



## REPORT TO THE PLANNING COMMISSION

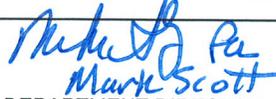
AGENDA ITEM NO. VIII-A  
COMMISSION MEETING 10-24-12

October 24, 2012

FROM: MIKE SANCHEZ, Planning Manager  
Development Services Division

BY: WILL TACKETT, Planner  
Development Services Division

APPROVED BY

  
Mark Scott  
DEPARTMENT DIRECTOR

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-11-06; REZONE APPLICATION NO R-11-008; CONDITIONAL USE PERMIT APPLICATION NO. C-11-088; AND, ENVIRONMENTAL IMPACT REPORT NO. 10147 (SCH NO. 2011061087) FOR THE FIG GARDEN FINANCIAL CENTER PHASE IV PROJECT LOCATED ON THE SOUTH SIDE OF WEST SAN JOSE AVENUE BETWEEN NORTH COLONIAL AND NORTH MAROA AVENUES (IN THE GENERAL NORTHEAST VICINITY OF THE NORTH PALM AND WEST SHAW AVENUE INTERSECTION)

### RECOMMENDATION

Upon the evaluation and consideration of the requested approvals for this Project, staff concludes that the proposed Plan Amendment Application No. A-11-006, Rezone Application No. R-11-008, Conditional Use Permit Application No. C-11-088 and related environmental findings are appropriate for the project site. Therefore, staff recommends the Planning Commission take the following actions:

1. RECOMMEND CERTIFICATION (to the City Council) of the Final Environmental Impact Report (EIR) No. 10147 (SCH No. 2011061087), for the Fig Garden Financial Center Phase IV Project; including comments received on the Draft EIR, the responses to those comments and other information added in compliance with the California Environmental Quality Act (CEQA) (Final EIR, October 2012).
2. RECOMMEND to the City Council that it consider adopting an appropriate statement of overriding considerations because significant, unavoidable environmental impacts may result from the Fig Garden Financial Center Phase IV Project.
3. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. A-11-08 amending the 2025 Fresno General Plan and Bullard Community Plan from medium low and medium high density residential planned land use designations to the office commercial planned land use designation for 4.69± acres of property located on the south side of West San Jose Avenue between North Colonial and North Maroa Avenues. .
4. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-11-008 requests a zone change from the R-2 (*Low Density Multiple Family Residential*) and R-1-AH (*Single Family Residential, horses permitted*) zone districts to the C-P (*Administrative and Professional Office*) zone district for to 4.69± acres of property located on the south side of West San Jose Avenue between North Colonial and North Maroa Avenues.
5. APPROVE Conditional Use Permit Application No. C-11-088 requesting authorization for the development of an approximately 104,593 square-foot four story office building with at grade parking and a subterranean parking structure beneath the office building (predicated upon City Council approval of Item Nos. 1-3 as noted above) subject to the attached Conditions of Approval dated October 24, 2012.

## EXECUTIVE SUMMARY

Scott Mommer, on behalf of Gunner-Andros, LLC., has filed Plan Amendment Application No. A-11-006, Rezone Application No. R-11-008, Conditional Use Permit No. C-11-088, and Vesting Tentative Parcel Map No. 2008-07 pertaining to approximately 4.69 acres of property located on the south side of West San Jose Avenue between North Colonial and North Maroa Avenues. In addition, the City has completed an EIR for the project, prepared by the City of Fresno in conjunction with Denise Duffy and Associates (DD&A). The components of this EIR and the EIR process are described in detail later in this staff report.

Plan Amendment Application No. A-11-006 is requesting to amend the 2025 Fresno General Plan and Bullard Community Plan planned land use designations from the Medium-Low (2.34 acres) and Medium-High (2.35 acres) density residential planned land use designations to the Office Commercial planned land use designation for the ±4.69 acres of property located on the south side of West San Jose Avenue between North Colonial and North Maroa Avenues. Rezone Application No. R-11-006 requests a zone change from the R-2, *Low Density Multiple Family Residential, (2.35 acres)* and R-1-AH, *Single Family Residential, horses permitted, (2.34 acres)* zone districts to the C-P (*Administrative and Professional Office*) zone district for ±4.69 acres of property. Conditional Use Permit No., C-11-088 requesting authorization for the development of four-story 104,593 square-foot office building with at grade parking and a subterranean parking structure beneath the office building. There will be no direct vehicular access, other than emergency vehicles only, to the abutting residential streets to the north, San Jose, Colonial and San Ramon Avenues.

Staff is in support of all entitlements and recommends adoption and certification of the EIR No. 10147 (SCH NO. 2011061087)

## PROJECT INFORMATION

PROJECT	Fig Garden Financial Center Phase IV (Proposal to construct an approximately 104,593 square-foot four story office building with an underground parking structure and at-grade parking.)
APPLICANT	Gunner Andros Investments, LLC
LOCATION	South side of West San Jose Avenue between North Colonial and North Maroa Avenues  (APN[s]: 417-231-16, 17 & 417-240-03, 37) <b>(Council District 2, Councilmember Borgeas)</b>
SITE SIZE	Approximately 4.69 acres
PLANNED LAND USE	Existing – Medium-Low (2.19-6.00 du/acre); and, Medium-High (10.38-18.15 du/ acre) Density Residential  Proposed – Office Commercial

**ZONING** Existing – R-1-AH (*Single Family Residential [Horses] District*); and  
 R-2 (*Low Density Multiple Family Residential District*)  
 Proposed – C-P (*Administrative and Professional Office District*)

**PLAN DESIGNATION AND CONSISTENCY** The proposed project is consistent with the proposed Office Commercial planned land use designated for the site, and the adopted plans and polices of the 2025 Fresno General Plan and Bullard Community Plan.

**ENVIRONMENTAL FINDING** Environmental Impact Report (EIR) No. 10147 (SCH 2011061087)

**PLAN COMMITTEE RECOMMENDATION** The District 2 Plan Implementation Committee recommended approval of the proposed project at its July, 25, 2011 meeting subject to the inclusion of provisions to facilitate pedestrian connectivity from the adjacent residential area to Fig Garden Village

**STAFF RECOMMENDATION** Recommend Certification of Environmental Impact Report No. 10147 (SCH No. 2011061087) and adopt environmental impact mitigation measures set forth in the Mitigation Monitoring and Reporting Program (“MMRP”), adopt Statement of Overriding Considerations, and recommend approval of the plan amendment and rezone applications; approve the proposed conditional use permit as outlined in staff’s recommendation and subject to the recommended Conditions of Approval.

**BORDERING PROPERTY INFORMATION**

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Medium Density Residential	<b>R-1</b> ( <i>Single Family Residential District</i> )	Single Family Residential
<b>South</b>	Medium-Low Density Residential & Medium-High Density Residential	<b>R-1</b> ( <i>Single Family Residential District [Fresno County]</i> ) & <b>R-2</b> ( <i>Low Density Multiple Family Residential District [Fresno County]</i> )	Multiple Family Residential (Fresno County)
<b>East</b>	Medium-Low Density Residential	<b>R-1</b> ( <i>Single Family Residential District [Fresno County]</i> )	Single Family Residential (Fresno County)
<b>West</b>	Office Commercial	<b>C-P/cz</b> ( <i>Administrative and Professional Office District/with conditions of zoning</i> )	Office

## ENVIRONMENTAL FINDING

### Environmental Impact Report Process

The City, as the lead agency under CEQA (the California Environmental Quality Act) determined that an EIR was required for the proposed project. The firm of DD&A was hired by the City of Fresno to prepare the EIR. The EIR was assigned City of Fresno EIR No. 10148 and State Clearinghouse No. 2011031028<sup>1</sup>, respectively.

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

Notice of Preparation (NOP): Upon the City's determination that an EIR was required for this project, a Notice of Preparation was made available to the general public and responsible trustee agencies to solicit input on issues of concern that should be addressed in the EIR. The NOP was issued on June 30, 2011 and the 30-day comment period on the NOP closed on July 29, 2011. The NOP included a project description, project location, and a brief overview of the topics to be covered in the EIR. Comment letters were received from several public agencies and eleven private citizens and were incorporated into the Draft EIR.

Public Scoping Meeting: On July 7, 2011, the City held a project scoping meeting to which the Responsible and Trustee agencies as well as interested members of the public were invited, and which had been duly advertised in advance. Comments were received and these comments helped frame what environmental issues were addressed in the Draft EIR.

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

Public Notice/Public Review: Concurrent with filing the NOC, the City provided public notice of the availability of the Draft EIR (DEIR) for public review, (by posting on the website, publishing in the Fresno Bee, mailing to surrounding property owners and interested parties, and filing with the County Clerk on March 14, 2012), and invited comment from the general public, agencies, organizations, and other interested parties. The length of the public review period was 45 days, (from March 14, 2012 through April 27, 2012) during which time written comments on the DEIR were submitted to the City of Fresno.

Response to Comments: After the close of the public review period, the City prepared formal responses to the written comments received. A total of 4 written comments were received regarding the DEIR. As required by CEQA Guidelines, 15088(b), City responses were sent to public agencies that submitted comments 10 days prior to Planning Commission consideration.

Final EIR: A Final EIR was prepared that includes the comment letters and responses to comments and errata (which clarifies/corrects language contained in the DEIR). The FEIR also includes a CD that has updated appendices. The DEIR consists of one bound document with a CD containing all Appendices which are incorporated as part of the Final EIR.

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<sup>1</sup> The term "EIR" or "Final EIR" as used in this report refers to the Final EIR (FEIR) dated October , 2012 that includes the Draft EIR dated March , 2012.

Certification of the EIR: The Planning Commission will hold a public hearing to consider the completeness of the EIR under CEQA and may adopt a resolution recommending certification of the EIR, that will include adopting necessary findings and adopting a Statement of Overriding Considerations. The Planning Commission will make a separate resolution regarding its recommendation on the consideration of Conditional Use Permit Application No. C-11-088.

Mitigation Monitoring and Reporting Program (MMRP): Upon certification of the EIR, the City Council will also adopt a program for monitoring and reporting on the measures it has imposed to mitigate, avoid, or substantially lessen the significant impacts of the project. These measures will be fully enforceable through the conditions of approval for Conditional Use Permit Application No. C-11-088. The City of Fresno and the applicant will be responsible for ensuring that implementation of the mitigation measures occurs as required in the MMRP (Exhibit "H" of this staff report).

## **Environmental Impact Report Components**

### Project Objectives

The Fig Garden Financial Center Phase IV project proposes a new commercial office building to meet the applicant's following objectives:

- 1) The underlying purpose of the project is to replace an aged former two-story apartment complex structure with a four story office structure developed in a style consistent with the three existing adjacent office facilities that comprise the Fig Garden Financial Center, at a scale that is economic to develop, lease and manage.
- 2) Develop the project site in a fashion that takes advantage of the site's strategic location as a primary location for activity centers within plan areas.
- 3) Assist in the General Plan's goal of developing urban design strategies to improve Fresno's visual image and enhance its form and function.
- 4) Provide an in-fill commercial office use that is strategically located to ensure accessibility and convenience its service population, while minimizing travel requirements, infrastructure demands, and adverse effects.
- 5) Develop the subject site in a manner that provides an effective transition between more intensive commercial uses and adjacent sensitive residential areas.

### Impacts Analyzed

The EIR analyzed impacts to the following environmental areas:

- Aesthetics, Light and Glare
- Agricultural and Forest Resources
- Air Quality Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology, Soils and Mineral Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services and Recreation
- Transportation and Traffic Circulation
- Utilities and Service Systems.

