



REPORT TO THE PLANNING COMMISSION

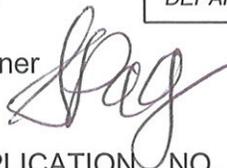
AGENDA ITEM NO. VIII-A
COMMISSION MEETING 12-05-12

December 5, 2012

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division 

APPROVED BY

DEPARTMENT DIRECTOR *m. Scott*

BY: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division 

SUBJECT: CONSIDERATION OF REZONE APPLICATION NO. R-09-012 AND
CONDITIONAL USE PERMIT APPLICATION NO. C-09-161 FOR THE
DEVELOPMENT OF A 10-STORY BUILDING AT THE SOUTH SIDE OF
RIVER PARK PLACE WEST BETWEEN NORTH FRIANT ROAD AND STATE
ROUTE 41

RECOMMENDATION

Upon consideration of staff evaluation, it can be concluded that proposed Rezone No. R-09-012 and Conditional Use Permit Application No. C-09-161 are appropriate for the project site with conditions imposed. 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. R-09-012 and Conditional Use Permit No. C-09-161 for the purpose of the proposed rezone and conditional use permit applications.
2. RECOMMEND APPROVAL TO THE CITY COUNCIL of Rezone Application No. R-09-012 to amend the conditions of zoning to increase the building height limitation from six stories and 98 feet to ten stories and 150 feet consistent with the Mid Rise High Rise Corridor designation in the general plan.
1. APPROVE Conditional Use Permit Application No. C-09-161 for the development of a 234,723 square foot ten-story, office building at a maximum height of 150 feet subject to the following:
 - a. Conditions of Approval dated December 5, 2012
 - b. Operational Statement dated August 11, 2009
 - c. Exhibits A, A-1, A-2, E-1 – E-5, and L

EXECUTIVE SUMMARY

Rezone Application No. R-09-012 and Conditional Use Permit Application No. C-09-161, filed by DeWayne Zinkin, pertain to approximately 12 acres (7.8 acres for the proposed building site and an additional 4.35 acres for parking) of an overall 20.07-acre office development property located on the south side of River Park Place West between North Friant Road and State Route 41. Rezone Application R-09-012 proposes to modify the building height limitation in the conditions of zoning from six stories and 98 feet to ten stories and 150 feet on APN 402-760-30. Conditional Use Permit Application No. C-09-161 is a request to construct a 234,723 square foot, ten story general office building with a maximum building height of 150 feet on APN 402-760-30 and construct additional parking and landscaping on APN 402-760-29. The property is within the jurisdictions of the Woodward Park Community Plan and the 2025 Fresno General Plan, which both designate the property for office commercial planned land use. The C-M/UGM/cz zone district is considered consistent with the office commercial planned land use designated for the subject property pursuant to Fresno Municipal Code

Section 12-607-A-1, which allows continuation of zone districts created prior to the adoption of the Local Planning and Procedures Ordinance in 1987. Staff recommends approval of Rezone Application No. R-09-012 and Conditional Use Permit Application No. C-09-161.

PROJECT INFORMATION

PROJECT	Rezone Application R-09-012 proposes to modify the building height limitation in the conditions of zoning from six stories and 98 feet to ten stories and 150 feet APN 402-760-30. Conditional Use Permit Application No. C-09-161 is a request to construct a 234,723 square foot, ten story general office building with a maximum building height of 150 feet on APN 402-760-30 and construct additional parking and landscaping on APN 402-760-29.
APPLICANT	DeWayne Zinkin
LOCATION	South side of River Park Place West between North Friant Road and State Route 41 (Council District 6, Councilmember Brand)
SITE SIZE	12 acres of an overall 20.07 acre site
LAND USE	Existing - Office Commercial Proposed - Office Commercial
ZONING	Existing - C-M/UGM/cz (Commercial and Light Manufacturing/Urban Growth Management/conditions of zoning) Proposed - C-M/UGM/cz (Commercial and Light Manufacturing/Urban Growth Management/conditions of zoning) with modification of a condition of zoning to change the height limitation
PLAN DESIGNATION AND CONSISTENCY	Rezone Application No. R-09-012 and Conditional Use Permit Application No. C-09-161 are considered to be consistent with the office commercial planned land use designation pursuant to Fresno Municipal Code Section 12-607-A-1, which allows continuation of zone districts created prior to the adoption of the Local Planning and Procedures Ordinance in 1987.
ENVIRONMENTAL FINDING	Mitigated Negative Declaration dated November 9, 2012.
PLAN COMMITTEE RECOMMENDATION	The District 6 Plan Implementation Committee reviewed and approved the proposed project at their meeting on August 31, 2009.
STAFF RECOMMENDATION	Recommend approval of Rezone Application No. R-09-012 and Conditional Use Permit Application No. C-09-161 subject to the Special Permit Conditions of Approval dated December 5, 2012.

RELATED APPLICATIONS

Rezone Application No. R-7143 rezoned the property from an agricultural zone district to its current zoning of C-M/UGM/cz and mandated several conditions of zoning (Ordinance No. 85-68)

Site Plan Review Application No. S-03-74 proposed the construction of five office structures two to five stories in height totalling 320,000 square feet in area. One 3-story 64,441 square foot building was constructed under this permit.

Rezone Application No. R-05-074 modified conditions of zoning to allow maximum building heights to be increased from four stories and 50 feet to six stories and 98 feet.

Conditional Use Permit Application No. C-05-203 approved the construction of a six-story 98 foot tall office building. A 133,227 square foot six-story building was constructed under this special permit.

COVENANTS

The applicant will be required to file a cross access agreement prior to issuance of building permits

ZONE CONDITIONS

Several conditions of zoning were required by the approval of Rezone No. R-7143 and will remain in effect with the proposed rezone, with the exception of the height limitation, as discussed below.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Office Commercial	C-P/UGM/cz <i>Administrative and Professional Office/ Urban Growth Management/ conditions of zoning</i>	Woodward Park
South	General Heavy Commercial	C-6/UGM/CZ <i>Heavy Commercial/Urban Growth Management/conditions of zoning</i>	Retail
East	Office Commercial	C-P/UGM/cz <i>Administrative and Professional Office/ Urban Growth Management/ conditions of zoning</i>	Office <i>(both existing and vacant site of the approved "Fresno 40" project)</i>
West	State Route 41	None	State Route 41

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.

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 Master Environmental Impact Report (MEIR) No. 10130 for the 2025 Fresno General Plan (SCH#2001071097) and Mitigated Negative Declaration (MND) No. A-09-02 (SCH#2009051016). 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 rezone and conditional use permit applications, have been determined to not be fully within the scope of MEIR No. 10130 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 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 R-09-012/C-09-161 was published on November 9, 2012 with no comments received to date.

Project Specific Mitigation Measures apply to the project in the areas of Aesthetics/Visual Character, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, and Utilities. See Attachment 9 for the Project Specific Mitigation Monitoring Checklist, which describes each measure in more detail.

BACKGROUND / ANALYSIS

Previous Applications

Rezone Application No. R-7143 (1985) rezoned the entire 20.07 acre property from an agricultural zone district to its current zoning of C-M/UGM/cz and imposed several conditions of zoning (Ordinance No. 85-68), including a cap on average daily trips of 14,383.

Site Plan Review Application No. S-03-74 approved the construction of five office structures on the 20.07 acre property ranging in size from two to five stories in height totalling 320,000 square feet in area. One 3-story 64,441 square foot building was constructed under this permit (APN 402-760-28). Future office buildings were to be built in future phases.

Rezone Application No. R-05-074 modified conditions of zoning on the entire 20.07 acre property to allow maximum building heights to be increased from four stories and 50 feet to six stories and 98 feet consistent with the Mid Rise High Rise Corridor in the 2025 Fresno General Plan.

Conditional Use Permit Application No. C-05-203 approved the construction of a six-story 98 foot tall office building on one of the parcels (APN 402-760-28). A 133,227 square foot six-story building was constructed under this special permit. Future office buildings were to be built in future phases.

Proposed Applications

Rezone Application No. R-09-012 proposes to amend the conditions of zoning to increase the building height limitation from six stories and 98 feet to ten stories and 150 feet consistent with the Mid Rise High Rise Corridor designation in the 2025 Fresno General Plan.

Conditional Use Permit Application No. C-09-161 proposes the development of a 234,723 square foot ten-story, office building at a maximum height of 150 feet as the final phase of development of the 20.07 acre site, bringing the total square footage of the site to 432,391 square feet.

Mid Rise High Rise Corridor

The project is located within the adopted Freeway 41 Mid Rise and High Rise Corridor depicted on Exhibit 6 of the 2025 Fresno General Plan. Section 12-321 of the Fresno Municipal Code contains special standards for mid rise and high rise buildings. The proposed building is considered a mid rise building under the definitions; high rise buildings are defined as those over 150 feet in height and are only permitted south of Divisadero Street in the Central Area. In addition to more stringent application submittal and public noticing requirements, special property development standards apply, including a maximum floor area ratio (FAR) of 0.75, a 375 foot setback from adjacent residential property, and increased landscaping requirements. The project proposes an FAR of 0.69 and is located at least 600 feet from the adjacent residential property to the west across State Route 41, thereby meeting the requirements. The Mid Rise High Rise Corridor also requires sun shadow and acoustical analyses, both of which are discussed below.

Sun Shadow Analysis A sun shadow analysis was submitted by IBA Civil Engineering and Land Surveying on January 20, 2009 for Conditional Use Permit Application No. C-09-161 (see Appendix E of

EA in Attachment 7). The purpose of the analysis is to show the shadows that each mid-rise building will cast on planned residential property between ten o'clock a.m. and two o'clock p.m. on the winter solstice of any given year. The analysis shows that the shadow cast by the building on that date will remain entirely on the subject property (APN 402-760-30) and will not spill over into any adjacent commercial or residential property. Therefore the building complies with this code section.

Acoustical Analysis The purpose of this analysis is to determine any noise impacts that the project will have on surrounding properties. The analysis has also been requested because the proposed building will be directly adjacent to State Route 41, which is a major noise source, and could affect building occupants. Pursuant to Policy H-1-a of the 2025 Fresno General Plan, "new noise-sensitive land uses impacted by existing or projected future transportation noise sources shall include mitigation measures so that resulting noise levels do not exceed the standards shown in Table 8." According to Table 8, an office use must not exceed an interior noise level of 45Leq dB as determined for a typical worst-case hour during periods of use.

The applicant has submitted an acoustical analysis dated January 29, 2009 prepared by Brown-Buntin Associates, Inc (see Appendix H of EA in Attachment 7). According to the analysis, the interior noise levels in the proposed ten-story office building will not exceed the interior noise level of 45Leq dB with the following mitigation measure:

The project design shall include the installation of suspended acoustical ceiling in all offices located on the perimeter of the building and that will face, or partially face, State Route 41 in order to ensure compliance with the City's 45 dBA Leq standard for interior office sound levels

The acoustical analysis also analyzed off-site noise impacts of the project. Modeling was used to determine the relative change in noise exposure that would occur to surrounding residents as a result of the project. Project-related increases in traffic noise exposure were determined to range from zero to 0.7 dB. Such increases are not considered significant and do not require mitigation.

Conditions of Zoning

All conditions of zoning on the property would remain in effect, with the exception of the six-story, 98 foot height restriction, which is proposed to be increased by Rezone Application No. R-09-012. The conditions of zoning on this property contain off-site improvement requirements as well as specific requirements with regard to setbacks, landscaping, signs, and parking. Highlights include a 50-foot setback from Audubon Drive and a 30-foot setback from Friant Road, additional landscaping requirements, sign restrictions, parking requirements, and storage/loading requirements.

The conditions of zoning on the property also limit average daily trips generated by the property to 14,383. The existing two buildings on the site generate 2,171 average daily trips. The proposed ten-story office building is estimated to generate 2,584 additional average daily trips, bringing the total to 4,755, which is less than half of the established capacity.

Visual Character

The proposed ten-story building is proposed in the same architectural style as the two existing buildings on the site, but with a larger, stepped triangular footprint which mirrors the triangular shape of the site. The primary entrance faces north, to the interior of the office park, however the more visually interesting, stepped elevation faces south, towards the northbound onramp of State Route 41. The building is clad in aluminum and glass curtain wall panels. Two stainless steel columns mark the primary entrance on the north side of the building.

An analysis of the visual character of the building was conducted as part of the environmental assessment (See pages 19-45 of EA in Attachment 7). Views from the surrounding office and residential properties were characterized using visual simulation techniques. Exhibit 12 in the EA shows simulations of the views from the residential properties west of State Route 41. Because there is a mature row of evergreen trees at the rear property line of the residential uses, the EA concludes that any visual impacts to residents are less than significant. The EA also points out that no residential viewer would have a view of both the six-story and the ten-story building.

Public Services

The proposed project was routed to all urban services providers as part of the planning process. The City of Fresno Departments of Fire, Public Utilities and Public Works, as well as the Fresno Metropolitan Flood Control District, Fresno Irrigation District, the San Joaquin Valley Air Pollution Control District and the Department of Public Health have all provided comments which have made mitigation measures and/or conditions of approval of the project. A water budget for the project was reviewed by the water division and was confirmed to be consistent with the Urban Water Management Plan.

Transportation and Circulation

Project Setting The proposed project is bounded by River Park Place West to the north, Friant Road to the south, and SR-41 to the west. The project takes access (via River Park Place West, a private drive) from Audubon Drive, a scenic collector on the north and Fresno Street, an arterial, to the south. Both of these connect to Friant Road, a super arterial.

The project is currently served by Fresno Area Express (FAX) Routes 30 and 56, which run adjacent to the project site along Friant Road. A bus stop currently exists along the Friant Road project frontage. In addition, the northern terminus station of the planned Bus Rapid Transit line planned for Blackstone Avenue is expected to be located near the intersection of Fresno Street and Friant Road.

A multi-purpose trail runs along Cole Avenue, which is approximately one-half mile from the project site. This trail connects to the River Park area to the south, Shepherd Avenue to the north, and is planned to connect to Woodward Park to the west with the construction of the "Fresno 40" project across Friant Road to the east.

