

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

Tel. No. (415) 703-1691



January 11, 2006

Advice Letter 2741-E

Rose de la Torre
Pacific Gas & Electric
77 Beale Street, Room 1088
Mail Code B10C
San Francisco, CA 94105

Subject: De Young properties sound will encroachment agreement – request for confirmation of exemption

Dear Ms de la Torre:

Advice Letter 2741-E is effective January 11, 2006. A copy of the advice letter is returned herewith for your records.

Sincerely,

A handwritten signature in black ink, appearing to read "S. H. Gallagher".

Sean H. Gallagher, Director
Energy Division

RECEIVED
REGULATORY RELATIONS DEPARTMENT

JAN 18 2006



November 23, 2005

Advice 2741-E

(Pacific Gas and Electric Company ID U 39 E)

**Subject: De Young Properties Sound Wall Encroachment Agreement -
Request for Confirmation of Exemption under Section 853(b) or,
in the Alternative, for Approval under Section 851**

Public Utilities Commission of the State of California

Purpose

Pacific Gas and Electric ("PG&E") submits this filing confirming exemption from Commission approval under Public Utilities Code Section 853(b) or, in the alternative, requesting approval under Public Utilities Code Section 851 to enter into an Encroachment Agreement with De Young Properties 5224 L. P. ("De Young") permitting De Young to construct a concrete block sound wall within, and thereby encroach on, one of PG&E's easements in Fresno County which runs through the De Young property.

Request Confirmation of Exemption Under Section 853(b)

PG&E respectfully requests that the Commission confirm exemption of PG&E's grant of an Encroachment Agreement to De Young from the requirements of Section 851, pursuant to Section 853(b). Section 853(b) allows the Commission to exempt a public utility from the Section 851 approval process if it finds that such an approval is not necessary in the public interest.

The Commission has confirmed other transactions exempt under Section 853(b) under similar circumstances, and should do so here. For example, in Decision (D.) 05-10-013, the Commission applied Section 853(b) to exempt an Encroachment Agreement between PG&E and the Peninsula Corridor Joint Powers Board for the installation, maintenance, and use of a temporary access ramp and stairs located at the Hillsdale Caltrain Station in the City of San Mateo. In that case, the basis for the exemption was that approval under Section 851 was not necessary in the public interest because the ramp alleviated an immediate safety hazard to the public at the Hillsdale Train Station. Rather, the exemption was to the public benefit because it promoted safety.

Similar to the request in A.05-08-033, De Young is requesting an Encroachment Agreement from PG&E to construct a concrete block sound wall on PG&E's easement to address a noise pollution health hazard. This health hazard was identified in the City of Fresno's Initial Study (Application No. T-5224)¹ and construction of the concrete block sound wall is a condition of approval from the City of Fresno in order for De Young to construct a housing development. Granting the Encroachment Agreement to De Young serves the public interest by allowing utility property (the easement area) to be used for other productive purposes – and address a critical issue of public health – without interfering with the utility's operation or affecting service to utility customers. (See D.02-01-058 (2002) 2002 Cal. PUC LEXIS 11, *9.) Similarly, PG&E does not anticipate substantive protests to this filing. Therefore, as in D.05-10-013, the Commission should exempt PG&E from the requirements of Section 851, pursuant to Section 853(b). See also, D.01-06-006 (2001) 2001 Cal. PUC LEXIS 342, in which the Commission granted the request of San Diego Gas and Electric Company ("SDG&E") for a limited exemption from the requirements of Section 851, pursuant to Section 853(b) to lease space at its Mission and El Cajon substations to CalPeak Power LLC for installation and operation of electric generation units.

If the Commission declines to find Section 853(b) applicable, PG&E requests that the Commission authorize PG&E to enter into the proposed Encroachment Agreement with De Young under Section 851.

Background

PG&E requests Commission exemption under Public Utilities Code Section 853(b), or, alternatively, approval under Public Utilities Code Section 851, to allow De Young to construct and maintain a concrete block sound wall within one of PG&E's easements in the City of Fresno in Fresno County. In accordance with Resolution ALJ-186, Appendix B, Section III.B, PG&E provides the following information related to the proposed transaction:

(a) Identity of All Parties to the Proposed Transaction:

Pacific Gas and Electric Company	De Young Properties 5224 L. P.
Andrew L. Niven	Stephen Keel, Vice President
Peter Van Mieghem	P.O. Box 5178
Law Department	Fresno, CA 93755
P.O. Box 7442	Telephone: (559) 435-0900
San Francisco, CA 94120	Email: slk@brentwoodhomes.com
Telephone: (415) 973-2902	
Facsimile: (415) 973-5520	
Email: PPV1@pge.com	

¹ The City of Fresno's Initial Study (Application No. T-5224) is included as Attachment 4.

(b) Complete Description of the Property Including Present Location, Condition and Use:

PG&E owns, operates and maintains the Herndon-Kearney 230 kV electric transmission tower line ("H-K Transmission Line"), a portion of which crosses certain undeveloped property owned by De Young, located at West Barstow Avenue and North Bryan Avenue in the City of Fresno, Fresno County, California and identified by Assessors Parcel Number 505-070-20 ("Property"). PG&E has an easement over the Property, pursuant to that certain Grant of Easement dated August 1, 1955 and recorded in Book 3664 of Official Records at page 267, Fresno County Records ("Easement"), for that portion of the H-K Transmission Line that crosses the Property. The Easement expressly prohibits construction of any buildings or structures within the easement area.

Although the area surrounding the Property and the Easement is undeveloped, De Young is seeking approval from the City of Fresno to construct a housing development on a portion of the Property located to the east of the Easement. As a condition of approval from the City of Fresno, De Young must install a permanent twelve foot high concrete block sound wall ("Sound Wall") as a noise barrier between the subdivision boundary of the proposed housing development and nearby Highway 99. The only feasible location for the Sound Wall has been determined by De Young to be within the Easement. The Sound Wall is necessary to fully reduce noise pollution to acceptable levels for the health and safety of the residents in the housing development.

(c) Intended Use of the Property:

The proposed encroachment onto the Easement is for the installation of the Sound Wall. De Young is requesting permission from PG&E in the form of an Encroachment Agreement to allow the construction of the Sound Wall that will run parallel with and inside of the Easement. The actual encroachment will encompass an area in the Easement that is 5 feet wide by 672 feet long. The Encroachment Agreement will require De Young or their successors in interest to maintain the Sound Wall for the term of the Encroachment Agreement which would be in perpetuity unless PG&E exercises an express unilateral right to terminate the Encroachment Agreement on 90 days advance notice in the event the Sound Wall ever interferes with PG&E's operations in the Easement, as more particularly described in the Encroachment Agreement. (See Attachment 1.) The Sound Wall, as currently proposed, will not interfere with PG&E's existing facilities and will be designed and constructed in such a way so as not to hinder access to, or maintenance of, PG&E's facilities in the Easement. Maps of the construction area are provided as Attachment 2.

(d) Complete Description of Financial Terms of the Proposed Transaction:

PG&E is not collecting any use fees associated with granting De Young's encroachment of the Easement. By consenting to this prohibited construction and use on the Easement, PG&E is supporting economic development of this area. Placement of the Sound Wall within the Easement does not rise to the level of a right that has any realizable economic value to PG&E.

(e) Indication of How Financial Proceeds of the Transaction Will Be Distributed:

Not applicable.

(f) Sufficient Information and Documentation (Including Environmental Review Information) To Indicate that All Criteria Set Forth in Section II(A) of Resolution ALJ-186 Are Satisfied:

PG&E has provided information in this advice letter to meet the eligibility criteria under the advice letter pilot program. Under the CEQA Checklist, the activity proposed in the transaction will not require environmental review by the CPUC as a lead agency. The proposed transaction will not have an adverse effect on the public interest. In fact, the proposed transaction will serve the public interest because it is part of a larger residential subdivision development project which will serve the housing needs of the City of Fresno. Since PG&E is not collecting any fees associated with granting De Young an Encroachment Agreement, the proposed encroachment is well below the \$5 million threshold set forth for fee property and lease equivalents. Finally, the transaction does not involve the transfer or change in ownership of facilities currently used in utility operations.

(g) Complete Description of any Recent Past (Within the Prior Two Years) or Anticipated Future Transactions that May Appear To Be Related to the Present Transaction:

Not applicable.

(h) For Sales of Real Property and Depreciable Assets, the Advice Letter Shall Include the Original Cost, Present Book Value, and Present Fair Market Value, and a Detailed Description of How the Fair Market Value Was Determined (e.g., Appraisal):

Not applicable.

(i) For Leases of Real Property, the Advice Letter Shall Include the Fair Market Rental Value, and a Detailed Description of How the Fair Market Rental Value Was Determined:

Not applicable.

(j) Additional Information to Assist in the Review of the Advice Letter:

No additional information is readily available, other than what is already included with this filing.

(k) CEQA Checklist

Exemption

(1) Has the proposed transaction been found exempt from CEQA by a government agency?

The proposed transaction was not found exempt from CEQA by the City of Fresno.

(a) If yes, please attach notice of exemption. Please provide name of agency, date of exemption, and state clearinghouse number.

Not applicable.

(b) If no, does the applicant contend that the project is exempt from CEQA? If yes, please identify the specific exemption or exemptions that apply, citing to the applicable CEQA guideline(s).

Not applicable.

Prior or Subsequent CEQA review

(1) Has the project undergone CEQA review by another government agency? If yes, please identify the agency, the CEQA document that was prepared (EIR, MND, etc.) and its date, and provide one copy of any and all CEQA documents to the Director of the relevant Industry Division with a copy of the advice letter. Be prepared to provide additional copies upon request.

The City of Fresno has conducted a CEQA review and issued a Mitigated Negative Declaration ("MND"). (See Attachment 3) In the MND, the City of Fresno concluded that the proposed housing

development, and all activities associated with it, will not have any significant adverse impacts on the environment. The MND also identifies and addresses several non-significant impacts, including air quality, water, noise, and transportation and circulation, and determined appropriate mitigation measures. The City of Fresno voted to adopt the MND on April 1, 2004.

(2) Identify any aspects of the project or its environment that have changed since the issuance of the prior CEQA document.

PG&E is not aware of any changes that have occurred since the issuance of the MND and Initial Study.

(3) Identify and provide section and page numbers for the environmental impacts, mitigation measures, and findings in the prior CEQA document that relate to the approval sought from the CPUC.