In preparing the EIR, the City's environmental consultant, DD&A, reviewed and considered the following source documents: the 2025 Fresno General Plan, the Bullard Community Plan, Urban Water Management Plan, the Fresno Municipal Code and a host of other documents, interviews and other research. Section 7 of the DEIR includes a list of references which includes agencies, organizations, and private individuals, as applicable, who were consulted in the preparation of the DEIR. Additionally, the following technical studies were prepared for and relied upon in preparing the EIR:

- Air Quality Analysis, prepared by Donald Michael Ballanti (Appendix B).
- Special Status Species (Appendix C).
- Historical Evaluation (Appendix D).
- Geotechnical Analysis prepared by Moore Twining and Associates (Appendix E)
- Phase I Environmental by Moore Twining and Associates (Appendix F)
- Noise Assessment prepared by Brown-Buntin and Associates (Appendix G)
- Traffic Impact Study, prepared by TPG Consulting (Appendix H).
- Utility Infrastructure Report and Public Improvements, prepared by Lars Anderson and Associates (Appendix I).

The EIR found potential impacts to the following areas: Aesthetics, Biological Resources, Cultural Resources, Geotechnical and Geological Hazards, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, and Utilities and Service Systems. The EIR includes recommended mitigation measures where needed (not in each area). (See Mitigation Monitoring and Reporting Program attached as Exhibit "H" of this staff report). The recommended mitigation measures were found to reduce impacts to less than significant in all areas.

### Project Alternatives

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

The specific alternatives analyzed were the following:

#### 1. No Project Alternative

Typically this alternative would involve the property to remain as is or allowed to be developed at the current planned land uses and densities. This option is detailed further under the exiting

General Plan Alternative. The present day land use of the property are a vacant lot and a vacated 44-unit apartment building. The project applicant has elected to keep the buildings vacant and not pursue any interim rental opportunities.

2. Existing General Plan Alternative

Under this scenario, the General Plan and Bullard Community Plan would not be amended and the project site would retain its current land use designations of *Medium Low Density Residential* (2.19-6.0 dwelling units/acre) on approximately 2.34 acres and *Medium High Density Residential* (10.38-18.15 dwelling units/acre) on 2.35 acres. This would result in the development of a maximum of 57 residential units ( $\pm$ 14 single family units and 43 multi-family units) on the 4.69-acre project property.

3. Reduced Modified Project Alternative

This alternative consists of reducing development on the project site to avoid the proposed project's significant unmitigable visual impacts while retaining the office use. The Reduced Project alternative consists of reducing development on the site by 50%, resulting in the construction of approximately 53,000 square feet of office uses in a two-story structure. This would likely avoid the need for the underground parking garage, since the parking demand would be reduced by half and could likely be accommodated by a surface lot.

4. Mixed use/residential Project Alternative

This alternative consists of the previously proposed mixed use development on the site. This alternative would incorporate the existing Fig Garden Financial Center into a horizontally mixed-use development that includes a new four to six-story, 305-unit residential building. The new residential building would be located on the proposed project site and an additional parcel to the east, totaling about 4.69 acres. This alternative also includes an approximately 0.73 acres of common open space.

The alternatives chosen for this analysis, beyond those mandated by CEQA, were developed to avoid or substantially reduce the significant impacts of the project. A comparison of the impacts for each alternative is presented in Table 1.

The proposed project would result in significant impacts in the following categories, as described in the EIR: aesthetics, biological resources, cultural resources, geology, hazards, water quality, noise, public services, traffic, and utilities. All project impacts can be reduced to a less-than-significant level with implementation of mitigation identified in this EIR, with the exception of the following: significant unavoidable visual/aesthetic impacts.

**Table 6-1  
 Comparison of Impacts – Project Alternatives**

<b>Impact</b>	<b>No Project</b>	<b>Existing General Plan</b>	<b>Reduced/ Modified Project</b>	<b>Mixed Use/Residential</b>
Aesthetics	<	<	<	>
Agricultural Resources	<	=	=	=
Air Quality	<	<	<	>
Biological Resources	<	=	=	=
Cultural Resources	<	=	=	>
Geology	<	=	=	=
Hazards & Hazardous Materials	<	=	=	=
Hydrology & Water Quality	<	=	=	=
Land Use & Planning	<	<	<	>
Noise	<	>	<	>
Public Services & Utilities	<	>	<	>
Traffic	<	<	<	>
> Impact Greater than Project = Impact Comparable to Project < Impact Less than Project				

**Environmentally Superior Alternative**

CEQA Guidelines §15126.6 requires that an environmentally superior alternative to the proposed project be specified, if one is identified. In general, the environmentally superior alternative is intended to minimize adverse impacts to the project site and surrounding environment while achieving the basic objectives of the project. The No Project scenario for this project is the Existing General Plan Alternative, since the project site is not expected to remain in its current condition (i.e., abandoned apartment complex) for the foreseeable future. Because of its reduced development intensity, the Existing General Plan Alternative would result in reduced environmental impacts in most areas compared to the proposed project. This includes elimination of the project’s significant unavoidable visual impacts and avoidance of potential land use compatibility issues. However, this alternative would not meet the project’s primary objective of developing office uses on the site.

The Reduced Alternative would decrease environmental impacts in most areas compared to the proposed project and would eliminate the project’s significant unavoidable impacts to aesthetics/visual quality, while still meeting the basic objective of the project to develop office uses adjacent to the existing Fig Garden Financial Center. Based on the analysis above, the Reduced Alternative would be the environmentally superior alternative since it would eliminate the project’s significant visual impacts, avoid potential land use compatibility issues, and lessen overall environmental impacts.

Overriding Considerations

Pursuant to CEQA requirements, the City Council, as the decision making body, will be required to adopt a statement of overriding consideration to approve the proposed project because the project will result in significant unavoidable impacts. Staff recommends that the following overriding considerations be considered in approving the project despite its unavoidable significant impacts: job creation, creation of

tax revenues, project design that promotes compatibility with adjacent land uses, modern, energy-efficient sustainable project design and infill development.

### Comments on Draft EIR

After the DEIR was published and noticed for review and comment on June 7, 2012 the City received four comments which are summarized and addressed in the Final EIR. None of these comments contained new information that revealed any potentially new or more significant environmental impacts that could have required recirculation of the Draft EIR pursuant to CEQA Guidelines 15088.5.

## **BACKGROUND / ANALYSIS**

### **Project Description**

Scott A. Mommer Consulting, on behalf of Gunner Andros Investments, LLC., has filed Plan Amendment Application No. A-11-006, Rezone Application No. R-11-008, and Conditional Use Permit Application No. C-11-088 pertaining to approximately 4.69 acres of property located on the south side of West San Jose Avenue between North Colonial and North Maroa Avenues.

Plan Amendment Application No. A-11-006 has been filed requesting authorization to amend the 2025 Fresno General Plan and Bullard Community Plan to change the planned land use designation for the subject property from the Medium-Low Density Residential (2.19-6.00 dwelling units/acre) and Medium-High Density Residential (10.38-18.15 dwelling units/acre) planned land use designations to the Office Commercial planned land use designation.

Rezone Application No. R-11-008 was filed to rezone the subject property from the R-1-AH (*Single Family Residential [Horses]*) and R-2 (*Low Density Multiple Family Residential*) zone districts to the C-P (*Administrative and Professional Office*) zone district; consistent with the Office Commercial planned land use designation which has been proposed for the subject property pursuant to Plan Amendment Application No. A-11-006.

Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC) the proposed C-P (*Administrative and Professional Office*) zone district is consistent with the Office Commercial planned land use designation for the subject property.

Plan Amendment Application No. A-11-006 and Rezone Application No. R-11-008 have been filed in order to facilitate approval of the proposed Fig Garden Financial Center Phase IV planned development project on the subject property in accordance with Conditional Use Permit Application No. C-11-088. The proposed project consists of construction of an approximately 104,593 square-foot four story office building with an associated underground parking structure and at-grade off-street parking area.

The subject property is currently developed with multiple family residential uses on three separate legal lots of record comprising approximately 3.94 acres of property and one single family residence on a fourth separate legal lot of record comprising approximately 0.76 acres in area. These four separate legal lots of record account for the approximately 4.69 acres of total land comprising the project site. All existing structures on the subject property are proposed to be removed prior to new construction. The

applicant has also filed Vesting Tentative Parcel Map No. 2008-07 proposing to merge the existing legal lots of record into one parcel for purposes of the proposed project.

The subject property is bordered on the north by West San Jose Avenue. Adjacent properties to the north of West San Jose Avenue have been developed with single family residential uses. Abutting properties to the east of the subject property are located within the unincorporated area of the County of Fresno and have also been developed with single family residential uses. Properties to the south of the subject property are also located within the unincorporated area of the County of Fresno and have been developed with multiple family residential uses. Fig Garden Village is located to the southwest of the subject property at the northeast corner of the intersection of North Palm and West Shaw Avenues; and, the integrated Fig Garden Financial Center is located immediately to the west of the subject property.

The property development standards of the Fresno Municipal Code require adequate vehicular access to off-street parking facilities from a dedicated and improved street, service road or alley. The proposed project has been designed with vehicular access provided from North Palm Avenue (through the adjacent Fig Garden Financial Center) and from West Shaw Avenue (through Fig Garden Village). No vehicular access will be afforded to/from West San Jose Avenue, except for emergency vehicles. The proposed emergency vehicle access point from West San Jose Avenue will be gated and equipped with an approved bypass lock for accessibility to emergency service personnel. Execution and recordation of mutual easement and reciprocal use agreements for cross access over adjacent private properties (as necessary to secure rights of access to North Palm and West Shaw Avenues) is required as a condition of approval for the proposed project; and, necessitates approval of the proposed project as a commercial planned development.

Furthermore, the property development standards of the Fresno Municipal Code permits building heights greater than 35 feet, but not exceeding 60 feet to be erected in the proposed C-P (*Administrative and Professional Office*) zone district subject to securing a Conditional Use Permit. Therefore, approval of Conditional Use Permit Application No. C-11-088 is required in order to authorize construction of the proposed four-story office building at the proposed height of 60 feet.

The proposed project has been designed in a manner which is consistent with the policies and interface standards of the Bullard Community Plan and Fresno Municipal Code. An approximately 30-foot wide landscape buffer area containing deciduous and evergreen trees and a low-level masonry wall will be installed along the West San Jose Avenue frontage of the subject property to match the existing adjacent frontage improvements to the west of the subject property. Additionally, a six-foot high masonry fence will be erected along the entirety of the easterly and southerly property lines, which abut adjacent residential properties. A minimum 10-foot wide landscape area will be installed along the same easterly and southerly boundaries of the subject property, which will be planted with a combination of medium to large deciduous trees adequate in size and breadth to sufficiently screen adjacent properties. Additional landscape areas with trees are also proposed proximate to the building at the interior of the subject property. A passive open space area comprised of a paved and landscaped plaza with seating and a fountain is proposed to be incorporated into the project between the proposed four-story office building and the existing four-story office building located to the west.

Building design, architecture and aesthetics are consistent with that which has been utilized and developed in the adjacent Fig Garden Financial Center. The location of the proposed building on the subject property complies with all setback requirements of the Bullard Community Plan and Fresno

Municipal Code for commercial buildings in proximity to residential property. Pedestrian pathways have been provided throughout the development in a manner which provides adequate and contiguous pedestrian connectivity for the project.

The total number of off-street parking spaces provided between the surface level parking area and underground parking structure exceed that required by Fresno Municipal Code by approximately 191 parking stalls; eliminating any need for requirements relative to shared parking and minimizing any potential for spill-over in to adjacent areas. The surface level parking area will be planted with shade trees sufficient in size, number and location to achieve 50 percent shading of the surface area within 15 years as required by Fresno Municipal Code. Ingress and egress to/from the proposed underground parking structure will be provided on the subject property from the surface-level parking area.

### **Land Use Plans and Policies**

The 2025 Fresno General Plan provides a comprehensive statement of goals, objectives, and policies that formulate the City's strategies for the growth and development of the metropolitan area. The applicable components of the General Plan and Bullard Community Plan were evaluated in relationship to the proposed project in the land use section of the EIR prepared for this project. The analysis concludes that the proposed project would be consistent with the applicable goals and policies of the 2025 Fresno General Plan and Bullard Community Plan.

The goals of the 2025 Fresno General Plan include the provision of activity centers and intensity corridors within plan areas to create a mix of land uses and amenities to foster community identity and reduce travel. Additionally, the goals of the 2025 Fresno General Plan include planning for a healthy business and diversified employment environment, and providing adequate timely services to ensure that Fresno is competitive in the marketplace.

