



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VII-A  
COMMISSION MEETING 4-1-15

APPROVED BY

DEPARTMENT DIRECTOR

April 1, 2015

FROM: MIKE SANCHEZ, Assistant Director *BS for ms*  
Development and Resource Management Department

BY: SOPHIA PAGOULATOS, Supervising Planner *SPag*  
Development Services Division

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-14-005, REZONE APPLICATION NO. R-14-009, CONDITIONAL USE PERMIT APPLICATION NO. C-14-080, AND ENVIRONMENTAL ASSESSMENT NO. A-14-005/R-14-009/C-14-080 FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF EAST NEES AND NORTH BOND AVENUES

**RECOMMENDATION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the Woodward Park Community Plan; its compatibility with surrounding existing uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment.

Upon consideration of staff evaluation, it can be concluded that proposed Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, and Conditional Use Permit No. C-14-080 and are appropriate for the project site. Therefore, staff recommends the Planning Commission take the following actions:

1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-14-005/ R-14-009/C-14-080 dated February 27, 2015 for the proposed project.
2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. A-14-005, which proposes to amend the Fresno General Plan and Woodward Park Community Plan from commercial recreation planned land use designation to community commercial land use designation for 4.63 acres; and 0.37 acre from office commercial planned land use designation to community commercial land use designation, which will allow for access from North First Street to the 4.63-acre site. In addition, Commercial Policy 1-4.3-e of the Woodward Park Community Plan is proposed to be amended as follows: "...At the two identified community commercial nodes where up to ~~25~~ 30 acres may be developed, the total acreage may be distributed on three corners of the intersection.
3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-14-009 to amend the Official Zone Map to reclassify the subject property from C-R/UGM/cz (*Commercial Recreation/Urban Growth Management/conditions of zoning*) and C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone

districts to C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district with additional conditions of zoning.

4. APPROVE Conditional Use Permit Application No. C-14-080 for the establishment of a gas station comprised of 8 fueling stations accommodating 16 vehicles, a 3,028 square-foot ARCO AM/PM mini mart with the requested establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license (package store – sale of beer and wine for consumption off the premises where sold); and the construction of an 840 square-foot office and 1,080 square-foot storage area. Approval of this application is contingent upon City Council approval of the Plan Amendment and Rezone applications, and would not become effective until the effective date of the ordinance bill.

## EXECUTIVE SUMMARY

Gary Giannetta, on behalf of Russ Nakata has filed Plan Amendment Application No. A-14-005, Rezone Application No. and R-14-009, and Conditional Use Permit Application No. C-14-080, pertaining to approximately ± 5 net acres of property located on the northeast corner of East Nees and North Bond Avenues, as described above (See Exhibits A -D).

The plan amendment and rezone applications have been filed in order to facilitate approval of a proposed gas station with 8 fueling stations, a minimart with an Alcoholic Beverage Control Type 20 alcohol license, an office and a storage room in accordance with Conditional Use Permit Application No. C-14-080 on a 1.85 acre portion of the 5 acre site (see Exhibit G)

Staff supports approval of these applications subject to conditions, including conditions of zoning related to pedestrian connectivity and First Street access.

## PROJECT INFORMATION

PROJECT	See description above in executive summary
APPLICANT	Gary Giannetta on behalf of Russ Nakata
LOCATION	Located on the Northwest corner of East Nees and North Bond Avenues <b>(Council District 6, Councilmember Brand)</b>
SITE SIZE	Approximately 5.0 net acres

LAND USE	Existing - Commercial Recreation (4.63 acres) Office Commercial (0.37 acres) Proposed - Community Commercial (5.0 acres)
ZONING	Existing - C-R/UGM/cz ( <i>Commercial Recreation/ Urban Growth Management/with conditions of zoning</i> ) for 4.63 acres C-P/UGM/cz ( <i>Commercial Office/ Urban Growth Management/with conditions of zoning</i> ) for 0.37 acres Proposed – C-1/UGM/cz ( <i>Neighborhood Shopping Center/Urban Growth Management/conditions of zoning</i> ) for 5.0 acres
PLAN DESIGNATION AND CONSISTENCY	Pursuant to the Urban Form, Land Use and Design section of the General Plan, the proposed C-1 zone district classification for the subject property and the proposed Community Commercial planned land use designation for the subject property may be found consistent.
ENVIRONMENTAL FINDING	Finding of a Mitigated Negative Declaration dated February 27, 2015.
PLAN COMMITTEE RECOMMENDATION	The District 6 Plan Implementation Committee recommended approval of these applications by a 4-0-3 vote (3 members absent) on October 8, 2014.
STAFF RECOMMENDATION	That the Planning Commission recommend approval to the City Council of the proposed plan amendment and rezone applications and that the Planning Commission approve Conditional Use Permit Application No. C-14-080 subject to compliance with conditions of approval and contingent upon City Council approval of the related plan amendment and rezone applications.

**BORDERING PROPERTY INFORMATION**

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Commercial Recreation  Commercial Office	<b>C-R/UGM/cz</b> <i>Commercial Recreation/ Urban Growth Management/ conditions of zoning</i>  <b>C-P/UGM/cz</b> <i>Commercial Office/ Urban Growth Management/ conditions of zoning</i>	Vacant
<b>South</b>	Public Facility	<b>R-A</b> <i>Single Family Residential - Agriculture</i>	US Post Office
<b>East</b>	Commercial Recreation	<b>C-R/UGM/cz</b> <i>Commercial Recreation/ Urban Growth Management/ conditions of zoning</i>	Vacant
<b>West</b>	Community Commercial	<b>C-1/UGM/cz</b> <i>Neighborhood Shopping Center/ Urban Growth Management/ conditions of zoning</i>	Vacant and shopping center

**ENVIRONMENTAL FINDING**

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations (see Exhibit I).

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Woodward Park Community Plan area, including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The proposed plan amendment, rezone and conditional use permit have been determined to not be fully within the scope of the recently updated MEIR SCH No. 2012111015 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c) because a plan amendment is proposed which would change the land use designated in the general plan for the site. It has been further determined

that all applicable mitigation measures of MEIR SCH No. 2012111015 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by SCH No. 2012111015 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-14-005, R-14-009, C-14-080 was published on February 27, 2015 with no comments or appeals received to date.

Project specific mitigation measures include:

- Incorporation of landscape water efficiency measures;
- Compliance with Fresno County Environmental Health Department requirements for permitting and installation of underground storage tanks;
- Compliance with Fresno Metropolitan Flood Control District requirements;
- Adoption of a condition of zoning related to pedestrian connectivity;
- Compliance with Department of Public Works Traffic Engineering requirements; and
- Payment of public service-related impact fees.

## **BACKGROUND / ANALYSIS**

### **Background**

The 5 acres that is the subject of the proposed applications was originally part of a 55 acre mixed-use development that was designated for residential, office, commercial recreational and neighborhood commercial uses in 1998. The residential portion has already been developed on the perimeter of the project, leaving 34 acres of non-residential uses. This portion of the project was envisioned to include a drug store, various retail uses, an athletic club and office uses in proximity to residential uses. A bowling alley was also contemplated on the C-R portion of the site. In 1998, a conditional use permit was approved for the 7-acre neighborhood commercial portion of the site (just west of the proposed applications on the northeast corner of North First Street and East Nees Avenues), which includes a drug store and a restaurant. A conditional use permit was also recently approved for an approximately

7,000 square foot retail building located on the pad in between the drug store and the restaurant.

The proposed applications would add 4.6 acres of community commercial use to the existing 7.4 acres and simultaneously reduce the commercial recreation use by the same amount, resulting in approximately 12 acres of community commercial uses and 13.5 acres of commercial recreational uses. The resulting 12 acre community commercial property would function as an integrated shopping center, with property owner management of common areas and integrated design. The future office portion would remain virtually unchanged, with approximately 0.37 acre being amended from office commercial to community commercial to provide for future access to North First Street. See table below for land use summary:

<b>Planned Land Use</b>	<b>Existing Acreage</b>	<b>Proposed Acreage</b>	<b>Change</b>
<b>Office</b>	9.3	8.9	-0.37 ac
<b>Community Commercial</b>	7.4	12	+4.6
<b>Commercial Recreation</b>	18	13.4	-4.6

The applicant is submitting the proposed applications because a suitable commercial recreation tenant has not been found. The gas station and minimart are proposed on a 1.85 acre portion of the 5 acres included in the plan amendment and rezone. The remaining +/- 3 acres of the subject property would be developed with retail uses in future phases as demand occurs.

**Conditions of Zoning**

Conditions of zoning were adopted for the subject property in Ordinance 98-2 (see Exhibit F). Several of the conditions have already been met or are not applicable. Those that are applicable include neighborhood outreach, flood control requirements, DARM Director review for any commercial recreation project, use and design limitations for an athletic club, minimum setbacks to adjacent residential property and along East Nees Avenue, and general use restrictions on the property. Specifically, a car wash, cocktail lounge, bar and liquor store are prohibited on the property.

The proposed gas station and minimart does include a Type 20 alcohol license for the sale of beer and wine. The drug store on the corner of North First Street and East Nees Avenue currently carries such a license. Since the license is for beer and wine only and the store's purpose is not solely to sell alcohol, it not considered a "liquor store" and is deemed consistent with the conditions of zoning.

As part of the proposed rezone application, staff is recommending that the following additional conditions of zoning be added in order to ensure pedestrian connectivity and address neighbor concerns about traffic on First Street:

- Pedestrian walkways shall be provided within the site to connect the community commercial portion of the site with the planned office and existing residential neighborhood to the north in future phases of the project. The pedestrian pathways should connect E. Niles Avenue to E. Nees Avenue.
- Any future special permit that includes the construction of the North First Street drive access shall be noticed to all property owners within 500 feet of the subject property pursuant to Fresno Municipal Code Section 12-401-F-2.

This last condition of zoning is being added in response to neighbor concerns related to traffic on First Street. Neighbors requested to be informed when the First Street access is proposed to be installed. It is not proposed to be installed with the current phase.

### **Conditional Use Permit No. C-14-080**

Conditional Use Permit Application No. C-14-080 proposes the establishment of a gas station comprised of 8 fueling stations accommodating 16 vehicles, a 3,028 square-foot ARCO AM/PM mini mart with the requested establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license (package store – sale of beer and wine for consumption off the premises where sold); proposed hours of operation are 6:00 am – 12:00 am 7 days per week. The project also includes the construction of an 840 square-foot office and 1,080 square-foot storage area. The office and storage area are intended for property maintenance purposes.

Staff is recommending approval of C-14-080 with conditions, including Fresno Police Department conditions related to off-sale alcohol use, traffic conditions requiring frontage improvements, upgrade of FAX bus stop, dedications and payment of fees, landscaping and parking lot shading, infrastructure requirements, architectural compatibility, Fresno Green certification, and various requirements related to fueling stations (see Exhibits G and H).

The Department of Alcoholic Beverage Control (ABC) was consulted regarding possible overconcentration of alcohol licenses in this area. The ABC confirmed that there is no overconcentration: three off-sale licenses are permitted in the project census tract, and only one currently exists.

### **Transportation**

The project is a plan amendment, rezone and conditional use permit to redesignate commercial recreation (4.6 acres) and office land uses (0.37) to community commercial land use and to establish a gas station and minimart on a 1.85 acre portion of the property with future retail uses on the remainder. The project takes access from East Nees Avenue and North First Street, both arterials. The project will be required to construct all frontage

improvements to City Standards. Dedications to accommodate dual left turns at the intersection of North First Street and East Nees Avenue are required.

The three intersections studied for the project include Nees/First, Nees/Bond and Nees/Millbrook. All function at Level of Service (LOS) D today and would function at LOS D at project build-out and in the horizon year of 2035. Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the Traffic Impact Study prepared by TJKM found that the proposed applications are projected to generate 226 vehicle trips during the morning (7 to 9 a.m.) peak hour travel period and 354 vehicle trips during the evening (4 to 6 p.m.) peak hour travel period, with Average Daily Trips (ADT) projected to be 3,984. By comparison, the current general plan land use would generate an estimated 242 morning peak hour trips, 183 evening peak hour trips and 2,724 ADT. The Public Works Department, Traffic Engineering Division has reviewed the proposed plan amendment, rezone, conditional use permit and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic generated upon implementation of the traffic related mitigation measures of the MEIR and completion of the adjacent street segments and intersections in accordance with the transportation element of the Fresno General Plan.

The developer of this project will be required to pay the Traffic Signal Mitigation Impact (TSMI) Fee of \$47.12 per average daily trip at the time of building permit, based on the trip generation rates set forth in the latest edition of the ITE Trip Generation Manual and the Master Fee Schedule. The project will also be required to pay all applicable New Growth Area fees including the Fresno Major Street Impact (FMSI) Fee and City-wide regional street impact fees. The California Department of Transportation (Caltrans) has indicated that the proposed project will mitigate any potential project related traffic impacts to State facilities through payment of the applicable City Fees and subject to payment of the Regional Traffic Mitigation Fee (RTMF).

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. Based upon the project requirements for street dedications, improvements, and contributions to the City wide impact fee system, the adjacent and interior streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

### **Council District Plan Implementation Committee**

The District 6 Plan Implementation Committee recommended approval of these applications by a 4-0-3 vote (3 members absent) on October 8, 2014.

### **Public Notice and Comment**

February 27, 2015– Environmental Assessment published in the Fresno Bee.

March 6, 2015 – Public Hearing Notice mailed to all property owners within 500 feet of project site (see Exhibit C) and posted on the property.

March 10, 2015 – Four telephone inquiries received on the project; one neutral and three with concerns.

March 18, 2015: Planning Commission continued the item to April 1, 2015 at applicant's request.

March 20, 2015 – Neighborhood Meeting held by applicant at Woodward Park Library, from 12:00 – 3:00 p.m. The meeting was conducted in open house format and was attended by approximately 12 residents. Concern most frequently expressed was traffic congestion.

## **LAND USE PLANS AND POLICIES**

### **Fresno General Plan**

The newly adopted Fresno General Plan puts a strong emphasis on infill development, complete neighborhoods and multimodal connectivity. Each of these areas are discussed below.

#### Infill Development

The proposed project is considered Non-Corridor Infill (because it is not on a Bus Rapid Transit Corridor). The General Plan includes the following guidance on this topic:

*Non-Corridor Infill. Fresno needs to promote well-designed infill and rehabilitation throughout the city, not just along the corridors. This includes single-family lots, small multi-family lots and small subdivisions. There will also be revitalization and rehabilitation over the years of small retail centers, employment centers and some multi-family properties. These infill developments and redevelopments will focus on creating Complete Neighborhoods in existing areas. Some tools that can be used to accomplish this include: connectivity, financial incentives for investing in established neighborhoods, design compatibility, providing missing uses such as recreation, enhanced landscaping and maintenance of public right-of-way areas, and providing community-based services.*

Approval of the plan amendment and rezone applications would help facilitate infill development within existing neighborhoods as called for in general plan policy.

#### Complete Neighborhoods

The general plan states that the defining characteristic of a complete neighborhood is one that is mostly self-sufficient, walkable and interconnected. It provides residents with most daily needs. A complete neighborhood should include most of the following elements:

- A range of housing choices
- Neighborhood serving retail
- A range of employment opportunities

- Public services, such as health clinics
- Entertainment and cultural assets
- Parks and public schools
- Community services such as a library, recreation center, senior center or community garden
- Public plaza/civic space
- Access to Public Transit

The neighborhood around the site includes both single family and multiple family residential uses. The project site currently includes a drug store and restaurant. Uses on the commercial corners on the south side of East Nees Avenue include a supermarket, dry cleaner, salons, clothing stores, financial services, a post office and a fire station. There is also a gas station on the south side of the street, serving mostly eastbound traffic. FAX Routes 34 and 38 serve the project and East Nees Avenue includes bike lanes. The neighborhood has the potential to be a complete neighborhood.

Approval of the project would result in completion of currently missing frontage improvements along East Nees Avenue, including curb, gutter, sidewalk and street trees. It would also provide a pedestrian path from the proposed Arco mini mart to the bus stop on Nees Avenue. In addition, a condition of zoning is proposed to be added to the site to require pedestrian walkways to connect to the northern and western portions of the site and the residential neighborhood to the north via E. Niles Avenue in future phases of development.

### Multimodal Connectivity

The general plan calls for the city to develop guidelines for walkability. These are currently in process as part of the new development code. The policy suggests that the guidelines include strategies to avoid the following design features:

- Walls and fences that separate related uses or isolate neighborhoods;
- Over reliance on cul-de-sacs and dead end streets
- Disconnected bike and pedestrian paths
- Wide streets that lack pedestrian support, such as sidewalks, and a landscape strip separating pedestrians from the street
- Street front parking lots that separate pedestrians from the commercial operations;
- Retail centers that are exclusively auto-oriented;
- Transit stops that are not easily accessible from an individual's starting point and destination; and
- Long blocks that discourage walking

***UF 14-b*** Design local roadways to connect throughout neighborhoods and large private developments with adjacent major roadways and pathways of existing adjacent development. Create access for pedestrians and bicycles where a local street must dead end or be designed

*as a cul-de-sac to adjoining uses that provide services, shopping, and connecting pathways for access to the greater community area.*

No walls or fences currently exist on the project site except those that separate the surrounding residential uses from the commercial site. However, E. Niles Avenue offers an opportunity for connecting the residential neighborhood north of the site to the project site with a pedestrian path that would be approved in future applications. A new condition of zoning is proposed to require pedestrian connectivity as noted above.

The site is fairly well served by the bicycle network. East Nees Avenue has bike lanes, and the Sugarpine Trail is within a mile of the site (to the west). The sidewalk network will be completed on East Nees Avenue as a result of the project. The current sidewalk pattern will be continued with tree wells along the edge of the sidewalk. Also along this frontage is a FAX transit stop which serves routes 34 and 38. The stop will be required to connect to the proposed gas station and minimart, and in future phases, a pedestrian path will be constructed to connect the transit stop through the site to E. Niles Avenue.

The urban form of the proposed project is already somewhat established, as two buildings exist on the adjacent site (a drug store and restaurant). Due to the existence of an FID easement along East Nees Avenue, all structures must be set back a minimum of 30 feet from the back of sidewalk. The proposed minimart will also have its front entrance facing south toward East Nees Avenue, so the building will not be "turning its back" to the sidewalk (although it will be set back behind the fueling canopy). Finally, the architectural design in terms of massing, materials and colors is required to be compatible with the surrounding development.

In conclusion, the proposed project is consistent with many of the goals and policies of the newly adopted General Plan. The proposed project promotes reinvestment by proposing a quality development in an existing neighborhood, preserves neighborhood character by proposing a design that is compatible with the surrounding architecture, and protects property values by constructing a compatible infill development on currently vacant property.

### **Woodward Park Community Plan**

The Woodward Park Community Plan was adopted in 1989. At that time, its primary goals were to ensure development stayed within the capacity limits of existing infrastructure and to evenly distribute commercial development. Most commercial development was to occur within the mid-rise/high rise corridor between Blackstone Avenue and Fresno Streets, and office development was to be concentrated along the Herndon Avenue corridor. Outside of those areas, commercial development was limited to two corners at an intersection, and, for two particular nodes, three corners on an intersection.

The intersection of North First Street and East Nees Avenues was one that was envisioned for three corners of commercial development, but plan policy 1-4.3-e limits the total acreage of retail commercial to 25 acres. The proposed amendment to the WPCP would increase that limit to 30 acres to accommodate the proposed plan amendment. Given that the proposed

increase is adding community commercial land use that is currently planned for commercial recreation land use, staff believes the change is not significant, since these two land uses would have a similar level of development intensity. Furthermore, since Policy 1-4.3-e only applies to two intersections in the plan area, staff believes that policy amendment is not a significant change to the plan and will not be detrimental to the Woodward Park Community Plan area. Finally, the change would help to facilitate infill development, which is a goal of the general plan.

## Conditional Use Permit Findings

Based upon analysis of the conditional use permit application and subject to the applicant's compliance with all of the conditions of approval noted, staff concludes that the following required findings of Section 12-405-A-2 of the Fresno Municipal Code (FMC) can be made.

### FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.

*a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,*

*Finding a:* The area of the proposed commercial development is approximately 1.85 net acres in size. Multi-department/agency review of the proposed development plan (Conditional Use Permit Application No. C-14-080) has demonstrated that there is adequate space to meet all applicable requirements of the Code as established and modified in the Special Permit conditions of approval dated April 1, 2015; including yards, spaces, walls and fences, parking, landscaping and open spaces and other required features.

*b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,*

*Finding b:* Staff from the Public Works Department, Transportation Planning section has estimated that the proposed development will generate approximately 226 a.m./354 p.m. peak hour vehicle trips which can be accommodated by the adjacent streets subject to the respective requirements for dedications and improvement of adjacent portions of East Nees Avenue and North First Street in accordance with the Department of Public Works requirements included within the project conditions of approval. These requirements are necessary for the traffic generated by the project and to accommodate city services and meet the needs of the proposed development.

*c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of this Code.*

*Finding c:* The staff of the Development and Resource Management Department has determined that the proposed use will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the conditional use permit application review process.

Action by the Planning Commission regarding the plan amendment and rezone applications is a recommendation to the Fresno City Council. Action by the Planning Commission regarding the conditional use permit is final unless appealed in accordance with the FMC, Sections 12-406-I and 12-1019, respectively.

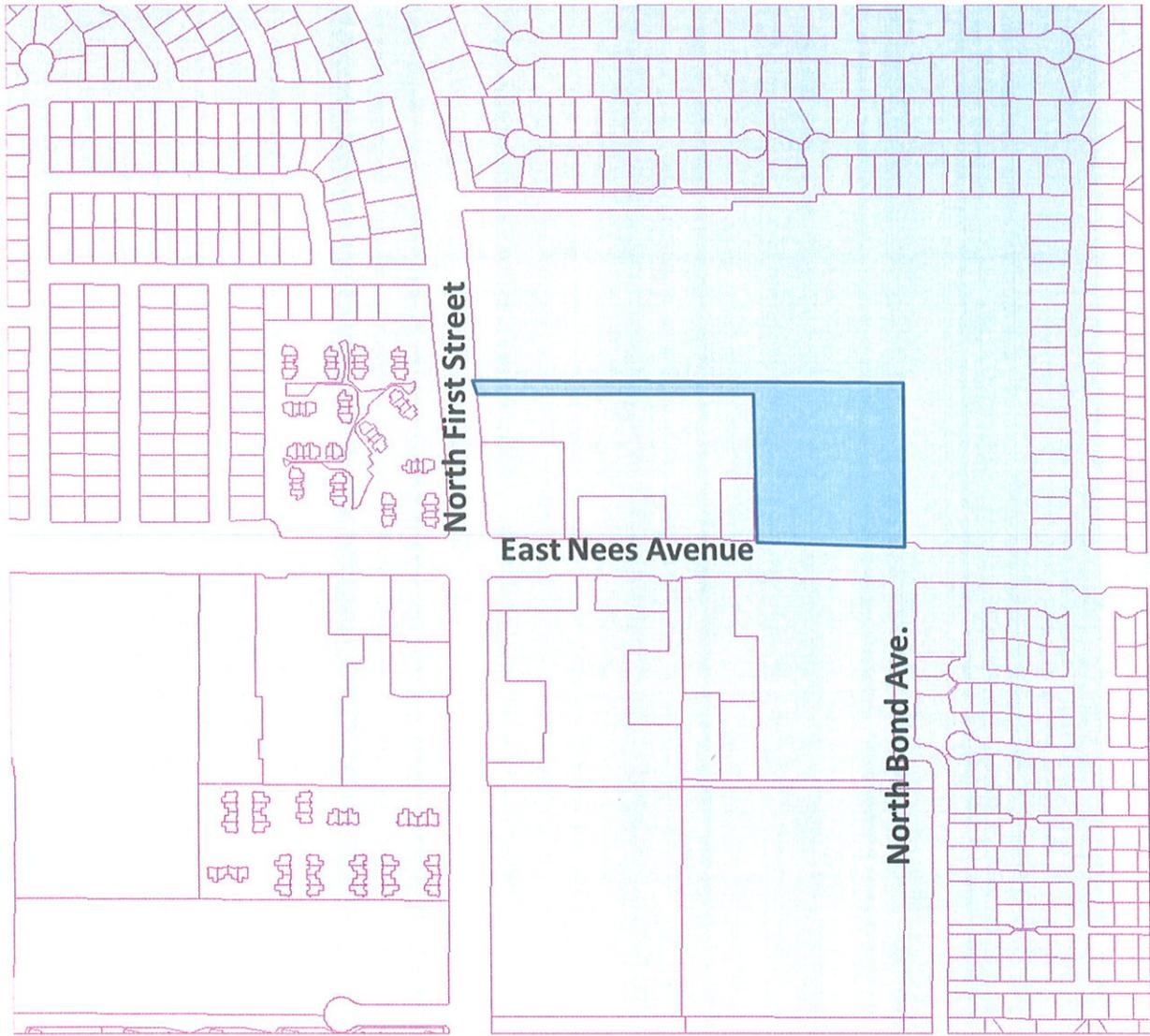
## CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the Woodward Park Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, and Conditional Use Permit Application No. C-14-080, and are appropriate for the project site.

### Exhibits:

- Exhibit A: Vicinity Map
- Exhibit B: Aerial Photograph
- Exhibit C: Noticing Map
- Exhibit D: Fresno General Plan Map
- Exhibit E: Zoning Map
- Exhibit F: Conditions of Zoning
- Exhibit G: Exhibits for Conditional Use Permit Application No. C-14-080
- Exhibit H: Conditions of Approval for Conditional Use Permit No. C-14-080
- Exhibit I: Environmental Assessment No. A-14-005/R-14-009/C-14-080

Exhibit A  
Vicinity Map



Subject Property



## VICINITY MAP

Plan Amendment No. A-14-005,  
Rezone No. R-14-009

Conditional Use Permit Application No. C-14-080

### PROPERTY ADDRESS

780 East Nees Avenue

## DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

APN: 402-220-67

Zone District: C-R/UGM/cz and C-  
P/UGM/cz

By: S. Pagoulatos, March 12, 2015

Exhibit B  
Aerial Photograph



Project Site

Not To Scale

Exhibit C  
Noticing Map

COLE AVE

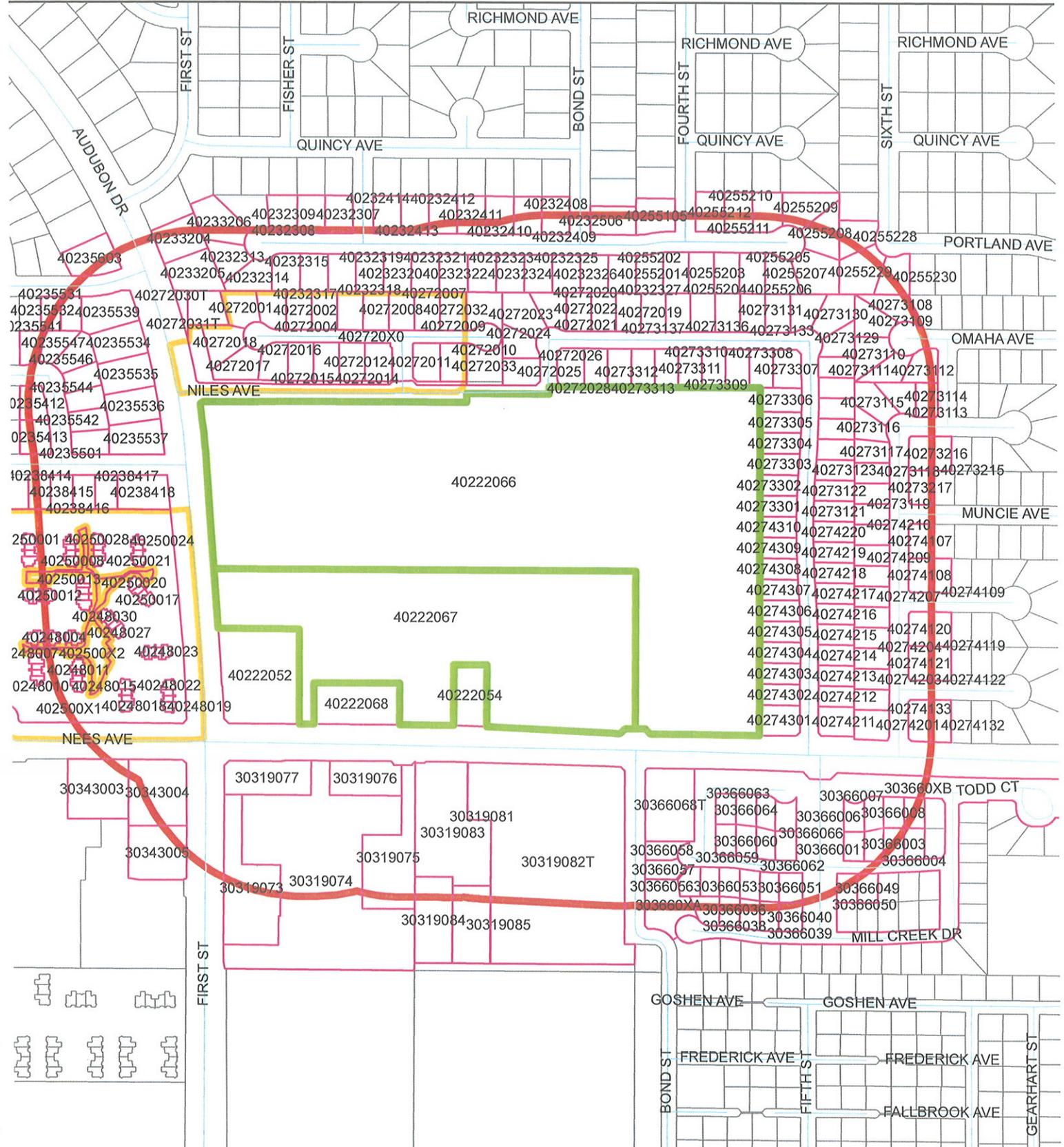
NEES AVE

FIRST ST

MILLBROOK AVE



Address List Map, c:\gisdms\automap\adrlist.mxd, Fri Mar 06 09:33:56 2015



Map showing street grids and lot numbers. Key streets include:

- RICHMOND AVE
- QUINCY AVE
- PORTLAND AVE
- OMAHA AVE
- MUNCIE AVE
- NEES AVE
- FIRST ST
- BOND ST
- FOURTH ST
- SIXTH ST
- GOSHEN AVE
- FREDERICK AVE
- FALLBROOK AVE
- GEARHART ST

Lot numbers are displayed throughout the map, with several highlighted in red and green. A large red circle highlights a central area, and a green outline highlights a specific block.

