



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VII-A
COMMISSION MEETING 10-03-12

October 3, 2012

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division 

BY: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division 

APPROVED BY

DEPARTMENT DIRECTOR *for M. Scott*

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT AMENDMENT APPLICATION NO. C-12-032 FOR THE "FRESNO 40" PROJECT, LOCATED AT THE NORTHEASTERLY CORNER OF NORTH FRIANT ROAD AND NORTH FRESNO STREET

RECOMMENDATION

Upon consideration of staff evaluation, it can be concluded that proposed Conditional Use Permit Amendment Application No. C-12-032 is appropriate for the project site with conditions imposed. Therefore, staff recommends the Planning Commission take the following actions:

1. AFFIRM the Director's finding that Conditional Use Permit Amendment No. C-12-032 is within the scope of Environmental Impact Report No. 10142 (SCH No. 2001021030) certified by the Fresno City Council on December 16, 2008 for the project and that no further environmental review is required.
2. APPROVE Conditional Use Permit Amendment Application No. C-12-032 to allow a 25,000 square foot specialty food store within the Fresno 40 Project, previously approved pursuant to Conditional Use Permit No. C-08-157 for 209,650 square feet of retail commercial development, 278,200 square feet of offices and 24 residential units. The total square footages approved under CUP No. C-08-157 shall not increase as a result of this amendment. Approval of CUP Amendment No. C-12-032 shall comply with the following:
 - a. Conditions of Approval dated October 3, 2012
 - b. Operational Statement dated August 17, 2012
 - c. Exhibits A-1, E-1, E-2, E-3, and L-1 (preliminary only)

EXECUTIVE SUMMARY

In December of 2008, Plan Amendment Application No. A-08-10, Rezone Application No. R-08-14 and Conditional Use Permit Application No. C-08-157 relating to the development of 38.93 acres of property (the "Fresno 40" site) were approved by the City Council and a corresponding EIR certified for the development of the site with 209,650 square feet of retail commercial development, 278,200 square feet of offices and 24 residential units. Conditional Use Permit Amendment Application No. C-12-032 requests authorization to construct a 25,000 square foot specialty food store within the project without increasing the overall approved square footage (minor footprint changes to the retail use configuration are also proposed). A condition of zoning was placed on the property that prohibited supermarkets on the site, however it provided for approval of specialty food stores in excess of 15,000 square feet with Director approval through a CUP Amendment. Since the original Conditional Use Permit was approved by the Planning Commission, the Director determined that the Planning Commission was the appropriate decision-making body for consideration of the proposed CUP amendment.

PROJECT INFORMATION

| | |
|----------------------------------|--|
| PROJECT | Authorization to construct a 25,000 square foot specialty food store within the Fresno 40 project |
| APPLICANT | DeWayne Zinkin |
| LOCATION | Between North Friant Road, North Fresno Street, East Cole Avenue, and East Audubon Drive (Council District 6, Councilmember Brand) |
| SITE SIZE | 38.93 acres |
| LAND USE | Existing - Community Commercial (15.94 acres), Office Commercial (22.99 acres) Proposed - No change |
| ZONING | Existing - C-P/UGM/cz (<i>Administrative and Professional Office/Urban Growth Management/conditions of zoning</i>) 10.98 acres R-P/UGM/cz (<i>Residential and Professional Office/Urban Growth Management/conditions of zoning</i>) 12.01 acres C-2/UGM/cz (<i>Community Shopping Center/Urban Growth Management/conditions of zoning</i>) 15.94 acres Proposed - No Change |
| PLAN DESIGNATION AND CONSISTENCY | Subject to the conditions of zoning, a 25,000 square foot specialty food store is allowed within the C-2/UGM/cz (<i>Community Shopping Center/Urban Growth Management/ conditions of zoning</i>) zone district, which in turn is consistent with the community commercial land use designation. The remainder of the site is planned for office commercial land uses on the 2025 Fresno General Plan and the Woodward Park Community Plan. The existing C-P/UGM/cz (<i>Administrative and Professional Office/ Urban Growth Management/conditions of zoning</i>) and R-P/UGM/cz (<i>Residential and Professional Office/Urban Growth Management/conditions of zoning</i>) zone districts are consistent with the office commercial land use designation. |
| ENVIRONMENTAL FINDING | Environmental Impact Report (EIR) No. 10142, was certified by the Fresno City Council on December 16, 2008. The EIR determined that the project would result in significant adverse environmental impacts; some impacts were found to be mitigatable and some were found to be only partially or not mitigatable and therefore, were found to be unavoidable. Findings of overriding consideration were adopted as part of the certification process. |

PLAN COMMITTEE RECOMMENDATION On June 18, 2012, the District 6 Plan and Implementation Committee reviewed the proposed project and unanimously recommended approval.

STAFF RECOMMENDATION Recommend approval of Conditional Use Permit Amendment Application No. C-12-032 subject to Conditions of Approval.

BORDERING PROPERTY INFORMATION

| | Planned Land Use | Existing Zoning | Existing Land Use |
|--------------|---|---|---|
| North | Medium-Low Density Residential | R-1-C/UGM <i>Single Family Residential/Urban Growth Management</i> | Single Family Residential |
| South | Office Commercial | C-P/UGM <i>Administrative and Professional Office/Urban Growth Management</i> | Office Commercial |
| East | Medium and Medium-Low Density Residential | R-2-A/UGM, R-1-B/UGM, R-1-UGM <i>Low Density Multiple Family Residential, Single Family Residential/Urban Growth Management</i> | Sugar Pine Trail, Single Family Residential, Multiple Family Residential, Ponding Basin |
| West | Office Commercial | C-P/UGM <i>Administrative and Professional Office/Urban Growth Management</i> | Office Commercial |

PROJECT DESCRIPTION

Conditional Use Permit Amendment Application No. C-12-032 requests authorization to construct a 25,000 square foot specialty food store within the "Fresno 40" project without increasing the overall square footage approved pursuant to CUP No.C-08-157. A condition of zoning was placed on the property that prohibited supermarkets on the site, however it provided for approval of specialty food stores in excess of 15,000 square feet with Director approval through a CUP Amendment.

Minor footprint changes to the retail use configuration are proposed as part of CUP Amendment C-12-032. These are further analyzed below. However it is important to note that the exhibits submitted with this application are preliminary only, as they do not depict incorporation of many conditions of zoning, conditions of approval and mitigation measures that apply to the project. The main purpose of this CUP amendment is to obtain land use approval for a 25,000 square foot grocery store, pursuant to conditions of zoning. As typically occurs with conditional use permits, final plans need to be resubmitted and approved by the Development and Resource Management Director with all conditions and mitigation measures incorporated prior to issuance of building permits. The final approved plans are often approved in a phased manner over time.

BACKGROUND

Entitlement of the subject property has a long history which includes litigation by residents of the surrounding neighbourhood. As a result, the existing entitlements on the property include not only conditions of approval, but also conditions of zoning and numerous mitigation measures to mitigate impacts identified in the EIR certified for the project in 2008. These conditions and mitigation measures would all remain in effect upon approval of the proposed CUP amendment and are summarized below:

Conditions of Zoning: In addition to the food store condition of zoning noted above, a water well must be provided as well as other infrastructure improvements; traffic improvements are required to the surrounding streets, and an overall Average Daily Trip cap of 12,400 vehicle trips applies to the project. Several provisions call for pedestrian and public transit access and aesthetic compatibility with the surrounding neighbourhood (see Attachment H-3 for the complete list of conditions of zoning).

Conditions of CUP C-08-157: In addition to typical CUP requirements related to land use, setbacks, parking, landscaping, building design, and urban services, this CUP also includes requirements for larger setbacks along project frontages, berms within the setbacks, and specific requirements for pedestrian circulation on the site. These include a pedestrian connection from the Sugar Pine Trail to the Lewis Eaton Trail and Woodward Park, and a pedestrian circulation system on the site that is to be delineated not just by striping across the parking lot, but by stamped concrete, paving stones, brick, flagstone, or other contrasting paving material. A park and ride facility is also required (see Attachment H-4 for CUP C-08-157 conditions of approval).

Mitigation Measures (EIR No. 10142): The majority of the 100+ mitigation measures that apply to the project fall into the categories of aesthetics, air quality and transportation, and several call for energy conservation. Among these are a requirement that the project meet a LEED (Leadership in Energy and Environmental Design) Standard, and that it include cool paving, drought tolerant landscaping, 50% plantings with low ozone-forming potential, lockers and showers to serve both office and retail employees, and preferential parking for carpools and vanpools, as well as a myriad of traffic related measures (see Attachment H-5 for Mitigation Monitoring and Reporting Program from EIR No. 10142).

ENVIRONMENTAL FINDING

Environmental Impact Report (EIR) No. 10142 (SCH No. 2001021030) was certified by the Fresno City Council on December 16, 2008. Staff finds that Conditional Use Permit Amendment No. C-12-032 is within the scope of Environmental Impact Report No. 10142 (SCH No. 2001021030) certified by the Fresno City Council on December 16, 2008 for the project and that no further environmental review is required pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162.

Under CEQA, lead agencies must conduct an evaluation of proposed changes to a project in order to determine whether further environmental analysis is required, pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162.

Pursuant to Public Resources Code Section 21166, when an (EIR) has been prepared for a project, no subsequent or supplemental environmental review shall be required by the lead agency or by any responsible agency, unless one or more of the following events occur:

- Substantial changes are proposed in the project which will require major revisions of the EIR.

- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR.
- New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

CEQA Guidelines Section 15162 provides the following guidance:

When an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects of a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of the conditions set forth in CEQA Guidelines Section 15162(a) allowing a lead agency to prepare a subsequent EIR are met, CEQA Guidelines Section 15164 authorizes the lead agency to prepare an addendum to the EIR. CEQA Guidelines Section 15164 states in relevant part:

The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

An addendum has been prepared for this project which provides evidence that none of the above have occurred. The areas addressed in the addendum are traffic and urban decay. The proposed project is evaluated and it is found that no additional significant impacts would occur in these areas or any other potential impact areas as a result of the project (see Attachment F for Addendum and Findings).

ANALYSIS

Condition of Zoning related to Supermarkets

As noted above, CUP Amendment C-12-032 for a 25,000 square foot specialty food store has been submitted pursuant to the following condition of zoning:

No Supermarkets (as defined by Fresno Municipal Code Section 12-105-S-36) or home improvement centers shall be permitted. Notwithstanding the above, the Planning and Development Director, subject to the approval of a conditional use permit (CUP) may allow specialty grocery and food sales, home design stores, appliance sales and other retail and service uses over 15,000 square feet in gross building area. The primary purposes of the CUP are to (1) evaluate and limit excessive peak hour vehicle trips, (2) permit retail uses that are compatible with the entire Fresno 40 office/retail/residential mixed-use project, and (3) ensure a proper interface and compatibility with surrounding properties and uses.

The analysis below will address food store definitions, peak hour vehicle trips, and both internal and external compatibility of the proposed use.

Definitions. The applicant describes the proposed food store in the operational statement as follows:

The proposed use is for a specialty grocery food store (herein "specialty store"). Such store shall consist of approximately 25,000 square feet and shall be engaged in the business of selling groceries, foods, and other related or specialty items. The expected hours of operation for the specialty store at the subject site are between 7 am and 11 pm, but those hours can be subject to change (for full Operational Statement, see Attachment H-1).

Supermarkets are defined in the Fresno Municipal Code (FMC) as "...a market having fifteen thousand (15,000) or more square feet of floor area devoted principally to the sale of food." The FMC does not contain a definition of a specialty food store, but it could be distinguished from a supermarket by the fact that it sells **specialty** food or other specialty products. As indicated in the operational statement, almost any type of food can have a specialty food niche (ie meats, vegetables, baked goods, beverages), and this is supported by information provided by the specialty food industry. It should be noted that a specific specialty food store has not yet been identified by the applicant, but once a store has been identified, the DARM Director will verify that it is a specialty food store.

Peak Hour Vehicle Trips. As noted earlier, vehicle trips generated by the retail portion of the project were calculated using the Shopping Center ITE category, a blended rate that assumes various levels of trip generation within a typical shopping center. The pm peak hour trip generation for 15,000 square feet of "Shopping Center" use is 56 trips, and for 25,000 square feet it is 96 trips. However because the use is within a shopping center that is designed for a variety of uses, any potential minor peak hour increase that would occur as a result of approving a 25,000 square foot specialty food store would be

offset by other less intense uses. It should be noted that no drive-through facilities are allowed in the project (pursuant to conditions of zoning).

Internal and External Compatibility of Proposed Use. Staff finds that the proposed 25,000 square foot specialty food store is compatible with the Fresno 40 Mixed Use Project and surrounding area with all of the existing conditions of zoning, conditions of approval, and mitigation measures imposed. These requirements call for traffic improvements, extensive landscaping, architectural compatibility and multi-modal accessibility. Many of these requirements are intended to encourage bicycle and pedestrian trips in order to reduce vehicle miles travelled and related air quality impacts. Therefore pedestrian and bicycle accessibility both within the project and between the projects and surrounding uses (such as the Sugar Pine Trail and Woodward Park) are of utmost importance. In addition, adding a specialty food store to the site could allow the nearby residents to reduce vehicle trips by providing a nearby location to purchase specialty food.

As noted above, the plans submitted for CUP Amendment C-12-032 showed minor changes to the retail building footprints, and removed a potential pedestrian access point connecting the Sugar Pine Trail to the fronts of the in-line retail (see Exhibit A in Attachment E). One of the conditions of approval for the proposed CUP Amendment is for that pedestrian access to be restored. Additional proposed conditions of C-12-032 call out specific ways of meeting existing mitigation measures or conditions to ensure compatibility of the retail use with other uses within the project and the surrounding area. These include:

- Encourage patios and secondary retail entrances facing the Sugar Pine Trail.
- Provide an additional landscaped pedestrian walkway from the office buildings to the retail shops
- Provide a multi-purpose trail within the required 50-foot setback along Audubon Drive to connect the Sugar Pine Trail with the Lewis S. Eaton Trail/Woodward Park.
- Relocate the Park and Ride facility to a location adjacent to the Sugar Pine Trail to create a gathering place for recreational trail users.
- Provide a conceptual phasing plan (subject to change due to market conditions)

The applicant has agreed that these measures are necessary and is obligated to comply with all conditions of zoning, conditions of approval of CUP C-08-157 and mitigation measures from EIR No. 10142.

Land Use Plans and Policies

The 2025 General Plan policies cited for original project approval in 2008 emphasized the development of mixed-use projects and the infilling of bypassed vacant properties. In addition, the subject property was identified as being within the area designated as an activity center on Exhibit 6 (Urban Form Components Map) of the Fresno General Plan.

The following objectives and policies were cited as supporting the approval of the CUP and would also support the proposed CUP Amendment:

Land Use / Activity Centers

- Adhere to a multiple community center concept of urban design for the Fresno metropolitan area as conceptually shown on General Plan Exhibit 6 (Objective C-4).
- Strategically locate areas appropriate for more intensive concentrations of urban uses (Policy C-4-a).
- Activity centers should include commercial uses, employment centers, schools, higher density residential development, churches, parks, and other gathering points where residents may interact, work, and obtain goods and services in the same place (Policy C-4-b).
- Place emphasis on pedestrian activities and linkages, and provide for priority transit routes and facilities to serve the activity centers (Policy C-4-c).
- Activity centers should provide for mixed uses and shared parking facilities, including multi-story and underground parking facilities (Policy C-4-d).

Land Use / Mixed Uses

- Facilitate the development of mixed uses to blend residential, commercial, and public land uses on one site (Objective C-8).
- Ensure land use compatibility between mixed-use districts in activity centers and the surrounding residential neighborhoods (Policy C-8-d).

Land Use / Commercial

- 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 (Objective C-12).
- Ensure that all commercial land uses are developed and maintained in a manner complementary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services (C-12-a).
- Plan for office commercial developments of the appropriate amount, location, size and intensity necessary to meeting regional, metropolitan, community and neighborhood area needs consistent with the planned urban form and other applicable planning and zoning provisions (Policy C-12-c).

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

Facilitate office development in conjunction with, and adjacent to, institutions and employment centers.

- Plan for the appropriate location, size, and distribution of neighborhood and community commercial uses to implement the planned urban form, promote the stability and identity of neighborhood and community area, and allow efficient access without compromising the operational effectiveness of planned major streets (C-12-d).

- Neighborhoods should be anchored by commercial centers with a mix of uses that meet the area's need to achieve activity centers that create a sense of place.
- Community commercial centers should be located at designated activity centers.
- Retail commercial goods and services shall be provided in planned unified shopping centers, carefully designed small-scale commercial centers, and in neighborhood-oriented stores.

NEIGHBORHOOD OUTREACH

Woodward Park Homeowner's Association

The project was presented to the Woodward Park Homeowner's Association for comment. A letter was received on July 2, 2012 outlining the group's concerns with the project (see Attachment G). Major concerns are discussed below and are also addressed in the Addendum to the EA in Attachment F:

1. Specialty Grocery Store: Concerns expressed about the potential for the store to function like a full service upscale grocery store and to contribute to peak hour traffic congestion and create related safety concerns. It also requests clarity about the City's action steps if the daily vehicle trip limit is exceeded.

Staff Response: Public Works staff has confirmed that peak hour and average daily trips for the entire project should not be affected by allowing a 25,000 square foot specialty food store. The additional 10,000 square feet of specialty food store approved with this CUP amendment would be offset by an identical reduction in retail square footage, with no net gain in retail use. A myriad of traffic improvements to Friant Road should mitigate any concerns about access into the center.

2. Wall of Shops and Sea of Parking: Notes the absence of the Sugar Pine Trail access through the retail shops, and back sides of retail facing the Sugar Pine Trail.

Staff Response: Staff concurs with these concerns and has conditioned the project accordingly.

3. Park and Ride Location: Notes lack of connectivity in proposed park and ride location.

Staff Response: Staff concurs with these concerns and has conditioned the project accordingly.

4. Square Footage Increase: Notes discrepancy of 3,700 additional square feet of retail use depicted on plans (over and above the 209,650 square feet of approved retail uses).

Staff Response: The applicant has assured staff in writing that the additional retail square footage depicted on the plans was an error and that the project will comply with the approved retail square footage limit of 209,650 square feet. The will be required on final plans prior to issuance of permits.

5. Bicycle Racks: Notes lack of bicycle racks depicted on plans.

Staff Response: Staff concurs with observation, and notes that project is subject to all mitigation measures from EIR 10142, including MM Air-3d which requires the number of bicycle parking spaces to be equivalent to 10% of the project's vehicular parking requirement. The project's

vehicular parking requirement is calculated as 1,838 stalls (CUP C-08-157), so 183 bicycle parking spaces would be required in bike racks. As noted above, the plans submitted were preliminary and for land use purposes only and did not depict all requirements of the CUP. Bike racks will need to be depicted on final plans.

6. Phasing of Project: Recommendation that if project is to be phased, that each phase be addressed through the CUP process so that the public can participate.

Staff Response: Once a CUP is approved, staff reviews the final construction plans prior to issuance of building permits to ensure all conditions have been met. If changes are proposed on these plans that were not called for in the conditions or mitigation measures, an amendment to the CUP would be required and public review would occur. However if the final plans do not include any changes and comply with all conditions, then no further public review would occur. It should also be noted that if there is a disagreement about what constitutes compliance with a condition or mitigation measure during this phase, the Director always has the discretion to present the issue to the Planning Commission for a final determination.

7. Office Portion: Concerns were expressed about potential hazards with the ingress and egress as currently designed.

Staff Response: Public Works traffic engineering staff has reviewed the design as currently depicted and has conditioned the project appropriately. According to Public Works Traffic Engineering staff, The modifications being proposed by the WPHA are not necessary to ensure adequate a safe circulation on and off the site.

Council District 6 Plan Implementation Committee

The Council District 6 Plan Implementation Committee reviewed and unanimously approved CUP Amendment No. C-12-032 on June 18, 2012.

Public Notice

Notices of the October 3, 2012 Planning Commission hearing were mailed to all property owners within 350 feet of the subject property and the only correspondence received to date is the July 2 letter from the Woodward Park Homeowner's Association.

Conditional Use Permit Findings

Based upon analysis of the conditional use permit application and subject to the applicant's compliance with all of the conditions of approval noted below and the mitigation measures imposed on the Project in the Mitigation Monitoring and Reporting Program (which are a condition of the CUP), staff concludes that the following required findings of Section 12-405-A-2 of the Fresno Municipal Code (FMC) can be made.

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

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

Finding a: Based upon substantial evidence found in this report, the EIR, the submitted CUP and the proposed conditions of approval of the CUP, staff finds that the subject site has an adequate amount of space to meet all applicable requirements of the Code including yards, spaces, walls and fences, parking, landscaping and other required features as the project complies with all conditions of zoning on the property and all of the Woodward Park Community Plan and 2025 Fresno General Plan interface standards.

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: Based upon substantial evidence found in this report, the EIR and Council's adoption of a statement of overriding considerations for the Project, the submitted CUP and the proposed conditions of approval of the CUP, Staff from the Public Works Department, Transportation Planning Section has determined that the proposed development can be accommodated by the adjacent streets and the proposed project will be conditioned upon improvement of the adjacent major streets to their ultimate width, signalization of adjacent intersections deemed to be impacted by the proposed project and payment of impact fees for the state highway system.

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

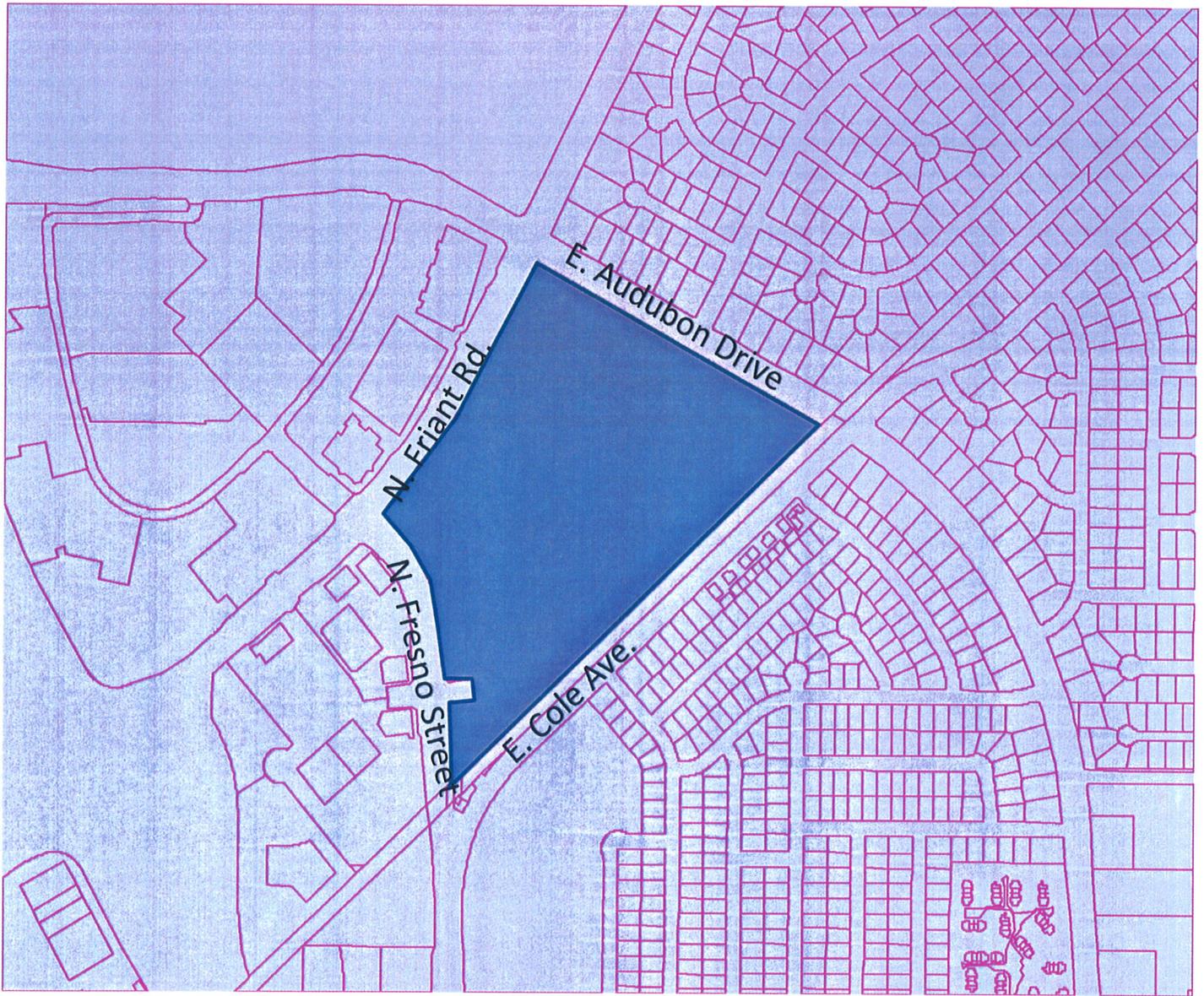
Finding c: Based upon substantial evidence found in this report, the EIR, the submitted CUP and the proposed conditions of approval of the CUP, staff of the Development and Resource Management Department has determined that the proposed use will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the EIR and conditional use permit as the project is required to meet all mitigation measures of EIR No. 10142 which will insure that the project is developed in a manner compatible with the surrounding properties.

CONCLUSION / RECOMMENDATION

Based upon the applicability of adopted development standards, plan policies/implementation measures, applicable mitigation measures of the above-referenced environmental documents and staff recommended conditions of approval, it is concluded that the Project will further promote the achievement of the planned urban form and land use objectives of the 2025 Fresno General Plan and Woodward Park Community Plan.

- Attachments:
- A. Vicinity Map
 - B. Aerial Photograph of Site (2008)
 - C. Noticing Map
 - D. Zoning Map
 - E. Exhibits
 - F. Addendum to Environmental Assessment
 - G. Letter from the Woodward Park Homeowner's Association dated July 2, 2012
 - H. Conditions of Approval for Conditional Use Permit Amendment No. C-12-032
 - 1. Operational Statement (Exhibit O)
 - 2. Comment Letters from City Depts and Partner Agencies
 - 3. Conditions of Zoning
 - 4. CUP No. C-08-157 Conditions of Approval
 - 5. Mitigation Monitoring and Reporting Program for EIR No. 10142

A. Vicinity Map



Subject Property

VICINITY MAP

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONAL USE PERMIT AMENDMENT
APPLICATION NO. C-12-032

PROPERTY ADDRESS

8550 N. Friant Road / 175 E Audubon Drive



APNs: 402-220-37, 60, 61

Zone District: C-2/UGM/cz

By: S. Pagoulatos, July 20, 2012

B. Aerial Photograph



World • United States • CA • Fresno Co. • Fresno • Woodward Park



500 feet
100 m

Done

Internet

100%

© 2012 NEWTEQ © 2012 Microsoft Corporation Image courtesy of...

C. Noticing Map

c

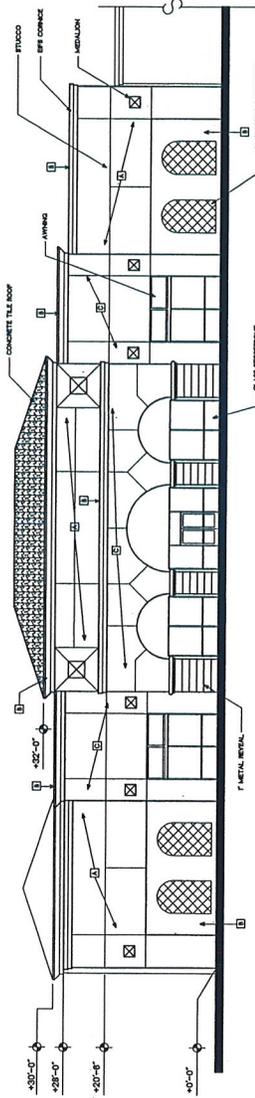
D. Zoning Map



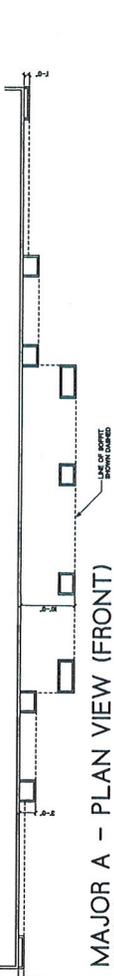
E. Exhibits(Preliminary)

| REVISIONS | |
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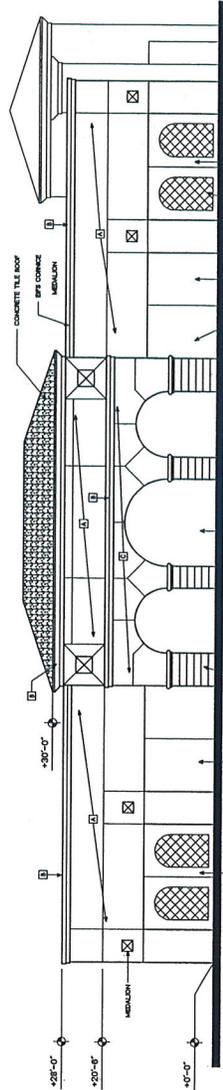
| COLOR SCHEDULE | |
|----------------|---------------------|
| A. | MAIN BUILDING COLOR |
| B. | ACCENT COLOR |
| C. | TRUSS COLOR |
| D. | METAL AWNING |



MAJOR A - FRONT ELEVATION
SCALE 1/4" = 1'-0"



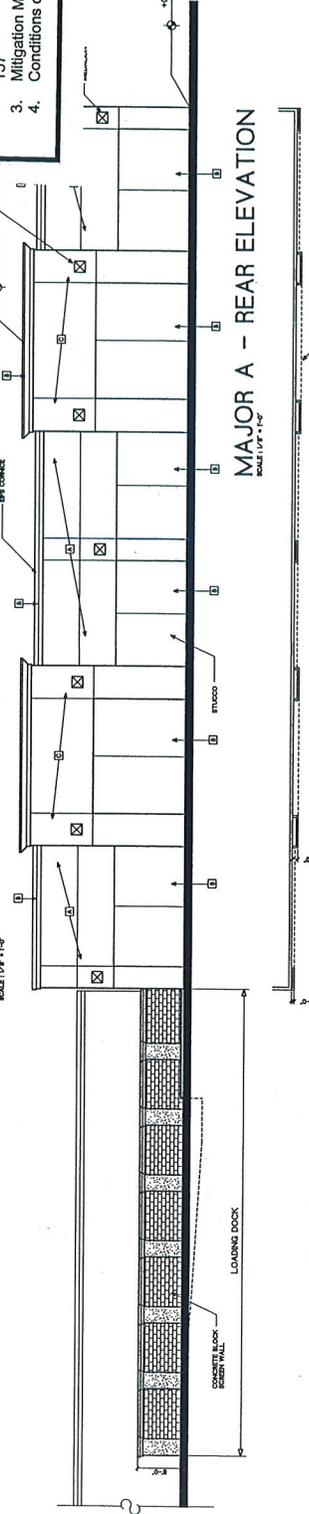
MAJOR A - PLAN VIEW (FRONT)
SCALE 1/4" = 1'-0"



MAJOR A - LEFT ELEVATION
SCALE 1/4" = 1'-0"



MAJOR A - PLAN VIEW (LEFT SIDE)
SCALE 1/4" = 1'-0"



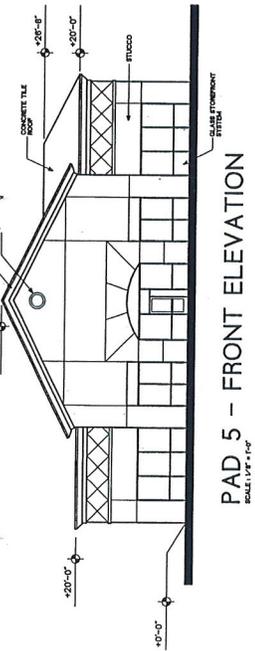
MAJOR A - REAR ELEVATION
SCALE 1/4" = 1'-0"

SEE SHEET A-4.1 FOR STREET ELEVATION VIEW

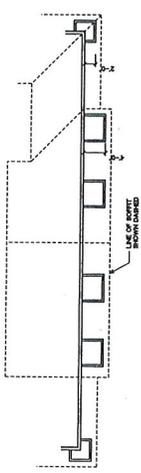
Plans Preliminary Only
Plans Must Comply with:
1. Conditions of Zoning in Ord. Bill 2008-79
2. Conditions of Approval for Master CUP C-08-157
3. Mitigation Measures in EIR No. 10142
4. Conditions of Approval for C-12-032

APPL. NO. C-12-032-SUBMIT E-1 DATE 3-10-12
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

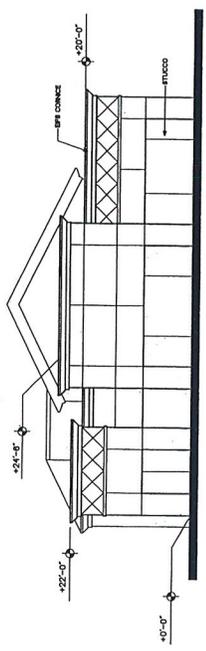
David J. Smith, PE
 License No. 10000
 State of California
 Exp. 12/31/12



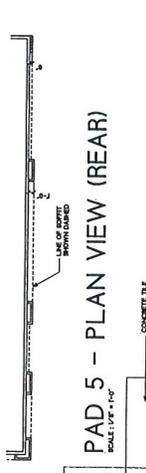
PAD 5 - FRONT ELEVATION
SCALE 1/8" = 1'-0"



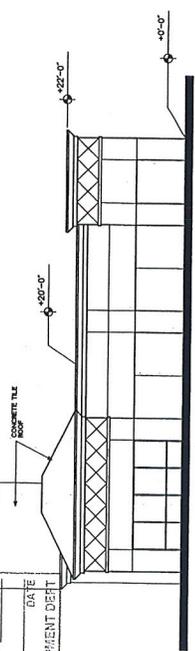
PAD 5 - PLAN VIEW (FRONT)
SCALE 1/8" = 1'-0"



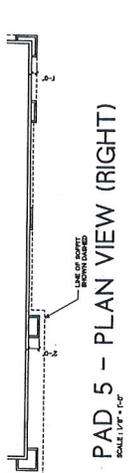
PAD 5 - REAR ELEVATION
SCALE 1/8" = 1'-0"



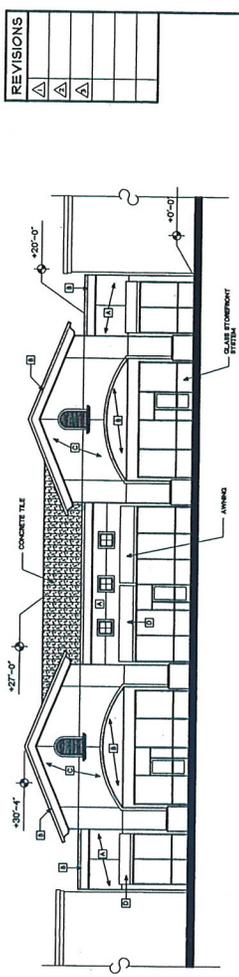
PAD 5 - PLAN VIEW (REAR)
SCALE 1/8" = 1'-0"



PAD 5 - RIGHT ELEVATION
SCALE 1/8" = 1'-0"



PAD 5 - PLAN VIEW (RIGHT)
SCALE 1/8" = 1'-0"

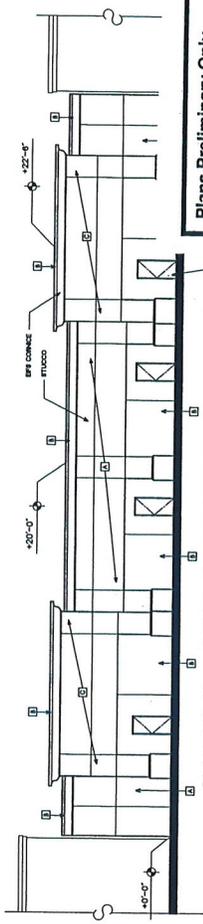


SHOPS 3 - FRONT ELEVATION
SCALE 1/8" = 1'-0"

| COLOR SCHEDULE | |
|----------------|---------------------|
| A. | MAIN BUILDING COLOR |
| B. | ACCENT COLOR |
| C. | TRIM COLOR |
| D. | METAL FINISH |



SHOPS 3 - PLAN VIEW (FRONT)
SCALE 1/8" = 1'-0"



SHOPS 3 - REAR ELEVATION
SCALE 1/8" = 1'-0"

Plans Preliminary Only
Plans Must Comply with:
1. Conditions of Zoning in Ord. Bill 2008-79
2. Conditions of Approval for Master CUP c-08-157
3. Mitigation Measures in EIR No. 10142
4. Conditions of Approval for C-12-032



SHOPS 3 - PLAN VIEW (REAR)
SCALE 1/8" = 1'-0"

APPL. NO. **C-12-032** EXHIBIT **3** DATE **3-16-12**
PROJ. ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE _____
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

Widespread Architects, Inc.
 1000 N. G ST.
 FRESNO, CA 93703
 TEL: 558.4400
 FAX: 558.4400
A-4.2
 OF 4

