

CITY OF FRESNO ADDENDUM TO A NEGATIVE DECLARATION PREPARED FOR ENVIRONMENTAL ASSESSMENT NO. EA-17-014 (As filed with the Fresno County Clerk on August 11, 2017) <i>Addendum prepared in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines</i>		This addendum was not circulated for public review pursuant to Section 15164(c) of the CEQA Guidelines.
The full Initial Studies and the Master Environmental Impact Report SCH No. 2012111015 are on file in the Development and Resource Management Department, Fresno City Hall, 3rd Floor 2600 Fresno Street Fresno, California 93721 (559) 621-8277	ENVIRONMENTAL ASSESSMENT NUMBER: P19-0393 (Addendum to EA-17-014)	
APPLICANT: Cheryl Burns Department of Public Utilities City of Fresno 2600 Fresno Street, Room 4019 Fresno, CA 93721	PROJECT LOCATION: Citywide	
PROJECT DESCRIPTION: Environmental Assessment Application No. P19-00393 was filed by Cheryl Burns with the Department of Public Utilities and proposes amendments to the Fresno Municipal Code (FMC) and the Urban Water Management Plan Water Shortage Contingency Plan (WSCP) relating to regulations for urban water conservation and excessive use. The project includes modifications to the following: (1) the outdoor water use schedule, (2) the excessive water use definition, (3) the enforcement of incidents of water waste, (4) the exemptions to the Outdoor Water Use Schedule, (5) the water use restrictions relating to pools, (6) the outdoor water use hours, and (7) the penalties for incidents of water waste. Environmental Assessment No. EA-17-014 was approved on October 19, 2017 and analyzed amendments to all but two of the items listed above. The two amendments are related to the outdoor water use hours and the penalties for incidents of water waste. The proposed amendments are not substantial changes to the FMC or the WSCP. The amendments allow for greater flexibility for customers to use the water that they need during days and times that work better for them, adds flexibility and new thresholds for water uses more appropriate for daily indoor water usage needs, provides customers a chance for discussion with water conservation staff regarding outdoor water use prior to penalties being enforced, establishes a difference between short and long-term exemptions, brings customers into compliance with state water regulations, and reduces the penalty amount for water waste. Overall, the changes being made to the water conservation regulations are only a small component of the City's overall water conservation strategy and are not a substantial revision to the WSCP. The changes are not expected to result in any significant increase of overall water usage. Rather, they are being implemented to allow for more customer flexibility, resulting in fewer punitive measures for customers who are inadvertently out of compliance with regulations. The proposed project will not have a significant impact. It may be determined that: (1) The project does		

not significantly exceed the scope of Environmental Assessment No. EA-17-014; (2) No substantial changes are proposed in the project which require major revisions to the previous environmental finding due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) No substantial changes will occur with respect to the circumstances under which the project is undertaken; and, (4) No new information, which was not known and could not have been known, at the time the environmental finding for Environmental Assessment No. EA-17-014 was adopted, has become available.

Therefore, the City of Fresno has determined that an addendum to Environmental Assessment No. EA-17-014 is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent negative declaration have occurred; and, new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA Guidelines.

Section 15162 provides that when a negative declaration has been adopted for a project, no subsequent negative declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

FINDINGS PURSUANT TO SECTION 15162 OF THE CEQA GUIDELINES.

(1) Substantial changes are proposed in the project which would require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

Finding (1):	The amendments to the FMC and WSCP within the Urban Water Management Plan do not require major revisions to EA-17-014 given that the amendments are proposed to allow for more customer flexibility, resulting in fewer punitive measures for customers who are inadvertently out of compliance with regulations. The amendments do not create a significant increase in water usage.
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(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,

Finding (2):	Substantial changes have not occurred with respect to the circumstances under which the project is undertaken. There are no new significant environmental effects due to the amendments.
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(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous negative declaration; (B) Significant effects previously examined will be substantially more severe than shown in the previous negative declaration; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; and, (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous negative declaration, would substantially reduce one or more significant effects on the environment.

Finding (3):	No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental determination was adopted, has become available. The proposed amendments will not result in new significant environmental effects.	
ADDENDUM PREPARED BY: McKencie Perez, Supervising Planner		SUBMITTED BY: <i>McKencie Perez</i>
DATE: 3/07/19		McKencie Perez, Supervising Planner CITY OF FRESNO DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

Attachments:

- Attachment #1: Resolution No. 2017-279 – A resolution of the Council of the City of Fresno amending the Water Shortage Contingency Plan
- Attachment #2: Ordinance No. 2017-56 – An ordinance amending the FMC relating to regulations for urban water conservation and excessive water use
- Attachment #3: Draft Resolution to Amend Water Shortage Contingency Plan
- Attachment #4: Draft Ordinance to Amend the Fresno Municipal Code
- Attachment #5: Environmental Assessment No. EA-17-014

Attachment #1



RESOLUTION NO. 2017-279

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO AMEND THE WATER
SHORTAGE CONTINGENCY PLAN

WHEREAS, the City adopted its current Water Shortage Contingency Plan ("WSCP") on June 23, 2016, as part of the City's 2015 Urban Water Management Plan ("UWMP"); and

WHEREAS, the Urban Water Management Planning Act requires the City to describe its water conservation measures within its WSCP; and

WHEREAS, in response to water conservation mandates from the State of California the City of Fresno ("City") has prepared proposed amendments to the WSCP to update water conservation requirements and watering restrictions in different water conservation stages in the City of Fresno.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City hereby adopts the amended Water Shortage Contingency Plan, as attached in Tables 1-3 of Exhibit A herein.

* * * * *



CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, CMC, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 12th day of October, 2017.

AYES : Baines, Brandau, Bredefeld, Caprioglio, Chavez, Olivier
NOES : None
ABSENT : Soria
ABSTAIN : None

Mayor Approval: October 18th, 2017
Mayor Approval/No Return: N/A, 2017
Mayor Veto: N/A, 2017
Council Override Vote: N/A, 2017

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By:

Amanda B Freeman
Deputy

Date

10/23/2017

YVONNE SPENCE, CMC
City Clerk

By:

Yvonne Spence
Deputy

Attachment:
Exhibit A – Amended Water Shortage Contingency Plan, Tables 1-3

ABF:cm [75145cm/abf]



EXHIBIT A

Table 1: Stages of Water Shortage Contingency Plan (WSCP)

Stage	Percent Supply Reduction	Water Supply Condition
1	10%	Stage 1 of the Water Shortage Contingency Plan may be triggered by any of the following conditions: • In the second of two consecutive years, the volume of surface water available to the City through USBR and FID is projected to be less than the long-term average and the reduction in supply, averaged over the consecutive years, is equal to 10% or greater, or • Groundwater contamination conditions exists (DDW required the City to shut down wells) or a large-scale infrastructure failure occurs that results in a 10% loss in water production capacity, or • Localized groundwater cones of depression develop exceeding historic low water levels and, to avoid possible litigation with responsible parties of point source contaminant plumes, the City must shut down existing wells that result in a 10% loss in groundwater production capacity, or • A combination of the above mentioned circumstances or a disaster reduced the City's overall water supply or production capabilities by 10% or more. • After having been in a Stage 2 classification, the following water year results in a declaration by the jurisdictional authority in determining entitlements for the respective surface water supply of normal or above normal water deliveries; or the original trigger for a previous higher stage classification has been rectified to a point that is consistent with the above conditions for this stage.
2	10 - 25%	Stage 2 of the Water Shortage Contingency Plan may be triggered by any of the following conditions: • In the third of three consecutive years, the projected volume of surface water available to the City through USBR or FID is less than the long term average and the reduction in supply, averaged over the three consecutive years equals 10% or greater, or • The volume of surface water available to the City through FID is reduced by 25% of the long-term average, or • The volume of surface water available to the City through USBR is reduced by 25% of the long-term average, or • One-year change in average groundwater level in 30 key City wells exceeds 3 feet or two-year change in average groundwater level in 30 key City wells exceeds 6 feet and exceeds historic low groundwater levels, or • Groundwater contamination condition exists (DDW requires the City to shut down wells) or a large-scale infrastructure failure occurs that results in a 25% loss in water production capacity, or • A combination of the above mentioned circumstances or disaster reduces the City's overall water supply or production capabilities by 25% or more. • After having been in a Stage 3 classification, the following water year results in a declaration by the jurisdictional authority in determining entitlements for the respective surface water supply of normal or above normal water deliveries on the Friant-Kern system; or the original trigger for a previous higher stage classification has been rectified to a point consistent with the above conditions for this stage.



Stage	Percent Supply Reduction	Water Supply Condition
3	25 to 35%	Stage 3 of the Water Shortage Contingency Plan may be triggered by any of the following conditions: • In the fourth of four consecutive years, the projected volume of surface water available to the City through USBR or FID is less than the long term average and the reduction in supply, averaged over the four consecutive years equals 10% or greater, or • The volume of surface water available to the City through FID is reduced by 35% of the long-term average, or • The volume of surface water available to the City through USBR is reduced by 35% of the long-term average, or • One-year change in average groundwater level in 30 key City wells exceeds 5 feet or two-year change in average groundwater level in 30 key City wells exceeds 10 feet and exceeds historic low groundwater levels, or • Groundwater contamination condition exists (DDW requires the City to shut down wells) or a large-scale infrastructure failure occurs that results in a 35% loss in water production capacity, or • A combination of the above mentioned circumstances or disaster reduces the City's overall water supply or production capabilities by 35% or more. • After having been in a Stage 4 classification, the following water year results in a declaration by the jurisdictional authority in determining entitlements for the respective surface water supply of normal or above normal water deliveries on the Friant-Kern system; or the original trigger for a previous higher stage classification has been rectified to a point that is consistent with the above conditions for this stage.
4	35 - 50%	Stage 4 of the Water Shortage Contingency Plan may be triggered by any of the following conditions: • In the fifth of five consecutive years, the projected volume of surface water available to the City through USBR or FID is less than the long term average and the reduction in supply, averaged over the five consecutive years equals 10% or greater, or • The volume of surface water available to the City through FID is reduced by 50% of the long-term average, or • The volume of surface water available to the City through USBR is reduced by 50% of the long-term average, or • One-year change in average groundwater level in 30 key wells exceeds 7.5 feet or two-year change in average groundwater level in 30 key City wells exceeds 12 feet and exceeds historic low groundwater levels, or • Groundwater contamination condition exists (DDW requires the City to shut down wells) or a large-scale infrastructure failure occurs that results in a 50% loss in water production capacity, or • A combination of the above mentioned circumstances or disaster reduces the City's overall water supply or production capabilities by 50% or more.



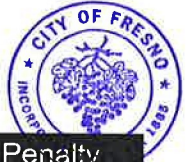


Table 2: Restrictions and Prohibitions on End Uses

(#)	Stage	Restrictions and Prohibitions	Additional Explanation or Reference	Penalty, Charge or Other Enforcement
a	1-4	Landscape - Limit landscape irrigation to specific times	<u>Stage 1:</u> May through November – 3 days/wk; December through April – 1 day/wk <u>Stage 2:</u> June, July, August – 3 days/wk; April, May, September, October – 2 days/wk; November through March – 1 day/wk <u>Stage 3:</u> May through November – 2 days/wk; December through April – 1 day/wk <u>Stage 4:</u> May through November – 1 day/wk; December through April – no landscape irrigation	Yes See Table 3
b	1-3	Other	Prohibit car washing except with a bucket only (a hose equipped with a shut off nozzle may be used for a quick rinse)	Yes See Table 3
c	1-4	Other - Prohibit use of potable water for washing hard surfaces	Prohibit use of potable water to wash sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas except where necessary for public health or safety	Yes See Table 3
d	1-4	Landscape - Prohibit certain types of landscape irrigation	Prohibit irrigating outdoor landscapes with potable water during and within 48 hours after measurable rainfall	Yes See Table 3
e	1-4	Landscape - Prohibit certain types of landscape irrigation	Prohibit irrigating except by use of a hose held in the person's hand or a sprinkling device	Yes See Table 3
f	1-4	Landscape - Prohibit certain types of landscape irrigation	Prohibit using potable water to irrigate or water outdoor landscaping in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures	Yes See Table 3
g	1-4	Landscape - Prohibit certain types of landscape irrigation	Prohibit irrigation of ornamental turf on public street medians with potable water	Yes See Table 3
h	4	Other	Prohibit car washing	Yes See Table 3



i	1-4	Other - Restaurants may only serve water upon request	No restaurant, hotel, café, cafeteria, or other public place where food is sold is served or offered for sale, shall serve drinking water to any customer unless expressly requested	Yes See Table 3
j	1-4	Landscape - Prohibit certain types of landscape irrigation	Irrigate landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards	Yes See Table 3
k	1-4	Water Features - Restrict water use for decorative water features, such as fountains	Prohibit use of potable water to clean, fill or maintain decorative fountains, lakes, or ponds unless such water is reclaimed	Yes See Table 3
l	4	Other - Prohibit use of potable water for construction and dust control	Prohibit use of potable water for construction, compaction, dust control, street or parking lot sweeping, building wash down where non-potable or recycled water is sufficient	Yes See Table 3
m	1-4	Other – Prohibit automatic linen service in hotels and motels.	Prohibit automatically changing towels and linens in hotels and motels daily. Operators of hotels and motels shall provide guests the option of choosing not to have towels and linens laundered daily.	Yes See Table 3
n	4	Other	Prohibit use of potable water for sewer system maintenance or fire protection training without prior approval by the City Manager	No
o	4	Other - Customers must repair leaks, breaks, and malfunctions in a	Prohibit allowing potable water to escape from breaks within the customer's plumbing system for more than twenty-four (24) hours after the customer is notified or discovers the break	Yes See Table 3
p	4	Other - Prohibit vehicle washing except at facilities using recycled or recirculating water	Prohibit washings cars, boats, trailers, aircraft, or other vehicles except to wash such vehicles at commercial or fleet vehicle washing facilities using water recycling equipment	Yes See Table 3
q	1-4	Swimming Pools – Prohibit draining swimming pools more than once every three years.	Prohibit draining swimming pools more than once every three years, except as necessary to complete structural repairs or to comply with public health standards, as determined by the County Health Officer	Yes See Table 3



Yes
See Table 3

r	1-4	Swimming Pools – Limit filling to the hours of 9:00 a.m. to 6:00 p.m. on permitted watering days.	Prohibit filling swimming pools other than between the hours of 9:00 a.m. and 6:00 p.m. on permitted watering days. Newly constructed or refurbished swimming pools may be filled by a standard hose up to ¾" during other hours to avoid damage to tile and plaster.	
s	4	Pools and Spas - Require covers for pools and spas	Require covers for swimming pools when not in use	No
t	4	Other	Prohibit Use of Outdoor Misters	No



Table 3: Penalties for Incidents of Water Waste

Incident Month	Incident Fine	Enforcement Schedule
1	\$0	The first month of water waste incidents recorded for a customer during the calendar year, the City shall issue a Notice of Water Waste to the customer for the incident observed directly by City staff or as recorded directly by the City's water meter reading system.
2	\$50	The second month of water waste incidents recorded for a customer during the calendar year, the City shall assess a fine of \$50 to the customer, and the fine shall be applied to the customer's monthly utility bill.
3	\$100	The third month of water waste incidents recorded for a customer during the calendar year, the City shall assess a fine of \$100 to the customer, and the fine shall be applied to the customer's monthly utility bill.
4	\$200	The fourth month of water waste incidents recorded for a customer during the calendar year, the City shall assess a fine of \$200 to the customer, and the fine shall be applied to the customer's monthly utility bill.
5 -12	\$200	For the fifth month of water waste incidents recorded during the calendar year, and every month thereafter for the remainder of the calendar year during which an incident of water waste is recorded, the City shall assess a fine of \$200 to the customer, and the fine shall be applied to the customer's monthly utility bill.
After 6	N/A	If a customer has more than six consecutive months of documented water waste incidents, the water service to the customer may be terminated unless in the opinion of the Director such termination would result in an unreasonable risk to the health and safety of persons. If water service is terminated for excessive violations of the water waste provisions as defined herein, the water service may only be restored upon execution of an agreement with the customer to adhere to the conditions of service described in this section.

October 13, 2017

Council Adoption: 10/12/17

TO: MAYOR LEE BRAND

Mayor Approval:

FROM: YVONNE SPENCE, CMC
City Clerk

Mayor Veto:

Override Request:

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 10/12/17, Council adopted the attached Resolution No. 2017-279, entitled **Resolution – Amending the City of Fresno Water Shortage Contingency Plan**. Item 3-D(3); ID#17-721, by the following vote:

Ayes : Baines, Brandau, Bredefeld, Caprioglio, Chavez, and Olivier
Noes: None
Absent: Soria
Abstained: None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before October 23, 2017. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)



Lee Brand, Mayor

Date: 10-18-17

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :

Attachment #2



BILL NO. B-57

ORDINANCE NO. 2017-56

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA
AMENDING SECTIONS 6-501, 6-502, AND 6-520 OF THE
FRESNO MUNICIPAL CODE RELATING TO
REGULATIONS FOR URBAN WATER CONSERVATION
AND EXCESSIVE WATER USE

WHEREAS, on January 17, 2014, Edmund G. Brown, Governor of California, proclaimed a State of Emergency in the State of California due to severe drought conditions; and

WHEREAS, on April 25, 2014, and April 1, 2015, the Governor signed Executive Orders directing the State Water Resources Control Board ("State Water Board") to adopt emergency regulations to ensure urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices; and

WHEREAS, California Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations during a period when the Governor has issued a proclamation of emergency based upon drought conditions or in response to drought conditions that exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

WHEREAS, on July 15, 2014, the State Water Board adopted an emergency regulation for urban water conservation requiring each urban water supplier to implement the stage of its water shortage contingency plan that imposes restrictions on outdoor irrigation, which resulted in the City implementing Stage 2 of its Water Shortage Contingency Plan; and



WHEREAS, on May 5, 2015, the State Water Board adopted additional emergency regulations for urban water conservation, requiring the City of Fresno to reduce its water usage by 28% compared to 2013 and impose additional prohibitions on water use beginning June 1, 2015, through February 28, 2016; and

WHEREAS, in 2015, the City implemented additional water conservation measures resulting in 23% reduction in the City's water usage in 2015 and 2016, and such water conservation measures are still effective; and

WHEREAS, on August 29, 2016, the Governor signed into law SB 814, which requires the City to define "excessive use" regarding water usage, and to establish a method to identify and discourage excessive water use; and

WHEREAS, California received record precipitation in the winter of 2017, resulting in mountain snowpack at 164% of the season average; and

WHEREAS, on April 7, 2017, the Governor declared an end to California's drought emergency for all but Fresno, Kings, Tulare, and Tuolumne Counties in the state of California by Executive Order B-40-17; and

WHEREAS, Executive Order B-40-17 directed the State Water Board to make permanent prohibitions on certain practices which do not conserve water; and

WHEREAS, on April 26, 2017, the State Water Board adopted by Resolution 2017-0024 rescinding mandatory water conservation standards statewide, but continuing prohibitions on certain wasteful practices; and

WHEREAS, requiring certain water conservation activities at all times in the City of Fresno comports with the Governor's Executive Order and the State Water Board's regulations; and



WHEREAS, defining Excessive Use as related to water usage and establishing a method to identify and discourage excessive water use meets the requirements of SB 814, as codified in Chapter 3.3 (beginning with Section 365) of Division 1 of the Water Code.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection 6-501(tt) shall be added to the Code as follows:

[(tt) "Excessive Water Use" means, for customers in single-family residences or multi-unit housing in which each unit is individually metered or sub-metered, using potable water in excess of 300 gallons per hour during days or hours when outdoor irrigation is prohibited, as recorded by the City during the monthly billing period; as well as, for all water service customers, performing or permitting any action prohibited by Section 6-520 of this Code.]

