

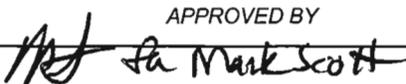
February 6, 2013

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division 

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

APPROVED BY


DEPARTMENT DIRECTOR

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.
3. 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 pursuant to Section 12-321 of the Fresno Municipal Code related to Mid Rise and High Rise Buildings. Approval of Conditional Use Permit Application No. C-09-161 is subject to Council approval of items 1 and 2 and to the following:
 - a. Conditions of Approval dated **February 6, 2013**
 - 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.

The project was initially considered by the Planning Commission at a public hearing held on December 5, 2012. After hearing public testimony, the Planning Commission closed the public hearing, continued the item to a future meeting, and directed staff to provide the following additional information:

1. Options for additional vehicle trip reduction;
2. Traffic information related to the Friant Road/State Route 41 interchange

That information is attached to this report and further described below. The conditions of approval have been revised to incorporate additional vehicle trip reduction measures. Staff recommends approval as noted above with revised conditions of approval.

Note: *This Planning Commission report only contains the aforementioned information requested by the Planning Commission at the December 5, 2012 meeting, a letter submitted by the applicant describing the economic benefits of the project, and required findings. For additional background information and environmental assessment, see the December 5, 2012 Planning Commission staff report available at <http://www.fresno.gov/planningdocs/Dec052012/PCA.pdf>.*

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 and was included in its entirety with the December 5, 2012 staff report. 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. At the December 5, 2012 Planning Commission meeting, these were modified to remove an erroneous mitigation measure requiring additional traffic study related to the Audubon roundabout. See Attachment B for the latest approved version of the Project Specific Mitigation Measures.

ITEMS REQUESTED BY PLANNING COMMISSION ON DECEMBER 5, 2012

Options for Vehicle Trip Reduction

A traffic demand management plan prepared by VRPA Technologies, Inc. has been submitted by the applicant that provides guidance on promotion of workplace-based trip reduction strategies (see Attachment C). Such strategies include designation of a transportation coordinator, distribution of information about transportation alternatives, promotion of alternative work schedules, telecommuting and flexible work hours, and incentives for cycling, carpooling, vanpooling and transit. The plan estimates that with an employee participation rate of 5%, air quality emissions could be reduced by 8-33% per year (depending on the type of emission). Implementation of the plan has been made a condition of approval of the project.

Traffic Information Related to the Friant Road/State Route 41 Interchange

An excerpt from the Traffic Impact Study includes the peak hour trips generated by the project that will utilize the Friant Road/SR 41 interchange (see Attachment D). As documented by Caltrans, payment of the Regional Transportation Mitigation Fee (RTMF) mitigates the impacts to the interchange.

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) on January 25, 2013. No comments have been received to date.

A letter was submitted on January 3, 2012 by the applicant describing potential economic benefits of the project. The letter is included as Attachment E.

Conditions of Approval

The conditions of approval for the project have been modified to require implementation of a Transportation Demand Program. The complete set of conditions as modified is included as Attachment F.

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.

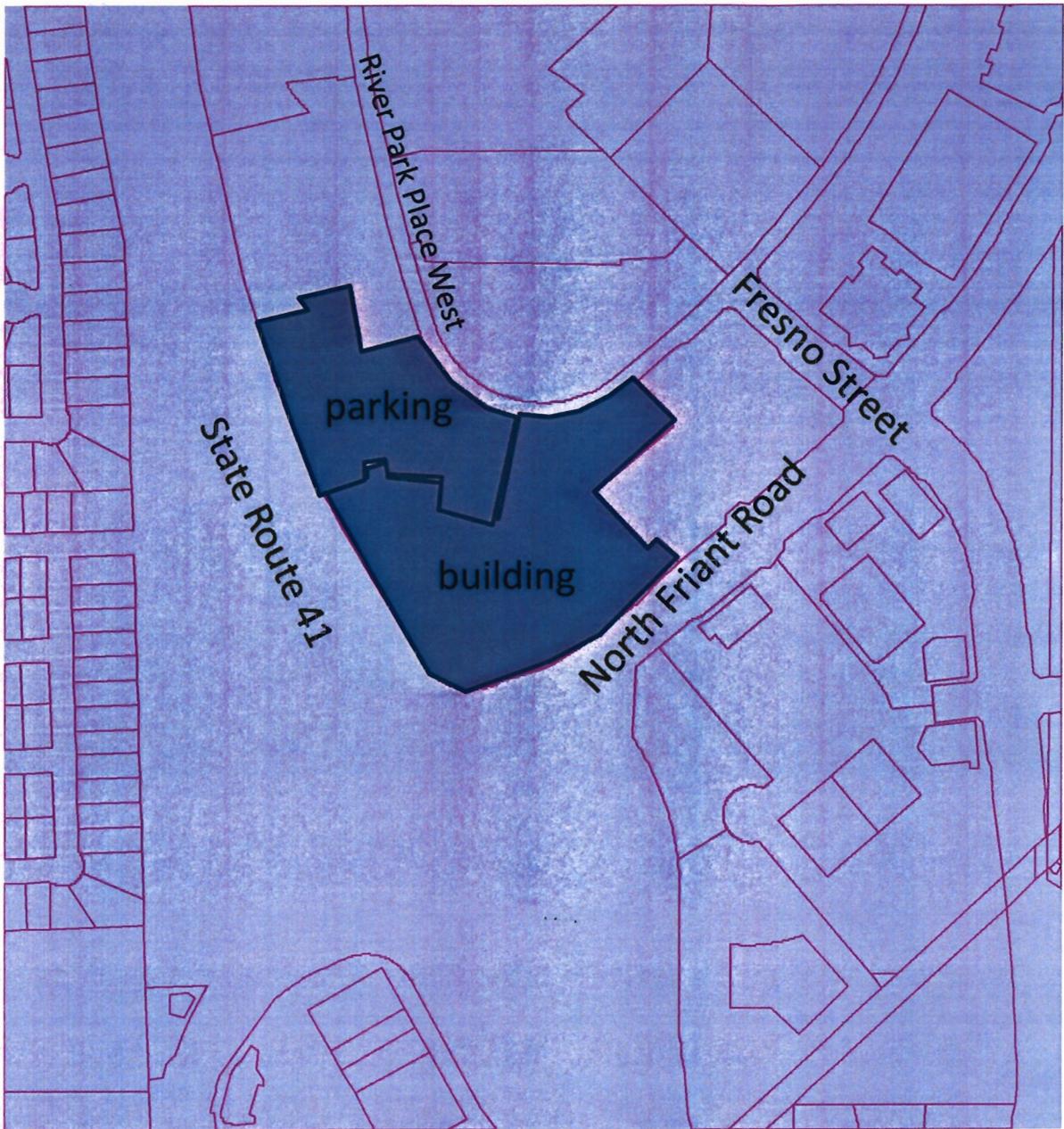
d. The proposed development and use are consistent with adopted city plans and policies

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 A: Vicinity Map
- Attachment B: Project Specific Mitigation Monitoring Checklist
- Attachment C: Transportation Demand Management Program
- Attachment D: Traffic Info Re: Friant Road/State Route 41 Interchange
- Attachment E: Applicant Letter Re: Economic Benefits
- Attachment F: Conditions of Approval dated February 6, 2013

