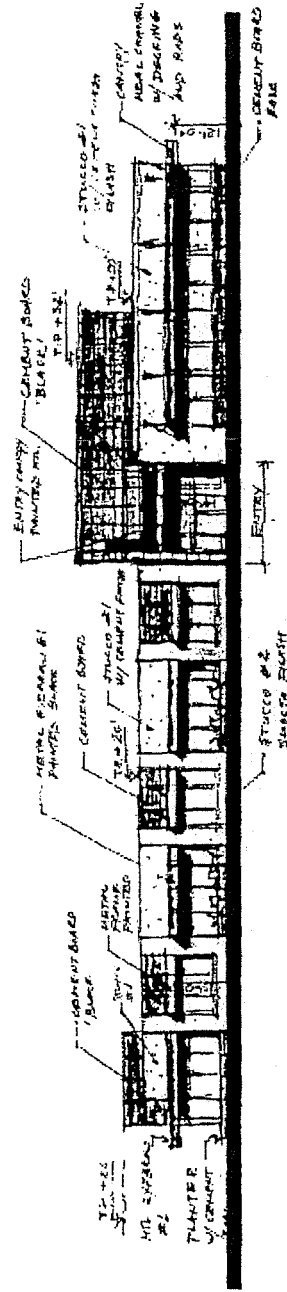
1900 S. BRUNY DR., FOURTH FLOOR
 LOS ANGELES, CA 90025
 T: 310.818.2100 F: 310.818.0192
 WWW.NADALARCH.COM



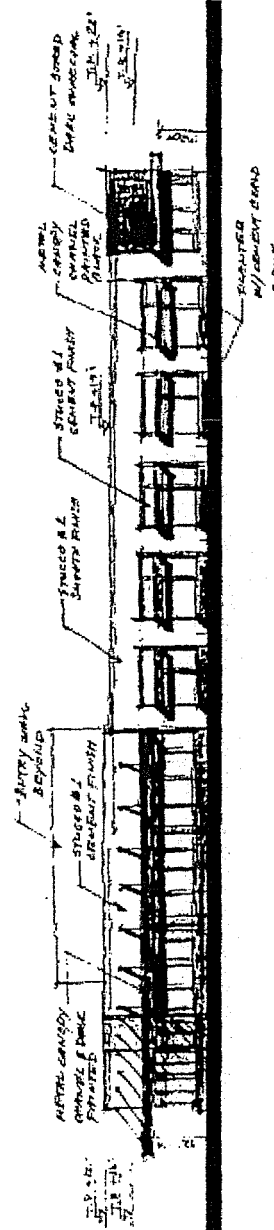
SITE PLAN

PARK PLACE
 FRESNO, CA

Exhibit A-2



Elevation South



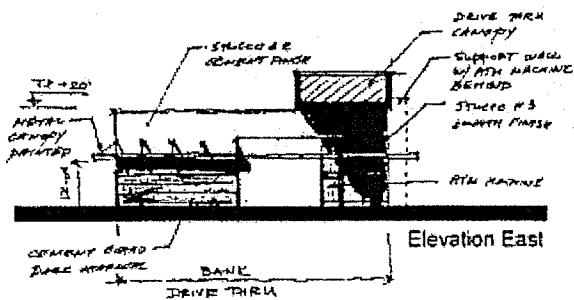
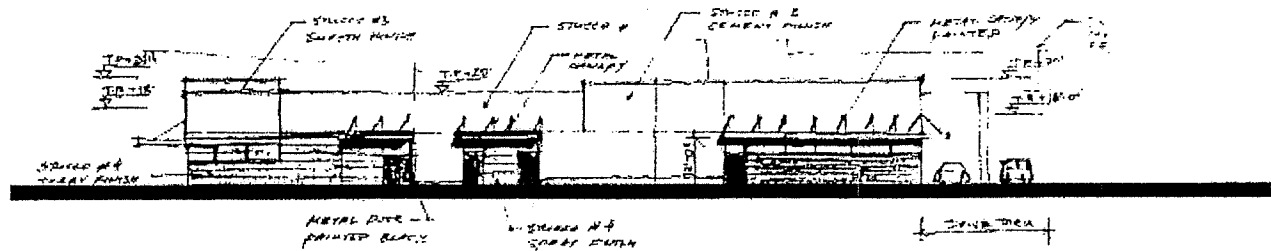
Elevation North

Office 1

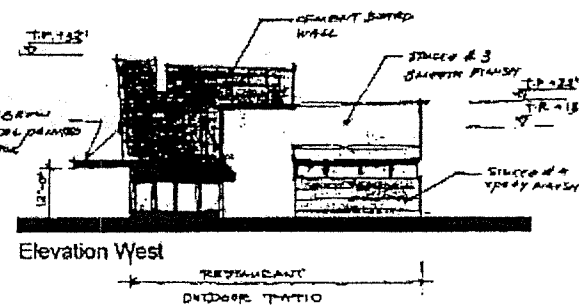
Madel Architects Inc.

5-22X-11-10K

Elevation South

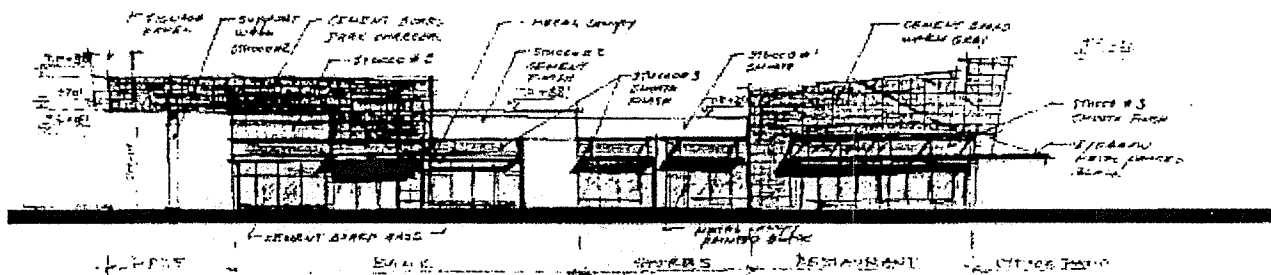


Elevation East



Elevation West

Elevation North



Retail B

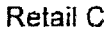
**Nadel Architects Inc.**

Exhibit B
Letter in support of the project

Russell G.
Smith
Inc.

Exhibit B

RECEIVED

July 26, 2005

JUL 29 2005

Planning Division
Development Department
CITY OF FRESNO

City of Fresno
Planning and Development Department
2600 Fresno Street
Fresno CA 93721-3604

Re: APN 402-030-42, 43 & 44

To Whom It May Concern:

I am the General Partner of partnerships which own property to the East, South, West and across the intersection to the Northeast of the subject property. We fully support the Rezone and Conditional Use Permit Application as proposed.

Sincerely,



Russell G. Smith,
President of
Russell G. Smith, Inc.

Enclosure

/sc

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
P. O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-6666
FAX (559) 488-4088
TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

RECEIVED

JUN 22 2005

Planning Division
Development Department
CITY OF FRESNO

June 21, 2005

2131-IGR/CEQA
6-FRE-41-31.6+/-
C-04-318 & R-04-104
PARK PLACE

Mr. Arnoldo Rodriguez
City of Fresno Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Dear Mr. Rodriguez:

This letter supercedes our previous correspondence on this project.

Caltrans has met with the City's Traffic Engineer and with the project applicant for the "Park Place," an office/commercial development located on the southwest corner of North Palm Avenue and the West Nees Avenue alignment.

We discussed the calculations for one of the cost-per-trip fair share amounts that Caltrans has been using for one of the ramps at the State Route (SR) 41/Friant Road interchange. We concur with the revised trip rate as presented by the City. Therefore, Caltrans has the following revised comments:

Table 3 of the TIS indicates that trips from this site would impact the State Route (SR) 41 interchanges at Friant Road (116 trips) and Herndon Avenue (26 trips). Caltrans finds the trip distribution/trip generation to be satisfactory.