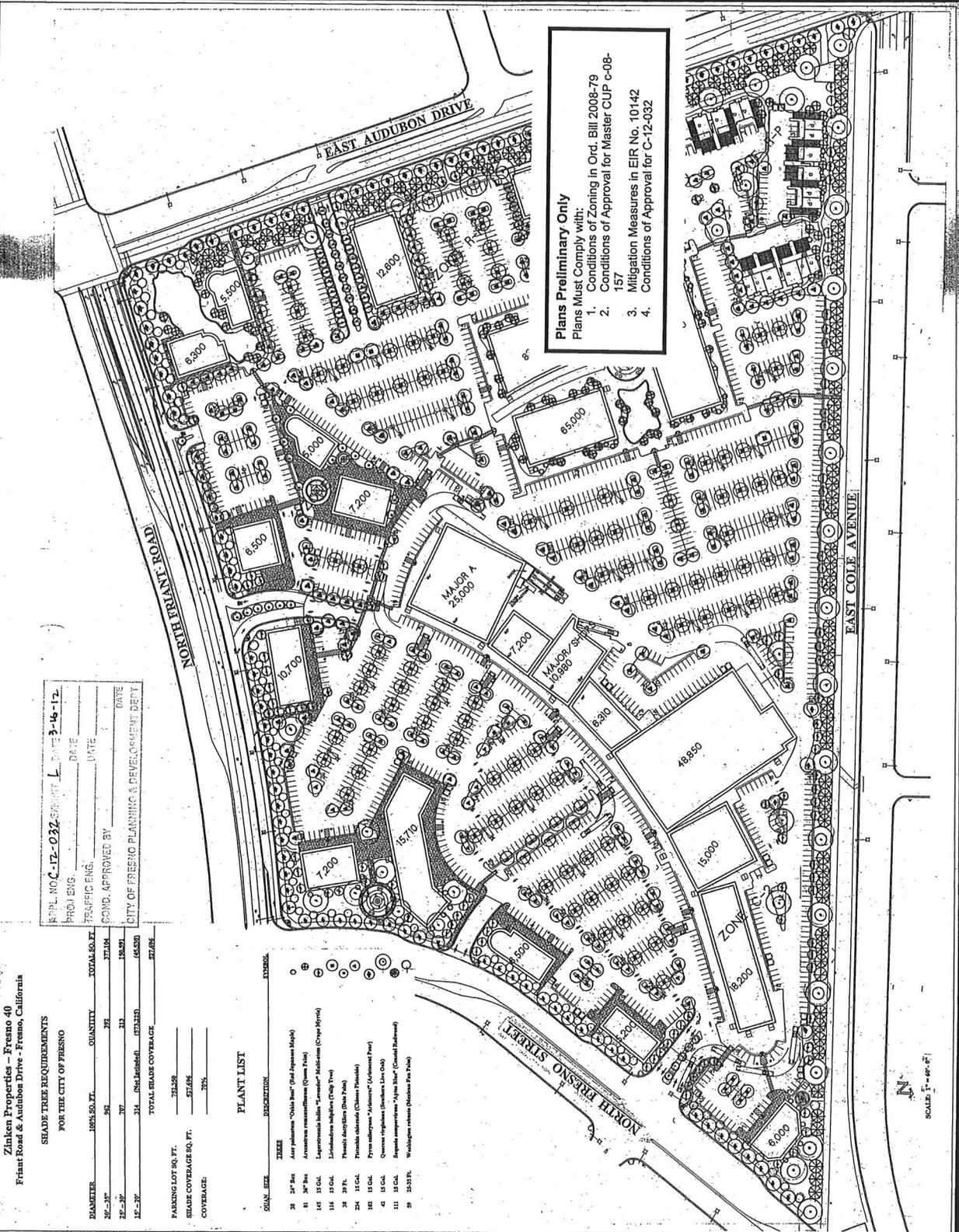
| NO. | DATE | REVISIONS |
|-----|------|-----------|
| | | |
| | | |
| | | |

MASTER SITE
LANDSCAPE PLAN

S.F.T.
LANDSCAPE ARCHITECTS / L.L.C. NO. 1111
2904 N. BLACKSTONE AVENUE, SUITE A, FRESNO, CALIFORNIA 93703
203/227-5494
FAX 203/222-5558

FRESNO 40 DEVELOPMENT
PRIANT ROAD & FRESNO STREET
FRESNO, CALIFORNIA

job no. 2009-01
date
sheet no. 11



Plans Preliminary Only
Plans Must Comply with:
1. Conditions of Zoning in Ord. Bill 2008-79
2. Conditions of Approval for Master CUP C-08-157
3. Mitigation Measures in EIR No. 10142
4. Conditions of Approval for C-12-032

APPL. NO. C-12-032 SUBMIT DATE 3-16-12
FROM: ENG. DATE
TRAFFIC ENG. DATE
COND. APPROVED BY DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

Zinken Properties - Fresno 40
Priant Road & Audubon Drive - Fresno, California

SHADE TREE REQUIREMENTS
FOR THE CITY OF FRESNO

| DIAMETER | 100% SQ. FT. | QUANTITY | TOTAL SQ. FT. |
|-----------------------|--------------|----------|---------------|
| 24" - 30" | 592 | 392 | 231,184 |
| 30" - 36" | 797 | 312 | 184,924 |
| 36" - 42" | 1,114 | 104 | 125,896 |
| 42" - 48" | 1,514 | 104 | 177,456 |
| TOTAL SHADE COVERAGE: | | | 520,460 |

PARKING LOT SQ. FT. 252,328
SHADE COVERAGE SQ. FT. 520,460
COVERAGE: 70%

PLANT LIST

| SYMBOL | DESCRIPTION |
|--------|--------------------|
| ○ | 24" - 30" Tree |
| ○ | 30" - 36" Tree |
| ○ | 36" - 42" Tree |
| ○ | 42" - 48" Tree |
| ○ | 48" - 54" Tree |
| ○ | 54" - 60" Tree |
| ○ | 60" - 66" Tree |
| ○ | 66" - 72" Tree |
| ○ | 72" - 78" Tree |
| ○ | 78" - 84" Tree |
| ○ | 84" - 90" Tree |
| ○ | 90" - 96" Tree |
| ○ | 96" - 102" Tree |
| ○ | 102" - 108" Tree |
| ○ | 108" - 114" Tree |
| ○ | 114" - 120" Tree |
| ○ | 120" - 126" Tree |
| ○ | 126" - 132" Tree |
| ○ | 132" - 138" Tree |
| ○ | 138" - 144" Tree |
| ○ | 144" - 150" Tree |
| ○ | 150" - 156" Tree |
| ○ | 156" - 162" Tree |
| ○ | 162" - 168" Tree |
| ○ | 168" - 174" Tree |
| ○ | 174" - 180" Tree |
| ○ | 180" - 186" Tree |
| ○ | 186" - 192" Tree |
| ○ | 192" - 198" Tree |
| ○ | 198" - 204" Tree |
| ○ | 204" - 210" Tree |
| ○ | 210" - 216" Tree |
| ○ | 216" - 222" Tree |
| ○ | 222" - 228" Tree |
| ○ | 228" - 234" Tree |
| ○ | 234" - 240" Tree |
| ○ | 240" - 246" Tree |
| ○ | 246" - 252" Tree |
| ○ | 252" - 258" Tree |
| ○ | 258" - 264" Tree |
| ○ | 264" - 270" Tree |
| ○ | 270" - 276" Tree |
| ○ | 276" - 282" Tree |
| ○ | 282" - 288" Tree |
| ○ | 288" - 294" Tree |
| ○ | 294" - 300" Tree |
| ○ | 300" - 306" Tree |
| ○ | 306" - 312" Tree |
| ○ | 312" - 318" Tree |
| ○ | 318" - 324" Tree |
| ○ | 324" - 330" Tree |
| ○ | 330" - 336" Tree |
| ○ | 336" - 342" Tree |
| ○ | 342" - 348" Tree |
| ○ | 348" - 354" Tree |
| ○ | 354" - 360" Tree |
| ○ | 360" - 366" Tree |
| ○ | 366" - 372" Tree |
| ○ | 372" - 378" Tree |
| ○ | 378" - 384" Tree |
| ○ | 384" - 390" Tree |
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| ○ | 396" - 402" Tree |
| ○ | 402" - 408" Tree |
| ○ | 408" - 414" Tree |
| ○ | 414" - 420" Tree |
| ○ | 420" - 426" Tree |
| ○ | 426" - 432" Tree |
| ○ | 432" - 438" Tree |
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| ○ | 480" - 486" Tree |
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| ○ | 498" - 504" Tree |
| ○ | 504" - 510" Tree |
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| ○ | 612" - 618" Tree |
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| ○ | 690" - 696" Tree |
| ○ | 696" - 702" Tree |
| ○ | 702" - 708" Tree |
| ○ | 708" - 714" Tree |
| ○ | 714" - 720" Tree |
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| ○ | 732" - 738" Tree |
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| ○ | 744" - 750" Tree |
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| ○ | 1962" - 1968" Tree |
| ○ | 1968" - 1974" Tree |
| ○ | 1974" - 1980" Tree |
| ○ | 1980" - 1986" Tree |
| ○ | 1986" - 1992" Tree |
| ○ | 1992" - 1998" Tree |
| ○ | 1998" - 2004" Tree |
| ○ | 2004" - 2010" Tree |
| ○ | 2010" - 2016" Tree |
| ○ | 2016" - 2022" Tree |
| ○ | 2022" - 2028" Tree |
| ○ | 2028" - 2034" Tree |
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| ○ | 2040" - 2046" Tree |
| ○ | 2046" - 2052" Tree |
| ○ | 2052" - 2058" Tree |

F. Addendum to Environmental Assessment

September 13, 2012



Sophia Pagoulatos
City of Fresno
Development and Resource Management Department
2600 Fresno Street, 3rd Floor
Fresno CA 93721

Fresno
559.497.0310

Irvine
714.508.4100

Palm Springs
760.322.8847

Sacramento
916.447.1100

San Bernardino
909.884.2255

San Ramon
925.830.2733

Subject: **Fresno 40 Project – Addendum to the Final EIR**

Dear Sophia:

This letter report is an addendum to the Final Environmental Impact (Final EIR – State Clearinghouse No. 2001021030) for the Fresno 40 Project and associated entitlement requests approved by the Fresno City Council in December 2008. As background, the approved Fresno 40 entitlements permit up to 209,650 square feet of commercial retail uses, 278,200 square feet of office uses, and 24 multiple-family dwelling units on the 38.93-acre project site bounded by Fresno Avenue (west), Friant Road (north), Audubon Drive (east), and Cole Avenue (south). In recognition that traffic congestion is a significant concern in this area, the approved conditions of zoning establish the following limits: (1) a 12,400-daily-trip cap for all project uses and (2) a 15,000-square-foot cap on the specialty grocery and food store use.

The project applicant has proposed amending its Conditional Use Permit pursuant to provisions in the conditions of zoning to allow a 25,000-square-foot specialty grocery and food store, which represents a 10,000-square-foot increase relative to existing square footage permitted by the original entitlements. It should be emphasized that this amendment will maintain the “specialty grocery and food store” use and is not intended to allow for the development of a “supermarket” use¹, which is prohibited by the approved conditions of zoning. The 10,000-square-foot increase in specialty grocery and food store use would be offset by a corresponding decrease in other commercial retail uses, thereby resulting in no net increase in commercial retail square footage. As such, the purpose of this Addendum is to evaluate how the 10,000-square-foot reallocation in square footage would alter the conclusions contained in the certified Final EIR, specifically as they relate to traffic and urban decay.

This letter will first provide background regarding California Environmental Quality Act (CEQA) requirements concerning the use of an addendum and then address the specific findings as they relate to traffic and urban decay.

CEQA Requirements for Use of an Addendum to a Final EIR

Under CEQA, lead agencies must conduct an evaluation of proposed changes to a project in order to determine whether further environmental analysis is required, pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162.

¹ A “Supermarket” is defined by the Fresno Municipal Code Section 12-1-05-S-36 as meaning “a market having fifteen thousand or more square feet of floor area devoted principally to the sale of food. . In contrast, a “Specialty Grocery and Food Store” specializes in the products it markets, and it must also limit the depth of choices of the products it carries.

Pursuant to Public Resources Code Section 21166, when an (EIR) has been prepared for a project, no subsequent or supplemental environmental review shall be required by the lead agency or by any responsible agency, unless one or more of the following events occur:

- Substantial changes are proposed in the project which will require major revisions of the EIR.
- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR.
- New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

CEQA Guidelines Section 15162 provides the following guidance:

- When an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects of a substantial increase in the severity of previously identified significant effects; or
 - (3) New information of substantial importance, which was not know and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of the conditions set forth in CEQA Guidelines Section 15162(a) allowing a lead agency to prepare a subsequent EIR are met, CEQA Guidelines Section 15164 authorizes the lead agency to prepare an addendum to the EIR. CEQA Guidelines Section 15164 states in relevant part:

- The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

Summary of Traffic Conclusions

VRPA Technologies, Inc. evaluated how the proposed changes to the specialty grocery and food store square footage would affect the traffic conclusions contained in the Final EIR in a letter report dated July 19, 2012 (Attachment A). VRPA found that the proposed relocation of square footage would not cause an increase in daily or peak-hour trips relative to the values disclosed on the Final EIR and, therefore, would also not exceed the daily trip generation cap of 12,400 trips established by the approved conditions of zoning. As such, there would be no new significant impacts beyond those originally disclosed in the certified Final EIR.

Summary of Urban Decay Conclusions

ALH Urban & Regional Economics evaluated how the proposed changes to the specialty grocery and food store square footage would affect the urban decay conclusions contained in the Final EIR in a letter report dated July 23, 2012 (Attachment B). ALH found that the proposed relocation of square footage would result in a \$6 million increase in food store sales captured by the project from households located with the market area. It should be noted that although there are other planned and approved food store uses within the City of Fresno (e.g., the Fresno North Walmart Expansion), the Fresno 40 specialty grocery and food store use would be positioned to cater to a unique segment of the food store market (upscale), while the others would be positioned to serve other segments (conventional, discount, etc.). Furthermore, population growth in the City of Fresno is anticipated to result in \$28 million in new food store sales demand by 2017. These two factors would serve to minimize the potential for the increase in the Fresno 40 specialty grocery and food store square footage to cause significant sales diversions from existing or future food store outlets. As such, there would be no new significant impacts beyond those originally disclosed in the certified Final EIR.

Findings

Attachment C to this Addendum presents the Findings necessary to support the conclusion that the changes to the proposed project would not trigger any new significant impacts beyond those disclosed in the certified Final EIR and would not require any alterations to mitigation measures.

Conclusion

The proposed reallocation of square footage would not trigger any new significant impacts beyond those disclosed in the certified Final EIR and would not require any alterations to mitigation measures. Based on these findings, the use of an Addendum is appropriate in accordance with CEQA Guidelines Section 15164.

If you should have any further questions, please do not hesitate to contact me at 925.830.2733 or by email at jbrandman@brandman.com.

Sincerely,



Jason Brandman, Vice-President
Michael Brandman Associates
1234 O Street
Fresno, CA 93721

Enc: Attachment A: VRPA Technologies Letter Report – July 19, 2012

Attachment B: ALH Urban & Regional Economics Letter Report – July 23, 2012

**Attachment A:
VRPA Technologies Letter Report – July 19, 2012**



July 19, 2012

Mr. Richard Fairbank
Law Offices of DeWayne Zinkin
5 River Park Place West, Ste. 203
Fresno, Ca 93720

RE: Response to Woodward Park Homeowners Association Objections

Dear Mr. Fairbank:

VRPA Technologies has reviewed comments submitted by the Woodward Park Homeowners Association in a letter dated July 2, 2012 concerning the Fresno 40 Conditional Use Permit (CUP) Application No. C-12-032. The Fresno 40 Project consists of approximately 38.93 acres, which has been approved for 209,650 square feet of retail commercial uses, 278,200 square feet of office uses, and 24 multiple family residential dwelling units. The Fresno 40 Project is located between Friant Road, Fresno Street, Cole Avenue, and Audubon Drive. To address the objections raised in the letter from the Woodward Park Homeowners Association, VRPA provides the following responses:

Objection 1. Specialty Grocery Store

The limit of 15,000 square feet on a "specialty grocery store" was designed as a mechanism to reduce vehicle congestion at rush hour on already congested Friant Road. The request to increase the square footage to 25,000 violates that rationale and will lead to increased congestion on Friant Road, especially at rush hour. It appears that the "specialty grocery and food sales store" redesign to 25,000 square feet is an attempt to use it as a major attractant to the Commercial/Retail part of the Fresno 40. Clearly this larger store would increase traffic congestion on Friant Road at the worst possible time and also increase air pollution as a result, but the increased traffic congestion is the worst effect.

- a. At 25,000 square feet, it sounds more like a full service, upscale grocery, with some additional food service, like Whole Foods in Fig Garden. The term "specialty grocery" appears to be an attempt to build a large grocery store.
- b. The front elevation of the "specialty grocery store" is taller and more elaborate than that for Major "B" which is unusual, unless it is to be the major attractant in the shopping center as well as increasing visibility from Friant Road.
- c. Both items a and b, above, suggest that most of the customers for the "specialty grocery store" will be drawn off Friant Road on their northward drive home from work. As these customers for the "specialty grocery store" exit freeway 41, some of them will likely be cutting across one or more traffic lanes on Friant as they seek to enter the Fresno 40 from the right hand lane on Friant Road. This presents a traffic safety problem in the homeward traffic congestion. Then after shopping at the "specialty grocery store," they will return to the congestion on Friant Road.
- d. It is unclear what the City does if the daily vehicle trip limit is exceeded.

Response 1.

In conducting an analysis to evaluate the effects of an increase of square footage of the specialty grocery and food sales store from 15,000 to 25,000 square feet it is important to maintain consistency with the previously approved Traffic Impact Study (TIS) prepared for the Fresno 40 Project. A supermarket or grocery outlet is expressly prohibited from the Fresno 40 site as defined in the Fresno Municipal Code Section 12-105-5-36. Due to the proposed mix of uses on the Project site, it was decided that the *ITE Trip Generation Rate* for shopping centers be used because it would be the most accurate representation of the land uses on site. This methodology was approved by the City of Fresno Traffic Engineer and is consistent with industry standards. Table 1 below shows the trip generation estimates for the Fresno 40 site considering the Fresno 40 Conditional Use Permit Application No. C-12-032. In essence, increasing the specialty grocery and food sales store by 10,000 square feet caused a 10,000 square footage reduction for the remaining retail uses. As a result, the overall square footage of the retail commercial uses will remain as approved in EIR 10142.

TABLE 1
Fresno 40 Project Trip Generation

| USE ¹ | SIZE | DAILY TRIP ENDS | | AM PEAK HOUR | | | | | PM PEAK HOUR | | | | |
|--|----------------|-----------------|---------------|--------------|--------------|------------|------------|------------|--------------|--------------|------------|------------|--------------|
| | | RATE | VOLUME | RATE | IN:OUT SPLIT | VOLUME | | | RATE | IN:OUT SPLIT | VOLUME | | |
| | | | | | | IN | OUT | TOTAL | | | IN | OUT | TOTAL |
| Office (710) | 278,200 sq.ft. | 11.01 | 3,063 | 1.55 | 88:12 | 379 | 52 | 431 | 1.49 | 17:83 | 71 | 344 | 415 |
| Shopping Center (820) | 209,650 sq.ft. | 42.94 | 9,002 | 1.03 | 61:39 | 132 | 84 | 216 | 3.75 | 48:52 | 377 | 409 | 786 |
| Apartments (220) | 24 units | 6.72 | 161 | 0.51 | 20:80 | 2 | 10 | 12 | 0.62 | 65:35 | 10 | 5 | 15 |
| TOTAL PROJECT TRIPS | | | 12,226 | | | 513 | 146 | 659 | | | 458 | 758 | 1,216 |
| INTERNAL TRIP REDUCTION (5%)² | | | 611 | | | 26 | 7 | 33 | | | 23 | 38 | 61 |
| TOTAL PROJECT TRIPS AFTER INTERNAL TRIP REDUCTION | | | 11,615 | | | 487 | 139 | 626 | | | 435 | 720 | 1,155 |
| PASS-BY REDUCTION (15%)³ | | | 1,283 | | | 19 | 12 | 31 | | | 54 | 58 | 112 |
| TOTAL PROJECT TRIPS AFTER PASS-BY TRIP REDUCTION | | | 10,332 | | | 469 | 127 | 595 | | | 381 | 662 | 1,043 |

Source: Generation factors from ITE Trip Generation Manual, 7th Edition.
 Trip ends are one-way traffic movements, entering or leaving.
 The numbers in parenthesis are ITE land use codes.

*1 Land Use Codes identifying the ITE trip rates applied for purposes of trip generation

*2 Multi-Use trip reduction rate applied = 5.0%

*3 Pass-By trip reduction rate applied = 15%. No Pass-by Trips applied to Office or Apartments

Referencing Table 1, the proposed Project is estimated to generate 10,332 new daily trips, 595 new trips during the AM peak hour, and 1,043 new trips during the PM peak hour. Increasing the specialty grocery and food sales store by 10,000 square feet will not cause the Fresno 40 Project to exceed the daily trip cap threshold of 12,400 trips. Table 1 also indicates that there will not be an increase in trips generated by the Fresno 40 Project as a result of the proposed CUP nor will there be an increase in traffic to the surrounding roadway system. As a result, there will be no new significant impacts created by the Fresno 40 Project site as a result of increasing the square footage specialty grocery and food sales store.

The notion that a 25,000 square foot specialty grocery and food sales store “appears to be an attempt to build a large grocery store” is unfounded. As stated previously, a large grocery store or “supermarket,” is expressly prohibited from the Fresno 40 site as defined in the Fresno Municipal Code Section 12-105-S-36. Further, based on the trip generation table above, the integration of a larger specialty grocery and food sales store will not result in any new trips or impacts or exceed the daily trip cap threshold of 12,400 trips.

As it relates to the concern that there will be traffic safety issues resulting from patrons accessing the site during homeward traffic congestion, it should be noted that there are three traffic signals between the SR 41 at Friant Road interchange and the Fresno 40 Project Site. Traffic signals are traffic control devices placed at roadway intersections and pedestrian crossings for the purpose of controlling competing flows of traffic. Patrons desiring to access the Fresno 40 site from SB 41 would do so by making a left-hand turn at the traffic signal at the SB Ramp at Friant Road and proceeding to the number 3 lane in the northbound approach on Friant Road. Patrons desiring to access the Fresno 40 site from NB 41 would do so by making a right-hand turn at the traffic signal at the NB Ramp at Friant Road and continue in the number 3 lane in the northbound approach on Friant Road. As a result of the traffic signals present along Friant Road near the Fresno 40 Project, it is clear that a traffic safety problem does not exist for patrons accessing the site. In addition, due to the congestion along Friant Road during the PM peak hour, vehicles traveling along Friant Road move at much slower speeds than the posted speed limit of 45 miles per hour, which lessens the potential for a traffic accident. Further, as noted on the site plan, the proposed Fresno 40 Project will provide an additional travel lane and dedicated right turn lane at the driveways along Friant Road. These design features allow patrons to enter and exit the site without substantially effecting the present congestion on Friant Road.

Objection 2. Wall of Shops and “Sea of Parking”

The revised building footprint plan for the Commercial/Retail portion of the Fresno 40 creates an impenetrable wall of shops and a “sea of parking” behind the wall facing Cole Avenue and the Sugar Pine Trail, thus discouraging pedestrians and bicyclists on the trail from entering the shopping center. The same holds true for residents living along Cole Avenue. There are several problems with this design.

- a. Discouraging pedestrian access from the trail and the neighborhood across Cole Avenue makes it more likely there will be an increase in vehicle usage by these individuals around the south end of the shopping center and usage of Fresno Street entrance points. This clearly would create an increase in air pollution.
- b. The trail access point behind Major “B” must be a mistake. What is the attraction of walking or biking into the back corner of a building? Did the architect forget that on the previous plan there was an opening between buildings opposite this trail access point?
- c. In the old plan a break in the wall of shops between Major “B” and Shop 4 seemed to be an ideal location to have a bike and pedestrian path as an entry into the shopping center.
- d. The wall of building backsides, loading docks, and “sea of parking” presents a very unattractive visual to the residences along Cole Avenue, and an uninteresting visual to trail users. The “sea of parking” also enhances the potential for break ins and theft due to the lack of “eyes on the street.” This is a problem as **Fresno is still Number One nationally in car thefts.**
- e. This unbroken wall of shops is not a minor revision of the building footprint. This wall of shops with their backs facing Cole Avenue and the Sugar Pine Trail was addressed in the mitigation issues MM AES-2b (on page 2 of Exhibit G, EIR NO. 10142 of the City of Fresno, Mitigation Monitoring and Reporting Program for the Fresno 40 Project, November 20, 2008). The City needs to maintain its mitigation agreements.

Response 2.

The revised site plan shows two access points to the Fresno 40 Project site from the Sugar Pine Trail. The access points from the trail will provide clearly marked pedestrian crossings that allow pedestrians and bicyclists on the trail to safely access the site. These clearly marked pedestrian crossings and features will encourage pedestrian access from the trail and the neighborhood across Cole Avenue.

The amount of air pollution that will be created by the Fresno 40 Project was evaluated as a part of the approved EIR prepared for the Project. There will not be an increase in air pollution if patrons from the adjacent neighborhood decide to access the site utilizing an automobile. The ITE Trip Generation Handbook was used in determining the amount of traffic or trips produced by the site. The Shopping Center (820) Land Use Code from the ITE Trip Generation includes neighborhood centers that are adjacent to residences such as the residences along Cole Avenue. The trips associated or generated by the Fresno 40 Project, along with other factors, were then used to evaluate air impacts from the Fresno 40 Project site in accordance with guidelines from the San Joaquin Valley Air Pollution Control District and the California Air Resources Board. As a result, the air impacts from the Fresno 40 Project have been evaluated and approved in EIR 10142 and will not increase as a result from patrons accessing the site from the neighborhood along Cole Avenue.

Pedestrian and bicyclist counts were conducted on the Sugar Pine Trail in order to determine the existing usage of the trail. Approximately 24 pedestrians/bicyclists were observed utilizing the trail in the AM peak hour with 17 during the mid-day peak hour and 13 during the PM peak hour. Based on the vehicular trips generated by the Fresno 40 Project during the AM and PM peak hour as shown in Table 1, the pedestrians and bicyclists on the trail is equal to 4% of the AM peak hour traffic and 1% of the PM peak hour traffic. Clearly this shows that a vast majority of the patrons that will access the site will do so by automobiles. Therefore, it is reasonable to expect the commercial buildings to face Friant Road and Fresno Street.

The wall of building backsides, loading docks, and "sea of parking" does not present an unattractive visual to the residences along Cole Avenue and trail users anymore than the vacant lot that currently exists. The building orientation and parking areas have been designed in a way to maximize the 38.93 acre space available for the Fresno 40 Project.

Objection 3. Park and Ride Location

Placing the Park and Ride area behind the wall of shops and hidden from the major access points along Fresno Street and Friant Road makes access difficult, and creates a vehicle security problem. It also is not well connected to bus transit points.

Response 3.

The Fresno 40 Project representatives continue to work with the City of Fresno to determine the best placement of the Park and Ride area. This process is ongoing and a decision on the location of the Park and Ride is forthcoming.

Objection 4. Square Footage Increase

There is a discrepancy of an additional 3,700 square feet of commercial space in the new plan as compared to the old plan. This contradicts the statement in the CUP application under the section entitled "Evaluation of Factors Relevant to this CUP"

Response 4.

The additional 3,700 square feet of commercial space shown on the revised site plan is an error that will be removed. The proposed CUP application has been presented solely for the purposes of increasing the square footage of the specialty grocery and food sales store from 15,000 to 25,000 square feet.

Objection 5. Bicycle Racks

The "Key Notes" lists number 5 as where the bicycle racks will be located, but the plan does not show and 5s. We presume the number of small squares associated with some of the buildings are the bicycle racks. Here again there is a disconnect between access from Sugar Pine Trail and a designated path to the location of the bicycle racks. Without a bicycle path and walkway on distinctly separated roadways in the vehicle parking areas there is a safety concern when crossing parking lots on bicycles. It is difficult to determine if the plan commits the developer to the City's goal of at least 10% as many bicycle racks as parking stalls.

Response 5.

The access points from the trail will provide clearly marked pedestrian crossings that allow pedestrians and bicyclists on the trail to safely access the site. The site plan provides sidewalks and pedestrian crossings that will allow bicyclists to access the various bicycle rack locations.

Objection 6. Phasing of Project, Separate Conditional Use Permits

As per discussions with the Development Department, it is our understanding that the developer plans to build the Fresno 40 project in a series of phases, beginning with the Commercial/Retail part of the project first, and even this may be broken down further. Our suggestion to the Development Department is that each of these phases be examined separately, and dealt with through the Conditional Use Permit process so that the public, especially those living in the neighborhoods adjacent to the project can participate. In this way, any changes in the development can be dealt with as the plans for each phase are finalized.

Response 6.

The development of phases for the Fresno 40 Project will follow the normal process for the City of Fresno for staged development projects. Interaction between the community and the applicant are built into the process as appropriate.

Should you have any further comments or need further information, please contact me at 559 271-1200.

Sincerely,



Jason Ellard, Transportation Engineer
VRPA TECHNOLOGIES

JE/dlb

Attachment

Pedestrian/Bicycle Movement

Prepared by: VRPA Technologies, Inc.

N-S STREET:

DATE: 7/18/2012

LOCATION: Fresno, CA

E-W STREET: Sugar Pine Trail

DAY: WEDNESDAY

PROJECT#

| LANES: | PEDESTRIANS | | | BICYCLISTS | | | | | | | | | TOTAL |
|-----------------|-------------|----|----|------------|----|----|----|----|----|----|----|----|-------|
| | NL | NT | NR | SL | ST | SR | EL | ET | ER | WL | WT | WR | |
| 6:00 AM | | | | | | | | | | | | | |
| 6:15 AM | | | | | | | | | | | | | |
| 6:30 AM | | | | | | | | | | | | | |
| 6:45 AM | | | | | | | | | | | | | |
| 7:00 AM | | 3 | | | 2 | | | | | | | | 5 |
| 7:15 AM | | 2 | | | 2 | | | | | | | | 4 |
| 7:30 AM | | 5 | | | 4 | | | | | | | | 9 |
| 7:45 AM | | 2 | | | 4 | | | | | | | | 6 |
| 8:00 AM | | 2 | | | 2 | | | | | | | | 4 |
| 8:15 AM | | 1 | | | 1 | | | | | | | | 2 |
| 8:30 AM | | 2 | | | 1 | | | | | | | | 3 |
| 8:45 AM | | 2 | | | 1 | | | | | | | | 3 |
| 9:00 AM | | | | | | | | | | | | | |
| 9:15 AM | | | | | | | | | | | | | |
| 9:30 AM | | | | | | | | | | | | | |
| 9:45 AM | | | | | | | | | | | | | |
| 10:00 AM | | | | | | | | | | | | | |
| 10:15 AM | | | | | | | | | | | | | |
| 10:30 AM | | | | | | | | | | | | | |
| 10:45 AM | | | | | | | | | | | | | |
| 11:00 AM | | | | | | | | | | | | | |
| 11:15 AM | | | | | | | | | | | | | |
| 11:30 AM | | | | | | | | | | | | | |
| 11:45 AM | | | | | | | | | | | | | |
| TOTAL VOLUMES = | 0 | 19 | 0 | 0 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 36 |

AM Peak Hr Begins at: 700 AM

| | | | | | | | | | | | | | |
|------------------|---|-------|---|---|-------|---|---|-------|---|---|-------|---|-------|
| PEAK VOLUMES = | 0 | 12 | 0 | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 |
| PEAK HR. FACTOR: | | 0.600 | | | 0.750 | | | 0.000 | | | 0.000 | | 0.667 |

Pedestrian/Bicycle Movement

Prepared by: VRPA Technologies, Inc.

N-S STREET:

DATE: 7/18/2012

LOCATION: Fresno, CA

E-W STREET: Sugar Pine Trail

DAY: WEDNESDAY

PROJECT#

| | PEDESTRIANS | BICYCLISTS | TOTAL |
|----------|-------------|------------|-------|
| LANES: | | | |
| 10:00 AM | | | |
| 10:15 AM | | | |
| 10:30 AM | | | |
| 10:45 AM | | | |
| 11:00 AM | 1 | 1 | 2 |
| 11:15 AM | 4 | 0 | 4 |
| 11:30 AM | 0 | 7 | 7 |
| 11:45 AM | 0 | 2 | 2 |
| 12:00 PM | 1 | 2 | 3 |
| 12:15 PM | 5 | 0 | 5 |
| 12:30 PM | 2 | 1 | 3 |
| 12:45 PM | 0 | 0 | |
| 1:00 PM | | | |
| 1:15 PM | | | |
| 1:30 PM | | | |
| 1:45 PM | | | |
| 2:00 PM | | | |
| 2:15 PM | | | |
| 2:30 PM | | | |
| 2:45 PM | | | |
| 3:00 PM | | | |
| 3:15 PM | | | |
| 3:30 PM | | | |
| 3:45 PM | | | |

| TOTAL | NL | NT | NR | SL | ST | SR | EL | ET | ER | WL | WT | WR | TOTAL |
|-----------|----|----|----|----|----|----|----|----|----|----|----|----|-------|
| VOLUMES = | 0 | 13 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 |

AM Peak Hr Begins at: 1130 AM

| | | | | | | | | | | | | | |
|------------------|---|-------|---|---|-------|---|-------|---|---|-------|---|---|-------|
| PEAK | | | | | | | | | | | | | |
| VOLUMES = | 0 | 6 | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 |
| PEAK HR. FACTOR: | | 0.300 | | | 0.393 | | 0.000 | | | 0.000 | | | 0.607 |

Pedestrian/Bicycle Movement

Prepared by: VRPA Technologies, Inc.

N-S STREET:

DATE: 7/18/2012

LOCATION: Fresno, CA

E-W STREET: Sugar Pine Trail

DAY: WEDNESDAY

PROJECT#

| | PEDESTRIANS | | | BICYCLISTS | | | | | | | | | TOTAL | |
|---------|-------------|---|--|------------|--|--|---|--|--|--|--|--|-------|---|
| LANES: | | | | | | | | | | | | | | |
| 1:00 PM | | | | | | | | | | | | | | |
| 1:15 PM | | | | | | | | | | | | | | |
| 1:30 PM | | | | | | | | | | | | | | |
| 1:45 PM | | | | | | | | | | | | | | |
| 2:00 PM | | | | | | | | | | | | | | |
| 2:15 PM | | | | | | | | | | | | | | |
| 2:30 PM | | | | | | | | | | | | | | |
| 2:45 PM | | | | | | | | | | | | | | |
| 3:00 PM | | | | | | | | | | | | | | |
| 3:15 PM | | | | | | | | | | | | | | |
| 3:30 PM | | | | | | | | | | | | | | |
| 3:45 PM | | | | | | | | | | | | | | |
| 4:00 PM | | 0 | | | | | 1 | | | | | | | 1 |
| 4:15 PM | | 0 | | | | | 5 | | | | | | | 5 |
| 4:30 PM | | 0 | | | | | 1 | | | | | | | 1 |
| 4:45 PM | | 0 | | | | | 2 | | | | | | | 2 |
| 5:00 PM | | 2 | | | | | 3 | | | | | | | 5 |
| 5:15 PM | | 1 | | | | | 0 | | | | | | | 1 |
| 5:30 PM | | 0 | | | | | 2 | | | | | | | 2 |
| 5:45 PM | | 1 | | | | | 2 | | | | | | | 3 |
| 6:00 PM | | | | | | | | | | | | | | |
| 6:15 PM | | | | | | | | | | | | | | |
| 6:30 PM | | | | | | | | | | | | | | |
| 6:45 PM | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | |
|-----------------|----|----|----|----|----|----|----|----|----|----|----|----|-------|
| TOTAL VOLUMES = | NL | NT | NR | SL | ST | SR | EL | ET | ER | WL | WT | WR | TOTAL |
| | 0 | 4 | 0 | 0 | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 |

PM Peak Hr Begins at: 4:45 AM

| | | | | | | | | | | | | | |
|------------------|---|-------|---|---|-------|---|---|-------|---|---|-------|---|-------|
| PEAK VOLUMES = | 0 | 2 | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 |
| PEAK HR. FACTOR: | | 0.250 | | | 0.550 | | | 0.000 | | | 0.000 | | 0.650 |

Attachment B:
ALH Urban & Regional Economics Letter Report – July 23, 2012

2239 Oregon Street
Berkeley, CA 94705
510.704.1599
aherman@alhecon.com

July 23, 2012

City of Fresno Planning Commission
2600 Fresno Street
Fresno, CA 93721

Re: Fresno 40 Proposed Expanded Grocery Space

Honorable Planning Commissioners:

ALH Urban & Regional Economics (ALH Economics) is pleased to present this letter pertinent to the planned Fresno 40 retail project. The purpose of this letter is to address select economic implications of the 25,000 square feet of specialty grocery store space that is the subject of a Conditional Use Permit application under review with the Planning Commission.