A. Vicinity Map



Subject Property

VICINITY MAP

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

PROPERTY ADDRESS

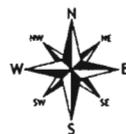
25 River Park Place West

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

APNs: 402-760-29, 30

Zone District: C-M/UGM/cz

By: S. Pagoulatos, Nov. 30, 2012



Not To Scale

B. Project Specific Mitigation Monitoring Checklist

**APPENDIX D
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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.	<p><i>I-c- Aesthetics: Visual Character</i></p> <p>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.</p>	Applicant	Prior to building permits	Development and Resource Management Department- Planning Division and Public Works Department
2.	<p><i>I-c- Aesthetics: Visual Character</i></p> <p>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.</p>	Applicant	Prior to building permits	Development and Resource Management Department- Planning Division
3.	<p><i>I-d- Aesthetics: Light and Glare</i></p> <p>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 lighting shall not create glare for neighboring</p>	Applicant	Prior to building permits	Development and Resource Management Department- Planning Division and Public Works Department

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4.	<p>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.</p> <p>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.</p>	Applicant	Prior to ground-disturbing activities	Development and Resource Management Department- Planning Division;
5.	<p>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 Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During</p>	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
6.	<p><i>IV-a-Biological Resources: Special Status Species</i></p> <p>Ground Disturbance" (USFWS 1999).</p> <p>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.</p>	Applicant	Prior to ground-disturbing activities	Development and Resource Management Department– Planning Division; California Department of Fish and Game
7.	<p><i>V-a,b-Cultural Resources: Historical and Archeological Resources</i></p> <p>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 undiscovered resources found during construction shall be</p>	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>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> <p>In the event a fossil is discovered during project development (including those occurring at depths of less than 10 feet), all excavation within the immediate vicinity of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the City of</p>	Applicant	During project excavation activities	Development and Resource Management Department– Planning Division

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	<p>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>			
<p>9. <i>V-c-Cultural Resources: Human Remains</i></p>	<p>If human remains are encountered during project excavation activities, CEQA Guidelines Section 15064.5 (e) shall be complied with, including but not limited to, all work within a 100-foot radius shall stop immediately and the Fresno County Coroner's office shall be notified. If the remains are determined to be Native American in origin, the Native American Heritage Commission shall be notified and will identify the Most Likely Descendent, who will be consulted for</p>	<p>Applicant</p>	<p>During project excavation activities</p>	<p>Development and Resource Management Department– Planning Division</p>

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	Mitigation Measure	Implemented By	When Implemented	Verified By
	recommendations for treatment of the discovered remains.			
10.	VII-a,b-Hazardous 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 landscaped areas • Trash enclosures with screen walls and roofs • Stenciling on storm drains 	Applicant	Prior to issuance of grading permits	Development and Resource Management Department- Planning Division; Fresno Metropolitan Flood Control District

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	Mitigation Measure	Implemented By	When Implemented	Verified By
12.	<p>VIII- c,d,e- <i>Hydrology and Water Quality</i></p> <ul style="list-style-type: none"> • 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> <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 the approved plan into the proposed project plans.</p>	Applicant	Prior to issuance of grading permits	Development and Resource Management Department– Planning Division; Fresno Metropolitan Flood Control District
13.	<p>VIII-b- <i>Hydrology and Water Quality</i></p> <p>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</p>	Applicant	Prior to issuance of building permits	Development and Resource Management Department– Planning Division and Public Utilities

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	Mitigation Measure	Implemented By	When Implemented	Verified By
	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.			
14.	<p>VIII-b- <i>Hydrology and Water Quality</i></p> <p>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:</p> <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.	<p>VIII-b- <i>Hydrology and Water Quality</i></p> <p>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.</p>	Applicant	Prior to issuance of building permits	Development and Resource Management Department– Planning Division and Department of Public Utilities
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</p>	Applicant	Prior to issuance of building permits	Development and Resource Management Department– Planning Division

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	Mitigation Measure	Implemented By	When Implemented	Verified By
17.	<p>45 dBA Leq standard for interior office sound levels</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 barrier. 	Applicant	Prior to issuance of building permits	Development and Resource Management Department-- Planning Division
18.	<p>XV-a- Transportation/ Traffic</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</p>	Applicant	Prior to issuance of building permits	Development and Resource Management Department-- Planning Division and Department of Public Works

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	Mitigation Measure	Implemented By	When Implemented	Verified By
	intersections: <ul style="list-style-type: none"> • Friant Road/Audubon Drive • Friant Road/Fresno Street • Blackstone Avenue/Nees Avenue 			
19. <i>Transportation/Traffic</i>	Prior to the issuance of building permits, the project applicant shall pay the Regional Transportation Mitigation Fee.	Applicant	Prior to issuance of building permits	Development and Resource Management Department– Planning Division and Department of Public Works
23. <i>Transportation/Traffic</i>	Prior to the issuance of building permits, the project applicant shall pay a fee of \$15,422 per acre as required by the City of Fresno's Citywide Regional Street Impact Fee program for the commercial office space land use category.	Applicant	Prior to issuance of building permits	Development and Resource Management Department– Planning Division and Department of Public Works
24. <i>Transportation/Traffic</i>	One roundabout shall be constructed to mitigate traffic on Audubon Drive as part of the traffic calming effort on Audubon. The design of the roundabout shall be done with the existing right-of-way in mind to accommodate the roundabout within the existing right-of-way. This will mitigate the projects impacts on existing and future speeds and increasing volumes on Audubon which has homes fronting onto the roadway. The location of this roundabout will be located at Audubon Drive/Woodward Park Entrance/Office Park Entrance intersection. The westbound direction will have two lanes approach the roundabout, one for through lanes and one as a dedicated right turn into Woodward	Applicant	Prior to issuance of building permits	Development and Resource Management Department– Planning Division and Department of Public Works

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25	<p>Park. The eastbound approach will be a one lane roundabout. This roundabout is in lieu of a traffic signal being installed as recommended in the Traffic Impact Study.</p> <p>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 Department and Resource Management complies with the 2008 Urban Water Management Plan.</p>	Applicant	Prior to issuance of building permits	Development and Resource Management Department– Planning Division and Department of Public Utilities
26.	<p>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.</p>	Applicant	Prior to issuance of grading permits.	Development and Resource Management Department– Planning Division and Department of Public Utilities
27.	<p>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.</p>	Applicant	Prior to issuance of building permits	Development and Resource Management Department– Planning Division and Department of Public Utilities

**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
28.	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 Checklist.	Applicant	Prior to issuance of occupancy permit	Planning and Development Department.

C. Transportation Demand Management Plan

25 PARK PLACE

R-09-012/C-09-161

TRAFFIC DEMAND MANAGEMENT PLAN

January 3, 2013



Prepared For:

The Zinkin Companies
5 River Park Place West, Ste. 203
Fresno, CA 93720

Prepared By:



VRPA TECHNOLOGIES, INC.

4630 W. Jennifer, Ste. 105
Fresno, CA 93722

Purpose

This Plan has been prepared to identify strategies intended to reduce vehicle trips generated by the proposed 10-Story Office Development located on the west side of River Park Place West, east of State Route (SR) 41 between Audubon Drive and Fresno Street. The proposed development is located at 25 Park Place in North Fresno and includes 234,723 square feet of future office development.