Exhibit D  
Fresno General Plan Land Use Map

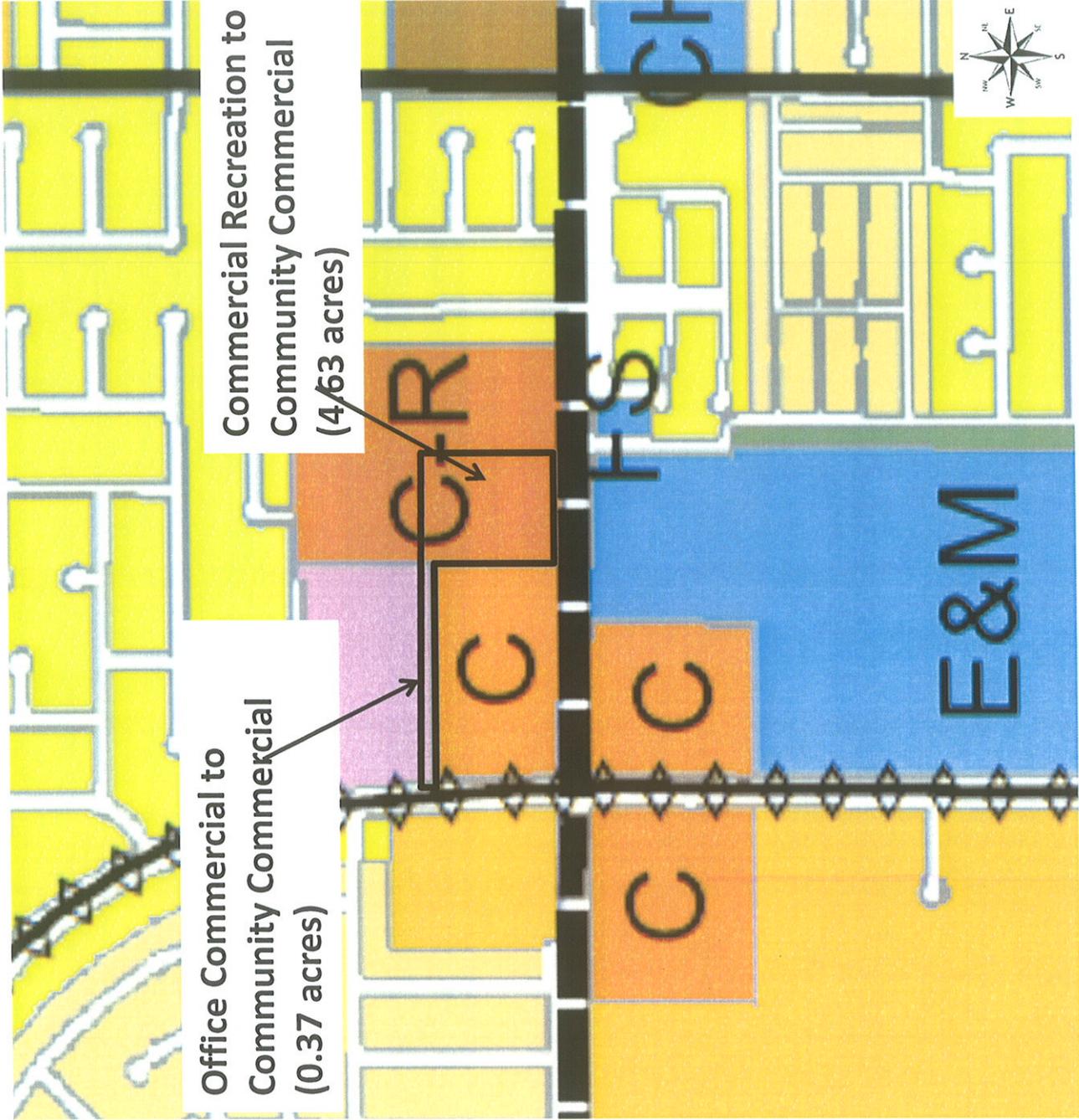
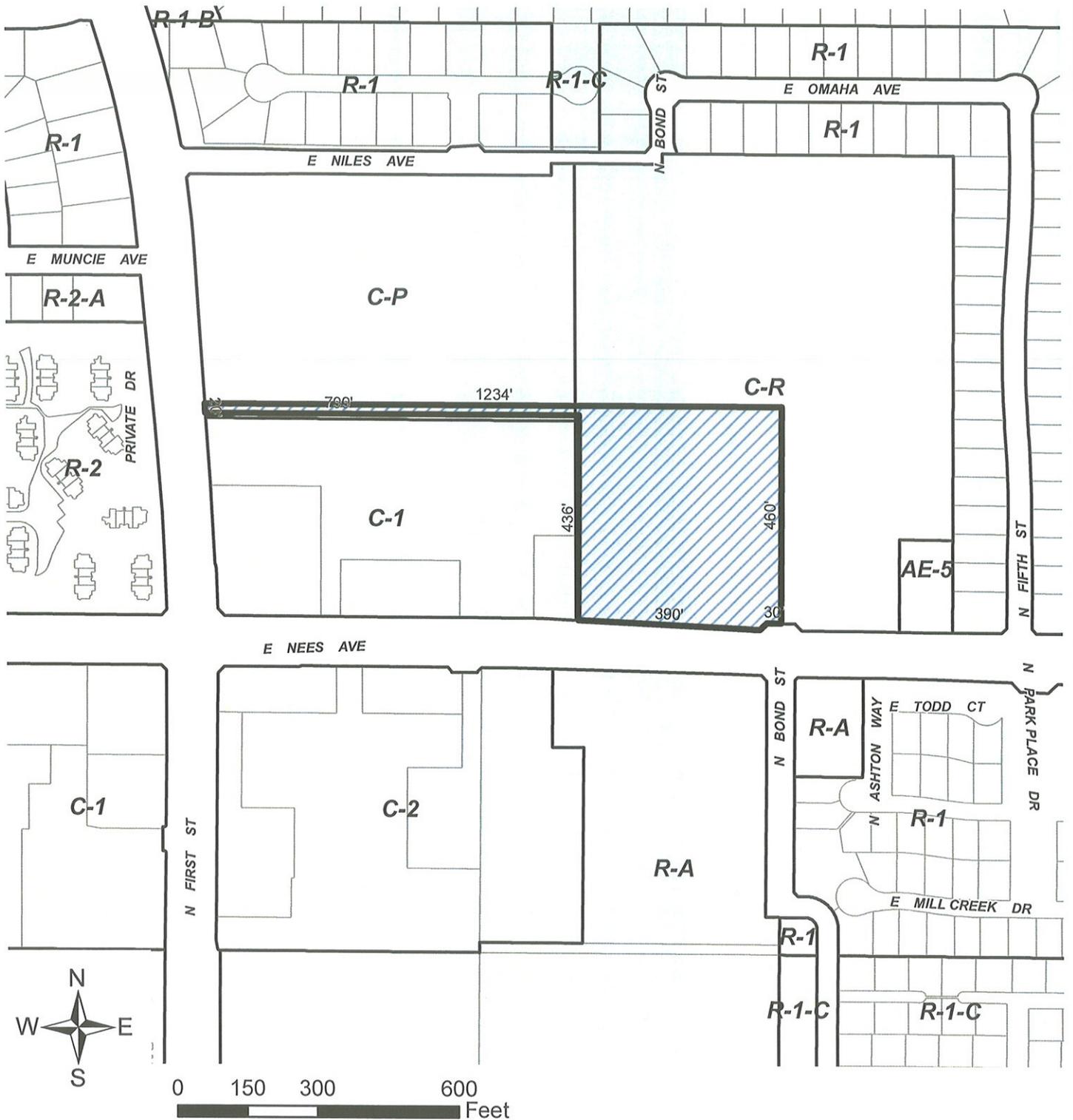


Exhibit E:  
Zoning Map

# EXHIBIT A



R-14-009

APN: 402-220-67 (portion)

780 East Nees Avenue



C-R/UGM/cz and C-P/UGM to C-1/UGM/cz, 5.00 Acres

Exhibit F  
Existing Conditions of Zoning

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
PROPOSED AND INITIATED BY \_\_\_\_\_  
MOVED BY Bredefeld SECONDED BY Mathys

BILL NO. B-2

ORDINANCE NO. 98-2

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

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Director of the Development Department of the City of Fresno found the proposed rezoning in conformance with adopted plans and policies of the City and recommended to the Council of the City of Fresno an amendment to the Zoning Ordinance, which changes the real property described hereinbelow from one zone to another.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and based upon the Council's own independent review and consideration of the environmental documentation provided, the adoption of the proposed rezoning is in the best interests of the City of Fresno. The Council finds that with the implementation of the mitigation measures defined within the Initial Study for Environmental Assessment No. R-97-27, there is no substantial evidence in the record that the rezoning may have a significant effect on the environment, and the mitigated negative declaration prepared for this project is hereby approved. The above mitigation measures shall be incorporated in the project, implemented and monitored as specified in the monitoring checklist for Environmental Assessment No. R-97-27. The Initial Study for Environmental Assessment No. R-97-27 and monitoring checklist are incorporated into this ordinance and compliance therewith is made a condition of this rezoning.

Adopted 1/6/98  
Approved 1/6/98  
Effective See Sect 5

98-2

SECTION 2. The zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno is reclassified from the AE-5/UGM to the C-1/UGM/cz zone district:

That portion of Lot 124 of the Amended Plat of Perrin Colony No. 2, recorded in Volume 4, Page 68 of Plats, Fresno County Records, lying South of a line parallel with and 830 feet South of the North line of Lot 213 of said Perrin Colony No. 2.

EXCEPTING THEREFROM the East 434 feet of said Lot 124.

ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded April 5, 1989 as Document No. 89036079, Fresno County Records.

ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded February 13, 1992 as Document 92017661, Fresno County Records.

SECTION 3. The zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno is reclassified from the AE-5/UGM to the C-R/UGM/cz zone district:

The West One Half of Lots 85 and 86 and the East 434 feet of Lots 123 and 124 of the Amended Plat of Perrin Colony No. 2, recorded in Volume 4, Page 68 of Plats, Fresno County Records.

EXCEPTING THEREFROM the North 269 feet of said Lots 85 and 123, the East 170 feet of the West One Half of said Lots 85 and 86 and that portion of the West 219.26 feet of the East 389.26 feet of the West One Half of said Lot 86 lying South of a line parallel with and 1,090 feet South of the North Line of said Lot 85.

ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded April 5, 1989 as Document No. 89036079, Fresno County Records.

ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded February 11, 1992 as Document No. 92016354, Fresno County Records.

Ordinance Amending Official Zone Map

R-97-27

Page 3

ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded February 13, 1992 as Document No. 92017661, Fresno County Records.

SECTION 4. This ordinance shall be conditioned upon the record owners of the property described in Sections 2 and 3 executing and causing to be recorded a covenant running with the land guaranteeing the following conditions on the subject property:

1. The developer shall make improvements as required by the Fresno Metropolitan Flood Control District (FMFCD) to provide adequate capacity to serve this project. The FMFCD will require mitigation of the impacts generated by an anticipated increase in runoff--in excess of that created by medium density residential development.
2. Prior to the submittal of a special permit on any portion of the subject property, the developer shall meet with members of the neighborhood to the north of the site (Tract Nos. 2976 and 3656) and shall submit a conceptual site plan for the entire 55 acre property (as shown on Exhibit A) to the City Council.
3. The improvement of East Niles Avenue along the north boundary of the C-R zoned property, shall be completed upon development of the C-R zoned property or upon development of the single-family subdivision proposed to the north of Niles Avenue, whichever occurs first.
4. All proposed uses on the C-R zoned portion of the site shall be subject to review by the Development Director for compatibility with surrounding properties.
5. An athletic club proposed on the C-R zoned property shall be limited to 4,000 single memberships, 3,500 family memberships; and, 800 executive memberships. Memberships shall be for no less than one month.
6. The hours of operation for the athletic club will be limited to 5:00 a.m. to midnight; excluding holidays.
7. All athletic club activities, with the exception of the banquet facility, will be open only to members and their authorized guests.
8. There will be no celebrity sporting events or exhibitions, invitational tournaments, or league participation open to non-members or the general public at the athletic club.
9. Use and lighting of outdoor tennis courts at the athletic club shall be limited to hours of 7:00 a.m. to 10:00 p.m.

Ordinance Amending Official Zone Map

R-97-27

Page 4

10. The minimum building setback adjacent to the northerly property line of the C-R zoned property shall be 50 feet.
11. The City of Fresno, Development Department, reserves the right to review the need for additional parking after the first, second, and fifth year of operation of the athletic club; and if, at any time, it receives a complaint relative to an overflow of parking due to excess demand.
12. No car wash, cocktail lounge (if not subordinate to a restaurant), bar, or liquor store shall be allowed on the subject property.
13. There shall be a 30-foot landscaped setback along East Nees Avenue.
14. There shall be a 30-foot landscaped setback along North First Street starting at the intersection with East Nees Avenue; with a gradual transition to a 50-foot landscaped setback north of Muncie Avenue.

SECTION 5. This ordinance shall become effective and in full force and effect at

12:01 a.m. on the thirty-first day after its passage and upon compliance with the requirements of the Fresno Municipal Code Sections 12-403-K and L.

CLERK'S CERTIFICATE

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

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 6th day of January, 1998, by the following vote:

Ayes:        Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys  
Noes:        None  
Absent:       None  
Abstain:     None

Dated this 1/6/1998 ~~1997~~

REBECCA E. KLISCH  
City Clerk

By Rebecca Klisch  
Deputy

APPROVED AS TO FORM:

HILDA CANTÚ MONTOY  
City Attorney

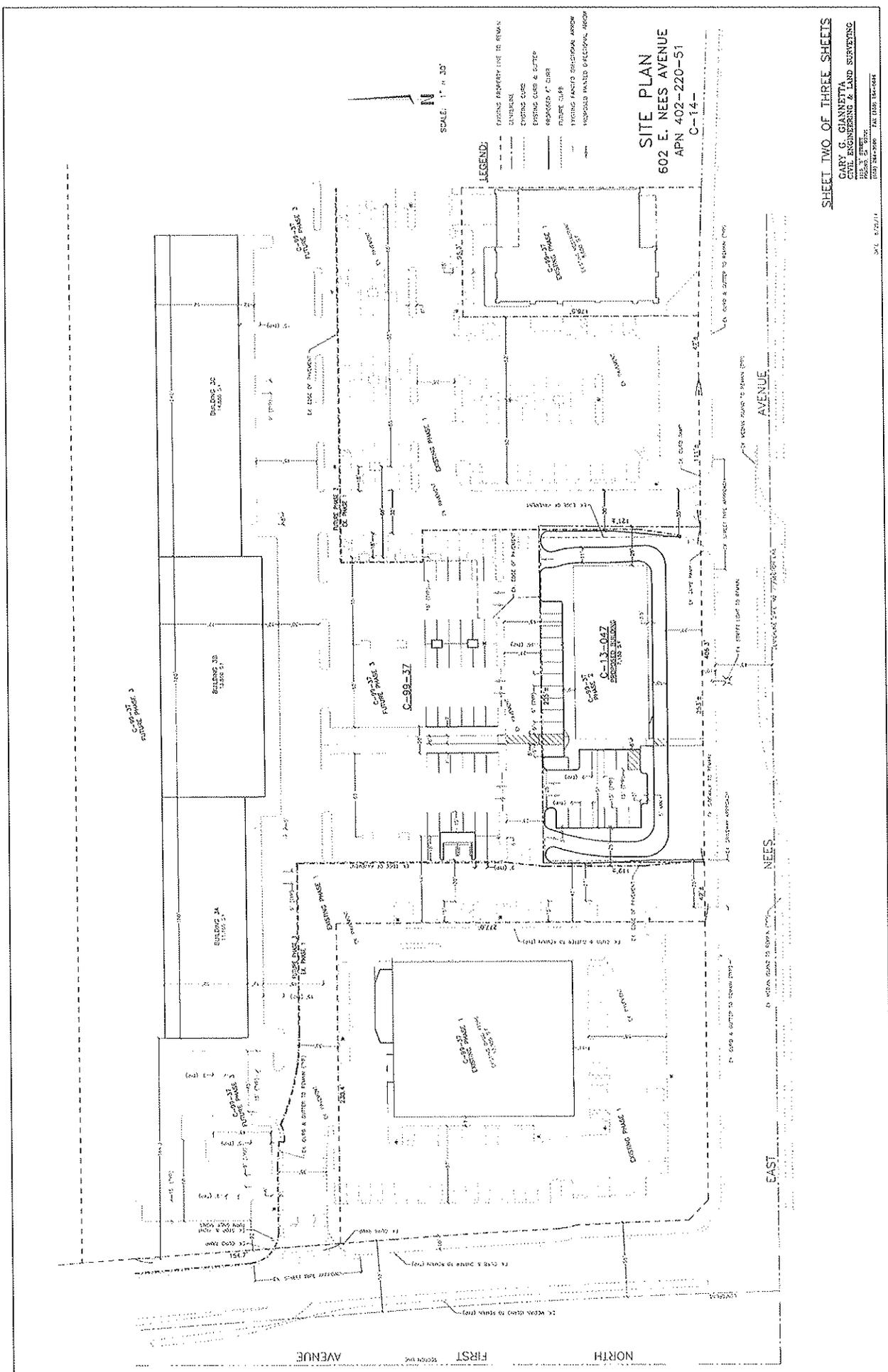
By [Signature]  
DEB:fr:lcl:K:\Common\CCNR9727.ORD

Application No. R-97-27  
Filed by City of Fresno  
Parcel No. 402-220-16, 18, 43

Exhibit G  
Exhibits for Conditional Use Permit No. C-14-080







SCALE: 1" = 30'

LEGEND:

- EXISTING PROPERTY LINE TO REMAIN
- EXISTING CURB
- EXISTING CURB & SURF
- EXPANDED 1" CURB
- PAVED DRIVE
- STRONG FANCILO STRUCTURAL ANCHOR
- IMPROVED MAINTENANCE ELECTRICAL ROOM

**SITE PLAN**  
 602 E. NEES AVENUE  
 APN 402-220-51  
 C-14

**SHEET TWO OF THREE SHEETS**  
 GARY G. GIANNETTA  
 CIVIL ENGINEERING & LAND SURVEYING  
 1000 S. 10TH ST.  
 SUITE 200  
 TULSA, OKLAHOMA 74106  
 TEL: 341-3400 FAX: 341-1404

DATE: 5/22/14







Exhibit H  
Conditions of Approval for C-14-080

**CITY OF FRESNO**  
**DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT**  
 DRAFT  
**CONDITIONS OF APPROVAL**  
 APRIL 1, 2015  
  
**CONDITIONAL USE PERMIT APPLICATION NO. C-14-080**  
 780 E. Nees Avenue

The Planning Commission will consider approval of Conditional Use Permit Application No. C-14-080 at a noticed public hearing on April 1, 2015 at 6:00 p.m. Staff recommends that the special permit application be approved subject to the conditions listed in this document.

**Project Description:** C-14-080 was filed by Gary Giannetta, on behalf of Russ Nakata, and pertains to a 1.85 acre portion of a 10.66 acre property located on the northwest corner of East Nees and North Bond Avenues.

**Conditional Use Permit Application No. C-14-080** proposes the construction of a gas station comprised of 8 fueling stations accommodating 16 vehicles, and a 3,028 square-foot ARCO AM/PM mini mart with the requested establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license (package store – sale of beer and wine for consumption off the premises where sold); and the construction of an 840 square-foot office and 1,080 square-foot storage area.

**CONDITIONS OF APPROVAL**

**PART A – ITEMS TO BE COMPLETED**

The following items are required prior to issuance of building permits as noted below:

Planner to initial when completed		
<input style="width: 40px; height: 20px;" type="checkbox"/>	1.	Development shall take place in accordance with Exhibits A-1, A-2, A-3, F-1, E-1 and E-2 dated August 29, 2014 with modifications as requested on the plans and in the conditions listed below. Transfer all comments and conditions to the corrected exhibit(s) and <b>submit to planner at least 15 days prior to issuance of building permits.</b>

<input type="checkbox"/>	2.	Submit final elevations for fuel station canopy for review and approval prior to issuance of permits.
<input type="checkbox"/>	3.	Submit color and material samples for all proposed buildings, including canopy, for review and approval prior to issuance of building permits.
<input type="checkbox"/>	4.	Submit three copies of detailed, final landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Development Services Division. The entire front setback and FID easement of the subject parcel (APN 402-220-67) along Nees Avenue must be landscaped. These plans must be reviewed and approved prior to issuance of building permits.
<input type="checkbox"/>	5.	Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development Services Division.
<input type="checkbox"/>	6.	Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development and Resource Management Department (see form, attached).
	7.	Development shall comply with the Fresno Green Building Incentive Program for non-residential construction prior to issuance of building permits.
<input type="checkbox"/>	8.	Submit a utility plan for approval prior to issuance of building permits.
<input type="checkbox"/>	9.	A mutual easements/shared parking covenant is required given that the subject site is located within an integrated shopping center and will share access and parking with adjacent parcels. Please remit \$1,094 and title reports for all property located within the shopping center for the preparation of this covenant. These documents are required prior to issuance of building permits and must be recorded prior to occupancy. If this agreement already exists, please provide a copy to the Development

		and Resource Management Department.
<input type="checkbox"/>	10.	Deeds of easements for the required dedications shall be prepared and submitted to the city with proof of ownership prior to issuance of building permits.
<input type="checkbox"/>	11.	Development shall comply with FAX comments for improved bus stop pursuant to email dated September 25, 2014.
<input type="checkbox"/>	12.	Development shall comply with the requirements of the Fresno Irrigation District letter dated October 2, 2014. FID signature on plans required prior to issuance of building permits.
<input type="checkbox"/>	13.	Development shall comply with the requirements of the Fresno Metropolitan Flood Control District (FMFCD) letter dated October 13, 2014. Pay review fee of \$336 and drainage fee of \$20,440 prior to issuance of building permits. Grading plan and drainage report shall be approved by the FMFCD prior to issuance of building permits. Indicate on plans the required new storm drainage facilities.
<input type="checkbox"/>	14.	Development shall comply with the City of Fresno Police Department letter dated September 22, 2014. Depict the 4 required exterior video cameras on the site plan.
<input type="checkbox"/>	15.	<p>Development shall comply with the Fresno County Department of Public Health letter dated September 23, 2014 as outlined below:</p> <p>Prior to building permits, provide proof of submittal of 3 sets of complete plans and spec's for the installation of underground storage tanks to the Environmental Health Division.</p> <ol style="list-style-type: none"> <li>a. Prior to occupancy, provide Permit to Operate an Underground Storage Tank System.</li> <li>b. Prior to permits, provide proof of an approved Hazardous Materials Business Plan.</li> <li>c. Prior to permits, provide complete food facility plans and obtain permit to operate a food facility.</li> <li>d. Prior to occupancy, provide proof of ABC license to sell alcohol.</li> </ol>
<input type="checkbox"/>	16.	At least six months prior to the first occupancy, contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction.

<input type="checkbox"/>	17.	Provide a map (with address detail) to the local USPS representative. Procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.
<input type="checkbox"/>	18.	Development shall comply with the Department of Public Utilities/Solid Waste letter dated September 17, 2014. Provide a minimum of three trash enclosures, constructed according to Public Works standards P-33, P-34.
<input type="checkbox"/>	19.	Comply with all mitigation measures contained in the Fresno General Plan SCH No. 2012111015 MEIR Mitigation Measure Monitoring Checklist and Project Specific Mitigation Measures for C-14-080.
<input type="checkbox"/>	20.	Pay development fees to Clovis Unified School District prior to issuance of building permits.
<input type="checkbox"/>	21.	Pay applicable Regional Transportation Mitigation Fees (RTMF), Traffic Signal Mitigation Impact Fees (TSMI), and Fresno Major Street Impact (FMSI) Fees prior to issuance of building permits.

PART B – OTHER REQUIREMENTS

1. Planning/Zoning/Environmental Compliance Requirements

- a) Property development standards and zoning requirements are contained in the attached “Project Comments from the Development Services Division” prepared for Conditional Use Permit Application No. C-14-080 and dated March 5, 2015. Any future revisions to the proposed project shall comply with these conditions.
- b) Development shall take place in accordance with the attached “General Notes and Requirements for Entitlement Applications” as applicable.
- c) Development shall take place in accordance with the C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*), and all other applicable sections of the Fresno Municipal Code.
- d) Development shall take place in accordance with the policies of the Fresno General Plan and the Woodward Park Community Plan.
- e) Comply with the operational statement submitted for the proposed project dated August 29, 2014.

- f) Any changes to approved elevations are subject to review and approval by the Development and Resource Management Department.

## 2. City and Other Services

- a) Development shall take place in accordance with the attached memoranda and letters from City of Fresno Departments and partner agencies, the Department of Public Utilities (for sewer and water) dated September 30, 2014, the Department of Public Utilities (for solid waste) dated September 17, 2014, the Public Works Department, Engineering Division dated March 2, 2015, the Fresno Fire Department dated September 30, 2014, the Fresno Police Department dated September 22, 2014, Fresno Area Express (FAX) dated September 25, 2014, Caltrans dated September 30, 2014, the San Joaquin Valley Air Pollution Control District dated November 24, 2014, the Fresno Irrigation District dated October 2, 2014, the Fresno Metropolitan Flood Control District dated September 10 and October 13 respectively, the Fresno County Department of Public Health dated September 23, 2014, and the United States Postal Service.

## 3. Miscellaneous Requirements

- a) Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
  - i) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
  - ii) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
  - iii) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
- b) Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or

omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the health, safety and welfare of the community, and recommend conditions for development that would on the whole enhance the project and its relationship to the neighborhood and environment.

### **APPEALS**

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Section 12-405 can be made. Discretionary conditions of approval will ultimately be deemed mandatory unless appealed. In the event you wish to appeal any of these conditions, you must state your appeal (in writing or in testimony) at or prior to the Planning Commission hearing for this project scheduled on April 1, 2015 at 6:00 p.m. or thereafter.

### **EXPIRATION DATES**

The exercise of rights granted by this special permit must be commenced within four years from the date of approval (April 1, 2019). There is no extension. All improvements must be installed prior to the operation of the proposed use, unless otherwise stated in the conditions of approval.

Enclosures: Exhibit 1: Exhibits A-1 (2- 1 from Fire and 1 from Traffic), F-1, F-2, F-3, E-1, and L-1 dated January 23, 2015  
Exhibit 2: Planning Comments, dated March 5, 2015  
Exhibit 3: Comments from Partner Agencies & Departments  
Exhibit 4: Operational Statement dated August 29, 2014



2600 Fresno Street-Third Floor  
 Fresno, California 93721-3604  
 (559) 621-8277 FAX (559) 488-1020

**Development and Resource Management Department**  
**Jennifer K. Clark, Director**

**Project Comments from the Development Services Division**  
**March 5, 2015**

**PROJECT DESCRIPTION**

**Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, and Conditional Use Permit Application No. C-14-080** were filed by Gary Giannetta, on behalf of Russ Nakata, and pertain to property located on the northwest corner of East Nees and North Bond Avenues. **Plan Amendment Application No. A-14-005** proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from commercial recreation planned land use designation to neighborhood commercial land use designation for 4.63 acres; and 0.37 acre from office commercial planned land use designation to neighborhood commercial land use designation, which will allow for access from North First Street to the 4.63-acre site. **Rezone Application No. R-14-009** proposes to amend the Official Zone Map to reclassify the subject property from C-R/UGM/cz (*Commercial Recreation/Urban Growth Management/conditions of zoning*) and C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone districts to C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district. **Conditional Use Permit Application No. C-14-080** proposes the construction of a gas station comprised of 8 fueling stations accommodating 16 vehicles, and a 3,028 square-foot ARCO AM/PM mini mart with the requested establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license (package store – sale of beer and wine for consumption off the premises where sold); and the construction of an 840 square-foot office and 1,080 square-foot storage area.

