City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-B
COMMISSION MEETING 5-19-10

APPROVED BY

DEPARTMENT DIRECTOR

May 19, 2010

FROM: JERRY D. BISHOP, Assistant Director
Planning and Development Department

KEITH BERGTHOLD, Assistant Director
Planning and Development Department

BY: MIKE SANCHEZ, Planning Manager
Planning Division

SUBJECT: CONSIDERATION OF REZONE APPLICATION NO. R-08-022, CONDITIONAL USE PERMIT NO. C-10-026 AND RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. R-08-22/C-10-026

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, and he Bullard Area Community Plan; its compatibility with surrounding existing or proposed uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment.

Upon consideration of staff evaluation, it can be concluded that proposed Rezone Application No. R-08-022 and Conditional Use Permit No. C-10-026 are appropriate for the project site. Therefore, staff recommends to the Planning Commission take the following actions:

1. RECOMMEND APPROVAL to the City Council of the environmental finding of a Finding of Conformity with the 2025 Fresno General Plan MEIR and Air Quality MND for Environmental Assessment No. R-08-022/C-10-026 dated April 2, 2010.

2. RECOMMEND APPROVAL to the City Council of Rezone Application No. R-08-022 to reclassify approximately 0.78 acres of property from the R-P/BA-20-30 (*Residential and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district to C-P/BA-20-30 *(Administrative and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district.

3. APPROVE Conditional Permit No. C-10-026 requesting authorization to occupy 1,207 square feet in an existing 4,998 square foot commercial office building for the purposes of establishing a food and beverage store.

EXECUTIVE SUMMARY

Sol Development on behalf of Platino LLC, have filed Rezone Application No. R-08-022 and Conditional Use Permit No. C-10-026 and pertains to 0.78 acre of property located on the northwest corner of West Shaw Avenue and Van Ness Boulevard at 2304 W. Shaw Avenue (APN 415-230-09). The property is zoned R-P/BA-20-30 *(Residential and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks).* Rezone Application No. R-08-022 is requesting authorization to reclassify the subject property from R-P/BA-20-30 (*Residential and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district to C-P/BA-20-30 *(Administrative and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district. Conditional Use Permit Application No. C-10-026 is

proposing to occupy 1207 square feet of an existing 5000 square-foot building for a potential retail food and beverage establishment. The applicant is proposing **no alcohol sales.**

Staff finds that the proposed project meets all provisions of the Fresno Municipal Code and adopted plans and polices of the City of Fresno is supportive of both applications. This project was properly noticed and there is expected to be testimony in opposition to this project presented to the Planning Commission.

PROJECT INFORMATION

PROJECT	Sol Development on behalf of Platino, LLC filed Rezone Application No. R-08-22 and Conditional Use Permit No. C-10-026 pertaining to 0.78 acres of property located on the northwest corner of North Van Ness Boulevard and West Shaw Avenue. The applicant requests to rezone the property from the R-P/BA-20-30 (*Residential and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district to C-P/BA-20-30 *(Administrative and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district. Conditional Use Permit Application No. C-10-026 is proposing to occupy 1207 square feet of an existing 4998 square-foot building for a potential retail food and beverage establishment. The applicant is proposing **no alcohol sales**
APPLICANT	Platino, LLC (represented by Sol Development) 2304 West Shaw Avenue Fresno, Ca 93711
LOCATION	2304 West Shaw Located on the northwest corner of Shaw and Van Ness Boulevard (APN: 415-230-09) **(Council District 2, Councilmember Borgeas)**
SITE SIZE	Approximately 0.78 acres
LAND USE	Existing – Existing 5,000 square foot commercial office building. Proposed- Proposed food and beverage store to occupy approximately 1207 square feet of said building.
ZONING	Existing- R-P/BA-20-30 (*Residential and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* Proposed- C-P/BA-20-30 *(Administrative and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)*)
PLAN DESIGNATION AND CONSISTENCY	The proposed C-P zone district is consistent with the planned land use of office commercial shown in Table 2 of the 2025 Fresno General Plan
ENVIRONMENTAL FINDING	Finding of Finding of Conformity with the 2025 Fresno General Plan MEIR and Air Quality MND filed on April 2, 2010

PLAN COMMITTEE RECOMMENDATION	The District 2 Plan Implementation Committee reviewed and recommended approval of the proposed project with no conditions at their February 8, 2010 meeting.
STAFF RECOMMENDATION	Recommend that the City Council approve the proposed rezone and conditional use permit applications.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Low Density Residential	**[R-1-EH]** *(Single Family Residential/Estate/Horses)*	Single Family Residential
South	Commercial Office	**[C-P]** *(Administrative and Professional Office)*	Commercial Office
East	Commercial Office	**[R-P]** *(Residential and Professional Office)*	Commercial Office
West	Commercial Office	**[R-P]** *(Residential and Professional Office)*	Commercial Office

ENVIRONMENTAL FINDING

The adopted 2025 Fresno General Plan and the Bullard Community Plan designate the subject site for office commercial planned land uses. The requested C-P/BA-20-30 *(Administrative and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district for the subject property conforms to the office commercial planned land use designation.

The Planning and Development Department staff has prepared an Initial Study (See Attached "Modified Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02 (Air Quality MND)/Initial Study") to evaluate the proposed rezone and conditional use permit application(s) in accordance with the land use and environmental policies and provisions of lead agency City of Fresno's 2025 Fresno General Plan (SCH # 2001071097), the related Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan (Air Quality MND). The subject property is currently developed with a 5000 square foot commercial office building but may be further developed at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site. Thus, the subject applications will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and the Air Quality MND have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Guidelines Section

15177(b) (3).

Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project, as identified in the MEIR pursuant to Section 21157(b) (2) of the Public Resources Code and CEQA Guidelines Section 15177, falls within the scope of a MEIR, provided that the project does not cause additional significant impacts on the environment that were not previously examined by the MEIR and the Air Quality MND.

Relative to this specific project proposal, the environmental impacts noted in the MEIR and the Air Quality MND, pursuant to the 2025 Fresno General Plan land use designation, include impacts associated with the medium high density residential planned land use designation specified for the subject property. Based on this Initial Study, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its location, land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project is fully within the scope of the MEIR and Air Quality MND because it will not generate additional significant effects on the environment not previously examined and analyzed by the MEIR or Air Quality MND for the reasons set forth in the Initial Study; and (3) other than identified below, there are no new or additional mitigation measures or alternatives required.

In addition, after conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. Moreover, as lead agency for this project, the Planning and Development Department, per Section 15177(d) of the CEQA Guidelines, has determined that all feasible mitigation measures from MEIR No. 10130 and the Air Quality MND shall be applied to the project as conditions of approval as set forth in the attached Mitigation Monitoring Checklist (See "Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 For the 2025 General Plan, Mitigation Monitoring Checklist).

A public notice of the attached Finding of Conformity with the 2025 Fresno General Plan MEIR and Air Quality MND finding for Environmental Assessment Application No. R-09-017/S-09-110 was published on April 2, 2010 with no comments received within the 30 day comment period.

BACKGROUND / ANALYSIS

Sol Development on behalf of Platino LLC, have filed Rezone Application No. R-08-022 and Conditional Use Permit No. C-10-026 and pertains to 0.78 acre of property located on the northwest corner of West Shaw Avenue and Van Ness Boulevard at 2304 W. Shaw Avenue (APN 415-230-09). The property is zoned R-P/BA-20-30 *(Residential and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks).* Rezone Application No. R-08-022 is requesting authorization to reclassify the subject property from R-P/BA-20-30 (*Residential and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district to C-P/BA-20-30 *(Administrative and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district. Conditional Use Permit Application No. C-10-026 is proposing to occupy 1207 square feet of an existing 5000 square-foot building for a potential retail food and beverage establishment. The applicant is proposing **no alcohol sales.**

The proposed C-P zoning is consistent with the planned land use designation of office commercial. Conditional Use Permit Application No. C-10-026 is being evaluated under the mixed use provisions of Fresno Municipal Code Section 12-325-D-3-e which states "Exception. A proposed office project without residential uses may contain retail commercial uses, not to occupy more than 25% of the gross

floor area of the project development". The proposed project meets the parameters set forth in the above listed municipal code provisions.

The District 2 Plan Implementation Committee reviewed and recommended approval of the proposed project with no conditions at their February 8, 2010 meeting. In addition, the applicant's representative did speak before a property owners association on May 5, 2010. The applicant has indicated that although the project was explained to the group, there did remain concerns from the neighbors regarding the project. It is expected that many of these property owners will address the Planning Commission regarding their concerns.

LAND USE PLANS AND POLICIES

The most relevant goals, policies and objectives of the various plans that pertain to the project are discussed below:

2025 Fresno General Plan

ObjectiveC-12:Commercial land uses shall be classified, located, sized, and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts.

The subject property is developed in accordance with adopted plans and policies of the City of Fresno. Its location is expected to take advantage of the pedestrian and bicycle traffic that is prominent on a daily basis along North Van Ness Boulevard. In addition, the existing office developments to the west of the property would also stand to benefit from the proposed use.

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

- *Locate office projects to provide a transition between more intensive commercial uses and sensitive residential areas.*

The subject property is currently developed with a proximate 5000 square foot office commercial building. Approval of these entitlement requests will allow the project applicant to move forward in establishing a food and beverage facility that will occupy only 1207 square feet. The subject site is presently developed and took into consideration the landscape setbacks and interface treatment between the adjoining residential neighborhood to the north.

Objective C-8: Facilitate the development of mixed uses to blend residential, commercial and public land uses on one site.

*Policy **C-8-a.** : Develop zoning regulations which facilitate the appropriate mixing of commercial and noncommercial uses, either within a single structure or multiple structures within a defined area.*

Policy ***C-8-e.:*** *Mixed use policies and zoning regulations should support the recycling of older buildings.*

The City of Fresno passage of the Mixed Use Ordinance has enabled the development community to explore various development options on properties throughout the city. Although the subject is developed with a 5,000 square-foot single story office building, the new ordinance has created an opportunity to incorporate a commercial feature in an existing structure. Specifically, the new ordinance will allow up to 25 percent of the building area to be developed to commercial uses pursuant to Section 12-317-1-B. The proposed use of a food and beverage establishment, that serves no alcohol, would be a compatible fit for the allotted 1,207 square feet of floor area.