Traffic Impact Analysis A TIA (Traffic Impact Analysis) was prepared by VRPA Technologies, Inc. on September 24, 2009 and revised on June 27, 2011 to evaluate potential traffic impacts of the project. The findings of this study are discussed on pages 141-165 of the environmental assessment (Attachment 7). The project is estimated to generate 2,584 average daily trips, with 364 trips occurring

in the AM peak hour and 350 trips projected for the PM peak hour. The following scenarios were evaluated:

- Existing Conditions
- Existing Conditions Plus Project
- Near Term
- Cumulative 2030 Plus Project

The following intersections and street segments were analyzed:

Intersections:

- Friant Road/Audubon Drive
- Friant Road/Fresno Street
- Blackstone Avenue/Nees Avenue
- Audubon Drive/River Park Place West

Roadway Segments:

Friant Road Between:

- Audubon Drive and Fresno Street
- Fresno Street and Nees Avenue

Under existing conditions, all of the study intersections are operating at Level of Service (LOS) F during the AM and PM peak period with the exception of the intersections of Audubon Drive/River Park Place, which operates at LOS B during the peak periods. All street segments are experiencing LOS F conditions in either the AM or PM peak period. These trends continue for the Existing Plus Project, Near Term, and Cumulative scenarios, with the added impact that in the Cumulative Scenario (2030) the intersection of Audubon Drive and River Park Place East is operating at LOS F. The City of Fresno's 2025 General Plan, policy E-1-f, allows an LOS D as the acceptable level of congestion on major streets. All city intersections and roadway segments shall operate at a LOS D or better under the near-term conditions unless a finding of overriding consideration was adopted in the Master EIR for the general plan. The TIA identified mitigation measures to address these impacts, but determined all were infeasible (due to existing private development adjacent to roadways) except for the construction of a roundabout on Audubon Drive. Beyond this, only the payment of transportation impact fees is feasible mitigation. Public Resources Code Section 21083.3 allows the use of a Mitigated Negative Declaration in this case because the individual project would contribute to significant impacts which have already been analyzed in the previously adopted Master EIR for the 2025 Fresno General Plan.

District 6 Plan Implementation Advisory Committee

The District 6 Plan Implementation Advisory Committee reviewed Rezone Application No. R-09-012 and Conditional Use Permit Application No. C-09-161 on August 31, 2009 and recommended approval of the project.

Public Noticing and Comment

Pursuant to Section 12-321 of the FMC related to Mid Rise and High Rise Buildings, the project was noticed to all property owners within 1,200 feet of the project site (8 times the height of the tallest building). No comments have been received to date.

LAND USE PLANS AND POLICIES

2025 Fresno General Plan

The Development and Resource Management Department staff has evaluated the requested rezone and conditional use permit applications in accordance with the 2025 Fresno General Plan and the Woodward Park Community Plan. The following policies which support the 2025 Fresno General Plan and guide commercial development relate directly to the proposed project.

Policy C-3-c: *Buildings in excess of 60 feet in height shall only be allowed within the boundaries of the adopted Freeway 41 Mid Rise/High Rise Corridor, as depicted on the Urban Form Components Map (Exhibit 6).*

The proposed building is located within the designated Mid Rise Corridor.

Policy C-12-c: *Plan for office commercial developments of the appropriate amount, location, size and intensity necessary to meet regional, metropolitan, community and neighborhood area needs consistent with the planned urban form and other applicable planning and zoning provisions.*

The proposed office buildings are located within the Woodward Park Activity Center as shown on Figure 1-2.2 of the Woodward Park Community Plan. The 2025 Fresno General Plan in Exhibit 6, also designates the project site within a proposed activity center and linear intensity corridor. The project site is located near an expressway (Herndon Avenue) and Freeway 41 which provide for circulation of more intense developments, such as office uses. The proposed project provides office uses at a location and size that is consistent with surrounding developments as well as adopted planning and zoning requirements.

Policy C-4-b: *Activity centers should include commercial areas, employment centers, schools, higher-density residential development, churches, parks and other gathering points where residents may interact, work and obtain goods and services in the same place.*

The proposed office project will provide office commercial development for the activity center. This will provide residents in the area with the ability to work near the place they live, shop and otherwise interact.

Objective C-18: *Enhance the visual image of all "gateway" routes entering the Fresno metropolitan area.*

Policy C-18-b: *Gateway designation shall apply to key access routes such as Freeways 99, 41, 168, and 180; passenger rail rights-of-way; Peach Avenue and Clinton Way where air travelers enter Fresno; Van Ness/Fulton, Divisadero, Tulare, Fresno, Blackstone/Abby, Shaw and Herndon Avenues*

should also receive a greater emphasis on streetscape improvements to identify them as special entryways.

Since the proposed building is located on the north end of the City of Fresno and is directly adjacent to Freeway 41, it is considered a gateway. The applicant has been required to place landscaping between the proposed building and State Route 41.

Policy C-18-i: *Placement of building footprints along gateway areas should be carefully evaluated.*

The proposed building is set back approximately 110 feet from the property line adjacent to SR-41.

Policy C-20-d: *Development projects shall be designed with appropriate layouts that provide sufficient areas for all proposed activities, for support functions, and for efficient and safe vehicular and pedestrian access.*

- Particular attention shall be given to location of proposed customer parking areas so as to not discourage pedestrian, bicycle and other forms of transit to the project site and so as to encourage multi-modal transit activity centers.*
- Safe vehicular, bicycle, and pedestrian access shall be provided and maintained. Access for the disabled shall be incorporated into project designs as required.*
- Buildings in shopping centers should be linked by pedestrian walkways.*
- Business and industrial parks should be created as integrated, "campuslike" settings, with uniformity of improvements and shared facilities for parking, loading, mass transit, and with internal and external bicycle and pedestrian access.*

The applicant has been required to provide pedestrian pathways from the proposed building to the nearest public sidewalks and between the adjacent buildings. The project has been conditioned to provide adequate bicycle parking adjacent to the proposed building.

Woodward Park Community Plan

Policy 1-4.1 *Concentrate high intensive office and commercial developments, including mid rise buildings where permitted by Section 12-321 of the Zoning Ordinance, serving metropolitan or community needs within the identified Woodward Park activity center consistent with that area's office, community, general heavy strip and regional commercial designations.*

The Woodward Park Community Plan designates the project site and surrounding area as an activity center, as noted above in this report. The project meets the goals and policies of the community plan by locating the ten-story office building within the activity center.

Conditions of Approval for Conditional Use Permit No. C-09-161

The conditions of approval for the project (see Attachment 5) incorporate all requirements from previous special permits, zoning, conditions of zoning, mid rise corridor provisions, agency comments, and mitigation measures.

CONDITIONAL USE PERMIT FINDINGS

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-321-C

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: Conditional Use Permit Application No. C-09-161 will meet all code provisions of the proposed C-M/UGM/cz zone district as well as incorporate all applicable policies of the Woodward Park Community Plan. Adequate space on-site does exist to accommodate all provisions as incorporated into the Conditions of Approval. Parking: 634 parking spaces are required; 963 are provided; the building is set back a minimum of 110 feet from all property lines, thus exceeding all setback requirements; walls and fences shall meet project conditions; solid waste and recycling areas have been provided, and landscape plan shows 67% coverage of parking lot pursuant to parking lot shading policy.

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: The City of Fresno Department of Public Works, Traffic Engineering Division has reviewed the project and conditioned it accordingly to ensure the use is compatible with the surrounding streets. Mitigation measures apply to the project to address traffic impacts generated by the project.

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. In making this finding, the Council shall consider, without limitation, the following:

- (1) The impact of the proposed development and use on the character and integrity of the surrounding area. The character and integrity of an area are those physical qualities and attributes which distinguish the area from other areas of the city and which maintain property values and economic viability in the area.*
- (2) The availability of public services and facilities to serve the proposed development and use including but not limited to traffic circulation, sewer, water, police and fire protection, transit services, park and recreation facilities, schools, and storm drainage.*

Finding c: Approval of Conditional Use Permit Application No. C-09-161 would not be detrimental to those properties in the vicinity. All standards required per code and plan policies have been applied to the proposed project as applicable to ensure compatibility with those surrounding land uses. The proposed ten story building is located in an office park surrounded on three sides by commercial development. Visual simulation analysis determined that views of the building from the residential development to the west of SR-41 are well screened and therefore less than significant. Mitigation measures ensure high architectural quality of site elements including signage and require a lighting plan reviewed by city staff to ensure there is no light spillover into residential properties.

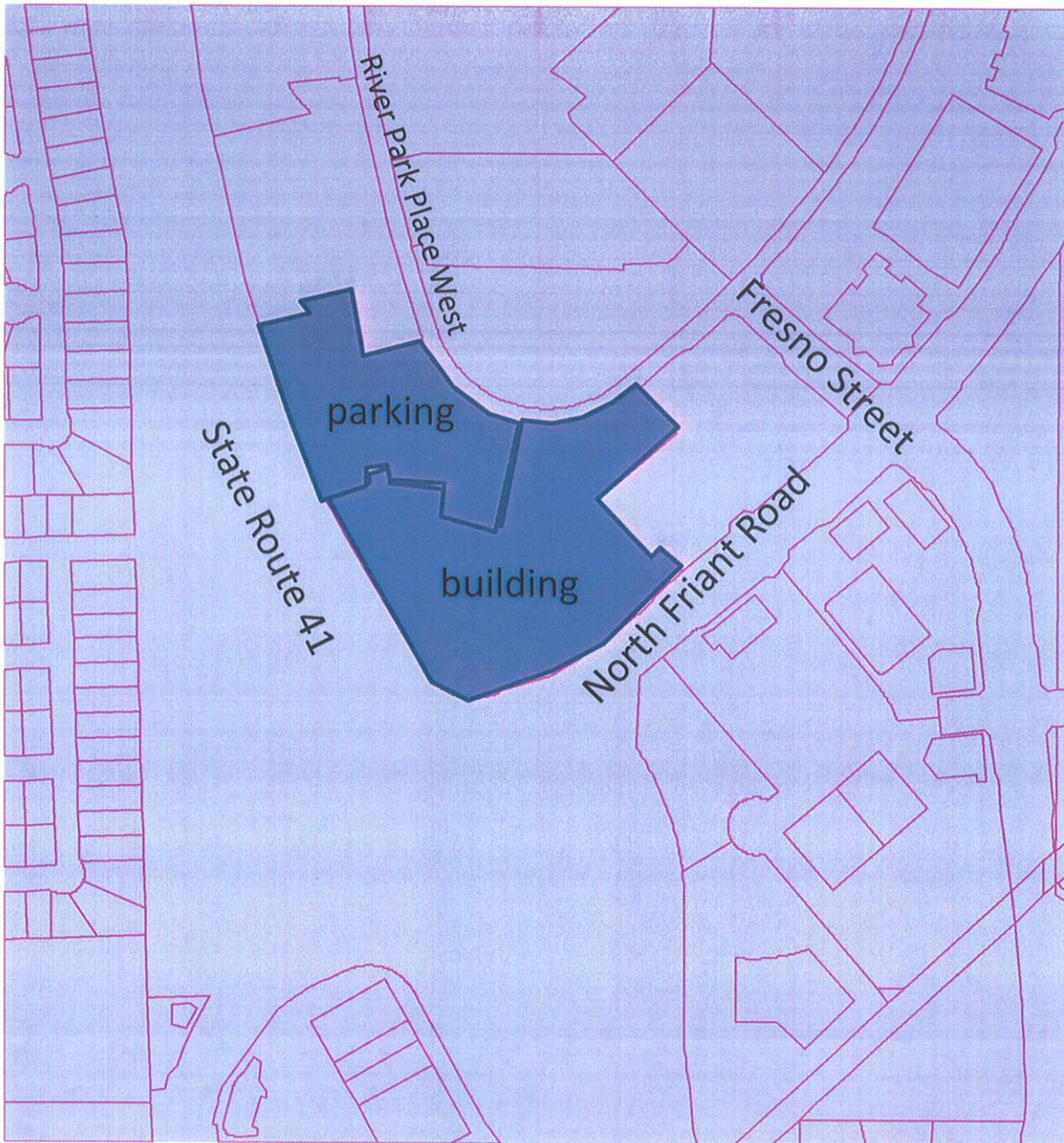
d. The proposed development and use are consistent with adopted city plans and policies

Finding d: Approval of a ten story 150-foot mid-rise building in the proposed location is consistent with the 2025 Fresno General Plan land use policy as depicted on Exhibit 6 of the plan, and with other land use policies as described in the staff report. In addition, the proposal complies with Fresno Municipal Code Section 12-321 related to mid-rise and high-rise buildings.

Attachments:

- Attachment 1: Vicinity Map
- Attachment 2: 2008 Aerial Photograph of the Site
- Attachment 3: 2025 Fresno General Plan Land Use Map
- Attachment 4: Conditional Use Permit No. C-09-161 Exhibits
- Attachment 5: Conditions of Approval dated December 5, 2012
- Attachment 6: Email from Caltrans dated November 28, 2012
- Attachment 7: Environmental Assessment No. R-09-012/C-09-161 (Initial Study and Mitigated Negative Declaration)
- Attachment 8: MEIR Mitigation Monitoring Checklist
- Attachment 9: Project Specific Mitigation Monitoring Checklist
- Attachment 10: Noticing Map