SECTION 2. Section 6-502 of the Code shall be amended as follows:

SEC. 6-502. - FINANCIAL PROCEDURES.

All billing for and collection of water service charges shall be handled as provided in this article and Article 11 of Chapter 2 [6] of this Code.

SECTION 3. Section 6-520 of the Code shall be amended as follows:

SEC. 6-520. - WATER CONSERVATION.

(a) In the use of potable water supplied by the City, no customer shall do or permit any of the following:



(1) Water any lawn, landscape, or grounds except by use of a hose held in the person's hand or a sprinkling device,

(2) Use potable water to irrigate or water outdoor landscaping in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures,

(3) Keep, maintain, operate, or use any water connection, hose, faucet, hydrant, pipe, outlet, or plumbing fixture which is not tight and free from leakage,

(4) Willfully or negligently waste water,

(5) Flood any part of the premises of another,

(6) Sprinkle the premises of another so as to prevent the normal use thereof or unreasonably wet objects thereon which should not be subjected to a spray of water except as naturally caused by the elements or by action of the owner of the object,

(7) Sprinkle or irrigate any yard, ground, premise, or vegetation [except as set forth in the City's adopted Water Shortage Contingency Plan] between the hours of 9:00 a.m. and 6:00 p.m.,

[(i) The following properties may submit an application for an exemption to the outdoor watering restrictions in effect at the time of the application:

a. Properties with multiple addresses, and



b. Properties with turfed or landscaped areas of three acres or larger, and

c. Properties without street addresses.

The owners of such properties shall submit a proposed watering schedule in writing to the Director for approval or modification. The Director may approve a modified outdoor watering schedule that may provide for more frequent watering or different watering days than allowed by the outdoor watering restrictions in effect at the time the application for an exemption is submitted for consideration. If the Director determines the proposed exemption will adversely impact system water pressures in the service area, the proposed exemption will be denied. All exemptions approved by the Director shall automatically expire on May 1 of each year, and the property owners must re-apply for an exemption to the outdoor watering restrictions for the upcoming summer outdoor watering season. Upon application, the Director may grant an exemption for new lawns not yet established.]

(8) Sprinkle or irrigate any yard, ground, premise, or vegetation unless the watering device used is controlled by an



automatic shut-off device, or a person is in immediate attendance of the hose or watering device,

(9) Wash any privately owned motor vehicle, trailer, or boat except from a bucket or in a commercial car wash, provided a hose equipped with a shut-off nozzle may be used for a quick rinse without causing water to flow onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures,

(10) Wash or rinse with a hose or watering device any sidewalk, driveway, parking area, tennis court, patio, or any other exterior paved area, or

(11) Use potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

[(12) Irrigate ornamental turf on public street medians with potable water. This does not include trees.]

(13) Irrigate outdoor landscapes with potable water during and within 48 hours after measurable rainfall.

(14) Serve drinking water other than upon request in eating or drinking establishments, including but not limited to, restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased.



(15) Irrigate landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

(16) Automatically change towels and linens in hotels and motels daily. Operators of hotels and motels shall provide guests the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

(17) Drain swimming pools more than once every three years, except as necessary to complete structural repairs or to comply with public health standards, as determined by the County Health Officer. Residents with private swimming pools shall file a written application for a permit with the Water Division Manager at least 48 hours prior to draining the pool. Any customer whose swimming pool is drained by order of the Department of Health for failure to maintain it properly will also be issued a notice of violation of the City of Fresno Municipal Code. The draining of pools for reasons of health and safety hazards as determined by the City of Fresno Water Division and/or the Department of Health is permitted. The application shall include the results of a pool water



test conducted by an independent testing organization which shows a cyanuric acid level above 100 parts per million, total dissolved solids over 2,500 parts per million, or calcium over 450 parts per million, or stating the nature and duration of repairs to be made and the date on which the pool will be drained.

(i) Swimming pools shall only be filled between the hours of 9:00 a.m. and 6:00 p.m. on permitted watering days. Newly constructed or refurbished swimming pools may be filled by a standard hose up to ¾" during other hours to avoid damage to tile and plaster.

(ii) The Director shall propose fines and promulgate guidelines for the implementation of this subsection which shall include criterion and a procedure for approval of applications or for exemption by the Director.]

(b) Notwithstanding the foregoing, drip irrigation of community and residential fruit and vegetable gardens and fruit trees is permitted any day of the week; for this subsection, "drip irrigation system" means a non-spray, low-pressure, and low volume irrigation system in good working order utilizing emission devices with a flow rate of less than four gallons per hour, designed to slowly apply small volumes of water at or near the root zone of plants, when used primarily for irrigation of fruit and vegetable gardens and fruit trees; should any city water customer be cited for excessive water use, the customer may contact the Water Division and



request an exemption from the outdoor irrigation restrictions in place at the time for a home or community garden that is irrigated with a drip irrigation system. Upon being contacted, the Water Division will schedule a visit to the subject property to inspect the garden and the drip irrigation system used to irrigate the garden. The Water Division shall grant an exemption for home or community garden with the following conditions:

(1) The property must limit water use to an amount equal to, or less than, the average monthly water use for the single-family residential customer class. The monthly average water use for the single-family residential customer class is printed on monthly utility bills issued by the City.

(2) The drip irrigation system must be in good working order with no leaks, line breaks, or other deficiencies that will contribute to water waste. Exemptions shall be withheld until corrective action is taken to address system deficiencies.

(3) The drip irrigation system must be used primarily for the home or community garden, and not for other landscape on the property. Exemptions shall be withheld until the drip irrigation system for the home or community garden can be isolated from other landscape on the property.

(4) No flood irrigation will be allowed with the drip irrigation system, and water must remain on the subject property



with no runoff to sidewalks, driveways, pavements, or adjacent properties.

(5) The home and community garden exemption is provided exclusively for drip irrigation systems only, and will not be allowed for other types of irrigation systems.

(6) This exemption shall only apply to properties $\frac{1}{4}$ acre or smaller. For properties greater than $\frac{1}{4}$ acre, the property owner may apply to the City Manager for an exemption.

(c) Outdoor sprinkling and irrigation systems shall be properly designed, installed, maintained, and operated to prevent waste of water.

(d) [Repealed.] ~~The Council may implement any or all of the measures set forth in this subsection, either city wide or by specific zone, when any of the following conditions exist: The Governor of California, the California Department of Water Resources, or the State Water Resources Control Board has declared a critically dry or drought year; Groundwater level declines exceed three feet in a 12-month period, or six feet in a 24-month period, for the City's key groundwater monitoring wells; Water pressures drop below thirty five pounds per square inch during peak demand periods more than three days in any calendar week or ten days in any calendar month; or degradation of water quality condition (i.e., exceeding the established maximum contaminant levels according to applicable state or federal law) decreases the quantity of water available for delivery to all or part of the geographic area, or the customers and~~



~~other persons, for whom Water Division service was designed or intended to the extent extraordinary measures to reduce water use are necessary, as determined by the Council. Measures the Council of the City of Fresno may implement include, but are not limited to, the following:~~

~~(1) Outdoor watering restrictions limiting permissible watering days based upon odd/even addresses, effective for all or a specific zone of the city (in addition to the time of day restrictions set forth in Section 6-520(a)(7)).~~

~~(i) When odd/even outdoor water restrictions are in effect, the City shall observe a summer outdoor watering season and a winter outdoor watering season. The summer season shall extend from May 1 to November 30 of each year, and the winter shall extend from December 1 to April 30.~~

~~(ii) The following properties may submit an application for an exemption to the odd/even outdoor watering restrictions in effect at the time of the application:~~

- ~~a. Properties with multiple addresses, and~~
- ~~b. Properties with turfed or landscaped areas of three acres or larger, and~~
- ~~c. Properties without street addresses.~~

~~The owners of such properties shall submit a proposed watering schedule in writing to the Water~~



~~Division for approval or modification. The Water Division may approve a modified outdoor watering schedule that may provide for more frequent watering or different watering days than allowed by the outdoor watering restrictions in effect at the time the application for an exemption is submitted for consideration. If the Water Division determines that the proposed exemption will adversely impact system water pressures in the service area, then the proposed exemption will be denied. All exemptions approved by the Water Division shall automatically expire on May 1 of each year, and the property owners must re-apply for an exemption to the outdoor watering restrictions for the upcoming summer outdoor watering season. Upon application, the Council may grant an exemption for new lawns not yet established.~~

~~(iii) When odd/even address outdoor watering restrictions are in effect, outdoor watering shall not occur between the hours of 9:00 a.m. and 6:00 p.m. on the days approved for watering.~~

~~(2) Regulate the filling of fountains in city facilities, as the Council determines appropriate.~~



~~(3) Prohibition of draining swimming pools more than once every three years, except as necessary to complete structural repairs or to comply with public health standards, as determined by the County Health Officer. Residents with private swimming pools shall file a written application for a permit with the Water Division Manager at least 48 hours prior to draining the pool. Any customer whose swimming pool is drained by order of the department of health for failure to maintain it properly will also be issued a notice of violation of the city of Fresno municipal code. The draining of pools for reasons of health and safety hazards as determined by the city of Fresno water division and/or the department of health is permitted. The application shall include the results of a pool water test conducted by an independent testing organization which shows a cyanuric acid level above 100 parts per million, total dissolved solids over 2,500 parts per million, or calcium over 450 parts per million, or stating the nature and duration of repairs to be made and the date on which the pool will be drained.~~

~~(i) Swimming pools shall only be filled between the hours of 9:00 a.m. and 6:00 p.m. Newly constructed or refurbished swimming pools may be filled by a standard hose up to 3/4" during other hours to avoid damage to tile and plaster.~~



~~(ii) The Director shall propose fees and promulgate guidelines for the implementation of this subsection which shall include criterion and a procedure for approval of applications or for exemption by the Director.~~

~~(4) Prohibition on irrigating ornamental turf on public street medians with potable water.~~

~~(5) Prohibition on irrigating landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.~~

~~(6) Prohibition of irrigating outdoor landscapes with potable water during and within 48 hours after measurable rainfall.~~

~~(7) Prohibition of serving drinking water other than upon request in eating or drinking establishments, including but not limited to, restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased.~~

~~(8) Require the operators of hotels and motels to provide guests the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.~~



(e) The provisions of this section are conditions of service. Each use of water by a customer that is inconsistent with the provisions of this section is an incident of water waste. If a customer has an incident of water waste as observed directly by City staff or as recorded directly by the City's water meter reading system, the customer shall be charged the fee as described herein.

(1) — Such charge shall be levied as follows:

(i) — For the first incident of water waste, the fee designated in the Master Fee Resolution shall be deferred for a period of two years conditioned upon the customer not having a fourth incident of water waste within a two year period. If the customer does not have such fourth incident of water waste within two years such deferral shall become permanent. However, such fee shall be due and owing by the customer if a fourth incident of water waste occurs within two years.

(ii) — The fee for the second incident of water waste shall be deferred for customers who attend a course in water conservation. The deferral shall be conditioned upon the customer's successful completion of a water conservation course provided by the Department of Public Utilities and the customer not having a third incident of water waste within a



~~two year period. The deferred fee shall be collected if a third incident of water waste occurs within a two year period.~~

~~(iii) — The fee for the third incident of water waste within a two year period shall be the fee designated in the Master Fee Resolution plus any fee deferred from the second incident of water waste. A customer shall have the option of submitting proof of implementation of retrofit measures of no less value than the fee imposed for such third incident of water waste in lieu of that fee. Retrofit measures of a value less than that fee shall be credited toward payment of the fee.~~

~~(iv) — The fee for the fourth incident of water waste within a two year period shall include the amount as designated in the Master Fee Schedule together with all applicable amounts previously deferred as described above.~~

~~(2) — If a customer has more than four incidents of water waste within a two year period, the city may implement any or all of the following measures:~~

~~(i) — Require the customer to get a landscape evaluation, lawn water audit, and water budget, as appropriate, in order to learn efficient water use. This work shall be completed at the customer's expense by landscape irrigation auditors certified by the Irrigation Association.~~



~~(ii) — Require a customer to repair any defects in the watering system of such customers within fourteen days of notice by the city to repair.~~

~~(iii) — Installation by the city of flow restrictors or termination of water service for exterior use.~~

~~(iv) — Termination of all water service to a customer unless in the opinion of the Director such termination would result in an unreasonable risk to the health and safety of persons.~~

~~(v) — Require restoration of water service after termination be contingent on an agreement by the customer to adhere to the provisions of this section.~~

~~(f) — The Director shall prepare and present a rationing plan to Council for approval. Such plan shall be adopted by resolution passed by Council.~~

[(1) Each incident of Excessive Use as defined in section 6-501, or other use of water by a customer inconsistent with the provisions of this section, is an incident of water waste.]

(2) If a customer has one or more incidents of water waste during a month, as observed directly by City staff or as recorded directly by the City's water meter reading system, then the customer shall be issued a Notice of Water Waste and be charged fines and penalties as set forth in the Master Fee Schedule.



(3) Incident counts for water waste shall be monitored, recorded, documented and enforced on a monthly basis during the calendar year for individual customers, and the incident counts shall be reset January 1 of each year.

(4) If a customer performs or permits incidents of water waste more than six consecutive months, the water service to the customer may be terminated unless in the opinion of the Director such termination would result in an unreasonable risk to the health and safety of persons. If water service is terminated for successive incident of water waste, the water service may only be restored upon execution of an agreement with the customer to adhere to the conditions of service described in this section.

(5) The appeal process set forth in subsection 6-522(g)(5) of this Code shall apply to the enforcement measures set forth in this section.]

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage, except the enforcement program for incidents of water waste set forth in Section 6-520(e) above shall become effective January 1, 2018.



CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 19th day of October, 2017.

AYES : Baines, Brandau, Bredefeld, Caprioglio, Chavez, Soria, Olivier
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval:	<u>October 25th</u>	2017
Mayor Approval/No Return:	<u>N/A</u>	2017
Mayor Veto:	<u>N/A</u>	2017
Council Override Vote:	<u>N/A</u>	2017

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: Amanda Freeman 10/27/17
AMANDA B. FREEMAN Date
Deputy City Attorney

YVONNE SPENCE, CMC
City Clerk

BY: Yvonne Spence
Deputy

ABF:cm [75143cm/abf]



October 24, 2017

TO: MAYOR LEE BRAND

FROM: YVONNE SPENCE, CMC
City Clerk

REC'D OCT 25 '17 AM 9:45
FRESNO CITY CLERK

Council Adoption: 10/19/2017
Mayor Approval:
Mayor Veto:
Override Request:

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 10/19/17, Council adopted the attached Bill No. 57 and Ordinance No. 2017-56 entitled, **Amending Fresno Municipal Code Sections 6-501, 6-502, and 6-520 relating to regulations for Urban Water Conservation and Excessive Water Use.** Item 1-G(2), ID#17-1417, by the following vote:

Ayes : Baines, Brandau, Bredefeld, Caprioglio, Chavez, Soria and Olivier
Noes: None
Absent: None
Recused: None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before October 30, 2017. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Lee Brand, Mayor

Date: 10-25-17

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :

Attachment #3

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO AMEND THE WATER
SHORTAGE CONTINGENCY PLAN

WHEREAS, the Urban Water Management Planning Act requires the City of Fresno (City) to describe its water conservation measures within its Water Shortage Contingency Plan (WSCP);

WHEREAS, the City adopted its current WSCP on June 23, 2016, as part of the City's 2015 Urban Water Management Plan (UWMP);

WHEREAS, the City Council adopted amendments to the WSCP on October 12, 2017;

WHEREAS, in response to water conservation mandates from the State of California and to provide flexibility to its customers, the City has prepared further amendments to the WSCP to update water conservation requirements and watering restrictions in different water conservation stages in the City of Fresno.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City hereby adopts the amended Water Shortage Contingency Plan, as attached in Tables 1-3 of Exhibit A herein.

* * * * *

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, CMC, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Amanda B Freeman Date
Senior Deputy

YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

Attachment:
Exhibit A – Amended Water Shortage Contingency Plan, Tables 1-3

EXHIBIT A

Table 1: Stages of Water Shortage Contingency Plan (WSCP)

Stage	Percent Supply Reduction	Water Supply Condition
1	10%	Stage 1 of the Water Shortage Contingency Plan may be triggered by any of the following conditions: • In the second of two consecutive years, the volume of surface water available to the City through USBR and FID is projected to be less than the long-term average and the reduction in supply, averaged over the consecutive years, is equal to 10% or greater, or • Groundwater contamination conditions exists (DDW required the City to shut down wells) or a large-scale infrastructure failure occurs that results in a 10% loss in water production capacity, or • Localized groundwater cones of depression develop exceeding historic low water levels and, to avoid possible litigation with responsible parties of point source contaminant plumes, the City must shut down existing wells that result in a 10% loss in groundwater production capacity, or • A combination of the above mentioned circumstances or a disaster reduced the City's overall water supply or production capabilities by 10% or more. • After having been in a Stage 2 classification, the following water year results in a declaration by the jurisdictional authority in determining entitlements for the respective surface water supply of normal or above normal water deliveries; or the original trigger for a previous higher stage classification has been rectified to a point that is consistent with the above conditions for this stage.
2	10 - 25%	Stage 2 of the Water Shortage Contingency Plan may be triggered by any of the following conditions: • In the third of three consecutive years, the projected volume of surface water available to the City through USBR or FID is less than the long term average and the reduction in supply, averaged over the three consecutive years equals 10% or greater, or • The volume of surface water available to the City through FID is reduced by 25% of the long-term average, or • The volume of surface water available to the City through USBR is reduced by 25% of the long-term average, or • One-year change in average groundwater level in 30 key City wells exceeds 3 feet or two-year change in average groundwater level in 30 key City wells exceeds 6 feet and exceeds historic low groundwater levels, or • Groundwater contamination condition exists (DDW requires the City to shut down wells) or a large-scale infrastructure failure occurs that results in a 25% loss in water production capacity, or • A combination of the above mentioned circumstances or disaster reduces the City's overall water supply or production capabilities by 25% or more. • After having been in a Stage 3 classification, the following water year results in a declaration by the jurisdictional authority in determining entitlements for the respective surface water supply of normal or above normal water deliveries on the Friant-Kern system; or the original trigger for a previous higher stage classification has been rectified to a point consistent with the above conditions for this stage.

Stage	Percent Supply Reduction	Water Supply Condition
3	25 to 35%	Stage 3 of the Water Shortage Contingency Plan may be triggered by any of the following conditions: • In the fourth of four consecutive years, the projected volume of surface water available to the City through USBR or FID is less than the long term average and the reduction in supply, averaged over the four consecutive years equals 10% or greater, or • The volume of surface water available to the City through FID is reduced by 35% of the long-term average, or • The volume of surface water available to the City through USBR is reduced by 35% of the long-term average, or • One-year change in average groundwater level in 30 key City wells exceeds 5 feet or two-year change in average groundwater level in 30 key City wells exceeds 10 feet and exceeds historic low groundwater levels, or • Groundwater contamination condition exists (DDW requires the City to shut down wells) or a large-scale infrastructure failure occurs that results in a 35% loss in water production capacity, or • A combination of the above mentioned circumstances or disaster reduces the City's overall water supply or production capabilities by 35% or more. • After having been in a Stage 4 classification, the following water year results in a declaration by the jurisdictional authority in determining entitlements for the respective surface water supply of normal or above normal water deliveries on the Friant-Kern system; or the original trigger for a previous higher stage classification has been rectified to a point that is consistent with the above conditions for this stage.
4	35 - 50%	Stage 4 of the Water Shortage Contingency Plan may be triggered by any of the following conditions: • In the fifth of five consecutive years, the projected volume of surface water available to the City through USBR or FID is less than the long term average and the reduction in supply, averaged over the five consecutive years equals 10% or greater, or • The volume of surface water available to the City through FID is reduced by 50% of the long-term average, or • The volume of surface water available to the City through USBR is reduced by 50% of the long-term average, or • One-year change in average groundwater level in 30 key wells exceeds 7.5 feet or two-year change in average groundwater level in 30 key City wells exceeds 12 feet and exceeds historic low groundwater levels, or • Groundwater contamination condition exists (DDW requires the City to shut down wells) or a large-scale infrastructure failure occurs that results in a 50% loss in water production capacity, or • A combination of the above mentioned circumstances or disaster reduces the City's overall water supply or production capabilities by 50% or more.