Objective C-4 of the 2025 Fresno General Plan supports the goals of the 2025 Fresno General Plan by recommending adherence to a multiple community center concept of urban design for the Fresno metropolitan area as conceptually shown on Exhibit 6 (Urban Form Components Map) of the 2025 Fresno General Plan. Associated policies recommend that: (C-4-a) The City strategically locate areas appropriate for more intensive concentrations of urban uses; (C-4-b) Activity centers should include commercial areas, employment centers, schools, higher-density residential development, churches, parks, and other gathering points where residents may interact, work, and obtain goods and services in the same place; (C-4-d) Activity centers should provide for mixed uses and shared parking facilities, including multi-story and underground parking facilities.

Policy C-12-a of the 2025 Fresno General Plan requires that the City of Fresno ensures 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.

Policy C-12-c of the 2025 Fresno General Plan directs the City of Fresno to plan for office commercial developments of the appropriate amount, location, size and intensity necessary to meet regional, metropolitan, community and neighborhood area needs consistent with the planned urban form and other applicable planning and zoning provisions. Supporting recommendations include: (1) Locating office projects to provide a transition between more intensive commercial uses and sensitive residential areas; (2) Facilitating office development in conjunction with, and adjacent to, institutions and

employment centers; and, (3) Avoiding over concentrating office uses in any one part of Fresno when new office developments would create excessive vacancy rates in other established office areas.

The objectives of the 2025 Fresno General Plan related to Image/Site and Building Design are directed toward ensuring that major emphasis will be given to site and building design during the City's project review process. Supporting policies recommend utilization of implementation/advisory committees and providing assurances that appropriate spaces, facilities and accessibility are provided for all activities proposed including support functions. Uniformity and integration of improvements with shared facilities are recommended in order to create campus-like settings for centers.

Similarly, the goals of the Bullard Community Plan are directed toward planning for office land use designations of a size, configuration, location and visibility that would be attractive to prospective office users while minimizing vehicular trips, protecting local residential streets and promoting innovative design. The Bullard Community Plan Policy No. 4.2.4-7 provides advisory development standards for interface areas between properties zoned or planned for commercial or office uses and properties zoned or planned for residential use.

A detailed evaluation of each of the applicable General Plan and Bullard Community Plan policies and a determination regarding potential environmental considerations is provided in Tables 4.9-2 (Fresno 2025 General Plan Consistency Analysis) and 4.9-3 (Bullard Community Plan Consistency Analysis) of the project EIR.

The proposed project meets the goals, objectives and policies of the 2025 Fresno General Plan and Bullard Community Plan by providing a multi-story planned office development project with underground parking facilities, which has been integrated in conjunction with adjacent institutional and retail commercial uses within an existing employment center where residents may interact, work, and obtain goods and services in the same place. The project therefore represents a further contribution to the City's initiative to strategically locate areas appropriate for more intensive concentrations of urban uses within identified activity centers. The Fig Garden Center was identified as a potential activity center on Exhibit 6 of the 2025 Fresno General Plan and was also identified as an activity center within a potential transit oriented corridor in the City of Fresno's 2050 Activity Center and Transit Oriented Corridor Study.

Although Table 4.9-2 (Fresno 2025 General Plan Consistency Analysis) identifies potential inconsistencies with respect to potential affects that the proposed project may have on the existing character of the area, it should be noted that the proposed project does meet the objectives of the 2025 Fresno General Plan related to Image/Site and Building Design. The proposed project has been aesthetically and architecturally designed to provide consistency with adjacent development within the Fig Garden Financial Center. Uniform improvements and landscape buffers are proposed along the local street frontage of the subject property serving adjacent residential properties. On-site amenities for connectivity, gathering and interaction have also been incorporated into the project in the form of the plaza area which has been proposed to be located between the existing and proposed office buildings. Furthermore, as explained in further detail within the project description included herein above, the proposed project has been designed in a manner which is consistent with the policies and interface standards of the Bullard Community Plan and Fresno Municipal Code.

Therefore it is staff's opinion that the proposed project may be found consistent with respective general and community plan goals, objectives and policies.

## **District 2 Plan Implementation Committee**

The District 2 Plan Implementation Committee recommended approval of the proposed project at its July, 25, 2011 meeting subject to the inclusion of provisions to facilitate pedestrian connectivity from the adjacent residential area to Fig Garden Village

## **Traffic and Circulation**

Section 4.12 of the Draft EIR along with the TIS (Appendix H) thoroughly describes the traffic component of this project but a brief summary is provided here. The project site is located near the northeast corner of Palm Avenue and Shaw Avenue, and is bounded by N. Palm Avenue and the Fig Garden Financial Center to the west, W. San Ramon Avenue, N. Colonial Avenue and W. San Jose Avenue to the north, the Fig Garden Village shopping center to the south, and single- and multi-family residential development to the north, south, and east.

A traffic impact study was prepared for the project by TPG Consultants (December 2011, see Appendix H). This traffic study was prepared in coordination with the City of Fresno Traffic Engineering Division and in accordance with the City of Fresno's *Traffic Impact Study Report Guidelines* (March 2006). The California Department of Transportation and Fresno County were also consulted as part of the Notice of Preparation and scoping process for the EIR.

Traffic conditions were analyzed for intersections and roadway segments based on level of service (LOS) evaluations. LOS is a measure of roadway quality of service based on demand and capacity of the roadway. LOS describes traffic conditions on a scale of A to F, with LOS A indicating free flow conditions with minimum delay and LOS F representing severe congestion with major delay. Traffic conditions at the intersections and roadway segments were analyzed for the weekday AM and PM peak hours of traffic. The AM peak hour of traffic is generally between 7 AM - 9 AM and the PM peak hour is generally between 4 PM - 6 PM.

The traffic impact study evaluated the following 11 roadway segments and 14 intersections:

### *Roadway Segments*

Shaw Avenue – Maroa Avenue to Palm Avenue  
Shaw Avenue – Palm Avenue to Fruit Avenue  
Palm Avenue – Bullard Avenue to Barstow Avenue  
Palm Avenue – Barstow Avenue to San Ramon Avenue  
Palm Avenue – San Ramon Avenue to San Jose Avenue  
Pam Avenue – San Jose Avenue to Shaw Avenue  
Palm Avenue – Shaw Avenue to Gettysburg Avenue  
San Jose Avenue – Colonial Avenue to Maroa Avenue  
San Ramon Avenue – Palm Avenue to Fruit Avenue  
Barstow Avenue – Palm Avenue to Fruit Avenue  
Thorne Avenue – Barstow Avenue to San Ramon Avenue

*Intersections*

- Barstow Avenue/Palm Avenue (Signalized AU)
- Browning Avenue/Palm Avenue (Signalized AU)
- Bullard Avenue/Palm Avenue (Signalized AU)
- San Ramon Avenue/Palm Avenue (Unsignalized TWSC)
- San Jose Avenue/Palm Avenue (Signalized AU)
- Shaw Avenue/Palm Avenue (Signalized AU)
- Van Ness Boulevard/Palm Avenue (Unsignalized TWSC)
- Gettysburg Avenue/Palm Avenue (Signalized AU)
- Ashlan Avenue/Palm Avenue (Signalized AU)
- Barstow Avenue/Thorne Avenue (Unsignalized TWSC)
- San Ramon Avenue/Thorne Avenue (Unsignalized TWSC)
- Shaw Avenue/Fruit Avenue (Signalized AU)
- Shaw Avenue/Maroa Avenue (Signalized AU)
- San Ramon Avenue/Colonial Avenue (Unsignalized No Control)

*AU = actuated uncoordinated      TWSC = two-way stop-control*

The traffic impact study analyzed the study roadway segments and intersections for existing levels of service. The existing lane configurations and traffic volumes under existing conditions are presented in Figure 4.12-2. Tables 4.12-2A and 4.12-2B (From the Draft EIR) show the existing levels of service for the segments and intersections, respectively. The signalized intersection levels of service are representative of the whole intersection, although individual intersection movements or approaches may operate above or below the signalized LOS. As shown in these tables, all the study segments and intersections are currently operating the appropriate adopted LOS standard under Existing Conditions, Existing Plus Project, and Existing Plus Approved Projects Plus Projects.

**Table 4.12-2A  
 Weekday Level of Service Summary for Roadway Segments**

ROAD SEGMENTS	LOS Standard	Existing	Existing Plus Project	Existing Plus Approved Projects Plus Project <sup>1</sup>	2030 No Project	2030 With Project
		LOS AM/PM	LOS AM/PM	LOS PM	LOS AM/PM	LOS AM/PM
Shaw Avenue – Palm Avenue to Fruit Avenue	F	C/C	C/C	C	C/D	C/D
Shaw Avenue – Maroa Avenue to Palm Avenue	F	C/C	C/C	C	C/D	C/D
Palm Avenue – Bullard Avenue to Barstow Avenue	D	C/C	C/C	C	C/D	C/D
Palm Avenue – Barstow Avenue to San Ramon Avenue	D	C/C	C/C	D	C/D	C/D
Palm Avenue – San Ramon Avenue to San Jose Avenue	D	C/C	C/C	D	C/D	C/D
Palm Avenue – San Jose Avenue to Shaw Avenue	D	C/C	C/C	C	C/D	C/D
Palm Avenue – Shaw Avenue to Gettysburg	D	C/C	C/C	C	C/C	C/C

San Jose Avenue – Colonial Avenue to Maroa Avenue	D	C/C	C/C	C	C/C	C/C
San Ramon Avenue – Palm Avenue to Fruit Avenue	D	C/C	C/C	C	C/C	C/C
<b>Barstow Avenue – Palm Avenue to Fruit Avenue</b>	D	C/D	C/D	D	D/F	D/F
Thorne Avenue – Barstow Avenue to San Ramon Avenue	D	C/C	C/C	C	C/C	C/C
<sup>1</sup> No AM peak hour Approved Project traffic so only PM peak hour analyzed <b>Bold</b> indicates significant impact						

**Table 4.12-2B**  
**Weekday Levels of Service Summary for Intersections**

INTERSECTIONS	LOS Std	Existing		Existing Plus Project		Existing Plus Approved Projects Plus Project <sup>1</sup>		2030 No Project		2030 With Project	
		LOS AM/PM	Delay <sup>2</sup> AM/PM	LOS AM/PM	Delay <sup>2</sup> PM	LOS PM	Delay <sup>2</sup> PM	LOS AM/PM	Delay <sup>2</sup> AM/PM	LOS AM/PM	Delay <sup>2</sup> AM/PM
Bullard Avenue at Palm Avenue	D	C/D	34.2/38.8	D/D	35.4/39.6	D	51.1	D/F	49.0/100.3	D/F	51.3/102.8
Browning Avenue at Palm Avenue	D	B/A	14.6/8.7	B/B	14.8/8.8	B	14.3	B/C	16.6/22.8	B/C	16.9/23.0
Barstow Avenue at Palm Avenue	D	C/C	20.6/29.9	C/C	21.1/31.2	D	54.1	C/F	33.3/81.1	C/F	34.8/84.5
San Ramon Avenue at Palm Avenue	D										
• NB Left	D	B/B	10.7/10.0	B/A	11.1/9.9	B	10.5	A/B	9.6/11.9	A/B	9.8/12.1
• SB Left	D	A/B	9.4/10.9	A/B	9.4/11.3	B	12.4	A/B	9.1/14.0	A/B	9.1/14.7
• EB Approach	D	B/B	13.6/14.9	B/B	13.6/14.4	B	13.1	B/C	11.7/15.9	B/C	11.7/16.4
• WB Approach	D	C/B	20.0/15.0	C/B	19.2/15.0	B	14.5	C/C	15.1/17.1	B/C	14.5/18.1
San Jose Avenue at Palm Avenue	D	A/B	10.0/15.9	B/B	12.5/18.0	B	19.5	A/B	9.1/16.1	B/B	10.6/17.9
Shaw Avenue at Palm Avenue	D	D/D	37.2/39.2	D/D	38.3/42.1	D	49.2	C/C	29.7/32.9	C/C	27.4/35.0
Van Ness Avenue at Palm Avenue	D										
• WB Right	D	B/B	11.8/11.1	B/B	12.0/11.2	B	11.4	B/B	10.8/10.9	B/B	11.0/11.0
Gettysburg Avenue at Palm Avenue	D	A/A	7.1/6.4	A/A	7.1/6.3	A	6.3	B/A	10.3/9.9	B/B	10.3/10.1
Ashlan Avenue at Palm Avenue	D	B/B	14.6/19.1	B/B	15.0/19.4	C	20.9	B/C	16.8/28.9	B/C	16.8/29.2
Barstow Avenue at Thorne Avenue	D							C/C	26.8/24.3	C/C	26.9/23.9
• WB Left	D	A/A	9.3/8.5	A/A	9.3/8.5	A	9.0				
• NB Approach	D	D/B	33.6/14.2	D/B	34.6/14.4	C	18.6				
San Ramon Avenue at Thorne Avenue	D										
• EB Approach	D	B/A	10.9/9.8	B/A	10.9/9.8	B	10.1	B/A	10.3/9.6	B/B	10.3/9.6
• WB Approach	D	B/A	10.5/9.8	B/A	10.5/9.8	A	10.0	A/A	10.0/9.7	A/B	10.0/9.7
• NB Approach	D	A/A	0.0/0.5	A/A	0.0/0.5	A	0.5	A/A	0.0/0.4	A/A	0.0/0.4
• SB Approach	D	A/A	4.9/1.4	A/A	4.9/1.4	A	2.0	A/A	4.8/1.9	A/A	4.8/1.9
Shaw Avenue at	F	B/B	13.6/14.4	B/B	13.6/14.8	B	14.9	B/B	15.8/17.5	B/B	14.7/17.2