Specifically, this Plan includes a broad range of initiatives designed to:

- ◆ Decrease the number of vehicular trips to the development
- ◆ Reduce traffic congestion & parking demand
- ◆ Increase access through alternatives to single-occupant vehicle travel, including, cycling, walking & transit

This project, which will be located on one of five parcels subject to a daily trip limitation of 14,383, is bound by River Park Place West, SR 41, Audubon Drive and Fresno Street. The daily trip limitation of 14,383 imposed by the City of Fresno is, in and of itself, a trip reduction strategy. The total square footage of developed office space encompassed by the three of the five parcels will equal 432,391 square feet with construction of the proposed 234,723 square foot office development. Pursuant to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 432,391 square feet of office space will generate approximately 4,761 daily trips, which only represents 33% of the daily trip limitation.

Definitions

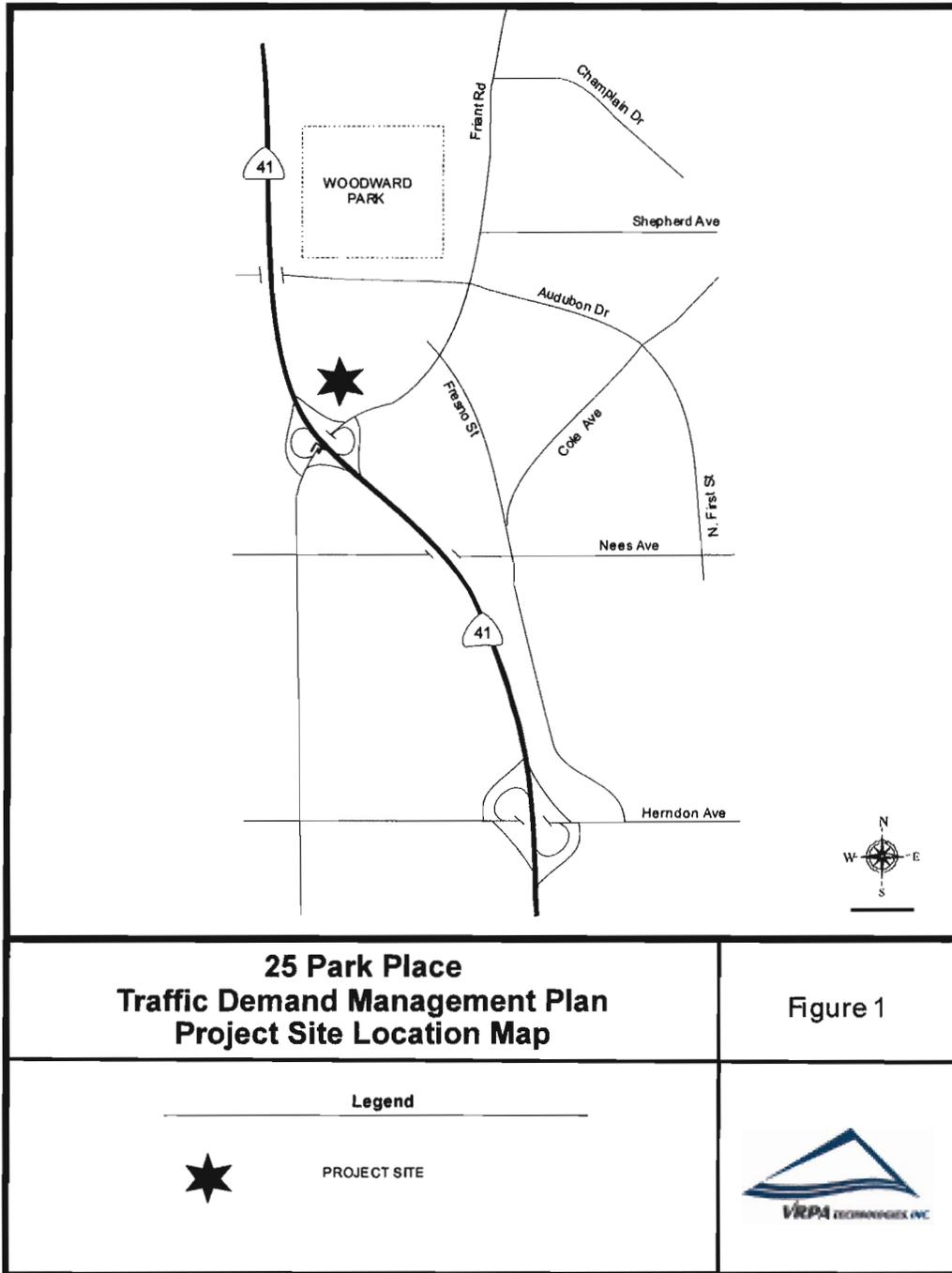
For the purpose of this Plan, the following definitions shall apply:

- ◆ Alternative Work Schedules mean programs such as compressed work weeks that eliminate work trips for affected employees
- ◆ Carpool means a motor vehicle occupied by two to six employees of one or more employers traveling together between their residence and their work site for the majority of their commute trip
- ◆ City means the City of Fresno
- ◆ Commute Trips mean trips made from a worker's home to a worksite with a regularly scheduled arrival time of 7:00 a.m. to 9:00 a.m. (inclusive) on weekdays
- ◆ Commuter is an employee who travels regularly to and from an employment facility three or more days a week
- ◆ Compressed Work Week means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four 10-hour days or 80 hours in nine days, but may also include other arrangements

- ◆ Employee means any person who regularly works twenty (20) hours or more per week at a work site and normally travels during the peak period between six a.m. to ten a.m. or three p.m. to seven p.m. Monday through Friday and who normally works at least twenty-six (26) weeks per year. The term includes contract employees under the direction of the work site employer, including independent contractors. The term excludes field personnel, field construction workers, and volunteers
- ◆ Employer Transportation Coordinator (ETC) is an employer, an employee, or other individual, designated by the employer or project controller to coordinate and implement TCM activities as required by the Employer Transportation Plan
- ◆ Flex-Time is an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes
- ◆ Mode means the type of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, and walking, compressed work schedule and telecommuting
- ◆ Peak period means seven a.m. to nine a.m. or four p.m. to six p.m. Monday through Friday
- ◆ Rideshare Matching is any system for mapping and matching home and work locations of interested commuters to identify prospects for ridesharing
- ◆ Single-Occupant Vehicle (SOV) means a motor vehicle occupied by one (1) employee for commute purposes, including a motorcycle
- ◆ Telecommuting means the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half
- ◆ Tenant/Employer means a tenant or occupant of any building within the Project that employs one or more employees
- ◆ Transit means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle, or vanpool. A transit trip counts as zero (0) vehicle trips
- ◆ Transportation Demand Management (TDM) means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system
- ◆ Traffic Demand Management Plan means a method or approach for providing, supporting, subsidizing, and/or encouraging the use of commute transportation alternatives
- ◆ Vanpool means a vehicle occupied by from seven (7) to fifteen (15) people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool counts as zero (0) vehicle trips
- ◆ Vehicle Miles Traveled (VMT) Per Employee means the sum of the individual vehicle commute trip lengths in miles made by affected employees over a set period divided by the number of affected employees during that period

Project Site Description

The Project site is located within the City of Fresno south of Audubon Drive, west of Friant Road, and east of State Route 41. The Project site includes 25.5 acres (reference Figure 1).