Past traffic studies have calculated a per trip fee for various demand movements as follows:

Northbound off-ramp to Herndon = \$998/trip
Southbound off-ramp to Friant = \$834/trip
Northbound on-ramp from eastbound Friant = \$757/trip
Southbound on-ramp from Friant = \$1,114/trip

Mitigation for project-related impacts:

Northbound off-ramp to Herndon = (5 trips)(\$998/trip) = \$4,990
Southbound off-ramp to Friant = (8 trips)(\$834/trip) = \$6,672
Northbound on-ramp from eastbound Friant = (13 trips)(\$757/trip) = \$9,841
Southbound on-ramp from Friant = (55 trips)(\$1,114/trip) = \$61,270 (revised rate)

This project's proportional fair share to mitigate for project-related impacts to the State Highway System is therefore calculated to be **\$82,773 (revised rate)**. Please have the applicant contact this office so that we may complete the necessary deferment agreement.

Mr. Arnoldo Rodriguez
June 21, 2005
Page 3

C: Mr. Steve Samuelian, California Consulting LLC
Mr. John Rowland, Peters Engineering Group
Mr. Jose Benavides, Transportation Manager, City of Fresno Public Works Department
Ms. Barbara Goodwin, Executive Director, Council of Fresno County Governments

Mr. Arnoldo Rodriguez
June 9, 2005
Page 2

Traffic generated from the site would impact the State Route (SR) 41 interchanges at Herndon Avenue and Friant Road. Due to the traffic generated by the land use changes that the City has approved in this area of Fresno, Caltrans design of the SR 41/Herndon Avenue and the SR 41/Friant Road interchanges are no longer capable of meeting the demand. In order to accommodate this additional growth, Caltrans has various improvements planned for both interchanges. Improvements planned for the SR 41/Herndon Avenue interchange include auxiliary lanes and additional ramp lanes for the northbound off-ramp (from Caltrans' approved Project Study Report). Improvements planned for the SR 41/Friant Road interchange include an auxiliary lane, widening the northbound off ramp to Friant Road and adding an additional lane on the mainline (from Caltrans' approved Project Study Report).

Significant unmitigated impacts will remain if this project is approved without addressing its impacts to the SR 41/Friant Road interchange. The applicant has prepared a traffic impact study that has identified impacts to the interchange. This traffic study was prepared to support the City's environmental assessment of the project and, as such, represents the **City's** nexus study. We assume this will be the nexus the City will use to require the applicant to make improvements to local streets. If the project's impacts cannot be reduced to a level of insignificance, a mitigated negative declaration is an inappropriate environmental document. If impacts cannot or will not be mitigated, the lead agency needs to require an Environmental Impact Report and then make a finding of overriding consideration in order to approve the project.

Caltrans notes that staff reports prepared for other projects have been deferring mitigation pending the outcome of the interchange deficiency study. Testimony provided at the November 9, 2004 City Council hearing for a multi-family residential development at Ashlan and Parkway, indicated that projects approved now will not be conditioned to mitigate at a later date when the deficiency study is complete. The City should therefore require mitigation for project-related impacts at the time the project is approved. If this project is not required to address its impacts to the State Highway System, significant unmitigated impacts will remain. This project will contribute traffic impacts and should therefore provide a pro rata fair share to reduce its impact to a level less than significant (per CEQA).

We request that this letter be made a part of the permanent record for this project and that a copy of our letter be included in the staff reports for both the City Council and the Planning Commission. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,



MOSES STITES
Office of Transportation Planning
District 06

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE

P. O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 445-6666

FAX (559) 488-4088

TTY (559) 488-4066

*Flex your power!
Be energy efficient!***RECEIVED****JUN 09 2005**Planning Division
Development Department
CITY OF FRESNO

June 8, 2005

2131-IGR/CEQA
6-FRE-41-31.6+/-
C-04-318 & R-04-104
PARK PLACEMr. Arnoldo Rodriguez
City of Fresno Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Dear Mr. Rodriguez:

Caltrans was notified by the applicant's traffic consultant that our June 2, 2005 letter contained two errors that would change our fair share calculation for the office/commercial development located on the southwest corner of North Palm Avenue and the West Nees Avenue alignment.

Caltrans concurs with one of the assertions of the traffic consultant; and note that the wrong demand movement was used in our calculations. We have made the correction from "trips impacting the northbound on-ramp from westbound Friant" to "trips impacting the northbound on-ramp from eastbound Friant."

Caltrans does not concur with the traffic consultant on the second issue; namely that the cost per trip for the southbound on-ramp from Friant should be \$1,114. We stand by our cost of \$1,673 per trip.

Therefore, Caltrans has the following revised comments:

Table 3 of the TIS indicates that trips from this site would impact the State Route (SR) 41 interchanges at Friant Road (116 trips) and Herndon Avenue (26 trips). Caltrans finds the trip distribution/trip generation to be satisfactory.

Past traffic studies have calculated a per trip fee for various demand movements as follows:

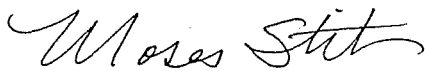
Northbound off-ramp to Herndon = \$998/trip
Southbound off-ramp to Friant = \$834/trip
Northbound on-ramp from eastbound Friant = \$757/trip
Southbound on-ramp from Friant = \$1,673/trip

Mr. Arnoldo Rodriguez
June 8, 2005
Page 3

Commission. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,

A handwritten signature in cursive script that reads "Moses Stites".

MOSES STITES
Office of Transportation Planning
District 06

C: Mr. Steve Samuelian, California Consulting LLC
Mr. John Rowland, Peters Engineering Group
Mr. Jose Benavides, Transportation Manager, City of Fresno Public Works Department
Ms. Barbara Goodwin, Executive Director, Council of Fresno County Governments

Mr. Arnoldo Rodriguez
June 2, 2005
Page 2

planned for the SR 41/Herndon Avenue interchange include auxiliary lanes and additional ramp lanes for the northbound off-ramp (from Caltrans' approved Project Study Report). Improvements planned for the SR 41/Friant Road interchange include an auxiliary lane, widening the northbound off ramp to Friant Road and adding an additional lane on the mainline (from Caltrans' approved Project Study Report).

Significant unmitigated impacts will remain if this project is approved without addressing its impacts to the SR 41/Friant Road interchange. The applicant has prepared a traffic impact study that has identified impacts to the interchange. This traffic study was prepared to support the City's environmental assessment of the project and, as such, represents the City's nexus study. We assume this will be the nexus the City will use to require the applicant to make improvements to local streets. If the project's impacts cannot be reduced to a level of insignificance, a mitigated negative declaration is an inappropriate environmental document. If impacts cannot or will not be mitigated, the lead agency needs to require an Environmental Impact Report and then make a finding of overriding consideration in order to approve the project.

Caltrans notes that staff reports prepared for other projects have been deferring mitigation pending the outcome of the interchange deficiency study. Testimony provided at the November 9, 2004 City Council hearing for a multi-family residential development at Ashlan and Parkway, indicated that projects approved now will not be conditioned to mitigate at a later date when the deficiency study is complete. The City should therefore require mitigation for project-related impacts at the time the project is approved. If this project is not required to address its impacts to the State Highway System, significant unmitigated impacts will remain. This project will contribute traffic impacts and should therefore provide a pro rata fair share to reduce its impact to a level less than significant (per CEQA).