**APN: 402-220-67** **ZONING: From C-R/UGM/cz and C-P/UGM To C-1/UGM/cz**  
**SITE ADDRESS: 780 East Nees Avenue**

**GENERAL INFORMATION**

<b>ZONING</b>		
	Existing	C-P/UGM/cz and C-R/UGM/cz
	Requested	C-1/UGM/cz
	Pending	
<b>PLANS</b>		
	Community Plan	Woodward Park
	Specific Plan	None
	Redevelopment	None
<b>PREVIOUS ACTIONS</b>		

Applications	<p><b>R-6123/C-6124/T-3272 (1980)</b> – Rezone from AE-5/UGM to R-1-C/UGM for construction of 97 single family units on 19.45 acres at a density of about 5 du/acre. Was approved, but expired.</p> <p><b>R-6789/C-6790/T-3559 (1983)</b> – AE-5/UGM and R-1/UGM to R-2/BA/UGM/cz – for a max 384 DU condominium of which 78 shall be reserved for elderly on 40 acres. Expired, extended, and not built. Neighborhood opposition to mf housing.</p> <p><b>A-89-36/R-90-04 (1991)</b> – Sequoia Village – from CR and R to C-1, C-P, C-R, R-P, R-2, R-1-C for a mixed use development on 55 acres that would include office apartments, athletic club, shopping center, and single family residential development. Opposition from the WPHA and others. Rezone expired?</p> <p><b>R-97-27:</b> Could not located, just a LLA in electronic files – other reports state that this rezone created the C-1UGM/cz zoning on the property. Czs prohibited a car wash, a cocktail lounge (if not subordinate to a restaurant), a bar, or a liquor store from being established as commercial tenants of this site.</p> <p><b>C-99-37 (Sept 13, 1999):</b> approved multi-tenant center at 8000-8100 N. First St and 600-700 E. Nees Ave. Tenants: 4 building pad areas consisting of 71,005 SF with a 39,900 SF, 3-phased speculative retail tenant building (Bldgs 1A, 1B and 1C) a 13,905 SF super drugstore w drive thru (Bldg 4) a 8,600 SF restaurant (Bldg 2) and a 8,600 sf free-standing spec retail building (Bldg 3).</p> <p><b>R-00-50 (March 6, 2001)</b> Ord No. 2001-25 Changed cz to reduce front setback along First Avenue (parcels A, B, C and D) from 30 feet to 20 feet.</p> <p><b>R-06-065/C-06-269:</b> Feb/Mar 2007 – Rezone from AE-5/UGM to C-P/UGM and construct 12 office buildings totaling 127,420 SF (CUP expired) – TIS Prepared by TJKM dated Aug. 22, 2006.</p>
Covenants/ Easements	N/A
Development Agreements	N/A
<b>TRACT MAP or LOT SPLIT</b>	

**PROPERTY DEVELOPMENT STANDARDS**

Use the website below to access the Zoning Ordinance (Chapter 12, articles 2 and 3) to find more information on zoning/property development standard requirements:

<http://library.municode.com/index.aspx?clientId=14478&stateId=5&stateName=California>

<b>USE PERMITTED</b>		
An automobile service station and minimart selling beer and wine is allowed with a conditional use permit in the C-1 zone district pursuant to Section 12-217.3 of the Fresno Municipal Code (FMC).		
<b>LOT AREA</b>		
	Required	N/A
	Proposed	N/A
<b>LOT DIMENSIONS</b>		
	Required	Min. 150-foot depth required

	Proposed	Approx. 450 feet depth		
<b>DWELLING UNIT DENSITY</b>				
	Permitted	N/A		
	Proposed	N/A		
<b>BUILDING HEIGHT</b>				
	Permitted	35 ft max		
	Proposed	22'-3"		
<b>YARDS</b>				
	<b>Required Building Setback</b>		<b>Proposed Building Setback</b>	
	Front (Nees)	10 ft per zoning, however FID easement requires 30/40 feet	Front	63 feet
	Interior Side	-0-	Interior Side	45 ft (east); 5 ft (west future prop. Line)
	Street Side (N/A)		Street Side	N/A
	Rear	-0-	Rear	225
	<b>Required Landscaping Setback</b>		<b>Proposed Landscaping Setback</b>	
	Front (Nees)	30/40 feet (to match FID easement)	Front	30 feet proposed; may need additional 10 feet depending on FID easement. <b>Note: required landscaping within setback must be installed across entire Nees Avenue frontage of parcel APN 402-220-67 prior to occupancy of C-14-080.</b>
	Interior Side	-0-	Interior Side	-0-
	Street Side (N/A)		Street Side	N/A
	Rear	-0-	Rear	-0-
<b>General Yard Requirements:</b>				
All required yards shall extend the full width or depth of the lot and shall be open from the ground to the sky, except as provided in Subsection 12-105-L-4, Section 12-105-Y (yard) and the exceptions of Subsection 12-216.5-E-5 (C-P District).				
<b>SPACE BETWEEN BUILDINGS</b>				
	Main Buildings	N/A		
	Accessory Buildings	N/A		
	Garages	N/A		
<b>LOT COVERAGE</b>				
	Permitted	33% of 4.63 or 1.52 acres (66,555 sf)		

	Proposed	9,356 sf
<b>FENCES, HEDGES, WALLS</b>		
	Required	None
	Proposed	None. If proposed, indicate on plans.
<b>OFF-STREET PARKING</b>		
	Required	29
	Proposed	30 open spaces and 16 under canopy
<b>ACCESS</b>		
	Required	There shall be adequate vehicular access from a dedicated and improved street, service road or alley, the design of which shall be approved by the Director of Public Works. The Director shall specify the location and number of means of ingress and egress to property by conditions established at the time of review of the required site plan.
	Proposed	One access from Nees and one from Bond Avenues
<b>OUTDOOR ADVERTISING</b>		
	Permitted	See section 12-306-N-32 below
	Proposed	Signs to be review and approved under separate permit
<b>LOADING SPACES</b>		
	Required	-0-
	Proposed	1
<b>TREES (On-Site)</b>		
	Required	15 on-site plus street trees off-site
	Proposed	Submit landscaping plan for review and approval prior to issuance of permits.
<b>SUMMARY AND OTHER COMMENTS /REQUIREMENTS</b>		

A. Miscellaneous

**FMC Section 12-306-N-32 requires the following for automobile service stations:**

- (1) Posting of fuel prices by service stations. Notwithstanding any other provisions of this Code to the contrary, no gasoline or other motor vehicle fuel shall be sold or otherwise dispensed from any service station unless fuel price signs are displayed as provided below:

a.

All gasoline or other motor fuel price signs shall include:

(1)

The total price per gallon or liter including all taxes;

(2)

The trademark or brand of the motor fuel;

(3)

The word "gasoline" or the name of the other motor fuel;

(4)

The grade designation of the motor fuel;

(5)

The word "liter" if the prices are advertised by the liter.

b.

Advertisements for discount or price reduction for motor fuel shall contain the price per gallon or liter from which the discount or price reduction is to be taken, the amount of the discount or price reduction in cents per gallon or liter and any limitations under which the discount or price reduction is offered.

c.

Advertisements displayed in accordance with subsections a and b of this section may contain a description of the products offered for sale, methods of sale such as self-serve or full-serve, and words describing the types of services offered at the place of business, such as food market, car wash, tune-up and the registered trademark or tradename of the service but not the price of the service.

d.

All letters, words, figures and numerals used to advertise products in accordance with subsections a, b and c of this section shall be of a height, size and color which complies with section 13532 of the Business and Professions Code.

e.

In the case of any conflict between the provisions of this chapter and requirements in the state Business and Professions Code for signs related to gasoline sales, the state provisions shall govern.

f.

Sign height, area and setback limitations of the zone district in which the service station is located shall apply to signs installed in accordance with this section.

g.

In addition to any price information signs allowed by subsections a, b and c above, the service station operator may display wall or canopy signs intended exclusively for the transmittal of safety-related messages or warnings.

- (2) Comply with **conditions of zoning in Ordinance 98-2 (attached)**.

- (3) Provide **shade calculations** on the landscape plan for parking lot shading in accordance with the **attached Development Department, Performance Standards for Parking Lot Shading**, including tree species and tree counts.
- (4) See the **attached** General Notes and Requirements for Entitlement Applications for additional general notes and requirements.
- (5) An Indirect Source Review (ISR) must be submitted to the San Joaquin Valley Air Pollution Control District prior to project approval if one is required. Provide documentation that this has been submitted to the Air District.

B. Local Plans and Policies

**Fresno General Plan/Urban Form Element**

**Non-Corridor Infill**

Fresno needs to promote well-designed infill and rehabilitation throughout the city, not just along the corridors. This includes single-family lots, small multi-family lots and small subdivisions. There will also be revitalization and rehabilitation over the years of small retail centers, employment centers and some multi-family properties. These infill developments and redevelopments will focus on creating Complete Neighborhoods in existing areas. Some tools that can be used to accomplish this include: connectivity, financial incentives for investing in established neighborhoods, design compatibility, providing missing uses such as recreation, enhanced landscaping and maintenance of public right-of-way areas, and providing community-based services.

**UF-12-c** Local-Serving Neighborhood Centers. Design Neighborhood Centers for local services and amenities that build upon the character and identity of surrounding neighborhoods and communities.

**UF-14-a** Design Guidelines for Walkability. Develop and use design guidelines and standards for a walkable and pedestrian-scaled environment with a network of streets and connections for pedestrians and bicyclists, as well as transit and autos.

Commentary. These guidelines will highlight how to achieve these design ideas and avoid barriers to access, such as:

**3-28 FRESNO GENERAL PLAN**

Walls and fences that separate related uses or isolate neighborhoods;

Over reliance on cul-de-sacs and dead end streets that cut off access within neighborhoods;

Disconnected bike and pedestrian paths;

Wide streets that lack pedestrian support, such as sidewalks, median strips, and a landscaped strip that separates pedestrians from the street;

Street front parking lots that separate pedestrian from commercial operations;

Retail centers that are exclusively auto-oriented;  
Transit stops that are not easily accessible from an individual's starting point and destination; and  
Long blocks that discourage walking.

**UF-14-b Local Street Connectivity.** Design local roadways to connect throughout neighborhoods and large private developments with adjacent major roadways and pathways of existing adjacent development. Create access for pedestrians and bicycles where a local street must dead end or be designed as a cul-de-sac to adjoining uses that provide services, shopping, and connecting pathways for access to the greater community area.

#### COMMUNITY

Community Commercial is intended for commercial development that primarily serves local needs such as convenience shopping and small offices. Many of the city's current commercial districts fall into this designation. Specific uses allowed include medium-scale retail, office, civic and entertainment uses, supermarkets, drug stores and supporting uses. The maximum FAR is 1.0.

**LU-6-a Design of Commercial Development.** Foster high quality design, diversity, and a mix of amenities in new development with uses through the consideration of guidelines, regulations and design review procedures.

**LU-6-b Commercial Development Guidelines.** Consider adopting commercial development guidelines to assure high quality design and site planning for large commercial developments, consistent with the Urban Form policies of this Plan.

Commentary: The guidelines should address:

Architectural finishes, coordinated color palette, massing, and hierarchy in scale;

Pedestrian-scaled amenities, signage, and lighting;

Site improvements, including parking lot landscaping, perimeter landscaping, foundation landscaping, walkways, and passageways;

Ground floor transparency requirements along shopping streets and limitations on blank walls in these areas;

Anti-theft glass on windows, rather than bars or roll-down metal screens, that are architecturally compatible with building design;

Screening of truck loading, parking, mechanical equipment, transformers, ventilation systems, storage containers, and refuse collection areas from the street;

Shading and its relationship and effects on surrounding buildings;

Building entries; and

Design standards for perimeter walls and fencing.

**LU-6-d: Neighborhood and Community Commercial Center Design.** Plan for neighborhood mixed use and community commercial uses to

implement the Urban Form concepts of this Plan, promote the stability and identity of neighborhoods and community shopping areas, and allow efficient access without compromising the operational effectiveness of the street system.

Neighborhoods will be anchored by community commercial centers with a mix of uses that meet the area's needs and create a sense of place

### **Woodward Park Community Plan**

#### **WPCP Policy 1-4.3-e Repeal:**

Distribute a limited amount of moderately intensive commercial and office developments to serve community and neighborhood needs outside of the community's major activity center and Herndon Avenue corridor consistent with the demand factors and location criteria identified as follows:

d. Allow commercial uses to be developed only within **unified** shopping centers with a minimum site area of 2.5 acres located at the intersection of two arterials streets.

**1-4.3-e.** Limit retail commercial uses to a maximum area of 10 acres at an intersection and distribute the commercial development between two corners of the intersection. At the two identified commercial nodes where up to ~~25~~ 30 acres may be developed, the total acreage may be distributed on three corners of the intersection.

1-4.4 The following design measures shall be considered appropriate for application to office, commercial, and other nonresidential development entitlements adjacent to land that is designated for single-family residential use. These standards are not prescriptive, and may be modified through the development entitlement process in order to best serve the community's health, safety, and welfare or waived where the adjacent land is developed with a nonresidential use or approved for nonresidential development entitlements (zoning, special permit).

All loading and storage areas shall be screened from view of adjoining property zoned or planned for residential uses by a combination of landscape planting and a solid masonry wall. All loading spaces shall be located not less than 150 feet from the boundary of any residential property; however, the proximity of loading areas may be reduced to not less than 40 feet

from the boundary of residential property if the Director of the Development Department or the Planning Commission finds that additional screening and noise attenuating methods have been designed to adequately protect adjoining residential property. All storage shall be within an enclosed structure. Outdoor storage is expressly prohibited.

b. Roof-mounted and detached mechanical -equipment for commercial and office uses shall be screened from view and acoustically baffled-to prevent the noise level rating for the equipment from exceeding 55 Ldn measured at the nearest property line.

c. A landscaped setback 20-feet wide containing deciduous and evergreen trees shall be planted and maintained along the property line between commercial and office uses and abutting properties zoned or planned for residential uses and along abutting local streets provided, however, that this requirement shall not apply to those parcels of land which are one acre or less in size or to parcels larger than one acre subject to Director review and approval of landscape plans.

d. No commercial or office building shall be constructed within 50 feet of the property line of abutting properties zoned or planned for residential uses.

e. The following wall and berm treatment shall be required for commercial uses and office uses:  
(1) A solid masonry wall six feet in height, an earth berm six feet in height or any combination of solid masonry wall and earth berm which provides a continuous barrier six feet in height, shall be erected on or along the property line between properties zoned or planned for commercial and office uses and properties zoned or planned for residential uses.

- The provisions of the approved commercial or office district shall apply to outdoor advertising for commercial and office uses, excepting freestanding signs in a commercial district, wherein there shall be permitted one freestanding sign containing the name of buildings and occupants or groups thereof, and shall be not more than 125 square feet in area

and not more than 20 feet in height, and shall not be located within any required landscaped setback or landscaped transition setback area.

g. Within an area 100 feet wide abutting property zoned or planned for residential use, exterior area lighting for parking areas, carports, garages, access drives, and loading areas for commercial and office uses shall be shielded to prevent line of sight visibility of the light source from abutting property zoned or planned for residential use.

Industrial Uses

**Attachments:** Performance Standards for Parking Lot Shading  
General Notes and Requirements for Entitlement Applications



**DATE:** March 2, 2015

**TO:** Sophia Pagoulatos  
Development and Resource Management Department

**FROM:** Jairo Mata, Engineer I  
Public Works Department, Traffic and Engineering Services Division

**SUBJECT:** Conditions of Approval for **C-14-080**

**ADDRESS:** **780 East Nees Avenue**

**APN:** **402-220-67**

**ATTENTION:**

The items below require a separate process with additional fees and timelines, in addition to the CUP/SPR permit process. In order to avoid delays in obtaining a building permit, the following items shall be submitted to the Public Works contacts shown below.

X	<p><b>Deed and Irrevocable offer for dual left turns (up to 2 month processing time) See Exhibit A1 and A2</b></p> <p>Deed documents for the required dedications must conform to the format specified by the city and shall be prepared by the applicant's engineer. The cost of deed document processing and recordation fee must be paid at the time of deed submittal and submitted with verification of ownership <u>prior</u> to the issuance of building permits.</p>	Jeff Beck	(559) 621-8560 jeff.beck@fresno.gov
X	<p><b>Cross Access: A Cross Access Agreement</b> is required to establish this configuration <u>prior</u> to building permits or submit a revised exhibit confining the proposed development within existing parcel lines.</p>	Sophia Pagoulatos	(559) 621-8062 Sophia.Pagoulatos@fresno.gov

**PUBLIC IMPROVEMENT REQUIREMENTS**

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

Repair all damaged and/or off grade off-site concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current ADA regulations. All existing

sidewalks in excess of 2% maximum cross slope must be brought into compliance prior to acceptance by Public Works.

Underground all existing off-site overhead utilities within the limits of this site/map as per FMC Section 12-1011 and Resolution No. 78-522/88-229.

The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.

#### East Nees Avenue: Arterial

1. Dedication Requirements
  - a. Dedicate **2'** of property along the existing bus bay, 10' minimum sidewalk required within the bus stop.
  - b. Identify and provide an irrevocable offer of dedication to accommodate dual left turns at First and Nees.
2. Construction Requirements:
  - a. If the existing curb ramp is not to Public Works Standards modify or replace the existing ramp to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy. "Detectable Warning Devices" are required, if not existing. Reference Public Works Standards **P-24 thru P-27, P-28, P-30 thru P-32**.
  - b. Construct concrete a sidewalk where missing to Public Works Standard **P-5**. The curb shall be constructed to a **10'** commercial pattern. Construct **4' x 6'** tree wells per Public Works Standard **P-8**. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).
  - c. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-7** for Arterials.
  - d. Remove and dispose of overhead streetlight conductors and wood pole to an approved site. Luminaire fixture and bracket shall be salvaged to the City of Fresno's storage yard. Call (559) 621-1312, 48 hours in advance.
  - e. Construct a **35'** driveway approach to Public Works Standard(s) **P-2** and **P-6**. **If parking is allowed adjacent to the curb, provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches.**

#### North First Street: Scenic Arterial

1. Dedication Requirement.
  - a. Identify and provide an irrevocable offer of dedication to accommodate dual left turns at First and Nees (typical all sheets).
2. Construction Requirements:
  - a. If the existing curb ramps are not to Public Works Standards modify or replace the existing ramp to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy. "Detectable Warning Devices" are required, if not existing. Reference Public Works Standards **P-24 thru P-27, P-28, P-30 thru P-32**.

- b. Construct a concrete sidewalk where missing to Public Works Standard **P-5**. The curb shall be constructed to a 10' commercial pattern. Construct 4' x 6' tree wells per Public Works Standard **P-8**. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).

All improvements shall be constructed in accordance with the City of Fresno, Public Works Department Standard Drawings and Specifications. The performance of any work within the public street right of way (including pedestrian and utility easements) requires a **STREET WORK PERMIT** prior to commencement of work. When preparing Street Plans and/or Traffic Control Plans, contact (Randy Schrey) at (559) 621-8807, **10 working days** in advance, to make sure that sidewalks or an approved accessible path remain open during construction. Submit construction plans for all required work, in a single package, to the City of Fresno's, Traffic and Engineering Services Division. All work shall be reviewed, approved, completed and accepted prior to obtaining a certificate of occupancy. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer.

All survey monuments within the area of construction shall be preserved or reset by a person licensed to practice Land Surveying in the State of California.

#### **Off-Street Parking Facilities and Geometrics**

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
2. Install **30"** state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a **2"** galvanized post with the bottom of the sign **7'** above ground; located behind curb and immediately behind a major street sidewalk. A "right turn only" sign is also required, at the same location; install a **30" x 36"** state standard sign immediately below the stop sign on the same post.
3. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A3"**.
4. Redesign trash enclosure to provide a **10'** visibility triangle as shown on **Exhibit "A-3"**.

**Prior to resubmitting a corrected exhibit, provide the following information on the site plan:**

#### **A. General Requirements**

1. **Phase lines:** Clearly show and identify all phase lines.
2. **Property Lines and Easements:** Correctly show and identify all existing and proposed easements, match all property line types and accurately dimension property lines.
3. **Scope of work:** All items shall be clearly listed as existing, proposed, and future per this site project.

#### **B. Offsite Information:**

1. **Street Improvements and Furniture:** Identify all existing and proposed sidewalks, street lights (specify if wood or metal pole), traffic signals, utility poles, boxes, guy wires, signs, bus stop benches, etc.
2. **ADA:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property, as required by the California Administration Code (Title 24). A pedestrian easement may be required if Title 24 requirements cannot be met.

**C. Onsite Information:**

1. **Buildings:** Clearly identify and label all buildings as existing, proposed or future. Provide square footage.
2. **Access:** Identify in the operational statement the maximum size of vehicle to enter and exit the site. Provide turning templates on the site plan for all large vehicles.
3. **Parking Lot:**
  - a. **Stalls:** Identify the 3' vehicular overhang adjacent to continuous curbing. No obstructions shall be within the 3' overhang.
  - b. **Wheel Stops:** 6" high
  - c. **Lighting / Disability signage:** not to be within the 3' vehicular overhang.
  - d. **Planters:** 7' minimum width.
  - e. **Paving:** per Public Works Standards P-21,P-22, P-23

Questions relative to these conditions may be directed to Jairo Mata at 559 621-8714 [Jairo.Mata@fresno.gov](mailto:Jairo.Mata@fresno.gov) , in the Public Works Department, Traffic and Engineering Services Division.

City Hall  
2600 Fresno Street, 4<sup>th</sup> Floor  
Fresno, California 93721  
Ph. (559) 621-8800  
www.fresno.gov

Scott L. Mozier, P.E.  
Public Works Director

October 21, 2014

Sophia Pagoulatos, Supervising Planner  
City of Fresno  
Planning and Development Department  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

**SUBJECT: REVIEW OF THE TRAFFIC IMPACT ANALYSIS DATED FEBRUARY 2, 2012 FOR THE PROPOSED ARCO GAS STATION LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NEES AND BOND AVENUES TIS 14-011, A-14-005, R-14-009, C-14-080**

#### **OVERVIEW**

We have reviewed the Traffic Impact Analysis (TIA) prepared by TJKM for the proposed ARCO Gas Station, "project", located on the northwest corner of the intersection of Nees and Bond Avenues. The project proposes to construct a 3,028 square foot convenience market with 16 vehicle fueling stations. The project will also construct an 840 square foot office and 1,080 square foot storage area. The project site is currently vacant.

The Traffic Impact Analysis (TIA) was prepared based on traffic data collected in early 2012. Staff reviewed the 2012 traffic data by comparing the counts used in the TIS with traffic data collected in 2014. Based on this review it was determined there was not a significant increase in traffic over the two (2) year period and the analyses included in the TIA are sufficient.

The TIA analyses also included the projected trips generated by approximately 35,000 square feet of shopping center use in addition to the Gasoline/Service Station with Convenience Market and Car Wash use. The conditional use permit is not proposing the shopping center component as part of the application. Therefore, the analyses presented in the TIA analyzed the project with more trips than the project is actually proposing. The Traffic Signal Mitigation Impact Fee (TSMI) will be based on the actual project and not the average daily traffic (ADT) volumes reported in the TIA.

The TIA prepared by TJKM evaluated the impacts of the project by analyzing three (3) intersections in the vicinity of the project during the AM and PM peak hours. Vehicle trips projected to be generated by the project were calculated using the ITE Trip Generation Manual, 8<sup>th</sup> Edition and the ITE land use code 946 – Gasoline/Service Station with Convenience Market and Car Wash. Since the preparation of the TIA, the site plan has been revised to remove the car wash from the site. The following table includes the daily (ADT), AM and PM peak hour trips projected to be generated by the Gasoline/Service Station with Convenience Market both with and without the car wash use included:

Land Use	Size	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
ITE Code 946 Gasoline/Service Station with Convenience Market and Car Wash	16 fueling stations	2,445	97	94	191	114	109	223
ITE Code 945 Gasoline/Service Station with Convenience Market	16 fueling stations	2,604	82	81	163	107	107	214

The ITE use with the car wash is projected to generate more AM and PM peak hour trips but less daily trips than the ITE use without the car wash. For analysis purposes, the use of the Gasoline/Service Station with Convenience Market and Car Wash land use is acceptable since the volume of AM and PM peak hour trips is slightly higher than what the project is proposing. However, the fee will be based on the ADT generated by the ITE use which does not include the car wash and reflects the proposed project.

Based on the analyses included in the TIA, all three (3) study intersections are currently operating at an acceptable level of service (LOS) standard (LOS D or better) during both the AM and PM peak hours. These study intersections will continue to operate at an acceptable LOS with the addition of the project.

Future year 2035 analyses included in the TIA project all three (3) study intersections will continue to operate at an acceptable level of service (LOS) standard (LOS D or better) during both the AM and PM peak hours.

**GENERAL COMMENTS and CONDITIONS**

1. The TIA does not include a site plan of the proposed project. Please submit one (1) hard copy of the TIA with the site plan figure included.
2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of \$47.12 per ADT, per the Master Fee Schedule, at the time of building permit. Based on the weekday total ADT of 2,604 for the proposed project without the car wash, the fee would be \$122,700.48 payable at the time of the building permit.

The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2025 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offset developer improvement costs, and/or construction costs increase/decrease. If the project is conditioned with traffic signal

improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is in place at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.

For project specific impacts that are not consistent with the 2025 General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees, the infrastructure costs will not be eligible for reimbursement unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next TSMI fee update and the applicant agrees to pay the new TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.

3. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.
4. The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; [www.fresnocog.org](http://www.fresnocog.org). Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
5. The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.
6. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or [jill.gormley@fresno.gov](mailto:jill.gormley@fresno.gov).

Sincerely,



Jill Gormley, TE  
Assistant Traffic Engineering Manager  
Public Works Department, Traffic & Engineering Services

C: Copy filed with Traffic Impact Study  
Louise Gilio, Traffic Planning Supervisor  
Mike Sanchez, Planning & Development Dept



**PUBLIC WORKS DEPARTMENT**

City Hall  
 2600 Fresno Street, 4<sup>th</sup> Floor  
 Fresno, California 93721  
 Ph. (559) 621-8800  
 www.fresno.gov

Scott L. Mozier, P.E.  
 Public Works Director

February 26, 2015

Sophia Pagoulatos, Supervising Planner  
 DARM, City of Fresno  
 2600 Fresno Street, Third Floor  
 Fresno, CA 93721-3604

**SUBJECT: REVIEW OF THE FOCUSED TRAFFIC IMPACT ANALYSIS SUPPLEMENT DATED FEBRUARY 19, 2015 FOR THE PROPOSED ARCO GAS STATION LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NEES AND BOND AVENUES**  
 TIS 14-011, A-14-005, R-14-009, C-14-080

**OVERVIEW**

We have reviewed the Focused Traffic Impact Analysis (TIA) Supplement prepared by JLB Traffic Engineering for the proposed General Plan Amendment, A-14-005, for the northwest corner of the intersection of Nees and Bond Avenues. The TIA Supplement was prepared to supplement analysis included in the February 2, 2012 TIA prepared by TJKM to include projected traffic associated with an approved project in the Near-Term Project analysis. The TIA Supplement also includes a site plan of the proposed project. The approved project is comprised of a 7,150 square foot building located at the northeast quadrant of the intersection of First Street and Nees Avenue.

The TIA Supplement prepared by JLB Traffic Engineering evaluated the impacts of the additional approved project at the intersection of First Street and Nees Avenue during the AM and PM peak hours. Vehicle trips projected to be generated by the approved project were calculated using the ITE Trip Generation Manual, 9<sup>th</sup> Edition and the ITE land use codes 934 – Fast-Food Restaurant with Drive-Through Window and 820 – Shopping Center. The approved project is projected to generate the following daily (ADT), AM and PM peak hour trips.

Land Use	Size	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Fast-Food Restaurant with Drive-Through Window (ITE Code 934)	1,750 sf	868	40	39	79	30	27	57
Shopping Center (ITE Code 820)	5,400 sf	231	3	2	5	10	10	20
<b>Total</b>		<b>1,099</b>	<b>43</b>	<b>41</b>	<b>84</b>	<b>40</b>	<b>37</b>	<b>77</b>

*sf = square feet*

Based on the analyses included in the TIA Supplement, the intersection of First Street at Nees Avenue will continue to operate at an acceptable LOS with the addition of the approved project in the Near Term Analysis.

#### **GENERAL COMMENTS and CONDITIONS**

1. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of \$47.12 per ADT, per the Master Fee Schedule, at the time of building permit. Based on the weekday total ADT of 2,604 for the proposed project, the fee would be \$122,700.48 payable at the time of the building permit.

The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2035 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offset developer improvement costs, and/or construction costs increase/decrease. If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is in place at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.

For project specific impacts that are not consistent with the 2035 General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees, the infrastructure costs will not be eligible for reimbursement unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next TSMI fee update and the applicant agrees to pay the new TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.

2. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.
3. The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; [www.fresnocog.org](http://www.fresnocog.org). Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.

4. The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.
5. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.

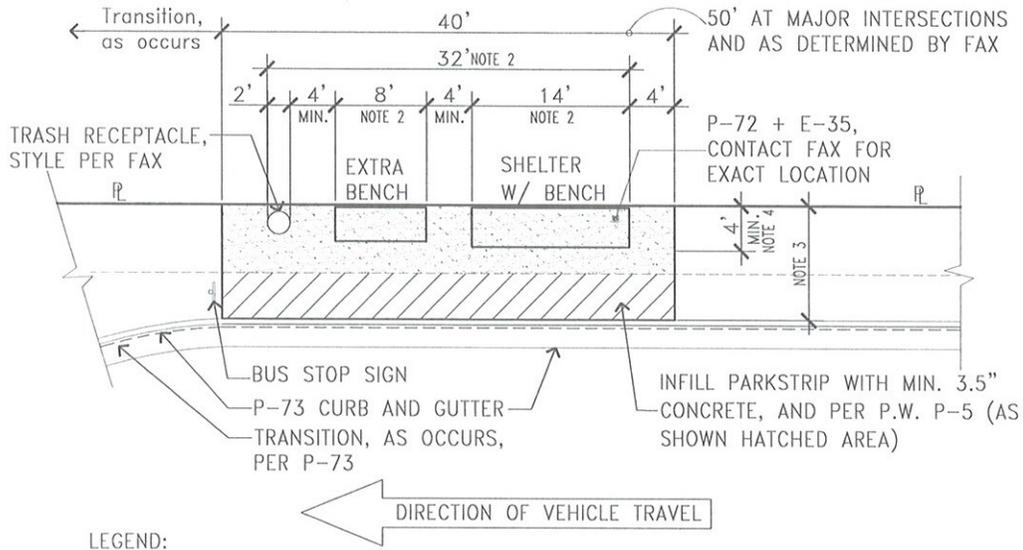
If you have any further questions regarding this matter, please contact me at (559) 621-8792 or [jill.gormley@fresno.gov](mailto:jill.gormley@fresno.gov).

Sincerely,



Jill Gormley, TE  
City Traffic Engineer / Traffic Engineering Manager  
Public Works Department, Traffic & Engineering Services

C: Copy filed with Traffic Impact Study  
Louise Gilio, Traffic Planning Supervisor  
Mike Sanchez, Asst. Director, DARM  
Jose Benavides, JLB Traffic Engineering, Inc.



**LEGEND:**

- INDICATES 6" THICK CONC. PAD - MIN. 4'-0" WIDE
- INDICATES REINFORCED CURB AND GUTTER, PER P-73. CURB TO BE PAINTED RED WITH THE WORDS "BUS ZONE" IN MIN. 4" HIGH WHITE LETTERS.