As stated previously, the proposed project site, which is one of five parcels subject to a daily trip limitation of 14,383, is bound by River Park Place West, SR 41, Audubon Drive and Fresno Street and will include various types of office uses. These five parcels in addition to the other development within the area bound by Friant Road to the east, SR 41 to the west and Audubon Drive to the north share a daily trip limitation of 30,040 by previous agreement with the City of Fresno.

The Project site is located adjacent to Fresno Area Express transit line #58E (SR 41 Express Bus) and #30 (Friant Road). Routes 22, 32, 38, and 58 are also located within walking distance of the Loop development with stops along Nees Avenue between Audubon/First and Ingram. Approximately 939 employees will be employed on the project site (25 Park Place) on an average daily basis.

The Project site is owned, managed and operated by DeWayne Zinkin, either individually or through various entities in which he has a controlling interest (herein collectively referred to as "The Zinkin Companies").

Transportation Coordinator

The Zinkin Companies shall designate a transportation coordinator (herein "Coordinator") to administer the Traffic Demand Management Plan. The Coordinator's name, location, and telephone number is as follows:

Phil Andrews

5 River Park Place West, Suite 203

Fresno, CA 93720

The Coordinator will oversee all elements of the TDM Plan and act as liaison between The Zinkin Companies and each Tenant/Employer on the project site.

Information Distribution

Information about alternatives to the single occupant vehicle (SOV) commuting will be provided by the Coordinator to each Tenant/Employer at the time of lease execution and occupancy, when requested, and periodically as the Coordinator shall determine to be necessary.

TDM Plan Strategies

The following TDM Plan strategies are available for implementation by The Zinkin Companies or by Tenant/Employers and their respective Employees:

◆ **Tenant/Employer Strategies – Tenant/Employers are encouraged to consider and implement one or more of the following strategies:**

- Alternative Work Schedules such as 4/40 work weeks; implement 9/80 work weeks; implement other flexible work weeks
- Compressed Work Week: A management strategy allowing the employee to compress the total number of hours required in week to fewer days. For example, a typical 40-hour work week could be compressed into four 10-hour days. This TCM should be coordinated with other TCMs, such as van and carpools
- Telecommuting: Working from a remote location (employee residence or satellite location) using the Internet and phone system as lines of communication
- Flexible Work Hours: for provision of a work hour management strategy allowing the employee to adjust work hours outside of the employer's established start/stop time and peak hours. Variable work hours may include, but are not limited to: 1) staggered work hours shifting the work hours of all employees to outside of peak hours; and 2) flexible work hours with individually determined work hours within guidelines established by the employer. This strategy should be coordinated with other strategies, such as van and carpools

◆ **Bicycling**

▪ **Tenant/Employer Options:**

- Bicyclists/Pedestrian Travel Allowances
- Posting of bicycle route locations within at least a five mile radius

▪ **The Zinkin Companies Options:**

- Bicyclists/Pedestrian Amenities – The Zinkin Companies shall construct and provide showers for the use of the tenants and their employees
- Bicycle Racks - The Zinkin Companies shall provide bicycle racks on site
- Pedestrian Amenities – The Zinkin Companies site plan and site development shall provide on-site pedestrian paths to access bicycle racks and public transit stops

◆ **Carpooling** (Reference Appendix A for details regarding the Carpool/Rideshare Program in Fresno County)

▪ **Tenant/Employer Options:**

- Carpool and vanpool operating subsidies
- Carpool and vanpool vehicles
- Carpool Fuel Incentives
- Guaranteed Ride Home Program: The provision, by contract or otherwise, a guaranteed ride home for employees who rideshare two days or more a week. The guaranteed ride home may be provided to the ridesharer if any

emergency or illness requires that they or their carpool or vanpool driver must leave work early or late

- Rideshare Bonuses and Incentives
- Rideshare matching/coordination

◆ **Parking**

▪ **The Zinkin Companies Options:**

- Preferential Carpool/Vanpool Parking specific to the Project site. Parking spaces for employees will be designated as carpool or vanpool parking and will be, with the exception of handicapped and customer parking, the spaces with the most convenient access to employee entrances. Subject to a prior written agreement with the Zinkin Companies, the Tenant/Employer may issue carpool and vanpool stickers and shall be responsible for monitoring the employee's use of such spaces

◆ **Public Transit**

▪ **Tenant/Employer Options:**

- Current schedules, rates (including procedures for obtaining transit passes), and routes of mass transit service to the common work location or employment site
- Shuttle Bus/Buspool Program: The provision of shuttle service to transport workers to and from their residences, a park-and-ride lot, or other staging area, to the workplace. The employer may lease a bus and may work with nearby employers or employment complexes to maximize ridership
- Transit Pass Subsidy: For provision, to the employees of Tenants/Employers, of a monthly transit pass subsidy of 50 percent, or the maximum taxable benefit limit, whichever is greater

◆ **Clean Fuel Vehicle Options**

▪ **Tenant/Employer Options:**

- Use of Clean Fuel Vehicles: Provide incentives to employees who commute in a clean fuel vehicle

◆ **Marketing/Education**

▪ **Tenant/Employer Options:**

- Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing
- Promotional events encouraging trip reduction strategies
- Education materials, available grants and programs

▪ **The Zinkin Companies Options:**

- Brochures highlighting the TDM strategies and programs will be made available to employers and employees to reduce peak hour trips and/or greenhouse gas (GHG) and/or other air emissions

◆ **Project Design**

▪ **The Zinkin Companies Options:**

- **On-Site Services:** The Zinkin Companies will explore the opportunities to provide necessary services on or near the Project site that may reduce or eliminate the need for a vehicular trip before, during, or after the work day. Necessary services include, but are not limited to cafeteria/restaurant, lunchroom, automated teller machine and banking services, food delivery service, dry cleaners pick up and delivery service, and post office mail pick up and delivery service. These services may be provided by the Zinkin Companies or by the Tenant/Employer, through cooperative efforts with service providers, or by other means

Potential TDM Plan Benefits

Table 1 identifies the potential TDM Plan benefits assuming the following:

- An employee participation goal of 5% (approximately 47 employees would potentially participate in and/or utilize TDM strategies identified in this TDM Plan to reduce trips and/or GHG or other air emissions

Appendix B includes the calculation sheets supporting the results referenced in Table 1.

TABLE 1
Potential TDM Plan Benefits for Air Quality Emissions

Scenario	CO	NO _x	ROG	SO _x	PM ₁₀	PM _{2.5}	GHG*
	tons/year						
25 Park Place w/ out TDM Implementation	19.07	9.58	3.34	0.03	2.72	0.41	3,915.84
25 Park Place w/ TDM Implementation	16.57	8.39	3.08	0.02	2.23	0.34	3,426.07
% Reduction in emissions w/ TDM Implementation	13%	12%	8%	33%	18%	17%	13%

* GHG emissions expressed in Metric Tons per year

APPENDIX A

Fresno Measure "C" Farmworker/Car/Vanpools Subprogram

Measure "C" funds have been programmed in the Expenditure Plan to subsidize both Farmworker and Commuter car and vanpool programs within Fresno County. The programs would be evaluated for annual funding allocation based upon an open competitive process. The programs provide an equal opportunity for both public and private industry competition, as well as potential public/private partnerships.