Please see the City of Fresno's Initial Study (Application No. T-5224) and the Master Environmental Impact Report (EIR) No. 10130-2025 Fresno General Plan - Mitigation Monitoring Checklist (associated with Final EIR No. 10118 and Final EIR No. SCH 95022029) for further discussion on the following categories of CEQA review. (See Attachments 4 and 5.)

- Section 2.0: Air Quality (page 4)
- Section 3.0: Water (page 5)
- Section 7.0: Noise (page 6)
- Section 10.0: Transportation and Circulation (page 9)
- Section 11.6: Availability of Sewer Lines of Adequate Capacity (page 10)

(4) Does the project require approval by governmental agencies other than the CPUC? If so, please identify all such agencies, and the type of approval that is required from each agency.

The County's environmental determination is final and conclusive on the Commission. (CEQA Guidelines, § 15050(c).) A duplicative environmental review by the Commission would be inconsistent with the CEQA's mandates, frustrate the goal of administrative efficiency, and thus fail to serve the public interest. Therefore, while the Commission, as a Responsible Agency, must review and consider the environmental documents prepared by the County, the Commission need not perform an independent CEQA review as part of this Section 851 review.

Need CEQA?

If no exemption is applicable, and no prior review has occurred, please identify what applicant believes is the correct level of CEQA review.

Not Applicable.

Protests

Anyone wishing to protest this filing may do so by letter sent via U.S. mail, by facsimile or electronically, any of which must be received no later than 30 days after the date of this filing, which is **December 23, 2005**. Protests should be mailed to:

CPUC Energy Division
Attention: Tariff Unit, 4th Floor
505 Van Ness Avenue
San Francisco, California 94102

Facsimile: (415) 703-2200
E-mail: jjr@cpuc.ca.gov and jjj@cpuc.ca.gov

Copies of protests also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address shown above.

The protest also should be sent via U.S. mail (and by facsimile and electronically, if possible) to PG&E at the address shown below on the same date it is mailed or delivered to the Commission:

Pacific Gas and Electric Company
Attention: Brian Cherry
Director, Regulatory Relations
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, California 94177

Facsimile: (415) 973-7226
E-mail: PGETariffs@pge.com

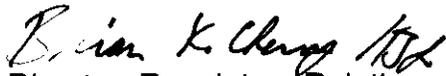
Effective Date

Pursuant to the review process outlined in Resolution ALJ-186, PG&E requests that this advice filing become effective on **January 9, 2006**, which is 47 calendar days after the date of filing.

Notice

In accordance with General Order 96-A, Section III, Paragraph G, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list. Address changes should be directed to Rose de la Torre at (415) 973-4716. Advice letter filings can also be accessed electronically at:

<http://www.pge.com/tariffs>


Director, Regulatory Relations

Attachments 1-5.

cc: Service List – GO 96-A
ALJ Peter V. Allen, CPUC
ALJ Lynn T. Carew, CPUC
Andrew Barnsdale, CPUC – Energy Division
Junaid Rahman, CPUC – Energy Division
Brewster Fong, ORA
Stephen L. Keel, De Young Properties

CALIFORNIA PUBLIC UTILITIES COMMISSION

ADVICE LETTER FILING SUMMARY ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No. **Pacific Gas and Electric Company (ID U39)**

Utility type:

ELC

GAS

PLC

HEAT

WATER

Contact Person: Bernard Lam

Phone #: (415) 973-4878

E-mail: bxlc@pge.com

EXPLANATION OF UTILITY TYPE

ELC = Electric

GAS = Gas

PLC = Pipeline

HEAT = Heat

WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: **2741-E**

Subject of AL: Section 851 Transaction – De Young Properties Sound Wall Encroachment Agreement

Keywords (choose from CPUC listing): Section 851

AL filing type: Monthly Quarterly Annual One-Time Other _____

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #: _____

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: N/A

Summarize differences between the AL and the prior withdrawn or rejected AL¹: _____

Resolution Required? Yes No

Requested effective date: **January 9, 2006**

No. of tariff sheets: N/A

Estimated system annual revenue effect: (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting). _____

Tariff schedules affected: _____

Service affected and changes proposed¹: _____

Pending advice letters that revise the same tariff sheets: N/A

Protests and all other correspondence regarding this AL are due no later than 30 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division

Attention: Tariff Unit

505 Van Ness Ave.,

San Francisco, CA 94102

jjr@cpuc.ca.gov and jnj@cpuc.ca.gov

Pacific Gas and Electric Company

Attn: Brian K. Cherry

Director, Regulatory Relations

77 Beale Street, Mail Code B10C

P.O. Box 770000

San Francisco, CA 94177

E-mail: PGETariffs@pge.com

¹ Discuss in AL if more space is needed.

Advice 2741-E

Attachment 1

*

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
Land Services Office
650 O Street Mail Bag 23
Fresno, CA 93760-0001

Location: City/Uninc _____

Recording Fee \$ _____

Document Transfer Tax \$ _____

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale

Signature of declarant or agent determining tax

(APN 505-070-20)

ENCROACHMENT AGREEMENT

This Encroachment Agreement (this "Agreement") is made and entered into this ___ day of _____, 200__ by PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called "PG&E", and DE YOUNG PROPERTIES 5224 L. P., a California limited partnership, hereinafter called "Owners."

RECITALS

A. Owners are the fee title owners of certain real property within the County of Fresno, State of California, Assessor's Parcel Number APN 505-070-20 (hereinafter, the "Property") legally described in **Exhibit "C"** attached hereto and made a part hereof.

B. PG&E is the owner of a certain easement and right-of-way (the "Easement") for the transmission and distribution of electric energy and for all other purposes connected therewith, as set forth in the Grant of Easement dated August 1, 1955, and recorded in Book 3664 of Official Records at page 267, Fresno County Records which provides in part that "no building or like structure shall be erected or constructed on the premises." The portion of the Property encumbered by the Easement is hereinafter referred to as the "Easement Area."

C. Owners propose to construct a concrete block sound wall including concrete foundations and other improvements associated therewith (the "Improvements") on the Easement Area, the construction of which violates the prohibition against buildings or other structures

contained in the Easement. The Easement Area and the portion of the Easement Area subject to such encroachment (the “**Encroachment Area**”) are legally described in **Exhibit “A”** attached hereto and made a part hereof, and are shown on the map attached as **Exhibit “B”**.

D. Owners have requested that PG&E grant permission for the construction of the Improvements within the Easement Area. PG&E has determined that the Improvements, to be constructed pursuant to plans and specifications approved by PG&E, do not interfere with the present full use of the Easement Area by PG&E, and PG&E is therefore willing to agree to allow such encroachment on the Easement Area on the terms and subject to the conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owners and PG&E hereby agree as follows:

1. Consent to Encroachment. Notwithstanding the prohibition in the Easement, PG&E hereby consents to the encroachment of the **Improvements** onto the Easement Area by approximately thirty-six (36) feet, in the manner and location as more specifically set forth in **Exhibit “A” and “B”** subject to the terms and conditions set forth herein. In addition, Owners shall have the right of ingress and egress over the Easement Area to obtain access to the Encroachment Area and the Improvements when necessary to fulfill Owners' obligations under this Agreement, in such areas as PG&E determines, in its sole and absolute discretion, will occasion the least practicable damage and inconvenience to PG&E, its facilities and operations.

2. Governmental Approvals. This Agreement shall not become effective, notwithstanding that it may have been executed and delivered by the parties, and Owners shall not commence any activity hereunder, unless and until the California Public Utilities Commission (the “CPUC”) approves this Agreement by an order which is final, unconditional and unappealable (including exhaustion of all administrative appeals or remedies before the CPUC), and the terms and conditions of such CPUC approval are satisfactory to PG&E in its sole and absolute discretion. This Agreement is made subject to all the provisions of such approval, as more particularly set forth in CPUC Decision _____ (Application No. _____), in like manner as though said provisions were set forth in full herein.

3. Termination; Restoration. PG&E may terminate Owners' rights under this Agreement, at any time, upon ninety (90) days written notice to the Owners, if PG&E, in its sole and absolute discretion, should determine that Owners' use of the Easement Area is inconsistent with PG&E's operational needs in the future, or in any way interferes with, impairs or otherwise impedes PG&E's full use of facilities installed or that may be installed by PG&E in the vicinity of the Easement Area. Upon such termination, Owners, at Owners' sole cost and expense, shall remove all Improvements that encroach upon the Easement Area and shall repair and restore the Easement Area as nearly as possible to the condition that existed prior to the construction of said Improvements. Owners shall pay the entire cost of such removal and restoration, and PG&E shall have no liability for any costs caused by or related to any such termination. If Owners fail to remove all Improvements that encroach onto the Easement Area or fail to repair or restore the Property within said ninety (90) day period, PG&E may perform such removal, repair or restoration as necessary and recover

such costs and expenses therefore from Owners. Owners agree to allow access to PG&E onto the Property for such purpose, and Owners shall pay all such costs and expenses within ten (10) days of receipt of an invoice therefore. Owners further acknowledge that PG&E's termination right shall not be affected by any Improvements that Owners have made to the Easement Area, regardless of the nature or extent of those Improvements. Owners understand and agree that notwithstanding that Owners may have made a substantial investment in such improvements, Owners shall not be entitled to any compensation whatsoever for the termination of Owners' rights under this Agreement by PG&E. (Owners to initial here _____, _____).

4. Indemnification; Release.

(a) Indemnification. Owners shall, to the maximum extent permitted by law, indemnify, protect, defend and hold harmless PG&E, its parent corporation, subsidiaries and affiliates, and their respective officers, managers, directors, representatives, agents, employees, transferees, successors and assigns (each, an "Indemnitee" and collectively, "Indemnitees") from and against all claims, losses (including, but not limited to, diminution in value), actions, demands, damages, costs, expenses (including, but not limited to, experts fees and reasonable attorneys' fees and costs) and liabilities of whatever kind or nature (collectively, "Claims"), which arise from or are in any way connected with the occupancy or use of the Easement Area by Owners or Owners' contractors, agents, or invitees, or the exercise by Owners of its rights hereunder, or the performance of, or failure to perform, Owners' duties under this Agreement, including, but not limited to, Claims arising out of: (1) injury to or death of persons, including but not limited to employees of PG&E; (2) injury to property or other interest of PG&E, Owners or any third party; (3) violation of any applicable federal, state, or local laws, statutes, regulations, or ordinances, including all legal requirements relating to human health or the environment, and including any liability which may be imposed by law or regulation without regard to fault; excepting only with respect to any Indemnitee, any Claim arising from the sole, active negligence or willful misconduct of such Indemnitee. In the event any action or proceeding is brought against any Indemnitee for any Claim against which Owners are obligated to indemnify or provide a defense hereunder, Owners upon written notice from PG&E shall defend such action or proceeding at Owners' sole expense by counsel approved by PG&E, which approval shall not be unreasonably withheld, conditioned or delayed.

