



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-A
COMMISSION MEETING 05-04-11

May 4, 2011

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APPROVED BY

DEPARTMENT DIRECTOR

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-04-018, MASTER SIGN PROGRAM NO. MSP-11-094, REZONE APPLICATION NO. R-04-11, AND ENVIRONMENTAL IMPACT REPORT NO. 10138 (SCH NO. 2007091064) FOR THE FRESNO SOUTHEAST WALMART EXPANSION PROJECT

RECOMMENDATION

Upon the evaluation and consideration of the requested approvals for this Project, staff concludes that the proposed Conditional Use Permit Application No. C-04-018, Master Sign Program No. MSP-11-094 and Rezone Application No. R-04-011 are appropriate for the project site. Therefore, staff recommends the Planning Commission take the following actions:

1. CERTIFY the Final Environmental Impact Report (EIR) No. 10138 (SCH No. 2007091064), for the Walmart Expansion Project; and:
 - a. ADOPT Findings of Fact as required by Public Resources Code section 21081(a) and CEQA Guidelines, section 15091; and
 - b. APPROVE a Mitigation Monitoring Program as required by Public Resources Code sec. 21081.6 and CEQA Guidelines sec. 15097; and
 - c. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, section 21081(b) and CEQA Guidelines, section 15093.
2. APPROVE Conditional Use Permit Application No. C-04-018 (subject to the attached Conditions of Approval dated May 4, 2011), which will allow for the following: The expansion and remodeling of the existing Walmart store and parking area from an existing 131,164 square feet located on a developed area of 15.2 acres to 174,277 square feet on a developed area of 19.2 acres; 2) Development of 5.7 acres of vacant land in the southwest portion of the project site with retail and restaurant outlot development consisting of four retail buildings and two restaurants (one a drive-thru); and 3) Sale of packaged alcoholic beverages consistent with a Type 21 license at Walmart.
3. APPROVE Master Sign Program No. MSP-11-094 subject to the attached Conditions of Approval dated May 4, 2011 for Master Sign Program No. MSP-11-094.
4. RECOMMEND APPROVAL TO THE CITY COUNCIL of Rezone Application No. R-04-11 proposing to rezone approximately 25 acres as follows:

- a. Rezone 15 acres on the eastern portion of the project site from the C-2/BA-20/cz (*Community Shopping Center/20-Foot Boulevard Area Overlay/conditions of zoning*) district and approximately 8.72 acres on a westerly portion of the project site from the C-2/BA-15/cz (*Community Shopping Center/15-Foot Boulevard Area Overlay/conditions of zoning*) district to the C-2/BA-20 (*Community Shopping Center/20-Foot Boulevard Area Overlay*) district.
- b. Rezone a 0.13-acre triangular area at the northwest corner of the project site from the C-P/cz (*Professional and Administrative Office/conditions of zoning*) district to the C-2/BA-20 zone.
- c. Remove the conditional zoning from the entire project site in recognition that the conditions of the previous zone changes on the site have been satisfied in conjunction with the development of the existing Walmart store.

EXECUTIVE SUMMARY

The applicant, CEI Engineering, has filed Conditional Use Permit No. C-04-018, Master Sign Program Application No. MSP 11-094, Rezone Application No. R-04-011 and Vesting Tentative Parcel Map No. 2007-40 for properties covering approximately 25 acres located on the northeast corner of East Kings Canyon Road and South Adler Avenue, between South Willow and South Peach Avenues, hereinafter referred to as the Walmart Expansion Project. The project components are described below:

- Conditional Use Permit Application No. C-04-018 consists of the following two development phases: 1) Expansion and remodeling of the existing Walmart store and parking area which consists of expanding from a developed area of 15.2 acres to a developed area of 19.2 acres and expanding the existing 131,164 square-foot Walmart store by 43,113 square feet, increasing the total floor area to 174,277 square feet; and 2) Development of 5.7 acres of vacant land in the southwest portion of the project site with four retail buildings and two restaurants that will total 34,800 square feet in area. A conditional use permit is required because the applicant proposes the sale of packaged alcoholic beverages (Type 21 for off-site consumption) at Walmart and a drive-through restaurant on one of the outlots. The site plan review required for the proposed new buildings and building expansion is being reviewed as part of this conditional use permit application.
- Master Sign Program Application No. MSP-11-094 is a request to establish uniform sign requirements for the entire project site. A master sign program is required for all shopping centers in the City of Fresno. The conditions for this master sign program are attached.
- Rezone Application No. R-04-011 proposes unify the zoning across the entire site and to remove the conditional zoning from the project site in recognition that the conditions of the previous zone changes on the site have been satisfied in conjunction with the development of the existing Walmart store. The application will rezone the easterly portion of the project site from C-2/BA-20/cz (*Community Shopping Center, 20-Foot Boulevard Area Overlay/conditions of zoning*) district to C-2/BA-20 district, the westerly portion of the project site from the C-2/BA-15/cz district to the C-2/BA-20 district, and a small (0.13-acre) triangular area at the northwest corner of the project site from the C-P/cz (*Professional and Administrative Office/conditions of zoning*) district to the C-2/BA-20 zone district.

- Vesting Tentative Parcel Map No. 2007-40 , which proposes to subdivide the approximately 25 acre site into 5 parcels, was analyzed in the environmental document prepared for this project but is not being considered by the Planning Commission.
- The City has completed an Environmental Impact Report (EIR) for the project, prepared by the City of Fresno in conjunction with Bert Verrips of Environmental Consulting Services. The components of this EIR and the EIR process are described in detail later in this staff report.

The District 5 Plan Implementation Committee recommended approval of most of the project components at their meeting on April 11, 2011.

PROJECT INFORMATION

PROJECT	Southeast Walmart Expansion Project
APPLICANT	CEI Engineering
LOCATION	The northeast corner of East Kings Canyon Road and South Adler Avenue (Council District 5, Councilmember Quintero)
SITE SIZE	Approximately 25 acres
PLANNED LAND USE	Existing Community Commercial
ZONING	Existing – C-2/BA-20/cz, C-2/BA-15/cz and C-P/cz zone districts Proposed - C-2/BA-20 (<i>Community Shopping Center/20-Foot Boulevard Area Overlay</i>)
PLAN DESIGNATION AND CONSISTENCY	The requested rezoning to the C-2/BA-20 zone district is consistent with adopted plans and polices of the 2025 Fresno General Plan.
ENVIRONMENTAL FINDING	Environmental Impact Report (EIR) No. 10138 (SCH 2007091064) was prepared determining that the project would result in potentially significant adverse environmental impacts. The EIR found potentially significant impacts to the following areas: Geology and Soils; Hydrology and Water Quality; Biological Resources; Cultural Resources; Traffic and Circulation; Noise; and Air Quality. The EIR recommends mitigation measures for each of these impacts (See Mitigation Monitoring and Reporting Program attached to Exhibit H of this staff report). The recommended mitigation measures were found to reduce impacts to less than significant in all but one area (temporary construction noise impacts). Temporary construction noise impacts remain significant and unavoidable with the implementation of all feasible mitigation measures.
PLAN COMMITTEE RECOMMENDATION	On April 11, 2011, the District 5 Plan Implementation Committee reviewed the proposed project and recommended approval of the project with several conditions by a vote of 4 to 0 with 3 members absent.

**STAFF
 RECOMMENDATION**

Certify Environmental Impact Report No. 10138 (SCH No. 2007091064) and adopt environmental impact mitigation measures set forth in the Mitigation Monitoring and Reporting Program ("MMRP"), approve the proposed conditional use permit and master sign program subject to the recommended Conditions of Approval, and recommend approval of the rezone application to the City Council.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Open Space/Ponding Basin-Park	R-1 <i>(Single Family Residential)</i>	Ponding Basin
	Open Space	R-2 <i>(Low Density Multiple Family Residential)</i>	Trolley Creek Park
South	Medium High Density Residential	R-2 <i>(Low Density Multiple Family Residential)</i>	Vacant <i>(Senior housing development has been approved on this site)</i>
		R-3 <i>(Medium Density Multiple Family Residential)</i>	Multiple Family Residential
East	Medium High Density Residential	R-1 <i>(Single Family Residential)</i>	Multiple Family Residential
	Medium Density Residential	R-3 <i>(Medium Density Multiple Family Residential)</i>	Multiple Family Residential
West	Medium Density Residential	R-1 <i>(Single Family Residential)</i>	Single Family Residential
	Office Commercial	C-P <i>(Administrative and Professional Office)</i>	Office

BACKGROUND

Land Use Applications

Conditional Use Permit

Conditional Use Permit Application C-04-018 consists of the expansion and remodeling of the existing Walmart store, primarily to add a grocery sales area and related support areas, and the development of six smaller retail buildings. The project will also include the development of approximately 5.7 acres of currently vacant land in the western and southwestern portions of the approximately 24.9-acre site. The existing Walmart store was constructed in 1993 and occupies the eastern and northern 15.2 acres of the site.

The proposed project consists of two main development phases, including: 1) Expansion and remodeling of the existing Walmart store and parking area from an existing developed area of 15.2 acres to a

planned developed area of 19.2 acres; 2) Development of 5.7 acres of vacant land in the southwest portion of the project site with four retail buildings and two restaurants on four parcels ranging in size from 1.0 acres to 2.0 acres. The total aggregate floor area of these six buildings is 34,800 square feet. The specific retail and restaurant tenants within this outlot retail development have not yet been identified, and the timing of development of this second development phase has not been determined. The total combined floor area of the Walmart expansion and the outlot retail development will be 87,013 square feet.

The existing 131,164 square-foot Walmart store will be enlarged by 43,113 square feet, increasing the Walmart store's total floor area to 174,277square feet. (These numbers take into account the planned removal of the tire and lube center which currently occupies 5,170 square feet, and the reduction of the outdoor garden center by 1,976 square feet.). As shown in the table below, the primary departments included in the expansion are grocery sales and support and general merchandise with the remaining additional floor area distributed among a number of smaller departments and tenant spaces such as pharmacy, vision center, medical clinic, portrait studio, a and fast-food tenant. The details of the table below are further explained, as follows:

Prior to release of the Draft EIR, in mid-2010, the site plan for the Walmart expansion portion of the project was revised in order to reduce noise impacts on residents located adjacent to the Project site's eastern boundary. This included a substantial reduction in overall floor area from the previous site plan, such that the planned expansion is currently 6,909 square feet smaller than previously proposed (and 9,100 square feet small than what is analyzed in the EIR). The revised floor areas for the various store departments are shown in columns 2 and 3 in the table below, which is Table 2 from the Draft EIR.

For purposes of the EIR's evaluation of Project impacts, floor areas shown in columns 4 and 5 of the table include a sizeable "buffer" to allow for adjustments to square footages during the project review and environmental analysis process, and during the construction and design drawing phase of project development. Since the overall floor area for the expansion which is analyzed in the EIR and supporting technical studies is substantially larger than the overall floor area shown in the current site plan and in columns 2 and 3 above, the analyses presented throughout the EIR represent worst-case conditions and thus overstates the project impacts to some degree. The total expansion of Walmart that is requested in the conditional use permit is 43,113 square feet.

**Walmart Expansion Summary
 (in Square Feet)**

	1	2	3	4	5
	Existing Store	Expanded Store (Per Plans)	Project Expansion Area (Per Plans)	Expanded Store (Project to be built; rounded up for conservative evaluation in EIR)	Project Expansion Area (Rounded Up for EIR)
General Merchandise Sales, Stockroom, and Receiving	107,090	108,543	1,453	111,728	4,638
Grocery Sales/Support, Stockroom/Receiving	647	49,122	48,475	54,950 (incl. 647 sf existing grocery)	54,303
Fast-Food Tenant Area	1,705	2,074	369	2,087	382
Ancillary Area	11,199	11,161	-138	11,235	36
Tire & Lube Express	5,170	0	-5,170	0	-5,170
Total Building Interior	125,811	170,900	45,089	180,000	54,189
Outdoor Garden Center	5,353	3,377	-1,976	3,377	-1,976
Grand Total	131,164	174,277	43,113	183,377	52,213

Sources: CEI Engineering Associates and Perkowitz + Ruth Architects.

The expanded Walmart is planned to be open for business 24 hours per day, seven days per week. (Alcohol sales would not occur between 2:00 AM and 6:00 AM per State of California Alcohol Beverage Control Act requirements.) The existing store hours are 8 AM to 10 PM daily. Although no specific tenants for the outlot retail and restaurant development have been identified, it is expected that these businesses would be open daily from morning through evening (and late evening for the restaurants) but would not be open overnight.

A conditional use permit has been required because the applicant has requested a type 21 license (for the sale of packaged alcoholic beverages for off-site consumption) for Walmart and one fast-food restaurant drive-through on one of the outlots. Pursuant to the Fresno Municipal Code, both of these uses require a condition use permit.

Master Sign Program

Master Sign Program Application No. MSP-11-094 is a request to establish uniform sign requirements for the entire project site. Pursuant to the Fresno Municipal Code, a master sign program is required for all shopping centers in the City of Fresno.

Rezone Application

Rezone Application No. R-04-011 would change the zoning on the site's westerly 8.72 acres to C-2/BA-20/cz to provide for a more consistent landscape treatment along East Kings Canyon Road and would delete conditions of zoning from previous rezone applications which have become moot due to completion of major street construction, the construction of Trolley Creek Park, and the and the filing of Conditional Use Permit Application No. C-04-018 for the overall site. A 0.13-acre triangular area at the northwest corner of the project site is also being rezoned from the C-P/cz (*Professional and Administrative Office/conditions of zoning*) district to the C-2/BA-20 zone to maintain consistent zoning across the entire site and bring that zoning into conformance with the 2025 Fresno General Plan.

District 5 Plan Implementation Committee

The District 5 Plan Implementation Committee reviewed and recommended approval of the proposed project at their April 11, 2011 with several recommended conditions. Most of these are required as conditions of approval and are as follows:

1. Provide landscaping (or other barrier, i.e. fence) between the walking path and the dock well, for that area of the walking path leading to Trolley Park within the dock well.
2. Provide a pedestrian path along the south side of the existing FMFCD pond.
3. Provide vehicular stop signs (4) at both entrances to the store.
4. Provide yield vehicular signs at pedestrian path and vehicular travel intersections.

The District 5 Plan Implementation Committee also recommended that the applicant meet with the Fresno Unified School District regarding on-site pedestrian accessibility or other suggestions. The proposed project was previously routed for to the Fresno Unified School District for comment; no request for additional pedestrian accessibility was made. The proposed project will be conditioned upon several pedestrian pathways across the subject site, including 3 north-south walkways that will traverse the parking lot directly in front of Walmart. Staff recommends that this recommended condition from the District 5 Plan Implementation Committee not be included as a condition of approval for this project.

In addition, the District 5 Plan Implementation Committee recommended that only a Type 20 ABC license, not in support of Type 21 license be approved. There is no substantial evidence in the record that a Type 21 license would cause any negative impacts on the surrounding community and the request has been supported by the Fresno Police Department. Thus, staff is recommending that a Type 21 license be approved.

ENVIRONMENTAL FINDING

Environmental Impact Report Process

The City, as the lead agency under CEQA (the California Environmental Quality Act) determined that an Environmental Impact Report (EIR) was required for the proposed project. The firm of Environmental

Consulting Services was hired by the City of Fresno to prepare the EIR. The EIR was assigned City of Fresno EIR No. 10138 and State Clearinghouse No. 2007091064¹, respectively.

The review and certification of the EIR involves the following procedural steps:

Notice of Preparation (NOP): Upon the City's determination that an EIR was required for this project, a Notice of Preparation was made available to the general public and responsible trustee agencies to solicit input on issues of concern that should be addressed in the EIR. The NOP was issued on September 9, 2007 and the 30-day comment period on the NOP closed on October 5, 2007. The NOP included a project description, project location, and a brief overview of the topics to be covered in the EIR. Comment letters were received from several public agencies and one community organization and were incorporated into the Draft EIR.

Public Scoping Meeting: On September 19, 2007, the City held a project scoping meeting to which the responsible trustee agencies and interested members of the public were invited, and which had been duly advertised in advance. Comments were received and these comments helped frame what environmental issues were addressed in the Draft EIR.

Notice of Completion (NOC): Upon completion of the Draft EIR, the City filed a Notice of Completion with the State Clearinghouse, Office of Planning and Research, to begin the public and agency review period.

Public Notice/Public Review: Concurrent with filing the NOC, the City provided public notice of the availability of the Draft EIR (DEIR) for public review, and invited comment from the general public, agencies, organizations, and other interested parties. The length of the public review period was 45 days, (from December 6, 2010 through January 19, 2011) during which time written comments on the DEIR were submitted to the City of Fresno.

Response to Comments: After the close of the public review period, the City prepared formal responses to the written comments received. A total of 22 written comments were received regarding the Draft EIR. City responses were sent to agencies and private parties that submitted comments 10 days prior to Planning Commission consideration. A Final EIR was prepared that includes the comment letters and responses to comments. The Draft EIR consists of three separately bound volumes which are considered part of the Final EIR.

Certification of the EIR: The Planning Commission will hold a public hearing to consider the completeness of the EIR under CEQA and may adopt a resolution certifying the EIR. The Planning Commission will make a separate resolution regarding its recommendation for each required project approval.

Mitigation Monitoring and Reporting Program: Upon certification of the EIR, the Planning Commission will also adopt a program for monitoring and reporting on the measures it has imposed to mitigate, avoid, or substantially lessen the significant impacts of the project. These measures will be fully enforceable through the conditions of approval for Conditional Use Permit Application No. C-04-018. The City of Fresno and the applicant will be responsible for ensuring that implementation of the mitigation measures

¹ The term "EIR" or "Final EIR" as used in this report refers to the Final EIR (FEIR), dated April 2011 that as noted in the text above, includes the Draft EIR dated December 2010.

occurs as required in the MMRP. The MMRP is found in Exhibit "H" to this staff report as "Exhibit B" to Attachment A (Findings of Fact).

Environmental Impact Report Analysis and Conclusions

Project Objectives

The proposed project is guided by several major project objectives. Knowing these objectives will aid decision makers in their review of the project and associated environmental impacts. These objectives are as follows:

- Expand the existing Southeast Fresno Walmart store to provide the market area with a centrally-located, affordable, one-stop shopping² alternative with an adequately-sized grocery component to enhance customer convenience.
- Maximize new job opportunities for local residents.
- Positively contribute to the local economy.
- Provide a retail establishment that serves local residents and visitors with essential goods and services, in a safe and secure, 24-hour shopping environment.
- Design a project consistent with the City of Fresno 2025 General Plan, the Roosevelt Community Plan, the Specific Plan for the Butler/Willow Area, and the City of Fresno Zoning Ordinance.
- Develop the vacant southwest portion of the site in a manner that is compatible with the existing site and enhances its aesthetics.
- Develop the vacant southwest portion of the site in a manner that positively contributes to the local economy, and enhances commercial retail and service opportunities available in the surrounding community.
- Implement a high-quality architectural design that complements the existing design characteristics of the surrounding commercial uses and improves the aesthetics of the Kings Canyon Corridor.
- Develop a project with new landscaping to soften the design and create a pleasant, attractive appearance.
- Develop a site plan to minimize potential automobile and pedestrian conflicts.
- Capitalize on the project's proximity to the Fresno transit hub planned for development across Kings Canyon Road by developing a site plan that facilitates pedestrian access to the transit hub.

² "One-stop shopping" refers to both (1) the ability of the expanded Walmart store to provide for all of its customers' shopping needs in "one stop" by providing a broad range of general merchandise and grocery items in a single location, with the objective of increasing customers' convenience by eliminating the need to make multiple stops on retail shopping trips; and (2) the one-stop shopping provided to consumers seeking a diversified offering of retail and restaurant goods and services that the Project as a whole will offer the community.

- Provide sufficient off-street parking to minimize impacts to the surrounding residential neighborhood, and ensure that adequate on-site parking is provided for store customers, and employees.

Impacts Analyzed

The EIR analyzed impacts to the following environmental areas:

- Land Use and Planning
- Geology and Soils
- Hydrology and Water Quality
- Biological Resources
- Cultural Resources
- Aesthetics
- Traffic and Circulation
- Noise
- Air Quality
- Hazardous Materials
- Utilities and Service Systems
- Public Services
- Energy
- Global Climate Change

Based on the analysis in the Initial Study, agricultural resources, mineral resources, population and housing, and recreation were not analyzed because it was not reasonably foreseeable that the proposed Project would cause significant impact to those areas.

In preparing the EIR, the consultant reviewed and considered the following source documents: the 2025 Fresno General Plan, the Roosevelt Community Plan, the Butler-Willow Specific Plan, the Fresno Municipal Code and a host of other documents, interviews and other research. At the end of each topical section in Chapter II of the Draft EIR there is a list of references which includes agencies, organizations, and private individuals, as applicable, who were consulted in the preparation of the Draft EIR. Additionally, the following technical studies were prepared for and relied upon in preparing the EIR:

- Economic Impact Report prepared by the Natelson Dale Group (DEIR; Appendix B);
- Geology and Soils Report prepared by Moore Twining Associates (DEIR; Appendix C);
- Hydrology and Drainage Report prepared by Blair, Church and Flynn Consulting Engineers (DEIR, Appendix D);
- Biological Resources Report prepared by Live Oak Associates (DEIR, Appendix E);
- Cultural Resources Report prepared by Basin Research Associates (DEIR, Appendix F);
- Traffic Study prepared by Kimley-Horn and Associates (DEIR, Appendix G)
- Noise Assessment prepared by Illingworth & Rodkin (DEIR, Appendix H);
- Air Quality Report prepared by Illingworth & Rodkin (DEIR, Appendix I);
- Hazardous Materials Reports prepared by Krazan & Associates (DEIR, Appendix J);
- Global Climate Change Supporting Documentation prepared by Michael Brandman Associates (DEIR, Appendix K);
- Local Air Quality Impact Analysis prepared by Michael Brandman Associates (FEIR, Appendix A).

The EIR found potential impacts to the following areas: Geology and Soils; Hydrology and Water Quality; Biological Resources; Cultural Resources; Traffic and Circulation; Noise; and Air Quality. The EIR includes recommended mitigation measures for each of these areas (See Mitigation Monitoring and Reporting Program attached to Exhibit H of this staff report). The recommended mitigation measures were found to reduce impacts to less than significant in all but one area (temporary construction noise

impacts). Temporary construction noise impacts remain significant and unavoidable even after the implementation of all feasible mitigation measures.

Project Alternatives

Pursuant to CEQA, the EIR considered a reasonable range of alternatives to the Project that would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project and evaluated the comparative merits of those alternatives.

The specific alternatives analyzed were the following:

1. No Project Alternative: This alternative consists of continuing the existing Walmart operation, without modification to the building or parking area, and retaining the southwesterly 9.7 acres of the site as vacant undeveloped land.
2. Reduced Project Size Alternative: This alternative assumes a project size which reduces the planned Walmart expansion and the outlot retail development by 50 percent, resulting in a total Project size of 43,507 square feet of retail sales area. The floor area for the Walmart expansion under this alternative would be approximately 26,107 square feet, and the outlot retail and restaurant development would be 17,400 square feet.
3. Residential/Commercial Mixed Use Alternative: This alternative consists of the expansion of the Walmart store by 52,213 square feet, as proposed, and the development of 100 multi-family dwellings in the southwestern portion of the project site. (The residential development density of approximately 17.5 dwellings per acre was selected because it matches the residential density of the Transit Village to be constructed on the south side of Kings Canyon Road directly opposite this portion of the proposed project.)

Based on the project alternative analysis contained in the DEIR, the No Project Alternative would be the environmentally superior alternative because it would result in virtually no impacts. However, the No Project Alternative would not fulfill any of the stated project objectives discussed above.

The CEQA Guidelines, at Section 15126.6(e)(2), provides that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives. The Reduced Project Size Alternative would result in somewhat lower levels of impact under most categories relative to the proposed project, but it would not reduce to less-than-significant levels the one project-related impact that would be significant and unavoidable – temporary construction noise impacts. Although the Reduced Project Size Alternative would not avoid or eliminate any significant project impacts which would not already be reduced to less-than-significant levels, this alternative would be the environmentally superior alternative because it would result in generally lower levels of impact in most categories.

The Reduced Project Size Alternative, with a total Walmart expansion floor area of 26,107 square feet and 17,400 square feet of outlot retail and restaurant development, would not go as far as the proposed project in meeting the basic project objectives, including the expansion of the existing Walmart store to provide a

grocery store use of adequate size to provide a convenient, one-stop shopping option in the market area. With a total floor area of 17,400 square feet of outlot retail and restaurant development, the Reduced Project Size Alternative would also not go as far as the proposed project in meeting the project objective of developing the southwest portion of the site in conformance with applicable General Plan and zoning provisions. The Reduced Project Size Alternative also would not go as far as the proposed project to meet the objectives of creating new job opportunities for local residents and making a positive contribution to the local economy. In addition, development under this scenario would lead to the underdevelopment of the subject site and would be an inefficient use of land and public resources and services. An analysis of comparative impacts between the proposed project and the project alternatives is summarized in the Table below, and more fully detailed in the Exhibit H to this staff report, Attachment A.

SUMMARY COMPARISON OF PROJECT ALTERNATIVES WITH PROPOSED PROJECT

Impact Category	Level of Impacts Compared to Proposed Project Impacts		
	No Project Alternative	Reduced Project Size Alternative	Mixed Residential/ Commercial Alternative
Land Use & Planning	Lower	Lower	Similar
Geology & Soils	Lower	Lower	Similar
Hydrology & Water Quality	Lower	Lower	Lower
Biological Resources	Lower	Lower	Similar
Cultural Resources	Lower	Lower	Similar
Aesthetics	Lower	Similar	Similar
Traffic & Circulation	Lower	Lower	Lower
Noise	Lower	Lower	Lower
Air Quality	Lower	Lower	Lower
Hazardous Materials	Lower	Lower	Similar
Utilities & Service Systems	Lower	Lower	Greater
Public Services	Lower	Lower	Greater
Energy	Lower	Lower	Lower
Global Climate Change	Lower	Lower	Lower

In conclusion, there are no environmentally superior alternatives to the project which would go as far as the proposed project in meeting the project objectives.

Overriding Considerations

Pursuant to CEQA requirements, the Planning Commission, as the decision making body, will be required to adopt a statement of overriding consideration to approve the conditional use permit and master sign program because the project will result in significant unavoidable impacts (temporary construction noise). Staff recommends that the following overriding considerations be considered in approving the project despite its unavoidable significant impacts: job creation, creation of tax revenues, provision of a "one-stop shopping" opportunity that includes a diversified retail and restaurant

component; provision of affordable shopping option, modern, energy-efficient sustainable project design, infill development and infill development.

Comments on Draft EIR

After the Draft EIR was published and noticed for review and comment on December 6, 2010 the City received 22 comments which are summarized and addressed in the Final EIR. None of these comments contained new information that revealed any potentially new or more significant environmental impacts that could have required recirculation of the Draft EIR pursuant to CEQA Guidelines 15088.5.

PROJECT ANALYSIS

Land Use Plans and Policies

The 2025 Fresno General Plan provides a comprehensive statement of goals, objectives, and policies that formulate the City's strategies for the growth and development of the metropolitan area. The stated goals and policies set forth in the City's Land Use Element recognize the need to accommodate new development by providing a full mix of uses to support its population. Providing new retail shopping opportunities would implement those General Plan goals. The applicable components of the General Plan, Roosevelt Community Plan and Butler-Willow Specific Plan were evaluated in relationship to the proposed project in the EIR prepared for this project. The analysis concludes that the proposed project would be consistent with the applicable goals and policies of the 2025 Fresno General Plan, Roosevelt Community Plan and Butler-Willow Specific Plan.

Retail Market Study

The Natelson Dale Group completed a Retail Market Impact Analysis for the EIR in June 2010. This report is found in the Draft EIR, Volume II, as "Appendix B". The purpose of the study was to determine whether the Walmart Expansion Project would create an oversupply of retail space that could lead to high, long-term vacancies that persist without adequate property maintenance, thereby reducing opportunities for retenanting and potentially leading to the physical effects referred to under CEQA as "urban decay." Urban decay is defined as, among other characteristics, visible symptoms of physical deterioration that invite vandalism, loitering, broken windows and graffiti, that result from a downward spiral of business closures, long-term neglect of buildings and properties and long-term vacancies that reduce the potential retenanting and reuse of properties and buildings.

Under CEQA social and economic effects alone are not considered environmental effects. An economic effect of a project may only be considered under CEQA if it leads to the chain of events that ultimately cause a physical change in the environment. The Market Study, therefore, focuses on whether the retail market impacts of the Walmart Expansion Project (Conditional Use Permit Application No. C-04-018) could result in a change in the physical environment. A new development that provides more retail building space than the market can absorb in the short or long-term can have the potential to contribute to long-term structural vacancies that can lead to urban decay, if other factors noted above and the Market Study (Appendix B, Vol. II of EIR) are also present.

As with other CEQA issues, the cumulative analysis considers the proposed project's incremental impact when considered together with related past, present and reasonably foreseeable future projects. Typically this includes analysis of potential development projects currently "in the pipeline", e.g. in the

process of entitlement or development or otherwise known to the lead agency. The analysis applies to the retail building stock rather than to individual retailers. For example, a new retailer that out-competes and helps contribute to an existing retailer out of business is only considered an impact under CEQA if the above-referenced chain of events follow and a physical change in the environment ultimately occurs.

The Market Study defined the trade area for the proposed project (Exhibit E of this staff report). A trade area is the area from which a retail business or development draws most of its customers.

The Market Study assessed whether there was sufficient spending in the trade area to support the amount of existing and planned retail building space after the construction of the Walmart Expansion. Regarding the Project's effect on the existing grocers at the time the expanded Walmart would open, the Market Study found that there is a potential for closure of one existing supermarket due to the project under worst-case economic conditions. These conditions assume little to no population growth to absorb the additional grocery sales area added by the Project. If all "cumulative" projects (i.e. pending or planned) are actually built (something the Market Study found unlikely due to the self-limiting forces of the marketplace in general), there is the potential for up to 6 grocery stores in the Trade Area to close. Neither the short term or cumulative/long term potential for store closure(s) would lead to urban decay.

Based on strong growth projected for the trade area in the long term, and resulting low overall vacancy rates, the Market Study concluded that given the retail strength of each potentially closed supermarket, there is a high likelihood that each site would be re-tenanted and would not be subject to long-term vacancy. Even in instances where medium to long-term vacancies (5 to 10 years) have occurred, there are examples of vacant supermarket and other big box spaces which have been maintained in good condition for long periods in markets with relatively low vacancy rates, as are projected for the trade area over the next 10 years. Moreover, based on the thorough research and field surveys conducted throughout the Fresno metropolitan area in 2009, there are no known examples of urban decay having resulted from vacancies of former supermarket spaces, as documented in the Market Study (Appendix B of the EIR). Nor are there examples of urban decay even in the metropolitan area in existing shopping centers that have lost their anchor tenants. Based on the above, the Market Study and EIR conclude that there is no evidence to suggest that the closure of one existing supermarket in the trade area in the short term or even up to six under a absolute worst-case cumulative development scenario, would result in extended vacancy periods, coupled with lack of maintenance, which could result in physical deterioration of property and ultimately lead to urban decay. As such, it is not reasonably foreseeable that urban decay conditions would result from the project.

Noise Impacts

Illingworth & Rodkin completed a Noise Assessment for the EIR in August 2010. Noise is defined as unwanted sound. Airborne sound is a rapid fluctuation of air pressure above and below atmospheric pressure. Sound levels are usually measured and expressed in decibels (dB) with 0 dB corresponding roughly to the threshold of hearing. On this scale, noise at zero decibels is barely audible, while noise at 120 to 140 decibels is painful and may cause hearing damage. Each 10-decibel increase in sound level is perceived as approximately a doubling of loudness.

- Operational Noise from Stationary Sources On-Site: Impacts can be mitigated.

Noise levels from truck circulation and loading/unloading, parking lot activity, trash compactors, and rooftop mechanical equipment is not expected to exceed standards set forth in the City's General Plan and Municipal Code. Impacts from stationary sources are deemed to be less-than-significant.

Based on the noise assessment and analysis contained in the EIR, the project's operational noise sources are largely confined to the rear of the store where the loading docks, trash compactors, and bale and pallet storage area are located. The noise generated by these and associated activities would be shielded by planned masonry block screen walls at ground level and by parapet walls along the edge of the roof. Further noise reductions would be achieved through distance separations from surrounding sensitive uses as well as the noise blocking effects of the project buildings which would interpose between the noise sources and sensitive receptors.

The single drive-through restaurant in the project is proposed in the central portion of the site near the main project entrance, and would be set back from Kings Canyon Road. There are no existing or planned residential uses in the vicinity of the planned drive-through restaurant that would be subject to noise from the restaurant. The nearest existing dwellings are located at least 200 feet to the southeast across Kings Canyon Road, and the nearest planned residential at the Transit Village would be located at least 300 feet south of the planned fast-food drive-thru. At these distances, on-site vehicle noise would not be audible above the traffic noise along Kings Canyon Road.

- Mobile Noise (vehicles, traffic): No significant impact.

Project-related traffic would increase traffic noise levels on surrounding streets, but by less than 1 decibel. Note that the applicable standard sets a ceiling at changes of 1.5 decibels. To put these increases in perspective, a change of three decibels is deemed to be the lowest change detectable by the human ear. Impacts from traffic are deemed to be less-than-significant.

- Construction Noise: Significant and Unavoidable Environmental Impact.

Noise study authors Ilingworth & Rodkin concluded that noise generated by construction of the Walmart expansion would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. All feasible noise reduction measures are required for the proposed project. These mitigation measures are described in detail in the Mitigation Monitoring and Reporting Program contained in Exhibit H of this staff report. In the unlikely event that construction of Phase One of the Project (Walmart Expansion) and Phase 2 (outlot development), construction noise is estimated to increase at certain locations by approximately three decibels.

Traffic and Circulation – Impacts Can Be Mitigated

The EIR identified a number of traffic-related construction, congestion, and queuing impacts. In two-thirds of cases, impacts are anticipated to occur even without the Project. Please refer to Exhibit I of this Staff Report for a detailed discussion of traffic impacts and required mitigation. In brief, to mitigate impacts, the EIR's traffic study has identified improvements that would reduce congestion to acceptable levels of service, and these improvements will be in place by opening day of the project or, in the case of some of the long-term impacts (occurring in year 2025), Walmart will contribute to fair share fee programs such as the Traffic Signal Mitigation Impact fee (TSMI), Fresno Major Street Improvement fee

(FMSI) and the Regional Transportation Mitigation Fee (RTMF). All traffic-related mitigation measures are described in detail in the Mitigation Monitoring and Reporting Program contained in Exhibit H of this staff report, and are also imposed as conditions of Project approval.

CONDITIONAL USE PERMIT FINDINGS

The appropriateness of the proposed project has been examined with respect to its consistency with the goals and policies of the 2025 Fresno General Plan, the Roosevelt Community Plan and the Butler-Willow Specific Plan; its compatibility with surrounding existing or proposed uses; and, its avoidance or mitigation of potentially significant adverse environmental impacts. Conditional Use Permit Application No. C-04-018 will comply with all applicable codes, plans and policies.

No special permit may be issued unless it is found that the privilege exercised under the permit, conforms to the findings of 12-405-A-2 of the Fresno Municipal Code. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for Conditional Use Permit Application No. C-04-018.

Findings per Fresno Municipal Code Section 12-405-A-2	
<i>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,</i>	
Finding a:	Conditional Use Permit Application No. C-04-018 will comply with all applicable codes, including parking, landscaping, walls, etc.
<i>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,</i>	
Finding b:	The streets adjacent to the proposed project were assessed during the review of the project (and the EIR process) to ensure that the development would have less than significant impacts on traffic and the surrounding neighborhood. The project has been conditioned to mitigate any potential impacts.
<i>c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</i>	
Finding c:	The subject site was intended to function with commercial uses. In addition, the applicant will be required to comply with the operational statement submitted for the project and the conditions of approval as required by the Police Department that will stipulate certain requirements that must be met by the applicant. These conditions are intended to help protect the public health, safety and welfare of patrons and neighbors alike.

MASTER SIGN PERMIT FINDINGS

The Development and Resource Management Director, pursuant to Section 12-1708-c of the Fresno Municipal Code, shall not approve a master sign program unless findings can be made that:

1. *The master sign program satisfies the intent of this article, the Zoning Ordinance and adopted general and specific plans.*

The Director has determined that Master Sign Program No. MSP-11-094 satisfies the intent of the article. In addition, compliance with the conditions of approval for this project will ensure that the program will satisfy the intent of the zoning ordinance and general and specific plans.

2. *The master sign program will result in the erection or construction of signs which are in harmony with and visually related to:*
 - (i) *Other signs proposed for inclusion in the master sign program. This shall be accomplished by incorporating several common design elements such as materials, letter style, colors, illumination, sign type and sign shape.*
 - (ii) *The buildings the proposed signs identify. This may be accomplished by utilizing materials, colors or design motif included in the building being identified.*
 - (iii) *Surrounding development. The approved master sign program shall not adversely affect surrounding land uses or obscure adjacent conforming signs.*

The Director has determined that compliance with the conditions of approval for this project will ensure that the program will satisfy this finding.

CONCLUSION / RECOMMENDATION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan, the Roosevelt Community Plan, and the Butler-Willow Specific Plan; its compatibility with surrounding existing or proposed uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by accompanying Environmental Impact Report No. 10138. Upon consideration of this evaluation, it can be concluded that proposed Conditional Use Permit Application No. C-04-018, Master Sign Program No. MSP 11-094, and Rezone Application No. R-04-011 are appropriate for the project site, subject to the conditions of approval recommended above.

- Attachments:
- Exhibit A: Vicinity Map
 - Exhibit B: Aerial Photograph of Site
 - Exhibit C: Site Plan (conceptual), Elevations and Landscape plan
 - Exhibit D: Rezone Exhibit
 - Exhibit E: Regional Trade Area Map (from the Market Study)
 - Exhibit F: Conditions of Approval for Conditional Use Permit Application No. C-04-018, which include the following:
 - Exhibits A-1, A-6 and A-7 dated April 27, 2011, Exhibits A-5 and E-2 dated August 24, 2009 and Exhibits E-1, E-3, L and F dated September 30, 2010
 - Project Narrative/Operation Statement dated June 21, 2010

- All memorandums and letters from other agencies and departments listed as attached conditions of approval
- Development Department Performance Standards for Parking Lot Shading

Exhibit G: Conditions of Approval for Master Sign Program No. MSP-11-094

Exhibit H: Draft Planning Commission Resolution, which includes the following:

- Attachment A: Certification of the Final Environmental Impact Report for the Fresno Southeast Walmart Expansion Project and the City's Findings of Fact and Statement of Overriding Considerations for the Approval of the Fresno Southeast Walmart Expansion Project.
- Attachment B: Mitigation Monitoring and Reporting Program

Exhibit I: Summary of Environmental Impacts

Exhibit J: Environmental Impact Report No. 10138, which includes the following:

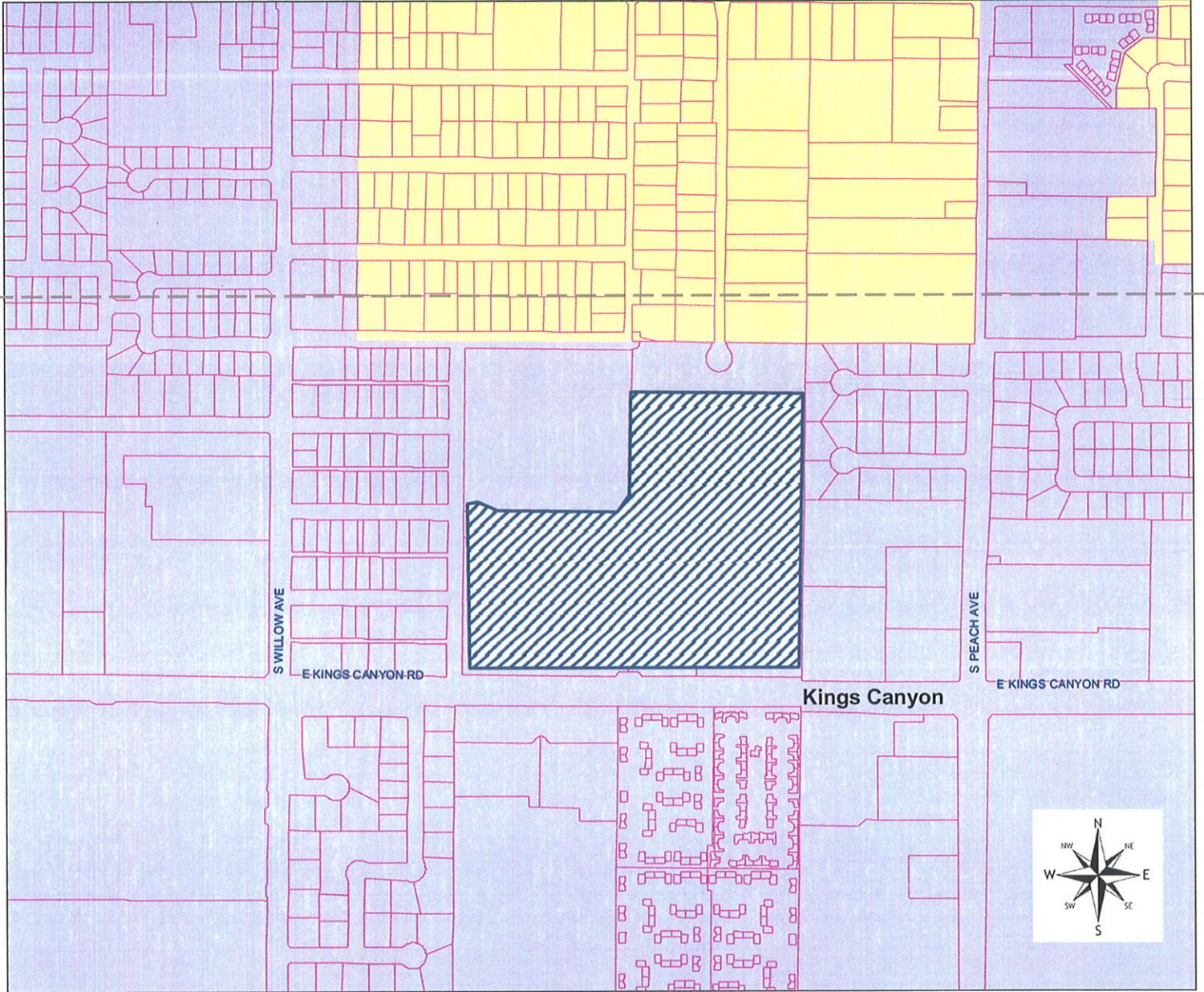
- Draft EIR dated December 2010 (Volume 1)
- Final EIR dated April 2010
- All EIR Appendices (CD) (includes Vols. 2 and 3 of Draft EIR)

Note: The Draft EIR and Final EIR (listed as Exhibit J above) were previously provided to the Planning Commission and thus are not included in the Planning Commission packet. The Draft EIR and Final EIR are available for public review at the following website:

<http://www.fresno.gov/Government/DepartmentDirectory/PlanningandDevelopment/Planning/MajorProjectsunderReview.htm>

Exhibit A
Vicinity Map

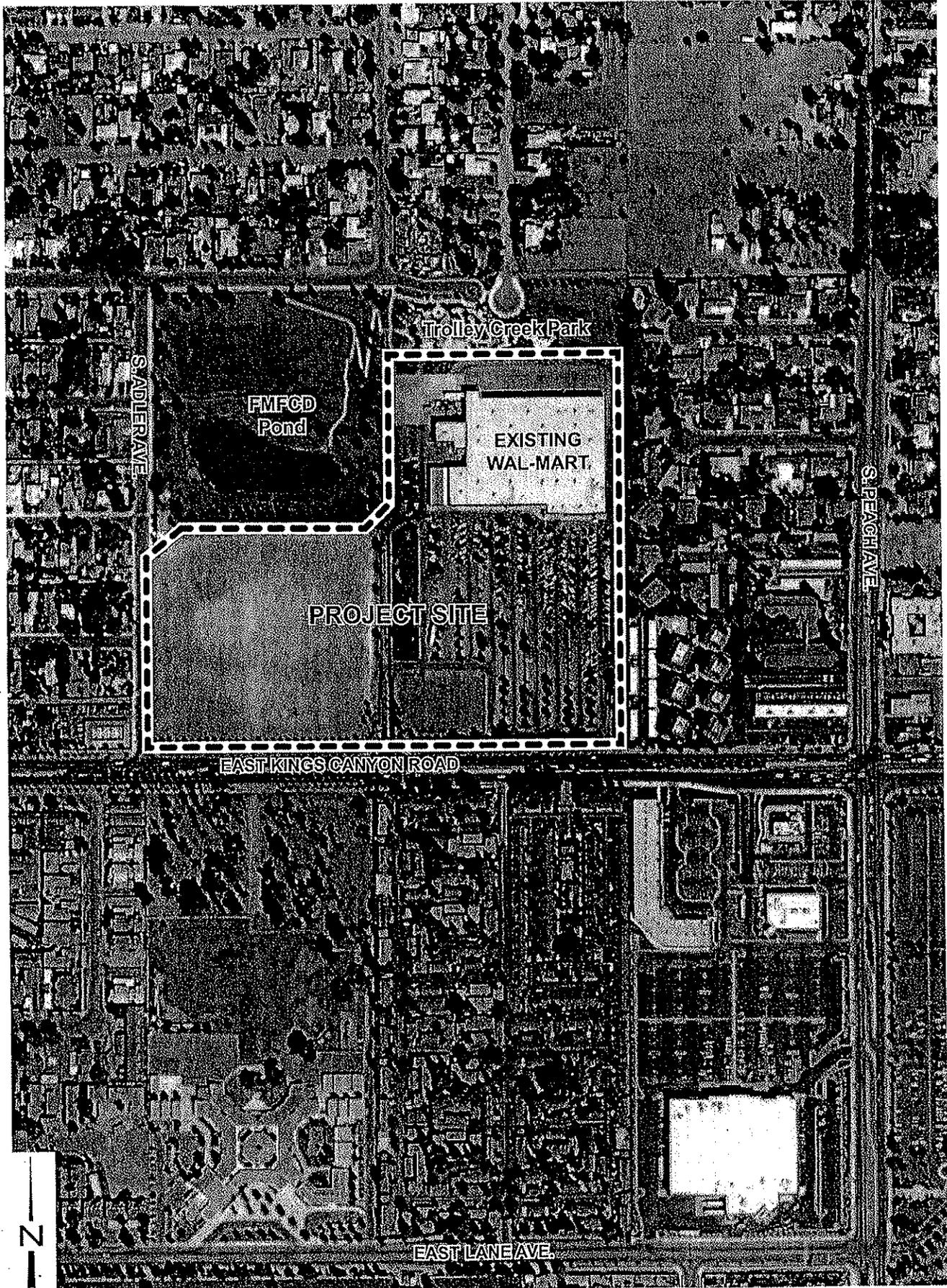
VICINITY MAP



LEGEND

 Subject Property

Exhibit B
Aerial Photograph of Site



NOT TO SCALE

SOURCE: GOOGLE EARTH

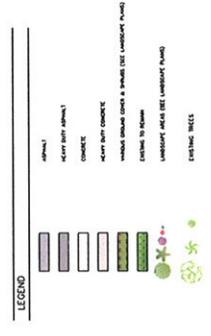
PROJECT VICINITY

FIGURE 2

Exhibit C
Site Plan (conceptual), Elevations and Landscape plan



FOR PROPOSED LANDSCAPE LAYOUT REFER
TO LANDSCAPE PLANTING PLAN



PARKING DATA

WAL-MART C-186-GLND (MODIFIED) (INCLUDING OUTDOOR GARDEN CENTER)	174,277 S.F.
STANDARD SPACES	874 SPACES
ACCESSIBLE SPACES	24 SPACES
TOTAL PARKING RATIO	0.99
TOTAL SPACES	898 SPACES
TOTAL PARKING RATIO	5.19/1,000 S.F.
OUTLOT 1	8,000 S.F.
STANDARD SPACES	56 SPACES
ACCESSIBLE SPACES	4 SPACES
TOTAL PARKING RATIO	62 SPACES
TOTAL PARKING RATIO	7.7/1,000 S.F.
OUTLOT 2	7,100 S.F.
STANDARD SPACES	61 SPACES
ACCESSIBLE SPACES	2 SPACES
TOTAL PARKING RATIO	63 SPACES
TOTAL PARKING RATIO	8.87/1,000 S.F.
OUTLOT 3	8,850 S.F.
STANDARD SPACES	48 SPACES
ACCESSIBLE SPACES	2 SPACES
TOTAL PARKING RATIO	50 SPACES
TOTAL PARKING RATIO	5.59/1,000 S.F.
OUTLOT 4	10,750 S.F.
STANDARD SPACES	84 SPACES
ACCESSIBLE SPACES	4 SPACES
TOTAL PARKING RATIO	88 SPACES
TOTAL PARKING RATIO	8.19/1,000 S.F.
WAL-MART	19,562 AC
OUTLOT 1	0.96 AC
OUTLOT 2	1.03 AC
OUTLOT 3	1.87 AC
OUTLOT 4	24.92 AC
TOTAL	24.92 AC

SITE DATA

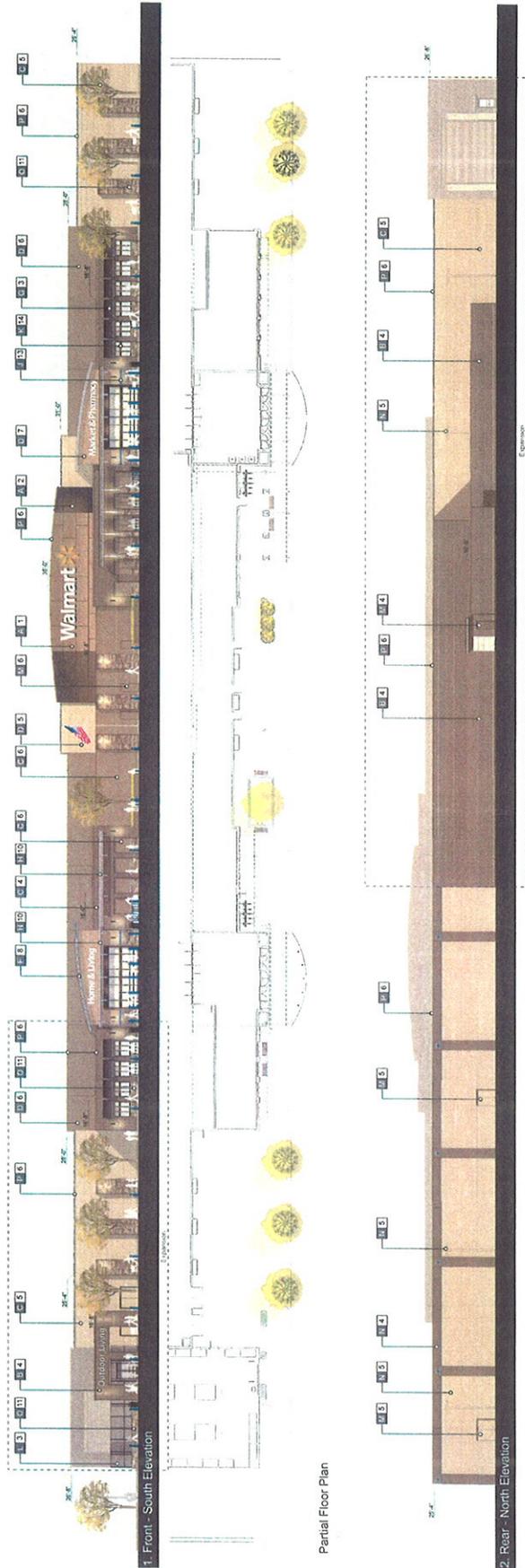
NOTE: THE DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. SIZE OF WORK SHALL BE DETERMINED FROM THE COUNTY SUBMITTAL. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.