Bullard Area Community Plan

The proposed project is consistent with the office commercial goals of the Bullard Area Community Plan, as outlined below.

Goals:

1. *Provide office land use designations of a size, configuration, location and visibility that would be attractive to prospective office users.*

2. *Allow for a mixed use development within the office land use designation, in order to minimize vehicular trips, promote innovative design and to allow for the flexibility to meet changing market needs.*

The subject property is currently developed with a proximate 5000 square foot office commercial building. Approval of these entitlement requests will allow the project applicant to move forward in established a food and beverage facility that will occupy only 1207 square feet. This mixed use approach for the building is consistent with the above stated goals and policies of the Bullard Community Plan. Moreover, this request is viewed as adapting to the changing economy by allowing limited commercial uses to occupy a portion of an existing structure that would provide economic stability and provide for a unique commercial service to the neighborhood.

Circulation Element Plan Policies and Major Street System Traffic Capacity

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

In its Appendix B, the 2025 Fresno General Plan MEIR analyzed 2002 and future (full build out) traffic impacts for all planned development and predicted levels of service for major roadways. It established Level of Service "D" as an acceptable level, at which significant traffic congestion would not occur. West Shaw Avenue at this juncture is a six-lane arterial operating at a LOS D, while Van Ness Boulevard, a Scenic Drive is at a LOS C. The subject site has two access points, one from Shaw Avenue and the other from Van Ness Boulevard.

The developer of this project, in accordance with the mitigation measures of the Master Environmental Impact Report (No. 10130) which was certified by the Council with the adoption of the 2025 Fresno General Plan, will be required to pay impact fees specific to the traffic signalization of the major street intersections. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee which is currently $47.12 per ADT at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Trip Generation Manual. The applicant shall also be subject to the Regional Transportation Mitigation Fee (RTMF) upon site plan review approval.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

Public Facilities and Services

Water, Sewer and Solid Waste Services

The Public Utilities Department has determined that adequate sewer and water facilities currently serve the site. Solid Waste pickups can be accommodated by the exiting enclosures. Dependent upon the intensity of the new use, it may be necessary to have an additional service day pick up for the subject property.

Fire Protection Services

The closest fire station, Fire Station No. 12, is located approximately 1.0 miles southwest of the subject property on the northeast corner of North marks and West Acacia Avenues. The City of Fresno Fire Department has reviewed the proposal and has indicated that adequate fire services are available to serve the site.

CONDITIONAL USE PERMIT NO. C-10-026

Conditional Use Permit Application No. C-10-26, filed by Sol Development on behalf of Platino LLC, proposes to convert and occupy 1,207 square feet of an existing 4998 square-foot commercial office building into retail space for the establishment of a food and beverage store. The project site is located on the northwest corner of West Shaw Avenue and North Van Ness Boulevard and covers .78 acres. The project site is developed with a 4,988 square feet commercial office building. The applicant is essentially proposing a tenant improvement that will occupy 1,207 square feet that will be used for a future food and beverage establishment. The site is completely developed street frontage landscaping and 27 offsite parking stalls which exceeds the required 15 spaces for the existing 4,988 square foot building.

While the proposed use is not specifically permitted in the C-P zone district as a standalone use, it must be part of a mixed use project. Pursuant to Section 12-325-D-3-e , Uniquely C-P – Exception: "A proposed office project without residential uses, may contain retail commercial uses, not to occupy more than twenty-five percent (25%) of the gross floor area of the project development." Under this provision the existing 4,988 square-foot building would permit up to 1,247 square feet of potential retail space. The applicant is proposing 1,207 square feet which is under the threshold. Furthermore, only the retail uses listed in Section 12-217.1 of the FMC would be permitted as part of a mixed use development. The proposed food and beverage establishment is a use listed under this subsection.

Given that the site is developed with commercial office building there will be no additional infrastructure requirements related to sewer, water, traffic, or drainage for this project.

CONDITIONAL USE PERMIT APPLICATION REVIEW FINDINGS

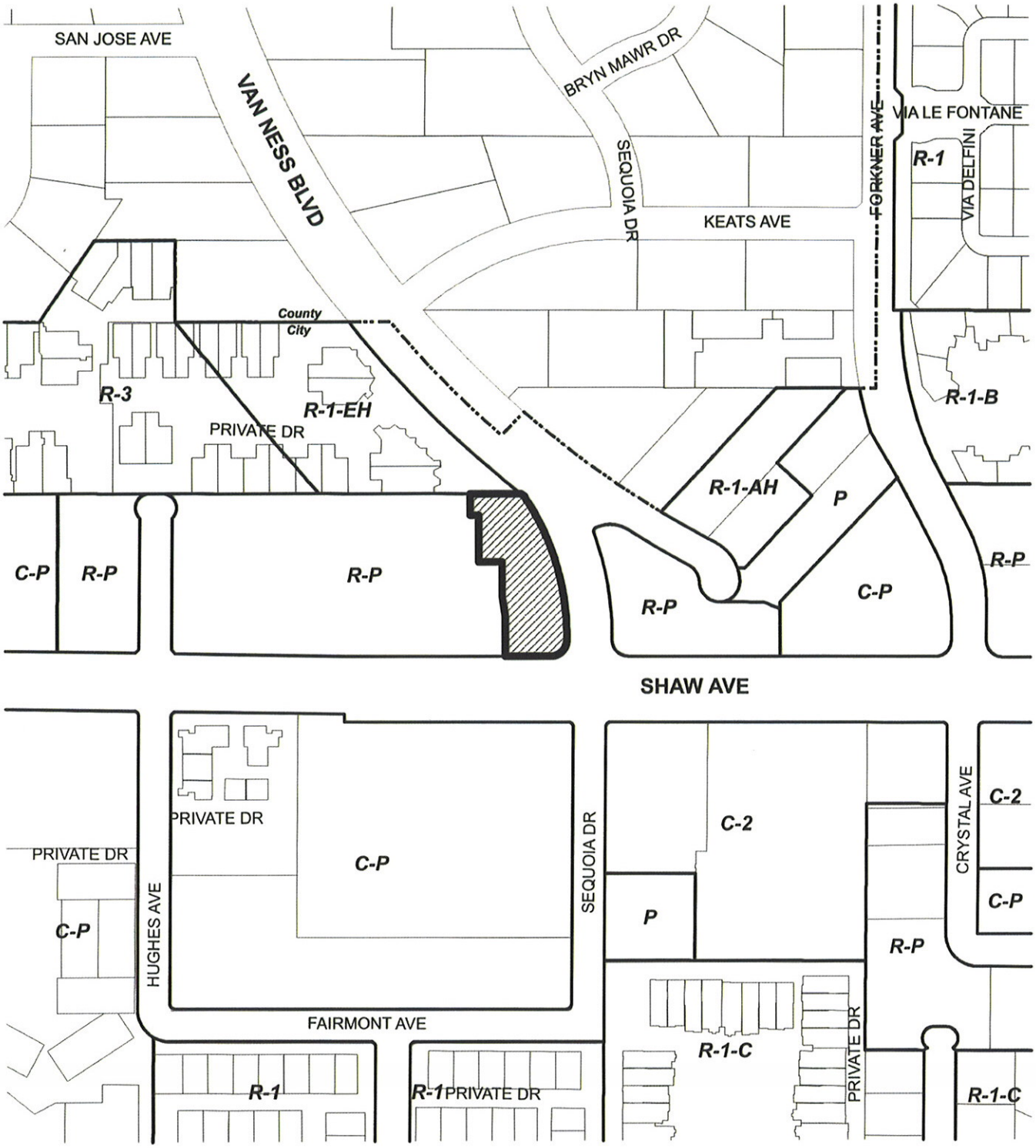
Findings per Fresno Municipal Code Section 12-405-A-2	
a. *All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,*	
Finding a:	Conditional Use Permit Application No. C-10-026 will comply with all applicable codes, including parking, landscaping, walls, etc., given that the special conditions of project approval will ensure that all conditions are met prior to the site being occupied. Furthermore, the project will provide adequate parking for the proposed retail use.
b. *The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,*	
Finding b:	The proposed use is not expected to significantly increase traffic. Moreover, mixed use projects have been shown to reduce vehicle trips by providing residences in close proximity to commercial uses, thereby eliminating the need to utilize automobiles for those services.
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.*	
Finding c:	The proposed use, a mixed use development, will not have a negative impact on either the subject site, or neighboring properties given that there are similar uses in the immediate vicinity. Rather, the project will encourage re-development in an existing office area that will maintain its vitality and character and provide a synergy to adjacent office uses.

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Bullard Area Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Rezone Application No. R-08-022 and Conditional Use Permit No. C-10-026 are appropriate for the project site.