1.
Vicinity Map



Subject Property

VICINITY MAP

REZONE APPLICATION NO. R-09-012
CONDITIONAL USE PERMIT AMENDMENT
APPLICATION NO. C-09-161

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

PROPERTY ADDRESS

25 River Park Place West

APNs: 402-760-29, 30

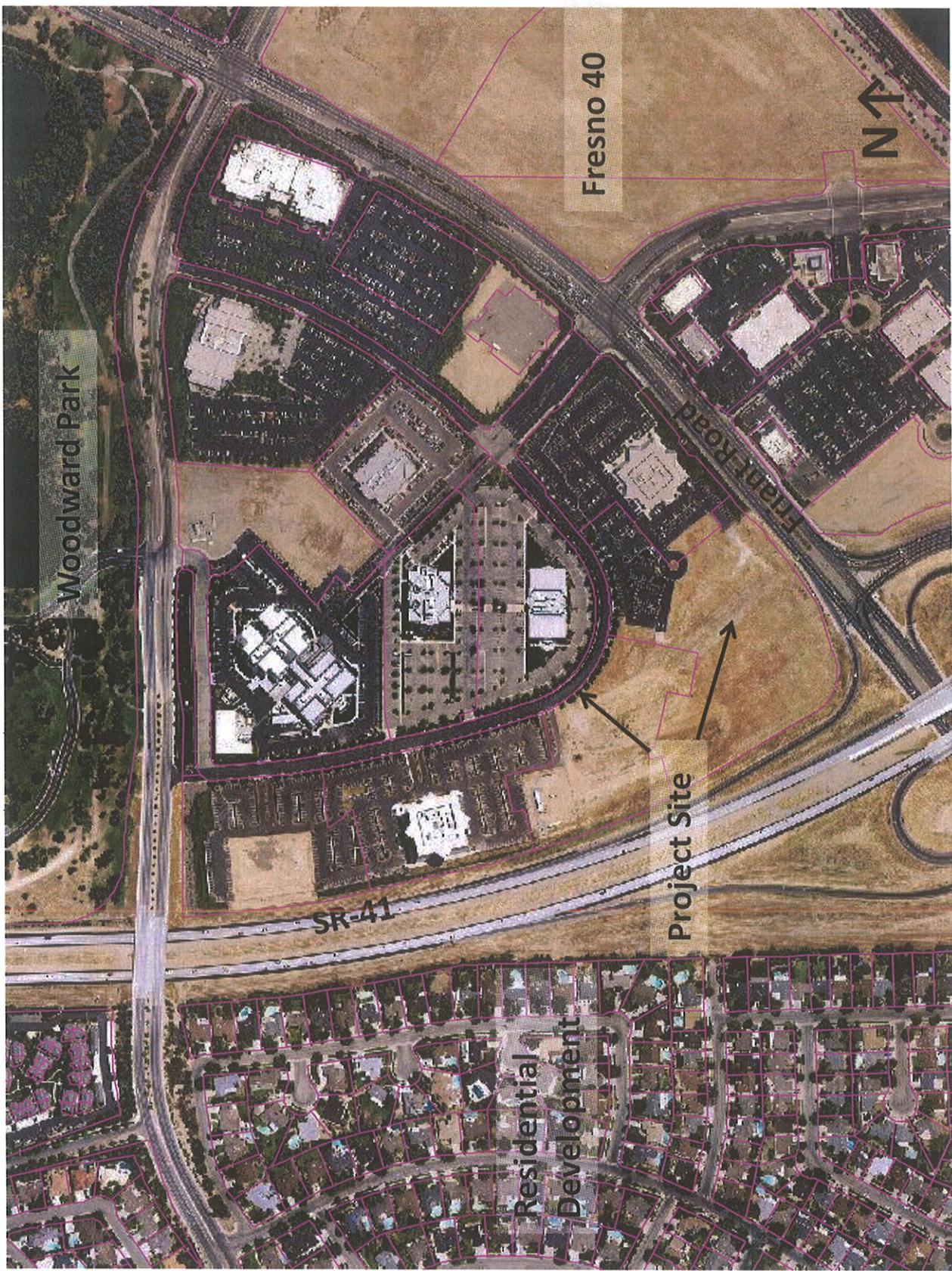
Zone District: C-M/UGM/cz

By: S. Pagoulatos, Nov. 30, 2012



Not To Scale

2.
Aerial Photograph



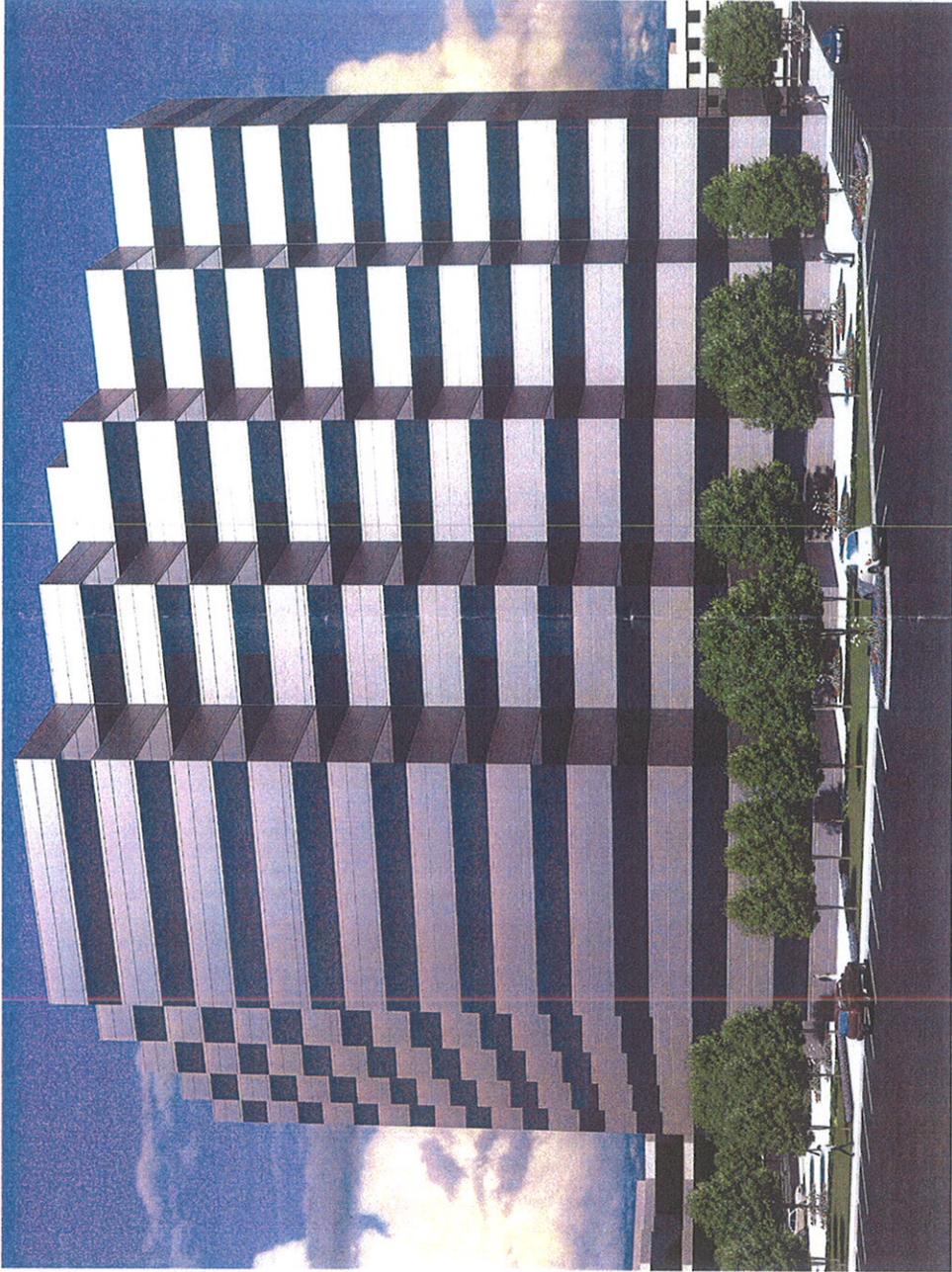
2008 Aerial Photo

3.
2025 Fresno General Plan Land Use Map



2025 Fresno General Plan Land Use Map

4.
Conditional Use Permit No. C-09-161
Exhibits



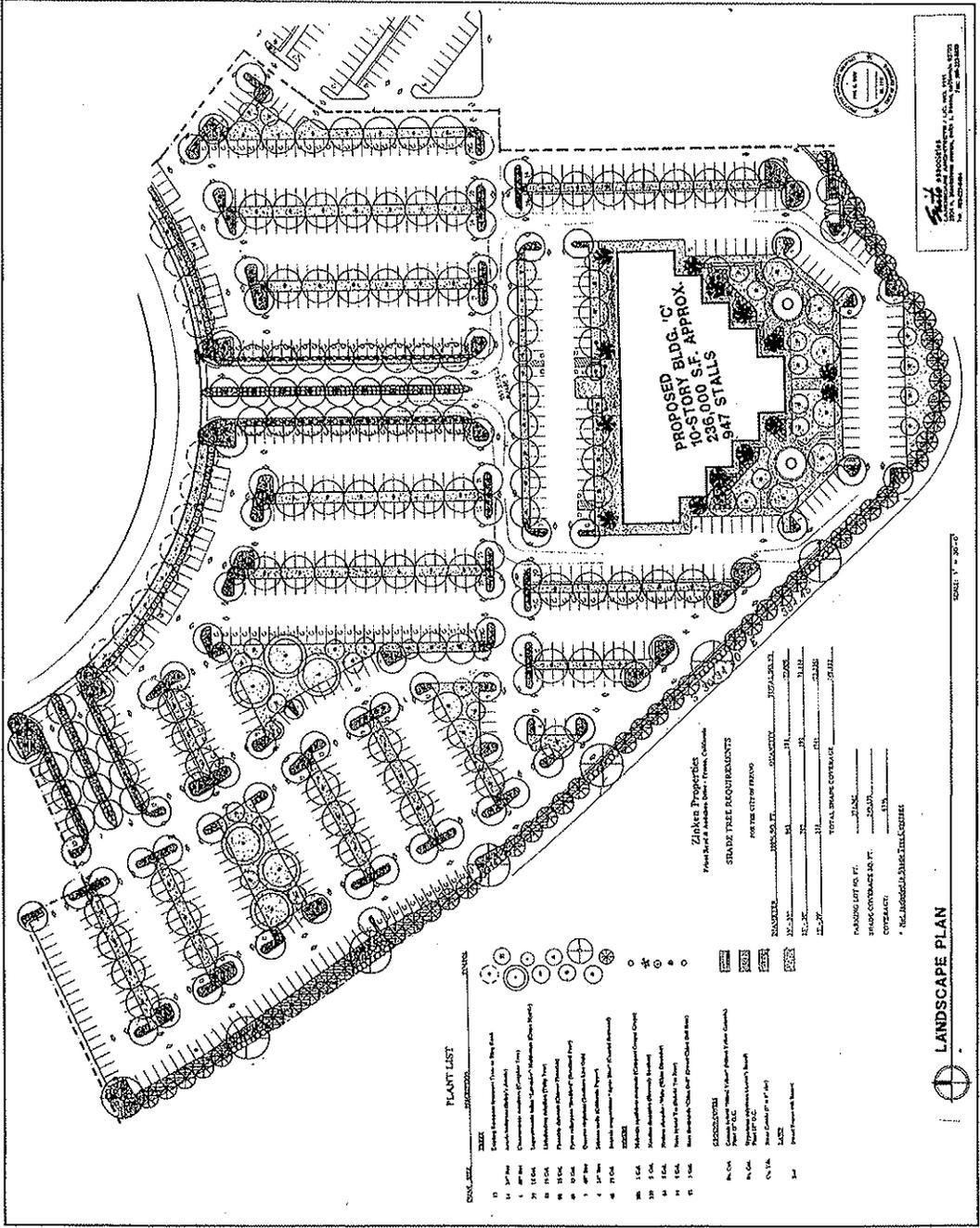
APPL. NO. C-08-16 EXHIBIT E DATE 8-11-09
PROJ. ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE _____
CITY OF FRESHO PLANNING & DEVELOPMENT DEPT

RON MAZZEO
AND ASSOCIATES
 ARCHITECTS/PLANNERS
 6000 N. PALM AVE. #700
 FRESNO, CA 93711
 (559) 438-2288
 FAX (559) 433-6263

**PROPOSED
 ZINKIN 10-STORY
 OFFICE BUILDING**
 FRESNO, CALIFORNIA

DATE: 11/13/08
 DRAWN BY: M.F. ENRI
 CHECKED BY: M.F. ENRI
 PROJECT NO.: 0746
 SHEET NO.: 11

LANDSCAPE PLAN
 SCALE: 1" = 20'-0"



PLANT LIST

SYMBOL	PLANT NAME
○	1" Calceolaria
○	2" Calceolaria
○	4" Calceolaria
○	6" Calceolaria
○	8" Calceolaria
○	10" Calceolaria
○	12" Calceolaria
○	14" Calceolaria
○	16" Calceolaria
○	18" Calceolaria
○	20" Calceolaria
○	22" Calceolaria
○	24" Calceolaria
○	26" Calceolaria
○	28" Calceolaria
○	30" Calceolaria
○	32" Calceolaria
○	34" Calceolaria
○	36" Calceolaria
○	38" Calceolaria
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○	56" Calceolaria
○	58" Calceolaria
○	60" Calceolaria
○	62" Calceolaria
○	64" Calceolaria
○	66" Calceolaria
○	68" Calceolaria
○	70" Calceolaria
○	72" Calceolaria
○	74" Calceolaria
○	76" Calceolaria
○	78" Calceolaria
○	80" Calceolaria
○	82" Calceolaria
○	84" Calceolaria
○	86" Calceolaria
○	88" Calceolaria
○	90" Calceolaria
○	92" Calceolaria
○	94" Calceolaria
○	96" Calceolaria
○	98" Calceolaria
○	100" Calceolaria

Ziplex Properties
 10-Story Bldg. at Avenida Street + Fresno, California

SHADE TREE REQUIREMENTS FOR THE CITY OF FRESNO

PAVING: 100%
 STALLS: 247
 TOTAL SHADE TREE COVERAGE: 100%

PAVING LIST PER FT. 100%
 STALLS PER FT. 247
 TOTAL SHADE TREE COVERAGE: 100%

CONTRACTOR: [Blank]

* Referenced to Shade Tree Ordinance

LANDSCAPE PLAN
 SCALE: 1" = 20'-0"

LI
 DATE: 11-13-08
 AS NOTED

OPERATIONAL STATEMENT

Project Description:

Master application for Site Plan Review Amendment and Conditional Use Permit for midrise 10 story building is being submitted by DeWayne Zinkin of the Zinkin Offices and pertains to 7.9 acres of property located at 25 River Park Place West, Fresno, California, APN: 402-760-30 and is zoned CM-UGM-CZ with a planned land use of development for office and related purposes. Mr. Zinkin is requesting a Site Plan Review Amendment and a Conditional Use Permit for a midrise building pursuant to Municipal Code Section 12-321, which development shall consist of a 10 story building up to 150 feet tall. The building design currently provides for a maximum of 146 feet.

The existing site currently consists of bare ground on the above identified parcel. The parcel is adjacent to 2 developed properties owned by the applicant which are located at 5 River Park Place West and 45 River Park Place West. The proposed hours of operation are normal and usual office business hours and are proposed to be from 7 a.m. to 6 p.m., Monday through Friday; however tenants shall have access to their leased premises 24 hours per day, 7 days per week and some may be open to the public on Saturday, typically from 8:00 a.m. to 12:00 p.m.

Operational Narrative:

The project in question ("Project") is a ten (10) story office building on 7.91 acres, which is the final phase of the development of the entire 20.07 acre property (the "Development"). The first two phases consisted of the three (3) story and six (6) story office buildings which have been constructed. The 10 story building shall be a Class-A office building which shall be leased and shall service the needs of tenants comparable to the tenants of the existing 3 story office building located at 5 River Park Place West and the 6 story office building located at 45 River Park Place West. The 3 buildings shall be owned and operated by DeWayne Zinkin, dba The Zinkin Offices and shall share reciprocal rights to parking and use of drive-isles and access ways as depicted in the Site Plan submitted with the Application for Site Plan Review.

The proposed Site Plan Review would modify the site plan from a 5 building configuration on the entire Development, to a total of 3 office buildings. The total square footage of the three buildings shall be approximately 432,391 gross square feet which shall consist of: (i) the 3 story office building at 5 River Park Place West, which contains 64,441 square feet; (ii) the 6 story office building at 45 River Park Place West, which contains 133,227 square feet and (iii) the proposed 10 story office building located at 25 River Park Place West, which shall contain approximately 234,723 square feet.