Table 2: Restrictions and Prohibitions on End Uses

#	Stage	Restrictions and Prohibitions	Additional Explanation or Reference	Penalty, Charge or Other Enforce
a	1-4	Landscape - Limit landscape irrigation to specific times (<u>Outdoor Water Use Schedule</u>)	<u>See Outdoor Water Use Schedule, Table 2a.</u> <u>Stage 1: May through November — 3 days/wk;</u> <u>December through April — 1 day/wk</u> <u>Stage 2: June, July, August — 3 days/wk;</u> <u>April, May, September, October — 2 days/wk;</u> <u>November through March — 1 day/wk</u> <u>Stage 3: May through November — 2 days/wk;</u> <u>December through April — 1 day/wk</u> <u>Stage 4: May through November — 1 day/wk;</u> <u>December through April — no landscape irrigation</u>	Yes See Table 3
b	1-3	Other	Prohibit car washing except with a bucket only (a hose equipped with a shut off nozzle may be used for a quick rinse)	Yes See Table
c	1-4	Other - Prohibit use of potable water for washing hard surfaces	Prohibit use of potable water to wash sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas except where necessary for public health or safety	Yes See Table 3
d	1-4	Landscape - Prohibit certain types of landscape irrigation	Prohibit irrigating outdoor landscapes with potable water during and within 48 hours after measurable rainfall	Yes See Table 3
e	1-4	Landscape - Prohibit certain types of landscape irrigation	<u>Sprinkle or irrigate any yard, ground, premise, or vegetation unless the watering device used is controlled by an automatic shut-off device, or a person is in immediate attendance of the hose or watering device</u> Prohibit irrigating except by use of a hose held in the person's hand or a sprinkling device	Yes See Table 3
f	1-4	Landscape - Prohibit certain types of landscape irrigation	Prohibit using potable water to irrigate or water outdoor landscaping in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures	Yes See Table 3

g	1-4	Landscape - Prohibit certain types of landscape irrigation	Prohibit irrigation of ornamental turf on public street medians with potable water, <u>except where the turf serves a community or neighborhood function, it's irrigated incidentally by an irrigation systems designed to irrigate trees, or the turf is irrigated with recycled water.</u>	Yes See Table 3
h	4	Other	Prohibit car washing	Yes See Table 3
i	1-4	Other - Restaurants may only serve water upon request	No restaurant, hotel, café, cafeteria, or other public place where food is sold is served or offered for sale, shall serve drinking water to any customer unless expressly requested	Yes See Table 3
j	1-4	Landscape - Prohibit certain types of landscape irrigation	Irrigate landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission	Yes See Table 3
k	1-4	Water Features - Restrict water use for decorative water features, such as fountains	Prohibit use of potable water to clean, fill or maintain decorative fountains, lakes, or ponds unless such water is reclaimed	Yes See Table 3
l	4	Other - Prohibit use of potable water for construction and dust control	Prohibit use of potable water for construction, compaction, dust control, street or parking lot sweeping, building wash down where non-potable or recycled water is sufficient	Yes See Table 3
m	1-4	Other – Prohibit automatic linen service in hotels and motels.	Prohibit automatically changing towels and linens in hotels and motels daily. Operators of hotels and motels shall provide guests the option of choosing not to have towels and linens laundered daily.	Yes See Table 3
n	4	Other	Prohibit use of potable water for sewer system maintenance or fire protection training without prior approval by the City Manager	No
o	4	Other - Customers must repair leaks, breaks, and malfunctions in a	Prohibit allowing potable water to escape from breaks within the customer's plumbing system for more than twenty-four (24) hours after the customer is notified or discovers the break	Yes See Table 3

p	4	Other - Prohibit vehicle washing except at facilities using recycled or recirculating water	Prohibit washings cars, boats, trailers, aircraft, or other vehicles except to wash such vehicles at commercial or fleet vehicle washing facilities using water recycling equipment	Yes See Table 3
q	1-4	Swimming Pools – Prohibit draining swimming pools more than once every three years.	Prohibit draining swimming pools more than once every three years, except as necessary to complete structural repairs or to comply with public health standards, as determined by the County Health Officer	Yes See Table 3
r	1-4	Swimming Pools – Limit filling new or refurbished pools by requiring a pool fill permit. to the hours of 9:00 a.m. to 6:00 p.m. on permitted watering days.	Prohibit filling <u>new or refurbished</u> swimming pools other than between the hours of 9:00 a.m. and 6:00 p.m. on permitted watering days. Newly constructed or refurbished swimming pools may be filled by a standard hose up to ¾" during other hours to avoid damage to tile and plaster <u>without obtaining a pool fill permit from the City.</u>	Yes See Table 3
	<u>1-4</u>	<u>Swimming Pools – limit filling (topping off) established pools to times and days permitted by the Outdoor Water Use Schedule</u>	<u>Prohibit filling (topping off) swimming pools during times when outdoor irrigation is allowed according to the Outdoor Water Use Schedule</u>	<u>Yes See Table 3</u>
s	4	Pools and Spas - Require covers for pools and spas	Require covers for swimming pools when not in use	No
t	4	Other	Prohibit Use of Outdoor Mistlers	No

Table 2a: Outdoor Water Use Schedule

Stage	Summer (April 1 – October 31)	Summer Outdoor Water Use days	Winter (November 1 – March 31)	Winter Outdoor Water Use days	Outdoor Water Use Times
1	3 days/week recommended	Even: Wednesday, Friday, Sunday Odd: Tuesday, Thursday, Saturday	1 day/week recommended	Even: Sunday Odd: Saturday	Outdoor Water Use allowed 12:00 AM – 9:59 AM & 6:00 PM – 11:59 PM Outdoor Water Use is prohibited 10:00 AM – 6:00 PM all days
2	3 days/week	Even: Wednesday, Friday, Sunday Odd: Tuesday, Thursday, Saturday	1 day/week	Even: Sunday Odd: Saturday	
3	2 days/week	Even: Wednesday and Sunday Odd: Tuesday and Saturday	1 day/week	Even: Sunday Odd: Saturday	
4	1 day/week	Even: Sunday Odd: Saturday	No outdoor water use		

Table 3: Penalties for Incidents of Water Waste

Incident Month	Incident Fine	Enforcement Schedule
1	\$0	The first month an incident of water waste is of water waste incidents recorded for a customer during the calendar year, the City shall issue a Notice of Water Waste to the customer for the incident observed directly by City staff or as recorded directly by the City's water meter reading system.
2	\$50 <u>\$25</u>	The second month an incident of water waste is recorded month of water waste incidents is recorded for a customer during the calendar year, the City shall assess a fine of \$50 <u>\$25</u> to the customer, and the fine shall be applied to the customer's monthly utility bill.

3	\$100 <u>50</u>	The third month an incident of water waste is recorded for a customer during the calendar year, the City shall assess a fine of \$50 month of water waste incidents recorded for a customer during the calendar year, the City shall assess a fine of \$100 month an incident of water waste is recorded for a customer during the calendar year, the City shall assess a fine of \$50 to the customer, and the fine shall be applied to the customer's monthly utility bill.
4	\$200 <u>100</u>	The fourth month an incident of water waste is recorded for a customer during the calendar year, the City shall assess a fine of \$100 month of water waste incidents recorded for a customer during the calendar year, the City shall assess a fine of \$200 month an incident of water waste is recorded for a customer during the calendar year, the City shall assess a fine of \$100 to the customer, and the fine shall be applied to the customer's monthly utility bill.
5 -12	\$200 <u>100</u>	For the fifth month an incident of water waste is recorded month of water waste incidents recorded month an incident of water waste is recorded during the calendar year, and every month thereafter for the remainder of the calendar year during which an incident of water waste is recorded, the City shall assess a fine of \$200-100 to the customer, and the fine shall be applied to the customer's monthly utility bill.
After 6	N/A	If a customer has more than six consecutive months of documented water waste incidents, the water service to the customer may be restricted or terminated unless in the opinion of the Director such restriction or termination would result in an unreasonable risk to the health and safety of persons. If water service is terminated for excessive violations of the water waste provisions as defined herein, the water service may only be restored upon execution of an agreement with the customer to adhere to the conditions of service described in this section.

Attachment #4

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA
AMENDING SECTIONS 6-501 AND 6-520 OF THE
FRESNO MUNICIPAL CODE RELATING TO
REGULATIONS FOR URBAN WATER CONSERVATION
AND EXCESSIVE WATER USE

WHEREAS, on January 17, 2014, Edmund G. Brown, Governor of California, proclaimed a State of Emergency in the State of California due to severe drought conditions; and

WHEREAS, on April 25, 2014, and April 1, 2015, the Governor signed Executive Orders directing the State Water Resources Control Board (State Water Board) to adopt emergency regulations to ensure urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices; and

WHEREAS, California Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations during a period when the Governor has issued a proclamation of emergency based upon drought conditions or in response to drought conditions that exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

WHEREAS, on July 15, 2014, the State Water Board adopted an emergency regulation for urban water conservation requiring each urban water supplier to implement the stage of its water shortage contingency plan that imposes restrictions on outdoor irrigation, which resulted in the City implementing Stage 2 of its Water Shortage Contingency Plan; and

WHEREAS, on May 5, 2015, the State Water Board adopted additional emergency regulations for urban water conservation, requiring the City of Fresno to reduce its water usage by 28% compared to 2013 and impose additional prohibitions on water use beginning June 1, 2015, through February 28, 2016; and

WHEREAS, in 2015, the City implemented additional water conservation measures resulting in 23% reduction in the City's water usage in 2015 and 2016, and such water conservation measures are still effective; and

WHEREAS, on August 29, 2016, the Governor signed into law SB 814, which requires the City to define "excessive use" regarding water usage, and to establish a method to identify and discourage excessive water use; and

WHEREAS, California received record precipitation in the winter of 2017, resulting in mountain snowpack at 164% of the season average; and

WHEREAS, on April 7, 2017, the Governor declared an end to California's drought emergency for all but Fresno, Kings, Tulare, and Tuolumne Counties in the state of California by Executive Order B-40-17; and

WHEREAS, Executive Order B-40-17 directed the State Water Board to make permanent prohibitions on certain practices which do not conserve water; and

WHEREAS, on April 26, 2017, the State Water Board rescinded mandatory water conservation standards statewide, but left in effect prohibitions on certain water uses; and

WHEREAS, requiring certain water conservation activities at all times in the City of Fresno comports with the Governor's Executive Order; and

WHEREAS, defining Excessive Use as related to water usage and establishing a method to identify and discourage excessive water use meets the requirements of SB 814, as codified in Chapter 3.3 (beginning with Section 365) of Division 1 of the Water Code.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection 6-501 (vv) shall be amended as follows:

(vv) “Excessive Water Use” means, for customers in single-family residences or multi-unit housing in which each unit is individually metered or sub-metered, using potable water in excess of [the maximum gallons per hour, depending on the City’s current Water Shortage Contingency Plan stage, during days or hours when outdoor irrigation is prohibited, more than one day during the monthly billing period, as recorded by the City. The maximum gallons per hour are: Stage 1- 400 gallons per hour recommended. Stage 2 – 400 gallons per hour. Stage 3 – 350 gallons per hour. Stage 4 – 300 gallons per hour.]~~300 gallons per hour during days or hours when outdoor irrigation is prohibited, as recorded by the City during the monthly billing period; as well as, for all water service customers, performing or permitting any action prohibited by Section 6-520 of this Code.~~

SECTION 2. Subsection 6-501 (ww) shall be added to the Code as follows:

[(ww) “Outdoor Water Use Schedule” means the schedule setting forth what times and days irrigation or sprinkling of any yard, ground, premise, or vegetation or otherwise applying water outdoors on a property

is permissible, as set forth in the City's adopted Water Shortage Contingency Plan.]

SECTION 3. Section 6-520 of the Code shall be amended as follows:

SEC. 6-520. - WATER CONSERVATION.

(a) In the use of potable water supplied by the City, no customer shall do or permit any of the following:

~~(1) — Water any lawn, landscape, or grounds except by use of a hose held in the person's hand or a sprinkling device,~~

~~(2)~~[(1)] Use potable water to irrigate or water outdoor landscaping in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures,

~~(3)~~[(2)] Keep, maintain, operate, or use any water connection, hose, faucet, hydrant, pipe, outlet, or plumbing fixture which is not tight and free from leakage,

~~(4)~~[(3)] Willfully or negligently waste water,

~~(5)~~[(4)] Flood any part of the premises of another,

~~(6)~~[(5)] Sprinkle the premises of another so as to prevent the normal use thereof or unreasonably wet objects thereon which should not be subjected to a spray of water except as naturally caused by the elements or by action of the owner of the object,

(7)(6) Sprinkle or irrigate any yard, ground, premise, or vegetation except as set forth in the City's [Outdoor Water Use Schedule,] ~~adopted Water Shortage Contingency Plan between the hours of 9:00 a.m. and 6:00 p.m.,~~

(i) [Annual Exemptions.] The following properties may submit an application for an [one-year] exemption to the ~~outdoor watering restrictions~~ [Outdoor Water Use Schedule] in effect at the time of the application:

- a. Properties with multiple addresses, and
- b. Properties with turfed or landscaped areas of ~~three~~ [two] acres or larger, and
- c. Properties without street addresses.

The owners of such properties shall submit a proposed [modified Outdoor Water Use Schedule] ~~watering schedule~~ in writing to the Director [or designee] for approval or modification. The Director may approve a modified [Outdoor Water Use Schedule] ~~outdoor watering schedule that may provide for~~ [with] more frequent watering or different watering days than allowed by the [Outdoor Water Use Schedule] ~~outdoor watering restrictions~~ in effect at the time the application for an exemption is submitted for consideration. If the Director

determines the proposed exemption will adversely impact system water pressures in the service area, the proposed exemption will be denied. All [Annual E]xemptions approved by the Director shall automatically expire on ~~May~~ [December 3]¹ of each year, and the property owners must re-apply for an exemption to the [Outdoor Water Use Schedule]~~outdoor watering restrictions~~ for the upcoming summer ~~outdoor watering~~ season. ~~Upon application, the Director may grant an exemption for new lawns not yet established.]~~

[(ii) Short-term Exemptions. The following properties may submit an application for an exemption from the Outdoor Water Use Schedule for a specific time period not to exceed one month.

a. Properties with new lawns not yet established.

b. Properties seeking to use water for a bona fide use, such as solar panel cleaning or other use necessary for health or preservation of property.

The owners of such properties shall submit a proposed modified Outdoor Water Use Schedule in writing to

the Director or designee for approval or modification no less than 48 hours before the proposed non-compliant water usage. The Director may approve a modified Outdoor Water Use Schedule that may provide for more frequent outdoor water use or different outdoor water use days than allowed by the Outdoor Water Use Schedule in effect at the time the application for an exemption is submitted for consideration. If the Director determines the proposed exemption will adversely impact system water pressures in the service area, the proposed exemption will be denied. All Short-term Exemptions approved by the Director shall automatically expire on the date set forth on the Short-Term Exemption permit.]

~~(8)~~[(7)] Sprinkle or irrigate any yard, ground, premise, or vegetation unless the watering device used is controlled by an automatic shut-off device, or a person is in immediate attendance of the hose or watering device,

~~(9)~~[(8)] Wash any privately owned motor vehicle, trailer, or boat except from a bucket or in a commercial car wash, provided a hose equipped with a shut-off nozzle may be used for a quick rinse without causing water to flow onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures,

~~(10)~~~~[(9)]~~ Wash or rinse with a hose or watering device any sidewalk, driveway, parking area, tennis court, patio, or any other exterior paved area, [except for public health and safety reasons at public gathering places,] or

~~(11)~~~~[(10)]~~ Use potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

~~(12)~~~~[(11)]~~ Irrigate ornamental turf on public street medians with potable water, except where:

- (i) the turf serves a community or neighborhood function, including not limited to, recreational uses and civic or community events;
- (ii) the turf is irrigated incidentally by an irrigation system primarily intended to irrigate trees;
- (iii) the turf is irrigated with recycled water.

This prohibition does not include trees and shrubs on public medians, which may be irrigated.

~~(13)~~~~[(12)]~~ Irrigate outdoor landscapes with potable water during and within 48 hours after measurable rainfall.

~~(14)~~~~[(13)]~~ Serve drinking water other than upon request in eating or drinking establishments, including but not limited to, restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased.

~~(15)~~[(14)] Irrigate landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

~~(16)~~[(15)] Automatically change towels and linens in hotels and motels daily. Operators of hotels and motels shall provide guests the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

~~(17)~~[(16)] Drain swimming pools more than once every three years, except as necessary to complete structural repairs or to comply with public health standards, as determined by the County Health Officer. Residents with private swimming pools shall file a written application for a permit with the ~~Water Division~~ Manager[City of Fresno Water Division] at least 48 hours prior to draining the pool. Any customer whose swimming pool is drained by order of the Department of Health for failure to maintain it properly will also be issued a notice of violation of the City of Fresno Municipal Code. The draining of pools for reasons of health and safety hazards as determined by the City of Fresno Water Division and/or the Department of Health is permitted. The

application shall include the results of a pool water test conducted by an independent testing organization which shows a cyanuric acid level above 100 parts per million, total dissolved solids over 2,500 parts per million, or calcium over 450 parts per million, or stating the nature and duration of repairs to be made and the date on which the pool will be drained.

~~(i) Swimming pools shall only be filled between the hours of 9:00 a.m. and 6:00 p.m. on permitted watering days. Newly constructed or refurbished swimming pools may be filled by a standard hose up to 3/4" during hours to avoid damage to tile and plaster~~

~~(ii) The Director shall propose fines and promulgate guidelines for the implementation of this subsection which shall include criterion and a procedure for approval of applications or for exemption by the Director.~~

[(17) Fill newly constructed or refurbished swimming pools without a pool fill permit from the City of Fresno Water Division.]

[(18) Refill (top off) established swimming pools except during times when outdoor water use is allowed at the property address pursuant to the Outdoor Water Use Schedule.]

(b) Notwithstanding the foregoing, drip irrigation of community and residential fruit and vegetable gardens and fruit trees is permitted any day of the week; for this subsection, "drip irrigation system" means a non-

spray, low-pressure, and low volume irrigation system in good working order utilizing emission devices with a flow rate of less than four gallons per hour, designed to slowly apply small volumes of water at or near the root zone of plants, when used primarily for irrigation of fruit and vegetable gardens and fruit trees; should any city water customer be cited for excessive water use, the customer may contact the Water Division and request an exemption from the [Outdoor Water Use Schedule] ~~outdoor~~ ~~irrigation restrictions in place at the time~~ for a home or community garden that is irrigated with a drip irrigation system. Upon being contacted, the Water Division will schedule a visit to the subject property to inspect the garden and the drip irrigation system used to irrigate the garden. The Water Division shall grant an exemption for home or community garden with the following conditions:

(1) The property must limit water use to an amount equal to, or less than, the average monthly water use for the single-family residential customer class. The monthly average water use for the single-family residential customer class is printed on monthly utility bills issued by the City.