Walmart
Save money. Live better.

Engineering Associates, Inc.
STORF #2001-03

DATE: 11/15/2011
DRAWN: J. GARDNER
CHECKED: J. GARDNER
SCALE: AS SHOWN
PROJECT: WALMART C-186-GLND
SHEET NO: 03 OF 03





Materials

1	EXTERIOR WALL PANEL SYSTEM	2	WATER DRAINAGE EPDS
2	SPALT FACE GROUT	3	ALUMINUM EXPANDED JOINT
3	SMOOTH FACE GROUT	4	METAL FINISHES
4	EXTENSIVE ADHESION AND FASTENER SYSTEM	5	METAL DOOR AND FRAME
5	PROJECT PORT - AMERICAN CLEAN	6	PAINTED DISTING
6	STANDING SEAM METAL ROOF	7	REGULAR STONE
7	METAL FINISHES	8	METAL CORING
8	METAL CLAMPY	9	

Finishes

1	TEXTURE	6	SMOOTH POLISHED BEEHIVE
2	TRIPLEX MACTON	7	TRIPLEX MACTON
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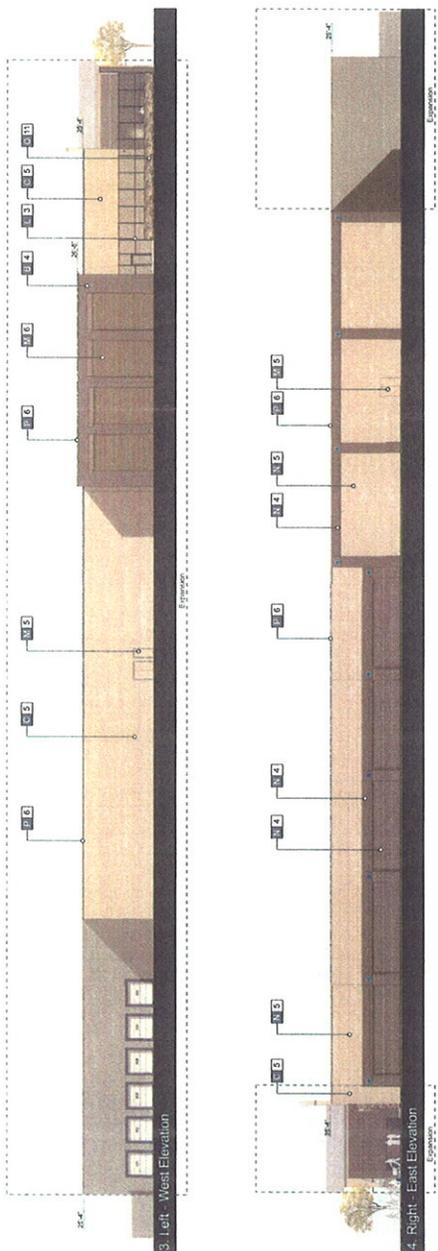
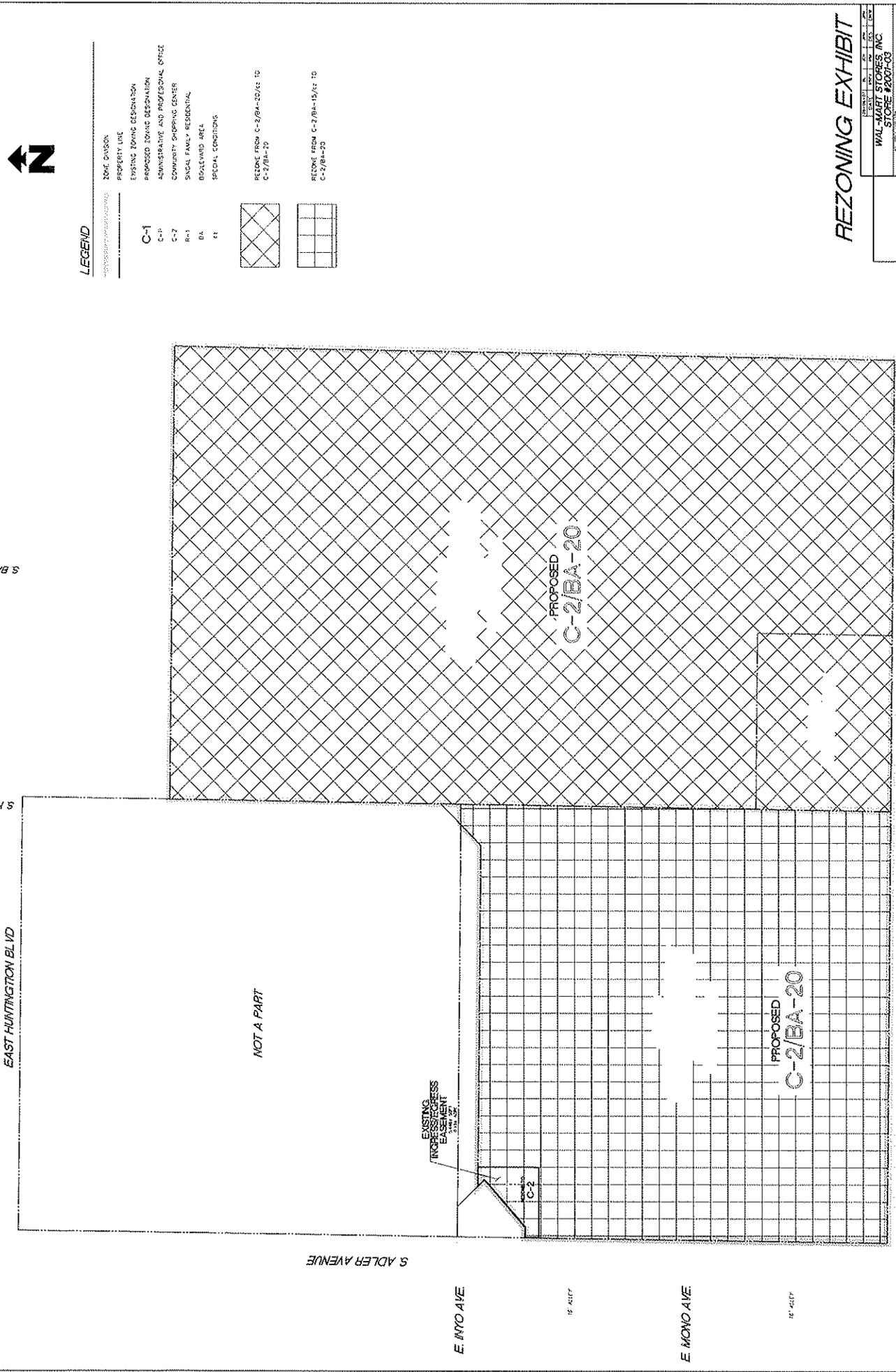


Exhibit D
Rezone Exhibit

REZONING EXHIBIT

PROJECT NO.	10-4117
DATE	02/21/17
PROJECT NAME	WAL-MART STORES, INC. STORE #2007-03
ENGINEER	CEI ENGINEERING ASSOCIATES, INC.
PROJECT ADDRESS	10000 S. MONO AVE., SUITE 100 MARTINEZ, CA 94553
PROJECT CITY	MARTINEZ, CA
PROJECT COUNTY	CONTRA COSTA
PROJECT STATE	CALIFORNIA
PROJECT ZIP	94553
PROJECT SCALE	1" = 100'
PROJECT SHEET NO.	1 OF 1



LEGEND

- ZONE DIVISION
 PROPERTY LINE
 EXISTING ZONING DESIGNATION
 PROPOSED ZONING DESIGNATION
 ADMINISTRATIVE AND PROFESSIONAL OFFICE
 COMMUNITY SHOPPING CENTER
 SINGLE FAMILY RESIDENTIAL
 BOULEVARD AREA
 SPECIAL CONDITIONS
- C-1**
 C-1-1
 C-1-2
 R-1
 BA
 CC
- REZONE FROM C-2/BA-20/CC TO
 C-2/BA-20
- REZONE FROM C-2/BA-15/CC TO
 C-2/BA-20

EAST KINGS CANYON RD. (HWY. 182)

S BA

S H

EAST HUNTINGTON BLVD

NOT A PART

EXISTING IMPROVEMENTS EASEMENT

PROPOSED C-2/BA-20

PROPOSED C-2/BA-20

E. MONO AVE

10' 4117'

E. MONO AVE

10' 4117'

S ADLER AVENUE

C-2

Exhibit E

Regional Trade Area Map (from the Market Study)

Exhibit F

Conditions of Approval for Conditional Use Permit
Application No. C-04-018, which include the following:

- Exhibits A-1, A-6 and A-7 dated April 27, 2011,
Exhibits A-5 and E-2 dated August 24, 2009
and Exhibits E-1, E-3, L and F dated
September 30, 2010
- Project Narrative/Operation Statement dated
June 21, 2010
- All memorandums and letters from other
agencies and departments listed as attached
conditions of approval
- Development Department Performance
Standards for Parking Lot Shading

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

**CONDITIONS OF APPROVAL
MAY 4, 2011**

CONDITIONAL USE PERMIT APPLICATION NO. C-04-018

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 imposition of 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 A - PROJECT INFORMATION

1. Assessor's Parcel No: 463-050-36, 37, 41
2. Job Address: 5075 East Kings Canyon Road
3. Street Location: Located on the northeast corner of East Kings Canyon Road and South Adler Avenue
4. Existing Zoning: Currently C-2/BA-20/cz (*Community Shopping Center/20-Foot Boulevard Area Overlay/conditions of zoning*), C-2/BA-15/cz (*Community Shopping Center/15-Foot Boulevard Area Overlay/conditions of zoning*), and C-P/cz (*Administrative and Professional Offices/conditions of zoning*).
The property has been proposed to be rezoned to the C-2/BA-20 (*Community Shopping Center/20-Foot Boulevard Area Overlay*) district.
5. Planned Land Use: Community Commercial
6. Zone Map: 2454
7. Plan Areas: Roosevelt Community Plan
8. Project Description: Conditional Use Permit Application C-04-018 consists of the expansion and remodeling of the existing Walmart store, primarily to add a grocery sales area and related support areas, and the development of six smaller retail buildings. The project will include the development of approximately 9.7 acres of currently vacant land in the western and

southwestern portions of the approximately 24.9-acre site. The existing Walmart store was constructed in 1993 and occupies the eastern and northern 15.2 acres of the site.

The proposed project consists of two main development phases, including: 1) Expansion and remodeling of the existing Walmart store and parking area from an existing developed area of 15.2 acres to a planned developed area of 19.2 acres; 2) Development of 5.7 acres of vacant land in the southwest portion of the project site with four retail buildings and two restaurants on four parcels ranging in size from 1.0 acres to 2.0 acres. The specific retail and restaurant tenants within this outlot retail development have not yet been identified, and the timing of development of this second development phase has not been determined.

The primary building expansion will consist of the enlargement of the existing Walmart store to the west. The existing tire and lube center will be removed from the western side of the building and will not be replaced. The additional floor area also includes a small expansion of the building to the north to provide additional stockroom space as well as offices and restrooms. The existing loading dock at the northwest corner of the existing building will be relocated to the north and expanded to include a total of six loading bays at the northwest corner of the expanded store. The expanded loading dock is planned to be used for both general merchandise and grocery deliveries. The loading dock will be screened by a 10-foot high masonry wall on north side of the truck well. The existing loading dock does not include a masonry screen wall.

The south side (front) of the store will also be expanded and modified to provide additional space for smaller departments and tenants listed above. The existing outdoor garden center will be relocated from the west side of the existing store to the southwest corner of the expanded store.

In the outdoor area to the rear of the expanded Walmart store, the following additional changes and features are planned. The existing trash compactor located on the north side of the existing loading dock will be moved northward alongside the new rear building wall just east of the expanded loading dock. The existing areas for outdoor storage of wooden shipping pallets and bales of recycled cardboard and plastic will be moved to an enclosed area at rear site boundary to the northeast of the expanded loading dock. The pallet and bale storage area will be enclosed on the north, west and east sides by a 10-foot high masonry block enclosure, and on the south side by steel fencing with two sliding steel gates to provide security. The existing electrical transformer will remain in place near the east portion of the rear building wall. The store operation will not include on-site storage of metal shipping containers.

The expanded Walmart is planned to be open for business 24 hours per day, seven days per week. (Alcohol sales would not occur between 2:00 AM and 6:00 AM per Alcohol Beverage Control Act requirements.) The

existing store hours are 8 AM to 10 PM daily. Although no specific tenants for the outlot retail and restaurant development have been identified, it is expected that these businesses would be open daily from morning through evening (and late evening for the restaurants) but would not be open overnight.

A conditional use permit has been required because the applicant has requested a type 21 license (for the sale of packaged alcoholic beverages for off-site consumption) and one fast-food restaurant drive-through. Pursuant to the Fresno Municipal Code, both of these uses require a condition use permit.

PART B – GENERAL CONDITIONS AND REQUIREMENTS

The Planning Commission will consider approval of Conditional Use Permit Application No. C-04-018 at a noticed public hearing on May 4, 2011 at 6pm. Staff recommends that the special permit application be approved subject to the enclosed list of conditions and Exhibits A-1, A-6 and A-7 dated April 27, 2011, Exhibits A-5 and E-2 dated August 24, 2009 and Exhibits E-1, E-3, L and F dated September 30, 2010.

At this public hearing the Planning Commission will also consider certifying an Environment Impact Report (EIR No. 10138) prepared for the proposed project.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval are listed in the last section of this list of conditions under the heading "Part F - Miscellaneous" and may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code (FMC) Section 12-405.A can be made.

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

In the event you wish to appeal any of the conditions contained in these Conditions of Approval, you must state your appeal (in writing or in testimony) at the Planning Commission hearing for this project scheduled on May 4, 2011. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Action of the Planning Commission is final unless appealed to the Fresno City Council pursuant to the Fresno Municipal Code.

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. This special permit is granted, and the conditions imposed, based upon the Operation Statement provided by the applicant. 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. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(Include this note on the site plan.)**

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, conditions, etc., shown on Exhibits A-1, A-6 and A-7 dated April 27, 2011, Exhibits A-5 and E-2 dated August 24, 2009 and Exhibits E-1, E-3, L and F dated September 30, 2010 to the final plans. **CORRECTIONS SHALL ALSO INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.**

The exercise of rights granted by this special permit shall commence by **May 4, 2015** (four years from the date of Director approval). There is no exception.

To complete the back-check process for building permits relative to planning and zoning issues, submit four copies of this corrected, final site plan, together with three copies of the elevations, landscape, and irrigation plans, and any fees and title reports for required covenants and any required studies or analyses to Bonique Salinas in the Development Services Division for final review and approval, fifteen days before applying for building permits. It may be

necessary to resubmit these “corrected exhibits” a second time if not all the conditions have been complied with or are not shown on the exhibits. Once the “corrected exhibits” are approved by the Development Services Division, please place these exhibits in the plan check set and contact the Development Services Division, along with Traffic Planning, to set up an appointment to signoff and stamp these exhibits. Please bring two additional copies of the site plan exhibit(s) to this appointment so that both the Development Services Division and Traffic Planning have a final signed-off copy of the site plan.

Copies of the final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division **must be substituted** for unstamped copies of same in each of the 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 Bonique Salinas at (559) 621-8024 or via e-mail at Bonique.Salinas@fresno.gov for an appointment for final sign-off for building permits following your receipt and substitution of the copies of the stamped, corrected, approved exhibits in the plan check sets.

PART C – PUBLIC IMPROVEMENT REQUIREMENTS

1) PUBLIC WORKS, ENGINEERING DIVISION REQUIREMENTS

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

Please see attached memorandum from the Public Works Department, Traffic Engineering dated August 25, 2009 as well as comments made to Exhibits.

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to Mario Rocha at (559) 621-8684 / Mario.Rocha@fresno.gov, Engineering Division, Traffic Planning Section.

SURVEY MONUMENTS AND PARCEL CONFIGURATION

- a) Existing survey monuments shall be preserved and if disturbed, shall be reset by a person licensed to practice land surveying in the State of California.

STREET DEDICATIONS, VACATIONS, AND ENCROACHMENT PERMITS,

- b) Exhibit “A” is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the existing and proposed public rights of way.
- c) Provide a minimum 4 foot wide path of travel along the public sidewalk on all frontages of

the property as required by Title 24 of the California Administration Code. An on-site pedestrian easement may be required if Title 24 requirements cannot be met within the existing public rights of way.

- d) The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts / Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

STREET IMPROVEMENTS

- e) All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.
- f) Repair all damaged and/or off grade off-site concrete improvements as determined by the Public Works Department, Construction Management Division. For additional information you may call (559) 621-5600.

OFF-STREET PARKING FACILITIES AND GEOMETRICS

- g) Off-street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) P-41, P-42, P-43.
- h) Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.

TRAFFIC SIGNAL MITIGATION IMPACT (TSMI) FEE:

- i) This project shall pay its TSMI Fee **prior to issuance of building permit** based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual.

FRESNO MAJOR STREET IMPACT FEES (FMSI)

- j) This entitlement is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FEES:

- k) Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering, (559) 621-8820, **prior** to issuance of a Building Permit.

2) WATER AND SEWER SERVICE REQUIREMENTS

- a) Connection to the City of Fresno water system is required.
- b) Connection to the City of Fresno sewer system is required.
- c) City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.
- d) Open street cuts are not permitted; all utility connections must be bored.
- e) CROSS-CONNECTION CONTROL. A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.

3) DEVELOPMENT IMPACT FEES

- a) Sewer Connection Charges (FMC Section 9-503-a). The following sewer connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New sewer connection charges adopted by the Council prior to the issuance of building permits may also be applied.
 - (i) Lateral Sewer Charge (based on property frontage to existing sewer main, to a depth of 100')
 - (ii) Oversize Sewer Charge (based on property frontage to a depth of 100')
 - (iii) Upon occupancy of the project, the developer shall pay the appropriate sewer facility charge pursuant to the Simple Tiered Equity Program (STEP) as determined by the Department of Public Utilities, Wastewater Division, Environmental Services Section (559-621-5153).

Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP).

For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.

b) Water Connection Charges: (FMC Sections 14-107 to 14-110). The following water connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New water connection charges adopted by the Council **prior** to issuance of building permits may also be applied.

- (i) Frontage Charge (based on property frontage)
- (ii) Transmission Grid Main Charge (based on acreage)
- (iii) Transmission Grid Main Bond Debt Services Charge (based on acreage)
- (iv) Fire Hydrant Charge (based on square footage to a depth of 250')
- (v) UGM Water Supply Fee (based on living units, living unit equivalents or acreage)
- (vi) Wellhead Treatment Fee (based on living units or living unit equivalents)
- (vii) Recharge Fee (based on living units or living unit equivalents)
- (viii) 1994 Bond Debt Service Charge (based on living units or living unit equivalents)
- (ix) Service Charges (based on service size required by applicant)
- (x) Meter Charges (based on service need)

c) Traffic Signal Fee Mitigation. This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid prior to issuance of building permits.

Commercial, Industrial (based on Average Daily Trips) Single, Multi-Family Residential (based on the number of residential units)

d) Citywide Fire Facilities Charge

Commercial, Industrial (based on new building square footage)
Single, Multi-Family Residential (based on the number of residential units)

e) Citywide Park Facility Charge.

Single, Multi-Family Residential (based on the number of residential units)

f) Citywide Police Facilities Charge

Commercial, Industrial (based on new building square footage)
Single, Multi-Family Residential (based on the number of residential units)

- g) Citywide Regional Street Charge.

Planned Land Use (based on parcel acreage)

4) OTHER AGENCY IMPACT FEES

- a) Satisfy the Fresno County Facilities Impact Fee obligation. The requirement to pay this fee is currently suspended by Fresno County. However, payment of this fee will be required if the fee has been reinstated at the time of issuance of building permits for this project.
- b) Satisfy the Fresno County Regional Transportation Mitigation Fee (RTMF), as required by the RTMF Joint Powers Agency (559-233-4148). Provided are the RTMF Informational Summary and the Record of Payment forms.
 - i) The completed Record of Payment of the RTMF form of the must be submitted to the City prior to the issuance of building permits. Prior to issuance of the Certificate of Occupancy, the Record of Payment of the RTMF form must be signed indicating the Disposition of RTMF by the RTMF JPA.

PART D – PLANNING/ZONING REQUIREMENTS

1) PLANNING

- a) Development is subject to the following plans and policies:
 - (i) C-2, Community Shopping Center District (*Section 12-218 of the FMC*)
 - (ii) BA, Boulevard Area Overlay District (*Section 12-240 of the FMC*)
 - (iii) Butler-Willow Specific Plan
 - (iv) Roosevelt Community Plan
 - (v) 2025 Fresno General Plan
 - (vi) Development Department, Performance Standards for Parking Lot Shading

2) ZONING

- a) Development is proposed in accordance with the existing C-2 (*Community Shopping Center*) zone district. The use proposed for the site, an expansion of an existing variety store to include a supermarket, general retail buildings and restaurants are uses allowed by right in the C-2 zone district. The proposed sale of alcohol on-site and the proposed drive-through are uses allowed in the C-2 zone district subject to a conditional use permit.
- b) The applicable requirements contained in Section 12-240 of the Fresno Municipal Code (the section related to the Boulevard Area District) have been incorporated into these conditions of approval.

- c) Proposed Retail Building 2 is currently partially located on property zoned C-P/cz (Administrative and Professional Offices/conditions of zoning). Until the City Council approves the rezone proposed on the subject site that would rezone the subject property to the C-2/BA-20 zone district, only office and other uses allowed in the C-P zone district will be allowed within this proposed building.
- d) The conditions of zoning that currently exist on the subject property have been proposed to be removed under Rezone Application No. R-04-11 in recognition that the conditions of the previous zone changes on the site have been satisfied in conjunction with the development of the existing Walmart store. Given that these conditions have already been satisfied, even if the rezone is not approved by the City Council, the proposed project would still be in compliance with these existing conditions of zoning.

3) BUTLER-WILLOW SPECIFIC PLAN

- a) There are no requirements contained within the Butler-Willow Specific Plan that are applicable to this proposed project.

4) ROOSEVELT COMMUNITY PLAN

The Roosevelt Community Plan includes the following goal and policies and implementation measures which are relevant to the proposed project.

- a) Goal 1-11: Enhance the appearance and compatibility of existing and proposed commercial development.

Policies and Implementation Measures

- 1-11.2: Apply the following property design standards to office, commercial and other nonresidential development entitlements adjacent to land that is zoned or planned for residential use. These standards are to be applied through the special permit issuance and appeals process (Sections 12-405 and 12-406 of the Fresno Municipal Code). They may be modified through the development entitlement process in order to best serve the Community's health, safety and welfare, if the Director of the Development Department, the Planning Commission or the City Council finds that appropriate architectural design, screening, noise attenuating and operation measures have been provided to adequately protect adjoining residential property. These standards may also be waived where the adjacent land is developed with a nonresidential use or the adjacent land has approved nonresidential development entitlements (zoning, special permit):
 - a. Where possible, loading and storage areas should not be located at the front of structures. In all cases, these areas shall be screened from view of adjoining property zoned or planned for residential uses by a combination of landscape planting and a solid masonry wall. All loading spaces shall be located not less than 150 feet from the boundary of any residential property; however, the proximity of loading areas may be reduced when adequate design and operational mitigation measures are approved to protect a adjacent residential uses. All storage shall be within an enclosed structure.

The proposed project site plan shows that all loading docks are located at least 150 feet from the nearest residences to the east and west. The expanded Walmart loading dock is planned to be screened by 10-foot high masonry wall alongside the loading dock, and an 8-foot masonry wall is planned along the northern site boundary. The outdoor pallet and bale storage area at the rear of the Walmart store is planned to be enclosed with a 10-foot high masonry block enclosure with a sliding steel gate. The loading areas in the outlot retail development are located in the interior of the development and would be screened and separated from nearby residential uses by sections of masonry wall and the intervening building masses of the retail stores themselves.

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

With the incorporation of masonry screen walls and parapets into the design of the project, it is calculated that the maximum noise levels generated by rooftop mechanical equipment and trash compactors at the project would be less than 45 dBA L_{max} , indicating that the daily average noise levels (L_{dn}) from these stationary noise sources would be lower than 45 dBA.

- c. Provide a landscaped setback, at least 10 feet wide or wider (as required by the Fresno Municipal Code) and containing deciduous and evergreen trees, to be planted and maintained along the property line between all commercial and office uses and abutting properties zoned or planned for residential uses and along abutting local streets.
The conceptual landscape plan for the proposed project (Exhibit L dated September 30, 2010) shows a landscaped setback of at least 10 feet along the east, south and west site boundaries as stipulated under this provision.
- d. No commercial or office building shall be constructed within 50 feet of the property line of abutting properties zoned or planned for residential uses, unless alternative measures are approved in accordance with the above provisions.

The site plan for the proposed project shows that all project buildings are located at least 50 feet from nearby properties which are zoned or planned for residential uses.

- 1-11.3: Apply the following design standards to all office, commercial and other nonresidential development entitlements through the special permit issuance and appeal process.
 - Provide wall or berm separations as follows:
 - (1) A masonry wall six and one-half (6½) feet in height shall be erected on or along the property line separating commercial and office uses from properties zoned or planned for residential uses (unless developed or approved for nonresidential use such as a church or public facility).

There is an existing masonry wall running along the eastern site boundary (adjacent to existing residential uses) that has an average height of 6½ feet high relative to the pavement surface of the adjacent Walmart driveway.

- (2) To protect the integrity of adjacent residential areas, a masonry wall (or combination of masonry wall and earth berm) shall provide a continuous barrier three and one-half (3½) feet to six and one-half (6½) feet in height, and shall be erected on or along the setback line 10 to 20 feet from, and parallel with, the right-of-way line abutting local streets, as determined appropriate through the special permit process.

As noted above, there is an existing masonry wall along the eastern site boundary. Along the western site boundary adjacent to Adler Avenue (a local street), the rear walls of the retail outlot development will be set back from the street right-of-way and sections of masonry wall will be constructed in the spaces between the buildings..

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

The new light standards and wall-mounted lights located in proximity to project boundaries will have cut-off shields and/or will be focused away from surrounding properties to avoid direct illumination beyond the project site. The proposed project lighting plan, to be submitted subsequently, will be reviewed by City staff during Conditional Use Permit review to ensure that direct illumination or glare on surrounding properties will be avoided in accordance with this provision.

- o The design of exterior trash pads and similar accessory site elements shall be compatible with the architectural style of the main building and shall use complementary materials and colors.

The elevation exhibits for the proposed project show that the pallet and bale storage area, trash compactor, and loading dock will be screened by masonry block walls which are similar in composition, color and texture to the masonry block used in the exterior building walls.

- o Buildings shall have an attractive appearance on all sides, not just the front elevation. No monolithic walls shall be permitted. Implementation of design features such as the extension of the roof treatment around to the sides and back of the building, provision of pedestrian overhangs, and use of texture, relief and/or color will add interest to otherwise blank walls.

The front façade will include variation in roofline, trellises, roof overhangs, colonnaded porticoes, landscape trees, and other architectural features. The other facades will include articulation and variations in textures and colors to break up the scale and mass of the building and avoid the creation of featureless blank walls.

- Front facades, pedestrian pathways and protective overhangs shall be incorporated into site plans and building designs respectively.

The front façade will include variation in roofline, trellises, roof overhangs, colonnaded porticoes, landscape trees, and other architectural features. Pathways are provided to provide pedestrian connections between the project buildings and transit stops along the project frontage.

5) 2025 FRESNO GENERAL PLAN

The Urban Form Element of the General Plan includes the following goals, objectives and policies on land use which are relevant to the project:

Urban Form Element

- a) Goal 1: Enhance the quality of life for the citizens of Fresno and plan for the projected population within the moderately expanded Fresno urban boundary in a manner which will respect physical, environmental, fiscal, economic, and social issues.

Land Use\Commercial

- C-12. OBJECTIVE: Commercial land uses shall be classified, located, sized, and developed to meet needs for foods, and service while minimizing travel requirements, infrastructure demands, and adverse impacts.
 - C-12-a Policy: Ensure that all commercial land uses are developed and maintained in a manner complementary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services.

The project does not conflict with surrounding residential land uses or the surrounding environment. The applicant has been required to provide appropriate buffering, including walls and landscaping, to ensure compatibility. Based on comments received from public facility and service providers, there are adequate public facilities and services to serve the proposed project.

Image/Site and Building Design

- C-20. OBJECTIVE: As part of the city's project review process, major emphasis will be given to site and building design in order to preserve functionality and community aesthetics.
 - C-20-f Policy: The project developer shall provide a set of documents and drawings that will allow assessment of the final building product. Materials, texture, and colors shall be noted on the original special permit drawings and construction plans.
 - Development projects shall appropriately interface with adjacent properties.

The proposed project is designed to minimize impacts to sensitive adjacent residential and recreational land uses, while complementing and supporting the transit hub across the street. As mentioned above, the applicant has been required to provide appropriate buffering, including walls and landscaping, to ensure compatibility.

- High-contrast or gaudy building facades, lighting and signage which create disharmony with adjacent properties, or which draw undue attention should be avoided.

The proposed project incorporates architectural design elements, as well as lighting and signage components which would not result in adverse impacts upon adjacent and surrounding land uses.

- Locate service truck access, loading zones, and waste storage/recycling areas at the maximum practical distance from residences and other living quarters.

In the Walmart expansion, the truck access routes, loading zones and storage areas are either located at the rear of the building and/or are screened by masonry walls to minimize adverse noise and visual effects upon residential properties. In the outlot retail area, the loading and storage functions are to be confined to the interior of the site and will be screened from nearby residential properties by sections of masonry wall as well as the retail buildings themselves which will back on to the adjacent street frontage.

- Building facades shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless, "blank" walls.

The project includes detailed architectural articulation on the front elevation and includes building features on the other elevations which break up the scale and mass of the building and avoid the creation of featureless blank walls.

- Adequately screen roof-mounted mechanical equipment, and ensure that such equipment adheres to noise standards as set forth in the General Plan Noise Element and City Noise Ordinance.

The City-Wide Design Guidelines adopted for the 2025 Fresno General Plan require that rooftop mechanical equipment be screened from public view. Roof mounted mechanical equipment must be set back from the exterior walls a sufficient distance and screened by parapet walls of sufficient height to fully screen the equipment from ground-level views. Based on Exhibit E-1 dated September 30, 2010, no roof-mounted equipment will be visible from ground level.

- Apply and enforce the city's Sign and Outdoor Advertising Ordinances.

The proposed project sign program has been reviewed by City staff to ensure compliance with the City's Sign and Outdoor Advertising Ordinances. These conditions are contained in the Conditions of Approval for Master Sign Program No. MSP-11-094. All future signs on the subject site will be required to comply with the master sign program.

- Landscaping and parking lot shading shall be employed for environmental and aesthetic improvement, while observing safe lines-of-sight along access routes.

The landscaping plan for the proposed project (Exhibit L dated September 30, 2010) indicates compliance with the City's landscaping and parking lot shading requirements, while preventing obstruction of vehicular sight lines.

- Exterior lighting shall not create glare for neighborhood properties, but shall provide adequate on-site lighting for safety and security purposes.

The proposed project lighting as depicted on Exhibit A-1 dated April 27, 2011 appears adequate. However, prior to issuance of building permits, staff will ensure that all lighting is proposed in accordance with City requirements.

6) BUILDING HEIGHT

- a) The maximum allowable building height shall not exceed 35 feet. For exceptions, the provisions of the "C-P" District, Section 12-216.5-D-2, shall apply. Exhibit E-1 indicates that the Walmart building will be 35-feet in height at its highest point.
- b) All elevations are subject to review and approval by the Development and Resource Management Department. The elevations for the proposed retail and restaurant buildings depicted on Exhibit A-1 dated April 27, 2011 as "Future" will be required to comply with these conditions of approval.

7) LOT COVERAGE

- a) The maximum coverage of the lot by buildings or structures shall not exceed thirty-three (33) per cent of the total lot area, including easements. Exhibit A-1 dated April 27, 2011 indicates that the lot coverage for the proposed project will be just over 16%.

8) BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

- a) Provide the following minimum building setbacks:
 - (i) East Kings Canyon Rd: 20-feet required (*Pursuant to the Boulevard Area Overlay District*)
 - (ii) South Adler Ave: 10-feet required (*Pursuant to Roosevelt Plan Policy 1-11.2-c and Section 12-228.5-E-3-b of the FMC*).
 - (iii) West Property Line (abutting ponding basin): 10-feet required (*Pursuant Section 12-228.5-E-3-a of the FMC*).
 - (iv) North Property Line (abutting Trolley Creek Park): 10-feet (*Pursuant to Section 12-228.5-E-4 of the FMC*)
 - (v) East Property Line: 10-feet required (*Pursuant to Roosevelt Plan Policy 1-11.2-c and Section 12-228.5-E-3-a of the FMC*).

- b) Provide the following minimum landscape setbacks:
 - (i) East Kings Canyon Rd: 20-feet required (*Pursuant to the Boulevard Area Overlay District*)
 - (ii) South Adler Avenue: 10-feet required (*Pursuant to Roosevelt Plan Policy 1-11.2-c*)
 - (iii) North Property Line: Landscaping as depicted on Exhibit A-1 dated April 27, 2011 and Exhibit L dated September 30, 2010.
 - (iv) East Property Line: 10-feet required (*Pursuant to Roosevelt Plan Policy 1-11.2-c and Section 12-228.5-E-1-b of the FMC*)
- c) All other landscaping as shown on Exhibit A-1 dated April 27, 2011 and Exhibit L dated September 30, 2010.
- d) All landscaping shall comply with the City of Fresno Anti-Graffiti Landscaping, Landscaped Buffer Development and Planting Standards.
- e) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans.
- f) No structures of any kind (*including signs and/or fences*) 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 the 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.**)
- g) The number of trees will be determined by the following formula:
 - (i) Provide one medium size tree for every two parking spaces (*Section 12-306-N-24-g-3 of the FMC*).
 - o Provide a total of **581** medium sized trees on-site (in addition to the required street trees):
 - $1,161 \text{ parking spaces provided} / 2 = 581 \text{ medium sized trees required on-site.}$

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

Exhibit L dated September 30, 2010 depicts 439 medium sized trees (260 proposed small trees count as 130 medium size trees, 182 proposed medium sized trees, and 127 existing medium sized trees). Pursuant to the Performance Standards for Parking Lot Shading, this requirement may be modified by the Director if the standards for shading and perimeter planting have been met. Since the parking lot shading requirements have been met and perimeter shading has been provided as depicted on Exhibit L dated September 30, 2010, the Director has modified the requirement and determined that 439 medium sized trees is

acceptable.

- h) Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached *Development Department, Performance Standards for Parking Lot Shading*, including tree species and tree counts. **Exhibit L dated September 30, 2010 meets the parking lot shading requirements.**
- i) 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.
- j) Trees shall be maintained in good health. However, 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. **(Include this note on the site and landscape plans.)**
- k) Submit three copies of landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Development Services Division. These final plans must be reviewed and approved prior to obtaining building permits.
- l) Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development Services Division. **(Include this note on the site and landscape plans.)**
- m) Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development and Resource Management Department. **(Include this note on the site and landscape plans.)**

9) SPACE BETWEEN BUILDINGS

- a) There are no requirements for space between buildings.

10) FENCES, HEDGES, AND WALLS

- a) 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.
- b) Only those fences as shown on the site plan shall be reviewed for approval.

- c) Future fences shall be reviewed and approved by the Development and Resource Management Department prior to installation. **(Include this note on the site plan.)**
- d) The 8-foot high masonry wall depicted along the north property line (adjacent to Trolley Creek Park) is allowed (and required) in order to mitigate potential noise impacts to Trolley Creek Park.
- e) The 6-foot high CMU wall located along the east property (dropping down to 3-feet in the front yard setback area) is required and shall remain.
- f) A solid wall is required along West Adler Avenue pursuant to Roosevelt Community Plan Policies. This wall has been proposed to be made up of buildings and a decorative wall in between these buildings. Pursuant to Section 12-306-H-3-d of the FMC, the director has allowed a 7-foot high fence along this property line.
- g) Pursuant to Section 12-306-H-2-b-1 of the FMC, a six (6) foot high wall shall be erected along the property line which is a district boundary with an abutting residential district. The ponding basin (adjacent to the west property line (north side)) is zoned for single family residential uses and thus the code requires that a wall is required along this property line.¹

Because the ponding basin is not developed with residential uses and is planned open space by the 2025 Fresno General Plan, a solid wall along this property line has been determined to be unnecessary. The intent of this code requirement is to protect residences from the potential noise and other nuisances that are sometimes associated with commercial uses and since this site is not developed with residential uses, it is not necessary. In addition, the Fresno Metropolitan Flood Control District has a standard that requires chain link fencing along all of their basins. The existing chain link fence shall remain.

11) OFF-STREET PARKING

- a) Pursuant to Section 12-218.5-l of the FMC, there shall be three square feet of parking area for each square foot of floor area, which requirement, when applied, shall not exceed five parking spaces per one thousand square feet of floor space.
- b) A minimum of **1,046** parking stalls are required for the proposed project pursuant to the following:

Total Building Area =209,077

$209,077/1,000 = 209.077$

$209.077 * 5 = 1,046$ parking stalls required

¹ There is a sliver of C-P zoned property between the subject site and the south side of the ponding basin so the site is not directly adjacent to southern side of the ponding basin, and thus not adjacent to residentially zoned property along this property line.

Exhibit A-1 dated April 27, 2011 depicts 1,161 parking stalls, exceeding the parking requirement.

- c) Future tenants, including tenant improvements shall be reviewed to ensure adequate parking pursuant to Section 12-218.5-1 (off-street parking) of the FMC.
- d) **Outdoor storage of materials, including ISO containers, is prohibited. All materials shall be stored within a completely enclosed building, unless approved by the Development and Resource Management Department. (Include this note on the site plan.)**
- e) A maximum of 33% of the total retail square footage of the proposed commercial development may be developed with restaurant uses. If restaurants (establishments for the sale and consumption on the premises of food and beverages) do not exceed 33 percent of the total building area within a shopping center, on-site parking requirements shall comply with Section 12-218.5-1 of the FMC instead of Section 12-306-1-2.2-e of the FMC.
- f) The parking lot design must accommodate the provision of trees in accordance with the attached Parking Lot Shading Policy.
- g) Provide the minimum number handicap accessible parking stall required for the subject site per the State of California Building Code. Please review the current California Building Code to ensure requirements have been met.
- h) All handicap accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the 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.)**
- i) All handicap accessible parking stalls shall be placed 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.)**
- j) 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. **Depict all proposed lights on the site plan.**
- k) A minimum of **60** bicycle parking spaces shall be provided for the proposed project (30 spaces for Walmart and 1 rack with 5 spaces for each of the 6 new buildings proposed). 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 and the required four-foot clearance 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.

- l) All general provisions of Section 12-306-I of the FMC shall apply to all parking areas.

12) LOADING SPACE REQUIREMENTS

- a) Pursuant to Section 12-306-L-1, a commercial buildings with over 105,001 square feet of floor area require at least 5 loading zones. Exhibit A-1 depicts an adequate number of loading zones for the Walmart building.
- b) Adequate loading zones are also depicted on Exhibit A-1 dated April 27, 2011 for the proposed future buildings.

13) ACCESS

- a) There shall be adequate vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property requiring off-street parking and loading.
- b) Vehicular and/or pedestrian access shall be provided and shall remain clear at all times.
- c) When pedestrian paths traverse the parking lot, the pedestrian path shall be delineated by contrasting color or paving material to clearly demarcate the path and to provide a safe walking area and to act as traffic calming devices for vehicles entering the center.
- d) A cross access agreement is required given that the project is proposing an integrated shopping center and will share access with adjacent parcels. Remit \$520 to the City of Fresno for the preparation of this agreement/covenant. This must be recorded prior to occupancy.
- e) Provide an additional pedestrian access point from Adler Avenue just north of the proposed Retail Building 2.
- f) Prior to commencement of operation of Phase 1 (the Walmart expansion), please provide a temporary access way from Adler Avenue along the south side of the proposed ponding basin until Phase 2 is developed.

14) ADDRESSING

- a) The address listed in the conditions of approval is the 'Official Address' given to the Walmart building. The future phases will be addressed prior to issuance of building permits. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Development and Resource Management Department for 'Official Addresses'. **Only those addresses assigned by the City of Fresno will be recognized as 'Official Addresses'**. The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.

15) NOISE

- a) Pursuant to Section 10-102.b of the FMC, noise levels for commercial zoned properties shall not exceed 60 decibels from 10 p.m. to 7 a.m. and 65 decibels from 7 a.m. to 10 p.m. measured at the nearest subject property line. Future uses and/or development shall be required to comply with this provision. **(Include this note on the site plan.)**

16) OUTDOOR ADVERTISING

- a) 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.)**
- b) Signs must comply with the Master Sign Permit established for the entire shopping. The attached Master Sign Program has been approved as part of this review and all future signs on the subject site must comply with these
- c) The provisions of the C-1 District, Section 12-217.5-K apply to the subject site.
- d) Window signs are limited to 4 square feet in area, providing information about hours of operation and emergency, sale or rental information only. Exterior signage such as banners, flags and pennants are prohibited. However, special even banner signs are permitted for 30 days if approved by the Development and Resource Management Department, attached to the building, and not exceeding 32 square feet in area.
- e) Permanent window signs over 6 square feet in area can be submitted for approval under a sign review application (for a current fee of \$150). Window signs:
 - i) Must not exceed 10% of the total exterior wall surface (which includes the window)
 - ii) Can be painted on the window (if paint is a permanent type of paint- not water based
 - iii) Can be attached to the interior or exterior of the window with paste or glue (must be attached to the window in a manner which is attractive and free of exposed tape, wires, or other adhesive material)
 - iv) Sign must be constructed utilizing material(s) designed to maintain an attractive appearance for as long as the sign is displayed.
- f) Temporary window signs are allowed if they do not exceed 10% of the total exterior wall surface and must be approved by the Development and Resource Management Department (the fee is currently \$35). Temporary window signs shall be constructed of cloth, canvas, fabric, wood, or may be painted with or without a structural frame. Each site is limited to two (2) 30-day temporary window sign approvals in any calendar year, with a separate application required for each 30-day period/approval.

PART E – CITY AND OTHER SERVICES

1) **BUILDING AND SAFETY DIVISION**

- a) The Building and Safety Division indicated that plans and permits are required for the proposed project.

2) **FIRE PROTECTION REQUIREMENTS**

- a) Comply with the attached memorandum from the Fresno Fire Department dated September 3, 2009.

3) **SOLID WASTE MANAGEMENT**

- a) Comply with the attached Department of Public Utilities-Solid Waste memorandum, dated September 1, 2009.

4) **FLOOD CONTROL REQUIREMENTS**

- a) Comply with the attached Fresno Metropolitan Flood Control District (FMFCD) Notice of Requirements dated September 9, 2009. The FMFCD has indicated that the required fees contained in this letter are valid until February 29, 2012. Contact the FMFCD for further explanation regarding their requirements at (559) 456-3292.

5) **SCHOOL FEES**

- a) School fees must be paid, if required, prior to the issuance of building permits. Provide proof of payment (or no fee required) prior to the issuance of building permits.

6) **STREET TREE REQUIREMENTS**

- a) Comply with the attached memorandum from Hilary Kimber in the Department of Public Works dated September 25, 2009.
- b) Mitigation measures related to the historic palm trees located within the public right-of-way have been required. Compliance with these mitigation measures is required as part of this conditional use permit as discussed in Part F, Condition 1-a of these Conditions of Approval.

7) **SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT**

- a) The proposed project was reviewed by the San Joaquin Valley Air Pollution Control District (SJVAPCD) during the EIR process. Appropriate mitigation measures related to air quality have been required. Compliance with these mitigation measures is required as part of this conditional use permit as discussed in Part F, Condition 1-a of these Conditions of Approval.
- b) Comply with the attached letter from the San Joaquin Valley Air Pollution Control District dated August 26, 2009.

8) DEPARTMENT OF PUBLIC UTILITIES

- a) Comply with the attached memorandums (2: one for water and one for sewer) from the Department of Public Utilities, dated September 1, 2009.

9) DEPARTMENT OF TRAFFIC ENGINEERING

- a) Comply with the attached Public Works-Traffic Engineering memorandum, dated August 25, 2009.

10) FRESNO COUNTY ENVIRONMENTAL HEALTH

- a) Comply with the attached County of Fresno Department of Community Health memorandum, dated February 14, 2005. An e-mail from the Health Department dated September 8, 2009 indicates that these comments are still applicable to the proposed project.

11) FRESNO IRRIGATION DISTRICT

- a) Comply with the attached letter from the Fresno Irrigation District dated September 8, 2009.

12) POLICE DEPARTMENT

- a) Comply with the conditions contained in the attached letter from the Fresno Police Department dated April 5, 2011.

13) FRESNO AREA EXPRESS (FAX)

- a) All requirements contained in the FAX comment letter dated September 29, 2009 have been incorporated into the proposed project. The required off-site amenities will be verified prior to issuance of building permits.

14) DISTRICT 5 PLAN IMPLEMENTATION COMMITTEE

- a) The District 5 Plan Implementation Committee reviewed and recommended approval of the proposed project at their April 11, 2011 with several recommended conditions. Most of these are required as conditions of approval and are as follows:
 - 1. Provide landscaping (or other barrier, i.e. fence) between the walking path and the dock well, for that area of the walking path leading to Trolley Park within the dock well.
 - 2. Provide a pedestrian path along the south side of the existing FMFCD pond.
 - 3. Provide vehicular stop signs (4) at both entrances to the store.

4. Provide yield vehicular signs at pedestrian path and vehicular travel intersections.

The District 5 Plan Implementation Committee also recommended that the applicant meet with the Fresno Unified School District regarding on-site pedestrian accessibility or other suggestions. The proposed project was already routed for to the Fresno Unified School District for comment and they did not mention the need for additional pedestrian accessibility. The proposed project has been required to provide several pedestrian pathways across the subject site, including 3 north-south walkways that will traverse the parking lot directly in front of Walmart. Staff recommends that this recommended condition from the District 5 Plan Implementation Committee not be included as a condition of approval for this project.