(b) Release. Owners accept all risk relating to its occupancy and use of the Easement Area. PG&E shall not be liable to Owners for, and Owners hereby waive, release, exonerate, discharge and covenant not to sue PG&E and the other Indemnitees from, any and all liability, whether in contract, tort or on any other basis, for any injury, damage, or loss resulting from or attributable to any occurrence on or about the Easement Area, the condition of Easement Area, the use or occupancy of the Easement Area by Owners, or PG&E's operation and maintenance of PG&E's facilities in the vicinity of the Easement Area, except in the case of any Indemnitee, any injury, damage, or loss arising from the sole, active negligence or willful misconduct of such Indemnitee.

5. Compliance with Laws. Owners shall, at its sole cost and expense, promptly comply with all laws, statutes, ordinances, rules, regulations, requirements or orders of municipal, state, and federal authorities now in force or that may later be in force, with the conditions of any permit, relating to Owners' use or occupancy of the Easement Area.

6. Alterations. Except for the Improvements authorized to be constructed pursuant to this Agreement, Owners shall not construct any additional buildings or structures on the Easement Area, nor shall Owners make any alteration, addition or improvement to the Easement Area that would increase the Encroachment Area, either horizontally or vertically. Owner shall not drill, bore or excavate on the Easement Area except in connection with construction of the Improvements pursuant to plans and specifications approved by PG&E, or a removal of the Improvements as required by this Agreement.

7. Damage or Destruction. In the event that the Improvements which encroach onto the Easement Area shall be destroyed or demolished, Owners shall not rebuild the Improvements on any part of the Easement Area except pursuant to plans and specifications approved by PG&E.

8. Condition of Easement Area. Owners accept the Encroachment Area and the Easement Area in its existing physical condition, without warranty by PG&E or any duty or obligation on the part of PG&E to maintain the Easement Area. Owners understand that numerous hazards, environmental or otherwise, may be located in, on, or underlying the Easement Area, and that hazardous materials may be used in connection with PG&E facilities that may be operated in the Easement Area, and agrees that entry onto the Easement Area is at Owners' sole risk and expense

9. Maintenance. Owners shall be responsible for the maintenance of the Improvements in good condition and repair, and Owners shall coordinate all activities regarding the maintenance of the Improvements to reasonably minimize any interference with the use by PG&E of the Easement Area, and Owners shall conduct its activities in such a manner so as not to endanger the Easement, the environment and human health and safety. Owners shall be responsible for remediation of any hazardous materials release caused by Owners, and to clean and remove debris and/or promptly repair any damages to the Easement Area following any entry or activity by Owners, returning the Easement Area to a like or better condition.

10. Reserved Rights. PG&E reserves the right to use the Easement Area for such purposes as it may deem necessary or appropriate if, and whenever, in the interest of its service to its patrons or consumers or the public, it shall appear necessary or desirable to do so. Furthermore, PG&E reserves the right to restrict access to the Easement Area if emergency repairs or maintenance are required to PG&E facilities in the vicinity of the Easement Area.

11. Insurance. Prior to the Effective Date of this Agreement, Owners shall procure, and thereafter Owners shall carry and maintain in effect at all times the following insurance: Worker's Compensation in compliance with applicable labor codes, acts, laws or statutes, state or federal, where Owners perform work and Employer's Liability insurance with limits not be less than \$1,000,000 for injury or death, each accident; Commercial General Liability for bodily injury and

property damage with limits of not less than \$1,000,000 each occurrence/\$2,000,000 aggregate; Business Auto, code 1 "any auto" combined single limit no less than \$1,000,000 each accident. Owners are also responsible for causing its agents, contractors and subcontractors to comply with the insurance requirements of this Agreement at all relevant times.

12. Notice. Any notices or communications hereunder shall be in writing and shall be personally delivered or sent by first class mail, certified or registered, postage prepaid, or sent by national overnight courier, with charges prepaid for next business day delivery, addressed to the addressee party at its address or addresses listed below, or to such other address or addresses for a party as such party may from time to time designate by notice given to the other party. Notices shall be deemed received, if sent by personal delivery upon actual receipt by the party being sent the notice, or on the expiration of three (3) business days after the date of mailing, or on the following business day if sent by overnight courier

If to PG&E:

Pacific Gas and Electric Company
Attention: Land Agent
Address : 650 O Street Mail Bag 23
Fresno, CA 93760

With a copy to:

Pacific Gas and Electric Company
P.O. Box 7442, Mail Code B3OA
San Francisco, California 94120
Attention: Grant Guerra

If to Owners:

DE YOUNG PROPERTIES 5224 L. P.
Attention: Stephen Keel
Address: P.O. Box 5178
Fresno, CA 93755

13. Governing Law. This Agreement shall in all respects be interpreted, enforced, and governed by and under the laws of the State of California.

14. Entire Agreement. This Agreement and the Deed, supersedes all previous oral and written agreements between and representations by or on behalf of the parties and constitutes the entire agreement of the parties with respect to the subject matter hereof. This Agreement may not be amended except by a written agreement executed by the parties.

15. Binding Effect. This Agreement and the covenants and agreements contained herein shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective heirs, successors and assigns (subject to the provisions of Section 17 below). No assignment or delegation by Owners, whether by operation of law or otherwise, shall relieve Owners of any of its duties, obligations or liabilities hereunder, in whole or in part. The covenants of Owners hereunder shall run with the land.

16. Assignment. This Agreement and the rights of Owners hereunder are appurtenant to the Property presently owned by Owners and may not be separately assigned, transferred, conveyed or encumbered. Any purported assignment, transfer, conveyance or encumbrance violating the foregoing condition shall be void and of no effect.

17. Attorneys' Fees. Should either party bring an action against the other party, by reason of or alleging the failure of the other party with respect to any or all of its obligations hereunder, whether for declaratory or other relief, then the party which prevails in such action shall be entitled to its reasonable attorneys' fees (of both in-house and outside counsel) and expenses related to such action, in addition to all other recovery or relief. A party shall be deemed to have prevailed in any such action (without limiting the generality of the foregoing) if such action is dismissed upon the payment by the other party of the sums allegedly due or the performance of obligations allegedly not complied with, or if such party obtains substantially the relief sought by it in the action, irrespective of whether such action is prosecuted to judgment.

18. Survival of Obligations. Owners' obligations under Sections 3 and 4 of this Agreement, and all representations, warranties, indemnities or other provisions which by their nature survive termination shall survive the exercise of PG&E's termination rights pursuant to Section 3 of this Agreement.

19. No Waiver. No waiver with respect to any provision of this Agreement shall be effective unless in writing and signed by the party against whom it is asserted. No waiver of any provision of this Agreement by a party shall be construed as a waiver of any subsequent breach or failure of the same term or condition, or as a waiver of any other provision of this Agreement.

20. Captions. The captions in this Agreement are for reference only and shall in no way define or interpret any provision hereof.

21. Counterparts. This Agreement may be executed in identical counterpart copies, each of which shall be an original, but all of which taken together shall constitute one and the same agreement.

22. Recording. Owners hereby consent and agree to the recording by PG&E of this Agreement against the Property. Owners agree to sign any additional documents reasonably required to complete such recording.

23. Ratification of Deed. Except as modified by this Agreement in regard to the Property, all of the terms, conditions and provisions of the Deed shall remain in full force and effect and are hereby ratified and confirmed. To the extent the terms of the Deed are inconsistent with this Agreement, the terms of this Agreement shall control.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

"PG&E"

"Owners"

PACIFIC GAS AND ELECTRIC COMPANY,
a California corporation

DE YOUNG PROPERTIES 5224 L. P., a
California limited partnership,

By: _____
Richard A. Gigliotti

By: TEAM 5 PROPERTIES, INC.
A California Corporation, as General Partner

Its: Real Estate Manager
Land Services

By: _____
Jerry A. De Young, President

EXHIBIT "A"
(DESCRIPTION OF EASEMENT)

A 5.00-foot wide strip of land in the Northeast quarter of Section 9, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, lying 2.50 feet on each side of the following described centerline:

BEGINNING at a point which lies 61.00 feet North of the South line of the Northeast quarter of said Section 9 and 36.50 feet East of the West line of an easement granted to Pacific Gas and Electric Company, recorded July 8, 1955, as Document No. 47825 in Book 3630, Page 280 and September 30, 1955, as Document No. 66702 in Book 3664, Page 267, Official Records of Fresno County; thence North $00^{\circ} 31' 17''$ West, a distance of 324.46 feet to the point of curvature of a tangent curve concave westerly and having a radius of 294.50 feet; thence Northerly along said tangent curve through a central angle of $09^{\circ} 05' 02''$, an arc distance of 46.69 feet; thence North $44^{\circ} 28' 43''$ East, a distance of 50.48 feet; thence North $00^{\circ} 31' 17''$ West, a distance of 64.44 feet; thence North $45^{\circ} 31' 17''$ West, a distance of 56.57 feet; thence North $00^{\circ} 31' 17''$ West, a distance of 22.67 feet to the point of curvature of a tangent curve concave southwesterly and having a radius of 194.50 feet; thence Northwesterly along said tangent curve through a central angle of $31^{\circ} 24' 32''$, an arc distance of 106.62 feet to the Point of Terminus of this description, said Point of Terminus being a point on the West line of the aforementioned easement granted to Pacific Gas and Electric Company distant thereon 696.20 feet northerly of the intersection of the West line of said easement with the South line of the Northeast quarter of said Section 9.

The sidelines of the above-described easement shall be shortened or lengthened so as to terminate on the West line of the aforementioned easement granted to Pacific Gas and Electric Company.