(2) The drip irrigation system must be in good working order with no leaks, line breaks, or other deficiencies that will contribute to water waste. Exemptions shall be withheld until corrective action is taken to address system deficiencies.

(3) The drip irrigation system must be used primarily for the home or community garden, and not for other landscape on the property. Exemptions shall be withheld until the drip irrigation system for the home or community garden can be isolated from other landscape on the property.

(4) No flood irrigation will be allowed with the drip irrigation system, and water must remain on the subject property with no runoff to sidewalks, driveways, pavements, or adjacent properties.

(5) The home and community garden exemption is provided exclusively for drip irrigation systems only, and will not be allowed for other types of irrigation systems.

(6) This exemption shall only apply to properties $\frac{1}{4}$ acre or smaller. For properties greater than $\frac{1}{4}$ acre, the property owner may apply to the ~~City Manager~~ [Director or designee] for an exemption.

(c) Outdoor sprinkling and irrigation systems shall be properly designed, installed, maintained, and operated to prevent waste of water.

(d) Repealed.

(e) The provisions of this section are conditions of service.

(1) Each incident of Excessive Use as defined in section 6-501, or ~~other use of water by a customer~~ inconsistent with the provisions of this section, is an incident of water waste.

(2) If a customer has one or more incidents of water waste during a month, as observed ~~directly~~ by City staff or as recorded ~~directly~~ by the City's water meter reading system, ~~then~~ the customer shall be issued a Notice of Water Waste and [, if applicable,] be charged ~~finest and penalties~~ [a fine] as set forth in the Master Fee Schedule. [Such fines shall be added to the customer's monthly utility bill and shall be due and payable with that utility bill and subject to the FMC 6-106, Late Payment of Municipal Service Bills.]

(3) Incident counts for water waste shall be monitored, recorded, documented and enforced on a monthly basis during the calendar year for individual customers, and the incident counts shall be reset January 1 of each year.

(4) If a customer performs or permits incidents of water waste more than six consecutive months, the water service to the customer may be terminated unless in the opinion of the Director such termination would result in an unreasonable risk to the health and safety of persons. If water service is terminated for successive incident[s] of water waste, the water service may only be restored upon execution of an agreement with the customer to adhere to the conditions of service described in this section.

~~(5) The appeal process set forth in subsection 6-522(g)(5) of this Code shall apply to the enforcement measures set forth in this section.~~

[(5) If a customer objects to a fine imposed for an incident of water waste pursuant this section, the following appeal process may be used.]

Step 1.

(a) Within thirty days of issuance of the utility bill including the fine, the customer may contact the Water Conservation Program to appeal an incident of water waste resulting in a fine with the staff person who initiated the enforcement measure. The staff person shall gather the facts about the incident.

(b) The customer may provide staff with evidence there was no incident of water waste, or of a bona fide reason for the incident of water waste, including evidence of a water leak, or another reasonable justification for the water use, within ten business days of the customer's first communication with the Water Conservation Program regarding the alleged incident of water waste.

(c) Within ten business days of the initiation of an appeal, staff shall provide the customer with documentation demonstrating the incident of water waste, if applicable.

(d) The staff will provide the facts and evidence related to the appeal to the Water Conservation Program Supervisor, who will determine whether to rescind the enforcement measure. The Water Conservation Program Supervisor will provide a written decision to the customer within fifteen business days of the customer's appeal, or receiving any applicable evidence from the customer, whichever comes later.

Step 2. If the customer is not satisfied with the decision of the Water Conservation Program Supervisor, they may appeal to the Director or designee within ten business days of the date of the Water Conservation Program Supervisor's decision. The Director or designee shall review the appeal and any evidence the customer previously submitted, and provide a written decision within thirty days of receiving the appeal.

Step 3. If the customer is not satisfied with the decision of the Director of Public Utilities, the customer may appeal to the City's Administrative Hearing Officer in the manner provided in Chapter 1, Article 4 of this code. Such decision shall be final.]

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
AMANDA B. FREEMAN Date
Senior Deputy City Attorney

Attachment #5

**CITY OF FRESNO – ENVIRONMENTAL ASSESSMENT
NEGATIVE DECLARATION**

The project described below is not exempt from the California Environmental Quality Act (CEQA); however it will not have a significant effect on the environment and is prepared in accordance with Sections 15070 to 15075 of the CEQA Guidelines.		DATE RECEIVED FOR FILING: Filed with the Fresno County Clerk's office on August 11, 2017
Applicant: Thomas Esqueda, Director Department of Public Utilities City of Fresno 2600 Fresno Street, Room 4019 Fresno, CA 93721	Initial Study Prepared By: McKencie Contreras, Supervising Planner August 11, 2017	
Environmental Assessment Number: EA No. EA-17-014	Project Location (including APN): Citywide	

Project Description: Environmental Assessment Application No. EA-17-014 was filed by Thomas Esqueda, on behalf of the Department of Public Utilities of the City of Fresno. The applicant proposes to amend the Fresno Municipal Code (FMC) to prohibit water-wasteful practices year round (rather than during certain drought periods as invoked by Council) in the FMC and the Water Shortage Contingency Plan and to amend the Water Shortage Contingency Plan to update permissible watering days in Stages 2 and 4. In Stage 2, the change is that customers will be allowed to water for three days a week instead of two, for the months of June, July, and August. In Stage 4, customers will be allowed to water one day a week during summer months (May-October), rather than zero days as is currently permitted. The FMC changes dictate it's an incident of water waste for a customer to:

- Irrigate ornamental turf on public street medians with potable water. This does not include trees.
- Irrigate outdoor landscapes with potable water during and within 48 hours after measurable rainfall.
- Serve drinking water other than upon request in eating or drinking establishments, including but not limited to, restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased.
- Irrigate landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.
- Automatically change towels and linens in hotels and motels daily. Operators of hotels and motels shall provide guests the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.
- Drain swimming pools more than once every three years, except as necessary to complete structural repairs or to comply with public health standards, as determined by the County Health Officer. Residents with private swimming pools shall file a written application for a permit with the Water Division Manager at least 48 hours prior to draining the pool.

The project also includes adding a definition to the FMC for Excessive Water Use.

The Development and Resource Management Department staff has prepared an Initial Study (See Attached "Appendix G/Initial Study for a Negative Declaration") to evaluate the project in accordance with the land use and environmental policies and provisions of the City of Fresno's General Plan adopted by the Fresno City Council on December 18, 2014 and the related Master Environmental Impact Report (MEIR) SCH No. 2012111015. The project is determined not to have a significant effect on the environment and is prepared in accordance with Sections 15070 to 15075 of the CEQA Guidelines. The project is partially within the scope of MEIR SCH No. 2012111015.

Pursuant to Section 21157.1 of the California Public Resources Code (CEQA Provisions), it may be determined that a subsequent project falls within the scope of the MEIR, provided that the project does not cause additional significant impacts on the environment that were not previously examined by the MEIR. Based on this Initial Study, the following findings are made: (1) The proposed project implements water conservation goals set forth in the Fresno General Plan; (2) The proposed project is partially within the scope of the MEIR because it will not generate additional significant effects on the environment not previously examined and analyzed by the MEIR for the reasons set forth in the Initial Study; and, (3) there are no additional mitigation measures or alternatives required.

The Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Moreover, as lead agency for this project, the Development and Resource Management Department, in accordance with Sections 15070 to 15075 of the CEQA Guidelines has determined that all feasible mitigation measures from the MEIR shall be applied to the project as set forth in the attached MEIR Mitigation Measure Monitoring Checklist.

Public notice has been provided regarding staff's finding in the manner prescribed by Section 15072 of the CEQA Guidelines and by Section 21092 of the California Public Resources Code (CEQA provisions).

McKencie Contreras, Supervising Planner
City of Fresno

Exhibit A: Notice of Intent to Adopt a Negative Declaration
Exhibit B: Appendix G/Initial Study for a Negative Declaration for Environmental Assessment No. EA-17-014
Exhibit C: MEIR Mitigation Measure Monitoring Checklist for Environmental Assessment No. EA-17-014
Exhibit D: Draft City Council Resolution and Ordinance Bill

Exhibit D: Draft City Council Resolution and Ordinance Bill

Exhibit A:
Notice of Intent

CITY OF FRESNO NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION	Filed with:
PROJECT TITLE AND ENVIRONMENTAL ASSESSMENT NO. EA-17-014	FILED
APPLICANT: Thomas Esqueda, Director Department of Public Utilities City of Fresno 2600 Fresno Street, Room 4019 Fresno, CA 93721	AUG 11 2017 TIME 10:04 FRESNO COUNTY CLERK By <i>[Signature]</i> DEPUTY FRESNO COUNTY CLERK 2220 Tulare Street, Fresno, CA 93721
PROJECT LOCATION: Citywide	
PROJECT DESCRIPTION: Environmental Assessment Application No. EA-17-014 was filed by Thomas Esqueda, on behalf of the Department of Public Utilities of the City of Fresno. The applicant proposes to amend the Fresno Municipal Code (FMC) to prohibit water-wasteful practices year round (rather than during certain drought periods as invoked by Council) in the FMC and the Water Shortage Contingency Plan and to amend the Water Shortage Contingency Plan to update permissible watering days in Stages 2 and 4. In Stage 2, the change is that customers will be allowed to water for three days a week instead of two, for the months of June, July, and August. In Stage 4, customers will be allowed to water one day a week during summer months (May-October), rather than zero days as is currently permitted. The FMC changes dictate it's an incident of water waste for a customer to: ○ Irrigate ornamental turf on public street medians with potable water. This does not include trees. ○ Irrigate outdoor landscapes with potable water during and within 48 hours after measurable rainfall. ○ Serve drinking water other than upon request in eating or drinking establishments, including but not limited to, restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased. ○ Irrigate landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development. ○ Automatically change towels and linens in hotels and motels daily. Operators of hotels and motels shall provide guests the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language. ○ Drain swimming pools more than once every three years, except as necessary to complete structural repairs or to comply with public health standards, as determined by the County Health Officer. Residents with private swimming pools shall file a written application for a permit with the Water Division Manager at least 48 hours prior to draining the pool. The project also includes adding a definition to the FMC for Excessive Water Use.	

The City of Fresno has conducted an initial study of the above-described project and it has been determined not to have a significant effect on the environment and is prepared in accordance with Sections 15070 to 15075 of the CEQA Guidelines. The project is partially within the scope of MEIR SCH No. 2012111015. Therefore, the Development and Resource Management Department proposes to adopt a Negative Declaration for this project.

With mitigation imposed under the MEIR, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR. The Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete has become available. The project is not site specific and the proposed project will not impact any site enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

Additional information on the proposed project, including the MEIR, proposed environmental finding and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721 3604. Please contact McKencie Contreras at (559) 621-8066 or via email at McKencie.Contreras@fresno.gov for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on September 12, 2017. Please direct comments to McKencie Contreras, Supervising Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to McKencie.Contreras@fresno.gov; or comments can be sent by facsimile to (559) 498-1026.

INITIAL STUDY PREPARED BY:
McKencie Contreras, Supervising Planner

DATE: August 11, 2017

SUBMITTED BY:



McKencie Contreras, Supervising
Planner

CITY OF FRESNO DEVELOPMENT
AND RESOURCE MANAGEMENT
DEPARTMENT

Exhibit B:
Appendix G

APPENDIX G/INITIAL STUDY FOR A NEGATIVE DECLARATION

**Environmental Checklist Form for:
EA No. EA-17-014**

1.	Project title: <u>Environmental Assessment Application No. EA-17-014</u>
2.	Lead agency name and address: <u>City of Fresno</u> <u>Development and Resource Management Department</u> <u>2600 Fresno Street</u> <u>Fresno, CA 93721</u>
3.	Contact person and phone number: <u>McKencie Contreras, Supervising Planner</u> <u>City of Fresno</u> <u>Development and Resource Management Dept.</u> <u>(559) 621-8066</u>
4.	Project location: <u>Citywide</u>
5.	Project sponsor's name and address: <u>Thomas Esqueda, Director</u> <u>Department of Public Utilities</u> <u>City of Fresno</u> <u>2600 Fresno Street, Room 3065</u> <u>Fresno, CA 93721</u>
6.	General & Community plan designation: <u>Citywide</u>
7.	Zoning: <u>Citywide</u>
8.	Description of project: Environmental Assessment Application No. EA-17-014 was filed by Thomas Esqueda, on behalf of the Department of Public Utilities of the City of Fresno. The applicant proposes to amend the Fresno Municipal Code (FMC) to prohibit water-wasteful practices year round (rather than during certain drought periods as invoked by Council) in the FMC and the Water Shortage Contingency Plan and to amend the Water Shortage Contingency Plan to update permissible watering days in Stages 2

	and 4. In Stage 2, the change is that customers will be allowed to water for three days a week instead of two, for the months of June, July, and August. In Stage 4, customers will be allowed to water one day a week during summer months (May-October), rather than zero days as is currently permitted. The FMC changes dictate it's an incident of water waste for a customer to: ○ Irrigate ornamental turf on public street medians with potable water. This does not include trees. ○ Irrigate outdoor landscapes with potable water during and within 48 hours after measurable rainfall. ○ Serve drinking water other than upon request in eating or drinking establishments, including but not limited to, restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased. ○ Irrigate landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development. ○ Automatically change towels and linens in hotels and motels daily. Operators of hotels and motels shall provide guests the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language. ○ Drain swimming pools more than once every three years, except as necessary to complete structural repairs or to comply with public health standards, as determined by the County Health Officer. Residents with private swimming pools shall file a written application for a permit with the Water Division Manager at least 48 hours prior to draining the pool. The project also includes adding a definition to the FMC for Excessive Water Use. The draft City Council resolution and ordinance bill are attached for a more detailed description of the project.
9.	Surrounding land uses and setting: Citywide
10.	Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement): <u>City of Fresno Department of Public Utilities, State Water Resources Control Board</u>
11.	Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code (PRC) Section 21080.3.1? If so, has consultation begun? The State requires lead agencies to consider the potential effects of proposed projects and consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Resources through the California Environmental Quality Act (CEQA) Guidelines. Pursuant to PRC Section 21080.3.1, the lead agency shall begin consultation with the California Native American tribe that is traditionally and culturally affiliated with the geographical area of the proposed project. Such significant cultural resources are either sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe which is either on or eligible for inclusion in the California Historic Register or local historic register, or, the lead agency, at its discretion, and support by substantial

	evidence, choose to treat the resources as a Tribal Cultural Resources (PRC Section 21074(a)(1-2)). According to the most recent census data, California is home to 109 currently recognized Indian tribes. Tribes in California currently have nearly 100 separate reservations or Rancherias. Fresno County has a number of Rancherias such as Table Mountain Rancheria, Millerton Rancheria, Big Sandy Rancheria, Cold Springs Rancheria, and Squaw Valley Rancheria. These Rancherias are not located within the city limits. The proposed project is not requesting development of specific property. It is requesting amendments to the municipal code for water conservation practices. Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See PRC Section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per PRC Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that PRC Section 21082.3(c) contains provisions specific to confidentiality.
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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

<u>X</u>	I find that the proposed project could not have a significant effect on the environment. A NEGATIVE DECLARATION will be prepared.
—	I find that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR because it would have no additional significant effects that were not examined in the MEIR such that no new additional mitigation measures or alternatives may be required. All applicable mitigation measures contained in the Mitigation Measure Monitoring Checklist shall be imposed upon the proposed project. A FINDING OF CONFORMITY will be prepared.
—	I find that the proposed project is a subsequent project identified in the MEIR but that it is not fully within the scope of the MEIR because the proposed project could have a significant effect on the environment that was not examined in the MEIR. However, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project specific mitigation measures and all applicable mitigation measures contained in the MEIR Mitigation Measure Monitoring Checklist will be imposed upon the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.
—	I find that the proposed project is a subsequent project identified in the MEIR but that it MAY have a significant effect on the environment that was not examined in the MEIR, and an ENVIRONMENTAL IMPACT REPORT is required to analyze the potentially significant effects not examined in the MEIR pursuant to Public Resources Code Section 21157.1(d) and CEQA Guidelines 15178(a).



McKencie Contreras, Supervising Planner

8.11.17

Date

EVALUATION OF ADDITIONAL ENVIRONMENTAL IMPACTS NOT ASSESSED IN THE MEIR:

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

- c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR, however, with the mitigation incorporated into the project, the impact is less than significant.
 - d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR.
- 2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 5. A "Finding of Conformity" is a determination based on an initial study that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR because it would have no additional significant effects that were not examined in the MEIR.
- 6. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 7. Earlier analyses may be used where, pursuant to the tiering, program EIR or MEIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.

- b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the MEIR or another earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
8. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
9. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
10. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
11. The explanation of each issue should identify:
- The significance criteria or threshold, if any, used to evaluate each question; and
 - The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

The project is not proposing any physical development. The proposed project is amending the FMC relating to regulations for urban water conservation and excessive water use. Therefore the proposed project will not have an impact on aesthetics. In conclusion, with MEIR mitigation measures incorporated, the project will not result in any aesthetic resource impacts beyond those analyzed in MEIR SCH No. 2012111015. Therefore, there will be no impacts related to aesthetics.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the				
California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. -- Would the project:				

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

The project is not proposing any physical development. Therefore the proposed project will not have an impact on converting farmland, Williamson Act contracts or forestland. In conclusion, the proposed project would not result in any agriculture and forestry resource environmental impacts beyond those analyzed in the MEIR SCH No. 2012111015. Therefore, there will be no impacts related to agriculture and forestry resources.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY AND GLOBAL CLIMATE CHANGE - (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) -- Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan (e.g., by having potential emissions of regulated criterion pollutants which exceed the San Joaquin Valley Air Pollution Control Districts (SJVAPCD) adopted thresholds for these pollutants)?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations.				X
e) Create objectionable odors affecting a substantial number of people?				X

The project is not proposing any physical development that will impact air quality. Therefore the proposed project will not have an impact on conflicting or violating any air quality standards. In conclusion, with MEIR mitigation measures incorporated, the project will not result in any air quality resource impacts beyond those analyzed in MEIR SCH No. 2012111015. Therefore, there will be no impacts related to air quality.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES - - Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

The project is not proposing any physical development that will impact biological resources. The amendments to the FMC will not conflict with any biological resource policies or conservation plans. In conclusion, with MEIR mitigation measures incorporated, the project will not result in any biological resource impacts beyond those analyzed in MEIR SCH No. 2012111015. Therefore, there will be no impacts related to biological resources.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X

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

The project is not proposing physical development that will impact cultural resources. The amendments to the FMC will not conflict with any cultural resources. In conclusion, with MEIR mitigation measures incorporated, the project will not result in any cultural resource impacts beyond those analyzed in MEIR SCH No. 2012111015. Therefore, there will be no impacts related to cultural resources.

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

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

The project is not proposing physical development that will impact geology or soil resources. The amendments to the FMC will have a less than significant impact on geology and soils. In conclusion, with MEIR mitigation measures incorporated, the project will not result in any geology and soil resource impacts beyond those analyzed in MEIR SCH No. 2012111015. Therefore, there will be less than significant impacts related to geology and soils.