We request that this letter be made a part of the permanent record for this project and that a copy of our letter be included in the staff reports for both the City Council and the Planning Commission. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,



MOSES STITES
Office of Transportation Planning
District 06

C: Mr. Steve Samuelian, California Consulting LLC
Mr. John Rowland, Peters Engineering Group
Mr. Jose Benavides, Transportation Manager, City of Fresno Public Works Department
Ms. Barbara Goodwin, Executive Director, Council of Fresno County Governments

Mr. Arnaldo Rodriguez
March 25, 2005
Page 2

SR 41/Friant Road interchange include an auxiliary lane, widening the northbound off ramp to Friant Road and adding an additional lane on the mainline (from Caltrans' approved Project Study Report).

Significant unmitigated impacts will remain if this project is approved without addressing its impacts to the SR 41/Friant Road interchange. The applicant has prepared a traffic impact study that has identified impacts to the interchange. This traffic study was prepared to support the City's environmental assessment of the project and, as such, represents the City's nexus study. We assume this will be the nexus the City will use to require the applicant to make improvements to local streets. If the project's impacts cannot be reduced to a level of insignificance, a mitigated negative declaration is an inappropriate environmental document. If impacts cannot or will not be mitigated, the lead agency needs to require an Environmental Impact Report and then make a finding of overriding consideration in order to approve the project.

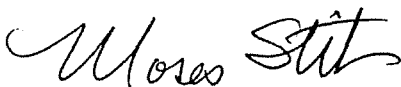
Caltrans notes that staff reports prepared for other projects have been deferring mitigation pending the outcome of the interchange deficiency study. Testimony provided at the November 9, 2004 City Council hearing for a multi-family residential development at Ashlan and Parkway, indicated that projects approved now will not be conditioned to mitigate at a later date when the deficiency study is complete. The City should therefore require mitigation for project-related impacts at the time the project is approved. If this project is not required to address its impacts to the State Highway System, significant unmitigated impacts will remain. This project will contribute traffic impacts and should therefore provide a pro rata fair share to reduce its impact to a level less than significant (per CEQA).

The City should consider using the "Toolbox" from the San Joaquin Valley Growth Response Study to prepare an analysis of the impacts created by this and other approved developments in the City. This would help to clarify issues that have been raised since the General Plan Update regarding densities in general and the High Rise Corridor specifically. Caltrans is available to partner with the City in this endeavor.

We request that this letter be made a part of the permanent record for this project and that a copy of our letter be included in the staff reports for both the City Council and the Planning Commission. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,



MOSES STITES
Office of Transportation Planning
District 06

C: Mr. Jose Benavides, Transportation Manager, City of Fresno Public Works Department
Ms. Barbara Goodwin, Executive Director, Council of Fresno County Governments

Mr. Arnaldo Rodriguez
February 23, 2005
Page 2

and the High Rise Corridor specifically. Caltrans is available to partner with the City in this endeavor.

Caltrans notes that staff reports prepared for other projects have been deferring mitigation pending the outcome of the interchange deficiency study. Testimony provided at the November 9, 2004 City Council hearing for a multi-family residential development at Ashlan and Parkway, indicated that projects approved now will not be conditioned to mitigate at a later date when the deficiency study is complete. The City should therefore require mitigation for project-related impacts at the time the project is approved. If this project is not required to address its impacts to the State Highway System, significant unmitigated impacts will remain. This project will contribute traffic impacts and should therefore provide a pro rata fair share to reduce its impact to a level less than significant (per CEQA).

We request that this letter be made a part of the permanent record for this project and that a copy of our letter be included in the staff reports for both the City Council and the Planning Commission. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,

A handwritten signature in cursive script, reading "Moses Stites".

MOSES STITES
Office of Transportation Planning
District 06

C: Mr. Jose Benavides, Transportation Manager, City of Fresno Public Works Department
Ms. Barbara Goodwin, Executive Director, Council of Fresno County Governments

**CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT**

CONDITIONS OF APPROVAL

AUGUST 3, 2005

CONDITIONAL USE PERMIT APPLICATION NO. C-04-318

PART A - PROJECT INFORMATION

1. Assessor's Parcel No: 405-530-42, 405-530-43 & 405-530-44
2. Zone Map No: 1649
3. Job Address: 7765 North Palm Avenue (site address)
4. Street Location: Southwest corner of North Palm Avenue and the West Nees Avenue Alignment
5. Existing Zoning: AE-20/UGM (*Exclusive Twenty Acre Agricultural District/Urban Growth Management*) (17.07 acres)
C-M (*Commercial and Light Manufacturing District*) (2.01 acres)

Proposed Zoning: C-P/UGM (*Administrative and Professional Office District/Urban Growth Management*) zone district, subject to approval of Rezone Application No. R-04-104 (17.07 acres)

C-M zone district (2.01 acres) no change
6. Planned Land Use: Office Commercial and Light Industrial Planned Land Use Designations
7. Plan Areas: Bullard Community Plan
2025 Fresno General Plan
8. Project Description: Authorization to develop 198,468 square feet of office and commercial area. The site will be anchored by a three-story, 68,000 square foot office building and a 41,268 square foot fitness center. Eight other building pads are also proposed. The proposal also includes a bank which contains a drive-up teller.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The Fresno City Planning Commission, on August 3, 2005, approved the special permit application subject to the enclosed list of conditions and Exhibits A, E-1, E-2, E-3, E-4, E-5, and E-6 dated December 1, 2004.

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. **(Include this note on the site plan.)**

Transfer all red line notes, etc., shown on all original site plan exhibit to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by August 3, 2009 (four years from the date of the Planning Commission action). There is no exception.

To complete the back-check process for building permit relative to planning and zoning issues, submit eight copies of this corrected, final site plan, together with six copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Planning Division, Current Planning Section, for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division must be substituted for unstamped copies of same in each of the four sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please contact Arnoldo Rodriguez at (559) 621-8633 or via e-mail at Arnoldo.Rodriguez@fresno.gov for an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservation or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

- i) Remove existing improvements and install required improvements to new street alignment and grade.
- j) Install permanent paving, paving transition, concrete curb, gutter, sidewalk and driveway approaches to City Standard Specifications within all street frontages indicated on Exhibit A.
- k) Provide signage and striping plans. The signing and striping plans shall be done per the current Caltrans standards.
- l) Install wheel chair ramp at locations noted on Exhibit A.
- m) Underground all existing off-site overhead utilities within the limits of this site per FMC Section 12-1011 and Resolution No. 78-522/88-229.
- n) Submit the following as a single package to the Public Works Department, Engineering Division, Plan Check and GIS Mapping Section for review and approval prior to the issuance of building and street work permits: street improvement plans, signing and striping plans, street lighting plans and landscape and irrigation plans.

OFF-STREET PARKING FACILITIES AND GEOMETRICS

- o) Off-Street (on-site) parking facilities and geometrics shall conform to the City of Fresno, Public Works Department, Parking Manual Standard Specifications, P-41, P-42 and P-43.
- p) Provide parking spaces needs, circulation, access, directional signs, etc., as noted on Exhibit A.

SURVEY MONUMENTS AND PARCEL CONFIGURATION

- q) Existing survey monuments shall be preserved and if disturbed, shall be reset by a registered civil engineer or a licensed land surveyor. **(Include this note on the site plan.)**
- r) *The parcel configuration depicted on the proposed site plan does not conform to record information. A tract map, parcel map or lot line adjustment may be required to establish the lot depicted on the site plan. Contact the Planning & Development Department for additional information.*

URBAN GROWTH MANAGEMENT MAJOR STREET REQUIREMENTS

- s) The project site is located within Major Street Zone B Urban Growth Management area. Pay all fees at the time of issuance of building permits. Note that a building permit cannot be issued until all UGM requirements have been satisfied.