Background

In 2008, when the Fresno 40 project was approved by the City of Fresno, the real estate services firm CBRE Consulting prepared an urban decay analysis for the project as part of the environmental documentation. The purpose of the urban decay analysis was to determine if urban decay would or would not be a likely impact of the development. Urban decay was generally defined as, among other characteristics:

“Visible symptoms of physical deterioration that invite vandalism, loitering, and graffiti that is caused by a downward spiral of business closures and long term vacancies. This physical deterioration to properties or structures is so prevalent, substantial, and lasting for a significant period of time that it impairs the proper utilization of the properties and structures, and the health, safety, and welfare of the surrounding community. The manifestations of urban decay include such visible conditions as plywood-boarded doors and windows, parked trucks and long term unauthorized use of the properties and parking lots, extensive gang and other graffiti and offensive words painted on buildings, dumping of refuse on site, overturned dumpsters, broken parking barriers, broken glass littering the site, dead trees and shrubbery together with weeds, lack of building maintenance, homeless encampments, and unsightly and dilapidated fencing.”¹

¹ July 11, 2008 letter to Ms. Kathryn Lee, Michael Brandman Associates, Regarding Fresno 40 Economic Impact and Urban Decay Analysis, pages 11 and 12.

The July 2008 urban decay analysis considered the location of the Fresno 40 development site relative to other retail nodes in Fresno, the anticipated level of retail sales likely to be generated by the project, the relative supply and demand fundamentals of the Fresno retail market, and the project's defined market area. Overall, the research findings indicated that adequate future household demand and retail leakage existed to support the Project as a whole, and that it was unlikely that store closures would occur as a result of Fresno 40 causing conditions conducive to urban deterioration and decay. CBRE Consulting thereby concluded that urban decay would not result from development of Fresno 40.

The July 2008 analysis of the Fresno 40 project was conducted for the entire planned retail component, including approximately 15,000 square feet anticipated for a specialty grocery store. Currently, the project's developer is seeking a Conditional Use Permit to allow 25,000 square feet for a specialty grocery, comprising a 10,000-square-foot increase. This increase in grocery space would be accomplished by reducing other retail components by a like amount.

ALH Economics, a land use and real estate economics consulting firm, has conducted research regarding the urban decay implications of the incremental 10,000 square feet of grocery store space. This research builds on the prior analysis completed in 2008 and considers demographic trends, retail sales trends, and planned retail project information in assessing the potential for the additional grocery space to cause or contribute to urban decay. Amy Herman, Principal of ALH Economics, was the lead author and researcher of the 2008 CBRE Consulting analysis, and thus brings continuity to this analysis.

Incremental Grocery Sales

The previous analysis assumed that the Fresno 40 grocery store space would be occupied by a specialty grocery, at an average sales per square foot of \$613 in 2005 dollars and \$838 in 2015 dollars. The 2005 figure was derived from an industry resource, Retail Maxim, a retail industry publication that publishes an annual guide to individual and aggregate retailer performance. Based on the most current Retail Maxim publication, including store sales estimates for specialty/high-end and organic/gourmet grocery stores, ALH Economics assumes sales performance of \$750 per square foot for the incremental Fresno 40 grocery space.² This is much higher than a more traditional grocery store sales figure, which would be more in the vicinity of \$450 to \$500 per square foot.

The \$750 per square foot sales estimate results in an incremental grocery sales figure of \$7.5 million. Of this, however, not all is estimated to be generated from within the Fresno 40 market area, which was previously estimated to comprise an approximate 3-mile ring around the project site. Instead, 80% of Fresno 40's sales are estimated to be generated from within the market area. This 80% factor reflected that despite its localized market area, the project is anticipated to attract some demand from shoppers who live outside the market area boundaries, due to the Project's accessibility via Highway 41, additional drive-by traffic generated by nearby regional retail offerings such as River Park, and the likelihood of additional shoppers from nearby hotels and offices. As a result, the incremental 10,000 square feet of grocery space is estimated to require the capture of \$6.0 million in food sales from market area households to be successful. The market area demand figure for the grocery space in its entirety, inclusive of the incremental space, would be \$15.0 million.

² Retail Maxim's "Alternative Retail Risk Analysis for Alternative Capital," July, 2011.

Market Area Demographics

Using the same 3-mile ring market area as in the 2008 study, ALH Economics compiled current market area demographics and projections. Similar data were also compiled for the City of Fresno as a whole. These were prepared by Claritas, a national provider of economic and demographic data.

Summarized in Table 1, the findings indicate that the market area has a much greater concentration of higher income households than the City of Fresno as a whole. In 2012, average estimated household incomes in the market area are \$83,235, compared to \$55,215 in Fresno. This translates into higher per capita incomes as well, with a \$32,303 per capita income in the market area and a \$17,891 per capita income throughout Fresno. Similar spreads are also noted in the estimated median home values, with values 45% greater in the market area than Fresno as a whole. Because the Fresno averages for income and home prices are inclusive of the market area, with the market area comprising almost one-fourth the city's households, the disparity between the market area and the rest of Fresno is even greater than suggested by these figures.

Table 1: Summary Market Area and Fresno Demographics

| Demographic Characteristic | Fresno 40 Market Area | City of Fresno |
|---------------------------------------|------------------------------|-----------------------|
| <i>Population</i> | | |
| 2012 | 96,855 | 356,035 |
| 2017 | 101,533 | 427,652 |
| <i>Households</i> | | |
| 2012 | 37,464 | 155,938 |
| 2017 | 39,234 | 162,966 |
| <i>2012 Income</i> | | |
| Average HH | \$83,235 | \$55,215 |
| Avg. Per Capita | \$32,303 | \$17,891 |
| <i>2012 Median Home Values</i> | \$236,824 | \$162,821 |

Source: Claritas

Between 2012 and 2017, the figures from Claritas suggest that the market area's household base will increase by 1,770 households. Much greater growth is projected for the city as whole, projected at 7,028 over the same time period. However, the implied 0.93% annual average rate of growth in the market area is slightly faster than the overall city 0.89% rate of growth.

Retail Sales and Demand

As like most places in the nation, Fresno experienced a downward trend in retail sales during the recent recession. As Table 2 indicates, total taxable retail sales in Fresno declined annually from 2006 through 2009, with an upswing finally beginning to occur in 2010. Only data through first quarter 2011 are available publically, but paired first quarter data for 2010 and 2011 indicate a continued sales recovery in 2011, with paired quarter taxable sales increasing 14.1%.

The trend in taxable food sales shows that sales dips were not as extreme as total taxable sales but that a substantial food sales recovery is still underway, with sales effectively dipping only between 2007 and 2008. Still, the increase between first quarter 2010 and 2011 data is an impressive 10.3%. The relative stability, and now increase in food sales, is because food sales is one of the most recession proof sales categories, with food sales comprising a basic household need and households often moving restaurant purchases back to grocery store sales during tough economic times.

**Table 2: Annual Trend in Select Taxable Retail Sales
in current year dollars**

| Period | Food and Beverage | | All Taxable | |
|---------------------|-------------------|----------|-----------------|----------|
| | Amount | % Change | Amount | % Change |
| Annual Trend | | | | |
| 2006 | \$363,934,000 | -- | \$5,643,638,000 | -- |
| 2007 | \$362,766,000 | -0.3% | \$5,495,981,000 | -2.6% |
| 2008 | \$337,074,000 | -7.1% | \$4,950,428,000 | -9.9% |
| 2009 | \$343,049,000 | 1.8% | \$4,343,089,000 | -12.3% |
| 2010 | \$346,778,000 | 1.1% | \$4,478,073,000 | 3.1% |
| Recent Trend | | | | |
| 1st Qtr 2010 | \$80,505,000 | -- | \$1,056,223,000 | -- |
| 1st Qtr 2011 | \$88,817,000 | 10.3% | \$1,205,184,000 | 14.1% |

Sources: State of California Board of Equalization; and ALH Economics

Not all food sales or sales in select additional retail categories are taxable. With adjustments for nontaxable sales prepared by ALH Economics, Table 3 on the next page presents an estimate of Fresno's total retail sales base for the most recent annual period using publically available data. This time period reflects second quarter 2010 through first quarter 2011. This sales base totals \$5.7 billion, with food and beverage sales, inclusive of grocery stores, totaling \$1.2 billion, or 20% of all retail sales in Fresno.

Table 3. Estimated Fresno Total Sales Base, 2010/2011

| Retail Category | Amount |
|---|------------------------|
| Motor Vehicle and Parts Dealers | \$723,531,000 |
| Home Furnishings and Appliances | \$263,777,000 |
| Building Materials and Garden Equipment | \$300,525,000 |
| Food and Beverage Stores | \$1,155,923,333 |
| Gasoline Stations | \$558,666,000 |
| Clothing and Clothing Accessories | \$331,298,000 |
| General Merchandise Stores | \$993,977,500 |
| Food Services and Drinking Places | \$637,455,000 |
| Other Retail Group | \$698,130,249 |
| Total | \$5,663,283,083 |

Sources: State of California Board of Equalization; and ALH Economics

The 2008 Fresno 40 study conducted a retail demand, sales attraction, and spending analysis for Fresno and the Fresno 40 market area. This study concluded that the food sales category in both areas is a net attractor of sales, meaning that the city and the market area both achieve food sales greater than one would expect based upon resident spending alone. A comparable analysis by Claritas, called a retail gap analysis, results in a similar finding today, meaning that the likelihood is high that new food stores in Fresno will be successful either by diverting sales away from other existing food stores or by capturing new food sales demand generated by household growth. This conclusion matches the food sales-related conclusion in the 2008 study.

New Household Demand for Food Sales

As a generalized estimate, ALH Economics assumes that the average Fresno household spends approximately \$4,000 a year on sales at food and beverage stores. Additional food purchases are made at stores not typically classified as grocery stores, such as general merchandise stores. This \$4,000 figure does not include restaurant-related food purchases. Because of the higher household incomes, the market area households are assumed to spend \$4,600 a year annually on food and beverage sales.³ These assumptions are grounded in the prior 2008 analysis as well as subsequent retail demand analysis conducted by ALH Economics.

Based on the household food demand estimates and the demographic projections presented in Table 1, household growth in Fresno will generate estimated demand for new grocery store sales totaling \$28.1 million by 2017. Of this amount, an estimated \$8.1 million, or almost 30%, will be generated by new market area households. This leaves a balance of \$20.0 million generated by other new Fresno households between 2012 and 2017.

³ Comparable figures in the 2008 study were, in 2006 dollars, \$3,389 for the City of Fresno and \$3,849 for the market area, with the market area figure inflated to \$5,057 in 2015 dollars. See Exhibits 8, 9, and 10 of the 2008 CBRE letter to Michael Brandman Associates cited in footnote 1.

Competitive Planned Supply

The Fresno 40 project is not the only planned new grocery store in the City of Fresno. Two existing Walmart stores are planning expansions primarily designed to increase their food sales area and associated support space. These include the Fresno North Walmart, which is located just within the boundary of the Fresno 40 market area at 7065 N. Ingram Avenue, and the Southeast Fresno Walmart, which is located much further away at the northeast corner of East Kings Canyon Road and South Adler Avenue. Reflecting various stages of approval, the Fresno North Walmart will entail 47,324 square feet of space allocated to grocery sales and support while the Southeast Fresno Walmart will include a comparable grocery component totaling 44,040 square feet. There is yet one more potential new grocery store site currently known to the City of Fresno, which is a proposed 35,455-square-foot store at the southwest corner of North Willow and East Herndon avenues. This store site also is just within the Fresno 40 market area boundary.

The Fresno North Walmart is in the process of seeking City approvals, with the Final EIR not yet certified by the Planning Commission. The Southeast Fresno Walmart is fully approved with grading anticipated to start soon. The proposed store at North Willow and East Herndon avenues does not require a separate entitlements process because the property has a Neighborhood Shopping Center land use designation and will join other existing retail upon completion, such as a Walgreens.

In total, these three additional planned grocery stores, or grocery sales areas, total 126,819 square feet of new grocery space in Fresno. Adding in the requested 25,000 square feet for Fresno 40 boosts this figure to 151,819 square feet. This is a substantial figure. However, only the Fresno 40 grocery is anticipated to be a niche grocery store, with a specialty store orientation. The two Walmart expansions will comprise discount oriented food sales by virtue of being Walmart. The orientation of the remaining new grocery store at North Willow and East Herndon avenues is not yet known, but is unlikely to comprise a specialty orientation. Because of the locations and orientations of the other grocery store sites, the Fresno 40 store will be better positioned to meet the likely food shopping needs of market area residents than any of the other planned stores.

Implications for Urban Decay

The Fresno 40 projected market area sales of \$15.0 million, with \$6.0 million attributable to the incremental 10,000 square feet, is equal to a scant 1.3% of the estimated City of Fresno retail sales base from 2nd quarter 2010 through 1st quarter 2011. Given the noted upward trend in food store sales, the base is likely higher now, meaning that the Fresno 40's share of total sales is even less than 1.3%. The increment alone is equal to less than 0.5% the entire city grocery sales base. If these sales are diverted away from existing food stores the aggregate amount is insufficient to cause individual stores to close. Without store closures, urban decay is very unlikely to result.

This finding is positively compounded by new market area demand for food sales, estimated to total \$8.1 million between 2012 and 2017. Not all market area demand for food sales is likely to be captured by the Fresno 40 store since shoppers like variety with respect to both products and pricing. However, it is likely that the store will capture a large share of this new household demand, thereby minimizing the amount of sales diverted from existing food stores. Moreover, there will be yet an additional \$20.0 million in new demand generated by other new Fresno households. Some of this could comprise the small increment of Fresno 40 sales anticipated to be generated from outside the

market area, but more likely it will comprise new support for the other planned grocery stores as well as Fresno's numerous existing food stores.

Because of the anticipated specialty grocery orientation of the Fresno 40 grocery store, it will be uniquely positioned to meet the specific shopping needs of the store's relatively high income market area households. This orientation will provide the store with a market advantage over the more discount orientation of other planned new grocery stores, or stores selling groceries. As a result, ALH Economics believes that no environmental impacts in the form of store closures and subsequent urban deterioration or decay will result from the incremental 10,000 square feet of grocery space reflected in the Fresno 40 Conditional Use Permit application currently before the Fresno Planning Commission.

Closing

ALH Economics appreciated the opportunity to conduct this analysis relevant to the Fresno 40 project. Please contact me if any questions arise following your review of this letter.

Sincerely,

ALH Urban & Regional Economics



Amy L. Herman, AICP
Principal

ASSUMPTIONS AND GENERAL LIMITING CONDITIONS

ALH Urban & Regional Economics has made extensive efforts to confirm the accuracy and timeliness of the information contained in this study. Such information was compiled from a variety of sources, including interviews with government officials, review of City and County documents, and other third parties deemed to be reliable. Although ALH Urban & Regional Economics believes all information in this study is correct, it does not warrant the accuracy of such information and assumes no responsibility for inaccuracies in the information by third parties. We have no responsibility to update this report for events and circumstances occurring after the date of this report. Further, no guarantee is made as to the possible effect on development of present or future federal, state or local legislation, including any regarding environmental or ecological matters.

The accompanying projections and analyses are based on estimates and assumptions developed in connection with the study. In turn, these assumptions, and their relation to the projections, were developed using currently available economic data and other relevant information. It is the nature of forecasting, however, that some assumptions may not materialize, and unanticipated events and circumstances may occur. Therefore, actual results achieved during the projection period will likely vary from the projections, and some of the variations may be material to the conclusions of the analysis.

Contractual obligations do not include access to or ownership transfer of any electronic data processing files, programs or models completed directly for or as by-products of this research effort, unless explicitly so agreed as part of the contract.

**Attachment C:
Findings**

| Environmental Issue Area | Impact | Conclusion in Final EIR | Do the Proposed Changes Involve New Impacts? | New Circumstances Involving New Impacts? | New Information Requiring New Analysis or Verification? | Final EIR Mitigation Measures Implemented |
|------------------------------|---|--|--|--|--|---|
| Aesthetics, Light, and Glare | Scenic Vistas | Less Than Significant | Negative. The reallocation of square footage does not alter the underlying character or use of the proposed project. | Negative. The reallocation of square footage does not alter the underlying character or use of the proposed project. | Negative. The reallocation of square footage does not alter the underlying character or use of the proposed project. | None. |
| | Visual Character | Less Than Significant After Mitigation | Negative. The reallocation of square footage does not alter the underlying character or use of the proposed project. | Negative. The reallocation of square footage does not alter the underlying character or use of the proposed project. | Negative. The reallocation of square footage does not alter the underlying character or use of the proposed project. | Mitigation Measures AES-2(a-d) |
| | Light and Glare | Less Than Significant After Mitigation | Negative. The reallocation of square footage does not alter the potential for new sources of light and glare. | Negative. The reallocation of square footage does not alter the potential for new sources of light and glare. | Negative. The reallocation of square footage does not alter the potential for new sources of light and glare. | Mitigation Measure AES-3 |
| Air Quality | Air Quality Plan | Significant Unavoidable Impact | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | Mitigation Measures AIR-3(a-i) |
| | Construction Emissions - Violation of Air Quality Standards | Less Than Significant | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | None |
| | Operational Emissions - Violation of Air | Significant Unavoidable Impact | Negative. The reallocation of square footage would not alter | Negative. The reallocation of square footage would not alter | Negative. The reallocation of square footage would not alter | Mitigation Measures AIR-3(a-i) |

| Environmental Issue Area | Impact | Conclusion in Final EIR | Do the Proposed Changes Involve New Impacts? | New Circumstances Involving New Impacts? | New Information Requiring New Analysis or Verification? | Final EIR Mitigation Measures Implemented |
|--------------------------|---------------------------|--------------------------------|--|--|--|---|
| | Quality Standards | | the potential for air pollutant emissions. | the potential for air pollutant emissions. | the potential for air pollutant emissions. | |
| | Carbon Monoxide Hot Spots | Less Than Significant | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | None |
| | Cumulative Air Emissions | Significant Unavoidable Impact | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | Mitigation Measures AIR-3(a-i) |
| | Sensitive Receptors | Less Than Significant | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | Negative. The reallocation of square footage would not alter the potential for air pollutant emissions. | None |
| | Objectionable Odors | Less Than Significant | Negative. The reallocation of square footage would not alter the potential for objectionable odors. | Negative. The reallocation of square footage would not alter the potential for objectionable odors. | Negative. The reallocation of square footage would not alter the potential for objectionable odors. | None |
| | Greenhouse Gas Emissions | Significant Unavoidable Impact | Negative. The reallocation of square footage would not alter the potential for greenhouse gas emissions. | Negative. The reallocation of square footage would not alter the potential for greenhouse gas emissions. | Negative. The reallocation of square footage would not alter the potential for greenhouse gas emissions. | Mitigation Measures AIR-9(a-j) |
| Biological | Special Status | Less Than | Negative. The | Negative. The | Negative. The | Mitigation |

| Environmental Issue Area | Impact | Conclusion in Final EIR | Do the Proposed Changes Involve New Impacts? | New Circumstances Involving New Impacts? | New Information Requiring New Analysis or Verification? | Final EIR Mitigation Measures Implemented |
|--------------------------|---|--|---|---|---|--|
| Resources | Species | Significant After Mitigation | reallocation of square footage would not alter the potential for impacts to special status species. Negative. The project site does not support wildlife movement. | reallocation of square footage would not alter the potential for impacts to special status species. Negative. The project site does not support wildlife movement. | reallocation of square footage would not alter the potential for impacts to special status species. Negative. The project site does not support wildlife movement. | Measures BIO-1(1-c) Less Than Significant |
| | Wildlife Movement | Less Than Significant | Negative. The project site does not support wildlife movement. | Negative. The project site does not support wildlife movement. | Negative. The project site does not support wildlife movement. | Less Than Significant |
| | Local Biological Ordinances or Policies | Less Than Significant | Negative. The reallocation of square footage would not alter the potential to conflict with local biological ordinances or policies. | Negative. The reallocation of square footage would not alter the potential to conflict with local biological ordinances or policies. | Negative. The reallocation of square footage would not alter the potential to conflict with local biological ordinances or policies. | Less Than Significant |
| Cultural Resources | Historic Resources | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not alter the potential to impact historic resources. | Negative. The reallocation of square footage would not alter the potential to impact historic resources. | Negative. The reallocation of square footage would not alter the potential to impact historic resources. | Mitigation Measure CUL-1 |
| | Archaeological Resources | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not alter the potential to impact archaeological resources. | Negative. The reallocation of square footage would not alter the potential to impact archaeological resources. | Negative. The reallocation of square footage would not alter the potential to impact archaeological resources. | Mitigation Measure CUL-1 |
| | Paleontological Resources | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not alter the potential to impact paleontological resources. | Negative. The reallocation of square footage would not alter the potential to impact paleontological resources. | Negative. The reallocation of square footage would not alter the potential to impact paleontological resources. | Mitigation Measures CUL-3(a-b) |

| Environmental Issue Area | Impact | Conclusion in Final EIR | Do the Proposed Changes Involve New Impacts? | New Circumstances Involving New Impacts? | New Information Requiring New Analysis or Verification? | Final EIR Mitigation Measures Implemented |
|---------------------------------|------------------------------------|--|---|---|---|---|
| | Burial Sites | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not alter the potential to impact burial sites. | Negative. The reallocation of square footage would not alter the potential to impact burial sites. | Negative. The reallocation of square footage would not alter the potential to impact burial sites. | Mitigation Measure CUL-4 |
| Geology, Soils, and Seismicity | Seismic Hazards | Less Than Significant | Negative. The project site is not susceptible to seismic hazards. | Negative. The project site is not susceptible to seismic hazards. | Negative. The project site is not susceptible to seismic hazards. | None |
| | Erosion Hazards | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not alter the potential to cause erosion. | Negative. The reallocation of square footage would not alter the potential to cause erosion. | Negative. The reallocation of square footage would not alter the potential to cause erosion. | Mitigation Measure HYD-1 |
| | Unstable Geologic Units | Less Than Significant | Negative. The project site is not susceptible to unstable geologic units. | Negative. The project site is not susceptible to unstable geologic units. | Negative. The project site is not susceptible to unstable geologic units. | None |
| | Expansive Soils | Less Than Significant | Negative. The project site is not susceptible to expansive soils. | Negative. The project site is not susceptible to expansive soils. | Negative. The project site is not susceptible to expansive soils. | None |
| Hazards and Hazardous Materials | Routine Use of Hazardous Materials | Less Than Significant | Negative. The proposed project would not use significant quantities of hazardous materials. | Negative. The proposed project would not use significant quantities of hazardous materials. | Negative. The proposed project would not use significant quantities of hazardous materials. | None |
| | Past or Present Usage | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not alter the potential presence of hazards from past or present site usage. | Negative. The reallocation of square footage would not alter the potential presence of hazards from past or present site usage. | Negative. The reallocation of square footage would not alter the potential presence of hazards from past or present site usage. | Mitigation Measure HAZ-2 |

| Environmental Issue Area | Impact | Conclusion in Final EIR | Do the Proposed Changes Involve New Impacts? | New Circumstances Involving New Impacts? | New Information Requiring New Analysis or Verification? | Final EIR Mitigation Measures Implemented |
|-----------------------------|--------------------------------------|--|---|---|---|---|
| Hydrology and Water Quality | Short-Term Water Quality | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not alter the potential to generate water pollution during construction. | Negative. The reallocation of square footage would not alter the potential to generate water pollution during construction. | Negative. The reallocation of square footage would not alter the potential to generate water pollution during construction. | Mitigation Measure HYD-1 |
| | Long-Term Water Quality | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not alter the potential to generate water pollution during operations. | Negative. The reallocation of square footage would not alter the potential to generate water pollution during operations. | Negative. The reallocation of square footage would not alter the potential to generate water pollution during operations. | Mitigation Measure HYD-2 |
| | Groundwater | Less Than Significant | Negative. The reallocation of square footage would not alter the potential to use groundwater. | Negative. The reallocation of square footage would not alter the potential to use groundwater. | Negative. The reallocation of square footage would not alter the potential to use groundwater. | None |
| | Downstream Flooding | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not alter the potential to generate stormwater. | Negative. The reallocation of square footage would not alter the potential to generate stormwater. | Negative. The reallocation of square footage would not alter the potential to generate stormwater. | Mitigation Measure HYD-4 |
| Land Use | Division of an Established Community | Less Than Significant | Negative. The project site is not an established community. | Negative. The project site is not an established community. | Negative. The project site is not an established community. | None |
| | General Plan Consistency | Less Than Significant | Negative. The reallocation of square footage would be consistent with the General Plan land use | Negative. The reallocation of square footage would be consistent with the General Plan land use | Negative. The reallocation of square footage would be consistent with the General Plan land use | None |

| Environmental Issue Area | Impact | Conclusion in Final EIR | Do the Proposed Changes Involve New Impacts? | New Circumstances Involving New Impacts? | New Information Requiring New Analysis or Verification? | Final EIR Mitigation Measures Implemented |
|--------------------------|--|--------------------------------|---|---|---|---|
| | | | <p>designation for the project site, as well as the applicable provisions of the General Plan.</p> | <p>designation for the project site, as well as the applicable provisions of the General Plan.</p> | <p>designation for the project site, as well as the applicable provisions of the General Plan.</p> | |
| | Woodward Park Community Plan Consistency | Less Than Significant | <p>Negative. The reallocation of square footage would be consistent with the applicable provisions of the Community Plan.</p> | <p>Negative. The reallocation of square footage would be consistent with the applicable provisions of the Community Plan.</p> | <p>Negative. The reallocation of square footage would be consistent with the applicable provisions of the Community Plan.</p> | None |
| | Municipal Code Consistency | Less Than Significant | <p>Negative. The reallocation of square footage would be consistent with the applicable provisions of the Municipal Code.</p> | <p>Negative. The reallocation of square footage would be consistent with the applicable provisions of the Municipal Code.</p> | <p>Negative. The reallocation of square footage would be consistent with the applicable provisions of the Municipal Code.</p> | None |
| Noise | Construction Noise | Significant Unavoidable Impact | <p>Negative. The reallocation of square footage would not alter construction activities.</p> | <p>Negative. The reallocation of square footage would not alter construction activities.</p> | <p>Negative. The reallocation of square footage would not alter construction activities.</p> | Mitigation Measure NOI-1 |
| | Vibration | Less Than Significant | <p>Negative. The reallocation of square footage would not have a potential to generate vibration.</p> | <p>Negative. The reallocation of square footage would not have a potential to generate vibration.</p> | <p>Negative. The reallocation of square footage would not have a potential to generate vibration.</p> | None |
| | Roadway Noise | Less Than Significant | <p>Negative. The reallocation of square footage would not have a potential to increase roadway noise levels.</p> | <p>Negative. The reallocation of square footage would not have a potential to increase roadway noise levels.</p> | <p>Negative. The reallocation of square footage would not have a potential to increase roadway noise levels.</p> | None |

| Environmental Issue Area | Impact | Conclusion in Final EIR | Do the Proposed Changes Involve New Impacts? | New Circumstances Involving New Impacts? | New Information Requiring New Analysis or Verification? | Final EIR Mitigation Measures Implemented |
|-------------------------------|---------------------------------------|--|--|--|--|---|
| | Stationary Noise | Less Than Significant | Negative. The reallocation of square footage would not have a potential to increase stationary noise levels. | Negative. The reallocation of square footage would not have a potential to increase stationary noise levels. | Negative. The reallocation of square footage would not have a potential to increase stationary noise levels. | None |
| | Combined Stationary and Roadway Noise | Less Than Significant | Negative. The reallocation of square footage would not have a potential to increase combined stationary and transportation noise levels. | Negative. The reallocation of square footage would not have a potential to increase combined stationary and transportation noise levels. | Negative. The reallocation of square footage would not have a potential to increase combined stationary and transportation noise levels. | None |
| | Sensitive Receptors | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not alter noise levels for the onsite residential uses. | Negative. The reallocation of square footage would not alter noise levels for the onsite residential uses. | Negative. The reallocation of square footage would not alter noise levels for the onsite residential uses. | Mitigation Measure NOI-6 |
| Public Services and Utilities | Fire Protection | Less Than Significant | Negative. The reallocation of square footage would not increase demand for fire protection. | Negative. The reallocation of square footage would not increase demand for fire protection. | Negative. The reallocation of square footage would not increase demand for fire protection. | None |
| | Police Protection | Less Than Significant | Negative. The reallocation of square footage would not increase demand for police protection. | Negative. The reallocation of square footage would not increase demand for police protection. | Negative. The reallocation of square footage would not increase demand for police protection. | None |
| | Schools | Less Than Significant | Negative. The reallocation of square footage would not | Negative. The reallocation of square footage would not | Negative. The reallocation of square footage would not | None |

| Environmental Issue Area | Impact | Conclusion in Final EIR | Do the Proposed Changes Involve New Impacts? | New Circumstances Involving New Impacts? | New Information Requiring New Analysis or Verification? | Final EIR Mitigation Measures Implemented |
|--------------------------|----------------|--|---|---|---|---|
| | | | increase school enrollment. | increase school enrollment. | increase school enrollment. | |
| | Parks | Less Than Significant | Negative. The reallocation of square footage would not increase park usage. | Negative. The reallocation of square footage would not increase park usage. | Negative. The reallocation of square footage would not increase park usage. | None |
| | Water | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not increase water consumption. | Negative. The reallocation of square footage would not increase water consumption. | Negative. The reallocation of square footage would not increase water consumption. | Mitigation Measures PSU-6(a-d) |
| | Wastewater | Less Than Significant | Negative. The reallocation of square footage would not increase wastewater generation. | Negative. The reallocation of square footage would not increase wastewater generation. | Negative. The reallocation of square footage would not increase wastewater generation. | None |
| | Storm Drainage | Less Than Significant | Negative. The reallocation of square footage would not increase storm water runoff. | Negative. The reallocation of square footage would not increase storm water runoff. | Negative. The reallocation of square footage would not increase storm water runoff. | None |
| | Solid Waste | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not increase solid waste generation. | Negative. The reallocation of square footage would not increase solid waste generation. | Negative. The reallocation of square footage would not increase solid waste generation. | Mitigation Measures PSU-9(a-b) |
| | Energy | Less Than Significant | Negative. The reallocation of square footage would not | Negative. The reallocation of square footage would not | Negative. The reallocation of square footage would not | None |

| Environmental Issue Area | Impact | Conclusion in Final EIR | Do the Proposed Changes Involve New Impacts? | New Circumstances Involving New Impacts? | New Information Requiring New Analysis or Verification? | Final EIR Mitigation Measures Implemented |
|--------------------------|---|--|---|---|---|--|
| | | | increase energy consumption. | increase energy consumption. | increase energy consumption. | |
| Transportation | Construction Traffic and Parking | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not alter the potential to generate vehicle trips during construction. | Negative. The reallocation of square footage would not alter the potential to generate vehicle trips during construction. | Negative. The reallocation of square footage would not alter the potential to generate vehicle trips during construction. | Mitigation Measure TRANS-1 |
| | Existing Plus Project Intersection Operations | Significant Unavoidable Impact | Negative. The reallocation of square footage would not alter the potential to generate vehicle trips during Existing Plus Project Conditions. | Negative. The reallocation of square footage would not alter the potential to generate vehicle trips during Existing Plus Project Conditions. | Negative. The reallocation of square footage would not alter the potential to generate vehicle trips during Existing Plus Project Conditions. | Mitigation Measures TRANS-2(a-k) |
| | Existing Plus Project Street Segment Operations | Significant Unavoidable Impact | Negative. The reallocation of square footage would not alter the potential to generate vehicle trips during Existing Plus Project Conditions. | Negative. The reallocation of square footage would not alter the potential to generate vehicle trips during Existing Plus Project Conditions. | Negative. The reallocation of square footage would not alter the potential to generate vehicle trips during Existing Plus Project Conditions. | Mitigation Measures TRANS-2a, TRANS-2g, and TRANS-3(a-c) |
| | Near-Term Traffic Operations | Significant Unavoidable Impact | Negative. The reallocation of square footage would not alter the potential to generate vehicle trips during Near-Term Conditions. | Negative. The reallocation of square footage would not alter the potential to generate vehicle trips during Near-Term Conditions. | Negative. The reallocation of square footage would not alter the potential to generate vehicle trips during Near-Term Conditions. | Mitigation Measures TRANS-2(a-g), TRANS-2j, and TRANS-4(a-d) |
| | Long-Term Traffic | Significant Unavoidable Impact | Negative. The reallocation of square | Negative. The reallocation of square | Negative. The reallocation of square | Mitigation Measures |

| Environmental Issue Area | Impact | Conclusion in Final EIR | Do the Proposed Changes Involve New Impacts? | New Circumstances Involving New Impacts? | New Information Requiring New Analysis or Verification? | Final EIR Mitigation Measures Implemented |
|--------------------------|------------------|--|--|--|--|---|
| | Operations | Impact | footage would not alter the potential to generate vehicle trips during Long-Term Conditions. | footage would not alter the potential to generate vehicle trips during Long-Term Conditions. | footage would not alter the potential to generate vehicle trips during Long-Term Conditions. | TRANS-2(a-k), TRANS-6 |
| | Roadway Safety | Less Than Significant After Mitigation | Negative. The reallocation of square footage would not alter any roadway configurations. | Negative. The reallocation of square footage would not alter any roadway configurations. | Negative. The reallocation of square footage would not alter any roadway configurations. | Mitigation Measure TRANS-7 |
| | Emergency Access | Less Than Significant | Negative. The reallocation of square footage would not alter any access points. | Negative. The reallocation of square footage would not alter any access points. | Negative. The reallocation of square footage would not alter any access points. | None |
| | Parking Capacity | Less Than Significant | Negative. The reallocation of square footage would not alter parking arrangements. | Negative. The reallocation of square footage would not alter parking arrangements. | Negative. The reallocation of square footage would not alter parking arrangements. | None |
| Urban Decay | Urban Decay | Less Than Significant | The reallocation of square footage would not significantly alter the potential for the project to divert sales from competing outlets. | The reallocation of square footage would not significantly alter the potential for the project to divert sales from competing outlets. | The reallocation of square footage would not significantly alter the potential for the project to divert sales from competing outlets. | None. |

G. Letter from Woodward Park Homeowners Association



WOODWARD PARK HOMEOWNERS ASSOCIATION, Inc.

Vince Correll, President 439-8404

Robert Merrill, Vice president 434-8046

Joan Heisdorf, Secretary & Treasurer 559-478-9214

Robert Merrill

Joan Heisdorf

July 2, 2012

To: Fresno City Development and Resource Management Department
from: Woodward Park Homeowners Association
Subject: Fresno 40 Conditional Use Permit Application No. C-12-032 for 25,000 square foot specialty grocery store

The Woodward Park Homeowners Association strongly objects to several changes requested in Conditional Use Permit Application No. C-12-032. These objections are listed below, along with the rationale for each.

1. SPECIALTY GROCERY STORE

The limit of 15,000 square feet on a "specialty grocery store" was designed as a mechanism to reduce vehicle congestion at rush hour on already congested Friant Road. The request to increase the square footage to 25,000 violates that rationale and will lead to increased congestion on Friant Road, especially at rush hour. It appears that the "specialty grocery and food sales store" redesign to 25,000 square feet is an attempt to use it as a major attractant to the Commercial/Retail part of the Fresno 40. Clearly this larger store would increase traffic congestion on Friant Road at the worst possible time and also increase air pollution as a result, but the increased traffic congestion is the worst effect.

- a. At 25,000 square feet, it sounds more like a full service, upscale grocery, with some additional food service, like Whole Foods in Fig Garden. The term "specialty grocery" appears to be just an attempt to build a large grocery store
- b. The front elevation of the "specialty grocery store" is taller and more elaborate than that for Major "B" which is unusual, unless it is to be the major attractant in the shopping center as well as increasing its visibility from Friant Road.
- c. Both items a and b, above, suggest that most of the customers for the "specialty grocery store" will be drawn off Friant Road on their northward drive home from work. As these customers for the "specialty grocery store" exit freeway 41, some of them will likely be cutting across one or more traffic lanes on Friant as they seek to enter the Fresno 40 from the right hand lane on Friant Road. This presents a traffic safety problem in the homeward traffic congestion. Then after shopping at the "specialty grocery store," they will return to the congestion on Friant Road.
- d. It is unclear what the City does if the daily vehicle trip limit is exceeded.

2. WALL OF SHOPS AND "SEA OF PARKING"

The revised building footprint plan for the Commercial/Retail portion of the Fresno 40 creates an impenetrable wall of shops and a "sea of parking" behind that wall facing Cole Avenue and the Sugar Pine Trail, thus discouraging pedestrians and bicyclists on the trail from entering the shopping center. The same holds true for residents living along Cole Avenue. There are several problems with this design.

- a. Discouraging pedestrian access from the trail and the neighborhood across Cole Avenue makes it more likely there will be an increase in vehicle usage by these individuals around the south end of the shopping center and usage of Fresno Street entrance points. This clearly would create an increase in air pollution.

- b. The trail access point behind Major "B" must be a mistake. What is the attraction of walking or biking into the back corner of a building? Did the architect forget that on the previous plan there was an opening between buildings opposite this trail access point?
- c. In the old plan a break in the wall of shops between Major "B" and Shop 4 seemed to be an ideal location to have a bike and pedestrian path as an entry into the shopping center.
- d. The wall of building backsides, loading docks, and "sea of parking" presents a very unattractive visual to the residences along Cole Avenue, and an uninteresting visual to trail users. This "sea of parking" also enhances the potential for vehicle break ins and theft due to the lack of "eyes on the street." This is a problem as **Fresno is still Number One nationally in car thefts.**
- e. This unbroken wall of shops is **not** a minor revision of the building footprint. This wall of shops with their backs facing Cole Avenue and the Sugar Pine Trail was addressed in the mitigation issues MM AES-2b (on page 2 of Exhibit G, EIR NO. 10142 of the City of Fresno, Mitigation Monitoring and Reporting Program for the Fresno 40 Project, November 20, 2008). The City needs to maintain its mitigation agreements.