In addition, the District 5 Plan Implementation Committee recommended that only a Type 20 ABC license, not in support of Type 21 license be approved. There is no substantial evidence in the record that a Type 21 license would cause any negative impacts on the surrounding community and the request has been supposed by the Fresno Police Department. Thus, staff is recommending that a Type 21 license be approved.

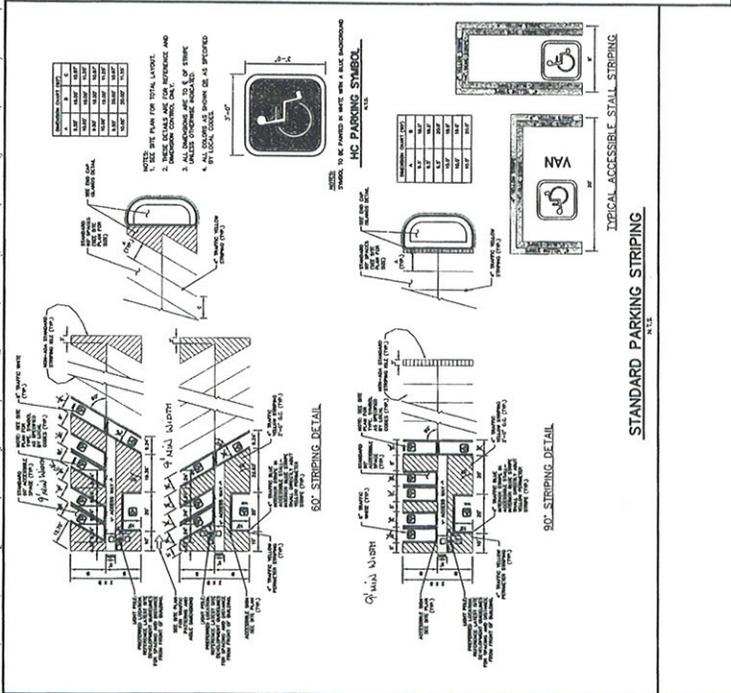
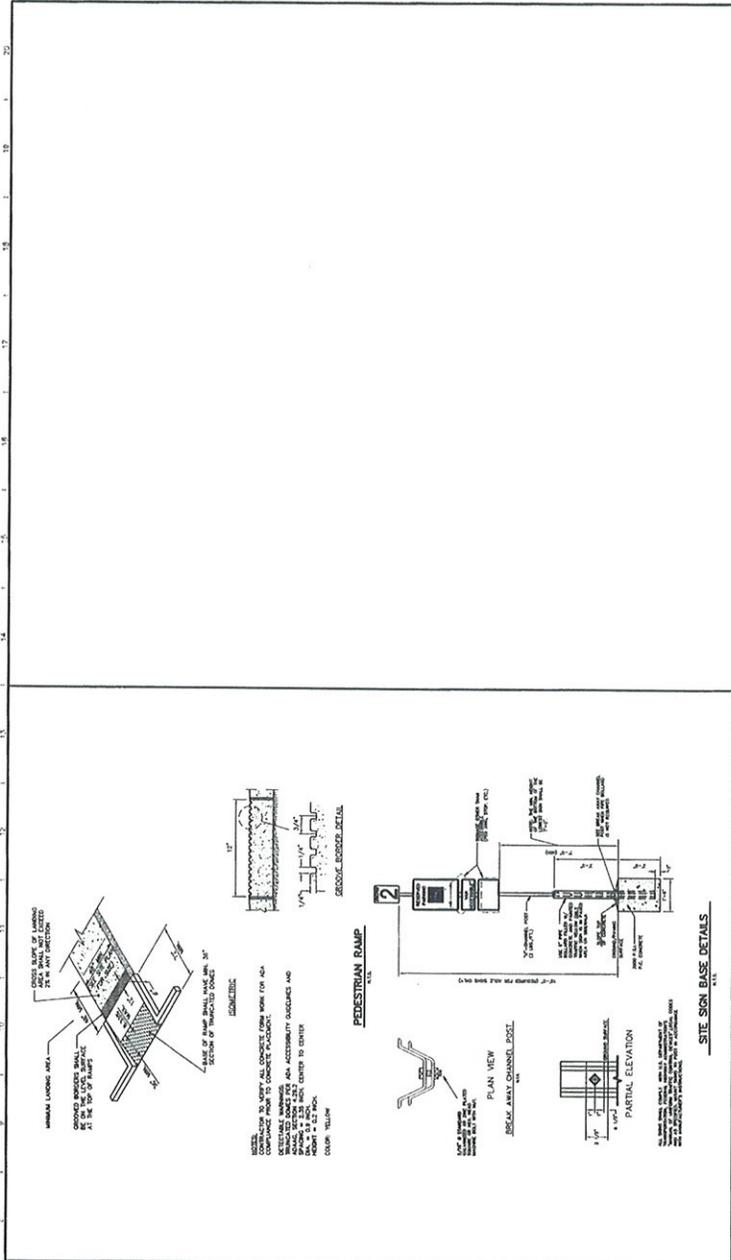
PART F – MISCELLANEOUS

- 1) Approval of this site plan is contingent upon the submittal of corrected exhibits showing all existing/proposed on-site conditions as reflected on all exhibits and the following:
 - a) Comply with the mitigation measures contained in the Mitigation and Monitoring Reporting Program dated April 2011 (contained in Exhibit H of the Planning Commission Staff Report dated May 4, 2011).
 - b) Comply with the attached Project Narrative/Operation Statement dated June 21, 2010
 - c) All buildings labeled as "Future" on Exhibit A-1 have been analyzed in the environmental assessment for this project and all property development standards have been met. However, no elevations have been submitted for these proposed buildings. Prior to submittal of building permits for these proposed buildings, a minor amendment must be submitted that includes detailed elevations and landscape plans. All future submittals must be in substantial conformance with what is depicted on Exhibit A-1 dated April 27, 2011.
 - d) The following two conditions are required for the proposed drive-through:
 - a. Two separate windows are required to keep cars moving through the proposed drive-through.
 - b. A bypass lane or designated parking stall is required for the proposed drive-through.
 - e) The existing ingress/easement that exists on the northwest corner of the subject property shall be removed by the applicant prior to issuance of building permits for retail building number 2.
 - f) The applicant shall comply with all relevant goals and policies contained in the Roosevelt Community Plan and the 2025 Fresno General Plan as detailed in several sections of the Draft

Environmental Impact Report.

- g) Provide a color and material schedule on the elevations for the exterior of all buildings and structures (this has already been provided).
- h) Screen all roof-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**
- i) 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.)**
- j) 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.)**
- k) If animal fossils are uncovered, the Museum of Paleontology, 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.)**

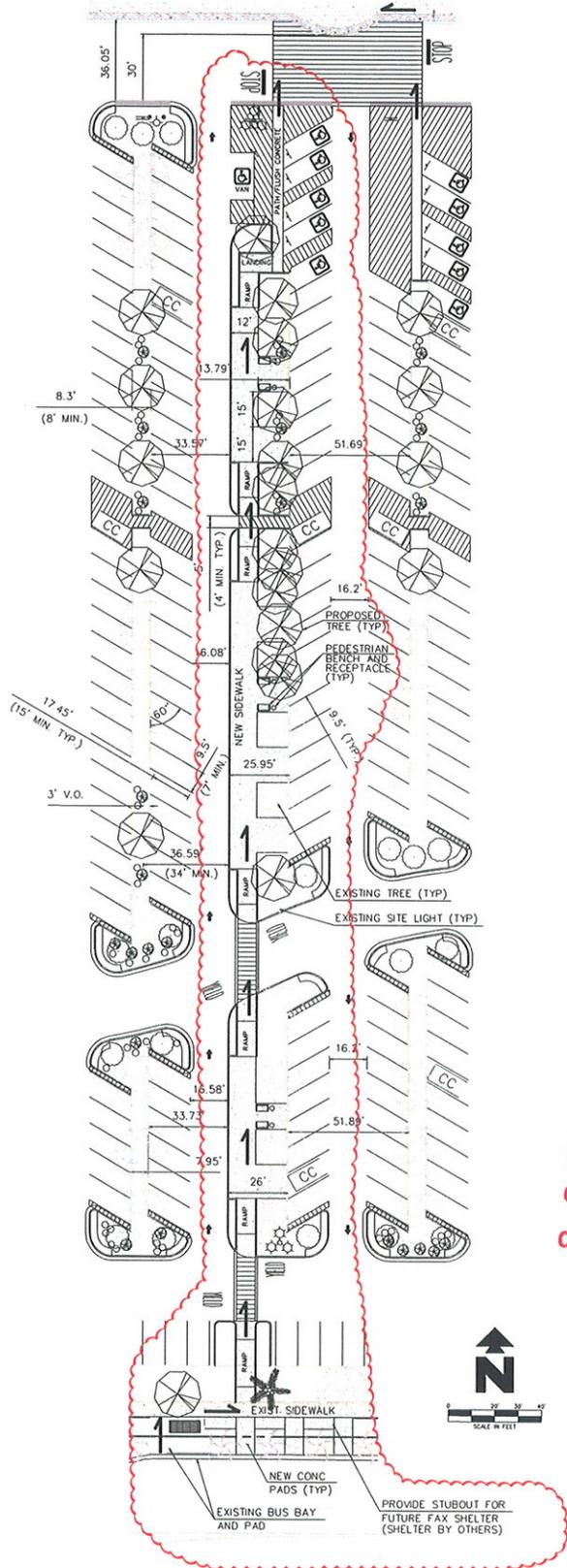
All discretionary condition of approval will ultimately be deemed mandatory unless appealed in writing to the Development and Resource Management Department Director within 15 days.



APPL. NO. C-04-18 EXHIBIT A5 DATE 8-24-09
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

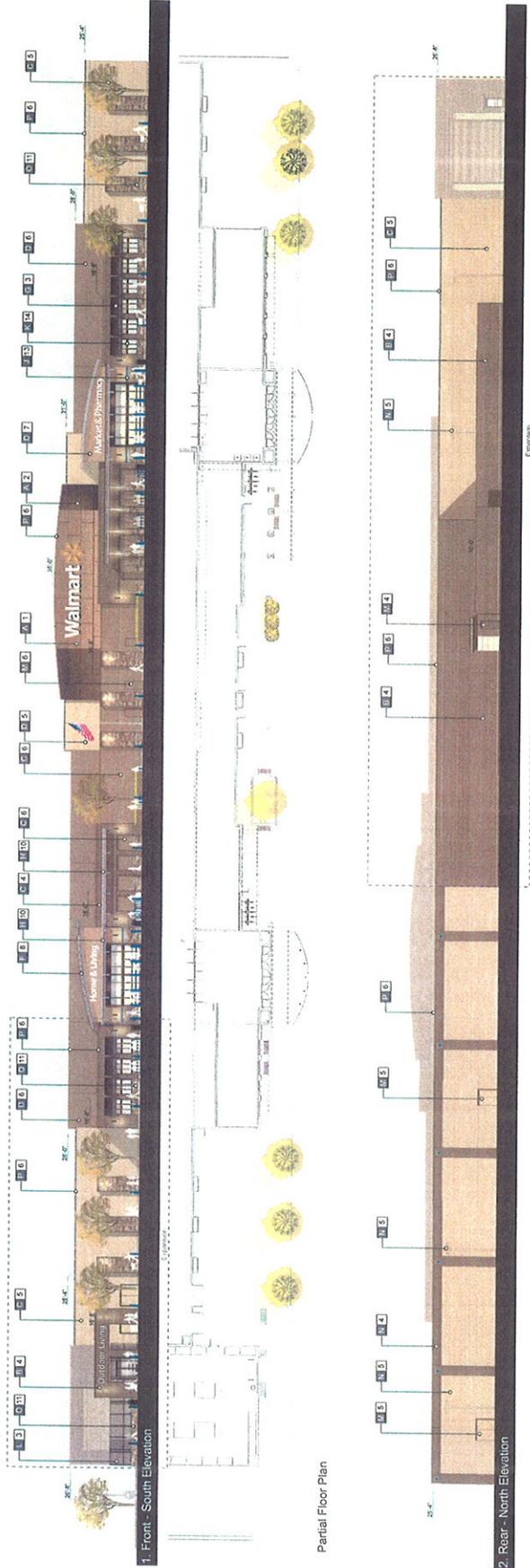
UP# 2 - Tower, See Exhibit A-1
 C-04-18 AS 8-24-09
 M. Resendiz

Walmart
 Save money. Live better.
 STORE #2007-03
 Engineering Associates, Inc.
 PRELIMINARY DETAIL SHEET
 ENGINEERING ASSOCIATES, INC.
 1000 N. GARDEN AVENUE, SUITE 100
 FRESNO, CALIFORNIA 93703
 PHONE: (559) 435-1111
 FAX: (559) 435-1112
 WWW: WWW.EA-INC.COM



APPL. NO. C-04-18 EXHIBIT A-6 DATE 4-27-11
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

ADDITIONAL PATHWAY EXHIBIT



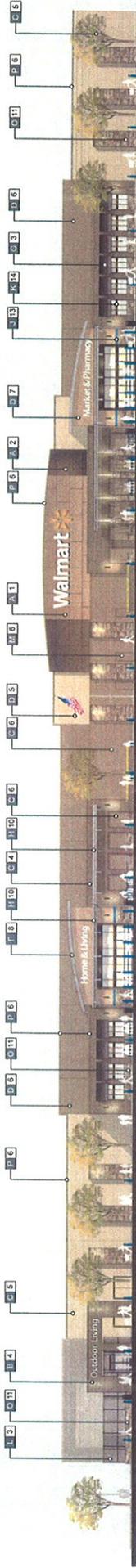
Materials

1	EXTERIOR WALL PANEL SYSTEM	21	WATER DRAINAGE EPS
2	SPUT FACE GRC	22	ALUMINUM STOREFRONT
3	SMOOTH FACE GRC	23	METAL FINISHES
4	FINISHES INFORMATION AND FABRIC SYSTEM	24	METAL DOOR AND FRAME
5	PALETTES - AMERICAN CLEAN	25	PAINTED EXISTING
6	TRUSSING BEAM METAL TOP	26	REGIONAL STONE
7	METAL FINISHES	27	METAL CORING
8	METAL CORING	28	METAL CORING

Finishes

1	INTERLUMINATION	6	EMPOUSE CLAYED ZEE LOCK
2	TRUSSING BEAM METAL TOP	7	WOOD GRIPE
3	SPACER WILLIAMS	8	WOOD BRONZE/TONE
4	SPACER WILLIAMS	9	WOOD BRONZE/TONE
5	SPACER WILLIAMS	10	WOOD BRONZE/TONE
6	SPACER WILLIAMS	11	WOOD BRONZE/TONE
7	SPACER WILLIAMS	12	WOOD BRONZE/TONE
8	SPACER WILLIAMS	13	WOOD BRONZE/TONE
9	SPACER WILLIAMS	14	WOOD BRONZE/TONE
10	SPACER WILLIAMS	15	WOOD BRONZE/TONE
11	SPACER WILLIAMS	16	WOOD BRONZE/TONE
12	SPACER WILLIAMS	17	WOOD BRONZE/TONE
13	SPACER WILLIAMS	18	WOOD BRONZE/TONE
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94	SPACER WILLIAMS	99	WOOD BRONZE/TONE
95	SPACER WILLIAMS	100	WOOD BRONZE/TONE

APPL. NO. C-04-B EXHIBIT E1 DATE 9-30-10
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



1. Front - South Elevation

Materials

A	EXTERIOR WALL PANEL SYSTEM	J	WATER DRAINAGE EFS
B	SPUT FACE CMU	K	ALUMINUM STOREFRONT
C	SMOOTH FACE CMU	L	METAL FENCING
D	EXTERIOR INSULATION AND FINISH SYSTEM	M	METAL DOOR AND FRAME
E	TRIM ACCENTS - AMERICAN CLEAN RUSSET	N	PAINTED EXISTING
F	STANDING SEAM METAL ROOF	O	REGIONAL STONE
G	METAL AWNING	P	METAL COPING
H	METAL CANOPY		

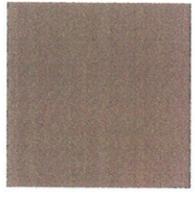
Finishes

1	SHERWIN WILLIAMS "CENTUR" LEAD COLE	8	BERGHOE CURVED ZEELOCK
2	SHERWIN WILLIAMS "DARK BROWN"	9	NOT USED
3	SHERWIN WILLIAMS "BLACK"	10	PRG CORRAL ON "WHITE GRAY MICA"
4	SHERWIN WILLIAMS "SWISS COBBLE BROWN"	11	CORONADO STONE/EDGESTONE DESERT RIDGE "CHARLES"
5	SHERWIN WILLIAMS "SWISS ROW HOUSE TAN"	12	DAL TILE AMERICAN CLEAN RUSSET "TEAL"
6	SHERWIN WILLIAMS "SWISS ROCKWOOD CLAY"	13	SHERWIN WILLIAMS "SWISS MEDIUM WALNUT BLUE"
7	SHERWIN WILLIAMS "SWISS OAK CREEK"	14	DARK BRONZE

NOTE #12 IS NOT SHOWN IN THE FRONT ELEVATION



A 1



B 4



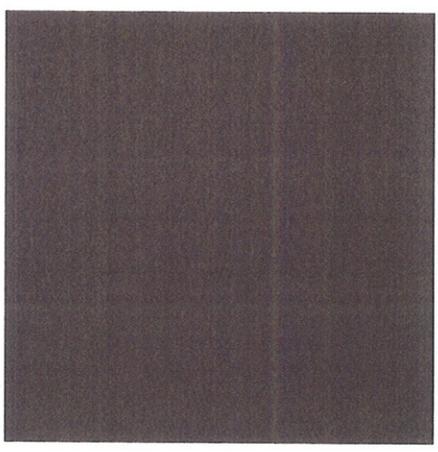
C 4



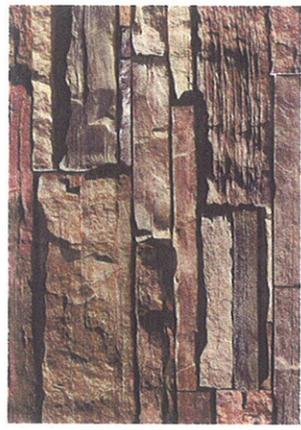
L 3



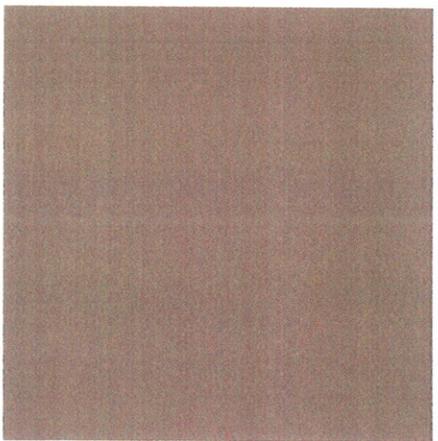
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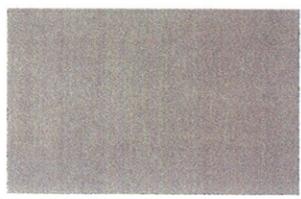
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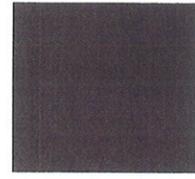
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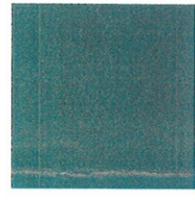
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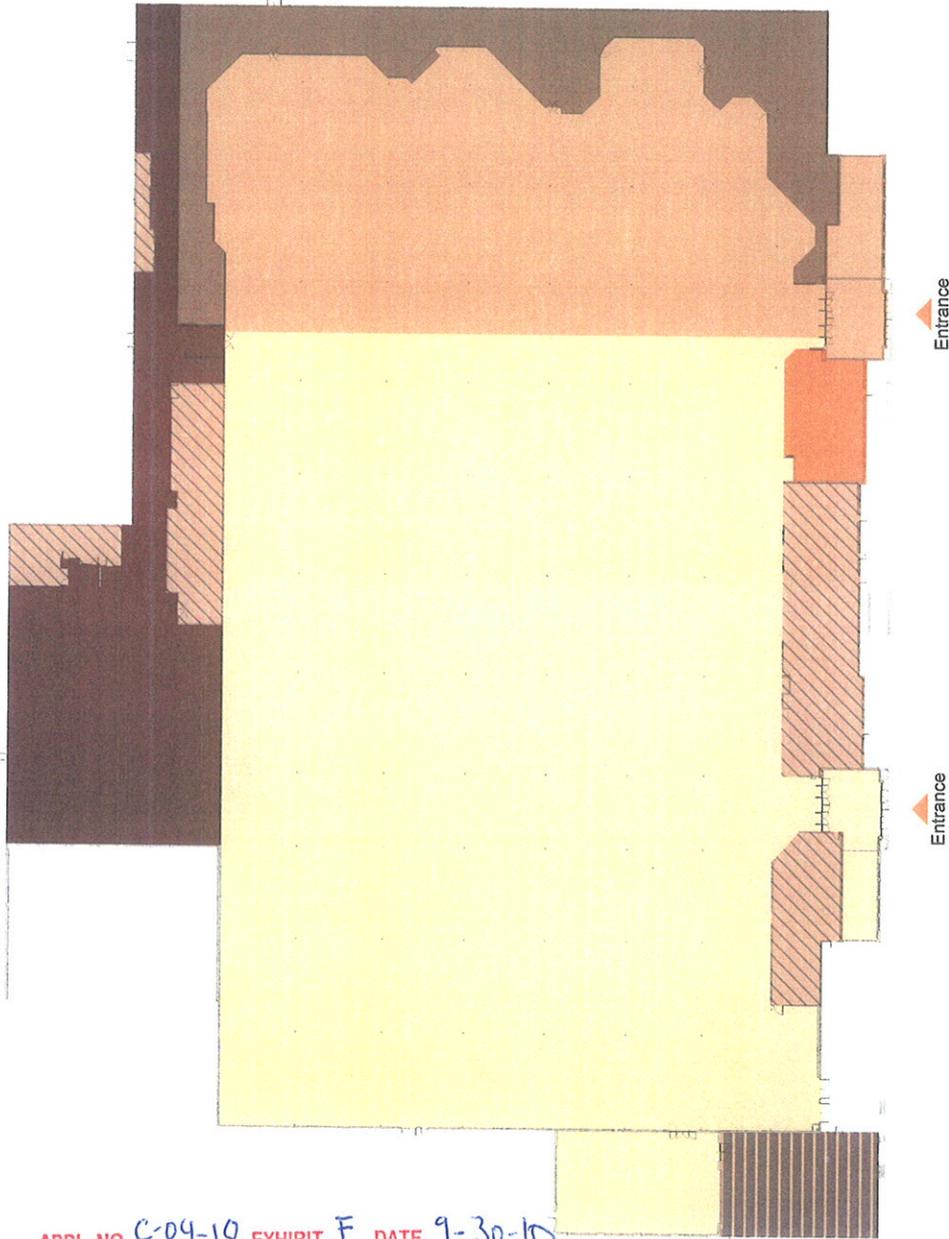


E 12

APPL. NO. C-04-18 EXHIBIT E-3 DATE 9-30-10
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

DATE 03-25-12
 MB
 Material Board
 Conceptual

APPL. NO. C-04-18 EXHIBIT F DATE 9-30-10
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



Legend

GENERAL MERCHANDISE	97,399 SF
FOOD SALES AREA	33,822 SF
STOCKROOM RECEIVING AREA	16,316 SF
ANCILLARY AREA	11,161 SF
FOOD SALES SUPPORT AREA	10,218 SF
OUTDOOR GARDEN CENTER	3,377 SF
FOOD TENANT AREA	2,074 SF



A-1.1

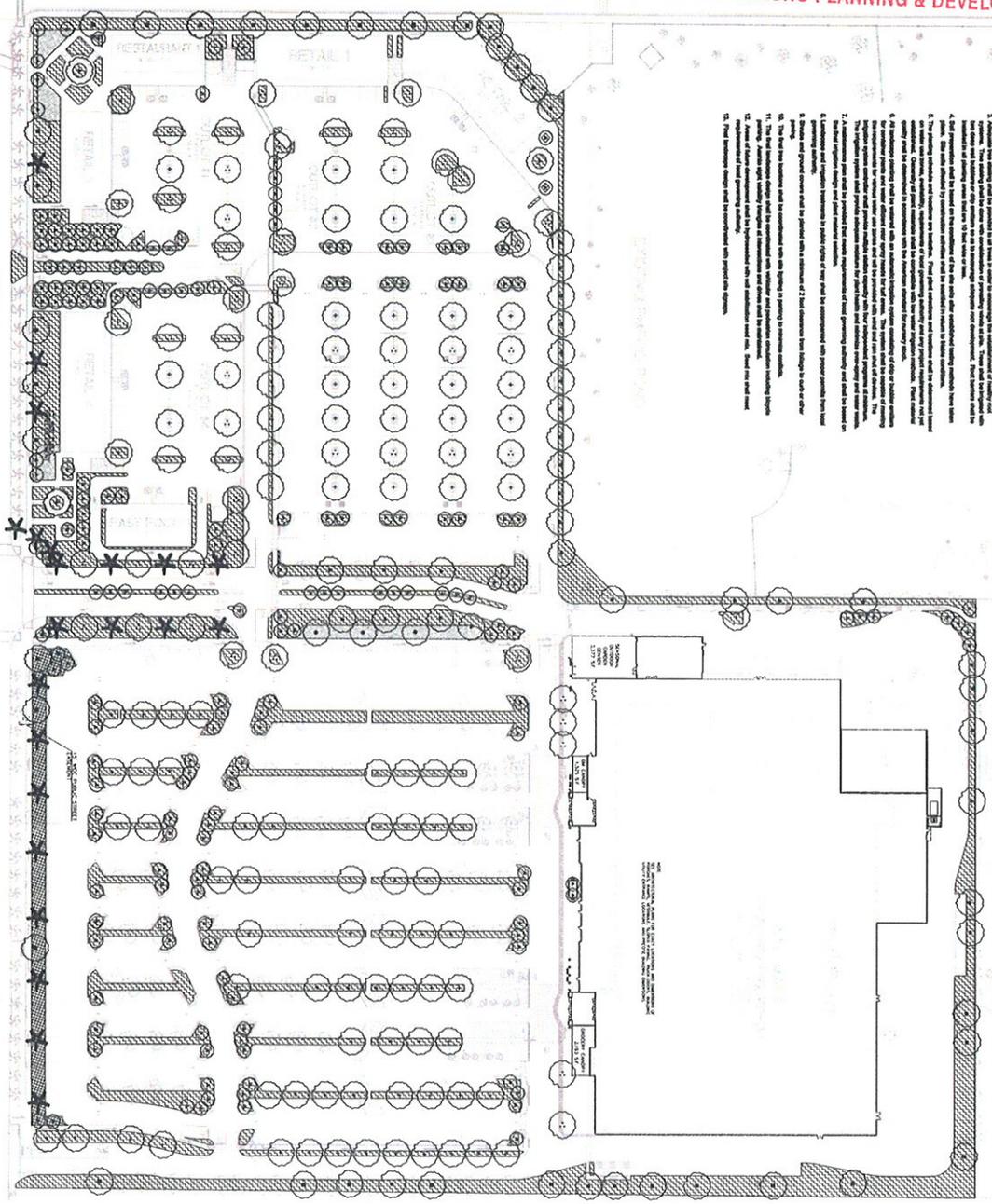
Department Plan

Fresno (SE), CA
 Photo Size: 180' Scale: 1/200'

September 24, 2010

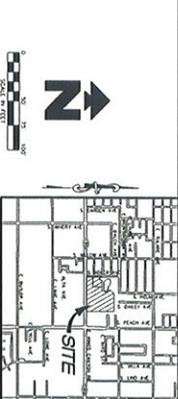
Perkowitz + Ruth
 ARCHITECTS

DESIGN REPRESENTATION ONLY - NOT FOR CONSTRUCTION



General Landscaping Notes

1. Landscaping and irrigation shall be installed according to requirements of your governing authority's established codes and standards and shall be installed within 30 days of the start of construction.
2. Landscaping shall be installed within 30 days of the start of construction.
3. Landscaping shall be installed in all areas to be landscaped. The landscaping shall be installed in all areas to be landscaped. The landscaping shall be installed in all areas to be landscaped.
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10. Landscaping shall be installed in all areas to be landscaped. The landscaping shall be installed in all areas to be landscaped. The landscaping shall be installed in all areas to be landscaped.
11. The final landscape design shall be submitted with the final landscape plan.
12. The final landscape design shall be submitted with the final landscape plan.
13. The final landscape design shall be submitted with the final landscape plan.
14. The final landscape design shall be submitted with the final landscape plan.
15. The final landscape design shall be submitted with the final landscape plan.



PLANTING SCHEDULE

Planting Item	Quantity	Planting Date	Planting Location
1. California Redwood	18	10/15/10	Along S. Adler Avenue
2. California Redwood	17	10/15/10	Along E. Navy Avenue
3. California Redwood	16	10/15/10	Along E. Monte Blanco Avenue
4. California Redwood	15	10/15/10	Along S. Adler Avenue
5. California Redwood	14	10/15/10	Along E. Navy Avenue
6. California Redwood	13	10/15/10	Along E. Monte Blanco Avenue
7. California Redwood	12	10/15/10	Along S. Adler Avenue
8. California Redwood	11	10/15/10	Along E. Navy Avenue
9. California Redwood	10	10/15/10	Along E. Monte Blanco Avenue
10. California Redwood	9	10/15/10	Along S. Adler Avenue
11. California Redwood	8	10/15/10	Along E. Navy Avenue
12. California Redwood	7	10/15/10	Along E. Monte Blanco Avenue
13. California Redwood	6	10/15/10	Along S. Adler Avenue
14. California Redwood	5	10/15/10	Along E. Navy Avenue
15. California Redwood	4	10/15/10	Along E. Monte Blanco Avenue
16. California Redwood	3	10/15/10	Along S. Adler Avenue
17. California Redwood	2	10/15/10	Along E. Navy Avenue
18. California Redwood	1	10/15/10	Along E. Monte Blanco Avenue

Planting Item	Quantity	Planting Date	Planting Location
1. California Redwood	18	10/15/10	Along S. Adler Avenue
2. California Redwood	17	10/15/10	Along E. Navy Avenue
3. California Redwood	16	10/15/10	Along E. Monte Blanco Avenue
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6. California Redwood	13	10/15/10	Along E. Monte Blanco Avenue
7. California Redwood	12	10/15/10	Along S. Adler Avenue
8. California Redwood	11	10/15/10	Along E. Navy Avenue
9. California Redwood	10	10/15/10	Along E. Monte Blanco Avenue
10. California Redwood	9	10/15/10	Along S. Adler Avenue
11. California Redwood	8	10/15/10	Along E. Navy Avenue
12. California Redwood	7	10/15/10	Along E. Monte Blanco Avenue
13. California Redwood	6	10/15/10	Along S. Adler Avenue
14. California Redwood	5	10/15/10	Along E. Navy Avenue
15. California Redwood	4	10/15/10	Along E. Monte Blanco Avenue
16. California Redwood	3	10/15/10	Along S. Adler Avenue
17. California Redwood	2	10/15/10	Along E. Navy Avenue
18. California Redwood	1	10/15/10	Along E. Monte Blanco Avenue

PROPOSED PLANTING CALCULATIONS

Planting Item	Quantity	Planting Date	Planting Location
1. California Redwood	18	10/15/10	Along S. Adler Avenue
2. California Redwood	17	10/15/10	Along E. Navy Avenue
3. California Redwood	16	10/15/10	Along E. Monte Blanco Avenue
4. California Redwood	15	10/15/10	Along S. Adler Avenue
5. California Redwood	14	10/15/10	Along E. Navy Avenue
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12. California Redwood	7	10/15/10	Along E. Monte Blanco Avenue
13. California Redwood	6	10/15/10	Along S. Adler Avenue
14. California Redwood	5	10/15/10	Along E. Navy Avenue
15. California Redwood	4	10/15/10	Along E. Monte Blanco Avenue
16. California Redwood	3	10/15/10	Along S. Adler Avenue
17. California Redwood	2	10/15/10	Along E. Navy Avenue
18. California Redwood	1	10/15/10	Along E. Monte Blanco Avenue

LANTEX
 Landscape Architecture, Inc.
 1000 S. G Street, Suite 100
 Fresno, CA 93721
 Phone: (559) 231-1111
 Fax: (559) 231-1112
 www.lantex.com

Walmart
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 Phone: (559) 231-1111
 Fax: (559) 231-1112
 www.cfe.com

Project Narrative/Operational Statement

SITE INFORMATION

Location

The Project site is located in southeast Fresno, on the north side of East Kings Canyon Road, between South Adler and South Peach Avenues. The street address is 5125 E. Kings Canyon Road.

Site Description

The Walmart store site consists of three parcels (APN Nos. 463-050-36, 463-050-37, and 463-050-41), totaling approximately 24.91 acres. The existing store site is developed with an approximately 125,811 SF Walmart store, excluding garden center. The Expansion Project area and outlot property is undeveloped.

Surrounding Uses

The Walmart store site is bordered by East Kings Canyon Road to the south, South Peach Avenue to the east, South Adler Avenue to the west, and East Huntington Boulevard to the north. A park and detention pond are adjacent to the site on the north. There are multi-family residential uses to the east and west of the site and some multi-family residential uses to the south across East Kings Canyon Road.

EXPANSION PROJECT DESCRIPTION

Proposed Uses

The proposed Expansion Project is planned for development in multiple phases. Phase I would expand the existing Walmart store by 43,416 SF to an approximately 170,900 SF building (plus modified 3,377 SF outdoor garden center), on an approximately 19.50 acre parcel.

Future phases would include the development of the following four parcels:

- Lot 1: Retail and Restaurant (Approximately 8,000 SF total on 1.56 acres)
- Lot 2: Retail uses (Approximately 7,100 SF on 0.96 acres)
- Lot 3: Retail uses (Approximately 8,950 SF on 1.03 acres)
- Lot 4: Retail and fast food uses (Approximately 10,750 SF total on 1.87 acres)

Walmart is seeking approval of all phases of the Project, although the tenants for the outparcels/future phases are unknown at this time, the proposed outlot uses are conceptual and the proposed uses are common subsidiary or secondary uses for this type of available space for development with an Anchor store.

Site Access/Circulation

The Walmart store site will include four driveways from East Kings Canyon Road. Two of the driveways currently exist on the site. There will be two right-in/right-out driveways proposed to provide for additional access to the Walmart site and the outlot pads.

Parking

The expanded Walmart store and outlots will provide 1,161 stalls with a ratio of 5.55 parking spaces

per 1,000 square feet of retail space, which meets and exceeds the City's parking requirements as given by Planning Staff. The Phase I Walmart parcel will provide 898 parking spaces for the development, providing a ratio of 5.15 parking spaces per 1,000 square feet of retail space. The parking stall count total has made the deduction of spaces used for cart corrals. In addition, approximately 30 parking stalls would occasionally be used by Walmart for seasonal sales. However, such seasonal sales are subject to the approval of the City of Fresno on a case-by-case basis, and the City would consider the effect on seasonal parking demand in its decision to grant a seasonal sales permit.

The future phases would provide the following parking spaces and ratios:

- Lot 1: 8,000 SF Retail / Restaurant with 62 parking spaces at 7.75 parking ratio
- Lot 2: 7,100 SF Retail with 63 parking spaces at 8.87 parking ratio
- Lot 3: 8,950 SF Retail with 50 parking spaces at 5.59 parking ratio
- Lot 4: 10,750 SF Retail / Fast Food with 88 parking spaces at 8.19 parking ratio

Bicycle Parking

Bicycle parking areas will be provided near the Walmart store entrances for general merchandise and grocery sales, as well as at each building in the outlot retail area. In accordance with City Zoning Ordinance requirements, bicycle parking will be provided at the rate of one space per ten vehicle parking spaces, to a maximum of 10 bicycle spaces. The project includes bicycle racks for 30 bicycles in front of the expanded Walmart store, and the six retail and restaurant buildings in the outlot area will each have a bike rack holding 5 bicycles, for a total of 60 bike spaces in the project.

Pedestrian Circulation

The City of Fresno is currently working on a transportation bus hub on the south side of Kings Canyon Road. As a part of this City project, pedestrian circulation on site will be coordinated to allow the most convenient access to the Walmart building and the proposed retail/fast food lots. Pedestrian access/circulation is planned to be directed from the outlots on the west side of the property, starting at Kings Canyon/Adler Avenue intersection, and through internal site pathways to the frontage of the Walmart building. Upon development of the outlots, additional connecting nodes will be provided along Adler Avenue. Two access points will be provided from the Walmart street frontage on Kings Canyon Road northward to the Walmart building.

Grading

Removal of pavement and curbing will be required along the west side of the existing Walmart building along with some minor grading to allow for the expansion. The existing Tire and Lube Express Center will be removed from the existing building. This area of the building will require demolition and back fill to allow for level grade needed to construct the expansion of the proposed Walmart. Additional rough and fine grading will be needed for the undeveloped portion of the property located at the west side of the parcel and fronting Kings Canyon Road. All construction for Phase I of the project will reuse on-site materials as much as possible. However, throughout the existing parking lot, areas that are deficient for pavement and proper drainage will be reconstructed to provide proper function.

On-Site and Off-Site Improvements

The Expansion Project will require both on-site and off-site improvements as a part of the development. Primarily, there will be the addition of one right-in/right-out driveway to support the addition of outlots west of the existing Walmart parcel, and one right-in/right-out driveway to support the Walmart Expansion. A traffic study prepared for the EIR will analyze the need for additional right-

of-way improvements along Kings Canyon Road.

On-site improvements will include the addition of various driveways for the proposed outlots and the reconfiguration of the driveway directly in front of the Walmart building. The Project will continue to use the existing on-site driveways, which will require improvements and repair, including repaving, resurfacing or minor widening to support anticipated traffic and/or deliveries.

Utility Infrastructure

The proposed expansion will require the extension of services, primarily from the existing building. All services needed for the construction of both the Walmart expansion and the outlots will be provided by the City of Fresno. An extension of services will be needed for the proposed outlots. All outlots will be connected to City sewer and City water. Power and gas services will be provided by Pacific Gas and Electric Company (PG&E) with existing services located along Kings Canyon Road. Telephone services will be provided by SBC/ATT. These services are currently existing on site and new services for the outlots will require extensions from Kings Canyon Road and Adler Avenue. A Fresno Irrigation District pipeline that is utilized for basin recharge exists along the undeveloped Kings Canyon Road frontage. Storm drainage will be provided by an existing detention pond located north of the outlots and west of the proposed Walmart Expansion area.

Landscaping

The total proposed landscape area will be approximately 8 acres overall. The Project proposes to utilize and protect the majority of existing mature landscape features and trees. However, due to design constraints, there will be some areas where it is not possible to keep these existing features, which will require new landscape. Further, the three existing California fan palms to be removed from the public right-of-way to accommodate a new entry drive for the outlot retail area will be transplanted to locations along the project frontage where there are existing gaps in the row of palms. In addition to the existing trees to be retained on the site, the landscape plan indicates the planting of over 440 new trees in conjunction with the project. This will allow area for required shade trees and will meet the City of Fresno's requirement of 50% minimum shading within 15 years as defined in the City's parking lot standards and requirements. Per the requirements of Zoning Ordinance Section 12-306, the project landscaping will emphasize low and moderate water use plantings and will incorporate a water-efficient irrigation system.

Parking Lot Lighting

The proposed lighting for the Store will include various single, two- or four-light fixtures throughout the parking areas and driveway. It will have minimum 1.8 candles foot of light at parking area and minimum 1.0 candles foot of light at the perimeter drive. The height of the poles will be 39 feet with the overall height to the top of lighting fixtures being 42 feet in height including a three foot base. Style and color will match the existing poles and fixtures

Cart Storage and Containment

Cart storage areas will be interspersed throughout the parking areas and near the entrances of both grocery and general merchandise entrances. The existing Walmart store has a cart containment system. This system utilizes a locking wheel and invisible perimeter along boundaries of the property. Once the cart reaches the perimeter, the wheel locks and the cart can no longer be taken off property. The cart containment solutions combine a digitally-encoded radio frequency locking signal, embedded wire perimeter antenna, and self-braking wheel on the shopping carts. The existing system will be upgraded and modified to accommodate the expansion project. Walmart will coordinate with the City of Fresno to address these operational items.

DESCRIPTION OF EXPANSION PROJECT

Floor Plan

The expansion will add a total of 43,416 SF to the existing Walmart store. The total expanded Walmart store will be approximately 174,277 SF. This square footage includes a grocery sales area of 33,822 SF, a grocery support area of 10,218 SF, and a 2,074 SF area for food tenants and various service uses. The retail and grocery uses will have separate receiving and stock areas at the rear of the building, as well as separate loading docks.

When expanded, the Walmart store will have slightly reduced general merchandise and outdoor garden center areas, as compared to existing conditions. The Expansion Project will also eliminate the Tire Lube Express component of the existing Walmart store.

Existing Building Area	130,861 SF
Expansion Area	43,416 SF
Total Expanded Building Area	174,277 SF

General Merchandise	97,309 SF
Grocery Sales Area	33,822 SF
Grocery Support	10,218 SF
Food Tenant Areas	2,074 SF
Stockroom/Receiving	16,316 SF
Ancillary Areas (break rooms, offices, etc.)	11,161 SF
Building square footage	170,900 SF
Outdoor GC	3,377 SF
Total	174,277 SF

The floor-plan areas described above are approximate, and based on the current and anticipated plans. In order to allow for flexibility and potential future minor revisions, Walmart requests the CEQA review for the project assume the expanded store building totals 44,718 SF and the Walmart store totals approximately 179,505 SF.

Design

Walmart recognizes the quality and appropriateness of its architecture is its public face. This expansion provides Walmart the opportunity to improve the architecture of the existing store and adapt its new architectural initiative comfortably within the context of the community.

The expanded store will be single-story and utilize contemporary retail architectural design. Two new primary entrances on the front elevation, one to serve the general merchandise area and the other for the grocery sales area, will better connect with and direct its customers. Architectural elements such as trellises, canopies and articulated detailing will be used to accentuate entrance spaces and provide the customer a stronger sense of place. The front elevation has been modified to feature abundance of canopies structures and a seating area under a new shade tree, providing pedestrians a welcoming environment for entering the store or simply waiting for a ride.

The mass of the long elevation will be reduced in scale by these pedestrian spaces as well as by the breaking up of the exterior wall into actual exterior and interior spaces that serve merchandising functions as well as articulating the design. This is reinforced by the variety of the architectural

elements and the rich and varied earth tone color palette. Curved roofs, natural materials along with contemporary materials such as translucent wall panels and an abundance of transparent storefront glazing reinforce the theme of a “human scale” experience. Contrasting colors and textures not only work to break up building mass but also accentuate the up-close pedestrian experience.

The new rooftop equipment will be screened from view by its location and the design of the new parapet walls. Existing rooftop equipment will continue to be screened by both existing walls and new architecture.

The existing garden center will be reduced in size and relocated to the southwest corner of the building. It will be surrounded by an attractive masonry wall, regional store base and a painted steel fence, backed by vinyl-coated black and tan mesh shade cloth. These materials provide an opacity rating of approximately eighty-five percent (85%) and therefore visual screening of the contents inside this enclosure.

The recycle area for wood pallets and cardboard/plastic bales is located outdoors at the rear of the building and will be enclosed within masonry block walls that match the building with two steel sliding gates. This storage area will be situated a minimum of 10’ from the north property line, in order to meet compliance requirements of the Fire Department. Food related recyclables and/or waste are not stored in this area. The wooden shipping pallets are also re-used and re-distributed.

SIGNAGE MODIFICATIONS

Existing signage includes one white internally-illuminated "Walmart" sign at the entry vestibule and one non-illuminated red "Walmart" sign on the left elevation. The building also has non-illuminated department signage, which includes the following: one white "Tire & Lube" sign, two white "Lube" signs, and four white "Tires" signs

The Project will replace the existing white and red "Walmart" signs at the front with white sign that include a yellow spark. This design is more compatible with the new building color scheme and will complement the building architecture. The Project will add the following department signage: one white "Market & Pharmacy" sign; one white "Outdoor Living" sign; and one white "Home & Living" sign. The red "Walmart" sign on the left elevation and “Tire & Lube” signs will be eliminated.

The building signage after expansion will total approximately 550.44 square feet. All signs will be non-illuminated, except the primary "Walmart" signs on the front elevation, which will be internally lit by LED.

The existing pylon sign on the southwest side of the project site will not be structurally altered although the face of the sign will be replaced with a new panel and logo sign, and will include space for tenant signage.

BUILDING LIGHTING

Decorative wall lighting fixtures will be used to highlight wall areas along the front façade and below canopies at pedestrian level along the main entries and the sign wall to create a nighttime environment that promotes safe movement of pedestrian and vehicular traffic, while offering a distinctive visual aesthetic for the project and tenants. The mounting height of the exterior light fixtures may vary between building’s elements on an average of 12 feet.

Security lighting at service areas (wall packs) and legal exits will be wall mounted and will incorporate cut-off shielding as needed.

SECURITY MEASURES

Walmart will implement the following security measures in its operation of the entire store:

Continue the parking lot security patrol for the Walmart store which assists customers, ensures safety and takes action to identify and prevent any suspicious activity (such as loitering and vandalism) both during the day and nighttime hours (i.e., 24 hours per day).

Install new or replace existing closed-circuit camera systems (surveillance cameras) inside and outside the store.

Maintain the existing Risk Control Team, which is a team of associates responsible and trained to identify and correct issues; and ensure safety and security at the site.

Provide new lighting and upgrade existing lighting in the parking area to provide public safety and visibility.

Continue to prohibit consumption of alcohol in the parking lots by having associates regularly "patrol" the parking areas while collecting shopping carts, and report any inappropriate activity to the store managers. (Also, per state law, alcohol sales will be limited to the hours of 6AM to 2AM of the following day.)

STORE OPERATIONS

Hours of Operation

The proposed Walmart is proposed to operate 7 days a week and will be open 24 hours per day. (Alcohol sales would not occur between 2:00 AM and 6:00 AM per Alcohol Beverage Control Act requirements.) The existing store operating hours are 8am to 10pm daily. Although no specific tenants for the outlot retail and restaurant development have been identified, it is expected that these businesses would be open daily from morning through evening (and late evening for the restaurants) but would not be open overnight.

Employees

The Expansion Project is primarily to provide grocery use which is anticipated to provide an additional 85 employees.

Loading

The existing store utilizes 2 bays, within 1 loading dock for deliveries. The proposed expansion will provide 6 bays within 1 loading dock for general merchandise grocery. loading docks.

The Store will reduce noise impacts by providing sealed rubber gaskets at the truck docks and be enclosed with 10' screen walls (14' to bottom of truck well). Further, unloading will occur directly from the truck to the building. Also, engine idling by delivery trucks will be prohibited, in fact, Walmart truck engines shut off automatically after three minutes of idling. (If a truck includes a

refrigeration unit, the unit remains refrigerated by a motor in the front of the trailer, which sounds similar to a window A/C unit.) This will help reduce noise associated with these deliveries.

Within the outlot retail and restaurant development area in the western portion of the site, there are dedicated loading zones planned within each outparcel to serve the adjacent retail and restaurant uses.

Truck Circulation

A 30-foot-wide driveway will extend around the west and north sides of the building to provide access to the loading bay, trash compactor and bale & pallet storage area located on the northwest side, at the rear of the building. Trucks will be able to access the site via Kings Canyon Road. They will enter and exit at one location from Kings Canyon Road and travel north along the west side of the proposed Walmart to the rear of the building where the dock will be located at the northwesterly side of the property. Smaller vendor trucks will also be permitted to use the driveway along the east side of the Walmart store to gain access to the at-grade Delivery Service Doors located at the rear of the expanded store just east of the locking dock.

Truck access to the outlot retail development parcels would be via the existing central driveway and the new westerly driveway off Kings Canyon Road, which would connect to internal drive aisles providing delivery access to each building.

Deliveries

The existing Walmart store receives up to about 8 semi-trailer deliveries and up to approximately 8 smaller deliveries per day. The expansion would increase the totals up to about 11 semi-trailer deliveries and to about 12 vendor deliveries per day. Deliveries may occur anytime during the store's 24-hour per day operation, but most are expected to occur during the daytime or evening. (It is noted that the City of Fresno Municipal Code Section 12-306(L)(1)(h) restricts the hours of loading to between the hours of 8 AM and 6 PM where the loading facilities are located within 100 feet of a residential district. Since none of the project loading areas are within 100 feet of a residential district, this Municipal Code restriction on delivery hours would not apply to the project.)

In the outlot development area, the four retail buildings and two restaurants are estimated to receive an average of 8 medium truck deliveries per day, in total. Since these retailers and restaurants would not likely be open 24 hours per day, it is expected that all deliveries would occur during the daytime or early evening.