**NOTES:**

1. PRIOR TO PLACEMENT AND POURING OF CONCRETE, CONTACT SHALL BE MADE WITH FAX EQUIPMENT SUPERVISOR (559-621-1467) FOR FIELD VERIFICATION OF ALL TRANSIT AMENITIES (NOT LIMITED TO ELECTRICAL STUB-OUT, CHRISTY BOX, ELECTRICAL CONDUIT BOX, AND PARKSTRIP INFILL, AS OCCURS). FIELD VISITS TO BE SCHEDULED WITHIN TEN BUSINESS DAYS OF INITIAL CONTACT.
2. ALL DIMENSIONS ARE APPROXIMATE AND TO BE VERIFIED IN FIELD.
3. NEW AND EXISTING MINIMUM SIDEWALK WIDTH VARIES PER PROJECT, CONTACT PUBLIC WORKS FOR SIDEWALK WIDTH AND PATTERN REQUIRED, INCLUDING PROVISIONS FOR ACCESSIBILITY PER THE LATEST ADA-ABA ADOPTED POLICIES. :
4. SUB-BASE MAY BE GRADED SUCH THAT ONLY THE REAR 4'-0" OF CONCRETE PAD TO BE 6" MIN. THICKNESS, THE REMAINDER OF PAD CAN BE 4" MIN. THICKNESS.
5. CITY STANDARDS, P-72, P-73, (P-69 IF APPLICABLE), AND E-35, SHALL BE USED FOR CONSTRUCTION. ANY DEVIATION FROM THESE STANDARDS IS TO BE BROUGHT TO THE ATTENTION OF THE FRESNO AREA EXPRESS PLANNING AND MAINTENANCE DIVISIONS PRIOR TO CONTINUING WORK.
6. ALL IMPROVEMENTS TO CONFORM TO STATE AND FEDERAL ACCESSIBILITY REQUIREMENTS.
7. ALL DIRECTIONAL BORING TO CONFORM TO E-35 AND APPLICABLE CITY STANDARDS.
8. PRIOR TO COMMENCEMENT OF WORK AND A MINIMUM OF TWO DAYS BEFORE ANY EXCAVATIONS, CONTACT U.S.A. NORTH, 811/1-800-227-2600.
9. SEE FRESNO AREA EXPRESS FACILITIES AND DEVELOPMENT STANDARDS FOR ADDITIONAL INFORMATION. ←
10. IMPROVEMENTS ARE SITE SPECIFIC AND NOT THE SAME AT ALL LOCATIONS. CONTACT FAX PLANNING/MAINTAINENCE FOR SPECIFIC REQUIREMENTS BASED ON SITE CONDITIONS. ←

**TYPICAL CONCRETE PAD AND STREET FURNITURE LAYOUT FOR TRANSIT AMENITIES**

	<b>TYPICAL BUS STOP TRANSIT AMENITIES</b>		City of Fresno
	BUS BAY SIMILAR		



**DEPARTMENT OF TRANSPORTATION****DISTRICT 6**

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 488-7307

FAX (559) 445-5875

TTY 711

www.dot.ca.gov

*Serious drought.  
Help save water!*

September 30, 2014

2131-IGR/CEQA  
6-FRE-41-R031.446+/-  
CUP C-14-080-ABCUP, RA R-14-009,  
PA A-14-005  
SEQUOIA VILLAGE SHOPPING CENTER

Ms. Joann Zuniga  
City of Fresno  
Development and Resource Management  
2600 Fresno Street  
Fresno, CA 93721

Dear Ms. Zuniga:

We have completed our review of the Plan Amendment Application, Rezone Application and Conditional Use Permit Application for the Sequoia Village Shopping Center located on the northeast corner of the intersection of First Street and Nees Avenue. The Plan Amendment proposes to amend 4.63 acres from commercial recreation to neighborhood commercial land use designation. The Rezone application proposes to reclassify the subject property from Commercial Recreation and Administrative and Professional Office Urban Growth Management zone districts to Neighborhood Shopping Center Urban Growth Management zone district. The Conditional Use permit proposes the construction of a gas station which includes 8 fueling stations, a 3,028 ft<sup>2</sup> ARCO AM/PM mini-mart, an 840 ft<sup>2</sup> office and a 1,080 ft<sup>2</sup> storage area. Caltrans has the following comments:

Considering the project would be a neighborhood commercial land development and its distance from State Route (SR) 41, it is expected that the project will have minimal impact to State facilities. It is therefore recommended that the proposed development contribute to the City's TSMI fee program and the RTMF fee program.

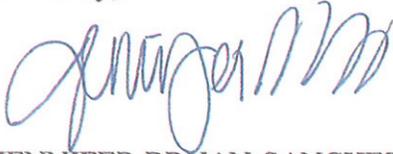
Based upon the site plan it appears that only a portion of the site is being developed and that land use for the remainder of the site is yet to be determined. Therefore, it is not possible to accurately quantify the amount of trips that would occur as a result of this amendment to the General Plan. It is anticipated that the types of land uses that could be expected with the new land use designation would result in a net increase in trips from the existing land use designation. The applicant should either propose anticipated land uses or assume a "worse case" scenario for the remainder of the site so that the true impacts of this land use change can

Ms. Joann Zuniga  
September 30, 2014  
Page 2

be disclosed. Furthermore, we would request the opportunity to review any proposed development on the remainder of this site.

If you have any questions regarding this matter, please contact me at (559) 488-7307 or [jennifer.bryan-sanchez@dot.ca.gov](mailto:jennifer.bryan-sanchez@dot.ca.gov)

Sincerely,

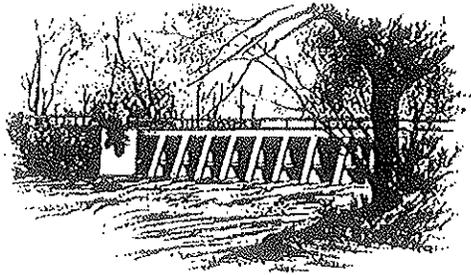
A handwritten signature in blue ink, appearing to read "Jennifer M. Sanchez".

JENNIFER BRYAN-SANCHEZ  
Office of Transportation Planning  
District 06









YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
**IRRIGATION DISTRICT**

TELEPHONE (559) 233-7161  
FAX (559) 233-8227  
2907 S. MAPLE AVENUE  
FRESNO, CALIFORNIA 93726-2208

October 2, 2014

Ms. Joann Zuniga  
City of Fresno  
Development and Resource Management Department  
2600 Fresno Street, Third Floor  
Fresno, CA 93721

RE: Plan Amendment A-14-005, Rezone R-14-009, and Condition Use Permit C-14-080  
N/E Nees Avenue and First Street  
FID's Enterprise Canal No. 109

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Plan Amendment A-14-005, Rezone R-14-009, and Condition Use Permit (CUP) C-14-080. The plan amendment proposes to amend the 2025 Fresno General Plan and Woodward Park Community Plan from commercial recreation use to neighborhood commercial use. The rezone proposes to amend the Official Zone Map to reclassify the subject property from C-R/UGM/cz and C-P/UGM to C-1/UGM/cz. The CUP proposes the construction of a gas station comprised of 8 fueling stations and an office located on the northwest corner of Nees and Bond avenue, APN: 402-220-67. FID has the following comments:

1. FID's Enterprise Canal No. 109 runs westerly along the south side of the subject property as shown on the attached FID exhibit map. FID owns a 30-foot wide easement, recorded October 23, 1992, as Document Number 92162153, Official Records of Fresno County.
2. The canal consists of a 66-inch diameter Cast in Place Monolithic Concrete Pipe (CIP-MCP) installed in 1992(22 years old). Pipeline plan 10919920715 is attached for your reference. CIP-MCP is a non-reinforced monolithic pipe that is easily damaged, extremely prone to leakage and does not meet FID's current minimum standards for developed (residential, industrial, commercial) parcels or urban areas.

G:\Agencies\FresnoCity\Amendment Application\A-14-005.doc

BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President STEVEN BALLS  
GEORGE PORTER, GREGORY BEBERIAN, JERRY PRIETO JR. General Manager GARY R. SERRATO

3. FID requires the applicant pipe the Cast-in-Place Pipe (Areas of Concern) as part of this project with new 66-inch diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards and that the applicant enter into an agreement with FID for that purpose.
4. FID requires the exclusive easement be a minimum of 40-feet wide. If the existing pipeline easement is aligned parallel and adjacent to the City street right-of-way and is exclusive for FID purposes, FID may reduce the easement to its current condition.
5. FID requires its easements be shown on all maps with proper recording information, and that FID be made a party to signing the final map.
6. FID requires the Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.
7. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
8. FID requires the Developer and or the Developer's engineer contact FID at their earliest convenience to discuss specific requirements.
9. FID may not allow its right-of-way to be in common use with public utility easements but will, in certain instances, allow its property to be in common use with landscape easements if the City of Fresno enters into an appropriate agreement with FID.
10. FID requires its review and approval of all Private and Public facilities that encroach into FID's property/easement. If FID allows the encroachment, the Public or Private party will be required to enter into the appropriate agreement which will be determined by FID.
11. If a utility is required to cross the canal, FID will require an agreement for that purpose. It will either be an Encroachment Agreement or Common Use of Easements Agreement.
12. For informational purposes, FID's Enterprise Canal runs westerly and crosses Nees Avenue, approximately 900 feet west of the subject property, as shown on the attached FID exhibit map. Should this project expand to include any street

and/or utility improvements along First or Nees avenues and in the vicinity of the canal crossing, FID requires it review and approval of all plans.

13. The proposed development may negatively impact local groundwater supplies. The area is currently open land with little to no water demand. Under current circumstances the overall area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in an increase water demand or a conversion from imported surface water to groundwater, this deficit will increase. FID suggests the City of Fresno require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft.
14. The above comments are not to be construed as the only request FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Sen Saetern at 233-7161 extension 7406 or [ssaetern@fresnoirrigation.com](mailto:ssaetern@fresnoirrigation.com).

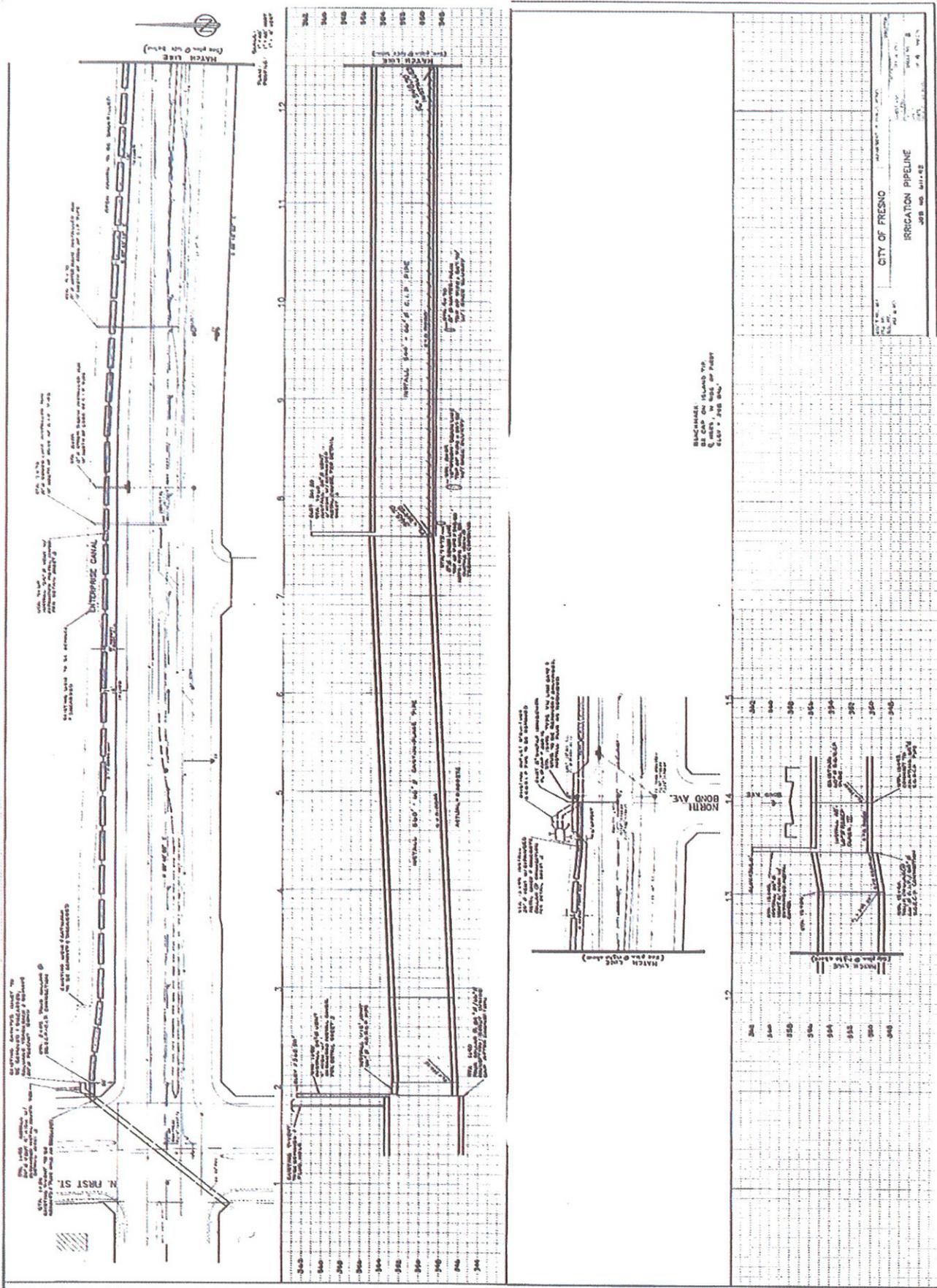
Sincerely,



Laurence Kimura, P.E.  
Chief Engineer – Special Projects

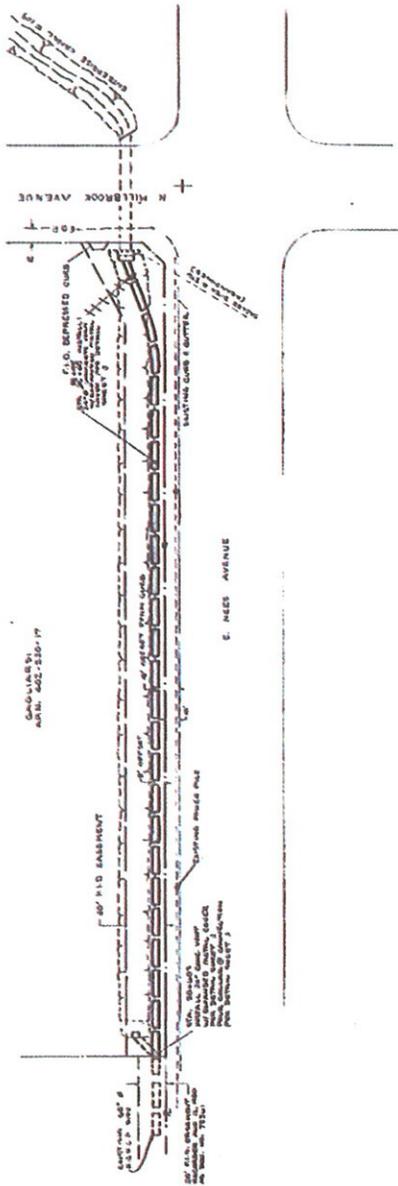
Attachment





CITY OF FRESNO	
IRRIGATION PIPELINE	
JOB NO. 411-82	
DATE	BY
APPROVED	CHECKED
DESIGNED	PLANNED

10919920715

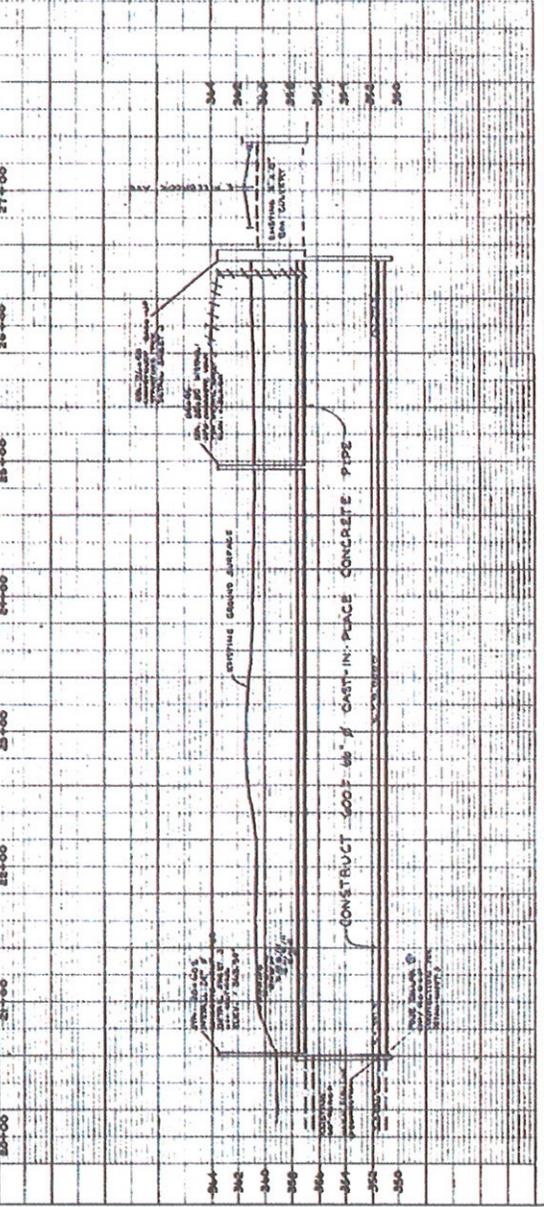


PLAN SHEET  
 DATE: 10/15/17  
 SHEET NO. 17

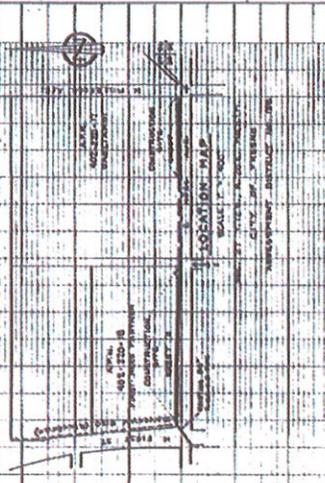
ENGINEER:  
 M. CARLSON  
 M. CARLSON ENGINEERING  
 1000 N. 10TH ST. SUITE 100  
 WISCONSIN, WI 53089

NO.	DATE	BY	REVISION

(CONTINUOUS PIPE ANCHORAGE SYSTEM - 18' SPAN)



NO.	DATE	BY	REVISION



PROJECT NO.	17
DATE	10/15/17
DRAWN BY	M. CARLSON
CHECKED BY	M. CARLSON
SCALE	AS SHOWN
PROJECT LOCATION	E. HESS AVENUE, WISCONSIN
PROJECT DESCRIPTION	SEWER LINE REPLACEMENT
CLIENT	WISCONSIN DEPARTMENT OF TRANSPORTATION
PROJECT NO.	17
DATE	10/15/17
DRAWN BY	M. CARLSON
CHECKED BY	M. CARLSON
SCALE	AS SHOWN
PROJECT LOCATION	E. HESS AVENUE, WISCONSIN
PROJECT DESCRIPTION	SEWER LINE REPLACEMENT
CLIENT	WISCONSIN DEPARTMENT OF TRANSPORTATION

AS BUILT



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 210.414  
400.21

October 10, 2014

Joann Zuniga, Development Services/Planning  
City of Fresno  
Development and Resource Management  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

Dear Mrs. Zuniga,

**Rezone 2014-009**  
**GPA 2014-005**  
**Drainage Area "CW"**

The proposed rezone and plan amendment lies within the District's Drainage Area "CW". The District's Master Plan drainage system for this project within Drainage Area "CW" was designed to serve Medium density residential (R-1) uses. Per Rezone Application 2014-009, run-off generated from this project will be equivalent to Commercial type density (C-P). The District's existing Master Plan storm drainage facilities will not have adequate capacity to accommodate the increased run off generated from this development. The developer will be required to mitigate the increased run off for the proposed commercial type development, to eliminate adverse impacts to the existing system.

Please contact us if you need further information at (559) 456-3292.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael Maxwell".

Michael Maxwell  
Engineering Technician II

MM/lrl/jt

K:\Letters\Rezone Letters\Fresno\2014\2014-009(cw)(mm).docx

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS**

File No. 210.413

Page 1 of 4

**PUBLIC AGENCY**

SOPHIA PAGOULATOS  
DEVELOPMENT SERVICES/PLANNING  
CITY OF FRESNO  
2600 FRESNO STREET, THIRD FLOOR  
FRESNO, CA 93721-3604

**DEVELOPER**

RUSS NAKATA, SEQUOIA II, LLC  
4747 N. FIRST ST., SUITE 128  
FRESNO, CA 93726

PROJECT NO: **2014-080**

ADDRESS: **780 E. NEES AVE.**

APN: **402-220-54, 67**

SENT: *10/13/14*

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)
CW	\$20,440.00	NOR Review	\$55.00 To be paid prior to release of District comments to Public Agency or Developer.
		Grading Plan Review	\$281.00 Amount to be submitted with first plan submittal.
		Storm Drain Plan Review	For amount of fee, refer to www.fresnofloodcontrol.org for form to fill out and submit with first plan submittal (blank copy attached).
<b>Total Drainage Fee: \$20,440.00</b>		<b>Total Service Charge: \$336.00</b>	

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District's reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/15 based on the site plan submitted to the District on 9/16/14 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- a.) Fees related to undeveloped or phased portions of the project may be deferrable.
- b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

**FR CUP No. 2014-080**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 4

Approval of this development shall be conditioned upon compliance with these District Requirements.

1.  a. Drainage from the site shall BE DIRECTED TO EXISTING ONSITE SYSTEM TO THE WEST.  
 b. Grading and drainage patterns shall be as identified on Exhibit No.  
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
  
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:  
 Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".  
 None required.
  
3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:  
 Grading Plan  
 Street Plan  
 Storm Drain Plan  
 Water & Sewer Plan  
 Final Map  
 Drainage Report (to be submitted with tentative map)  
 Other  
 None Required
  
4. Availability of drainage facilities:  
 a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).  
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.  
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.  
 d. See Exhibit No. 2.
  
5. The proposed development:  
 Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)  
 Does not appear to be located within a flood prone area.
  
6.  The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FR  
CUP No. 2014-080

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 4

FR  
CUP No. 2014-080

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
  - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
  - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10.   X   See Exhibit No. 2 for additional comments, recommendations and requirements.



Debbie Campbell  
Design Engineer



Michael Maxwell  
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

GARY GIANNETTA

1119 "S" ST.

FRESNO, CA 93721

**FR CUP No. 2014-080**

**OTHER REQUIREMENTS**  
**EXHIBIT NO. 2**

The District's Master Plan drainage system is designed to serve medium density residential uses and the existing Master Plan storm drainage facilities do not have capacity to serve the density of the proposed commercial use, which is more equivalent to a commercial type land use density. The developer shall be required to mitigate the impacts of the increased runoff from the proposed commercial land use to a rate that would be expected if developed to medium density residential. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Should the developer choose to construct a permanent peak-reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by a commercial density development, to a two-year discharge, which would be produced by the property if developed medium density residential. Implementation of the mitigation measures may be deferred until the time of development. An existing on-site system is currently providing mitigation to the existing developed portions of the parcel. The developer may wish to expand the existing onsite system to provide mitigation for CUP 2014-080.

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas shall not be connected to the District's system. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements is available on the District's website at: [www.fresnofloodcontrol.org](http://www.fresnofloodcontrol.org) or contact the District's

Development No. CUP 2014-080



September 23, 2014

# County of Fresno

DEPARTMENT OF PUBLIC HEALTH  
DAVID POMAVILLE, DIRECTOR

Joann Zuniga  
Development and Resource Management  
2600 Fresno Street, Third Floor  
Fresno, CA 93721

LU0017800  
2602

Dear Ms. Zuniga:

PROJECT NUMBER: A-14-005, R-14-009, & C-14-080

**Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, and Conditional Use Permit Application No. C-14-080** were filed by Gary Giannetta, on behalf of Russ Nakata, and pertain to property located on the northwest corner of East Nees and North Bond Avenues. **Plan Amendment Application No. A-14-005** proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from commercial recreation planned land use designation to neighborhood commercial land use designation for 4.63 acres; and 0.37 acre from office commercial planned land use designation to neighborhood commercial land use designation, which will allow for access from North First Street to the 4.63-acre site. **Rezone Application No. R-14-009** proposes to amend the Official Zone Map to reclassify the subject property from C-R/UGM/cz (*Commercial Recreation/Urban Growth Management/conditions of zoning*) and C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone districts to C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district. **Conditional Use Permit Application No. C-14-080** proposes the construction of a gas station comprised of 8 fueling stations accommodating 16 vehicles, and a 3,028 square-foot ARCO AM/PM mini mart with the requested establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license (*package store - sale of beer and wine for consumption off the premises where sold*); and the construction of an 840 square-foot office and 1,080 square-foot storage area.

**APN: 402-220-67**

**ZONING: From C-RJUGM/cz and C-P/UGM To C-1 /UGM/cz**

**SITE ADDRESS: 780 East Nees Avenue**

Recommended Conditions of Approval:

- Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding any proposed installation of underground petroleum storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency, at (559) 600-3271 for more information.
- Prior to occupancy, the applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

***Promotion, preservation and protection of the community's health***

1221 Fulton Mail / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646

Email: [EnvironmentalHealth@co.fresno.ca.us](mailto:EnvironmentalHealth@co.fresno.ca.us) ❖ [www.co.fresno.ca.us](http://www.co.fresno.ca.us) ❖ [www.fcdph.org](http://www.fcdph.org)

Equal Employment Opportunity ❖ Affirmative Action ❖ Disabled Employer

- Prior to operations, the applicant shall complete the online Hazardous Materials Business Plan submittal (<https://www.fresnocupa.com/> or <http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
- Prior to issuance of building permits, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, the applicant shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to the sale of alcohol, the applicant shall obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.

---

REVIEWED BY:

Kevin Tsuda, R.E.H.S.  
Environmental Health Specialist II

---

(559) 600-3271

---

kt

cc: Casagrande, Tolzmann, Moreno, Goodman & Bains- Environmental Health Division (CT 44.05)  
Russ Nakata, Owner ([sequoiafjv@aol.com](mailto:sequoiafjv@aol.com))  
Gary Giannetta, Project Engineer ([garygce@sbcglobal.net](mailto:garygce@sbcglobal.net))



**POLICE DEPARTMENT**  
*Northeast Problem Oriented Policing*  
1450 E. Teague  
Fresno, California 93720  
(559) 621-6400 Fax:(559) 436-6245



Jerzy Dytar  
Chief of Police

September 22, 2014

City of Fresno, Development Department  
Director of Planning & Development.  
Special Permit, Conditional Use Permit  
2600 Fresno Street  
Fresno, California, 93721-3604

Attn. **Robert Berend**

**Re: SPECIAL PERMIT NO. C-14-080**  
**Arco AM-PM Mini Mart**  
**780 E. Nees Ave.**  
**Fresno, Ca 93720**  
**A.P.N. 402-220-67**

Dear Mr. Berend,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at **780 E. Nees Ave.** The property has been zoned **C-1/UGM/cz.** The Fresno Police Department's primary concern with the application is the propensity of the operations on the premises to generate calls for police service, and therefore, be detrimental to the public welfare.

As you know, to approve any Conditional Use Permit, the City must make the following findings:

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, and all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,

3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding shall not apply to uses which are subject to the provisions of Section 12-306-N-39 of the Fresno Municipal Code (Regulating Adult Businesses).

The conditions are established to ensure public safety, and to minimize any impact to the surrounding area. If approved, this Conditional Use Permit would allow for an **off-sale Type 20 ABC license** (*package store – sale of beer and wine for consumption off of the premises*). We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. **C-14-080**. These conditions will help to insure maintain an environment that is least likely to generate criminal activity, public complaints and police calls for service.

The Fresno Police Department is not in opposition of this Conditional Use Permit, providing the applicant agrees to the listed conditions. If the following conditions are not included as conditions of approval of CUP No., **C-14-080** the Fresno Police Department shall oppose the approval of this Conditional Use Permit, and shall appeal such approval to the Planning Commission. As such, we request that you provide Detective Chris Lee #524 with notice of the Director's decision regarding this Conditional Use Permit as well as a complete copy of the conditions of approval, if the Director approves the Conditional Use Permit.

**Requested Conditions of Approval:**

**1. Fresno Municipal Codes**

The applicant shall comply with all applicable provisions of the Fresno Municipal Codes ("FMC"), including but not limited to:

- FMC 9-502 (Amusement Devices - Permit Required)
- FMC 9-1803 (Hours of Operation of Billiard Hall)
- FMC 9-1804 (Restriction on Attendance of Minors in Billiard Rooms)
- FMC 9-1805 (Minors allowed: Family Billiard Rooms)
- FMC 9-1905 (Public Dancing - Permit Required)
- FMC 10-105 (Noise Ordinance)
- FMC 10-708 (Unlawful Nuisances - High Calls for Police Service)
- FMC 12-224 (C-M Zone, Adult Theater activities not permitted, see 12-105-T-1.1 for definition of Adult Theater, and 12-306-N-30 for additional limitations on Adult Business activities.)

A current version of the Fresno Municipal Code may be viewed at the City of Fresno's website: [www.Fresno.gov](http://www.Fresno.gov). The link to the FMC is located on the Home Page of that website.

2. State and Federal Law

The applicant shall comply with all applicable state and federal law, rules and regulations, including but not limited to the following California Business and Professions Code sections and ABC rules:

- BP 24046 (Required to Post ABC License on Premises)
- BP 25612.5 (Loitering, Open Alcoholic Beverage Containers, Consuming Alcoholic Beverages on Premises, Exterior Lighting, Litter Removal, Graffiti Removal, Signs and Barriers in Windows and Doors, Public Phones Blocked From Incoming Calls, Areas to Display Harmful Matter, Required Copies of Operating Standards Available for Public Viewing)
- BP 25631 (No sale of alcoholic beverages between 2:00 a.m. and 6:00 a.m.)
- BP 25665 (Minors Remaining in Public Premises)
- ABC Act Rule 106 (No Buy One Get One Free Drinks)
- ABC Act Rule 107 (No One Under 21 Allowed Signs Posted)
- ABC Act Rule 139 (Interior Lighting Required for Identification of Patrons)

3. Video Camera

Prior to exercising any privileges granted by CUP No. C-14-080 the applicant must install a fully functional color digital video camera system ("System") that meets the following requirements:

- 3.1 The System must continuously record, store, be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The System must be maintained in a secured location inside of the business.
- 3.2 The System shall have the correct date and time stamped onto the image at all times.
- 3.3 The camera storage capacity should be for at least one week (seven calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.
- 3.4 Digital video recorder must be capable of storing at least seven days of real-time activities.
- 3.5 The System shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a **criminal investigation only**.
- 3.6 The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area.

3.7 There shall be four (4) exterior cameras placed so as to record activities in the primary customer parking areas of their business. These cameras should be of sufficient quality to be able to identify persons and or vehicles utilizing the business parking lot.

3.8 All interior cameras shall record in color.

3.9 All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.

It is recommended, but not required, that the owner/operator provide the IP address(s) to the Fresno Police Department Communications Center for any system that is browser-based or viewable from a remote site. The Fresno Police Department may perform periodic inspections of the System to ensure compliance with these specifications. An inoperable System may be good cause for seeking revocation of this Conditional Use Permit.

#### 4. ABC Education

Any and all employees hired to sell alcoholic beverages shall provide evidence that they have either:

- 4.1 Completed training from the State of California Department of Alcoholic Beverage Control--Fresno District Office-administered "Leadership and Education in Alcohol and Drugs" (LEAD) Program as confirmed by receipt of an ABC-issued certificate of completion; or,
- 4.2 Completed equivalent training acceptable to the ABC-- Fresno District Office to ensure proper distribution of beer, wine, distilled spirits, tobacco, and inhalants to adults of legal age.