3. PARK AND RIDE LOCATION

Placing the Park and Ride area behind the wall of shops and hidden from the major access points along Fresno Street and Friant Road makes access difficult, and creates a vehicle security problem. It also is not well connected to bus transit points.

4. SQUARE FOOTAGE INCREASE

There is a discrepancy of an additional 3,700 square feet of commercial space in the new plan as compared to the old plan. This contradicts the statement in the CUP Application under the section entitled "Evaluation of Factors Relevant to this CUP."

5. BICYCLE RACKS

The "Key Notes" lists number 5 as where the bicycle racks will be located, but the plan does not show any 5s. We presume the number of small squares associated with some of the buildings are the bicycle racks. Here again there is a disconnect between access from the Sugar Pine Trail and a designated path to the location of the bicycle racks. Without a bicycle path and walkway on distinctly separated roadways in the vehicle parking areas there is a safety concern when crossing parking lots on bicycles. It is difficult to determine if the plan commits the developer to the City's goal of at least 10% as many bicycle racks as parking stalls.

6. PHASING OF PROJECT, SEPARATE CONDITIONAL USE PERMITS

As per discussions with the Development Department, it is our understanding that the developer plans to build the Fresno 40 project in a series of phases, beginning with the Commercial/Retail part of the project first, and even this may be broken down further. Our suggestion to the Development Department is that each of these phases be examined separately, and dealt with through the Conditional Use Permit process so that the public, especially those living in the neighborhoods adjacent to the project, can participate. In this way, any changes in the development can be dealt with as the plans for each phase are finalized.

There are other concerns we have with the Office and Residential plans as currently shown, but since this CUP deals principally with the increased square footage for the “specialty grocery store” and the design of the Commercial/Retail part of the Fresno 40, we have limited our comments to those specific items. If Conditional Use Permit application No. C-12-032 is also being used to finalize plans for the Office and Residential part of the Fresno 40, then our concerns for that phase of development are dealt with in the attached document entitled Office Part of Fresno 40.

OFFICE PART OF FRESNO 40

1. WESTERN ENTRANCE AND EXIT FROM OFFICE COMPLEX

We would suggest that this location be an entrance only point to the office buildings, and that the exit driveway be located further east on Audubon Drive (see fig. 1). Or that both the entrance and exit be placed next to the western side of Office # 2 (see fig. 2). The current location of an exit from the office area directly opposite the left turn / u-turn pocket on Audubon Drive (see fig. 3) creates an unnecessary traffic hazard for residents living in the subdivision north of Audubon Drive for which Colfax Avenue is the main exit and entrance point. Locating the entrance and exit point for the office complex as shown in figure 2, would allow easy access to the four story office and resident complex. All exits from the Fresno 40 onto Audubon Drive should be marked with a right turn only sign.

2. MAINTAIN TREES ON AUDUBON DRIVE MEDIAN

Maintaining the current trees on the median divider along Audubon Drive, in combination with trees and landscaping on the southern side of the street will encourage slower traffic along Audubon Drive. The trees provide a visual impact that causes drivers to go slower than open streets without trees, and this is in keeping with the residential nature of the neighborhood adjacent to the Fresno 40.

3. BICYCLE AND PEDESTRIAN TRAIL ALONG SOUTH SIDE OF AUDUBON DRIVE

The City Planning Department request for a connection between the Sugar Pine Trail and Woodward Park along the south side of Audubon Drive is an excellent addition. All we would suggest is to make it somewhat sinuous to add attractiveness in conjunction with the mounds outlined in the landscape plan for this area.

4. BARRIER TO VEHICLE TRAFFIC BETWEEN COMMERCIAL AREA AND OFFICE COMPLEX

The City's original idea of keeping vehicle traffic ingress and egress from the Commercial/Retail shopping center restricted to Fresno Street and Friant Road is still highly desired and would do a lot to reduce traffic on Audubon Drive.

**SUGGESTIONS TO FRESNO CITY DEVELOPMENT AND RESOURCE
MANAGEMENT DEPARTMENT REGARDING FRESNO 40
CONDITIONAL USE PERMIT APPLICATION NO. C-12-032**

1. DESIGN ELEMENTS TO BREAK THE CURVED WALL OF SHOPS

Break the continuous wall effect of these shops by one or two pedestrian paths between adjacent shops so that pedestrians and bicyclists can easily access the shops of the shopping center from the Sugar Pine Trail. This will help reduce vehicle trips and improve air quality.

2. OUTDOOR EATING AREAS THAT ENCOURAGE USAGE BY USERS OF THE SUGAR PINE TRAIL

Outdoor eating areas on the back side of the “specialty grocery store” with nearby bike racks would be an attractant to the center for users of the Sugar Pine Trail. Placing these eating facilities here would also provide “eyes on the street” (or parking lot) behind the shops. This is in line with Mayor Swearingen’s concept of cafes that place “eyes on the street.”

3. REDESIGN THE BACK SIDE OF THE “WALL OF SHOPS” TO HAVE ENTRANCES

Placing entrances on the Cole Avenue side of these shops would be a further way of encouraging pedestrians and bicyclists to leave the Sugar Pine Trail and enter the shopping center. This redesign could also make the Cole Avenue side of these shops more visually attractive to neighbors along Cole Avenue. The best plan to accomplish this would be to have two openings in the “wall of shops.” An opening on the south side of the shop designated “Major B” as in the original plan, and a second opening between the “specialty grocery store” and the adjacent shops in combination with the outdoor eating area mentioned above. Also placing store entrances on the Cole Avenue side of these shops would allow easy access by users of the Sugar Pine Trail, thus increasing pedestrian and bicyclist patronage of the shopping center.

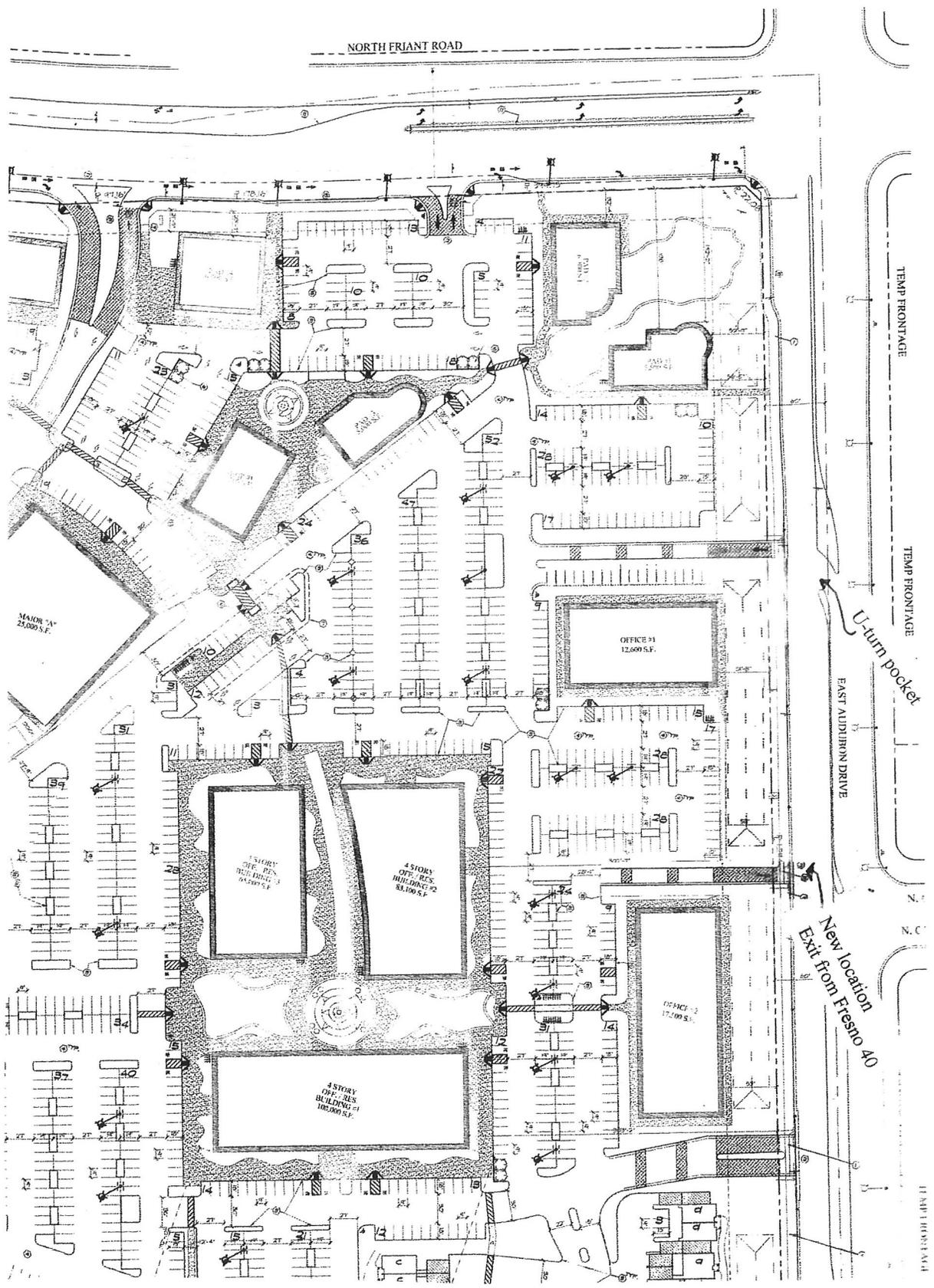


Figure 1. RELOCATION OF WESTERN EXIT FROM OFFICE COMPLEX ON AUDUBON DRIVE. In order to maintain traffic safety at the current U-turn pocket on the north side of Audubon Drive, we suggest moving the exit drive from the Fresno 40 complex to a location further east, adjacent to western side of office #2. At the new exit point a right turn only sign should be placed. The traffic hazard element in the current plan is explained further in figure 3.

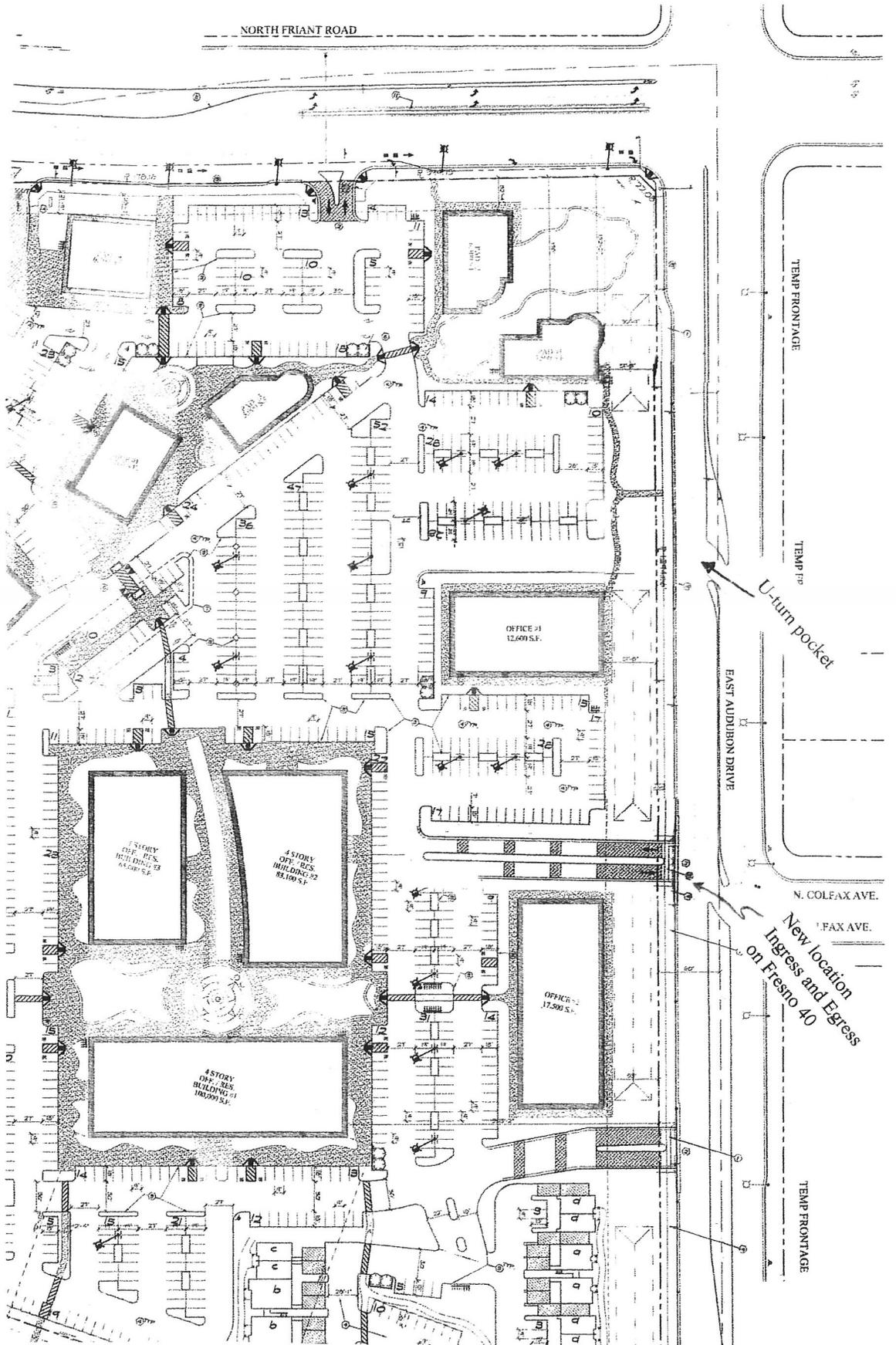


Figure 2. RELOCATION OF ENTRANCE AND EXIT FROM OFFICE COMPLEX FURTHER EAST ON AUDUBON DRIVE. Another alternative design for reducing traffic hazard at current U-turn pocket on the north side of Audubon Drive can be accomplished by moving both the ingress and egress drives on the Fresno 40 complex to a location immediately west of office #2. This exit point should also include a right turn only sign visible to drivers exiting the Fresno 40. The traffic hazard element in the current plan is explained further in figure 3.

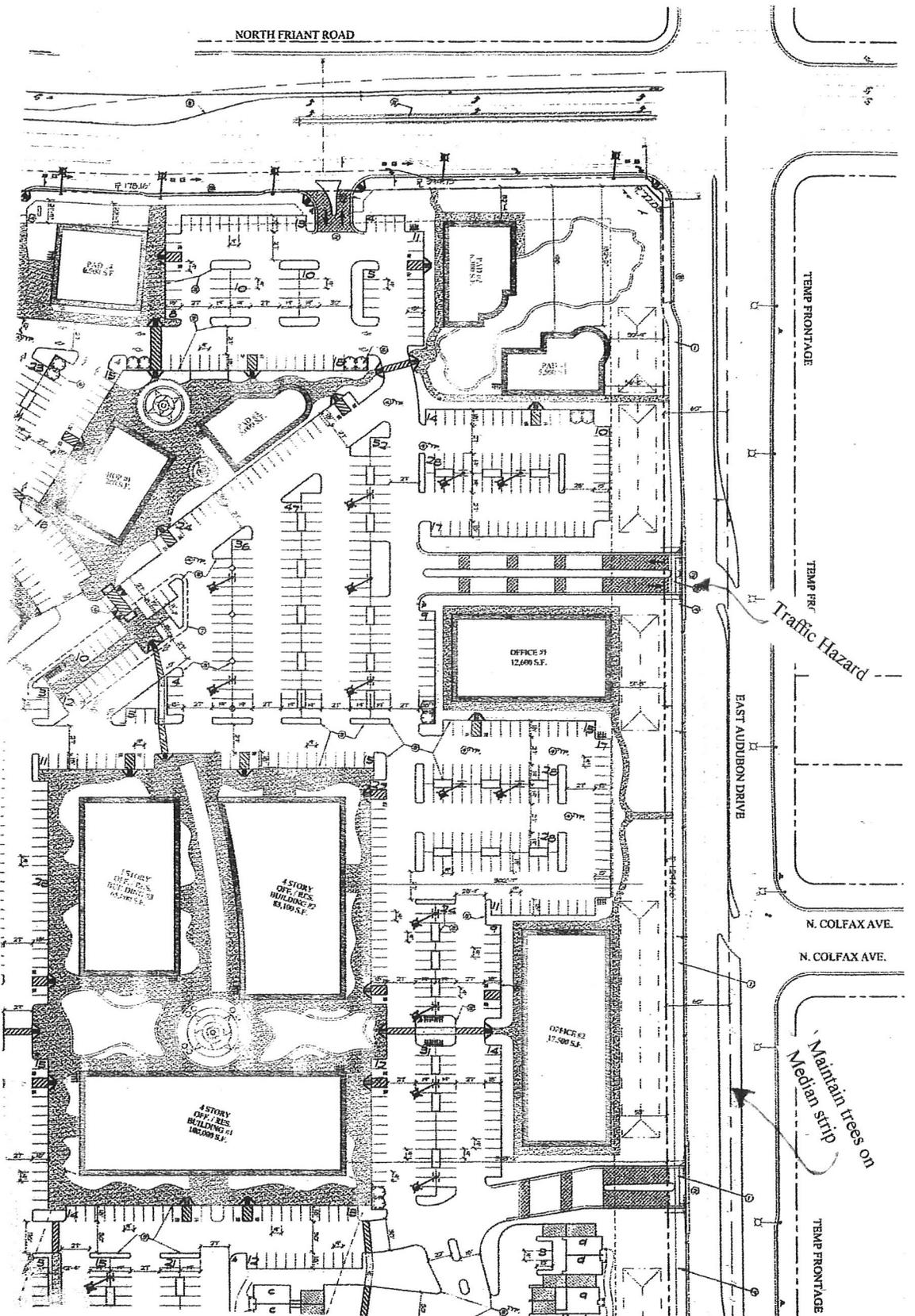


Figure 3. TRAFFIC HAZARD AT U-TURN POCKET ON NORTH SIDE OF AUDUBON DRIVE. Currently proposed design for entrance and exit drives accessing the Fresno 40 office complex creates an unnecessary traffic hazard for residents accessing the U-turn pocket on westbound Audubon Drive. Figures 1 and 3 illustrate different solutions to eliminating that traffic hazard. For at least the last 20 years there has never been an accident involving U-turns at this location.

H. Conditions of Approval C-12-032

Attachments:

- H-1: Operational Statement & Exhibits
- H-2: Comment Letters
- H-3: Conditions of Zoning
- H-4: Master CUP C-08-157 Conditions of Approval
- H-5: Mitigation Monitoring and Reporting Program for EIR No.
10142

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

CONDITIONS OF APPROVAL

OCTOBER 3, 2012

CONDITIONAL USE PERMIT AMENDMENT APPLICATION NO. C-12-032

PART A - PROJECT INFORMATION

1. Assessor's Parcel No: 402-220-37, 60, 61
2. Zone Map No: 1650
3. Job Address: 8550 North Friant Road/175 E Audubon Drive
4. Street Location: Property bounded by Friant Road, Audubon Drive, Cole Avenue and Fresno Street
5. Existing Zoning: R-P/UGM/cz (*Residential and Professional Office District/Urban Growth Management/conditions of zoning*) zone district (12.01 acres)
C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) zone district (15.94 acres)
C-P/UGM/cz (*Administrative and Professional Office District/Urban Growth Management/conditions of zoning*) zone district (10.98 acres)
6. Planned Land Use: Office Commercial and Community Commercial Planned Land Use Designations
7. Plan Areas: Woodward Park Community Plan
2025 Fresno General Plan
8. Project Description: Authorization to construct a 25,000 specialty food store on the C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) portion of the subject property without increasing the overall approved square footage of the Fresno 40 Project, which is 209,650 square feet of retail commercial uses, 278,200 square feet of office commercial uses and 24 multiple family residential uses.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The Fresno City Planning Commission will consider the proposed project on October 3, 2012, and will consider the special permit application subject to the enclosed list of conditions dated October 3, 2012 and

IMPORTANT: PLEASE READ CAREFULLY

Pursuant to section 12-406-J of the Fresno Municipal Code, within 15 days after the date of the Planning Commission's decision, any Councilmember in whose district the project is located, or the Mayor, may refer the decision of the Commission to the Council for review. Failure by any interested person to petition a Councilmember or the Mayor for said appeal shall constitute a failure to exhaust administrative remedies. If no appeal is filed by **5:00 p.m. on October 18, 2012**, the Planning Commission's action is final.

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(Include this note on the site plan.)**

This special permit is granted, and the conditions imposed, based upon the attached Exhibit O (Operational Statement) dated August 17, 2012. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law.

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

Transfer all red line notes, etc., shown on all original site plan exhibit to the final site plan. **CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.**

The exercise of rights granted by this special permit must be commenced by October 3, 2016 (four years from the date of the Planning Commission action). There is no exception.

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

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

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

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

NOTICE TO PROJECT APPLICANT

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

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

PART C – PROJECT SPECIFIC CONDITIONS

1. Comply with the C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) zone district and all other applicable provisions of the Fresno Municipal Code;
2. Comply with all Conditions of Approval for Conditional Use Permit No. C-08-157, all Mitigation Measures described in EIR No. 10142, and all conditions of zoning on the property described in Ordinance Bill 2008-79 (all attached for reference); When specialty food store tenant is known, DARM Director shall confirm compliance with condition of zoning b in Ordinance 2008-79 related to specialty food stores.
3. Provide at least one access point or break in the curved wall of retail shops (depicted as Major A through Major C on attached Exhibit A-1) with a pedestrian connection to the Sugar Pine Trail;
4. Encourage food retailers to include patios oriented toward or visible from the Sugar Pine Trail and ensure adequate pedestrian connections between patios and Sugar Pine Trail;

5. When feasible, provide secondary entrances on some of the "rear" retail elevations facing the Sugar Pine Trail.
6. Relocate the park and ride facility to a location adjacent to the Sugar Pine Trail to facilitate bicycle use. Provide a pedestrian / bike trail access at this location with a recognizable architectural or landscape feature. Include bike racks at this location.
7. Provide a multipurpose trail within the 50-foot setback required along Audubon Drive, pursuant to condition D-11-e of CUP C-08-157 requiring a bicycle/pedestrian connection between the Sugar Pine Trail and the Lewis S. Eaton Trail /Woodward Park. All other design requirements of this setback as stipulated in CUP C-08-157 shall remain in effect.
8. Provide a direct landscaped pedestrian walkway from the office buildings to the retail shops.
9. Provide a conceptual phasing plan of the project (acknowledging that this would be subject to change based on market conditions).
10. Exercise of the special permit shall take place in accordance with all city, county, state and federal laws and regulations.
11. Comply with all attached comment letters from City Departments and Partner Agencies:
 - a. City of Fresno Public Works Dept Traffic and Engineering Services Division Memos dated July 16, and July 18, 2012;
 - b. City of Fresno Public Works Department Engineering (Street Tree) Memo dated April 13, 2012
 - c. Caltrans Memo dated April 24, 2012
 - d. City of Fresno Fire Department memo dated April 6, 2012
 - e. City of Fresno Dept of Public Utilities, Solid Waste Division memo dated April 9, 2012;
 - f. City of Fresno Dept of Public Utilities, Sewer Division memo dated April 4, 2012
 - g. City of Fresno Dept of Public Utilities, Water Division memo dated April 26, 2012

Attachments:

- H-1: Operational Statement and Exhibits
- H-2: Comment Letters
- H-3: Conditions of Zoning
- H-4: Conditions of Approval of CUP C-08-157
- H-5: Mitigation Measures from EIR No. 10142

H-1: Operational Statement & Exhibits

| | | |
|---------------------------------------|------------------|---------------------|
| APPL. NO. <u>C-12032</u> | EXHIBIT <u>0</u> | DATE <u>8.17.12</u> |
| PROJ. ENG. _____ | DATE _____ | |
| TRAFFIC ENG. _____ | DATE _____ | |
| COND. APPROVED BY _____ | DATE _____ | |
| CITY OF FRESNO DEVELOPMENT DEPARTMENT | | |

PROJECT DESCRIPTION

CURRENT APPLICATION:

This application is for a Conditional Use Permit, (pursuant to Section 5, subsection b. on page 8, of Fresno City Council Ordinance No. 2008-79, approving Rezone Application No. R-08-14), for an approximately 25,000 square foot specialty grocery and food sales store, to be located in the location herein described, upon the Fresno 40 project, which project was the subject of said application and ordinance. This application includes an incidental minor amendment of the site plan. Said ordinance provides: "Notwithstanding the above, the Planning and Development Director, subject to the approval of a conditional use permit (CUP), may allow a specialty grocery and food sales . . . stores. . . over 15,000 square feet in gross building area. The primary purposes of the CUP are to: (1) evaluate and limit excessive peak hour vehicle trips (2) permit retail uses that are compatible with the entire Fresno 40 office/retail/residential mixed-use project and (3) ensure a proper interface and compatibility with surrounding properties and uses." This application is for a specialty grocery and food sales store of approximately 25,000 square feet. The minor amendment of the site plan is for a minor relocation of this store as depicted in the attached site plan.

PREVIOUSLY APPROVED ENTITLEMENTS:

The existing approved entitlements include Resolution 2008-357, certifying EIR No. 10142; Resolution 2008-358 approving Plan Amendment No. A-08-10 amending General Plan, for approx. 15.94 acres from office to community commercial; Ordinance Bill 2008-79 approving Rezone Application No. R-08-14 to rezone approximately 15.94 acres from CP/UGM/cz and RP/UGM/cz to C-2/UGM/cz and Resolution 2008-359 approving Conditional Use Permit Application No. C-08-157 for 209,650 square feet of retail, 278,200 square feet of office and 24 multifamily residential units.

DESCRIPTION OF PROPOSED SPECIALTY GROCERY AND FOOD SALES USE:

The proposed use is for a specialty grocery and food store (herein "specialty store"). Such store shall consist of approximately 25,000 square feet and shall be engaged in the business of selling groceries, foods, and other related or specialty items. The expected hours of operation for the specialty store at the subject site are between 7 a.m. and 11 p.m., but those hours can be subject to change. The use may include the sale of beer, wine and other alcoholic beverages. Because of the limited floor and shelf space of the proposed specialty store, it cannot carry the same wide variety of products that a supermarket can carry and of those products the specialty store does carry, it does not have the shelf space to carry the same depth of name brand and off brand products that are carried in supermarkets. Supermarkets for example, can contain three to four times the floor and shelf space of a specialty store. The specialty store may sell meat, fish and poultry, produce, baked good, candy, dry grocery products, dairy products, prepared foods and other related items. These items may be similar to items carried in supermarkets, but as mentioned, due to the limited floor and shelf space the specialty store, by necessity, will be required to be selective in the selection of products and the brands of those products to be sold and will not be able to carry the same wide variety of products and brand names found in a supermarket.

Specialty markets may be chains, independent retailer, franchises and cooperatives. While the specific nature and focus of the proposed specialty store is not known at this time, specialty stores typically develop a business plan and marketing strategy designed to meet a local market niche. The marketing strategies of specialty stores are broad, varied and can change over time as the economy, market conditions, consumer

needs, tastes and habits and other relevant factors change. Some of the marketing strategies that have been and may be employed by a specialty store include but are not limited to the following:

1. Selection of product lines and mixes which the operator determines will best serve the needs and desires of customers of the local area served. The types of product lines are extremely varied depending upon the marketing approach of the specific specialty store. Some of the potential options may include some combination of the following features and/or product lines:
 - a. Products designed to serve a particular nationalities, religious observances, dietary practices or cuisines.
 - b. Organic, healthy or natural products.
 - c. Products which feature locally grown and produced products rather than products from other areas.
 - d. Products which feature unique or hard to find or specialty products.
 - e. Lines of wine, beer and other alcoholic beverages, which may include lines that a traditional supermarket normally would not carry.
 - f. Lines of cheese or dairy products.
 - g. Products related to health and fitness, vitamins, supplements, natural living products for skin and body, herbal formulas, beauty products and other related items.
 - h. Product lines of cookware, utensils, electrical appliances, cutlery, dinner ware, silverware, glass ware, table settings, cooking tools and aids and other food related items.
 - i. Product lines for party and entertaining products.
 - j. Product lines may include readymade or made to order sandwiches, deli products and other prepared foods.
 - k. Specialty stores may have areas with tables and chairs for in store dining.

2. Specialty grocery stores and food sales uses are sometimes defined by marketing strategies that focus on the level, or type, of customer service that is provided to customers. The level and nature of the service can vary widely depending upon the business plan of the store. Specialty stores can have levels of customer service equal to, greater than or less than levels of service provided by supermarkets, depending upon the business plan and marketing strategy of the particular specialty store. Those strategies may include the following:
 - a. Those specialty stores that are able to take advantage of volume purchasing may have very competitive pricing of some or all of their products and therefore place less emphasis on customer service.
 - b. Others may place great emphasis on providing prompt and efficient service to the customer that cannot be found in the big box supermarkets. Depending on the business plan, the specialty store may have cut to order butcher service; staff knowledge about specialty and international product lines, including cheese and other dairy products, oils and spices, or other unique items; and staff manned counters for fish, poultry, meats and other similar products. They may have on hand personnel trained in the culinary arts that can provide advice on the cooking and preparation of food products to the customer, and even demonstrations of such skills. They may have a greater number of staff persons per square footage to serve and help customers with finding and selecting products.
 - c. Specialty stores may allocate staff and floor-space for events such as wine tastings, cheese sampling, and the exploration of other similar fine products
 - d. Specialty stores may provide their customers with the ability to place and fill orders for unique and specialty items.

3. Marketing strategies may be related to the customer base of the specialty store. Some may target not only the general public, but also seek to market to and service the needs of local businesses such as restaurants, catering companies and other food related businesses as well as office and corporate customers.
4. Marketing strategies may include competitive pricing. Those specialty stores that can take advantage of volume purchasing discounts may have very competitive prices on some or all of their products. Others may carry bulk or large quantity sized products which can be marketed at competitive prices.

SUBJECT PROPERTY:

The Subject Property is an approximately 25,000 square foot building (identified in the site plan attached hereto as the "Specialty Grocery and Food Sales Store") to be located upon the 15.94 acre C-2/UGM/cz Community Shopping Center zone district within the Fresno 40 Project (which C-2 zone district is identified in the attached zone map). The balance of the Fresno 40 Project consists of office commercial and multiple family residential units as described herein. The precise location of such building may vary slightly, but the depicted location is the approximate location of such building and use. The Fresno 40 Project consists of approximately 38.93 acres, which has been approved for 209,650 square feet of retail commercial uses, 278,200 square feet of office uses and 24 multiple family residential dwelling units by the entitlements listed herein above. This application shall not increase the square footage of retail commercial uses, which shall remain a total of up to 209,650 square feet. The Fresno 40 Project, of which the Subject Property is a part, is located between North Friant Road, North Fresno Street, East Cole Avenue, and East Audubon Drive. The Fresno 40 Project consists of A.P.N 402-220-37, 60 and 61. The entire Fresno 40 Project consists of bare ground which has not yet been developed. The subject Project is located within the Woodward Park Community Plan.

APPLICANT:

This application is being submitted by DeWayne Zinkin, whose contact information is set forth on the Master Application Form, of which this PROJECT DESCRIPTION is a part.

ENVIRONMENTAL ASSESSEMENT:

The Fresno 40 Project and its potential environmental impacts, as well as any mitigation measures and overriding considerations, were thoroughly studied in EIR 10142, which was approved and certified by the Fresno City Council by Resolution 2008-357. Such action by the Council was challenged by legal action and upheld by the Fresno County Superior Court and the Fifth District Court of Appeal. This project is consistent with the approved entitlements.

EVALUATION OF FACTORS RELEVANT TO THIS CUP:

Ordinance No. 2008-79, approving Rezone No. R-08-14 set forth the primary purposes of the CUP as noted herein above under the heading of Current Application:

1. Evaluate and limit excessive peak hour vehicle trips: The daily and peak hour traffic of the entire Fresno 40 project was thoroughly studied in EIR 10142. Mitigation measures were adopted as feasible and overriding considerations were adopted by the Fresno City Council. The project contains a specific limitation of 12,400 vehicle trips per day as determined by the ITE Trip Generation, Fourth Edition (see R-08-14 and C-08-157 for mitigation measures and conditions of approval). While Supermarkets are expressly prohibited, as those uses are defined in Fresno Municipal Code Section 12-105-S-36, a specialty grocery and food sales store is permitted without any further entitlement, provided that it does not exceed 15,000 square feet. Therefore, the issue presented by this application, is whether a CUP should be approved to permit a specialty grocery and food sales store which is approximately 10,000 square feet larger, or 25,000 square feet. The integration of a larger specialty grocery/food sale store will not result in any new impacts. First, it is important to note that, the overall square footage of the project will remain unchanged as analyzed in the certified EIR. The entire project will also continue to adhere to the requirement of limiting trip generation to no more than 12,400 vehicle trips per day. This will be monitored by the City of Fresno, Planning and Development Department. As discussed in section 4-11 of the EIR, traffic generated by a grocery or food store is typically disbursed throughout the entire day and on weekends; hence, is not concentrated during peak hour traffic periods. Moreover, the reallocation of 10,000 square feet under this CUP to specialty grocery/food sale, from other, more peak hour generating uses, previously contemplated by the EIR, is anticipated to lessen overall peak hour trips. Further, the relationship of the uses within the entire project, including offices, retail and residential, as noted herein, would result in shared trips; thereby, reducing peak hour traffic and promoting the symbiotic interaction contemplated by the mix of such uses in a single project.
2. Permit retail uses that are compatible with the entire Fresno 40 office/retail/residential project: The specialty grocery or food store was a use contemplated in the EIR and previously approved applications and entitlements. This use is compatible with the C-2 zone district in which it will reside. It is further consistent with the residential units within the project and neighboring residential communities. The mix of uses offers opportunities for pedestrian traffic from the residential and office components to walk and shop, as well as facilitate the reduction in vehicular traffic from the surrounding neighborhoods to a more distant grocery or food store. The presence of the specialty grocery and food store within the project will provide the consumers within the office projects and residential units with an alternative for lunches and other meals which will reduce the need for such residents and office workers to use their automobiles during lunch hours, breaks and other such occasions. Prior to approval of the current entitlements the Owner engaged in numerous discussions with neighbors and with representatives of the local owners associations. Through such discussions, the project evolved to accommodate concerns of such individuals. Unfortunately, some of the requests could not feasibly be accommodated, which lead to the court challenge that ultimately was decided in favor of the project proponents. Nevertheless, the project does contain elements that resulted from the discussions with neighbors, such as: connectivity to the Sugar Pine Trail, orientation of the retail development away from the residential area to the north, extensive berms and landscape areas to buffer views, design of single story office buildings with a residential character, elimination of large box users such as supermarkets and large home improvement stores, circulation of vehicular and pedestrian movements within the entire project, unifying architectural and landscaping materials, and other such elements. The entire project implements the General Plan 2025 goal of mixing residential, office and retail uses within the single development. The proposed use is a permitted use under Fresno City Municipal Code Section 12-218 (C-2 Community Shopping Center District).

3. Ensure a proper interface and compatibility with surrounding properties and uses: The entire project was conceived as a mixed use project, inherently providing a reduction in traffic by combining office, retail and residential units into a single development. The specialty grocery or food store has been an important and integral part of the design, providing such opportunities as illustrated herein. The architectural treatment of the proposed project provides for architectural harmony within the entire project. Landscaping materials and set backs are used to buffer views and enhance aesthetics. Connectivity to the Sugar Pine Trail further enhances the compatibility with surrounding properties and uses.