An overview of the Car/Vanpools Subprogram and the steps necessary to claim funds are provided below.

Car/Van Pools Category

✓ Step 1 – Understanding the Funding Category

Approximately .6% of Measure "C" is provided to fund carpool and vanpool subsidy programs originating within Fresno County. This will get commuters to their destinations safely, improve air quality, and provide a cost-effective alternative to the single occupant vehicle.

Commuter Van Pool Performance Criteria:

- Fresno COG will issue a Request for Proposals to qualified entities to provide such a service
- All commuter vanpools using Measure "C" funds allocated for this purpose must originate within Fresno County. This does not preclude an agency from using other Measure "C" funds (e.g., Regional Public Transit, Local Transportation Program) to subsidize additional Commuter Vanpools
- Allocations of Measure "C" funds for vanpools will be prioritized based on overall cost effectiveness and air quality benefit

✓ Step 2 – Available Category Funds

The total estimated Measure "C" Extension funding available under this category is provided in the Measure "C" Implementation Plan [currently being prepared by the Fresno County Transportation Authority (FCTA)].

To ensure that Measure "C" funds are utilized appropriately, Fresno COG, at yearly intervals, will conduct a performance evaluation to determine if the category is

meeting its intended goals and assess whether or not to continue, or to design and implement a different strategy for the category funds.

✓ **Step 3 – Identifying Eligible Subprogram Projects**

Measure “C” funds can subsidize carpool or vanpool programs that originate within Fresno County. There are funds available for a variety of vanpool incentives, designed to spark the development of new vanpools and offer financial support and assistance to existing vanpools. There is also an incentive program available for encouraging the development or expansion of carpools within Fresno County. Eligible expenses include capital as well as operational costs.

Eligible operational subsidies and reimbursements for new vanpools:

- Monthly lease subsidy
- Vanpool start-up costs such as medical exams
- Driver replacement cost
- Emergency Ride Home Program
- Driver Incentive
- Parking permits

Project descriptions:

- Monthly Lease Subsidy for New Vanpools - Measure “C” funds will subsidize newly formed vanpools, \$600 per vanpool, per month for the first year of operation, and \$300 per vanpool, per month for the second year of operation
- Medical Exam Expense - All primary and alternate drivers are required to have medical exams prior to driving. Measure “C” funds will reimburse that expense up to \$75 per driver. A maximum of three (3) drivers (one primary and two alternate) from each new vanpool
- Driver Replacement Cost - Should a primary or alternate driver need to be replaced, the new driver/s may be reimbursed up to \$75 per driver for a medical examination. A maximum of three (3) drivers (one primary and two alternate) from any single vanpool may receive the subsidy
- Emergency Ride Home - This reimbursement covers costs for Emergency Ride Home services provided by a Vanpool Provider to the Vanpool participants. Emergency Ride Home programs offer vanpoolers a free ride to needed destinations in the case of an unforeseen emergency (illness, family crisis, unscheduled overtime). There are a variety of transportation options available to Vanpool providers and participants including taxi service, rental

cars, company fleet cars and having fellow employees or supervisors take the vanpooler to their desired destination (home, hospital, etc.). It is up to the Vanpool Provider and their vanpoolers to decide which options will be provided

- Driver Incentive - At the end of the first year of successful operation, the qualifying vanpool primary driver receives \$100 per current vanpool participant. Participants must have been in the vanpool for one full month or more to be counted, and must have all fees paid up-to-date on the vanpool's one year anniversary
- Parking Permits - Will reimburse up to \$100 per month for parking permits/fees, excluding parking tickets or any other violation of parking laws

Eligible operational subsidies and reimbursements for existing vanpools:

- Empty Seat Subsidy
- Driver-replacement costs
- Emergency Ride Home Program
- Parking permits
- Vouchers

Project Descriptions:

- Empty Seat Subsidy - Should a vanpool group lose riders, the lease costs of the vacant seats would normally be absorbed by the remaining riders. This subsidy offers financial support to vanpool groups while they recruit new riders, by paying for the cost of a vanpool's vacant seat/s up to \$100 per seat for the 1st month, decreasing \$25 per seat for up to a four-month period

Maximum available:

\$100 per empty seat—1st month
\$75 per empty seat – 2nd month
\$50 per empty seat – 3rd month
\$25 per empty seat – 4th month

- Driver Replacement Cost - Should a primary or alternate driver need to be replaced, the new driver/s may be reimbursed up to \$75 per driver for a medical examination. A maximum of three (3) drivers (one primary and two alternate) from any single vanpool may receive the subsidy
- Emergency Ride Home - This reimbursement covers costs for Emergency Ride Home services provided by a Vanpool Provider to the Vanpool participants. Emergency Ride Home programs offer vanpoolers a free ride to needed

destinations in the case of an unforeseen emergency (illness, family crisis, unscheduled overtime). There are a variety of transportation options available to Vanpool providers and participants including taxi service, rental cars, company fleet cars and having fellow employees or supervisors take the vanpooler to their desired destination (home, hospital, etc.). It is up to the Vanpool Provider and their vanpoolers to decide which options will be provided

- Parking Permits - Reimbursement up to \$100 per month for parking permits/fees per vanpool. Excludes parking tickets or any other violation of parking laws
- Vouchers - In lieu of the Empty Seat Subsidy, vanpool providers may request funding for voucher programs that they develop and administer. Vouchers allow participants to join, switch or start vanpool groups

Carpool Incentives:

- Individuals that carpool or vanpool to or from Fresno County at least twice a week with at least one other person to work or school can register for the Carpool Incentive Program. A \$1,000 cash prize will be awarded each month to one individual that has registered for the program and has submitted carpool logs for that month. A grand prize giveaway event will take place at the end of each fiscal year. At the event, various grand prizes will be awarded by drawing to the individuals that submitted carpool logs throughout the fiscal year
- Administrative, planning and implementation services associated with this category

✓ **Step 4 – Other Subprogram Requirements**

Implementation Guidelines affecting the Carpool/Vanpool Subprogram include:

- New vanpools applying for subsidies or reimbursements must include the following:
 - At least six (6) riders and one (1) driver (7 vanpool passengers total)
 - Vanpool should operate at least five (5) days per week, unless participants are working full-time on an alternate work schedule that requires fewer commute days
 - An Emergency Ride Home Program (ERH) provided or arranged by the Vanpool Provider or signed waivers from all participating vanpool riders/driver that they don't want ERH provided to their vanpool
 - Must originate within Fresno County