If any prospective employee designated to sell alcoholic beverages, tobacco or inhalants does not currently have such training then:

- 4.3 The ABC-licensed proprietors shall have confirmed with the Development Department within 15 days of the final approval of the CUP or within 15 days of the opening to the public of a new store, whichever is later, that a date certain has been scheduled with the local ABC Office for said prospective employees to take the LEAD Program course; and
- 4.4 Within 30 days of taking said course the employee(s) or responsible employer shall deliver to the Planning Department each required LEAD Program Certificate evidencing completion of said course.

5. Sale of Malt and Wine-Cooler Alcoholic Beverages

5.1 Malt liquor or malt beverage products shall not be sold in less than six (6) pack quantities for sale. They must be sold in manufacturer pre-packaged multi-unit quantities. This will include all sizes of containers.

5.2 All wine cooler products shall not be sold in less than four (4) pack quantities for sale. They must be sold in manufacturer pre-packaged multi-unit quantities.

6. Wine Alcohol Per Volume

No wine shall be sold with an alcoholic content greater than 24% volume, except premium dessert wines priced at \$10.00 or more.

7. Non-refrigerated Alcoholic Beverages

Non-refrigerated "hard" liquor or "distilled spirits," shall be placed within the cashier's area or, shall be located either in a locked cabinet, or other locked shelving system, with access controlled with either manual, remote control locking devices or other appropriate and acceptable locking systems approved in writing by the Fresno Police Department. During the hours of midnight and 2:00 a.m. the cabinet or shelving system shall be locked and opened only after an authorized employee has verified that the customer seeking to purchase items within the cabinet or shelving system is of "legal age." Anti-theft security devices *shall* be utilized on ALL non-refrigerated "hard" liquor or "distilled spirits" (*regardless of size*) in lieu of being in a locked cabinet or other locked shelving system.

8. Posting Property

The applicant shall post the property with the appropriate Fresno Municipal Code signs advising that consumption of alcoholic beverages, gambling, trespassing or loitering will be in violation of municipal ordinances. The applicant must send a letter to the Fresno Police Department, signed and dated by the applicant, every 180 days that authorizes FPD peace officers to enter the applicant's real property and/or establishment to enforce against the aforementioned activities at the business. The owners and employees are responsible for abating those activities when they occur during business hours.

9. Consumption of Alcoholic Beverages and Loitering.

9.1 The establishment shall not allow alcoholic beverages to be consumed outside the building premises or any other adjacent property under its control. No alcoholic beverage will be consumed on any property adjacent to the premises (i.e., parking lot and sidewalks). If the alcoholic beverages are consumed on the exterior portion of adjacent property not owned or controlled by the applicant, the applicant shall immediately report such consumption to the Fresno Police Department.

- 9.2 The establishment shall not allow any loitering on building premises or any adjacent property under its ownership or control.
- 9.3 The establishment shall not allow any gambling on building premises or any adjacent property under its control.

**10. Property Responsibility**

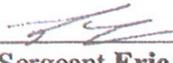
“Frequent” responses by the Fresno Police Department arising out of or relating to the operation or management of the real property owned or controlled by the permittee causing any combination of the following: animal disturbances; violent criminal acts; illegal consumption of intoxicants in public view; gaming activities; and juvenile disturbances, or any of the other activities set forth in the Fresno Municipal Code section 10-708(g) may result in an FPD recommendation to the Director of Planning and Development to commence proceedings to revoke the Conditional Use Permit for violation of the Management of Real Property Ordinance. In addition to recommending the commencement of revocation proceedings, the FPD may pursue any of the other remedies set forth in FMC, section 10-710, including assessing fines against the proprietor for the violations of the Management of Real Property Ordinance.

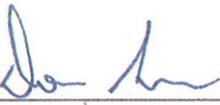
“Frequent” means response by the Fresno Police Department is occurring more than 1.5 times the average number of such responses (3 calls for every 2) for property of a similar size and character within the same policing district.

**11. The establishment shall ensure that all employees involved, either directly or indirectly, in the sale of alcoholic beverages are aware of and comply with these conditions. The establishment shall have each employee sign a written acknowledgment that he/she has reviewed and understood each of these conditions. The written acknowledgement shall be maintained by the establishment and made available to the Fresno Police Department upon reasonable request.**

**FRESNO POLICE DEPARTMENT**

 Date: 9-25-14  
Detective Chris Lee #524  
Northeast District POP

 Date: 9-23-14  
Sergeant Eric Hodge #S76  
Northeast District-Det/POP

 Date: 9/23/14  
Lieutenant Donald Gross  
Northeast District Commander



**DEPARTMENT OF PUBLIC UTILITIES**

**Date:** September 17, 2014

**To:** SOPHIA PAGOULATOS, Supervising Planner  
Development and Resource Management Department , Advance Planning

**From:** CHRIS WEIBERT, Management Analyst II  
Public Utilities Department, Administration

**Subject:** A-14-005, R-14-009 & C-14-080 ABCUP were filed by Gary Giannetta, on behalf of Russ Nakata, and pertain to property located on the northwest corner of East Nees and North Bond Avenues, 780 East Nees Avenue, APN 402-220-67. A-14-005 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from commercial recreation planned land use designation to neighborhood commercial land use designation for 4.63 acres; and 0.37 acre from office commercial planned land use designation to neighborhood commercial land use designation, which will allow for access from North First Street to the 4.63 acre site. R-14-009 proposes to amend the Official Zone Map to reclassify the subject property from C-R-UGM-cz, Commercial Recreation-Urban Growth Management-conditions of zoning, and C-P-UGM, Administrative and Professional Office-Urban Growth Management-conditions of zoning, zone district. C-14-080 ABCUP proposes the construction of a gas station comprised of 8 fueling stations accommodating 16 vehicles, and a 3,028 square foot ARCO AM-PM mini mart with the request to establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license, package store - sale of beer and wine for consumption off the premises where sold; and the construction of an 840 square foot office and 1,080 square foot storage area.

**General**

This location is serviced by a Commercial Solid Waste Franchisee. For service information,

please contact Allied Waste at 559-275-1551 or 800-493-4285 .

Does Project Affect Your Agency/Jurisdiction

Yes - Project has or will be required to provide a trash enclosure.

Suggestions to Reduce Impacts/Address Concerns

Enclosure shall be constructed on a level surface.

Recommended Conditions of Approval

Enclosure shall be built in accordance with current City of Fresno Standards P-33 and P-34.

2-cell trash enclosure required.

Three or more enclosures required for this project.

Additional Information

Location of enclosure is acceptable.



**FIRE DEPARTMENT**

**Date:** September 30, 2014

**To:** JOANN ZUNIGA, Development Services/Planning  
Development and Resource Management

**From:** DAVID POLANCO, Fire Prevention Inspector II  
Fire Department,

**Subject:** **Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, & Conditional Use Permit Application No. C-14-080 ABCUP** (780 E NEES) were filed by Gary Giannetta, on behalf of Russ Nakata, and pertain to property located on the northwest corner of East Nees and North Bond Avenues, 780 East Nees Avenue, APN 402-220-67. A-14-005 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from commercial recreation planned land use designation to neighborhood commercial land use designation for 4.63 acres; and 0.37 acre from office commercial planned land use designation to neighborhood commercial land use designation, which will allow for access from North First Street to the 4.63 acre site. R-14-009 proposes to amend the Official Zone Map to reclassify the subject property from C-R-UGM-cz (*Commercial Recreation-Urban Growth Management-conditions of zoning*, and C-P-UGM, *Administrative and Professional Office-Urban Growth Management-conditions of zoning*) zone district. C-14-080 ABCUP proposes the construction of a gas station comprised of 8 fueling stations accommodating 16 vehicles, and a 3,028 square foot ARCO AM-PM mini mart with the request to establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license (*package store - sale of beer and wine for consumption off the premises where sold*) and the construction of an 840 square foot office and 1,080 square foot storage area.

**General**

This project was reviewed by the fire department only for requirements related to water supply, fire hydrants, and fire apparatus access to the buildings on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or

engineer of record for the building.

Fire Department back check items require a wet signature from Fire Department staff. Back check items signed by any person other than sworn Fire Department staff are invalid.

All revisions to plans shall be called out with a cloud or delta.

Provide a site plan that shows compliance with all site plan requirements noted on site plan review.

Provide a copy of the approved stamped site plan from the Planning Division including all fire department notes to verify compliance with requirements. Site plans included with this plan submittal are subject to the conditions on the Planning Division approved set.

Provide note on site plan: Provide sign(s) (17 "x22" minimum) at all public entrance drives to the property which state "Warning -- Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense -- 22658(a) California Vehicle Code -- Fresno Police Department 621-2300."

Streets listed shall be identified as fire lanes as provided in the California Vehicle Code, Section 22500.1. Designate curbs as fire lanes (red curb with "Fire Lane" in 3 inch white letters every 50 feet or approved signs every 50 feet). See plan (Sheet Three) for locations.

Adjust the curbing across from the trash enclosure to accommodate the 44 foot centerline turn radius. See plans for location.



**DEPARTMENT OF PUBLIC UTILITIES  
ADMINISTRATION DIVISION  
MEMORANDUM**



*Providing Life's Essential Services*

**Date:** September 30, 2014

**To:** SOPHIA PAGOULATOS  
Planning and Development

**From:** KEVIN GRAY, Supervising Engineering Technician  
Department of Public Utilities, Planning and Engineering Division

**Subject:** SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-14-080

**General**

A-14-005, R-14-009 & C-14-080 ABCUP were filed by Gary Giannetta, on behalf of Russ Nakata, and pertain to property located on the northwest corner of East Nees and North Bond Avenues, 780 East Nees Avenue, APN 402-220-67. A-14-005 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from commercial recreation planned land use designation to neighborhood commercial land use designation for 4.63 acres; and 0.37 acre from office commercial planned land use designation to neighborhood commercial land use designation, which will allow for access from North First Street to the 4.63 acre site. R-14-009 proposes to amend the Official Zone Map to reclassify the subject property from C-R-UGM-cz, Commercial Recreation-Urban Growth Management-conditions of zoning, and C-P-UGM, Administrative and Professional Office-Urban Growth Management-conditions of zoning, zone district. C-14-080 ABCUP proposes the construction of a gas station comprised of 8 fueling stations accommodating 16 vehicles, and a 3,028 square foot ARCO AM-PM mini mart with the request to establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license, package store - sale of beer and wine for consumption off the premises where sold; and the construction of an 840 square foot office and 1,080 square foot storage area. County.

**Sewer Requirements**

The nearest sanitary sewer main to serve the proposed project is an 8-inch sewer main in East Nees Avenue. Sewer facilities are available to provide service to the site subject to the following requirements:

1. Installation of sewer house branch(s) shall be required.
2. On-site sanitary sewer facilities shall be private
3. Abandon any existing on-site private septic systems.
4. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.



*A Nationally Accredited Public Utility Agency*

### Sanitary Sewer Fees

The following Sewer Connection Charges are due and shall be paid for the Project:

1. Sewer Lateral Charge
2. Oversize Sewer Charge: #5
3. Trunk Sewer Charge: Herndon
4. Wastewater Facilities Charge (Non-Residential)
5. Upon connection of this Project to the City Sewer System the owner shall be subject to payment of Sewer Facility charges per Fresno Municipal Code Section 6-304 and 6-305. Sewer Facility Charges consist of two components, a Wastewater Facilities Charge and Trunk Sewer Charge where applicable.
6. Sewer Facility Charges are collected after occupancy on a monthly basis over time based on metered (water or sewer effluent) usage. The developer may contact the Department of Public Utilities/Wastewater-Environmental Control at (559) 621-5153 to receive an estimated cost of the Sewer Facility Charges applicable to the project (based on a constant sewer discharge and loading (Biochemical Oxygen Demand [BOD] and Total Suspended Solids [TSS] levels anticipated) at the current rates in effect, at that time, per Fresno's Master Fee Resolution. The developer shall provide data regarding estimated sewer discharge rates [flow] and loading [BOD/TSS levels] required for calculating the estimated charges.



Department of Public Utilities – Water Division



**DATE:** September 30, 2014

**TO:** SOPHIA PAGOULATOS, Supervising Planner  
Development Department/Current Planning

**THROUGH:** MICHAEL CARBAJAL, Chief Engineering Technician  
Department of Public Utilities, Water Division

**FROM:** ROBERT A. DIAZ, Senior Engineering Technician  
Department of Public Utilities, Water Division

**SUBJECT: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-14-080**

**General**

A-14-005, R-14-009 & C-14-080 ABCUP were filed by Gary Giannetta, on behalf of Russ Nakata, and pertain to property located on the northwest corner of East Nees and North Bond Avenues, 780 East Nees Avenue, APN 402-220-67. A-14-005 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from commercial recreation planned land use designation to neighborhood commercial land use designation for 4.63 acres; and 0.37 acre from office commercial planned land use designation to neighborhood commercial land use designation, which will allow for access from North First Street to the 4.63 acre site. R-14-009 proposes to amend the Official Zone Map to reclassify the subject property from C-R-UGM-cz, Commercial Recreation-Urban Growth Management-conditions of zoning, and C-P-UGM, Administrative and Professional Office-Urban Growth Management-conditions of zoning, zone district. C-14-080 ABCUP proposes the construction of a gas station comprised of 8 fueling stations accommodating 16 vehicles, and a 3,028 square foot ARCO AM-PM mini mart with the request to establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license, package store - sale of beer and wine for consumption off the premises where sold; and the construction of an 840 square foot office and 1,080 square foot storage area.

**Water Requirements**

The nearest water main to serve the proposed project is a 12-inch main in East Nees Avenue. Water facilities are available to provide service to the site subject to the following requirements:

- 1. No comments.





November 24, 2014

Sophia Pagoulatos  
City of Fresno  
Development and Resource Management Department  
2600 Fresno Street, Third Floor  
Fresno, CA 93721

**Project: A-14-005; R-14-009 and CUP C-14-080**

**District CEQA Reference No: 20140736**

Dear Ms. Pagoulatos:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of the construction of a gas station and minimart (project), located at 780 East Nees Avenue, in Fresno, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. Based on information provided to the District, the proposed project will be a District permitted facility and will not be subject to District Rule 9510 (Indirect Source Review).
3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

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

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

4. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Cherie Clark at (559) 230- 5940.

Sincerely,

Arnaud Marjollet  
Director of Permit Services

A handwritten signature in blue ink that reads "Cherie Clark". The signature is written in a cursive, flowing style.

For:  
Chay Thao  
Program Manager

AM: cc

## Operational Statement

Project Site Address: 602 East Ness Avenue

APN: 402-220-51

Date: August 12, 2014

These applications are filed to allow 4,948 sq.ft. of commercial use on 1.56 acres located on the northeast corner of E. Nees Avenue and N. Bond Street. The commercial use will consist of a 3,025 sq.ft. gas station/mini mart, 840 sq.ft. office, and 1,080 sq.ft. storage building. To allow for this project, the applicant proposes a plan amendment, rezoning, and conditional use permit.

The plan amendment consists of two parts, a General Plan and Woodward Park Community Plan land use amendment, and a Woodward Park Community Plan policy amendment. The land use amendment will redesignate 4.63 acres from commercial recreation use to neighborhood commercial use, and 0.37 acres from office commercial use to neighborhood commercial use. The 0.37 acres will allow for access to the 4.63 acre property from North First Street. Also, Policy 1-4.3-e of the Woodward Park Community Plan will be amended or repealed to allow this project.

The project site is already planned and zoned for commercial uses. It was intended for commercial recreation uses, specifically a bowling establishment. Given the significant decline in bowling lane demand, this use is no longer feasible. Other retail and service commercial uses are warranted because the Woodward Park Community Plans, 2025 General Plan, and Zoning Ordinance have been amended to allow more dwelling units and density in the immediate area. The First and Nees intersection is one of two community center commercial areas described in the Woodward Park Community Plan. Both streets are arterials and can accommodate the limited increase of commercial traffic from the existing to the proposed commercial uses. The plan amendment will still allow for uses consistent with the proposed General Plan.

The rezoning would cover the entire 5 acre site, and would rezone the property from the C-R and C-P (access/drive aisle) zone districts to the C-1 zone district.

The conditional use permit includes the required site plan, elevations, and floor plan drawings for the gas station/mini mart, office, and storage. The gas station/mini mart will sell beer and wine and operate 7 days a week, 6:00 am to 12:00 am. It will employ 10 people full and part time. The office will be a general/administrative office for the property owner. It will operate Monday through Friday, 8:00 am to 5:00 pm, and employ 2 people. The storage building will contain site maintenance equipment.

A-14-005, R-14-009, and C-14-080

Exhibit I  
Environmental Assessment No. A-14-005, R-14-009,  
C-14-080

## CITY OF FRESNO

NOTICE OF INTENT TO ADOPT A  
MITIGATED NEGATIVE DECLARATION

EA No. A-14-005, R-14-009, C-14-080 Environmental Assessment No. A-14-005, R-14-009, C-14-080 for a commercial development on the NW corner of First and Bond Avenues in Fresno California

## APPLICANT:

The City of Fresno  
Development and Resource Management Department  
Development Services Division  
2600 Fresno Street, Rm. 3076  
Fresno, California 93721  
Contact : Sophia Pagoulatos, Supervising Planner

## PROJECT LOCATION:

780 E. Nees Avenue, in the City and County of Fresno, California (5.0 acres)

36.851985 Latitude, -119.770588 Longitude

Assessor's Parcel Number: 402-220-67

Filed with:

**FILED**  
FEB 27 2015  
TIME 3:50  
By [Signature]  
FRESNO COUNTY CLERK  
DEPUTY

FRESNO COUNTY CLERK  
2221 Kern Street, Fresno, CA 93721

## PROJECT DESCRIPTION:

**Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, and Conditional Use Permit Application No. C-14-080** were filed by Gary Giannetta, on behalf of Russ Nakata, and pertain to property located on the northwest corner of East Nees and North Bond Avenues. **Plan Amendment Application No. A-14-005** proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from commercial recreation planned land use designation to community commercial land use designation for 4.63 acres; and 0.37 acre from office commercial planned land use designation to community commercial land use designation, which will allow for access from North First Street to the 4.63-acre site. **Rezone Application No. R-14-009** proposes to amend the Official Zone Map to reclassify the subject property from C-R/UGM/cz (*Commercial Recreation/Urban Growth Management/conditions of zoning*) and C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone districts to C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district. **Conditional Use Permit Application No. C-14-080** proposes the construction of a gas station comprised of 8 fueling stations accommodating 16 vehicles, and a 3,028 square-foot ARCO AM/PM mini mart with the requested establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license (package store – sale of beer and wine for consumption off the premises where sold); and the construction of an 840 square-foot office and 1,080 square-foot storage area.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is not fully within the scope of the Master Environmental Impact Report (MEIR) prepared for the Fresno General Plan (SCH # 2012111015). Therefore, the Development and Resource Management Department proposes to adopt a Mitigated Negative Declaration for this project.

With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

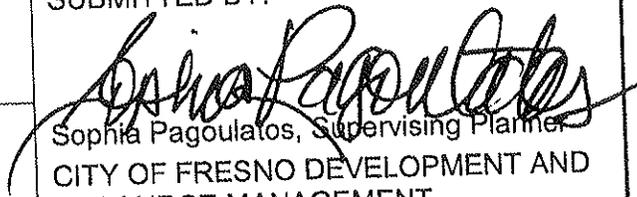
Additional information on the proposed project, including the proposed environmental finding of a mitigated negative declaration and the initial study may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, Room 3070, California 93721-3604. Please contact Corrina Nunez at (559) 621-8506 or Sophia Pagoulatos at (559) 621-8062 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on **March 17, 2015**. Please direct comments to Sophia Pagoulatos, Planner, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Room 3076, Fresno, California, 93721-3604; or by email to [Sophia.Pagoulatos@fresno.gov](mailto:Sophia.Pagoulatos@fresno.gov); or comments can be sent by facsimile to (559) 498-1026.

INITIAL STUDY PREPARED BY:

Sophia Pagoulatos, Supervising Planner

SUBMITTED BY:



Sophia Pagoulatos, Supervising Planner  
CITY OF FRESNO DEVELOPMENT AND  
RESOURCE MANAGEMENT  
DEPARTMENT

DATE: February 27, 2015

<b>CITY OF FRESNO</b>  <b>MITIGATED NEGATIVE DECLARATION</b>		Notice of Intent was filed with:  <b>FRESNO COUNTY CLERK</b> 2221 Kern Street Fresno, California 93721  on  <b>February 27, 2015</b>
The full Initial Study and the Master Environmental Impact Report SCH No. 2012111015 are on file in the Development and Resource Management Department, Fresno City Hall, 3rd Floor 2600 Fresno Street Fresno, California 93721 (559) 621-8277	<b>ENVIRONMENTAL ASSESSMENT NUMBER:</b>  <b>EA No. A-14-005, R-14-009, C-14-080</b>	
<b>APPLICANT:</b>  Bret Gianetta on behalf of Russ Nakata Sequoia II, LLC and Sequoia Joint Venture 4747 first Street, #128 Fresno, CA 93726	<b>PROJECT LOCATION:</b>  780 E. Nees Avenue, in the City and County of Fresno, California (5.0 acres)  36.851985 Latitude, -119.770588 Longitude  Assessor's Parcel Number: 402-220-67	
<b>PROJECT DESCRIPTION:</b>  <p> <b>Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, and Conditional Use Permit Application No. C-14-080</b> were filed by Gary Giannetta, on behalf of Russ Nakata, and pertain to property located on the northwest corner of East Nees and North Bond Avenues. <b>Plan Amendment Application No. A-14-005</b> proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from commercial recreation planned land use designation to community commercial land use designation for 4.63 acres; and 0.37 acre from office commercial planned land use designation to community commercial land use designation. In addition, Commercial Policy 1-4.3-e of the Woodward Park Community Plan is proposed to be amended as follows: "...At the two identified community commercial nodes where up to 25 30 acres may be developed, the total acreage may be distributed on three corners of the intersection. <b>Rezone Application No. R-14-009</b> proposes to amend the Official Zone Map to reclassify the subject property from C-R/UGM/cz (<i>Commercial Recreation/Urban Growth Management/conditions of zoning</i>) and C-P/UGM (<i>Administrative and Professional Office/Urban Growth Management</i>) zone districts to C-1/UGM/cz (<i>Neighborhood Shopping Center/Urban Growth Management/conditions of zoning</i>) zone district. <b>Conditional Use Permit Application No. C-14-080</b> proposes the construction of a gas station comprised of 8 fueling stations accommodating 16 vehicles, and a 3,028 square-foot ARCO AM/PM mini mart with the requested establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license (package store – sale of beer and wine for consumption off the premises where sold); and the construction of an 840 square-foot office and 1,080 square-foot storage area.         </p>		
The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that may not be fully within the scope of the Master Environmental Impact Report (MEIR) SCH No. 2012111015 prepared for the Fresno General Plan.		

Therefore, the Development and Resource Management Department proposes to adopt a Mitigated Negative Declaration for this project.

With project specific mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

Additional information on the proposed project, including the proposed environmental finding of a mitigated negative declaration, initial study and all documents and technical studies referenced in the initial study, as well as electronic copies of documents, may be obtained from the Development and Resource Management Department, Fresno City Hall, 2600 Fresno Street, Third Floor-North, Room 3076, Fresno, California 93721-3604. Please contact Sophia Pagoulatos at (559) 621-8061 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Comments may be submitted at any time between the publication date of this notice and close of business on **March 18, 2015**. Please direct all comments to Sophia Pagoulatos, City of Fresno Development and Resource Management Department, City Hall, 2600 Fresno Street, Third Floor-North, Room 3076, Fresno, California, 93721-3604; or by email, [Phillip.Siegrist@fresno.gov](mailto:Phillip.Siegrist@fresno.gov) ; or by facsimile, (559) 498-1026. Para información en español, comuníquese con Sophia Pagoulatos al teléfono (559) 621-8062.

<p>PREPARED BY: Sophia Pagoulatos, Planner</p>	<p>SUBMITTED BY:</p>  <p>Sophia Pagoulatos, Supervising Planner DEVELOPMENT &amp; RESOURCE MANAGEMENT DEPARTMENT</p>
<p>DATE: February 27, 2015</p>	<p><b>Exhibit A:</b> Initial Study Impact Checklist and Initial Study (Appendix G) <b>Exhibit B:</b> Master Environmental Impact Report No. SCH No. 2012111015 General Plan Mitigation Monitoring Checklist <b>Exhibit C:</b> Project-Specific Mitigation Monitoring Checklist dated February 27, 2015</p>
<p>Attachments:</p>	

**MODIFIED APPENDIX G TO ANALYZE  
SUBSEQUENT PROJECT IDENTIFIED IN MEIR SCH No. 2012111015**

**Environmental Checklist Form  
For EA No. A-14-005, R-14-009, C-14-080**

1. **Project Title:**  
Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, And Conditional Use Permit Application No. C-14-08,
2. **Lead agency name and address:**  
City of Fresno  
Development and Resource Management Department  
2600 Fresno Street  
Fresno, CA 93721
3. **Contact person and phone number:**  
Sophia Pagoulatos, Supervising Planner  
City of Fresno  
Development & Resource Management Department  
(559) 621-8063
4. **Project location:**  
  
780 E. Nees Avenue, in the City and County of Fresno, California (5.0 acres)  
36.851985 Latitude, -119.770588 Longitude  
  
Assessor's Parcel Number: 402-220-67
5. **Project sponsor's name and address:**  
Gary Giannetta, on behalf of  
Russ Nakata  
Sequoia II, LLC and Sequoia-Fresno Joint Venture  
4747 N. First Street, #128  
Fresno, CA 93726
6. **General plan designation:**  
**Existing:** Commercial Recreation  
**Proposed:** Community Commercial  
**Zoning:**  
**Existing:** C-R/UGM/cz (*Commercial Recreation/Urban Growth Management/conditions of zoning*) and C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone districts  
**Proposed:** C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth*

*Management/conditions of zoning*) zone district

8. **Description of project:**

**Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, and Conditional Use Permit Application No. C-14-080** were filed by Gary Giannetta, on behalf of Russ Nakata, and pertain to property located on the northwest corner of East Nees and North Bond Avenues.

**Plan Amendment Application No. A-14-005** proposes to amend the Fresno General Plan and the Woodward Park Community Plan from commercial recreation planned land use designation to community commercial land use designation for 4.63 acres; and 0.37 acre from office commercial planned land use designation to community commercial land use designation. In addition, Commercial Policy 1-4.3-e of the Woodward Park Community Plan is proposed to be amended as follows: "...At the two identified community commercial nodes where up to ~~25~~ 30 acres may be developed, the total acreage may be distributed on three corners of the intersection.

**Rezone Application No. R-14-009** proposes to amend the Official Zone Map to reclassify the subject property from C-R/UGM/cz (*Commercial Recreation/Urban Growth Management/conditions of zoning*) and C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone districts to C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone district.

**Conditional Use Permit Application No. C-14-080** proposes the construction of a gas station comprised of 8 fueling stations accommodating 16 vehicles, and a 3,028 square-foot ARCO AM/PM mini mart with the requested establishment of a State of California Alcoholic Beverage Control Type 20 alcohol license (package store – sale of beer and wine for consumption off the premises where sold); and the construction of an 840 square-foot office and 1,080 square-foot storage area.

The amendment to the Woodward Park Community Plan Policy 1-4.3-e noted above would affect just two commercial corners in the plan area: the subject project location at First and Nees, and one other commercial corner. The plan did not specify the other commercial corner, but it was likely Cedar and Nees, which is already built out and would not be affected by the policy change. The policy change would allow an increase from the currently allowed 25 acres of community commercial development to 30 acres at the intersection.

9. Surrounding land uses and :

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Commercial Recreation  Commercial Office	<b>C-R/UGM/cz</b> <i>Commercial Recreation/ Urban Growth Management/ conditions of zoning</i>  <b>C-P/UGM/cz</b> <i>Commercial Office/ Urban Growth Management/ conditions of zoning</i>	Vacant
<b>South</b>	Public Facility	<b>R-A</b> <i>Single Family Residential - Agriculture</i>	US Post Office
<b>East</b>	Commercial Recreation	<b>C-R/UGM/cz</b> <i>Commercial Recreation/ Urban Growth Management/ conditions of zoning</i>	Vacant
<b>West</b>	Community Commercial	<b>C-1/UGM/cz</b> <i>Neighborhood Shopping Center/ Urban Growth Management/ conditions of zoning</i>	Vacant and shopping center

10. Other public agencies whose approval is required:

Development and Resource Management Department, Building & Safety Services Division; Department of Public Works; Department of Public Utilities; County of Fresno, Department of Public Health; City of Fresno Fire Department; Fresno Metropolitan Flood Control District; San Joaquin Valley Air Pollution Control District; Fresno Irrigation District,

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

Pursuant to Public Resources Code Section 21157.1(b) and CEQA Guidelines 15177(b)(2), the purpose of this MEIR initial study is to analyze whether the subsequent project was described in the Master Environmental Impact Report SCH No. 2012111015 and whether the subsequent project may cause any additional significant effect on the environment, which was not previously examined in (MEIR) SCH No. 2012111015 ("MEIR") adopted for the updated Fresno General Plan.

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature



February 27, 2015

Date

EVALUATION OF ADDITIONAL ENVIRONMENTAL IMPACTS NOT ASSESSED IN THE MEIR :

1. For purposes of this MEIR Initial Study, the following answers have the corresponding meanings:
  - a. "No Impact" means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the MEIR .
  - b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration that was not previously examined in the MEIR , but that impact is less than significant;
  - c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR , however, with the mitigation incorporated into the project, the impact is less than significant.
  - d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR .
2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is

appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

5. A "Finding of Conformity" is a determination based on an initial study that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND.
6. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
7. Earlier analyses may be used where, pursuant to the tiering, program EIR or MIER, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the MEIR or another earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
8. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
9. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
10. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
11. The explanation of each issue should identify:

- a. The significance criteria or threshold, if any, used to evaluate each question; and
- b. The mitigation measure identified, if any, to reduce the impact to less than significance

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. <b>AESTHETICS</b> -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

**a. Scenic Vista**

The General Plan Update identifies six locations along the San Joaquin River bluffs as scenic vistas. Distant views of highly valued features such as the San Joaquin River, the foothills of the Sierra Nevada, and the Downtown Fresno buildings are provided in within the Planning Area and could be considered scenic vistas.

Since the project is not located in the above described scenic areas, it does not have access to scenic vistas along the San Joaquin River or the Sierra Nevada. Therefore scenic vista impacts are less than significant.