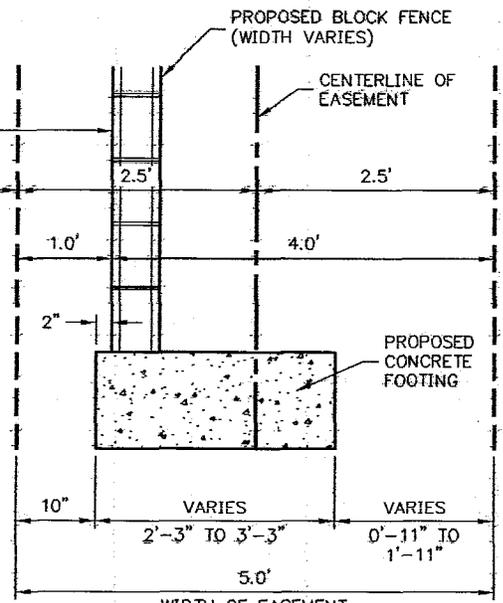
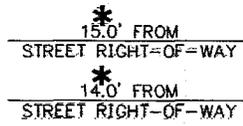
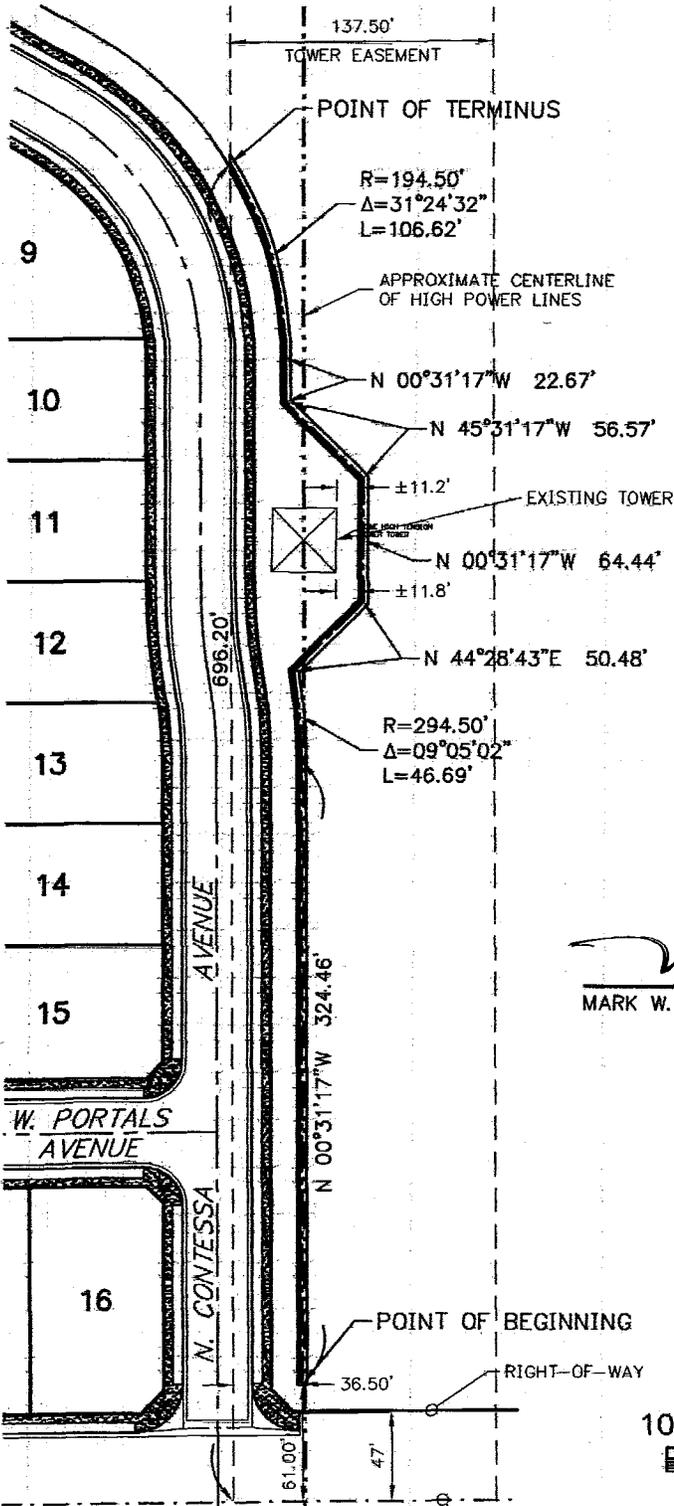


EXHIBIT "B"
(SKETCH OF EASEMENT)

PREPARED BY
R. W. GREENWOOD ASSOCIATES, INC.
2558 EAST OLIVE AVENUE
FRESNO, CALIFORNIA 93701
Ph. (559) 268-7831

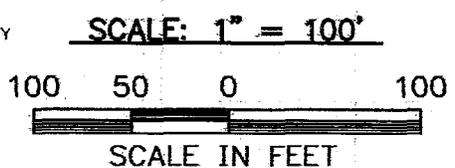
*** EXCEPT WHEN PROPOSED BLOCK FENCE IS CONSTRUCTED AROUND EXISTING TOWER**

TRACT NO. 5224 - BRENTWOOD RANCH



TYPICAL SECTION OF PROPOSED BLOCK WALL THROUGH EASEMENT
SCALE: 1" = 2'

Mark W. Greenwood 9/19/05
MARK W. GREENWOOD LS 6945 DATE



W. BARSTOW AVENUE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 9, T. 13 S., R. 19 E., M.D.B. & M.

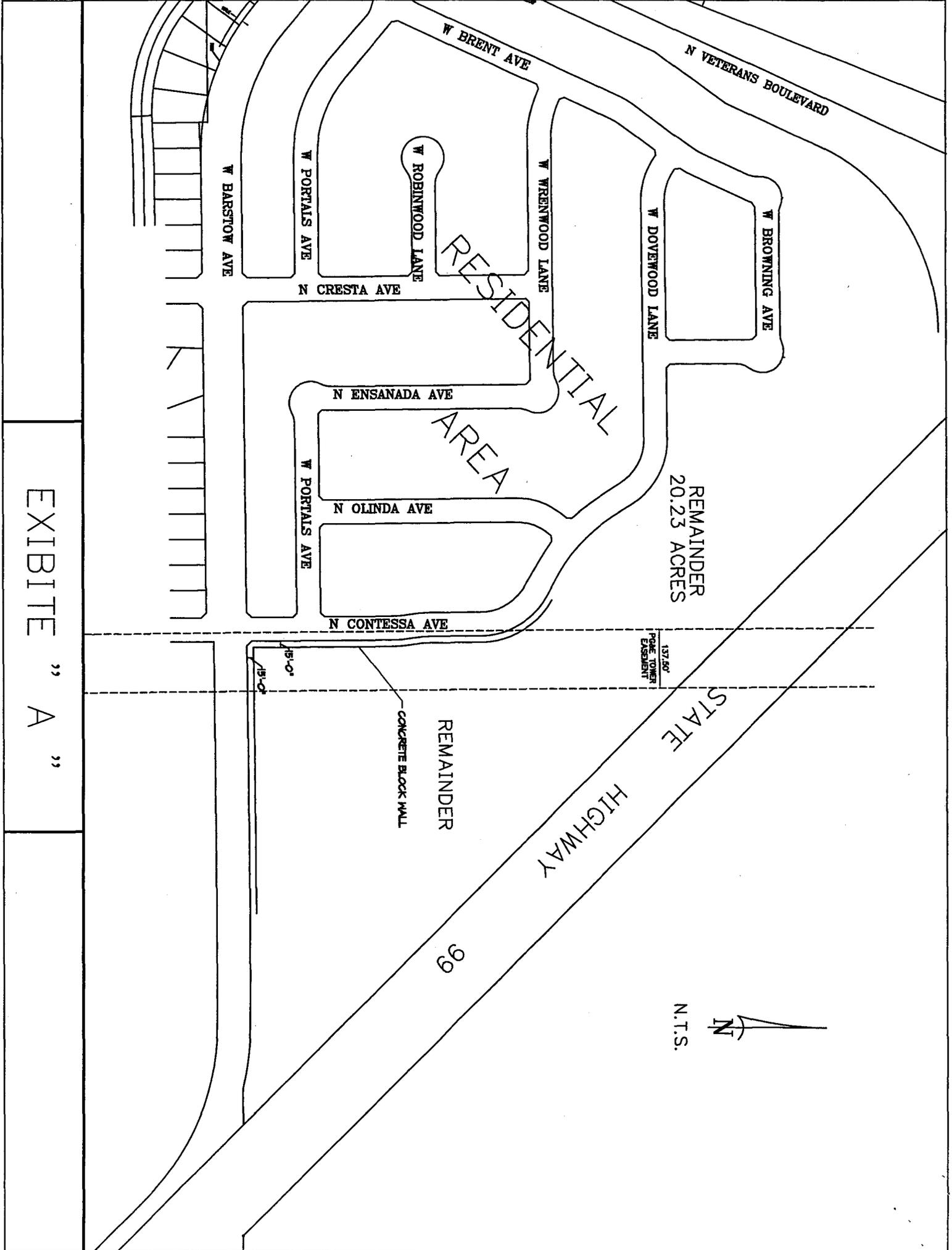
EXHIBIT "C"

(APN 505-070-20)

The parcel of land conveyed by deed from Land Dynamics, Inc. to DE YOUNG PROPERTIES 5224 L. P., a California limited partnership, dated December 16, 2004, and recorded as Instrument No. 2004-0285247, Fresno County Official Records (the parcel of land).

Advice 2741-E

Attachment 2



EXIBITE " A "

N
N.T.S.