- A qualifying “new” vanpool is one that is formed but not yet on the road, or a vanpool that has been on the road for less than two (2) months. No new vanpool may receive the subsidies or incentives unless at least 4 of the vanpool’s riders have not traveled in a vanpool on a regular basis for a period of six months from the time of application submission to the program
 - Participants are required to use an authorized vanpool vendor such as Enterprise Rideshare, vRide, CalVans or other agency, or form an employer sponsored vanpool. Owner-Operator vanpools are not eligible to receive these subsidies
 - Vanpools may supplement this incentive with other subsidies. Examples include employers, the San Joaquin Valley Air Pollution Control District (Air District) and Commuter Checks
 - The subsidy must be revoked if a vanpool’s ridership falls below seven members (including the driver) for more than four (4) consecutive months
 - If an “offshoot” vanpool is formed from members of a vanpool that previously applied for a subsidy from this program, and the route is essentially the same, the original vanpool must remain viable or the new vanpool will not qualify for the subsidy. This is required only if the members from the original vanpool are counted towards the 7 passenger minimum
- Existing vanpools must comply with the following requirements:
 - At least six (6) riders and one (1) driver
 - Vanpool should operate at least five (5) days a week, unless participants are working full-time on an alternate work schedule that requires fewer commute days
 - An Emergency Ride Home Program (ERH) provided or arranged by the Vanpool Provider or signed waivers from all participating vanpool riders/driver that they don’t want ERH provided to their vanpool
 - Must originate within Fresno County
 - Participants are required to use an authorized vanpool vendor such as Enterprise Rideshare, vRide, CalVans or other agency, or form an employer sponsored vanpool. Owner-Operator vanpools are not eligible to receive these subsidies
 - Vanpools may supplement this incentive with other subsidies. Examples include employers, the Air District and Commuter Checks
 - The subsidy must be revoked if a vanpool’s ridership falls below seven members (including the driver) for more than four (4) consecutive months
 - All persons applying for the Carpool incentive must comply with the following requirements:
 - Must be at least 18 years of age
 - All drivers have a valid driver’s license

- Carpools must commute to or from Fresno County
- Participants must carpool at least twice a week with at least one other person to work or school. (Driving children to school or day care does not qualify for the incentive)
- Participants must register in the Measure "C" Carpool Program at www.valleyrides.com. All registration information must be complete and accurate
- Must submit online Commute Log Reports for each week carpooled at least twice in that week. Each Commute Logs counts as one entry into the drawings. No carpooler may submit more than one commute log per week
- Participants who win a \$1,000 monthly drawing may still be eligible to win drawings during the remaining months. There are no limitations as to how many times a carpooler may win
- A carpool partner's ineligibility DOES NOT affect the existing carpool participant's eligibility status
- The drawing winners are individual carpool members in a verifiable carpool or vanpool. A winner is not defined as the entire carpool or any group of, or all carpool members, in a verifiable carpool/vanpool
- Participation grants Measure "C" and Valleyrides the right to use a participant's name, photograph, quotes, video, and likeness for public relations purposes
- Participants, participant's carpool partner(s) and office supervisor (employer) may be contacted to verify the information provided. We reserve the right to visit participant's place of employment, school, or park and ride location at any time during participation. Falsifying any information will disqualify a participant from ALL Measure "C" Commute Incentive programs permanently

✓ **Step 5 – How to Claim the Subprogram Funds**

- The programs are to be evaluated for funding allocation from Fresno COG based upon an open competitive process. The Vanpool Program should provide an equal opportunity for both public and private industry competition, as well as potential public/private partnerships. Funds are available for eligible projects on a first-come, first-serve basis until the program funds are exhausted
- Each vanpool provider must fill out and submit the Measure "C" Commuter Vanpool Request for Subsidies/Reimbursements form when applying for Measure "C" Commuter Vanpool funds. The form is available on the Fresno COG website: www.fresnocog.org
- Each vanpool passenger requesting Measure "C" Commuter Vanpool funds must complete a Measure "C" Vanpool Incentive Program – Passenger Application and submit it with the Measure "C" Commuter Vanpool Request for

Subsidies/Reimbursements. The application form is available on the Fresno COG website: www.fresnocog.org

- Fresno COG, as the implementing agency, will claim Subprogram funds from the Authority to be allocated through the competitive process as follows:
 - Upon request by Fresno COG to the Authority in February or March of each year, an estimate of Subprogram funds available for the next Fiscal Year will be provided (reference Table 2). The claim form (reference Appendix D) along with the final fund estimate will be forwarded to Fresno COG following the Authority Board meeting in May
 - Funding allocations will be made by the Authority on a monthly basis
 - Fresno COG shall submit its claims to the Authority once the claim forms are approved by Fresno COG Policy Board
 - The Authority will consider and approve Fresno COG claims as they are received
 - Any annual reporting required at the time of Fresno COG's claim must be included in its claims package when it is submitted to the Authority before the claim are processed by the Authority

APPENDIX B

CalEEMod Worksheets

D. Traffic Info Re: Friant Rd./SR 41 Interchange

4.3 EQUITABLE SHARE RESPONSIBILITY

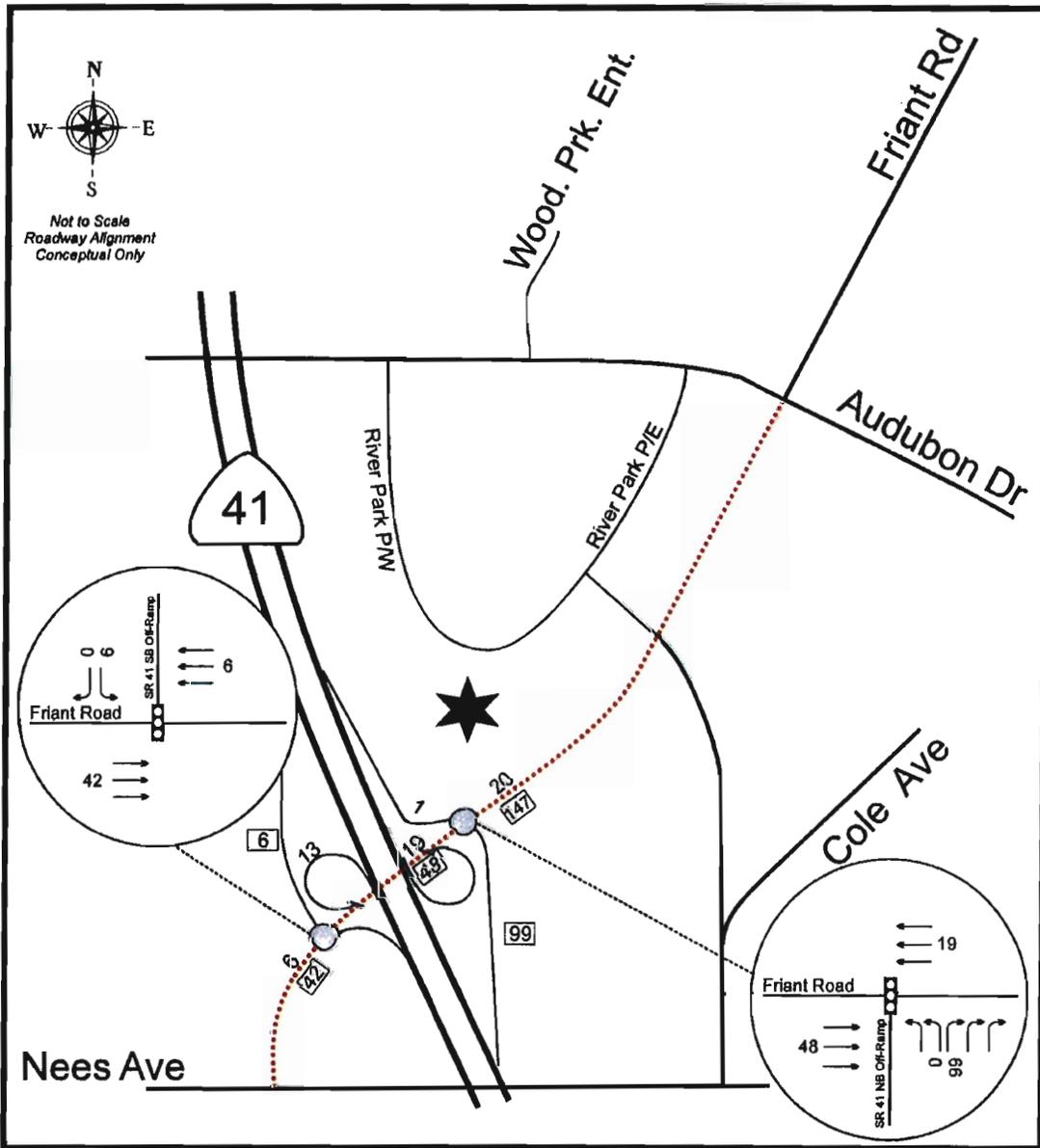
Based on recommended improvements identified in previous sections, Project equitable share was determined. In discussions with Caltrans regarding the Zinkin 10-Story Office Development, it was determined that several of Caltrans facilities would require improvements in order to accommodate projected future demand. Table 4-3 identifies the number of trips generated by the Project that will impact Caltrans' facilities and the corresponding fee that the Project is responsible for. Figures 4-2 and 4-3 display the Projects trip distribution to the SR 41 and Friant Road Interchange.