- e) Pursuant to Director's Classification No. 111 (adopted on November 7, 1984), the proposed fitness center is a permitted in the proposed C-P zone district subject to obtaining a Conditional Use Permit and compliance with the following conditions:

- i) The club shall be limited to racquetball courts, squash courts, an aerobics and exercise rooms, a weight room, a swimming pool, gymnasium, a snack bar and dining room and business offices. All facilities and activities shall be located within the building or structure, except for the swimming pool.
- ii) A fitness club shall be permitted in a planned office complex at least five acres in area.
- iii) Off-street parking shall be provided on the basis of four spaces per each 1,000 square feet of gross floor area. This may be modified based on an integrated site plan and the uses in the planned office complex.

Note that Section 12-306-I-2.2-B of the FMC contains special parking requirements for gymnasiums, therefore parking shall be subject to review in accordance with the FMC.

- iv) The exterior design of the club building shall be architecturally compatible with the buildings and structures in the planned office complex.
- v) If an outdoor swimming pool is constructed, the pool shall be enclosed within a six-foot solid masonry wall, except for gates and other openings, and shall comply with requirements of the FMC and the California Building Code for security and safety.

3) POPULATION DENSITY (Residential Projects)

- a) Not Applicable.

4) BUILDING HEIGHT

- a) Buildings may not exceed 60 feet within the proposed C-P zone district.
- b) **Clearly depict the proposed "Signature Tower." The tower elevations must be reviewed and approved prior to installation.**

5) LOT COVERAGE

- a) No Requirements in either the proposed C-P or C-M zone districts.

6) BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

- a) Provide the following minimum building setbacks:
 - i) 20 feet along North Palm Avenue
 - ii) 50 feet along the western property line (*Bullard Community Plan Policy 4.2.4-7-d*).

impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.

NOTE: One medium sized tree is defined as attaining a height of 30-60 feet at maturity. Two small trees, up to 30-feet high at maturity may be substituted for one medium sized tree.

- g) Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached *Development Department, Performance Standards for Parking Lot Shading*, including tree species and tree counts.
- h) Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Planning and Development Department. **(Include this note on the site plan.)**
- i) Submit six copies of landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Planning Division. These plans must be reviewed and approved prior to obtaining building permits.
- j) Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Planning Division. **(Include this note on the site and landscape plans.)**

7) SPACE BETWEEN BUILDINGS

- a) Not Applicable.

8) FENCES, HEDGES, AND WALLS

- a) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.
- b) Only those fences as shown on the site plan shall be reviewed for approval. Any proposed fence must be located at the rear of the required landscape setback along the streets listed above, with the exception of the required fence along the western property line (i.e. common property line between the subject site and the adjoining residential planned land use parcel).
- c) Submit a rendering depicting the fence height, color, location etc. for review and approval.
- d) Section 12-216.5-H of the FMC requires a solid masonry wall six feet in height when a C-P zoned parcel, abuts a residential zone district. Thus, this wall shall be installed along the western property line.

Refer to the "Development Requirements for Handicapped Accessibility" of above-mentioned code.

- d) All handicapped stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**
- e) All handicapped parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from handicapped parking stalls and ramps. **(Include this note on the site plan.)**
- f) Lighting where provided to illuminate parking shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works, the Planning and Development Department and the Fresno Police Department. **(Include this note on the site plan.)**
- g) Clearly depict all proposed light fixtures, including height.
- h) Provide bicycle parking spaces per Section 12-306-I-2.1-C of the Fresno Municipal Code adjacent to *each* proposed building. Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures (depict on Exhibit A).
- i) Outdoor storage, including ISO containers, is prohibited **(Include this note on the site plan.)**

10) LOADING SPACES

- a) Per Section 12-306-L of the Fresno Municipal Code, loading space requirements will apply when a use involves pick-up and delivery of materials (other than normal solid waste collections) from trucks and tractor-trailers weighing more than two tons. Should trucks exceeding two tons not be utilized in the operation of the proposed business, a letter must be submitted to the Planning Division stating such. Loading spaces shall not be less than 12 feet in width and 40 feet in length and shall have 14 foot of vertical clearance.
- b) Where loading is adjacent to a residential district, loading shall be done only between the hours of 8:00 a.m. to 6 p.m.; unless the loading is located not less than 100 feet from such district or is completely enclosed.

submittal are available at the Planning Division's Public Front Counter. **(Include this note on the site plan.)**

- b) In an effort to prevent potential problems with the flow of traffic in the area, directional signs may be installed at each project entrance, which is located on a major street. The signs shall not exceed 24 square feet in area or 8 feet in height and shall contain a directional arrow and business name and/or address. These signs must be approved as part of a Conditional Use Permit, but are not required as part of a Sign Review Application nor a Master Sign Program Application.

PART E - CITY AND OTHER SERVICES

16) FIRE PROTECTION REQUIREMENTS

- a) Comply with the requirements of the attached Fire Department memorandum dated March 1, 2005.

17) SOLID WASTE COLLECTION

- a) Comply with the attached Solid Waste Management Requirements dated March 22, 2005.

18) POLICE PROTECTION REQUIREMENTS

- a) The Police Department offered no comments.

19) PUBLIC UTILITIES REQUIREMENTS

- a) The subject site is currently within the Pinedale County Water District. However, in a letter from the City of Fresno, Department of Public Utilities dated May 23, 2005 the city identifies several avenues for the city to serve the site. Thus, comply with the attached Public Utilities memorandum dated May 23, 2005.

20) FLOOD CONTROL REQUIREMENTS

- a) Comply with the attached Fresno Metropolitan Flood Control District memorandum, dated March 11, 2005.
- b) A \$115,806.00 FMFCD drainage fee must be paid prior to issuance of building permits.
- c) No surface run-off shall be directed towards the bluffs.

21) SCHOOL FEES

- a) School fees must be paid prior to issuance of building permits. (Contact Clovis Unified School District.) Provide proof of payment (or no fee required) prior to issuance of building permits.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

- 1) Include a color and material schedule on the site plan, as well as on the elevations, for the exterior of all buildings and structures. Note that pursuant to Policy C-20-f of the 2025 General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings (i.e. specifically those visible from North Palm Avenue) shall not be developed with featureless "blank" walls. This may be accomplished by varying the building footprint with indentations, projections, offsets, different building material, adding polyfoam with a stucco finish, accent banding, etc. to add visual interest and to break up the monotonous walls. Submit elevations, of all proposed buildings, for review and approval.
- 2) Roof-mounted and detached mechanical equipment for commercial and office uses shall be screened from view and acoustically baffled to prevent the noise level rating for the equipment from exceeding 55 Ldn measured at the nearest property line. **(Include this note on the site plan.)**
- 3) If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**
- 4) 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 (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) 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. **(Include this note on the site plan.)**
- 5) If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Planning and Development Department Director within 15 days.



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



Public Works Department
David Healey, Director

August 1, 2005

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

SUBJECT: RESPONSE TO TRAFFIC IMPACT STUDY (TIS) FOR THE OFFICE AND RETAIL COMPLEX ON THE WEST OF THE INTERSECTION OF PALM AND NEES AVENUE

We reviewed the Traffic Impact Study (TIS) dated March 9, 2005; Addendum 1 dated April 21, 2005; and Addendum 2, dated May 12, 2005 for the proposed office and retail complex center with a gross leasable area of 128,740 square feet. Based on the ITE Trip Generation manual, this project will generate 8,366 daily trips, 572 AM and 972 PM peak hour trips.