REMAINDER

REMAINDER
20.23 ACRES

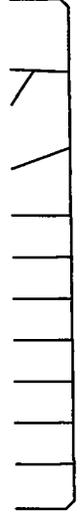
RESIDENTIAL
AREA

99

CONCRETE BLOCK WALL

13750
PINE TOWER
RESIDENT

15'-0"
15'-0"



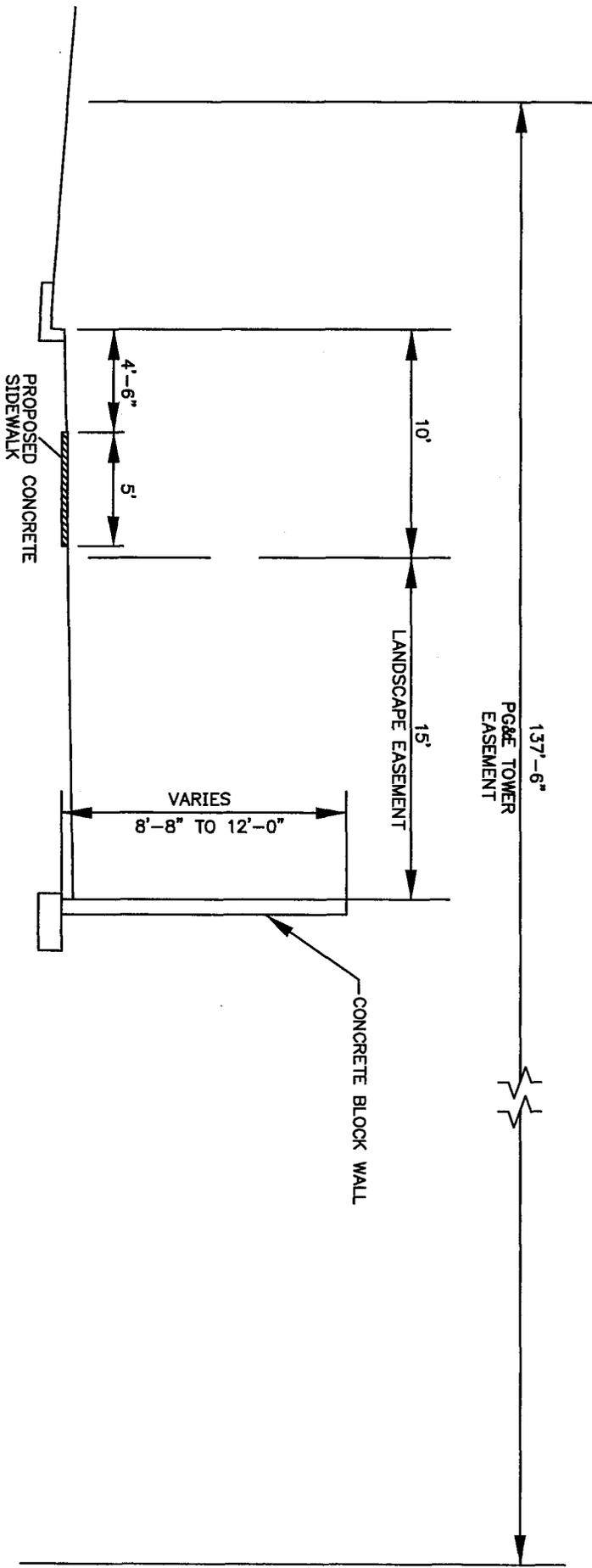
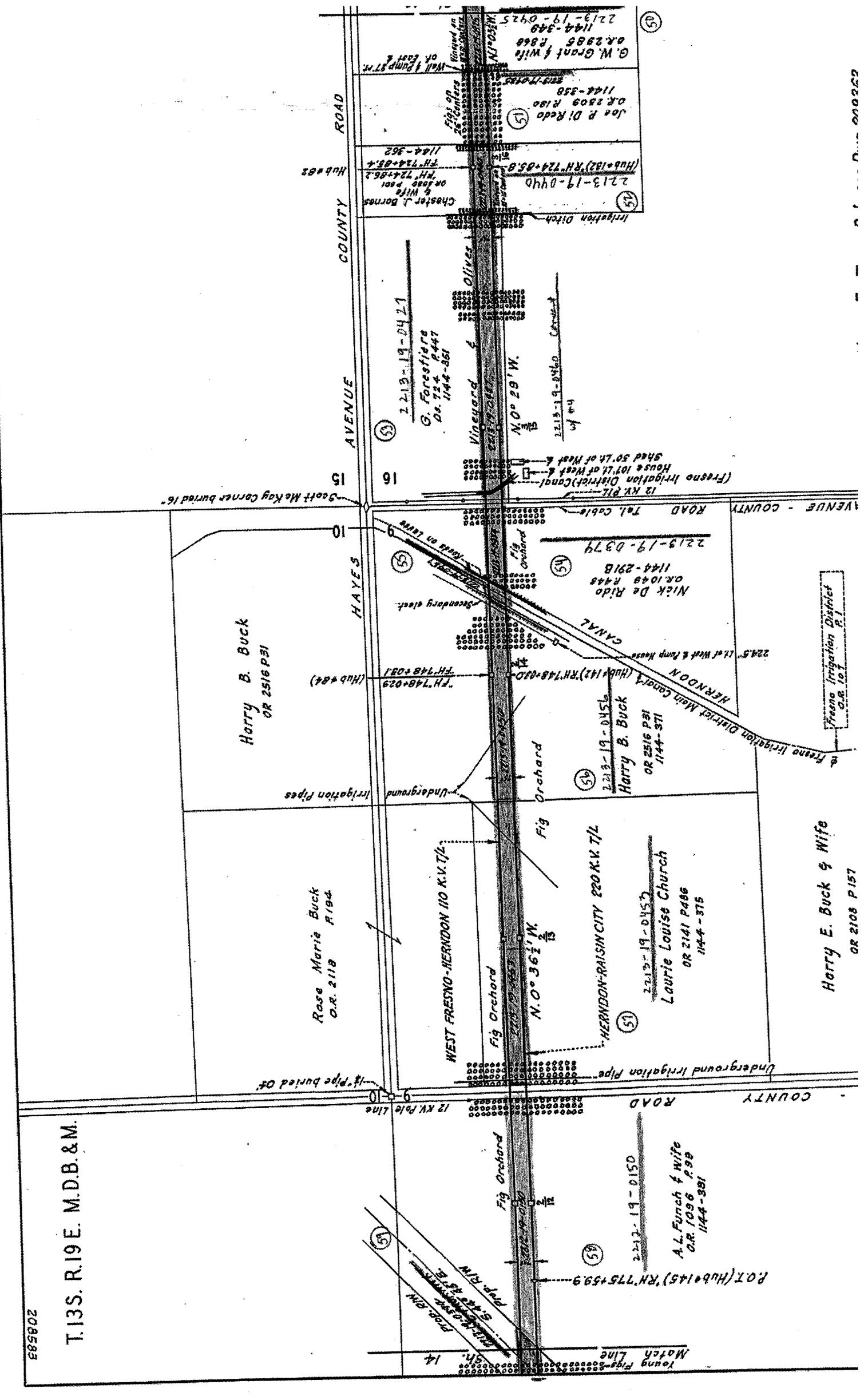


EXHIBIT " B "

T.13S. R.19E. M.D.B.&M.



Scott McKay Corner buried 16'

Harry B. Buck
OR 2516 P 31

Rose Marie Buck
O.R. 2118

2213-19-0421
G. Forestiera
O.R. 724 P 447
1144-351

WEST FRESNO-HERNDON 110 K.V. 7/2

2213-19-0456
Harry B. Buck
OR 2516 P 31
1144-371

2213-19-0457
Laurie Louise Church
OR 2141 P 486
1144-375

2213-19-0379
Nick De Rido
OR 1049 P 448
1144-291B

2213-19-0460
M.O. 29' W.

2213-19-0425
G.W. Grant & wife
O.R. 2985 P 868
1144-349

2213-19-0425
Joe R Di Rido
O.R. 2509 P 180
1144-358

2213-19-0440
Chester J. Bormas
& wife
O.R. 724 P 447
1144-352

2213-19-0150
A.L. Funch & wife
O.R. 1096 P 98
1144-381

P.O.T. (Hub+145) R.N. 775+599

Harry E. Buck & Wife
OR 2108 P 157

Fresno Irrigation District
O.R. 107

208502

Advice 2741-E

Attachment 3

CITY OF FRESNO MITIGATED NEGATIVE DECLARATION

RECEIVED

2004 APR -1 AM 8:37
CITY CLERK, FRESNO CA

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

Environmental Assessment Number:
T-5224

APPLICANT: Land Dynamics
2109 West Bullard Avenue
Fresno, California 93711

Assessor's Parcel Number:
505-070-20

PROJECT DESCRIPTION AND LOCATION: Vesting Tentative Tract Map No. 5224/UGM, filed by Land Dynamics, pertains to approximately 75 acres of property located on the north side of West Barstow Avenue, between North Bryan Avenue (alignment) and Freeway 99. The tentative tract map application proposes to subdivide the site into 187 single family residential lots, two outlots and a 20-acre remainder lot. The map is consistent with the existing planned land use designations and the existing zone districts.

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

The proposed project has been evaluated with respect to each item on the attached environmental checklist. This completed checklist reflects comments of any applicable responsible agencies and research and analysis conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the Environmental Assessment Application, the checklist, and any attachments to the checklist, combine to form a record indicating that an initial study has been completed in compliance with the State CEQA Guidelines and the California Environmental Quality Act.

Any rating of "2" on the checklist indicates that a specific adverse environmental effect has been identified in a category which is of sufficient magnitude to be of concern. Such an effect may be inherent in the nature and magnitude of the project or may be related to the design and characteristics of the individual project. Effects rated in this manner are not sufficient in themselves to require the preparation of an Environmental Impact Report and/or have been mitigated to the extent feasible.

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

The proposed project is not expected to result in any significant adverse effects in terms of the factors considered on the environmental checklist, including any such factors for which minor effects have been identified. Cumulative effects of a significant nature are also not expected. The proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The finding is therefore made that the proposed project will clearly not have a significant adverse effect on the environment.

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

INITIAL STUDY PREPARED BY: Shelby Chamberlain
Planner

SUBMITTED BY:



DARRELL UNRUH, Planning Manager
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: April 1, 2004

ENVIRONMENTAL ASSESSMENT (EA) CHECKLIST

POTENTIAL ENVIRONMENTAL EFFECTS

EA No. T-5224

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

EXPLANATION OF RATINGS

- "0"** **Insufficient Information**
Insufficient information is available to determine the potential environmental effects which may result from the proposed project in this category.
- "1"** **No Significant Environmental Effect**
The proposed project will not have an adverse environmental effect in this category, or any such effect is not substantially unusual or of undesirable magnitude. This rating is also utilized in cases where the category is not applicable to the particular project under consideration.
- "2"** **Moderate Environmental Effect**
The proposed project will have an adverse environmental effect in this category, which is of sufficient magnitude to be of specific concern. However, this effect is not substantial enough in itself to require the preparation of an Environmental Impact Report, and is mitigable through project changes and conditions.
- "3"** **Significant Adverse Environmental Effect**
The environmental effect identified in this category substantiates in itself or contributes towards a finding that the proposed project has a potentially significant adverse effect on the environment sufficient to require the preparation of an Environmental Impact Report.