The subject property is zoned CM-UGM-CZ. This application does not request a rezone of the property to a different zone district. The Conditions of Zoning provide that unless otherwise stated, the development standards of the M1P Zone District will apply.

APPL. NO. <u>C-09-19</u>	EXHIBIT <u>0</u>	DATE <u>8.11.09</u>
PROJ. ENG.	DATE	DATE
TRAFFIC ENG.	DATE	DATE
COND. APPROVED BY		DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT		

No specific height limitation was specified in the Conditions of Zoning and therefore the height limitation mentioned in the M1P Zone District would apply.

The property lies within the midrise/high rise building corridor described in the General Plan. Section 12-321 of the Fresno Municipal Code specifically provides that the provisions of that Section (providing for a CUP for development of midrise buildings) apply to property within the midrise corridor and within the CM District. However, this application is being made for a Conditional Use Permit to modify the Conditions of Approval to permit a 10 story midrise office building which shall be not more than 150 feet tall (it is projected to be 146 feet tall).

The Applicant requests that the Condition of Zoning providing that the height limitation be based upon the building standard in the M1P Zone District, be modified to provide that the building height be governed by the building standards within the CP Zone District subject to the provisions of Section 12-321.

The Project will be complementary to the surrounding neighborhood which is composed of multi-story office buildings. The project is located within the River Park Corporate Center which is composed of multi-story office buildings. The project is compatible with the midrise/high rise corridor within which the project is located. This project will help implement the 2025 General Plan which provides for a multi-story office use at the project site. The project will be expected to draw visitors, users and guests consistent with the operation of multi-story office buildings at a rate well below the maximum trip generation limitations upon this property. An analysis of the shading impact by the building is enclosed with this package. No security guard is anticipated to be required at this project, however, security needs will be monitored on a periodic basis and addressed as needed.

5.
Conditions of Approval
December 5, 2012

**CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT**

**CONDITIONS OF APPROVAL
DECEMBER 5, 2012**

**CONDITIONAL USE PERMIT APPLICATION No. C-09-161
25 RIVER PARK PLACE WEST**

PART A – PROJECT INFORMATION

1. Assessor's Parcel No: 402-760-29, 30
2. Job Address: 25 East River Park Place West

Street Location: Located on the west side of River Park Place West, east of State Route 41 between East Audubon Drive and North Fresno Street.
3. Existing Zoning: C-M/UGM/cz (*Commercial and Light Manufacturing/Urban Growth Management/conditions of zoning*).

Proposed Zoning: C-M/UGM/cz (*Commercial and Light Manufacturing/Urban Growth Management/conditions of zoning*) zone district.

Planned Land Use: Commercial Office (*Woodward Park Community Plan*)

Zone Map: 1550, 1650
4. Project Description: Conditional Use Permit Application No. C-09-161 is a request to construct the final phase of '25 Park Place' development consisting of a 10-story building up to 150 feet in height with approximately 234,723 square feet of office space. The first two phases of development have been constructed and consist of a 3-story and a 6-story office building. The property is zoned C-M/UGM/cz (*Commercial and Light Manufacturing/Urban Growth Management/conditions of zoning*).

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The Fresno City Planning Commission will consider the proposed project on December 5, 2012, and will consider the special permit application subject to the enclosed list of conditions dated December 5, 2012 and

IMPORTANT: PLEASE READ CAREFULLY

Pursuant to section 12-406-J of the Fresno Municipal Code, within 15 days after the date of the Planning Commission's decision, any Councilmember in whose district the project is located, or the

Mayor, may refer the decision of the Commission to the Council for review. Failure by any interested person to petition a Councilmember or the Mayor for said appeal shall constitute a failure to exhaust administrative remedies. If no appeal is filed by **5:00 p.m. on December 20, 2012**, the Planning Commission's action is final.

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:

1. 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;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

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 plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(Include this note on the site plan.)**

This special permit is granted, and the conditions imposed, based upon the attached Exhibit O (Operational Statement) dated August 11, 2009. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law.

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. **(Include this note on the site plan.)**

Transfer all red line notes, etc., shown on all original site plan exhibit to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS. CORRECTED EXHIBITS (EXHIBITS A, A-1, A-2, E-1 – E-5 AND L) SHALL BE SUBMITTED TO THE DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT NO LATER THAN 60 DAYS AFTER CITY COUNCIL ACTION ON PROJECT AND SHALL BE STAMPED AND APPROVED BY DEVELOPMENT AND RESOURCE MANAGEMENT STAFF NO LATER THAN 120 DAYS AFTER CITY COUNCIL ACTION.

The exercise of rights granted by this special permit must be commenced by December 5, 2016 (four years from the date of the Planning Commission action). There is no exception.

To complete the back-check process for building permit relative to planning and zoning issues, submit eight copies of this corrected, final site plan, together with six copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Development Services Division, Current Planning Section, for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Development Services Division **must be substituted** for unstamped copies of same in each of the four sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please contact Sophia Pagoulatos at (559) 621-8062 or via e-mail at Sophia.Pagoulatos@fresno.gov for an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservation or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART C – PLANNING/ZONING REQUIREMENTS

PLANNING

1. Development is subject to the following plans and policies:
 - C-M/UGM/cz, Commercial and Light Manufacturing/Urban Growth Management/conditions of zoning (FMC Section 12.224)
 - Mid-Rise High-Rise Regulations (FMC Section 12-321)
 - Office Commercial Planned Land Use
 - 2025 Fresno General Plan
 - Woodward Park Community Plan
 - Parking Lot Shading

ZONING

1. Development shall take place in accordance with the C-M/UGM/cz (*Commercial and Light Manufacturing/Urban Growth Management/conditions of zoning*) zone district.
2. Development shall take place in accordance with the provisions of Fresno Municipal Code Section 12-321, Mid Rise and High Rise Buildings, and all other applicable sections of the Fresno Municipal Code.
3. Development shall take place in accordance with all previous conditions of zoning and special permits on the property, including:
 - Conditions of zoning in Ordinances 85-68 and 2006-78
 - Site Plan Review Application No. S-03-074
 - Conditional Use Permit Application No. C-05-203

ENVIRONMENTAL COMPLIANCE

4. Comply with all applicable mitigation measures detailed in the attached Master Environmental Impact Report MEIR Mitigation Monitoring Checklist for the 2025 Fresno General Plan and any applicable project specific mitigation measures contained in the environmental assessment adopted for the project.

BUILDING HEIGHT

4. Maximum building height of 10-stories and 150-foot building height is allowed pursuant to Section 12-321 of the Fresno Municipal Code, subject to the approval of a conditional use permit for a mid-rise building.
5. The height of the proposed mid rise building shall comply with Section 12-307 of the Fresno Municipal Code (FMC) and Part 77 of the Federal Aviation Regulations (Section 12-321-D-2 of

the FMC). Please submit proof that this FAA requirement has been met prior to issuance of building permits.

BUILDING SETBACKS

6. Provide the following minimum building setbacks:
 - 35 feet along Friant Road (*Pursuant to Section 12-321-D-3-b of the FMC*),
 - 10 feet along the interior side property lines (*Pursuant to condition of zoning #3-A-3*).
 - 15 feet along the private street, River Park Place West, (*Pursuant to Section 12-225.5-E-1-a of the FMC*).
 - 15 feet along State Route 41 (*Pursuant to condition of zoning #3-B-2*)

LANDSCAPING

7. Provide the following minimum landscaped setbacks:
 - 35 feet along Friant Road (*Pursuant to Section 12-321-D-3-b of the FMC*)
 - 15 feet along east property line, along the private street (*Pursuant to Section 12-225.5-E-1-a of the FMC*).
 - 15 feet along west property line (*Pursuant to Condition of Approval for Site Plan Review Application No. S-03-74*).

All building setbacks are required to be landscaped pursuant to condition of zoning #3-A-1-e-1 states, "The first fifteen (15) feet of all setback areas in which parking is permitted shall be adequately landscaped". Since all setbacks are 15-feet or less, all required setbacks must be landscaped. However, since this is an integrated office complex, landscape setbacks will not be required on the interior side property lines but adequate parking lot shading must be provided.

8. All landscaping shall comply with the Anti-Graffiti Landscaping, Landscaped Buffer Development and Planting Standards, attached.
9. No structures of any kind may be installed or maintained within the above landscaped areas. No exposed utility boxes, transformers, meters, piping (excepting the backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved **(Include this note on the site plan.)**
10. Trees shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Development and Resource Management Department Director. **(Include this note on the site plan and landscape plan.)**

11. Planters are not to exceed three (3) feet in height (*Pursuant to condition of zoning #3-A-1-f*)
12. The property owner, lessee, or occupant shall landscape and maintain the unpaved areas between the property lines and the setback lines (*Pursuant to condition of zoning #3-B-2*).
13. The property owner, lessee, or occupant shall provide facilities adequate to sustain and maintain the landscaped areas. Such facilities are to be adequately screened. (*Pursuant to condition of zoning #3-B-3*)
14. Provide a total of **481** medium sized trees within the area depicted as Phase 3 on Exhibits A-1 and A-2 dated November 26, 2012, per the following:

Provide one medium sized tree (30-60 feet at maturity) for every two on-site parking spaces. (*Section 12-306-N-24-g(3) of the Fresno Municipal Code*)

934 parking spaces provided for Phase 2 / 2 = **481 medium sized trees required**

NOTE: Two small trees (15-30 feet at maturity) shall be counted as one medium sized tree.

Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years. (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.

15. Submit six copies of landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Planning Division. These plans must be reviewed and approved prior to obtaining building permits.
16. Landscaping must be in place **before** issuance of the certificate of occupancy. (**Include this note on the site plan and landscape plan.**)
17. 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 Planning Division, Development Department. (**Include this note on the site plan.**) A certification form is enclosed for future use.

FENCES, HEDGES, AND WALLS

18. Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a

manner as to minimize any potential safety hazard which may occur as a result of improper fence installation or damage to the fence.

19. Any fencing not shown on Exhibits A and A-1, is not approved. Show location, height and material of all fences proposed for construction. All fences shall comply with the standards as set forth in Section 12-306-H of the Fresno Municipal Code. Only those fences noted on the site plan and reviewed for compliance shall be approved. Exhibits A and A-1 dated August 24, 2005 do not show any proposed fences.
20. Corner cut-offs are established to provide an unobstructed view for vehicular traffic approaching an intersection. They are a triangular areas formed by the property lines and a diagonal line joining points on the property lines, measured a specific distance from the point of their intersection. At the intersections of streets or highways, that distance shall be thirty (30) feet. In the case of rounded corners, the triangular area is formed between the tangents to the curve and a diagonal line joining points on said tangent thirty (30) feet from the point of their intersection. Where a private driveway or an alley intersects a street or alley, the distance shall be ten (10) feet.

OFF-STREET PARKING

21. Comply with the Parking Lot Shading Policy, attached. Provide shade calculations directly on the landscape plan in accordance with the Parking Lot Shading Policy, including tree species and tree counts.
22. Provide elevations with color and materials schedule for proposed carports to planning staff for approval **prior to issuance of permits.**
23. Provide a minimum of **634** parking spaces for the proposed building per the following:

Pursuant to the M-1-P zone district, the M-1 zone district parking standards apply to this proposed project. Since the proposed building will be used for office purposes, the M-1 zone district parking standards refer to the C-6 standards. Thus, the proposed building is required to have at least one (1) square foot of off-street parking for each one (1) square foot of floor area. The parking requirement is calculated as follows:

234,723 square feet of building area = 234,723 square feet of required parking

234,723 square feet of required parking/370 square feet per space = **634 parking spaces.**

963 stalls are provided, which exceeds the above standard and is called for in the conditions of zoning as the most restrictive standard.

24. Up to 25% of the parking spaces in any given parking lot in the commercial, industrial, manufacturing, school, or hospital zone districts may be designated as compact parking spaces meeting the minimum parking space dimensions as reflected in the City of Fresno Parking Manual. **(Depict these spaces on the site plan)**

25. Provide **twenty (20)** bicycle parking spaces on the site. Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.
26. Provide accessible parking spaces in accordance with the State of California Building Code.
27. All accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Fresno Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**
28. All accessible parking stalls shall be paved adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from handicapped parking stalls and ramps. **(Include this note on the site plan.)**
29. Lighting, where provided, to illuminate parking, sales, or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. **A lighting plan must be reviewed and approved by planning staff prior to issuance of building permits pursuant to project specific mitigation measures.**

ACCESS

30. There shall be vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property. For non-residential uses, the design of the access shall be approved by the Department of Public Works and shall be able to withstand commercial usage.
31. A minimum of two separate and unobstructed points of public street access shall be provided for the site. Such access points shall not utilize aisles which provide direct access to parking spaces. Private streets may be used to provide such access points, provided they meet public street standards (Section 12-321-D-3-h of the FMC). Please verify that the adjacent private street is built to public street standards prior to issuance of building permits.
32. Pursuant to Policy C-20-d of the 2025 Fresno General Plan, provide defined pedestrian paths to the nearest sidewalks and between adjacent buildings. Indicate walkway and material on the site plan.

OUTDOOR ADVERTISING

33. Signs, other than directional signs, if applicable, are not approved for installation as part of this special permit. **(Include this note on the site plan.)** Should additional signs be required, the

applicant must submit for a Sign Review Permit. Applications and requirements for submittal are available at the Planning Division's Public Front Counter.

34. The following are requirements of mid rise buildings pursuant to Section 12-321 of the FMC:
- (1) There shall be no outdoor advertising structures as defined in subsection (a) paragraph (2), of Section 13-904.
 - (2) Signs mounted on any exterior wall or façade shall contain only the building name and occupancy.
 - (3) The total area of a sign mounted on any exterior wall or facade shall not exceed five percent of the total area of the exterior wall or facade.
 - (4) No sign shall extend above the top of any exterior wall or facade.
 - (5) No sign on a building shall blink, flash, rotate, or be animated. Lights used to illuminate any sign shall be installed to concentrate the illumination on the sign and to minimize glare upon public streets and adjacent property. This Section 12-321-D-3-d-5 shall not prohibit or restrict any beacon or warning lighting required for aircraft safety.
 - (6) A building directory shall be provided in a manner and location approved by the Fire Chief.
35. The following are additional sign requirements from the conditions of zoning for Rezone Application No. R-7143:
- (1) No temporary sign shall be permitted other than those offering the site for sale or lease or giving credit to parties to a proposed development. Billboards are expressly prohibited.
 - (2) Signs painted on the wall surface of buildings are not permitted unless such restriction is waived by the Director.
 - (3) No signs shall be placed or painted on any roof or portion thereof, nor shall the top of any sign extend above the parapet line or the top of the exterior wall of any building or structure.