Attachments:
- Vicinity Map
- 2008 Aerial Photograph of site
- Planned Land Use Map
- Exhibit A: Site Plan
- Project Notes
- Permitted Uses in C-P zone district

Permitted uses in C-1 zone district (12-317.1)
Operational Statement
Noticing Map (350-foot radius)
Letter dated March 10, 2010 from Police Department
Environmental Assessment No. R-08-022/C-10-026 dated April 2, 2010



LEGEND

Subject Property

VICINITY MAP

REZONE APPLICATION NO. R-08-022

From R-P/BA-20-30 to C-P/BA-20-30

2304 W. SHAW AVE.

N W E S

NOT TO SCALE

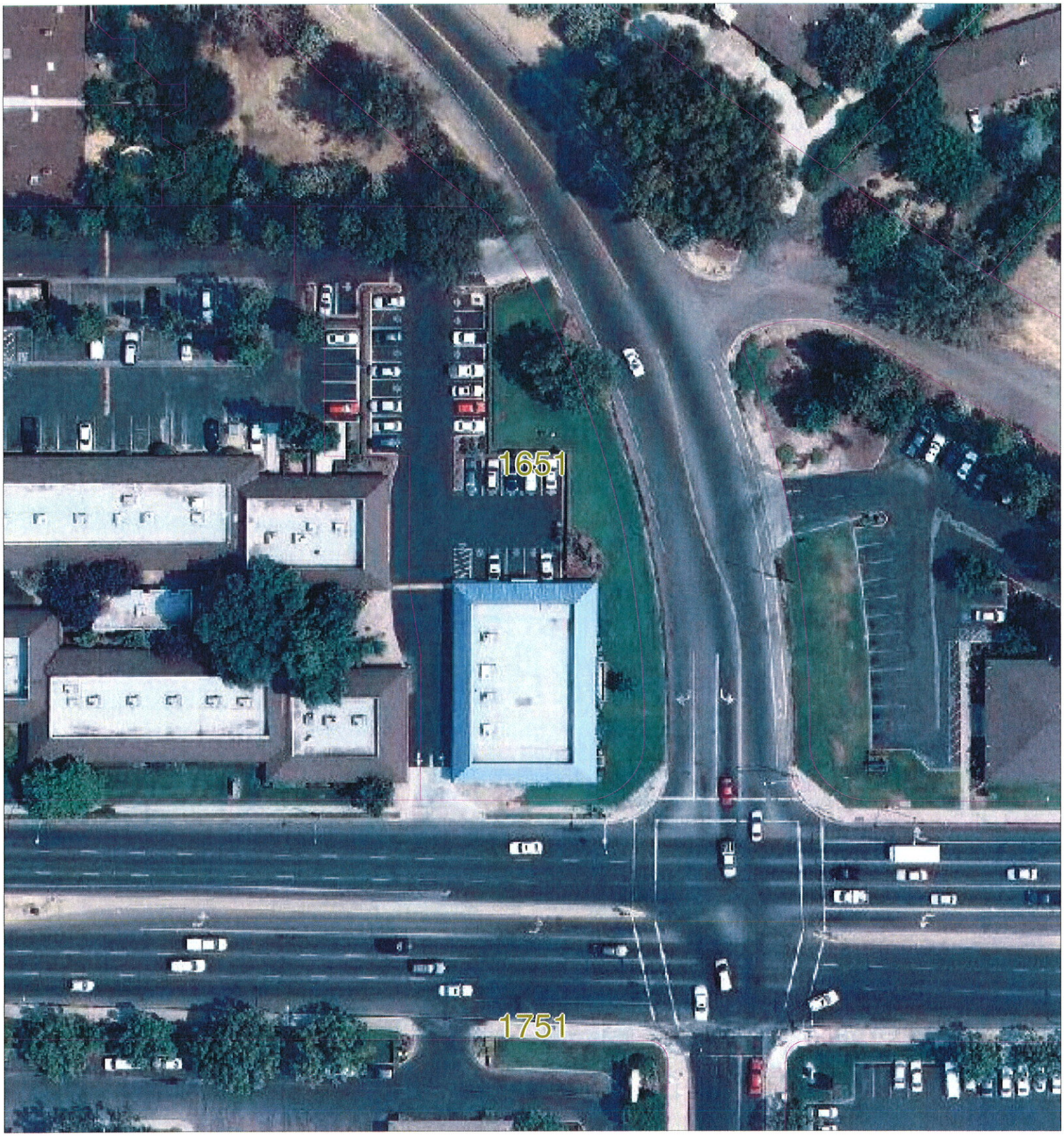
PLANNING & DEVELOPMENT DEPARTMENT

A.P.N.: 415-230-09

ZONE MAP: 1948

BY/DATE: D.N. / 8-25-08

2008 AERIAL PHOTO



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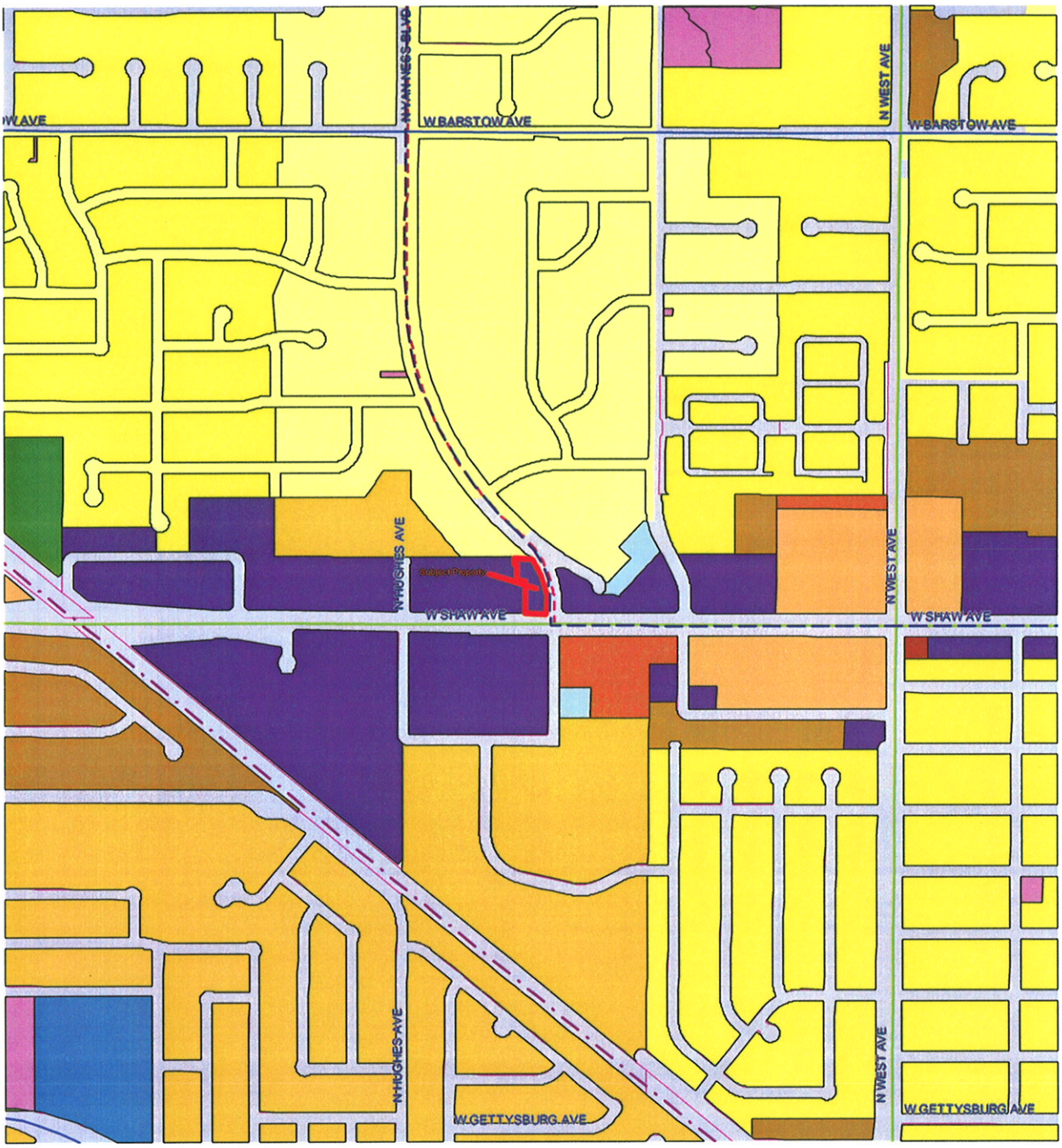
2025 Fresno General Plan

Planned Land Use



S URBAN GROWTH
MUST HAVE CITY
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, SEWER OR WATER
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, PLANNING AND
DETAILS

, CONDITIONS
ON
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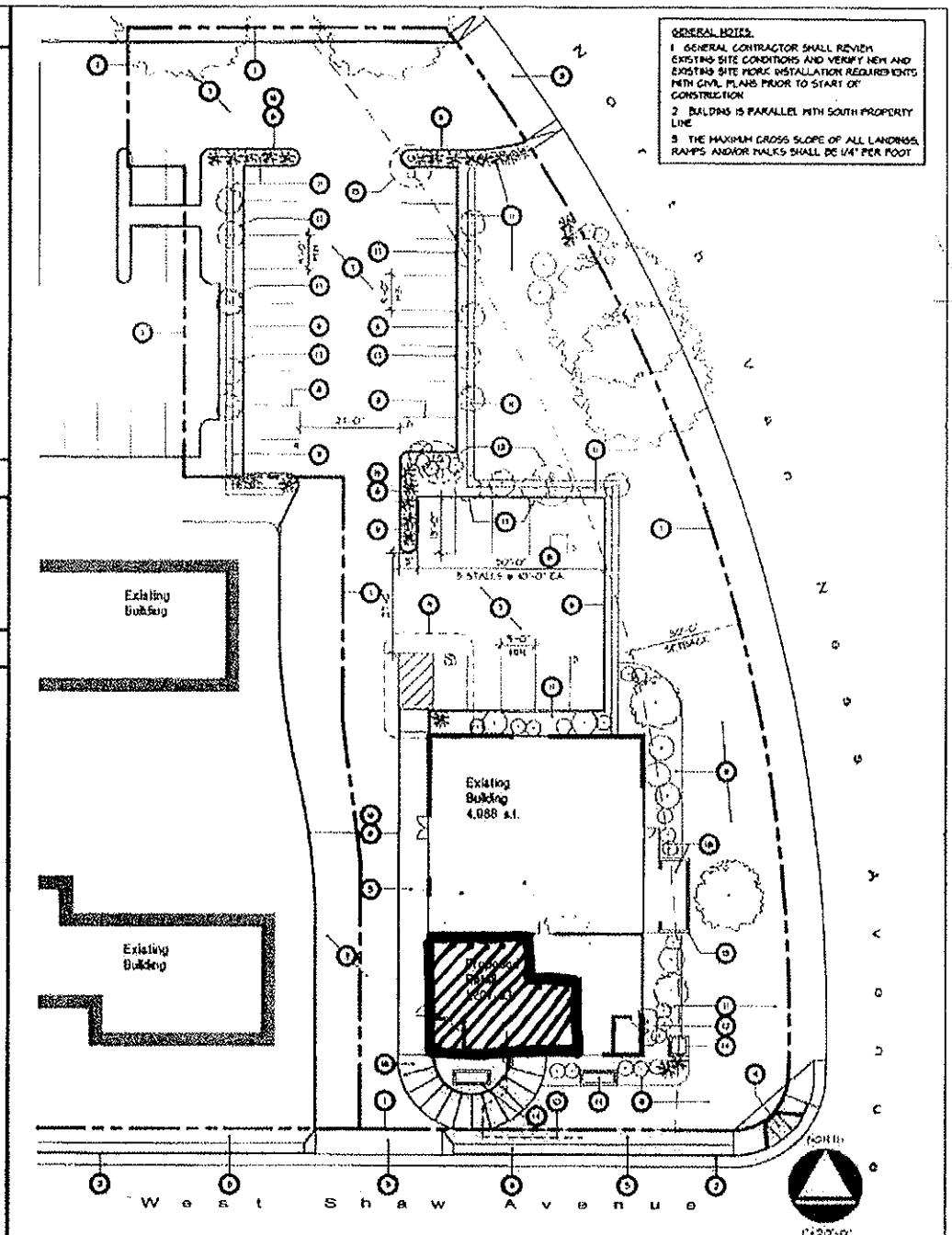