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

The project is not proposing physical development that will generate greenhouse gas emissions. The amendments to the FMC will not conflict with any applicable plan or policy that has been adopted for the purpose of reducing greenhouse gas emissions. In conclusion, the proposed project would not result in any greenhouse gas emission environmental impacts beyond those analyzed in MEIR SCH No. 2012111015. Therefore, there will be no impacts related to greenhouse gas emissions.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIAL -- Would the project:				

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

The project is not proposing physical development that will create a hazardous environment or generate hazardous emissions. The amendments to the FMC will not conflict with any policies related to hazards or hazardous materials. In conclusion, with MEIR mitigation measures incorporated, the project will not result in any hazards and hazardous material impacts beyond those analyzed in analyzed in MEIR SCH No. 2012111015. Therefore, there will be no impacts related to hazards and hazardous materials.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

On January 17, 2014, the Governor of California, proclaimed a State of Emergency in the State of California due to severe drought conditions. On April 25, 2014 and April 1, 2015, the Governor signed Executive Orders directing the State Water Resources Control Board ("State Water Board") to adopt emergency regulations to ensure urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices. California Water Code Section 1058.5 grants the State Water Board the authority to adopt emergency regulations during a period when the Governor has issued a proclamation of emergency based upon drought conditions or in response to drought conditions that exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years.

On July 15, 2014, the State Water Board adopted an emergency regulation for urban water conservation requiring each urban water supplier to implement the stage of its water shortage contingency plan that imposes restrictions on outdoor irrigation, which resulted in the City of Fresno implementing Stage 2 of its Water Shortage Contingency Plan.

On May 5, 2015, the State Water Board adopted additional emergency regulations for urban water conservation, requiring the City of Fresno to reduce its water usage by 28% compared to 2013 and impose additional prohibitions on water use beginning June 1, 2015, through February 28, 2016. In 2015, the City of Fresno implemented additional water conservation measures resulting in 23% reduction in the City's water usage in 2015 and 2016, and such water conservation measures are still effective.

On August 29, 2016, the Governor signed into law SB 814, which required the City of Fresno to define "excessive use" regarding water usage, and to establish a method to identify and discourage excessive water use.

California received record precipitation in the winter of 2017, resulting in mountain snowpack at 164% of the season average and on April 7, 2017, the Governor declared an end to California's drought emergency for all but Fresno, Kings, Tulare, and Tuolumne Counties in the state of California by Executive Order B-40-17. Executive Order B-40-17 directed the State Water Board to make permanent prohibitions on certain practices which do not conserve water.

On April 26, 2017, the State Water Board rescinded mandatory water conservation standards statewide, but left in effect prohibitions on certain water uses and required certain water conservation activities at all times in the City of Fresno comports with the Governor's Executive Order. Therefore the City of Fresno is proposing to define Excessive Use related to water usage and is proposing to establish a method to identify and discourage excessive water use to meet the requirements of SB 814. The City of Fresno is also amending the FMC to prohibit water-wasteful practices year round rather than certain drought periods. The action also includes updating the Water Shortage Contingency Plan which outlines watering days. In conclusion, with MEIR mitigation measures incorporated, the project will not result in any hydrology or water quality impacts beyond those analyzed in MEIR SCH No. 2012111015.

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

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

The project is not proposing physical development that will physically divide a community. The amendments to the FMC will not conflict with any land use policies. In conclusion, the proposed project would not result in any land use and planning environmental impacts beyond those analyzed in MEIR SCH No. 2012111015. Therefore, there will be no impacts related to land use and planning.

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

The project is not proposing physical development that will result in the loss of availability of mineral resources. The amendments to the FMC will not conflict with any land use policies. In conclusion, the proposed project would not result in any mineral

resource environmental impacts beyond those analyzed in MEIR SCH No. 2012111015. Therefore, there will be no impacts related to mineral resources.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

The amendments to the FMC will not result in noise impacts. In conclusion, with MEIR mitigation measures incorporated, the proposed project would not result in any noise environmental impacts beyond those analyzed in MEIR SCH No. 2012111015. Therefore, there will be no impacts related to noise.

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

The amendments to the FMC will not result in population and housing impacts. In conclusion, the proposed project would not result in any population and housing

environmental impacts beyond those analyzed in MEIR SCH No. 2012111015. Therefore, there will be no impacts related to population and housing.

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

The proposed project will be amending the FMC to prohibit water-wasteful practices year round rather than certain drought periods. The amendment also includes updates to the Water Shortage Contingency Plan which specifies permitted watering days. Therefore the project will not result in substantial adverse physical impacts to governmental facilities or significant impacts to public services. In conclusion, with MEIR mitigation measures incorporated, the proposed project would not result in any public services environmental impacts beyond those analyzed in the MEIR SCH No. 2012111015. Therefore, there will be less than significant impacts related to public services.

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

The project is not proposing physical development that will increase the use of recreational facilities. In conclusion, the proposed project would not result in any recreation environmental impacts beyond those analyzed in MEIR SCH No. 2012111015. Therefore, there will be no impacts related to recreation.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?				X
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

The project is not proposing physical development that will generate traffic or create transportation impacts. Therefore, the proposed project would not result in any traffic or transportation environmental impacts beyond those analyzed in MEIR SCH No. 2012111015.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. TRIBAL CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is?				X
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC section 5020.1(k), or,				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC section 5024.1. In applying the criteria set forth in subdivision (c) of PRC section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				X

The project is not proposing physical development that will cause a substantial adverse change in the significance of tribal cultural resources. Therefore, the proposed project would not result in any tribal cultural resource environmental impacts beyond those analyzed in MEIR SCH No. 2012111015.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

The proposed project will be amending the FMC to prohibit water-wasteful practices year round rather than certain drought periods. The amendment also includes updates to the Water Shortage Contingency Plan which outlines watering days. Therefore the project will not result in substantial adverse physical impacts to utilities and service systems. In conclusion, with MEIR mitigation measures incorporated, the proposed project would not result in any utility and service system environmental impacts beyond those analyzed in the MEIR SCH No. 2012111015. Therefore, there will be less than significant impacts related to utilities and service systems.

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

The proposed project is considered to be proposed at a size and scope which is neither a direct or indirect detriment to the quality of the environment through reductions in habitat, populations, or examples of local history (through either individual or cumulative impacts).

The proposed project does not have the potential to degrade the quality of the environment or reduce the habitat of wildlife species and will not threaten plant communities or endanger any floral or faunal species. Furthermore the project has no potential to eliminate important examples of major periods in history.

Therefore, as noted in preceding sections of this Initial Study, there is no evidence in the record to indicate that incremental environmental impacts facilitated by this project would be cumulatively significant. There is also no evidence in the record that the proposed project would have any adverse impacts directly, or indirectly, on human beings. Therefore, there are no mandatory findings of significance.

Exhibit C:
MEIR Mitigation Measure Monitoring Checklist

MEIR Mitigation Measure Monitoring Checklist for EA No. EA-17-014

August 11, 2017

INCORPORATING MEASURES FROM THE MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) CERTIFIED FOR THE CITY OF FRESNO GENERAL PLAN UPDATE (SCH No. 2012111015)

This mitigation measure monitoring and reporting checklist was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15097 and Section 21081.6 of the Public Resources Code (PRC). It was certified as part of the Fresno City Council's approval of the MEIR for the Fresno General Plan update (Fresno City Council Resolution 2014-225, adopted December 18, 2014).

Letter designations to the right of each MEIR mitigation measure listed in this Exhibit note how the mitigation measure relates to the environmental assessment of the above-listed project, according to the key found at right and at the bottoms of the following pages:

The timing of implementing each mitigation measure is identified in in the checklist, as well as identifies the entity responsible for verifying that the mitigation measures applied to a project are performed. Project applicants are responsible for providing evidence that mitigation measures are implemented. As lead agency, the City of Fresno is responsible for verifying that mitigation is performed/completed.

- A** - Incorporated into Project
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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Aesthetics:

AES-1. Lighting systems for street and parking areas shall include shields to direct light to the roadway surfaces and parking areas. Vertical shields on the light fixtures shall also be used to direct light away from adjacent light sensitive land uses such as residences.	Prior to issuance of building permits	Public Works Department (PW) and Development & Resource Management Dept. (DARM)						X

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014
August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Aesthetics (continued):

AES-2: Lighting systems for public facilities such as active play areas shall provide adequate illumination for the activity; however, low intensity light fixtures and shields shall be used to minimize spillover light onto adjacent properties.	Prior to issuance of building permits	DARM						X
AES-3: Lighting systems for non-residential uses, not including public facilities, shall provide shields on the light fixtures and orient the lighting system away from adjacent properties. Low intensity light fixtures shall also be used if excessive spillover light onto adjacent properties will occur.	Prior to issuance of building permits	DARM						X
AES-4: Lighting systems for freestanding signs shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal footcandles and shall not exceed 500 FT-L when adjacent to streets which have an average light intensity of 2.0 horizontal footcandles or greater.	Prior to issuance of building permits	DARM						X

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

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Aesthetics *(continued)*:

AES-5: Materials used on building facades shall be non-reflective.	Prior to development project approval	DARM						X

Air Quality:

AIR-1: Projects that include five or more heavy-duty truck deliveries per day with sensitive receptors located within 300 feet of the truck loading area shall provide a screening analysis to determine if the project has the potential to exceed criteria pollutant concentration based standards and thresholds for NO2 and PM2.5. If projects exceed screening criteria, refined dispersion modeling and health risk assessment shall be accomplished and if needed, mitigation measures to reduce impacts shall be included in the project to reduce the impacts to the extent feasible. Mitigation measures include but are not limited to: • Locate loading docks and truck access routes as far from sensitive receptors as reasonably possible considering site design limitations to comply with other City design standards. • Post signs requiring drivers to limit idling to 5 minutes or less.	Prior to development project approval	DARM						X

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August 11, 2017

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Air Quality *(continued):*

AIR-2: Projects that result in an increased cancer risk of 10 in a million or exceed criteria pollutant ambient air quality standards shall implement site-specific measures that reduce toxic air contaminant (TAC) exposure to reduce excess cancer risk to less than 10 in a million. Possible control measures include but are not limited to: • Locate loading docks and truck access routes as far from sensitive receptors as reasonably possible considering site design limitations to comply with other City design standards. • Post signs requiring drivers to limit idling to 5 minutes or less • Construct block walls to reduce the flow of emissions toward sensitive receptors • Install a vegetative barrier downwind from the TAC source that can absorb a portion of the diesel PM emissions • For projects proposing to locate a new building containing sensitive receptors near existing sources of TAC emissions, install HEPA filters in HVAC systems to reduce TAC emission levels exceeding risk thresholds. • Install heating and cooling services at truck stops to eliminate the need for idling during overnight stops to run onboard systems. <i>(continued on next page)</i>	Prior to development project approval	DARM						X

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August 11, 2017

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Air Quality (continued):

AIR-2 (continued from previous page) - For large distribution centers where the owner controls the vehicle fleet, provide facilities to support alternative fueled trucks powered by fuels such as natural gas or bio-diesel - Utilize electric powered material handling equipment where feasible for the weight and volume of material to be moved.	[see previous page]	[see previous page]						
AIR-3: Require developers proposing projects on ARB's list of projects in its Air Quality and Land Use Handbook (Handbook) warranting special consideration to prepare a cumulative health risk assessment when sensitive receptors are located within the distance screening criteria of the facility as listed in the ARB Handbook.	Prior to development project approval	DARM						X

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

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

Air Quality *(continued)*:

AIR-4: Require developers of projects containing sensitive receptors to provide a cumulative health risk assessment at project locations exceeding ARB Land Use Handbook distance screening criteria or newer criteria that may be developed by the San Joaquin Valley Air Pollution Control District (SJVAPCD).	Prior to development project approval	DARM						X
AIR-5: Require developers of projects with the potential to generate significant odor impacts as determined through review of SJVAPCD odor complaint history for similar facilities and consultation with the SJVAPCD to prepare an odor impact assessment and to implement odor control measures recommended by the SJVAPCD or the City to the extent needed to reduce the impact to less than significant.	Prior to development project approval	DARM						X

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August 11, 2017

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Biological Resources:

BIO-1: Construction of a proposed project should avoid, where possible, vegetation communities that provide suitable habitat for a special-status species known to occur within the Planning Area. If construction within potentially suitable habitat must occur, the presence/absence of any special-status plant or wildlife species must be determined prior to construction, to determine if the habitat supports any special-status species. If a special-status species are determined to occupy any portion of a project site, avoidance and minimization measures shall be incorporated into the construction phase of a project to avoid direct or incidental take of a listed species to the greatest extent feasible.	Prior to development project approval	DARM					X	
BIO-2: Direct or incidental take of any state or federally listed species should be avoided to the greatest extent feasible. If construction of a proposed project will result in the direct or incidental take of a listed species, consultation with the resources agencies and/or additional permitting may be required. Agency consultation through the California Department of Fish and Wildlife (CDFW) 2081 and U.S. Fish and Wildlife Service (USFWS) Section 7 or Section 10 permitting processes must take place prior to any action that <i>(continued on next page)</i>	Prior to development project approval	DARM					X	

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

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Biological Resources *(continued)*:

BIO-2 <i>(continued from previous page)</i> may result in the direct or incidental take of a listed species. Specific mitigation measures for direct or incidental impacts to a listed species will be determined on a case-by-case basis through agency consultation.	[see previous page]	[see previous page]						
BIO-3: Development within the Planning Area should avoid, where possible, special-status natural communities and vegetation communities that provide suitable habitat for special-status species. If a proposed project will result in the loss of a special-status natural community or suitable habitat for special-status species, compensatory habitat-based mitigation is required under CEQA and the California Endangered Species Act (CESA). Mitigation will consist of preserving on-site habitat, restoring similar habitat or purchasing off-site credits from an approved mitigation bank. Compensatory mitigation will be determined through consultation with the City and/or resource agencies. An appropriate mitigation strategy and ratio will be agreed upon by the developer and lead agency to reduce project impacts to special-status natural communities to a less than significant <i>(continued on next page)</i>	Prior to development project approval						X	

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August 11, 2017

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Biological Resources *(continued):*

BIO-3 <i>(continued from previous page):</i> level. Agreed-upon mitigation ratios will depend on the quality of the habitat and presence/absence of a special-status species. The specific mitigation for project level impacts will be determined on a case-by-case basis.	[see previous page]	[see previous page]						
BIO-4: Proposed projects within the Planning Area should avoid, if possible, construction within the general nesting season of February through August for avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA), if it is determined that suitable nesting habitat occurs on a project site. If construction cannot avoid the nesting season, a pre-construction clearance survey must be conducted to determine if any nesting birds or nesting activity is observed on or within 500-feet of a project site. If an active nest is observed during the survey, a biological monitor must be on site to ensure that no proposed project activities would impact the active nest. A suitable buffer will be established around the active nest until the nestlings have fledged and the nest is no longer active. Project activities <i>(continued on next page)</i>	Prior to development project approval and during construction activities	DARM					X	

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Biological Resources *(continued)*:

BIO-4 <i>(continued from previous page)</i> : may continue in the vicinity of the nest only at the discretion of the biological monitor.	[see previous page]	[see previous page]						
BIO-5: If a proposed project will result in the removal or impact to any riparian habitat and/or a special-status natural community with potential to occur in the Planning Area, compensatory habitat-based mitigation shall be required to reduce project impacts. Compensatory mitigation must involve the preservation or restoration or the purchase of off-site mitigation credits for impacts to riparian habitat and/or a special-status natural community. Mitigation must be conducted in-kind or within an approved mitigation bank in the region. The specific mitigation ratio for habitat-based mitigation will be determined through consultation with the appropriate agency (<i>i.e.</i> , CDFW or USFWS) on a case-by-case basis.	Prior to development project approval	DARM						X
BIO-6: Project impacts that occur to riparian habitat may also result in significant impacts to streambeds or waterways protected under Section 1600 of Fish and Wildlife Code and Section 404 of the CWA. CDFW and/or USACE consultation, determination of mitigation strategy, and regulatory permitting to reduce impacts, as required for projects that remove riparian habitat and/or alter a streambed or waterway, shall be implemented.	Prior to development project approval	DARM						X

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August 11, 2017

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Biological Resources *(continued)*:

BIO-7: Project-related impacts to riparian habitat or a special-status natural community may result in direct or incidental impacts to special-status species associated with riparian or wetland habitats. Project impacts to special-status species associated with riparian habitat shall be mitigated through agency consultation, development of a mitigation strategy, and/or issuing incidental take permits for the specific special-status species, as determined by the CDFW and/or USFWS.	Prior to development project approval	DARM						X
BIO-8: If a proposed project will result in the significant alteration or fill of a federally protected wetland, a formal wetland delineation conducted according to U.S. Army Corps of Engineers (USACE) accepted methodology is required for each project to determine the extent of wetlands on a project site. The delineation shall be used to determine if federal permitting and mitigation strategy are required to reduce project impacts. Acquisition of permits from USACE for the fill of wetlands and USACE approval of a wetland mitigation plan would ensure a “no net loss” of wetland habitat within the Planning Area. Appropriate wetland mitigation/creation shall be implemented in a ratio according to the size of the impacted wetland.	Prior to development project approval	DARM						X

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August 11, 2017

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Biological Resources *(continued)*:

BIO-9: In addition to regulatory agency permitting, Best Management Practices (BMPs) identified from a list provided by the USACE shall be incorporated into the design and construction phase of the project to ensure that no pollutants or siltation drain into a federally protected wetland. Project design features such as fencing, appropriate drainage and incorporating detention basins shall assist in ensuring project-related impacts to wetland habitat are minimized to the greatest extent feasible.	Prior to development project approval; but for long-term operational BMPs, prior to issuance of occupancy	DARM						X

Cultural Resources:

CUL-1: If previously unknown resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and the City's Historic Preservation Ordinance. <i>(continued on next page)</i>	Prior to commencement of, and during, construction activities	DARM						X

Cultural Resources *(continued)*:

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
CUL-1 (continued from previous page) If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.	[see previous page]	[see previous page]						
CUL-2: Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for prehistoric archaeological resources shall be conducted. The following procedures shall be followed. If prehistoric resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that buried prehistoric (continued on next page)	Prior to commencement of, and during, construction activities	DARM						X

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Cultural Resources *(continued):*

CUL-2 <i>(continued from previous page)</i> archaeological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with CEQA Guidelines Section 15064.5. If the resources are determined to be unique prehistoric archaeological resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any prehistoric archaeological artifacts recovered as a result of mitigation shall be provided <i>(continued on next page)</i>	[see previous page]	[see previous page]						
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Cultural Resources *(continued)*:

CUL-2 <i>(further continued from previous two pages)</i> to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study. If prehistoric resources are found during the field survey or literature review, the resources shall be inventoried using appropriate State record forms and submit the forms to the Southern San Joaquin Valley Information Center. The resources shall be evaluated for significance. If the resources are found to be significant, measures shall be identified by the qualified archaeologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include an archaeological monitor. The monitoring period shall be determined by the qualified archaeologist. If additional prehistoric archaeological resources are found during <i>(continued on next page)</i>	[see Page 13]	[see Page 13]						
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Cultural Resources *(continued)*:

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

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CUL-2 (further continued from previous three pages) excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.	[see Page 13]	[see Page 13]						
CUL-3: Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for unique paleontological/geological resources shall be conducted. The following procedures shall be followed: If unique paleontological/geological resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered <i>(continued on next page)</i>	Prior to commencement of, and during, construction activities	DARM						X