**Table 4-3
Project Fair Share Cost to Caltrans' Facilities**

IMPROVEMENT	NUMBER OF PROJECT TRIPS IMPACTING FACILITY	ESTIMATED IMPROVEMENT COST	COST PER TRIP	FAIR SHARE COST
Friant Road SR 41 Undercrossing - Two additional lanes ⁽¹⁾	136	\$1,959,000	\$900	\$122,400
SR 41 SB On-Ramp from WB Friant Road - Additional ramp lane and auxiliary lane ⁽²⁾	13	\$6,936,000	\$1,200	\$15,600
SR 41 SB On-Ramp from EB Friant Road - Additional ramp lane and auxiliary lane ⁽¹⁾	0	\$6,936,000	\$1,200	\$0
SR 41 NB On-Ramp from EB Friant Road - Additional ramp lane and 1,000-foot auxiliary lane ⁽¹⁾	0	\$775,000	\$757	\$0
SR 41 NB On-Ramp from WB Friant Road - Additional ramp lane and 1,000-foot auxiliary lane ⁽¹⁾	6	\$775,000	\$1,300	\$7,800
SR 41 SB Off-Ramp to Friant Road - Additional ramp lane and 1,300-foot auxiliary lane ⁽²⁾	6	\$1,247,000	\$834	\$5,004

(1) Deficiency occurs in the PM peak hour. Therefore, Project Fair Share Cost is based on PM Project trips impacting this facility.

(2) Deficiency occurs in the AM peak hour. Therefore, Project Fair Share Cost is based on AM Project trips impacting this facility.



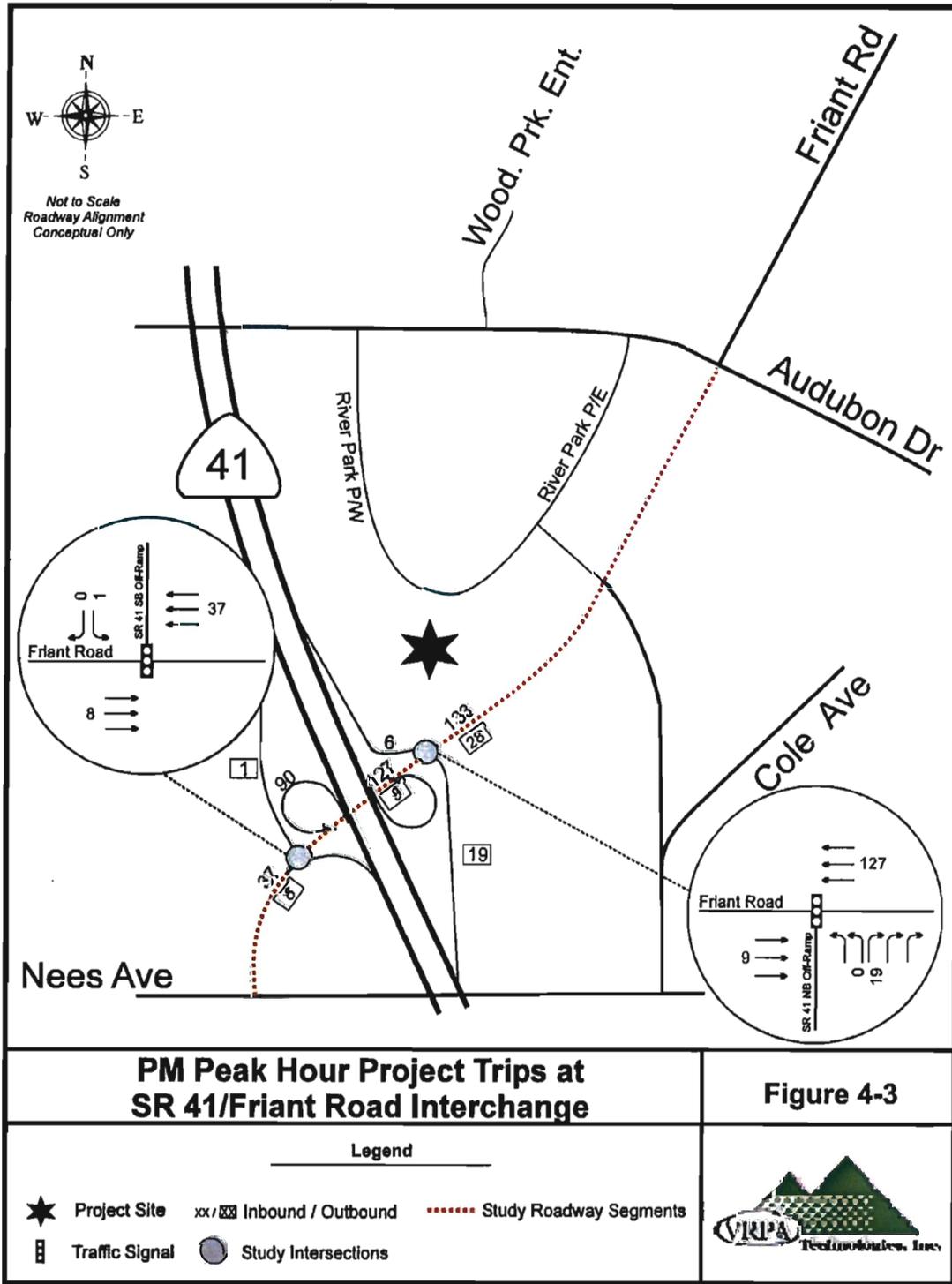
AM Peak Hour Project Trips at SR 41/Friant Road Interchange

Figure 4-2

Legend

- ★ Project Site
- xx/☒ Inbound / Outbound
- Study Roadway Segments
- ☐ Traffic Signal
- Study Intersections





To determine the Traffic Signal Mitigation Impact Fee (TSMI Fee) for the proposed Project, the City of Fresno Master Fee Schedule was used. The TSMI Fee is shown in Table 4-4. It was calculated using the charge rate of \$47.12 per ADT.