**State Scenic Highways**

According to the California Department of Transportation mapping of State Scenic Highways ([http://www.caltrans.ca.gov/hq/LandArch/scenic\\_highways/fresno.htm](http://www.caltrans.ca.gov/hq/LandArch/scenic_highways/fresno.htm)), the County of Fresno does not have any officially designated State Scenic Highways, but has three eligible State Scenic Highways. The nearest eligible highways are east of the Planning Area along State Route 180 (approximately 7 miles east of the Planning Area) and along State Route 168 east of the City of Clovis (approximately 5 miles east of the Planning Area). Since there are no eligible or officially designated State scenic highways within the Planning Area, future development in accordance with the General Plan and Development Code Update would not impact a designated state scenic highway. The eligibility of the three State Scenic Highways near the Planning Area, scenic resources located within the highway segments or its viewshed would not be impacted by future development either. Therefore, future development within the Planning Area would not impact scenic resources within a state scenic highway located well outside of the Planning Area.

Since there are no officially designated State Scenic Highways within the City or County of Fresno, no impacts to these resources will occur as a result of the project.

#### **b. Visual Character**

To reduce potential visual character impacts within the Planning Area, the General Plan Update includes several urban design-related objectives and policies within the Urban Form, Land Use and Design Element and the Mobility and Transportation Element.

These policies have been applied to the project and where necessary, have resulted in design-related conditions of approval. With these conditions applied, impacts to visual character are less than significant. The policies are the following:

#### ***Urban Form, Land Use and Design Element***

**Objective UF-14.** Create an urban form that facilitates multi-modal connectivity.

**Policy UF-14-a.** Design Guidelines for Walkability. Develop and use design guidelines and standards for a walkable and pedestrian-scaled environment with a network of streets and connections for pedestrians and bicyclists, as well as transit and autos.

**Policy LU-1-a.** Promote Development within the Existing City Limits as of December 31, 2012. Promote new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the City.

**Objective LU-2.** Plan for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.

**Policy LU-5-g.** Scale and Character of New Development. Allow new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.

**Objective D-4.** Preserve and strengthen Fresno's overall image through design review and create a safe, walkable and attractive urban environment for the current and future generations of residents.

**Policy D-6-b.** Consider adopting and implementing incentives for, and support efforts by, private development to incorporate culturally-specific architectural elements in areas with a predominant ethnic population.

In addition, the General Plan identifies Scenic Corridors within the plan area that have special visual character that should be preserved. These corridors are the following:

- Van Ness Boulevard – Weldon to Shaw Avenues
- Van Ness Extension – Shaw Avenue to the San Joaquin River Bluff
- Kearney Boulevard – Fresno Street to Polk Avenue
- Van Ness-Fulton couplet – Weldon Avenue to Divisadero
- Butler Avenue – Peach to Fowler Avenues
- Minnewawa Avenue – Belmont Avenue to Central Canal
- Huntington Boulevard – First Street to Cedar Avenue
- Shepherd Avenue – Friant Road to Willow Avenue
- Audubon Drive – Blackstone to Herndon Avenues
- Friant Road – Audubon to Millerton Roads
- Tulare Avenue – Sunnyside to Armstrong Avenues
- Ashlan Avenue – Palm to Maroa Avenues

Since the project location is not on any of the above-mentioned corridors, no impacts to scenic corridors would result from the project.

#### **c. Light or Glare**

Light or glare in an urban area is typically generated by street lights, exterior lighting systems on private and public property, exterior lighting from buildings, and vehicular headlights, new illuminated signs, and lighting systems to illuminate active play areas.

The primary impacts from light and glare are spillover onto adjacent light sensitive uses such as residences. The GP MEIR includes mitigation measures that require that lighting be shielded and directed away from light sensitive uses.

Mitigation Measures

1. The proposed project shall implement and incorporate the aesthetic related mitigation measures as identified in the attached Master Environmental Impact Report No. (MEIR) SCH No. 2012111015 Fresno General Plan Mitigation Monitoring Checklist dated February 27, 2015.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>II. AGRICULTURE AND FORESTRY RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. -- Would the project:</p>				
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>				X
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

The California Department of Conservation established the Farmland Mapping and Monitoring Program (FMMP) in 1982. The FMMP produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland with additional categories, including Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. Based on the FMMP, there are approximately 9,550 acres of Prime Farmland, approximately 2,911 acres of Unique Farmland, and approximately 2,355 acres of Farmland of Statewide Importance for a total of approximately 14,816 acres within the Planning Area. Based on existing farmland data received from the Fresno County Assessor's Office Land Use Codes that was provided by City staff, there is a total of approximately 11,714 acres that have agricultural operations.

With the implementation of the General Plan and Development Code Update, the approximately 15,903 acres of FMMP-designated farmland and approximately 11,714 acres of existing farmland are anticipated to be converted to uses other than agriculture. This conversion is a significant impact on agricultural resources.

**a/e Conversion of Farmland to Non-Agricultural Use**

The subject site is designated as “Urban and Built-Up Land” by the 2010 Rural Mapping Edition: Fresno County Important Farmland Map, and thus has no farmland considered to be prime farmland, farmland of statewide importance, or unique farmland. The subject site is currently vacant, and does not contain active agricultural land. Aerial photos dating back to 1992 show the land has not been cultivated since that time. Therefore no impacts would occur.

**b. Conflict with Zoning for Ag Use or Williamson Act Contract.**

The project site is currently planned and zoned for commercial use and the current applications would simply change the type of commercial development allowed. Agricultural uses are not allowed under existing conditions, nor would they be allowed under the proposed applications. Therefore no conflict exists regarding zoning for agricultural uses. Regarding potential Williamson Act related impacts, there are approximately 1,615 acres of land under Williamson Act Contract in the planning area. The project site is not under Williamson Act contract. Therefore no impacts would occur.

**c/d Result in the Loss of Forest Land**

The project site and surrounding area does not contain active agricultural land, does not contain forest or timberland zoning and is currently vacant. Therefore, land use and development activities contemplated by the proposed project would not impact forest resources. No impacts will occur.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>III. AIR QUALITY AND GLOBAL CLIMATE CHANGE</b> - (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) -</p> <p>-</p> <p>Would the project:</p>				

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

The subject site is located in Fresno County and within the San Joaquin Valley Air Basin (SJVAB). This region has had chronic non-attainment of federal and state clean air standards for ozone/oxidants and particulate matter due to a combination of topography and climate. The San Joaquin Valley (Valley) is hemmed in on three sides by mountain ranges, with prevailing winds carrying pollutants and pollutant precursors from urbanized areas to the north (and in turn contributing pollutants and precursors to downwind air basins). The Mediterranean climate of this region, with a high number of sunny days and little or no

measurable precipitation for several months of the year, fosters photochemical reactions in the atmosphere, creating ozone and particulate matter.

Regional factors affect the accumulation and dispersion of air pollutants within the SJVAB.

Air pollutant emissions overall are fairly constant throughout the year, yet the concentrations of pollutants in the air vary from day to day and even hour to hour. This variability is due to complex interactions of weather, climate, and topography. These factors affect the ability of the atmosphere to disperse pollutants. Conditions that move and mix the atmosphere help disperse pollutants, while conditions that cause the atmosphere to stagnate allow pollutants to concentrate. Local climatological effects, including topography, wind speed and direction, temperature, inversion layers, precipitation, and fog can exacerbate the air quality problem in the SJVAB.

The SJVAB is approximately 250 miles long and averages 35 miles wide, and is the second largest air basin in the state. The SJVAB is defined by the Sierra Nevada in the east (8,000 to 14,000 feet in elevation), the Coast Ranges in the west (averaging 3,000 feet in elevation), and the Tehachapi mountains in the south (6,000 to 8,000 feet in elevation). The Valley is basically flat with a slight downward gradient to the northwest. The Valley opens to the sea at the Carquinez Straits where the San Joaquin-Sacramento Delta empties into San Francisco Bay. The Valley, thus, could be considered a "bowl" open only to the north.

During the summer, wind speed and direction data indicate that summer wind usually originates at the north end of the Valley and flows in a south-southeasterly direction through the Valley, through Tehachapi Pass, into the Southeast Desert Air Basin. In addition, the Altamont Pass also serves as a funnel for pollutant transport from the San Francisco Bay Area Air Basin into the region.

During the winter, wind speed and direction data indicate that wind occasionally originates from the south end of the Valley and flows in a north-northwesterly direction. Also during the winter months, the Valley generally experiences light, variable winds (less than 10 mph). Low wind speeds, combined with low inversion layers in the winter, create a climate conducive to high carbon monoxide (CO) and particulate matter (PM10 and PM2.5) concentrations. The SJVAB has an "Inland Mediterranean" climate averaging over 260 sunny days per year. The Valley floor is characterized by warm, dry summers and cooler winters. For the entire Valley, high daily temperature readings in summer average 95°F. Temperatures below freezing are unusual. Average high temperatures in the winter are in the 50s, but highs in the 30s and 40s can occur on days with persistent fog and low cloudiness. The average daily low temperature is 45°F.

The vertical dispersion of air pollutants in the Valley is limited by the presence of persistent temperature inversions. Solar energy heats up the Earth's surface, which in turn radiates heat and warms the lower atmosphere. Therefore, as altitude increases, the air temperature usually decreases due to increasing distance from the source of heat. A reversal of this atmospheric state, where the air temperature increases with height, is termed an inversion.

Inversions can exist at the surface or at any height above the ground, and tend to act as a lid on the Valley, holding in the pollutants that are generated here.

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the local regional jurisdictional entity charged with attainment planning, rulemaking, rule enforcement, and monitoring under Federal and State Clean Air Acts and Clean Air Act Amendments.

**a.b.c: Conflict with Air Quality Plan and Standards or Cumulative Net Increase of Pollutants**

The SJVAPCD has reviewed the proposed project and determined that the project will not occur at a scale or scope with potential to contribute substantially or cumulatively to existing or projected air quality violations, impacts, or increases of criteria pollutants for which the San Joaquin Valley region is under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). The proposed project will comply with all applicable air quality plans (pursuant to letter dated November 24, 2014 from the San Joaquin Valley Air Pollution Control District).

The proposed project must fully comply with applicable regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD). which may include but not be limited to, Regulation VIII (Fugitive PM 10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

The proposed project will comply with the Resource Conservation Element of the Fresno General Plan and the Goals, Policies and Objectives of the Regional Transportation Plan adopted by the Fresno Council of Fresno County Governments; therefore the project will not conflict with or obstruct an applicable air quality plan.

Therefore, compliance with all of the above SJVAPCD Rules results in a less than significant impact on air quality with respect to air quality plans and standards, and cumulative increases in criteria pollutants.

**d.Sensitive Receptors**

Development of the subject property, pursuant the proposed applications will not expose sensitive receptors to substantial pollutant concentrations. The project is located in proximity to existing residential development, which is considered a "sensitive receptor" type use. However, the subject site proposed for development under conditional use permit no. C-14-080 is not located within 300 of residential property, which is the distance threshold at which mitigation measures would be required.

**e.Odors**

The project is not expected to generate any odors, as it will be subject to all of the use

restrictions applicable to typical retail and auto service station-type projects. No manufacturing activities would be allowed in the proposed C-1 zone district, and none are proposed with the project.

In summary, there are no significant air quality or global climate change impacts expected to occur as a result of the proposed project, no violations of air quality standards will occur and no net increase of pollutants will occur beyond those previously analyzed by the MEIR .

Subject to compliance with the construction and development requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the Resource Conservation Element of the Fresno General Plan, no violations of air quality standards will occur. The project will not occur at a scale or scope with potential to contribute substantially to an existing or projected air quality violation. The project will not occur at a scale or scope which will result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment.

Therefore, subject to implementation of the SJVAPCD rules noted above, no violations of air quality standards will occur, no net increase of pollutants will occur and no significant air quality or global climate change impacts are perceived to occur as a result of the proposed project. No sensitive receptors will be impacted, and no odors will be generated. Therefore impacts are less than significant.

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES --</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

a-f: The proposed project would not directly affect any sensitive, special status, or candidate species, nor would it modify any habitat that supports them. There is no riparian habitat or any

other sensitive natural community identified in the vicinity of the proposed project by the California Department of Fish and Game or the US Fish and Wildlife Service. No federally protected wetlands are located on the subject site. Therefore, there would be no impacts to species, riparian habitat or other sensitive communities and wetlands. There are also no bodies of water on the subject site or in the immediate vicinity of the subject site. The proposed project would have no impact on the movement of migratory fish or wildlife species or on established wildlife corridors or wildlife nursery sites. No local policies regarding biological resources are applicable to the subject site and there would be no impacts with regard to those plans.

There are no existing mature trees or other vegetation on the site and no habitat conservation plans or natural community conservation plans in the region pertain to the natural resources that exist on the subject site or in its immediate vicinity.

Finally, no actions or activities resulting from the implementation of the proposed project would have the potential to affect floral, or faunal species; or, their habitat with MEIR mitigation measures imposed. Therefore, impacts to biological resources are less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate the air quality related mitigation measures as identified in the attached Master Environmental Impact Report No. (MEIR) SCH No. 2012111015 Fresno General Plan Mitigation Monitoring Checklist dated February 27, 2015.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Cultural resources include prehistoric-era archaeological sites, historic-era archaeological sites, Native American traditional cultural properties, sites of religious and cultural significance, and historical buildings, structures, objects, and sites. The importance of any single cultural resource is defined by the context in which it was first created, current public opinion and modern yet evolving analysis. From the analytical perspective, temporal and geographic considerations help to define the historical context of the Planning Area. The importance or significance of a cultural resource is in part described by the context in which it originated or developed. National Park Service Bulletin 16a (1997: <http://www.nps.gov/nr/publications/bulletins/nrb16a.pdf>), describes a historic context as “information about historic trends and properties grouped by an important theme in prehistory or history of a community, state, or the nation during a particular period of time.” A context links an existing property to important historic trends and this allows a framework for determining the significance of a property. Given this, a major goal of the historian is to determine accurate themes of analysis, a task that can only be undertaken by a thorough review of previous researchers’ thoughts and ideas, as well as reviewing the literature of the resources.

In California, historians have divided the past into broad categories based on climate models, archaeological dating and written histories. Paleontologists divide time into much larger segments, with defined and named periods of time shortening in timespan as the modern era is reached.

The site does not contain any cultural resources on the local, state or national registers of historic places. However some of the site may contain previously undisturbed land, and would be subject to the mitigation measures in the MEIR related to late discovery of cultural resources.

Mitigation Measures

2. The proposed project shall implement and incorporate the cultural resource related mitigation measures as identified in the attached Master Environmental Impact Report No. (MEIR) SCH No. 2012111015 Fresno General Plan Mitigation Monitoring Checklist dated February 27, 2015.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

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

Fresno is classified by the State as being in a moderate seismic risk zone, Category "C" or "D," depending on the soils underlying the specific location being categorized and that location's proximity to the nearest known fault lines. All new structures are required to conform to current seismic protection standards in the California Building Code.

The highly erodible face of the San Joaquin River bluff, and small areas of expansive clay in the northeastern portion of the city's Sphere of Influence, are the only unstable soil conditions known to exist in the City. Despite long-term overdrafting of groundwater that has lowered the static groundwater level under Fresno by as much as 100 feet over the past century, surface

subsidence has not been noted in the vicinity of the city (this is probably due to the geologic strata underlying the city, which features layers of clay and hardpan interleaved with alluvial sand and gravel layers).

This project is located in the north central portion of Fresno, within the Woodward Park Community Plan Area. There are no known geologic hazards or unstable soil conditions known to exist on the site. The existing topography demonstrates 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.

No adverse environmental effects related to topography, soils or geology are expected as a result of this project. Therefore, impacts are less than significant.

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

When sunlight strikes the Earth's surface, some of it is reflected back into space as infrared radiation. When the net amount of solar infrared energy reaching Earth's surface is about the same as the amount of energy radiated back into space, the average ambient temperature of the Earth's surface should remain more or less constant.

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

GHGs are gases having properties that absorb and emit radiation within the thermal infrared range, and that would cause thermal energy (heat) to be trapped the earth's atmosphere. It is believed that increased levels of GHGs in the atmosphere can disturb the thermal equilibrium of the earth when natural carbon cycle processes (such as photosynthesis) are unable to absorb sufficient quantities of carbon dioxide and other GHGs in comparison with the amount of GHGs being emitted. It is believed that a combination of factors related to human activities, such as deforestation, emissions of GHG into the atmosphere from carbon fuel combustion, etc. are causing climate change.

Some GHGs occur naturally and are emitted to the atmosphere through both natural processes and human activities. Other GHGs are created and emitted solely through human activities. Water vapor is the most predominant GHG, and is primarily a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans. The major anthropogenic GHGs (those that enter the atmosphere because of human activities) are carbon dioxide, methane, nitrous oxide and fluorinated gases.

GHGs were not generally thought of as traditional air pollutants because their impacts are global and diffuse in nature, while the criteria air pollutants and air toxics directly affect the health of people and other living things at ground level in the general region of their release to the atmosphere. However, it has been realized that GHGs and associated climate change could also drastically affect the health of populations not only in the U.S., but around the world through ocean rise that displaces populations, causes economic and infrastructure damage, disrupts agriculture, increases heat-related illnesses, exacerbates effects of criteria air pollutants, spreads of infectious diseases through proliferation of mosquitoes and other vectors carrying "tropical" diseases into temperate climate zones, and alters/endangers natural flora and fauna in terrestrial and aquatic environments. One off-cited example of a predicted change in global climate is that the Sierra snowpack could be reduced to as little as 20% of its historic levels, a dire consequence since it is estimated that over 70% of California's population relies on this "frozen reservoir" for its water supply.

## **Regulation**

There are a host of federal, state and local regulations which create the regulatory framework for greenhouse gases. See MEIR Greenhouse Gas Reduction Chapter for a full discussion of these regulations.

### **a. Generation of Greenhouse Gases**

The General Plan Update and MEIR relies upon a Greenhouse Gas Reduction Plan and provides a comprehensive assessment of the benefits of city policies and proposed code changes, existing plans, programs, and initiatives that reduce greenhouse gas emissions. That plan includes strategies to reduce per capita greenhouse gas emissions to 1990 levels by 2020. The plan demonstrates that even though there is increased growth, the City would still

be reducing greenhouse gas emissions through 2020 and per capita emission rates drop substantially. The benefits of adopted regulations become flat in later years and growth starts to exceed the reductions from all regulations and measures. Although it is highly likely that regulations will be updated to provide additional reductions, none are reflected in the analysis since only the effect of adopted regulations is included.

Compliance with General Plan policies related to urban design, infill development, higher density in select areas within the city, complete neighborhoods, and water conservation is expected to result in less than significant impacts to GHG emissions through the year 2020. However, after that year, it could not be shown with certainty that these emissions would continue to be reduced, so the overall citywide impact of the implementation of the General Plan with respect to GHGs was considered to be significant and unavoidable.

The project itself, however, will be subject to all of the above policies of the general plan, and will not, by itself, create any significant GHG impacts.

**b. Conflicts with GHG Plan, Policy or Regulation**

Currently, the only applicable plan, policy or regulation for the City of Fresno is the Air Resources Board’s Scoping Plan implementing AB 32. The Greenhouse Gas Reduction Plan will serve as the applicable plan once adopted. The Greenhouse Gas Reduction Plan is designed to provide a comprehensive strategy that demonstrates consistency with AB 32 and the Scoping Plan.

Therefore, as long as the proposed project complies with the GHG Reduction Plan, GHG impacts are less than significant.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. HAZARDS AND HAZARDOUS MATERIAL</b> -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Hazardous materials, as defined by the California Code of Regulations, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous materials are grouped into the following four categories, based on their properties:

- Toxic - causes human health effects
- Ignitable - has the ability to burn
- Corrosive - causes severe burns or damage to materials
- Reactive - causes explosions or generates toxic gases

A hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. The criteria that define a material as hazardous also define a waste as hazardous. If improperly handled, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

**a. Create hazard through routine transport, use or disposal of a hazardous material?**

Proposed project consists of a plan amendment, rezone and conditional use permit to facilitate the development of an auto service station and minimart, along with other neighborhood retail uses consistent with the C-1 zone district. The Fresno County Department of Environmental Health reviews and conditions projects to avoid or mitigate any environmental health concerns related to hazardous materials. Specifically, project

conditions will require the securing of a permit to operate an underground storage tank system, the approval of a hazardous materials business plan, and compliance with all applicable regulations regarding property labeling, storage and handling of hazardous wastes (pursuant to letter from the Fresno County Department of Public Health dated September 23, 2014).

**1. Create hazard through creation of accident or upset?**

No impacts are expected to occur with the construction of the project with implementation of project conditions noted above.

**b. Emit hazardous emissions within one quarter mile of an existing or planned school?**

Although the proposed project is within a quarter mile of Lincoln Elementary and Kastner Intermediate School campus, the project is not expected to generate any hazardous emissions with compliance with regulations noted above.

**c. Create public or environmental hazard due to being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5?**

No impacts are expected as the project is not located on such a site.

**d. Creation of safety hazard for people living within the vicinity of an airport plan?**

The project site is not located within the vicinity of an airport plan.

**e. Creation of a safety hazard at a private airstrip?**

The project site is not located within the vicinity of a private airstrip.

**f. Interfere with an emergency response or evacuation plan?**

The project will not cause the obstruction or elimination of any vehicular, bicycle, or pedestrian access routes, therefore it will not interfere with an emergency response or evaluation plan.

**g. Expose people or property to wildland fire risk?**

As detailed in the City of Fresno Map Atlas Existing Conditions Report, dated August 2011, although the City of Fresno is proximate to high and very high fire hazard designated areas, the city is largely categorized as little or no threat or moderate fire hazard, which is largely attributed to paved areas. Some small areas along the San Joaquin River Bluff area in

northern Fresno are prone to wildfires due to relatively steep terrain/vegetation, and these areas are classified as high fire hazard areas.

The project site is located in the southwest portion of the Woodward Park Community Plan area. This area is essentially urbanized in all directions and is therefore in a low fire hazard area. In addition, the proposed project is within the fire protection service area of Fire Station 13 located on the southeast corner of Nees and Bond Avenues, approximately 130 feet from the project site. Finally, all construction must comply with the California Building Code, which incorporates design measures to reduce fire risk. Therefore, the site will be protected from fire risk to the extent possible due to construction regulations and fire protection services.

1. The proposed project shall implement the Hazards and Hazardous Material related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated February 27, 2015

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. HYDROLOGY AND WATER QUALITY -- Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

Fresno is one of the largest cities in the United States still relying primarily on groundwater for its public water supply. Surface water treatment and distribution has been implemented in the northeastern part of the City, but the city is still subject to an EPA Sole Source Aquifer designation. While the aquifer underlying Fresno typically exceeds a depth of 300 feet and is capacious 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, and an historic trend of high consumptive use of water on a per capita basis (some 250 gallons per day per capita), have resulted in a general decline in aquifer levels, increased cost to provide potable water, and localized water supply limitations.

The adverse groundwater conditions of limited supply and compromised quality have been well- documented by planning, environmental impact report and technical studies over the past 20 years including the Master Environmental Impact Report (MEIR) No. SCH No. 2012111015 for the General Plan Update, the MEIR 10130 for the Fresno General Plan, Final EIR No.10100, Final EIR No.10117, and Final EIR No. SCH 95022029 (Fresno Metropolitan Water Resource Management Plan), et al. These conditions include water quality degradation due to DBCP, arsenic, iron, and manganese concentrations; low water well yields; limited aquifer storage capacity and recharge capacity; and, intensive urban or semi-urban development occurring upgradient from the Fresno Metropolitan Area.

In response to the need for a comprehensive long-range water supply and distribution strategy, the General Plan recognizes the Kings Basin's Integrated Regional Water Management Plan, Fresno-Area Regional Groundwater Management Plan, and City of Fresno Metropolitan Water Resource Management Plan and cites the findings of the City of Fresno 2010 Urban Water Management Plan. The purpose of these management plans is to provide safe, adequate, and dependable water supplies to meet the future needs of the Kings Basin regions and the Fresno-Clovis metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably implementable measures and facilities.

The 2010 Urban Water Management Plan, Figure 4-3 (incorporated by reference) illustrates the City of Fresno's goals to achieve a 'water balance' between supply and demand while decreasing reliance upon and use of groundwater. To achieve these goals the City is implementing a host of strategies, including:

- Intentional groundwater recharge through reclamation at the City's groundwater recharge facility at Leaky Acres (located northwest of Fresno-Yosemite international Airport), refurbish existing streams and canals to increase percolation, and recharge at Fresno Municipal Flood Control District's (FMFCD) storm water basins;
- Increase use of existing surface water entitlements from the Kings River, United States Bureau of Reclamation and Fresno Irrigation District for treatment at the Northeast Storm Water Treatment Facility (NESWTF) and construct a new Southeast Storm Water Treatment Facility (SESWTF); and
- Recycle wastewater at the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF) for treatment and re-use for irrigation, and to percolation ponds for groundwater recharge. Further actions include the General Plan, Policy RC-6-d to prepare, adopt and implement a City of Fresno Recycled Water Master Plan.

The City of Fresno has adopted a key objective of balancing its groundwater operations by 2025. Groundwater is replenished mainly by natural recharge and subsurface flows, however the major component of this objective is the use of treated surface water from existing entitlements. The City is entitled to 60,000 acre feet from the Bureau of Reclamation and 85,000 acre feet from the Kings River annually. Figure 4-3 illustrates the effective use of treated surface water to replace and replenish groundwater supplies. Use of treated surface water from the NESWTF has increased from 100 percent dependence on groundwater in 2004 to 30,800 acre feet per year (af/yr) in 2014, and expected to increase to 120,800 in 2015 with production from the new NESWTF. Increases in surface water use effectively reduced groundwater use from 156,487 af/yr in 2000 to 144,850 af/yr in 2014, with an expected reduction of 76,100 af/yr in 2015. By 2025, with the addition of recycled water from the RWRF, groundwater use will drop to 53,500 af/yr, with 25,000 af/yr from recycled water and 123,000 af/yr from treated surface water. At build-out, in 2035, groundwater is expected to be reduced to 36 percent of total water supply.

In addition, the General Plan policies require the City to maintain a comprehensive conservation program to help reduce per capita water usage, and includes conservation programs such as landscaping standards for drought tolerance, irrigation control devices, leak detection and retrofits, water audits, public education and implementing US Bureau of Reclamation Best Management Practices for water conservation to maintain surface water entitlements.

Implementation of the Fresno General Plan policies, the Kings Basin Integrated Regional Water Management Plan, City of Fresno Urban Water Management Plan, Fresno-Area

Regional Groundwater Management Plan, and City of Fresno Metropolitan Water Resource 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.

**a. Violate Water Quality Standards**

No water quality standards would be violated as a result of the project. Potential sources could be run-off from the project into the storm drain system, however compliance with current development conditions would reduce this impact to less than significant.

Any development project disturbing one or more acres of soil must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). Construction activities subject to the Construction General Permit includes clearing, grading, and other ground-disturbing activities such as stockpiling or excavation. The Construction General Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Among other mandated items that are included in a SWPPP, are features designed to eliminate contact of rainfall and stormwater runoff with sources of pollution that occur on construction sites, of which a primary source is soil erosion as a result of unstabilized soils coming in contact with water and wind. These features are known as Best Management Practices (BMPs). Common BMPs to limit pollution in stormwater runoff from construction sites include maintaining or creating drainages to convey and direct surface runoff away from bare areas and installing physical barriers such as berms, silt fencing, waddles, straw bales, and gabions.

The required preparation, implementation, and participation with the Construction General Permit, including the SWPPP and BMPs, would reduce project construction impacts on water quality to less than significant levels.

**b. Deplete Groundwater Supplies**

As noted in the introduction to this section, the City is currently undertaking several measures on a citywide basis to reduce the reliance on groundwater and augment it with surface water and recycled water, in addition to implementation of water conservation programs. MEIR mitigation measure HYD-1 requires the city to develop and implement water conservation measures to reduce the per capita water use to 215 gallons per capita per day (which is about a 25% reduction of current water use). Conditions of development require water conserving interior fixtures and water efficient landscaping. With these conditions incorporated as mitigation measures, impacts are less than significant.

**c. Substantially Alter Existing Drainage Pattern of the site resulting in erosion or siltation offsite.**

Regulatory mechanisms currently exist to prevent off-site erosion or siltation, namely the requirement, as part of the plancheck process to obtain a NPDES construction general permit and comply with the requirements of the permit, including development of an erosion control site plan. With this requirement applied to the project, impacts are less than significant.

**d. Substantially Alter Existing Drainage Pattern of the site resulting in flooding offsite**

Regulatory mechanisms currently exist to prevent off-site flooding, namely, compliance with the Fresno Metropolitan Flood Control Districts Storm Drainage Master Plan. The Storm Drainage Master Plan contains proposed elevations for tops of curbs in undeveloped area, delineation of storm drain inlet watershed areas, collection system pipeline alignments and sizes, and retention basin or urban detention (water quality) basin locations and geometry. The development of land in conformance with the Storm Drainage Master Plan ensures that development within the Planning Area is graded to drain to storm drainage facilities that are designed to collect and dispose of stormwater from the planned development. Stormwater retention and urban detention (water quality) basins intercept and remove silt from stormwater before it can be discharged to surface water features.

The FMFCD has indicated that the proposed project would exceed the capacity of the existing storm drain system. As mitigation, the developer has the option to improve the current storm drain system to its needed capacity, or to use some type of permanent peak reducing facility. With this mitigation measure incorporated, impacts are less than significant.

It should be noted that Fresno Irrigation Districts Enterprise Canal No. 109 runs westerly along the southern frontage of the project along East Nees Avenue. This canal was piped in 1992 and FID now has a 30-foot easement over those pipelines. As a condition of development, the applicant is required to replace the pipeline or otherwise reinforce it to conform to current standards, and to comply with the easements over the property. With this condition incorporated as a mitigation measure, impacts are less than significant.

**e. Exceed storm drain system capacity.**

The FMFCD has indicated that the proposed project would exceed the capacity of the existing storm drain system (pursuant to letter dated October 13, 2014). As mitigation, the developer has the option to improve the current storm drain system to its needed capacity, or to use some type of permanent peak reducing facility. With this mitigation measure incorporated, impacts are less than significant.

**f. Otherwise substantially degrade water quality**

Occupancy of this site will generate wastewater containing human waste, which is required to be conveyed and treated by the Fresno-Clovis Regional Wastewater Treatment and Reclamation Facility. There will not be any onsite wastewater treatment system. The proposed project will be required to install sewer branches, and to pay connection and sewer facility fees to provide for reimbursement of preceding investments in sewer trunks to connect this site to a publicly owned treatment works

No additional degradation to water quality will occur as a result of this project, with the above-mentioned requirements in place. Impacts are less than significant.

**g. Place housing within a 100-year flood hazard area**

The project is located in Flood Zone X, which is not a flood prone area, according to the FEMA Flood Insurance Rate Map dated February 18, 2009. Therefore, no flooding impacts would result from the project.