LOADING SPACES

36. Per Section 12-306-L of the Fresno Municipal Code, provide **three** loading spaces in accordance with the provisions of Section 12-306-L of the Fresno Municipal Code for the proposed six-story building. No loading spaces appear to be shown in the vicinity of the proposed building. **(Depict these spaces on the site plan)**
37. Loading spaces shall be not less than twelve feet in width and forty feet in length, and shall have fourteen feet of vertical clearance.

38. Pursuant to Section 12-306-L, loading space requirements will apply when a use involves pick-up and delivery of materials (other than normal solid waste collections) from trucks and tractor-trailers weighing more than two tons. If no such deliveries will occur at the proposed building, the owner must submit a signed statement indicating this fact.
39. Loading areas shall not encroach into setback areas unless specifically approved by the Director (condition of zoning #3-E-2)
40. Loading shall not be permitted from the front of any building (condition of zoning #3-E-3)

COVENANTS/AGREEMENTS

41. The proposed project shall comply with any covenants which exist on the subject property.
42. A mutual easements/shared parking/ covenant is required given that the subject site is located within an integrated development and will share access and parking with adjacent parcels (APNs 402-760-27 through -31). Please remit \$1.094 and title reports for all property located within the development 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.

PART E – CITY AND OTHER SERVICES

PUBLIC WORKS DEPARTMENT- TRAFFIC ENGINEERING

1. Comply with the attached comments from the Public Works Department – Traffic Engineering Division dated November 27, 2012. Contact Louise Gilio at 621-8678 for more information.

SOLID WASTE MANAGEMENT

2. Comply with attached memo from the Department of Public Utilities regarding Solid Waste Collection dated November 27, 2012.

FIRE DEPARTMENT REQUIREMENTS

- a. Comply with attached memo from the Fire Department dated August 20, 2009. Contact Rick Fultz for more information at 621-4122.

FRESNO IRRIGATION DISTRICT

- b. Comply with attached memo from the Fresno Irrigation District dated August 26, 2009. Contact FID at 233-7161 for more information.
- c. Grading plans must be reviewed and approved by FID prior to issuance of building permits. Please submit proof that the FID has approved these plans during the planning backcheck (corrected exhibit) process.

FLOOD CONTROL REQUIREMENTS

6. Comply with the attached Fresno Metropolitan Flood Control District Notice of Requirements, dated August 24, 2009. Contact Fresno Metropolitan Flood Control District (FMFCD) for further explanation regarding their requirements at (559) 456-3292.
7. Grading plans must be reviewed and approved by FMFCD prior to issuance of building permits. Please submit proof that the FMFCD has approved these plans during the planning backcheck (corrected exhibit) process.

SCHOOL FEES

8. School fees must be paid prior to issuance of building permits (Contact the Clovis Unified School District). Provide proof of payment (or waiver of requirement) prior to issuance of building permits.

STREET TREE REQUIREMENTS

9. Comply with attached memo dated August 18, 2009 from the Department of Public Works Engineering Division. Contact Hilary Kimber at 621-1345.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

10. Comply with the attached San Joaquin Valley Air Pollution Control District memorandum, dated August 20, 2009. Contact the Air District at 230-6000 for more information.

DEPARTMENT OF PUBLIC UTILITIES

11. Comply with the attached Department of Public Utilities memoranda, dated August 26 and 27, 2009. Contact Robert Diaz at 621-5320 for more information.

FRESNO COUNTY ENVIRONMENTAL HEALTH

12. Comply with the attached Fresno County Environmental Health memorandum, dated April 19, 2009. Contact the Department at 600-7633 for more information.

US POSTAL SERVICE

13. Comply with attached letter dated January 27, 2010 from the US Postal Service.

PART F – MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits (dated August 24, 2005) and the following:

1. Conditions of Zoning from Rezone Application No. 7143 not previously detailed (not all listed):
 - a. The only use proposed for this building is office use. The conditions of zoning restrict the uses on this property.
 - b. Public parking shall not be permitted by any vehicle for more than a continuous forty-eight (48) hour period, except within enclosed structures.
 - c. Public parking shall not be permitted by any vehicle used primarily for storage or personal property, and/or recreational vehicles, except for (a) temporary loading and unloading of personal property and (b) parking within enclosed structures.
 - d. No materials, supplies, or equipment, including company owned and operated trucks, shall be stored in any area on a site except inside a closed building, or behind a visual barrier screening such area from the view of adjoining properties and/or public street.
2. Requirements of Mid Rise Buildings (Section 12-321 of the FMC) not previously detailed:
 - a. All buildings and structures in the proposed development shall be arranged to minimize to the greatest extent practical interference with existing communication waves and beams.
 - b. The maximum floor area ratio (FAR) for any office building shall be .75 between Audubon and Santa Ana Avenue. The FAR of the proposed building is .69 which is below the maximum.
3. The proposed building must comply with the construction details referred to in the Acoustical Analysis dated January 29, 2009 prepared by Brown-Buntin Associates, Inc. for this project.
4. Provide a color and material schedule on the site plan, as well as on the elevations, for the exterior of all buildings and structures.
5. Pursuant to Policy's C-20-e and C-20-f of the 2025 General Plan, all proposed buildings shall include design features and decorative treatments. This may be accomplished by varying the building footprints with indentations, projections, offsets, different building materials, adding polyfoam with a stucco finish to add visual interest, trimming on the parapets, varying building heights, adding main entrances and/or adding texture color, brick or stone veneer, windows (above and beyond those proposed), accent banding, etc. to effectively break up the mass of the building. Furthermore, attractive external appearances and design measures should be utilized to avoid large scale (i.e. institutional) appearances.
6. Comply with Objective C-18 of the 2025 Fresno General Plan which states, "Enhance the visual image of all "gateway" routes entering the Fresno metropolitan area". Since the parcel where this proposed building will be located is considered a gateway, please provide adequate landscaping on this site, especially on the west side of the parcel adjacent to State Route 41. The final landscape plan submitted during the corrected exhibit process shall feature extensive landscaping on the west side of this property to enhance this gateway route.

7. Screen all roof-mounted equipment from the view of public rights-of-way. **Show all mechanical equipment on site plan.**
8. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan)**
9. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan)**
10. If animal fossils are uncovered, the Museum of Paleontology at U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan)**
11. The developer shall agree to indemnify, hold harmless, release and defend the City of Fresno, the Fresno City Planning Commission and the Fresno City Council from any action against the City of Fresno, the Fresno City Planning Commission and the Fresno City Council.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Development Director within 15 days.



DATE: November 27, 2012

TO: Sophia Pagoulatos
Development and Resource Management Department

FROM: Louise Gilio, Supervising Engineering Technician
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Conditions of Approval for **C-09-161**

ADDRESS: 25 East River Park Place

APN(s): 402-760-27, 402-760-29, 402-760-30 and 402-760-31

SITE PLAN REQUIREMENTS: Please provide the following information prior to Building Permits:

A. General Requirements

1. **Parcel of Record:** Provide a legal description.
2. **Phase lines:** Identify work to be completed on Parcel A and call out as work to be completed under C-09-161. Does phasing apply to this application or the map?
3. **Property Lines:** Identify and dimension existing and proposed property lines.

B. Offsite Information:

1. **Adjacent Streets and Freeways:** Identify and provide the name of all adjacent streets and freeways.
2. **Center Lines:** Identify the center lines.
3. **Easements/Dedications:** Identify all existing and proposed easements/dedications. Provide a dimension from the section and center lines to the existing and proposed right of way lines.
4. **Street Improvements/ Street furniture:** Identify existing and proposed curb, gutter, sidewalks (provide width), driveway approaches (provide width), ADA ramps (provide radius), street lights (specify if wood or metal pole), traffic signals, utility poles, boxes, guy wires, signs, fire hydrants, bus stop benches, trash receptacles, tree wells, etc.
5. **ADA:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property.
6. **Median Islands:** Identify and specify if existing to remain, proposed or to be modified.
7. **Landscape and Feature Maintenance:** Annex into a Community Facilities District (CFD) or other approved mechanism. Contact Ann Lillie at (559) 621- 8690 to begin the process. (approximate process is 8 weeks)
8. **Traffic Impact Study (TIS):** Provide an additional traffic study of the Audubon and Woodward Park entrance intersection and mitigate with a single lane roundabout, as determined by the supplemental traffic impact study of this intersection.

C. Onsite Information:

1. **Parking Lots:** (existing and proposed)
 - a. **Stalls:** Provide length and width. Provide the number that are required, provided, compact and designated for disability parking stalls. Identify the 3' vehicular overhang adjacent to continuous curbing. No obstructions shall be within the 3' overhang. (ground cover is allowable.) Compact parking stalls shall be signed or marked.

- b. **Lighting:** Identify the location (not to be within the 3' vehicular overhang)
 2. **Fencing:** Identify existing the height and type of material.
- D. Other Important Information:**
1. **Parcel Maps:** Provide reference number **PM 2003-16**
 2. **Traffic Impact Studies:** Provide reference numbers **TIS11-018**
 3. **CUP/SPR:** Identify previous entitlement numbers **S-03-074 and C-05-203**

PUBLIC IMPROVEMENT REQUIREMENTS

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

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 / Louise.Gilio@fresno.gov, in the Public Works Department, Traffic and Engineering Services Division.

Submit the following, as applicable, in a single package to the City of Fresno Public Works Department Traffic and Engineering Services Division (559-621-8650), for review and approval, **prior** to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Signal Plans.

When preparing Street Plans and/or Traffic Control Plans for projects in the City of Fresno contact the Traffic and Engineering Services Division (Randy Schrey) in advance to make sure that sidewalks or an approved accessible path remain open during construction.

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.

If not existing, street work on major streets shall be designed to include Intelligent Transportation Systems (ITS) conduit in accordance with the Public Works ITS specifications.

Survey Monuments and Parcel Configuration

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.

Street Dedications, Vacations and Encroachment Permits

Identify all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc. within the public right of way. Also, identify the required **4'** minimum path of travel along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). **A pedestrian easement may be required if Title 24 requirements cannot be met.**

Friant Road: Super Arterial

1. Vacate excessive of right-of-way adjacent to this application, **prior** to building permits. Contact the Public Works Department, Alan James (559) 621-8693 for additional information. A feasibility study for all proposed vacations of existing public rights of way is required to be completed **prior** to building permits.

2. Provide a relinquishment of vehicular access for the area to be vacated.

Existing dedications were not identified on the site plan:

Deed documents "may be required" for additional dedications. If so, they 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 **prior** to the issuance of building permits. For information regarding the format or submittal requirements contact the City of Fresno Public Works Department, Traffic and Engineering Services Division (559) 621-8694.

The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the 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.

Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45 MPH** design speed for Collectors and **55 MPH** for Arterials. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, Traffic and Engineering Services Division at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

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.

Friant Road: Super Arterial

1. Where missing, construct standard curb ramps per Public Works Standard **P-28 through P-32**. **-OR-** Modify or replace the existing ramps to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy. "Detectable Warning Devices" are required, if not existing.
2. Where missing, construct concrete curb, gutter and **sidewalk** to Public Works Standard **P-5**. The curb shall be constructed to a **10'** commercial pattern. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, **Section 26-2.11(C)**.
3. If not existing, construct a street type approach per Public Works Standard **P-77**.
3. If not existing, construct an **80'** bus bay curb and gutter at the northwest corner of Friant and the Fresno Street alignment to Public Works Standard **P-73**, complete with a **10'** monolithic sidewalk.
4. If not existing, construct **20'** of permanent paving (measured from face of curb) within the limits of this application.

5. If not existing, 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 Arterial Streets. **-OR-** show the existing street light locations on the plans, **-AND-** that they are constructed per current City of Fresno Public Works Standards.

Audubon Scenic Collector (not shown on exhibit)

1. If not existing, construct a standard curb ramp per Public Works Standard **P-29** and **P-32**. **-OR-** 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-29** and **P-32**.
2. Construct full off-site improvement where not existing.

Off-Street Parking Facilities, Private Street 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. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibits "A (8-11-09)**, **A-1** and **A-2" (11-26-12)**.
3. **Private Street:** If not existing, construct sidewalks adjacent to all Parcels A, B, C and D or as otherwise required by a pedestrian access plan approved by the City of Fresno, in accordance with Resolution No. 2010-280.

Trip Generation: A Traffic Impact Study is required and has been submitted. Comply with the mitigated measures of **TIS 11-018** as determined by the City Traffic Engineer. See attached memo dated November 7, 2011. The following trips have been calculated based upon code **710** (General Office) of the Institute of Transportation Engineers' Trip Generation Manual.

Land Use	S.F.	Average Daily Trips (ADT)	AM Pk Hour	PM Pk Hour
General Office Building	234,723	2,584	364	350

Landscape and Feature Maintenance:

1. The Owner shall be responsible for providing maintenance for certain required public improvements associated with this application and as approved by the Public Works Department. The following are eligible items:
 - Maintenance of **LANDSCAPING AND HARDSCAPING** constructed or installed in **MEDIAN ISLANDS** in all City streets (Friant Road).
 - Maintenance of all existing or installed required City **STREET TREES**.
 - Maintenance of **OFFICIALLY DESIGNATED AND REQUIRED PUBLIC TRAILS**, including trail amenities such as benches, drinking fountains, trash receptacles, City required safety fencing and low voltage lighting.
 - Maintenance of City required **LANDSCAPING AND IRRIGATION SYSTEMS** between sound walls and City streets.

2. If the any of the above items are required for this application the Owner shall do one or both of the following:

a. Petition the City to have certain required items included into a Community Facilities District **(CFD)** designed for maintaining those types of items. An Annexation Request Package shall be submitted to the Public Works Department to be reviewed for acceptance. If you have any questions contact Ann Lillie, Traffic and Engineering Services Division at (559) 621-8690 / ann.lillie@fresno.gov.

-AND/OR-

b. If the Council or Owner chooses not to include all of the required items or certain required items in a CFD, the property Owner shall be responsible for providing a landscape maintenance covenant approved by the City of Fresno. Contact the Development and Resource Management Department at (559)621-8277.

Pay all applicable development fees.



City Hall 559-621-8800
2600 Fresno Street, Rm. 4064
Fresno, CA 93721-3623
www.fresno.gov



Public Works Department
Patrick Wiemiller, Director

November 7, 2011

VRPA Technologies
Jason Ellard
4630 West Jennifer Street
Suite #105
Fresno, CA 93722

SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY (TIS) FOR THE PROPOSED 10 STORY OFFICE BUILDING C-09-161, R-09-012 LOCATED AT 25 PARK PLACE
TIS11-018 dated June 27, 2011

TRAFFIC IMPACT STUDY APPROVED FOR PLANNING COMMISSION

We reviewed the Traffic Impact Study (TIS) by VRPA for the proposed "project" that consists of 10 Story Office Building with 234,723 square feet of office space on approximately 5.39 acre site.