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August 11, 2017

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CUL-3 <i>(continued from previous page)</i> resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any paleontological/geological resources recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study. If unique paleontological/geological resources are found during the field survey or literature review, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation measures shall be identified by the qualified paleontologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the <i>(continued on next page)</i>	<i>[see previous page]</i>	<i>[see previous page]</i>						

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August 11, 2017

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Cultural Resources *(continued):*

CUL-3 <i>(further continued from previous two pages)</i> resources found during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified paleontologist. If additional paleontological/geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.	[see Page 16]	[see Page 16]						
CUL-4: In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most <i>(continued on next page)</i>	Prior to commencement of, and during, construction activities	DARM						X

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Cultural Resources *(continued):*

CUL-4 <i>(continued from previous page)</i> likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.	[see previous page]	[see previous page]					
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Hazards and Hazardous Materials

HAZ-1: Re-designate the existing vacant land proposed for low density residential located northwest of the intersection of East Garland Avenue and North Dearing Avenue and located within Fresno Yosemite International Airport Zone 1-RPZ, to Open Space.	Prior to development approvals	DARM						X
HAZ-2: Limit the proposed low density residential (1 to 3 dwelling units per acre) located northwest of the airport, and located within Fresno Yosemite International Airport Zone 3-Inner Turning Area, to 2 dwelling units per acre or less.	Prior to development approvals	DARM						X
HAZ-3: Re-designate the current area within Fresno Yosemite International Airport Zone 5-Sideline located northeast of the airport to Public Facilities-Airport or Open Space.	Prior to development approvals	DARM						X

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August 11, 2017

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Hazards and Hazardous Materials *(continued)*:

HAZ-4: Re-designate the current vacant lots at the northeast corner of Kearney Boulevard and South Thorne Avenue to Public Facilities-Airport or Open Space.	Prior to development approvals	DARM						X
HAZ-5: Prohibit residential uses within Safety Zone 1 northwest of the Hawes Avenue and South Thorne Avenue intersection.	Prior to development approvals	DARM						X
HAZ-6: Establish an alternative Emergency Operations Center in the event the current Emergency Operations Center is under redevelopment or blocked.	Prior to redevelopment of the current Emergency Operations Center	Fresno Fire Department and Mayor/ City Manager's Office						X

Hydrology and Water Quality

HYD-1: The City shall develop and implement water conservation measures to reduce the per capita water use to 215 gallons per capita per day.	Prior to water demand exceeding water supply	Department of Public Utilities (DPU)	X		X		X	
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August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
HYD-2: The City shall continue to be an active participant in the Kings Water Authority and the implementation of the Kings Basin IRWMP.	Ongoing	DPU			X		X	
HYD-5.1: The City and partnering agencies shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan collection systems to less than significant. • Implement the existing Storm Drainage Master Plan (SDMP) for collection systems in drainage areas where the amount of imperviousness is unaffected by the change in land uses. • Update the SDMP in those drainage areas where the amount of imperviousness increased due to the change in land uses to determine the changes in the collection systems that would need to occur to provide adequate capacity for the stormwater runoff from the increased imperviousness. • Implement the updated SDMP to provide stormwater collection systems that have sufficient capacity to convey the peak runoff rates from the areas of increased imperviousness. <i>(continued on next page)</i>	Prior to exceedance of capacity of existing stormwater drainage facilities	Fresno Metropolitan Flood Control District (FMFCD), DARM, and PW			X		X	

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B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Hydrology and Water Quality *(continued)*:

HYD-5.1 <i>(continued from previous page)</i> Require developments that increase site imperviousness to install, operate, and maintain FMFCD approved on-site detention systems to reduce the peak runoff rates resulting from the increased imperviousness to the peak runoff rates that will not exceed the capacity of the existing stormwater collection systems.	[see previous page]	[see previous page]						
HYD-5.2: The City and partnering agencies shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan retention basins to less than significant: Consult the SDMP to analyze the impacts to existing and planned retention basins to determine remedial measures required to reduce the impact on retention basin capacity to less than significant. Remedial measures would include: • Increase the size of the retention basin through the purchase of more land or deepening the basin or a combination for planned retention basins. • Increase the size of the emergency relief pump capacity required to pump excess runoff volume out of the basin and into adjacent canal that convey the stormwater to a disposal facility for existing retention basins.	Prior to exceedance of capacity of existing retention basin facilities	FMFCD, DARM, and PW			X		X	

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Require developments that increase runoff volume to install, operate, and maintain, Low Impact Development (LID) measures to reduce runoff volume to the runoff volume that will not exceed the capacity of the existing retention basins.								

Hydrology and Water Quality *(continued)*:

HYD-5.3: The City and partnering agencies shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan urban detention (stormwater quality) basins to less than significant. Consult the SDMP to determine the impacts to the urban detention basin weir overflow rates and determine remedial measures required to reduce the impact on the detention basin capacity to less than significant. Remedial measures would include: - Modify overflow weir to maintain the suspended solids removal rates adopted by the FMFCD Board of Directors. - Increase the size of the urban detention basin to increase residence time by purchasing more land. The existing detention basins are already at the adopted design depth.	Prior to development approvals in the Southeast Development Area	FMFCD, DARM, and PW			X		X	
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A - Incorporated into Project
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F - Not Applicable

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Require developments that increase runoff volume to install, operate, and maintain, Low Impact Development (LID) measures to reduce peak runoff rates and runoff volume to the runoff rates and volumes that will not exceed the weir overflow rates of the existing urban detention basins.								
HYD-5.4: The City shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan pump disposal systems to less than significant. - Consult the SDMP to determine the extent and degree to which the capacity of the existing pump system will be exceeded. - Require new developments to install, operate, and maintain FMFCD design standard on-site detention facilities to reduce peak stormwater runoff rates to existing planned peak runoff rates. - Provide additional pump system capacity to maximum allowed by existing permitting to increase the capacity to match or exceed the peak runoff rates determined by the SDMP.	Prior to exceedance of capacity of existing pump disposal systems	FMFCD, DARM, and PW			X		X	

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Hydrology and Water Quality *(continued)*:

HYD-5.5: The City shall work with FMFCD to develop and adopt an update to the SDMP for the Southeast Development Area that would be adequately designed to collect, convey and dispose of runoff at the rates and volumes which would be generated by the planned land uses in that area.	Prior to development approvals in the Southeast Development Area	FMFCD, DARM, and PW					X	
HYD-5.5: The City shall work with FMFCD to develop and adopt an update to the SDMP for the Southeast Development Area that would be adequately designed to collect, convey and dispose of runoff at the rates and volumes which would be generated by the planned land uses in that area.	Prior to development approvals in the Southeast Development Area	FMFCD, DARM, and PW					X	

Public Services:

PS-1: As future fire facilities are planned, the fire department shall evaluate if specific environmental effects would occur. Typical impacts from fire facilities include noise, traffic, and lighting. Typical mitigation to reduce these impacts includes: • <i>Noise:</i> Barriers and setbacks on the fire department sites. • <i>Traffic:</i> Traffic devices for circulation and a “keep clear zone” during emergency responses.	During the planning process for future fire department facilities	DARM						X
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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
• <i>Lighting:</i> Provision of hoods and deflectors on lighting fixtures on the fire department sites.								

Public Services *(continued):*

PS-2: As future police facilities are planned, the police department shall evaluate if specific environmental effects would occur. Typical impacts from police facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts from police department facilities includes: • <i>Noise:</i> Barriers and setbacks on the police department sites. • <i>Traffic:</i> Traffic devices for circulation. • <i>Lighting:</i> Provision of hoods and deflectors on lighting fixtures on the fire department sites.	During the planning process for future Police Department facilities	DARM	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>X</td></tr><tr><td colspan="7"></td></tr></table>							X							
						X											
PS-3: As future public and private school facilities are planned, school districts shall evaluate if specific environmental effects would occur with regard to public schools, and DARM shall evaluate other school facilities. Typical impacts from school facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts from school facilities includes: (continued on next page)	During the planning process for future school facilities	DARM, local school districts, and the Division of the State Architect	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>X</td></tr><tr><td colspan="7"></td></tr></table>							X							
						X											

A - Incorporated into Project
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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
Public Services <i>(continued)</i> :								
PS-3 <i>(continued from previous page)</i> - Noise: Barriers and setbacks placed on school sites. - Traffic: Traffic devices for circulation. - Lighting: Provision of hoods and deflectors on lighting fixtures for stadium lights.	<i>[see previous page]</i>	<i>[see previous page]</i>						
PS-4: As future parks and recreational facilities are planned, the City shall evaluate if specific environmental effects would occur. Typical impacts from school facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts from park and recreational facilities includes: - Noise: Barriers and setbacks placed on school sites. - Traffic: Traffic devices for circulation. - Lighting: Provision of hoods and deflectors on lighting fixtures for outdoor play area/field lights.	During the planning process for future park and recreation facilities	DARM						X
PS-5: As future detention, court, library, and hospital facilities are planned, the appropriate agencies shall evaluate if specific environmental effects would occur. Typical impacts from court, library, and hospital facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts includes: Noise: Barriers and setbacks placed on school sites.	During the planning process for future detention, court, library, and hospital facilities	DARM, to the extent that agencies constructing these facilities are subject to City of Fresno regulation						X

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<i>Traffic:</i> Traffic devices for circulation. <i>Lighting:</i> Provision of hoods and deflectors on outdoor lighting fixtures								

Utilities and Service Systems

USS-1: The City shall develop and implement a wastewater master plan update.	Prior to wastewater conveyance and treatment demand exceeding capacity	DPU					X	
USS-2: Prior to exceeding existing wastewater treatment capacity, the City shall evaluate the wastewater system and shall not approve additional development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. By approximately the year 2025, the City shall construct the following improvements:	Prior to exceeding existing wastewater treatment capacity	DPU			X		X	
- Construct an approximately 70 MGD expansion of the Regional Wastewater Treatment and Reclamation Facility and obtain revised waste discharge permits as the generation of wastewater is increased. - Construct an approximately 0.49 MGD expansion of the								

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
North Facility and obtain revised waste discharge permits as the generation of wastewater is increased.								

Utilities and Service Systems *(continued)*:

USS-3: Prior to exceeding existing wastewater treatment capacity, the City shall evaluate the wastewater system and shall not approve additional development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. After approximately the year 2025, the City shall construct the following improvements: • Construct an approximately 24 MGD wastewater treatment facility within the Southeast Development Area and obtain revised waste discharge requirements as the generation of wastewater is increased. • Construct an approximately 9.6 MGD expansion of the Regional Wastewater Treatment and Reclamation Facility and obtain revised waste discharge permits as the generation of wastewater is increased.	Prior to exceeding existing wastewater treatment capacity	DPU					X	

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F - Not Applicable

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems *(continued)*:

USS-4: Prior to construction, a Traffic Control/Traffic Management Plan to address traffic impacts during construction of water and sewer facilities shall be prepared and implemented, subject to approval by the City (and Fresno County, when work is being done in unincorporated area roadways). The plan shall identify access and parking restrictions, pavement markings and signage, and hours of construction and for deliveries. It shall include haul routes, the notification plan, and coordination with emergency service providers and schools.	Prior to construction of water and sewer facilities	PW for work in the City; PW and Fresno County Public Works and Planning when unincorporated area roadways are involved						X
USS-5: Prior to exceeding capacity within the existing wastewater collection system facilities, the City shall evaluate the wastewater collection system and shall not approve additional development that would generate additional wastewater and exceed the capacity of a facility until additional capacity is provided. By approximately the year 2025, the following capacity improvements shall be provided. Orange Avenue Trunk Sewer: This facility shall be improved between Dakota and Jensen Avenues. Approximately 37,240 feet of new sewer main shall be installed and approximately 5,760 feet of existing sewer main shall be rehabilitated. The size of the new sewer main shall range from 27 inches to 42 inches in <i>(continued on next page)</i>	Prior to exceeding capacity within the existing wastewater collection system facilities	DPU				X	X	

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B - Mitigated

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
diameter. The associated project designations in the 2006 Wastewater Master Plan are RS03A, RL02, C01-REP, C02-REP, C03-REP, C04-REP, C05-REP, C06-REL and C07-REP. • Marks Avenue Trunk Sewer: This facility shall be improved between Clinton Avenue and Kearney Boulevard. Approximately 12,150 feet of new sewer main shall be installed. The size of the new sewer main shall range from 33 inches to 60 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CM1-REP and CM2-REP. • North Avenue Trunk Sewer: This facility shall be improved between Polk and Fruit Avenues and also between Orange and Maple Avenues. Approximately 25,700 feet of new sewer main shall be installed. The size of the new sewer main shall range from 48 inches to 66 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CN1-REL1 and CN3-REL1. • Ashlan Avenue Trunk Sewer: This facility shall be improved between Hughes and West Avenues and also between Fruit and Blackstone Avenues. Approximately 9,260 feet of new sewer main shall be installed. The size of the new sewer main shall range from 24 inches to 36 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CA1-REL and CA2-REP.	[see previous page]	[see previous page]						

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems *(continued)*:

USS-6: Prior to exceeding capacity within the existing 28 pipeline segments shown in Figures 1 and 2 in Appendix J-1, the City shall evaluate the wastewater collection system and shall not approve additional development that would generate additional wastewater and exceed the capacity of one of the 28 pipeline segments until additional capacity is provided.	Prior to exceeding capacity within the existing 28 pipeline segments shown in Figures 1 and 2 in Appendix J-1 of the MEIR	DPU					X	
USS-7: Prior to exceeding existing water supply capacity, the City shall evaluate the water supply system and shall not approve additional development that demand additional water until additional capacity is provided. By approximately the year 2025, the following capacity improvements shall be provided. Construct an approximately 80 million gallon per day (MGD) surface water treatment facility near the intersection of Armstrong and Olive Avenues, in accordance with Chapter 9 and Figure 9-1 of the City of Fresno Metropolitan Water Resources Management Plan Update (2014 Metro Plan Update) Phase 2 Report, dated January 2012. <i>(continued on next page)</i>	Prior to exceeding existing water supply capacity	DPU					X	

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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems *(continued)*:

USS-7 <i>(continued from previous page)</i> - Construct an approximately 30 MGD expansion of the existing northeast surface water treatment facility for a total capacity of 60 MGD, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. - Construct an approximately 20 MGD surface water treatment facility in the southwest portion of the City, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.	<i>[see previous page]</i>	<i>[see previous page]</i>						
USS-8: Prior to exceeding capacity within the existing water conveyance facilities, the City shall evaluate the water conveyance system and shall not approve additional development that would demand additional water and exceed the capacity of a facility until additional capacity is provided. The following capacity improvements shall be provided by approximately 2025. Construct 65 new groundwater wells, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. <i>(continued on next page)</i>	Prior to exceeding capacity within the existing water conveyance facilities	DPU			X		X	

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems *(continued)*:

USS-8 <i>(continued from previous page)</i> - Construct a 2.0 million gallon potable water reservoir (Reservoir T2) near the intersection of Clovis and California Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. - Construct a 3.0 million gallon potable water reservoir (Reservoir T3) near the intersection of Temperance and Dakota Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. - Construct a 3.0 million gallon potable water reservoir (Reservoir T4) in the Downtown Planning Area, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. - Construct a 4.0 million gallon potable water reservoir (Reservoir T5) near the intersection of Ashlan and Chestnut Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. - Construct a 4.0 million gallon potable water reservoir (Reservoir T6) near the intersection of Ashlan Avenue and Highway 99, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. <i>(continued on next page)</i>	<i>[see previous page]</i>	<i>[see previous page]</i>					
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A - Incorporated into Project
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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems *(continued)*:

USS-8 <i>(continued from previous two pages)</i> - Construct 50.3 miles of regional water transmission mains ranging in size from 24-inch to 48-inch diameter, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. - Construct 95.9 miles of 16-inch diameter transmission grid mains, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.	<i>[see Page 34]</i>	<i>[see Page 34]</i>						
USS-9: Prior to exceeding capacity within the existing water conveyance facilities, the City shall evaluate the water conveyance system and shall not approve additional development that would demand additional water and exceed the capacity of a facility until additional capacity is provided. The following capacity improvements shall be provided after approximately the year 2025 and additional water conveyance facilities shall be provided prior to exceedance of capacity within the water conveyance facilities to accommodate full buildout of the General Plan Update. <i>(continued on next page)</i>	Prior to exceeding capacity within the existing water conveyance facilities	DPU			X		X	

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems *(continued)*:

USS-9 <i>(continued from previous page)</i> - Construct a 4.0 million gallon potable water reservoir (SEDA Reservoir 1) within the northern part of the Southeast Development Area. - Construct a 4.0 million gallon potable water reservoir (SEDA Reservoir 2) within the southern part of the Southeast Development Area. Additional water conveyance facilities shall be provided prior to exceedance of capacity within the water conveyance facilities to accommodate full buildout of the General Plan Update.	<i>[see previous page]</i>	<i>[see previous page]</i>						
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Utilities and Service Systems - Hydrology and Water Quality

USS-10: In order to maintain Fresno Irrigation District canal operability, FMFCD shall maintain operational intermittent flows during the dry season, within defined channel capacity and downstream capture capabilities, for recharge.	During the dry season	Fresno Irrigation District (FID)					X	
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Utilities and Service Systems - Biological Resources:

USS-11: When FMFCD proposes to provide drainage service outside of urbanized areas: (a) FMFCD shall conduct preliminary investigations on undeveloped lands outside of highly urbanized areas.	Prior to development approvals outside of highly	California Regional Water Quality Control Board				X		
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A - Incorporated into Project
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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
These investigations shall examine wetland hydrology, vegetation and soil types. These preliminary investigations shall be the basis for making a determination on whether or not more in-depth wetland studies shall be necessary. If the proposed project site does not exhibit wetland hydrology, support a prevalence of wetland vegetation and wetland soil types then no further action is required. (b) Where proposed activities could have an impact on areas verified by the Corps as jurisdictional wetlands or waters of the U.S. (urban and rural streams, seasonal wetlands, and vernal pools), FMFCD shall obtain the necessary Clean Water Act, Section 404 permits for activities where fill material shall be placed in a wetland, obstruct the flow or circulation of waters of the United States, impair or reduce the reach of such waters. As part of FMFCD's Memorandum of Understanding with CDFG, Section 404 and 401 permits would be obtained from the U.S. Army Corps of Engineers and from the <i>(continued on next page)</i>	urbanized areas	(RWQCB), and USACE						

A - Incorporated into Project
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F - Not Applicable

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems - *Biological Resources* (continued):

USS-11 <i>(continued from previous page)</i> Regional Water Quality Control Board for any activity involving filling of jurisdictional waters). At a minimum, to meet “no net loss policy,” the permits shall require replacement of wetland habitat at a 1:1 ratio. (c) Where proposed activities could have an impact on areas verified by the Corps as jurisdictional wetlands or waters of the U.S. (urban and rural streams, seasonal wetlands, and vernal pools), FMFCD shall submit and implement a wetland mitigation plan based on the wetland acreage verified by the U.S. Army Corps of Engineers. The wetland mitigation plan shall be prepared by a qualified biologist or wetland scientist experienced in wetland creation, and shall include the following or equally effective elements: i. Specific location, size, and existing hydrology and soils within the wetland creation area. ii. Wetland mitigation techniques, seed source, planting specifications, and required buffer setbacks. In addition, the mitigation plan shall ensure adequate water supply is provided to the created wetlands in order to maintain the proper <i>(continued on next page)</i>	[see page 37]	[see page 37]						
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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems - *Biological Resources* (continued):