**h. Place within a 100-year flood hazard area structures which would impeded or redirect flood flows**

The project is located in Flood Zone X, which is not a flood prone area, according to the FEMA Flood Insurance Rate Map dated February 18, 2009. Therefore, no flooding impacts would result from the project.

**i. Expose People or Structures to significant risk of loss, injury or death involving flooding.**

Development could occur within flood inundation areas where a dam or levee failure could place structures and people at risk of damage, injury and death due to the sudden nature of the release of floodwater during a failure and the resulting depths and velocities of the floodwater. Sources of flooding due to the failure of a dam or levee within the Planning Area include the San Joaquin River floodplain as a result of the failure of Friant Dam, the Redbank Creek floodplain as a result of the failure of Redbank Creek Detention Basin Dam and levee, and the Fancher Creek floodplain as a result of the failure of Fancher Creek Detention Basin Dam and levee.

However, responsible agencies such as the FMFCD and the US Army Corps of Engineers regularly inspect and repair these facilities. In addition, the City of Fresno has participated in the Federal Emergency Management Agency (FEMA) Flood Insurance Program (FIP) since its inception in the early 1970's. FEMA has identified flood prone areas within the plan area as follows: The SFHA Zone A areas within the Planning Area are located below

the bluff line of the San Joaquin River; along Redbank Creek between the Planning Area boundary and Redbank Detention Basin (North DeWolf Avenue and East Clinton Avenue alignment); northeast of State Route 99 between Ventura Avenue on the north, East Jensen Avenue on the south and South Orange Avenue on the east; and north of West Central Avenue between South Walnut Avenue and South East Avenue. Development within these areas would be required to be flood proof in accordance with City of Fresno floodplain ordinance and 40 CFR60.

Since the project is not located in any of these areas, no loss, injury or death involving flooding will occur as a result of the project and impacts are less than significant.

**j. Inundation by seiche, tsunami or mudflow**

Official Statewide Tsunami Inundation Maps, coordinated by California Emergency Management Agency (CalEMA), are developed for all populated areas at risk to tsunamis in California. According to CalEMA's MY HAZARD website and Official Statewide Tsunami Inundation Maps, the Planning Area is located outside a tsunami hazard zone.

A seiche is a "standing" wave oscillating in a body of water. This phenomenon occurs in large bodies of water such as bays and lakes. A seiche may occur in any semi- or fully-enclosed body of water. They can be caused by strong winds and earthquakes. The nearest body of water capable of producing a seiche is Big Creek Dry Dam and Reservoir located northeast of the Planning Area. The General Plan Update would not introduce new land uses near the reservoir that could be inundated. Additionally, this is a relatively small reservoir and would not be subject to strong oscillations during an earthquake event.

Fresno is not susceptible to soil erosion with the exception of the San Joaquin River Bluffs. Since the property upon which the project is proposed is located in southwest portion of the Woodward Park Community Plan Area and not the San Joaquin River Bluffs, no impacts related to inundation by seiche, tsunami or mudflow are expected to occur at the project site. Impacts are less than significant.

Based upon the analyses contained herein and within Section XVII: Utilities and Service Systems contained herein below, implementation of the mitigation measures identified within the MEIR as well as the project specific mitigation measures, as specified below, will reduce the project's hydrology and water quality impacts to less than significant.

Mitigation Measures

2. The proposed project shall implement and incorporate the hydrology and water quality related mitigation measures as identified in the attached Master Environmental Impact Report SCH No. 2012111015 Fresno General Plan Mitigation Monitoring Checklist dated February 27, 2015
3. The proposed project shall implement the hydrology and water quality related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated February 27, 2015

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		X		
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

The City of Fresno recently updated its General Plan in December 2014. The general plan anticipates a population of 780,600 by the year 2035 and is the vision for the city in accommodating that growth in a way that enhances quality of life for all Fresnoans. The general plan redefined geographical areas of the city and emphasizes infill over greenfield development. At the time of the writing of this document, the City is still operating with its existing zoning code. Therefore new development must comply with the new General Plan and is also still subject to the existing zoning code.

The subject property is currently vacant and is located within the southwest portion of the Woodward Park Community Plan Area. The subject property is surrounded predominantly by commercial, office, institutional (post office and fire station) and residential uses. The subject property is currently designated for Community Commercial planned land use under the Fresno General Plan, and the Woodward Park Community Plan.

**a. Physically Divide an Established Community**

The project site consists of approximately 5 acres of vacant land in an established neighborhood on the northwest corner of East Nees and North Bond Avenues. The site is well-connected to a street grid: it is bounded by East Nees Avenue and First Street, both arterials. Frontage improvements along East Nees Avenues are not completely constructed; project conditions would require full construction of these and better connectivity around the project and through the neighborhood. Therefore rather than dividing an established community, the development, and its related off-site street improvements, will better connect it. In addition, a new condition of zoning requires pedestrian connections between the site and the neighborhood to the north, further enhancing connectivity.

The subject property does not contain any roadways, bridges, or passable corridors that could be considered as used for access to surrounding areas. The development will not physically divide an established community; therefore, there will be no impact.

**b. Conflict with any land use plan, policy or regulation**

The newly adopted Fresno General Plan puts a strong emphasis on infill development, complete neighborhoods and multimodal connectivity. Each of these areas are discussed below.

Infill Development

The proposed project is considered Non-Corridor Infill (because it is not on a Bus Rapid Transit Corridor). The General Plan includes the following guidance on this topic:

*Non-Corridor Infill. Fresno needs to promote well-designed infill and rehabilitation throughout the city, not just along the corridors. This includes single-family lots, small multi-family lots and small subdivisions. There will also be revitalization and rehabilitation over the years of small retail centers, employment centers and some multi-family properties. These infill developments and redevelopments will focus on creating Complete Neighborhoods in existing areas. Some tools that can be used to accomplish this include: connectivity, financial incentives for investing in established neighborhoods, design compatibility, providing missing uses such as recreation, enhanced landscaping and maintenance of public right-of-way areas, and providing community-based services.*

*UF-12 Locate roughly one-half of future residential development in infill areas—defined as being within the City on December 31, 2012—including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land*

Approval of the plan amendment and rezone applications would help facilitate infill development within existing neighborhoods as called for in general plan policy.

### Complete Neighborhoods

The general plan states that the defining characteristic of a complete neighborhood is one that is mostly self-sufficient, walkable and interconnected. It provides residents with most daily needs. A complete neighborhood should include most of the following elements:

- A range of housing choices
- Neighborhood serving retail
- A range of employment opportunities
- Public services, such as health clinics
- Entertainment and cultural assets
- Parks and public schools
- Community services such as a library, recreation center, senior center or community garden
- Public plaza/civic space
- Access to Public Transit

The neighborhood around the site includes both single family and multiple family residential uses. The project site currently includes a drug store and restaurant. Uses on the commercial corners on the south side of East Nees Avenue include a supermarket, dry cleaner, salons, clothing stores, financial services, a post office and a fire station. There is also a gas station on the south side of the street, serving mostly eastbound traffic. FAX Routes 34 and 38 serve the project and East Nees Avenue includes bike lanes. The neighborhood has the potential to be a complete neighborhood.

Approval of the project would result in completion of currently missing frontage improvements along East Nees Avenue, including curb, gutter, sidewalk and street trees. It would also provide a pedestrian path from the proposed Arco mini mart to the bus stop on Nees Avenue. In addition, a condition of zoning is proposed to be added to the site to require pedestrian walkways to connect to the northern and western portions of the site and the residential neighborhood to the north via E. Niles Avenue in future phases of development. This is a project-specific mitigation measure.

### Multimodal Connectivity

The general plan calls for the city to develop guidelines for walkability. These are currently in process as part of the new development code. The policy suggests that the guidelines include strategies to avoid the following design features:

- Walls and fences that separate related uses or isolate neighborhoods;
- Over reliance on cul-de-sacs and dead end streets
- Disconnected bike and pedestrian paths
- Wide streets that lack pedestrian support, such as sidewalks, and a landscape strip separating pedestrians from the street
- Street front parking lots that separate pedestrians from the commercial operations;
- Retail centers that are exclusively auto-oriented;
- Transit stops that are not easily accessible from an individual's starting point and destination; and
- Long blocks that discourage walking

*UF 14-b Design local roadways to connect throughout neighborhoods and large private developments with adjacent major roadways and pathways of existing adjacent development. Create access for pedestrians and bicycles where a local street must dead end or be designed as a cul-de-sac to adjoining uses that provide services, shopping, and connecting pathways for access to the greater community area.*

No walls or fences currently exist on the project site except those that separate the surrounding residential uses from the commercial site. However, E. Niles Avenue offers an opportunity for connecting the residential neighborhood north of the site to the project site with a pedestrian path that would be approved in future applications. A new condition of zoning is proposed to require pedestrian connectivity as noted above.

The site is fairly well served by the bicycle network. East Nees Avenue has bike lanes, and the Sugarpine Trail is within a mile of the site (to the west). The sidewalk network will be completed on East Nees Avenue as a result of the project. The current sidewalk pattern will be continued with tree wells along the edge of the sidewalk. Also along this frontage is a FAX transit stop which serves routes 34 and 38. The stop will be required to connect to the proposed gas station and minimart, and in future phases, a pedestrian path will be constructed to connect the transit stop through the site to E. Niles Avenue.

The urban form of the proposed project is already somewhat established, as two buildings exist on the adjacent site (a drug store and restaurant). Due to the existence of an FID easement along East Nees Avenue, all structures must be set back a minimum of 30 feet from the back of sidewalk. The proposed minimart will also have its front entrance facing south toward East Nees Avenue, so the building will not be "turning its back" to the sidewalk (although it will be set back behind the fueling canopy). Finally, the architectural design in terms of massing, materials and colors is required to be compatible with the surrounding development.

In conclusion, the proposed project is consistent with many of the goals and policies of the newly adopted General Plan. The proposed project promotes reinvestment by proposing a quality development in an existing neighborhood, preserves neighborhood character by proposing a design that is compatible with the surrounding architecture, and protects property values by constructing a compatible infill development on currently vacant property.

### **Woodward Park Community Plan**

The Woodward Park Community Plan was adopted in 1989. At that time, its primary goals were to ensure development stayed within the capacity limits of existing infrastructure and to evenly distribute commercial development. Most commercial development was to occur within the mid-rise/high rise corridor between Blackstone Avenue and Fresno Streets, and office development was to be concentrated along the Herndon Avenue corridor. Outside of those areas, commercial development was limited to two corners at an intersection, and, for two particular nodes, three corners on an intersection.

The intersection of North First Street and East Nees Avenues was one that was envisioned for three corners of commercial development, but plan policy 1-4.3-e limits the total acreage of retail commercial to 25 acres. The proposed amendment to the WPCP would increase that limit to 30 acres to accommodate the proposed plan amendment. Given that the proposed increase is adding community commercial land use that is currently planned for commercial recreation land use, staff believes the change is not significant, since these two land uses would have a similar level of development intensity. Furthermore, since Policy 1-4.3-e only applies to two intersections in the plan area, staff believes that policy amendment is not a significant change to the plan and will not be detrimental to the Woodward Park Community Plan area. The one other commercial intersection that the policy would apply to is Nees and Cedar, and this intersection is already fully developed.

Finally, the amendment would help to facilitate infill development, which is a goal of the general plan.

Therefore, the proposed amendments are consistent with the Fresno General Plan and Woodward Park Community Plan Policies, with incorporation of the project-specific mitigation measure requiring pedestrian connectivity.

### **c. Conflict with any Habitat Conservation Plan**

The subject property is not located within the boundaries of a habitat or natural community conservation plan.

The proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno with approval of the proposed applications. Furthermore, the proposed project,

including the design and improvement of the subject property, is found; (1) To be consistent with the goals, objectives and policies of the applicable Fresno General Plan and Woodward Park Community Plan, (2) To be Suitable for the type and development; and, (3) To be safe from potential cause or introduction of serious public health problems. A condition of zoning requiring pedestrian connectivity is required as a project-specific mitigation measure. Therefore, with mitigation incorporated, no impacts would occur.

Mitigation Measures

1. The proposed project shall implement the land use related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated February 27, 2015

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

The subject site is not located in an area designated for mineral resource preservation or recovery. Therefore no impacts would occur.

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

Generally, the three primary sources of substantial noise that affect the City of Fresno and its residents are all transportation-related and consist of local streets and regional highways; airport operations at the Fresno Yosemite International, the Fresno-Chandler Downtown, and the Sierra Sky Park Airports; and railroad operations along the BNSF Railway and the Union Pacific Railroad lines.

The existing noise conditions in the General Plan Update Planning Area were measured at nine locations from May 30 to June 1, 2012. Noise monitoring sites were selected to be representative of typical residential, commercial, and industrial sites within the Planning Area, as well as arterial roadways, elevated and below-grade freeways, and railroad crossings with and without train horn soundings. At each of the nine long-term 24-hour noise monitoring sites, day-night statistical noise level trends were recorded to develop DNL values. Descriptions of each location and the measured noise levels are provided in the MEIR.

**a. Exposure to noise in excess of standards.**

Short Term Noise Impacts

The construction of a project involves both short-term, construction related noise, and long term noise potentially generated by increases in area traffic, nearby stationary sources, or other transportation sources. The Fresno Municipal Code allows for construction noise in excess of standards if it complies with the section below ( Chapter 10, Article 1, Section 10-109 – Exemptions). It states that the provisions of Article 1 – Noise Regulations of the Fresno Municipal Code shall not apply to:

Construction, repair or remodeling work accomplished pursuant to a building, electrical, plumbing, mechanical, or other construction permit issued by the city or other governmental agency, or to site preparation and grading, provided such work takes place between the hours of 7:00 a.m. and 10:00 p.m. on any day except Sunday.

Thus, construction activity would be exempt from City of Fresno noise regulations, as long as such activity is conducted pursuant to an applicable construction permit and occurs between 7:00 a.m. and 10:00 p.m., excluding Sunday. Therefore, short-term construction impacts associated with the exposure of persons to or the generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies would be less than significant.

Long Term Noise Impacts

The only potential noise source at the project site would be roadway noise, however the proposed project would only result in commercial uses, which are not noise sensitive. Therefore these impacts are considered less than significant.

**b. Groundborn Vibration**

The project should not cause exposure to groundborn vibration for the residents of the proposed project or surrounding residents as the project is a residential development. No truck traffic is expected to be generated and no large machinery operation would be a part of the ongoing operations of the project, except for the construction phase. Impacts are less than significant.

**c/d. Permanent increase in ambient noise levels**

The project's contribution to ambient noise levels would be related to its contribution to transportation noise. The project is expected to generate 2,604 average daily trips, and a maximum of 214 peak hour trips. This number of vehicular trips is not sufficient to increase ambient noise levels, therefore impacts are less than significant.

**e. Airport Noise**

The project is not located within any Airport Influence Area, therefore impacts from airport noise are less than significant.

**d. Private Airstrip Noise**

The project is not located in the vicinity of a private airstrip, therefore there are no impacts.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING - - Would the project:				

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

The newly adopted Fresno General Plan projects a population 780,600 by the year 2035. In addition, the General Plan is anticipated to accommodate up to approximately 425,000 additional persons for a total of 970,000 persons within the Planning Area by the buildout year of 2056. In addition, the General Plan area is projected to accommodate approximately 145,000 additional housing units for a total of approximately 332,000 units by the buildout year of 2056.

**a. Growth inducement**

The project site is located in the Development Area entitled “Established Neighborhoods North of Shaw” pursuant to Figure 1-3, Residential Capacity Allocation of the General Plan. This area has a housing unit capacity of 9,817 units within existing city limits under plan buildout. The plan also anticipates up to 10.9 million square feet of retail development distributed throughout the urban area. Since the project is proposing a 5 acre land use change from one type of commercial land use to another, it is not considered to be growth inducing. In addition, the public facilities that will be constructed with this project would not be considered growth-inducing, as they are sized to accommodate only uses and intensities outlined in the general plan. Impacts are less than significant.

**b. Housing Displacement**

Currently the site is vacant; no housing displacement will occur. No impacts will result.

**c. Population Displacement**

No persons or population will be displaced by the construction of this project, as the site is vacant. No impacts will result.

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

The purpose of this section is to determine if there are any significant impacts to public services such as Fire and Police protection, drainage and flood control, parks, schools, hospitals, libraries and other public services as a result of the project. The MEIR discusses each service provider and level of service in detail.

**a. Substantial adverse impacts due to provision of new public services required to serve the project.**

Both fire and police protection services are available to serve the project. As noted above, the nearest fire station is Station #13, located across the street from the project site, well within the response distance/time of 3 minutes.

Compliance with FMFCD flood control requirements will insure adequate storm drain facilities, the construction of which would not cause additional adverse impacts.

The project has three parks within approximately a one-mile radius: Woodward Park to the northwest, Keith Tice Park to the northeast, and Kaiser Park to the southwest. The demand for these parks will not be increased by approval of the project.

The project will generate students that will attend the Clovis Unified School District. Under Government Code 65996, new commercial development requires payment of impact fees to mitigate the impact of additional students on school facilities. These fees are required to be paid prior to issuance of building permits.

As part of project approval, applicants are required to pay impact fees to accommodate the additional increment of police, fire, parks, open space and transportation services and facilities needed to serve the project. Therefore with payment of impact fees as a condition of building permit, impacts are less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate the public service- related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated February 27, 2015.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION --				

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

The project has three parks within approximately a one-mile radius: Woodward Park to the northwest, Keith Tice Park to the northeast, and Kaiser Park to the southwest. The demand for these parks will not be increased by approval of the project. The proposed project will not result in the physical deterioration of existing parks or recreational facilities; and, will not require expansion of existing recreational facilities or affect recreational services beyond what was analyzed in the Master Environmental Impact Report No. SCH No. 2012111015 for the Fresno General Plan. As noted in the above section, all development requires payment of parks and open space impact fees as a condition of building permit. With this regulation in place, impacts are less than significant.

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

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

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

**a. Conflict with a plan, ordinance or policy establishing performance measures for the transportation system?**

The project is a plan amendment, rezone and conditional use permit to redesignate commercial recreation (4.6 acres) and office land uses (0.37) to community commercial land use and to establish an auto service station and minimart on a 1.85 acre portion and future retail uses on the remainder. The project takes access from East Nees and North First Avenues, both arterials. The project will be required to construct all frontage improvements to City Standards. Right-of-way dedications and/or vacations will also be required along adjacent public streets in accordance with City of Fresno requirements to provide for the necessary improvements. Dedications to accommodate dual left turns at the intersection of First and Nees Avenues are required.

The three intersections studied for the project include Nees/First, Nees/Bond and Nees/Millbrook. All function at Level of Service (LOS) D today and would function at LOS D at project build-out and in the horizon year of 2035. Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the Traffic Impact Study prepared by TJKM found that the proposed applications are projected to generate 226 vehicle trips during the morning (7 to 9 a.m.) peak hour travel period and 354 vehicle trips during the evening (4 to 6 p.m.) peak hour travel period, with Average Daily Trips (ADT) projected to be 3,984. By comparison, the current general plan land use would generate an estimated 242 morning peak hour trips, 183 evening peak hour trips and 2,724 ADT. The Public Works Department, Traffic Engineering Division has reviewed the proposed plan amendment, rezone, conditional use permit and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic generated upon implementation of the traffic related mitigation measures of the MEIR and completion of the adjacent street segments and intersections in accordance with the transportation element of the Fresno General Plan.

The developer of this project will be required to pay the Traffic Signal Mitigation Impact (TSMI) Fee of \$47.12 per average daily trip at the time of building permit, based on the trip generation rates set forth in the latest edition of the ITE Trip Generation Manual and the Master Fee

Schedule. The project will also be required to pay all applicable New Growth Area fees including the Fresno Major Street Impact (FMSI) Fee and City-wide regional street impact fees. The California Department of Transportation (Caltrans) has indicated that the proposed project will mitigate any potential project related traffic impacts to State facilities through payment of the applicable City Fees and subject to payment of the Regional Traffic Mitigation Fee (RTMF).

With Public Works Traffic Engineering conditions imposed as mitigation, impacts are less than significant.

**b. Conflict with a Congestion Management Program**

The passage of California Assembly Bill 2419 in 1996 allowed counties to “opt out” of the California Congestion Management Program, reference above, if a majority of local governments elected to exempt themselves from California’s congestion management plans. On September 25, 1997, the Fresno COG Policy Board rescinded the Fresno County Congestion Management Program at the request of the local member agencies. Therefore, this impact criteria is not applicable and this impact is less than significant.

**c. Change in air traffic patterns**

The project is not located within an Airport influence area and will not result in a change in traffic patterns. No impact will result.

**d. Substantially increase hazards due to design feature?**

No design features are proposed that would not comply with Public Works standards, therefore potential hazard impacts are less than significant.

**e. Result in inadequate emergency access?**

Conditions of approval will ensure proper emergency access through compliance with Fire Department requirements. As currently designed, the project has three points of access from two perimeter streets. Therefore impacts are less than significant.

**f. Conflict with adopted plans, policies or programs related to transit, bicycle and pedestrian access?**

The project site is located in an area that is well served by the Fresno Area Express (FAX) Routes 34 and 38. Project conditions require improvements to the existing bus stop along the project frontage on E. Nees Avenue.

Bicycle lanes would be maintained along E. Nees Avenue as well. In addition, the proposed project would include the installation of new sidewalks along E. Nees Avenue frontage where

currently missing and would therefore improve and encourage walking and transit in the project vicinity.

The streets adjacent to and near the subject site will therefore be able to accommodate the quantity and kind of traffic which may be potentially generated by the proposed development. In summary the proposed project would not conflict with established policies or the effectiveness of the existing vehicular, mass transit, bicycle, or pedestrian transit systems, Nor would it cause unacceptable congestion on adjacent roadways. As such, and with conditions imposed, impacts would be less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate the traffic related mitigation measures as identified in the attached Project Specific Monitoring Checklist dated February 27, 2015.

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

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

See Hydrology and Water Quality Section above for discussion about water utilities.

The General Plan includes several policies that ensure that utilities systems keep pace with urban growth and promote health and safety. These are summarized below:

*Public Utilities and Services Element*

**Policy PU-7-a.** Treatment Capacity and Cost Recovery. Provide increased wastewater treatment plant capacity in a timely manner to facilitate planned urban development within the facility's planned service area, and accommodate experienced increase in flows and loadings from the existing community with the capital costs and benefits allocated equitably and fairly between existing users and new users while facilitating economic diversification.

As under Policy PU-5-b, new users must, to the extent not inconsistent with economic diversification strategies, pay for the cost of being attached to the treatment facility through

connection fees, including the cost of any incremental burden that they may place on the entire system; and, pay for the full operational costs of extraordinary facilities such as satellite or “package” treatment plants.

**Policy PU-7-b.** Consider Capacity in Plan Amendments. Monitor wastewater treatment plant flows and loadings to the extent feasible and consider the wastewater treatment impacts of land use changes when evaluating general plan amendment proposals.

**Policy PU-8.** Promote reduction in wastewater flows and develop facilities for beneficial reuse of reclaimed water and biosolids for management and distribution of treated wastewater.

**Policy PU-8-a.** Reduce Wastewater. Implement conservation and other programs and policies to reduce wastewater flows.

**Policy PU-8-b.** Reduce Stormwater Leakage. Reduce storm water infiltration to the sewer collection system, where feasible, by elimination of storm sewer cut-ins to the sanitary sewer system.

**Policy PU-8-c.** Ban on Storm Drainage Connection. Prohibit new sanitary sewer cut-ins for disposal of storm runoff, except for health and safety reasons.

**Policy PU-8-d.** Biosolid Disposal. Investigate and implement economically effective and environmentally beneficial methods of biosolids handling and disposal.

**Policy PU-8-e.** Wastewater Recycling. Aggressively pursue expansion of beneficial wastewater recycling opportunities, including a timely technical, practicable and institutional evaluation of treatment, facility siting and water exchange elements.

**Policy PU-8-f.** Infiltration Basins. Rehabilitate existing infiltration basins and acquire additional sites for infiltration basins as needed.

**Policy PU-8-h.** Satellite Facilities. Work with the Regional Water Quality Control Board to ensure any satellite treatment and reclamation facility proposal is consistent with governing statutes and regulations.

With the implementation of the above policies, the implementation of the General Plan Update would still result in potential significant effects associated with wastewater treatment requirements and waste discharge requirements.

Therefore, several MEIR mitigation measures are in place to mitigate citywide impacts to less than significant. These include:

- Updating the City of Fresno Wastewater Master Plan
- Construction of new wastewater treatment facilities
- Improving trunk sewer lines

- Adding and improving surface water treatment facilities
- Construction of new water wells
- Construction of water storage reservoirs
- Additional drainage facilities to be constructed by FMFCD

On a project-specific level, sewer and water lines are available to serve the project site, and water, sewer, and landfill capacities are adequate to serve the site. Therefore, impacts are less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate the utilities- related mitigation measures as identified in the attached Master Environmental Impact Report SCH No. 2012111015-- Fresno General Plan Mitigation Monitoring Checklist dated February 27, 2015.

<b>ENVIRONMENTAL ISSUES</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

In summary, given the mitigation measures required of the proposed project and the analysis detailed in the preceding Initial Study, the proposed project:

- Does not have environmental impacts which will cause substantial adverse effects on human beings, either directly nor indirectly.
- Does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish/wildlife or native plant species (or cause their population to drop below self-sustaining levels), does not threaten to eliminate a native plant or animal community, and does not threaten or restrict the range of a rare or endangered plant or animal.
- Does not eliminate important examples of elements of California history or prehistory.
- Does not have impacts which would be cumulatively considerable even though individually limited.

Therefore, there are no mandatory findings of significance and preparation of an Environmental Impact Report is not warranted for this project.

**EXHIBIT B**

**MEIR Mitigation Measure Monitoring Checklist for Environmental Assessment No. A-14-005, R-14-009, C-14-080**

Conducted for Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009 and Conditional Permit Application No. C-14-080 for development at the Northwest Corner of East Nees and North Bond Avenues  
February 27, 2015

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

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

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

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

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

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

**Aesthetics:**

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

A - Incorporated into Project  
B - Mitigated

C - Mitigation in Process  
D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

**Aesthetics (continued):**

<b>AES-5:</b> Materials used on building facades shall be non-reflective.	Prior to development project approval	DARM	X						
<b>Verification comments:</b>									

**Air Quality:**

<b>AIR-1:</b> Projects that include five or more heavy-duty truck deliveries per day with sensitive receptors located within 300 feet of the truck loading area shall provide a screening analysis to determine if the project has the potential to exceed criteria pollutant concentration based standards and thresholds for NO2 and PM2.5. If projects exceed screening criteria, refined dispersion modeling and health risk assessment shall be accomplished and if needed, mitigation measures to reduce impacts shall be included in the project to reduce the impacts to the extent feasible. Mitigation measures include but are not limited to:	Prior to development project approval	DARM							X
<ul style="list-style-type: none"> <li>Locate loading docks and truck access routes as far from sensitive receptors as reasonably possible considering site design limitations to comply with other City design standards.</li> <li>Post signs requiring drivers to limit idling to 5 minutes or less.</li> </ul>									
<b>Verification comments:</b>									

A - Incorporated into Project  
 B - Mitigated

C - Mitigation in Process  
 D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

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**Air Quality (continued):**

<p><b>AIR-2:</b> Projects that result in an increased cancer risk of 10 in a million or exceed criteria pollutant ambient air quality standards shall implement site-specific measures that reduce toxic air contaminant (TAC) exposure to reduce excess cancer risk to less than 10 in a million. Possible control measures include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Locate loading docks and truck access routes as far from sensitive receptors as reasonably possible considering site design limitations to comply with other City design standards.</li> <li>• Post signs requiring drivers to limit idling to 5 minutes or less</li> <li>• Construct block walls to reduce the flow of emissions toward sensitive receptors</li> <li>• Install a vegetative barrier downwind from the TAC source that can absorb a portion of the diesel PM emissions</li> <li>• For projects proposing to locate a new building containing sensitive receptors near existing sources of TAC emissions, install HEPA filters in HVAC systems to reduce TAC emission levels exceeding risk thresholds.</li> <li>• Install heating and cooling services at truck stops to eliminate the need for idling during overnight stops to run onboard systems.</li> </ul>	<p>Prior to development project approval</p>	<p>DARM</p>	<table border="1"> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>X</td> </tr> </table>								X
							X				

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

C - Mitigation in Process  
D - Responsible Agency Contacted

A - Incorporated into Project  
B - Mitigated

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F					
			A	B	C	D	E	F
(continued on next page)								

**Air Quality (continued):**

<p><b>AIR-2 (continued from previous page)</b></p> <ul style="list-style-type: none"> <li>For large distribution centers where the owner controls the vehicle fleet, provide facilities to support alternative fueled trucks powered by fuels such as natural gas or bio-diesel</li> <li>Utilize electric powered material handling equipment where feasible for the weight and volume of material to be moved.</li> </ul> <p><b>Verification comments:</b></p>	<p>[see previous page]</p>	<p>[see previous page]</p>							
<p><b>AIR-3: Require developers proposing projects on ARB's list of projects in its Air Quality and Land Use Handbook (Handbook) warranting special consideration to prepare a cumulative health risk assessment when sensitive receptors are located within the distance screening criteria of the facility as listed in the ARB Handbook.</b></p> <p><b>Verification comments:</b></p>	<p>Prior to development project approval</p>	<p>DARM</p>							<p>X</p>

A - Incorporated into Project  
 B - Mitigated

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

**Air Quality (continued):**

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

A - Incorporated into Project  
B - Mitigated

C - Mitigation in Process  
D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

**Biological Resources:**

<p><b>BIO-1:</b> Construction of a proposed project should avoid, where possible, vegetation communities that provide suitable habitat for a special-status species known to occur within the Planning Area. If construction within potentially suitable habitat must occur, the presence/absence of any special-status plant or wildlife species must be determined prior to construction, to determine if the habitat supports any special-status species. If a special-status species are determined to occupy any portion of a project site, avoidance and minimization measures shall be incorporated into the construction phase of a project to avoid direct or incidental take of a listed species to the greatest extent feasible.</p> <p><b>Verification comments:</b></p>	<p>Prior to development project approval</p>	<p>DARM</p>						<p>X</p>
<p><b>BIO-2:</b> Direct or incidental take of any state or federally listed</p>	<p>Prior to</p>	<p>DARM</p>						<p>X</p>