City of
FRESNO
FIRE DEPARTMENT

Date: September 03, 2009

To: BONIQUE SALINAS, Planner III
Planning and Development Department , Current Planning

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

Subject: C-04-018 - RESUBMITTAL, NOT A NEW APPLICATION - Applicant has made changes to the site plan from the last submittal of September 2007. C-04-018 has been filed by CEI Engineering, Inc., on behalf of Wal-Mart Stores, Inc. The application pertains to approximately 24.5 acres of property at, and adjacent to, 5125 East Kings Canyon Road, on the northeast corner of East Kings Canyon Road and South Adler Avenue, APN 463-050-36, 37, and 41. The site plan routed in 2007 requested authorization to expand the existing Wal-Mart store by some 90,200 square feet to create a Supercenter and establish a Type 20 ABC license at the store. The CUP also proposed the development of six retail building pads, ranging from 4,000-8,740 square feet in size, on four smaller parcels to be created by subsequent subdivision application at the southwest portion of the site, including one drive-through food-beverage outlet. The applicant has revised the CUP request. The changes included in this revision are as follows: Building is being downsized to 177,809 square feet and a 3,377 square foot outdoor garden center has been added; The elevations have been updated with new rebrand; Front parking field has been improved to address access concerns and to utilize existing trees-landscape areas and preservation of the historical palms; All of the outlots are still the same layout as 2007 version with the exception of moving the future buildings 20 feet north out of the utility easements, therefore no more relocation-impact to utilities; The Bale and Pallet storage area has been adjusted to meet fire code requirements.

General

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

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

City of



DEPARTMENT OF PUBLIC UTILITIES

Date: September 01, 2009

To: BONIQUE SALINAS, Planner III
Planning and Development Department, Current Planning

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

Subject: C-04-018 - RESUBMITTAL, NOT A NEW APPLICATION - Applicant has made changes to the site plan from the last submittal of September 2007. C-04-018 has been filed by CEI Engineering, Inc., on behalf of Wal-Mart Stores, Inc. The application pertains to approximately 24.5 acres of property at, and adjacent to, 5125 East Kings Canyon Road, on the northeast corner of East Kings Canyon Road and South Adler Avenue, APN 463-050-36, 37, and 41. The site plan routed in 2007 requested authorization to expand the existing Wal-Mart store by some 90,200 square feet to create a Supercenter and establish a Type 20 ABC license at the store. The CUP also proposed the development of six retail building pads, ranging from 4,000-8,740 square feet in size, on four smaller parcels to be created by subsequent subdivision application at the southwest portion of the site, including one drive-through food-beverage outlet. The applicant has revised the CUP request. The changes included in this revision are as follows: Building is being downsized to 177,809 square feet and a 3,377 square foot outdoor garden center has been added; The elevations have been updated with new rebrand; Front parking field has been improved to address access concerns and to utilize existing trees-landscape areas and preservation of the historical palms; All of the outlots are still the same layout as 2007 version with the exception of moving the future buildings 20 feet north out of the utility easements, therefore no more relocation-impact to utilities; The Bale and Pallet storage area has been adjusted to meet fire code requirements.

Does Project Affect Your Agency/Jurisdiction

Yes - Project will be serviced by Solid Waste Division

Suggestions to Reduce Impacts/Address Concerns

None

(It should be noted that the future development phases must be routed for Solid Waste comments prior to approval.)

Recommended Conditions of Approval

Project will be serviced by Solid Waste Division.

Maintain 60' of clearance in front of compactors and 3' on either side for loading and unloading.

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

PUBLIC AGENCY

Kevin Fabino
Planning & Development Department
City of Fresno
2600 Fresno Street
Fresno, CA 93721

DEVELOPER

STEPHEN INVESTMENTS
C/O CEI ENGINEERING ASSOCIATES, INC
4237 W. SWIFT AVE.
FRESNO, CA 93722

PROJECT NO.	<u>2004-018REV2</u>	PRELIMINARY FEE(S) (See below)	
DRAINAGE AREA	" Y " " " " "	DRAINAGE AREA	" Y " <u>\$59,199.00</u>
DATE	<u>9/2/09</u>	DRAINAGE AREA	" " " "
APN	<u>463-050-36, 37 & 41</u>	TOTAL FEE	<u>\$59,199.00</u>
		ADDRESS	<u>5125 E. KINGS CANYON RD.</u>

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through February 28, 20 10 based on the site plan submitted to the District on 08/25/09 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

- a) Fees related to undeveloped or phased portions of the project may be deferrable.
- b) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.

CUP

No. 2004-018REV2

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 2 of 4

- f) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

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

1. _____ a. Drainage from the site shall be directed to _____
 b. Grading and drainage patterns shall be as identified on Exhibit No. 1 #2
_____ c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
_____ Developer shall construct facilities as shown on Exhibit No. 1 as "Master Plan Facilities to be constructed by Developer".
 None required.
3. The following final improvement plans shall be submitted to the District for review prior to final development approval:
 Grading Plan _____ Storm Drain Plan _____ Final Map
 Street Plan _____ Water & Sewer Plan _____ Other
4. Availability of drainage facilities:
 a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City of Fresno that runoff can be safely conveyed to the Master Plan inlet(s).
_____ b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
_____ c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available. Temporary service is available through _____
_____ d. See Exhibit No. 2.
5. The proposed development:
_____ Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 3 of 4

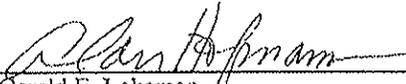
- Appears to be located within a 500 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District.
- Does not appear to be located within a flood prone area.
6. The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.
7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, approved August 1999, (modified December 2002.) A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
- b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office.) A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.

CUP
No. 2004-018REV2

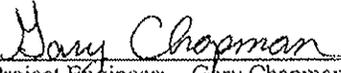
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 4

- c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. See Exhibit No. 2 for additional comments, recommendations and requirements.



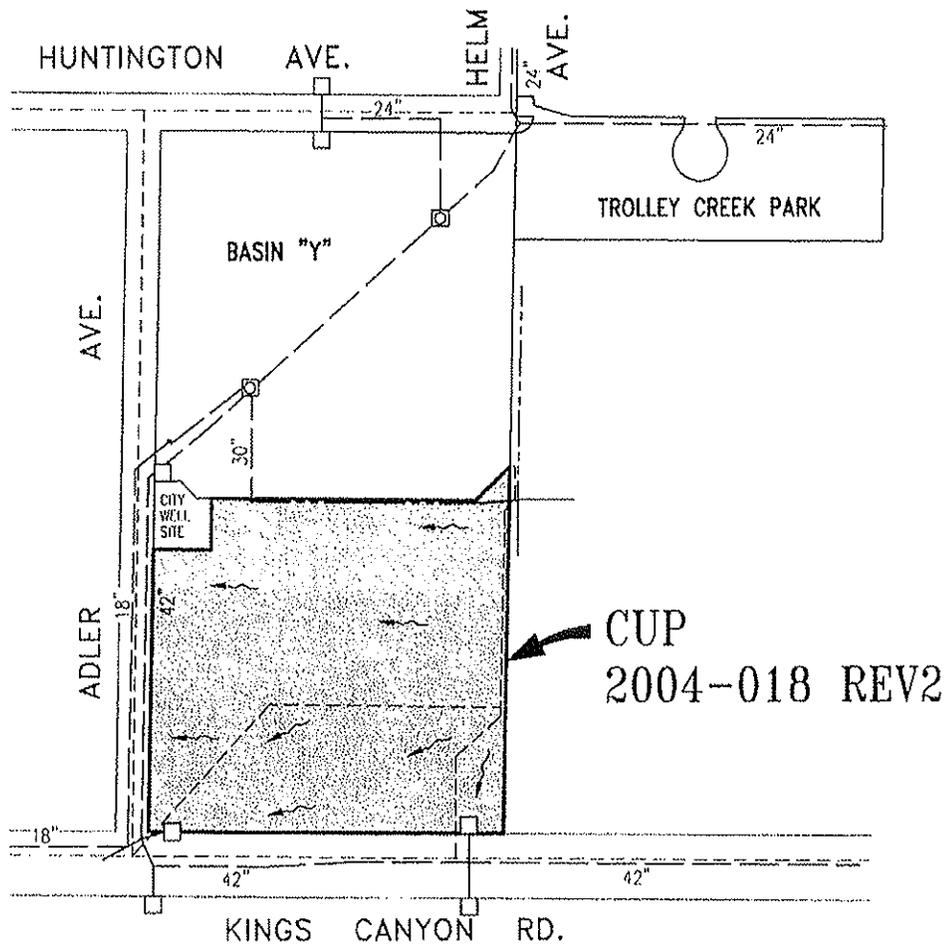
Gerald E. Lakeman,
District Engineer



Project Engineer: Gary Chapman

C: -
-
-
-

NOTE:
THIS DRAWING IS SCHEMATIC.
DISTANCES ARE APPROXIMATE.



CUP
2004-018 REV2

LEGEND

- EXISTING MASTER PLAN FACILITIES
- DIRECTION OF DRAINAGE
- INLET BOUNDARY
- EXISTING NON-MASTER PLAN FACILITIES

SCALE = 1" = 300'

CUP 2004-018 REV2
DRAINAGE AREA: "Y"



EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

OTHER REQUIREMENTS
EXHIBIT NO. 2

No surface run-off shall be directed towards the District basin.

The District recommends a single fence between the site and the District's basin. The developer should contact the District so that alternatives to a dual fence can be reviewed. If a fence other than the existing chain link fence is proposed, District review and approval of the proposed fence is required.

The District requests that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of grades at our mutual property line prior to preparing a grading plan.

In an effort to improve storm water runoff quality, outdoor storage areas shall be constructed and maintained such that material which generates contaminants will not be conveyed by runoff into the storm drain system.

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

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be directed through landscaped areas or otherwise treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas that directly connect to the District's system will not be permitted. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements are attached.

Development No. CUP 2004-018Rev2

DEPARTMENT OF PUBLIC WORKS

TO: Bonique Salinas, Planner II
Planning Division

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

DATE: September 25, 2009

SUBJECT: SITE PLAN C-04-018 FOR 5125 EAST KINGS CANYON ROAD
(APN: 463-050-36, 37 & 41)

The Department of Public Works offers the following comments regarding the landscape plan submitted by CEI Engineering on behalf of Wal-Mart Stores, Inc., dated August 7, 2009:

GENERAL REQUIREMENTS

1. The Public Works Department requires one tree per every 60 lineal feet of street frontage to be planted. There are existing historical *Washingtonia filifera* (California Fan Palm) in the parkstrip in front of this project that meet the Public Works requirements. No additional street trees are required at this time.
2. All proposed new landscaping will not interfere with the existing palm trees within the parkstrip.



August 26, 2009

Bonique Salinas
City of Fresno
Planning Division
2600 Fresno Street, Third Floor
Fresno, CA 93721

Project: CUP Application No. C-04-018
District Reference No: 20040078

Dear Ms. Salinas:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of the construction of a 51,998 square foot expansion of an existing Wal-Mart store and the addition of a 3,377 square foot garden center to the same store. In addition to these uses, four more parcels (lot 1: 8,000 sq. ft. retail and restaurant, lot 2: 7,100 sq. ft. retail, lot 3: 8,950 sq. ft. retail uses, and lot 4: 10,750 sq. ft. retail and fast food uses) will be developed in future phases. The project is located at 5125 E. Kings Canyon Road, in Fresno, CA. The District offers the following comments:

1. The project is expected to have no significant adverse impact on air quality.
2. The proposed project would be subject to District Rule 9510 (Indirect Source Review) because upon full build-out the project would exceed 2,000 square feet of commercial space.

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

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

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

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

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

last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

4. The proposed project may be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
5. The District recommends that a copy of the District's comments be provided to the project proponent.

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

If you have any questions or require further information, please call Kanya Ellington, M.S., at (559) 230-5934

Sincerely,

David Warner
Director of Permits Services


for Arnaud Marjollet
Permit Services Manager

DW: ke

Cc: File



DEPARTMENT OF PUBLIC UTILITIES



Providing Life's Essential Services

DATE: September 1, 2009

TO: BONIQUE SALINAS, Planner
Planning and Development Department, Planning Division

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

SUBJECT: SANITARY SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-04-018

General

C-04-018 - RESUBMITTAL, NOT A NEW APPLICATION - Applicant has made changes to the site plan from the last submittal of September 2007. C-04-018 has been filed by CEI Engineering, Inc., on behalf of Wal-Mart Stores, Inc. The application pertains to approximately 24.5 acres of property at, and adjacent to, 5125 East Kings Canyon Road, on the northeast corner of East Kings Canyon Road and South Adler Avenue, APN 463-050-36, 37, and 41. The site plan routed in 2007 requested authorization to expand the existing Wal-Mart store by some 90,200 square feet to create a Supercenter and establish a Type 20 ABC license at the store. The CUP also proposed the development of six retail building pads, ranging from 4,000-8,740 square feet in size, on four smaller parcels to be created by subsequent subdivision application at the southwest portion of the site, including one drive-through food-beverage outlet. The applicant has revised the CUP request. The changes included in this revision are as follows: Building is being downsized to 177,809 square feet and a 3,377 square foot outdoor garden center has been added; The elevations have been updated with new rebrand; Front parking field has been improved to address access concerns and to utilize existing trees-landscape areas and preservation of the historical palms; All of the outlots are still the same layout as 2007 version with the exception of moving the future buildings 20 feet north out of the utility easements, therefore no more relocation-impact to utilities; The Bale and Pallet storage area has been adjusted to meet fire code requirements.

Environmental Recommendations

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

Sanitary Sewer Requirements

The nearest sanitary sewer mains to serve the proposed project are an 8-inch main located in East Mono Street and an 8-inch main located in East Kings Canyon Road. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. Construct an 8-inch sanitary sewer main in North Adler Avenue from East Mono Street north across the project frontage.
2. On-site sanitary sewer facilities shall be private.
3. Separate sewer house branches are required for each lot.
4. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed additions to the City Sewer System.
5. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
6. The project developer should contact Wastewater Management Division/Environmental Services (559) 621-5100 regarding conditions of service for special users.

Sanitary Sewer Fees

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

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



DEPARTMENT OF PUBLIC UTILITIES



Providing Life's Essential Services

DATE: September 1, 2009

TO: BONIQUE SALINAS, Planner
Planning and Development Department, Planning Division

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

SUBJECT: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-04-018

General

C-04-018 - RESUBMITTAL, NOT A NEW APPLICATION - Applicant has made changes to the site plan from the last submittal of September 2007. C-04-018 has been filed by CEI Engineering, Inc., on behalf of Wal-Mart Stores, Inc. The application pertains to approximately 24.5 acres of property at, and adjacent to, 5125 East Kings Canyon Road, on the northeast corner of East Kings Canyon Road and South Adler Avenue, APN 463-050-36, 37, and 41. The site plan routed in 2007 requested authorization to expand the existing Wal-Mart store by some 90,200 square feet to create a Supercenter and establish a Type 20 ABC license at the store. The CUP also proposed the development of six retail building pads, ranging from 4,000-8,740 square feet in size, on four smaller parcels to be created by subsequent subdivision application at the southwest portion of the site, including one drive-through food-beverage outlet. The applicant has revised the CUP request. The changes included in this revision are as follows: Building is being downsized to 177,809 square feet and a 3,377 square foot outdoor garden center has been added; The elevations have been updated with new rebrand; Front parking field has been improved to address access concerns and to utilize existing trees-landscape areas and preservation of the historical palms; All of the outlots are still the same layout as 2007 version with the exception of moving the future buildings 20 feet north out of the utility easements, therefore no more relocation-impact to utilities; The Bale and Pallet storage area has been adjusted to meet fire code requirements.

Environmental Recommendations

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

Water Requirements

The water mains to serve the proposed project are a 14-inch main located in North Adler Avenue and a 12-inch main located on-site within a 30-foot public utility easement. Water facilities are available to provide service to the site subject to the following requirements:

1. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed revisions to the City Water System.
2. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications and policies.
3. All water main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the sewer main. The planting plan, for any proposed landscape within the easement, shall be approved by the Department of Public Utilities. No Trees shall be located within 8 feet of the sewer main
4. On-site water services shall be private.
5. Installation of water service(s) and meter box(es) shall be provided to each lot.

Water Fees

The following Water Connection Charges and fees shall be paid for the project.

1. Payment for installation of water service(s) and/or Meter(s) is required.
2. Water Connection Charges are due and shall be paid



DATE: ~~October 8, 2007~~ Revised August 25, 2009

TO: Bonique Salinas, Planning Division ~~Sandra Brock, Planner III~~
Planning and Development Department, Planning Division

FROM: Ann Lillie, Senior Engineering Technician
Public Works Department, Engineering Division

SUBJECT: Conditions of Approval for **C-04-018**

APN: 462-050-36, 37 and 41

ADDRESS: 5125 East Kings Canyon Road

SITE PLAN REQUIREMENTS: This site plan is incomplete. Please provide the following information prior to Building Permits:

A. General Requirements

1. **Legend:** Provide line type and utility symbols
2. **Easements:** Identify and dimension all existing and proposed easements.
3. **Scope of work:** All items shall be listed as existing, proposed or future.

B. Offsite Information:

1. **Street Improvements:** Identify existing and proposed curb, gutter, sidewalks (provide width), driveway approaches (provide width), ADA ramps (provide radius), street lights (specify if wood or metal pole), traffic signals.
2. **Street furniture:** Identify utility poles, boxes, guy wires, signs, fire hydrants, bus stop benches, trash receptacles, tree wells, etc.

C. Onsite Information:

1. **Parking Lots:** (existing and proposed)
 - a. **Disability Stalls:** Provide minimum 9' width.
 - b. **Curbs:** 6" high
 - c. **Walkways:** provide width adjacent to parking stalls (7' min)
 - d. **Directional flow of traffic:** Identify existing and proposed directional arrows
 - e. **Lighting:** Identify the location (not to be within the 3' vehicular overhang)
 - f. **parking, ramps, signage:** provide details
 - g. **Loading zones:** provide dimensions (12' x 40' min.)
 - h. **Planters:** provide planter dimensions and radii
 - i. **Paving:** per Public Works Standards P-41, P-42, P-43

D. Other Important Information:

1. **Parcel:** PM 2007-40
2. **Traffic Impact Studies:** Provide reference numbers

PUBLIC IMPROVEMENT REQUIREMENTS

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

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to **Ann Lillie at (559) 621-8690 / ann.lillie@fresno.gov**, Engineering Division, Traffic Planning Section.

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

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

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

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

Survey Monuments and Parcel Configuration

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

The parcel configuration depicted for the proposed development does not conform to record information: a **parcel map 2007-40** is required to establish this configuration **prior** to building permits. Contact the Planning and Development Department for details or submit a revised exhibit confining the proposed development within existing parcel lines.

Street Dedications and Encroachment Permits

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

The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts / Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a STREET WORK PERMIT **prior** to commencement of work. Contact the City of Fresno Public Works Department, Engineering Services Section at (559) 621-8686 for

detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

Repair all damaged and/or off grade off-site concrete improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5500.

East Kings Canyon Road: Arterial

1. Construct concrete curb and gutter to Public Works Standard **P-5**. The curb shall be constructed to a **25'** commercial pattern.
2. **Redesign and** construct a **street type** approach to Public Works Standard(s) **P-76**. **Provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches.**
3. **Redesign and** construct a **street type** approach to Public Works Standard(s) **P-77**. **Provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches.**
4. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-7** for Arterial Streets. **-OR-** show the existing street light locations on the plans, **-AND-** that they are constructed per current City of Fresno Public Works Standards.
5. ~~Relocate proposed drive approach located between retail 3 and retail 4 to the west of the left turn pocket for the Transit Village—OR—shorten the left turn pocket for the main signal entrance and extend the left turn pocket for the Transit Village.~~
6. ~~Contact Bryan Jones regarding the second proposed drive approach for additional access approval.~~
7. ~~Provide details for the drive approach at the eastern corner of the site for further review and approval.~~

Off-Street Parking Facilities and Geometrics

1. **Redesign** parking lot to conform to current City of Fresno Parking Standards.
2. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-41, P-42, P-43**.
3. Install **30"** state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a **2"** galvanized post with the bottom of the sign **7'** above ground; located behind curb and immediately behind a major street sidewalk. A "right turn only" sign is also required, at the same location, install a **30" x 36"** state standard sign immediately below the stop sign on the same post.
4. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.

Traffic Impact Study

This development will generate a total of **92** 448 a.m. / **325** 426 p.m. peak hour trips and generate a count of **3,728** 4,876 Average Daily Trips (A.D.T.), based upon the following:

Land Use	Size	Average Daily Trips (ADT)	AM Pk Hour	PM Pk Hour
Shopping Center	51,998 79,327 SF	2,233 3,406	54 82	195 298
Shopping Center	8,950 8,350 SF	384 359	10 8	33 31
Shopping Center	7,100 SF	305	7	27
Shopping Center	4,000 SF	172	5	15

Shopping Center	4,000 SF	172	5	15
Shopping Center	6,800 SF	292	7	25
Shopping Center	3,950 SF	170	4	15

A Traffic Impact Study is required. The Developer/Owner should consult with the City of Fresno Traffic Engineering Section for the scope of the Traffic Impact Study (TIS). A trip trace for the proposed project should be provided prior to consulting with the Traffic Engineering Section. The TIS shall identify the mitigation measures, which would mitigate the project and/or other related projects' significant impacts to a level of insignificance.

Note: All projects that are projected to generate 100 or more peak hour trips (AM or PM) shall prepare a Traffic Impact Study, as identified in the 2025 Fresno General Plan, Traffic Mitigation Measure **B-4, b**.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay its TSMI Fee **at the time of building permit** based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual.

Fresno Major Street Impact (FMSI) Fees:

This Map is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees.

State of California Department of Transportation (Caltrans) Fees:

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering **prior** to a Building Permit.

TRAFFIC PLANNING SUBMITTAL REQUIREMENTS FOR ALL SITE PLANS

Please Note: Detailed conditions will be provided once a detailed site plan is "officially" submitted.

Please reference Traffic Planning's requirements listed below to enable you to provide adequate information for a complete review.

A. General Requirements

1. **Legend:** Provide line type and utility symbols
2. **Sheet Size:** 24" x 36" or larger
3. **Scale:** Site plan must be drawn to scale. Use 1"= 30' or larger. Provide a north arrow.
4. **Vicinity Map:** Provide 4 major streets (1/2 square mile), north arrow
5. **Parcel of Record:** Identify the entire parcel at the time of permits and a legal description. If only a portion of an existing parcel is to be developed, a key map shall be included showing the entire parcel.
6. **Phase lines:** Identify
7. **Property Lines:** Identify and dimension existing and proposed property lines.
8. **Easements:** Identify and dimension all existing and proposed easements.
9. **Scope of work:** All items shall be listed as existing, proposed or future.

B. Offsite Information:

1. **Adjacent Streets, Freeways and Railroads:** Identify and provide the name of all adjacent streets, freeways and railroads.
2. **Section and Center Lines:** Identify all section and center lines.
3. **Dedications:** Identify all existing and proposed dedications. Provide a dimension from the section and center lines to existing and proposed property lines.
4. **Street Improvements:** Identify existing and proposed curb, gutter, sidewalks (provide width), driveway approaches (provide width), ADA ramps (provide radius), street lights (specify if wood or metal pole), traffic signals.
5. **Street furniture:** Identify utility poles, boxes, guy wires, signs, fire hydrants, bus stop benches, trash receptacles, tree wells, etc.
6. **ADA:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property.
7. **Median Islands:** Identify and specify if existing to remain, proposed or to be modified.
8. **Intersections:** If the proposed project is on street corner, provide the entire intersection on the site plan. If located on a major intersection also provide existing striping.
9. **Canals:** Identify adjacent canals and provide a proposed cross section complete with dimensions on the site plan.
10. **Vacations:** Identify and dimension all vacations.

C. Onsite Information:

1. **Buildings:** Identify and label all buildings as existing, proposed or to be removed. Provide square footage.
2. **Access:** Provide pedestrian, vehicular and service access. Identify in the operational statement the maximum size of vehicle to enter and exit the site. Provide turning templates on the site plan for all large vehicles.
3. **Parking Lots:** (existing and proposed)
 - a. **Stalls:** Provide length and width. Provide the number that are required, provided, compact and disability parking stalls. Identify the 3' vehicular overhang adjacent to continuous curbing. No obstructions shall be within the 3' overhang. (ground cover is allowable.)
 - b. **Curbs:** 6" high
 - c. **Wheel Stops:** 6" high
 - d. **Circulation Aisles:** provide widths
 - e. **Walkways:** provide width adjacent to parking stalls (7' min)
 - f. **Directional flow of traffic:** Identify existing and proposed directional arrows
 - g. **Lighting:** Identify the location (not to be within the 3' vehicular overhang)
 - h. **Disability parking, ramps, signage:** provide details
 - i. **Loading zones:** provide dimensions (12' x 40' min.)
 - j. **Planters:** provide planter dimensions and radii
 - k. **Paving:** per Public Works Standards P-41, P-42, P-43
4. **Walls or Fencing:** Identify existing and proposed walls and fences complete with location height and type of material.

D. Other Important Information:

1. **Lot Line Adjustments:** Provide reference numbers
2. **Parcel or Tract Maps:** Provide reference numbers
3. **Traffic Impact Studies:** Provide reference numbers
4. **CUP/SPR:** Identify previous entitlement numbers

TRAFFIC PLANNING

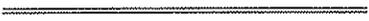
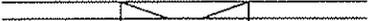
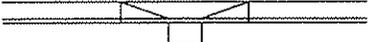
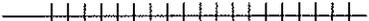
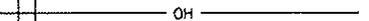
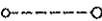
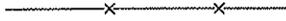
THE FOLLOWING NOTES INDICATED BY A CHECK MARK ARE ALWAYS REQUIRED ON THE SITE PLAN ADDITIONAL NOTES MAY BE REQUIRED AS APPLICABLE TO THE PROJECT:

- Any survey monuments within the area of construction shall be preserved or reset by a person licensed to practice land surveying in the State of California.
- Repair all damaged and/or off-grade concrete street improvements, as determined by the Construction Management Engineer, **prior** to occupancy.
- 2 working days before commencing excavation operations within the street right-of way and/or utility easements, all existing underground facilities shall have been located by UNDERGROUND SERVICES ALERT (USA). **CALL 1-800-642-2444**
- Contact the Public Works Department, Traffic Engineering @ 621-8800, 10 working days **prior** to any off-site concrete construction.
- Deed(s) of easement(s) for the required dedication(s) shall be prepared by the owner/developer's engineer and submitted to the City with verification of ownership **prior to issuance of Building Permits**.
- All vacations of right-of-way adjacent to application are required to be processed, **prior** to building permits. Contact Jim Polsgrove of the Public Works Department, at (559) 621-8692. A **feasibility study for all proposed vacations of existing public rights of way is required to be completed prior to building permits**.
- Underground all existing off-site overhead utilities within the limits of this application as per FMC Section 12-1011 and Reso. No. 78-522/88229.
- All existing driveway approaches which no longer provide access to approved vehicle parking areas shall be removed unless otherwise approved by the City Engineer. Such areas shall be reconstructed with curb, gutter and sidewalk to match existing adjacent street improvements. This works shall be completed and accepted **before** a Permit of Occupancy is issued or the building is occupied. **AUTHORITY FMC 11-209**
- Submit Engineered Street Construction Plans to the Public Works Department.
- Submit Street Lighting Plans to the Public Works Department, Traffic Engineering.
- All construction on State Highways must conform to both City of Fresno and State division of Highways Specifications.
- All improvements shall be constructed in accordance with the standard specifications of the city of Fresno Public Works Department or Street Construction Plans as required and approved by the City Engineer. **The performance of any work within the Public Street right-of-way (including pedestrian and public utility easements) requires a street work permit prior to commencement of work.** All required street improvements must be completed and accepted by the City **prior** to occupancy.
- The required 4' minimum path of travel shall be provided along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). **A pedestrian easement may be required if requirements are not met.**
- The applicant shall pay fair share contribution as determined by Caltrans to be collected by the City of Fresno Public Works Department Traffic Engineering **prior to a Building Permit**. **Provide verification of payment for these fees to Traffic Planning prior to Final Approval for Building Permit.**

CITY OF **FRESNO**

STANDARD SYMBOLS

ALL ITEMS SHALL BE LABELED AS EXISTING, PROPOSED OR FUTURE

	PROPERTY & RIGHT OF WAY		CONSTRUCT CONCRETE CURB, GUTTER & SIDEWALK PER PW STD P-5
	SECTION AND CENTER LINE		INSTALL ___ OF AC PAVING PER PW SPECIFICATIONS
	EXISTING CURB		CONSTRUCT CONCRETE RAMP PER PW STD P-28, R=___
	EXISTING CURB & GUTTER		CONSTRUCT DRIVEWAY APPROACH PER PW STD _____ & P-4
	PROPOSED 6' HIGH CURB		CONSTRUCT STREET TYPE APPROACH PER PW STD P-77 / P-78
	PROPOSED CURB & GUTTER		CONSTRUCT CONCRETE RAMP PER PW STD P-29
	FUTURE CURB & GUTTER		CONSTRUCT CONCRETE VALLEY GUTTER PER PW STD P-10
	PROPOSED INLET		REMOVE & REPLACE EXIST. CURB & GUTTER PER PW STD P-5
	RAILROAD TRACKS		INSTALL STREET LIGHTS PER PW STD.S
	OVERHEAD POWER OR TELEPHONE		CONSTRUCT 80' BUS BAY CURB & GUTTER PER PW STD P-73
	POWER POLE		CONSTRUCT ALLEY PAVING PER PW STD P-12
	GUY WIRE		CONSTRUCT CONCRETE ALLEY APPROACH PER PW STD P-13
	GUY POLE		INSTALL 30" STATE STD "STOP" SIGN W/ "RIGHT TURN ONLY" SIGN BELOW
	POLE WITH LIGHT (SPECIFY POLE TYPE)		INSTALL 30" STATE STD "STOP" SIGN
	TRAFFIC SIGNAL		CONSTRUCT CONCRETE BIKE/PED TRAIL PER PW STD P-59 & P-60
	POWER TOWER		INSTALL EXPRESSWAY BARRIER FENCE PER PW STD P-74 & P-75
	TREE		PROVIDE 4' WIDE UNOBSTRUCTED WALK BEHIND DRIVEWAY APPROACH RAMP
	FENCE (SPECIFY TYPE & HEIGHT)		INSTALL PARKING LOT PAVEMENT TO PW STD.S P-41,42 & 43
	SIGN		PROPOSED PAINTED DIRECTIONAL ARROWS
	FIRE HYDRANT		PROPOSED ON-SITE LIGHTING



Human Services System
Department of Community Health
Brad Maggy, Interim Director

Adult Services Department
Children & Family Services Department
Employment & Temporary Assistance Department

February 17, 2004

FA0269092
LU0009076
PE 2602

David Braun
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

RECEIVED

FEB 18 2004

DEVELOPMENT DEPARTMENT
CITY OF FRESNO

Dear Mr. Braun:

PROJECT NUMBER: C-04-018

PROJECT DESCRIPTION AND LOCATION: Request to expand existing 125,811 ± square foot Wal-Mart Store to 209,429 square feet for general merchandise, grocery, and alcoholic beverage sales; expansion of the parking lot, landscaping and irrigation system. The proposed project also includes an additional 1± acre commercial outlot, .9± acre lease lot for fueling station, and expansion and modification to the storm water retention basin. The project is located on the north side of Kings Canyon Road between South Willow and South Peach Avenues.

APN: 463-050-36,37,41,29t,31t,32t **Zoning:** C-2/BA-30 **Address:** 5125 East Kings Canyon Road

Recommended Conditions of Approval:

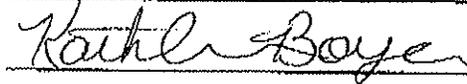
- Prior to issuance of building permits, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Community Health, Environmental Health System, for review and approval. Contact the Consumer Food Protection Program at (559) 445-3392 for more information.
- Prior to operation, the applicant shall apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- Prior to occupancy, the applicant shall amend the Hazardous Materials Business Plan on file with the Fresno County Department of Community Health, Environmental Health System. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.

David Braun
C-04-018
February 17, 2004
Page 2 of 2

- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.
- Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding any proposed installation of underground storage tanks to the Fresno County Department of Community Health, Environmental Health System. Contact the Certified Unified Program Agency, at (559) 445-3271 for more information.

REVIEWED BY:

Kathleen Boyer, Environmental Health Specialist III



(559) 445-3357

kb

cc: Baruti/Casagrande/Tolzmann, Environmental Health System
Vince Mendes, Environmental Health System (CT 29.02)
Steven Rhodes, Environmental Health System

C-04-018 Wal Mart

Bonique Salinas

From: Robert Berend
Sent: Tuesday, September 08, 2009 11:58 AM
To: Bonique Salinas
Subject: FW: C-04-018, 5125 E Kings Canyon Rd (Walmart)

From: Allen, Glenn [mailto:glallen@co.fresno.ca.us]
Sent: Tuesday, September 08, 2009 11:29 AM
To: Robert Berend
Cc: Kahl, Stephanie
Subject: RE: C-04-018, 5125 E Kings Canyon Rd (Walmart)

Robert,

I have completed the review of the subject application and have determined that comments made by this Department on February 17, 2004 remain unchanged and applicable to the proposed changes in the project. If you have any questions or comments, please feel free to contact me.

Thank you,

Glenn Allen, REHS, M.S.
Environmental Health Specialist III
County of Fresno Environmental Health Division
Phone (559) 445-3357
e-mail: glallen@co.fresno.ca.us

From: Robert Berend [mailto:Robert.Berend@fresno.gov]
Sent: Tuesday, August 25, 2009 3:12 PM
To: Mike Dages; RickH@fresnofloodcontrol.org; joanne_striebich@dot.ca.gov; Kahl, Stephanie; Allen, Glenn; ceqa@valleyair.org; sbloem@fresnoirrigation.com; Christopher Preciado; Carter, Michele - PWP; heidi.Heltne@fresnounified.org; vivian.Bourbonnais@fresnounified.org; ajs4@pge.com; Randy Dobbins; Mark Hudson
Cc: Bonique Salinas; Joann Zuniga; Robert Berend
Subject: C-04-018, 5125 E Kings Canyon Rd (Walmart)

Routing Partners:

You have been identified as the best contact to provide your department/agency's review and comments for the above referenced project. Please click the following link and download an electronic copy of the project package for your review:

Project Address: 5125 East Kings Canyon Road (APN 463-050-36, 37 and 41)

<http://m3.fresno.gov/upload/files/104697980/C-04-018,RequestforCommentsPackage.pdf> (click on bookmarks to navigate).

Our preferred method of receiving your comments is via email directly to the Routing mailbox at Routing@fresno.gov. We look forward to receiving your responses electronically and hearing any

comments/suggestions you may have. If you do not have any comments please attach your standard letter or just email Robert Berend and indicate no comments.

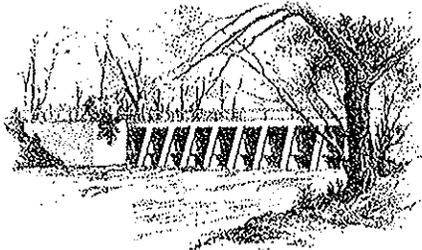
Our goal is to continuously improve the quality and completeness of our Applications so that your review is more efficient and consequently your comments are more informed.

Two additional comments: It is not necessary to also send a hard copy of your comments, and it would help us if you could name any attachments with the entitlement number & agency name. (i.e., C-09-001 Fire)

Thank you.

Robert Berend
City of Fresno Planning Division
559-621-8277

If you experience difficulty opening the document, please call or email Robert (Robert.Berend@fresno.gov) and a copy of the request for comments will be sent to your mailing address.



Your Most Valuable Resource - Water

OFFICES OF
FRESNO
IRRIGATION DISTRICT

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

September 8, 2009

Ms. Bonique Salinas
City of Fresno
Planning & Development Dept.
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: Conditional Use Permit C-04-018, N/E Kings Canyon and Adler
FID's Ventura No. 13 Pipeline

Dear Ms. Salinas:

The Fresno Irrigation District (FID) has reviewed the resubmittal of the Conditional Use Permit No. C-04-018 application filed by CEI Engineering, on behalf of Wal-Mart Stores, to allow for modifications to an existing Wal-Mart store located at the northeast corner of East Kings Canyon Road and South Adler Avenue, APN: 463-050-36, 37 and 41, and has the following comments:

1. FID's Ventura No. 13 pipeline traverses the subject property in an exclusive easement recorded on March 18, 1993 as Document No. 93038659, Official Records of Fresno County.
2. This pipeline was installed as 21-inch Corrugated Plastic Pipe (CPP) which does not meet FID's minimum standards for urban areas. FID requires the applicant replace the existing pipe with new 24-inch diameter ASTM C-361 Rubber Gasketed Reinforced Concrete Pipe (RGRCP) in accordance with FID standards and that the applicant enter into an agreement with FID for that purpose.
3. Should the pipeline be placed in a different alignment, FID will require an additional easement be granted to FID. The applicant will need to meet with FID to determine the necessary alignment and width.

BOARD OF
DIRECTORS

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

4. FID requires its easement be shown on the map with proper recording information, and that FID be made a party to signing all plans which affect its easements and pipeline facility and Iso be made party to signing the final map.
5. FID requires the applicant submit a grading and drainage plan for FID approval which shows that the proposed development will not endanger the structural integrity of the pipeline, or result in drainage patterns that will adversely affect FID or the applicant. FID also requires it review, approve and be made a party to signing all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer and Water, FMFCD, Street, Landscaping, Dry Utilities, and all other utilities.
6. FID does not allow FID owned property or easements to be in common use with public utility easements but will, in certain instances, allow its property to be in common use with landscape easements if the City of Fresno enters into an appropriate agreement with FID. FID requires all block walls and fences be located outside of its property and easements.
7. FID may have additional comments regarding the subject proposal and suggests the applicant and or the applicants engineer contact FID at their earliest convenience.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact James Shields at 233-7161 extension 319 or jshields@fresnoirrigation.com.

Sincerely,



William R. Stretch, P.E.
Chief Engineer

Attachment

cc: CEI Engineering, Applicant



FRESNO IRRIGATION DISTRICT

- Legend
- 1/2" = 100' Right of Way
 - 1/4" = 50' Right of Way
 - 1/8" = 25' Right of Way
 - 1/16" = 12.5' Right of Way
 - 1/32" = 6.25' Right of Way
 - 1/64" = 3.125' Right of Way
 - 1/128" = 1.5625' Right of Way
 - 1/256" = 0.78125' Right of Way
 - 1/512" = 0.390625' Right of Way
 - 1/1024" = 0.1953125' Right of Way
 - 1/2048" = 0.09765625' Right of Way
 - 1/4096" = 0.048828125' Right of Way
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April 5, 2011

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

Attn. Bonique Salinas, Planning Division

Re: SPECIAL PERMIT NO. C-04-018
Wal-Mart Stores
5125 E. Kings Canyon Rd.
Fresno, Ca 93727
A.P.N. 463-050-36, 37 and 41

Dear Mrs. Salinas,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at **5125 E. Kings Canyon Rd.** The property has been zoned C-2 for commercial development. The Fresno Police Department's primary concern with the application is the propensity of the operations on the premises to generate calls for police service, and therefore, be detrimental to the public welfare.

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

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, and all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,
3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding shall not apply to uses which are subject to the provisions of Section 12-306-N-39 of the Fresno Municipal Code (Regulating Adult Businesses).

Revised March 17, 2009

The conditions are established to ensure public safety, and to minimize any impact to the surrounding area. If approved, this Conditional Use Permit would allow for an **off-sale Type 21 ABC license**. We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. C-04-018. These conditions will help to insure maintain an environment that is least likely to generate criminal activity, public complaints and police calls for service.

The Fresno Police Department is not in opposition of this Conditional Use Permit, providing the applicant agrees to the listed conditions. If the following conditions are not included as conditions of approval of CUP No. C-04-018, the Fresno Police Department shall oppose the approval of this Conditional Use Permit, and shall appeal such approval to the Planning Commission. As such, we request that you provide Detective Santellano with notice of the Director's decision regarding this Conditional Use Permit as well as a complete copy of the conditions of approval, if the Director approves the Conditional Use Permit.

Requested Conditions of Approval:

1. Fresno Municipal Codes

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

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

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

2. State and Federal Law

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

- BP 24046 (Required to Post ABC License on Premises)
- BP 25612.5 (Loitering, Open Alcoholic Beverage Containers, Consuming Alcoholic Beverages on Premises, Exterior Lighting, Litter

Removal, Graffiti Removal, Signs and Barriers in Windows and Doors, Public Phones Blocked From Incoming Calls, Areas to Display Harmful Matter, Required Copies of Operating Standards Available for Public Viewing)

BP 25631 (No sale of alcoholic beverages between 2:00 a.m. and 6:00 a.m.)

BP 25665 (Minors Remaining in Public Premises)

ABC Act Rule 106 (No Buy One Get One Free Drinks)

ABC Act Rule 107 (No One Under 21 Allowed Signs Posted)

ABC Act Rule 139 (Interior Lighting Required for Identification of Patrons)

3. Video Camera

Prior to exercising any privileges granted by CUP No. C-04-018 the applicant must install a fully functional color digital video camera system ("System") that meets the following requirements:

3.1 The System must continuously record, store, be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The System must be maintained in a secured location inside of the business.

3.2 The System shall have the correct date and time stamped onto the image at all times.

3.3 The camera storage capacity should be for at least one week (seven calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.

3.4 Digital video recorder must be capable of storing at least seven days of real-time activities.

3.5 The System shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a **criminal investigation only**.

3.6 The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area. There should be at least one camera focused on the entrance and the camera view should clearly show an image of the color coded height tape installed on the inside of the door jamb.

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

3.8 All interior cameras shall record in color.

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

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

4. **ABC Education**

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

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

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

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

5. **Sale of Malt and Wine-Cooler Alcoholic Beverages**

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

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

5.3 Single Sales of any other beer product, of any size, is permitted.

6. **Wine Alcohol Per Volume**

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

7. **Non-refrigerated Alcoholic Beverages**

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

8. **Posting Property**

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

9. **Consumption of Alcoholic Beverages and Loitering.**

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

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

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

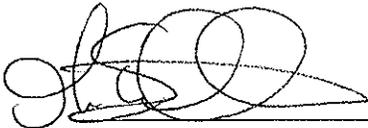
10. Property Responsibility

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

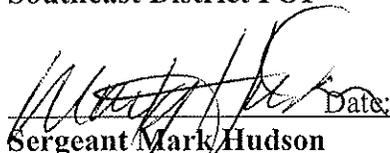
“Frequent” means response by the Fresno Police Department is occurring more than 1.5 times the average number of such responses (3 calls for every 2) for property of a similar size and character within the same policing district.

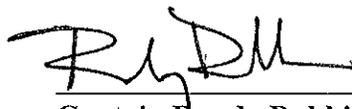
11. **The establishment shall ensure that all employees involved, either directly or indirectly, in the sale of alcoholic beverages are aware of and comply with these conditions. The establishment shall have each employee sign a written acknowledgment that he/she has reviewed and understood each of these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

FRESNO POLICE DEPARTMENT

 Date: 4/5/11

Officer Michelle Santellano
Southeast District POP

 Date: 4/5/11
Sergeant Mark Hudson
Southeast District-Det/POP

 Date: 4-12-11
Captain Randy Dobbins
Southeast District Commander

DATE: September 29, 2009

TO: BONIQUE SALINAS, Planner III
Planning & Development, Planning Division

FROM: CHRIS PRECIADO, Transit Planner II
FAX, Planning Division

SUBJECT: **C-04-08 WALMART EXPANSION, 5125 E. KINGS CANYON ROAD**

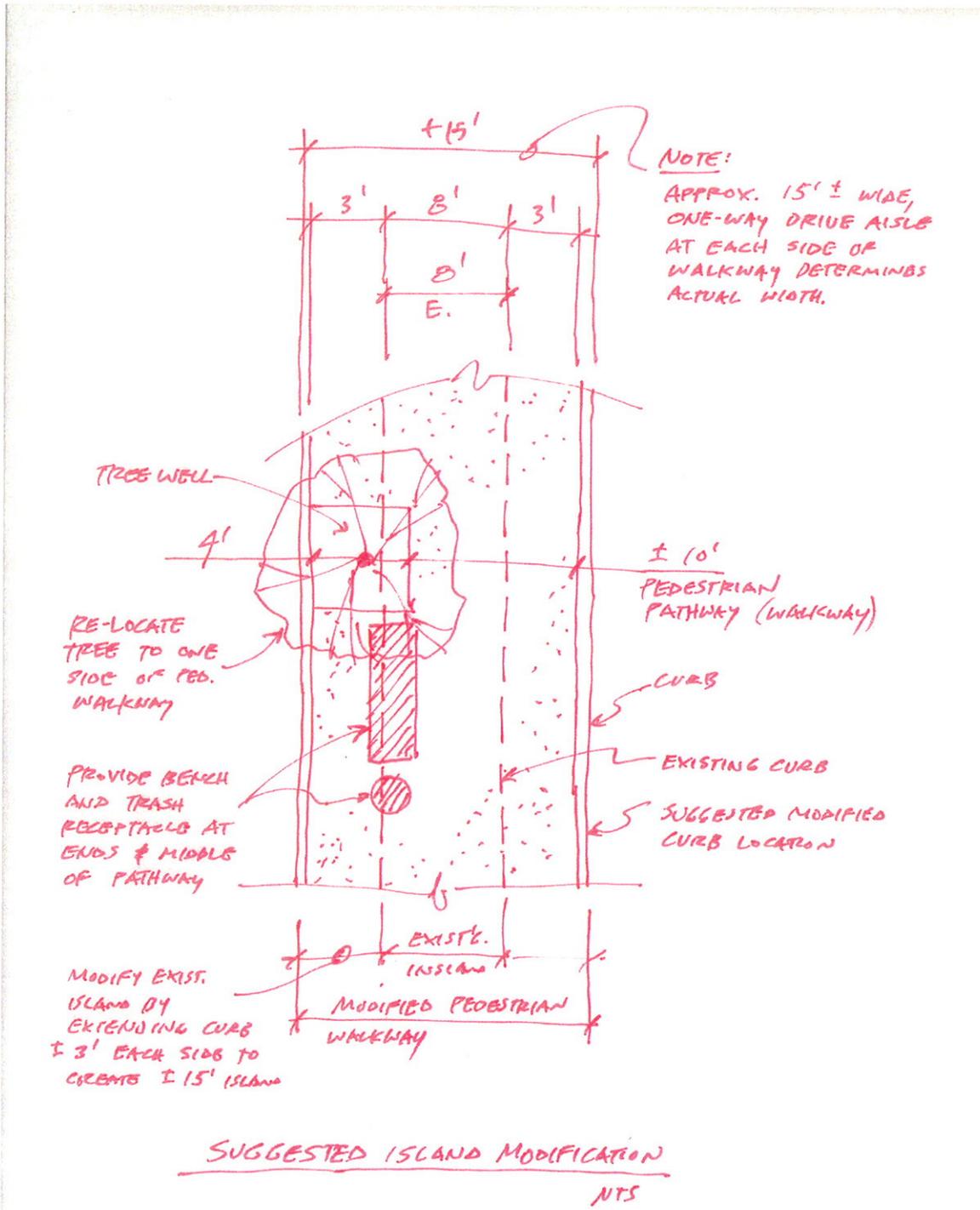
Bonique,

FAX COMMENTS:

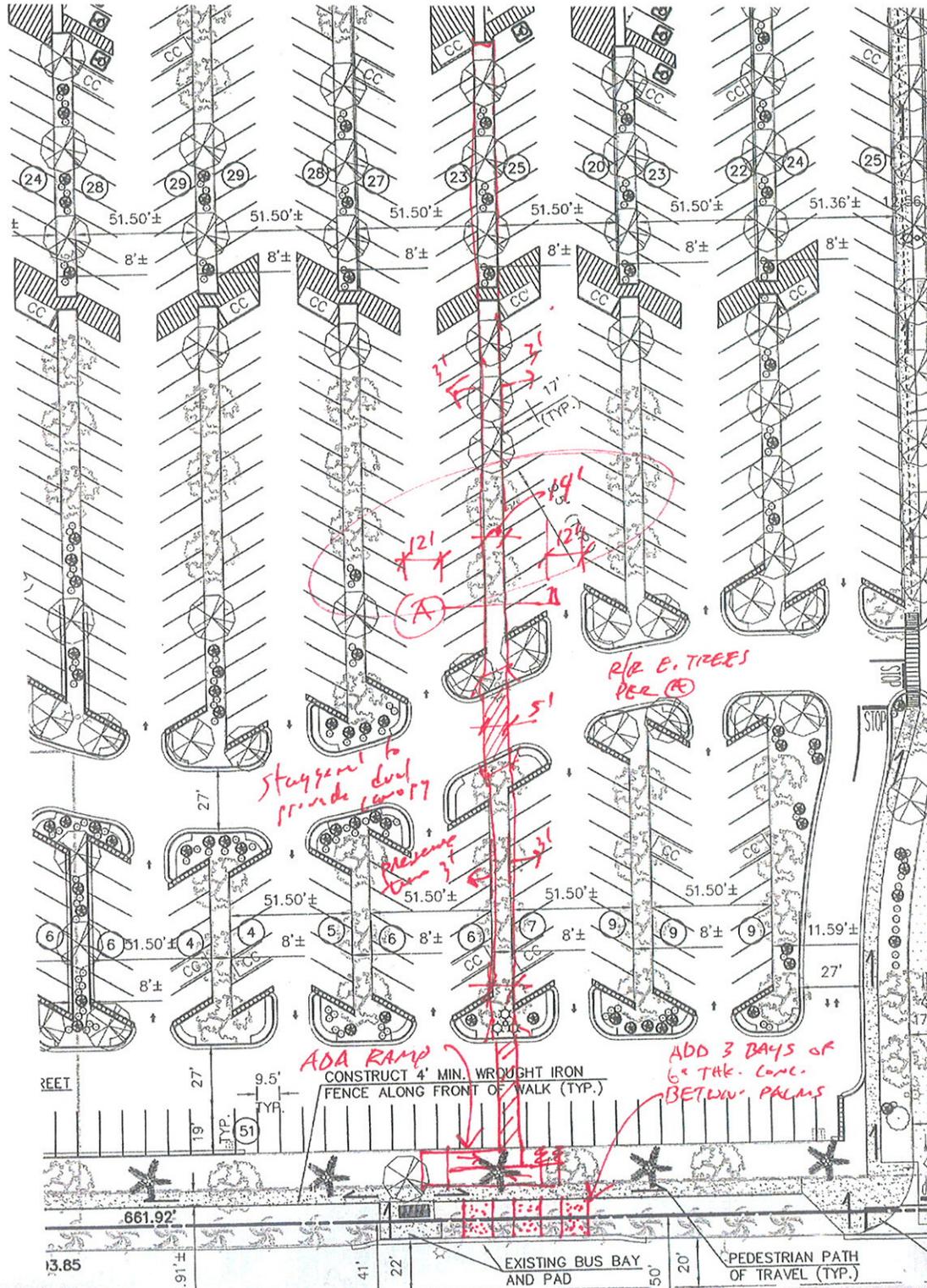
FAX has comments on this site:

1. Provide a safe pedestrian path of travel (walkway) directly from bus stop to front entrance of proposed project. The developer to have their design team reconfigure the medium island curb, relocate the medium trees, and provide pedestrian amenities (benches under tree canopy and trash receptacle near benches) to facilitate the new pedestrian walkway (see sketch 1). This walkway is to be located just east of existing bus stop. A new ADA ramp to be included in direct path requirements and to be located adjacent to existing bus stops (see sketch 2).
2. At each of the three bays, between the palm trees to the east of existing bus stop, provide 6" thick x approximately 16'-0" wide concrete pedestrian pad for transit/passenger amenities (extend concrete pad to sidewalk). Maintain a minimum of two feet from palm tree trunk (see sketch 2). At the last bay, provide electrical stub out for constant source of electricity for shelter lighting, per PW standards P-88 and E-35.