General Project Data

SHAW AVE
, CA 93711
15-230-01
R-P
C-P
FRANKLINEN
B, OFFICE

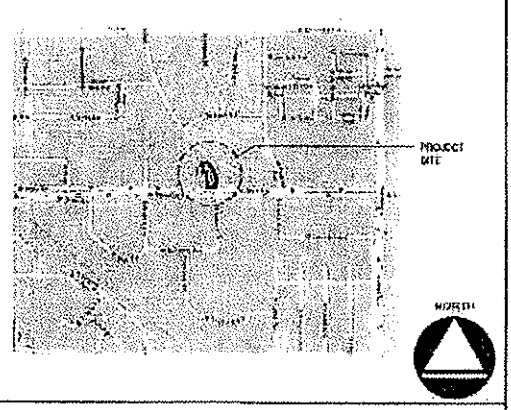
26 SQ FT)
88 SQ. FT
15.2 %
,381 SQ FT
201 SQ FT

CONFIRMED BY

Total Parking on Site:

TOTAL STALLS REQUIRED BY ZONING:	14 STALLS
TOTAL STANDARD STALLS PROVIDED:	26 STALLS
TOTAL ACCESSIBLE PARKING STALLS PROVIDED	1 STALLS
TOTAL PARKING STALLS PROVIDED:	27 STALLS

Vicinity Map



Henderson Architectural Group, Inc.

Project
Retail / Office
2304 West Shaw Avenue
Fresno, CA. 93711

Owner
Platino, L.L.C.
2304 West Shaw Avenue
Suite #102
Fresno CA. 93711

Publishing Status
Schematic
Design Development
Site Plan Review
Bidding
Plan Check
Revisions

Scale
1"=20'-0"
Project Manager
JEFF JONES
Project Number
08-81 CORTRE CORE
Sheet

Site Plan

A-0.0

PROJECT NOTES
CONDTIONAL USE PERMIT NO. C-10-026

Mixed Use Project

It should be noted that the proposed project is a mixed use project and has been filed in accordance with the Mixed Use ordinance (Section 12-325 of the Fresno Municipal Code (FMC)), which states the following:

A) Intent

The intent of this Section is to reduce the number of vehicular miles traveled, by promoting alternative modes of transportation, to include pedestrian and bicycling pathways, and public transportation as major facets in the design of each project. The Director may use his/her discretion to modify the project design, including, but not limited to; requiring that all or a portion of the ground (street) level floor space be dedicated for other than residential uses being accessible from adjacent public and/or private sidewalks, requiring building, parking areas and open space orientation that encourages accessibility to pedestrians and separates pedestrians from vehicles, requiring dedicated foot paths, and requiring any other modification to project design that encourages pedestrian use while discouraging vehicular use of the project site, including its interaction with the surrounding planned and existing development, street patterns, neighborhoods, and the City.

While this project is filed under the auspices of a mixed use, it is not a tradional mixed use project that contains a residential component. As such, The Planning and Development Department Director has reviewed the proposed project and has made recommendations related to uses, building orientation, open space, etc., and has determined that the application has provided a project design that encourages pedestrian uses. The site is as integrated as it can be considering it is a very small site, and includes or will be required to include adequate foot paths, open space areas and retail uses in close proximity and easily accessible to residential uses.

B) Plan Consistency

When located within the review area of any one of the three airport specific plans (The Sierra Skypark Land Use Policy Plan; the Fresno-Chandler Downtown Airport Master and Environs Specific Plan; or the Airport and Environs Plan, Fresno Yosemite International Airport), all applications for a Mixed Use project as authorized by this subsection shall be subject to the provisions of the adopted land use compatibility policies for residential development established by each Specific Plan for 1) Noise, 2) Airspace Protection, 3) Safety and 4) Nuisance.

Given that the subject property is not located within any of the above listed review areas, this policy is not applicable.

C) Applicable Zone Districts

A mixed use project is permitted in the C-P, C-1, C-2, C-3, C-4, C-5, C-6 and CC Zone Districts, and in the C-M and M-1 Zone Districts when located within the boundaries of

the Central Area Plan, subject to a conditional use permit as provided for in Sections12-405 and 12-406 of this Code, or pursuant to Section 12-321 of this Code, if the project includes a building greater than sixty (60) feet.

The subject property is proposed to be zoned C-P/BA -20-30 (*Administrative and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks) and a conditional use permit has been filed requesting approval of this proposed mixed use project.*

D) Uses Permitted

This project is analyzed under Section 12-325-D-3-e which states "Exception. A proposed office project without residential uses, may contain retail commercial uses, not to occupy more than 25% of the gross floor area of the project development.

1. Mandatory mix of uses. Each application governed by this Section shall have a residential component integrated with a use or uses permitted as illustrated below.

   a. There is no maximum or minimum population density requirement, except that in the C-P District, there shall be a minimum of fifteen percent (15%) of the floor area as residential use.
   b. The total number of residential dwelling units in a project will be evaluated and determined on a case-by-case basis as part of the overall evaluation of a project, which will include the availability of city services, pursuant to the intent of this subsection.
   c. The ratio of residential use to nonresidential use shall be determined on a case-by-case basis by the Director.

   No residential component proposed, therefore, this provision is not applicable.

2. Office, Commercial and Light Industrial

   a. With the exception of the C-P District, all uses listed in the underlying District whether by right, by conditional use permit or by Director Classification, may be allowed or excluded, subject to approval of the project conditional use permit. A separate conditional use permit is not required even where the underlying District requires a conditional use permit, with the exception noted below.
   b. In the C-P District, all uses listed in the C-P District whether by right, by conditional use permit or by Director Classification, and those uses listed as permitted in the C-1 District (Section 12-217.1) including those added by Director Classification as a use permitted, may be allowed or excluded, subject to approval of the project conditional use permit. A separate conditional use permit is not required even where the underlying District requires a conditional use permit, with the exception noted below.
   c. EXCEPTION: Any business proposing the retail sale of alcoholic beverages shall be required to obtain approval of a separate conditional use permit.

   Conditional Use Permit Application No. C-10-126 complies with all of the above requirements. The only commercial uses that the applicant proposes on the subject property shall be selected from the uses listed Section 12-217.1. .

3. Uniquely C-P.

   a. In the C-P District only, and with the exception noted below, the residential component of the project shall be a minimum of fifteen percent (15%) of the gross floor area of the development. If the minimum amount of residential use is proposed, the commercial component shall have a maximum of twenty-five percent (25%) of the gross floor area, with the remainder developed as office uses.
   b. If more than the minimum amount of residential uses is proposed, the amount of commercial use can be incrementally increased according to the table below. For each additional seven percent (7%) of gross floor area dedicated for residential use, the city may increase the amount of gross floor area dedicated for commercial uses by five percent (5%).

Percentage of floor space:	
If the minimum amount of gross floor area for residential uses is:	The maximum amount of gross floor area for retail commercial uses may be:
15%	25%
22%	30%
29%	35%
36%	40%
43%	45%
50%	50%

   c. If the residential component is more than fifty percent (50%) of the total project, the remainder may be developed with commercial and/or office uses.
   d. If the residential component is more than 65% of the total project, the application shall be subject to the findings required in Section12-306-N-19.
   e. EXCEPTION: A proposed office project without residential uses, may contain retail commercial uses, not to occupy more than twenty-five percent (25%) of the gross floor area of the project development

   Project is being evaluated under subsection 3.e The proposed food and beverage use fall within the 25% parameter as listed above. All other provision of the municipal code have been met.

4. Drive-up facilities as provided for by Section 12-304-B-17 of this Code, are permitted ONLY for Pharmacies and Banks (including credit unions and savings and loan institutions), subject to the following stringent conditions:

   a. There must be a compelling argument by the applicant that the inclusion and

design of a proposed drive-up window service supports and implements the intent of this Section, as delineated in Section A above.

b. The design of the traffic pattern shall not interrupt nor endanger pedestrian walkways and access.
c. The drive-up window and traffic flow pattern shall not be visible from abutting Major Streets.
d. The facility shall be architecturally compatible and integrated with the building it serves and the entire project.

The proposed project does not include any drive-ups and thus this policy does not apply to this project.

E) Standards

1. The mix of residential uses with permitted commercial uses shall occur both in the horizontal and vertical axes except that the Director may waive the requirement for a vertical mix of use, if the design of the project, or the inclusion of a residential component to an existing development illustrates performance standards that meet the intent of the section by providing an integrated, well designed network of pedestrian pathways connecting the places of residences with places of work commerce, and open space areas.

   No residential proposed, therefore, not applicable..

2. Each building within a Mixed Use project shall have a minimum of two stories.

   The existing building is single story. Project is being processed under the Exception clause of the Section 12-325. It is the opinion of the Department that proposed use is not a traditional mixed project, there needs to be discretion in promoting mixed use concepts throughout the city and especially in developed properties to enhance marketability and promote economic vitality.