**Table 4.12-2B  
 Weekday Levels of Service Summary for Intersections**

INTERSECTIONS	LOS Std	Existing		Existing Plus Project		Existing Plus Approved Projects Plus Project <sup>1</sup>		2030 No Project		2030 With Project	
		LOS AM/PM	Delay <sup>2</sup> AM/PM	LOS AM/PM	Delay <sup>2</sup> PM	LOS PM	Delay <sup>2</sup> PM	LOS AM/PM	Delay <sup>2</sup> AM/PM	LOS AM/PM	Delay <sup>2</sup> AM/PM
Fruit Avenue											
Shaw Avenue at Maroa Avenue	F	B/B	13.3/19.5	B/B	13.4/19.6	C	22.0	B/E	19.4/75.1	B/E	17.2/72.2
San Ramon Avenue at Colonial Avenue	D										
• NB Left-Through	D	A/A	5.5/3.7	A/A	5.6/3.7	A	3.7	A/A	5.8/3.8	A/A	5.9/3.8
• EB Approach	D	A/A	8.8/8.9	A/A	8.8/8.9	A	8.9	A/A	8.8/8.9	A/A	8.8/8.9

<sup>1</sup> No AM peak hour Approved Project traffic so only PM peak hour analyzed  
<sup>2</sup> delay in seconds per vehicle  
 NB = northbound      SB = southbound      EB = eastbound      WB = westbound

As stated above, all of the study segments and intersections are currently operating the appropriate adopted LOS standard under Existing Conditions, Existing Plus Project, and Existing Plus Approved Projects Plus Projects existing conditions. However, The project will be required to pay the City’s Fresno Major Street Improvement (FMSI) and Traffic Signal Mitigation Impact (TSMI) fees to mitigate its contribution to the cumulative impacts. The project may also be required to pay the Fresno County Regional Transportation Mitigation Fee (RTMF).<sup>2</sup> The payment of traffic impact fees is an accepted form of mitigation for traffic impacts under CEQA. The payment of the City and County traffic impact fees will reduce the project’s contribution to cumulative traffic impacts to a less-than-significant level.

Using the City’s adopted thresholds for identifying a traffic impact, the proposed office project would have a significant effect and require mitigation if its new vehicle trips would:

- Cause an intersection or roadway segment operating at a level of service D or better to degrade to an unacceptable level of service E or F; or
- Increase delays at an intersection already operating at unacceptable levels service by 5 or more seconds.

The Traffic Impact Study does conclude that the Project would result in less than significant impacts.

**Public Services**

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to compliance with the attached special permit conditions of approval; the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies; and, the implementation of the project related mitigation measures identified within the associated EIR No. 10147 prepared for the project.

<sup>2</sup> This fee program is currently suspended, but may be reactivated at the time the project is implemented, thus it is a relevant mitigation requirement for this analysis.

For sanitary sewer service these infrastructure improvements include only typical requirements for installation of sewer branches and private on-site facilities. All existing on-site private facilities and/or septic systems will be abandoned.

However, in order to ensure adequate water system distribution capacity the proposed project will be required to replace existing water mains in West San Jose Avenue and in North Palm Avenue from West Shaw Avenue north to West Barstow Avenue. The City has offered potential for reimbursement to the developer for the cost to construct the replacement water mains of up to 50 percent or more subject to the sole discretion of the Fresno City Council through approval of a reimbursement agreement.

In order to maintain two independent sources of water, meeting Federal and State Drinking Water Act Standards, the proposed project will also be required to construct a replacement water main which provides an adequate second point of connection to complete and retain the looped water main system from West Shaw Avenue. Booster pump facilities will be required to be installed to serve the proposed project's domestic and fire suppression needs.

Therefore, the project related special permit conditions of approval and the mitigation measures identified within EIR No. 10147 will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

The City of Fresno Fire Department has conditioned the proposed project with requirements for installation of public fire hydrants and the provision of adequate fire flows per Public Works Standards, also with two sources water. Additionally, due to the height of the proposed building, the proposed project will be required to provide and maintain an aerial truck setup area. Specific locations within the proposed project will be required to be designated as "Fire Lanes", with parking restrictions in order to accommodate emergency vehicle movements. The Emergency Vehicle Access (EVA) point and gated entry will be required to provide an approved Police/Fire bypass locks, visual recognition features, and battery backups for gates. Private Covenants, Conditions, and Restrictions (CCR's) for the proposed project will also be required to contain terms and provisions for retention, maintenance and enforcement of access, parking restricted areas, and shared fire suppression systems.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that permanent drainage service is available for the proposed project subject to the developer demonstrating to the satisfaction of the City that runoff can be safely conveyed to existing Master Plan inlets. However, due to insufficient capacity within existing Master Plan facilities to serve the proposed project, the developer will be required to mitigate the impacts from increased runoff resulting from the proposed development. For this purpose the developer may either improve the existing drainage pipeline system to provide additional capacity or install a permanent peak-reducing facility which will reduce runoff accordingly. Any amendments or modifications to the FMFCD requirements will be required to be approved by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code, prior to issuance of building permits.

**CONDITIONAL USE PERMIT FINDINGS**

No special permit may be issued unless it is found that the privilege exercised under the permit, conforms to the findings of 12-405-A-2 of the Fresno Municipal Code. Although development and establishment of office buildings and uses within the C-P (*Administrative and Professional Office*) zone district require Site Plan Review (SPR), pursuant to City of Fresno Policy and Procedure No. G-003, whenever a use is permitted by conditional use permit (CUP), the CUP will be submitted and approved in lieu of the SPR. Therefore, only the conditional use permit findings are listed below. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for Conditional Use Permit Application No. C-11-088.

<b>Findings per Fresno Municipal Code Section 12-405-A-2</b>	
<p>a. <i>All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i></p>	
<p>Finding a:</p>	<p>The proposed project site is approximately 4.69 acres in size. Multi-department/agency review of the proposed development plan (Conditional Use Permit Application No. C-11-088) has demonstrated that there is adequate space to meet all applicable requirements of the Fresno Municipal Code as established herein above and within the attached special permit conditions of approval dated October 24, 2012; including building height, yards, walls and fences, access, off-street parking, landscaping and other required facilities, features and public improvements.</p>
<p>b. <i>The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i></p>	
<p>Finding b:</p>	<p>The streets adjacent to the proposed project were assessed during the review of the project (and the EIR process) to ensure that the development would have less than significant impacts on traffic and the surrounding neighborhood. The project has been conditioned to mitigate any potential impacts (with the exception of the impacts which have been found to be significant and unavoidable).</p>
<p>c. <i>The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</i></p>	
<p>Finding c:</p>	<p>As set forth in the FEIR and this Staff Report, the project applicant will be required to comply with the attached special permit conditions of approval and mitigation measures that stipulate certain requirements that must be met by the applicant. These conditions are intended to help protect the public health, safety and welfare of patrons and neighbors alike. The Environmental Impact Report (EIR) considered all potential adverse environmental impacts resulting from the proposed project and has identified feasible mitigation measures that will be imposed as project conditions in order to address any identified potential impacts to/from aesthetics, biological and cultural resources, geologic hazards and hazardous materials, hydrology and water quality, noise, public services, utilities and services systems, etc. which may be caused by the proposed office development.</p>

## CONCLUSION / RECOMMENDATION

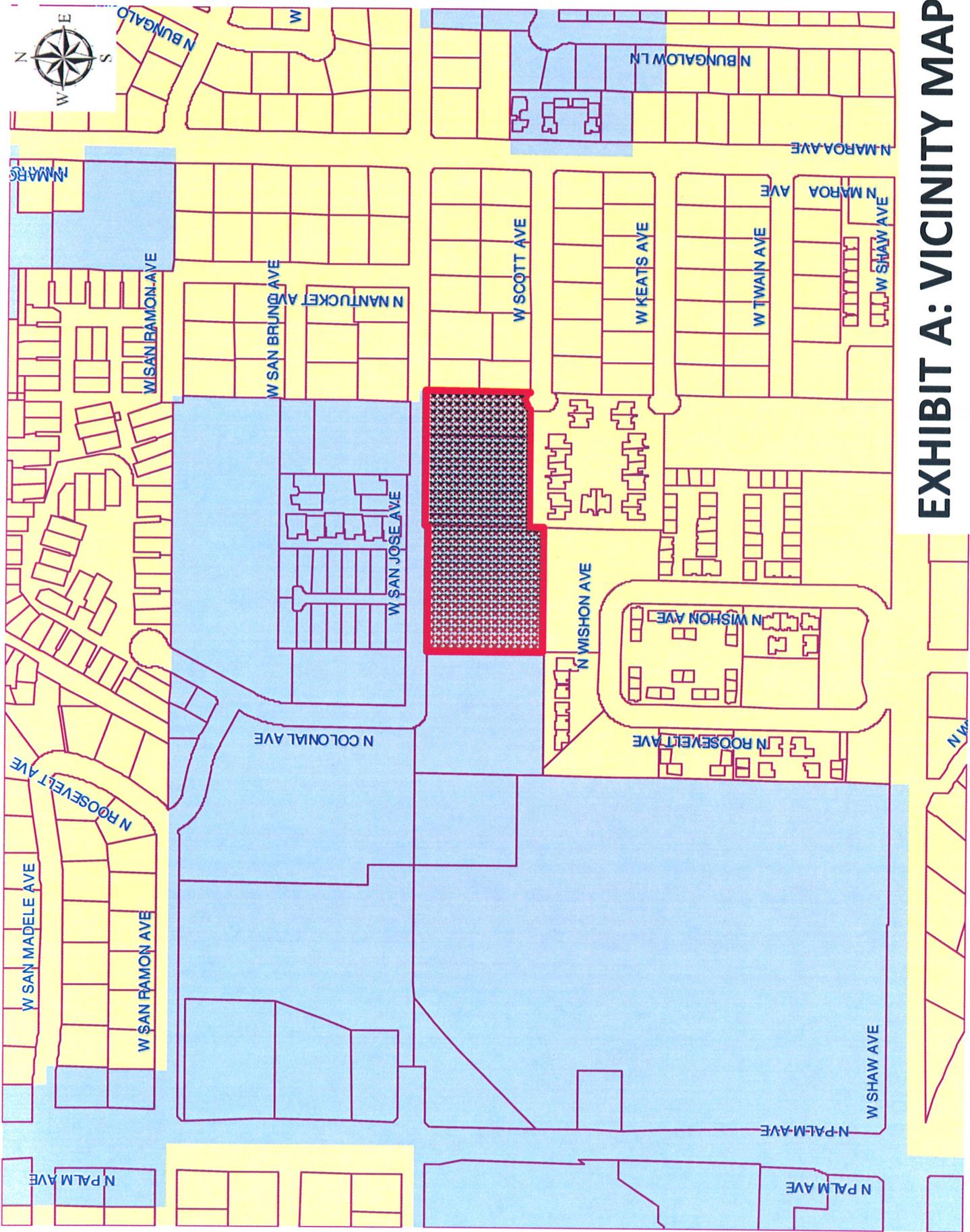
The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Bullard Community Plan; its compatibility with surrounding existing or proposed uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by accompanying Environmental Impact Report No. 10147. Upon consideration of this evaluation, it can be concluded that proposed Plan Amendment Application No. A-11-006, Rezone Application No. R-11-008 and Conditional Use Permit Application No. C-11-088 are appropriate for the project site, subject to the conditions of approval recommended above.