A - Incorporated into Project  
 B - Mitigated

C - Mitigation in Process  
 D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F										
			A	B	C	D	E	F					
<p>species should be avoided to the greatest extent feasible. If construction of a proposed project will result in the direct or incidental take of a listed species, consultation with the resources agencies and/or additional permitting may be required. Agency consultation through the California Department of Fish and Wildlife (CDFW) 2081 and U.S. Fish and Wildlife Service (USFWS) Section 7 or Section 10 permitting processes must take place prior to any action that <i>(continued on next page)</i></p>	development project approval												
<p><b>Biological Resources (continued):</b></p> <p><b>BIO-2</b> <i>(continued from previous page)</i>                      may result in the direct or incidental take of a listed species. Specific mitigation measures for direct or incidental impacts to a listed species will be determined on a case-by-case basis through agency consultation.  <b>Verification comments:</b></p>													
<b>BIO-3:</b> Development within the Planning Area should avoid,	Prior to	DARM					X						

A - Incorporated into Project  
 B - Mitigated

C - Mitigation in Process  
 D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>where possible, special-status natural communities and vegetation communities that provide suitable habitat for special-status species. If a proposed project will result in the loss of a special-status natural community or suitable habitat for special-status species, compensatory habitat-based mitigation is required under CEQA and the California Endangered Species Act (CESA). Mitigation will consist of preserving on-site habitat, restoring similar habitat or purchasing off-site credits from an approved mitigation bank. Compensatory mitigation will be determined through consultation with the City and/or resource agencies. An appropriate mitigation strategy and ratio will be agreed upon by the developer and lead agency to reduce project impacts to special-status natural communities to a less than significant <i>(continued on next page)</i></p>	<p>development project approval</p>							
<p><b>Biological Resources</b> <i>(continued)</i>:</p>								
<p><b>BIO-3</b> <i>(continued from previous page)</i>: level. Agreed-upon mitigation ratios will depend on the quality of the habitat and presence/absence of a special-status species. The specific mitigation for project level impacts will be determined on a case-by-case basis. <b>Verification comments:</b></p>	<p><i>[see previous page]</i></p>	<p><i>[see previous page]</i></p>						
<p><b>BIO-4:</b> Proposed projects within the Planning Area should</p>	<p>Prior to</p>	<p>DARM</p>						<p>X</p>

A - Incorporated into Project  
 B - Mitigated  
 C - Mitigation in Process  
 D - Responsible Agency Contacted  
 E - Part of City-Wide Program  
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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>avoid, if possible, construction within the general nesting season of February through August for avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA), if it is determined that suitable nesting habitat occurs on a project site. If construction cannot avoid the nesting season, a pre-construction clearance survey must be conducted to determine if any nesting birds or nesting activity is observed on or within 500-feet of a project site. If an active nest is observed during the survey, a biological monitor must be on site to ensure that no proposed project activities would impact the active nest. A suitable buffer will be established around the active nest until the nestlings have fledged and the nest is no longer active. Project activities</p> <p style="text-align: right;"><i>(continued on next page)</i></p>	<p>development project approval and during construction activities</p>							
<p><b>Biological Resources</b> <i>(continued):</i></p>								
<p><b>BIO-4</b> <i>(continued from previous page):</i> may continue in the vicinity of the nest only at the discretion of the biological monitor. <b>Verification comments:</b></p>	<p><i>[see previous page]</i></p>	<p><i>[see previous page]</i></p>						
<p><b>BIO-5:</b> If a proposed project will result in the removal or</p>	<p>Prior to</p>	<p>DARM</p>						<p><b>X</b></p>

A - Incorporated into Project  
B - Mitigated

C - Mitigation in Process  
D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>impact to any riparian habitat and/or a special-status natural community with potential to occur in the Planning Area, compensatory habitat-based mitigation shall be required to reduce project impacts. Compensatory mitigation must involve the preservation or restoration or the purchase of off-site mitigation credits for impacts to riparian habitat and/or a special-status natural community. Mitigation must be conducted in-kind or within an approved mitigation bank in the region. The specific mitigation ratio for habitat-based mitigation will be determined through consultation with the appropriate agency (i.e., CDFW or USFWS) on a case-by-case basis.</p> <p><b>Verification comments:</b></p>	development project approval							
<p><b>Biological Resources (continued):</b></p> <p><b>BIO-6:</b> Project impacts that occur to riparian habitat may also result in significant impacts to streambeds or waterways protected under Section 1600 of Fish and Wildlife Code and Section 404 of the CWA. CDFW and/or USACE consultation, determination of mitigation strategy, and regulatory permitting to reduce impacts, as required for projects that remove riparian habitat and/or alter a streambed or waterway, shall be implemented.</p> <p><b>Verification comments:</b></p>	Prior to development project approval	DARM						X

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



MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE						
			A	B	C	D	E	F	
<p>permitting and mitigation strategy are required to reduce project impacts. Acquisition of permits from USACE for the fill of wetlands and USACE approval of a wetland mitigation plan would ensure a "no net loss" of wetland habitat within the Planning Area. Appropriate wetland mitigation/creation shall be implemented in a ratio according to the size of the impacted wetland. .</p> <p><b>Verification comments:</b></p>									
<p><b>BIO-9:</b> In addition to regulatory agency permitting, Best Management Practices (BMPs) identified from a list provided by the USACE shall be incorporated into the design and construction phase of the project to ensure that no pollutants or siltation drain into a federally protected wetland. Project design features such as fencing, appropriate drainage and (continued on next page)</p>	<p>Prior to development project approval; but for long-term operational BMPs, prior to issuance of occupancy</p>	<p>DARM</p>							<p>X</p>

Biological Resources (continued):

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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<p><b>BIO-9</b> (continued from previous page):                  incorporating detention basins shall assist in ensuring project-related impacts to wetland habitat are minimized to the greatest extent feasible.  <b>Verification comments:</b></p>	<p>[see previous page]</p>	<p>[see previous page]</p>						
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<p><b>Cultural Resources:</b>  <b>CUL-1:</b> If previously unknown resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and the City's Historic Preservation Ordinance.                  If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and                  (continued on next page)</p>	<p>Prior to commencement of, and during, construction activities</p>	<p>DARM</p>	X					
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**Cultural Resources** (continued):

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

**Cultural Resources** *(continued):*

- A - Incorporated into Project
- B - Mitigated

- C - Mitigation in Process
- D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

**Cultural Resources** (continued):

- A - Incorporated into Project
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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p><b>CUL-2</b> <i>(further continued from previous two pages)</i></p> <p>to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.</p> <p>If prehistoric resources are found during the field survey or literature review, the resources shall be inventoried using appropriate State record forms and submit the forms to the Southern San Joaquin Valley Information Center. The resources shall be evaluated for significance. If the resources are found to be significant, measures shall be identified by the qualified archaeologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.</p> <p>In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include an archaeological monitor. The monitoring period shall be determined by the qualified archaeologist. If additional prehistoric archaeological resources are found during</p> <p style="text-align: right;"><i>(continued on next page)</i></p>	<p>[see Page 14]</p>	<p>[see Page 14]</p>						

Cultural Resources *(continued)*:

A - Incorporated into Project  
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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p><b>CUL-2</b> (further continued from previous three pages)</p> <p>excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed. .</p> <p><b>Verification comments:</b></p>	[see Page 14]	[see Page 14]						
<p><b>CUL-3:</b> Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for unique paleontological/geological resources shall be conducted. The following procedures shall be followed:</p> <p>If unique paleontological/geological resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered</p> <p style="text-align: right;"><i>(continued on next page)</i></p>	Prior to commencement of, and during, construction activities	DARM	X					

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 C - Mitigation in Process  
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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

**Cultural Resources (continued):**

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

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY					
			A	B	C	D	E	F
<b>Hazards and Hazardous Materials</b>								
<p><b>HAZ-1:</b> Re-designate the existing vacant land proposed for low density residential located northwest of the intersection of East Garland Avenue and North Dearing Avenue and located within Fresno Yosemite International Airport Zone 1-RPZ, to Open Space.</p> <p><b>Verification comments:</b></p>	Prior to development approvals	DARM						X
<p><b>HAZ-2:</b> Limit the proposed low density residential at (1 to 3 dwelling units per acre) located northwest of the airport, and located within Fresno Yosemite International Airport Zone 3-Inner Turning Area, to 2 dwelling units per acre or less.</p> <p><b>Verification comments:</b></p>	Prior to development approvals	DARM						X
<p><b>HAZ-3:</b> Re-designate the current area within Fresno Yosemite International Airport Zone 5-Sideline located northeast of the airport to Public Facilities-Airport or Open Space.</p> <p><b>Verification comments:</b></p>	Prior to development approvals	DARM						X

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 B - Mitigated  
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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY					
			A	B	C	D	E	F
<b>Hazards and Hazardous Materials (continued):</b>								
<p><b>HAZ-4:</b> Re-designate the current vacant lots at the northeast corner of Kearney Boulevard and South Thorne Avenue to Public Facilities-Airport or Open Space.</p> <p><b>Verification comments:</b></p>	Prior to development approvals	DARM						X
<p><b>HAZ-5:</b> Prohibit residential uses within Safety Zone 1 northwest of the Hawes Avenue and South Thorne Avenue intersection.</p> <p><b>Verification comments:</b></p>	Prior to development approvals	DARM						X
<p><b>HAZ-6:</b> Establish an alternative Emergency Operations Center in the event the current Emergency Operations Center is under redevelopment or blocked.</p> <p><b>Verification comments:</b></p>	Prior to redevelopment of the current Emergency Operations Center	Fresno Fire Department and Mayor/City Manager's Office						X

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE		WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<b>Hydrology and Water Quality</b>									
<b>HYD-1:</b> The City shall develop and implement water conservation measures to reduce the per capita water use to 215 gallons per capita per day. <b>Verification comments:</b>		Prior to water demand exceeding water supply	Department of Public Utilities (DPU)	X					X
<b>HYD-2:</b> The City shall continue to be an active participant in the Kings Water Authority and the implementation of the Kings Basin IRWMP. <b>Verification comments:</b>		Ongoing	DPU					X	
<b>HYD-5.1:</b> The City and partnering agencies shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan collection systems to less than significant. <ul style="list-style-type: none"> <li>Implement the existing Storm Drainage Master Plan (SDMP) for collection systems in drainage areas where the amount of imperviousness is unaffected by the change in land uses.</li> </ul> (continued on next page)		Prior to exceedance of capacity of existing stormwater drainage facilities	Fresno Metropolitan Flood Control District (FMFCD), DARM, and PW	X				X	

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p><b>Hydrology and Water Quality (continued):</b></p> <p><b>HYD-5.1 (continued from previous page)</b></p> <ul style="list-style-type: none"> <li>Update the SDMP in those drainage areas where the amount of imperviousness increased due to the change in land uses to determine the changes in the collection systems that would need to occur to provide adequate capacity for the stormwater runoff from the increased imperviousness.</li> <li>Implementation of the updated SDMP to provide stormwater collection systems that have sufficient capacity to convey the peak runoff rates from the areas of increased imperviousness.</li> </ul> <p>Require developments that increase site imperviousness to install, operate, and maintain FMFCD approved on-site detention systems to reduce the peak runoff rates resulting from the increased imperviousness to the peak runoff rates that will not exceed the capacity of the existing stormwater collection systems.</p> <p><b>Verification comments:</b></p>	[see previous page]	[see previous page]						

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p><b>Hydrology and Water Quality</b> (<i>continued</i>):</p> <p><b>HYD-5.2:</b> The City and partnering agencies shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan retention basins to less than significant:</p> <p>Consult the SDMP to analyze the impacts to existing and planned retention basins to determine remedial measures required to reduce the impact on retention basin capacity to less than significant. Remedial measures would include:</p> <ul style="list-style-type: none"> <li>• Increase the size of the retention basin through the purchase of more land or deepening the basin or a combination for planned retention basins.</li> <li>• Increase the size of the emergency relief pump capacity required to pump excess runoff volume out of the basin and into adjacent canal that convey the stormwater to a disposal facility for existing retention basins.</li> <li>• Require developments that increase runoff volume to install, operate, and maintain, Low Impact Development (LID) measures to reduce runoff volume to the runoff volume that will not exceed the capacity of the existing retention basins.</li> </ul> <p><b>Verification comments:</b></p>	<p>Prior to exceedance of capacity of existing retention basin facilities</p>	<p>FMFCD, DARM, and PW</p>	<p>X</p>				<p>X</p>	

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p><b>Hydrology and Water Quality (continued):</b></p> <p><b>HYD-5.3:</b> The City and partnering agencies shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan urban detention (stormwater quality) basins to less than significant.</p> <p>Consult the SDMP to determine the impacts to the urban detention basin weir overflow rates and determine remedial measures required to reduce the impact on the detention basin capacity to less than significant. Remedial measures would include:</p> <ul style="list-style-type: none"> <li>• Modify overflow weir to maintain the suspended solids removal rates adopted by the FMFCD Board of Directors.</li> <li>• Increase the size of the urban detention basin to increase residence time by purchasing more land. The existing detention basins are already at the adopted design depth.</li> <li>• Require developments that increase runoff volume to install, operate, and maintain, Low Impact Development (LID) measures to reduce peak runoff rates and runoff volume to the runoff rates and volumes that will not exceed the weir overflow rates of the existing urban detention basins.</li> </ul> <p><b>Verification comments:</b></p>	<p>Prior to exceedance of capacity of existing urban detention basin (stormwater quality) facilities</p>	<p>FMFCD, DARM, and PW</p>	<p>X</p>				<p>X</p>	

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

**Hydrology and Water Quality (continued):**

<p><b>HYD-5.4:</b> The City shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan pump disposal systems to less than significant.</p> <ul style="list-style-type: none"> <li>Consult the SDMP to determine the extent and degree to which the capacity of the existing pump system will be exceeded.</li> <li>Require new developments to install, operate, and maintain FMFCD design standard on-site detention facilities to reduce peak stormwater runoff rates to existing planned peak runoff rates.</li> <li>Provide additional pump system capacity to maximum allowed by existing permitting to increase the capacity to match or exceed the peak runoff rates determined by the SDMP-update.</li> </ul> <p><b>Verification comments:</b></p>	<p>Prior to exceedance of capacity of existing pump disposal systems</p>	<p>FMFCD, DARM, and PW</p>					X	
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A - Incorporated into Project  
 B - Mitigated

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

Hydrology and Water Quality (continued):

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

<p><b>PS-1:</b> As future fire facilities are planned, the fire department shall evaluate if specific environmental effects would occur. Typical impacts from fire facilities include noise, traffic, and lighting. Typical mitigation to reduce these impacts includes:</p> <ul style="list-style-type: none"> <li>• <b>Noise:</b> Barriers and setbacks on the fire department sites.</li> <li>• <b>Traffic:</b> Traffic devices for circulation and a "keep clear zone" during emergency responses.</li> <li>• <b>Lighting:</b> Provision of hoods and deflectors on lighting fixtures on the fire department sites.</li> </ul> <p><b>Verification comments:</b></p>	<p>During the planning process for future fire department facilities</p>	<p>DARM</p>	<p></p>	<p></p>	<p>X</p>
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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F					
			A	B	C	D	E	F
<b>Public Services (continued):</b>								
<p><b>PS-2:</b> As future police facilities are planned, the police department shall evaluate if specific environmental effects would occur. Typical impacts from police facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts from police department facilities includes:</p> <ul style="list-style-type: none"> <li>Noise: Barriers and setbacks on the police department sites.</li> <li>Traffic: Traffic devices for circulation.</li> <li>Lighting: Provision of hoods and deflectors on lighting fixtures on the fire department sites.</li> </ul> <p><b>Verification comments:</b></p>	During the planning process for future Police Department facilities	DARM						X
<p><b>PS-3:</b> As future public and private school facilities are planned, school districts shall evaluate if specific environmental effects would occur with regard to public schools, and DARM shall evaluate other school facilities. Typical impacts from school facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts from school facilities includes:</p> <p>(continued on next page)</p>	During the planning process for future school facilities	DARM, local school districts, and the Division of the State Architect						X

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE		WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<b>Public Services (continued):</b>									
<b>PS-3</b> (continued from previous page)		[see previous page]	[see previous page]						
<ul style="list-style-type: none"> <li>Noise: Barriers and setbacks placed on school sites.</li> <li>Traffic: Traffic devices for circulation.</li> <li>Lighting: Provision of hoods and deflectors on lighting fixtures for stadium lights.</li> </ul> <b>Verification comments:</b>									
<b>PS-4:</b> As future parks and recreational facilities are planned, the City shall evaluate if specific environmental effects would occur. Typical impacts from school facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts from park and recreational facilities includes:		During the planning process for future park and recreation facilities	DARM					X	
<ul style="list-style-type: none"> <li>Noise: Barriers and setbacks placed on school sites.</li> <li>Traffic: Traffic devices for circulation.</li> <li>Lighting: Provision of hoods and deflectors on lighting fixtures for outdoor play area/field lights.</li> </ul> <b>Verification comments:</b>									

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

**Public Services (continued):**

<p><b>PS-5:</b> As future detention, court, library, and hospital facilities are planned, the appropriate agencies shall evaluate if specific environmental effects would occur. Typical impacts from court, library, and hospital facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts includes:</p> <ul style="list-style-type: none"> <li>• <i>Noise:</i> Barriers and setbacks placed on school sites.</li> <li>• <i>Traffic:</i> Traffic devices for circulation.</li> <li>• <i>Lighting:</i> Provision of hoods and deflectors on outdoor lighting fixtures</li> </ul> <p><b>Verification comments:</b></p>	<p>During the planning process for future detention, court, library, and hospital facilities</p>	<p>DARM, to the extent that agencies constructing these facilities are subject to City of Fresno regulation</p>					X
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**Utilities and Service Systems**

<p><b>USS-1:</b> The City shall develop and implement a wastewater master plan update.</p> <p><b>Verification comments:</b></p>	<p>Prior to wastewater conveyance and treatment demand exceeding capacity</p>	<p>DPU</p>				X	
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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY					
			A	B	C	D	E	F
<p><b>Utilities and Service Systems (continued):</b></p> <p><b>USS-2:</b> Prior to exceeding existing wastewater treatment capacity, the City shall evaluate the wastewater system and shall not approve additional development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. By approximately the year 2025, the City shall construct the following improvements:</p> <ul style="list-style-type: none"> <li>Construct an approximately 70 MGD expansion of the Regional Wastewater Treatment and Reclamation Facility and obtain revised waste discharge permits as the generation of wastewater is increased.</li> <li>Construct an approximately 0.49 MGD expansion of the North Facility and obtain revised waste discharge permits as the generation of wastewater is increased.</li> </ul> <p><b>Verification comments:</b></p>								
	Prior to exceeding existing wastewater treatment capacity	DPU						X
<p><b>USS-3:</b> Prior to exceeding existing wastewater treatment capacity, the City shall evaluate the wastewater system and shall not approve additional development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. After</p>								
	Prior to exceeding existing wastewater treatment	DPU						X

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<i>(continued on next page)</i>	capacity							
<b>Utilities and Service Systems (continued):</b>								
<p><b>USS-3</b> <i>(continued from previous page)</i></p> <p>approximately the year 2025, the City shall construct the following improvements:</p> <ul style="list-style-type: none"> <li>Construct an approximately 24 MGD wastewater treatment facility within the Southeast Development Area and obtain revised waste discharge requirements as the generation of wastewater is increased.</li> <li>Construct an approximately 9.6 MGD expansion of the Regional Wastewater Treatment and Reclamation Facility and obtain revised waste discharge permits as the generation of wastewater is increased.</li> </ul> <p><b>Verification comments:</b></p>	<i>[see previous page]</i>	<i>[see previous page]</i>						
<p><b>USS-4:</b> A Traffic Control/Traffic Management Plan to address traffic impacts during construction of water and sewer facilities shall be prepared and implemented, subject to approval by the City (and Fresno County, when work is being done in unincorporated area roadways). The plan shall identify access and parking restrictions, pavement markings and signage, and</p>	Prior to construction of water and sewer facilities	PW for work in the City; PW and Fresno County Public Works and Planning when unincorporated					X	

A - Incorporated into Project  
B - Mitigated

C - Mitigation in Process  
D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>hours of construction and for deliveries. It shall include haul routes, the notification plan, and coordination with emergency service providers and schools.</p> <p><b>Verification comments:</b></p>		area roadways are involved						
<b>Utilities and Service Systems (continued):</b>								
<p><b>USS-5:</b> Prior to exceeding capacity within the existing wastewater collection system facilities, the City shall evaluate the wastewater collection system and shall not approve additional development that would generate additional wastewater and exceed the capacity of a facility until additional capacity is provided. By approximately the year 2025, the following capacity improvements shall be provided.</p> <ul style="list-style-type: none"> <li>Orange Avenue Trunk Sewer: This facility shall be improved between Dakota and Jensen Avenues. Approximately 37,240 feet of new sewer main shall be installed and approximately 5,760 feet of existing sewer main shall be rehabilitated. The size of the new sewer main shall range from 27 inches to 42 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are RS03A, RL02, C01-REP, C02-REP, C03-REP, C04-REP, C05-REP, C06-REL and C07-REP.</li> <li>Marks Avenue Trunk Sewer: This facility shall be improved between Clinton Avenue and Kearney Boulevard. Approximately 12,150 feet of new sewer main shall be installed. The size of the new sewer main shall range from</li> </ul>	Prior to exceeding capacity within the existing wastewater collection system facilities	DPU					X	

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>33 inches to 60 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CM1-REP and CM2-REP.  (continued on next page)</p>								
<p><b>Utilities and Service Systems (continued):</b></p>								
<p><b>USS-5 (continued from previous page)</b></p> <ul style="list-style-type: none"> <li>North Avenue Trunk Sewer: This facility shall be improved between Polk and Fruit Avenues and also between Orange and Maple Avenues. Approximately 25,700 feet of new sewer main shall be installed. The size of the new sewer main shall range from 48 inches to 66 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CN1-REL1 and CN3-REL1.</li> <li>Ashlan Avenue Trunk Sewer: This facility shall be improved between Hughes and West Avenues and also between Fruit and Blackstone Avenues. Approximately 9,260 feet of new sewer main shall be installed. The size of the new sewer main shall range from 24 inches to 36 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CA1-REL and CA2-REP.</li> </ul> <p><b>Verification comments:</b></p>	[see previous page]	[see previous page]						

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MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

**Utilities and Service Systems (continued):**

<p><b>USS-6:</b> Prior to exceeding capacity within the existing 28 pipeline segments shown in Figures 1 and 2 in Appendix J-1, the City shall evaluate the wastewater collection system and shall not approve additional development that would generate additional wastewater and exceed the capacity of one of the 28 pipeline segments until additional capacity is provided.</p> <p><b>Verification comments:</b></p>	<p>Prior to exceeding capacity within the existing 28 pipeline segments shown in Figures 1 and 2 in Appendix J-1 of the MEIR</p>	<p>DPU</p>					X
<p><b>USS-7:</b> Prior to exceeding existing water supply capacity, the City shall evaluate the water supply system and shall not approve additional development that demand additional water until additional capacity is provided. By approximately the year 2025, the following capacity improvements shall be provided.</p> <ul style="list-style-type: none"> <li>Construct an approximately 80 million gallon per day (MGD) surface water treatment facility near the intersection of Armstrong and Olive Avenues, in accordance with Chapter 9 and Figure 9-1 of the City of Fresno Metropolitan</li> </ul>	<p>Prior to exceeding existing water supply capacity</p>	<p>DPU</p>					X

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 F - Not Applicable



MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
approximately 2025. • Construct 65 new groundwater wells, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update. (continued on next page)	facilities							

Utilities and Service Systems (continued):

A - Incorporated into Project  
 B - Mitigated

C - Mitigation in Process  
 D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p><b>USS-8</b> <i>(continued from previous page)</i></p> <ul style="list-style-type: none"> <li>• Construct a 2.0 million gallon potable water reservoir (Reservoir T2) near the intersection of Clovis and California Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.</li> <li>• Construct a 3.0 million gallon potable water reservoir (Reservoir T3) near the intersection of Temperance and Dakota Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.</li> <li>• Construct a 3.0 million gallon potable water reservoir (Reservoir T4) in the Downtown Planning Area, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.</li> <li>• Construct a 4.0 million gallon potable water reservoir (Reservoir T5) near the intersection of Ashlan and Chestnut Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.</li> <li>• Construct a 4.0 million gallon potable water reservoir (Reservoir T6) near the intersection of Ashlan Avenue and Highway 99, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.</li> </ul> <p style="text-align: right;"><i>(continued on next page)</i></p>	<p><i>[see previous page]</i></p>	<p><i>[see previous page]</i></p>						

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C - Mitigation in Process  
 D - Responsible Agency Contacted

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

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A B C D E F					
			A	B	C	D	E	F
<b>Utilities and Service Systems (continued):</b>								
<p><b>USS-8</b> (continued from previous two pages)</p> <ul style="list-style-type: none"> <li>Construct 50.3 miles of regional water transmission mains ranging in size from 24-inch to 48-inch diameter, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.</li> <li>Construct 95.9 miles of 16-inch diameter transmission grid mains, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.</li> </ul> <p><b>Verification comments:</b></p>	[see Page 37]	[see Page 37]						
<p><b>USS-9:</b> Prior to exceeding capacity within the existing water conveyance facilities, the City shall evaluate the water conveyance system and shall not approve additional development that would demand additional water and exceed the capacity of a facility until additional capacity is provided. The following capacity improvements shall be provided after approximately the year 2025 and additional water conveyance facilities shall be provided prior to exceedance of capacity within the water conveyance facilities to accommodate full buildout of the General Plan Update.</p> <p>(continued on next page)</p>	Prior to exceeding capacity within the existing water conveyance facilities	DPU					X	

MEIR MITIGATION MEASURE MONITORING CHECKLIST FOR EA NO. A-14-005, R-14-009, C-14-080, February 27, 2015

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

**Utilities and Service Systems (continued):**

<p><b>USS-9</b> (continued from previous page)</p> <ul style="list-style-type: none"> <li>Construct a 4.0 million gallon potable water reservoir (SEDA Reservoir 1) within the northern part of the Southeast Development Area.</li> <li>Construct a 4.0 million gallon potable water reservoir (SEDA Reservoir 2) within the southern part of the Southeast Development Area.</li> </ul> <p>Additional water conveyance facilities shall be provided prior to exceedance of capacity within the water conveyance facilities to accommodate full buildout of the General Plan Update.</p> <p><b>Verification comments:</b></p>	<p>[see previous page]</p>	<p>[see previous page]</p>						
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**Utilities and Service Systems - Hydrology and Water Quality**

<p><b>USS-10:</b> In order to maintain Fresno Irrigation District canal operability, FMFCD shall maintain operational intermittent flows during the dry season, within defined channel capacity and downstream capture capabilities, for recharge.</p> <p><b>Verification comments:</b></p>	<p>During the dry season</p>	<p>Fresno Irrigation District (FID)</p>					<p>X</p>
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A - Incorporated into Project  
 B - Mitigated

C - Mitigation in Process  
 D - Responsible Agency Contacted

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

**EXHIBIT C**

**PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST**

**For Environmental Assessment No. A-14-005, R-14-009, C-14-080  
February 27, 2015**

This monitoring checklist for the above noted environmental assessment is being prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), as required under Assembly Bill 3180, and is intended to establish a project-specific reporting/monitoring program for Environmental Assessment No. A-14-005, R-14-009, C-14-080. Verification of implementation of these mitigation measures, in addition to the applicable measures specified for this project per the Mitigation Monitoring Checklist prepared for this project pursuant to Master Environmental Impact Report No. SCH No. 2012111015 Fresno General Plan, will be required upon the application for subdivision of the project site, special permits, or grading on the project site. The captions below refer to corresponding sections of the Initial Study checklist for this project, using the Appendix G format from the CEQA Guidelines.

**MITIGATION MEASURES FOR ENVIRONMENTAL ASSESSMENT NO. A-14-005, R-14-009, C-14-080**

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
1. Project shall implement and incorporate, as appropriate all mitigation measures as identified in the attached Master Environmental Impact Report No. SCH No. 2012111015Fresno General Plan Mitigation Monitoring Checklist dated February 27, 2015.	Applicant	Processing and review of project proposal prior to approval of special permit.	City of Fresno Development & Resource Management Department; City of Fresno, Departments of Public Works and Utilities

<p><b>IX-b: Hydrology and Water Quality</b>                  The project shall incorporate water use efficiency for landscaping including the use of drought tolerant and native plant materials, reduction of turf areas, and drip irrigation. Development of artificial lakes, fountains and ponds is strongly discouraged unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.</p>	<p>Applicant</p>	<p>Prior to issuance of building permits</p>	<p>City of Fresno                  Development &amp;                  Resource Management                  Department                   City of Fresno                  Department of Public                  Works</p>
<p><b>VIII. Hazards and Hazardous Materials</b>                  The project shall comply with the letter from the Fresno County Department of Environmental Health dated September 23, 2014, which contains regulations governing the installation of underground storage tanks, approval of a Hazardous Materials Business Plan, and compliance with California regulations.</p>	<p>Applicant</p>	<p>Prior to issuance of building permits</p>	<p>City of Fresno                  Development &amp;                  Resource Management                  Department                   Fresno County                  Department of Public                  Health</p>

<p><b>IX-d/e: Hydrology and Water Quality and XIV-a Public Services:</b> Comply with the Fresno Metropolitan Flood Control District's requirements related to flood control by either improving the current storm drain system to its needed capacity or utilizing a permanent peak reducing facility (see FMFCD letter dated October 13, 2014).</p>	<p>Applicant</p>	<p>Prior to issuance of building permits</p>	<p>City of Fresno Development &amp; Resource Management Department City of Fresno Department of Public Works Fresno Metropolitan Flood Control District</p>
<p><b>X. Land Use and Planning</b> Pedestrian walkways shall be provided within the site to connect the community commercial portion of the site with the planned office and existing residential neighborhood to the north in future phases of the project. The pedestrian pathways should connect E. Niles Avenue to E. Nees Avenue.</p>	<p>Applicant</p>	<p>Prior to planning approval of remaining 3 acres of the subject 5 acre site.</p>	<p>City of Fresno Development &amp; Resource Management Department</p>
<p><b>VI-a. Transportation</b> Comply with the conditions of the Department of Public Works, Traffic Engineering Division memo dated March 2, 2015 which require dedications and street improvements, and payment of impact fees.</p>	<p>Applicant</p>	<p>Prior to issuance of building permits</p>	<p>City of Fresno Development &amp; Resource Management Department Department of Public Works</p>

<p><b>XIV. Public Services</b> Pay development impact fees for parks/open space, police and fire services.</p>	<p>Applicant</p>	<p>Prior to issuance of building permits</p>	<p>City of Fresno                  Development &amp;                  Resource Management                  Department</p>
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