GENERAL COMMENTS and CONDITIONS

1. Trip generation based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (ITE code 710) is acceptable. The propose project will generate 2,584 average daily trips (ADT), 364 trips during the AM peak hour and 350 trips during the PM peak hour.
2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee (based on ITE code 710) of \$47.12 per ADT, per the Master Fee Schedule, at the time of building permit. Based on the reported ADT for the proposed project, the fee would be \$121,758.08. Payable at time of 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 planned to build out the 2025 General Plan circulation element and included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offsets 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 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.

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 are not 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 provide an additional traffic study of the Audubon & Woodward Park Entrance Intersection and mitigate with a single lane roundabout as determined by the supplemental traffic impact study of this intersection.
4. 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.
5. 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. Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
6. The proposed project shall make necessary improvements and right-of-way dedications along adjacent public street(s) per City of Fresno standards/requirements.
7. 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) 621-8712 or scott.tyler@fresno.gov.

Sincerely,

M. Scott Tyler, PE
City Traffic Engineer
Public Works Department, Traffic & Engineering Services

C: Traffic Engineering Reading File
Copy filed with Traffic Impact Study
Kevin Fabino, Planning & Development Dept.
Mike Sanchez, Planning & Development Dept.
Louise Gilio, Traffic Planning Supervisor
Sophia Pagoulatos, Planning & Development Dept.



DEPARTMENT OF PUBLIC UTILITIES

November 27, 2012

TO: SOPHIA PAGOULATOS, Planning Manager
Development and Resource Management Department, Planning Division

FROM:  CHRIS WEIBERT, Management Analyst II
Department of Public Utilities, Administration

SUBJECT: Entitlement No. C-09-161
Location: 25 East River Park Place West, APN 402-760-30

The Department of Public Utilities, Solid Waste Division has completed a review of the Corrected Exhibit, dated November 26, 2012, for Entitlement No. C-09-161. The following requirements and conditions are to be placed on this project as Conditions of Approval by the Department of Public Utilities.

Have original comments been met?

Yes.

List Conditions that have not been satisfied; if applicable:

N/A

Is any additional information needed for you to complete your back check? (If yes, list specific information.):

N/A



FIRE DEPARTMENT

Date: August 20, 2009

To: FRANKLIN SPEES, Planning Manager
Planning and Development Department , Administration

From: RICHARD FULTZ, Senior Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: C-09-161 has been filed by Dewayne Zinkin and pertains to 7.91 acres of an overall 20.07-acre parcel of land located on the south side of River Park Place West between North Friant Road and State Route 41, 25 East River Park Place West, APN 402-760-30. The subject property lies within the mid-rise-high-rise building corridor as described in the 2025 Fresno General Plan. The applicant proposes the final phase of 25 Park Place development consisting of a 10-story building up to 150 feet in height with approximately 234,723 square feet of office space. The first two phases of development have been constructed and consist of a 3-story and 6-story office buildings. The property is zoned C-M-UGM-cz, Commercial and Light Manufacturing-Urban Growth Management-conditions of zoning.

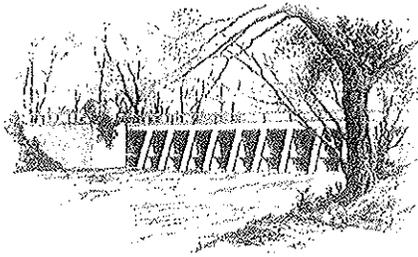
General

Two means of ingress/egress must be provided. This access must be maintained during all phases of development.

All construction work on this project is subject to interruption if the road system becomes impassable for fire apparatus due to rain or other obstacles. All required fire access lanes shall be provided and maintained with an approved 'all weather' surface capable of supporting 80,000 lb. vehicles (minimum 4" of base rock over compacted or undisturbed native soil or per approved engineered plans) year-round and with 24 feet minimum width or other approved method that would prevent shoulder degradation.

Provide sign(s) (17" X 22" minimum) at all public entrance drives to the property
"Warning - Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense - 22658 California Vehicle Code - Fresno Police Department 621-2300."

✓



Your Most Valuable Resource - Water

OFFICES OF
FRESNO
IRRIGATION DISTRICT

PHONE (559) 233-7161
FAX (559) 233-8227
2907 SOUTH MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218

August 26, 2009

Mr. Franklin Spees
City of Fresno
Planning & Development Dept.
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: Conditional Use Permit C-09-161, S/E of Friant and Fresno Avenues,
FID's Forkner No. 121 Pipeline

Dear Mr. Spees:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit C-09-161 where the applicant proposes the final phase of '25 Park Place' development consisting of a 10 story building, located southeasterly of Friant and Fresno Avenues, APN: 402-760-30 and FID has the following comments:

1. FID's Forkner No 121 pipeline traverses the southeast corner of the subject property in an exclusive 40-foot easement recorded on July 16, 1986 as Document No. 86079556, Official Records of Fresno County as shown on the attached FID exhibit map.
2. The Pipeline was installed in 1986 as a 24 - inch diameter cast-in-place monolithic concrete pipe (CIP). CIP is a non-reinforced pipe that can be easily damaged.
3. FID requires the applicant submit a grading and drainage plan for FID approval which shows that the proposed development will not endanger the structural integrity of the pipeline, or result in drainage patterns that will adversely affect FID or the applicant.
4. FID requires it review, approve and be made a party to signing all improvement plans which affect its property/easements and canal/pipeline facilities including

BOARD OF
DIRECTORS

President JEFFREY G. BOSWELL, Vice-President JEFF NEELY
STEVE BALLS, RYAN JACOBSEN, GEORGE PORTER, General Manager GARY R. SERRATO

Mr. Franklin Spees
Re: CUP C-09-161
August 26, 2009
Page 2 of 2

but not limited to Sewer and Water, FMFCD, Street, Landscaping, Dry Utilities, and all other utilities.

5. FID requires its easement be shown on the map/plans with proper recording information, and that FID be made a party to signing the final map or grading plans.
6. No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by contractors grading activities.
7. FID does not allow FID owned property or easements 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. FID requires all block walls and fences to be located outside of its property and easements.
8. FID requires its review and approval of all Private facilities that are being proposed to encroach into FID's property/easement. If FID allows the encroachment, the Private party will be required to enter into the appropriate agreement which will be determined by FID.
9. FID may have additional comments regarding the subject proposal and suggests the applicant and or the applicants engineer contact FID at their earliest convenience.

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 Steve Bloem at 233-7161 extension 321 or sbloem@fresnoirrigation.com.

Sincerely,



William R. Stretch, P.E.
Chief Engineer

Attachment

cc: DeWayne Zinkin, Applicant

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

PUBLIC AGENCY

Arnoldo Rodriguez
Planning & Development Department
City of Fresno
2600 Fresno Street
Fresno, CA 93721

DEVELOPER

DEWAYNE ZINKIN
ZINKIN OFFICES
5 RIVER PARK PLACE WEST, #203
FRESNO, CA 93720

PROJECT NO. <u>2009-161</u>	PRELIMINARY FEE(S) (See below)	
DRAINAGE AREA " CW " " " " "	DRAINAGE AREA " CW "	\$0.00
DATE <u>8-24-09</u>	DRAINAGE AREA " - "	-
APN <u>402-760-30</u>	TOTAL FEE	\$0.00
	ADDRESS <u>25 E. RIVER PARK PLACE WEST</u>	

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through February 28, 2010 based on the site plan submitted to the District on 08/17/09. 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.

CUP

No. 2009-161

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 2 of 4

- 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.

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

1. a. Drainage from the site shall be directed to existing on site drainage
 b. Grading and drainage patterns shall be as identified on Exhibit No. 1 // 2
 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 shall be submitted to the District for review prior to final development approval:
 Grading Plan Storm Drain Plan Final Map
 Street Plan Water & Sewer Plan Other
4. Availability of drainage facilities:
 a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City of Fresno 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. Temporary service is available through _____
 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.)

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 3 of 4

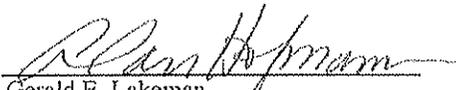
- _____ Appears to be located within a 500 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District.
- X _____ Does not appear to be located within a flood prone area.
6. _____ The subject site contains a portion of a canal or pipeline that is used to manage 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.
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, approved August 1999, (modified December 2002.) A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
- b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office.) A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.

CUP
No. 2009-161

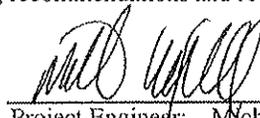
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 4

- 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. _____ See Exhibit No. 2 for additional comments, recommendations and requirements.



Gerald E. Lakeman,
District Engineer



Project Engineer: Michael Maxwell

C: RON MAZZEO & ASSOCIATES
8080 N. PALM AVE., #205
FRESNO, CA 93711

OTHER REQUIREMENTS
EXHIBIT NO. 2

The District has tentatively approved an overall grading plan inclusive of the subject development and a previous phase of the development, which proposes to drain the site through an on-site private system. The plan was prepared by "Ingles-Braun & Associates, Civil Engineering and Land Surveying". The site shall drain according to this plan.

In an effort to improve storm water runoff quality, outdoor storage areas shall be constructed and maintained such that material which generates contaminants will not be conveyed by 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 directed through landscaped areas or otherwise 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 that directly connect to the District's system will not be permitted. 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 are attached.

Development No. CUP 2009-161

DEPARTMENT OF PUBLIC WORKS

TO: **Franklin Spees, Planning Manager**
Planning Division

FROM: **Hilary Kimber, Parks Supervisor II (559.621.8794)**
Public Works, Engineering Division

DATE: August 18, 2009

SUBJECT: **SITE PLAN C-09-161 FOR 25 EAST RIVER PARK PLACE WEST**
(APN: 402-760-30)

The Department of Public Works offers the following comments regarding the landscape plan submitted by Ron Mazzeo for the proposed Zinkin 10-Story Office Building, dated January 13, 2009:

GENERAL REQUIREMENTS

1. The Public Works Department requires one tree per every 60 lineal feet of street frontage to be planted. There are approximately 275 lineal feet of street frontage along N. Friant Rd. resulting in the requirement of five (5) street trees. To match the landscape adjacent to this project on the east, the suggested tree variety is:

Pinus pinea

Stone Pine

2. There are existing *Platanus acerifolia* 'Columbia' (Plane Tree) planted along the frontage on E. River Park Place West that meet the Public Works street tree requirements. No additional trees will be required at this time for this street.

3. There is an existing median island in front of this property where many of the plants have died. To complete the landscaping requirements, Public Works would like the developer to infill with like plants in the median directly in front of this property. The plant palette includes:

Cedrus deodara

Deodar Cedar

Cercis 'Oklahoma'

Oklahoma Redbud

Myoporum

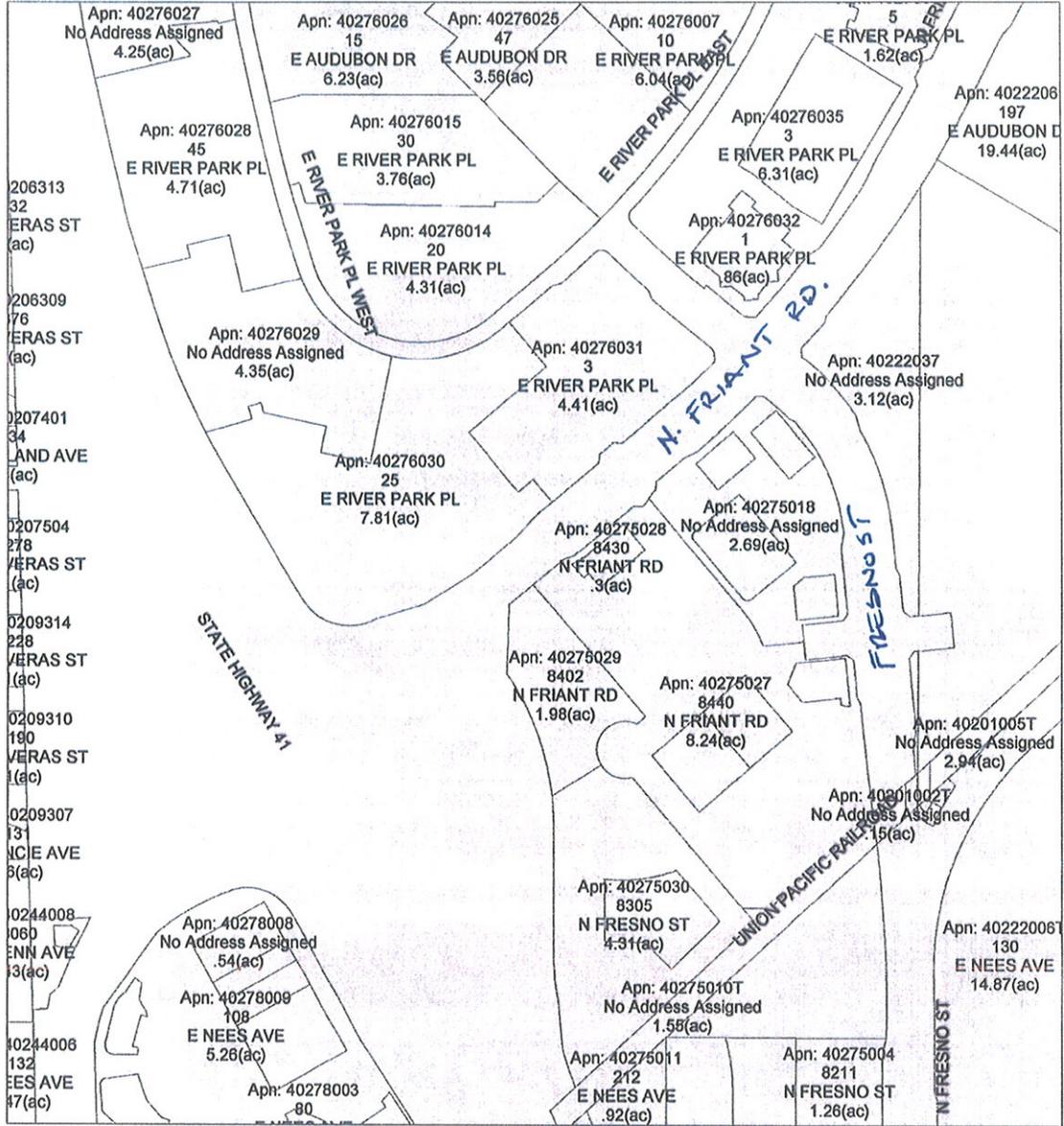
Other plant material may be incorporated into this landscape design as appropriate and to be accepted by Public Works.

4. Public Works requires a landscape and irrigation plan for the right-of-way along N. Friant Rd. at a scale of 1"=20' to be submitted prior to installation.