USS-11 <i>(continued from previous two pages)</i> hydrologic regimes required by the different types of wetlands created. Provisions to ensure the wetland water supply is maintained in perpetuity shall be included in the plan. iii. A monitoring program for restored, enhanced, created, and preserved wetlands on the project site. A monitoring program is required to meet three objectives; 1) establish a wetland creation success criteria to be met; 2) to specify monitoring methodology; 3) to identify as far as is possible, specific remedial actions that will be required in order to achieve the success criteria; and 4) to document the degree of success achieved in establishing wetland vegetation. (d) A monitoring plan shall be developed and implemented by a qualified biologist to monitor results of any on-site wetland restoration and creation for five years. The monitoring plan shall include specific success criteria, frequency and timing of monitoring, and assessment of whether or not maintenance activities are being carried out and how these shall be adjusted if necessary. <i>(continued on next page)</i>	[see Page 37]	[see Page 37]					
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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems - *Biological Resources* (continued):

USS-11 <i>(continued from previous three pages)</i> If monitoring reveals that success criteria are not being met, remedial habitat creation or restoration should be designed and implemented by a qualified biologist and subject to five years of monitoring as described above. Or (e) In lieu of developing a mitigation plan that outlines the avoidance, purchase, or creation of wetlands, FMFCD could purchase mitigation credits through a Corps approved Mitigation Bank.	[see Page 37]	[see Page 37]						
USS-12: When FMFCD proposes to provide drainage service outside in areas that support seasonal wetlands or vernal pools: (a) During facility design and prior to initiation of ground disturbing activities in areas that support seasonal wetlands or vernal pools, FMFCD shall conduct a preliminary rare plant assessment. The assessment will determine the likelihood on whether or not the project site could support rare plants. If it is determined that the project site would not support rare plants, then no further <i>(continued on next page)</i>	During facility design and prior to initiation of ground disturbing activities in areas that support seasonal wetlands or vernal pools	California Department of Fish & Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS)				X		

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems - *Biological Resources* (continued):

USS-12 <i>(continued from previous page)</i> action is required. However, if the project site has the potential to support rare plants; then a rare plant survey shall be conducted. Rare plant surveys shall be conducted by qualified biologists in accordance with the most current CDFG/USFWS guidelines or protocols and shall be conducted at the time of year when the plants in question are identifiable. (b) Based on the results of the survey, prior to design approval, FMFCD shall coordinate with CDFG and/or implement a Section 7 consultation with USFWS, shall determine whether the project facility would result in a significant impact to any special status plant species. Evaluation of project impacts shall consider the following: • The status of the species in question (e.g., officially listed by the State or Federal Endangered Species Acts). • The relative density and distribution of the on-site occurrence versus typical occurrences of the species in question. <i>(continued on next page)</i>	[see previous page]	[see previous page]					
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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems - *Biological Resources* (continued):

USS-12 (continued from previous two pages) The habitat quality of the on-site occurrence relative to historic, current or potential distribution of the population. (c) Prior to design approval, and in consultation with the CDFG and/or the USFWS, FMFCD shall prepare and implement a mitigation plan, in accordance with any applicable State and/or federal statutes or laws, that reduces impacts to a less than significant level.	[see Page 41]	[see Page 41]						
USS-13: When FMFCD proposes to provide drainage service outside in areas that support seasonal wetlands or vernal pools: (a) During facility design and prior to initiation of ground disturbing activities in areas that support seasonal wetlands or vernal pools, FMFCD shall conduct a preliminary survey to determine the presence of listed vernal pool crustaceans. (continued on next page)	During facility design and prior to initiation of ground disturbing activities in areas that support seasonal wetlands or vernal pools	CDFW and USFWS						X

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems - *Biological Resources* (continued):

USS-13 <i>(continued from previous page)</i> (b) If potential habitat (vernal pools, seasonally inundated areas) or fairy shrimp exist within areas proposed to be disturbed, FMFCD shall complete the first and second phase of fairy shrimp presence or absence surveys. If an absence finding is determined and accepted by the USFWS, then no further mitigation shall be required for fairy shrimp. (c) If fairy shrimp are found to be present within vernal pools or other areas of inundation to be impacted by the implementation of storm drainage facilities, FMFCD shall mitigate impacts on fairy shrimp habitat in accordance with the USFWS requirements of the Programmatic Biological Opinion. This shall include on-site or off-site creation and/or preservation of fairy shrimp habitat at ratios ranging from 3:1 to 5:1 depending on the habitat impacted and the choice of on-site or off-site mitigation. Or mitigation shall be the purchase of mitigation credit through an accredited mitigation bank.	[see previous page]	[see previous page]					
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A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems - *Biological Resources* (continued):

USS-14: When FMFCD proposes to construct drainage facilities in an area where elderberry bushes may occur: (a) During facility design and prior to initiation of construction activities, FMFCD shall conduct a project-specific survey for all potential Valley Elderberry Longhorn Beetle (VELB) habitats (elderberry shrubs), including a stem count and an assessment of historic or current VELB habitat. (b) FMFCD shall avoid and protect all potential identified VELB habitat where feasible. (c) Where avoidance is infeasible, develop and implement a VELB mitigation plan in accordance with the most current USFWS mitigation guidelines for unavoidable take of VELB habitat pursuant to either Section 7 or Section 10(a) of the Federal Endangered Species Act. The mitigation plan shall include, but might not be limited to, relocation of elderberry shrubs, planting of elderberry shrubs, and monitoring of relocated and planted elderberry shrubs.	During facility design and prior to initiation of construction activities	CDFW and USFWS						X

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems - *Biological Resources* (continued):

USS-15: Prior to ground disturbing activities during nesting season (March through July) for a project that supports bird nesting habitat, FMFCD shall conduct a survey of trees. If nests are found during the survey, a qualified biologist shall assess the nesting activity on the project site. If active nests are located, no construction activities shall be allowed within 250 feet of the nest until the young have fledged. If construction activities are planned during the non-breeding period (August through February), a nest survey is not necessary.	Prior to ground disturbing activities during nesting season (March through July) for a project that supports bird nesting habitat	CDFW and USFWS						X
USS-16: When FMFCD proposes to construct drainage facilities in an area that supports bird nesting habitat: (a) FMFCD shall conduct a pre-construction breeding-season survey (approximately February 1 through August 31) of proposed project sites in suitable habitat (levee and canal berms, open grasslands with suitable burrows) during the same calendar year that construction is planned to begin. If phased construction procedures are planned for the proposed project, the results of the above survey shall be valid only for the season when it is conducted. <i>(continued on next page)</i>	Prior to ground disturbing activities during nesting season (March through July) for a project that supports bird nesting habitat	CDFW and USFWS						X

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems - *Biological Resources* (continued):

USS-16 <i>(continued from previous page)</i> (b) During the construction stage, FMFCD shall avoid all burrowing owl nest sites potentially disturbed by project construction during the breeding season while the nest is occupied with adults and/or young. The occupied nest site shall be monitored by a qualified biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a 160-foot diameter non-disturbance buffer zone around the nest site. Disturbance of any nest sites shall only occur outside of the breeding season and when the nests are unoccupied based on monitoring by a qualified biologist. The buffer zone shall be delineated by highly visible temporary construction fencing. Based on approval by CDFG, pre-construction and pre-breeding season exclusion measures may be implemented to preclude burrowing owl occupation of the project site prior to project-related disturbance. Burrowing owls can be passively excluded from potential nest sites in the construction area, either by closing the burrows or placing one-way doors in the burrows according to current CDFG protocol. Burrows shall be examined not more than 30 days before construction to ensure that no owls have recolonized the area of construction. <i>(continued on next page)</i>	[see previous page]	[see previous page]						
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A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014

August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems - *Biological Resources* (continued):

USS-16 (continued from previous two pages) For each burrow destroyed, a new burrow shall be created (by installing artificial burrows at a ratio of 2:1 on protected lands nearby.	[see Page 46]	[see Page 46]						
USS-17: When FMFCD proposes to construct drainage facilities in the San Joaquin River corridor: (a) FMFCD shall not conduct instream activities in the San Joaquin River between October 15 and April 15. If this is not feasible, FMFCD shall consult with the National Marine Fisheries Service and CDFW on the appropriate measures to be implemented in order to protect listed salmonids in the San Joaquin River. (b) Riparian vegetation shading the main-channel that is removed or damaged shall be replaced at a ratio and quantity sufficient to maintain the existing shading of the channel. The location of replacement trees on or within FMFCD berms, detention ponds or river channels shall be approved by FMFCD and the Central Valley Flood Protection Board.	During instream activities conducted between October 15 and April 15	National Marine Fisheries Service (NMFS), CDFW, and Central Valley Flood Protection Board (CVFPB)						X

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems – Recreation / Trails:

USS-18: When FMFCD updates its District Service Plan: Prior to final design approval of all elements of the District Services Plan, FMFCD shall consult with Fresno County, City of Fresno, and City of Clovis to determine if any element would temporarily disrupt or permanently displace adopted existing or planned trails and associated recreational facilities as a result of the proposed District Services Plan. If the proposed project would not temporarily disrupt or permanently displace adopted existing or planned trails, no further mitigation is necessary. If the proposed project would have an effect on the trails and associated facilities, FMFCD shall implement the following: (a) If short-term disruption of adopted existing or planned trails and associated recreational facilities occur, FMFCD shall consult and coordinate with Fresno County, City of Fresno, and City of Clovis to temporarily re-route the trails and associated facilities. (b) If permanent displacement of the adopted existing or planned trails and associated recreational facilities occur, the appropriate design modifications to prevent permanent displacement shall be implemented in the final project design or FMFCD shall replace these facilities.	Prior to final design approval of all elements of the District Services Plan	DARM, PW, City of Clovis, and County of Fresno						X

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems – Air Quality:

USS-19: When District drainage facilities are constructed, FMFCD shall: (a) Minimize idling time of construction equipment vehicles to no more than ten minutes, or require that engines be shut off when not in use. (b) Construction shall be curtailed as much as possible when the Air Quality Index (AQI) is above 150. AQI forecasts can be found on the SJVAPCD web site. (c) Off-road trucks should be equipped with on-road engines if possible. (d) Construction equipment should have engines that meet the current off-road engine emission standard (as certified by CARB), or be re-powered with an engine that meets this standard.	During storm water drainage facility construction activities	Fresno Metropolitan Flood Control District and SJVAPCD						X
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Utilities and Service Systems – Adequacy of Storm Water Drainage Facilities:

USS-20: Prior to exceeding capacity within the existing storm water drainage facilities, the City shall coordinate with FMFCD to evaluate the storm water drainage system and shall not approve additional development that would convey additional storm water to a facility that would experience an exceedance of capacity until the necessary additional capacity is provided.	Prior to exceeding capacity within the existing storm water drainage facilities	FMFCD, PW, and DARM					X	
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A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. EA-17-014
August 11, 2017

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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Utilities and Service Systems – Adequacy of Water Supply Capacity:

USS-21: Prior to exceeding existing water supply capacity, the City shall evaluate the water supply system and shall not approve additional development that demand additional water until additional capacity is provided. By approximately the year 2025, the City shall construct an approximately 25,000 AF/year tertiary recycled water expansion to the Fresno-Clovis Regional Wastewater Reclamation Facility in accordance with the 2013 Recycled Water Master Plan and the 2014 City of Fresno Metropolitan Water Resources Management Plan update. Implementation of Mitigation Measure USS-5 is also required prior to approximately the year 2025.	Prior to exceeding existing water supply capacity	DPU and DARM					X	

Utilities and Service Systems – Adequacy of Landfill Capacity:

USS-22: Prior to exceeding landfill capacity, the City shall evaluate additional landfill locations and shall not approve additional development that could contribute solid waste to a landfill that is at capacity until additional capacity is provided.	Prior to exceeding landfill capacity	DPU and DARM					X	

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

Exhibit D:
Draft City Council Resolution and Ordinance Bill

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO AMEND THE WATER
SHORTAGE CONTINGENCY PLAN

WHEREAS, the City adopted its current Water Shortage Contingency Plan (“WSCP”) on June 23, 2016, as part of the City’s 2015 Urban Water Management Plan (“UWMP”); and

WHEREAS, the Urban Water Management Planning Act requires the City to describe its water conservation measures within its WSCP; and

WHEREAS, in response to water conservation mandates from the State of California the City of Fresno (“City”) has prepared proposed amendments to the WSCP to update water conservation requirements and watering restrictions in different water conservation stages in the City of Fresno.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City hereby adopts the amended Water Shortage Contingency Plan, as attached in Tables 1-3 of Exhibit A herein.

* * * * *

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, CMC, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Amanda B Freeman Date
Deputy

YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

Attachment:
Exhibit A – Amended Water Shortage Contingency Plan, Tables 1-3

ABF:cm [75145cm/abf]

DRAFT

EXHIBIT A

Table 1: Stages of Water Shortage Contingency Plan (WSCP)

Stage	Percent Supply Reduction	Water Supply Condition
1	10%	Stage 1 of the Water Shortage Contingency Plan may be triggered by any of the following conditions: • In the second of two consecutive years, the volume of surface water available to the City through USBR and FID is projected to be less than the long-term average and the reduction in supply, averaged over the consecutive years, is equal to 10% or greater, or • Groundwater contamination conditions exists (DDW required the City to shut down wells) or a large-scale infrastructure failure occurs that results in a 10% loss in water production capacity, or • Localized groundwater cones of depression develop exceeding historic low water levels and, to avoid possible litigation with responsible parties of point source contaminant plumes, the City must shut down existing wells that result in a 10% loss in groundwater production capacity, or • A combination of the above mentioned circumstances or a disaster reduced the City's overall water supply or production capabilities by 10% or more. • After having been in a Stage 2 classification, the following water year results in a declaration by the jurisdictional authority in determining entitlements for the respective surface water supply of normal or above normal water deliveries; or the original trigger for a previous higher stage classification has been rectified to a point that is consistent with the above conditions for this stage.
2	10 - 25%	Stage 2 of the Water Shortage Contingency Plan may be triggered by any of the following conditions: • In the third of three consecutive years, the projected volume of surface water available to the City through USBR or FID is less than the long term average and the reduction in supply, averaged over the three consecutive years equals 10% or greater, or • The volume of surface water available to the City through FID is reduced by 25% of the long-term average, or • The volume of surface water available to the City through USBR is reduced by 25% of the long-term average, or • One-year change in average groundwater level in 30 key City wells exceeds 3 feet or two-year change in average groundwater level in 30 key City wells exceeds 6 feet and exceeds historic low groundwater levels, or • Groundwater contamination condition exists (DDW requires the City to shut down wells) or a large-scale infrastructure failure occurs that results in a 25% loss in water production capacity, or • A combination of the above mentioned circumstances or disaster reduces the City's overall water supply or production capabilities by 25% or more. • After having been in a Stage 3 classification, the following water year results in a declaration by the jurisdictional authority in determining entitlements for the respective surface water supply of normal or above normal water deliveries on the Friant-Kern system; or the original trigger for a previous higher stage classification has been rectified to a point consistent with the above conditions for this stage.

Stage	Percent Supply Reduction	Water Supply Condition
3	25 to 35%	Stage 3 of the Water Shortage Contingency Plan may be triggered by any of the following conditions: • In the fourth of four consecutive years, the projected volume of surface water available to the City through USBR or FID is less than the long term average and the reduction in supply, averaged over the four consecutive years equals 10% or greater, or • The volume of surface water available to the City through FID is reduced by 35% of the long-term average, or • The volume of surface water available to the City through USBR is reduced by 35% of the long-term average, or • One-year change in average groundwater level in 30 key City wells exceeds 5 feet or two-year change in average groundwater level in 30 key City wells exceeds 10 feet and exceeds historic low groundwater levels, or • Groundwater contamination condition exists (DDW requires the City to shut down wells) or a large-scale infrastructure failure occurs that results in a 35% loss in water production capacity, or • A combination of the above mentioned circumstances or disaster reduces the City's overall water supply or production capabilities by 35% or more. • After having been in a Stage 4 classification, the following water year results in a declaration by the jurisdictional authority in determining entitlements for the respective surface water supply of normal or above normal water deliveries on the Friant-Kern system; or the original trigger for a previous higher stage classification has been rectified to a point that is consistent with the above conditions for this stage.
4	35 - 50%	Stage 4 of the Water Shortage Contingency Plan may be triggered by any of the following conditions: • In the fifth of five consecutive years, the projected volume of surface water available to the City through USBR or FID is less than the long term average and the reduction in supply, averaged over the five consecutive years equals 10% or greater, or • The volume of surface water available to the City through FID is reduced by 50% of the long-term average, or • The volume of surface water available to the City through USBR is reduced by 50% of the long-term average, or • One-year change in average groundwater level in 30 key wells exceeds 7.5 feet or two-year change in average groundwater level in 30 key City wells exceeds 12 feet and exceeds historic low groundwater levels, or • Groundwater contamination condition exists (DDW requires the City to shut down wells) or a large-scale infrastructure failure occurs that results in a 50% loss in water production capacity, or • A combination of the above mentioned circumstances or disaster reduces the City's overall water supply or production capabilities by 50% or more.