The City has the following comments to the traffic impact study:

As a mitigation measure, this project shall:

1. As a condition of the proposed project, the Owner/Developer shall signalize the intersection of **Palm at Nees Avenue**. Eligible work at this intersection can be credited against the required Traffic Signal Mitigation Impact Fee (TSMI fee) in item number 3 below. This proposed construction of this signal shall include, but not limited to the following:
 - a. The intersection shall be signalized to City of Fresno Standards complete with actuation, left/right turn phasing, and signal pre-emption.
 - b. Protected dual westbound left-turn lanes
 - c. Protected dual northbound left-turn lanes
2. (Future conditions) The developer/owner shall pay its fair share cost for the **Audubon at Nees Avenue** improvements using the Caltrans Equitable Share Formula. The City of Fresno has established a geometric layout and cost estimate for the improvements for the intersection of Audubon at Nees Avenue. The cost is estimated to be \$260,000. Based on the equitable fair share percentage, the impact is 66.2%, which results in the amount of a total mitigation fee of \$172,120. This was based on the following formula:

Calculations for Audubon at Nees Avenue:

$$EquitableShare = \left(\frac{674}{3,037 - 2,019} \right) = .662 \Rightarrow 66.2\%$$

$$P = \left(\frac{p}{f - e} \right)$$

Where,

P=Fair share percentage

p=The higher of the AM or PM Peak hour project trips without General Plan Amendment (G.P.A.)

f=Total 2025 corresponding future peak hour traffic without project.

e=Existing traffic.

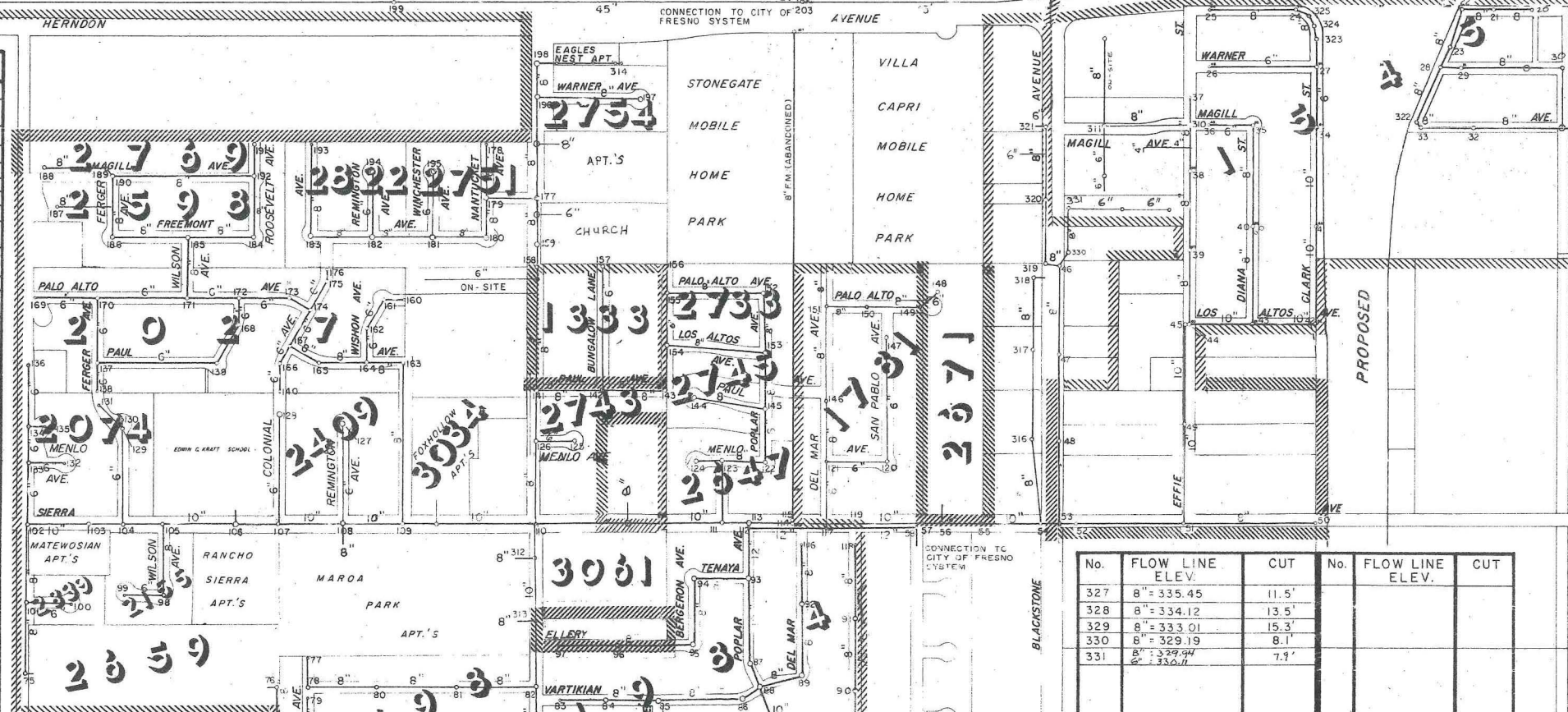


MANHOLE & LAMPPOLE (L.H.) DATA

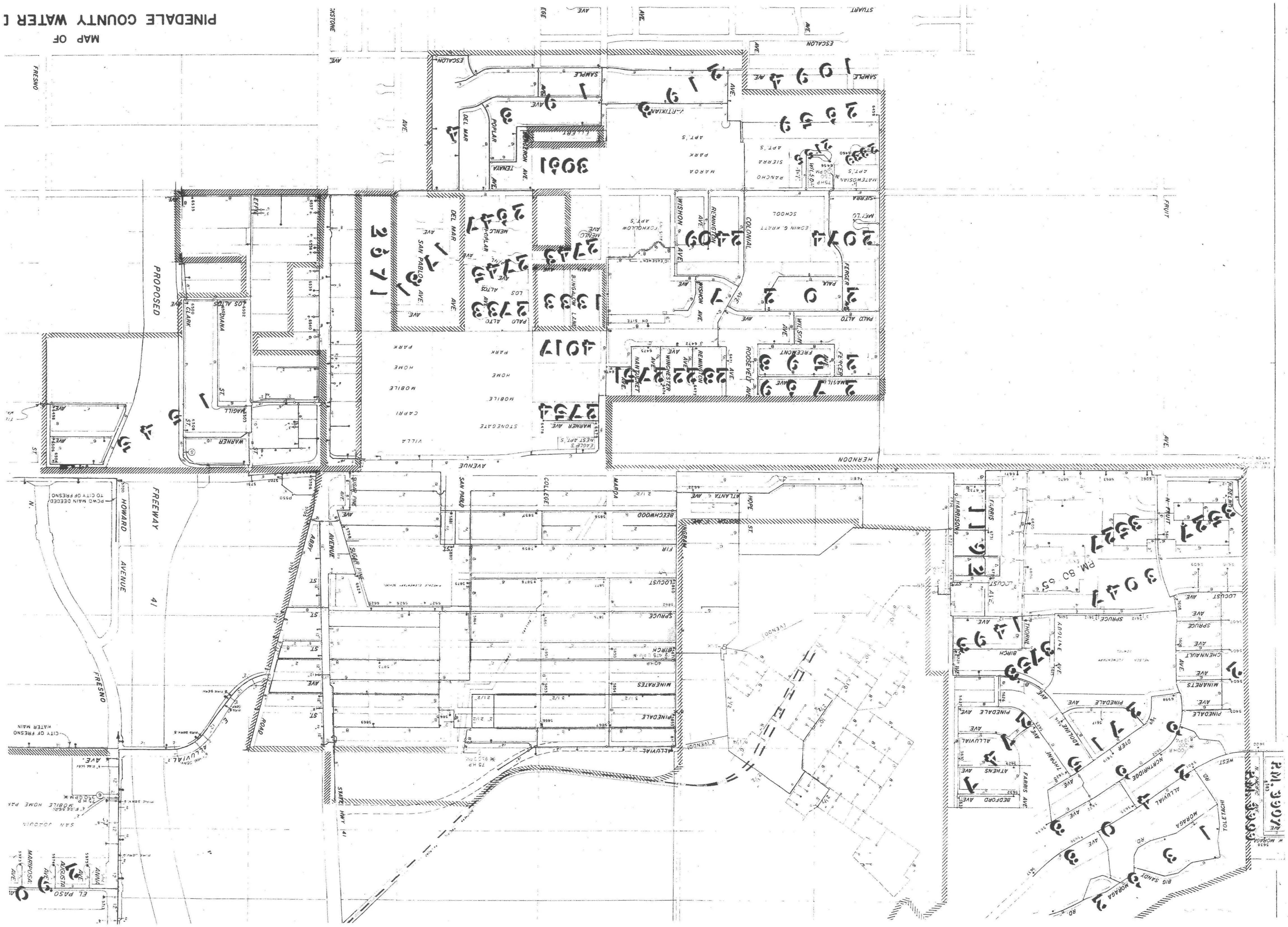
No.	FLOW LINE ELEV.	CUT	No.	FLOW LINE ELEV.	CUT	No.	FLOW LINE ELEV.	CUT
216		5.00'	231		4.50'	248		10.42'
217		8.25'	232		L.H.	249		4.75'
218		L.H.	233		4.17'	250		L.H.
219		L.H.	234		6.00'	251		L.H.
220		4.75'	235		L.H.	252		3.92'
221		L.H.	236		4.00'	253		8.00'
222		4.58'	237		3.83'	254		5.42'
223		9.42'	238		L.H.	255		3.75'
224		8.33'	239		L.H.	256		L.H.
225		3.25'	240		4.50'	257		L.H.
226		L.H.	241		8.42'	258		L.H.
227		L.H.	242		L.H.	259		5.92'
228		9.00'	243		L.H.	260		5.75'
229		5.00'	244		L.H.	261		L.H.
230		5.17'	245		4.08'			
			246		8.92'			
			247					