City of Fresno

Parcels

-  Parcels
-  Parcel Labels
-  City Limits
-  Fresno County



SCALE 1 : 5,128





August 20, 2009

Franklin Spees
City of Fresno
Development Services/Planning
2600 Fresno Street, Third Floor
Fresno, CA 93721

Project: CUP C-09-161 (25 Park Place)
District Reference No: 20090492

Dear Mr. Spees:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and finds:

1. The project is expected to have no significant adverse impact on air quality.
2. The proposed project would be subject to District Rule 9510 (Indirect Source Review) because upon full build-out the project would include or exceed any one of the following:
 - 2,000 square feet of commercial space;
 - 25,000 square feet of light industrial space;
 - 100,000 square feet of heavy industrial space;
 - 20,000 square feet of medical office space; or
 - 39,000 square feet of general office space.

Information about how to comply with District Rule 9510 can be found online at:
<http://www.valleyair.org/ISR/ISRHome.htm>.

3. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than seeking final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

Mr. Spees
District Reference No. 20090492

discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees, be made a condition of the project's approval.

4. The proposed project may be subject to the following District rules: 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.

If you have any questions or require further information, please call David McDonough, at (559) 230-5920.

Sincerely,

Dave Warner
Director of Permits Services

A handwritten signature in blue ink that reads "David McDonough for". The signature is written in a cursive style.

Arnaud Marjollet
Permit Services Manager

DW: dm

Cc: File



DEPARTMENT OF PUBLIC UTILITIES



DATE: August 26, 2009

TO: FRANKLIN SPEES, Planning Manager
Planning and Development Department, Planning Division

FROM: ROBERT A. DIAZ, Senior Engineering Technician
Department of Public Utilities, Administration

SUBJECT: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-09-161

General

C-09-161 has been filed by Dewayne Zinkin and pertains to 7.91 acres of an overall 20.07-acre parcel of land located on the south side of River Park Place West between North Friant Road and State Route 41, 25 East River Park Place West, APN 402-760-30. The subject property lies within the mid-rise-high-rise building corridor as described in the 2025 Fresno General Plan. The applicant proposes the final phase of 25 Park Place development consisting of a 10-story building up to 150 feet in height with approximately 234,723 square feet of office space. The first two phases of development have been constructed and consist of a 3-story and 6-story office buildings. The property is zoned C-M-UGM-cz, Commercial and Light Manufacturing-Urban Growth Management-conditions of zoning.

Environmental Recommendations

A NEGATIVE DECLARATION MAY BE ISSUED: The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environment Impact Report.

Water Requirements

The nearest water main to serve the proposed project is a 14-inch main located in East River Park Place West. Water facilities are available to provide service to the site subject to the following requirements:

1. On-site water facilities shall be private.
2. Separate water services with meter boxes shall be provided to each lot.
3. Water connection to North Friant Road shall not be allowed.

Water Fees

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

1. Wet-tie(s), water service(s) and/or meter(s) installation(s)
2. Frontage Charge
3. Transmission Grid Main Charge
4. TGM Area: A
5. UGM Water Supply Area Number: 101s

Sophie



DEPARTMENT OF PUBLIC UTILITIES

Date: August 27, 2009

To: FRANKLIN SPEES, Planning Manager
Planning Department

From: DOUG HECKER, Supervising Engineering Technician 
Department of Public Utilities, Planning and Engineering



Subject: SANITARY SEWER REQUIREMENTS FOR C-09-161

General

The proposed final phase of 25 Park Place development - consisting of a 10-story building up to 150 feet in height with approximately 234,723 square feet of office space. 7.91 acres of an overall 20.07-acre parcel of land located on the south side of River Park Place West between North Friant Road and State Route 41. The first two phases of development have been constructed and consist of a 3-story and 6-story office buildings. The property is zoned C-M-UGM-cz, Commercial and Light Manufacturing-Urban Growth Management-conditions of zoning.

Environmental Comments

The subject site shall utilize the existing private sewer facilities located in E. River Park Place East.

Requirements

1. On-site sanitary sewer facilities shall be private.
2. Cross-access agreement/covenant for private sewer facilities shall be required.
3. New sanitary sewer connection shall not be allowed to existing City sewer mains located in Friant Rd.
4. The project developer should contact Wastewater Management Division/Environmental Services (559) 621-5100 regarding conditions of service for special industrial users.

UGM

This project is located in the following Urban Growth Management Service Areas:

1. Sewer Oversize Reimbursement S.A. 6



County of Fresno

Department of Public Health

Edward L. Moreno, M.D., M.P.H., Director-Health Officer

999999999
LU0015347
PE 2602

August 19, 2009

Franklin Spees
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Spees:

PROJECT NUMBER: C-09-161

Conditional Use Permit Application No. C-09-161 has been filed by Dewayne Zinkin and pertains to 7.91 acres of an overall 20.07-acre parcel of land located on the south side of River Park Place West between North Friant Road and State Route 41. The subject property lies within the mid-rise/high-rise building corridor as described in the 2025 Fresno General Plan. The applicant proposes the final phase of '25 Park Place' development consisting of a 10-story building up to 150 feet in height with approximately 234,723 square feet of office space. The first two phases of development have been constructed and consist of a 3-story and 6-story office buildings. The property is zoned C-M/UGM/cz (*Commercial and Light Manufacturing/Urban Growth Management /conditions of zoning*).

APN: 402-760-30 ZONING: C-M/UGM/cz ADDRESS: 25 East River Park Place West

Comments/Concerns:

Since all of the tenants have not been identified for this application, the full range of C-M uses must be considered. The potential adverse impacts could include (but are not limited to) storage of hazardous materials and/or wastes, medical waste, solid waste, water quality degradation, excessive noise, and odors.

Recommended Conditions of Approval:

- Should a retail food establishment be proposed, prior to issuance of building permits, the applicant or future tenant 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) 445-3392 for more information.

Franklin Spees
C-09-161
August 19, 2009
Page 2 of 2

- Prior to operation, the applicant or future tenant may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- The applicant should be advised that construction and operating permits may be required by the State of California, Department of Health Services for wholesale food manufacturing. Contact the staff at the Division of Food and Drug at (559) 445-5323 for more information.
- Certain uses allowed may utilize hazardous materials or create hazardous wastes. If a tenant with such uses is proposed, then prior to occupancy the tenant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.
- Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.

REVIEWED BY:

R.E.H.S., M.S.
Environmental Health Specialist III

(559) 445-3357

ga

cc: Baruti/Casagrande/Tolzmann, Environmental Health Division
Vince Mendes, Environmental Health Division (CT 4407)

C-09-161 Comments

GROWTH COORDINATOR
UNITED STATES POSTAL SERVICE



JANUARY 27, 2010

To the City of Fresno -- Planning and Development Department:

It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid.

In addition to completing the Agreement, the Developer shall provide a final map (with address detail) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.

Sincerely,

Cathy S. Gilles
New Growth Coordinator

755 E NEES AVE
FRESNO CA 93720-2196
559-442-4267
FAX: 559-440-4287

MODE OF DELIVERY AGREEMENT - NEW CONSTRUCTION
United States Postal Service - Sacramento District

Project Information

Name of Project:		ZIP CODE:			
Location:		Estimated # Deliveries:	Route Type/Number		
Unit/Office:			City #	Rural#	Contract#
Estimated Delivery Date (Month and Year) *					

USPS Contact Information

Contact Made By:	Date:	Telephone #:
------------------	-------	--------------

Builder/Developer Contact Information

Name:	Title:	Phone:
Firm:	Address:	

Equipment Information

TYPE OF PROJECT				TYPE & QUANTITY OF EQUIPMENT			
check type		Deliveries	Floors	QTY	Centralized Equipment	QTY	Non-Centralized Equipment
<input checked="" type="checkbox"/>	Office Bldg.				CBU Type 1 (8)		Curbside 2/post
	Shopping/Strip Mall				CBU Type II (12)		Curbside 3/post
	Apt. / Condo				CBU Type III (16)		Curbside 4/post
	Townhomes				CBU Type IV (13)		Other (Specify)
	Modular Homes				Wallmount Std4C		
	Single Family				Parcel Lockers		
	Other (Specify)						

Purchase/Installation Responsibility

Owner / Developer U.S.P.S. Other: See Comments

Issue Key Responsibility

Owner / Developer U.S.P.S. Other: See Comments

Comments:

See attached maps for designated locations.

() Builder/Developer/Property Owner understands that he/she must comply with USPS Cement Pad Specifications. Copy provided.

This Agreement will document that the builder/developer will purchase and install the centralized delivery equipment as indicated above at the specified locations. Locations must be clearly designated on plat maps provided by the builder or developer. Any changes must be approved jointly by both undersigned individuals.

USPS REPRESENTATIVE:

Name: Cathy Gilles
 Title: Growth Coordinator
 Signature: _____ Date: _____
 Telephone #: 559-440-4267
 FAX #: 559-440-4286

PROPERTY OWNER/DEVELOPER/MANAGER:

*Name: _____
 *Title: _____
 *Signature: _____ Date: _____
 *Telephone #: _____
 *FAX #: _____

DISTRICT APPROVAL:

DATE:

6.

Email from Caltrans dated November 28, 2012

From: [Michael Navarro](#)
To: [Sophia Pagoulatos](#)
Subject: Re: R-09-012/C-09-161 Updated Caltrans letter or email
Date: Wednesday, November 28, 2012 1:23:58 PM

When we were first given the opportunity to review this project it was pre-RTMF. Therefore, our comments reflected the need for the TIS to calculate a pro-rata share for identified improvements to the SR 41/Friant Road Interchange. While there is still a future need for improvements to the SR 41/Friant Road interchange, the mechanism the City and Caltrans have agreed to use for mitigating these traffic-related impacts is the adopted RTMF. Therefore, this project paying into the RTMF and the City's TSMI program would be considered mitigation for its traffic-related impacts.

▼ Sophia Pagoulatos <Sophia.Pagoulatos@fresno.gov>

Sophia Pagoulatos
<Sophia.Pagoulatos@fresno.gov>

11/28/2012 11:23 AM

To
"michael_navarro@dot.ca.gov"
<michael_navarro@dot.ca.gov>

cc
Subject

R-09-012/C-09-161 Updated Caltrans letter or email

7.

Environmental Assessment No. R-09-012/C-09-161

(Initial Study/Mitigated Negative Declaration dated November 9, 2012)

8.
MEIR Mitigation Monitoring Checklist

EXHIBIT D

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
 ENVIRONMENTAL ASSESSMENT NO. A-09-02 FINDING OF MITIGATED NEGATIVE DECLARATION
 FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. R-09-012/C-09-161

Date: November 9, 2012

Mitigation Monitoring Checklist

Following is the mitigation monitoring checklist from MEIR No. 10130 as applied to the above-noted project's environmental assessment, required by City Council Resolution No. 2002-378 and Exhibit E thereof (adopted on November 19, 2002) to certify the MEIR for the 2025 Fresno General Plan Update. On June 25, 2009, through its Resolution No. 2009-146, the City Council adopted Environmental Assessment No. A-09-02 confirming the finding of a Mitigated Negative Declaration prepared for General Plan Amendment Application No. A-09-02 which updated the Air Quality Section of the Resource Conservation Element of the 2025 Fresno General Plan and incorporated additional and revised mitigation measures as necessary within the following monitoring checklist.

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

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

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE					
			A	B	C	D	E	F
B-1. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of service (LOS) D or better in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS D.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					
B-2. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS E.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.	X					

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. R-09-012/C-09-161

Date: Nov. 9, 2012

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F
<p>B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.</p>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning; Planning and Development Dept.</p>	X					
<p>B-4. For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors:</p> <p>a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services.</p> <p>b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of</p>	<p>Prior to approval of land use entitlement</p>	<p>Public Works Dept./Traffic Planning; Planning and Development Dept.</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

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. R-09-012/C-09-161

Date: Nov. 9, 2012

MEIR Mitigation Monitoring Checklist

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

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

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. R-09-012/C-09-161

Date: Nov. 9, 2012

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
<p>C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs.</p> <ul style="list-style-type: none"> a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements. c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations. d. Adopted state and SJVAPCD protocols, standards, and thresholds of significance for greenhouse gas emissions shall be utilized in assessing and approving proposed development projects. e. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts. 	Ongoing	Planning and Development Department Dept.	X				X	

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. R-09-012/C-09-161

Date: Nov. 9, 2012

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY							
			A	B	C	D	E	F	
<p>C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.</p>	Ongoing	Planning and Development Department SJVAPCD	X						
<p>C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.</p>	Ongoing	Various city departments	X						
<p>C-4. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as:</p> <ol style="list-style-type: none"> Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use. 	Ongoing	Fresno Area Express						X	

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. R-09-012/C-09-161

Date: Nov. 9, 2012

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY						
			A	B	C	D	E	F	
D-1. The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept							X
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing (City-wide); and prior to approval of land use entitlement as applicable	Department of Public Utilities and Planning and Development Department							X
D-3. The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities							X
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department							X

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

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

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No. R-09-012/C-09-161

Date: Nov. 9, 2012

MEIR Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	COMPLIANCE VERIFIED BY							
			A	B	C	D	E	F		
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.	Ongoing	Planning and Development Department								X
D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: a. Allowable construction in this area from being damaged by the intensity of flooding in the riverbottom; b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and c. Public health, safety and general welfare from the effects of flood events.	Ongoing	Planning and Development Department								X
D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).	Ongoing	Planning and Development Department								X

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<p>D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically update this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.</p>	Ongoing	Department of Public Utilities		X				X

<p>D-9. The City shall continue its current water conservation programs and implement additional water conservation measures to reduce overall per capita water use within the City with a goal of reducing the overall per capita water use in the City to its adopted target consumption rate. The target per capita consumption rate adopted in 2008 is a citywide average of 243 gallons per person per day, intended to be reached by 2020 (which includes anticipated water conservation resulting from the on-going residential water metering program and additional water conservation by all customers: 5% by 2010, and an additional 5% by 2020.)</p>	Ongoing	Department of Public Utilities		X				X

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			A	B	C	D	E	F
<p>D-10. All development projects shall be required to comply with City Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. Project conditions shall include, but are not limited to, water use efficiency for landscaping, use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.</p>	<p>Prior to approval of land use entitlement</p>	<p>Department of Public Utilities</p>		X				
<p>D-11. When and if the City adopts a formal management plan for recycled and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.</p>	<p>Prior to approval of development project</p>	<p>Department of Public Utilities</p>					X	