- Attachments:
- Exhibit A: Vicinity Map
  - Exhibit B: Aerial Photograph of Site (2011)
  - Exhibit C: Public Hearing Notice Mailing List Vicinity Map
  - Exhibit D: 2025 Fresno General Plan Planned Land Use Map
  - Exhibit E: Proposed Planned Land Use Map (A-11-006)
  - Exhibit F: Exhibits for Conditional Use Permit Application No. C-11-088
  - Exhibit G: Conditions of Approval for Conditional Use Permit Application No. C-11-088 dated April 04, 2012; including associated memoranda from responsible or commenting agencies.
  - Exhibit H: Mitigation Monitoring and Reporting Program (MMRP)
  - Exhibit I: Fig Garden Traffic Study Segment Volumes Comparative Assessment

**Note:** The DEIR was previously provided to the Planning Commission and thus is not included in the Planning Commission packet. The DEIR and FEIR are available for public review at the following website:

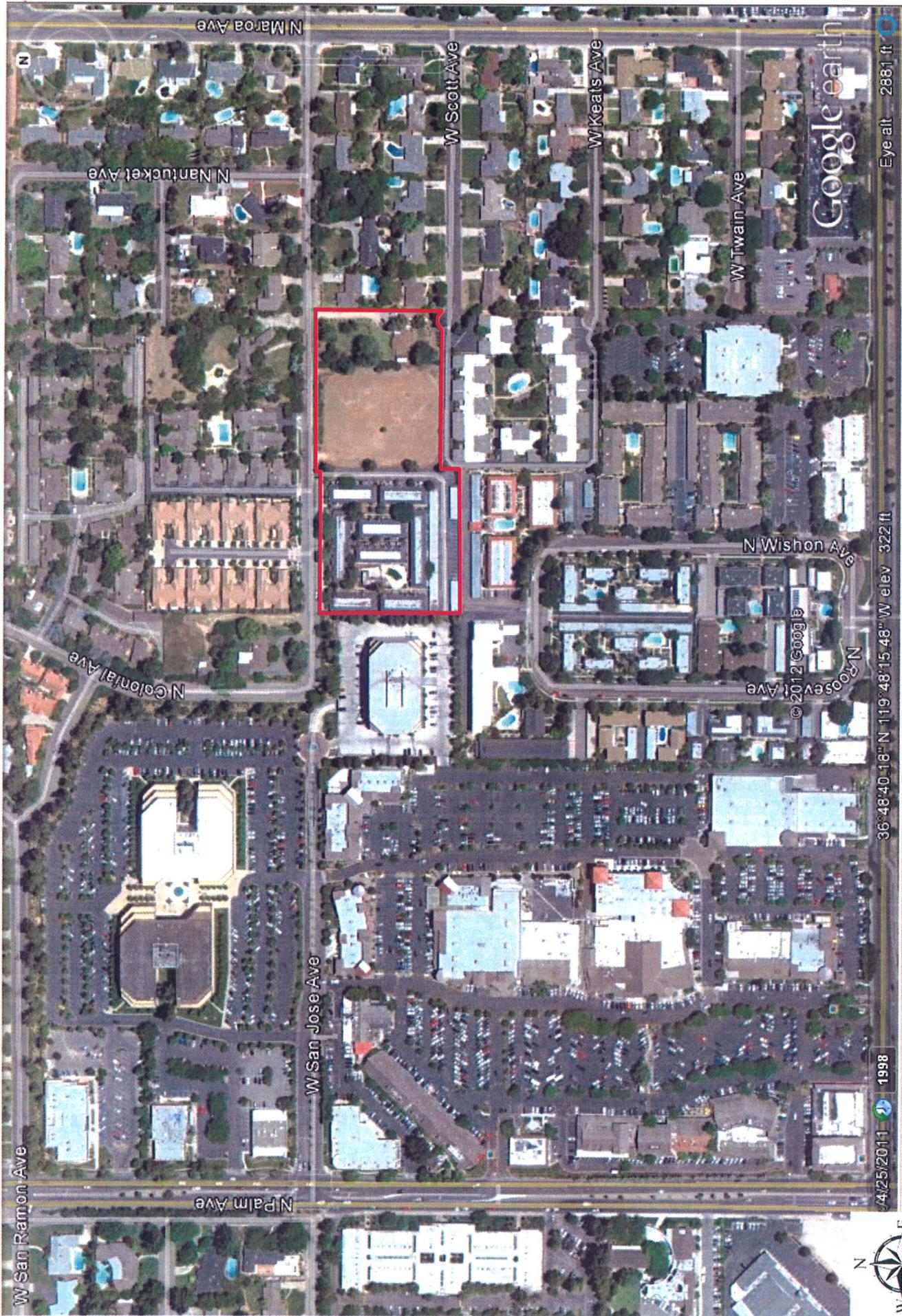
<http://www.fresno.gov/Government/DepartmentDirectory/DARM/DevelopmentServices/MajorProjects.htm>