MANHOLE & LAMPPOLE (L.H.) DATA

CUT	No.	FLOW LINE ELEV.	CUT	No.	FLOW LINE ELEV.	CUT	No.	FLOW LINE ELEV.	CUT
6.25'	56		9.08'	108	6" = 327.50	9.7'	163	8" = 328.99	10.9'
6.67'	57		8.92'		10" = 327.67		164	8" = 334.50	4.4'
8.5'	58	12" = 319.00	12.1'	109	8" = 327.05	9.8'	165	8" = 330.05	8.7'
	59		4.25'		10" = 326.63		166	8" = 334.00	4.4'
8.1'	60		4.00'	110	10" = 325.29	9.5'	167	8" = 330.49	8.1'
8.0'	61		4.33'		8" = 321.60	8.4'	168	8" = 332.64	6.3'
8.0'	62		4.50'	112	12" = 320.74	9.2'	169	8" = 335.28	3.5'
8.1'	63		4.50'	113	12" = 320.91	9.1'	170	8" = 334.34	4.2'
8.3'	64		4.17'	114	10" = 322.61	7.5'	171	8" = 332.79	5.3'
8.3'	65		4.08'		10" = 322.61		172	8" = 332.15	7.1'
7.8'	66		3.83'	116	12" = 319.99	10.6'	173	8" = 331.37	7.0'
8.3'	67		L.H.		8" = 321.60		174	8" = 331.30	8.0'
8.2'	68	8" = 325.42	4.0'	118	12" = 320.74	9.2'	175	8" = 332.02	7.3'
8.7'	69	8" = 326.42	4.9'	120	8" = 322.70	7.8'	177	8" = 330.22	9.6'
11.67'	70	8" = 327.42	5.3'	121	8" = 322.90	8.0'	178	8" = 332.26	8.4'
13.92'	71	8" = 328.34	5.3'	122	8" = 322.70	7.8'	179	8" = 331.76	8.8'
9.00'	72	8" = 328.72	5.3'	123	8" = 326.07	11.0'	180	8" = 331.76	8.8'
7.00'	73		5.00'	124	8" = 325.90	10.7'	181	8" = 333.34	7.7'
4.92'	74		10.75'	125	8" = 332.30	5.5'	182	8" = 333.34	7.7'
4.67'	75	8" = 331.44	3.3'	126	8" = 332.30	5.5'	183	8" = 333.34	7.7'
6.5'	76		12.7'	127	8" = 333.30	4.5'	184	8" = 333.92	6.4'
7.0'	77	8" = 328.47	5.9'	128	8" = 333.30	4.5'	185	8" = 333.92	6.4'
4.6'	78	8" = 327.99	6.2'	129	8" = 333.30	4.5'	186	8" = 333.92	6.4'
L.H.	79	8" = 329.06	5.0'	130	8" = 333.30	4.5'	187	8" = 333.92	6.4'
4.67'	80	8" = 327.07	6.6'	131	8" = 333.30	4.5'	188	8" = 333.92	6.4'
6.9'	81	8" = 326.07	6.8'	132	8" = 333.30	4.5'	189	8" = 333.92	6.4'
4.33'	82	8" = 325.07	5.0'	133	8" = 333.30	4.5'	190	8" = 333.92	6.4'
12.0'	83		L.H.	134	8" = 333.30	4.5'	191	8" = 333.92	6.4'
3.5'	84		4.42'	135	8" = 333.30	4.5'	192	8" = 333.92	6.4'
8.0'	85		4.75'	136	8" = 333.30	4.5'	193	8" = 333.92	6.4'
6.33'	86		5.00'	137	8" = 333.30	4.5'	194	8" = 333.92	6.4'
	87		6.00'	138	8" = 333.30	4.5'	195	8" = 333.92	6.4'
	88		5.83'	139	8" = 333.30	4.5'			
4.25'				140	8" = 333.30	4.5'			



No.	FLOW LINE ELEV.	CUT	No.	FLOW LINE ELEV.	CUT
262		L.H.	292		6.00'
263		3.83'	293		L.H.
264		4.58'	294		3.67'
265		7.75'	295		4.08'
266		7.75'	296		5.75'
267		L.H.	297		4.00'
268		8.0'	298		2.42'
269		L.H.	299		2.00'
270		9.92'	300		7.25'
271		11.25'			
272		14.83'	301		L.H.
273		14.83'	302		7.00'
274		L.H.	303		3.00'
275		7.00'	304		6.33'
276		4.25'	305		4.25'
277		4.58'	306		3.33'
278		5.17'	307		L.H.
279		L.H.	308		5.92'
280		L.H.	309		L.H.
281		6.00'	310		8" = 333.25
282		4.75'	311		8" = 334.10
283		5.50'	312		L.H.
284		L.H.	313		L.H.
285		L.H.	314		6" = 338.00
286		5.50'	315		8" = 343.75
287		5.92'	316		8" = 324.77
288		L.H.	317		8" = 326.26
			318		8" = 327.51
			319		8" = 329.77
			320		8" = 330.72
			321		8" = 331.75
			322		8" = 332.61



FRESNO LOCAL AGENCY FORMATION COMMISSION
2100 TULARE STREET, SUITE 502
Fresno, CA 93721 PHONE: (559) 495-0604

Mike Waiczis, Executive Officer
Candie Fleming, Secretary/Commission Clerk

OFFICE USE ONLY:

LAFCo File No.

00-05-1
Date Received



Name of Proposal Detachment from the Pinedale County Water District & Pinedale Public Utilities District
Changes of Organization listed in Resolution or Petition Same as above

Signature of Chief Petitioner or Representative of Initiating Agency

Date

Name Cliff Tutelman Address 2300 Tulare St. Suite 300 Fresno 93721
Title President; Tutelman & Co. Phone 559 266 8000

This application and attached documents are complete and are in all respects true and correct to the best of my knowledge.

List the name and address of officers or persons, not to exceed three in number, who are to receive the notice of hearing and the Executive officer's Report.