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR ZONE C-2

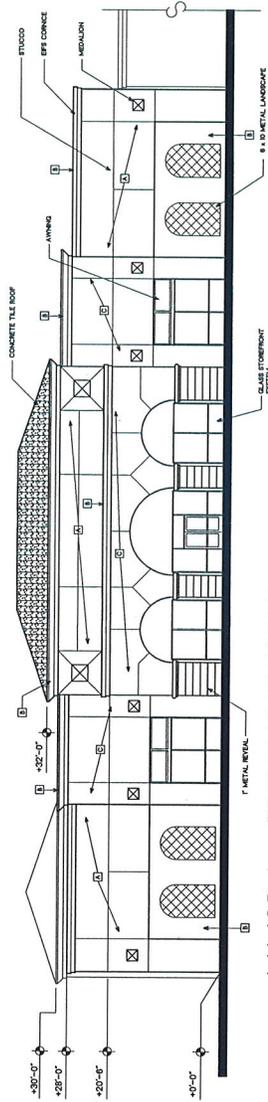
That portion of Parcels A and B of Parcel Map No. 91-22 recorded in Book 53 at Pages 51 and 52, Fresno County Records, more particularly described as follows:

BEGINNING at the south most corner of said Parcel A; thence North 46°56'32"East along the Easterly line of said Parcel A, also being the Westerly right of way of East Cole Avenue, a distance of 559.34 feet; thence North 43°03'28"West, a distance of 37.19 feet; thence North 46°56'32"East, a distance of 303.57 feet; thence North 11°17'52"East, a distance of 174.98 feet; thence North 78°42'08"West, a distance of 132.70 feet; thence North 03° 11' 31" West, a distance of 359.02 feet; thence South 83° 35' 04" West, a distance of 15.53 feet; thence North 11° 01'16" West, a distance of 187.57 feet; thence South 71° 42' 13" West, a distance of 330.37 feet; thence North 00° 00' 01" West, a distance of 130.73 feet; thence North 53° 32' 31" West, a distance of 146.55 feet to a point on the Westerly line of said Parcel A, also being the Easterly right of way line of North Friant Road, also being the beginning of a non-tangent curve concave to the Northwest, having a radius 2897.91 feet, a radial line bears South 58° 22' 10" East; thence Southwesterly along said curve through a central angle of 08° 03' 35", a arc distance of 407.65 feet; thence South 16°11'30"West, a distance of 17.44 feet to the being the beginning of a non-tangent curve concaved to the Northwest, having a radius of 2904.91 feet, a radial line bears South 49°59'39"East; thence Southwesterly along said curve through a central angle of 01°41'45", an arc distance of 85.98 feet; thence South 04°43'11"East, a distance of 21.10 feet along the Southwesterly line of said Parcel A, also being the Northeasterly right of way of North Fresno Street; thence South 51°26'42"East, a distance of 8.93 feet to the beginning of a tangent curve concaved to the Southwest, having a radius of 620.00 feet, a radial line bears North 38°33'18"East; thence Southeasterly along said curve through a central angle of 17°37'29", an arc distance of 190.72 feet; thence South 16°08'20"East, a distance of 36.12 feet to the beginning of a non-tangent curve concaved Westerly, having a radius of 610.00 feet, a radial line bears North 59°24'51"East; thence Southerly along said curve through a central angle of 24°27'20", an arc distance of 260.37 feet; thence South 06°07'49"East, a distance of 98.05 feet; thence South 29°45'35" East, a distance of 17.46 feet; thence South 06°07'49"East, a distance of 91.74 feet; thence South 51°07'49"East, a distance of 20.57 feet; thence North 83°52'11"East, a distance of 103.00 feet; thence South 06°07'49" East, a distance of 88.00 feet; thence South 83°52'11"West, a distance of 100.00 feet; thence South 38°52'11"West, a distance of 20.57 feet; thence South 06°07'49" East, a distance of 181.46 feet; thence South 12°22'18"West, a distance of 33.53 feet; thence South 4°59'08"East, a distance of 76.98 feet to the **TRUE POINT OF BEGINNING**.

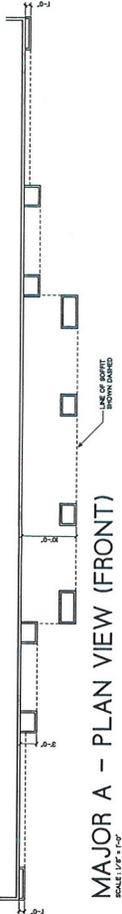
Area contains 15.94 Acres.

| REVISIONS | |
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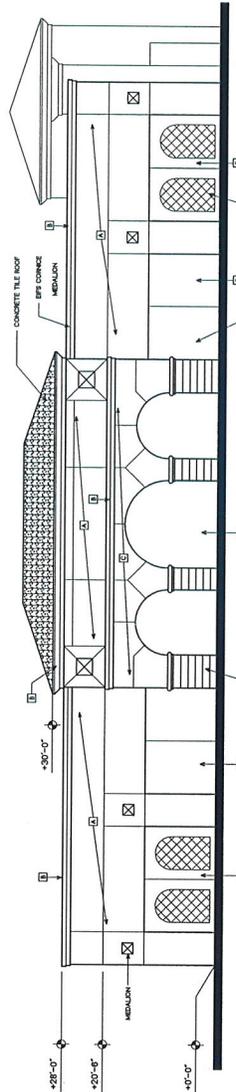
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|----------------|---------------------|
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| B. | ACCENT COLOR |
| C. | ROOF COLOR |
| D. | METAL FINISH |



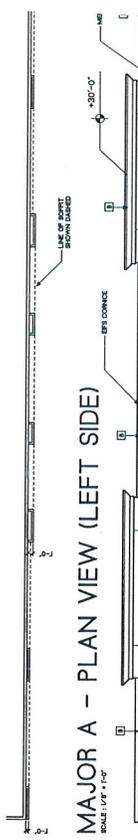
MAJOR A - FRONT ELEVATION
SCALE 1/8" = 1'-0"



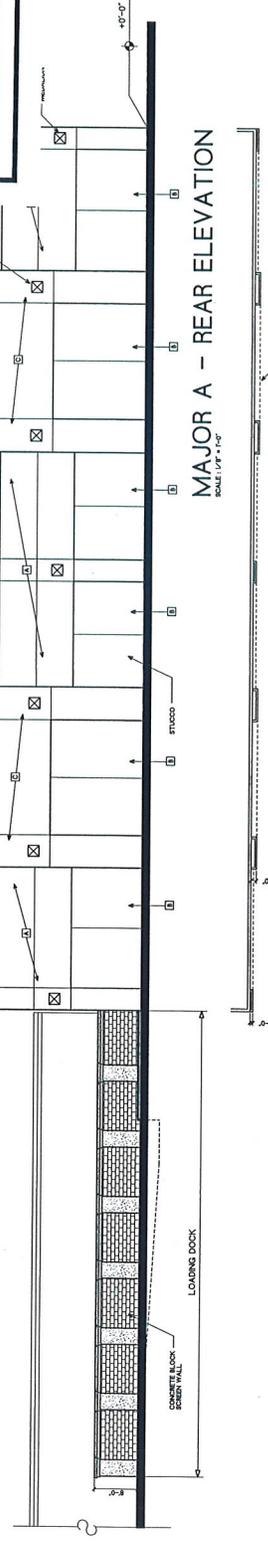
MAJOR A - PLAN VIEW (FRONT)
SCALE 1/8" = 1'-0"



MAJOR A - LEFT ELEVATION
SCALE 1/8" = 1'-0"



MAJOR A - PLAN VIEW (LEFT SIDE)
SCALE 1/8" = 1'-0"



MAJOR A - REAR ELEVATION
SCALE 1/8" = 1'-0"

MAJOR A - PLAN VIEW (REAR)
SCALE 1/8" = 1'-0"

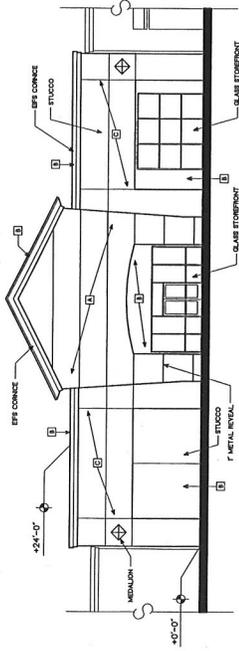
APPL. NO. **C-12-032** - REVISED - **E-1** DATE **3-16-12**
 PREP. BY: _____ DATE _____
 CHECKED BY: _____ DATE _____
 COND. APPROVED BY: _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

Plans Preliminary Only
 Plans Must Comply with:
 1. Conditions of Zoning in Ord. Bill 2008-79
 2. Conditions of Approval for Master CUP c-08-157
 3. Mitigation Measures in EIR No. 10142
 4. Conditions of Approval for C-12-032

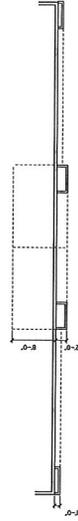
William J. Smith
 Mechanical Engineer
 License No. 50822
 State of California
 DATE: MAR 12, 2012
 JOB NO: 032
A-4
 OF SHEETS

SEE SHEET A-4.1 FOR STREET ELEVATION VIEW

| NO. | DATE | REVISIONS |
|-----|------|-----------|
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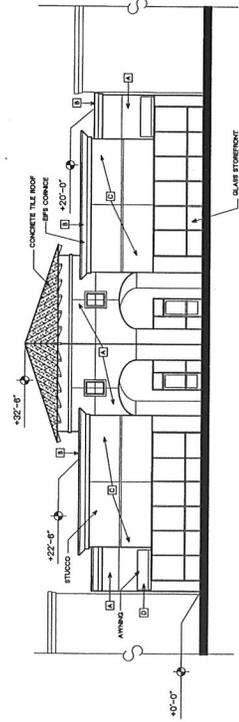


MAJOR B - FRONT ELEVATION
SCALE: 1/8" = 1'-0"

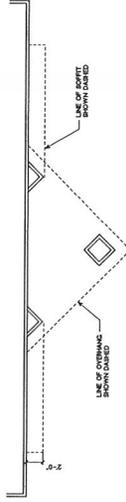


MAJOR B - PLAN VIEW
SCALE: 1/8" = 1'-0"

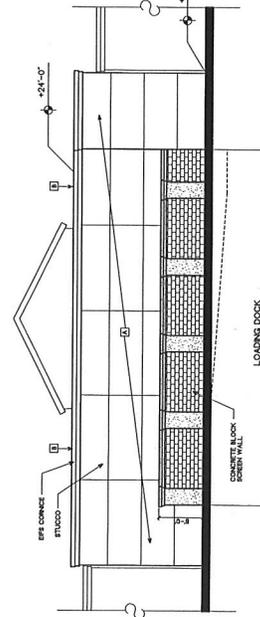
| COLOR SCHEDULE | |
|----------------|--------------|
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| B. | ACCENT COLOR |
| C. | ACCENT COLOR |
| D. | METAL FINISH |



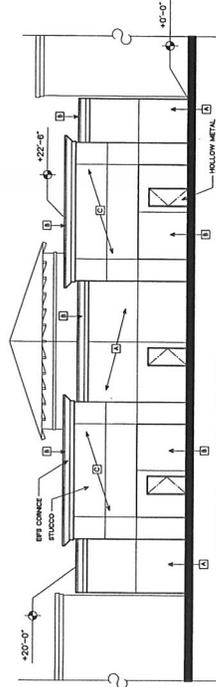
SHOP 1 - FRONT ELEVATION
SCALE: 1/8" = 1'-0"



SHOPS 1 - PLAN VIEW (FRONT)
SCALE: 1/8" = 1'-0"



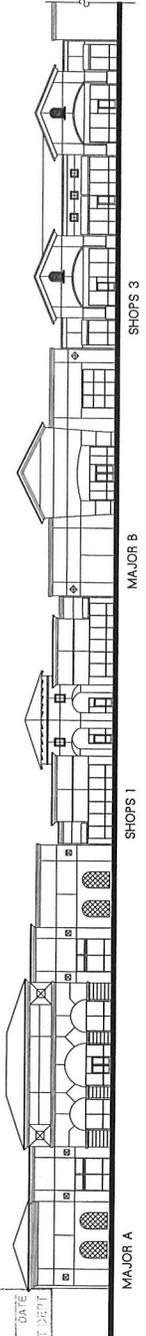
MAJOR B - REAR ELEVATION
SCALE: 1/8" = 1'-0"



SHOP 1 - REAR ELEVATION
SCALE: 1/8" = 1'-0"

Plans Preliminary Only
Plans Must Comply with:
1. Conditions of Zoning in Ord. Bill 2008-79
2. Conditions of Approval for Master CUP c-08-157
3. Mitigation Measures in EIR No. 10142
4. Conditions of Approval for C-12-032

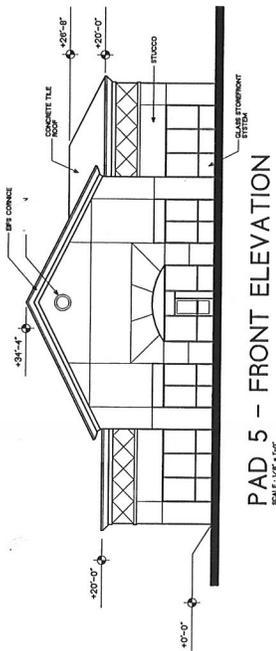
APPL. NO. **C-12-032** EXHIBIT **E-2** DATE **3-16-12**
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.



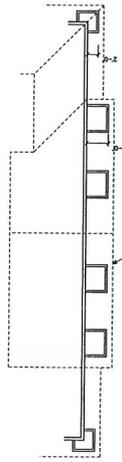
STREET ELEVATION VIEW
SCALE: 1/8" = 1'-0"



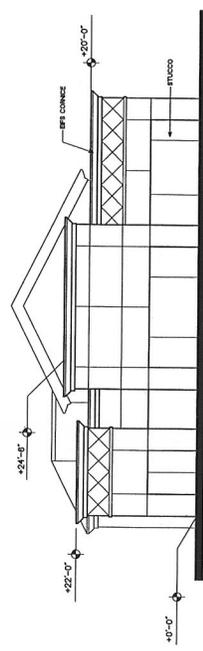
Widespread, Inc.
 1302 N. 9th St., Suite 2
 Fresno, CA 93721
 DATE: MAR 8, 2012
 JOB NO: 10142
A-4.1
 OF 4 SHEETS



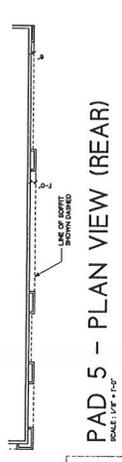
PAD 5 - FRONT ELEVATION
SCALE: 1/8" = 1'-0"



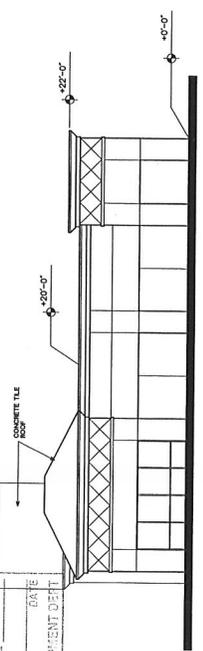
PAD 5 - PLAN VIEW (FRONT)
SCALE: 1/8" = 1'-0"



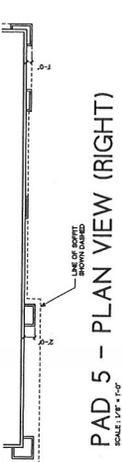
PAD 5 - REAR ELEVATION
SCALE: 1/8" = 1'-0"



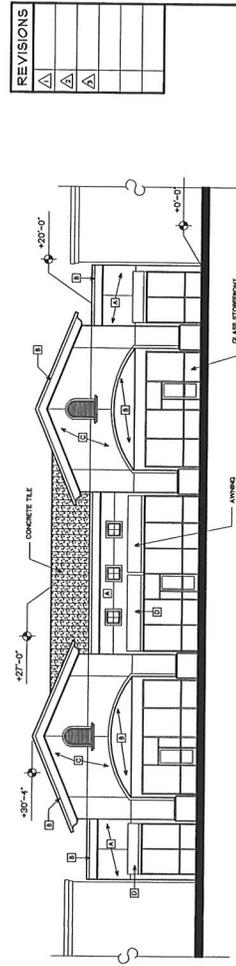
PAD 5 - PLAN VIEW (REAR)
SCALE: 1/8" = 1'-0"



PAD 5 - RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



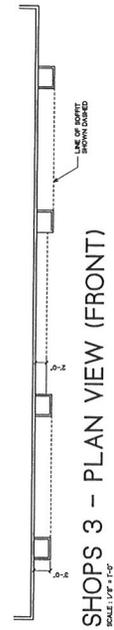
PAD 5 - PLAN VIEW (RIGHT)
SCALE: 1/8" = 1'-0"



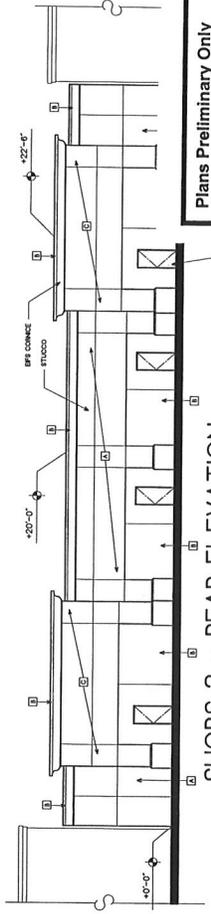
SHOPS 3 - FRONT ELEVATION
SCALE: 1/8" = 1'-0"

COLOR SCHEDULE

| | | |
|----|---------------------|--------------------------|
| A. | MAIN BUILDING COLOR | <input type="checkbox"/> |
| B. | ACCENT COLOR | <input type="checkbox"/> |
| C. | ACCENT COLOR | <input type="checkbox"/> |
| D. | METAL FINISH | <input type="checkbox"/> |



SHOPS 3 - PLAN VIEW (FRONT)
SCALE: 1/8" = 1'-0"



SHOPS 3 - REAR ELEVATION
SCALE: 1/8" = 1'-0"

Plans Preliminary Only
Plans Must Comply with:

1. Conditions of Zoning in Ord. Bill 2008-79
2. Conditions of Approval for Master CUP c-08-157
3. Mitigation Measures in EIR No. 10142
4. Conditions of Approval for C-12-032



SHOPS 3 - PLAN VIEW (REAR)
SCALE: 1/8" = 1'-0"

APPL. NO. **C-12-032** - **EXHIBIT E-3** DATE **3-16-12**
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

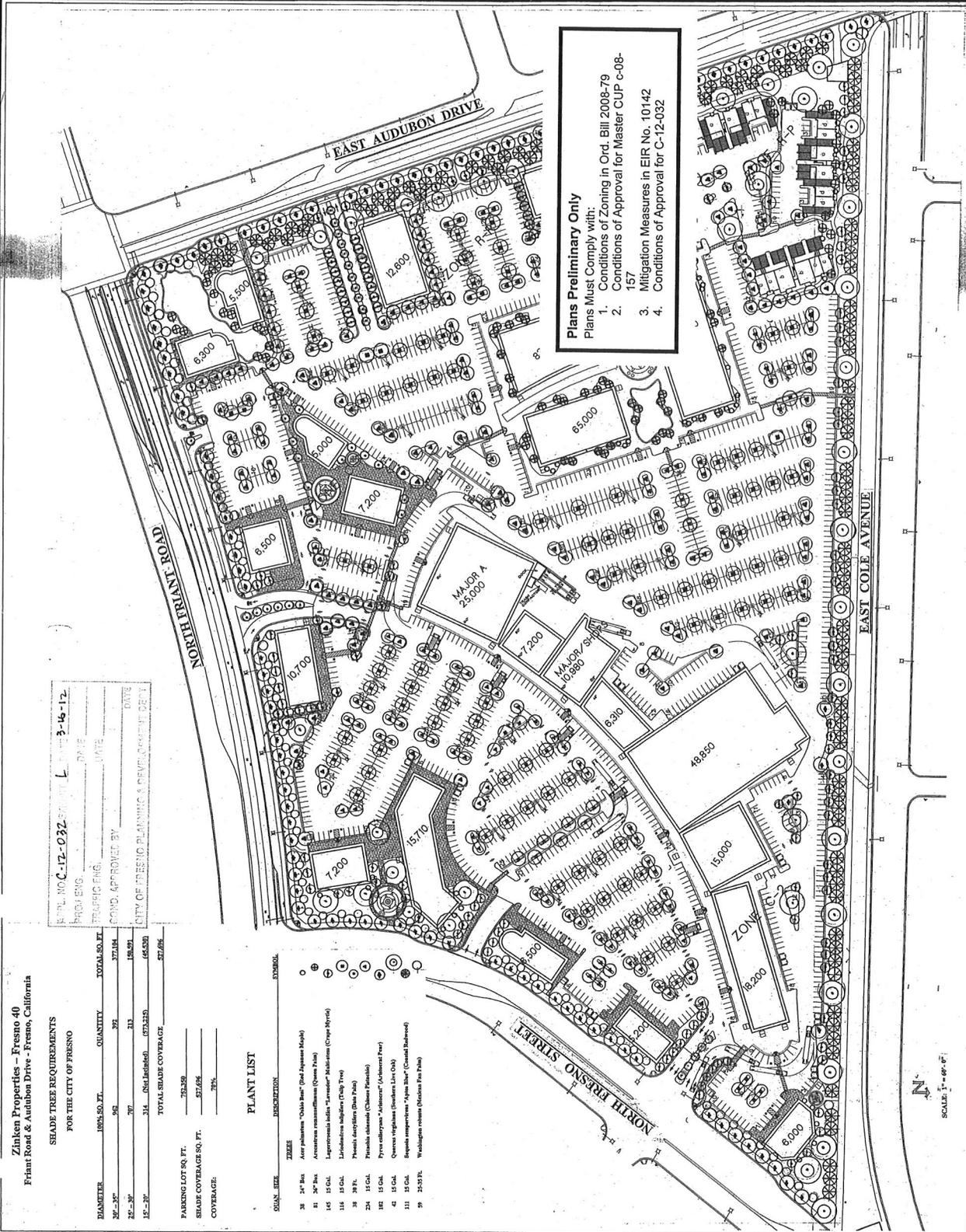
| NO. | DATE | REVISIONS |
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MASTER SITE
LANDSCAPE PLAN

Associates
LANDSCAPE ARCHITECTS / L.C. NO. 1111
2904 N. BLACKSTONE AVENUE, SUITE A, FRESNO, CALIFORNIA 93703
209/227-5494
FAX 209/222-5658

FRESNO 40 DEVELOPMENT
FRIANT ROAD & FRESNO STREET
FRESNO, CALIFORNIA

Job no. _____
date _____
sheet no. **17**



Plans Preliminary Only
Plans Must Comply with:
1. Conditions of Zoning in Ord. Bill 2008-79
2. Conditions of Approval for Master CUP c-08-157
3. Mitigation Measures in EIR No. 10142
4. Conditions of Approval for C-12-032

FILE NO. C-12-032
TRAFFIC ENG. DATE 3-16-12
COND. APPROVED BY DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

Zinken Properties - Fresno 40
Friant Road & Audubon Drive - Fresno, California

SHADE TREE REQUIREMENTS
FOR THE CITY OF FRESNO

| DIAMETER | 100% SQ. FT. | QUANTITY | TOTAL SQ. FT. |
|-----------------------|--------------|----------|---------------|
| 24" - 30" | 92 | 397 | 37,114 |
| 30" - 36" | 707 | 213 | 148,521 |
| 36" - 48" | 314 | 107,540 | 165,820 |
| TOTAL SHADE COVERAGE: | | | 251,456 |

PARKING LOT SQ. FT. 79,428
SHADE COVERAGE SQ. FT. 251,456
COVERAGE 78%

PLANT LIST

| QUAN. | SIZE | DESCRIPTION | SYMBOL |
|-------|---------|---|--------|
| 38 | 24" Box | Acacia salicina "Ovala Blue" (Oak Japanese Maple) | ○ |
| 81 | 30" Box | Acrostichum sp. (Ovala Blue) | ○ |
| 145 | 15 Gal. | Lagotis linearis "Lagotis" (Orange) | ○ |
| 116 | 15 Gal. | Lagotis linearis "Lagotis" (Orange) | ○ |
| 38 | 30" Pl. | Pinus ponderosa (Blue Pine) | ○ |
| 24 | 15 Gal. | Pinus ponderosa (Blue Pine) | ○ |
| 182 | 15 Gal. | Pinus ponderosa (Blue Pine) | ○ |
| 42 | 15 Gal. | Pinus ponderosa (Blue Pine) | ○ |
| 111 | 15 Gal. | Pinus ponderosa (Blue Pine) | ○ |
| 59 | 24" Pl. | Pinus ponderosa (Blue Pine) | ○ |

SCALE 1" = 40' FT.

H-2: City Department and Partner Agency Comment Letters



DATE: July 16, 2012

TO: Sophia Pagoulatos, Supervising Planner
Development and Resource Management Department

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

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

SUBJECT: Fresno 40 Development – Trip Generation Review of Conditional Use Permit
Application No. C-12-0320

The City of Fresno Traffic Engineering staff has reviewed Conditional Use Permit Application (CUP) No. C-12-0320 to determine if the proposed site plan amendment will cause an increase in the number of projected project trips analyzed as part of EIR No. 10142. The CUP amends the site plan included in EIR No. 10142 to increase the area of the specialty grocery and food sales store from 15,000 square feet to 25,000 square feet keeping the total retail square footage at 209,650 square feet and the total project square footage and uses unchanged, as analyzed in the certified EIR. The total daily trips would remain below the conditioned limit of 12,400 daily vehicle trips with the square footage increase in the specialty grocery and food sales store.

The City of Fresno Traffic Engineering staff has determined that the proposed site plan amendment, CUP No. C-12-0320, will not cause an increase in the number of projected project trips as analyzed and shown in EIR No. 10142. The requirement that the project generate no more than 12,400 daily vehicles trips would not be affected by the amendment.



DATE: July 18, 2012

TO: Sophia Pagoulatos
Development and Resource Management Department

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

SUBJECT: Conditions of Approval for **C-12-032** (formerly **C-05-216** and **C-08-157**)
APN: **402-220-37, 402-220-60** and **402-220-61**
ADDRESS: Friant: between Fresno and Audubon
175 East Audubon, 8550 North Friant Road

SITE PLAN REQUIREMENTS: **In addition to what was previously asked for in the conditions dated December 10, 2008, please provide the following information prior to Building Permits:**

A. General Requirements

1. **Legend:** Provide additional line types and utility symbols

B. Offsite Information:

1. **Landscape and Feature Maintenance:** Annex into a Community Facilities District (CFD) or other approved mechanism. Contact Ann Lillie at (559) 621- 8690 to begin the process. (approximate process is 8 weeks)

C. Onsite Information:

1. **Access:** Provide turning templates on the site plan for all large vehicles.
2. **Parking Lot:**
 - a. **6" High Wheel Stops:** Identify in legend.
 - b. **Circulation Aisles:** provide widths
 - c. **Lighting:** Provide detail.
 - d. **Loading zones:** provide dimensions (12' x 40' min.)
3. **Gated entry to Multi-family units:** Provide details at a larger scale which include gate widths, keypad location, on-site turn-around, etc.

D. Other Important Information:

1. **Parcel Maps:** Provide reference numbers (existing **PM 91-22**) (**proposed PM 2010-07**). If the Parcel Map is recording prior to permits, provide parcel lines on the site plan.

PUBLIC IMPROVEMENT REQUIREMENTS- **The following comments are in addition to the conditions that are attached dated December 10, 2008.**

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

Street Dedications, Vacations and Encroachment Permits

Audubon Drive: Scenic Arterial

1. Dedicate a pedestrian easement to accommodate a **10'** sidewalk pattern at the bus bay. (An additional dedication may be required if a multi-purpose trail is constructed.

Deed documents for the required dedications must conform to the format specified by the city and shall be prepared the applicant's engineer. The cost of deed document processing and recordation fee must be paid at the time of deed submittal and submitted with verification of ownership **prior** to the issuance of building permits. For information regarding the format or submittal requirements contact the City of Fresno Public Works Department, Traffic and Engineering Services Division (559) 621-8694.

Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45 MPH** design speed for Collectors and **55 MPH** for Arterials. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer.

Street Construction Plans are required and shall be approved by the City Engineer.

The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, Traffic and Engineering Services Division at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

Repair all damaged and/or off grade off-site concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current ADA regulations. All existing sidewalks in excess of 2% maximum cross slope must be brought into compliance **prior** to acceptance by Public Works.

Fresno Street: Arterial

1. All existing driveway approaches which no longer provide access to approved vehicle parking areas shall be removed unless otherwise approved by the City Engineer. Such areas shall be reconstructed with curb, gutter, and sidewalk to match existing adjacent street improvements. This work shall be completed and accepted **before** a Permit of Occupancy is issued or the building is occupied per Fresno Municipal Code (FMC) 11-209.
2. Convert the dual left turn to a single southbound left from Fresno Street to the subject property.
3. Modifications to the most southerly entry will need to be modified per the current City Traffic Engineer.
4. FAX has required that the signal at the most southerly entrance along Fresno Street be accommodated with Transit Signal Priority. Coordinate with the City Traffic Engineer.

Audubon Drive: Scenic Arterial

1. A multi-purpose trail may be substituted for the previously required sidewalk. For design criteria reference Public Works Standards **P-58, P-59, P-60 and P-61**.
2. Remove existing improvements and install required improvements to new street alignment and grade.
3. Construct an **80'** bus bay curb and gutter at the southwest corner of Audubon and Friant to Public Works Standard **P-73**, complete with a **10'** monolithic sidewalk.

Off-Street Parking Facilities and Geometrics: Additional conditions to follow upon submittal of a complete and revised site plan.

Trip Generation: To be determined at building permit

Correct the site plan to comply with the maximum number of square feet allowed.

Landscape and Feature Maintenance:

1. The Owner of commercial, industrial and multi-family developments shall be responsible for providing maintenance for certain required public improvements associated with this application and as approved by the Public Works Department. The following are eligible items:
 - Maintenance of **LANDSCAPING AND HARDSCAPING** constructed or installed in **MEDIAN ISLANDS** in all City streets (Major and Local).
 - Maintenance of all existing or installed required City **STREET TREES**.
 - Maintenance of City **LOCAL STREET** paving, curbs and gutters, valley gutters, curb ramps, sidewalks, street name signs and street lights.
 - Maintenance of **OFFICIALLY DESIGNATED AND REQUIRED PUBLIC TRAILS**, including trail amenities such as benches, drinking fountains, trash receptacles, City required safety fencing and low voltage lighting.
 - Maintenance of City required **LANDSCAPING AND IRRIGATION SYSTEMS** between sound walls and City streets.
2. If the any of the above items are required for this application the Owner shall do one or both of the following:
 - a. Petition the City to have certain required items included into a Community Facilities District (**CFD**) designed for maintaining those types of items. An Annexation Request Package shall be submitted to the Public Works Department to be reviewed for acceptance. If you have any questions contact Ann Lillie, Traffic and Engineering Services Division at (559) 621-8690 / ann.lillie@fresno.gov.

-AND/OR-

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

If the parcel map does not record before the first building permit the following will apply:

Regional Transportation Mitigation Fee (RTMF): Pay all applicable **RTMF** fees to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148 ext. 200; www.fresnocog.org. Provide proof of payment or exemption **prior** to issuance of certificate of occupancy.

DATE: December 10, 2008

TO: Dave Braun, Planner III
Planning and Development Department, Planning Division

FROM: Greg Jenness, Senior Engineering Technician
Public Works Department, Engineering Division

SUBJECT: Conditions of Approval for **C-08-157 formerly C-05-216**
APN: 402-220-37, 60 and 61
ADDRESS: 8550 North Friant Road

SITE PLAN REQUIREMENTS: This site plan is incomplete. Please provide the following information prior to Building Permits: Additional conditions to follow upon submittal of detailed site plans.

A. General Requirements

1. **Scale:** Site plan must be drawn to scale. Use 1"= 30' or larger. Provide a north arrow.
2. **Parcel of Record:** Identify the entire parcel at the time of permits and a legal description. If only a portion of an existing parcel is to be developed, a key map shall be included showing the entire parcel.
3. **Phase lines:** Clearly Identify
4. **Property Lines:** Identify and dimension existing and proposed property lines.
5. **Easements:** Identify and dimension all existing and proposed easements.
6. **Scope of work:** All items shall be listed as existing, proposed or future.

B. Offsite Information:

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

C. Onsite Information:

1. **Buildings:** Identify and label all buildings as proposed or future.
2. **Access:** Provide pedestrian, vehicular and service access. Provide turning templates for large vehicles. Not clear at 1"=80'.
3. **Parking Lots:** (existing and proposed)
 - a. **Stalls:** Provide length and width. **Provide the number that are required, provided, compact and disability parking stalls.** Identify the 3' vehicular overhang adjacent to continuous curbing. No obstructions shall be within the 3' overhang. (ground cover is allowable.)
 - b. **Walkways:** provide width adjacent to parking stalls (7' min)

- c. **Directional flow of traffic:** Identify existing and proposed directional arrows
 - d. **Lighting:** Identify the location (not to be within the 3' vehicular overhang)
 - e. **Disability parking, ramps, signage:** provide details
 - f. **Loading zones:** provide dimensions (12' x 40' min.)
 - g. **Planters:** provide planter dimensions and radii
 - h. **Paving:** per Public Works Standards ~~P-41, P-42, P-43~~ **Shade limits of proposed paving with Phase I.**
4. **Walls or Fencing:** Identify existing and proposed walls and fences complete with location height and type of material.
- D. Other Important Information:**
- 1. **Lot Mergers:** Provide reference numbers
 - 2. **Traffic Impact Studies:** TIS 08-021
 - 3. **CUP/SPR:** C-05-216

PUBLIC IMPROVEMENT REQUIREMENTS

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

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

Submit the following, as applicable, in a single package to the City of Fresno Public Works Department **Engineering Division** (559-621-**8560**), **Plan Check and GIS Mapping Section and Traffic Engineering**, for review and approval, **prior** to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Signal Plans.

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

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

Survey Monuments and Parcel Configuration

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

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

Street Dedications, Vacations and Encroachment Permits

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

Fresno Street: Arterial No dedications

Friant Road: Super Arterial

1. Dedicate **75'-106'** of property, from center line, for public street purposes within the limits of this application per Public Works Standard ~~P-52A~~, **P-51, P-69 and P-70**. Center line shall be established per Official Plan Line No. 105 and Director's Determination No.2000-01. (3 thru lanes, 1 continuous right to Audubon, 1 right into both entrances) (dual left turns into park with a median to prohibit access from entry.)
2. Dedicate a corner cut for public street purposes at the following intersections
 - a. Friant and Fresno
 - b. Friant and Audubon.
 - c. Friant at both entrances with ramps constructed to Public Works Standard **P-28**. (dedications not required for ramps constructed to Public Works Standard **P-29**)

Audubon Drive: Scenic Arterial ~~No dedications~~ **See conditions above.**

Deed documents for the required dedications shall be prepared by the applicant's engineer and submitted to the Public works Department, Engineering Division, Special Districts / Projects and Right of Way Section with verification of ownership **prior** to issuance of building permits. The cost of deed document processing and recordation fee must be paid at the time of deed submittal. Deed documents must conform to the format specified by the city. Document format specifications may be obtained from the City of Fresno Public Works Department, ~~Engineering Division, Special Districts / Projects and Right of Way Section,~~ (559) 621-8694.

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

Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Street construction, signing and striping plans are required and shall be approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, ~~Engineering Services Section~~ at (559) ~~621-8686~~ **621-8560** for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

Repair all damaged and/or off grade concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600.

Fresno Street: Arterial

1. Construct standard curb ramps per Public Works Standards **P-28, P-29 and P-32, P-86 and P-87**, based on a 20' radius. "Detectable Warning Devices" are required.
2. Construct concrete sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' commercial pattern. Construct tree wells per Public Works Standard **P-8**. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).
3. Construct street type approaches to Public Works Standard(s) **P-76 and P-77**, as long as grades are sufficient. Provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches. Redesign is required at the southwesterly approach to provide for a longer throat, **75' minimum**, and eliminate the awkward intersection.
4. Remove existing improvements and install required improvements to new street alignment and grade.
5. Construct an 80' bus bay curb and gutter at the southwesterly entrance to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.
6. If not existing, construct permanent paving and transitions, as needed, within the limits of this application.
7. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-7** for Arterial Streets.
8. ~~From the proposed southbound dual lefts to onsite, at the proposed signalized entrance, make sure there are dual receiving lanes.~~

Friant Road: Super Arterial

1. Friant at Fresno: Construct a standard curb ramp per Public Works Standard **P-28**, based on a 30' radius. "Detectable Warning Devices" are required.
2. Friant at Audubon: Construct a standard curb ramp per Public Works Standard **P-28**, based on a 30' radius. **-OR-** Modify or replace the existing ramp to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy. "Detectable Warning Devices" are required, if not existing. Reference Public Works Standards **P-28 and P-32 thru P-33 & P-86 and P-87**.
3. Construct standard curb ramps per Public Works Standard **P-28**, based on a **20'** radius at both entries. "Detectable Warning Devices" and dedications are required. Identify and construct pedestrian access across both entries along Friant.
4. Remove existing improvements and install required improvements to new street alignment and grade. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' commercial pattern. Construct tree wells per Public Works Standard **P-8**. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).
5. Construct street type approaches to Public Works Standard(s) **P-77**, as long as grades are sufficient. Provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches. Redesign the entrances to provide for the required **100'** throat.

6. Identify and construct a bus bay curb and gutter along the Friant Frontage to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk. Exact location to be reviewed and approved by Traffic Engineering. **A street easement is required. (to be within the continuous right turn lane.)**
7. Construct permanent paving and transition, as needed within the limits of this application.
8. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-7** for Arterial Streets.

Audubon Drive: Scenic Arterial

1. Construct concrete sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 15' pattern. Contact Hilary Kimber for Landscaping requirements. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).
2. Construct driveway approaches to Public Works Standard(s) **P-2 and P-6 P-4** or provide documentation from the Traffic Engineer for the modified approaches shown. Provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches.
3. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standards for Scenic Arterial Streets.

Off-Street Parking Facilities and Geometrics: Additional conditions to follow upon submittal of a detailed site plan.

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22 and P-23 P-41, P-42, P-43.**
2. Install **30"** state standard "STOP" sign(s). Locations to be identified upon submittal of a detailed site plan. Signs shall be mounted on a **2"** galvanized post with the bottom of the sign **5' 7"** above ground; located behind curb and immediately behind a major street sidewalk. A "right turn only" sign is also required at the same location at all entrances except the entrance along Fresno Street with the full opening. Install a **30" x 36"** state standard sign immediately below the stop sign on the same post.
3. Parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) will be address upon submittal of a detailed site plan.
4. **Gate details:** Provide details for all proposed gates. Provide for vehicle stacking and onsite turn around. Submit the redesign to Traffic for review and approval **prior** to permits.