Advice 2741-E

Attachment 4

**CITY OF FRESNO
 PLANNING AND DEVELOPMENT DEPARTMENT
 ENVIRONMENTAL ASSESSMENT - INITIAL STUDY
 Application No. T-5224**

PROJECT DESCRIPTION

Vesting Tentative Tract Map No. 5224/UGM, filed by Land Dynamics, pertains to approximately 75 acres of property located on the north side of West Barstow Avenue, between North Bryan Avenue (alignment) and Freeway 99. Vesting Tentative Tract Map No. 5224/UGM proposes to subdivide a 51 acre portion of the site, which is zoned R-1/UGM (*Single Family Residential/Urban Growth Management*) into 187 lots and two outlots for the development of a single family residential subdivision (approximately 3.7 dwelling units per acre). There will also be a 20-acre remainder portion, which is zoned R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*), that is not proposed for development at this time.

Bordering Property Information

	Planned Land Use	Existing Zoning	Existing Use
North	Regional Commercial	C-3/UGM <i>Regional Commercial/ Urban Growth Management</i>	Vacant
South	Medium Density Residential	R-1/UGM <i>Single Family Residential/ Urban Growth Management</i>	Single Family Residences
East	State Highway	N/A	Freeway 99
West	Medium Density Residential	AE-5/UGM <i>Five Acre Exclusive Agricultural/ Urban Growth Management</i> R-R (County) <i>Rural Residential</i>	Vacant Rural Residences

Staff has reviewed the above-referenced project proposal and consulted with affected agencies and interest groups. Approval of the project may contribute to the creation of certain moderate environmental effects or the project may be adversely impacted by existing conditions as addressed below.

The project area is located within the northwestern portion of the City of Fresno's adopted Sphere of Influence and Urban Boundary area and is planned for medium low and medium high density residential uses by the West Area Community Plan and the 2025 Fresno General Plan, both adopted in 2002.

Environmental documents for previous plan actions include Final EIR No. 10130 (2025 Fresno General Plan). Additional environmental documents have been certified for major public facilities to accommodate population growth and urban development including Final EIR No. 10118 (Fresno/Clovis Regional Wastewater Treatment and Reclamation Facility Capacity Expansion) and Final EIR No. SCH 95022029 (Fresno Metropolitan Water

INITIAL STUDY

Environmental Assessment No. T-5224

Page 2

April 1, 2004

Resource Management Plan). These environmental impact analyses and conclusions, together with supporting technical studies, address the impacts of population growth and the necessary public facility capacity expansion associated with the urban development that will accommodate this growth within the City of Fresno's 2025 General Plan Urban Area Boundary and Sphere of Influence.

Certification or approval of these environmental documents identified potentially significant adverse environmental impacts, appropriate mitigation measures, and findings of overriding considerations with respect to unavoidable significant impacts. The following impacts were identified by City Council Resolution No. 2002-378 certifying Final EIR No. 10130 (2025 Fresno General Plan).

1. Transportation and Circulation
2. Air Quality
3. Preservation of Agricultural Land
4. Noise

Resolution No. 2002-378 also contains a statement of overriding considerations for the above unavoidable significant effects. The benefits of implementing the 2025 Fresno General Plan outweigh unavoidable significant effects.

1.0-TOPOGRAPHIC, SOIL, GEOLOGIC CONSIDERATIONS

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

2.0-AIR QUALITY

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

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

- Ozone. Recently reclassified from "serious nonattainment" to "severe nonattainment" by the U.S. E.P.A. Classified as "severe nonattainment" by the State.
- PM₁₀. Classified as "serious nonattainment" at the federal level. Classified as "nonattainment" by the State.
- CO. Recently reclassified from "nonattainment" to "attainment" by the U.S. E.P.A.
- NO₂. Unclassified/Attainment at the federal level. Classified "attainment" at the State level.

April 1, 2004

- SO₂. Unclassified at the federal level. Classified "attainment" at the State level.
- Sulfates. (No federal standard.) Classified "attainment" at the State level.
- Lead. (No federal standard.) Classified "attainment" at the State level.
- H₂S. (No federal standard.) Unclassified by the State.
- Visibility. (No federal standard.) Unclassified by the State.

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

The SJVAB reclassification from "serious nonattainment" to "severe nonattainment" at the federal level requires the SJVAPCD to prepare a new attainment plan, due to the U.S. E.P.A. in mid-year of 2003, that demonstrates attainment by 2006. The new attainment plan will include more stringent permitting requirements and a greater level of control on stationary source emissions within the District. Failure to implement control measures may result in a loss of federal funding for highways and may require sanctions on stationary sources.

As a result of the SJVAB's classification of "severe nonattainment" for ozone by the State, the valley is subject to the most stringent requirements in the California Clean Air Act. These include providing for a 5% per year reduction in nonattainment emissions, or including "every feasible measure" in the Air Quality Attainment Plan; establishing a permitting program that achieves a no-net-increase in stationary source emissions; developing strategies to reduce vehicle trips and miles traveled; increasing average vehicle ridership to 1.5 persons during commute hours; reducing population exposure to non-attainment pollutants by 25%; establishing best available retrofit control technology requirements for permitted sources; and developing indirect and area source programs.

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

The Air District has suggested that the URBEMIS 2001 computer model be used to project future air pollutant emissions that can be expected to be generated from vehicular traffic generated from the urban uses developed on the project site. The computer model evaluated the following emissions: ROG (Reactive Organic Gasses), NOX (Nitrogen Oxides), CO (Carbon Monoxide), PM₁₀ (Particulates) and SOX (Sulfur Oxides) which are summarized below.

URBEMIS 2002 AIR QUALITY IMPACTS**

<i>All data in tons/year</i>	ROG	NOX	CO	PM10	SOX
Area Source Emissions	1.73	0.43	0.39	0.00	0.01
Operational Emissions	4.73	6.50	59.15	4.37	0.04
Totals	6.46	6.93	59.53	4.37	0.05
Level of Significance or Requirements for Offset	10	10	100	14.6	27.375

**Based on 187 single family residential units

The URBEMIS 2002 model projections indicate that the proposed project will not exceed the threshold limits for the emissions listed.

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

The 2025 Fresno General Plan and the West Area Community Plan major street design standards and bikeway plans provide for thorough distribution of alternative transportation improvements. These facilities assure convenient accessibility to neighborhood uses including schools, parks, and commercial centers using alternative nonvehicular means of transportation. Neighborhood parks are acquired and developed with urban growth management fees, frequently located in conjunction with an elementary school site that facilitate related academic, athletic, recreational, and other community activities that promote combined trip-making and encourage the use of nonvehicular modes of transportation.

In addition, the City of Fresno continues to plan and implement the expansion of its fixed-route bus public transportation system in order to serve developing urban areas. Adopted standards and conditions of development require the provision of adequate bus stop facilities at appropriate major street locations to facilitate future public transportation services.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the air quality related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated April 1, 2004.
2. The proposed project shall implement and incorporate, as applicable, the air quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated April 1, 2004.

6.0-HUMAN HEALTH

Aside from temporary dust generation during construction, the project is not expected to have any other impacts on human health.

7.0-NOISE

The project site will be exposed to vehicle traffic noise due to its location adjacent to an existing state highway (Freeway 99) along the easterly boundary of the tract and a planned superarterial (Veterans Boulevard) which traverses the project site. Freeway 99, in the vicinity of the project area, is developed with four lanes of travel (two in each direction) and is raised above ground level. Superarterials are typically developed with four to six lanes of travel (two to three in each direction), a median island, single or dual left turn lanes at intersections, and access is limited. They are designed to accommodate average vehicle daily trips of 45,000.

The City of Fresno Noise Element of the General Plan identifies the maximum appropriate noise level exposure for outdoor activity areas to be 60 dB DNL, and for interior living areas a noise level exposure of not more than 45 dB DNL. Portions of the site are within a 65 decibel contour according to the Master Environmental Impact Report for the 2025 Fresno General Plan. This condition requires that an acoustical analysis for the project be submitted, evaluated, and accepted by the Planning and Development Department. The acoustical analysis performed by Brown-Buntin and Associates for the project found the noise levels to be substantial in a report dated November 26, 2003.

The acoustical analysis used the Federal Highway Administration (FHWA) Traffic Noise Prediction Model (TNM V.2.1) in addition to field measurements at the project site. The outdoor noise level, without a sound attenuation wall, is expected to be as high as 70 dB DNL along the eastern portion of the proposed tract. The study concludes that the construction of an eight to twelve-foot high solid wall, or approved combination of wall and berm, along the boundary of the tract (as specified in the acoustical analysis, dated November 26, 2003), is required to fully reduce the noise to acceptable levels. The solid wall barrier would reduce the exterior noise level to 60 dB at the first floor height. Indoor noise standards will be met with the construction of the sound walls and through building code requirements.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the noise related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated April 1, 2004.
2. The proposed project shall implement and incorporate, as applicable, the noise related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated April 1, 2004.

9.0-LAND USE

The proposed rezone is consistent with the planned land use of both the 2025 Fresno General Plan and the Bullard Community Plan. Both plans designate the site for medium low density residential land uses. Table 2 of the 2025 Fresno General Plan states that the R-1 zone district is consistent with the medium density residential land uses. It is also important to note that the planned land use and proposed zone district are compatible with the applicable community plan goals, policies and implementation measures intended to provide for the efficient use of natural resources and public facilities; the construction of adequate public improvements by the development which generates the demand for these facilities; and, the implementation of a functional land use pattern consistent with the population and economic growth projections of the Fresno General Plan's growth projections.

3.0-WATER

Fresno is one of the largest cities in the United States still relying entirely on groundwater for its public water supply. While the aquifer exceeds a depth of 300 feet and is large enough to provide adequate quantities of safe drinking water to the metropolitan area well into the twenty-first century, groundwater degradation, increasingly stringent water quality regulations, as well as high consumptive use of water on a per capita basis (267 gallons per day per capita), have resulted in a decline in the total usable potable water supply.

The City has indicated that groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands.

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

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

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

The Water Division of the Public Utilities Department estimated that the proposed 187-lot single family subdivision will have an estimated peak water demand of 397 gallons per minute. An adequate source of water is available to serve the project with the implementation of the mitigation measures noted below.

Mitigation Measures:

1. The proposed project shall implement and incorporate, as appropriate, the water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130- 2025 Fresno General Plan Mitigation Monitoring Checklist dated April 1, 2004.

4.0-PLANT LIFE; and 5.0-ANIMAL LIFE

There are no native plants or significant wildlife populations known to exist on the project site. The extensive landscaping proposed on the site will provide habitat for certain species of birds and small animals suited for an urban environment.