Name	Address and Zip Code
<u>Cliff Tutelman</u>	<u>2300 Tulare St. Suite 300 Fresno, CA 93721</u>
<u>Steve Samuels</u>	<u>1530 E. Shaw, Suite 114 Fresno, CA 93710</u>
<u>Bruce O'Neal</u>	<u>286 W. Shaw Fresno, CA 93711</u>

1. Reasons for Proposal

A. State the reasons for this change, and why the change is proposed at this time.

The detachment is necessary so that the City of Fresno can provide water service.

Describe in detail any added service and greater frequency or range of services to be removed from landowners/residents of the area:

Water service would be provided by the City rather than the PCWD.

B. What is the reason for the proposal boundaries?

The detachment would remove the property from the PCWD which cannot provide water service without major capital improvements. The City can provide water from existing lines in Palm Avenue adjacent to the site.

2. Information on Proposal Area and Vicinity

- A.

Acreage 21¹/₂

Estimated No. of Registered Voters 0

Population Est. 0

County Zoning N.A.
- B.

List the uses of land in the affected area and give acreage for each.

The site is vacant.
- C.

Does the proposed change of organization conform to the County General and Specific Plans (explain if not conforming)?

N.A. The site is within the City of Fresno. Planned and zoned for office/commercial uses.

What is the County plan designation?

N.A.

3. Information on Services

- A.

List below the names of agencies or companies now providing services to those removed by district detachment.

The site is within the PCWD but no service is currently provided.
- B.

Comment on the existing district public service facilities or improvements which will no longer serve the affected territory after detachment.

There are no PCWD facilities available to the site.

4. Information on Costs and Revenue

- A.

Is there any outstanding general bonded indebtedness for the district who boundaries re changed by this proposal?

no
- B.

If so, give information listed below:

Name of Agency	Bond Tax Rate for Affected Territory	Date of Maturity	General Purpose of Bond
----------------	--------------------------------------	------------------	-------------------------
- C.

Is the affected territory to remain subject to all of the above general bonded indebtedness upon detachment?

N.A.
- D.

If any costs of services to be or already being received by residents within the affected territory will change as a result of this proposal, give breakdown of change for a typical residential landowner or resident in the affected territory for comparison purposes.

N.A.

5. Information on Processing Change of Organization or Reorganization

A. Property Tax Exchange (Revenue & Tax Code 99 & 99.1) Check either:

☒

The Master Tax Agreement should apply to the change.

☐

Other agreement for change is to be negotiated (Explain other agreement).

B. Compliance with California Environmental Quality Act. Check either:

☐

Proponent requests LAFCo to be lead agency. Additional project data may be necessary.

☐

Project is Exempt and a Notice of Exemption, prepared in consultation with LAFCo, is included.

☒

An initial study is complete and a Negative Declaration prepared for the annexation in consultation with LAFCo and other affected agencies and is included.

☐

An EIR has been prepared for the annexation project and 10 copies are included.

C. Initiation of Application. A clear and reproducible legal description and map meeting Commission standards must be included, and a copy also attached to the resolution or petition. Check either:

☐

A certified resolution of application is included.

☒

A petition of landowners or registered voters is included.

D. Landowner Consent or Notice. Check either:

☒

1. Signed LAFCo property owner consent forms for all landowners are included as shown on Assessor's roll.

☐

2. Letter of Notification to Landowner and Residents (if no consent of all landowners).

a. All property owners and residents must be notified of the change and how to receive notice of LAFCo hearing.

b. For inhabited proposals, a City response to a neighborhood meeting, held for the annexation listing the issues and the City response.

E. District Service Plan. Check either:

☒

A Service Plan for the change is included.

☐

A Master Service Plan is filed with LAFCo and is current.

F. Waiver of Conducting Authority proceeding.

☒

Check if all landowners have consented in writing and there are less than twelve registered voters, and if all annexing agencies have consented in writing to waive further Conducting Authority proceeding. Include State Board of Equalization filing information and fees.

6. Application Fees

A fee must accompany the application in accordance with the LAFCo fee schedule.

7. Political Reform Act Compliance

List of Affected Landowners and Financial Interests.

For all uninhabited proposals, or proposals where land use entitlements have been or may be filed with the city, the names of all landowners, lessees, options to purchase or lease the property, or any other having any ownership or financial interest in the property, must be furnished with the applications. If the interest is a corporation or partnership, list all persons owning more than 10% of the corporation shares or interest in partnership. If a trust or non-profit organization, list any directors or trustees, trustors, or beneficiaries.

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

If an applicant for or participant of any proceeding has made a campaign contribution of more than \$250 to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (government Code Section 84308).

(application)

LOCAL AGENCY FORMATION COMMISSION (LAFCO) OF FRESNO COUNTY

APPLICATION FOR A REQUEST FOR AMENDMENT TO A SPHERE OF INFLUENCE

PURSUANT TO GOVERNMENT CODE SEC. 56428, ET. SEQ.

CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

FRESNO LOCAL AGENCY FORMATION COMMISSION
2100 TULARE STREET, SUITE 502
FRESNO, CA 93721 PHONE: (209) 495-0604

OFFICE USE ONLY: _____

FILE NO.: _____

Michael R. Waiczis, Executive Officer
Candie Fleming, Clerk to the Commission

DATE RECEIVED: _____

Request or Name of Proposal: Reduce / Detach from Pringle County Water District SOISignature of Initiating Individual: Bruce O'NealRepresenting: Cliff TuttleDate: 8/21/05Printed Name: Bruce O'Neal Address: 286 W. CromwellTitle: Principal Phone: 256-4250 e-mail: doneal@perc.com

Your signature indicates that this application and attached documents are complete and are in all respects true and correct to the best of your knowledge.

Pursuant to Government Code Section 56652, all of the information and items listed below must be submitted to LAFCo in order to create a "complete application". An application can only be deemed complete after compliance with the California Environmental Quality Act, (Division 13, Section 21000 of the Public Resources Code). LAFCo requests that each application contain all of the documents and information listed below in order for the proposal to be fairly reviewed and presented. Please be advised that each application, upon its filing, becomes a public document. Please submit the following:

- A completed and signed application form.
- A petition, resolution or pursuant to Government Code Section 56428, et. seq., a written request initiating the proposal.
- A statement of the nature of the proposed amendment, including the reasons for the request.
- A map and description of the requested amendment, acceptable to the executive officer, indicating the boundaries of the affected territory and clearly indicating the proposed amendment.
- A Municipal Service Plan for the affected territory in the expanded sphere of influence area.
- At least 20 Copies of environmental documents prepared for this request (i.e., Certified Final Environmental Impact Report, Initial Study, Negative Declaration, etc.). More may be required.
- A reproducible copy of any pertinent Resolution, Findings, and Statement of Overriding Considerations adopted by a legislative body adopting a Negative Declaration or Certifying the FEIR and approving the project. (An electronic file is desirable).
- In the case of a city SOI, a letter from the jurisdiction(s) whose sphere of influence is affected by this request giving consent and/ or waving protest rights and providing verification that the City and County have met pursuant to Government Code Section 56425 (b).
- In the case of a city SOI, a letter from the County giving consent and/ or waving protest rights and providing verification that the City and County have met pursuant to Government Code Section 56425 (b).
- Any additional data and information as may be required by the Executive Officer, pertaining to any of the matters or factors that may be considered by the Commission.
- The names of the officers or persons, not to exceed three in number, who are to be furnished with copies of the report by the Executive Officer and who are to be given mailed notice of the hearing.
- Please prepare a written statement addressing each of the following:
 - The present and planned land uses in the area, including agricultural and open-space lands.
 - The present and probable needs for public facilities and services in the area, including water and sewer.
 - The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
 - The existence of any social or economic communities of interest in the area.

Any other information related to these factors may be requested, if not adequately developed in this application.