Traffic Impact Study: This development will generate a total of 659 a.m. / 1216 p.m. peak hour trips and generate a count of 12,226 Average Daily Trips (A.D.T.), based upon the following:

| Land Use | Size | Average Daily Trips (ADT) | AM Pk Hour | PM Pk Hour |
|---------------|--------------|---------------------------|------------|------------|
| *Multi-family | 24 units | 161 | 12 | 15 |
| *Retail | 209,650 s.f. | 9002 | 216 | 786 |
| *Office | 278,200 s.f. | 3063 | 431 | 415 |

While the Traffic Impact Study allowed for reduction in overall trip generation for operational analysis purposes, the TSMI fee will be calculated consistent with Public Works policies and procedures that do not allow for these reductions to occur. These reductions were not assumed in the TSMI nexus study. This is an approximate calculation and shall be recalculated at the time of building permits.

A Traffic Impact Study is required and has been submitted. Comply with the mitigation measure requirements of the Traffic Engineering Manager in the attached letter dated 9-12-08. See **Exhibit "C"**. In addition this project has an Environmental Impact Report (EIR) and this project shall comply with all mitigation measures outlined in that environmental document. Comply with the 9-12-08 memo and the EIR **No. 10142** mitigated measures.

Traffic Signal Mitigation Impact (TSMI) Fee: This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 general Plan circulation element and included in the Nexus Study for the TSMI fee. Project specific impacts that are not consistent with the 2025 General Plan, Public Works P-69 standards and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated TSMI fee that included the new infrastructure. Failure to pay this fee or construct improvements that are credited / reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited / reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineer's estimate the costs associated with the improvements prior to paying the TMI fee at time of building permit.

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

Modify all median noses within the perimeter of this project such that they do not extend into the cross walks. Full adjacent intersections are to be included in the perimeter.

Fresno Major Street Impact (FMSI) Fees: This entitlement is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees.

THE FMSI REQUIREMENTS ARE REQUIRED TO BE CONSTRUCTED PRIOR TO OCCUPANCY.

FMSI Requirements: Friant Road: Super Arterial: Provide for a divided dual left turn pocket an all permanent paving and transitions, as approved with the street plans, once submitted.

If parcel map records before 1st building permit the following will apply:

State of California Department of Transportation (Caltrans) Fees: Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering, (559) 621-8820, **prior** to a Building Permit. The Caltrans letter is included and the following fees are required to be paid to mitigate fair share impacts to the identified state transportation facilities. Please contact Caltrans District 6 staff regarding the fair share calculations. See **Exhibit "D"**.

SR 41/ Friant Road:

| | |
|-------------------------|--------------------|
| Northbound on-ramp | \$10,488.00 |
| Southbound off-ramp | \$23,352.00 |
| Undercrossing | \$185,339.00 |
| Southbound loop on-ramp | <u>\$36,000.00</u> |
| Total | \$255,179.00 |

DATE: March 28, 2006
TO: Planning and Development Department, Planning Division
FROM: Public Works Department, Engineering Division
SUBJECT: Conditions of Approval for **C-05-216**

PUBLIC IMPROVEMENT REQUIREMENTS

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

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to Greg Jenness at (559) 621-8812 / Greg.Jenness@fresno.gov or Robert Ebel at (559) 621-8794 / Robert.Ebel@fresno.gov , Engineering Division, Traffic Planning Section. If you are opposed to any conditions of the Public Works Department, the correct procedure is to appeal the condition to the Director of Planning and Development so he can consult the Assistant Director of Public Works.

TRAFFIC IMPACT STUDY

This development will generate 662 a.m. / 1225 p.m. peak hour trips and generate a count of 12,329 Average Daily Trips (A.D.T.s) A Traffic Impact Study is required. If yes, the Developer/Owner should consult with the City of Fresno Traffic Engineering Section for the scope of the Traffic Impact Study (TIS). A trip trace for the proposed project should be provided prior to consulting with the Traffic Engineering Section. The TIS shall identify the mitigation measures, which would mitigate the project and/or other related projects' significant impacts to a level of insignificance.

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

TRAFFIC SIGNAL MITIGATION IMPACT FEE

This project shall pay its Traffic Signal Mitigation Impact Fee (TSMI Fee) at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. The fee amount is Average Daily Trips (ADT's) x 41.47 (fee rate as shown in the Master Fee Schedule).

STREET DEDICATIONS AND ENCROACHMENT PERMITS

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

Dedicate from 75-106' of property, from center line, along the North Friant Road frontage as noted on Exhibit "A2" for public street purposes, see Exhibit "A2".

Dedicate property as needed for the street type approach on the North Audubon Drive frontage as noted on Exhibit "A3" for public street purposes.

Dedicate a corner cuts for public street purposes at northeast corner of North Friant Road & North Fresno Street and the southeast corner of North Friant Road & North Audubon Drive for a standard curb ramp.

Deed documents for the required dedications shall be prepared by the applicant's engineer and submitted to the Public works Department, Engineering Division, Special Districts / Projects and Right of Way Section with verification of ownership **prior** to issuance of building permits. The cost of deed document processing and recordation fee must be paid at the time of deed submittal. Deed documents must conform to the format specified by the city. Document format specifications may be obtained from the City of Fresno Public Works Department, Engineering Division, Special Districts / Projects and Right of Way Section, (559) 621-8694.

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

STREET IMPROVEMENTS

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a STREET WORK PERMIT **prior** to commencement of work. Contact the City of Fresno Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

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

Remove existing improvements and install required improvements to new street alignment and grade.

Install permanent paving, paving transition, concrete curb, gutter, sidewalk (10' commercial pattern) driveway approaches, alley approaches, and alley paving to City of Fresno Standard Specifications within all street frontages indicated on Exhibit "A". Plans shall be prepared by a registered Civil Engineer. Provide signing and striping plans. The signing and striping plans shall be done per the current Caltrans standards.

Install curb ramps at locations noted on Exhibit "A".

Install an **80'** bus bay curb and gutter to City of Fresno Public Works Standards **P-69** and **P-73** with a **10'** monolithic concrete sidewalk adjacent to the bus bay.

Install streetlights, served underground, on all frontages to City Standards. The Public Works Department Engineering Division, (559) 621-8800, prior to street light installation, must approve street lighting plans. Plans shall be prepared by a registered Civil Engineer.

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

Submit the following as a single package to the City of Fresno Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, **prior** to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

OFF-STREET PARKING FACILITIES AND GEOMETRICS

Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-41, P-42, P-43**.

Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on Exhibit "A".

Install 30" state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a 2" galvanized post with the bottom of the sign 7' above ground; located behind curb and immediately behind a major street sidewalk. Where "right turn only" sign is also required at same location, install a 30" x 36" state standard sign immediately below the stop sign on the same post.

SURVEY MONUMENTS AND PARCEL CONFIGURATION

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

URBAN GROWTH MANAGEMENT - MAJOR STREET REQUIREMENTS

The project site is located within (UGM) Major Street Zone "A" area. Pay all fees at the time of issuance of building permits. The UGM Fee obligations for this development will be computed during the building construction plan check process.

A BUILDING PERMIT CANNOT BE ISSUED UNTIL THE UGM REQUIREMENTS HAVE BEEN SATISFIED.

Submittal of engineered construction plans to Public Works for approval must be made **prior** to issuance of building permits. Contact Robert Ebel at (559) 621-8794 or Greg Jenness at (559) 621-8812 for questions regarding the UGM construction requirements.

Signalize the intersection of the street type approach located on North Fresno Street about half way between North Friant Road and East Cole Ave., shall be signalized to City of Fresno Standards, complete with left turn phasing, actuation and signal pre-

emption. This work is eligible for reimbursement and/or credit against Traffic Signal Mitigation Impact Fees. The applicant shall design the traffic signal and obtain City approval of the plans prior to occupancy of the first dwelling unit. If the intersection meets signal warrants at the time of occupancy of the first unit, then the full traffic signal shall be installed. If the intersection does not meet warrants, then the traffic signal installation shall be limited to the following equipment: poles, safety lights, oversize street name signs, conduits within the intersection, service pedestal connected to a PG&E point of service, controller cabinet, ITS vault, ITS communication cabinet and all pull boxes.

SEE PARTIAL SITE PLAN-C (SHEET A-1.3)

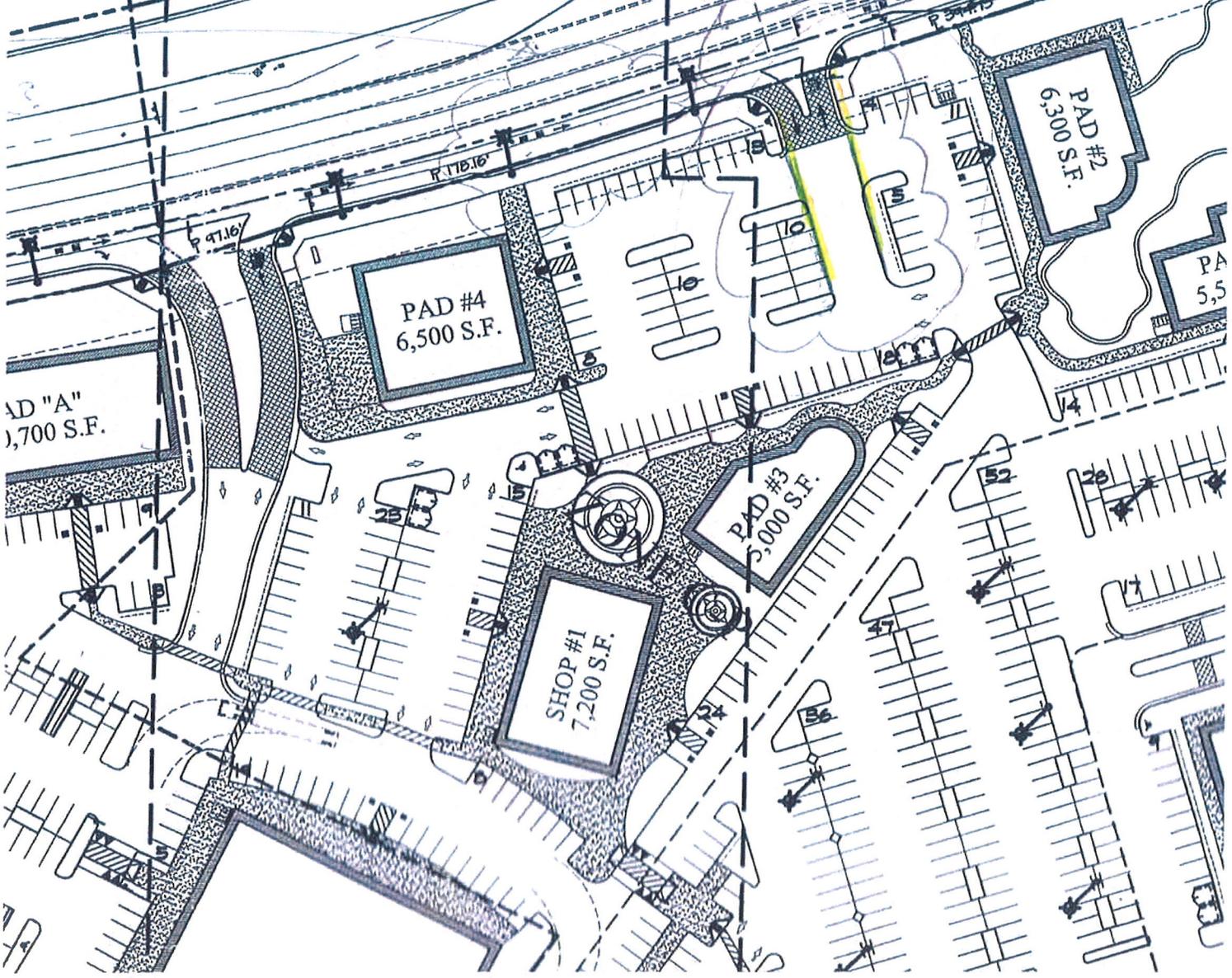
OFFICE

TEMP FRONTAGE

EXTEND
CURBS
100' MIN

ZONE LINE

NORTH FRIANT ROAD



DEPARTMENT OF PUBLIC WORKS

TO: **Sophia Pagoulatos, Planning Manager**
Planning Department

FROM: **Hilary Kimber, Parks Supervisor II (559.621.1345)**
Public Works, Engineering Division

DATE: April 13, 2012

SUBJECT: C-12-032; (APN: 402-220-37; 60; 61)

The Department of Public Works offers the following comments regarding C-12-032, 175 East Audubon Drive located on the southeast corner of North Friant Expressway and North Fresno Street:

GENERAL REQUIREMENTS

Please refer to conditions set for this property under TPM 2010-07; 8550 North Friant Rd. (attached)

1. Public Works requires one tree per 60 lineal feet of street frontage. There are approximately a total of 1,230 lineal feet on North Fresno St. resulting in the requirement of twenty one (21) street trees to be planted. The designated street tree for N. Fresno St. is:

| | |
|---------------------------------------|---------------------------------|
| Celtis sinensis | Chinese Hackberry and/or |
| Platanus acerifolia 'Columbia' | Columbia Sycamore |

2. There are approximately 1,185 lineal feet of street frontage along N. Friant Rd. resulting in the requirement of twenty (20) street trees. The designated street tree for N. Friant Rd. is:

| | |
|---------------------------------------|--------------------------|
| Platanus acerifolia 'Columbia' | Columbia Sycamore |
|---------------------------------------|--------------------------|

3. Along E. Audubon Dr. there are approximately 1,315 lineal feet of street frontage resulting in the requirement of twenty two (22) street trees. The designated street tree for E. Audubon Dr. is:

| | |
|---------------------------|-------------------------|
| Pistacia chinensis | Chinese Pistache |
|---------------------------|-------------------------|

4. The developer shall inspect and make appropriate repairs to the irrigation systems in median islands adjacent to this project on N. Fresno St., N. Friant Rd. and E. Audubon Dr. Plant material shall be inspected for replacements to meet Public Works requirements for median islands.

5. Landscaping within the rights-of-ways, median islands, concrete amenities, street lights and other features shall be included into the Community Facilities District for maintenance purposes or maintained by the property owner at his expense.

6. The conceptual design for Fresno 40 Development proposed by Saito & Associates, Landscape Architects has not addressed street tree or median island requirements within the rights-of-ways.

7. The proposed design does include properties APN: 402-220-04T, a landscaped and irrigated Water Department Pumphouse Station; and approximately 22' of landscaped trail along E. Cole Ave. This project will need permission and approval from the Water Department to modify their existing landscaping and irrigation at the well site. The additions to the existing trail include Southern Live Oak (*Quercus virginiana*) which are acceptable and Redwoods (*Sequoia sempervirens* 'Aptos Blue') which do not meet the current water conservation standards under AB1881 for the Fresno Area.

8. All landscaping within right-of-ways will need to be coordinated with existing plant material and irrigation systems.

9. Public Works requires landscape and irrigation plans at the scale of 1"=20' to be submitted prior to installing any new landscaping within the right-of-way. **No street tree planting is required until the Parcels being developed have all hardscape, water and electricity installed.**

DEPARTMENT OF PUBLIC WORKS

TO: **Will Tackett, Planner III**
Planning Department

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

DATE: March 30, 2011

SUBJECT: Tentative Parcel Map 2010-07; (APN: 402-220-37; 60; 61)

The Department of Public Works offers the following comments regarding TPM 2010-07, 8550 North Friant Avenue located on the easterly side of North Friant Road between North Fresno Street and East Audubon Drive:

GENERAL REQUIREMENTS

1. Public Works requires one tree per 60 lineal feet of street frontage. There are approximately a total of 1,230 lineal feet on North Fresno St. resulting in the requirement of twenty one (21) street trees to be planted. The designated street tree for N. Fresno St. is:

Celtis sinensis
Platanus acerifolia 'Columbia'

Chinese Hackberry and/or
Columbia Sycamore

2. There are approximately 1,185 lineal feet of street frontage along N. Friant Rd. resulting in the requirement of twenty (20) street trees. The designated street tree for N. Friant Rd. is:

Platanus acerifolia 'Columbia'

Columbia Sycamore

3. Along E. Audubon Dr. there are approximately 1,315 lineal feet of street frontage resulting in the requirement of twenty two (22) street trees. The designated street tree for E. Audubon Dr. is:

Pistacia chinensis

Chinese Pistache

4. The developer shall inspect and make appropriate repairs to the irrigation systems in median islands adjacent to this project on N. Fresno St., N. Friant Rd. and E. Audubon Dr. Plant material shall be inspected for replacements to meet Public Works requirements for median islands.

5. Landscaping within the rights-of-ways, median islands, concrete amenities, street lights and other features shall be included into the Community Facilities District for maintenance purposes or maintained by the property owner at his expense.

4. Public Works requires landscape and irrigation plans at the scale of 1"=20' to be submitted prior to installing any new landscaping within the right-of-way. **No street tree planting is required until the Parcels being developed have all hardscape, water and electricity installed.**

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
P. O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-5868
FAX (559) 488-4088
TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

April 24, 2012

2131-IGR/CEQA
6-FRE-41-31.6+/-
C-12-032
FRESNO 40 (GROCERY STORE)

Ms. Sophia Pagoulatos
City of Fresno
2600 Fresno Street, 3rd Floor
Fresno, CA. 93721

Dear Ms. Pagoulatos:

We have completed our review of the proposal to allow a 25,000 square-foot specialty grocery store and food sales store to be located within the overall 38.93-acre Fresno 40 project on the southeast corner of Friant Road and Fresno Street. Caltrans has the following comments:

It anticipated that trips from this project would impact the State Route (SR) 41 interchange at Friant. Caltrans has identified the need for the future following improvements:

- Friant Undercrossing – Add four lanes.
- Northbound onramp from eastbound Friant – Add ramp lane, auxiliary lane and meter.
- Southbound onramp from westbound Friant – Add ramp lane and auxiliary lane.
- Northbound onramp from westbound Friant – Add ramp lane, auxiliary lane and meter.
- Southbound off-ramp to Friant – Add ramp lane and auxiliary lane.

On May 30th 2006, Caltrans and the applicant entered into a Pro-Rata Share agreement for mitigation to State facilities for the Fresno 40 project. However, since that time, the City and Caltrans have agreed that mitigation to State facilities would be addressed via the City of Fresno's TSMI program as well as the Fresno RTMF. Being that this project is proceeding since the implementation of these mitigation programs, it is recommended that this project mitigate its traffic related impacts by paying into the City's TSMI program as well as the Fresno RTMF rather than honoring the previous agreement.

If you have any questions, please call me at (559) 445-5868.

Sincerely,

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

MICHAEL NAVARRO
Office of Transportation Planning
District 06



FIRE DEPARTMENT

Date: April 6, 2012

To: SOPHIA PAGOULATOS, Planner III
Planning and Development Department , Advance Planning

From: DARLA SCOTT, Senior Fire Prevention Inspector 
Fire Department, Fire Prevention and Investigation Bureau

Subject: C-12-032 was filed by Richard Fairbank, on behalf of DeWayne Zinkin, and pertains to 15.94 acre C-2-UGM-cz, Community Shopping Center-Urban Growth Management-conditions of zoning, zoned property within the overall 38.93 acre Fresno 40 project located on the southeast corner of North Friant Road and North Fresno Street, 175 East Audubon Drive, APN 402-220-37, 60, 61. The applicant proposes the construction of an approximate 25,000 square foot specialty grocery and food sales store.

Hydrants

1. Fire hydrants shall be installed, tested, approved, and all surface access roads shall be installed and made serviceable prior to and during the time of construction. The hydrant 4 1/2" outlet shall face the access lane.

General

2. Where buildings or portions thereof are more than 30 feet in height, an aerial truck setup area shall be located adjacent to at least one side of such buildings. Aerial truck setup areas shall be a minimum of 30 feet wide for not less than 60 feet when part of through fire lanes.
3. Aerial truck setup areas, as described above, shall be provided adjacent to at least two sides of buildings more than 30 feet in height that exceed 150 feet in length or width. Aerial truck setup areas shall be a minimum of 15 feet and a maximum of 30 feet away from the building served.
4. Provide a covenant for shared fire fighting access and water supply.



DEPARTMENT OF PUBLIC UTILITIES

Date: April 09, 2012

To: SOPHIA PAGOULATOS, Planner III
Planning and Development Department, Advance Planning

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

Subject: C-12-032 was filed by Richard Fairbank, on behalf of DeWayne Zinkin, and pertains to 15.94 acre C-2-UGM-cz, Community Shopping Center-Urban Growth Management-conditions of zoning, zoned property within the overall 38.93 acre Fresno 40 project located on the southeast corner of North Friant Road and North Fresno Street, 175 East Audubon Drive, APN 402-220-37, 60, 61. The applicant proposes the construction of an approximate 25,000 square foot specialty grocery and food sales store.

General

This location is serviced by a Commercial Solid Waste Franchisee. For service information, please contact: Allied Waste at 559-275-1551 or 800-493-4285

Does Project Affect Your Agency/Jurisdiction

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

Suggestions to Reduce Impacts/Address Concerns

Shopping malls require 50% of enclosures to be 3 cell.
Enclosure shall be constructed on a level surface.

Recommended Conditions of Approval

Enclosure shall be built in accordance with current City of Fresno Standards P-33 and P-34.
Nine 2-cell and nine 3-cell trash enclosures required.

Additional Information

Location of enclosure is acceptable
Revise plans to address concerns stated above and resubmit for approval.



DEPARTMENT OF PUBLIC UTILITIES

Date: April 4, 2012

To: SOPHIA PAGOULATOS
Planning and Development Department

From: GREG CONTRERAS, Senior Engineering Technician 
Department of Public Utilities, Planning and Engineering



Subject: SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-12-032

General

C-12-032 was filed by Richard Fairbank, on behalf of DeWayne Zinkin, and pertains to 15.94 acre C-2-UGM-cz, Community Shopping Center-Urban Growth Management-conditions of zoning, zoned property within the overall 38.93 acre Fresno 40 project located on the southeast corner of North Friant Road and North Fresno Street, 175 East Audubon Drive, APN 402-220-37, 60, 61. The applicant proposes the construction of an approximate 25,000 square foot specialty grocery and food sales store.

Sewer Requirements

The nearest sanitary sewer mains to serve the proposed project are a 12-inch main located in North Fresno Street, a 10-inch main located in North Friant Road, and a 8-inch main located in East Audubon Drive. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. Utilize existing private sewer house branches fronting East Audubon Drive.
2. Utilize existing private sewer stubs fronting North Fresno Street and North Friant Road.
3. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.

Sanitary Sewer Fees

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

1. Sewer Lateral Charge
2. Sewer Oversize Service Area: #6
3. Trunk Sewer Charge: Herndon
4. Sewer Facility Charge (Non-Residential)

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



DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION

DATE: April 25, 2012

TO: SOPHIA PAGOULATOS, Planner III
Development and Resource Management Department – Current Planning Division

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

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

SUBJECT: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-12-032.

General

C-12-032 was filed by Richard Fairbank, on behalf of DeWayne Zinkin, and pertains to 15.94 acre C-2-UGM-cz, Community Shopping Center-Urban Growth Management-conditions of zoning, zoned property within the overall 38.93 acre Fresno 40 project located on the southeast corner of North Friant Road and North Fresno Street, 175 East Audubon Drive, APN 402-220-37, 60, 61. The applicant proposes the construction of an approximate 25,000 square foot specialty grocery and food sales store.

Environmental Recommendations

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

Water Requirements

The nearest City water mains to serve the proposed development are a 14-inch main located in East Audubon Avenue and a 14-inch main located in North Fresno Street. The following water improvements shall be required prior to water service to the project:

1. Dedicate a site for the expansion of Pump Station 94 (263 E Audubon Dr) to allow for the construction of permanent water chlorination facilities and future wellhead treatment facilities. The site shall be approximately 4,024-square feet and located adjacent to the west and south property boundaries of Pump Station 94 as approved by the Assistant Director of Public Utilities. The cost of acquiring the site shall be reimbursed from UGM Water Supply Service Area Fund 101s, in accordance with established UGM policies.
2. No water service connections shall be allowed to the existing 14-inch water main located in North Friant Avenue and the existing 12-inch water main in East Cole Avenue.
3. On-site water facilities shall be private.
4. Installation of water service & meter box shall be required.

5. The project shall incorporate water use efficiency for landscaping. This shall include the use of artificial turf, native plant material(s), and reduction of turf areas. Discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.
6. Seal and abandon any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
7. All irrigation clocks/control devices shall be based on evapotranspiration and include the use of soil probes and rain sensors.

UGM

UGM Water Service Areas 113, 107 and 101s

Water Fees

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

1. Wet-tie(s), water service(s) and/or meter(s) installation(s)

H-3: Conditions of Zoning

Recording Requested by:
City Clerk, Fresno, California
No Fee-Govt. Code 6103

Return to City Clerk, Fresno

Space above this line reserved for Fresno County Recorder=s Office



ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Duncan SECONDED BY Dages

BILL NO. B-81

ORDINANCE NO. 2008-79

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

WHEREAS, Rezone Application No. R-08-14 has been filed with the City of Fresno by property owner DeWayne Zinkin to rezone property as described in attached Exhibit L; and,

WHEREAS, in April 1990 the Fresno City Council approved Rezone Application No. R-88-13 which, by request of Valley Children's Hospital, changed the zone district of the Fresno 40 project site located between North Friant Road, North Fresno Street, East Cole Avenue, and East Audubon Drive from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) zone district subject to several specified conditions of approval as related to the proposed hospital and office project and which conditions still apply to the office commercial planned subject property; and,

WHEREAS, DeWayne Zinkin originally filed Plan Amendment Application No. A-00-23 and Rezone Application No. R-00-52 relating to the southerly 20 acres of the 40-acre

Adopted 12/16/08
Approved 12/16/08
Effective 1/16/09

2008-79



Fresno 40 property located between North Friant Road, North Fresno Street, East Cole Avenue, and East Audubon Drive in December 2000; and,

WHEREAS, said land use entitlements were filed with the City of Fresno to amend the Fresno General Plan and the Woodward Park Community Plan from the office commercial planned land use designation to the community commercial and high density residential land use designations and amending the text of the Woodward Park Community Plan to add the 40-acre parcel to the plan activity center and rezoning the 20-acre portion of the site to the appropriate community commercial and residential zone districts; and,

WHEREAS, the office commercial land use shown for the Fresno 40 Development Project on the initiated 2025 Fresno General Plan is the same as originally approved by the Fresno City Council on the adopted 1989 Woodward Park Community Plan; and,

WHEREAS, on November 19, 2002, by Resolution No. 2002-379, the City Council adopted the 2025 Plan which correspondingly updated the 1989 Woodward Park Community Plan and by Resolution No. 2002-378 certified Master Environmental Impact Report No. 10130 which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno's designated urban boundary line and extended sphere of influence; and,

WHEREAS, in September 2003, DeWayne Zinkin purchased the northern half of the 40-acre site thereby bringing the entire Fresno 40 Project under one ownership and also amended the previously submitted Plan Amendment Application No. A-00-23 and Rezone Application No. R-00-52 now proposing to amend 15.94 acres of the subject property from the office commercial to the community commercial land use designation and rezoning this same portion of the property from the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) and the R-P/UGM/cz (*Residential and Professional Office/Urban Growth Management/conditions of zoning*) zone districts to



the C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) zone district as shown on attached Exhibit A; and,

WHEREAS, On December 7, 2004 the City Council approved Plan Amendment No. A-00-23 and Rezone Application No. R-00-52 and certified Environmental Impact Report No. 10129 ; and,

WHEREAS, on December 7, 2004 legal action was filed against the City of Fresno in regard to the Council's approval of Plan Amendment Application No. A-00-23, Rezone Application No. R-00-52 and Environmental Impact Report No. 10129; and

WHEREAS, in December 2005 Dewayne Zinkin filed Rezone Application No. R-05-81 and Conditional Use Permit Application No. C-05-216 on the subject property to allow for the development of the property with 209,650 square feet of office uses, 278,200 square feet of commercial uses and 24 residential uses and to change a condition of zoning to allow for a second point of vehicular access from the property to Friant Road; and

WHEREAS, on August 22, 2006 the City Council approved Rezone Application No. R-05-81 and Conditional Use Permit Application No. C-05-216; and

WHEREAS, on April 13, 2007 the Fifth District Court of Appeals rendered a decision on the legal action previously filed against the City of Fresno, determining that the City's certification of EIR No. 10129 was in violation of CEQA and ordered the City of Fresno to reverse its decision certifying Environmental Impact Report (EIR) No. 10129 and approving Plan Amendment No. A-00-23 and Rezone Application No. R-00-52; and

WHEREAS, the above court action also effectively rescinded the Council's action to approve Rezone Application No. R-05-81 and Conditional Use Permit Application No. C-05-216 as their approvals were conditioned on the previous approval's of Plan Amendment No. A-00-23, Rezone Application No. R-00-52 and the certification of EIR No. 10129 (although such rescision was never perfected by formal Council action); and



WHEREAS, in June, 2008 Dewayne Zinkin filed EIR No. 10142, Plan Amendment No. A-08-10, Rezone Application No. R-08-14 and Conditional Use Permit Application No. C-08-157 on the subject property (Fresno 40 Project); and

WHEREAS, Rezone Application No. R-08-14 proposes to rezone 15.94 acres of the subject property as described below:

Requested Zoning: C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) (Exhibit A, attached)

Existing Zoning: C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*)
and
R-P/UGM/cz (*Residential and Professional Office/Urban Growth Management/conditions of zoning*)

Location: Bounded by North Friant Road, North Fresno Street, East Cole Avenue, and East Audubon Drive

APN: 402-220-37, 402-220-60, 402-220-61

Legal Description: Exhibit L, attached.

WHEREAS, Rezone Application No. R-08-14 also proposes to change an existing condition of zoning on the property to allow for two vehicular access points from the subject property to Friant Road; and

WHEREAS, the project as now proposed for the entire Fresno 40 site will include approximately 278,200 square feet of office use, 209,650 square feet of retail commercial uses and 24 residential dwelling units; and,

WHEREAS, the District 6 Plan and Implementation Committee, on December 1, 2008, reviewed the requested rezone application and unanimously recommended approval to the Planning Commission and City Council; and,



WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a duly noticed public hearing on the 3rd day of December, 2008, to consider Rezone Application No. R-08-14 at which hearing the Commission considered and discussed the adequacy of the proposed Final EIR No. 10142 as an informational document, including Draft EIR No. 10142 dated September 19, 2008 and Responses to Written Comments dated November 20, 2008 and related technical analyses attached thereto; and,

WHEREAS, on December 3, 2008, the Fresno City Planning Commission considered the staff report and related information and received public testimony with respect to the proposed rezone application and considered the proposed project in accordance with the policies of the Woodward Park Community Plan and the 2025 Fresno General Plan and recommended to the City Council that the rezoning of the subject property be approved as shown in Exhibit A, attached, subject to the following conditions:

- a. Before any development is allowed, a master conditional use permit/site plan review application shall be submitted to the City of Fresno for the entire Fresno 40 office/ retail/residential mixed-use project. The master conditional use permit/site plan application shall:
 - Assure that building design, circulation, parking, and landscaping be appropriately unified and integrated. Rear and side building facades including colors, designs, textures, and materials shall be comparable to front building facades.
 - Permit residential uses at a scale and quality acceptable to the Planning and Development Director.
 - Promote pedestrian access to all on-site development and the Sugar Pine Trail.
 - Provide an appropriate facility for ready access to public transportation.



- Be subject to review and approval by the Planning Commission and City Council.
 - Contain appropriate timing provisions to assure the entire project is a mixed-use development.
- b. No supermarkets (as defined by Fresno Municipal Code Section 12-105-S-36) or home improvement centers shall be permitted. Notwithstanding the above, the Planning and Development Director, subject to the approval of a conditional use permit (CUP), may allow specialty grocery and food sales, home design stores, appliance sales, and other retail and service uses over 15,000 square feet in gross building area. The primary purposes of the CUP are to (1) evaluate and limit excessive peak hour vehicle trips, (2) permit retail uses that are compatible with the entire Fresno 40 office/retail/residential mixed-use project, and (3) ensure a proper interface and compatibility with surrounding properties and uses.
 - c. A minimum 50-foot landscaped setback and earth berm, as reviewed and approved by the Planning and Development Director, shall be constructed along East Audubon Drive prior to any construction on the site.
 - d. The single story office buildings along East Audubon Drive and East Cole Avenue shall be residential in character.
 - e. No drive-through restaurants shall be allowed on the entire project site.
 - f. There shall be no vehicular crossing of the existing Sugar Pine Trail.
 - g. Two driveway access points shall be permitted to Friant Road in a location as approved by the Public Works Director and Planning and Development Director.
 - h. Traffic generation from development of the subject property shall not exceed 12,400 vehicle trips per day (VTD) as determined by the Public Works Director.
 - i. Provide for construction and installation, when determined appropriate by the Public Works Director, of all public street improvements and on-site vehicular access facilities as described in Draft EIR No. 10142 for the "Fresno 40 Development Project" dated September 19, 2008.
 - j. The developer shall agree to indemnify, hold harmless, release and defend the City of Fresno and the Fresno City Council from any action against the City of Fresno, the Fresno City Planning Commission, and the Fresno City Council.



WHEREAS, on December 16, 2008, the Fresno City Council held a public hearing to consider Rezone Application No. R-08-14 and received both oral testimony and written information regarding the proposed rezone application.

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

SECTION 1. The Council hereby rescinds its previous actions approving Rezone Application No. R-00-23 (Ordinance Bill No. 2004-135) and Rezone Application No. R-05-81 (Ordinance Bill No. 2006-125).

SECTION 2. The Council in a prior action certified the Final Environmental Impact Report No. 10142, and made all necessary findings under CEQA, to approve the Project.

SECTION 3. The Council finds that the requested zone districts, as shown on Exhibit A, attached, are consistent with the proposed land use designations of the 2025 Fresno General Plan and Woodward Park Community Plan as amended by Plan Amendment Application No. A-08-10 and as specified in Section 12-403-B of the Fresno Municipal Code.

SECTION 4. The zone district of the real property described in attached Exhibit L, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno is reclassified as illustrated on attached Exhibit A from the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) and R-P/UGM/cz (*Residential and Professional Office/Urban Growth Management/conditions of zoning*) zone districts to the C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) zone district.



SECTION 5. The development of the property described in Section 3 shall be conditioned upon the following list of conditions through conditions of zoning:

- a. Before any development is allowed, a master conditional use permit/site plan review application shall be submitted to the City of Fresno for the entire Fresno 40 office/ retail/residential mixed-use project. The master conditional use permit/site plan application shall:
 - Assure that building design, circulation, parking, and landscaping be appropriately unified and integrated. Rear and side building facades including colors, designs, textures, and materials shall be comparable to front building facades.
 - Permit residential uses at a scale and quality acceptable to the Planning and Development Director.
 - Promote pedestrian access to all on-site development and the Sugar Pine Trail.
 - Provide an appropriate facility for ready access to public transportation.
 - Be subject to review and approval by the Planning Commission and City Council.
 - Contain appropriate timing provisions to assure the entire project is a mixed-use development.
- b. No supermarkets (as defined by Fresno Municipal Code Section 12-105-S-36) or home improvement centers shall be permitted. Notwithstanding the above, the Planning and Development Director, subject to the approval of a conditional use permit (CUP), may allow specialty grocery and food sales, home design stores, appliance sales, and other retail and service uses over 15,000 square feet in gross building area. The primary purposes of the CUP are to (1) evaluate and limit excessive peak hour vehicle trips, (2) permit retail uses that are compatible with the entire Fresno 40 office/retail/residential mixed-use project, and (3) ensure a proper interface and compatibility with surrounding properties and uses.
- c. A minimum 50-foot landscaped setback and earth berm, as reviewed and approved by the Planning and Development Director, shall be constructed along East Audubon Drive prior to any construction on the site.
- d. The single story office buildings along East Audubon Drive and East Cole Avenue shall be residential in character.



- e. No drive-through restaurants shall be allowed on the entire project site.
- f. There shall be no vehicular crossing of the existing Sugar Pine Trail.
- g. Two driveway access points shall be permitted to Friant Road in a location as approved by the Public Works Director and Planning and Development Director.
- h. Traffic generation from development of the subject property shall not exceed 12,400 vehicle trips per day (VTD) as determined by the Public Works Director.
- i. Provide for construction and installation, when determined appropriate by the Public Works Director, of all public street improvements and on-site vehicular access facilities as described in Draft EIR No. 10142 for the "Fresno 40 Development Project" dated September 19, 2008.
- j. The developer shall agree to indemnify, hold harmless, release and defend the City of Fresno and the Fresno City Council from any action against the City of Fresno, the Fresno City Planning Commission, and the Fresno City Council.

SECTION 6. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

///

///

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CLERK'S CERTIFICATION

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

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 16th day of December, 2008, by the following vote:

Ayes: Caprioglio, Dages, Duncan, Sterling, Xiong
Noes: None
Absent: Perea
Abstain: None
Recused: Calhoun

REBECCA E. KLISCH
City Clerk

By Rebecca Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By [Signature]
Kathryn Phelan, Deputy
12/12/08

Rezone Application No. R-08-14
Filed by DeWayne Zinkin
Assessor's Parcel Nos. 402-220-37, 60, 61



DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

RECEIVED

2011 NOV 30 PM 3:30
CITY CLERK, FRESNO CA

DATE: November 28, 2011

TO: REBECCA E. KLISCH
City Clerk

THROUGH: MARK SCOTT, Interim Director *MS*
Development and Resource Management Department

FROM: MIKE SANCHEZ, Planning Manager *MS*
Development and Resource Management Department

SUBJECT: CORRECTED DESCRIPTION PAGE: TECHNICAL CORRECTIONS TO THE
LEGAL DESCRIPTION OF ORDINANCE NO. 2008-79 (REZONING
APPLICATION NO. R-08-14)

On December 16, 2008, the City Council adopted Ordinance No. 2008-79 for Rezone Application No. R-08-14 affecting approximately 15.94 acres of property generally located and bounded by North Friant Road, North Fresno Street, East Cole Avenue and East Audubon Drive. The Ordinance approved a change in zoning to the C-2/UGM/cz zone district for approximately 15.94 acres.