SKETCH 1:



SKETCH 2:



PERFORMANCE STANDARDS FOR PARKING LOT SHADING

Updated February 13, 2006

POLICY

Fifty percent of paved parking lots surface shall be shaded by tree canopies within fifteen years of planting (adopted by City Council policy resolution on July 12, 1988).

GENERAL

1. A "paved parking lot" shall include parking stalls, driveways, and maneuvering areas.
2. Trees planted to satisfy the requirements of these guidelines are landscaping as defined by Municipal Code and are subject to established landscaping requirements.

SITE PLAN REQUIRED

3. A landscape plan which details the degree of compliance with the Parking Lot Shade Tree Ordinance is required. The plan shall show:
 - a. All landscaped areas.
 - b. Tree canopies drawn to scale representing the estimated canopy at a fifteen year growth period.
 - c. The total area in square feet of the paved parking lot, driveways, and maneuver areas; and the area shaded by tree canopies. A schedule listing total parking area, shaded area, and the percentage of parking area shaded should be included.
 - d. A schedule of the specific names of proposed trees and their sizes.
4. Such plan shall be approved by the Planning and Development Department prior to issuance of building permits. However, the plan is encouraged to be submitted at the time of site plan review.

METHODOLOGY

5. To simplify the process of determining compliance, the true angle of deflection of natural sunlight shall not be considered. Shaded areas shall be assumed to be only those portions of a paved parking lot directly beneath the shading canopy or drip line.
6. Shading shall be provided by tree canopies except that any portion of a paved parking lot directly beneath and shaded by a man made structure (overhangs and covered parking, for instance) shall be deleted from the requirements of these performance standards and shall be subtracted from the area of the parking lot to be shaded.
7. Credit shall be given only for surface area shaded. Multiple canopies shading the same surface area will not be counted as multiple credit.
8. Landscape planters beneath the canopy may be considered as shaded parking areas for the purpose of determining compliance.
9. Where more than five trees are to be planted, mix tree species.
10. Trees planted along the perimeter of a lot may be counted as providing shade for the full area of their canopy.

11. If the degree of overlap between trees is less than 15 percent, all trees may be counted as shading 100 percent of their canopy. If the degree of overlap is 15 percent or greater, then it will be necessary to perform individual calculation to determine the area of shading.
12. A ten percent minor deviation of the shading standard may be approved by the Director in accordance with established procedures in the Municipal Code if it is found that the normal standards would impose an undue hardship.

ALLOWABLE SPECIES/CANOPY (Provided by Parks Department)

MINIMUM TREE REQUIREMENT

Provide one medium size tree for every two required parking spaces. (This requirement may be modified by the Director if the standards for shading and perimeter planting have been met.)

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 standard). Trees shall also be planted in the required landscaped areas along the periphery of the development in order to shade and enhance adjacent property and public rights-of-ways.

Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for health of the tree and public safety; or as may otherwise be approved by the Planning and Development Department.

MINIMUM PLANTER SIZE (between tiers of parking)

Continuous Planter

	<u>New Development</u>	<u>Existing Development</u>
Standard Parking Stall	<u>8 feet</u>	<u>6 feet</u>
Compact Parking Stall	<u>6 feet</u>	<u>4 feet</u>

Along Periphery 10 feet except as may be approved pursuant to Municipal Code.

MINIMUM SIGHT TRIANGLE

10 feet in traffic areas

30 – 35 feet at street intersections

100 feet at major street intersections

Trees within the triangle shall be trimmed up to eight-foot minimum above the surface of the parking lot.

Other landscaping (ground cover and shrubs) shall not exceed two and one-half feet above the parking lot surface.

CITY OF FRESNO PARKS AND RECREATION DEPARTMENT

30 feet to 35 feet diameter trees 100% = 962 square ft; 50% = 481 square ft; 25% = 240 square ft

Botanical Name	Planter Size (Sq. Ft.)	Height (Feet)	Growth Rate	Roots	Soil	Remarks
Alnus rhombifolia WHITE ALDER	6	50	Rapid	Shallow	Moist	Deciduous
Celtis sinensis CHINESE HACKBERRY	6	50	Moderate	Medium to Deep	Most Soils	Deciduous
Cinnamomum camphora CAMPHOR TREE	8	50	Slow	Shallow	Most Soils	Evergreen, attractive, shiny, yellow-green foliage
Fraxinus o. 'Raywood' RAYWOOD ASH	6	40	Fast	Medium	Most Soils	Deciduous, dark green foliage
Ginkgo biloba MAIDENHAIR TREE	6	50	Slow	Deep	Most Soils	Deciduous, very open tree
Liriodendron tulpifera TULIP TREE	8	60	Moderate	Medium	Deep Moist	Deciduous, susceptible to aphids, causes dripping
Magnolia grandiflora SOUTHERN MAGNOLIA	8	50	Slow	Medium	Most Soils	Evergreen, constant litter problem
Pistacia chinensis CHINESE PISTACHE	6	40	Moderate	Deep	Most Soils	Deciduous, provides filtered shade, excellent fall color
Platanus acerifolia LONDON PLANE TREE	8	50	Fast	Medium to Deep	Most Soils	Deciduous, anthracnose, red spider, plant bloodgood variety
Quercus agrifolia COAST LIVE OAK	8	50	Moderate	Deep	Most Soils	Evergreen, biannual acorn drop
Quercus ilex HOLLY OAK	6	50	Moderate	Deep	Deep	Evergreen, biannual heavy acorn drop
Quercus lobata VALLEY OAK	8	50	Moderate	Deep	Deep	Deciduous
Quercus suber CORK OAK	8	60	Moderate	Deep	Moist Drained	Evergreen
Quercus virginiana SOUTHERN LIVE OAK	8	60	Moderate	Deep	Most Soils	Evergreen, attractive, bright green foliage
Ulmus sempervirens CHINESE EVERGREEN ELM	6	50	Rapid	Medium	Most Soils	Semi-evergreen, should be annually trimmed
Zelkova serrata SAWLEAF ZELKOVA	8		Fast	Medium	Most Soils	Deciduous, attractive vase shape

20 feet to 30 feet diameter trees 100% = 707 square ft; 50% = 354 square ft; 25% = 177 square ft

Botanical Name	Planter Size (Sq. Ft.)	Height (Feet)	Growth Rate	Roots	Soil	Remarks
Ceratonia siliqua CAROB TREE	8	40	Moderate	Shallow	Most Soils	Evergreen, use male trees only
Koelreuteria Paniculata GOLDENRAIN TREE	6	35	Moderate	Deep	Most Soils	Deciduous, drought resistant, yellow flowers
Liquidambar styraciflua AMERICAN SWEET GUM	8	60	Moderate	Shallow	Most Soils	Deciduous, seed pods a litter problem, fall color
Pinus canariensis CANARY ISLAND PINE	6	60	Fast	Deep	Most Soils	Evergreen, conifer, bluegreen needles, shed constantly
Pinus eldarica MONDELL PINE	6	60	Fast	Deep	Most Soils	Evergreen, conifer, good color
Pyrus c. 'Bradford' BRADFORD PEAR	6	30	Fast	Deep	Most Soils	Evergreen, white flowers, good fall color
Quercus palustris PIN OAK	6	50	Fast	Shallow	Best in Clay Soil	Deciduous, brown leaves hang on during winter
Prunus c. pissardi PURPLE-LEAF PLUM	6	20	Fast	Medium	Most Soils	Deciduous, purple leaves, messy fruit
Sapium sebiferum CHINESE TALLOW TREE	6	35	Fast	Medium	Most Soils	Deciduous, surface roots, good fall color
Sequoia sempervirens COAST REDWOOD	8	70	Fast	Deep	Most Soils	Evergreen, conifer

15 feet to 20 feet diameter trees 100% = 314 square ft; 50% = 157 square ft; 25% = 79 square ft

Botanical Name	Planter Size (Sq. Ft.)	Height (Feet)	Growth Rate	Roots	Soil	Remarks
Acer palmatum JAPANESE MAPLE	4	20	Slow	Shallow	Moist Drained	Deciduous, best in afternoon shade
Cercis canadensis EASTERN REDBUD	4	20	Moderate	Medium	Most Soils	Deciduous, drought resistant, spring flowers
Maius purpurea 'Eleyi' ELEY CRABAPPLE	4	20	Moderate	Medium	Most Soils	Deciduous, wine red flowers in spring
Podocarpus gracilior FERN PINE	6	40	Moderate	Deep	Most Soils	Evergreen, clean and pest free
Pyrus Kawakami EVERGREEN PEAR	4	25	Moderate	Medium	Most Soils	Deciduous, subject to fireblight
Rhus lancea AFRICAN SUMAC	4	25	Medium	Oedius	Most Soils	Evergreen, shiny green foliage, drought, suckers

K:\WORD FORMS\Front Counter Handouts\Parking Lot Shading Standards Complete.doc

Exhibit G

Conditions of Approval for Master Sign Program No. MSP-
11-094

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

**CONDITIONS OF APPROVAL
MAY 4, 2011**

MASTER SIGN PROGRAM APPLICATION NO. MSP-2011-094

MASTER SIGN PROGRAM APPLICATION NO. MSP 11-094 FOR A PLANNED COMMERCIAL CENTER LOCATED AT THE NORTHEAST CORNER OF SOUTH ADLER AVENUE AND EAST KINGS CANYON ROAD

The above application has been reviewed under the provisions of the Sign Ordinance and Zoning Ordinance. The Planning Commission will consider approval of this Master Sign Program at a noticed public hearing on May 4, 2011 at 6pm. Staff recommends that this application be approved subject to the attached Exhibit 1 dated May 4, 2011 and attached Exhibit 2 dated September 24, 2010.

All future signs constructed and /or installed at this location will be required to comply with this Master Sign Program's conditions and criteria as addressed in the attached Exhibits and in the conditions of approval for all special permit approvals. The plans for each future sign proposed for this property shall be reviewed and signed off by the owner, or his designee, and the City prior to permit and installation. The City will charge a \$35.00 processing fee for each sign review completed under the purview of this Master Sign Program.

It is recommended that a copy of this document be provided to all applicants for signs at this location for presentation to our Public Counter Section in Room 3043, 3rd floor of Fresno City Hall as evidence of approval of this master sign program.

Also be prepared to submit 2 copies of a plot plan (8½ inch x 11 inch) of the project together with the sign specifications when applying for any required building permit(s).

Please feel free to contact the Public Counter at 559-621-8277 if you have any further questions related to sign review submittal.

Enclosure(s): Exhibits 1 and 2

EXHIBIT 1

MASTER SIGN PROGRAM APPLICATION NO. 11-084 Southeast Walmart Shopping Center Sign Requirements (APNs: 463-050-36, 37, 41)

FREESTANDING SIGN [Refer to FMC Section 12.217.5.K]

1. The maximum allowable sign area is 80 square feet.
2. The maximum allowable height is 20 feet.
3. The minimum setback from property line is: 20 feet on Shaw Avenue, and 20 feet on Golden State Blvd.
4. One freestanding sign is permitted for six hundred linear feet (600') or less of street frontage. On street frontages greater than six hundred feet (600'), one sign will be allowed for each additional six hundred feet (600') of frontage or portion exceeding three hundred linear feet (300').

MONUMENT SIGN [Refer to FMC Section 12-217.5 K]

1. One monument sign is allowed for each building which is located not more than 50 feet from Shaw Avenue and Golden State Blvd.
2. The sign shall be setback a minimum of 5 feet from the property line.
3. The maximum allowable height is 5 feet.
4. The maximum allowable sign area is 32 square feet.

FASCIA/OCCUPANCY SIGNS [Refer to FMC Section 12-217.5.K]

1. Wall signs include those affixed to a building fascia, door, or window. Wall signs shall be free of any exposed bracing and /or angle iron.
2. Window signs include any sign exposed to public view, attached, painted, or pasted, either permanently or temporarily, on the interior or exterior of a window.
3. Window signs shall not exceed 6 square feet in area and are limited to lease, sale, business identification, hours of operation, address, and emergency information only.
4. Wall signs shall not exceed ten percent (10%) of the wall area. Window signs shall be included in the sign area calculation.
5. Wall signs shall not extend above the roof line.
6. All signs shall be centered on sign fascia vertically and horizontally.
7. Wall signs shall be attached to an exterior wall or facade in which there is:
 - a. located a customer service entrance to said occupancy,
 - b. which faces a parking area serving said occupancy,
 - c. which faces a public street other than a local residential street.

DIRECTIONAL SIGNS [Refer to FMC Section 12-217.5-K]

1. The maximum sign area shall be 24 square feet.
2. The maximum sign height shall be 8 feet.
3. The minimum setbacks from property line are: 20 feet on Shaw Avenue and 20 feet on Golden State Blvd.

GENERAL REQUIREMENTS

1. Prior to fabrication or applying for City Planning and Building approval, each tenant shall submit to the property owner for approval, two (2) prints of detail drawings depicting the design, letter style, color, sizes, and locations of the proposed sign.
2. All tenant signs shall be constructed and installed by a licensed contractor certified as meeting California State Contractors licensing requirements.
3. Any tenant signs not installed properly or installed without a City permit will be removed and re-stalled properly at tenant's expense.
4. All electrical signs shall bare an underwriter's laboratory ("UL") label, and their installation must comply with all local building and electrical codes.
5. All conductors, transformers, and other requirements shall be concealed.
6. All penetrations of the building structure required for sign installation shall be neatly sealed in a watertight condition.
7. All City permits, approvals, consents and licenses, and all fees and costs for or related to signs and their installation shall be obtained and paid, as applicable, by the tenant or its representative.
8. Banners are permitted for special events announcing Grand Openings, New Management, etc., for a period of not more than 30 days if approved by the Planning and Development Director.

PROHIBITED SIGNAGE

1. Except as provided herein, no advertising placards, external displays, decorative lighting, flags, balloons, banners, pennants, names insignia, trade marks other descriptive material, shall be affixed or maintained upon either the interior or exterior glass panes and supports of the show windows or doors or upon the exterior wall of the buildings.
2. Signs on or affixed to trucks, automobiles, trailers or other vehicles which advertise, identify, or provide direction to a use or activity not related to its lawful making of deliveries of sales or merchandise or rendering of services from such vehicles is prohibited.
3. Any temporary signage located on public property (street, medians, sidewalks, traffic control sign posts, utility poles, trees, etc.)
4. Signs that include moving, swinging, rotating, flashing, animated or audible components.

EXHIBIT 2

MASTER SIGN PROGRAM APPLICATION NO. 11-084
Southeast Walmart Shopping Center Sign Requirements
(APNs: 463-050-36, 37, 41)



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STORE NO. 2001-03
Fresno, CA



Architect of Record:.....

Perkowitz + Ruth Architects
Contact: Nadia Hawatmeh
111 West Ocean Blvd., Suite 21100
Long Beach, CA 90802
Phone: 562.628.8000
Fax: 562.901.1568

Civil Engineer:

CEI Engineering Associates, Inc.
Contact: Jason Hatwig
1044 E. Herndon Ave., Suite 108
Fresno, CA 93720
Phone: (559) 447-3119
Fax: (559) 447-3129
Cell: (559) 285-5704

STORE NO. 2001-03
Fresno, CA



Purpose and Intent

To promote the quality of design desired for this Retail Project, this Sign Program establishes criteria for the design, implementation and regulation of Walmart signage, as well as site or thematic graphics for the Walmart located in Fresno, CA. Signage of high quality design and materials using appropriate colors is considered an integral part of the image and success of this Retail Project.

Walmart may utilize any or all of the sign types described herein. All signage shall comply with applicable provisions of the Zoning Ordinance and land use plans of the City of Fresno. All building and site signage shall be consistent with this Sign Program to provide a consistent and comprehensive design character.

The intent of this Sign Program is to ensure that signage for Walmart is designed and executed in a manner which will achieve the following objectives while providing desired project identification.

EXTERIOR SIGNAGE

The objectives of exterior signage are:

- To provide concise identity and information for shoppers and prospective shoppers while avoiding visual competition with the building's aesthetic or the site landscaping.
- To produce creative signage in good taste that will enhance Walmart's image while complementing the architectural and landscape design theme.
- To provide functional signage to effectively serve the needs of consumers while providing proper identification of the Walmart.
- To expedite the review and approval of Walmart's signage by providing guidelines and criteria that explain acceptable standards for the signage.

General Provisions and Specifications

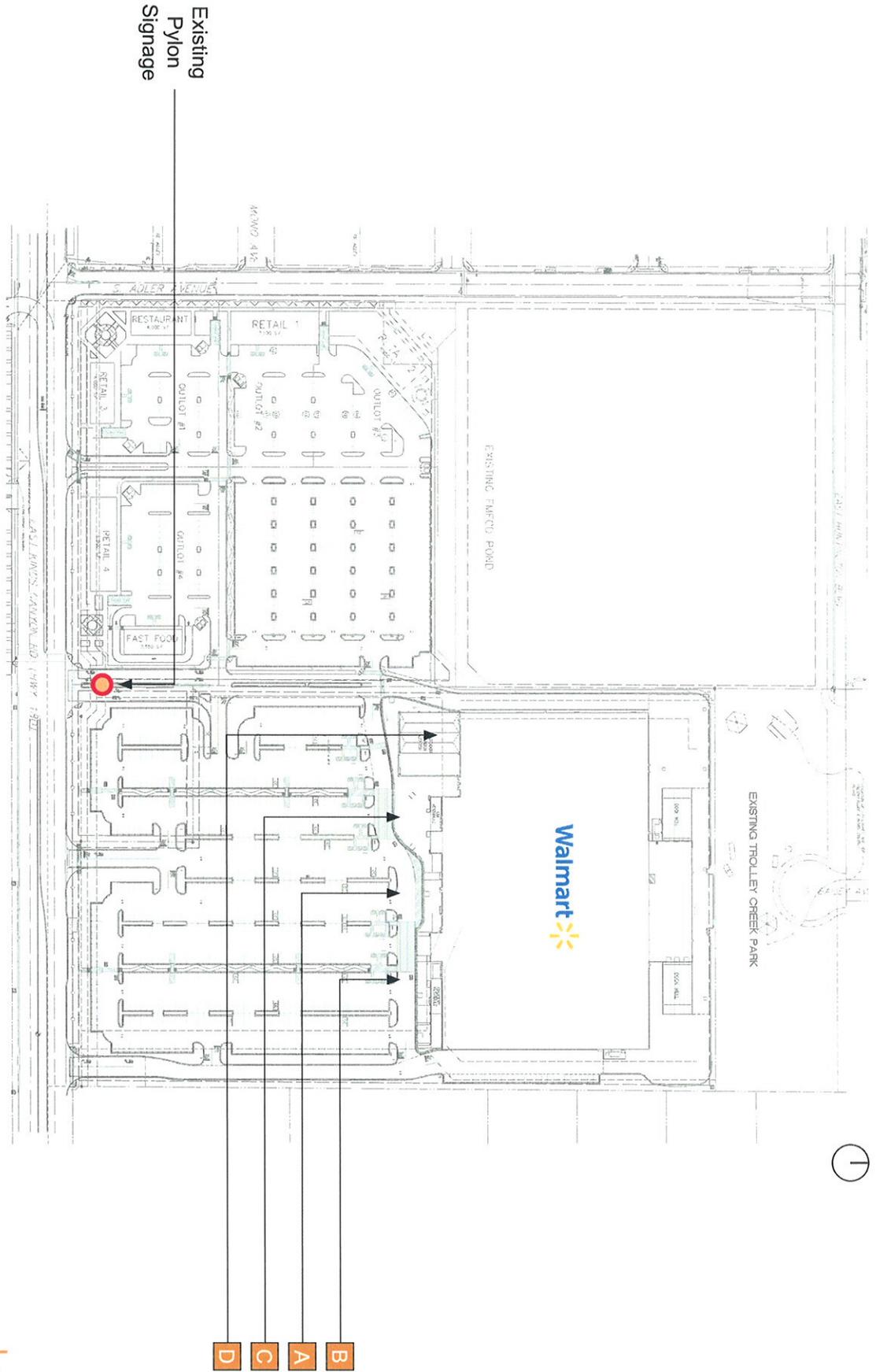
No sign shall be installed without the approval of this Sign Program by the City of Fresno.

- Signs shall meet or exceed minimum industry standards for graphic quality and shall be designed to be compatible with and complementary to the surrounding building facades. Sign fabrication work shall meet or exceed minimum industry standards for quality.
- The sign copy, color, size and design shall be consistent with this Sign Program which shall be subject to approval by the City of Fresno. Letter heights and logos, where specified, shall be determined by measuring the normal capital letter of a font exclusive of swashes, ascenders and descenders.
- Wall signs shall be affixed without visible means of attachment unless attachments make an intentional design statement and are an integral part of the design.
- Walmart's sign contractor shall repair any damage to the building caused by its work.

Construction Specifications & Miscellaneous Requirements

- All identification signs and secondary identification signs shall consist of face-illuminated individual dimensional letter forms and/or symbols (or an assembly of dimensional letter forms where Walmart's logo type is script-style letters). All letter/symbol faces shall be translucent acrylic with integral color.
- The cabinet and/or channel letters shall be constructed of 0.060 - 0.090 aluminum, with 1/8" plastic face and fastened to the wall or fascia in an approved manner. All metal shall receive a minimum of two (2) coats of primer and two (2) coats of finish paint. Metal sheet seam joints shall be joined by pop rivets. Halo lighting, LED and/or neon need secondary ground fault consistent with UL2161. All letters shall have service access to lamps, ballasts and wiring.
- All fascia signs shall be centered left to right on the fascia or building frontage and generally centered top and bottom between fascia reveals. The vertical position will vary depending on the configuration of the sign and the locations of the reveals on the sign fascia.
- Power will be provided from the site and/or building electrical panel to a junction box at all sign locations. Power connection shall be Walmart's responsibility. A time clock shall be provided by Walmart to turn off power to its wall signs. All electrical signs shall bear the Underwriters Laboratory "UL" symbol (not visible to the public view), and the installation of all electrical signs shall comply with applicable building and electrical codes. Walmart shall pay for electrical service for the signs. All conductors, transformers and other equipment shall be concealed.
- All penetrations of the building structure required for sign installation shall be neatly sealed in a watertight condition. All bolts, fastenings, clips, etc., shall be painted to match the adjacent building surface.
- All lettering shall be restricted to the "net sign area". No projection above or below the "net sign area" shall be permitted, except as otherwise approved in writing.
- Any hole or other building damage resulting from the removal of a sign shall be repaired and painted to match the building surface in the vicinity of the damage.
- Walmart shall maintain its signs in accordance with applicable City of Fresno standards and shall replace defective lights and components in a timely manner.
- All sign installers shall comply with applicable State and local statutes, regulations and ordinances, and shall possess a current, valid City of Fresno business license, and shall provide evidence of a current, valid Workman's Compensation Insurance policy.

Site Plan Indicating Signage



Existing Pylon Signage

STORE NO. 2001-03
Fresno, CA



Proposed Pylon Sign

Painted.
SW 7689 "Row House Tan"



Flexible vinyl material sign
facing, color to match pan-
tone 285c



Painted.
SW 6082 "Cobble Brown"

Proposed Panel Replacement to Existing Pylon Signage

STORE NO. 2001-03
Fresno, CA



Front - South Elevation

ILLUMINATED SIGN (I):

Configuration: Channel letters with vacuum formed face (pan-formed) anchored to building surface (concrete block or plaster). Internally illuminated with LED.
 Face: Constructed with Sanguard Weatherable Polycarbonate
 Color: White with a yellow spark
 Mounting: Anchor bolt/bracket - size to be submitted to jurisdiction for approval prior to installation.
 Minimum 3 anchors per sign



NON-ILLUMINATED SIGN (N):

Configuration: Plexiglas formed letters stud mounted to building surface (concrete block or plaster).
 Face: Constructed with Sta-Tuf Plastic
 Color: White
 Mounting: Threaded stud - size to be submitted to jurisdiction for approval prior to installation.
 Minimum 3 studs per sign.

SIGN	NAME	DIMENSION	TOTAL
A (I)	Walmart *	5'-6" x 37'-3"	298.00 sf
B (N)	Market & Pharmacy	2'-6" x 29'-8 1/2"	102.58 sf
C (N)	Home & Living	2'-6" x 21'-9 3/8"	72.62 sf
D (N)	Outdoor Living	2'-6" x 22'-7 7/8"	77.24 sf

Sign Area Sub-Total: **550.44 sf**
 Total Building Signage Area: **550.44 sf**

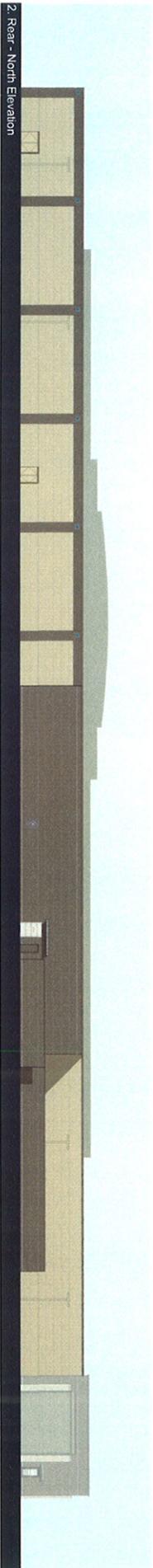
Rear - North Elevation

ILLUMINATED SIGN (I):

Configuration: Channel letters with vacuum formed face (pan-formed) anchored to building surface (concrete block or plaster). Internally illuminated with LED.
 Face: Constructed with Sanguard Weatherable Polycarbonate
 Color: White with a yellow spark
 Mounting: Anchor bolt/bracket - size to be submitted to jurisdiction for approval prior to installation.
 Minimum 3 anchors per sign

NON-ILLUMINATED SIGN (N):

Configuration: Plexiglas formed letters stud mounted to building surface (concrete block or plaster).
 Face: Constructed with Sta-Tuf Plastic
 Color: White
 Mounting: Threaded stud - size to be submitted to jurisdiction for approval prior to installation.
 Minimum 3 studs per sign.



SIGN	NAME	DIMENSION	TOTAL
N/A	N/A	N/A	N/A

Sign Area Sub-Total: **N/A sf**
 Total Building Signage Area: **550.44 sf**

STORE NO. 2001-03
 Fresno, CA



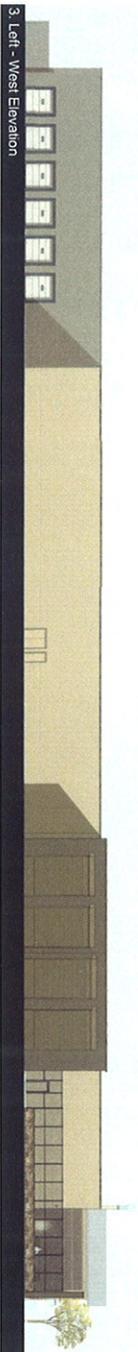
Left - West Elevation

ILLUMINATED SIGN (I):

Configuration: Channel letters with vacuum formed face (pan-formed) anchored to building surface (concrete block or plaster). Internally illuminated with LED.
 Face: Constructed with Sunguard Weatherable Polycarbonate
 Color: White with a yellow spark
 Mounting: Anchor bolt/bracket - size to be submitted to jurisdiction for approval prior to installation.
 Minimum 3 anchors per sign

NON-ILLUMINATED SIGN (N):

Configuration: Plexiglas formed letters stud mounted to building surface (concrete block or plaster).
 Face: Constructed with Sta-Tuf Plastic
 Color: White
 Mounting: Threaded stud - size to be submitted to jurisdiction for approval prior to installation.
 Minimum 3 studs per sign.



3. Left - West Elevation

SIGN	NAME	DIMENSION	TOTAL
N/A	N/A	N/A	N/A

Sign Area Sub-Total: **N/A sf**
 Total Building Signage Area: **550.44 sf**

STORE NO. 2001-03
 Fresno, CA

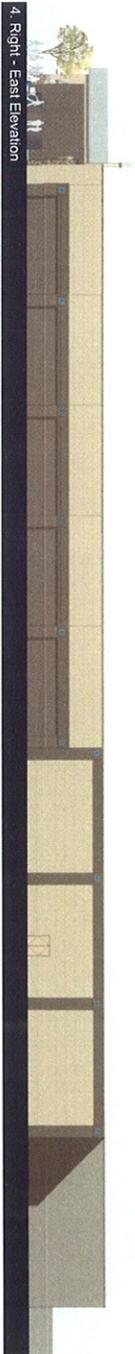


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Right - East Elevation

ILLUMINATED SIGN (I):
 Configuration: Channel letters with vacuum formed face (pan-formed) anchored to building surface (concrete block or plaster). Internally illuminated with LED.
 Face: Constructed with Sanguard Weatherable Polycarbonate
 Color: White with a yellow spark
 Mounting: Anchor bolt/bracket - size to be submitted to jurisdiction for approval prior to installation.
 Minimum 3 anchors per sign

NON-ILLUMINATED SIGN (N):
 Configuration: Plexiglas formed letters stud mounted to building surface (concrete block or plaster).
 Face: Constructed with Sta-Tuf Plastic
 Color: White
 Mounting: Threaded stud - size to be submitted to jurisdiction for approval prior to installation.
 Minimum 3 studs per sign.

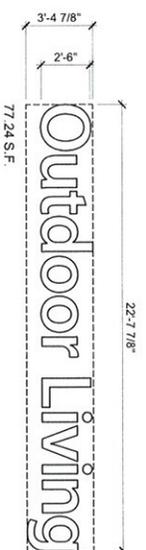
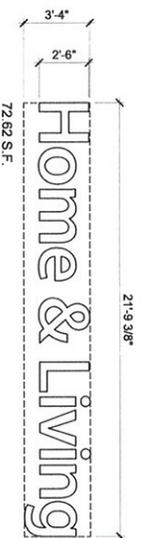
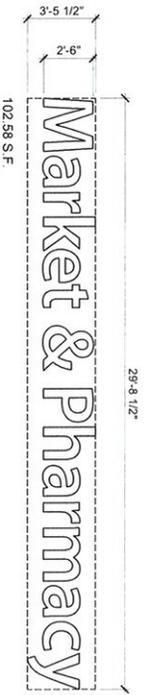
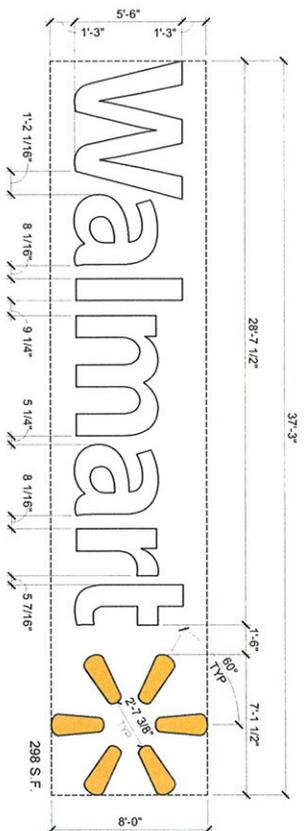


SIGN	NAME	DIMENSION	TOTAL
N/A	N/A	N/A	N/A

Sign Area Sub-Total: **N/A sf**
 Total Building Signage Area: **550.44 sf**

STORE NO. 2001-03
 Fresno, CA

Signage Details

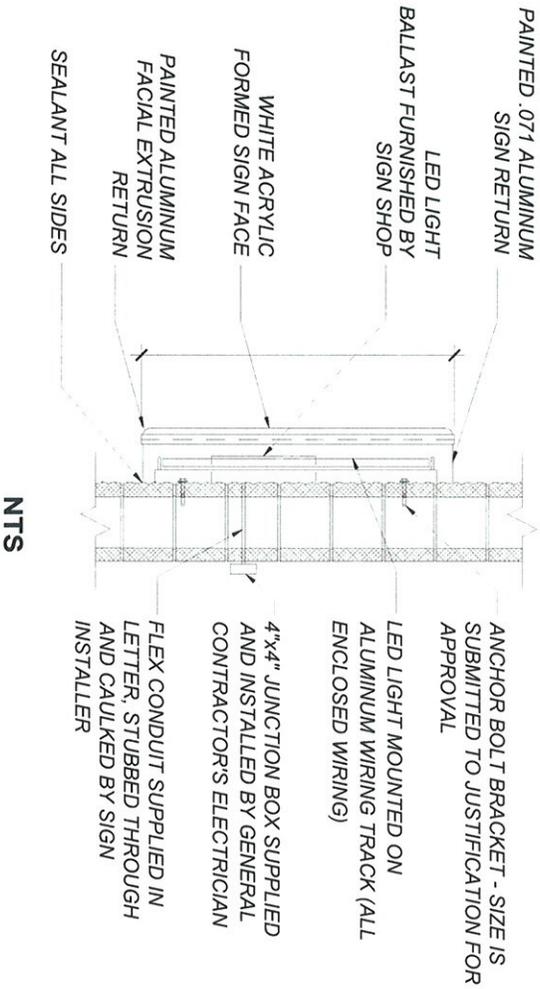


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Frasno, CA

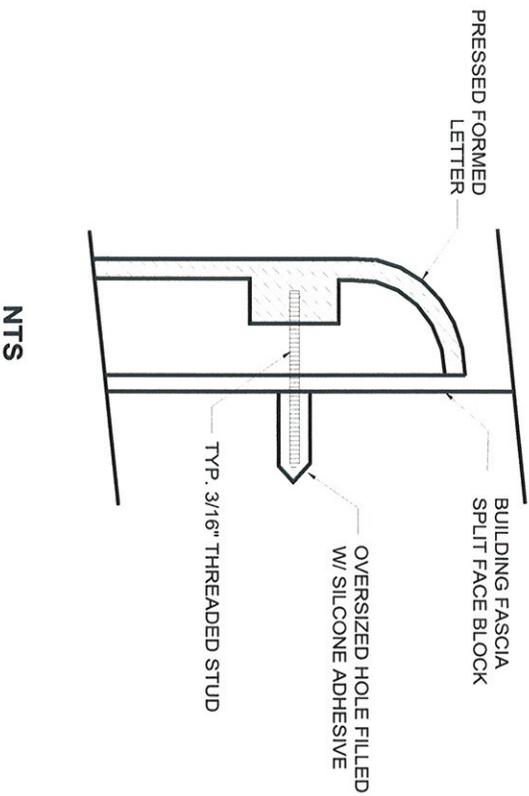


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Installation Details



Illuminated Signage Detail



Non-Illuminated Signage Detail

STORE NO. 2001-03
Fresno, CA



Exhibit H

Draft Planning Commission Resolution, which includes the following:

- Attachment A: Certification of the Final Environmental Impact Report for the Fresno Southeast Walmart Expansion Project and the City's Findings of Fact and Statement of Overriding Considerations for the Approval of the Fresno Southeast Walmart Expansion Project.
- Attachment B: Mitigation Monitoring and Reporting Program

PLANNING COMMISSION RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FRESNO, CALIFORNIA, CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 10138, SCH No. 2007091064 AS RELATED TO THE PROPOSED SOUTHEAST WALMART EXPANSION PROJECT ADOPTING FINDINGS OF FACT AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081(A) AND CEQA GUIDELINES, SECTION 15091, APPROVING A MITIGATION MONITORING PROGRAM AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081.6 AND CEQA GUIDELINES SECTION 15097, AND ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS AS REQUIRED BY PUBLIC RESOURCES CODE SEC. 21081(B) AND CEQA GUIDELINES SECTION 15093, AS RELATED TO THE PROPOSED SOUTHEAST WALMART EXPANSION

WHEREAS, in 2004 the applicant, CEI Engineering, filed with the City of Fresno EIR No. 10138, Rezone Application No. R-04-011, Conditional Use Permit No. C-04-018 and Master Sign Program No. MSP-11-094 ("Project") relating to the approximately 25 acres of property located on the northeast corner of East Kings Canyon Road and South Adler Avenue, between South Willow and South Peach Avenues ("Subject Property") and,

WHEREAS the proposed Project will be developed in two phases and will add 77,913 square feet of retail commercial square footage; and,

WHEREAS, upon submittal of the entitlement applications related to the Project, an Initial Study was performed by Environmental Consulting Services ("Consultant") under the direction of the City, as Lead Agency, which identified potentially significant unmitigatable impacts resulting from the Project and concluded that an Environmental Impact Report needed to be prepared for the Project pursuant to the provisions of CEQA; and,

WHEREAS, on September 9, 2007 , the City distributed a Notice of Preparation, pursuant to CEQA Guidelines Section 15082 and Public Resources Code Section 21080.4 providing notice of the 30-day period during which responsible agencies, trustee agencies and members of the general public could provide comments to the City regarding the scope of the proposed EIR; and,

WHEREAS, on September 19, 2007 , the City conducted a public scoping meeting on the Project during which it received comments from regarding the scope of the proposed EIR; and,

WHEREAS, on December 6, 2010, the City provided Notice of Availability of the draft EIR for the project dated December 2010 ("Draft EIR"), for public comments pursuant to Public Resources Code Section 21092 and CEQA Guidelines Section 15087 which noticed the public that they had 45

days to provide comments; and,

WHEREAS, on December 6, 2010, the city issued a Notice of Completion pursuant to Public Resources Code Section 21161 and CEQA Guidelines Section 15085; and,

WHEREAS, for 45 days following the date of publication of the Notice of Availability and Notice of Completion, the public was given opportunity to comment, in writing, on the adequacy of the Draft EIR as an informational document; and,

WHEREAS, at the conclusion of the 45-day public review and comment period related to the Draft EIR, the City caused the preparation of a Final EIR dated April 2011 ("Final EIR" or "FEIR") pursuant to CEQA Guidelines Sections 15088, 15089 and 15132 which included the Draft EIR, Re-circulated EIR, responses to public comments on the Draft EIR and Re-circulated EIR, and minor corrections; and,

WHEREAS, pursuant to Section 21092.5 of CEQA, on April 22, 2011, the City mailed written responses to comments to all public agencies as well as private parties that commented on the Draft EIR No. 10138; and,

WHEREAS, pursuant to CEQA Guidelines Section 15132, the Final EIR No. 10138 is required to be completed in compliance with CEQA; and,

WHEREAS, on May 4, 2011, the Planning Commission conducted a public hearing and considered the record of proceedings for the EIR, which includes, but is not limited to the following:

- (1) The Notice of Preparation for the Project (the "NOP"), and all other public notices issued by the City in connection with the Project;
- (2) The Final EIR dated April 2011;
- (3) The Draft EIR dated December, 2010;
- (4) All written comments submitted by agencies or members of the public during any public review comment period on the Draft and Re-circulated EIR;
- (5) All written and verbal public testimony presented during a noticed public hearing for the Project at which such testimony was taken, including without limitation, the Report to Planning Commission, including all attachments, any all presentations by City staff, the City's consultants, the applicant and the applicant's consultants, the public, and any other interested party; and
- (6) The Mitigation Monitoring and Reporting Program for the Project (the "MMRP");

- (7) The reports, studies and technical memoranda included and/or referenced in the DEIR and the FEIR and or their appendices;
- (8) All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and the FEIR;
- (9) All Resolutions presented to and/or adopted by the City in connection with the Project; and all documents incorporated by reference therein, specifically including, but not limited to, this resolution and all of its exhibits;
- (10) Matters of common knowledge to the City, including but not limited, to federal, state, and local laws and regulations, adopted City plans, policies (including but not limited to the 2025 Fresno General Plan, the Roosevelt Community Plan, the Butler-Willow Specific Plan and the MEIR), and the professional qualifications of its staff members;
- (11) Any documents expressly cited in this Resolution and its exhibits and/or the Report to Planning Commission; and
- (12) Any other relevant materials required to be in the record of proceedings under Section 21167.6(e) of the Public Resources Code.

and,

WHEREAS, on May 4, 2011 the City Planning Commission considered and discussed the adequacy of the proposed Final EIR as an informational document and applied its own independent judgment and analysis to the review and hereby desires to take action to certify the Final EIR, as having been completed in compliance with CEQA, based on the findings found herein and further detailed in Attachment A hereto; and

WHEREAS, CEQA requires in Public Resources Section 21081 the following:

§ 21081. Findings necessary for approval of project

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers,

make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

WHEREAS, CEQA guidelines require the following for certification of a final environmental impact report:

Section 15090. Certification of the Final EIR.

(a) Prior to approving a project the lead agency shall certify that:

(1) The final EIR has been completed in compliance with CEQA;

(2) The final EIR was presented to the decision making body of the lead agency and that the decision making body reviewed and considered the information contained in the final EIR prior to approving the project; and

(3) The final EIR reflects the lead agency's independent judgment and analysis.

Section 15091. Findings.

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Section 15092. Approval.

(a) After considering the final EIR and in conjunction with making findings under Section 15091, the lead agency may decide whether or how to approve or carry out the project.

(b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:

(1) The project as approved will not have a significant effect on the environment, or

(2) The agency has:

(A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and

(B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

(c) With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

Section 15093. Statement of Overriding Considerations.

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.
3. Compliance with CEQA. The Final EIR, dated April 2011 which is incorporated herein by this reference (including the Draft EIR No. 10138 dated December 2010 and related appendices, Errata sheets, and Responses to Comments) was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA).
4. FEIR Reviewed and Considered. The Planning Commission certifies that the FEIR:
 - (a) has been completed in compliance with CEQA;
 - (b) was presented to the Planning Commission and that the Commission has reviewed and considered the information contained in the FEIR prior to approval of the Project, and all of the information contained therein has substantially influenced all aspects of the decision by the Council; and
 - (c) reflects Council's independent judgment and analysis.
5. Findings Regarding Significant Effects.

Planning Commission finds that the FEIR identified several significant effects of the Project. Pursuant to Section 21081(a) and CEQA Guideline section 15091, Council makes the following findings:

(a) Findings Regarding Potentially Significant But Mitigable Effects.

The Planning Commission finds, based upon substantial evidence in the record of proceedings, that with regard to the effects in **Attachment A (Part IV.B)** to this resolution, (titled "Impacts and Mitigation Measures"), which is hereby adopted and incorporated herein by reference, changes have been required in, or incorporated into, the project through the imposition of mitigation measures in the MMRP, which mitigate or avoid the significant effects on the environment. Planning Commission finds that to the extent that any of the mitigation measures are within the responsibility and jurisdiction of another public agency and not the City, those mitigation measures can and will be adopted and imposed by the other agency based on state and/or federal law, communications by those agencies, and/or existing policies and/or intergovernmental relationships with those agencies.

(b) Findings Regarding Unavoidable Significant Impacts.

The Council finds, based upon substantial evidence in the records of proceedings, that with regard to the effects described in **Attachment A (Part V.A)** to this resolution, (titled

"Impacts that Remain Significant"), which is hereby adopted and incorporated herein by reference, that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the FEIR, including based upon the findings in **Attachment A (Part V.A)** to this resolution (titled "Impacts that Remain Significant"), which is hereby adopted and incorporated herein by reference. Therefore, those impacts are found to be significant and unavoidable.

7. Alternatives. The Planning Commission adopts the Findings of Fact rejecting Project Alternatives, attached hereto as **Attachment A (Part IV.F)** and incorporated herein by this reference
8. Statement of Overriding Considerations. The Planning Commission adopts the Statement of Overriding Considerations, attached hereto as **Attachment A (Part V.B)**, which is incorporated herein by this reference, and finds that each of the Significant and Unavoidable impacts identified may be considered acceptable.
9. Mitigation Monitoring. Pursuant to Public Resources Code Section 21081.6, the mitigation monitoring and reporting program dated April 2010 ("MMRP") set forth in **Attachment A, and referred to as Exhibit "B" thereto** is hereby adopted and incorporated herein by this reference to ensure that all mitigation measures adopted for the Project are fully implemented. Additionally, compliance by the applicant with the MMRP will be made a condition of approval on CUP No. C-04-018.
10. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Fresno, City Hall, 2600 Fresno Street, Fresno, California 93721 which shall be held by the City Clerk as the custodian of the documents; all other record of proceedings shall be kept with the Development and Resource Management Department and the Director of the Development and Resource Management Department shall be the custodian of the documents.
11. Certification. Based on the above facts, findings and its own independent judgment, the Planning Commission of the City of Fresno certifies the FEIR dated April 2010 for the Project as accurate and adequate. The Planning Commission further certifies that the FEIR was completed in compliance with CEQA and the CEQA Guidelines. The Director of the Development and Resource Management Department is directed to file a Notice of Determination as required by the Public Resources Code and CEQA Guidelines.

- Exhibits:
- Attachment A: Certification of the Final Environmental Impact Report for the Fresno Southeast Walmart Expansion Project and the City's Findings of Fact and Statement of Overriding Considerations for the Approval of the Fresno Southeast Walmart Expansion Project.
 - Attachment B: Mitigation Monitoring and Reporting Program

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno at a regular meeting held on the _____ day of 2010.

AYES:
NOES:
ABSENT:
ABSTAIN:

REBECCA E. KLISCH
City Clerk

By _____

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By _____
John Fox, Senior Deputy Attorney

Resolution No.
Application No. EIR No. 10138
Filed by CEI Engineering
Action:

ATTACHMENT A: CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE FRESNO SOUTHEAST WALMART EXPANSION PROJECT AND THE CITY'S FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE APPROVAL OF THE FRESNO SOUTHEAST WALMART EXPANSION PROJECT

I. INTRODUCTION

The City of Fresno, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 *et seq.*) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000-15387) (collectively, "CEQA"), has completed the Final Environmental Impact Report ("Final EIR" or "EIR") for the Fresno Southeast Walmart Expansion Project (hereinafter, "Project").

On May 4, 2011 at a public noticed meeting, the Planning Commission considered the Project and took the following discretionary actions to approve the Project: recommendation for approval of Zone Change (Rezone) Application No. R-04-011, approval of Conditional Use Permit No. C-04-018, and approval of Master Sign Program (collectively, "Associated Approvals").

This document embodies the Planning Commission's approval of the Associated Approvals and contains its certification of the Final EIR, its Findings of Fact under CEQA, and its Statement of Overriding Considerations in approving the Project.

The document is organized into the following sections:

- A. Section I, "**Introduction**," provides an Introduction to the Document.
- B. Section II, "**Project Description**," provides a summary of the Project, a statement of the Project Objectives, the alternatives considered in the Final EIR, and an overview of the Record of Proceedings for approval of the Project.
- C. Section III, "**Certification of the Final EIR**," sets forth the City's findings in support of certification of the Final EIR.
- D. Section IV sets forth the **Findings** required under CEQA, as follows:
 - 1. Part IV.A: Findings regarding the environmental review process and the contents of the Final EIR.
 - 2. Part IV.B: Findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval.
 - 3. Parts IV.C and IV.D: Findings regarding alternatives discussed in the Final EIR and the reasons that such alternatives to the Project are not approved.