**EXHIBIT A: VICINITY MAP**





**EXHIBIT B: Aerial Photograph of Site (2011)**

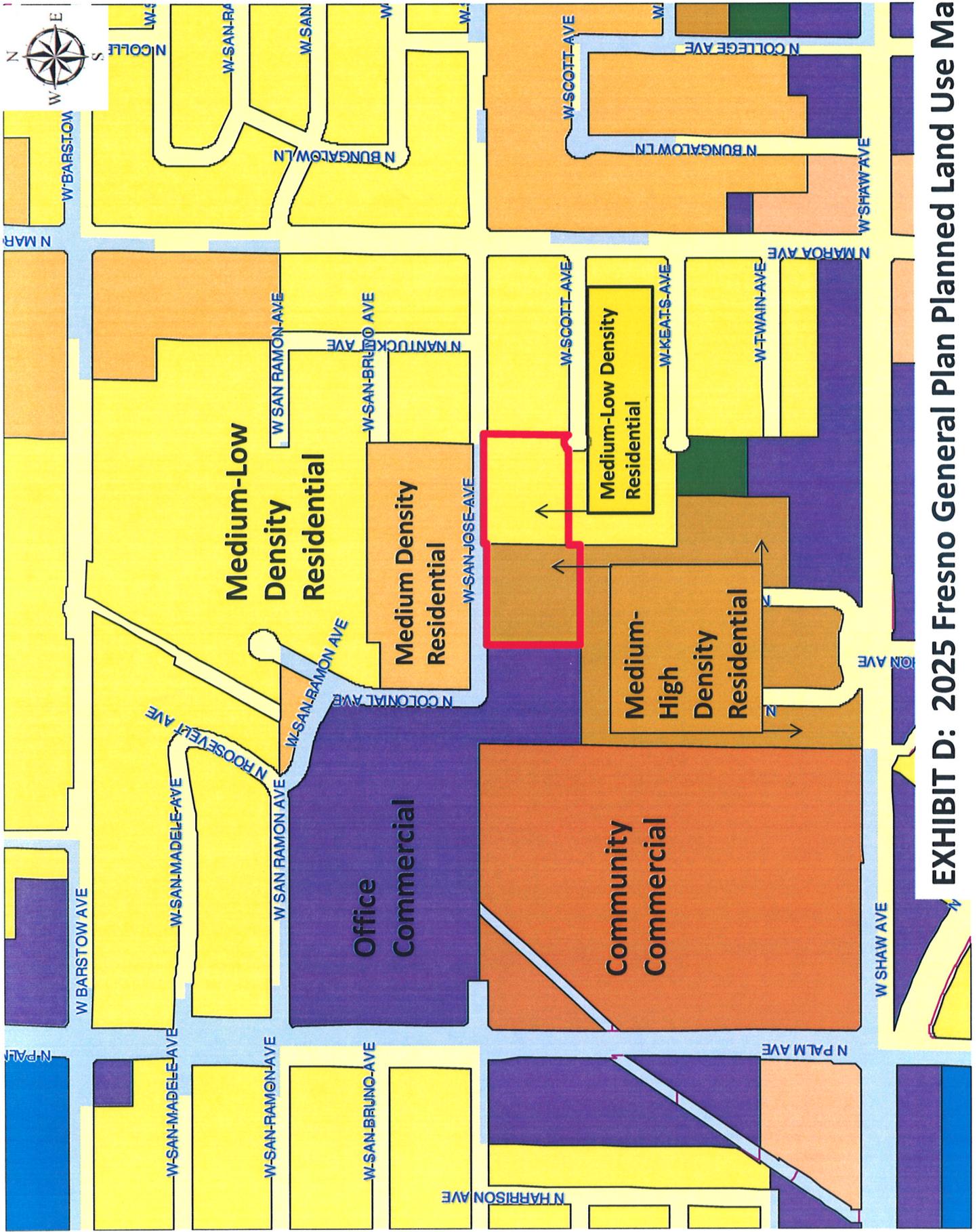


Request ID: A-11-006,

### EXHIBIT C: Public Hearing Notice Mailing Vicinity Map

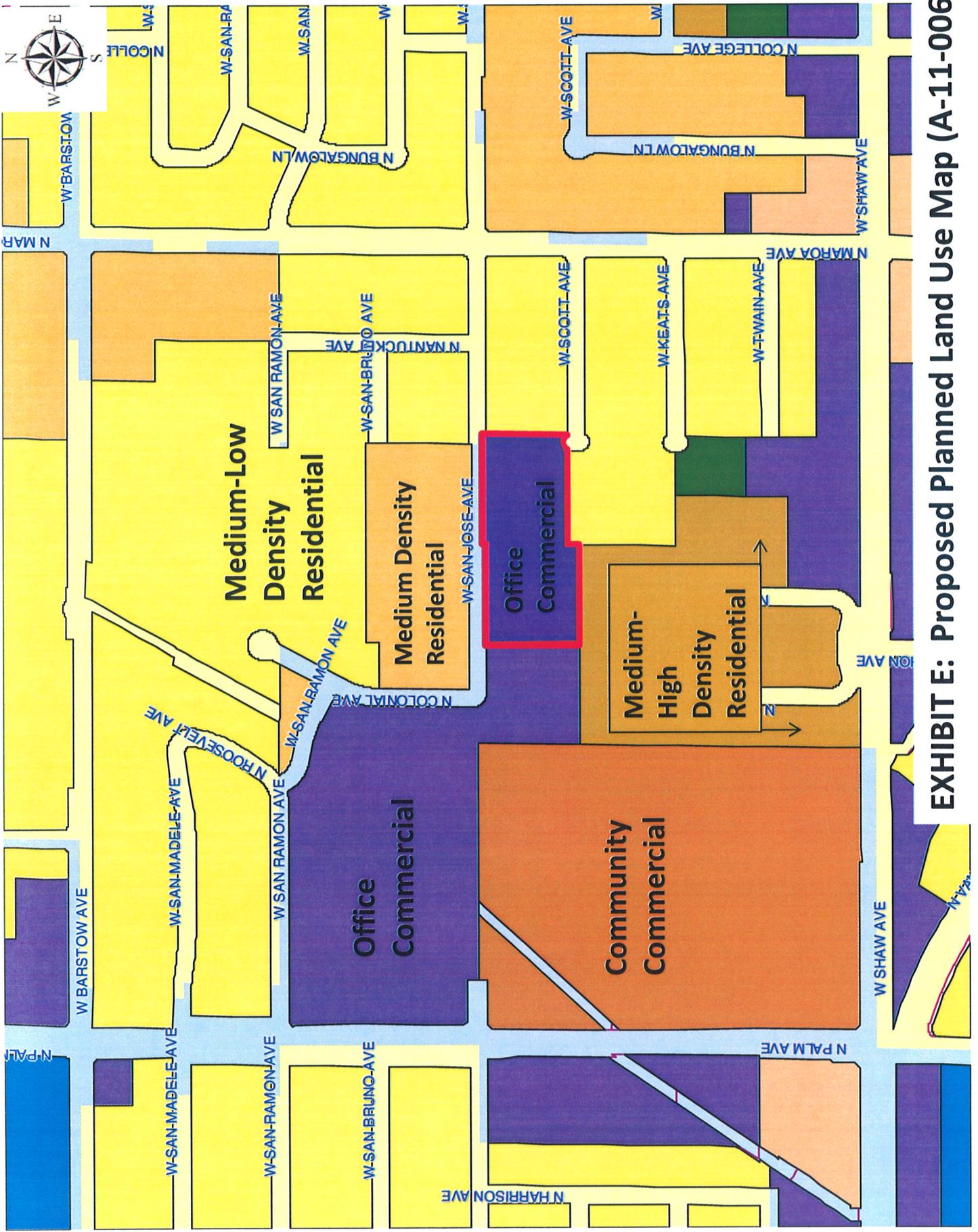






**EXHIBIT D: 2025 Fresno General Plan Planned Land Use Map**





**EXHIBIT E: Proposed Planned Land Use Map (A-11-006)**







SCOTT A. MOMMER CONSULTING  
LAND DEVELOPMENT SERVICES

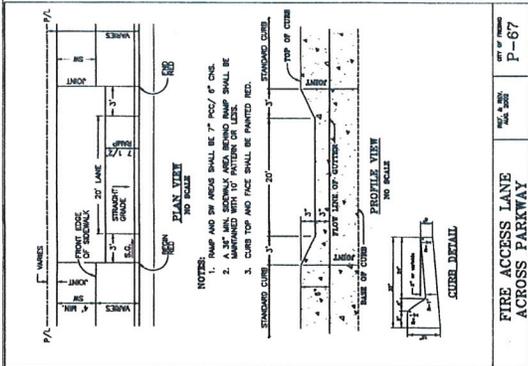
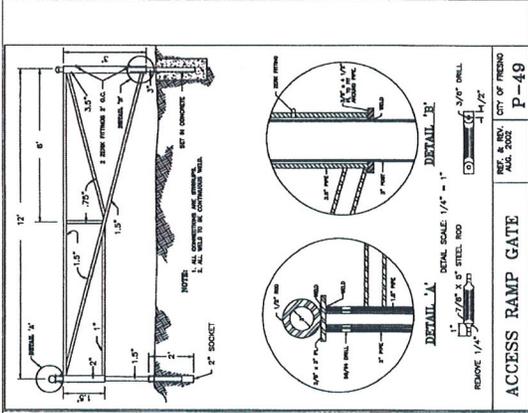
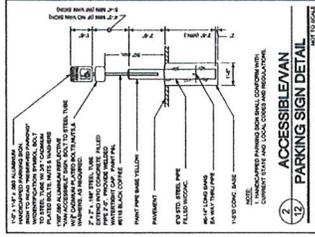
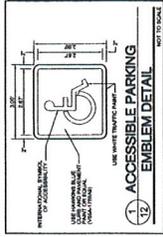
4684 WEST JACQUELYN AVENUE - FRESNO, CA 93722  
TEL: 503.274.9176 FAX: 503.274.9186 SHOMMER@MOMMER.COM

ARCHITECT:

mba  
MARKS BLOXOM ARCHITECTS, INC.  
555 W. SHAW AVE. #2 FRESNO, CALIFORNIA 93704  
PHONE (559) 226-6528 FAX: (559) 272-2246

LANDSCAPE CONSULTANT:

PERKINS DESIGN  
2655 E. PERRIN AVE. #115 FRESNO, CA 93720  
PHONE (559) 321-9416 FAX: (559) 321-9557



APPL. NO. **c-11-088** EXHIBIT **H** DATE **10/20/12**  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

SITE DETAILS  
FIG GARDEN  
FINANCIAL CENTER PHASE IV  
PREPARED FOR: INVESTMENTS, LLC  
555 W. SHAW AVE. SUITE 8A  
FRESNO, CA 93704  
DATE: 06-25-11  
SAM PROJECT NUMBER: SM091.08  
SHEET 4.2

PROPOSED OFFICE BLDG. FOR GUNNER/ANDROS  
 FRESNO, CALIFORNIA  
**FIG GARDEN FINANCIAL CENTER - PHASE 3**

ALL MEAS, DESIGNS, AND ARRANGEMENTS INDICATED ON HEREIN SHALL BE USED OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WITHOUT THE EXPRESS WRITTEN PERMISSION OF MARKS GOBEL & ASSOCIATES, INC.

PLAN CHECKED BY: [ ]  
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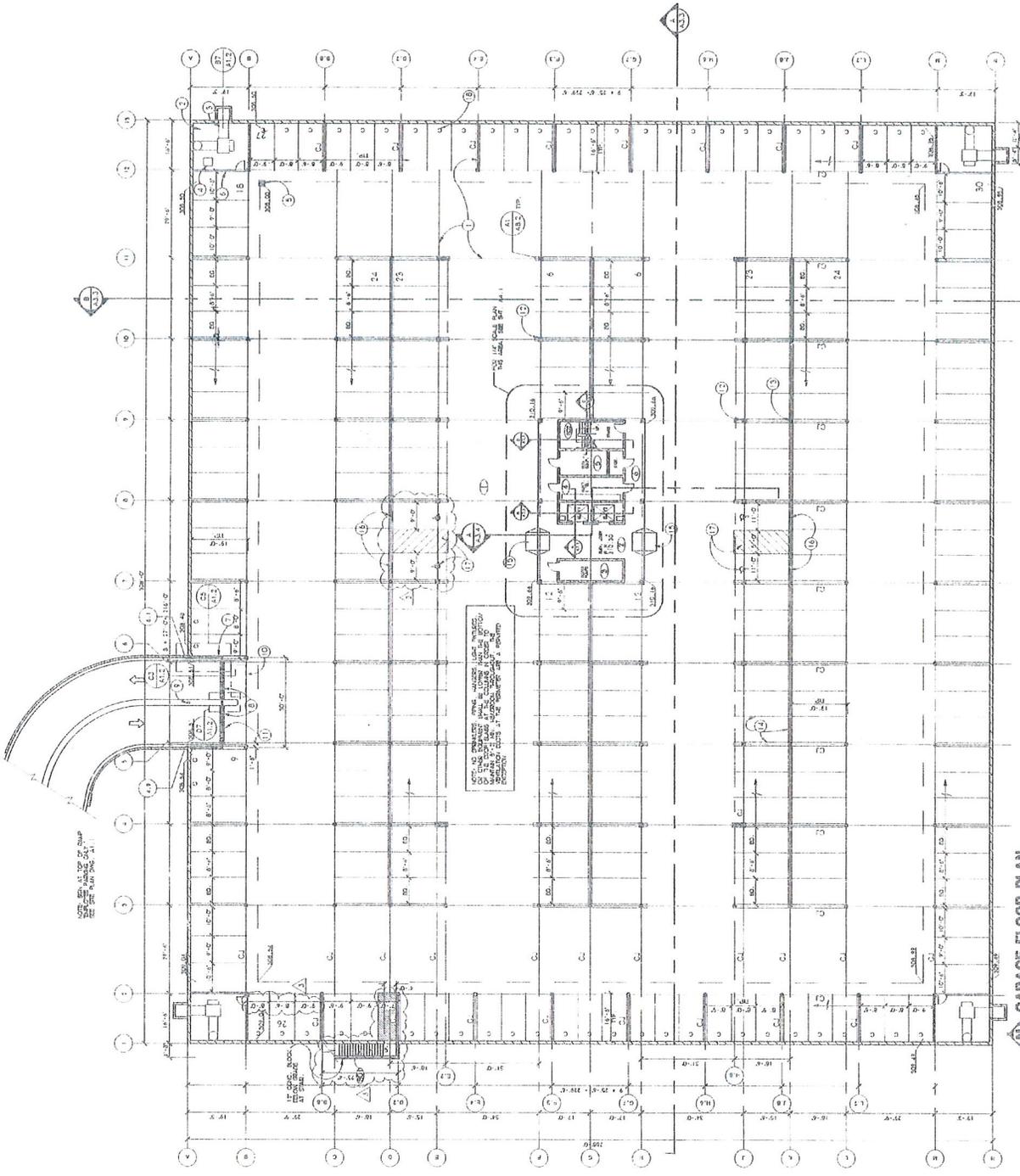
EXISTING PLAN

**KEYNOTES**

- 1. CONCRETE JOINT (C. J.) TYPICAL.
- 2. SLAB + FAN INCLINABLE TO BE SLOPED 6" MAX. ABOVE ADJACENT FLOOR ELEV.
- 3. CHANGING FLOOR, SEE MECHANICAL.
- 4. SLIP W. FLOOR, SEE FINISHING.
- 5. CATCH BASIN W. GATE.
- 6. SEE MECHANICAL SYMBOLS FOR FAN, DUCT, EXHAUST, ETC.
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- 100. SEE MECHANICAL SYMBOLS FOR FAN, DUCT, EXHAUST, ETC.

APPL. NO. C-11-0028 EXHIBIT AS DATE  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.  
 DATE \_\_\_\_\_

**WATERPROOFING NOTES**  
 1. ALL CONCRETE SURFACES SHALL BE PROPERLY PREPARED AND WATERPROOFED WITH A QUALITY WATERPROOFING MEMBRANE.  
 2. ALL WATERPROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.  
 3. ALL WATERPROOFING SHALL BE TESTED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.  
 4. ALL WATERPROOFING SHALL BE MAINTAINED AND REPAIRED AS NECESSARY.