3. Notwithstanding any other part of this Code or adopted Plans and Policies, all property development standards, including subsection 2 above, shall be determined and set by the review, analysis and approval of the project, except that the following standards shall be adhered to:

   a. The required Plan Consistency of Section 12-325-B above.
   b. Those standards contained in Subsection 12-306-N-30, regarding sexually oriented adult businesses.
   c. Building Height.

      i) Building height will not exceed sixty (60) feet, except as modified by the approval of a Minor Deviation application in accordance with Section 12-408, which is not subject to the Plan Consistency requirements of the Local Planning and Procedures Ordinance (Section 12-607-A).

      ii) The provisions of Section 12-321 (Mid Rise and High Rise Buildings) of this Code, shall apply.

   See response to E) 3. above.

F) Application

As stated above, each project proposing a mixed use project is subject to the approval of a conditional use permit in accordance with Sections 12-405 and 12-406 of the FMC. If the project site is within the boundaries of the Mid-rise/High-rise Corridor, the provisions of Section 12-321 of the FMC shall apply. Each application must include, but shall not be limited to, the following information:

1. A Development Plan, as defined in Subsection 12-105-D-7.1., for the entire project area, shall be submitted in support of the application for a Residential/Commercial Mixed Use Project.
2. Supporting evidence for the modification of the general standards of Section 12-306 shall be submitted with the project application.
3. Additional information as determined by the Director to verify and justify the results of the investigations of the project review and approval.
4. Nothing herein is intended to limit the Director's authority to modify development standards to fulfill the purpose of this subsection.
5. A project may be phased over time, however, each phase shall contain components of each of the proposed mixed uses, as approved by the Director.

The proposed project complies with these requirements.

PERMITTED USES IN C-P ZONE DISTRICT

SEC. 12-216. "C-P" ADMINISTRATIVE AND PROFESSIONAL OFFICE DISTRICT.
The "C-P" Administrative and Professional Office District is intended to provide for the development of an integrated professional district wherein all of the related types of uses and facilities, including a residential/commercial mixed use project, may be located. (Rep. and Added Ord. 5748, 1960; Am. Ord. 2005-154, § 4, eff. 1-27-06).

SEC. 12-216.1. USES PERMITTED.
A. The uses enumerated in Sections 12-216.1-B and C shall be permitted in the "C-P" District, plus such other uses as the Director may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare as listed in Section 12-408-E. All uses shall be subject to the property development standards in Section 12-216.5, and Site Plan Review, Section 12-406.
B. RESIDENTIAL USES. The following permitted uses shall be considered as "residential uses" as the term is applied in the Property Development Standards, Section 12-216.5:
1. Existing Residential Buildings
2. Conversion of an existing commercial use to residential use in a residential building where such use is specifically authorized in an applicable specific plan and pursuant to the provisions of the applicable specific plan.
For purposes of this section, "Residential building" means a building originally planned for, built, occupied and used for residential purposes.
3. Group housing facilities for a maximum of six (6) persons when located in an existing single family dwelling.
4. The keeping of household pets subject to the provisions of Section 12-105-H, "Household Pets."
5. Home occupations in accordance with Subsection 12-105-H-7.
C. NONRESIDENTIAL USES.
The following uses are permitted and shall be considered as "nonresidential" uses, as the term is used in the Property Development Standards, Section 12-216.5.
1. (Repealed)
2. Art galleries
3. Artist studios
4. Banks and savings and loan institutions
5. Churches
6. Child day care centers, large and small.
7. Day spa and salon.
8. Employee credit unions
9. Exhibit halls
10. Hotels
11. Institutions of a philanthropic nature (except correctional and mental)
12. Laboratories
a. Biological
b. Dental
c. Medical

PERMITTED USES IN C-P ZONE DISTRICT

d. Optometrical
13. Libraries
14. Lodges, clubs and fraternal organizations
15. Museums
16. Offices, excluding retail sales, storage of stock in trade, and storage of equipment not used exclusively in said offices
a. Administrative
b. Business
c. General
d. Medical
e. Professional
17. Optometrical clinics
18. Photographic studios
19. Private and parochial schools
20. Radio and television broadcasting studios
21. Security brokers, dealers and flotation companies
22. Signs, subject to provisions of Section 12-216.5-K
23. Tanning salon.
24. Temporary or permanent telephone booths.
25. Adult day care facilities, subject to Subsection 12-306-N-42. (Added Ord. 5748, 1960; Am. Ord. 6606, 1965; Am. Ord. 6768, 1966; Am. Ord. 68-38, 1968; Am. Ord. 68-59, 1968; Am. Ord. 68-149, 1968; Am. Ord. 85-80, § 3, eff. 6-28-85; Am. Ord. 89-66, § 1, eff. 7-7-89; Am. Ord. 90-53, §§ 34, 35, eff. 7-18-90; Am. Ord. 90-86, § 12, eff. 9-21-90; Am. Ord. 90-110, § 18, eff. 11-9-90; Am. Ord. 92-100, § 2, eff. 1-8-93; Am. Ord. 2005-154, § 5, eff. 1-27-06; Am. Ord. 2006-141, §§ 56--59, eff. 10-27-06; Am. Ord. 2006-154, § 43, eff. 12-1-06).

SEC. 12-216.3. USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.
A. The uses enumerated in Section 12-216.3-B shall be permitted subject to a Conditional Use Permit pursuant to Sections 12-405 and 12-406.
B. Uses permitted subject to a Conditional Use Permit.
1. Alcohol the retail sale of, for on-site consumption pursuant to Sections 12-304-B-24 and 12-326, as applicable.
2. Ambulance service.
3. Banquet hall.
4. Book store, not to exceed 2,500 square feet in gross floor area.
5. Buildings over thirty-five (35) feet in height, pursuant to Section 12-216.5-D below.
6. Electrical distribution substation.
7. Furrier, as defined in Subsection 12-105-F-18.
8. Group housing facility for seven (7) or more persons, subject to Section 12-306-N-43.
9. Microwave relay stations.
10. Multiple dwellings subject to the findings of Subsection 12-306-N-19.
11. Night Club is permitted only when it is within a Hotel and customer access is only through the Hotel lobby, and pursuant to Sections 12-326 and 12-327.
12. Post Office.

PERMITTED USES IN C-P ZONE DISTRICT

13. Prescription pharmacy, subject to the provisions of Subsection 12-105-P-10.
14. Private residence clubs, fraternity and sorority houses, rooming and boarding houses.
15. Mixed Use projects pursuant to Section 12-325 of this Code.
16. Restaurant.
17. Small animal veterinary hospital, subject to the provisions of Subsections 12-306-I-2.2.t and 12-306-N-20.
18. Subdivision signs--Off-site, if proposed as specified in Subsection 12-207.5-K-4.
19. Tavern, pursuant to Section 12-326.
20. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

(Added Ord. 5748, 1960; Am. Ord. 67-70, 1967; Am. Ord. 68-19, 1968; Am. Ord. 68-58, 1968, Am. Ord. 70-76, 1970; Am. Ord. 74-55, § 1, eff. 7-7-74; Am. Ord. 74-85, § 4, eff. 9-30-74; Am. Ord. 85-80, § 4, eff. 6-28-85; Am. Ord. 86-70, § 2, eff. 6-6-86; Am. Ord. 88-94, § 30, eff. 8-12-88; Am. Ord. 89-66, § 3, eff. 7-7-89; Am. Ord. 91-64, § 12, eff. 7-12-91; Am. Ord. 91-125, § 20, eff. 12-20-91; Am. Ord. 96-64, § 5, eff. 11-1-96; Am. Ord. 2004-26, § 1, 4-12-04; Am. Ord. 2004-75, § 2, eff. 9-4-04; Am. Ord. 2005-154, § 6, eff. 1-27-06; Am. Ord. 2006-141, § 60, eff. 10-27-06; Am. Ord. 2006-154, § 44, eff. 12-1-06; Am. Ord. 2008-38, §§ 60--62, eff. 7-25-08; Am. Ord. 2009-38, § 14, eff. 11-30-09).

PERMITTED USES C-1 ZONE DISTRICT

SECTION 12-317.1

SEC. 12-217.1. USES PERMITTED.

A. The uses enumerated in Section 12-217.1-B shall be permitted in the "C-1" District, plus such other uses as the Director may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare as listed in Section 12-408-E. All uses shall be subject to the property development standards in Section 12-217.5, and Site Plan Review, Section 12-406.

B. 1. Bakery goods, retail sales only
2. Bakery, retail
3. Banks and Savings and Loan Associations
4. Barbershop
5. Beauty shop
6. Bicycle shop
7. Book stores
8. (Reserved)
9. Cafeterias
10. Cleaning and dyeing shop (retail only--dry cleaning clothes in enclosed machines, using noninflammable cleaning compounds)
11. Clothing stores
12. Confectionery
13. Conversion of an existing commercial use to residential use in a residential building where such use is specifically authorized in an applicable specific plan and pursuant to the provisions of the applicable specific plan.

For purposes of this section, "Residential building" means a building originally planned for, built, occupied and used for residential purposes.

14. Dairy products
15. Day spa and salon.
16. Delicatessen
17. Drugstore
18. Dry goods
19. Florist shop
20. Fruit and vegetable stores
21. Gift shops
22. Grocery stores
23. Hardware stores
24. Hobby shop (retail)
25. Ice cream
26. Jewelry stores
27. Laundry and dry cleaning pick-up agencies for work to be done elsewhere
28. Laundry, self-service
29. (Reserved)
30. Lunchrooms
31. Meat markets
32. Music and dance instruction
33. Music stores

PERMITTED USES C-1 ZONE DISTRICT

SECTION 12-317.1

34. Newspaper stands
35. Offices:
a. Business
b. Medical
c. Professional
36. Photographic supplies
37. Plant nurseries
38. Radio and television sales and service
39. Reducing salon
40. Restaurants
41. Shoe repair shops
42. Shoe stores
43. Signs, subject to the provisions of Section 12-217.5-K
44. Soft drink fountains
45. Sporting goods
46. Stamp and coin broker
47. Super drugstore
48. Supermarket
49. Tanning salon.
50. Temporary or permanent telephone booths
51. Tobacco products
52. Variety stores. (Added Ord. 5748, 1960; Am. Ord. 6888, 1966; Am. Ord. 68-59, 1968; Am. Ord. 68-154, 1968; Am. Ord. 70-79, 1970; Am. Ord. 71-43, 1971; Am. Ord. 73-128, § 1, eff. 9-30-73; Am. Ord. 74-65, § 1, eff. 8-26-74; Am. Ord. 76-84, § 1, eff. 9-26-76; Am. Ord. 78-3, § 1, eff. 2-3-78; Am. Ord. 88-123, § 2, eff. 10-28-88; Am. Ord. 90-110, § 19, eff. 11-9-90; Am. Ord. 92-100, § 3, eff. 1-8-93; Am. Ord. 98-87, §§ 5, 6, eff. 12-17-98; Am. Ord. 2006-154, § 47, eff. 12-1-06; Am. Ord. 2009-38, §§ 16, 17, eff. 11-30-09).