10.0-TRANSPORTATION AND CIRCULATION; 10.1 Generation of Vehicular Traffic Sufficient to Cause Capacity Deficiencies

The development of the project site with the proposed 187 single family residences, and the surrounding planned urban uses designated by the 2025 Fresno General Plan and West Area Community Plan, will be required to complete the planned major street network in accordance with applicable development policies and standards including the Urban Growth Management program. Both plans designate North Bryan (alignment) and West Barstow Avenues as collector streets and North Veterans Boulevard (alignment) as a superarterial street. The city's Public Works development standards provide for superarterials to be developed with two to three lanes of travel in each direction separated by a median island. Superarterials also have limited access. Collectors with four lanes of travel (two in each direction), may or may not have a median island and single or dual left turn lanes at intersections. All street standards provide for a widened pavement width at major street intersections to allow for exclusive left-turn and right-turn lanes as well as bus bays or turnouts.

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

Traffic capacity deficiencies are predicted to occur within the extended area surrounding the project site, particularly along Shaw and Herndon Avenues near Freeway 99. A substantial proportion of these street deficiencies are the result of land use decisions, development practices and public perceptions that have affected land use distribution throughout the region. These factors also include state planning mandates such as the need to accommodate projected population growth consistent with State planning law including the housing element mandates (California Government Code Sections 65583 through 65895.5). These decisions include the practice of segregating residential, commercial and industrial land uses so that industrial and other employment intensive uses were located in the southern portion of the metropolitan area, while predominantly residential uses were located in the middle and northern sectors.

Large employment intensive uses attract trips from throughout the region and thus might facilitate the use of public transportation or other alternatives to the use of the private vehicle. However, it is apparent that a substantial portion of the predicted vehicle trips impacting the plan area's major street system would be generated from land uses that are not equitably contributing to the cost of constructing adequate street capacity or other transportation systems. Widely dispersed semi-urban or rural residential developments occurring beyond the Fresno Metropolitan Area are poorly suited for alternative forms of public transportation and typically would not contribute to the construction of additional major street capacity.

The traffic analysis prepared for the 2025 Fresno General Plan and the associated Master Environmental Impact Report (MEIR) No. 10130 utilized the Fresno County Peak Hour Travel Model of the Council of Fresno County Council of Governments (COG) to project average daily vehicle trip (ADT) volumes on major streets. With development of the project site and surrounding planned urban uses designated by the general plan through the year 2025, projected ADT volumes of 7,900± on Barstow Avenue, 2,000± on Bryan Avenue and 63,000± on Veterans Boulevard can be anticipated. With anticipated improvements completed by the development of planned land uses as required by city standards and policies, these streets are expected to ultimately function with a level of service (LOS) of C or D. The City of Fresno has endorsed, by general plan policy, a LOS of D as the preferable standard.

The applicant has agreed to pay a fee for major street intersection signalization. This fee is in addition to the Urban Growth Management requirements and has been established in lieu of preparing a traffic assessment as required by the mitigation measures established by the certification of MEIR 10130.

Development of 187 single family residential dwelling units can be expected to generate an average of approximately 1,790 vehicle trips per day (VTD). Of these vehicle trips it is projected that 140 will occur during the morning (7 to 9 a.m.) peak hour travel period and 187 will occur during the evening (4 to 6 p.m.) peak hour travel period. A modest proportion of these projected trips are expected to access the Freeway 99 interchanges at Shaw and Herndon Avenues during the morning and evening peak periods. It is expected that when the Freeway 99 interchange with Veterans Boulevard is constructed, there will be a substantial portion of the peak hour trips to that interchange.

Because some of the immediately surrounding area (primarily to the west and south) is not developed, the planned major street and intersection improvements have not yet been completed as required by adopted plans, policies and development standards. However, the proposed project as well as other urban land uses developed as planned by the 2025 Fresno General Plan will be required to construct the planned major street system consistent with the public facility and service delivery requirements of the Urban Growth Management Program. These improvements include portions of North Bryan, West Barstow and Veterans Boulevard. Public Works Department, Transportation Planning Section staff has required the redesign of the intersection of North Bryan and West Barstow Avenues with the planned Veterans Boulevard alignment as a condition of approval for this tract map consistent with applicable street design standards. In addition, the developer of this project, in accordance with the mitigation measures of Master Environmental Impact Report (No. 10130) which was certified by the Council with the adoption of the 2025 Fresno General Plan, will be required to pay impact fees specific to the traffic signalization of the major street intersections.

The California Department of Transportation (Caltrans), District 6, Office of Intergovernmental Relations has asserted that new development within the Bullard Community Plan contributes a substantial number of additional vehicle trips during the peak hour traffic periods (7:00 am to 9:00 am and 4:00 pm to 6:00 pm) which will impact the State Route (SR) 99 interchange at Shaw and Herndon Avenues. It is recommended by Caltrans that this project contribute its proportional share for improvements to the affected interchange.

Although the proposed project will marginally contribute to the peak capacity deficiencies of the freeway system, major freeway improvements are the responsibility of Caltrans and any fee related assessments imposed by Caltrans must comply with applicable legal parameters. The City has not recommended that this state facility traffic impact fee be imposed as a condition of project approval, as it is not evident that Caltrans has accurately documented a project description and cost, a reliable estimate of funding sources, a justifiable nexus or connection between the project and the need for the state facility improvements, and the reasonable proportionality of the project's share of the improvement costs that are necessary to justify the imposition of a traffic impact fee for the improvement of State facilities. This conclusion is based upon Caltrans's submission of varying descriptions of the necessary freeway improvements, the imprecise estimate of costs and probable funding sources, and the lack of adequate information to comply with Fee Mitigation Act requirements (California Government Code §§ 66000 et sequentes) applicable to the City of Fresno. In the absence of this documentation it is not legally permissible for the City to impose the requested traffic impact fee.

State highway facilities appear to have failed to meet 20-year capacity design criteria during a period of time when the area's pace of population growth decreased to a rate well below previous state projections. This highway facility "under-design" and consequently the capacity deficiencies, which may now be prematurely occurring, are at least partially the result of resource allocation decisions made by the State of California rather than land use decisions made by the City of Fresno.

An appropriate, reasonable and legally permissible method of addressing capacity deficiencies has been presented to Caltrans for consideration. This method utilizes the master storm water drainage facility planning and fee program established by the Fresno Metropolitan Flood Control Agency as a model. Using this model, Caltrans is responsible for providing a master facilities plan, development fee schedule and assurances of compliance with constitutional and statutory requirements (Mitigation Fee Act - AB 1600) which apply to the City of Fresno. Should Caltrans develop a master facilities plan and development impact fee program consistent with this model, it will be applied to any final tract map or other applicable development entitlement for this project.

It is also noted that the City of Fresno's staff has met with Caltrans representatives to review citywide impacts on State facilities; the CEQA process; and the legal requirements for determining the nexus (demonstration of the direct relationship between the project and the potential impact) and the proportionality (fair share contribution towards mitigating the impact) required by State law. While the Caltrans representatives have previously assured the City that Caltrans legal staff would provide evidence of compliance with State statutes, no response has been received to date by the City of Fresno.

However, in response to these discussions, a partnership in planning grant was obtained through which the City of Fresno and Caltrans will participate with other jurisdictions to complete a freeway deficiency study. This study will detail the traffic impacts anticipated to occur to freeway facilities within the greater Fresno-Madera-Clovis Metropolitan Area. This study will focus upon facilities identified to be most impacted by the projected increases in traffic; identification of the sources of the vehicle traffic within the greater metropolitan area; and the improvements necessary to provide adequate vehicular capacity. Findings from this study may allow proportionate traffic impact fees to be legally implemented by the cities of Fresno and Clovis as well as the County of Fresno upon adoption by the respective jurisdictions.

In order to alleviate the impact of this project upon the City of Fresno's street system and to provide for a smooth flow of traffic to and from the project, the property owner/developer will be required to dedicate a portion of the subject sites for street purposes in accordance with adopted plans and policies such as the Major Street and Highway Plan, the Circulation Element of the General Plan, an Official Plan Line, a Director's Determination, or a local street public improvement standard as determined by the Director. Each development must also construct a portion of the planned major street system, including off-site extensions as required by Urban Growth Management Policies. In addition, the residents of the proposed project will contribute to the construction of state highway facilities and regionally significant streets through the Measure "C" local transportation sales tax program.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the traffic and circulation related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated April 1, 2004.
2. The proposed project shall implement and incorporate, as applicable, the traffic and circulation related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated April 1, 2004.

11.0-URBAN SERVICES

11.1-Availability of Fire Protection

The project site is located within the city's Urban Growth Management Area and must comply with the applicable service delivery requirements necessary to provide not less than the minimum acceptable level of

fire protection facilities and services appropriate for urban uses. The proposed project is located within three miles of temporary City of Fresno Fire Station No. 16. However, it is located more than three miles from the site for the permanent City of Fresno Fire Station No. 16. Therefore, the applicant is required to mitigate this by installing fire sprinklers in every single family residence in the tract or by another alternative approved by the City of Fresno Fire Department.

11.4-Overcrowding of School Facilities

The project site is served by the Central Unified School District and is presently within the attendance boundaries of Herndon-Barstow Elementary School, Rio Vista Middle School and Central High School, East and West campuses.

11.6-Availability of Sewer Lines of Adequate Capacity

The Public Utilities Department has determined that the nearest available sewer mains are located in West Barstow and North Grantland Avenues. Adequate sanitary sewer service is available to serve the project, subject to the Vesting Tentative Tract Map No. 5224/UGM Conditions of Approval dated April 21, 2004.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the sewer related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated April 1, 2004.