**Garage Floor Plan**  
 MARKS GOBEL & ASSOCIATES, INC.  
 8/24/80



PROPOSED OFFICE BLDG. FOR GUNNER/ANDROS  
 FIG GARDEN FINANCIAL CENTER - PHASE 3  
 FRESNO, CALIFORNIA

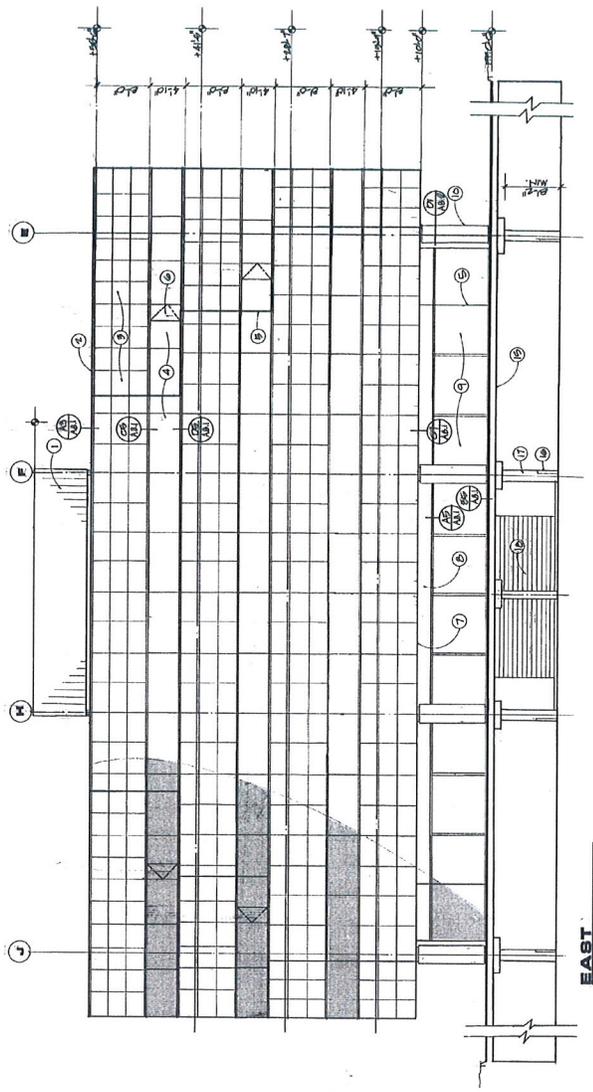
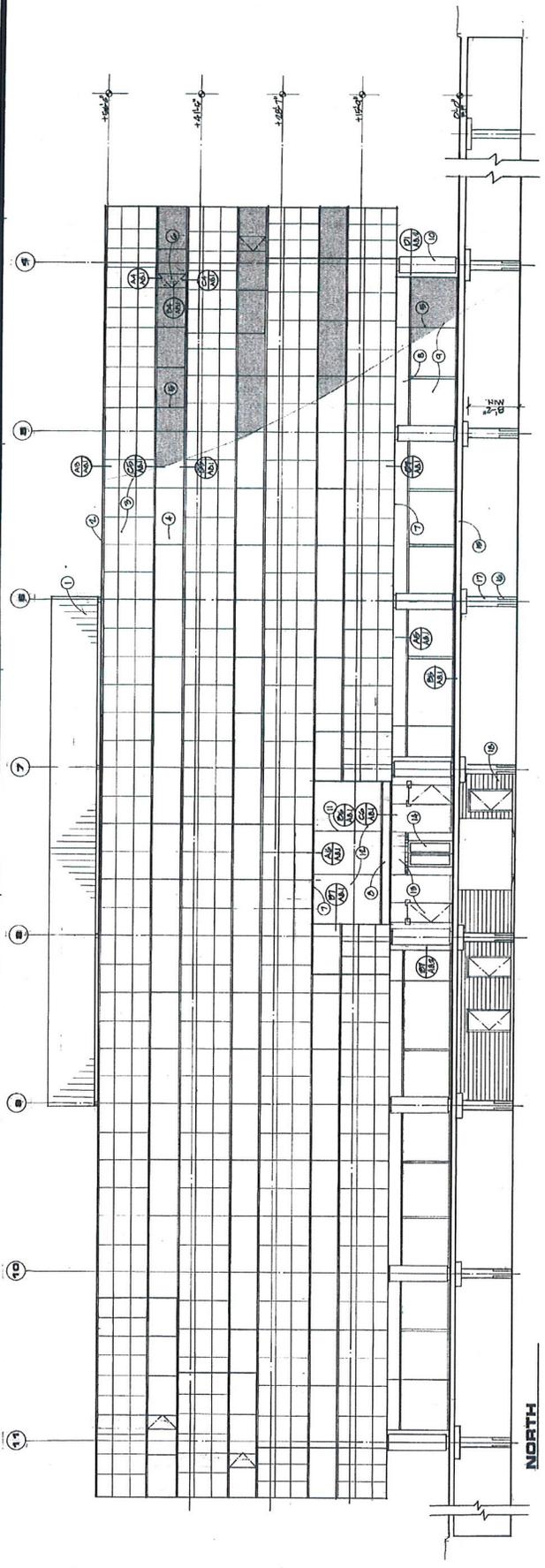
DATE: 10/24/82  
 DRAWN BY: [Signature]  
 A3

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APPL. NO. C-11-1088 EXHIBIT EL DATE 10/24/82  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

EXTERIOR ELEVATIONS  
 1/8" = 1'-0"

- KEYNOTES**
- 1 METAL EQUIPMENT SCREEN.
  - 2 PREFABRICATED METAL PARAPET CAP.
  - 3 PREFABRICATED SPANDREL PANEL W/ TRANSPARENT FACING.
  - 4 GLASS TYPE A.
  - 5 SILICONE JOINT TYPICAL W/ CORNER.
  - 6 SPARKLE MASON FOR TERRACE ACCESS - TYPICAL OF A.
  - 7 PLASTER SOFFIT.
  - 8 ALUMINUM FINISH.
  - 9 GLASS TYPE A - TEmPERED.
  - 10 ALUMINUM COLUMN COVER.
  - 11 HEAVY GLASS STABILIZER.
  - 12 GLASS TYPE C.
  - 13 GLASS ENTRY ASSEMBLY - GLASS TYPE A.
  - 14 REVOLUTION SOON ASSEMBLY.
  - 15 STRUCTURAL CONCRETE BLK.
  - 16 CONCRETE MASONRY; SEE DETAIL.
  - 17 STEEL COLUMN W/ 5-MINUTE CONCRETE FIRE PROTECTION.
  - 18 CONCRETE MASONRY TYPE A.



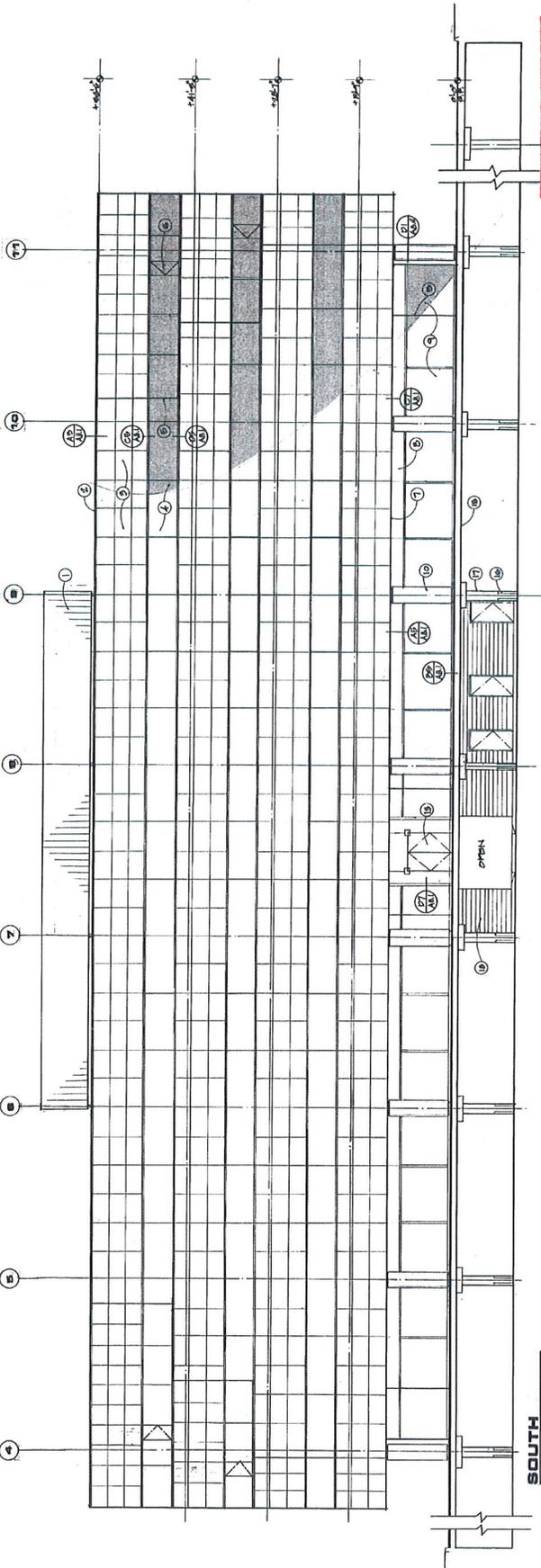
PROPOSED OFFICE BLDG. FOR GUNNER/ANDROS  
 FIG GARDEN FINANCIAL CENTER - PHASE 3  
 FRESNO, CALIFORNIA

REVISED  
 DATE: 10/24/12  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
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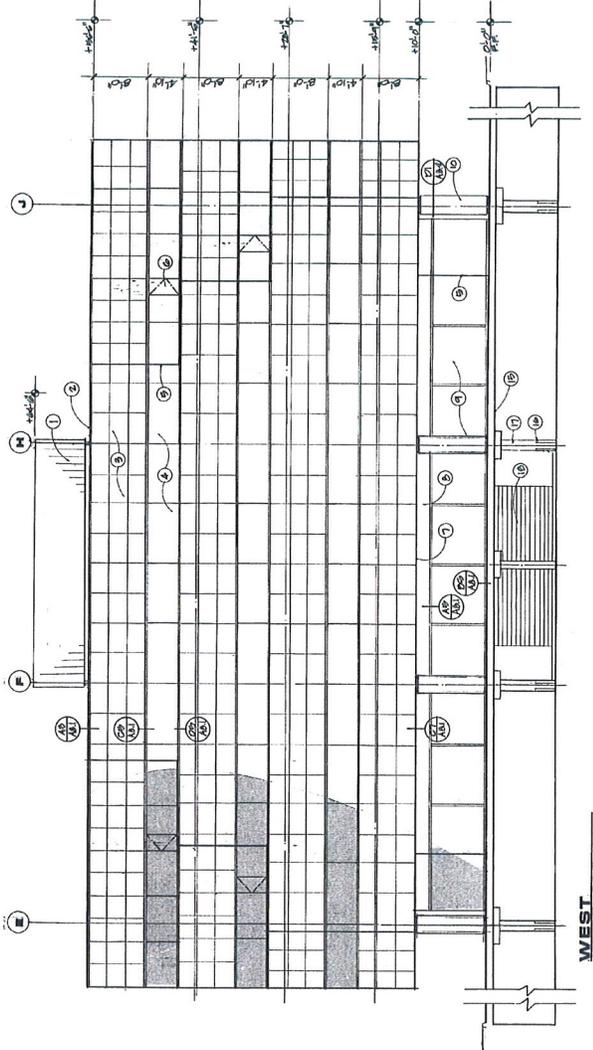
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APPL. NO. C-11-088 EXHIBIT E3 DATE 10/24/12  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

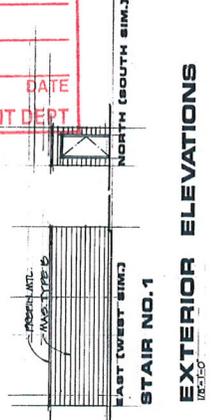
- KEYNOTES**
- 1 METAL EQUIPMENT RECKER.
  - 2 PREFINISHED METAL PARAPET CAP.
  - 3 PREFABRICATED SPANDREL PANEL W/ TRANSPARENT FACING.
  - 4 GLASS TYPE B.
  - 5 STONE JOIST TYPICAL V CORNER.
  - 6 OPENABLE WINDOW FOR TERRACE ACCESS - TYPICAL OF B.
  - 7 PLASTER SOFFIT.
  - 8 ALUMINUM FACING.
  - 9 GLASS TYPE A - TEMPLER.
  - 10 ALUMINUM COLUMN CYCLE.
  - 11 HEAVY GLASS STABILIZER.
  - 12 GLASS TYPE C.
  - 13 GLASS ENTRY ASSEMBLY - GLASS TYPE D.
  - 14 REVOLVING DOOR ASSEMBLY.
  - 15 STRUCTURAL CONCRETE SLAB.
  - 16 CORNER BOARD, SEE DETAIL.
  - 17 STEEL COLUMN W/ 3-WOOD CONCRETE FIRE PROTECTION.
  - 18 CONCRETE MASONRY TYPE A.