1/29/10

City of Fresno
Planning and Development Department

Application:

REZONE (R-08-022) and CONDITIONAL USE PERMIT

Location: Northwest Corner of West Shaw Ave. and North Van Ness Boulevard

Address: 2304 West Shaw Avenue

APN: 415-230-09

Community Plan: Bullard

Specific Plan: None

Land Use Designation: Office

Current Zone District: R-P, Residential-Professional

Proposed Zone District: C-P, Commercial-Professional

Property Owner: ORO Financial
2304 West Shaw Avenue, Fresno CA 93711

Applicant: ORO Financial
2304 West Shaw Avenue, Fresno CA 93711

Agent: Sol Development Associates, LLC
906 N Street, Ste 100, Fresno, 93721

OPERATION/ENVIRONMENTAL STATEMENT CHECKLIST

This application is for a Conditional Use Permit to accompany the previously submitted Rezone Application, R-08-022. The Rezone of the property is to change the Zone District from R-P Residential-Professional to C-P Commercial-Professional, to allow twenty-five percent of the existing 4988 sf building to be used for a commercial use. It is proposed that approximately 1200 sf of space on the south end of the building be used for a retail food and beverage business. The existing interior layout in the portion of the building proposed to be used for retail will be modified through a future Tenant Improvement Permit at the time an interior layout design is completed. It is anticipated the exterior of the office building will remain the same as it is currently.

The property parcel consists of approximately 1.25 acres and contains a single story office building constructed with concrete masonry walls and a wood framed trussed roof structure. The proposed commercial use of a portion of the building will be contained within the current exterior walls. The street frontages on Shaw and Van Ness are fully improved with landscaping and there are several additional landscaping areas within the property. The building shares the use of an existing trash enclosure on the adjacent property and City of Fresno Solid Waste Division vehicles services it as regularly scheduled.

Vehicular access to the property will remain the same from the south side off West Shaw and from the east side off North Van Ness Boulevard. The cross access from east to west through the parking area on the north side of the property will remain the same. The parking lot configuration and circulation will remain as it is currently with the parking requirements being the same in the current zone district and the proposed zone district.

The proposed commercial use will be limited to the area in the south end of the existing building and will utilize existing access points or as will be proposed during the processing of tenant improvements plans. The current office use for the remainder of the building will remain the same or as allowed in the proposed C-P Zone District. Operation hours for the office use will not change and it is anticipated the commercial use will have typical operating hours from approximately 6 am to 10 pm, 7 days a week. The office use will be reduced by approximately 1200 sf to accommodate the commercial space. The new tenant will have numerous new employees as necessary for operations. The existing building currently has a security alarm system and exterior lighting on the building and in the parking area.

Any new signage for the commercial tenant will be submitted for a separate permit as required by the City Sign Ordinance. Employee and guest parking areas will remain as they are currently on the north side of the property. The vehicles that frequent the office use portion of the building will remain the same and it is anticipated vehicles typical of those necessary to deliver products to the commercial space will be required to access the property. No products will be produced that require pick-up by shipping vehicles are anticipated. Service vehicles are limited to those that are typically used for repair and maintenance of this type of building and to service the businesses it contains. The proposed commercial space should not have any significant adverse effect(s) upon the environment including unusual odor, lighting, noise, traffic, soot, gas emissions, dust or vibration to any degree which might be obnoxious or offensive to persons working, conducting business or living in this area. Since the proposed commercial space will occupy no more than twenty-five percent (approximately 1200 sf) of the existing office building impacts to the surrounding area are anticipated to be minimal.

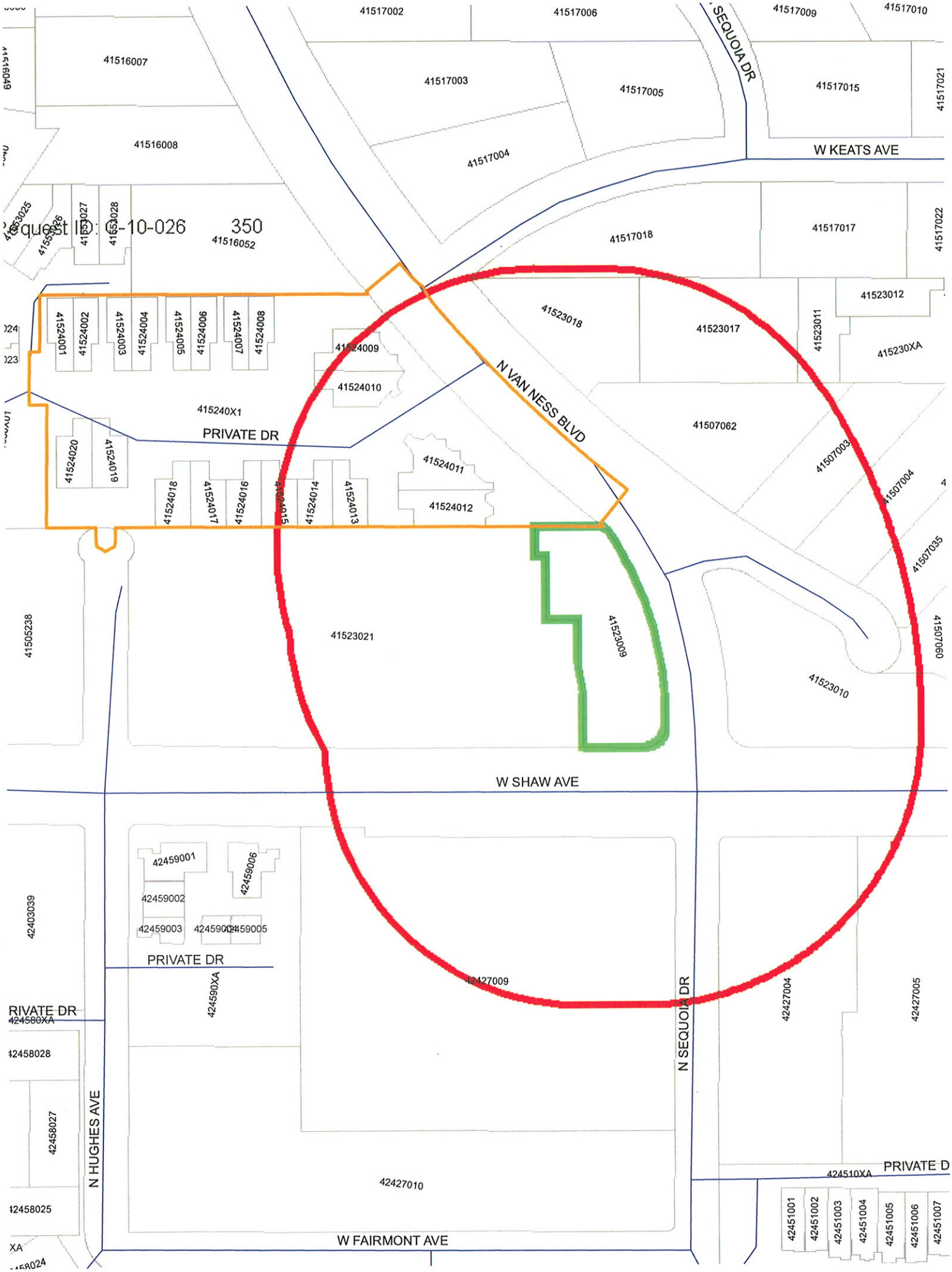
The proposed commercial use will easily integrate into the surrounding land uses in that a retail food and beverage business compliments the existing office, commercial and residential uses in the area. The site is adjacent to several large office complexes on the west side with a large number of employees and daily visitors who can access the property without the use of vehicles. The numerous commercial uses to the east can also access the property without the use of vehicles via the signalized intersection and crosswalk. Employees, visitors and transit occupants utilizing the existing hotel and conference facility on the south side of Shaw can also access the property via the signalized intersection and crosswalk. Adjacent to the north side of the property is an existing condominium property with approximately seventy-five units typically occupied by senior adults. These occupants may find the close proximity of a food and beverage business within walking distance very convenient. North Van Ness is traveled by many vehicles per day and the location of the proposed food and beverage business will be very convenient to access and exit on route to other locations on Shaw Avenue.

Since the northern seventy-five percent of the building will remain in office use and the commercial use is limited to the southern twenty-five percent of the building the impact to the residential use to the north will be minimal. There are no residential buildings adjacent to the property on its north side. The closest dwelling unit is over 300 linear feet from the proposed commercial use space. Since the parking requirements for the existing zoning and the proposed zoning are the same it is anticipated the volume of traffic at any one time will not be in excess of the existing. The office use of the northern portion of the building operates during typical business hours on weekdays. Any traffic accessing the property to visit the commercial-retail business will find ample parking during the weekday hours and abundant parking when the office portion of the building is not is use.

It is believed the proposed Rezone and Conditional Use Permit accomplish the stated goals of the 2025 General Plan through the following policy and objective:

C-8-a. Policy: Develop zoning regulations which facilitate the appropriate mixing of commercial and non-commercial uses, either within a single structure of multiple structures within a defined area.

C-12. Objective: Commercial Land Uses shall be classified, located, sized, and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts.