If the application is found to be complete, a *Certificate of Filing* will be issued by the Executive Officer within 30 days, giving the date of the Commission hearing. Allow a minimum of 45 days from the date of submittal of the application for processing and review by the staff, before the hearing by the Commission. Documents required with the application are listed on the following pages. Check the box next to each item that you have included.

If an applicant for or participant of any proceeding has made a campaign contribution of more than \$250 to or for any of the Commission members, State law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).

- ☐A.

Questionnaire
Original signed and complete questionnaire form.
- ☐B.

Compliance with the California Environmental Quality Act
In order to comply with the requirements of the California Environmental Quality Act, an Environmental Assessment of the project has to be completed. The Environmental Assessment must consider the whole project, including any known or foreseeable physical changes in the environment that could result from the changes proposed. Changes indicated in the plan for provision of services and improvements, changes in land use or subdivision as indicated by any development proposal, the specific or general plans of the agency, and any previous environmental documents, i.e. EIR or Negative Declaration, shall be considered.

An application and processing fee for the environmental assessment is required.
- ☐C.

Resolution of Application
A certified resolution of application in proper form from the affected agency must accompany application (Section 56428, Government Code).
- ☐D.

Supplemental Maps
One copy of each of the following maps are required to give the Commission related information concerning the proposal. Each map must be clear, reproducible, and 8-1/2 x 11 inches in size.

1.

A sphere of influence map of the agency clearly showing the proposed revision.

2.

A land use map showing the boundaries of the agency and proposal area, existing developed areas, and areas proposed for development, vacant, and agricultural areas.

3.

A service and zoning map showing the existing agency's boundaries, any existing and proposed water and sewer lines, existing and proposed public facilities, existing and proposed zoning.

4.

A map showing prime agricultural lands, agricultural preserves and land conservation contracts related to the proposed revision.
- ☐E.

Application Fees
A fee must accompany the application in accordance with LAFCo fee schedule.
- ☐F.

Agency Service Plan
Please submit One copy of a plan for providing services and improvements to existing and future intended uses within the affected territory. The plan shall:

1.

List and describe the services to be extended.

2.

Describe the level of service, i.e. frequency, response time, travel time, capacities, etc. and the range of services within each category.

3.

Indicate when each service can feasibly be extended.

4.

Indicate any improvement or upgrading of public structures, improvements, sewer, water, or other facilities within the affected territory that would be necessary to provide the services.

5.

State how all services and improvements or facilities will be financed.

If one or more of the services listed above are to be provided by another public agency or private entity, please submit a letter from that agency or entity indicating the availability of such service, as well as the level, date of availability, and means of financing the extension of that service.

MAILINGS

List the name and address of officers or persons, not to exceed three in number, who are to receive the notice of hearing and the Executive Officer's Report.

NAME	ADDRESS	ZIP CODE
Cliff Tutelman	2300 Tulare St, Suite 300	Fresno, CA 93721
Steve Samuelian	1530 E. Shaw, Suite 114	Fresno, CA 93710
Bruce O'Neal	286 W. Cromwell	Fresno, CA 93711

QUESTIONNAIRE

(Please attach additional sheets as necessary)

Proposal Area Information

A. Acreage 2 1/2 acres Population 0
No. of Dwelling Units 0 County Zoning NA
No. of Landowners 1 Zoning Upon Annexation N.A.

B. List the uses of land in the affected area and give acreage. If in agricultural use, list crops produced over the past three years.

The land is vacant and has been used in the past as
a wastewater treatment plant site.

C. Is any of the affected territory in an agricultural preserve or under Land Conservation Contract? No

What mitigation measures have been taken to maintain these areas both within the proposed revision and adjacent?

N.A.

D. Does the proposed revision conform to the affected City General and Specific Plans (explain if not conforming)?

Yes

What is the affected City plan designation?

Office Commercial

E. Does the proposed revision conform to the County General and Specific Plans (explain if not conforming)?

N.A.

What is the County plan designation?

N.A.; land is in City of Fresno

F. What quantity of vacant land is already planned for similar use(s) and is now within the agency sphere of influence? N.A.

Given the current rate of development, approximately how long until the above vacant lands will be developed (show calculations)?

N.A.

Proposal Justification

A. State the justification for this change and why the change is proposed at this time rather than later or earlier? Describe in detail any proposed development, location, acreage of uses, and number of dwelling units proposed. If already developed, describe in detail any added service and greater frequency or range of services to be provided to residents of the area.

Detachment from the SOI of the Pinedale County Water District would allow the City of Fresno to provide water service.

B. How does this proposal relate to the Commission's goals, which encourage a well planned, orderly, compact urban development pattern, and which encourages new development to be contiguous with existing development?

The project complies with LAFCD's policies calling for logical and efficient provision of urban services.

C. Explain why this proposal is necessary considering other vacant lands already in the agency and existing sphere of influence.

The proposal is necessary to provide for efficient provision of water service which is available immediately adjacent to the project site from the City of Fresno.

D. What is the justification for the revision boundaries? Include justification for the creation of any irregular boundary.

See above item (C). The detachment from the District SOI would provide a more logical and efficient service boundary.

E. Identify any social or economic communities of interest in the revision area that would show interdependence or interaction with the subject agency and its community.

Water service from the City of Fresno is provided on adjacent properties. Service to this site by the City would be consistent with overall service to the Palm Bluff Business Park.

Service Information

A. List below the names of agencies or companies now providing services and which agency will provide service. Include estimated date new service will begin (use "UA", if upon annexation).

	Existing	Proposed Change	Date
Domestic Water	PCWD	City of Fresno	LARCo Approval
Sewer Collection	City of Fresno	City of Fresno	
Solid Waste Collection	City of Fresno	City of Fresno	
Street Lighting	City of Fresno	City of Fresno	
Parks and Recreation	City of Fresno	City of Fresno	
Fire Protection	City of Fresno	City of Fresno	
(station distance)	1.5 miles		
Paramedic	City of Fresno	City of Fresno	
(station distance)	1.5 miles		
Police	City of Fresno	City of Fresno	
Storm Drainage	FMFCD	FMFCD	
Public Transit	Fresno FAX	Fresno FAX	

B. Which of the above agencies affected by this proposal have been contacted regarding this proposal and the possible change in service area or responsibility?

City of Fresno

C. Indicate below when any service lines to serve the area will be constructed, and any other improvements or facilities that are planned for construction that will serve this area. How will they be financed?

City of Fresno water lines currently in place in Palm Avenue

D. Are any of the existing public service facilities or improvements which will serve the affected territory (i.e. water or sewer lines, fire stations) either below agency standards, or near or beyond their capacity to adequately serve the area? PCWD lines don't exist; City of Fresno water available.

If yes, please explain how these improvements/facilities will be upgraded, when and how financed.

Should project site remain in PCWD, developer would provide water line extensions.

E. Describe any pertinent policy or agreement for services that exists among agencies now serving the area or that will be needed to serve the area in the future.

None

F. Describe the impact on those agencies whose boundaries and/or revenues and service areas will be affected by this proposal, and any signed transition agreement or other consideration given to this impact.

PCWD would lose future revenue from development of approximately 200,000 square feet of office/commercial.

Affected Landowners and Financial Interests

For all uninhabited proposals, or proposals where land use entitlements have been or may be filed with a local agency, the names of all landowners, lessees, options to purchase or lease the property, or any others having any ownership or financial interest in the property, must be furnished with the application.

If the interest is a corporation or partnership, list all persons owning more than 10% of the corporation shares or interest in partnership. If a trust or non-profit organization, list any directors or trustees, trustors or beneficiaries.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be from a notebook or a standard sheet of stationery. There is no handwriting or other markings on the page.

This application was prepared by:


Signature

DATE:

8/20/05