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<p>D-12. All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows:</p> <table border="1"> <thead> <tr> <th rowspan="2">FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)</th> <th colspan="3">PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:</th> </tr> <tr> <th>01/01/2005 THROUGH 12/31/2010</th> <th>01/01/2010 THROUGH 12/31/2024</th> <th>AFTER 01/01/2025</th> </tr> </thead> <tbody> <tr> <td>Single family residential</td> <td>3.8</td> <td>3.5</td> <td>3.5</td> </tr> <tr> <td>Multi-family residential</td> <td>6.5</td> <td>6.2</td> <td>6.2</td> </tr> <tr> <td>Commercial and institutional</td> <td>2</td> <td>1.9</td> <td>1.9</td> </tr> <tr> <td>Industrial</td> <td>2</td> <td>1.9</td> <td>1.9</td> </tr> <tr> <td>Landscaped open space</td> <td>3</td> <td>2.9</td> <td>2.9</td> </tr> <tr> <td>South East Growth Area</td> <td>3.4</td> <td>3.2</td> <td>3.2</td> </tr> </tbody> </table> <p>NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan</p>		FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:			01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024	AFTER 01/01/2025	Single family residential	3.8	3.5	3.5	Multi-family residential	6.5	6.2	6.2	Commercial and institutional	2	1.9	1.9	Industrial	2	1.9	1.9	Landscaped open space	3	2.9	2.9	South East Growth Area	3.4	3.2	3.2	Prior to approval of development project	Department of Public Utilities	X	X				
FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:																																							
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			A	B	C	D	E	F	
D-13. The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities						X	
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Planning and Development Department						X	
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Planning and Development Department							X
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department							X

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			A	B	C	D	E	F	
<p>E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered:</p> <ul style="list-style-type: none"> a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue. 	Ongoing	Planning and Development Department							X
<p>F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.</p>	Ongoing	Dept. of Public Utilities and Planning and Development Department							X
<p>F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.</p>	Ongoing	Dept. of Public Utilities							X

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			A	B	C	D	E	F	
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities							X
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.							X
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept.; Planning and Development Dept.							X
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.		X					

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			A	B	C	D	E	F	
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall include siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.							X
I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.							X
I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.							X
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.							X

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<p>I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.</p>	<p>Ongoing/prior to approval of land use entitlement and during construction</p>	<p>Planning and Development Dept.</p>						X
<p>J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures:</p> <ul style="list-style-type: none"> a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft. 	<p>Ongoing/prior to approval of land use entitlement</p>	<p>Planning and Development Dept.</p>	X					

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J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.	Ongoing/prior to submittal of land use entitlement application	Planning and Development Dept.		X					
J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Planning and Development Dept./ Historic Preservation Commission staff		X					
J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Planning and Development Dept./ Historic Preservation Staff							X
K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Planning and Development Dept.		X					

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<p>K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 Fresno General Plan.)</p> <p>The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4.</p> <ul style="list-style-type: none"> ■ Site Planning. See Chapter V for more details. ■ Barriers. See Chapter V for more details. ■ Building Designs. See Chapter V for more details. 	<p>Ongoing/upon submittal of land use entitlement application</p>	<p>Planning and Development Dept.</p>		X				
<p>K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.</p>	<p>Ongoing/prior to building permit issuance</p>	<p>Planning and Development Dept.</p>		X				
<p>L-1. Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.</p>	<p>Ongoing</p>	<p>Planning and Development Dept.</p>		X				

9.
Project Specific Mitigation Monitoring Checklist

**APPENDIX D
CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
PROJECT SPECIFIC MITIGATION MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. R-09-012/C-09-161**

Project/EA No. R-09-012 and C-09-161

Date: November 9, 2012

	Mitigation Measure	Implemented By	When Implemented	Verified By
1. <i>I-c- Aesthetics: Visual Character</i>	The developer shall comply with General Plan policies regarding the design guidelines specifications for zoning. Specifically, the developer shall incorporate landscape, wall treatment, signage, and architectural standards pursuant to the General Plan and Woodward Park Community Plan for the development of the project.	Applicant	Prior to building permits	Development and Resource Management Division and Public Works Department
2. <i>I-c- Aesthetics: Visual Character</i>	Prior to issuance of a building permit, the project applicant shall submit a sign permit application to the City of Fresno for review and approval. The application shall identify all exterior building-mounted and freestanding (e.g., monument) signs and demonstrate the signs are consistent with provisions of Sign Ordinance Chapter 12, Article 17 and are uniform in design. The signage shall incorporate the most energy-efficient technology available unless technical feasibility or safety concerns take precedence.	Applicant	Prior to building permits	Development and Resource Management Division
3. <i>I-d- Aesthetics: Light and Glare</i>	Prior to issuance of a building permit for the proposed project, the applicant shall provide a lighting plan for the City of Fresno to review and approve. The plan shall include provisions to ensure that outdoor lighting is designed so that potential glare or light spillover to surrounding land uses is minimized through appropriate site design and shielding of light fixtures. Exterior	Applicant	Prior to building permits	Development and Resource Management Division and Public Works Department

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	Mitigation Measure	Implemented By	When Implemented	Verified By
	lighting shall not create glare for neighboring properties but shall provide adequate onsite lighting for safety and security purposes. The City will review the final site design plans to ensure that all lighting is directed downward and away from residences. This mitigation measure does not preclude the use of small-scale decorative lighting that may be directed upward, such as wall wash lighting or spotlighting for landscaping. This type of lighting is allowed if it does not spill over onto adjacent properties.			
4.	IV-a-Biological Resources: Special Status Species Prior to ground-disturbing activities on the project site, a qualified biologist shall conduct a 30-day, pre-construction burrowing owl survey to determine the presence or absence of this species. If burrowing owls are determined to be present, the developer shall follow the guidelines outlined by the Burrowing Owl Consortium (BOC), including passive relocation.	Applicant	Prior to ground-disturbing activities	Development and Resource Management Department- Planning Division;
5.	IV-a-Biological Resources: Special Status Species Prior to ground-disturbing activities on the project site, a qualified biologist shall conduct a 30-day, pre-construction San Joaquin kit fox survey to identify any potential kit foxes or denning locations. If kit foxes or kit fox dens are detected, a qualified biologist shall contact the USFWS and implement its "Standard	Applicant	Prior to ground-disturbing activities	Development and Resource Management Department- Planning Division; US Fish and Wildlife Service

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	Mitigation Measure	Implemented By	When Implemented	Verified By
	Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 1999).			
6.	IV-a-Biological Resources: Special Status Species If proposed construction activities are to occur during the nesting bird season, which extends from February 15 to August 31, a qualified biologist shall conduct a survey for ground-dwelling nesting birds at least 3 days prior to grading activities. If active nests are observed, construction activity shall be prohibited within a 100-foot buffer around the nest. In the presence of a qualified biologist, it may be determined that construction activities may continue; however, a biological monitor shall be present during the construction activities. In addition, any activity that may potentially cause a nest failure, including soil disturbance, shall require a biological monitor during the construction activities.	Applicant	Prior to ground-disturbing activities	Development and Resource Management Department-- Planning Division; California Department of Fish and Game
7.	V-a,b-Cultural Resources: Historical and Archeological Resources If a potentially significant cultural resource is encountered during subsurface excavation for the project, all construction activities within a 100-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The City shall require the project applicant to include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously	Applicant	During project excavation activities	Development and Resource Management Department-- Planning Division

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	Mitigation Measure	Implemented By	When Implemented	Verified By
	<p>undiscovered resources found during construction shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramic, wood, or shell artifacts; fossils; or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive report and file it with the appropriate Information Center, and provide for the permanent curation of the recovered materials.</p>			
8.	<p><i>V-c-Cultural Resources: Paleontological Resources</i></p>	Applicant	During project excavation activities	Development and Resource Management Department- Planning Division

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	<p>Society of Vertebrate Paleontology standards. The paleontologist shall notify the City of Fresno to determine procedures to be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the City determines that avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The plan will include procedures stating that the recovered specimens will be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. In addition, the paleontological resource(s) should be deposited in an accredited and permanent scientific institution where they will be properly curated and preserved. The data recovery plan shall be submitted to the City for review and approval.</p>			
9.	<p>V-c-Cultural Resources: Human Remains</p>	Applicant	During project excavation activities	Development and Resource Management Department-- Planning Division

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	American in origin, the Native American Heritage Commission shall be notified and will identify the Most Likely Descendent, who will be consulted for recommendations for treatment of the discovered remains.			
10.	VII-a,b-Hazards and Hazardous Materials The project shall be conditionally approved with the recommendations included in the letter dated August 19, 2009 from the Fresno County Department of Public Health.	Applicant	Prior to building permits	Development and Resource Management Department– Planning Division; Fresno County Department of Public Health
11.	VIII-a,c,d,e,f-Hydrology and Water Quality Prior to the issuance of grading permits, the project applicant shall prepare and submit a Stormwater Pollution Prevention Plan to the City and Fresno Metropolitan Flood Control District that identifies specific actions and Best Management Practices to prevent stormwater pollution during construction activities. The stormwater management plan shall identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices to be contained in the plan include but are not limited to: <ul style="list-style-type: none"> • Bioswales and landscaped areas that promote percolation of runoff • Pervious pavement • Roof drains that discharge to 	Applicant	Prior to issuance of grading permits	Development and Resource Management Department– Planning Division; Fresno Metropolitan Flood Control District

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	<p>landscaped areas</p> <ul style="list-style-type: none"> • Trash enclosures with screen walls and roofs • Stenciling on storm drains • Curb cuts in parking areas to allow runoff to enter landscaped areas • Rock-lined areas along landscaped areas in parking lots • Catch basins • Regular sweeping of parking areas and cleaning of storm drainage facilities <p>The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.</p>			
12.	<p>VIII- c,d,e- <i>Hydrology and Water Quality</i></p> <p>Prior to issuance of grading permits, the project applicant shall retain a qualified civil engineer to prepare and submit a drainage plan to the City of Fresno that identifies onsite drainage facilities that will ensure that runoff from the project site is released at a rate no greater than that of the pre-development condition. The City of Fresno shall review and approve the drainage plan and the project applicant shall incorporate</p>	Applicant	Prior to issuance of grading permits	Development and Resource Management Department— Planning Division; Fresno Metropolitan Flood Control District

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	the approved plan into the proposed project plans.			
13. VIII-b- <i>Hydrology and Water Quality</i>	Prior to issuance of building permits, the project applicant shall submit landscaping plans to the City of Fresno's Director of Public Utilities for verification that the proposed project complies with the Model Water Efficient Landscape Ordinance. Additionally, the project applicant shall utilize FID surface water for irrigation (located at E. Audubon and N. Friant Road), consistent with the goals of the UWMP.	Applicant	Prior to issuance of building permits	Development and Resource Management Department- Planning Division and Public Utilities
14. VIII-b- <i>Hydrology and Water Quality</i>	Prior to issuance of building permits, the project applicant shall submit plans to the City of Fresno for review and approval that identify the following indoor water conservation measures: <ul style="list-style-type: none"> • Separate metering of domestic water • Low-flow or ultra-low-flow toilets and urinals 	Applicant	Prior to issuance of building permits	Development and Resource Management Department- Planning Division and Department of Public Utilities
15. VIII-b- <i>Hydrology and Water Quality</i>	The development shall incorporate water use efficiency for landscaping including the use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features as appropriate and sanitary.	Applicant	Prior to issuance of building permits	Development and Resource Management Department- Planning Division and Department of Public Utilities

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16.	<p>XI.-a- Noise</p> <p>The project design shall include the installation of suspended acoustical ceiling in all offices located on the perimeter of the building and that will face, or partially face, State Route 41 in order to ensure compliance with the City's 45 dBA Leq standard for interior office sound levels</p>	Applicant	Prior to issuance of building permits	Development and Resource Management Department— Planning Division
17.	<p>XI.-d- Noise</p> <p>The project applicant shall require construction contractors to adhere to the following noise attenuation requirements:</p> <ul style="list-style-type: none"> • Construction of the project shall be restricted to weekdays and normal daytime hours (7:00 a.m. to 5:00 p.m.). • All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. • Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest building, unless safety or technical factors take precedence. • Stationary combustion equipment such as pumps or generators operating within 300 feet of the nearest building shall be shielded with a noise protection 	Applicant	Prior to issuance of building permits	Development and Resource Management Department— Planning Division

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18.	<p>barrier.</p> <p>Prior to the issuance of building permits, the project applicant shall pay a fee of \$121,758.08 as required by the City of Fresno's Traffic Signal Mitigation Impact Fee program for the implementation of improvements to the following intersections:</p> <ul style="list-style-type: none"> • Friant Road/Audubon Drive • Friant Road/Fresno Street • Blackstone Avenue/Nees Avenue 	Applicant	Prior to issuance of building permits	Development and Resource Management Department- Planning Division and Department of Public Works
19.	<p>Prior to the issuance of building permits, the project applicant shall pay the Regional Transportation Mitigation Fee.</p>	Applicant	Prior to issuance of building permits	Development and Resource Management Department- Planning Division and Department of Public Works
23.	<p>Prior to the issuance of building permits, the project applicant shall pay a fee of \$83,124.58 as required by the City of Fresno's Citywide Regional Street Impact Fee program for the commercial office space land use category.</p>	Applicant	Prior to issuance of building permits	Development and Resource Management Department- Planning Division and Department of Public Works
24.	<p>The project shall provide an additional traffic study of the Audubon & Woodward Park Entrance intersection and mitigate with a single lane roundabout as determined by the supplemental traffic impact study of this intersection.</p>	Applicant	Prior to issuance of building permits	Development and Resource Management Department- Planning Division and Department of Public Works

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25	XVI-d - <i>Utilities and Service Systems – Water Supply</i> Prior to issuance of building permits the applicant shall provide a letter from the Department of Public Utilities Water Division to the City of Fresno Director of the Development and Resource Management Department showing that the project complies with the 2008 Urban Water Management Plan.	Applicant	Prior to issuance of building permits	Development and Resource Management Department– Planning Division and Department of Public Utilities
26.	XVI-d - <i>Utilities and Service Systems – Solid Waste</i> Prior to the issuance of grading permits the applicant shall provide documentation to the City of Fresno demonstrating that it (1) has contracted with a City-approved construction and demolition recycling facility to accept project-related construction and demolition debris and (2) will implement recycling during demolition and construction activities.	Applicant	Prior to issuance of grading permits.	Development and Resource Management Department– Planning Division and Department of Public Utilities
27.	XVI-d - <i>Utilities and Service Systems – Solid Waste</i> Prior to issuance of building permits, the project applicant shall submit a site plan to the City of Fresno that identifies facilities necessary to collect and store recyclable materials for all project buildings. Recycling areas shall be covered and easily accessible from living and working spaces.	Applicant	Prior to issuance of building permits	Development and Resource Management Department– Planning Division and Department of Public Utilities
28.	MEIR No. 10130 Mitigation Measures and findings of Final MEIR No. 10130 (2025 Fresno General Plan Master Environmental Impact Report) are incorporated herein by reference as noted in the MEIR Mitigation Monitoring	Applicant	Prior to issuance of occupancy permit	Planning and Development Department.

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	Checklist.			

10.
Noticing Map