Request ID: G-10-026
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March 10, 2010

Mike Sanchez
Development Services/Planning
Fresno City Hall
2600 Fresno Street
Fresno, CA 93721-3604

REFERENCE: Request for Comment C-10-026

The City of Fresno has requested that the Fresno Police Department, Northwest Policing District, review the application for the issuance of a Conditional Use Permit for a *Commercial Retail Food and Beverage Establishment* located at 2304 W. Shaw. The Fresno Police Department has reviewed the application and does not oppose the project, with the understanding that should the applicant seek to establish a business selling alcoholic beverages, a new Conditional Use Permit would be required, with conditions consistent with existing similar businesses. It is also understood that the applicant will adhere to all applicable State and Municipal laws and ordinances regarding the operation of this establishment.

Capt. David Belluomini
Fresno Police Department
Commander – Northwest Policing District

CITY OF FRESNO

NOTICE OF INTENT TO ADOPT A FINDING OF CONFORMITY

Filed with FILED
APR 02 2010
FRESNO COUNTY CLERK
By _____ DEPUTY

FRESNO COUNTY CLERK
2221 Kern Street, Fresno, CA 93721

REZONE APPLICATION NO. R-08-22 AND CONDITIONAL USE PERMIT NO. C-10-026

APN No. 415-230-09

APPLICANT:
Oro Financial
2304 West Shaw Avenue
Fresno, CA 93711

PROJECT LOCATION:
2304 West Shaw Avenue, City of Fresno, County of Fresno
[Northwest corner of West Shaw Avenue and North Van Ness Boulevard]
Site Latitude: 36° 48' 31" N Longitude and -119° 49' 59" W
Mount Diablo Base & Meridian, Township 13 S Range 20 E, Section 7

PROJECT DESCRIPTION: Sol Development on behalf of Oro Financial, has filed **Rezone Application No. R-08-022 and Conditional Use Permit NO. C-10-026** and pertains to 0.78 acre of property located on the northwest corner of West Shaw Avenue and Van Ness Boulevard at 2304 W. Shaw Avenue (APN 415-230-09) and is zoned R-P/BA-20-30 *(Residential and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks).* **Rezone Application No. R-08-022** is requesting authorization to reclassify the subject property from R-P/BA-20-30 (*Residential and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district to C-P/BA-20-30 *(Administrative and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district. Conditional Use Permit Application No. C-10-026 is proposing to occupy 1200 square feet of an exiting 5000 square-foot building for a potential retail food and beverage establishment. The applicant is proposing **no alcohol sales**

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report No. 10130 ("MEIR) prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND). Therefore, the Planning and Development Department proposes to adopt a Finding of Conformity for this project.

With the mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR or Air Quality MND. After conducting a review of the adequacy of the MEIR and Air Quality MND pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new

information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. The project site does not contain any of the lists of sites enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

Additional information on the proposed project, including the MEIR, Air Quality MND, proposed environmental finding and the initial study may be obtained from the Planning and Development Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor Fresno, California 93721-3604. Please contact Mr. Mike Sanchez, Planning Manager at (559) 621-8040 for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on May 2, 2010. Please direct comments to Mike Sanchez, Planning Manager, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to Mike.Sanchez@fresno.gov or comments can be sent by facsimile to (559) 498-1026.

These development applications and this proposed environmental finding have been tentatively been scheduled to be heard by the Planning Commission on May 5, 2010 at 6:00 p.m. or thereafter, and a public hearing has tentatively been scheduled before the Fresno City Council on May 27, 2010 at TBD. These hearings will be held in the Fresno City Council Chambers located at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California, 93721. Your written and oral comments are welcomed at the hearing and will be considered in the final decision.

INITIAL STUDY PREPARED BY: [Mike Sanchez, Planning Manager]	SUBMITTED BY: [Mike Sanchez, Planning Manager [Mike Sanchez], Planning Manager CITY OF FRESNO PLANNING AND DEVELOPMENT DEPARTMENT
DATE: April 2, 2010	

CAO033010

CITY OF FRESNO – ENVIRONMENTAL ASSESSMENT
FINDING OF CONFORMITY / MEIR NO. 10130/MND FOR PLAN AMENDMENT A-09-02 (AIR QUALITY MND)

Pursuant to Section 21157.1 of the California Public Resource Code (California Environmental Quality Act) the project described below is determined to be within the scope of the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan	DATE RECEIVED FOR FILING:
Applicant: Oro Financial 2304 West Shaw Avenue Fresno, CA 93711	**Initial Study Prepared By:** Planner Mike Sanchez Date April 2, 2010
Environmental Assessment Number: R-08-22/C-10-26	**Project Location (including APN):** The northwest corner of West Shaw Avenue and North Van Ness Boulevard. (APN) 415-230-09

Project Description:

Sol Development on behalf of Oro Financial, has filed Rezone Application No. R-08-022 and Conditional Use Permit NO. C-10-026 and pertains to 0.78 acre of property located on the northwest corner of West Shaw Avenue and Van Ness Boulevard at 2304 W. Shaw Avenue (APN 415-230-09).

The property is located within the jurisdiction of the Bullard Community Plan and the 2025 Fresno General Plan. The Bullard Community Plan and the 2025 Fresno General Plan designate the subject property for office commercial planned land uses. The application is a request to reclassify the subject property from R-P/BA-20-30 (*Residential and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district to C-P/BA-20-30 *(Administrative and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district.. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan, the planned land use designation of office commercial is consistent with the proposed C-P/BA-20,30 zone district. Conditional Use Permit Application No. C-10-026 is proposing to occupy 1200 square feet of an exiting 5000 square-foot building for a potential retail food and beverage establishment. The applicant is proposing **no alcohol sales**

The subject property is currently developed with a 5,000 square-foot single story office building of which 1,200 square feet will be for the proposed retail food and beverage store.

Conformance to Master Environmental Impact Report (MEIR) NO. 10130:

The adopted 2025 Fresno General Plan and the Bullard Community Plan designate the subject site for office commercial planned land uses. The requested C-P/BA-20-30 *(Administrative and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district for the subject property conforms to the office commercial planned land use designation. The proposed 1,200 square-foot food and beverage establishment is a use permit in the requested C-P zone district subject to the approval of a conditional use permit.

The Planning and Development Department staff has prepared an Initial Study (See Attached "Modified Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02 (Air Quality MND)/Initial Study") to evaluate the proposed rezone and conditional Use permit application(s) in accordance with the land use and environmental policies and provisions of lead agency City of Fresno's 2025 Fresno General Plan (SCH # 2001071097), the related Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan (Air Quality MND). The subject property is currently developed with an existing 5,000 square-foot commercial building which is proposing to house a food and beverage establishment for approximately 1,200 square feet of said building, but may be further developed at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site. Thus, the proposed rezone and conditional use permit applications will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service

systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 and the Air Quality MND have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Guidelines Section 15177(b)(3).

Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project, as identified in the MEIR pursuant to Section 21157(b)(2) of the Public Resources Code and CEQA Guidelines Section 15177, falls within the scope of a MEIR, provided that the project does not cause additional significant impacts on the environment that were not previously examined by the MEIR and the Air Quality MND.

Relative to this specific project proposal, the environmental impacts noted in the MEIR and the Air Quality MND, pursuant to the 2025 Fresno General Plan land use designation, include impacts associated with the office commercial planned land use designation specified for the subject property. Based on this Initial Study, the following findings are made: (1) The proposed project was identified as a Subsequent Project in MEIR No. 10130 because its, location, land use designation and permissible densities and intensities are set forth in Figure I-1 of MEIR No. 10130; (2) The proposed project is fully within the scope of the MEIR and Air Quality MND because it will not generate additional significant effects on the environment not previously examined and analyzed by the MEIR or Air Quality MND for the reasons set forth in the Initial Study; and (3) other than identified below, there are no new or additional mitigation measures or alternatives required.

In addition, after conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete and the Air Quality MND was adopted, has become available. Moreover, as lead agency for this project, the Planning and Development Department, per Section 15177(d) of the CEQA Guidelines, has determined that all feasible mitigation measures from MEIR No. 10130 and the Air Quality MND shall be applied to the project as conditions of approval as set forth in the attached Mitigation Monitoring Checklist (See "Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 For the 2025 General Plan, Mitigation Monitoring Checklist).

Public notice has been provided regarding staff's finding in the manner prescribed by Section 15177(d) of the CEQA Guidelines and by Section 21092 of the California Public Resources Code (CEQA provisions).

4/2/10

Planning Manager, City of Fresno — Date

Attachments: Notice of Intent to Adopt A Finding of Conformity
Master Environmental Impact Report (MEIR) Review Summary (Attachment: Status of MEIR Analysis with Regard to Air Quality and Climate Change)
Modified Appendix G To Analyze Subsequent Project Identified In MEIR No. 10130/MND For Plan Amendment A-09-02 (Air Quality MND)/Initial Study for Environmental Assessment No. R-08-22/C-10-026
Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 For the 2025 General Plan: Mitigation
MEIR Mitigation Monitoring Checklist for Environmental Assessment No. R-08-22/C-10-26

CAO031810

MODIFIED APPENDIX G TO ANALYZE SUBSEQUENT PROJECT IDENTIFIED IN MEIR NO. 10130/MND FOR PLAN AMENDMENT A-09-02 (AIR QUALITY MND)/INITIAL STUDY

Environmental Checklist Form

1. Project title: Rezone Application No. R-08-22 and Conditional Use Permit Application No. C-10-026

2. Lead agency name and address:

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

3. Contact person and phone number:

   Mike Sanchez, Planning Manager
   (559) 621-8040

4. Project location:

   2304 West Shaw Avenue; Located on the northwest corner of West Shaw Avenue and North Van Ness Boulevard in Fresno, California, Fresno County

5. Project sponsor's name and address:

   Oro Financial
   2304 West Shaw Avenue
   Fresno, CA 93711

6. General plan designation: Office Commercial

7. Zoning: Proposed C-P/BA 20, 30 (Administrative and Professional Office, Boulevard Area Overlay, 20-foot and 30-foot setbacks) zone district