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

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

14.0-HISTORICAL/ARCHAEOLOGICAL

There are no adjacent historical or archaeological sites. To ensure that any possible sites will be protected, the following conditions have been added to this special permit approval:

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

DETERMINATION

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

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

**CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
PROJECT SPECIFIC MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. T-5224**

	Mitigation Measure	Implemented By	When Implemented	Verified By
2.1 <i>Air Quality</i>	Approval of the proposed project shall be conditioned upon compliance with the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Regulation VIII, Rule 8020, as related to fine particulate matter and dust.	Development Dept., Building Section and Public Works Dept., Construction Management Div.	Prior to occupancy of any building within the project.	Development Dept., Building Section and Public Works Dept., Construction Management Div.
2.1 <i>Air Quality</i>	Wood burning devices shall be in accordance with the Uniform Mechanical Code, as recently amended by the City Council	Planning and Development Department	During construction	Planning and Development Department
7.0 <i>Noise</i>	Construct a solid wall, or approved combination of wall and berm, 8-12 feet in height, along the boundary of the tract in accordance with the recommendations of the acoustical analysis prepared by Brown-Buntin and Associates, dated November 26, 2003.	Planning and Development Department	Prior to occupancy of any building within the project	Planning and Development Department
7.0 <i>Noise</i>	Provide mechanical ventilation or air conditioning for all homes; install acoustic baffles on the interior side of gable vents; exterior doors, excluding glass doors, should be solid-core wood or insulated steel with perimeter weather-stripping and threshold seals in accordance with the recommendations of the acoustical analysis prepared by Brown-Buntin and Associates, dated November 26, 2003.	Planning and Development Department	Prior to occupancy of any building within the project	Planning and Development Department
7.0 <i>Noise</i>	If two-story homes are proposed in the development, analysis of building plans by an acoustical consultant is recommended to ensure that interior noise levels in second story rooms meet the adopted noise criteria.	Planning and Development Department	Prior to occupancy of any building within the project	Planning and Development Department
10.0 <i>Traffic/ Circulation</i>	Pay impact fees, in addition to the required UGM fees, specific to the traffic signalization of the major street intersections.	Planning and Development Department, Public Works Department	At the time of final map approval	Planning and Development Department, Public Works Department

Advice 2741-E

Attachment 5

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

Project/EA No. T-5224

Date: April 1, 2004

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

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

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

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

**2025 FRESNO GENERAL PLAN
Mitigation Monitoring Checklist**

Project/EA No. T-5224

Date: April 1, 2004

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

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

Project/EA No. I-5224

Date: April 1, 2004

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs.</p> <p>a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals.</p> <p>b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements.</p> <p>c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations.</p> <p>d. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.</p>	Ongoing	Planning and Development Department	X		X		X	
<p>C-2. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as:</p> <p>a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions.</p> <p>b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit.</p> <p>c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible.</p> <p>d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use.</p>	Ongoing	Fresno Area Express			X			
<p>C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.</p>	Ongoing	Various city departments	X		X		X	

**2025 FRESNO GENERAL PLAN
Mitigation Monitoring Checklist**

Project/EA No. T-5224

Date: April 1, 2004

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>D-1. The City shall monitor impacts of land use changes and development project proposals on metropolitan water supply facilities and the groundwater aquifer.</p>	Ongoing	Dept of Public Utilities and Planning and Development Dept			X		X	
<p>D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.</p>	Ongoing	Department of Public Utilities and Planning and Development Department		X			X	
<p>D-3. The City shall implement the Fresno Metropolitan Water Resources Management Plan and update this plan as necessary to ensure the cost-effectiveness use of water resources and continued availability of good-quality groundwater and surface water supplies.</p>	Ongoing	Department of Public Utilities			X		X	
<p>D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.</p>	Ongoing	Planning and Development Department		X			X	
<p>D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods.</p>	Ongoing	Planning and Development Department						X
<p>D-6. The city shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect:</p> <ul style="list-style-type: none"> a. Construction in this area from being damaged by the intensity of flooding in the riverbottom; and, b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and, c. Public health, safety and general welfare from the effects of flood events. 	Ongoing	Planning and Development Department						X

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

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

Project/EA No. T-5224

Date: April 1, 2004

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).	Ongoing	Planning and Development Department						X
D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management of all sources of water available to the planning area which is periodically updated to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development.	Ongoing	Department of Public Utilities			X		X	
D-9. If the City is unable to renew its 60,000-acre foot USBR water supply contract due to the city's Charter meter prohibition, replacement water supplies and/or conservation measures of equal benefit shall be secured.	Ongoing	Department of Public Utilities			X	X		
D-10. The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities				X	X	
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Planning and Development Department			X			X
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Planning and Development Department	X				X	
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department						X

A - Incorporated into Project
 B - Mitigated

C - Mitigation in Process
 D - Responsible Agency Contacted

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

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

Project/EA No. T-5224

Date: April 1, 2004

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered:</p> <ul style="list-style-type: none"> a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue. 	Ongoing	Planning and Development Department	X					
<p>F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.</p>	Ongoing	Dept. of Public Utilities and Planning and Development Department	X	X		X		
<p>F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.</p>	Ongoing	Dept. of Public Utilities				X		
<p>F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.</p>	Ongoing	Dept. of Public Utilities		X			X	
<p>F-3. The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts.</p>	Ongoing	Dept. of Public Utilities	X			X		

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2025 FRESNO GENERAL PLAN
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Project/EA No. T-5224

Date: April 1, 2004

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	Date: April 1, 2004						
			A	B	C	D	E	F	
F-4. The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.	Ongoing/prior to approval of land use entitlement application	Dept. of Public Utilities and Planning and Development Department	X	X				X	
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities	X	X					
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.						X	X
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept./Planning and Development Dept.						X	X
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.							X
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall include siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.							X

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**2020 FRESNO GENERAL PLAN
Mitigation Monitoring Checklist**

Project/EA No. T-5224

Date: April 1, 2004

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X
I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X
I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X

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**2025 FRESNO GENERAL PLAN
Mitigation Monitoring Checklist**

Project/EA No. T-5224

Date: April 1, 2004

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 General Plan.)</p> <p>The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4.</p> <ul style="list-style-type: none"> • Site Planning. See Chapter V for more details. • Barriers. See Chapter V for more details. • Building Designs. See Chapter V for more details. 	<p>Ongoing/upon submittal of land use entitlement application</p>	<p>Planning and Development Dept.</p>	<p>X</p>	<p>X</p>				
<p>K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.</p>	<p>Ongoing/prior to building permit issuance</p>	<p>Planning and Development Dept.</p>	<p>X</p>					
<p>L-1. Any construction that occurs as a result of a project shall conform with current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.</p>	<p>Ongoing</p>	<p>Planning and Development Dept.</p>	<p>X</p>					
<p>N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.</p>	<p>Ongoing</p>	<p>Planning and Development Dept.</p>			<p>X</p>	<p>X</p>		
<p>Q-1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.</p>	<p>Ongoing</p>	<p>Planning and Development Dept.</p>						<p>X</p>

K:\Master Files - Tract Maps\Tract 5224 Shelby Chamberlain\T-5224-MEIR-Monitoring Checklist.wpd

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

**PG&E Gas and Electric Advice
Filing List
General Order 96-A, Section III(G)**

ABAG Power Pool	Department of Water & Power City	Northern California Power Agency
Accent Energy	DGS Natural Gas Services	Office of Energy Assessments
Aglet Consumer Alliance	DMM Customer Services	Palo Alto Muni Utilities
Agnews Developmental Center	Douglass & Liddell	PG&E National Energy Group
Ahmed, Ali	Downey, Brand, Seymour & Rohwer	Pinnacle CNG Company
Alcantar & Elsesser	Duke Energy	PITCO
Anderson Donovan & Poole P.C.	Duke Energy North America	Plurimi, Inc.
Applied Power Technologies	Duncan, Virgil E.	PPL EnergyPlus, LLC
APS Energy Services Co Inc	Dutcher, John	Praxair, Inc.
Arter & Hadden LLP	Dynergy Inc.	Price, Roy
Avista Corp	Ellison Schneider	Product Development Dept
Barkovich & Yap, Inc.	Energy Law Group LLP	R. M. Hairston & Company
BART	Energy Management Services, LLC	R. W. Beck & Associates
Bartle Wells Associates	Enron Energy Services	Recon Research
Blue Ridge Gas	Exelon Energy Ohio, Inc	Regional Cogeneration Service
Bohannon Development Co	Exeter Associates	RMC Lonestar
BP Energy Company	Foster Farms	Sacramento Municipal Utility District
Braun & Associates	Foster, Wheeler, Martinez	SCD Energy Solutions
C & H Sugar Co.	Franciscan Mobilehome	Seattle City Light
CA Bldg Industry Association	Future Resources Associates, Inc	Sempra
CA Cotton Ginners & Growers Assoc.	G. A. Krause & Assoc	Sempra Energy
CA League of Food Processors	Gas Transmission Northwest Corporation	Sequoia Union HS Dist
CA Water Service Group	GLJ Energy Publications	SESCO
California Energy Commission	Goodin, MacBride, Squeri, Schlotz &	Sierra Pacific Power Company
California Farm Bureau Federation	Hanna & Morton	Silicon Valley Power
California Gas Acquisition Svcs	Heeg, Peggy A.	Smurfit Stone Container Corp
California ISO	Hitachi Global Storage Technologies	Southern California Edison
Calpine	Hogan Manufacturing, Inc	SPURR
Calpine Corp	House, Lon	St. Paul Assoc
Calpine Gilroy Cogen	Imperial Irrigation District	Stanford University
Cambridge Energy Research Assoc	Integrated Utility Consulting Group	Sutherland, Asbill & Brennan
Cameron McKenna	International Power Technology	Tabors Caramanis & Associates
Cardinal Cogen	Interstate Gas Services, Inc.	Tansev and Associates
Cellnet Data Systems	J. R. Wood, Inc	Tecogen, Inc
Chevron Texaco	JTM, Inc	TFS Energy
Chevron USA Production Co.	Kaiser Cement Corp	Transcanada
Childress, David A.	Luce, Forward, Hamilton & Scripps	Turlock Irrigation District
City of Glendale	Manatt, Phelps & Phillips	U S Borax, Inc
City of Healdsburg	Marcus, David	United Cogen Inc.
City of Palo Alto	Masonite Corporation	URM Groups
City of Redding	Matthew V. Brady & Associates	Utility Cost Management LLC
CLECA Law Office	Maynor, Donald H.	Utility Resource Network
Commerce Energy	McKenzie & Assoc	Wellhead Electric Company
Constellation New Energy	McKenzie & Associates	Western Hub Properties, LLC
Cooperative Community Energy	Meek, Daniel W.	White & Case
CPUC	Mirant California, LLC	WMA
Cross Border Inc	Modesto Irrigation Dist	
Crossborder Inc	Morrison & Foerster	
CSC Energy Services	Morse Richard Weisenmiller & Assoc.	
Davis, Wright Tremaine LLP	Navigant Consulting	
Davis, Wright, Tremaine, LLP	New United Motor Mfg, Inc	
Defense Fuel Support Center	Norris & Wong Associates	
Department of the Army	North Coast Solar Resources	