4. Part IV.E: Findings Regarding Project Alternatives Scoped-Out of the EIR.
5. Part IV.F: Findings Regarding Adequacy of Range of Alternatives.
6. Part IV.G: Description of the Mitigation Monitoring and Reporting Program (“MMRP”) for the Project.
7. Part IV.H: Summary of the findings and determinations regarding the Project.

E. Section V, “**Statement of Overriding Considerations,**” sets forth the substantial benefits of the Project that outweigh and override the Project’s significant and unavoidable impacts, such that the impacts are considered acceptable.

II. PROJECT DESCRIPTION

A. Project Components, Operational Features, and Development

The Project consists of the following two main development phases which will occur on 9.7 acres of currently vacant land existing at the Walmart store site:

(1) Expansion and remodeling of the existing Walmart store on approximately 2 acres of vacant land to add 43,113 square feet of floor area that will be utilized by an expanded grocery sales and related support area; the expansion also includes, among other things, a new architectural façade for the entire Walmart store, additional landscaping, sustainable, energy-saving features, improved pedestrian access and reconfigured parking lot areas;

(2) Development of 5.69 acres of vacant land located southwest of the store with 34,800 square feet of leasable floor area located in four retail buildings, two restaurants, and associated parking areas. The EIR evaluated the impacts of both development phases occurring at the same time for the most conservative analysis, even though their simultaneous development is unlikely to occur. The total Project size is 77,913 square feet.

1. Project Site.

a. The site of the Project consists of three parcels totaling approximately 24.9 acres (APN Nos. 463-050-36, -37, and -41) located at 5125 E. Kings Canyon Road (i.e., on the north side of East Kings Canyon Road between South Peach and South Adler Avenues) in southeast Fresno (“Project site,” or “site”).

b. The Project site currently consists of an existing, 131,164 square-foot Walmart store, parking areas, loading areas, and landscaping on approximately 15.2 acres in the northern and eastern portions of the site. The remainder of the Project site currently

consists of approximately 9.7 acres of vacant land in the western and southwestern portions of the site. This vacant land is covered with non-native grasses and weedy vegetation, and there are no significant trees or other notable vegetation in the vacant area of the site. However, a near-continuous row of 46 mature California fan palms runs along the Kings Canyon Road frontage just outside the Project boundary, in the public right-of-way. The aforementioned conditions also existed at the time of the Notice of Preparation prepared for the Project.

c. The lands surrounding the Project site are almost entirely urbanized with a mixture of residential, commercial, and public facility uses. Directly northwest of the site is an approximately 10-acre ponding basin, which is a multi-use facility operated by the Fresno Metropolitan Flood Control District (FMFCD) for storm water detention, groundwater recharge, and passive recreation. To the north is the adjacent Trolley Creek Park, a relatively new park also owned and operated by FMFCD, beyond which is an unincorporated County island with low-density residential development. The lands adjacent to the east of the Project site are developed with single-family and multi-family residential uses, beyond which lies commercial retail development at the intersection of Peach Avenue and Kings Canyon Road, including a WinCo shopping center at the southwest corner. Directly to the south of the existing Walmart is a multi-family residential complex. Directly south of the undeveloped western portion of the Project is the site of the planned Transit Village which will include a transit hub and multi-family residential development. Further to the south are an elementary school and the large office complex of the Internal Revenue Service. The lands to the west of the Project site, across Adler Avenue, consist of a single-family residential neighborhood with medical office building at the northwest corner of Adler Avenue and Kings Canyon Road.

2. Expanded Walmart Store.

The Project includes the expansion of the existing 131,164 square-foot Walmart store at 5125 E. Kings Canyon Road by 43,113 square feet. The expansion component of this Project will increase the total Walmart store floor area to 174,277 square feet (including the outdoor garden center portion of the store).

For purposes of the EIR analyses, the 174,277 square foot number was rounded up to 183,000. This was done to provide flexibility for minor adjustments during the planning and environmental review process, and to allow for any minor adjustments during the project's post-approval construction and design drawing phase.

The project-related square footages used in the EIR depend on the context (i.e., the traffic analysis excludes the outdoor garden center in accordance with ITE standards) but all numbers used in the text are consistent with Draft EIR, Table 2.

The Associated Approvals are based upon the actual square footages proposed for the Walmart expansion as depicted in Table 2, which is included herein, as follows:

TABLE 2

WALMART EXPANSION SUMMARY
(IN SQUARE FEET)

	1	2	3	4	5
	Existing Store	Expanded Store (Per Plans)	Expansion Area (Per Plans)	Expanded Store (Rounded Up for EIR)	Expansion Area (Rounded Up for EIR) = "PROJECT"
General Merchandise Sales, Stockroom, and Receiving	107,090	108,543	1,453	111,728	4,638
Grocery Sales/Support, Stockroom/Receiving	647	49,122	48,475	54,950	54,303
Fast-Food Tenant Area	1,705	2,074	369	2,087	382
Ancillary Area	11,199	11,161	-138	11,235	36
Tire & Lube Express	5,170	0	-5,170	0	-5,170
Total Building Interior	125,811	170,900	45,089	180,000	54,189
Outdoor Garden Center	5,353	3,377	-1,976	3,377	-1,976
Grand Total	131,164	174,277	43,113	183,377	52,213

Sources: CEI Engineering Associates and Perkowitz + Ruth Architects

a. The primary departments included in the expansion are grocery sales and support and general merchandise, with the remaining additional floor area distributed among a number of smaller departments and tenant spaces such as a pharmacy, vision center, medical clinic, portrait studio, and fast-food restaurant (McDonald's). The medical clinic, if included, would be operated by a licensed medical provider and would offer basic services such as check-ups; it would not offer more advanced services such as surgical procedures. The Project also includes the removal of the tire and lube ("TLE") center which currently occupies 5,170 square feet, and the reduction of the outdoor garden center by 1,976 square feet.

b. It is the removal of the 5,170 square foot TLE that enables the expansion's grocery component to total 48,475 square feet, while the size of the Walmart store's expansion is only 43,113 square feet.

c. It is noted that the Expanded Store's grocery component will total 49,122, which includes the existing grocery sales area of 647 square feet that part of the existing environment, referred to under CEQA as the "environmental baseline."

d. While the expansion approved by the Planning Commission comprises 43,113 square feet, as noted above, the Final EIR evaluates the environmental impacts of building a store encompassing 183,377 square feet, representing an expansion of 52,213 square feet. In Section IV.2, below, the City makes findings regarding the reasons a larger area became subject to analysis, and the inconsequential environmental implications of approving an expansion that may include reduced area vis-à-vis the expansion area studied in the Final EIR.

e. The expanded Walmart store will include a reconfiguration and expansion of the loading dock facilities. The existing loading dock at the northwest corner of the existing building will be replaced with a total of six loading bays at the northwest corner of the expanded store. The expanded loading dock is planned to be used for both general merchandise and grocery deliveries. Each loading bay will measure 85 feet by 50 feet and will be sloped downward toward the loading doors to a depth of about four feet. Thus the floor elevation of the store will match the trailer floor level to facilitate unloading of merchandise pallets by fork lifts directly into the building. Each bay door will be equipped with rubber gaskets which will provide a seal with the back of the trailers to reduce noise. The ramp down to the loading doors will have 10-foot high masonry walls constructed on both sides to further reduce noise impacts.

f. Some changes to the outdoor areas also are planned as part of the expansion. The existing trash compactor located on the north side of the existing loading dock will be moved northward alongside the new rear building wall and just east of the expanded loading dock. The existing areas for outdoor storage of wooden shipping pallets and bales of recycled cardboard and plastic will be moved to an enclosed area at the rear site boundary, to the northeast of the expanded loading dock.

g. A number of new screenwalls are planned as part of the Project. As noted above, the expanded loading dock at the northwest corner of the expanded Walmart building will include a 10-foot high masonry block wall along the north side of the truck well to block noise and provide visual screening. (Currently, there is no screenwall along the existing loading dock.) The pallet and bale storage area near the north site boundary will be enclosed by a 10-foot masonry block wall along the west, north and east sides, and on the south side by steel fencing with two sliding steel gates to provide security. The existing 6-foot high masonry block wall which runs along the eastern Project boundary will be retained. A new 8-foot high masonry block wall will be constructed along the north site boundary behind the Walmart store to provide visual and noise screening for the adjacent Trolley Creek Park.

h. Additional parking areas for the expanded Walmart store will be constructed to the southwest of the expanded store. The existing parking area on the south side of the store will undergo modifications to accommodate the expanded store and provide additional handicapped stalls, and will include a new east-west connecting aisle. The Site Plan for the Project depicts an expanded and reconfigured Walmart parking lot that provides

a total of 898 parking spaces, including 24 accessible spaces, to serve the expanded store. The Site Plan for the Project shows 40 stalls that are designated for cart corrals within the Walmart parking areas. However, these stalls are not counted as parking stalls in the 898 total parking spaces cited above. In addition, approximately 30 parking stalls would occasionally be used by Walmart for seasonal sales. However, such seasonal sales are subject to the approval of the City of Fresno on a case-by-case basis, and the City would consider the effect on seasonal parking demand in its decision to grant a seasonal sales permit.

i. The expanded Walmart will be open for business 24 hours per day, seven days per week. (Alcohol sales would not occur between 2:00 AM and 6:00 AM per Alcohol Beverage Control Act requirements.) The existing store hours are 8 AM to 10 PM daily. The sale of alcohol under a Type 21 license is subject to all conditions set forth in the April 5, 2011 memo from the Fresno Police Department to the City's Planning and Development Department. These conditions are imposed on the Project as conditions of the Conditional Use Permit's approval.

j. The existing Walmart store receives up to about 8 semi-trailer deliveries and up to approximately 8 smaller deliveries per day. The expansion would increase the totals up to about 11 semi-trailer deliveries and to about 12 vendor deliveries per day. Deliveries may occur anytime during the store's 24-hour per day operation, but most are expected to occur during the daytime or evening.

k. Truck access to the Walmart store by large delivery trucks will be from the central entry drives off Kings Canyon Road only. This driveway will be 30-foot wide and will extend to the rear of the Walmart building to provide access to the loading bays, the trash compactor, and the bale and pallet storage area on the north side of the expanded store. Smaller vendor trucks will also be permitted to use the driveway along the east side of the Walmart store to gain access to the at-grade Delivery Service Doors located at the rear of the expanded store just east of the locking dock.

l. Primary site access would continue to be provided via the signalized entry drive off Kings Canyon Road in the center of the site, as well as the right-in right-out driveway on Kings Canyon Road at the southeast corner of the site. In addition, one new entry drive will be constructed to provide direct access to the outlot retail area, which will allow right turns in and out of the project site from Kings Canyon Road. There will be no site access off Adler Avenue to the west. The internal circulation system for the Walmart side would remain essentially as it is currently, except for the addition of an east-west connecting aisle through the main parking lot at the front of the store.

m. The Project will be constructed in two development phases, with the store expansion and related improvements occurring during the first phase, and the outlot and related improvements occurring during the second phase. For purposes of having a conservative analysis in the Final EIR, it was assumed both phases of the Project would be developed concurrently and impacts of both phases occurring at the same time are identified and mitigated.

n. This expansion of the Walmart store would create approximately 85 additional permanent employment positions.

3. Retail Development on Outlots.

a. The lands in the southeastern 5.7 acres of the Project site will be subdivided into four retail parcels ranging from 1.0 to 2.0 acres in size. These parcels are planned to be developed with four retail buildings and two restaurants, with an aggregate floor area of 34,800 square feet.

b. The details for each outlot is included in the table below though, regarding uses, no specific tenants for the outlot retail and restaurant uses have yet been identified. The Project site plan for outlots is considered conceptual, and future tenants in this area may choose to refine the layouts for their parcels consistent with City of Fresno General Plan policies, zoning requirements, and design guidelines

OUTLOT RETAIL DEVELOPMENT SUMMARY

Parcel	Parcel Size	Land Use	Floor Area
Outlot 1	1.52 acres	Retail Restaurant	4,000 sq. ft. 4,000 sq. ft.
Outlot 2	1.00 acres	Retail	7,100 sq. ft.
Outlot 3	1.17 acres	Retail	8,950 sq. ft.
Outlot 4	2.00 acres	Retail Restaurant	6,800 sq. ft. 3,950 sq. ft.
Total	5.69 acres		34,800 sq. ft.

Source: CEI Engineering Associates

c. The outlot retail and restaurant development area is planned to have a total of 263 parking spaces, including 12 accessible spaces.

d. Although no specific tenants for the outlot retail and restaurant development have been identified, it is expected that these businesses would be open daily from morning through evening (and late evening for the restaurants) but would not be open overnight.

e. In the outlot development area, the four retail buildings and two restaurants are estimated to receive an average of 8 medium truck deliveries per day, in total. Since these retailers and restaurants would not likely be open 24 hours per day, it is expected that all deliveries would occur during the daytime or early evening.

f. Truck access to the outlot retail development parcels would be via the existing central driveway and the new westerly driveway off Kings Canyon Road, which would connect to internal drive aisles providing delivery access to each building.

g. The development of the outlot parcels would create approximately 70 permanent employment positions.

B. Project Design

1. Architectural Elements.

a. The expanded store will be single-story and utilize contemporary retail architectural design. Two new primary entrances on the front elevation, one to serve the general merchandise area and the other for the grocery sales area, will better connect with and direct its customers. Architectural elements such as trellises, canopies and articulated detailing will be used to accentuate entrance spaces and provide the customer a stronger sense of place. The front elevation features gently curving trellis structures and a seating area under a new shade tree, providing pedestrians a welcoming environment for entering the store or simply waiting for a ride.

b. The mass of the long elevation is brought down in scale by these pedestrian spaces as well as by the breaking up of the exterior wall into actual exterior and interior spaces that serve merchandising functions as well as articulating the design. This is reinforced by the variety of the architectural elements and the rich and varied earth tone color palette. Curved roofs and walls, natural materials along with contemporary materials such as translucent wall panels, and transparent storefront glazing reinforce the theme of a “human scale” experience. Contrasting colors and textures not only work to break up building mass, but also accentuate the up-close pedestrian experience.

c. The new rooftop equipment will be screened from view by its location and the design of parapet walls.

d. The garden center will be relocated to the southwest corner of the building and will be surrounded by an attractive masonry wall, pilasters, and a painted steel fence, backed by vinyl-coated mesh shade cloth. These materials provide an opacity rating of approximately eighty-five percent (85%) and therefore visual screening of the contents inside this enclosure.

2. Signage.

a. The Project will replace the existing white and red “Walmart” signs at the front with white sign that include a yellow spark. The project will add the following department signage: one white “Market & Pharmacy” sign; one white “Outdoor Living” sign; and one white “Home & Living” sign. The red “Walmart” sign on the west building façade and “Tire & Lube” signs will be eliminated.

b. The building signage for the Walmart store after expansion will total approximately 550.44 square feet. All signs will be non-illuminated, except the primary “Walmart” signs on the front elevation, which will be internally lit by LED (light-emitting diodes).

c. The existing pylon sign at the main project entry drive will not be altered although the face of the sign will be replaced with a new panel and logo sign, and will include space for tenant signage.

d. A signage plan for the outlot retail development has not been prepared, but would conform to the requirements of the City's Sign Ordinance and applicable design guidelines.

3. Project Lighting.

The Project includes a combination of lighting fixtures located throughout the site and parking area.

a. The existing 42-foot high light standards in the existing parking areas will be retained where feasible and augmented by additional similar light standards in the new development area in the western portion of the site. The light fixtures will be designed and focused to avoid direct illumination beyond the site boundaries, in accordance with City requirements.

b. Project signage for the modified Walmart building and outlot retail development will consist of lighted signage that would be internally illuminated by low-intensity LED fixtures, and would not include neon lighting.

c. Lighting for the expanded Walmart building will include decorative wall washing fixtures to highlight wall areas along the front façade, and also below canopies at pedestrian level along the main entries and the sign wall to create a nighttime environment that promotes safe movement of pedestrian and vehicular traffic. The mounting height of the exterior light fixtures will average 12 feet and may vary between building's elements. Security lighting at service areas (wall packs) and exits will be wall mounted and will incorporate cut-off shielding as needed.

d. Lighting plans for the outlot retail development have not been prepared but will conform to City standards and design guidelines. The project engineer estimates that the outlot area will include approximately 10 light standards in the parking lot area.

4. Security Measures.

a. The security measures listed below would be undertaken as part of the Project and would be implemented or continue to be implemented in the operation of the expended store.

1) Continue the parking lot patrol for the Walmart store area, which patrol assists customers, ensures safety and takes action to identify and prevent any suspicious activity (such as loitering and vandalism) both during the day and nighttime hours (i.e., 24 hours per day). The frequency of the patrol will be determined based on the crime index assessment.

2) Additional closed-circuit camera systems (surveillance cameras) will be installed inside and outside the expanded portion of the store and the parking lot.

3) Establish a plainclothes patrol inside the store to ensure safety and security.

4) Establish a Risk Control Team, which is a team of associates responsible and trained to identify and correct safety and security problems that arise.

5) Provide new lighting and upgrade existing lighting in the parking area to provide public safety and visibility.

6) Continue to prohibit consumption of alcohol in the parking lots by having associates regularly “patrol” the parking areas while collecting shopping carts, and report any inappropriate activity to the store managers.

7) Per state law, alcohol sales will be limited to the hours of 6 AM to 2 AM of the following day.

b. Overnight parking of RVs is currently not permitted at the existing Walmart store, and this prohibition of overnight RV parking will continue after completion of the store expansion.

c. Since the tenants of the outlot retail development area have not yet been identified, the security measures to be employed by these future tenants are unknown at this time.

5. Landscaping.

a. As shown in the Project’s Conceptual Landscape Plan, the Project will include extensive landscape planting, including substantial augmentation of perimeter and parking lot landscaping on the Walmart site.

b. Three existing California fan palms would be removed from the public right-of-way to accommodate a new entry drive for the outlot retail area, and will be transplanted to locations along the Project frontage where there are existing gaps in the row of palms.

c. In addition to the existing trees to be retained on the site, the Project landscape plan indicates the planting of more than 440 new trees in conjunction with the Project. The objective is to provide a minimum of 50 percent shading in the parking area within 15 years of planting, in accordance with City of Fresno Parking Lot Shading Performance Standards. Note that shading calculations provided in Final EIR indicate that the Project landscaping shown in the plan would result in more than 50 percent shading.

d. Per the requirements of Zoning Ordinance Section 12-306, the Project landscaping will emphasize low and moderate water use plantings and will incorporate a water-efficient irrigation system.

e. Three shaded landscaped pedestrian pathways will be constructed along the east and west sides and in the middle of the parking area at the front of the Walmart store to provide direct pedestrian connections between Kings Canyon Road and the store entrances. The outlot retail and restaurant area will also include a landscaped pedestrian path running east-west and connecting to the westerly Walmart path. The internal pedestrian circulation system will be designed to provide convenient access to the transit hub planned on the south side of Kings Canyon Road via crosswalks at the signalized main project entry drive and at Adler Avenue.

C. Project Objectives

The basic objectives of the Project (“Project Objectives”) are:

1. Expand the existing Southeast Fresno Walmart store to provide the market area with a centrally-located, affordable, one-stop shopping alternative with an adequately-sized grocery component to enhance customer convenience. (“One-stop shopping” refers to the ability of the expanded Walmart store to provide for all of its customers’ shopping needs in “one stop” by providing a broad range of general merchandise and grocery items in a single location, with the objective of increasing customers’ convenience by eliminating the need to make multiple stops on retail shopping trips.)
2. Maximize new job opportunities for local residents.
3. Positively contribute to the local economy.
4. Provide a retail establishment that serves local residents and visitors with essential goods and services, in a safe and secure, 24-hour shopping environment.
5. Design a project consistent with the City of Fresno 2025 General Plan, the Roosevelt Community Plan, the Specific Plan for the Butler/Willow Area, and the City of Fresno Zoning Ordinance.
6. Develop the vacant southwest portion of the site in a manner that is compatible with the existing site and enhances its aesthetics.
7. Develop the vacant southwest portion of the site in a manner that positively contributes to the local economy, and enhances commercial retail and service opportunities available in the surrounding community.

8. Implement a high-quality architectural design that complements the existing design characteristics of the surrounding commercial uses and improves the aesthetics of the Kings Canyon Corridor.
9. Develop a project with new landscaping to soften the design and create a pleasant, attractive appearance.

D. Summary of Alternatives in the Final EIR

The Final EIR evaluates the following three alternatives to the proposed Project:

1. **No Project Alternative:** This alternative consists of continuing the existing Walmart operation, without modification to the building or parking area, and retaining the southwesterly 9.7 acres of the site as vacant undeveloped land.
2. **Reduced Project Size Alternative:** This alternative assumes a Project size which reduces the planned Walmart expansion and the outlot retail development by 50 percent, resulting in an overall Project (i.e. Walmart expansion and outlot development) floor area of 43,507 square feet. The floor area for the Walmart expansion under this alternative would total 26,107 square feet, and the outlot retail and restaurant development would total 17,400 square feet.
3. **Residential/Commercial Mixed Use Alternative:** This alternative consists of the expansion of the Walmart store by 52,213 square feet, and the development of 100 multi-family dwellings in the southwestern portion of the Project site.

E. Record of Proceedings

Various documents and other materials constitute the record upon which the City bases these findings and approvals contained herein. The custodian and location of these documents and materials is the Director of the Development and Resource Management Department, City Hall, 2600 Fresno Street, Third Floor, Fresno, California 93721-3604.

III. CERTIFICATION OF THE FINAL EIR

The Final EIR comprises a project-level analysis and contains the environmental review evaluating the impacts of the Project, which requires the following approvals: Zone Change (Rezone) Application No. R-04-011, Conditional Use Permit Application No. C-04-018, Vesting Tentative Map Parcel Application No. TPM-2007-40, and a Master Sign Program. The Final EIR has State Clearinghouse No. 2007091064, and the EIR was prepared in the manner specified in Section IV.A.1, which is incorporated by reference here.

The Final EIR is comprised of four volumes of information, which include:

A. The Draft Environmental Impact Report (“Draft EIR”), which consists of three volumes.

1. Volume 1 of the Draft EIR assesses the potential environmental effects of implementation of the Project, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives; it also contains one of the Appendices referred to in the text of the Draft EIR..
2. Volumes 2 and 3 of the Draft EIR consist of technical Appendices referred to in Volume 1.

B. The Final Environmental Impact Report ("Final EIR"), which consists of one volume. The Final EIR contains comments on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; and revisions to the text of the Draft EIR reflecting changes made in response to comments and other information. The Draft EIR is considered part of the Final EIR and is incorporated into the Final EIR by reference.

C. The Planning Commission hereby certifies as follows:

1. That it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to making the following certifications and the findings in Section IV, below;
2. That, pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090), the Final EIR has been completed in compliance with the CEQA and the State CEQA Guidelines; and
3. That the Final EIR reflects its independent judgment and analysis.

IV. CEQA FINDINGS

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the Planning Commission hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines:

Part IV.A: Findings regarding the environmental review process and the contents of the Final EIR.

Part IV.B: Findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval. As described in Part II.B, the City hereby adopts the impact findings as set forth in Exhibit A to these findings.

- Parts IV.C&D: Findings regarding alternatives discussed in the Final EIR and the reasons that such alternatives to the Project are not approved.
- Part IV.E: Findings Regarding Project Alternatives Scoped-Out of the EIR.
- Part IV.F: Findings Regarding Adequacy of Range of Alternatives.
- Part IV.G: Description of the Mitigation Monitoring and Reporting Program (“MMRP”) for the Project.
- Part IV.H: Summary of the findings and determinations regarding the Project.

In addition, these findings incorporate by reference Section V of this document, which includes the Statement of Overriding Considerations and determines that the benefits of implementing the Project outweigh the significant and unavoidable environmental impacts that will result, and therefore justifies approval of the Project despite those impacts.

The Final EIR is hereby incorporated in this document by reference.

The Planning Commission certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of close of the hearing prior to approval of the Project.

A. Environmental Review Process

1. Preparation of the EIR

a. *Notice of Preparation.* Upon the City’s determination that an EIR was required for the Project, a Notice of Preparation was made available to the public and public agencies to solicit input on issues of concern that should be addressed in the EIR. The NOP was issued on September 9, 2007 and the 30-day comment period on the NOP closed on October 5, 2007. The NOP included a Project Description, Project Location, and a brief overview of the topics to be covered in the EIR. Comment letters were received from numerous parties.

1) Commenters included Caltrans District 6, Native American Heritage Commission, San Joaquin Valley Air Pollution Control District, Fresno County Department of Community Health, Fresno County Department of Public Works and Planning, Fresno Metropolitan Flood Control District, Fresno Irrigation District, Fresno Unified School District, PG&E, Sunnyside Property Owners Association, and members of the public. The comment letters are included in Appendix A.

2) The letters from the agencies focused on technical issues within their areas of responsibility and included recommendations with respect to the EIR’s content in areas within their purview. These NOP comments are addressed in the respective environmental impact analyses (i.e., Traffic and Circulation, Cultural Resources, Air Quality, Noise, Hydrology and Water Quality, Hazardous Materials, Utilities and Service Systems, and Public Services).

3) The comment letter from the Sunnyside Property Owners Association expresses concerns with potential project impacts associated with noise, crime, dust, project aesthetics, removal of palm trees, traffic and alternative transportation. Letters from members of the public also raised concerns with respect to traffic, noise, pollution, crime, cumulative impacts, and the proposed 24-hour operation. All of these issues are addressed in their corresponding topic sections in the EIR.

b. *Public Scoping Meeting.* On September 19, 2007, the City held a scoping meeting to which the responsible agencies and interested members of the public were invited, and which had been duly advertised in advance. Verbal comments were presented by a Caltrans representative, who provided an overview of traffic issues in southeast Fresno. Comments also were presented by a representative of the Sunnyside Property Owners Association, who outlined concerns similar to those expressed in the Sunnyside Property Owners Association's comment letter on the NOP, as summarized above and contained in Appendix A.

c. *Comment Period on Draft EIR.* The City finished preparation of the Draft EIR and published a Notice of Completion and a Notice of Availability on December 6, 2010, and the period for receipt of comments on the Draft EIR remained open until January 19, 2011. Approximately 22 written comments were received during the comment period and shortly thereafter from State, regional and local agencies, organizations and individuals.

d. *Final EIR.* The Final EIR was completed and made available to public agencies and members of the public on April 22, 2011. The Final EIR comprises the Draft EIR plus all of the comments received during the public comment period, together with written responses to those comments that raised environmental issues, which were prepared in accordance with CEQA and the CEQA Guidelines. The Final EIR also includes refinements to mitigation measures and clarifications to text in the Draft EIR.

e. *Planning Commission Action.* The Planning Commission held a duly noticed public hearing on May 4, 2011 to consider certification of the EIR under CEQA, and adopted a Resolution ___-___ certifying the EIR and adopting a Statement of Overriding Considerations. The Planning Commission adopted a separate resolution, Resolution ___-___, approving the Associated Approvals and project.

f. The Final EIR was made available electronically via posting on the City's website on April 22, 2011 (www.fresno.gov/Government/DepartmentDirectory/PlanningandDevelopment/Planning/MajorProjectsunderReview.htm). As the Notice of Availability indicates, copies of the Final EIR also was available for public review at the following three locations: (1) City of Fresno Development & Resource Management Dept, 2600 Fresno Street, Third Floor, Fresno CA 93721; (2) Fresno County Free Library, Central Reference, 2420 Mariposa Street, Fresno, CA 93721; and (3) Sunnyside Regional Library, 5566 East Kings Canyon Road, Fresno, CA 93727-4526.

The Planning Commission finds and determines there was procedural compliance with the mandates of CEQA and that the Final EIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

2. Changes made during preparation of Draft EIR.

During preparation of the Draft EIR in mid-2010, the site plan for the Walmart expansion portion of the Project was revised in order to reduce potential noise impacts to adjacent residents along the eastern site boundary by relocating the loading docks previously proposed at the northeast corner of the expanded Walmart store to the northwest corner of the store. The redesign of the northwest loading docks to accommodate additional loading bays resulted in a reduction of overall floor area proposed for the store expansion. The nature of the site plan revision is set forth in further detail below, as well the manner in which the EIR accounts for revisions to the site plan and conclusions regarding the environmental implications of approving an expansion with lesser square footage than the full buildout studied in the EIR.

a. Nature of Revisions.

1) As originally proposed, the expansion area would have included two new loading docks (consisting of three bays each) to be located at the northwest and northeast corners of the expanded store. The revised site plan contains a single loading dock (consisting of six loading bays) at the northwest corner of the expanded store.

2) As originally proposed, truck delivery operations would include routing both larger and smaller trucks along the east side of the store. Under the revised site plan, truck access to the Walmart store by large delivery trucks will be from the central entry drives off Kings Canyon Road only. This driveway will be 30-foot wide and will extend to the rear of the Walmart building to provide access to the loading bays, the trash compactor, and the bale and pallet storage area on the north side of the expanded store. Only smaller vendor trucks will also be permitted to use the driveway along the east side of the Walmart store to gain access to the at-grade Delivery Service Doors located at the rear of the expanded store, just east of the locking dock.

3) As originally proposed, the existing trash compactor located on the north side of the existing loading dock was to be moved to the north of the new rear building wall between the two new loading docks. The revised site plan shows the trash compactor will be moved just east of the expanded loading dock.

4) As originally proposed, the existing electrical transformer was going to be moved to a new location just east of the relocated pallet and bale storage area. The revised site plan would leave the transformer in place near the east portion of the rear building wall.

5) As originally proposed, the parking lot for the expanded store and outlot development consisted of 1,184 stalls serving the expanded Walmart store and the outlots. The revised site plan shows a parking lot consisting of 1,161 stalls serving the expanded Walmart store and the outlots. Upon completion, the Project would provide 5.55 parking spaces per 1,000 square feet of retail space overall (compared to 5.43 spaces per 1,000 square feet of retail space under the originally proposed site plan), which continues to exceed the City of Fresno's minimum parking requirement of 5.0 spaces per 1,000 square feet.

b. Treatment of Revisions in Draft EIR

1) The aforementioned changes were made during preparation of and prior to release of the Draft EIR, and did not occur during the period beginning after circulation of the Draft EIR and ending upon release of the Final EIR. Nevertheless, the City wishes to assess and confirm the environmental impacts of these revisions are accounted for in the Final EIR.

2) The Final EIR evaluates the floor area, though not the configuration, of the original site plan. Since the overall floor area for the expansion which is analyzed in this EIR and supporting technical studies is larger than the overall floor area shown in the current site plan and approved for development in the Associated Approvals, the analyses presented throughout the Final EIR represent worst-case conditions and thus overstate the Project impacts.

3) Other revised Project elements associated with the revised site plan, such as the reorientation of equipment and loading facilities, have been thoroughly evaluated in analytical sections of the EIR and supporting technical studies, including but not limited to impacts related to air quality and noise.

4) In fact, the revisions were made in order to reduce operational noise and air quality impacts to residents living to the east of the Project site. The Final EIR shows that less-than-significant operational noise and air quality health risk impacts would occur under the Project, and that, with mitigation, less-than-significant impacts would occur with regard to criteria pollutants and other, remaining air quality impacts.

The City finds that, though the EIR accounts for the reconfiguration of the loading dock and other revisions discussed above. In evaluating the impacts of the Walmart expansion with the “buffer” square footage included, , the City finds that the environmental conclusions in the EIR represent the outcome of a more conservative analysis than would otherwise have been the case. Furthermore, the City finds that, where it became necessary to tailor the environmental analysis to account for revised Project components, the EIR contains appropriately revised analyses. Thus, the EIR properly evaluates the impacts of constructing the expanded Walmart store component of the Project in accordance with the revised site plan.

3. Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR, but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard.

The City recognizes that the Final EIR incorporates information obtained by the City since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, the City approves of the incorporation of these clarifications into the Project and finds that the clarifications do not cause the Project to result in new or substantially more severe adverse environmental effects, or otherwise require recirculation of the EIR.

a. Other Changes.

Various minor changes and edits have been made to the text and figures of the Draft EIR, as set forth in the Final EIR. These changes are generally of an administrative nature such as correcting typographical errors, making minor adjustments to the data, and adding or changing certain phrases to improve readability.

The City finds this additional information does not constitute significant new information requiring recirculation, but rather that the additional information merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

In addition to the changes and corrections described above, the Final EIR provides additional information in response to comments and questions from agencies and the public.

The City finds that information added in the Final EIR does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR. Specifically, the City finds that the additional information, including the changes described above, does not show that:

- (1) A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the foregoing, and having reviewed the information contained in the Final EIR and in the record of City's proceedings, including the comments on the Draft EIR and the responses thereto, and the above-described information, the City finds that no significant new information has been added to the Final EIR since public notice was given of the availability of the Draft EIR that would require recirculation of the Final EIR.

4. Differences of Opinion Regarding the Impacts of the Project

In making its determination to certify the Final EIR and to approve the Project, the City recognizes that the Project involves several controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The City has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters, and reports regarding the Final EIR and its own experience and expertise in assessing those issues. The City has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, the City's consultants, the applicants' consultants, and by staff, addressing those comments. The City has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In turn, this understanding has enabled the City to make its decisions after weighing and considering the various viewpoints on these important issues.

Accordingly, the City certifies that its findings are based on full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

B. Impacts and Mitigation Measures

1. These findings provide the written analysis and conclusions of the City regarding the environmental impacts of the Project and the mitigation measures identified in the Final EIR are adopted by the City as conditions of approval for the Project. In making these findings, the City has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the analysis some of the analysis and thresholds of significance used in the Final EIR.

The City finds that the analysis and determination of significance thresholds are judgments within the discretion of the City; the analysis and significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and City consultants and staff; and the significance thresholds used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

1. Exhibit A attached to these findings and incorporated herein by reference is the Executive Summary Table contained in the EIR that summarizes the environmental determinations of the Final EIR about the Project's environmental impacts before and after mitigation. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, Exhibit A provides a summary description of each environmental impact, identifies the applicable mitigation measures described in the Final EIR, and states the City's findings on the significance of each environmental impact after imposition of the applicable mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings

hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding the Project's environmental impacts and mitigation measures designed to address those impacts.

The City approves the findings set forth in Exhibit A as its findings regarding the Project's environmental impacts before and after mitigation. In making these findings, the City ratifies, adopts, and incorporates the analysis and explanation in the Final EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The City adopts, and incorporates as conditions of approval of the Project, the mitigation measures set forth in the MMRP attached to these findings as Exhibit B to reduce or avoid the potentially significant and significant impacts of the Project, as well as certain less-than-significant impacts.

2. In adopting these mitigation measures, the City intends to adopt each of the mitigation measures identified by the Final EIR and applicable to the Project. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from Exhibit B, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit B fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

3. Prior to approval of the Project, various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the EIR. Some of the EIR's mitigation measures were modified in response to such comments. For example, mitigation measures relating to transplanting palm trees were modified in response to a comment from the Sunnyside Property Owners Association. (Comment Q). The original mitigation in the Draft EIR allowed for transplanting palms in the right of way or in the adjacent portions of the project frontage. At the suggestion of the Sunnyside Property Owners Association, the latter part of the provision was removed and mitigation now provides for transplanting in the right of way only. Other comments requested minor modifications in mitigation measures identified in the Draft EIR, requested mitigation measures that were in fact already incorporated into proposed mitigation, requested mitigation measures for impacts that were less than significant, requested levels of detail that are not necessary for environmental review but will be submitted in advance of later permits and approvals, or requested additional mitigation measures for impacts as to which the Draft EIR identified mitigation measures that would reduce the identified impact to a less-than-significant level; these requests are declined as unnecessary.

With respect to the additional measures suggested by commenters that were not added to the Final EIR, the City adopts and incorporates by reference the reasons set

forth in the responses to comments contained in the Final EIR as its grounds for rejecting adoption of these mitigation measures.

C. Basis for the City's Decision to Approve the Project and Reject Other Alternatives

The Final EIR evaluates a range of potential alternatives to the originally Project, as is described in Section I.D., above, which is incorporated here by reference. In summary, the alternatives include a: (1) No Project Alternative; (2) Reduced Project Size Alternative; and (3) Mixed Residential/Commercial Land Use Alternative. The Final EIR examines the environmental impacts of each alternative in comparison with the Project as originally proposed and the relative ability of each alternative to satisfy the Project Objectives.

The Final EIR also summarizes the criteria used to identify a reasonable range of alternatives for review in the EIR and describes options that did not merit additional, more-detailed review either because they do not present viable alternatives to the Project or they are variations on the alternatives that are evaluated in detail. The findings supporting rejection of these alternatives are discussed below in Section IV.E.

D. The City's Findings Relating to Alternatives

In making these findings, the City certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR, including the information provided in comments on the Draft EIR and the responses to those comments in the Final EIR. The Final EIR's discussion and analysis of these alternatives is not repeated in total in these findings, but the discussion and analysis of the alternatives in the Final EIR are incorporated in these findings by reference to supplement the analysis here. The City also certifies that it has independently reviewed and considered all other information in the administrative record.

The City finds that the range of alternatives studied in the Final EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most of the Project Objectives. The City finds that the alternatives analysis is sufficient to inform the City, agencies, and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the achievement of the Project Objectives and other economic, environmental, social, technological, and legal considerations.

The City finds the Project would satisfy the Project Objectives, and is more desirable than the other alternatives. As set forth in Section IV.B above, the City has adopted mitigation measures that avoid or reduce, to the extent feasible, the significant environmental effects of the Project. As explained in Section V, which is incorporated by reference into the CEQA findings, while these mitigation measures will not mitigate all project impacts to a less-than-significant level, they will mitigate those impacts to a level that the City finds is acceptable.

The City finds the remaining alternatives infeasible. Accordingly, the City has determined to approve the Project instead of approving one of the remaining alternatives.

In making this determination, the City finds that when compared to the other alternatives described and evaluated in the Final EIR, the Project, as mitigated, provides a reasonable balance between satisfying the Project Objectives and reducing potential environmental impacts to an acceptable level. The City further finds and determines that the Project should be approved, rather than one of the other alternatives, for the reasons set forth below and in the Final EIR.

1. No Project Alternative.

Under CEQA, a “No Project Alternative” compares the impacts of proceeding with a Project with the impacts of not proceeding with the Project. A “No Project Alternative” describes the environmental conditions in existence at the time the Notice of Preparation was published or some other supportable time period, along with a discussion of what would be reasonably expected to occur at the site in the foreseeable future, based on current plans and consistent with available infrastructure and community services.

Under the “No Project Alternative” considered in the Final EIR, the Project site would remain in its existing condition and no expansion of the Walmart store would occur, and no outlot development would occur.

For comparative purposes, the proposed Project would result in significant and unavoidable impacts with regard to construction noise, as is further detailed in Section V.A, below. The Project would result in other potentially significant impacts regarding air quality; biological resources; cultural resources; geology and soils; hydrology and water quality; and traffic and circulation, all of which could be mitigated to a level of less than significant. None of these potentially significant impacts would occur under the No Project Alternative.

The City hereby rejects the No Project Alternative as infeasible. By not expanding the Walmart store as under the proposed Project, the No Project Alternative would not: Provide the market area with a centrally-located, affordable, one-stop shopping alternative with an adequately-sized grocery component to enhance customer convenience; positively contribute to the local economy; provide a retail establishment that serves local residents and visitors with essential goods and services, in a safe and secure, 24-hour shopping environment; develop the vacant southwestern portion of the site in a manner that is compatible with the existing site and enhances its aesthetics; positively contribute to the local economy; enhance commercial retail and service opportunities available in the surrounding community; implement a high-quality architectural design that complements the existing design characteristics of the surrounding commercial uses and improves the aesthetics of the Kings Canyon Corridor; develop a project with new landscaping to soften the design and create a pleasant, attractive appearance; design a project that is consistent with buildout under the City’s general, community, and specific plans; and maximize new job opportunities for local residents. Thus, the Project would fail to achieve any of the fundamental Project Objectives.

While this alternative would eliminate the significant environmental effects of the Project regarding noise during construction, and eliminate the less-than-significant impacts in other topical areas evaluated in the Final EIR, on balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the alternative's failure to achieve any of the Project Objectives, and its failure to effect the other beneficial attributes of the Project identified above and in Section V, below.

2. Reduced Project Size Alternative.

The Reduced Project Size Alternative consists of a development plan that reduces the Project (both the planned Walmart expansion and the outlot retail development) to a total of 43,507 square feet. The floor area for the Walmart expansion under this alternative would total 26,107 square feet, and the outlot retail and restaurant development would total 17,400 square feet. The reduction in floor area would reduce the size of the new and expanded parking areas proportionately. Overall, the Reduced Project Size Alternative would result in the development of approximately half of the 9.7-acre vacant portion of the site, leaving approximately 4.85 acres in a vacant, undeveloped state. It is assumed that the reduced outlot retail development would occur along the Project site frontage on Kings Canyon Road, leaving vacant the intervening area south of the FMFCD ponding basin. The potential impacts associated with this alternative are discussed below, relative to the impacts associated with the proposed project.

For comparative purposes, the proposed Project would result in significant and unavoidable impacts with regard to construction noise, as is further detailed in Section V.A, below. The Project would result in other potentially significant impacts regarding air quality; biological resources; cultural resources; geology and soils; hydrology and water quality; and traffic and circulation, all of which would be mitigated to a level of less than significant.

As set forth in the Draft EIR, it is anticipated this alternative would result in lesser potential impacts associated with all the aforementioned topical areas except for aesthetics. As discussed further below and in the EIR, the Reduced Project Size Alternative would result in lower levels of visual impacts, but greater levels of lighting and glare impacts than the proposed Project. On balance, there would not be a substantial difference in overall aesthetic effect.

More specifically, the Reduced Project Size Alternative results in the development of about 4.85 acres along the southwestern Project frontage and would include about 4.85 acres of undeveloped land in the northwestern portion of the outlot site adjacent to the FMFCD ponding basin. For the two residences located on the opposite side of Adler Avenue from this undeveloped area, some portion of the vacant parcel would remain. The reduced footprint of development means, in terms of visual alteration of the site, the Reduced Project Size Alternative would result in a lower level of impact than the proposed Project. In terms of lighting and glare impacts, the absence of retail buildings backing onto this portion of Adler Avenue would also remove the screening from parking lot lighting and vehicle headlights that would be provided by such intervening retail buildings under the proposed Project. Thus the existing residents on the west side of Adler Avenue between Mono and Inyo Avenues would be subject to somewhat greater levels of increased night lighting than they would be under the proposed Project. Therefore, the Reduced Project Size Alternative would result in lower levels of visual impacts, but greater levels

of lighting and glare impacts than the proposed Project. On balance, therefore, there would not be a substantial difference in overall aesthetic effect between the proposed Project and the Reduced Project Size Alternative.

Finally, the Reduced Project Size Alternative would not avoid the significant and unavoidable noise impacts of the proposed Project. Although construction noise levels would be less under the Reduced Project Size Alternative, particularly with regard to existing residences adjacent to the west Project boundary, the nearest residence would still be 100 feet from active construction where noise generated by heavy construction equipment would not feasibly be reduced to less-than-significant levels. The mitigated noise level would be 71 dBA L_{eq} , which would still exceed the adjusted significance threshold of 61 dBA L_{eq} , as is further explained in the noise and alternatives analyses chapters in the Final EIR.

The City rejects the Reduced Project Size Alternative as infeasible. The City finds, separately and independently, the Reduced Project Size Alternative would be inconsistent with some fundamental Project Objectives, would not fully meet other fundamental Project Objectives, and is less desirable to the City, as is set out in further detail below.

a. *Failure to Provide Central, One-Stop Shopping Alternative.*

1) A fundamental Project Objectives is to provide the market area with a one-stop shopping alternative that includes an adequately-sized grocery component to enhance customer convenience.

2) *Failure to offer an adequate range of grocery items.*

The Reduced Project Size Alternative would offer grocery floor area of only about 24,000 square feet. When limited to this amount of square footage, Walmart only can offer a limited line of groceries. For instance, only packaged food items would be sold (e.g., canned and bagged foods), and no fresh food items (e.g., meats, dairy products, fruits, or vegetables) would be offered. Given the limited food offerings, this alternative Walmart store would not be considered a “food store” in comparison to other grocery stores in the trade area. That is, the Reduced Project Size Alternative would fail to function as a true alternative grocery source for residents of the Trade Area. At the same time, Walmart’s research, experience and intensive consultation with the City and residents confirmed the overwhelming need and consumer demand among neighborhood and community residents for an affordable, full range of products offered by an approximate 174,000-square-foot Walmart store that has been sized for this market, with a grocery component of up to 48,475 square feet.

3) *Failure to provide a diversified retail venue.*

The limited outlot development (i.e., about 17,400 square feet) proposed under the Reduced Project Size Alternative contributes to this alternative’s failure to provide a one-stop shopping alternative to consumers within the Project trade area. Outlots provide consumers with a venue for goods and services that complement, rather than compete with, Walmart goods and services, such as: Food and drink (potentially including sit-down restaurants), specialty apparel, novelties, telecommunications, and health and beauty. Meanwhile, there is significant consumer demand for additional general merchandise sales space and restaurants, as would be accommodated in the outlot development pads. As discussed in the urban decay analysis in the EIR and its technical

appendices, the Project trade area will support an additional 271,700 square feet of general merchandise space by 2010, meaning the trade area is underserved with such facilities and that local residents demand are “leaking” to larger and more attractive shopping facilities located outside the trade area. By 2020, demand will increase to approximately 1.50 to 1.74 million square feet (depending on various growth scenarios). However, even if the approximately 1.48 to 1.5 million square feet in foreseeable projects is taken into account, there would remain a demand deficit of 13,000 to nearly 250,000 square feet, as is further set forth in the EIR. The EIR also concludes the market could support any anticipated restaurant uses. By reducing the diversity of offerings on site, the Reduced Project site Alternative reduces the site’s effectiveness as a one-stop shopping experience.

4) In sum, without providing, as does the proposed Project, more than 48,000 square feet of space dedicated to the sale of groceries, coupled with a substantial amount of diversified general merchandise sales space and restaurant uses, this alternative would fail to provide the market area with a one-stop shopping alternative that includes an adequately-sized grocery component.

b. *Fewer Affordable Shopping Alternatives.*

1) A fundamental Project Objective is to provide the Trade Area with an affordable shopping alternative that includes an adequately sized grocery store.

2) Affordability is especially important in light of the unemployment figures and income levels in the City. For instance, the City had an estimated 17.3 percent unemployment rate in March 2011. The City of Fresno also has an estimated median annual household income of \$43,534 as of 2008, the most current time frame for which data is available. In contrast, California’s median household income is \$61,017 for the same time period.

3) Wal-Mart stores have been shown to provide substantial price savings on consumer goods when compared to competitors. According to the article in the *Journal of Economics & Management Strategy* entitled “The Evolving Food Chain: Competitive Effects of Wal-Mart’s Entry into the Supermarket Industry,” estimates of Walmart’s prices for grocery items have been, on average, 10 percent lower than competitors’ prices.

4) Wal-Mart stores have been shown to provide substantial price savings on consumer goods when compared to competitors. According to the article in the *Journal of Economics & Management Strategy* entitled “The Evolving Food Chain: Competitive Effects of Wal-Mart’s Entry into the Supermarket Industry,” estimates of Walmart’s prices for grocery items have been, on average, 10 percent lower than competitors’ prices.

5) By not expanding the existing Walmart to the same degree as the proposed Project, and reducing grocery sales space by about 24,000 square feet (which would impact sales operations as set forth in Section IV.D.2.a), the

Reduced Project Size Alternative would fail to meet the objective of providing regional consumers with a an additional affordable alternative to existing consumer supply.

c. *Failure to Provide Essential Goods and Services 24-hours a Day.*

One fundamental Project Objective is to provide a retail establishment that serves local residents and visitors with essential goods and services, in a safe and secure, 24-hour shopping environment. Consistent with the analysis in Sections IV.D.2.a and IV.D.2.b, which are applicable here and incorporated by reference, the Reduced Project Size Alternative does not include a true grocery component nor the same level complementary outlot development, and thus would not meet consumer needs and demands to the same extent as buildout under the proposed Project.

d. *Fewer New Job Opportunities.*

1) One fundamental Project Objective is to maximize new job opportunities for local residents.

2) The expansion of the existing Walmart store is estimated to create 85 permanent new employment positions. These permanent positions would be both full-time and part-time, with most of the positions being entry level. A reduced-size Walmart store expansion totaling roughly half the size of the originally proposed expansion space would result in the loss of approximately 43 job opportunities. Meanwhile, the 34,800 square feet of outlot development, as envisioned under the proposed Project, would be expected to generate approximately 70 positions. Reducing the outlot development to 17,400 square feet would generate approximately 35 less job opportunities. In total, approximately 78 less job opportunities are provided by the Reduced Project Size Alternative when compared to the 155 provided by Project.

3) These 78 employment opportunities are especially significant in light of recent economic trends. The City, for example, had an estimated 17.3 percent unemployment rate in March 2011.