**Table 4-4
Traffic Signal Mitigation Impact Fee**

INTERSECTIONS	Rate	Project Trips/Day	TSMI Fee
Friant Road / Audubon Drive, Friant Road / Fresno Street, and Blackstone Avenue / Nees Avenue	\$47.12/trip	2,584	\$121,758.08

To determine the Citywide Regional Street Impact Fee for the proposed Project, the City of Fresno Master Fee Schedule was used. The Citywide Regional Street Impact Fee is shown in Table 4-5. It was calculated referencing Implementing Policies for the Citywide Regional Street Impact Fee program and using the charge rate of \$15,422 per acre for commercial office space.

**Table 4-5
Citywide Regional Street Impact Fee**

LAND USE	CITYWIDE STREET IMPACT FEE (PER ACRE)	PROJECT ACREAGE PER LAND USE	CITYWIDE STREET IMPACT FEE
Commercial Office	\$15,422	5.39	\$83,124.58

4.4 COMPARISON OF THE PROJECT TO THE FRESNO GENERAL PLAN

This section provides a comparison of Project trip generation to trip generation associated with current zoning and is consistent with the Fresno General Plan. Current zoning for the Project site is CM-UGM-CZ (Commercial and Light Manufacturing). The Existing 2025 Fresno General Plan designates the Project site as Commercial/Office. The Project is consistent with the General Plan land use designation.

E. Applicant Letter Re: Economic Benefits

F. Conditions of Approval dated February 6, 2013

LAW OFFICES OF
DEWAYNE ZINKIN

5 RIVER PARK PLACE WEST, SUITE 203
FRESNO, CALIFORNIA 93720
Telephone: (559) 224-8100
Facsimile: (559) 224-8111

DEWAYNE ZINKIN
ATTORNEY AT LAW

RICHARD L. FAIRBANK
ASSOCIATE

January 3, 2013

City of Fresno
Sophia Pagoulatos
Planning and Development Dept.
2600 Fresno St.
Fresno, CA 93721-360

Re: 25 Park Place

While there have been some signs of improvement, the unemployment rate in Fresno remains very high, and continues to lag behind the rest of the state and the nation. The economic impact of this high rate of employment is evident in the high rate of foreclosures that continue to plague our area. In the face of the worst economic downturn we have faced in decades, there is a need to focus on projects that will put people back to work and promote home ownership. The economic impact of new construction will be seen not only in providing construction jobs to contractors and suppliers and their respective employees during the course of construction, but the project will contribute to growth in the economy at a time when it is greatly needed.

According to the State of California Employment Development Department, based upon information updated as of December 21, 2012, Fresno County's unemployment rate increased from 13.8% in October, to 14.4% in November 2012. And in November, the County lagged behind the State of California which has an unemployment rate of 9.6% and the U.S. which has an unemployment rate of 7.4%. The rate of unemployment in the City of Fresno in October 2012 was 14.6%. According to the Fresno County Economic Forecast published in 2012, the hardest hit sectors of employment from the recession were jobs related to construction, government and professional services. We have seen this first hand. Engineering and architectural firms have substantially reduced their number of employees and staff. The city has had to reduce its staff. Construction projects, and related construction jobs have been drastically reduced. The major reason for the decline in employment is due to the downturn in these three employment segments according to the Fresno County Economic forecast.

The economic impact of the downturn has been felt especially in the rate of residential foreclosures. Between the fourth quarter of 2007 and through April of 2012, an average of 500 California families lost their homes through foreclosure, "every single day" according to the Center for Responsible Lending. That body has further noted that in 2011, of the top 20 metropolitan areas for the highest foreclosure rates throughout the U.S., ten of those metropolitan areas are located in California, and Fresno was ranked 11th. Although foreclosure rates hit their peak in 2009, as of April 2012, nearly 30% of the homeowners with

mortgages, have mortgages with greater loan amounts than the value of their homes, and nearly 50% of them are underwater by 20% or more of the home value according to the Center for Responsible Lending reported information. This means that many families are in a precarious position with the employment rate continuing to be extremely high in our area. Between 2008 and 2011, 27,837 families in Fresno County lost their homes in foreclosure. That is equal to one (1) in every eleven (11) households. According to the California Mortgage Crisis Fact Sheet, generated by a number of U.S. governmental agencies, including the U.S. Census Bureau, the U.S. Department of Housing and Urban Development and the U.S. Treasury Department, the loss in property value in Fresno County during that period was in excess of Fifty-One Million Dollars (\$51,000,000.00).

While there are some signs that the economy has improved in the U.S., Fresno and most of the San Joaquin Valley still lags far behind the nation and the state in terms of job production and employment. While there are many contributing factors and the solution is multifaceted, clearly one key component to improving our local economy is to focus on employment in the three employment sectors that have been the hardest hit: construction, government and professional services. New construction projects can have a very positive impact on these three segments and the entire economy of our City and County.

The economic impact of commercial real property construction projects have been studied extensively. One of the models used to project the economic impact of new commercial construction is the Three River Model. When construction is commenced, the impact of that construction is not limited to the construction workers, but to the entire area economy. In short, there are materials and services used in construction. Those supplier's employees purchase goods and services in the community. The providers of those goods and services do likewise. Obviously, the economic benefit is felt not only by the architects, engineers, contractors and labors involved in the construction, but all of those with whom they do business as a result of the project. This economic boost happens not only in the construction phase, but when the building is completed and persons are employed to work in the offices of the project. These employers and employees live, work and do business in the local economy which therefore benefits as well. It is through this snowball effect or chain reaction of purchases of goods and services that the entire local community benefits. The Three River Model uses these "multipliers" to predict the economic impact of a commercial project. For example, its literature gives an example of a 100,000 s.f. commercial building that is occupied by 400 employees. During the construction phase, the project is estimated to generate \$35,000,000 in total output, \$11,000,000 in total earnings, and support 290 jobs. The projected economic impact of such a project, after completion of construction and when the building is in operation, is estimated to be even greater or approximately \$39,000,000 in total earnings and 860 jobs "annually."

In considering the pros and cons of any project, it is respectfully submitted that the economic benefit to the community must be an important factor, especially when the local economy, as in Fresno, is still suffering from chronic high unemployment rates, high home foreclosure rates and the worst economy experienced in decades.

Sincerely,



Richard L. Fairbank
Attorney at Law

RLF/kc

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

CONDITIONS OF APPROVAL

FEBRUARY 6, 2013

**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 February 6, 2013, and will consider the special permit application subject to the enclosed list of conditions dated February 6, 2013 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-foot 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. Comply with the Transportation Demand Management Plan for the site dated January 3, 2013. The following items must be complete prior to issuance of building permits:
 - a. Tenant information package on alternative transportation options and incentives must be approved by planning staff;
 - b. Indicate carpool and vanpool parking spaces on site plan;
 - c. Depict shower facilities in the floor plans;
 - d. Provide at least 10 long term bicycle parking spaces for employees either in the form of bike lockers, bike racks in a secured area, or bike parking inside the building. Indicate on site plan.

6. 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.
7. 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.
8. Screen all roof-mounted equipment from the view of public rights-of-way. **Show all mechanical equipment on site plan.**
9. 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)**
10. 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)**
11. 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)**
12. 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.