

Analysis of Comments & Concerns

The following is an analysis of the concerns expressed in the letters and emails that were received in response to the Notice of Intent to Take Action and the Notice of Action:

Concern #1: Some neighbors were concerned about a lack of infrastructure and traffic related impacts.

Response: As previously mentioned in the Circulation Element Plan Policies and Street System Traffic Capacity section above, the proposed project is located within Traffic Impact Zone III. The threshold established by the Fresno General Plan in TIZ III is Level of Service "D" representing a high-density, but stable flow. The Traffic Impact Study (TIS) for the proposed multi-family development assessed the impacts of the new development on existing and planned streets combined with future projects for cumulative considerations. Based upon the analyses included in the TIS, all intersections would continue to operate at an acceptable Level of Service (D or better) under Existing, Existing plus Project, Near-Term (2018), and Near-Term plus Project scenarios.

The Public Works Department/Traffic Engineering Division staff has reviewed the proposed traffic yield from the proposed project and the expected traffic generation will not adversely impact the existing and projected circulation system as analyzed in MEIR. Furthermore, the Public Works Department, Traffic Engineering Division has reviewed the potential traffic related impacts for the proposed project and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the standard city requirements for street improvements and subject to the project specific mitigation measures determined applicable by the City of Fresno Traffic Engineer.

The proposed project will also be required to construct all necessary street frontage improvements to City Standards. In addition, future phased development of the proposed project will be required to dedicate and construct improvements along all major street frontages and on any future proposed interior local streets within respective phases in accordance with City of Fresno standards, specifications and requirements. The project will also provide and facilitate additional pedestrian connectivity through the development of a planned trail along the West Keats Avenue/Herndon Canal alignment.

Veterans Boulevard

Veterans Boulevard is a regionally significant project which will improve traffic capacity and enhance traffic operations and mobility for northwest Fresno by addressing several transportation challenges that include structural barriers, congestion and goods movement. The Veterans Boulevard project will include a new interchange on State Route 99 (SR99) and a 2.5 mile super arterial roadway from Herndon Avenue to Grantland Avenue and will include a Class I bicycle and pedestrian path/trail. The new interchange will be located on SR 99 between the Herndon Avenue and Shaw Avenue interchanges. This project will: (1) Improve access to SR99; (2) Provide congestion relief to northwest Fresno; and, (3) Connect northwest Fresno to the communities west of SR 99. The review of the development plans for the construction of Veterans Boulevard is complete. Construction of Veterans Boulevard will begin as soon as funding is available.

The Fresno County Voters passed an extension to the Measure "C" program in November 2006, continuing a one-half cent sales tax for transportation purposes. Much of the Measure "C" Program is done by Fresno Council of Governments (COG) staff, while the agency responsible for overseeing the implementation of Measure "C" is the Fresno County Transportation Authority (FCTA). The Veterans Boulevard project is a current Measure "C" Project.

Lastly, the proposed project will be required to pay its fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms as included within the project conditions of approval and applicable mitigation measures. These conditions and mitigation measures which are applied to the proposed project will assure the project remains revenue neutral and will cover all costs for public infrastructure, public facilities, and public services on an ongoing basis consistent with the requirements of ED-5-b. Therefore, (1) No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project; (2) The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development; (3) The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and, (4) The development will fully fund ongoing public facility and infrastructure maintenance and public service cost.

Concern #2: Some neighbors were concerned about a decrease in property values associated with the proposed multi-family residential apartment complex.

Response: There is no substantial or reliable evidence in the record for staff to determine the proposed multiple family residential apartment complex will result in a decrease in property values for surrounding properties in the area.

Concern #3: Some neighbors were concerned about an increase in crime associated with the proposed multi-family residential apartment complex.

Response: There is no substantial or reliable evidence in the record for staff to determine the proposed multiple family residential apartment complex will result in an increase in crime. Furthermore, the Fresno Police Department had no comments in response to the proposed project.

Concern #4: Some neighbors were concerned about an increase in noise associated with the proposed multi-family residential apartment complex.

An acoustical analysis was not required and the proposed project it is not expected to generate more noise than what a typical multiple family residential apartment complex would generate. The FMC's Noise Ordinance states residential zoned properties shall not exceed 50 dB from 10:00 p.m. to 7:00 a.m., 55 dB from 7:00 p.m. to 10:00 p.m. and 60 dB from 7:a.m. to 7 p.m. The immediate vicinity consists of existing single family and rural residential uses which will produce noise levels similar to noise levels produced by the proposed project. The subject property is located across from existing single family residential uses along the northern boundary and separated by West Barstow Avenue. The proposed project includes a 15-foot landscape setback along the aforementioned boundary. Furthermore, the proposed community amenities including the swimming pool, multi-sport courts, and common outdoor activity plaza will be centrally located near the center of the proposed apartment complex setback more than 200 feet from the existing single family residential uses to the north. In addition, the immediate vicinity consists of property planned for future mixed-use development which will produce noise levels which will either exceed or be similar to noise levels produced by the proposed project. Although the project will create additional activity in the area, the project will be required to comply with all noise policies from the Fresno General Plan and noise ordinance from the FMC.

During construction the project shall comply with the FMC which allows for construction noise in excess of standards if it takes place between the hours of

7:00 a.m. and 10:00 p.m. on any day except Sunday. Thus, construction activity would be exempt from City of Fresno noise regulations, as long as such activity is conducted pursuant to an applicable construction permit and occurs between 7:00 a.m. and 10:00 p.m., excluding Sunday.

Concern #5 Some neighbors were concerned about the impacts to schools.

The proposed project and any future development occurring as a result of the proposed project may have an effect on the Central Unified School District's student housing capacity. According to the Central Unified School District, the proposed project will produce approximately 111 students. Of those 111 students, 61 will be in the K-6 grade level, 17 will be in the 7-8 grade level, and 33 will be in the 9-12 grade level. With the District's current area boundaries, students from the proposed project will be attending River Bluff Elementary School, Rio Vista Middle School, and Central High School. Impacts from the proposed project will result in the need for additional classroom(s). The District, through local funding, is in a position to mitigate its shortage of classrooms to accommodate planned population growth for the foreseeable future. However, the District recognizes that the legislature, as a matter of law, has deemed under Government Code Section 65996, that all school facilities impacts are mitigated as a consequence of SB 50 Level 1, 2 and 3 developer fee legislative provisions. Therefore, the developer will pay appropriate impact fees at time of building permits.