4) Meanwhile, the Final EIR's urban decay analysis shows that while the Project would cause a temporary decline in revenues at other grocery stores, only one store closure is possible, and sales volumes would recover to current levels by 2016. While the cumulative analysis does identify the possibility of more store closures, both the individual and cumulative analyses are based on a number of conservative assumptions that are set forth in the Land Use and Planning chapter of the Draft EIR and the urban decay technical analysis in Appendix B to the Draft EIR, which are incorporated by reference. As the Draft EIR concludes, it is more reasonable that automatic market corrections and other factors, as also are set forth in the above documents and incorporated by reference, will prevent the market from becoming substantially overbuilt at any given time with additional projects. In fact, as of December 2010, two of the foreseeable supermarkets considered in the list of cumulative projects in the EIR had been withdrawn by the applicant, including a proposed grocery store at the neighborhood commercial center at Shields Avenue and Fowler Avenue, and

a Fresh & Easy proposed for the neighborhood commercial center at Clovis Avenue and California Avenue.

5) With regard to general merchandise sales space and restaurants, as would occur under outlot development, the EIR concludes there is excess demand for such goods and services and that no store closures would be expected.

e. *Fewer Tax Revenues.*

1) One fundamental Project Objective is to positively contribute to the local economy.

2) The Project will add 43,113 square feet in Walmart store expansion space and 34,800 square feet in outlot development space for a total development square footage of 77,913. The Project as a whole would result in a notable increase in property tax, as the currently vacant and idle 9.7-acre Project site generates negligible property tax revenue for the City. Sales tax revenue would also increase under the Project, particularly as a result of the 34,800 square feet of outlot development. Development of retail and restaurant uses as part of the Project will result in a much-needed injection of sales tax revenue to the City's General Fund each year.

3) Under the Reduced Project Size Alternative, the outlot development square footage would be cut by 50%, halving the sales tax revenue the City would otherwise receive under the Project. Property taxes revenues would similarly be reduced, as roughly 4.85 acres of the vacant land proposed for Project development would remain idle.

4) Tax revenues in the City are especially important given the increasing population growth the City is experiencing and the failure of per capita retail sales tax to keep pace with this growth. The City has more residents to serve, but tax revenues are not keeping pace with the size of the service population.

5) Meanwhile, the Final EIR's urban decay analysis shows that while the Project would cause a decline in revenues at other grocery stores, only one store closure is possible, and sales volumes would recover to current levels by 2016. While the cumulative analysis does identify the possibility of more store closures, both the individual and cumulative analyses are based on a number of conservative assumptions that are set forth in the Land Use and Planning chapter of the Draft EIR and the urban decay technical analysis in Appendix B to the Draft EIR, which are incorporated by reference. As the Draft EIR concludes, it is more reasonable that automatic market corrections and other factors, as also are set forth in the above documents and incorporated by reference, will prevent the market from becoming substantially overbuilt at any given time with additional projects. In fact, as of December 2010, two of the foreseeable supermarkets considered in the list of cumulative projects in the EIR had been withdrawn by the applicant, including a proposed grocery store at the neighborhood commercial center at Shields Avenue and Fowler Avenue, and a Fresh & Easy proposed for the neighborhood commercial center at Clovis Avenue and California Avenue.

6) With regard to general merchandise sales space and restaurants, as would occur under outlot development, the EIR concludes there is excess demand for such goods and services and that no store closures would be expected.

f. *Fewer Enhancements of Aesthetics and Commercial Opportunities.*

1) Other Project Objectives include development of the vacant southwestern portion of the site in a manner that is compatible with development on the existing site and surrounding properties in order to enhance overall site aesthetics, positively contribute to the local economy, and enhance commercial retail and service opportunities available to the community. A related objective is to develop a project with new landscaping to soften the design and create a pleasant, attractive appearance that complements the Walmart store and outlot development, and its surrounding area.

2) In terms of aesthetics, the area of the expansion site that would be developed under the Reduced Size Project Alternative would be about 4.85 acres, in contrast to 9.7 acres under the Project. Thus, the alternative would leave portions of the site vacant and fail to enhance the aesthetics of the site to the same degree as the proposed Project.

3) In terms of commercial opportunities, this alternative would not include a true grocery component or the same level of outlot development, which would be expected to accommodate retail uses that complement the Walmart store. Aside from lessening vehicle miles traveled by consumers, having a centralized location with complementary uses would make the shopping experience more convenient for local shoppers, and this convenience factor would attract additional consumer traffic such that each individual retail use would experience more sales than it would if operating in isolation. Thus, this alternative would fail to enhance surrounding commercial opportunities to the same extent as the proposed Project by virtue of its lesser diversification of retail uses, as well as the comparative aesthetic loss that would occur under its buildout.

g. *Failure to Maximize Growth and Development Consistent with City Policies.*

One fundamental Project Objective is to facilitate economic growth and development in a way that is consistent with the policies of the City of Fresno 2025 General Plan, the Roosevelt Community Plan, the Specific Plan for the Butler/Willow Area, and the City of Fresno Zoning Ordinance.

A number of policies and objectives in the above documents are relevant, as set forth below. Following each statement of City policy are City findings regarding how the alternative fulfills the policy compared to the Project as originally proposed.

1) *General Plan, Urban Form Element, Objective C-12.*

(a) Policy text: “Commercial land uses shall be classified, located, sized, and developed to meet needs for foods, and service while minimizing travel requirements, infrastructure demands, and adverse impacts.”

(b) *Need for General Merchandise Retail Space/Restaurants.* The urban decay analysis in the Draft EIR and its technical appendices show the Project trade area will support an additional 271,700 square feet of general merchandise space by 2010, meaning the trade area is underserved with such facilities and that local residents demand are “leaking” to larger and more attractive shopping facilities located outside the trade area. The EIR also concludes the market could support any anticipated restaurant uses.

(c) *Minimizing Travel Requirements.* A secondary effect of have non-centralized grocery, general merchandise, and restaurant land uses is that consumers will travel more vehicle miles as they seek grocery venues that stand separate from general merchandise and restaurant venues, and as they seek diverse retail options (i.e., uses that would be accommodated in the outlot pads) that continue to lie outside the trade area.

(d) *Summary.* The Project, as proposed, offers a source of affordable groceries for which there is demand, and the greatest amount of general merchandise sales and restaurant space (i.e., in both the expanded Walmart store and the 34,800 square feet of outlot development) for which there is demand, and thus best and most efficiently addresses these needs by offering reasoned supplies of desired goods in one central location. By contrast, the Reduced Project Size Alternative does not offer a true alternative supply of affordable groceries, and fails to capture the same amount of leakage as the proposed Project due to the lesser amount and variety of generalized retail space envisioned under the outlot development. Consumers in the localized trade area would have to travel further afield to meet related purchasing demands.

2) *General Plan, Urban Form Element, Policy C-12-d.*

(a) Policy text: “Plan for the appropriate location, size, and distribution of neighborhood and community commercial uses to implement the planned urban form, promote stability and identity of neighborhoods and community area, and allow efficient access without compromising the operational effectiveness of planned major streets.” As part of the policy, “[r]etail commercial goods and services shall be provided in planned unified shopping centers, carefully designed small-scale commercial centers, and in neighborhood-oriented stores.”

(b) The findings and analysis set forth in Section IV.D.2.g.1.(b)-(e) are applicable here and incorporated by reference.

3) *General Plan, Urban Form Element, Commercial Designation.*

(a) Policy text: “The General Plan envisions that lands designated commercial should have uses that are “easily accessible and most convenient to the population they serve” and “should be allocated to provide goods and services in the most efficient and effective manner.”

(b) The findings and analysis set forth in Section IV.D.2.g.1.(b)-(e) are applicable here and incorporated by reference.

4) *Roosevelt Community Plan, Commercial Uses (General Description, p. 33 et seq).*

(a) Policy text: "Important commercial uses [in the plan area] are absent such as major department stores ... The problems associated with a limited range of commercial activity are exacerbated by the lack of aesthetic appeal of much of the older commercial developments, thereby encouraging potential customers to shop outside of the community ... The Plan seeks to address these concerns by expanding the opportunities for the development of a full range of commercial uses including both retail activities and office development. It is also the Plan's intent to provide for a reasonable dispersal of neighborhood commercial uses throughout the planning area, to address the need for enhanced commercial design standards, and to establish policies to protect the main transportation arterials serving the community. Retail commercial activities serving the community plan area will be concentrated within the East Kings Canyon Road Corridor. These community commercial uses will be focused within a two and one-half mile length of East Kings Canyon road to be anchored at either end by rejuvenated commercial centers. This corridor, bolstered by landscaping and design standards, will help the community establish much of its character."

(b) The findings and analysis set forth in Section IV.D.2.g.1.(b)-(e) are applicable here and incorporated by reference.

(c) The Project as proposed contains the greatest diversity of retail uses and addresses plan concerns about the existing limited range of commercial activity; by contrast, the Reduced Project Size Alternative does not contain an adequately sized grocery component, and the space devoted to outlot development would be approximately 17,000 square feet less.

(d) The Project as proposed entails the landscaping of 9.7 acres along the East Kings Canyon Corridor, and thus best addresses the aesthetic concerns outlined in the Roosevelt Community Plan. By contrast, the Reduced Project Size Alternative would develop only about 4.85 acres, leaving the remainder of the Project site in undeveloped form.

5) *Roosevelt Community Plan, Goal 1-8.*

(a) Policy text: "Create an intensive community activity corridor by concentrating those commercial uses serving the entire Roosevelt Community Plan area along Kings Canyon Road between Chestnut and Sunnyside Avenues."

(b) The findings and analysis set forth in Section IV.D.2.g.1.(b)-(e) are applicable here and incorporated by reference.

(c) Among the Project alternatives, the Project as proposed would site the greatest intensity and concentration of retail uses along Kings Canyon

Road between Chestnut and Sunnyside Avenues, and thus is most consistent with the plan goal of concentrating commercial uses in this area.

6) *Roosevelt Community Plan, Goal 1-10.*

(a) Policy text: “Plan for the sizes, locations and characteristics of commercial developments that will meet community needs that can be accommodated by the planned infrastructure, that promote land use compatibility, and that enhance the visual appearance of the plan area.”

(b) The findings and analysis set forth in Section IV.D.2.g.1.(b)-(e) are applicable here and incorporated by reference.

7) *Specific Plan, Objective 4.*

(a) Policy text: “Opportunities for new and long term development that are consistent with the land economics that determine balanced growth and development of the Fresno urbanized area.”

(b) The findings and analysis set forth in Section IV.D.2.g.1.(b)-(e) are applicable here and incorporated by reference.

(c) The “land economics” here, as demonstrated by the above-referenced facts in the Final EIR, technical appendices, and statements made by the public consist of a market that supports buildout under the Project as originally proposed.

8) *Specific Plan, Land Use Element, Land Use Districts (p. 20).*

(a) Policy text: “[C]ommercial districts adequate to supply daily convenience goods and services for the potential population of the area; recognition of existing land use districts that are capable of providing goods and services at levels of intensity that may be competitive within the metropolitan area in terms of location and potential attractiveness.”

(b) The findings and analysis set forth in Section IV.D.2.g.1.(b)-(e) are applicable here and incorporated by reference.

9) *Specific Plan, Land Use Element, Commercial Uses (p. 23).*

(a) Policy text: “Thus, the rate of development and composition of retail commercial floor space in the Butler/Willow Area will be determined by market factors and the degree of attractiveness of commercially zoned sites in the area among competitive relationships of established and developable sites throughout the Fresno urbanized area.”

(b) The findings and analysis set forth in Section IV.D.2.g.1.(b)-(e) are applicable here and incorporated by reference.

(c) Market factors, as identified in updated economic analyses prepared in conjunction with the EIR (described above), support the need for a 48,475 square foot new grocery venue and more than 34,000 square feet of additional retail space to serve the demand of residents in the Project trade area.

While the Reduced Project Size Alternative would reduce environmental effects of the Project, the alternative would result in increased light and glare impacts and would not eliminate the significant and unavoidable construction noise impacts associated with the Project; on balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the alternative's failure to achieve Project Objectives in the manner described above, and its failure to effect fully the other beneficial attributes of the Project identified above and in Section V, below.

3. Mixed Residential/Commercial Land Use Alternative.

The Mixed Residential/Commercial Land Use Alternative assumes that the Walmart expansion takes place as proposed with a 52,213 square foot addition to the existing store, but the remaining 5.7 vacant acres set aside for outlot retail development under the Project would instead be developed with medium-density residential uses.

Such development would be consistent with current General Plan and zoning designations applicable to the site, as provided under Article 3, Section 12-323 of the Municipal Code (adopted August 2008) which allows for mixed residential/commercial developments within the C-2 zone covering the Project site. Assuming the site would be developed at residential densities similar to those at the transit village, this portion of the site would support approximately 100 multi-family and townhouse units (at an overall density of approximately 17.5 units per acre). This is assumed to consist of a mixture of townhouse and three-story apartment buildings, with the lower profile townhouse units backing onto Adler Avenue to provide a density transition with the existing residences on the west side of Adler Avenue. It is also assumed that the perimeter townhouse development would be oriented to the interior of site, and there would be no direct vehicular access to Adler Avenue. In summary, the Mixed Residential/Commercial Land Use Alternative consists of the expansion of the Walmart store by 43,113 square feet (studied as 52,213 square feet in the Final EIR, consistent with the proposed Project; *see* Sections II.A.2.c and IV.A.2), and the development of 100 multi-family dwellings in the southwestern portion of the Project site. The potential impacts of this alternative are discussed below, relative to the impacts associated with the proposed Project.

For comparative purposes, the proposed Project would result in significant and unavoidable impacts with regard to construction noise, as is further detailed in Section V.A, below. The Project would result in other potentially significant impacts regarding air quality; biological resources; cultural resources; geology and soils; hydrology and water quality; and traffic and circulation, all of which could be mitigated to a level of less than significant.

As set forth in the Draft EIR, it is anticipated this alternative would result in lesser potential impacts with regard to hydrology and water quality; traffic and circulation; noise; air quality; energy; and global climate change. It is anticipated this alternative would result in similar potential impacts with regard to land use and planning; geology and soils; biological resources; cultural resources; aesthetics; and hazardous materials.

Impacts of the alternative that are associated with (1) utilities and service systems and (2) public services were determined to be greater (although still less-than-significant) than what would occur under the proposed Project, as is set forth in more detail below and in the Final EIR.

Regarding utilities and services systems, under the Mixed Residential/Commercial Land Use Alternative, the water supply demands from the medium-density residential development in the outlot area of the Project site would be about six times as high as an equivalent area of commercial retail development under the proposed project (i.e., each unit of medium-density residential would use approximately 300 gallons of water per day [gpd], resulting in a total water demand of about 30,000 gpd for 100 dwellings; the 34,800 square-foot outlot retail development would use approximately 0.15 gallons per square foot per day [interior use and landscaping], resulting in a total water demand of about 5,220 gpd). The wastewater generated by the outlot area would also be about six times as much under the Mixed Residential/Commercial Land Use Alternative, although wastewater flow rates in both cases would be lower than water demands, primarily due to landscape irrigation water which would not be returned to the sanitary sewer system. Therefore, the Mixed Residential/Commercial Land Use Alternative would result in greater overall demands for water supply and wastewater collection and treatment service than the proposed project. However, it is expected that the City's existing water supply and wastewater collection and treatment systems would accommodate the higher levels of demand from the Mixed Residential/Commercial Land Use Alternative without the need for significant improvements to these infrastructure systems. Therefore, although the impact to utilities and service systems would not be significant under either scenario, the utilities and service systems impacts associated with the Mixed Residential/Commercial Land Use Alternative would be greater than the utilities and service systems impacts associated with the proposed Project.

Regarding public services, the Mixed Residential/Commercial Land Use Alternative is expected to result in fewer fire and police calls when compared with service calls associated with the proposed Project, but increased demand for other services such that, on balance, this alternative would increase the overall demand for public services.

More specifically, and as is more fully set forth in the EIR, the Mixed Residential/Commercial Land Use Alternative would result in about 35 percent fewer calls for fire service and about 22 percent fewer calls for police service than the proposed Project, though would generate approximately 5 percent more solid waste than the proposed Project. At the same time, the Mixed Residential/Commercial Land Use Alternative also would demand other services which generally are not required by retail development such as schools, parks, libraries and other governmental services. While project employees might use nearby parks on lunch breaks, demand for schools and libraries is generated by residents and not employees. In order to evaluate the

differences in overall demand for services between the Mixed Residential/Commercial Land Use Alternative and the proposed Project, the comparative costs of providing such services were examined as an indicator of relative demand. Based on the nationwide study of development impact fees entitled “*National Impact Fee Survey: 2008*,” published in October 2008 by Duncan Associates, the cost of providing schools, parks, and libraries alone comprises about 66 percent of the cost of providing non-utility services to multifamily development projects (or two times the cost of providing police, fire, and other governmental service to multifamily development). The additional costs of providing services to multifamily development (which do not even include increases in demand for solid waste disposal, which is not included because it is a fee-based service and does not represent a development cost to the City) would far outweigh the 22- to 35-percent higher costs associated with providing fire and police service to an equivalent area of retail commercial.

Finally, the Mixed Residential/Commercial Land Use Alternative would not avoid the significant and unavoidable construction noise impacts of the proposed Project, even after implementation of all feasible mitigation measures. The reason is that this alternative would involve about the same level of construction activity as the proposed Project. That is, the Walmart store would be expanded and remodeled as in the proposed Project, and the vacant portion of the site would be graded and developed, albeit with residential instead of commercial construction. Although there would be qualitative differences in the nature of construction occurring in the outlot area, the overall noise generated during construction of the outlot area would not vary substantially between the Mixed Residential/Commercial Land Use Alternative and the proposed project.

The City rejects the Mixed Residential/Commercial Land Use Alternative as infeasible. The City finds, separately and independently, the Mixed Residential/Commercial Land Use Alternative would be inconsistent with some fundamental Project Objectives, would not fully meet other fundamental Project Objectives, and is less desirable to the City, as is set out in further detail below.

a. *Failure to Provide Central, One-Stop Shopping Alternative.*

1) A fundamental Project Objectives is to provide the market area with a one-stop shopping alternative that includes an adequately-sized grocery component to enhance consumer convenience.

2) The Mixed Residential/Commercial Land Use Alternative would offer the same amenities as the Walmart store under the proposed Project, but would not include any outlot development consisting of diversified retail space. Analyses prepared in conjunction with the EIR, including Walmart’s research, experience and intensive consultation with the City and residents, confirmed the overwhelming need and consumer demand among neighborhood and community for an affordable, full range of products offered by an approximate 174,000-square-foot Walmart store, with a outlot development of about 34,800 square feet. Outlots provide consumers with a venue for goods and services that complement, rather than compete with, Walmart goods and services, such as: Food and drink (potentially including sit-down restaurants), specialty apparel, novelties, telecommunications, and health and beauty.

3) There is significant consumer demand for additional general merchandise sales space, as would be accommodated in the outlot development pads. As discussed in the urban decay analysis in the EIR and its technical appendices, the Project trade area will support an additional 271,700 square feet of general merchandise space by 2010, meaning the trade area is underserved with such facilities and that local residents demand are “leaking” to larger and more attractive shopping facilities located outside the trade area. By 2020, demand will increase to approximately 1.50 to 1.74 million square feet (depending on various growth scenarios). However, even if the approximately 1.48 to 1.5 million square feet in foreseeable projects is taken into account, there would remain a demand deficit of 13,000 to nearly 250,000 square feet, as is further set forth in the EIR. The EIR also concludes the market could support any anticipated restaurant uses.

4) In sum, without providing, as does the proposed Project, more than 34,000 square feet of space dedicated to outlot development, which would consist of general merchandise retail space and other complementary retail uses, this alternative would fail to provide the market area with a one-stop shopping alternative.

b. *Failure to Provide Essential Goods and Service in a Diversified Retail Shopping Establishment.*

One fundamental Project Objective is to provide a retail establishment that serves local residents and visitors with a diversified selection of essential goods and services, in a safe and secure, 24-hour shopping environment. Consistent with the analysis in Section IV.D.3.a, which is applicable here and incorporated by reference, an alternative that does not include complementary outlot development would not meet consumer demand for diverse retail goods and services to the same extent as the proposed Project.

c. *Fewer Job Opportunities.*

1) One fundamental Project Objective is to maximize new job opportunities for local residents.

2) The Project, would create approximately 85 permanent positions associated with the Walmart expansion and approximately 70 permanent positions associated with outlot development. The Mixed Residential/Commercial Land Use Alternative, in not having an outlot component, would entail the loss of 70 job opportunities.

3) These 70 permanent positions would be both full-time and part-time, with most of the positions being entry level, and are especially significant in light of recent economic trends. The City, for example, had an estimated 17.3 percent unemployment rate in March 2011.

4) The Final EIR’s urban decay analysis shows that there is an excess demand for the types of general merchandise that would be sold in the 34,800 square feet of outlot development envisioned under the proposed Project, such that sales are in fact “leaking” outside the Project trade area. *See* Section IV.D.3.a.(3), above. As such, no

closures of general merchandise stores are forecast in the trade area. The EIR also concludes the market could support any anticipated restaurant uses.

d. *Fewer Tax Revenues.*

1) One fundamental Project Objective is to positively contribute to the local economy.

2) The Project, as originally proposed, would add 52,213 square feet in Walmart store expansion space and 34,800 square feet in outlot development space, which would result in increased property tax and sales tax revenues for the City given that the 9.7 acres of land to be developed currently sits undeveloped and idle.

3) Under the Mixed Residential/Commercial Land Use Alternative, the additional square footage of commercial space, would consist of only the Walmart store expansion, and would total 43,113 (as opposed to the 77,913 square feet associated with the Walmart store expansion and the outlot development under the Project). This Alternative would result in a smaller increase in property tax revenues and the City would not receive the considerable sales tax revenues associated with the outlot development's general merchandise and restaurant sales.

4) Tax revenues in the City are especially important given that the population of Fresno continues to increase yet per capita retail sales tax has decreased. The City has more residents to serve, but tax revenues are not keeping pace with the size of the service population.

5) The Final EIR's urban decay analysis shows that there is an excess demand for the types of general merchandise that would be sold in the 34,800 square feet of outlot development envisioned under the proposed Project, such that sales are in fact "leaking" outside the Project trade area. *See* Section IV.D.3.a.(3), above. As such, no closures of general merchandise stores are forecast in the trade area. The EIR also concludes the market could support any anticipated restaurant uses.

e. *Fewer Enhancements of Commercial Opportunities.*

1) Related Project Objectives are to develop the vacant southwestern portion of the site in a manner that is compatible with the existing site and to enhance commercial retail and service opportunities available in the surrounding community.

2) The Mixed Residential/Commercial Land Use Alternative, by not including outlot development, would not include retail uses that complement surrounding commercial uses. Aside from lessening vehicle miles traveled by consumers, having a centralized location with complementary uses would make the shopping experience more convenient for local shoppers, and this convenience factor would attract additional consumer traffic such that each individual retail use would experience more sales than it would if

operating in isolation. Thus, this alternative would fail to enhance surrounding commercial opportunities to the same extent as the proposed Project by virtue of its lesser diversification of retail uses.

f. *Failure to Maximize Growth and Development Consistent with City Policies.*

One fundamental Project Objective is to facilitate economic growth and development in a way that is consistent with the policies of the City of Fresno 2025 General Plan, the Roosevelt Community Plan, the Specific Plan for the Butler/Willow Area, and the City of Fresno Zoning Ordinance.

A number of policies and objectives in the above documents are relevant, as set forth below. Following each statement of City policy are City findings regarding how the alternative fulfills the policy compared to the Project as originally proposed.

1) *General Plan, Urban Form Element, Objective C-12.*

(a) Policy text: “Commercial land uses shall be classified, located, sized, and developed to meet needs for foods, and service while minimizing travel requirements, infrastructure demands, and adverse impacts.”

(b) *Need for General Merchandise Retail Space/Restaurants.* As discussed in Sections IV.D.3.a, Walmart’s research, experience and intensive consultation with the City and residents confirmed the need and consumer demand among neighborhood and community for a full range of products offered by a unified shopping center consisting of a 174,277 Walmart store and 34,800 feet of outlot development. The urban decay analysis in the Draft EIR and its technical appendices show the Project trade area will support an additional 271,700 square feet of general merchandise space by 2010, meaning the trade area is underserved with such facilities and that local residents demand are “leaking” to larger and more attractive shopping facilities located outside the trade area. The EIR also concludes the market could support any anticipated restaurant uses.

(c) *Minimizing Travel Requirements.* A secondary effect of have non-centralized grocery, restaurant, and diversified general merchandise land uses is that consumers will travel more vehicle miles as they seek to fulfill diversified demands located in diverse places, including retail options that lie outside the trade area.

(d) *Summary.* The Project, as proposed, offers a source of affordable groceries for which there is demand, and the greatest amount and diversity of general merchandise sales space and restaurants (i.e., in both the expanded Walmart store and the 34,800 square feet of outlot development) for which there is demand, and thus best and most efficiently addresses local needs by offering reasoned supplies of desired goods in one central location. By contrast, the Mixed Residential/Commercial Land Use Alternative does not offer the 34,800 square feet of complementary retail uses afforded by the outlot development and,

accordingly, fails to capture the same amount of leakage as the proposed Project. Consumers in the localized trade area would have to travel further afield to meet related purchasing demands.

2) *General Plan, Urban Form Element, Policy C-12-d.*

(a) Policy text: “Plan for the appropriate location, size, and distribution of neighborhood and community commercial uses to implement the planned urban form, promote stability and identity of neighborhoods and community area, and allow efficient access without compromising the operational effectiveness of planned major streets.” As part of the policy, “[r]etail commercial goods and services shall be provided in planned unified shopping centers, carefully designed small-scale commercial centers, and in neighborhood-oriented stores.”

(b) The findings and analysis set forth in Section IV.D.3.f.1.(b)-(d) are applicable here and incorporated by reference.

3) *General Plan, Urban Form Element, Commercial Designation.*

(a) Policy text: “The General Plan envisions that lands designated commercial should have uses that are “easily accessible and most convenient to the population they serve” and “should be allocated to provide goods and services in the most efficient and effective manner.”

(b) The findings and analysis set forth in Section IV.D.3.f.1.(b)-(d) are applicable here and incorporated by reference.

4) *Roosevelt Community Plan, Commercial Uses (General Description, p. 33 et seq).*

(a) Policy text: “Important commercial uses [in the plan area] are absent such as major department stores ... The problems associated with a limited range of commercial activity are exacerbated by the lack of aesthetic appeal of much of the older commercial developments, thereby encouraging potential customers to shop outside of the community ... The Plan seeks to address these concerns by expanding the opportunities for the development of a full range of commercial uses including both retail activities and office development. It is also the Plan’s intent to provide for a reasonable dispersal of neighborhood commercial uses throughout the planning area, to address the need for enhanced commercial design standards, and to establish policies to protect the main transportation arterials serving the community. Retail commercial activities serving the community plan area will be concentrated within the East Kings Canyon Road Corridor. These community commercial uses will be focused within a two and one-half mile length of East Kings Canyon road to be anchored at either end by rejuvenated commercial centers. This corridor, bolstered by landscaping and design standards, will help the community establish much of its character.”

(b) The findings and analysis set forth in Section IV.D.3.f.1.(b)-(d) are applicable here and incorporated by reference.

(c) In terms of developing a full range of commercial uses, the Project as proposed contains the greatest diversity of retail uses and addresses plan concerns about the existing limited range of commercial activity; by contrast, the Mixed Residential/Commercial Land Use Alternative does not contain the same robust diversity of complementary retail uses as the proposed Project, as no space would be devoted to outlet development.

5) *Roosevelt Community Plan, Goal 1-8.*

(a) Policy text: “Create an intensive community activity corridor by concentrating those commercial uses serving the entire Roosevelt Community Plan area along Kings Canyon Road between Chestnut and Sunnyside Avenues.”

(b) The findings and analysis set forth in Section IV.D.3.f.1.(b)-(d) are applicable here and incorporated by reference.

(c) Among the Project alternatives, the Project as proposed would site the greatest intensity and concentration of retail uses along Kings Canyon Road between Chestnut and Sunnyside Avenues, and thus is most consistent with the plan goal of concentrating commercial uses in this area.

6) *Roosevelt Community Plan, Goal 1-10.*

(a) Policy text: “Plan for the sizes, locations and characteristics of commercial developments that will meet community needs that can be accommodated by the planned infrastructure, that promote land use compatibility, and that enhance the visual appearance of the plan area.”

(b) The findings and analysis set forth in Section IV.D.3.f.1.(b)-(d) are applicable here and incorporated by reference.

7) *Specific Plan, Objective 4.*

(a) Policy text: “Opportunities for new and long term development that are consistent with the land economics that determine balanced growth and development of the Fresno urbanized area.”

(b) The findings and analysis set forth in Section IV.D.3.f.1.(b)-(d) are applicable here and incorporated by reference.

(c) The “land economics” here, as demonstrated by the above-referenced facts in the Final EIR, technical appendices, and statements made by the public, consist of a market that supports buildout under the Project as originally proposed.

8) *Specific Plan, Land Use Element, Land Use Districts (p. 20).*

(a) Policy text: “[C]ommercial districts adequate to supply daily convenience goods and services for the potential population of the area; recognition of existing land use districts that are capable of providing goods and services at levels of intensity that may be competitive within the metropolitan area in terms of location and potential attractiveness.”

(b) The findings and analysis set forth in Section IV.D.3.f.1.(b)-(d) are applicable here and incorporated by reference.

9) *Specific Plan, Land Use Element, Commercial Uses (p. 23).*

(a) Policy text: “Thus, the rate of development and composition of retail commercial floor space in the Butler/Willow Area will be determined by market factors and the degree of attractiveness of commercially zoned sites in the area among competitive relationships of established and developable sites throughout the Fresno urbanized area.”

(b) The findings and analysis set forth in Section IV.D.3.f.1.(b)-(d) are applicable here and incorporated by reference.

(c) Market factors, as identified in updated economic analyses prepared in conjunction with the EIR (described above), support the need for more than 34,000 square feet of additional retail space to serve the demand of residents in the Project trade area.

While the Mixed Residential/Commercial Land Use Alternative would reduce environmental effects of the Project, the alternative would not eliminate the significant and unavoidable construction noise impacts associated with the Project, and would result in greater impacts regarding utilities and service systems and public services; on balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the alternative’s failure to achieve Project Objectives in the manner described above, and its failure to effect fully the other beneficial attributes of the Project identified above and in Section V, below.

E. Findings Regarding Project Alternatives Scoped out of EIR

Evaluating an alternative location for the Project was initially considered but ultimately was rejected from further considerations, separately and independently, for the following reasons:

a. Since the proposed Walmart expansion could not be located at another site in isolation of the remainder of the store, the evaluation of an alternative project location would imply the relocation of the existing Walmart store to another site, along with the proposed expansion and retail outlot development. The resulting project would be approximately 218,000 square feet in size. If this alternative consisted only of the expanded Walmart store, without the retail outlot development, development would total 174,277 square feet, which is the size of the existing Walmart store after its expansion. In contrast, the Project

consists of 77,913 square feet, or less than half the size of a project developed at an alternative location. Thus the basic Project objectives of having a commercial use that meets local demand for an affordable grocery supply and additional general merchandise venues (i.e., venues sufficient enough to minimize sales leakage) could only be met at an alternative location with a new store at least twice the size of the proposed expansion and retail outlot project.

b. Regardless of location, the impacts associated with a project that is twice as large as the proposed Project would be far greater than those associated with the proposed Project at the proposed location. Assuming the existing Walmart operation was retenanted, which is a reasonable prospect given expected population growth and consumer demands, the volume of traffic generated would be roughly double that associated with the proposed Project, as would air quality impacts, energy consumption, and greenhouse gas emissions. The emissions of ozone precursors such as nitrogen oxides and reactive organic gases would exceed the San Joaquin Valley Air Pollution Control District's significance thresholds under such an alternative, while the emissions associated with the proposed Project would not do so. Regarding construction noise, building an entirely new store and parking area in an area that would serve the Project's market would require substantially more grading and construction, and thus would be expected to generate similar levels of noise, but for longer durations, at any nearby residences or other sensitive receptors. In terms of construction effects, expanding the existing store also would involve substantially less consumption of building materials and energy, and significantly lower emissions of air pollutants and greenhouse gases. Thus, instead of avoiding or substantially lessening the impacts of the proposed Project, this alternative would do the opposite and create new significant air quality impacts and result in substantially worse traffic and noise impacts than those associated with the proposed project location.

c. The existing store is centrally located in an established retail center on a major commercial thoroughfare and has existing and planned residential neighborhoods in the surrounding area to support it. Moving the store to less central location relative to its customer base would lengthen customer trip lengths, resulting in increased traffic congestion at more intersections and roadway segments, and increased emissions of air pollutants and greenhouse gases.

d. Expanding the existing store on land which is already owned by Walmart would be less cost prohibitive than constructing an entirely new store on land which would have to be acquired.

e. The relocation of the Walmart store to another site would create a vacancy at the existing store which would need to be retenanted. It is possible that another big box retailer that does not currently have a presence in the area could occupy the empty store, or that the store could be subdivided into smaller tenant spaces. However, under the current economic conditions, such retenanting could take several years. Alternatively, the store could be demolished and the site could be developed for another use such as residential, but this option would be costly and would generate substantial waste.

f. While there may be alternative sites in the area that would be suitable for a 174,000 square-foot Walmart store, it is unlikely that any would be more suitable from the standpoint of delivery of City services than the current Project site. At the

Project site, all urban infrastructure needed to support the project is already in place on the project site. This includes water supply, sanitary sewer, storm drainage, natural gas, and electrical service, all of which currently serve the existing store and would require minor upgrades or on-site extensions to serve the expansion and the retail outlot development. The roadways serving the Project generally have adequate capacity to accommodate additional traffic generated by the Project, although some intersection improvements will be needed to maintain adequate service levels. The Project has good access to transit service along Kings Canyon Road, and police and fire stations are located nearby. Thus the Project site avoids the necessity of extending infrastructure and services to a less central site where such utilities and services may not be in place with the service capacities necessary to serve the project.

With respect to the Alternative Location project alternative, the City hereby adopts and incorporates by reference information set forth in the Draft EIR analysis and responses to comments contained in the Final EIR as grounds for finding an Alternative Location alternative infeasible and rejecting this alternatives. The City further finds infeasible and rejects this alternative for each of the reasons set forth above.

F. Findings Regarding Adequacy of Range of Alternatives.

The City finds that the range of alternatives evaluated in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most but not all of the Project Objectives. The City finds that the alternatives analysis is sufficient to inform the City and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the City's ability to achieve most or all of its Project Objectives.

G. Mitigation Monitoring and Reporting Program

In accordance with CEQA and the CEQA Guidelines, the City must adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted herein are implemented. **The City hereby adopts the Mitigation Monitoring and Reporting Program for the Project attached to these findings as attached Exhibit B.**

H. Summary

1. Based on the foregoing findings and the information contained in the administrative record of proceedings, the City has made one or more of the following findings with respect to each of the significant environmental effects of the Project identified in the Final EIR:

a. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment.

b. Specific economic, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR that would

otherwise avoid or substantially lessen the identified significant environmental effects of the Project.

2. Based on the foregoing findings and information contained in the record, it is hereby determined that:

a. All significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible.

b. Any remaining significant effects on the environment found unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section V, below.

V. STATEMENT OF OVERRIDING CONSIDERATIONS

A. Impacts That Remain Significant

As discussed in Exhibit A and the Final EIR, the City has found that impacts related to construction noise remain significant following adoption and implementation of all feasible mitigation measures, as described in the Final EIR. The significant and unavoidable impact is identified with further detail below.

The City hereby finds that mitigating construction noise impacts, as identified in this section, to a level of less-than-significant would be infeasible, separately and independently, for the reasons set forth below. Note that, as more fully described in the final EIR and MMRP, all measures identified to alleviate these impacts that are feasible will be adopted.

1. Impact

a. Construction of the Project is anticipated to significantly impact homes to the north, south, east, and west. The nearest noise-sensitive receptors consist of single-family and multi-family properties located immediately east of the Walmart store. To the immediate north lies a public park, and about 250 feet to the north lay more single family residences. To west there are single family residences directly across the street from the site of the proposed outlots. To the south there is more residential development, though it is located on the other side of a major thoroughfare (East Kings Canyon Road [Hwy 180]).

b. With regard to homes lying to the north of the Project site, during grading and paving activities for the loading and circulation areas north of the Walmart store, noise levels would exceed the adopted threshold by 22 decibels (dBA L_{eq}). During site grading excavation for the outlot development, noise would exceed the threshold by 13 dBA L_{eq} .

c. With regard to users of the park lying north of the Project site, during grading and paving activities for the loading and circulation areas north of the Walmart store, noise levels would exceed the adopted threshold for parks by 3 dBA L_{dn} . There would be no exceedances during site grading excavation for the outlot development.

d. With regard to homes lying to the south of the Project site, during grading and paving activities for the southwest Walmart parking lot expansion, and

during grading and excavation for the outlot development, noise levels would exceed the adopted threshold by 5 dBA L_{eq} .

e. With regard to homes lying to the east of the Project site, during expansion of the Walmart store, noise levels would not exceed the adopted threshold at this location, mostly because the Walmart store sits between the homes and the expansion area on the west side of the store. During grading and excavation for the outlot development, noise levels could exceed the adopted standard by 5 dBA L_{eq} .

f. With regard to homes lying to the west of the Project site, during grading and paving activities for the western Walmart parking lot expansion, the nearest homes would experience noise of 8 dBA L_{eq} above the adopted threshold. During site grading excavation for the outlot development, noise would exceed the threshold by 22 dBA L_{eq} .

g. If the Walmart expansion and outlot development occurred at the same time (which is deemed unlikely, as is further set forth in the EIR), the above noise exceedances could increase by 3 dBA. There are no cases where the combined noise levels would result in the identification of a new significant impact that is not already discussed above.

2. Mitigation

Feasible mitigations were identified in the Draft EIR that would reduce the aforementioned construction noise impacts, and these will be adopted as conditions of Project approval. However, technical noise modeling shows these measures only will be able to reduce noise impacts by approximately 5 to 10 dBA L_{eq} . The adopted feasible mitigations are as follows:

a. In accordance with the City's Noise Ordinance, construction activities shall be limited to weekdays and Saturdays between 7:00 am to 10:00 pm, and are prohibited on Sundays.

b. Prior to engaging in any site development activities on the Walmart expansion site, the permanent noise barrier proposed along the northern boundary of the Walmart site shall be constructed. If this is not feasible, a temporary noise barrier (minimum 10-foot high) shall be erected along the northern site boundary at the start of construction activities to shield heavy construction areas from adjacent residential receptors. The temporary noise barrier shall either be constructed of a minimum 0.5-inch plywood (without holes or gaps) or utilize acoustical blankets with a minimum Sound Transmission Class of 12. The temporary barrier shall remain in place until all exterior construction activity is completed.

c. Prior to engaging in any site development activities in the Phase 2 outlot development area, a temporary noise barrier (minimum 10-foot high) shall be erected along the western site boundary at the start of construction activities in a manner to shield heavy construction areas from adjacent residential receptors. The temporary noise barrier shall either be constructed of a minimum 0.5-inch plywood (without holes or gaps) or utilize acoustical blankets with a minimum Sound Transmission Class of 12. The temporary barrier shall remain in place until all exterior construction activity is completed.

d. All equipment driven by internal combustion engines shall be equipped with mufflers which are in good condition and appropriate for the equipment.

e. The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.

f. Unnecessary idling of internal combustion engines shall be prohibited.

g. At all times during project grading and construction, stationary noise-generating equipment shall be located as far as practicable from sensitive receptors.

h. All stationary construction equipment shall be placed so that the emitted noise is directed away from sensitive receptors nearest the project site.

i. Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

j. Owners and occupants of residential and non-residential properties located within 300 feet of the construction site shall be notified of the construction schedule in writing.

k. The construction contractor shall designate a “noise disturbance coordinator” who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and institute reasonable measures as warranted to correct the problem (e.g., ensure that the above measures are being implemented). A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

3. Feasibility Findings

The City finds that further mitigation measures would not be feasible, separately and independently, for the following reasons:

a. One remaining measure the applicant could implement would be to raise the height of all temporary barriers but, in doing so, there are technical obstacles to providing enough structural support to withstand windloading.

b. Raising the height of the permanent barriers would not be feasible due to aesthetic and social considerations, given these walls lie immediately across the streets from residential lots and immediately adjacent to a public park.

Therefore, the residual significance of the impacts at this intersection and roadway segment are considered significant and unavoidable.

B. Overriding Considerations Justifying Project Approval

In accordance with CEQA Guidelines Section 15093, the City has, in determining whether or not to approve the Project, balanced the economic, social, technological, and other Project benefits against its unavoidable environmental risks, and finds that each of the benefits of the Project set forth below outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels.

This statement of overriding considerations is based on the City's review of the Final EIR and other information in the administrative record. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Project. The benefits of the Project are as follows:

1. Creation of New Jobs.

The Project will provide a retail element that will provide significant benefits to the City and community in terms of much needed employment opportunities. According to the Project applicant, the Walmart store is estimated to create approximately 85 job opportunities and outlot development would contribute an additional 70 job opportunities. Except for a very few number of Walmart management positions that may be filled by transferees from other localities, most of these full- and part-time positions will be entry level and filled by local residents. Consequently, it is reasonably expected that the City and its residents will enjoy the economic and social benefits from added employment opportunities afforded by the Project.

These employment opportunities are especially significant in light of recent economic trends. The City and the Trade Area, as defined in the Final EIR, have very high unemployment levels.

2. Creation of Tax Revenues.

The Project would add approximately 77,913 square feet in retail space, which would result in a notable increase in property tax revenues as 9.7 currently vacant acres slated for development would generate increased taxes. Sales tax revenue would notably increase, due primarily to the 34,800 square feet of specialty retail and restaurant use located on the 5.69 outlot development area. These revenues will go to the City's General Fund, which is the primary funding source for the construction, operation and maintenance of a number of essential City services, programs and facilities, including fire and police services, recreation programs, transit operations, library services, public infrastructure such as water and sanitary sewer service, and administrative functions, among other things.

Tax revenues in the City are especially important given the current budget shortfalls and the fact that the population in the City of Fresno is outpacing the City's receipt of property and sales tax revenue, threatening ongoing budget shortfalls. The City has more residents to serve, but tax revenues are not keeping pace with the size of the service population. The City finds that the opportunity to realize additional property and sales tax revenues is an important consideration for the City.

3. Provision of Convenient, One-Stop Shopping Alternative.

The Project will provide retail options that currently do not exist in the Trade Area, and with updated, modern, and energy efficient construction, and in close proximity to local consumers and residents. Detailed evidence in the record, including hearing testimony regarding the lengthy trips outside of Fresno required for consumers and residents to shop at a Walmart store and obtain necessary discount items and grocery, and information contained in the urban decay analyses in the EIR, demonstrates the City's need for a more convenient source of affordable grocery and general merchandise goods for which consumer demand exists, and which can serve customers during both daytime and nighttime in a safe and secure environment. The proposed Project provides such a source. In addition to convenience, the community will benefit insofar as this closer source of goods leads to less vehicle miles traveled overall and associated environmental impacts.

4. Provision of Affordable Shopping Option

Wal-Mart stores have been shown to provide substantial price savings on consumer goods when compared to competitors. According to the article in the *Journal of Economics & Management Strategy* entitled "The Evolving Food Chain: Competitive Effects of Wal-Mart's Entry into the Supermarket Industry," estimates of Walmart's prices for grocery items have been, on average, 10 percent lower than competitors' prices. In addition, the entry of a Walmart store has been show to result in a decrease in pricing offered by competitor stores. According to the article "Selling a Cheaper Mousetrap," published in the *Journal of Urban Economics*, the entry of a Walmart store can result in price declines of 1.5 to 3 percent for many products (e.g., staple goods such as aspirin, laundry detergent, toothpaste, and shampoo) in the short term, and 7 to 13 percent in the long-term (i.e., five years). As such, the Project results in a wide variety of more affordable goods to residents of the City and surrounding communities.

5. Modern, Energy-Efficient Sustainable Project Design

The Project would cause the addition of a number of beneficial attributes that would serve the community, including the implementation of numerous sustainable designs, siting and building features. With regard to sustainable design, the Project would include use of the industry's most energy-efficient features available, including:

a. *Light Sensors:* The project will include occupancy sensors in non-sales floor areas such as restrooms, break rooms and offices. These sensors detect activity in a room and automatically turn off the lights when the space is unoccupied.

b. *LED Lighting:* All exterior building signage and many refrigerated food cases will be illuminated with light emitting diodes (LEDs). LED technology is up to 52 percent more energy efficient than fluorescent lights. Total estimated energy savings for LED lighting in an average Walmart grocery section is more than 59,000 kWh per year, enough energy to power five single family homes. Note that LED lights are projected to last at least six years beyond conventional lighting, reducing maintenance costs. Further, in

refrigerated food cases, LEDs perform well in the cold and produce less heat than fluorescent bulbs – heat which must be compensated for by the refrigeration equipment.

c. *Central Energy Management:* Walmart employs a centralized energy management system (EMS) to monitor and control the heating, air conditioning, refrigeration and lighting systems for all stores from Walmart's corporate headquarters in Bentonville, Arkansas. The EMS enables Walmart to constantly monitor and control the expanded store's energy usage, analyze refrigeration temperatures, observe HVAC and lighting performance, and adjust system levels from a central location 24 hours per day, seven days per week. This system will govern operations in the entirety of the store.

d. *Energy efficient HVAC units:* In the expansion area, the Project will utilize one of the industry's most efficient heating, ventilating and air-conditioning (HVAC) units available for the expansion area. Per ASHRAE 90.1-2004, retail stores' HVAC equipment is required to achieve an overall minimum Energy Efficiency Ratio (EER) value of 10.3. The new HVAC equipment that will be installed in the expansion area has an EER rating of approximately 12.1 to 14.3, well above the standard.

e. *Dehumidification:* The entire store will include a dehumidifying system that allows the store to be operated at a higher temperature, use less energy, and allow the refrigeration system to operate more efficiently.

f. *White Roof:* The existing Walmart store includes a white membrane roof instead of darker colored roof materials which can contribute to a heat island effect. The expansion area will also include a white membrane roof which helps reduce building energy consumption in most climate zones (especially in areas with like Fresno which have high solar reflectivity).

g. *Heat Reclamation:* The new grocery area will reclaim waste heat from onsite refrigeration equipment to supply approximately 70 percent of the hot water needs for the store.

h. *Water Conservation:* In the newly remodeled and constructed store facilities, Walmart installs the following water-conserving features (note: the two existing restrooms will be removed and two new restrooms constructed in new locations):

1) All new restroom sinks will use sensor-activated ½ gallon per minute faucets. The low-flow faucets reduce water usage by 75 percent compared to mandated 1992 EPA Standards. During use, water flows through turbines built into the faucets to generate the electricity needed to operate the motion sensors.

2) All new restrooms will have high-efficiency urinals that use only 1/8 of a gallon (one pint) of water per flush. This fixture yields 87 percent water savings per flush versus conventional one gallon per flush urinals.

3) All new restrooms toilets are highly efficient and reduce water use. The fixture yields a 20 percent less water compared to mandated EPA Standards requiring 1.6 gallon per flush fixtures. The toilets utilize built-in water turbines to

generate the power required to activate the flush mechanism. These turbines save energy and material by eliminating electrical conduits required to power automatic flush valve sensors.

i. *Landscape Irrigation:* The landscape plan for the Walmart expansion will include the following features:

- 1) Reduced turf and incorporation of native plant species.
- 2) Automatic irrigation controllers utilizing evapotranspiration sensors.
- 3) Rain sensors to suspend irrigation during a rain event.

j. *Refrigeration (Expansion area only):* Walmart uses non-ozone-depleting refrigerant in new and expansion facilities. Refrigeration equipment is typically roof-mounted close to the refrigerated cases. This reduces the amount of copper refrigerant piping, insulation, potential for leaks and refrigerant charge needed.

k. *Construction and Demolition (C & D) Recycling:* The goal of Walmart's Construction and Demolition (C&D) program is to capture and recycle as much of the metals, woods, floor and ceiling tiles, concretes, asphalts and other materials generated as part of Walmart's demolition and construction process as possible. Walmart works with a waste management company to fully research all available C&D recycling facilities in the area where construction activities occur and provide a system designed to capture the widest possible range of materials recovery options for that particular location and type of construction.

l. *Poured Concrete:* The newly constructed expansion area will include supplemental cementitious material (fly ash or slag) in interior and exterior floor slabs, footing and foundations, grout, and all site concrete. All poured concrete for the store will include up to 15 to 20 percent fly ash, a waste product of coal-fired electrical generation, or a 25-30 percent replacement with slag, a waste product of steel manufacturing, in its concrete mixes. It is estimated that one pound of fly ash reduces one pound of greenhouse gases emitted in the cement manufacturing process.

m. *Thermoplastic Panel:* The expansion area will use Non-Reinforced Thermoplastic Panel (NRP) in lieu of Fiber Reinforced Plastic (FRP) sheets on the walls of its kitchen areas. NRP can be recycled, has better impact resistance and, like FRP, is easy to keep clean.

n. *Concrete Form Release Agent:* The expansion area will use a plant-based oil extracted from a renewable resource as a concrete form release agent (a product sprayed on concrete forms to allow ease of removal after the concrete has set). This release agent is non-petroleum based non-toxic and a biodegradable agent.

o. *VOCs in Paint:* Walmart has reduced the volatile organic compounds (VOCs) of exterior and interior field paint coatings by approximately 40 percent by using better performing standard paint products with lower VOC content limits.

p. *Paint Containers:* As part of Walmart's reduction pilot initiative, paint products for the buildings are primarily purchased in 55 gallon drums and 275 gallon totes, reducing the number of one gallon and five gallon buckets needed. These plastic buckets are filled from the drums and totes and then returned to the paint supplier for cleaning and reuse.