8. Description of project: Sol Development on behalf of Oro Financial, **Rezone Application No. R-08-022 and Conditional Use Permit NO. C-10-026** has been filed by Sol Development Association on behalf of Oro Financial and pertains to 0.78 acre of property located on the northwest corner of West Shaw Avenue and Van Ness Boulevard at 2304 W. Shaw Avenue (APN 415-230-09) and is zoned R-P/BA-20-30 *(Residential and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks).* **Rezone Application No. R-08-022** is requesting authorization to reclassify the subject property from R-P/BA-20-30 (*Residential and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district to C-P/BA-20-30 *(Administrative and Professional Office/Boulevard Overlay with 20 foot and 30 foot setbacks)* zone district. Conditional Use Permit Application No. C-10-026 is proposing to occupy 1200 sqaure feet of an exiting 5000 square-foot building for a potential retail food and

beverage establishment. The applicant is proposing **no alcohol sales**

9. Surrounding land uses and setting:

	Planned Land Use	Existing Zoning	Existing Land Use
North	Low Density Residential	**[R-1-EH]** *(Single Family Residential/Estate/Horses)*	Single Family Residential (Condominiums)
South	Commercial Office	**[C-P]** *(Administrative and Professional Office)*	Hotel and Commercial Office
East	Commercial Office	**[R-P]** *(Residential and Professional Office)*	Commercial Office
West	Commercial Office	**[R-P]** *(Residential and Professional Office)*	Commercial Office

10. Other public agencies whose approval is required:

Building and Safety Division
San Joaquin Valley Air Pollution Control District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

Pursuant to Public Resources Code Section 21157.1(b) and CEQA Guidelines 15177(b)(2), the purpose of this MEIR initial study is to analyze whether the subsequent project was described in the Master Environmental Impact Report No. 10130 and whether the subsequent project may cause any additional significant effect on the environment, which was not previously examined in MEIR No. 10130 ("MEIR") or the Mitigated Negative Declaration prepared for Plan Amendment A-09-02 to amend the Air Quality Element of the 2025 Fresno General Plan (SCH # 2009051016) ("Air Quality MND").

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

_____	Aesthetics	_____	Agriculture Resources	_____	Air Quality
_____	Biological Resources	_____	Cultural Resources	_____	Geology /Soils
_____	Hazards & Hazardous Materials	_____	Hydrology / Water Quality	_____	Land Use / Planning
_____	Mineral Resources	_____	Noise	_____	Population / Housing

____ Public Services	____ Recreation	____ Transportation/Traffic
____ Utilities / Service Systems	____ Mandatory Findings of Significance	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

X I find that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND such that no new additional mitigation measures or alternatives may be required. All applicable mitigation measures contained in the Mitigation Monitoring Checklist shall be imposed upon the proposed project. A FINDING OF CONFORMITY will be prepared.

____ I find that the proposed project is a subsequent project identified in the MEIR and Air Quality MND but that it is not fully within the scope of the MEIR and Air Quality MND because the proposed project could have a significant effect on the environment that was not examined in the MEIR or Air Quality MND. However, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project specific mitigation measures and all applicable mitigation measures contained in the MEIR Mitigation Monitoring Checklist will be imposed upon the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.

____ I find that the proposed project is a subsequent project identified in the MEIR but that it MAY have a significant effect on the environment that was not examined in the MEIR or Air Quality MND, and an ENVIRONMENTAL IMPACT REPORT is required to analyze the potentially significant effects not examined in the MEIR or Air Quality MND pursuant to Public Resources Code Section 21157.1(d) and CEQA Guidelines 15178(a).

_____ _____
Signature Date

_____ _____
Signature Date

EVALUATION OF ADDITIONAL ENVIRONMENTAL IMPACTS NOT ASSESSED IN THE MEIR or Air Quality MND:

1. For purposes of this MEIR Initial Study, the following answers have the corresponding meanings:

a. "No Impact" means the subsequent project will not cause any additional significant effect related to the threshold under consideration which was not previously examined in the MEIR or Air Quality MND.

b. "Less Than Significant Impact" means there is an impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, but that impact is less than significant;

c. "Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND, however, with the mitigation incorporated into the project, the impact is less than significant.

d. "Potentially Significant Impact" means there is an additional potentially significant effect related to the threshold under consideration that was not previously examined in the MEIR or Air Quality MND.

2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

5. A "Finding of Conformity" is a determination based on an initial study that the proposed project is a subsequent project identified in the MEIR and that it is fully within the scope of the MEIR and Air Quality MND because it would have no additional significant effects that were not examined in the MEIR or the Air Quality MND.

6. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

7. Earlier analyses may be used where, pursuant to the tiering, program EIR or MIER, or other

CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a. Earlier Analysis Used. Identify and state where they are available for review.

b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in the MEIR or another earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

8. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

9. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

10. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

11. The explanation of each issue should identify:

a. The significance criteria or threshold, if any, used to evaluate each question; and

b. The mitigation measure identified, if any, to reduce the impact to less than significance

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. **AESTHETICS** -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?				x
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				x
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				x

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				x

The proposed use is proposed to be located within an existing building in the middle of an area that is planned for office commercial land uses uses. No public or scenic vista will be obstructed by the project and no valuable vegetation will be removed for this project. The project will not damage any scenic resources nor will it degrade the visual character or quality of the subject site and its surroundings, given that the building currently exists. The development of the site will not create a new source of substantial light or glare which would affect day or night time views in the project area, given that during the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties. As a result, the project will have no impact on aesthetics.

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

The subject site is designated as "Urban and Built-Up Land" on the 2006 Rural Mapping Edition: Fresno County Important Farmland Map, and thus has no farmland considered to be prime

farmland, farmland of statewide importance, or unique farmland. The subject site is not currently under cultivation. In addition, according to aerial photos that go as far back as 1992, the site has not been under cultivation for a number of years. The land surrounding the site to the north, south, east and west is designated as "Urban and Built-Up Land" by the above mentioned map.

The subject site is not under a Williamson Act contract and is not surrounded by sites under a Williamson Act contract. The proposed project does not include any changes which will affect the existing environment and result in the conversion of Farmland to non-agricultural uses.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. **AIR QUALITY AND GLOBAL CLIMATE CHANGE** – (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan (*e.g.*, by having potential emissions of regulated criterion pollutants which exceed the San Joaquin Valley Air Pollution Control Districts (SJVAPCD) adopted thresholds for these pollutants)?				x
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				x
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				x
d) Expose sensitive receptors to substantial pollutant concentrations?				x
e) Create objectionable odors affecting a substantial number of people?				x

The proposed project will comply with all applicable air quality plans. Therefore, no violations of air quality standards will occur and no net increase of pollutants will occur. The proposed use is allowed on the subject site and will not expose sensitive receptors to substantial pollutant concentrations. The proposed project is not proposing a use which will create objectionable odors; therefore there will be no impact.

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

Given that the proposed project will be within an existing building and be located in an area surrounded by urban uses, the proposed project will have no impact on biological resources.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. **CULTURAL RESOURCES** -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

There are no structures which exist within the project area that are listed in the National or Local Register of Historic Places, and the subject site is not within a designated historic district. There are no known archaeological resources, paleontological resources, and human remains that exist within the project area. The Master Environmental Impact Report (MEIR) No. 10130/SCH No. 2001071097 for the 2025 Fresno General Plan, Mitigation Monitoring Checklist includes measures to address archaeological resources, paleontological resources, and human remains.

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

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

There are no geologic hazards or unstable soil conditions known to exist on the site. Fresno has no known active earthquake faults and is not in any Alquist-Priolo Special Studies Zones. No adverse environmental effects related to topography, soils or geology are expected as a result of this project.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. **HAZARDS AND HAZARDOUS MATERIALS** Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

There are no known existing hazardous material conditions on the site and the project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project itself will not generate or use hazardous materials, is not in an airport hazard zone, is not near any wildland fire hazard zones, and poses no interference with the City's or County's Hazard Mitigation Plans or emergency response plans. The subject site has not been under cultivation for at least over 15 years. Therefore, no known pesticides or hazardous materials exist on the site and the proposed project will have no environmental impacts related to potential hazards or hazardous materials as indentified above.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. **HYDROLOGY AND WATER QUALITY** -- Would the project:				

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?				X

The proposed project will have no impact on the quality of water and hydrology.

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

The proposed project will not divide an established community since the use will be within an existing building in an established community. The project will not conflict with any policies given the fact that the use is allowed in the C-P zone district subject to the approval of a conditional use permit. The project will not conflict with any conservation plans since it is not located within any conservation plan areas.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. **MINERAL RESOURCES** -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

The subject property is not located in an area designated for mineral resource preservation or recovery.

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

The subject site is located adjacent to West Shaw Avenue, an arterial street and is within ½ mile of the Burlington Northern Union Pacific Railroad. However, the project will comply with all noise policies from the 2025 Fresno General Plan and noise codes from the Fresno Municipal Code.

The project is not located within the vicinity of an airstrip, therefore there will be no exposure to excessive noise.

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

The project will be increasing the use of an existing partially vacant building. However, the project will not induce substantial population growth given that the proposed project is not proposing additional housing. The proposed project will not displace any people or any residential structures given that the project site is currently vacant and used for non-residential uses. Therefore, no population and housing impacts will result from the proposed project.

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

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Parks?				X
Schools?				X
Other public services?				X

The proposed project will not affect public services beyond what was analyzed in the Master Environmental Impact Report No. 10130.

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

The project does not include or require construction of recreational facilities that might have an adverse physical effect on the environment, therefore no recreation impacts are generated by the project.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. **TRANSPORTATION/TRAFFIC** -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

The proposed project is not expected to generate traffic which would significantly impact any nearby roads. There would also not be an increase in traffic beyond what is allowed. Therefore, the project would have no impact and not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system, or in a substantial increase in vehicle miles traveled.

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

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

The project site will be continue to be serviced by the Solid Waste Division, have water facilities available to provide water service to the site subject to several conditions, and sewer facilities will be available to provide service to the subject site.

The proposed project is not expected to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board and will not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, or result in the construction of new storm water drainage facilities or expansion of existing facilities. Therefore, there will be no impacts to utilities and service systems.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. **MANDATORY FINDINGS OF SIGNIFICANCE** --				

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

As noted in preceding sections of this Initial Study, there is no evidence in the record to indicate that the increment of environmental impacts that would be potentiated by this project would be cumulatively significant. There is also no evidence in the record that the proposed project would have any adverse impacts directly, or indirectly, on human beings. Therefore, there are no mandatory findings of significance.