Table 2: Restrictions and Prohibitions on End Uses

(#)	Stage	Restrictions and Prohibitions	Additional Explanation or Reference	Penalty, Charge or Other Enforcement
a	1-4	Landscape - Limit landscape irrigation to specific times	<u>Stage 1:</u> May through November – 3 days/wk; December through April – 1 day/wk <u>Stage 2:</u> June, July, August – 3 days/wk; April, May, September, October – 2 days/wk; November through March – 1 day/wk <u>Stage 3:</u> May through November – 2 days/wk; December through April – 1 day/wk <u>Stage 4:</u> May through November – 1 day/wk; December through April – no landscape irrigation	Yes See Table 3
b	1-3	Other	Prohibit car washing except with a bucket only (a hose equipped with a shut off nozzle may be used for a quick rinse)	Yes See Table 3
c	1-4	Other - Prohibit use of potable water for washing hard surfaces	Prohibit use of potable water to wash sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas except where necessary for public health or safety	Yes See Table 3
d	1-4	Landscape - Prohibit certain types of landscape irrigation	Prohibit irrigating outdoor landscapes with potable water during and within 48 hours after measurable rainfall	Yes See Table 3
e	1-4	Landscape - Prohibit certain types of landscape irrigation	Prohibit irrigating except by use of a hose held in the person's hand or a sprinkling device	Yes See Table 3
f	1-4	Landscape - Prohibit certain types of landscape irrigation	Prohibit using potable water to irrigate or water outdoor landscaping in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures	Yes See Table 3
g	1-4	Landscape - Prohibit certain types of landscape irrigation	Prohibit irrigation of ornamental turf on public street medians with potable water	Yes See Table 3
h	4	Other	Prohibit car washing	Yes See Table 2

i	1-4	Other - Restaurants may only serve water upon request	No restaurant, hotel, café, cafeteria, or other public place where food is sold is served or offered for sale, shall serve drinking water to any customer unless expressly requested	Yes See Table 3
j	1-4	Landscape - Prohibit certain types of landscape irrigation	Irrigate landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards	Yes See Table 3
k	1-4	Water Features - Restrict water use for decorative water features, such as fountains	Prohibit use of potable water to clean, fill or maintain decorative fountains, lakes, or ponds unless such water is reclaimed	Yes See Table 3
l	4	Other - Prohibit use of potable water for construction and dust control	Prohibit use of potable water for construction, compaction, dust control, street or parking lot sweeping, building wash down where non-potable or recycled water is sufficient	Yes See Table 3
m	1-4	Other – Prohibit automatic linen service in hotels and motels.	Prohibit automatically changing towels and linens in hotels and motels daily. Operators of hotels and motels shall provide guests the option of choosing not to have towels and linens laundered daily.	Yes See Table 3
n	4	Other	Prohibit use of potable water for sewer system maintenance or fire protection training without prior approval by the City Manager	No
o	4	Other - Customers must repair leaks, breaks, and malfunctions in a	Prohibit allowing potable water to escape from breaks within the customer's plumbing system for more than twenty-four (24) hours after the customer is notified or discovers the break	Yes See Table 3
p	4	Other - Prohibit vehicle washing except at facilities using recycled or recirculating water	Prohibit washings cars, boats, trailers, aircraft, or other vehicles except to wash such vehicles at commercial or fleet vehicle washing facilities using water recycling equipment	Yes See Table 3
q	1-4	Swimming Pools – Prohibit draining swimming pools more than once every three years.	Prohibit draining swimming pools more than once every three years, except as necessary to complete structural repairs or to comply with public health standards, as determined by the County Health Officer	Yes See Table 3

r	1-4	Swimming Pools – Limit filling to the hours of 9:00 a.m. to 6:00 p.m. on permitted watering days.	Prohibit filling swimming pools other than between the hours of 9:00 a.m. and 6:00 p.m. on permitted watering days. Newly constructed or refurbished swimming pools may be filled by a standard hose up to ¾" during other hours to avoid damage to tile and plaster.	Yes See Table 3
s	4	Pools and Spas - Require covers for pools and spas	Require covers for swimming pools when not in use	No
t	4	Other	Prohibit Use of Outdoor Misters	No

Table 3: Penalties for Incidents of Water Waste

Incident Month	Incident Fine	Enforcement Schedule
1	\$0	The first month of water waste incidents recorded for a customer during the calendar year, the City shall issue a Notice of Water Waste to the customer for the incident observed directly by City staff or as recorded directly by the City's water meter reading system.
2	\$50	The second month of water waste incidents recorded for a customer during the calendar year, the City shall assess a fine of \$50 to the customer, and the fine shall be applied to the customer's monthly utility bill.
3	\$100	The third month of water waste incidents recorded for a customer during the calendar year, the City shall assess a fine of \$100 to the customer, and the fine shall be applied to the customer's monthly utility bill.
4	\$200	The fourth month of water waste incidents recorded for a customer during the calendar year, the City shall assess a fine of \$200 to the customer, and the fine shall be applied to the customer's monthly utility bill.
5 -12	\$200	For the fifth month of water waste incidents recorded during the calendar year, and every month thereafter for the remainder of the calendar year during which an incident of water waste is recorded, the City shall assess a fine of \$200 to the customer, and the fine shall be applied to the customer's monthly utility bill.
After 6	N/A	If a customer has more than six consecutive months of documented water waste incidents, the water service to the customer may be terminated unless in the opinion of the Director such termination would result in an unreasonable risk to the health and safety of persons. If water service is terminated for excessive violations of the water waste provisions as defined herein, the water service may only be restored upon execution of an agreement with the customer to adhere to the conditions of service described in this section.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA
AMENDING SECTIONS 6-501, 6-502, AND 6-520 OF THE
FRESNO MUNICIPAL CODE RELATING TO
REGULATIONS FOR URBAN WATER CONSERVATION
AND EXCESSIVE WATER USE

WHEREAS, on January 17, 2014, Edmund G. Brown, Governor of California, proclaimed a State of Emergency in the State of California due to severe drought conditions; and

WHEREAS, on April 25, 2014, and April 1, 2015, the Governor signed Executive Orders directing the State Water Resources Control Board ("State Water Board") to adopt emergency regulations to ensure urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices; and

WHEREAS, California Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations during a period when the Governor has issued a proclamation of emergency based upon drought conditions or in response to drought conditions that exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

WHEREAS, on July 15, 2014, the State Water Board adopted an emergency regulation for urban water conservation requiring each urban water supplier to implement the stage of its water shortage contingency plan that imposes restrictions on outdoor irrigation, which resulted in the City implementing Stage 2 of its Water Shortage Contingency Plan; and

WHEREAS, on May 5, 2015, the State Water Board adopted additional emergency regulations for urban water conservation, requiring the City of Fresno to reduce its water usage by 28% compared to 2013 and impose additional prohibitions on water use beginning June 1, 2015, through February 28, 2016; and

WHEREAS, in 2015, the City implemented additional water conservation measures resulting in 23% reduction in the City's water usage in 2015 and 2016, and such water conservation measures are still effective; and

WHEREAS, on August 29, 2016, the Governor signed into law SB 814, which requires the City to define "excessive use" regarding water usage, and to establish a method to identify and discourage excessive water use; and

WHEREAS, California received record precipitation in the winter of 2017, resulting in mountain snowpack at 164% of the season average; and

WHEREAS, on April 7, 2017, the Governor declared an end to California's drought emergency for all but Fresno, Kings, Tulare, and Tuolumne Counties in the state of California by Executive Order B-40-17; and

WHEREAS, Executive Order B-40-17 directed the State Water Board to make permanent prohibitions on certain practices which do not conserve water; and

WHEREAS, on April 26, 2017, the State Water Board rescinded mandatory water conservation standards statewide, but left in effect prohibitions on certain water uses; and

WHEREAS, requiring certain water conservation activities at all times in the City of Fresno comports with the Governor's Executive Order; and

WHEREAS, defining Excessive Use as related to water usage and establishing a method to identify and discourage excessive water use meets the requirements of SB 814, as codified in Chapter 3.3 (beginning with Section 365) of Division 1 of the Water Code.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection 6-501(tt) shall be added to the Code as follows:

[(tt) "Excessive Water Use" means, for customers in single-family residences or multi-unit housing in which each unit is individually metered or sub-metered, using potable water in excess of 300 gallons per hour during days or hours when outdoor irrigation is prohibited, as recorded by the City during the monthly billing period; as well as, for all water service customers, performing or permitting any action prohibited by Section 6-520 of this Code.]

SECTION 2. Section 6-502 of the Code shall be amended as follows:

SEC. 6-502. - FINANCIAL PROCEDURES.

All billing for and collection of water service charges shall be handled as provided in this article and Article 11 of Chapter 2 ~~[6]~~ of this Code.

SECTION 3. Section 6-520 of the Code shall be amended as follows:

SEC. 6-520. - WATER CONSERVATION.

(a) In the use of potable water supplied by the City, no customer shall do or permit any of the following:

(1) Water any lawn, landscape, or grounds except by use of a hose held in the person's hand or a sprinkling device,

(2) Use potable water to irrigate or water outdoor landscaping in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures,

(3) Keep, maintain, operate, or use any water connection, hose, faucet, hydrant, pipe, outlet, or plumbing fixture which is not tight and free from leakage,

(4) Willfully or negligently waste water,

(5) Flood any part of the premises of another,

(6) Sprinkle the premises of another so as to prevent the normal use thereof or unreasonably wet objects thereon which should not be subjected to a spray of water except as naturally caused by the elements or by action of the owner of the object,

(7) Sprinkle or irrigate any yard, ground, premise, or vegetation [except as set forth in the City's adopted Water Shortage Contingency Plan] between the hours of 9:00 a.m. and 6:00 p.m.,

[(i) The following properties may submit an application for an exemption to the outdoor watering restrictions in effect at the time of the application:

a. Properties with multiple addresses, and

b. Properties with turfed or landscaped areas of three acres or larger, and

c. Properties without street addresses.

The owners of such properties shall submit a proposed watering schedule in writing to the Director for approval or modification. The Director may approve a modified outdoor watering schedule that may provide for more frequent watering or different watering days than allowed by the outdoor watering restrictions in effect at the time the application for an exemption is submitted for consideration. If the Director determines the proposed exemption will adversely impact system water pressures in the service area, the proposed exemption will be denied. All exemptions approved by the Director shall automatically expire on May 1 of each year, and the property owners must re-apply for an exemption to the outdoor watering restrictions for the upcoming summer outdoor watering season. Upon application, the Director may grant an exemption for new lawns not yet established.]

(8) Sprinkle or irrigate any yard, ground, premise, or vegetation unless the watering device used is controlled by an

automatic shut-off device, or a person is in immediate attendance of the hose or watering device,

(9) Wash any privately owned motor vehicle, trailer, or boat except from a bucket or in a commercial car wash, provided a hose equipped with a shut-off nozzle may be used for a quick rinse without causing water to flow onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures,

(10) Wash or rinse with a hose or watering device any sidewalk, driveway, parking area, tennis court, patio, or any other exterior paved area, or

(11) Use potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

[(12) Irrigate ornamental turf on public street medians with potable water. This does not include trees.]

(13) Irrigate outdoor landscapes with potable water during and within 48 hours after measurable rainfall.

(14) Serve drinking water other than upon request in eating or drinking establishments, including but not limited to, restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased.

(15) Irrigate landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

(16) Automatically change towels and linens in hotels and motels daily. Operators of hotels and motels shall provide guests the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

(17) Drain swimming pools more than once every three years, except as necessary to complete structural repairs or to comply with public health standards, as determined by the County Health Officer. Residents with private swimming pools shall file a written application for a permit with the Water Division Manager at least 48 hours prior to draining the pool. Any customer whose swimming pool is drained by order of the Department of Health for failure to maintain it properly will also be issued a notice of violation of the City of Fresno Municipal Code. The draining of pools for reasons of health and safety hazards as determined by the City of Fresno Water Division and/or the Department of Health is permitted. The application shall include the results of a pool water

test conducted by an independent testing organization which shows a cyanuric acid level above 100 parts per million, total dissolved solids over 2,500 parts per million, or calcium over 450 parts per million, or stating the nature and duration of repairs to be made and the date on which the pool will be drained.

(i) Swimming pools shall only be filled between the hours of 9:00 a.m. and 6:00 p.m. on permitted watering days. Newly constructed or refurbished swimming pools may be filled by a standard hose up to ¾" during other hours to avoid damage to tile and plaster.

(ii) The Director shall propose fines and promulgate guidelines for the implementation of this subsection which shall include criterion and a procedure for approval of applications or for exemption by the Director.]

(b) Notwithstanding the foregoing, drip irrigation of community and residential fruit and vegetable gardens and fruit trees is permitted any day of the week; for this subsection, "drip irrigation system" means a non-spray, low-pressure, and low volume irrigation system in good working order utilizing emission devices with a flow rate of less than four gallons per hour, designed to slowly apply small volumes of water at or near the root zone of plants, when used primarily for irrigation of fruit and vegetable gardens and fruit trees; should any city water customer be cited for excessive water use, the customer may contact the Water Division and

request an exemption from the outdoor irrigation restrictions in place at the time for a home or community garden that is irrigated with a drip irrigation system. Upon being contacted, the Water Division will schedule a visit to the subject property to inspect the garden and the drip irrigation system used to irrigate the garden. The Water Division shall grant an exemption for home or community garden with the following conditions:

(1) The property must limit water use to an amount equal to, or less than, the average monthly water use for the single-family residential customer class. The monthly average water use for the single-family residential customer class is printed on monthly utility bills issued by the City.

(2) The drip irrigation system must be in good working order with no leaks, line breaks, or other deficiencies that will contribute to water waste. Exemptions shall be withheld until corrective action is taken to address system deficiencies.

(3) The drip irrigation system must be used primarily for the home or community garden, and not for other landscape on the property. Exemptions shall be withheld until the drip irrigation system for the home or community garden can be isolated from other landscape on the property.

(4) No flood irrigation will be allowed with the drip irrigation system, and water must remain on the subject property

with no runoff to sidewalks, driveways, pavements, or adjacent properties.

(5) The home and community garden exemption is provided exclusively for drip irrigation systems only, and will not be allowed for other types of irrigation systems.

(6) This exemption shall only apply to properties $\frac{1}{4}$ acre or smaller. For properties greater than $\frac{1}{4}$ acre, the property owner may apply to the City Manager for an exemption.

(c) Outdoor sprinkling and irrigation systems shall be properly designed, installed, maintained, and operated to prevent waste of water.

(d) [Repealed.] ~~The Council may implement any or all of the measures set forth in this subsection, either city wide or by specific zone, when any of the following conditions exist: The Governor of California, the California Department of Water Resources, or the State Water Resources Control Board has declared a critically dry or drought year; Groundwater level declines exceed three feet in a 12-month period, or six feet in a 24-month period, for the City's key groundwater monitoring wells; Water pressures drop below thirty five pounds per square inch during peak demand periods more than three days in any calendar week or ten days in any calendar month; or degradation of water quality condition (i.e., exceeding the established maximum contaminant levels according to applicable state or federal law) decreases the quantity of water available for delivery to all or part of the geographic area, or the customers and~~

~~other persons, for whom Water Division service was designed or intended to the extent extraordinary measures to reduce water use are necessary, as determined by the Council. Measures the Council of the City of Fresno may implement include, but are not limited to, the following:~~

~~(1) Outdoor watering restrictions limiting permissible watering days based upon odd/even addresses, effective for all or a specific zone of the city (in addition to the time of day restrictions set forth in Section 6-520(a)(7)).~~

~~(i) When odd/even outdoor water restrictions are in effect, the City shall observe a summer outdoor watering season and a winter outdoor watering season. The summer season shall extend from May 1 to November 30 of each year, and the winter shall extend from December 1 to April 30.~~

~~(ii) The following properties may submit an application for an exemption to the odd/even outdoor watering restrictions in effect at the time of the application:~~

- ~~a. Properties with multiple addresses, and~~
- ~~b. Properties with turfed or landscaped areas of three acres or larger, and~~
- ~~c. Properties without street addresses.~~

~~The owners of such properties shall submit a proposed watering schedule in writing to the Water~~

~~Division for approval or modification. The Water Division may approve a modified outdoor watering schedule that may provide for more frequent watering or different watering days than allowed by the outdoor watering restrictions in effect at the time the application for an exemption is submitted for consideration. If the Water Division determines that the proposed exemption will adversely impact system water pressures in the service area, then the proposed exemption will be denied. All exemptions approved by the Water Division shall automatically expire on May 1 of each year, and the property owners must re-apply for an exemption to the outdoor watering restrictions for the upcoming summer outdoor watering season. Upon application, the Council may grant an exemption for new lawns not yet established.~~

~~(iii) When odd/even address outdoor watering restrictions are in effect, outdoor watering shall not occur between the hours of 9:00 a.m. and 6:00 p.m. on the days approved for watering.~~

~~(2) Regulate the filling of fountains in city facilities, as the Council determines appropriate.~~

~~(3) Prohibition of draining swimming pools more than once every three years, except as necessary to complete structural repairs or to comply with public health standards, as determined by the County Health Officer. Residents with private swimming pools shall file a written application for a permit with the Water Division Manager at least 48 hours prior to draining the pool. Any customer whose swimming pool is drained by order of the department of health for failure to maintain it properly will also be issued a notice of violation of the city of Fresno municipal code. The draining of pools for reasons of health and safety hazards as determined by the city of Fresno water division and/or the department of health is permitted. The application shall include the results of a pool water test conducted by an independent testing organization which shows a cyanuric acid level above 100 parts per million, total dissolved solids over 2,500 parts per million, or calcium over 450 parts per million, or stating the nature and duration of repairs to be made and the date on which the pool will be drained.~~

~~(i) Swimming pools shall only be filled between the hours of 9:00 a.m. and 6:00 p.m. Newly constructed or refurbished swimming pools may be filled by a standard hose up to $\frac{3}{4}$ " during other hours to avoid damage to tile and plaster.~~

~~(ii) The Director shall propose fees and promulgate guidelines for the implementation of this subsection which shall include criterion and a procedure for approval of applications or for exemption by the Director.~~

~~(4) Prohibition on irrigating ornamental turf on public street medians with potable water.~~

~~(5) Prohibition on irrigating landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.~~

~~(6) Prohibition of irrigating outdoor landscapes with potable water during and within 48 hours after measurable rainfall.~~

~~(7) Prohibition of serving drinking water other than upon request in eating or drinking establishments, including but not limited to, restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased.~~

~~(8) Require the operators of hotels and motels to provide guests the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.~~

(e) The provisions of this section are conditions of service. ~~Each use of water by a customer that is inconsistent with the provisions of this section is an incident of water waste. If a customer has an incident of water waste as observed directly by City staff or as recorded directly by the City's water meter reading system, the customer shall be charged the fee as described herein.~~

~~(1) — Such charge shall be levied as follows:~~

~~(i) — For the first incident of water waste, the fee designated in the Master Fee Resolution shall be deferred for a period of two years conditioned upon the customer not having a fourth incident of water waste within a two year period. If the customer does not have such fourth incident of water waste within two years such deferral shall become permanent. However, such fee shall be due and owing by the customer if a fourth incident of water waste occurs within two years.~~

~~(ii) — The fee for the second incident of water waste shall be deferred for customers who attend a course in water conservation. The deferral shall be conditioned upon the customer's successful completion of a water conservation course provided by the Department of Public Utilities and the customer not having a third incident of water waste within a~~

~~two year period. The deferred fee shall be collected if a third incident of water waste occurs within a two year period.~~

~~(iii) The fee for the third incident of water waste within a two year period shall be the fee designated in the Master Fee Resolution plus any fee deferred from the second incident of water waste. A customer shall have the option of submitting proof of implementation of retrofit measures of no less value than the fee imposed for such third incident of water waste in lieu of that fee. Retrofit measures of a value less than that fee shall be credited toward payment of the fee.~~

~~(iv) The fee for the fourth incident of water waste within a two year period shall include the amount as designated in the Master Fee Schedule together with all applicable amounts previously deferred as described above.~~

~~(2) If a customer has more than four incidents of water waste within a two year period, the city may implement any or all of the following measures:~~

~~(i) Require the customer to get a landscape evaluation, lawn water audit, and water budget, as appropriate, in order to learn efficient water use. This work shall be completed at the customer's expense by landscape irrigation auditors certified by the Irrigation Association.~~

~~(ii) — Require a customer to repair any defects in the watering system of such customers within fourteen days of notice by the city to repair.~~

~~(iii) — Installation by the city of flow restrictors or termination of water service for exterior use.~~

~~(iv) — Termination of all water service to a customer unless in the opinion of the Director such termination would result in an unreasonable risk to the health and safety of persons.~~

~~(v) — Require restoration of water service after termination be contingent on an agreement by the customer to adhere to the provisions of this section.~~

~~(f) — The Director shall prepare and present a rationing plan to Council for approval. Such plan shall be adopted by resolution passed by Council.~~

[(1) Each incident of Excessive Use as defined in section 6-501, or other use of water by a customer inconsistent with the provisions of this section, is an incident of water waste.]

[(2) If a customer has one or more incidents of water waste during a month, as observed directly by City staff or as recorded directly by the City's water meter reading system, then the customer shall be issued a Notice of Water Waste and be charged fines and penalties as set forth in the Master Fee Schedule.]

(3) Incident counts for water waste shall be monitored, recorded, documented and enforced on a monthly basis during the calendar year for individual customers, and the incident counts shall be reset January 1 of each year.

(4) If a customer performs or permits incidents of water waste more than six consecutive months, the water service to the customer may be terminated unless in the opinion of the Director such termination would result in an unreasonable risk to the health and safety of persons. If water service is terminated for successive incident of water waste, the water service may only be restored upon execution of an agreement with the customer to adhere to the conditions of service described in this section.

(5) The appeal process set forth in subsection 6-522(g)(5) of this Code shall apply to the enforcement measures set forth in this section.]

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage, except the enforcement program for incidents of water waste set forth in Section 6-520(e) above shall be effective January 1, 2018.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
AMANDA B. FREEMAN Date
Deputy City Attorney

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

ABF:cm [75143cm/abf]