After having reviewed this matter, the Director of the Development and Resource Management Department finds that the legal description on Exhibits L and A of the approved Ordinance No. 2008-79 for Rezone Application No. R-08-14, contains boundary description errors which could misrepresent the intent of the zone district amendment. As such, in accordance with Section 12-403-L of the Fresno Municipal Code, this corrected description page to the ordinance is being filed with the City Clerk. The corrected legal description is depicted and otherwise described in the attached as Exhibit "A." The incorrect boundary description errors in Ordinance No. 2008-79 are stricken as set forth in Exhibit "B".

This change does not affect nor alter the intent of the conditions of approval of the zone district amendment.

Attachments: Exhibit A - Corrected legal description
Exhibit B - Exhibits L and A of Ordinance No. 2008-79

CLERK'S CERTIFICATION

I certify that the change does not affect nor alter the intent of the conditions of approval of the zone district amendment.

WITNESS my hand and official seal

REBECCA E. KLISCH, CMC
City Clerk, City of Fresno

By *Rebecca E. Klisch*
Deputy

EXHIBIT B

**EXHIBIT L
REZONE APPLICATION NO. R-08-14**

**LEGAL DESCRIPTION
FOR PROPOSED REZONE OF
FRESNO 40 DEVELOPMENT PROJECT**

FROM: C-P/UGM/cz (*Administrative and Professional Office/Urban
Growth Management/conditions of zoning*)

and

R-P/UGM/cz (*Residential and Professional Office/Urban
Growth Management/conditions of zoning*)

TO: C-2/UGM/cz (*Community Shopping Center/Urban Growth
Management/conditions of zoning*)

That portion of Parcels A and B of PARCEL MAP NO. 91-22, in the City of Fresno, Fresno County, California, according to the maps thereof recorded in Book 53 of Parcel Maps at pages 51 and 52, Fresno County Records, described as follows:

BEGINNING at the most southerly corner of said Parcel A; thence along the westerly line of said Parcel A, also being along the easterly right-of-way line of North Fresno Street, the following courses:

North 04°59'08" West, a distance of 76.98 feet; thence
North 12°22'18" East, a distance of 33.53 feet; thence
North 06°07'49" West, a distance of 181.46 feet; thence
North 38°52'11" East, a distance of 20.57 feet; thence
North 83°52'11" East, a distance of 100.00 feet; thence
North 06°07'49" West, a distance of 88.00 feet; thence
South 83°52'11" West, a distance of 103.00 feet; thence
North 51°07'49" West, a distance of 20.57 feet; thence
North 06°07'49" West, a distance of 91.74 feet; thence
North 29°45'35" West, a distance of 17.46 feet; thence
North 06°07'49" West, a distance of 98.05 feet to the point of curvature of a
tangent curve concave to the southwest, with a radius of 610.00 feet;
thence westerly along said curve, through a central angle of 24°27'20", an arc
distance of 260.37 feet; thence

EXHIBIT B

North 16°08'20" West a distance of 36.12 feet to a point on a non-tangent curve, concave to the southwest, with a radius of 620.00 feet (the radial to said point bears North 56°10'47" East); thence
Northwesterly along said curve, through a central angle of 17°37'29", an arc distance of 190.72 feet; thence
North 51°26'42" West a distance of 8.93 feet; thence
North 04°43'11" West a distance of 21.10 feet to the most northerly northwest corner of said Parcel A, said corner being a point on a non-tangent curve, concave to the northwest, with a radius of 2,904.91 feet (the radial to said point bears South 48°17'54" East); thence along the northwesterly line of said Parcel A, also being the southeasterly right-of-way line of North Friant Road, the following courses:
Northeasterly along said curve, through a central angle of 01°41'45", an arc distance of 85.98 feet; thence North 16°11'30" East a distance of 17.44 feet to a point on a non-tangent curve, concave to the northwest, with a radius of 2,897.91 feet (the radial to said point bears South 50°18'35" East); thence
Northwesterly along said curve, through a central angle of 07°40'32" an arc distance of 388.22 feet; to a point along said curve (the radial to said point bears South 57°59'07" East) thence South 57°59'07" East a distance of 250.00 feet; thence
North 61°18'43" East, a distance of 185.92 feet; thence
South 23°40'26" East, a distance of 90.00 feet; thence
South 57°53'05" West, a distance of 35.00 feet; thence
South 25°39'25" East, a distance of 68.00 feet; thence
South 66°25'14" West, a distance of 117.00 feet; thence
South 20°20'21" East, a distance of 50.00 feet; thence
North 83°35'04" East, a distance of 173.00 feet; thence
South 03°11'31" East, a distance of 270.00 feet; thence
South 32°46'57" East, a distance of 108.00 feet; thence
South 03°01'55" East, a distance of 273.00 feet to the Southeasterly Line of said Parcel A of Parcel Map No. 91-22; thence
South 46°56'32" West, a distance of 790.00 feet to the Point of Beginning

Containing 15.94 acres



EXHIBIT L REZONE APPLICATION NO. R-08-14

LEGAL DESCRIPTION FOR PROPOSED REZONE OF FRESNO 40 DEVELOPMENT PROJECT

FROM: C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*)

and

R-P/UGM/cz (*Residential and Professional Office/Urban Growth Management/conditions of zoning*)

TO: C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*)

That portion of Parcels A and B of PARCEL MAP NO. 91-22, in the City of Fresno, Fresno County, California, according to the maps thereof recorded in Book 53 of Parcel Maps at pages 51 and 52, Fresno County Records, described as follows:

BEGINNING at the most southerly corner of said Parcel A; thence along the westerly line of said Parcel A, also being along the easterly right-of-way line of North Fresno Street, the following courses:

North 04°59'08" West, a distance of 76.98 feet; thence North 12°22'18" East, a distance of 33.53 feet; thence North 06°07'49" West, a distance of 181.46 feet; thence North 38°52'11" East, a distance of 20.57 feet; thence North 83°52'11" East, a distance of 100.00 feet; thence North 06°07'49" West, a distance of 88.00 feet; thence South 83°52'11" West, a distance of 103.00 feet; thence North 51°07'49" West, a distance of 20.57 feet; thence North 06°07'49" West, a distance of 91.74 feet; thence North 29°45'35" West, a distance of 17.46 feet; thence North 06°07'49" West, a distance of 98.05 feet to the point of curvature of a tangent curve concave to the southwest, with a radius of 610.00 feet; thence westerly along said curve, through a central angle of 24°27'20", an arc distance of 260.37 feet; thence

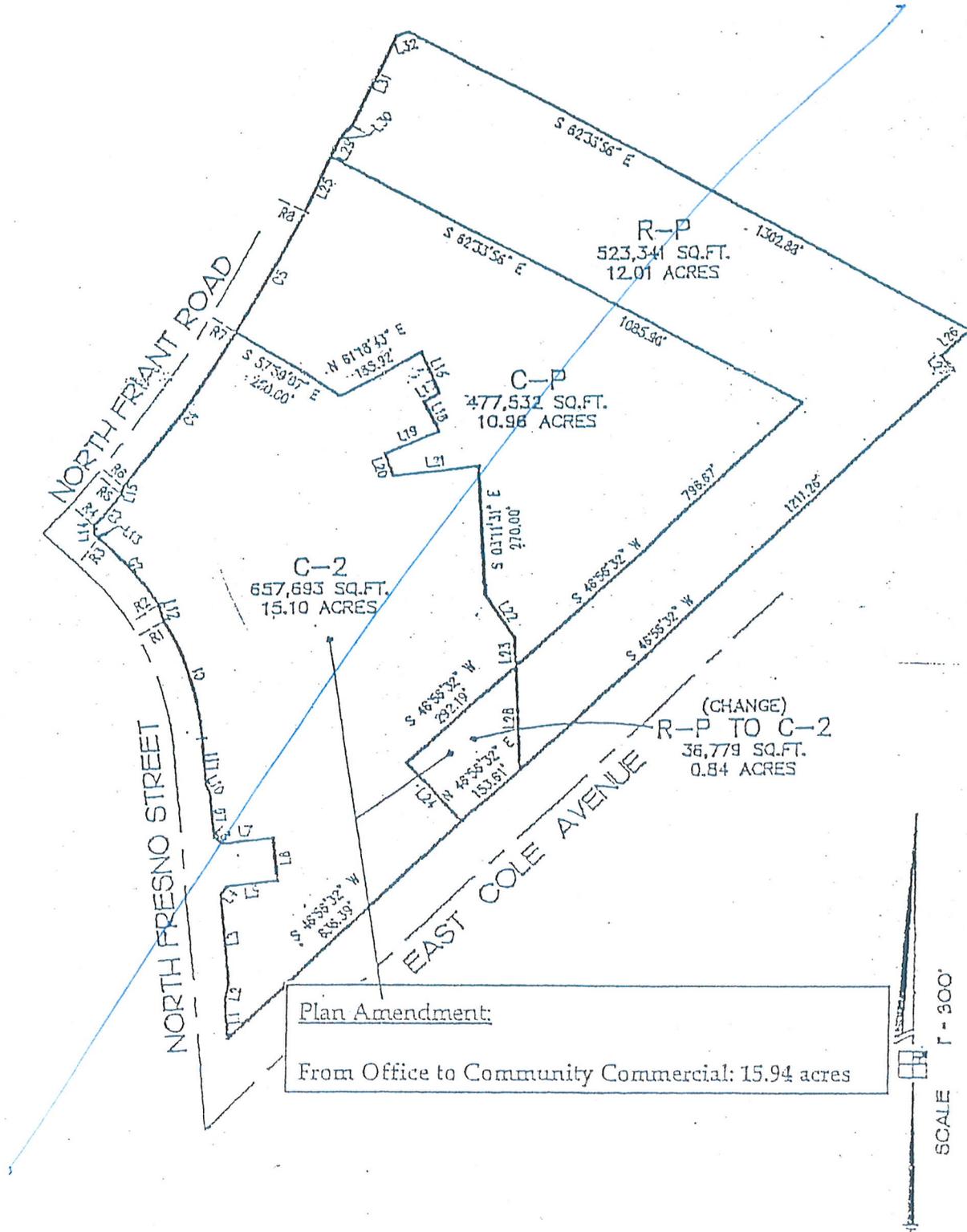


North $16^{\circ}08'20''$ West a distance of 36.12 feet to a point on a non-tangent curve, concave to the southwest, with a radius of 620.00 feet (the radial to said point bears North $56^{\circ}10'47''$ East); thence
Northwesterly along said curve, through a central angle of $17^{\circ}37'29''$, an arc distance of 190.72 feet; thence
North $51^{\circ}26'42''$ West a distance of 8.93 feet; thence
North $04^{\circ}43'11''$ West a distance of 21.10 feet to the most northerly northwest corner of said Parcel A, said corner being a point on a non-tangent curve, concave to the northwest, with a radius of 2,904.91 feet (the radial to said point bears South $48^{\circ}17'54''$ East); thence along the northwesterly line of said Parcel A, also being the southeasterly right-of-way line of North Friant Road, the following courses;
Northeasterly along said curve, through a central angle of $01^{\circ}41'45''$, an arc distance of 85.98 feet; thence North $16^{\circ}11'30''$ East a distance of 17.44 feet to a point on a non-tangent curve, concave to the northwest, with a radius of 2,897.91 feet (the radial to said point bears South $50^{\circ}18'35''$ East); thence
Northwesterly along said curve, through a central angle of $07^{\circ}40'32''$ an arc distance of 388.22 feet; to a point along said curve (the radial to said point bears South $57^{\circ}59'07''$ East) thence South $57^{\circ}59'07''$ East a distance of 250.00 feet; thence
North $61^{\circ}18'43''$ East, a distance of 185.92 feet; thence
South $23^{\circ}40'26''$ East, a distance of 90.00 feet; thence
South $57^{\circ}53'05''$ West, a distance of 35.00 feet; thence
South $25^{\circ}39'25''$ East, a distance of 68.00 feet; thence
South $66^{\circ}25'14''$ West, a distance of 117.00 feet; thence
South $20^{\circ}20'21''$ East, a distance of 50.00 feet; thence
North $83^{\circ}35'04''$ East, a distance of 173.00 feet; thence
South $03^{\circ}11'31''$ East, a distance of 270.00 feet; thence
South $32^{\circ}46'57''$ East, a distance of 108.00 feet; thence
South $03^{\circ}01'55''$ East, a distance of 273.00 feet to the Southeasterly Line of said Parcel A of Parcel Map No. 91-22; thence
South $46^{\circ}56'32''$ West, a distance of 790.00 feet to the Point of Beginning

Containing 15.94 acres



EXHIBIT A



H-4: CUP C-08-157 Conditions of Approval

**CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT**

CONDITIONS OF APPROVAL

DECEMBER 3, 2008

CONDITIONAL USE PERMIT APPLICATION No. C-08-157

PART A - PROJECT INFORMATION

1. Assessor's Parcel No: 402-220-37, 60, 61
2. Zone Map No: 1650
3. Job Address: 8550 North Friant Road
4. Street Location: Between Friant Road, Audubon Drive, Cole Avenue and Fresno Street
5. Existing Zoning: R-P/UGM/cz (*Residential and Professional Office District/Urban Growth Management/conditions of zoning*) zone district
C-P/UGM/cz (*Administrative and Professional Office District/Urban Growth Management/conditions of zoning*) zone district
Condition of zoning permitting only one access point from property to Friant Road
6. Proposed Zoning: R-P/UGM/cz (*Residential and Professional Office District/Urban Growth Management/conditions of zoning*) zone district (12.01 acres)
C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) zone district (15.94 acres)
C-P/UGM/cz (*Administrative and Professional Office District/Urban Growth Management/conditions of zoning*) zone district (10.98 acres)
Condition of zoning permitting two access points from property to Friant Road
7. Planned Land Use: Existing: Office Commercial Planned Land Use Designation
Proposed: Office Commercial and Community Commercial Planned Land Use Designations
8. Plan Areas: Woodward Park Community Plan
2025 Fresno General Plan
9. Project Description: Authorization to develop the site with 209,650 square feet of retail commercial uses, 278,200 square feet of office commercial uses and 24 multiple family residential uses.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The Fresno City Planning Commission will consider the proposed project on December 3, 2008, and will consider the special permit application subject to the enclosed list of conditions dated December 3, 2008 and Exhibits A-1, B-1 thru B-6, L-1 and L-2 dated December 3, 2008.

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

In the event you wish to appeal the Director's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Director. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. **Your appeal must be filed by December 3, 2008.**

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(Include this note on the site plan.)**

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

Transfer all red line notes, etc., shown on all original site plan exhibit to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by December 16, 2012 (four years from the date of the Planning Commission action). There is no exception.

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

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

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

Please contact David Braun at (559) 621-8038 or via e-mail at David.Braun@fresno.gov for an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets.

NOTICE TO PROJECT APPLICANT

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

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

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

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

Questions relating to dedications, street improvements or off-street parking lot geometrics may be directed to Greg Jenness at (559) 621-8812 of the Public Works Department, Engineering Division.

1. PUBLIC IMPROVEMENT REQUIREMENTS

- a. Comply with the memoranda from the Public Works Department, Engineering Division dated November 19, 2008, March 28, 2006 and September 12, 2008.

2. WATER AND SEWER SERVICE REQUIREMENTS AND CONNECTION CHARGES

- a. Connection to the City of Fresno water system is required.
- b. Connection to the City of Fresno sewer system is required.
- c. City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.
- d. Open street cuts are not permitted; all utility connections must be bored.
- e. CROSS-CONNECTION CONTROL. A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.
- f. Comply with the attached memorandum from the Public Utilities Department regarding sewer conditions dated November 19, 2008.
- g. SEWER CONNECTION CHARGES (FMC Section 9-503-a). The following sewer connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New sewer connection charges adopted by the Council prior to the issuance of building permits may also be applied.
- (i) Lateral Sewer Charge (based on property frontage to a depth of 100')
 - (ii) Oversize Sewer Charge (based on property frontage to a depth of 100')
- Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP).*
- For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.*
- h. Comply with the attached memorandum from the Public Utilities Department-Water Division dated November 21, 2008.

- i. WATER CONNECTION CHARGES (FMC Sections 14-107 to 14-110). The following water connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New water connection charges adopted by the Council **prior** to issuance of building permits may also be applied.
- Frontage Charge (based on property frontage)
 - Transmission Grid Main Charge (based on acreage)
 - Transmission Grid Main Bond Debt Services Charge (based on acreage)
 - UGM Water Supply Fee (based on living units, living unit equivalents or acreage)
 - Wellhead Treatment Fee (based on living units or living unit equivalents)
 - Recharge Fee (based on living units or living unit equivalents)
 - 1994 Bond Debt Service Charge (based on living units or living unit equivalents)
 - Service Charges (based on service size required by applicant)
 - Meter Charges (based on service need)

3. *TRAFFIC SIGNAL MITIGATION IMPACT (TSMI) FEE:*

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

4. FRESNO MAJOR STREET IMPACT FEES (FMSI)

- a) This entitlement is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees.

A BUILDING PERMIT CANNOT BE ISSUED UNTIL THE FMSI REQUIREMENTS HAVE BEEN SATISFIED.

5. CITY WIDE DEVELOPMENT IMPACT FEES

- Traffic Signal Fee. This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.
- Fire Station Fee (based on building square footage)
- Police Fee (based on building square footage)
- Parks Fee (based on the number of residential units)

PART D - PLANNING/ZONING REQUIREMENTS

1. PLANNING

- a. Development is subject to the following plans and policies:
- Woodward Park Community Plan
 - 2025 Fresno General Plan
 - Parking Lot Shading Policy

2. ZONING

- a. Development is proposed in accordance with the C-P/UGM/cz and R-P/UGM/cz zoning for the northerly 23 acres of the site and the C-2/UGM/cz zoning for the southerly 16 acres.
- b. Comply with the following conditions of zoning adopted as part of Rezone Application No. R-88-13 (Ordinance Bill No. 90-58), which reclassified the northerly 23 acres of the subject site to the existing R-P/UGM/cz (*Residential and Professional Office District/Urban Growth Management/ conditions of zoning*) and C-P/UGM/cz (*Administrative and Professional Office District/Urban Growth Management/ conditions of zoning*) zone districts.

- (1) For any development submitted for the site of the requested zoning, building permits shall not be issued unless the applicant provides for the development of an additional standard City water well providing a minimum of 1000 gpm of water meeting maximum allowable contaminant levels that is operational and is connected to either the transmission grid main in East Audubon Drive or Friant Road within one-half mile of the development.

The applicant may choose at any time prior to the issuance of building permits to use data provided by the computer water flow model, to determine to the satisfaction of the Public Works Director that an adequate supply of water for domestic and fire uses is available at the time of occupancy and that, therefore, the above-noted condition is not needed.

- (2) The following traffic mitigation measures shall be required.

- Signalize the main North Fresno Street access road intersection.
- Signalize the intersection of East Audubon Drive and East Cole Avenue.
- **Construct two right turn lanes and driveways on Friant Road between North Fresno Street and East Audubon Drive (condition modified).**
- Construct two right turn lanes and driveways on East Audubon Drive between Friant Road and East Cole Avenue, one driveway to be aligned with the existing westbound left turn lane, the other east of North Colfax Avenue.
- Construct a right turn lane and driveway on Fresno Street approximately 230 feet southeast of Friant Road.
- Stripe Friant Road for three lanes in each direction from Freeway 41 to 200 feet north of East Audubon Drive.

- Stripe North Fresno Street for three lanes in each direction from Friant Road to Herndon Avenue.
- Traffic generation from development of the subject site shall not exceed 12,400 daily vehicle trips as determined by ITE Trip Generation, Fourth Edition.
- Upon submittal of a development entitlement application, which can provide for a more accurate basis for determining traffic impacts, the applicant shall be entitled to request that the above mitigation measures be modified by the Public Works Director and the Traffic Engineer. However, in no case may traffic generated by the site exceed 12,400 daily vehicle trips.

(3) There shall be a 50-foot landscaped setback along East Audubon Drive.

(4) The single story office buildings along East Audubon Drive and East Cole Avenue shall be residential in character.

- c. The development of the southerly 16 acres of the site is subject to approval of related Rezone Application No. R-08-14 (and any conditions of approval), proposing to reclassify the southerly 16 acres of the subject site to the C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/ conditions of zoning*) zone district.

3. POPULATION DENSITY (Residential Projects)

- a. Not Applicable.

4. BUILDING HEIGHT

- a. The proposed building heights of 60 feet (4-story office buildings), 46 feet (Commercial building) and 28-feet (single story office and residential) are within the building height limitations of the C-P, C-2 and R-P zone districts, respectively and are within the 60 foot limitation pursuant to Section 12-321 of the FMC (mid-rise/high-rise corridor).

5. LOT COVERAGE

- a. No Requirements.

6. BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

- a. Provide the following minimum building setbacks:

- (1) 30 feet along Friant Road
- (2) 20 feet along Fresno Street
- (3) 50 feet along Audubon Drive

- b. Provide the following minimum landscaped areas:

- (1) 30 feet along Friant Road
- (2) 20 feet along Fresno Street

- (3) 50 feet with an earth berm along Audubon Drive
 - (4) Provide landscaping including deciduous and evergreen trees on the property line between the proposed project and the sugar pine trail.
- c. Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans, for all proposed and future buildings. Should equipment be located on the roof, it shall be screened using a parapet wall.
- d. No structures of any kind (including signs, trash and recycling areas, etc.) may be installed or maintained within the above-landscaped areas. No exposed utility boxes, transformers, meters, piping (excepting the backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on the street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved. **(Include this note on the site plan.)**
- e. The number of trees will be determined by the following formula:

Provide one medium size tree for every two parking spaces.
Exhibit A shows 2,111 parking spaces-Therefore provide 1056 trees.
- f. Provide sufficient trees in the parking lot area to provide 50 percent shading of the parking area surface within 15 years. (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.

NOTE: One medium sized tree is defined as attaining a height of 30-60 feet at maturity. Two small trees, up to 30-feet high at maturity may be substituted for one medium sized tree.
- g. Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached *Development Department, Performance Standards for Parking Lot Shading*, including tree species and tree counts.
- h. Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Planning and Development Department. **(Include this note on the site plan.)**
- i. Submit six copies of landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Planning Division. These plans must be reviewed and approved prior to obtaining building permits.
- j. Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Planning Division. **(Include this note on the site and landscape plans.)**

7. SPACE BETWEEN BUILDINGS

- a. Not Applicable.

8. FENCES, HEDGES, AND WALLS

- a. Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.
- b. Submit a rendering depicting the fence height, color, location etc. for review and approval.
- c. Clearly depict any proposed/existing fences on Exhibit A. Note that all proposed/existing fences must comply with all policies, ordinances, regulations, etc., of the City of Fresno, Planning and Development Department.
- d. All future fences, bollards, etc. shall be reviewed and approved prior to installation by the City of Fresno, Planning and Development Department. **(Include this note on the site plan.)**

9. OFF-STREET PARKING

- a. The minimum number of automobile parking spaces required for the proposed use will be determined per the following:
- 1050 stalls-Commercial (five stalls per 1000 square feet of buildings)
 - 752 stalls-Office (one square foot of parking to one square foot of building)
 - 36 stalls-Apartments (1.5 stalls per unit)

Therefore, provide 1,838 parking spaces on the subject property. Exhibit A dated December 3, 2008 shows 2,111 stalls.

- b. Any future tenants, including tenant improvements shall be reviewed to ensure adequate parking pursuant to Sections 12-215.5-I, 12-216.5-I, and 12-218.5-I (off-street parking) of the FMC.
- c. Provide 32 handicapped parking spaces (per State of California Building Code). All handicapped parking stalls shall be of a width providing at least 14 feet of usable space. Refer to the "Development Requirements for Handicapped Accessibility" of above-mentioned code.
- d. All handicapped stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**
- e. All handicapped parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from handicapped parking stalls and ramps. **(Include this note on the site plan.)**

- f. Lighting where provided to illuminate parking shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works, the Planning and Development Department and the Fresno Police Department. **(Include this note on the site plan.)**
- g. Clearly depict all proposed light fixtures, including height. Should light fixtures be placed on any of the proposed buildings, identify them on the elevations.
- h. Provide 10 bicycle parking spaces per Section 12-306-I-2.1-C of the Fresno Municipal Code. Spaces shall be provided in accordance with Section 12-306-I-5-d of the FMC. Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures **(This requirement superseded by mitigation measure, which requires 10% of # of vehicle parking spaces, or 200 bike parking spaces. Depict on Exhibit A).**

10. LOADING SPACES

- a. Per Section 12-306-L of the Fresno Municipal Code, loading space requirements will apply when a use involves pick-up and delivery of materials (other than normal solid waste collections) from trucks and tractor-trailers weighing more than two tons. Should trucks exceeding two tons not be utilized in the operation of the proposed business, a letter must be submitted to the Planning Division stating such.

11. ACCESS

- a. Vehicular and/or pedestrian access shall be provided and shall remain clear at all times.
- b. Vehicular access across the Sugar Pine Trail shall be prohibited.
- c. Provide vehicular access as noted on Exhibit A dated December 3, 2008. Handicap access shall be clearly delineated.
- d. Provide defined pedestrian paths throughout the site. Provide pedestrian path connections to the Sugar Pine Trail as shown on Exhibit A.
- e. The pedestrian paths shall provide for a direct connection between the Sugar Pine Trail and the Lewis S. Easton Trail at the intersection of Friant Road and Audubon Drive, thereby allowing for a pedestrian connection to Woodward Park.
- f. When pedestrian paths go through the parking lot, the pedestrian path shall be delineated by stamped concrete, paving stones, brick, flagstone, or other contrasting paving material to clearly demarcate the path and to provide a safe walking area. Identify path material on Exhibit A. Note that painted/striped lines are not acceptable. This pedestrian path shall be depicted on all exhibits, including future entitlements and shall connect all buildings covered

by the master conditional use permit.

- g. Designate an appropriate number of parking stalls in the parking lot in an acceptable location to provide for a "park-and-ride facility" as determined by the Planning and Development Department Director.

12. OUTDOOR ADVERTISING

- a. Signs, *other than directional signs, if applicable*, are not approved for installation as part of this special permit. *Submit for a separate Master Sign Program, which shall include the entire subject project.* Applications and requirements for submittal are available at the Planning Division's Public Front Counter. **(Include this note on the site plan.)**
- b. In an effort to prevent potential problems with the flow of traffic in the area, directional signs may be installed at each project entrance, which is located on a major street. The signs shall not exceed 24 square feet in area or 8 feet in height and shall contain a directional arrow and business name and/or address. **These signs must be approved as part of a Conditional Use Permit**, but are not required as part of a Sign Review Application nor a Master Sign Program Application.

PART E - CITY AND OTHER SERVICES

1. FIRE PROTECTION REQUIREMENTS

- a. Comply with the requirements of the attached Fire Department memorandum dated November 18, 2008 and the notes on Exhibits A dated December 3, 2008.

2. SOLID WASTE COLLECTION

- a. Comply with the attached Solid Waste Management Requirements dated November 20, 2008.

3. FLOOD CONTROL REQUIREMENTS

- a. Comply with the attached Fresno Metropolitan Flood Control District memorandum, dated November 20, 2008.

4. SCHOOL FEES

- a. School fees must be paid prior to issuance of building permits. (Contact Clovis Unified School District.) Comply with the attached correspondence from the Clovis Unified School District dated June 30, 2008.

5. PARKS DIVISION

- a. Comply with the attached memorandum from the Department of Public Works dated November 19, 2008.

6. FRESNO IRRIGATION DISTRICT (FID)

- a. Comply with the attached correspondence from FID dated June 25, 2008.

7. DEPARTMENT OF TRANSPORTATION (CALTRANS)

- a. Comply with the attached correspondence from CALTRANS dated November 4, 2008.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

1. Include a color and material schedule on the site plan, as well as on the elevations, for the exterior of all buildings and structures. The building elevations shall be drawn to scale.
2. Pursuant to Policy C-20-f of the 2025 General Plan, all proposed buildings shall include design features and decorative treatments. All sides of buildings shall not be developed with featureless "blank" walls. This may be accomplished by varying the building footprint with indentations, projections, offsets, different building material, adding polyfoam with a stucco finish, accent banding, etc., to add visual interest and to break up the monotonous walls. Submit elevations, of all proposed buildings, for review and approval.
3. The front and rear sides of the proposed row of commercial buildings shall look substantially similar.
4. The project shall be phased in a manner that provides for development of each component of the project (i.e. commercial, office and residential). The phasing of the project shall be periodically monitored by the Planning and Development Director to insure compliance.
5. Roof mounted and detached mechanical equipment for commercial and office uses shall be screened from view and acoustically baffled to prevent the noise level rating for the equipment from exceeding 55 Ldn measured at the nearest property line. **(Include this note on the site plan.)**
6. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**
7. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**
8. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**

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

Conditions of Approval
Conditional Use Permit Application No. C-08-157
December 3, 2008
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H-5: Mitigation Monitoring and Reporting Program for EIR
No. 10142

Exhibit F

**Mitigation Monitoring and Reporting Program
for the
Fresno 40 Project
(EIR No. 10142)
City of Fresno, Fresno County, California
State Clearinghouse No. 2001021030**

Prepared for:

City of Fresno



Planning and Development Department
2600 Fresno Street, 3rd Floor
Fresno, CA 93721
559.621.8038

Contact: David Braun, Planner III

Prepared by:

Michael Brandman Associates

2444 Main Street, Suite 150
Fresno, CA 93721
559.497.0310

Contact: Jason Brandman, Project Director
Kathryn Longabaugh, Project Manager



Michael Brandman Associates

November 20, 2008

EXHIBIT G

EIR NO. 10142

Table 1: Fresno 40 Project Mitigation Monitoring and Reporting Program

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
|--|---|---------------------------------------|---|----------------------------|---------|
| | | | | Date | Initial |
| Section 4.1 - Aesthetics, Light, and Glare | | | | | |
| MM AES-2a: All mechanical equipment placed on rooftops and exhaust ducts for rooftop mechanical equipment shall be oriented away from existing and planned office or residential uses. | Provide documentation to agency responsible for verification. | Prior to issuance of building permits | City Fresno Planning and Development Department | | |
| MM AES-2b: The developer shall comply with General Plan policies regarding the design guidelines specifications for each zoning. Specifically: <ul style="list-style-type: none"> The developer shall incorporate landscape, wall treatment, signage, architectural standards pursuant to the General Plan for the development of commercial, office, and residential use areas. A minimum 20-foot landscaped area shall parallel the northerly side of N. Fresno Street and the westerly side of E. Cole Avenue. The landscaped area on the easterly side of N. Friant Road shall be 30 feet. On the south side of E. Audubon Drive, the landscaped setback shall be 50 feet and shall include berming and trees to minimize views into the site from homes on the north side of E. Audubon Drive. Project entries along N. Friant Road, N. Fresno Street, and E. Audubon Drive shall incorporate entry features such as extensive landscaping and low-profile entry signs. Single-story office buildings located along the E. Audubon Drive and E. Cole Avenue frontages shall be residential in character. | Provide documentation to agency responsible for verification. | Prior to issuance of building permits | City Fresno Planning and Development Department | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
|--|--|--|--|---------------------------------|------------------------------------|
| <ul style="list-style-type: none"> The project's landscape design should utilize plant species, quantities, and quality consistent with the properties facing the project on N. Fresno Street and N. Friant Road. Landscape design at the intersection of N. Fresno Street and N. Friant Road should replicate the three existing corners to maintain the uniform look of the intersection. The shopping center component of the proposed project shall have internally unified building design, landscaping, and signage. Building facades shall include design features and decorative treatment. Visible sides of buildings shall not be developed with featureless, "blank" walls. Roof-mounted mechanical equipment shall be adequately screened. | | | | | |
| <p>MM AES-2c: Prior to issuance of building permits, the project applicant shall submit a sign permit application to the City of Fresno for review and approval. The application shall identify all exterior building-mounted and freestanding (e.g., monument) signs and demonstrate the signs are consistent with provisions of Sign Ordinance Chapter 12, Article 17 and are uniform in design. The signage shall incorporate the most energy-efficient technology available unless technical feasibility or safety concerns take precedence.</p> | <p>Provide documentation to agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City Fresno Planning and Development Department</p> | | |
| <p>MM AES-2d: The developer shall comply with Community Plan policies regarding the design guidelines specifications for each zoning. Specifically:</p> <ul style="list-style-type: none"> Outdoor recreational areas, game courts, swimming pools, and solid waste collection areas on properties zoned for multiple-family residential uses shall be oriented away from properties zoned or planned for | <p>Provide documentation to agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City Fresno Planning and Development Department</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
|---|------------------------|------------------------|------------------------------|---------------------------------|------------------------------------|
| <p>single-family residential uses.</p> <ul style="list-style-type: none"> • Parking areas, carports, garages, accessory structures, and access drives shall be separated from abutting properties zoned or planned for single-family residential use with a landscaped setback 15 feet wide in conjunction with a solid masonry wall 6 feet high on the property line. • Multiple-family buildings greater than one story (20 feet) in height shall be prohibited within 75 feet of property zoned or planned for single-family residential use. • All loading and storage areas shall be screened from view of adjoining property zoned or planned for residential uses by a combination of landscape planting and a solid masonry wall. All loading spaces shall be located not less than 150 feet from the boundary of any residential property; however, the proximity of loading areas may be reduced to not less than 40 feet from the boundary of residential property if the Director of the Development Department or the Planning Commission finds that additional screening and noise attenuating methods have been designed to adequately protect adjoining residential property. All storage shall be within an enclosed structure. • Roof-mounted and detached mechanical equipment for commercial and office uses shall be screened from view and acoustically baffled to prevent the noise level rating for the equipment from exceeding 55 L_{dn} measured at the nearest property line. • A landscaped setback 20 feet wide containing deciduous and evergreen trees shall be planted and maintained along the property line between commercial and office uses and abutting properties zoned or planned for residential uses and along abutting local streets provided. | | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
|---|--|--|--|---------------------------------|------------------------------------|
| <ul style="list-style-type: none"> No commercial or office building shall be constructed within 50 feet of the property line of abutting properties zoned or planned for residential uses. <p>The following wall and berm treatment shall be required for commercial uses and office uses:</p> <ol style="list-style-type: none"> A solid masonry wall 6 feet in height, an earth berm 6 feet in height or any combination of solid masonry wall and earth berm which provides a continuous barrier 6 feet in height, shall be erected on or along the property line between properties zoned or planned for commercial and office uses and properties zoned or planned for residential uses. A solid masonry wall 3.5 feet in height, an earth berm 3.5 feet in height or any combination of solid masonry wall and earth berm that provides a continuous barrier 3.5 feet in height shall be erected along the setback line 20 feet from and parallel with the right-of-way line of abutting local streets. Earth berms shall be planted with grass or ground cover and maintained by the property owner. | | | | | |
| <p>MM AES-3: Prior to issuance of building permits for the proposed project, the applicant shall provide a lighting plan for the City of Fresno to review and approve. The plan shall include provisions to ensure that outdoor lighting is designed so that potential glare or light spillover to surrounding land uses is minimized through appropriate site design and shielding of light fixtures. Exterior lighting shall not create glare for neighboring properties but shall provide adequate onsite lighting for safety and security purposes. The City will review the final site design plans to ensure that all lighting is directed downward and away from residences. This mitigation measure does not preclude the use of small-scale decorative lighting that may</p> | <p>Provide documentation to agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City Fresno Planning and Development Department</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
|---|---|--|--|----------------------------|---------|
| | | | | Date | Initial |
| <p>be directed upward, such as wall wash lighting or spotlighting for landscaping. This type of lighting is allowed if it does not spill over onto adjacent properties.</p> <p>Section 4.2 - Air Quality</p> <p>MM AIR-3a: Large canopy trees shall be carefully selected and located to protect the buildings from energy consuming environmental conditions, and to shade 50 percent of paved areas within 15 years. This measure reduces emissions by reducing urban heat island effect, reducing ROG emissions from parked vehicles (shading reduces temperature, which reduces seepage), and creates a more walkable environment.</p> <p>MM AIR-3b: Prior to issuance of building permits, a landscape plan shall be prepared and submitted to the City of Fresno for review and approval pursuant to the City's normal planning process that provide shade trees and foliage to reduce building and surface lot heating/cooling needs, and conform to landscape standards established by the City of Fresno. The landscape plan shall have the following components:</p> <ul style="list-style-type: none"> • At least 50 percent of installed trees and shrubs shall be low-ozone forming potential (Low-OFP) and 100 percent of trees and shrubs shall be drought-tolerant species. • The landscape plan shall be designed to shade 50 percent of paved surfaces within 10 years of buildout. <p>MM AIR-3c: Cool paving and high-albedo construction materials shall be used for roads, driveways, and other select paved surfaces to increase reflectivity. This measure mitigates the effect of "heat islands" created by this and similar projects, which contribute to the reduced air quality in the valley by heating ozone precursors.</p> | <p>Provide documentation to agency responsible for verification.</p> <p>Provide documentation to agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> <p>Prior to issuance of building permits</p> <p>Prior to issuance of building permits</p> | <p>City Fresno Planning and Development Department</p> <p>City Fresno Planning and Development Department</p> <p>City Fresno Planning and Development Department</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
|--|--|--|--|----------------------------|---------|
| | | | | Date | Initial |
| <p>MM AIR-3d: Prior to occupancy, the project applicant shall install bicycle racks throughout the office and retail components of the project public use and provide bicycle storage facilities for office and retail employee use in secure areas of these uses. The number of bicycle parking spaces shall be equivalent to 10 percent of the proposed project's vehicular parking requirement. The employee bicycle storage facilities shall be provided in a secure area (i.e., non-publicly accessible) in recognition that employees will require bicycle storage for longer periods than customers or visitors. Bike racks will be reviewed and approved by both the Planning and Development Director and the City Traffic Engineer. Each office buildings and each major shopping center tenant shall have a bike rack close to the building entrance. [Same as MM TRANS-10b]</p> | <p>Provide documentation to agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City Fresno Planning and Development Department and City Engineer</p> | | |
| <p>MM AIR-3e: The project will provide shower and locker facilities to encourage employees to bike and/or walk to work (typically one shower and three lockers for every 25 employees).</p> | <p>Provide final plan approval to agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Planning and Development Department</p> | | |
| <p>MM AIR-3f: Construction plans shall provide preferential parking (such as covered or shaded) for carpool / vanpool vehicles near the entrance of the building(s). Clearly indicate carpool / vanpool spaces with signage approved by the City of Fresno.</p> | <p>Provide final plan approval to agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Planning and Development Department</p> | | |
| <p>MM AIR-3g: Installation of weather and tamper proof exterior electrical outlets in landscape areas to promote the use of electric powered landscape maintenance equipment. The owners and operators of the project shall encourage the use of electric landscape maintenance equipment. This measure reduces the area source emissions of ROG and NO_x from landscape equipment.</p> | <p>Provide documentation to agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City Fresno Planning and Development Department</p> | | |
| <p>MM AIR-3h: Prior to occupancy the project shall install</p> | <p>Provide</p> | <p>Prior to occupancy</p> | <p>City Fresno Planning and</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
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| <p>the following in diesel truck loading dock areas:</p> <ul style="list-style-type: none"> • Signage advising truck drivers to turn off engines when not in use • Signage advising truck drivers of state law prohibiting diesel idling of more than 5 minutes • Auxiliary 110-volt and 220-volt power units so trucks can power refrigeration units or other equipment without diesel engine idling <p>This measure reduces NO_x and PM emissions from idling.</p> | <p>documentation to agency responsible for verification.</p> | | <p>Development Department</p> | | |
| <p>MM AIR-3i: Compliance with San Joaquin Valley Air Pollution Control District, Rule 9510 shall be made a condition of approval. Compliance via an approved Air Impact Assessment Application shall be provided prior to receiving permits for construction.</p> | <p>Provide documentation to agency responsible for verification.</p> | <p>Prior to receiving permits for construction</p> | <p>City of Fresno Planning and Development Department; San Joaquin Valley Air Pollution Control District</p> | | |
| <p>MM AIR-9a: Equipment used during grading activities shall require the use of one of the following:</p> <ul style="list-style-type: none"> • Diesel oxidation catalysts or other amendment to achieve a 15-percent reduction in NO_x emissions; or • An engine tier of three or higher; or • An engine of year 2006 or newer. | <p>Provide documentation to agency responsible for verification.</p> | <p>During grading activities</p> | <p>City of Fresno Planning and Development Department</p> | | |
| <p>MM AIR-9b: During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.</p> | <p>Inspect site and provide documentation to agency responsible for verification.</p> | <p>During project construction</p> | <p>City of Fresno Planning and Development Department</p> | | |
| <p>MM AIR-9c: During project construction, the developer shall require all contractors to turn off all construction</p> | <p>Provide site inspection report.</p> | <p>During project construction</p> | <p>City of Fresno Planning and Development</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
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| equipment and delivery vehicles when not in use. | | | Department | | |
| MM AIR-9d: During project construction, onsite electrical hook ups shall be provided for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators. | Provide site inspection report. | During project construction | City of Fresno Planning and Development Department | | |
| MM AIR-9e: The project shall be designed to qualify for certification under Leadership in Energy and Environmental Design (LEED) for Homes and New Construction. This mitigation does not require the homes and office/commercial buildings to apply and receive LEED Certification, only to meet equivalent requirements. | Provide documentation to agency responsible for verification. | Prior to receiving permits for construction | City of Fresno Planning and Development Department | | |
| MM AIR-9f: Residential structures shall be constructed to support the load of solar panels and have the appropriate electrical wiring. Photovoltaic cells (solar panels) shall be offered to the homebuyers as an option. | Provide documentation to agency responsible for verification. | Prior to receiving permits for construction | City of Fresno Planning and Development Department | | |
| MM AIR-9g: Building will be designed to be energy efficient. Buildings will be sited to take advantage of shade, prevailing winds, landscaping, and sunscreens to reduce energy use. | Provide documentation to agency responsible for verification. | Prior to receiving permits for construction | City of Fresno Planning and Development Department | | |
| MM AIR-9h: For all lighting and control systems that have ENERGY STAR alternatives, install ENERGY STAR lighting and lighting control systems. Use daylight as an integral part of lighting systems in commercial buildings. | Provide documentation to agency responsible for verification. | Prior to receiving permits for construction | City of Fresno Planning and Development Department | | |
| MM AIR-9i: ENERGY STAR heating and cooling systems, appliances and equipment, and control systems shall be installed. | Provide documentation to agency responsible for verification. | Prior to receiving permits for construction | City of Fresno Planning and Development Department | | |
| MM AIR-9j: The proposed project shall implement the | Provide | Prior to receiving | City of Fresno Planning | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
|--|--|--|---|---------------------------------|------------------------------------|
| <p>California CAT strategies (Hydrofluorocarbon Reduction). An alternative to refrigerant R22, also known as HCFC-22, shall be selected. The applicant and the onsite retailers shall also join the EPA GreenChill Partnership, which provides information and recommendations for further reducing project reliance on hydrofluorocarbons.</p> | <p>documentation to agency responsible for verification.</p> | <p>permits for construction</p> | <p>and Development Department</p> | | |
| <p>Section 4.3 - Biological Resources</p> | | | | | |
| <p>MM BIO-1a: Prior to ground-disturbing activities on the project site, a qualified biologist shall conduct a 30-day, pre-construction burrowing owl survey to determine the presence or absence of this species. If burrowing owls are determined to be present, the developer shall follow the guidelines outlined by the Burrowing Owl Consortium (BOC), including passive relocation.</p> | <p>Receipt of focused survey or pre-construction survey</p> | <p>Prior to ground-disturbing activities</p> | <p>City of Fresno Planning and Development Department</p> | | |
| <p>MM BIO-1b: Prior to ground-disturbing activities on the project site, a qualified biologist shall conduct a 30-day, pre-construction San Joaquin kit fox survey to identify any potential kit foxes or denning locations. If kit foxes or kit fox dens are detected, a qualified biologist shall contact the USFWS and implement its "Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 1999).</p> | <p>Receipt of focused survey or pre-construction survey</p> | <p>Prior to ground-disturbing activities</p> | <p>City of Fresno Planning and Development Department; US Fish and Wildlife Service</p> | | |
| <p>MM BIO-1c: If proposed construction activities are to occur during the nesting bird season, which extends from February 15 to August 31, a qualified biologist shall conduct a survey for ground-dwelling nesting birds at least 3 days prior to grading activities. If active nests are observed, construction activity shall be prohibited within a 100-foot buffer around the nest. In the presence of a qualified biologist, it may be determined that construction activities may continue; however, a biological monitor shall be present during the construction activities. In addition, any activity that may potentially cause a nest failure, including soil disturbance, shall require a</p> | <p>Receipt of focused survey or pre-construction survey</p> | <p>Prior to ground-disturbing activities</p> | <p>City of Fresno Planning and Development Department; California Department of Fish and Game</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
|--|---|--|---|---------------------------------|------------------------------------|
| <p>biological monitor during the construction activities.</p> | | | | | |
| <p>Section 4.4 - Cultural Resources</p> | | | | | |
| <p>MM CUL-1: If a potentially significant cultural resource is encountered during subsurface excavation for the project, all construction activities within a 100-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The City shall require the project applicant to include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramic, wood, or shell artifacts; fossils; or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive report and file it with the appropriate Information Center, and provide for the permanent curation of the recovered materials.</p> | <p>Provide notification of find to agency responsible for verification.</p> | <p>During construction</p> | <p>City of Fresno Planning and Development Department</p> | | |
| <p>MM CUL-3a: The attendance of qualified paleontologic personnel at the pre-construction or pre-grade meeting to discuss appropriate mitigation measures in the case of accidental discovery of paleontologic resources.</p> | <p>Meeting documentation</p> | <p>Pre-construction or pre-grade meeting</p> | <p>City of Fresno Planning and Development Department</p> | | |
| <p>MM CUL-3b: In the event a fossil is discovered during project development (including those occurring at depths of less than 10 feet), all excavation within the immediate</p> | <p>Provide notification of find to agency responsible for</p> | <p>During construction</p> | <p>City of Fresno Planning and Development Department</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
|---|---|--|---|---------------------------------|------------------------------------|
| <p>vicinity of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the City of Fresno to determine procedures to be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the City determines that avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The plan will include procedures stating that the recovered specimens will be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. In addition, the paleontological resource(s) should be deposited in an accredited and permanent scientific institution where they will be properly curated and preserved. The data recovery plan shall be submitted to the City for review and approval.</p> | <p>verification.</p> | | | | |
| <p>MM CUL-4: If human remains are encountered during project excavation activities, CEQA Guidelines Section 15064.5 (e) shall be complied with, including but not limited to, all work within a 100-foot radius shall stop immediately and the Fresno County Coroner's office shall be notified. If the remains are determined to be Native American in origin, the Native American Heritage Commission shall be notified and will identify the Most Likely Descendent, who will be consulted for recommendations for treatment of the discovered remains.</p> | <p>Provide notification of find to agency responsible for verification.</p> | <p>During project excavation activities</p> | <p>City of Fresno Planning and Development Department and Fresno County Coroner's office</p> | | |
| <p>Section 4.6 - Hazards and Hazardous Materials</p> <p>MM HAZ-2: Prior to any ground-disturbing activities, a Soil Sampling Analysis shall be performed that consists of sampling from those areas that were identified in the Phase I ESA as "Potential Environmental Concerns," in order to characterize any environmental constraints or</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to any ground-disturbing activities</p> | <p>City of Fresno Planning and Development Department; Department of Toxic Substances Control</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
|---|--|---|--|---------------------------------|------------------------------------|
| <p>concerns related to the historical site usage. The consultant selected for the surface soil sampling must adhere to the Department of Toxic Substances Control's Guide for sampling. If it is confirmed by analysis that petroleum contamination has occurred or that contaminants are found to contain the chemical components of a pesticide or herbicide, the affected soil should be excavated, removed from the site, and deposited into a landfill that is certified to accept contaminated soil in a manner that complies with local, state, and federal regulations related to hazards and toxic pollutants.</p> | | | | | |
| <p>Section 4.7 - Hydrology and Water Quality</p> | | | | | |
| <p>MM HYD-1a: Prior to the issuance of grading permits, the project applicant shall prepare and submit a Stormwater Pollution Prevention Plan to the City and Fresno Metropolitan Flood Control District that identifies specific actions and Best Management Practices to prevent stormwater pollution during construction activities. The stormwater management plan shall identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices to be contained in the plan include but are not limited to:</p> <ul style="list-style-type: none"> • Bioswales and landscaped areas that promote percolation of runoff • Pervious pavement • Roof drains that discharge to landscaped areas • Trash enclosures with screen walls and roofs • Stenciling on storm drains • Curb cuts in parking areas to allow runoff to enter landscaped areas • Rock-lined areas along landscaped areas in parking lots • Catch basins | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to the issuance of grading permits</p> | <p>City of Fresno Planning and Development Department and Fresno Metropolitan Flood Control District</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| | | | | Date | Initial |
| <ul style="list-style-type: none"> Regular sweeping of parking areas and cleaning of storm drainage facilities Employee training to inform store personnel of stormwater pollution prevention measures <p>The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.</p> | | | | | |
| <p>MM HYD-2: Prior to the issuance of building permits, the project applicant shall submit a stormwater management plan to the City of Fresno for review and approval. The stormwater management plan shall identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices to be contained in the plan include but are not limited to:</p> <ul style="list-style-type: none"> Bioswales and landscaped areas that promote percolation of runoff Pervious pavement Roof drains that discharge to landscaped areas Trash enclosures with screen walls and roofs Stenciling on storm drains Curb cuts in parking areas to allow runoff to enter landscaped areas Rock-lined areas along landscaped areas in parking lots Catch basins Regular sweeping of parking areas and cleaning of storm drainage facilities Employee training to inform store personnel of stormwater pollution prevention measures <p>The project applicant shall also prepare and submit an</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to the issuance of building permits</p> | <p>City of Fresno Planning and Development Department and Fresno Metropolitan Flood Control District (FMFCD)</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
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| <p>Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.</p> | | | | | |
| <p>MM HYD-4: Prior to issuance of grading permits, the project applicant shall retain a qualified civil engineer to prepare and submit a drainage plan to the City of Fresno and to the Fresno Metropolitan Flood Control District (FMFCD) that identifies grading and drainage patterns consistent with FMFCD's Master Plan as shown on Exhibit 4.7.1. There is also an existing twenty foot wide storm drain easement. No encroachments into the easements will be permitted including, but not limited to foundations, roof overhangs, swimming pools, and trees. The City of Fresno and FMFCD shall review and approve the drainage plan and the project applicant shall incorporate the approved plan into the proposed project plans. The FMFCD approved a grading plan on January 12, 2007, prepared by Ingles Braun Engineering, for the 2006 Zinkin Development proposal, referred to in page 3-15 of this EIR. It is recommended that the approved grading plan be utilized for the proposed project, as the project is substantially similar to the 2006 proposal. FMFCD's system can accommodate increased runoff generated from the proposed land use densities.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to issuance of grading permits</p> | <p>City of Fresno Planning and Development Department and Fresno Metropolitan Flood Control District (FMFCD)</p> | | |
| <p>Section 4.9 - Noise</p> | | | | | |
| <p>MM NOI-1: The project applicant shall require construction contractors to adhere to the following noise attenuation requirements:</p> <ul style="list-style-type: none"> • Construction of the project, along areas adjacent to existing residential land use development, shall be restricted to weekdays and normal daytime hours (7:00 a.m. to 5:00 p.m.) to minimize impacts on residential neighborhoods or residential development • All construction equipment shall use noise-reduction | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Planning and Development Department</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| <p>features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.</p> <ul style="list-style-type: none"> Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest building, unless safety or technical factors take precedence. Stationary combustion equipment such as pumps or generators operating within 300 feet of the nearest building shall be shielded with a noise protection barrier. | | | | | |
| <p>MM NOI-6: The project applicant shall build a 6.0-foot sound wall around any first floor patios and a 3.5-foot sound wall around any second floor balconies that face toward either E. Audubon Drive or E. Cole Avenue. The sound barrier's weight shall maintain a density of at least 4 pounds per square foot of face area and have no decorative cutouts or line-of-site openings.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Planning and Development Department</p> | | |
| <p>Section 4.10 - Public Services and Utilities</p> | | | | | |
| <p>MM PSU-6a: Prior to issuance of building permits, the project applicant shall submit landscaping plans to the City of Fresno's Director of Public Utilities for verification that the proposed project's potable water use will be reduced by 20 percent. Methods to achieve this 20 reduction in water use may include, but are not limited to, intensive xeriscape or artificial lawns, or utilization of FID surface water for irrigation. FID shall be consulted in the event that surface water options are explored.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Public Utilities and, potentially, the Fresno Irrigation District (FID)</p> | | |
| <p>MM PSU-6b: All landscape shall be drought tolerant.</p> | <p>Provide landscape plan to the agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Planning and Development Department</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
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| <p>MM PSU-6c: Prior to issuance of building permits, the project applicant shall submit plans to the City of Fresno for review and approval that identify the following indoor water conservation measures:</p> <ul style="list-style-type: none"> • Separate metering of domestic water • Low-flow or ultra-low-flow toilets and urinals • Faucet aerators or low-flow faucets in bathrooms and kitchens • Hot water recirculation systems | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Planning and Development Department</p> | | |
| <p>MM PSU-6d: As requested by the City of Fresno Water Division, the proposed project shall dedicate approximately 4,024 square feet of land located adjacent to the west and south property boundaries of the existing Pump Station 94 for the purpose of constructing permanent water chlorination facilities, future wellhead treatment facilities and well site expansion for the existing Pump Station 94.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Planning and Development Department</p> | | |
| <p>MM PSU-9a: Prior to the issuance of grading permits the applicant shall provide documentation to the City of Fresno demonstrating that it (1) has contracted with a City-approved construction and demolition recycling facility to accept at least 90 percent of project-related construction and demolition debris and (2) will implement recycling during demolition and construction activities that will result in at least 90 percent of the construction debris being recycled.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to the issuance of grading permits</p> | <p>City of Fresno Planning and Development Department</p> | | |
| <p>MM PSU-9b: Prior to issuance of building permits, the project applicant shall submit a site plan to the City of Fresno that identifies facilities necessary to collect and store recyclable materials for all project buildings. Recycling areas shall be covered and easily accessible from living and working spaces.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to issuance of building permits</p> | <p>City of Fresno Planning and Development Department</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
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| <p>Section 4.11 - Transportation</p> <p>MM TRANS-1: Prior to the issuance of a grading permit, building permit, and/or encroachment permit, the project applicant shall prepare and submit a Construction Traffic Control Plan (TCP) to the City of Fresno for review and approval. The plan shall then be implemented during construction activities. The plan shall include the following requirements:</p> <ul style="list-style-type: none"> • Identification of haul routes for trucks. To the extent practical, haul routes shall use SR-41, N. Friant Road, and N. Fresno Street and avoid E. Audubon Drive, E. Cole Avenue and surrounding residential streets. • Description of safety procedures such as advance warning, signage, sight distance, traffic delay, and special flagmen for temporary road closures, detours, or other activities that may affect traffic. • Compliance with the Americans with Disability Act (ADA) • Identification of construction parking and equipment storage and staging areas. • Identification of construction access points and, if applicable, where access points to adjoining properties would be blocked by construction vehicles and activities. In the event that access to adjoining properties would be blocked, alternative access routes and access points for use by the public and/or emergency vehicles shall be identified. • Identification of temporary, construction-related hazards and barriers affecting pedestrian and bicycle movements. If safe and technical feasible, alternative access for bicycles and pedestrians shall be provided with proper notification and signage. • A visual screen for motorists by either a chain link fence and mesh or a K-rail with wood extensions. | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to the commencement of construction activities</p> | <p>City of Fresno Department of Public Works</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
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| <p>MM TRANS-2a: Prior to the commencement of construction activities, the project applicant shall synchronize the signalized intersections along the Friant Road-Blackstone Avenue Corridor at Blackstone Avenue/Nees Avenue, Friant Road/SR-41 Southbound Ramps, Friant Road/SR-41 Northbound Ramps, Friant Road/Fresno Street, Friant Road/Audubon Drive, Friant Road/Shepherd Avenue with Intelligent Transportation Systems (ITS) Synchronization. Synchronization shall be constructed consistent with the Public Works ITS Standards and Specification and shall include but not be limited to:</p> <ul style="list-style-type: none"> • Install 6-pack (1 2 inch) HDPE SR-11 communication conduit with one Toneable conduit. • Install Fiber Cable between each intersection. • Install ITS switches at each intersection with fiber optic communication (one switch per controller with media converter). • Install ITS fiber optic communication vault with COM CABINET AND GROUND. • Install two cameras on 45-foot poles at each intersection • Install Mule-tape in all conduits. | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to the commencement of construction activities</p> | <p>City of Fresno Department of Public Works</p> | | |
| <ul style="list-style-type: none"> • Connect these roadway ITS segments with the nearest completed ITS backbone segment in the Calcot Palm Bluffs Business Park. | | | | | |
| <p>MM TRANS-2b: Prior to occupancy, the project applicant shall make the following improvements:</p> <ul style="list-style-type: none"> • At the intersection of Friant Road and Shepherd Avenue, widen the northbound approach to 1 left-turn lane, three through-lanes, and 1 right-turn lane (the extension of the 4th northbound through lane from Friant Road/Fresno Street). Widen the southbound approach to two left-turn lanes, and three through-lanes. | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| <p>Remove the striping by grinding and a Class 3 slurry across all through left-turn lanes to allow for three westbound left-turn lanes on Shepherd Avenue.</p> | | | | | |
| <p>MM TRANS-2c: In addition to Mitigation Measure MM TRANS-1 and prior to occupancy, the project applicant shall synchronize the intersections along Audubon Drive at Cole Avenue with the intersection of Friant Road/Audubon Drive. Synchronization shall be constructed consistent with the Public Works ITS Standards and Specification and shall include but not be limited to:</p> <ul style="list-style-type: none"> • Install 6-pack (1 2 inch) HDPE SR-11 communication conduit with One Toneable conduit. • Install Fiber Cable between each intersection. • Install ITS switches at each intersection with fiber optic communication (one switch per controller with media converter). • Install ITS fiber optic communication vault with COM CABINET AND GROUND. • Install two cameras on 45-foot poles at each intersection • Install Mule-tape in all conduits. • Connect these roadway ITS segments with the nearest completed ITS backbone segment in the Calcot Palm Bluffs Business Park. | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |
| <p>MM TRANS-2d: Prior to occupancy, the project applicant shall make the following improvements:</p> <ul style="list-style-type: none"> • At the intersection of Friant Road and Audubon Drive, widen the northbound approach to two left-turn lanes, three through-lanes, and 1 right-turn lane. Extend the southbound right-turn pocket by approximately 200 feet. | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |
| <p>MM TRANS-2e: [Removed in FEIR Errata]</p> | <p>[Removed in FEIR Errata]</p> | <p>[Removed in FEIR Errata]</p> | <p>[Removed in FEIR Errata]</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| <p>MM TRANS-2f: Prior to occupancy, the project applicant shall insure that driveways along Fresno Street shall be located a minimum of 200' from Friant Road right-of-way.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |
| <p>MM TRANS-2g: Prior to construction the applicant shall make a payment of Caltrans fair share fees in accordance with Table 4.11-11.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to construction</p> | <p>City of Fresno Department of Public Works</p> | | |
| <p>MM TRANS-2h: Prior to occupancy, the project applicant shall install southbound right-turn overlap phasing at the intersection of Nees Avenue and Blackstone Avenue (similar to what was recently done at the southbound movement at Palm Avenue/Herndon Avenue).</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |
| <p>MM TRANS-2i: Prior to occupancy the applicant shall synchronize the traffic signal at Audubon Drive and Nees Avenue.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |
| <p>MM TRANS-2j: As a condition of the proposed project, the project shall signalize the intersection of Nees Avenue at Audubon Drive, which shall be implemented prior to the construction of 200,000 square feet of retail and 250,000 square feet of office development within the Project. Eligible work at this intersection can be credited against the required Traffic Signal Mitigation Impact Fee (TSMI fee). This condition is also part of neighboring developments to the intersection, such as Vendo and the development at the southeast corner of Nees and Palm. The proposed construction of this signal shall include, but not limited to the following:</p> <ul style="list-style-type: none"> The intersection shall be signalized to City of Fresno Standards complete with actuation, left/right turn phasing, ITS vault, ITS communication cabinet, and | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
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| <p>emergency vehicle preemption.</p> <ul style="list-style-type: none"> • Protected dual eastbound left-turn lanes • Protected dual southbound right-turn lanes • Two westbound through lanes • Two receiving lanes on Audubon Drive for dual eastbound left-turn lanes on Nees Avenue • Restriping of Audubon Drive to accommodate a 7-foot southbound bike lane, 13-foot and 12-foot southbound lanes, 12-foot and 13-foot northbound lanes, and a 7-foot northbound bike lane within the existing 64 feet of roadway (curb face to curb face). • Transition four through lane section to two through lane section after 45-degree turn in Audubon Drive. • Install two cameras on 45-foot poles at intersection (one on north side of Nees and one on the south side of Nees). • The intersection shall be synchronized with the traffic signal at Palm Avenue/Nees Avenue. | | | | | |
| <p>MM TRANS-2k: Prior to occupancy, the project applicant shall install a Traffic Signal at the intersection of Audubon Drive at Cole Avenue according to City standards. This traffic signal is included in Traffic Signal Mitigation Impact Fee and can be credited/reimbursed by the TSMI Fee. The signalization shall be constructed prior to occupancy of any buildings on the Fresno 40 project site. Based upon Traffic Engineering documents found on the City of Fresno's website, the Audubon Drive at Cole Avenue intersection has been listed as follows by City of Fresno in its 2008 Improvement Priority List: Audubon Drive at Cole Avenue Intersection - Number 43 on the City of Fresno's 2008 New Traffic Signal Installations Priority Ranking Worksheet. The City of Fresno expects this improvement (traffic signal installation) to be installed by a development that will then be reimbursed by signal impact</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| fees. | | | | | |
| MM TRANS-3a: Prior to occupancy, the project applicant shall Construct a fourth northbound lane on Friant Road between Fresno Street and Audubon Drive and reconstruct the signals at both these intersections as necessary. These improvements shall be made in conjunction with the driveway construction on Friant Road. | Provide documentation to the agency responsible for verification. | Prior to occupancy | City of Fresno Department of Public Works | | |
| MM TRANS-3b: At the intersection of Friant Road and the two access driveways, widen the northbound approach to four through-lanes (three through plus one dedicated right-turn lane at Friant/Audubon), and 1 dedicated right-turn lane for project access points that has directional "pork chop" islands directing traffic into specific driveway. This measure shall be completed as part of the fourth northbound lane construction between Fresno Street and Audubon Drive. | Provide documentation to the agency responsible for verification. | Prior to occupancy | City of Fresno Department of Public Works | | |
| MM TRANS-3c: Prior to construction the applicant shall synchronize the signalized intersections along Nees Avenue at Blackstone and Nees, Ingram and Nees, Audubon and Nees, and Palm and Nees. | Provide documentation to the agency responsible for verification. | Prior to occupancy | City of Fresno Department of Public Works | | |
| MM TRANS-4a: [Removed in FEIR Errata] | [Removed in FEIR Errata] | [Removed in FEIR Errata] | [Removed in FEIR Errata] | | |
| MM TRANS-4b: Audubon Drive is used as a short cut from northeast Fresno to Palm Avenue/Nees Avenue intersection due to congestion on Friant Road-Blackstone Avenue corridor. Since the Project (upon completion) will substantially increase congestion on Friant Road and also has project traffic utilizing Audubon Drive to the west side of SR-41, one roundabout shall be constructed to mitigate traffic on Audubon Drive as part of the traffic calming effort on Audubon which shall be implemented prior to the | Provide documentation to the agency responsible for verification. | Prior to occupancy | City of Fresno Department of Public Works | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
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| <p>construction of 100,000 square feet of retail and 150,000 square feet of office development. This will mitigate the projects impacts on existing and futures speeds and increasing volumes on Audubon, which has homes fronting onto the roadway. The square footage thresholds are based upon the fact that the Project will add a small percentage of trips to the intersection compared to existing trips at the intersection.</p> | | | | | |
| <p>MM TRANS-4c: The applicant will insure that the roundabout will be located at Audubon Drive/Woodward Park Entrance/Office Park Entrance intersection. The westbound direction will have two lanes approach the roundabout, one for through lanes and one as a dedicated right turn into Woodward Park. The eastbound approach will be a one-lane roundabout. This roundabout is in lieu of a traffic signal being installed.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |
| <p>MM TRANS-4d: At the intersection of First Street and Nees Avenue, widen all approaches to two left-turn lanes, two through-lanes, and 1 right-turn lane. Based upon Traffic Engineering documents found on the City of Fresno's website, the First Street and Nees Avenue intersection has been listed as follows by City of Fresno in its 2008 Improvement Priority List: First Street at Nees Avenue Intersection - Number 14 on the City of Fresno's Intersection Traffic Flow Improvement 2008 Priority List. Dual left turn lanes and dedicated right turn lanes shall be constructed on all four approaches. The City of Fresno expects this improvement to be installed by a development that will then be reimbursed by signal impact fees.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |
| <p>MM TRANS-6: Left-outs will not be allowed from any proposed driveway along Audubon Drive to avoid further impacting the LOS along Audubon Drive and to minimize vehicular conflict points.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| <p>MM TRANS-7: Prior to project occupancy, the project applicant shall implement the following measures:</p> <ul style="list-style-type: none"> The N. Fresno Street/North Driveway shall be located a minimum distance of 200 feet from the N. Fresno Street/N. Friant Road intersection, and a raise island shall be installed that limits turning movements to right-in, right-out. Signage shall also be installed at this point advising motorists that only right-out movements are permitted. The N. Fresno Street/South Driveway shall be signalized. The signal shall be synchronized with the signals at N. Fresno Street/N. Friant Road and N. Fresno Street/E. Nees Avenue. Driveways along N. Fresno Street shall be located a minimum of 200 feet from the N. Friant Road right-of-way. Raised islands shall be installed at all project access points on E. Audubon Drive to prevent left-out turning movements. Signage shall also be installed at these points advising motorists that only right-out movements are permitted. | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |
| <p>MM TRANS-10a: Prior to occupancy, the project applicant shall install at least one enhanced bus stop on the project frontage according to the preference of the City of Fresno and the Fresno Area Express (FAX). The bus stop shall include, at a minimum, a shelter, signage, transit information, lighting, and a trash receptacle. Additional enhanced bus stops may be required up to a maximum of three.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |
| <p>MM TRANS-10b: Prior to occupancy, the project applicant shall install bicycle racks throughout the office and retail components of the project public use and provide bicycle storage facilities for office and retail employee use in secure areas of these uses. The number of bicycle</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>Prior to occupancy</p> | <p>City of Fresno Department of Public Works</p> | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion Date | Verification of Completion Initial |
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| <p>parking spaces shall be equivalent to 10 percent of the proposed project's vehicular parking requirement. The employee bicycle storage facilities shall be provided in a secure area (i.e., non-publicly accessible) in recognition that employees will require bicycle storage for longer periods than customers or visitors. Bike racks will be reviewed and approved by both the Planning and Development Director and the City Traffic Engineer. Each office building and each major shopping center tenant shall have a bike rack close to the building entrance. [Same as Air MM-3d]</p> | | | | | |
| <p>MM TRANS-11a: The Project shall pay its Traffic Signal Mitigation Impact Fee of \$45.98 per Average Daily Trip (ADT) at the time of building permit. This fee is reviewed and updated yearly. The Project pays the TSMI fee in place at the time of the building permit. Based on 12,226 ADT and the current TSMI fee, the Project shall pay \$562,151.48.</p> <p>This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan Circulation Element and included in the Nexus Study for the TSMI fee. Project-specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact, as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited/reimbursable with this fee, they should work with</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>At the time of building permit.</p> | <p>City of Fresno Department of Public Works</p> | | |

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| <p>the Department of Public Works and identify with a Professional Engineer's estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.</p> | | | | | |
| <p>MM TRANS-11b: The Project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the Nexus Study for the FMSI fee. The Traffic Impact Study should discuss the amount of this impact fee and compare the amount that would be paid with existing land use assumptions and with proposed land use assumptions. If the applicant is conditioned with improvements that are credited/reimbursable with this fee, they should work with the Department of Public Works and identify with a Professional Engineer's estimate the costs associated with the improvements prior to paying the FMSI fee at time of building permit.</p> | <p>Provide documentation to the agency responsible for verification.</p> | <p>At the time of building permit.</p> | <p>City of Fresno Department of Public Works</p> | | |
| <p>MM TRANS-11c: The project shall be conditioned:</p> <ul style="list-style-type: none"> • On development in a manner consistent with general office use, because that was the basis upon which the office traffic generation and circulation were studied. • On no development of a Supermarket as defined by Fresno Municipal code Section 12-105-S-36 or a home improvement center (herein the "Prohibited Uses"). <p>Notwithstanding the foregoing, it shall be permitted for the Project to have a specialty grocery and food sales, home design stores, and appliance sales stores (the "Restricted Uses"), provided that no such individual store shall exceed 15,000 square feet in size, except with the prior approval of the Planning and Development Director, and provided further that in no event shall any such Restricted Use exceed 50,000 square feet in size.</p> | <p>Conditions of approval documentation</p> | <p>At the time of conditional use permit</p> | <p>City of Fresno Planning and Development Department</p> | | |

MEMORANDUM

To: City of Fresno Planning Commission

From: Amy L. Herman, Principal

Date: September 28, 2102

Re: Fresno 40 Additional Cumulative Project Impacts

In July 2012, ALH Urban & Regional Economics (ALH Economics) completed a letter pertinent to the planned Fresno 40 retail project. The purpose of the letter was to address select economic implications of the 25,000 square feet of specialty grocery store space proposed for the Fresno 40 retail project in Fresno that was the subject of a Conditional Use Permit application under review with the Planning Commission. The focus of the analysis was an incremental 10,000 square feet of space devoted to grocery use, since the original project proposal included a lower 15,000-square-foot allocation for grocery space. The letter included analysis of the following: prospective Fresno 40 food sales; market area demographics; Fresno retail sales base; future demand for food and beverage sales; competitive planned supply. The analysis culminated in a determination that the project in general, including the incremental space devoted to grocery sales, would not result in environmental impacts in the form of store closures and subsequent urban deterioration or decay.

The July 2012 memo included consideration of three planned grocery stores, including food sales expansions at two existing Fresno Walmart stores. The memo also included consideration of a proposed 35,455-square-foot store at the southwest corner of North Willow and East Herndon avenues, just within the Fresno 40 market area boundary, with the Fresno 40 market area comprising a 3-mile ring around the project site. These three stores combined with the proposed total for Fresno 40 resulted in the estimated addition of 151,819 square feet of new grocery space to the City of Fresno.

Since July 2012, Sprouts Farmers Market has submitted plans to backfill a building at 7477 N. Blackstone Avenue formerly occupied by Sports Authority. Located less than 2.0 miles southwest of the Fresno 40 site, this market would occupy 32,208 square feet. The addition of this store would boost the new increment of grocery store space in Fresno, assuming all proposed projects get approved, to 184,027 square feet.

Sprouts Farmers Market is a growing chain of natural food stores with the look and feel of old-time farmers markets, selling both organic and mainstream foods. Currently there are no Sprouts stores within 25 miles or more of Fresno, and none are located in Central California. Accordingly, Sprouts will expand the grocery offerings available in Fresno, most likely enhancing the food stores attraction that already characterizes the Fresno retail base. Due to its size and unique presence in Fresno and Central California, the Sprouts market area will be large, greatly exceeding the 3-mile ring posited for the Fresno 40 project.

Sprouts sales figures are not publicly available. However, in the July 2012 Fresno 40 letter ALH Economics assumed a \$750 per square foot sales figure for that project based on national average sales for specialty/high-end and organic/gourmet grocery stores.¹ For the Fresno 40 grocery store, assuming 25,000 square feet, this level of sales performance resulted in an \$18.7 million store sales estimate, \$15.0 million of which was estimated to originate from within the market area. Assuming a comparable per square foot sales figure for Sprouts would result in a \$24.2 million store sales estimate. Given Sprout's unique presence in Central California, only a portion of these sales would likely originate from within the market area, with a portion of sales probably even originating from shoppers outside Fresno.

Combined, the Fresno 40 project and the Sprouts Farmers Market could generate \$42.9 million in food sales. This amount is equal to about 4% of Fresno's estimated \$1.2 billion annual food and beverage sales.² Even if all these sales were diverted from existing retailers, this volume is not sufficient to close existing food stores, assuming no one individual store incurs a disproportionate share of potential sales diversions. It is unlikely, however, that all these sales would be diverted from existing stores. The more likely scenario is that new food store sales will be generated by the Sprouts, either by encouraging existing households to spend more money on groceries, or by attracting shoppers from outside Fresno. Also of great importance are the food sales generated by new household growth. In the July 2012 letter, ALH Economics estimated food and beverage store demand generated by new households in Fresno to be \$28.1 million by 2017. This level of new demand could account for the equivalent of 66% of the combined Fresno 40 and Sprouts sales volume, thereby resulting in only a scant 1% diversion of existing retail sales. Adding in the new sales attributable to the Walmart expansions and the other possible new grocery store would increase the diversions from existing grocery stores, but in all likelihood still within a level that can be absorbed by Fresno's great number of existing food stores without risk of store closure. The wide range of price points and products that will be available among the planned new grocery stores, as well as their geographic distribution, will help spread the impacts and reduce potential impacts on individual stores.

In conclusion, therefore, ALH Economics believes that no environmental impacts in the form of store closures and subsequent urban deterioration or decay will result from the addition of the Sprouts Farmers Market to the cumulative projects relative to development plans for the Fresno 40 project, including the incremental 10,000 square feet of grocery space including in the project's Conditional Use Permit application.

¹ Retail Maxim's "Alternative Retail Risk Analysis for Alternative Capital," July, 2011.

² This figure was estimated in the July 23, 2012 ALH Economics letter to the Fresno Planning Commission.