6. Infill Development.

The Project would constitute development on a site surrounded on three sides by existing residential development, commercial development, and public uses, and located along a major east-west thoroughfare (East Kings Canyon Road [Hwy 180]). This use of the site would help to avoid impacts to agricultural land that could arise should the Project be sited elsewhere in the City, and its mix of complementary uses would lower the number of vehicle miles traveled when compared to existing commercial inventory.

ATTACHMENT B

MITIGATION MONITORING AND REPORTING PROGRAM

**SOUTHEAST FRESNO
WALMART EXPANSION**

**EAST KINGS CANYON ROAD
FRESNO, CALIFORNIA**

APRIL 2011

MITIGATION MONITORING AND REPORTING

Mitigation Measure		Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
B. GEOLOGY AND SOILS					
B1.	<p><u>Seismic Ground Shaking</u>. Prior to the issuance of grading permits, the project applicant shall provide documentation to the City of Fresno demonstrating that all project structures are designed in accordance with the seismic design criteria of the California Building Code. The project applicant shall also implement all recommendations of the project geotechnical engineer with respect to grading, soil preparation, building foundation design, pavement design, excavations, and other construction considerations.</p>	Developer and construction contractor.	City of Fresno, Development and Resource Management Department, Building and Safety Services Division.	Verify that project plans/ specifications comply with seismic requirements of CBC and recommendations of geotechnical engineer. Conduct compliance inspections.	Prior to issuance of grading permits. During grading and construction.
B2.	<p><u>Seismic Settlement</u>. Prior to the issuance of the first building permit, the applicant shall retain a qualified geotechnical engineer to undertake a soils investigation to determine the potential for seismic settlement and to prepare recommendations and foundation design specifications to mitigate potential damage to project structures due to potential seismic settlement. Any mitigations identified in the geotechnical report shall be subject to review and approval by the City Building Official and made conditions of building permit approval. Measures to minimize potential damage resulting from seismic settlement may include removal of soils from below the bottom of footings and replacement of the soils with engineered fill, or supporting structures on mat foundations and grade beams.</p>	Developer and construction contractor.	City of Fresno, Development and Resource Management Department, Building and Safety Services Division.	Verify that project plans and specifications comply with recommendations of geotechnical engineer. Conduct compliance inspections.	Prior to issuance of grading permits. During grading and construction.
B3.	<p><u>Expansive Soils</u>. Prior to the issuance of the first building permit, the applicant shall retain a qualified geotechnical engineer to undertake a soils investigation to determine the potential for soils expansion and to prepare recommendations and foundation design specifications to mitigate potential damage to project structures due to potential soils expansion. Any mitigations identified in the geotechnical report shall be subject to review and approval by the City Building Official and made conditions of building permit approval. The potential damage from soils expansion would be reduced by several alternative engineering measures (e.g., extending foundations below the zone of shrink and swell and providing non-expansive fill below slabs, or chemically treating the soils with quicklime), as recommended by the project geotechnical engineer.</p>	Developer and construction contractor.	City of Fresno, Development and Resource Management Department, Building and Safety Services Division.	Verify that project plans and specifications comply with recommendations of geo-technical engineer. Conduct compliance inspections.	Prior to issuance of grading permits. During grading and construction.

MITIGATION MONITORING AND REPORTING

Mitigation Measure		Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
B. GEOLOGY AND SOILS (CONT'D)					
B4.	<p><u>Soil Corrosivity.</u> Prior to the issuance of the first building permit, the applicant shall retain a qualified geotechnical engineer to undertake a soils investigation to determine the potential for soil corrosivity and to prepare recommendations and design specifications to mitigate potential damage to underground project structures due to potentially corrosive soils. Any mitigations identified in the geotechnical report shall be subject to review and approval by the City Building Official and made conditions of building permit approval. Measures to minimize potential damage to underground steel structures due to moderately corrosive soils to steel may include the use of corrosion resistant materials, coatings, and cathodic protection for buried steel, as recommended by the project geotechnical engineer.</p>	Developer and construction contractor.	City of Fresno, Development and Resource Management Department, Building and Safety Services Division.	Verify that project plans and specifications comply with recommendations of geotechnical engineer. Conduct compliance inspections.	Prior to issuance of grading permits. During grading and construction.
C. HYDROLOGY AND WATER QUALITY					
C3.	<p><u>Construction-Related Impacts to Water Quality.</u> A comprehensive erosion control and water pollution prevention program shall be carried out during site clearing, grading, and construction. This program shall follow the detailed Best Management Practices (BMPs) specified in the Storm Water Pollution Prevention Plan (SWPPP) for the project to provide for runoff and sediment control, soil stabilization, protection of storm drains and sensitive areas, and other storm drainage control measures to be specified in the SWPPP. The SWPPP shall be prepared by the applicant and implemented and complied with during and after project grading and construction, as required under State law.</p>	Developer and construction contractor.	City of Fresno, Development and Resource Management Department, Building and Safety Services Division.	Verify completion of an adequate SWPPP for project. Conduct compliance inspections during construction.	Prior to issuance of grading, demolition, and building permits. During grading and construction.

MITIGATION MONITORING AND REPORTING

Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
D. BIOLOGICAL RESOURCES				
<p>D3. <u>Disturbance to Native Wildlife Nursery Sites</u>. The following mitigations shall be implemented to avoid any impacts to active raptor (e.g., hawks, falcons, owls, etc.) and loggerhead shrike nests:</p> <ul style="list-style-type: none"> • <u>Tree Nesting Raptors and Loggerhead Shrikes</u>. If possible, trees planned for removal should be removed during the non-breeding season (September 1 through January 31). However, if it is not possible to avoid such disturbance during the breeding season (February 1 through August 31), a qualified ornithologist will conduct a pre-construction survey for tree-nesting raptors and loggerhead shrikes in all trees on and adjacent to the project site within 30 days of the onset of ground disturbance, if such disturbance will occur during the breeding season (February 1 through August 31). If nesting raptors or shrikes are detected on or adjacent to the site during the survey, a suitable construction-free buffer will be established around all active nests. The precise dimension of the buffer (up to 250 feet for raptors) will be determined at that time and may vary depending on location and species. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified ornithologist that all chicks have fledged and are independent of their parents. Pre-construction surveys during the non-breeding season are not necessary for tree nesting raptors or shrikes, as they are expected to abandon their roosts during construction. • <u>Burrowing Owls</u>. A qualified ornithologist will conduct pre-construction surveys for burrowing owls on and adjacent to the site within 30 days of the onset of ground disturbance. These surveys will be conducted in a manner consistent with accepted burrowing owl survey protocols. If pre-construction surveys determine that burrowing owls occupy the site during the non-breeding season (September 1 through January 31), then a passive relocation effort (i.e., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary to ensure that the owl is not harmed or injured during construction. (Continued on next page.) 	Developer	City of Fresno, Development and Resource Management Department, Planning Division, and Building and Safety Services Division.	Verify completion of pre-construction surveys. If active nests are found, verify implementation of specified mitigation measures.	Prior to issuance of grading permit.

MITIGATION MONITORING AND REPORTING

Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
D. BIOLOGICAL RESOURCES				
<p>D3. (Continued)</p> <p>Once it has been determined that owls have vacated the site, the burrows can be collapsed, and ground disturbance can proceed. If burrowing owls are detected on the site or immediately adjacent lands (i.e., within 250 feet of the site boundary) during the breeding season (February 1 through August 31), a construction buffer of 250 feet will be established around any active owl nests. The buffer areas shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season. After the breeding season, passive relocation of any remaining owls may take place, as described above.</p>	Developer	City of Fresno, Development and Resource Management Department, Planning Division, and Building and Safety Services Division.	<p>Verify completion of pre-construction surveys.</p> <p>If active nests are found, verify implementation of specified mitigation measures.</p>	Prior to issuance of grading permit.
<p>D7. <u>Removal of Palm Trees</u>. The palm trees subject to removal shall be relocated to suitable locations within the right-of-way of East Kings Canyon Road, adjacent to the project site. In order to provide for successful transplantation of the palms and to provide for replacement of any palms that are not successfully re-established, the measures specified in Mitigation Measure E1 shall be implemented.</p>	Developer	City of Fresno, Development and Resource Management Department, Planning Division, Historic Preservation Manager, and Building and Safety Services Division.	See Mitigation Measure E1.	Prior to issuance of grading permit.

MITIGATION MONITORING AND REPORTING

Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
E. CULTURAL RESOURCES				
<p>E1. Removal of Historic Palm Trees. Potential impacts to existing palm trees along the project frontage shall be mitigated through implementation of the following measures:</p> <ul style="list-style-type: none"> The palm trees subject to removal shall be relocated to suitable locations within the right-of-way of East Kings Canyon Road adjacent to the project site. If any relocated palms fail to re-establish, they shall be removed and replaced with palms of the same species and similar size. The applicant shall retain a certified arborist who is a specialist in the removal, transport, replanting, and maintenance of transplanted California fan palms to prepare and implement a plan for the relocation and successful establishment of the relocated palms. The plan shall cover all aspects of the palm relocations, including detailed guidance for ongoing maintenance after replanting, and criteria for determining failure to re-establish and procedures for replacement of any unsuccessfully transplanted palms. City Planning staff, the City Historic Preservation Project Manager, and the City's arborist shall be involved in the relocation and possible replacement decision-making process to ensure trees are placed in appropriate locations and during the appropriate time of year. As required by the City Tree Preservation Ordinance, any palm trees located near any excavation, construction or street work shall be sufficiently guarded and protected so as to prevent any injury to the tree; and no person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of four feet from any public tree without written permission of the Director. The applicant shall submit and implement an environmentally sensitive area (ESA) action plan (based on Caltrans standard ESA per guidance set forth in <i>Caltrans Environmental Handbooks, Volume 2: Cultural Resources; Exhibit 2.7 Environmentally Sensitive Area Action Plan Format and Content</i> http://www.dot.ca.gov/ser/vol2/exhibits/exhibit_2_7_ESA_Action_Plan_Format.html#ESAPlanFormat) to ensure that the existing palms are protected during construction. The requirements set forth above shall be made conditions of a tree permit for removal of the California fan palms along the project frontage, pursuant to Section 11-305 of the City of Fresno Municipal Code 	<p>Developer and construction contractor.</p>	<p>City of Fresno, Development and Resource Management Department, Planning Division, Historic Preservation Manager, and Building and Safety Services Division.</p>	<p>Approve selection of certified arborist. Review and approve certified arborist's plan for relocation of palms. Inspect and verify that palm removal, transport, replanting, and maintenance is in accordance with approved plan by certified arborist.</p> <p>Review and approve ESA action plan prior to issuance of tree removal permit. Inspect and verify that remaining palms are protected in accordance with the ESA action plan.</p>	<p>Prior to issuance of grading permits. During grading and construction.</p>

MITIGATION MONITORING AND REPORTING

Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
E. CULTURAL RESOURCES				
<p>E2. <u>Disturbance to Buried Archaeological Resources.</u> Implementation of the following measures will mitigate any potential impacts to buried cultural resources.</p> <ul style="list-style-type: none"> • If any prehistoric or historic artifacts, or other indications of archaeological resources are found once project construction is underway, all work within 25 feet of the find must stop and the City shall be immediately notified. An archaeologist meeting the Secretary of Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be retained to evaluate the find and recommend appropriate mitigation measures for the discovered cultural resources. Mitigation for historic and prehistoric materials may include monitoring combined with data retrieval, or may require a program of hand excavation to record and/or remove materials for further analysis. • If human remains are discovered, all work must stop in the immediate vicinity of the find, and the Fresno County Coroner must be notified, according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, who would identify a most likely descendant to make recommendations to the land owner for dealing with the human remains and any associated grave goods, as provided in Public Resources Code Section 5097.98. The most likely descendant shall complete the inspection within 48 hours of notification by the NAHC. 	<p>Developer and construction contractor.</p>	<p>City of Fresno, Development and Resource Management Department, Planning Division, Historic Preservation Manager.</p>	<p>Approve selection of archaeologist and review field protocols to be provided by archaeologist. Supply contractors with contact information for city staff and archaeologist to call if resources found.</p> <p>If suspected artifacts or burials are encountered, suspend work within specified distance of find/burial until all statutory requirements have been fulfilled, as determined by the Historic Preservation Manager in consultation with the archaeologist.</p>	<p>Prior to issuance of grading permits.</p> <p>During grading and construction.</p>

MITIGATION MONITORING AND REPORTING

Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
E. CULTURAL RESOURCES (CONT'D)				
<p>E3. Disturbance to Paleontological Resources. Implementation of the following measure will mitigate any potential impacts to paleontological resources.</p> <ul style="list-style-type: none"> In the event any paleontological resources are exposed or discovered during subsurface construction, ground-disturbing operations shall stop within 25 feet of the find and a qualified professional paleontologist, as recognized by the Museum of Paleontology at U.C. Berkeley, shall be contacted for evaluation and further recommendations. Treatment sufficient to reduce the impact to paleontological resources shall be implemented as determined in coordination with the City of Fresno Historic Preservation Project Manager. 	Developer and construction contractor.	City of Fresno, Development and Resource Management Department, Planning Division, Historic Preservation Manager.	<p>Approve selection of paleontologist. Supply contractors with contact information for city staff and paleontologist to call if resources found.</p> <p>If and when suspected fossils are encountered, suspend work within specified distance of find until any paleontological resources have been properly removed, as determined by the Historic Preservation Manager in consultation with the paleontologist.</p>	<p>Prior to issuance of grading permits.</p> <p>During grading and construction.</p>

MITIGATION MONITORING AND REPORTING

Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
G. TRAFFIC AND CIRCULATION				
<p>G1. <u>Existing plus Project – E. Kings Canyon Road/S. Minnewawa Avenue.</u> Prior to the issuance of a final Certificate of Occupancy for the Walmart expansion, the applicant shall contribute required project fees to the TSMI Fee program to install a traffic signal at the intersection of E. Kings Canyon Road/S. Minnewawa Avenue. Alternatively, if the TSMI funded improvement of this intersection will not likely be completed by the opening day of the remodeled Walmart store, the following improvements shall be completed by the project applicant prior to building occupancy: install a traffic signal at this intersection. The City shall deduct the eligible improvement costs from the total project fees payable to the TSMI program. If the aggregate cost of the intersection improvements the applicant completes at this intersection exceeds the TSMI fees required of the Project, the City shall reimburse the applicant for the amount that exceeds the amount of the fees, with reimbursement to occur in a time and manner as set forth in Section 12-4.1102 of the Fresno Municipal Code. As required by the City Tree Preservation Ordinance, any palm trees located near any excavation, construction or street work related to the signal installation shall be sufficiently guarded and protected so as to prevent any injury to the tree; and no person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of four feet from any public tree without the written permission of the Director.</p>	<p>Developer.</p>	<p>City of Fresno Public Works Department, Traffic Engineering Division.</p>	<p>Verify payment of required project fees to TSMI Fee Program. Verify installation of traffic signal.</p>	<p>Prior to issuance of building permit. Prior to issuance of final Certificate of Occupancy.</p>
<p>G2. <u>Near-Term plus Project – E. Belmont Avenue/N. Peach Avenue.</u> Prior to the issuance of a final Certificate of Occupancy for the Walmart expansion, the City of Fresno shall optimize the signal timing at the intersection of E. Belmont Avenue/N. Peach. Signal timing optimization is within the scope of the City of Fresno's routine traffic management responsibilities.</p>	<p>City of Fresno.</p>	<p>City of Fresno Public Works Department, Traffic Engineering Division.</p>	<p>Verify completion of signal timing optimization.</p>	<p>Prior to issuance of final Certificate of Occupancy.</p>

MITIGATION MONITORING AND REPORTING

Mitigation Measure		Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
G. TRAFFIC AND CIRCULATION (CONT'D)					
G3.	Far-Term plus Project – E. Kings Canyon Road/S. Peach Avenue. Prior to the issuance of a final Certificate of Occupancy for the Walmart expansion, the applicant shall contribute required project fees to the TSMI Fee program. This intersection is included in the TSMI Fee program which would provide for the necessary intersection improvements to mitigate the impact under far-term conditions.	Developer.	City of Fresno Public Works Department, Traffic Engineering Division.	Verify payment of required project fees to TSMI Fee Program.	Prior to issuance of building permit.
G4.	Far-Term plus Project – E. Tulare Street/S. Minnewawa Avenue. Completion of Mitigation G1 (i.e., installation of a traffic signal in the Existing + Project condition) will reduce the impact to less than significant levels under Far-Term With Project Conditions.	Developer.	City of Fresno Public Works Department, Traffic Engineering Division.	Verify payment of required project fees to TSMI Fee Program.	Prior to issuance of building permit.
G5.	Far-Term plus Project – E. Lane Avenue/S. Peach Avenue. Prior to the issuance of a final Certificate of Occupancy for the Walmart expansion, the applicant shall contribute required project fees to the TSMI Fee program. This intersection is included in the TSMI Fee program which would provide for the necessary intersection improvements to mitigate the impact under far-term conditions.	Developer.	City of Fresno Public Works Department, Traffic Engineering Division.	Verify payment of required project fees to TSMI Fee Program.	Prior to issuance of building permit.
G6.	Near-Term Saturday + Project – E. Kings Canyon Road/S. Willow Avenue. Prior to the issuance of Certificate of Occupancy for the Walmart expansion, the City of Fresno shall optimize the signal timing at the E. Kings Canyon Road/S. Willow Avenue intersection. Signal timing optimization is within the scope of the City of Fresno's routine traffic management responsibilities.	City of Fresno.	City of Fresno Public Works Department, Traffic Engineering Division.	Verify completion of signal timing optimization.	Prior to issuance of final Certificate of Occupancy.
G7.	Near-Term Saturday + Project – E. Kings Canyon Road/West Project Driveway. Prior to the issuance of Certificate of Occupancy for the Walmart expansion, the City of Fresno shall optimize the signal timing at the E. Kings Canyon Road/S West Project Driveway intersection. Signal timing optimization is within the scope of the City of Fresno's routine traffic management responsibilities.	City of Fresno.	City of Fresno Public Works Department, Traffic Engineering Division.	Verify completion of signal timing optimization.	Prior to issuance of final Certificate of Occupancy.

MITIGATION MONITORING AND REPORTING

Mitigation Measure		Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
G. TRAFFIC AND CIRCULATION (CONT'D)					
G8.	<p><u>Far-Term Saturday + Project – E. Kings Canyon Road/S. Willow Avenue.</u> The mitigating improvements identified for this intersection in Mitigation G6 (i.e., optimization of signal timing in the Near-Term Saturday plus project conditions) would mitigate this impact under Far-Term Saturday plus project conditions.]</p>	City of Fresno.	City of Fresno Public Works Department, Traffic Engineering Division.	Verify completion of signal timing optimization.	Prior to issuance of final Certificate of Occupancy.
G9.	<p><u>Far-Term Saturday + Project – E. Kings Canyon Road/West Project Driveway.</u> Prior to the issuance of a Certificate of Occupancy for the Walmart expansion, the applicant shall restripe the southbound right lane to a left-shared-right lane, and restripe Kings Canyon Road in the vicinity of the west project entrance to add a second eastbound left turn lane, and optimize the cycle length at the intersection of E. Kings Canyon Road / West Driveway. Since the impact results solely from traffic entering the project, the applicant shall be solely responsible for funding and implementing the mitigating improvements.</p>	Developer.	City of Fresno Public Works Department, Traffic Engineering Division.	Verify completion of intersection improvements.	Prior to issuance of final Certificate of Occupancy.
G10.	<p><u>Existing plus Project – E. Kings Canyon Road/West Project Driveway.</u> Prior to the issuance of a final Certificate of Occupancy for the Walmart expansion, the City of Fresno shall optimize the signal timing at the intersection of E. Kings Canyon Road/West Driveway. Signal timing optimization is within the scope of the City of Fresno’s routine traffic management responsibilities. In addition, the applicant shall extend the eastbound left turn pocket by 70 feet for a total of 270 feet. Since the impact results solely from traffic entering the project, the applicant shall be solely responsible for funding and implementing the mitigating improvements.</p>	Developer/City of Fresno.	City of Fresno Public Works Department, Traffic Engineering Division.	Verify completion of intersection improvements. Verify completion of signal timing optimization.	Prior to issuance of final Certificate of Occupancy.
G11.	<p><u>Existing plus Project – E. Butler Avenue/S. Peach Avenue.</u> Prior to the issuance of a final Certificate of Occupancy for the Walmart expansion, the City of Fresno shall optimize the signal phasing at the intersection by changing the east-west phasing to split from protected phasing. Signal timing optimization is within the scope of the City of Fresno’s routine traffic management responsibilities.</p>	City of Fresno.	City of Fresno Public Works Department, Traffic Engineering Division.	Verify completion of signal timing optimization.	Prior to issuance of final Certificate of Occupancy.

MITIGATION MONITORING AND REPORTING

Mitigation Measure		Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
G. TRAFFIC AND CIRCULATION (CONT'D)					
G12.	<p><u>Far-Term plus Project – E. Kings Canyon Road/S. Winery Avenue.</u> Prior to the issuance of a final Certificate of Occupancy for the Walmart expansion project, the applicant shall extend the eastbound left-turn pocket by 100 feet for a total of 290 feet. Part of the median can be used to extend the turn pocket and no additional right-of-way is required. Because the queuing impact is caused solely by project traffic, the applicant shall be solely responsible for funding and implementing the mitigating improvements.</p>	Developer.	City of Fresno Public Works Department, Traffic Engineering Division.	Verify completion of intersection improvements.	Prior to issuance of final Certificate of Occupancy.
G13.	<p><u>Far-Term plus Project – E. Kings Canyon Road/S. Clovis Avenue.</u> Prior to the issuance of a Certificate of Occupancy for the Walmart expansion, the applicant shall extend the northbound left turn lane an additional 25 feet for a total of 215 feet at the intersection of E. Kings Canyon Road/S. Clovis Avenue. The median can be used for the additional turn pocket length necessary. Because only the impact of the project is being mitigated, the applicant shall be solely responsible for funding and implementing the mitigating improvements.</p>	Developer.	City of Fresno Public Works Department, Traffic Engineering Division.	Verify completion of intersection improvements.	Prior to issuance of final Certificate of Occupancy.
G14.	<p><u>Far-Term Saturday plus Project – E. Kings Canyon Road/West Project Driveway.</u> The mitigating improvements identified for this intersection in Mitigation G10 (i.e., optimization of signal timing and extension of the eastbound left-turn pocket by 70 feet in the Existing plus project condition) would mitigate this impact under Far-Term Saturday plus project conditions).</p>	Developer/City of Fresno.	City of Fresno Public Works Department, Traffic Engineering Division.	Verify completion of intersection improvements. Verify completion of signal timing optimization.	Prior to issuance of final Certificate of Occupancy.
G15.	<p><u>Construction Traffic.</u> Prior to the issuance of grading permits for each phase of project development, the applicant shall prepare a traffic control plan for construction and shall obtain approval from the Public Works Department for implementation of such a plan. The traffic control plan shall be prepared in accordance with City of Fresno requirements and shall include information about times of construction, the haul routes, delivery times for heavy equipment, and any other particulars as required by the City.</p>	Developer.	City of Fresno Public Works Department, Traffic Engineering Division.	Review and approve traffic control plan. Verify implementation of traffic control plan.	Prior to issuance of building permit. During project grading and construction.

MITIGATION MONITORING AND REPORTING

Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
<p>H. NOISE</p> <p><u>Construction Noise.</u> The following measures shall be implemented to reduce project construction noise to less-than-significant levels:</p> <ul style="list-style-type: none"> • In accordance with the City’s Noise Ordinance, construction activities shall be limited to weekdays and Saturdays between 7:00 am to 10:00 pm, and are prohibited on Sundays. • Prior to engaging in any site development activities on the Walmart expansion site, the permanent noise barrier proposed along the northern boundary of the Walmart site shall be constructed. If this is not feasible, a temporary noise barrier (minimum 10-foot high) shall be erected along the northern site boundary at the start of construction activities to shield heavy construction areas from adjacent residential receptors. The temporary noise barrier shall either be constructed of a minimum 0.5-inch plywood (without holes or gaps) or utilize acoustical blankets with a minimum Sound Transmission Class of 12. The temporary barrier shall remain in place until all exterior construction activity is completed. • All equipment driven by internal combustion engines shall be equipped with mufflers which are in good condition and appropriate for the equipment. • The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists. • Unnecessary idling of internal combustion engines shall be prohibited. • Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. • Owners and occupants of residential and non-residential properties located within 300 feet of the construction site shall be notified of the construction schedule in writing. <p>(Continued on next page.)</p>	<p>Developer and construction contractor.</p>	<p>City of Fresno, Development and Resource Management Department, Planning Division, Building and Safety Services Division, and Code Enforcement Division.</p>	<p>Conduct regular site visits to verify compliance with Municipal Code construction hours.</p> <p>Verify completion of grading and demolition permits.</p> <p>Conduct regular site visits to verify implementation of equipment noise measures.</p> <p>Verify noticing completed.</p>	<p>During grading, demolition, and construction inspections.</p> <p>Prior to issuance of grading and demolition permits.</p> <p>During grading, demolition, and construction inspections.</p> <p>One week prior to start of grading and construction activity.</p>

MITIGATION MONITORING AND REPORTING

Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
H. NOISE (CONT'D)				
<p>H4. (Continued from preceding page.)</p> <ul style="list-style-type: none"> The construction contractor shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and institute reasonable measures as warranted to correct the problem (i.e., ensure that the above measures are being implemented). A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. 	Developer and construction contractor.	City of Fresno, Development and Resource Management Department, Planning Division, Building and Safety Services Division, and Code Enforcement Division.	Verify posting of contact information for disturbance coordinator. Respond to noise complaints. Record each site visit and noise complaint.	One week prior to start of grading and construction activity.
I. AIR QUALITY				
<p>I1. <u>Construction Dust</u>. In addition to the required dust control measures under SJVAPCD Regulation VIII, the following enhanced dust control measures shall be included in project construction contracts to control fugitive dust emissions during construction:</p> <ul style="list-style-type: none"> Limit traffic speeds on unpaved roads to 15 mph. Install sandbags or other erosion control measures to prevent silt runoff to public roadways. Landscape or replant vegetation in disturbed areas as quickly as possible. Limit access to the construction sites, so tracking of mud or dirt onto public roadways can be prevented. If necessary, use wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. Suspend grading activity when winds (instantaneous gusts) exceed 25 mph or dust clouds cannot be prevented from extending beyond the site. 	Developer and construction contractor.	City of Fresno, Development and Resource Management Department, Planning Division, and Building and Safety Services Division.	Verify that all required dust control measures are included in construction contract documents for project. Conduct compliance investigations during construction to verify that fugitive dust is controlled according to mitigation specifications.	Prior to issuance of grading and demolition permits. During grading and construction.

MITIGATION MONITORING AND REPORTING

Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Action by Monitor	Timing
I. AIR QUALITY				
<p>16. <u>Odors.</u> Prior to issuance of final Certificates of Occupancy, the owner/operator of each restaurant in the project shall have installed kitchen exhaust vents in accordance with accepted engineering practice, and shall install exhaust filtration systems or other accepted methods of odor reduction.</p>	<p>Developer.</p>	<p>City of Fresno, Development and Resource Management Department, Planning Division, and Building and Safety Services Division.</p>	<p>Confirm installation of specified odor control devices.</p>	<p>Prior to issuance of Certificates of Occupancy.</p>

Exhibit I
Summary of Environmental Impacts

SUMMARY OF ENVIRONMENTAL IMPACTS

The EIR evaluated 14 topical areas in depth. They are: (1) Land Use and Planning (including a discussion of Urban Decay); (2) Geology and Soils; (3) Hydrology and Water Quality; (4) Biological Resources; (5) Cultural Resources; (6) Aesthetics; (7) Traffic and Circulation; (8) Noise; (9) Air Quality; (10) Hazardous Materials; (11) Utilities and Service Systems; (12) Public Services; (13) Energy; and (14) Global Climate Change.

What follows is a list of those topical areas more likely to generate questions, as well as descriptions of the mitigations measures that, where feasible, would cure any of the potentially significant impacts related to such areas.

1. TEMPORARY CONSTRUCTION NOISE – Significant and Unavoidable

Overview: In addition to commercial and public uses, there are a number of homes on all sides of the Project site. Single family residences and multi-family residences are located from 25 to 45 feet from the Project site. Lands adjacent to the Project site also consist of a public park (Trolley Creek Park) and a ponding basin. Noise generated during **grading, paving, and excavation** of the site is at times expected to exceed adopted noise standards (see below for explanation of these) by up to 22 to 25 decibels; feasible mitigation can reduce noise by approximately 5 to 10 decibels.

Mitigation measures include the installation of various types of noise-attenuating sound walls and “quiet” technology on equipment, which will reduce noise levels by 10 dBA. However, the EIR concluded that noise levels during the operation of certain equipment will remain significant after mitigation.

Measures to reduce noise include the installation of various noise barriers along the edge of the property, installation of “quiet” technology on equipment, and the hiring of a noise coordinator to work with nearby homeowners and respond to complaints. Taller walls could reduce impact further, but would face technical obstacles to installation and would create aesthetic impacts in the vicinity.

- Noise Receptors. The nearest noise-sensitive receptors consist of single-family and multi-family properties located immediately east of the Walmart store. To the immediate north lies a public park, and about 250 feet farther to the north lay more single family residences. To west there are single family residences directly across the street from the site of the proposed outlots. To the south there is more residential development, though it is located on the other side of a major thoroughfare (East Kings Canyon Road [Hwy 180]).
- Significance threshold – No construction noise limits exist. The City of Fresno does not have specific noise level limits for construction noise. This is true of generally all cities.
 - To present a worst-case assessment, the noise consultants compared construction noise against the decibel thresholds normally reserved for permanent, stationary sources, which is a **50 decibel daytime average** for residential development. Where existing noise is substandard, the threshold is adjusted to equal the ambient noise level plus 5 dB.
 - For users of the park to the north (Trolley Creek Park), the noise consultants set the threshold at 70 decibels (day/night average). This threshold comes from a publication from the Governor’s Office of Planning and Research, which establishes guidelines for noise-compatible land uses and identifies 70 dBA L_{dn} as the “normally acceptable” noise level for playgrounds and neighborhood parks.
- *Impacts.* Homes to the **north and west** are most affected.

- Homes to the north: During grading and paving activities for the loading and circulation areas north of the Walmart store, noise levels would exceed the adopted threshold by 22 decibels. During site grading excavation for the outlot development, noise would exceed the threshold by 13 dBA.
- Homes to the west: During grading and paving activities for the western Walmart parking lot expansion, the nearest homes would experience noise of 8 decibels above the adopted threshold. During site grading excavation for the outlot development, noise would exceed the threshold by 22 dBA.
- Park to the north: During grading and paving activities for the loading and circulation areas north of the Walmart store, noise levels would exceed the adopted threshold for parks by 3 decibels. There would be no exceedances during site grading excavation for the outlot development.
- Houses to east: During expansion of the Walmart, noise levels would not exceed the adopted threshold at this location, mostly because the Walmart store sits between the homes and the expansion area on the west side of the store. During grading and excavation for the outlot development, noise levels could exceed the adopted standard by 5 decibels.
- Homes to the south: During grading and paving activities for the southwest Walmart parking lot expansion, and during grading and excavation for the outlot development, noise levels would exceed the adopted threshold by 5 decibels.
- Combined noise: If the Walmart expansion and outlot development occurred at the same time (which is deemed unlikely), the above noise exceedances could increase by 3 decibels. There are no cases where the combined noise levels would result in the identification of a new significant impact that is not already discussed above.
- *Mitigation*. Noise exceedances measure between 3 decibels and 22 decibels when the Project components are considered individually, and between 6 decibels and 25 decibels in the unlikely event that the Walmart store expansion and the outlot development occur simultaneously. Meanwhile, **feasible mitigation measures are expected to reduce noise by about only 5 to 10 decibels**. Measures include:
 - Noise Barriers:
 - If feasible, construction of the 8-foot high, 8-inch thick masonry noise barrier along the northern boundary of the Walmart site (which is a permanent component of the Project) before construction of the remaining Project components. This sequence would result in the dampening later construction noise, although construction of the wall itself would result in significant and unavoidable impacts.
 - If the previous measure is not feasible, construction of a 10-foot high temporary noise barrier at the planned location of the permanent barrier. The temporary noise barriers shall either be constructed of a minimum 0.5-inch plywood (without holes or gaps) or utilize acoustical blankets.
 - Prior to outlot development, construction of a 10-foot barrier along the western site boundary. The temporary noise barriers shall either be constructed of a minimum 0.5-inch plywood (without holes or gaps) or utilize acoustical blankets.

- Other measures include: equipping combustion engines with mufflers; using “quiet” models of air compressors and other stationary noise sources where technology exists; prohibiting unnecessary idling of internal combustion engines; locating noisy equipment as far as practicable from sensitive receptors, and directing such noise away from the receptors; establishing construction staging areas that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors; notifying owners and occupants of residential and non-residential properties located within 300 feet of the construction site, in writing; and having a “noise disturbance coordinator” who will be responsible for responding to any local complaints about construction noise.
- In considering the above discussion of significant construction noise impacts, it is important to keep in mind the following facts:
 - The analysis is extremely conservative, since most cities, including Fresno, do not consider construction noise impacts to be significant, since they are temporary.
 - To fully inform decision-makers of the project’s impacts on adjacent neighbors, the DEIR conducted a detailed, quantified construction noise analysis.
 - The analysis presents a **worst case scenario**.
 - For example, the highest noise levels occur from grading and paving, and the analysis focuses on the scenario where these activities occur nearest to the homes. While such activity will occur, the duration of this activity will be relatively short, and at times will involve equipment that generates noise levels that exceed thresholds by only 5 to 10 dBA.
 - Thus, some of the construction noise occurring in the immediate vicinity of the homes could in fact be appropriately mitigated. When building activity does not occur near homes, construction noise also could be mitigated.
 - The City does not expressly address construction noise in its General Plan or Municipal Code except to limit it to daytime hours, and so the adoption of the 50 dBA threshold should be deemed extra-protective of residents in the vicinity.
 - The significance threshold adopted in the EIR — 50 decibels, generally — is considered by the authoring noise expert to be conservative.
- Permanent Noise Sources – Mobile and “Stationary” (i.e. on-site operational noises)
 - Mobile Sources. Project-related traffic would increase traffic noise levels on surrounding streets, but by less than 1 decibel. Note that the applicable standard sets a ceiling at changes of 1.5 decibels. To put these increases in perspective, a change of three decibels is deemed to be the lowest change detectable by the human ear. Impacts from traffic are deemed to be less-than-significant.
 - Stationary Sources. Noise levels (both average levels and maximum levels) from truck circulation and loading/unloading, parking lot activity, trash compactors, and rooftop mechanical equipment is not expected to exceed standards set forth in the City’s General Plan and Municipal Code. Impacts from stationary sources are deemed to be less-than-significant.

2. URBAN DECAY – no significant impact and no mitigation required.

Urban Decay. The EIR concludes no urban decay would result and thus there is no environmental impact recognized by CEQA. The EIR discloses that there is a risk that the Project alone may result in one store closure, and when the Project is considered together with all 10 potential future projects, up to six stores could possibly close.

- **One supermarket could be at risk of closure after the Project opens.**
 - The EIR evaluated a 54,303 square foot grocery component (includes “buffer” for a worst-case analysis).
 - Note that the Project includes a grocery component of approximately 48,000 sf.
 - According to the EIR, with the Project, the Trade Area would be “overbuilt” by approximately 53,800 square feet of supermarket space in 2010, indicating that one supermarket could potentially close.
 - Because specific data on individual store performance and break-even thresholds are closely held, it was not possible to predict with any degree of accuracy which particular supermarket would be most vulnerable to closure.
- **Up to six supermarkets could potentially close in the future “cumulative” development scenario – but only if all 10 “cumulative” projects are actually built:**
 - There are estimated to be approximately 10 future projects that together propose an aggregate floor area of 1.8 million square feet, consisting of 1.483 million square feet of non grocery space and **300,000 square feet of grocery space (i.e., five grocery outlets)**.
 - If all cumulative projects are built, the grocery market would be “overbuilt” by approximately 251,800 square feet.
 - **This suggests up to six supermarkets could potentially close.**
 - **This is a worst-case scenario:**
 - The analysis assumes stores selling below \$475 per square foot is a break-even threshold, which is not necessarily true; this is the median sales figure in the region so, by definition, half of all supermarkets already operate below this threshold.
 - It is likely that some of these supermarket projects will be subject to self-limiting market forces; that is, they would not move forward if the project proponents (either developers or potential supermarket tenants) see there is inadequate demand for additional groceries.
- **Store closures will not cause urban decay:**
 - Under the individual scenario, projected growth in Trade Area demand would be sufficient for the sales volumes at the existing supermarkets to recover to 95 percent of existing levels by approximately 2016.
 - In the cumulative scenario, the technical study concluded that there remains strong, long-term growth potential for the area.
 - Good long-term prospects for re-tenanting would incentivize property owners to maintain their property so that it can be re-tenanted.
 - **There are many examples of the re-tenanting potential of a closed supermarket.**

- Many shopping centers that have lost a grocery anchor have attracted a new (non-supermarket) anchor, subdivided the space for multiple retail users, or reconfigured the space for non-retail uses.
- The technical study identifies many examples of such reuses in Fresno and other cities in the San Joaquin Valley.
- **Of 12 closed supermarkets in Fresno and Clovis within the past five years, five of the supermarket spaces have been re-tenanted and none show signs of lack of maintenance or physical deterioration.**
- The technical study looked at 10 competitive supermarkets in the Trade Area and evaluated the potential of long-term vacancy at each to result in urban decay.
 - In summary, the study found that each location had favorable locational and other market factors which contributed to its retail strength and the high potential for re-tenanting
 - Re-tenanting is a likely prospect, and is based on numerous factors that include proximity to growth areas, vacancy rates, the presence of other strong anchors, physical condition of surrounding stores, and location along various traffic corridors.
- There is currently a relatively low overall vacancy rate in the City – approximately 6.5 percent.

3. TRAFFIC – no significant impacts after mitigation.

The EIR identified the following construction, congestion, and queuing impacts. In two-thirds of cases, impacts are anticipated to occur even without the Project. To mitigate impacts, traffic studies have identified improvements that would reduce congestion to acceptable levels of service, and these improvements will be in place by opening day of the project or, in the case of some of the long-term impacts (occurring in year 2025), Walmart will contribute fees to the City's traffic impact fee program.

- *Construction Impacts.* During construction, the presence of large and slow moving vehicles will result in potential safety hazards. To mitigate, Walmart must prepare a traffic control plan, to be approved by the City.
- *Existing Scenario (2008).* The following intersections were found to suffer significant impacts. Note that, in many cases, impacts would occur even without the Project, and the EIR identifies an impact because the Project unacceptably exacerbates these existing impacts.
 - E. Kings Canyon Road/S. Minnewawa Avenue (weekday). The Project will exacerbate an existing, unacceptable level of service in the evening, peak hour. **Thus, this intersection would operate at unacceptable conditions even without the Project.** To mitigate, Walmart must pay fees to the City's traffic fee program (TSMI Fee program) that will lead to installation of a **traffic signal**. If the signal is not in place by opening day of the expanded Walmart store, Walmart must install the signal itself. The City would then reimburse Walmart for the amount that exceeds its fair share payment.
 - E. Kings Canyon Road/West Project Driveway (weekday). With the Project, vehicle queues will exceed the length of the eastbound left-turn storage lane during the evening peak hour. To mitigate queuing impacts at this intersection, the City will optimize signalization and Walmart will extend the eastbound left turn pocket by 70 feet for a total of 270 feet.

- E. Butler Avenue/S. Peach Avenue (weekday). With the Project, vehicle queues will exceed the length of the westbound left-turn storage lane in the morning and evening peak hours. To mitigate queuing impacts at this intersection, the City will optimize signalization of the traffic light.
- *Near-Term Scenario (2010)*. The following intersections were found to suffer significant impacts:
 - E. Belmont Avenue/N. Peach Avenue (weekday). The Project will exacerbate an existing, unacceptable level of service in the morning and evening peak hours. **Thus, this intersection would operate at unacceptable conditions even without the Project.** To mitigate, prior to opening day, the City will optimize the signal.
 - E. Kings Canyon Road/S. Minnewawa Avenue (weekday). The Project will exacerbate an existing, unacceptable level of service in the evening, peak hour. **Thus, this intersection would operate at unacceptable conditions even without the Project.** To mitigate, as under the existing scenario, Walmart must pay fees to the City's traffic fee program (TSMI Fee program) that will lead to installation of a **traffic signal**. If the signal is not in place by opening day of the expanded Walmart store, Walmart must install the signal itself. The City would then reimburse Walmart for the amount that exceeds its fair share payment.
 - E. Kings Canyon Road/S. Willow Avenue (Saturday). The Project will exacerbate an existing, unacceptable level of service in the midday peak hour. **Thus, this intersection would operate at unacceptable conditions even without the Project** To mitigate for congestion to this intersection, prior to opening day, the City will optimize the signal.
 - E. Kings Canyon Road/West Project Driveway (Saturday). The Project would degrade congestion during the midday peak hour to unacceptable levels of service. To mitigate for congestion to this intersection, prior to opening day, the City will optimize the signal.
- *Far-Term Scenario (2025)*. The following intersections were found to suffer significant impacts:
 - E. Kings Canyon Road/S. Peach Avenue (weekday). The Project will exacerbate an existing, unacceptable level of service in the morning and evening peak hours. **Thus, this intersection would operate at unacceptable conditions even without the Project.** To mitigate, Walmart must pay fees into the City's TSMI Fee program that includes the following necessary improvements: signalization, protected left turn phasing, and the addition of lanes.
 - E. Kings Canyon Road/S. Minnewawa Avenue (weekday). The Project will exacerbate an existing, unacceptable level of service in the morning and evening peak hours. **Thus, this intersection would operate at unacceptable conditions even without the Project.** To mitigate, Walmart must, as under the existing scenario, pay fees to the TSMI Fee program that will lead to installation of a **traffic signal**. If the signal is not in place by opening day of the expanded Walmart store, Walmart must install the signal itself. The City would then reimburse Walmart for the amount that exceeds its fair share payment.
 - E. Kings Canyon Road/S. Willow Avenue (Saturday). The Project will exacerbate an existing, unacceptable level of service in the midday peak hour. **Thus, this intersection would operate at unacceptable conditions even without the Project.** The mitigations for this intersection in the near-term will reduce impacts to a less-than-significant level – i.e., prior to opening day, the City will optimize the signal.

- E. Kings Canyon Road/S. Winery Avenue (weekday). With the Project, vehicle queues will exceed the length of the eastbound left-turn storage lane during the evening peak hour, **but this storage lane would be exceeded by traffic even without the Project**. To mitigate queuing impacts at this intersection, Walmart will extend the eastbound left-turn pocket by 100 feet for a total of 290 feet. Part of the median can be used to extend the turn pocket and no additional right-of-way is required.
 - E. Kings Canyon Road/S. Clovis Avenue (weekday). With the Project, vehicle queues will exceed the length of the northbound left-turn storage lane during the morning peak hour, **but this storage lane would be exceeded by traffic even without the Project**. To mitigate queuing impacts at this intersection, Walmart will extend the northbound left turn lane an additional 25 feet for a total of 215 feet at the intersection of E. Kings Canyon Road/S. Clovis Avenue. The median can be used for the additional turn pocket length necessary.
 - E. Kings Canyon Road/West Project Driveway (Saturday). The Project will cause levels of service during the midday peak hour to degrade to an unacceptable level. With the Project, vehicle queues will exceed the length of the eastbound left-turn storage lane during the midday peak hour. To mitigate congestion at this intersection, Walmart will restripe the southbound right lane to a left-shared-right lane, and restripe Kings Canyon Road in the vicinity of the west project entrance to add a second eastbound left turn lane, and optimize the cycle length at the intersection of E. Kings Canyon Road / West Driveway. To mitigate queuing impacts at this intersection, the mitigations made under the existing scenario would reduce impacts to a less-than-significant level – i.e., the City will optimize signalization and Walmart will extend the eastbound left turn pocket by 70 feet for a total of 270 feet.
 - E. Tulare Street/S. Minnewawa Avenue (weekday). The intersection of E. Tulare Street / Minnewawa Avenue operates unacceptably in the evening peak hour **without the Project** during the evening peak hour, and there no delay added by the Project. Traffic modeling shows the Project would not add any trips during the evening peak hour.
 - E. Lane Avenue/S. Peach Avenue (weekday). The Project will cause levels of service during the morning peak hour to degrade to an unacceptable level. To mitigate, Walmart must pay fees into the City's TSMI Fee program that includes the following necessary improvements: signalization, protected left turn phasing, and the addition of lanes.
- *Cumulative Traffic Impacts*. In some instances, mitigation for project-specific traffic impacts, as set forth above, also mitigate cumulative impacts. In other instances, the cumulative impact may be significant, but the Project does not make an individually considerable contribution to the cumulative impact.

4. AIR QUALITY – no significant impact after mitigation.

The Project does not violate any air quality thresholds or conflict with any air quality plan. Potentially significant impacts with respect to dust from construction and odors from a fast-food restaurant that would be relocated as part of the Project will be fully mitigated by the following measures (1) requiring construction dust control; and (2) installing odor reduction measures (e.g., kitchen exhaust vents, exhaust filtration system) for any restaurant use.

5. BIOLOGICAL RESOURCES – no significant impacts after mitigation.

The EIR identifies possible impacts to active raptors (e.g., hawks, falcons, owls, etc.) and loggerhead shrike nests, and proposes various mitigation measures that include the removal of any trees during non breeding season, preconstruction surveys, and various construction buffers in the event species are found during such surveys.

5. REMOVAL OF THREE HISTORIC PALM TREES – no significant impacts after mitigation.

The Project includes the removal of three mature California palm trees, which have implications with regard to biological and cultural resources. The City deems these palm trees unique, as they are believed to have been planted in the 1880s and make up part of a row of 46 such trees planted along East Kings Canyon Road. To mitigate their removal, the applicant must:

- Transplant the trees to suitable locations within the right-of-way of East Kings Canyon Road. Sunnyside HOA requested that the trees not be replanted within the front setback area of the Project site, and this option was removed from the EIR's recommended mitigation measures.
- If any such trees fail to re-establish, they shall be removed and replaced with palms of the same species and similar size.
- The applicant shall retain a certified arborist who is a specialist in the removal, transport, replanting, and maintenance of the relocated palms, and the arborist shall prepare a detailed plan for the relocation.
- City Planning staff, the City's arborist, and the City Historical Preservation Project Manager shall participate in the decision-making process.
- Any palm trees located near construction activity shall be sufficiently guarded and protected, and the applicant shall implement a protection plan based on state guidance.

Alternatives Evaluated.

The Project's EIR analyzed the following alternatives:

- **No Project:** This existing Walmart would remain "as is," without modification to the building or parking area, and retaining the southwesterly 9.7 acres of the site as vacant undeveloped land.
- **Reduced Project Size Alternative:** Expansion and outlot square footage is reduced by 50 percent. The grocery component also would be reduced by 50 percent. Thus, the expansion area would be approximately 26,107 square feet, and the outlot retail and restaurant development would be 17,400 square feet.
- **Residential/Commercial Mixed Use Alternative:** Expansion of the Walmart store would be 52,213 square feet, as proposed. Instead of outlots, there would be development of 100 multi-family dwellings.

C. Sustainable Features.

The Project includes sustainability features, including: Use of the industry's most efficient heating, ventilating, and air-conditioning units unavailable; energy-efficient lighting, including the use of LED technology and systems that dim as available daylight increases; the reclamation of waste heat to supply 70 percent of the Walmart store's hot water needs; and water-conserving features that could save up to 87 percent of water when compared to conventional features.

Exhibit J

Environmental Impact Report No. 10138, which includes the following:

- Draft EIR dated December 2010 (Volume 1)
- Final EIR dated April 2010
- All EIR Appendices (CD) (includes Vols. 2 and 3 of Draft EIR)

Note: The Draft EIR and Final EIR (listed as Exhibit J above) were previously provided to the Planning Commission and thus are not included in the Planning Commission packet. The Draft EIR and Final EIR are available for public review at the following website:

<http://www.fresno.gov/Government/DepartmentDirectory/PlanningandDevelopment/Planning/MajorProjectsunderReview.htm>