**SOUTH**



**WEST**

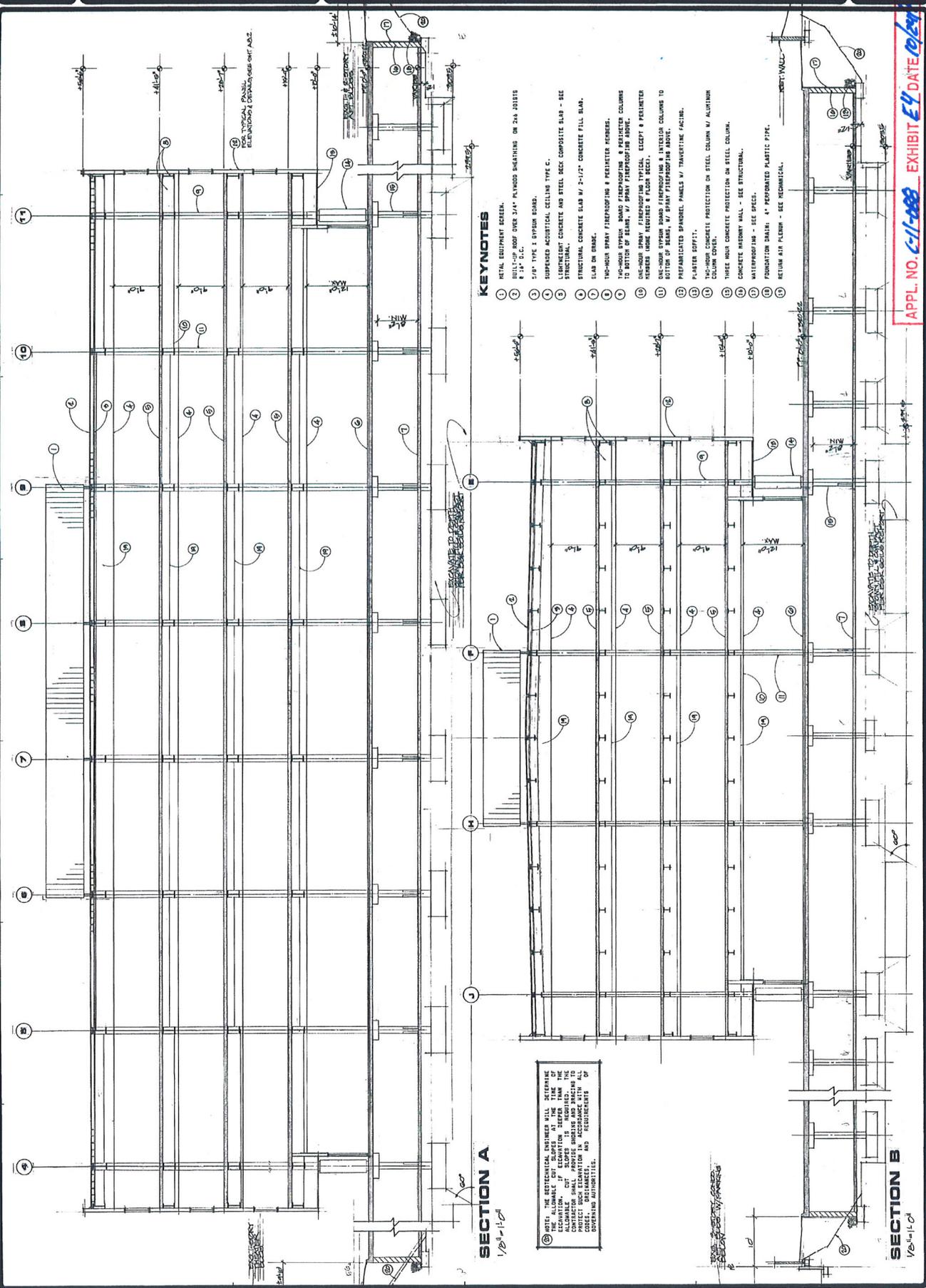


**EXTERIOR ELEVATIONS**

PROPOSED OFFICE BLDG. FOR GUNNER/ANDROS  
 FIG GARDEN FINANCIAL CENTER - PHASE 3  
 FRESNO, CALIFORNIA

REVISIONS  
 3  
 DATE: 01-14-08

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**KEYNOTES**

- 1 METAL EQUIPMENT SCREEN.
- 2 1/2" x 1/2" x 1/2" PLYWOOD SHEATHING ON 2x4 JOISTS @ 16" O.C.
- 3 5/8" TYPE I SIPHON ROOF.
- 4 SUSPENDED ACoustICAL CEILING TYPE C.
- 5 UNFINISHED CONCRETE AND STEEL DECK COMPOSITE SLAB - SEE STRUCTURAL.
- 6 STRUCTURAL CONCRETE SLAB W/ 2-1/2" CONCRETE FILL SLAB.
- 7 SLAB ON GRADE.
- 8 1/2-HOUR SPRAY FIREPROOFING & REINFORCED CONCRETE.
- 9 1/2-HOUR SPRAY FIREPROOFING & REINFORCED CONCRETE.
- 10 1/2-HOUR SPRAY FIREPROOFING & REINFORCED CONCRETE.
- 11 1/2-HOUR SPRAY FIREPROOFING & REINFORCED CONCRETE.
- 12 1/2-HOUR SPRAY FIREPROOFING & REINFORCED CONCRETE.
- 13 1/2-HOUR CONCRETE PROTECTION ON STEEL COLUMN W/ ALUMINUM COLUMN COVER.
- 14 THREE HOUR CONCRETE PROTECTION ON STEEL COLUMN.
- 15 CONCRETE MASONRY WALL - SEE STRUCTURAL.
- 16 WATERPROOFING - SEE SPEC.
- 17 FOUNDATION DRAIN: 4" PERFORATED PLASTIC PIPE.
- 18 RETURN AIR PLenum - SEE MECHANICAL.

NOTE: THE STRUCTURAL ENGINEER WILL RECONSTRUCT THE ALLOWABLE CUT SLOPES AT THE TIME OF CONSTRUCTION. CUT SLOPES TO BE RECONSTRUCTED TO MEET THE REQUIREMENTS OF THE STRUCTURAL ENGINEER. ALL CUT SLOPES TO BE RECONSTRUCTED TO MEET THE REQUIREMENTS OF THE STRUCTURAL ENGINEER. ALL CUT SLOPES TO BE RECONSTRUCTED TO MEET THE REQUIREMENTS OF THE STRUCTURAL ENGINEER.

APPL. NO. C-11-088 EXHIBIT E4 DATE 01/14/08

PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_

TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_

COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

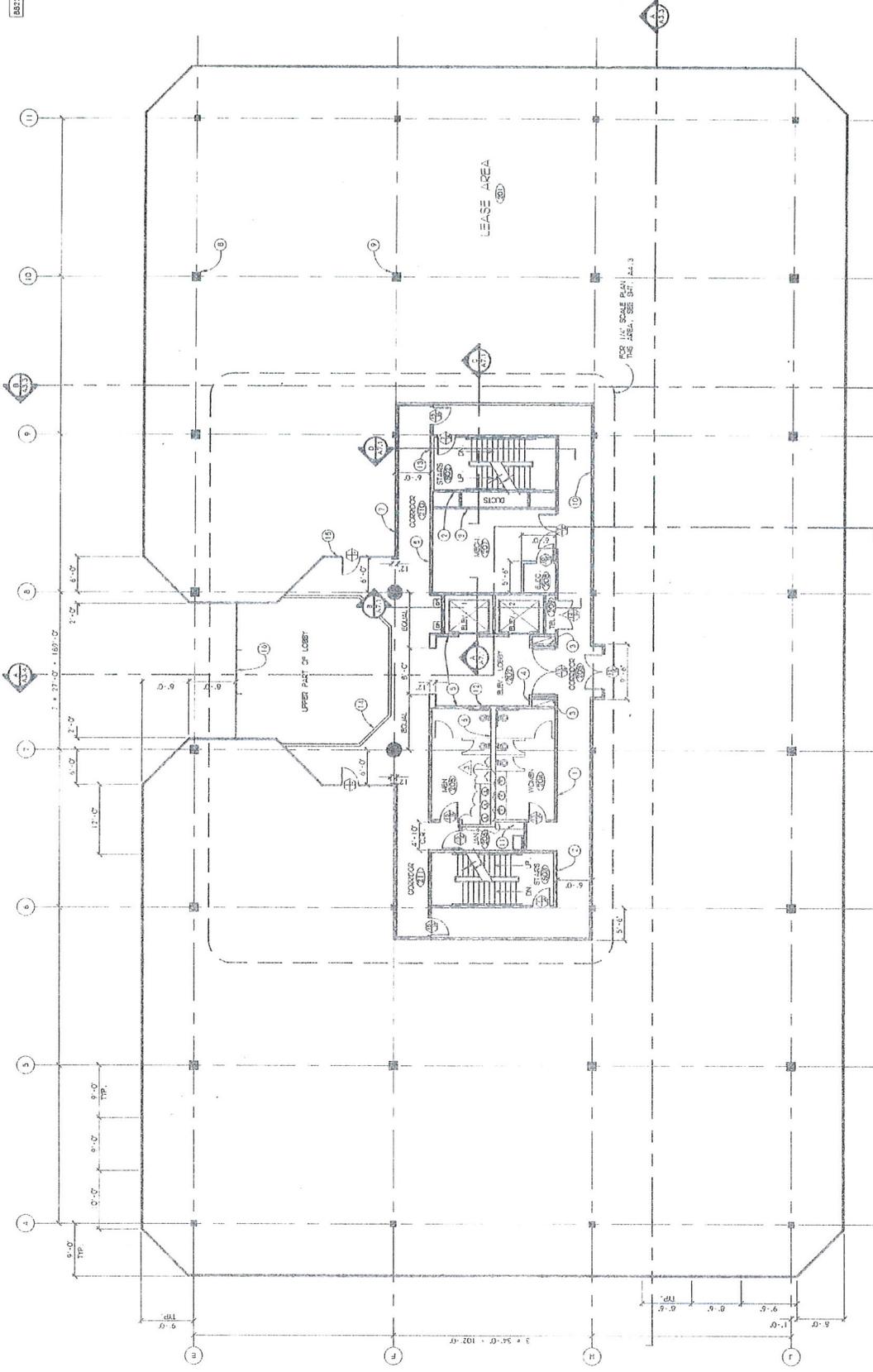




PROPOSED OFFICE BLDG. FOR GUNNER/ANDROS  
 FRESNO, CALIFORNIA  
 FIG GARDEN FINANCIAL CENTER - PHASE 3

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DATE: 01-10-88



**KEYNOTES**

- 1 TYPICAL METAL STUD PARTITION, 3/4" GYPSUM BOARD EACH SIDE, 14" O.C.
- 2 6"X10 GA. X 24" O.C. W/ 3/8" TYPE X STEEL STUDS EACH SIDE
- 3 ONE-HOLE PARTITION WALL
- 4 2" X 1/2" GA. METAL STUDS X 14" O.C. - TRAVERTINE VENEER
- 5 3" X 1/2" GA. METAL STUDS X 14" O.C. - TRAVERTINE VENEER
- 6 PLANKING WALL, 2" LONG 2" X 1/2" GA. METAL STUDS X 14" O.C. W/ 1/2" SPACING BETWEEN STUDS TOGETHER W/ 5" J.D. X 9'-0" O.C.
- 7 PAUSED LINE INDICATES FULL HEIGHT TO DECK ABOVE.
- 8 W/ 6" SPACING BETWEEN STUDS. CURVED ROW OF COLL. TO BOTTOM OF STUDS TO BE MATCHED TO DECK ABOVE.
- 9 ONE-HOLE STEEL STUD PARTITION, GLASS TYPE B, TO BOTTOM OF BEAM GREAT PREPARED ABOVE.
- 10 SET RISER FLUSH W/ COLLAR PROTECTION, TYPICAL.
- 11 SHELING, N. I.C.
- 12 HEAVY LINE INDICATES TRAVERTINE VENEER.
- 13 6"X16 GA. METAL STUDS X 16" O.C. - TRAVERTINE VENEER.
- 14 GLASS 1 BRIDGE GLAZING ASSEMBLY.
- 15 ALL GLASS SHIRT SYSTEM, GLASS TYPE B.
- 16 GLASS TYPE C W/ 1/2" GLASS STAYERS.

**SECOND FLOOR PLAN**  
 1/8" = 1'-0" (1/8" = 1'-0" OF G.A.)

APPL. NO. C-11-888 EXHIBIT F3 DATE 01/10/88  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

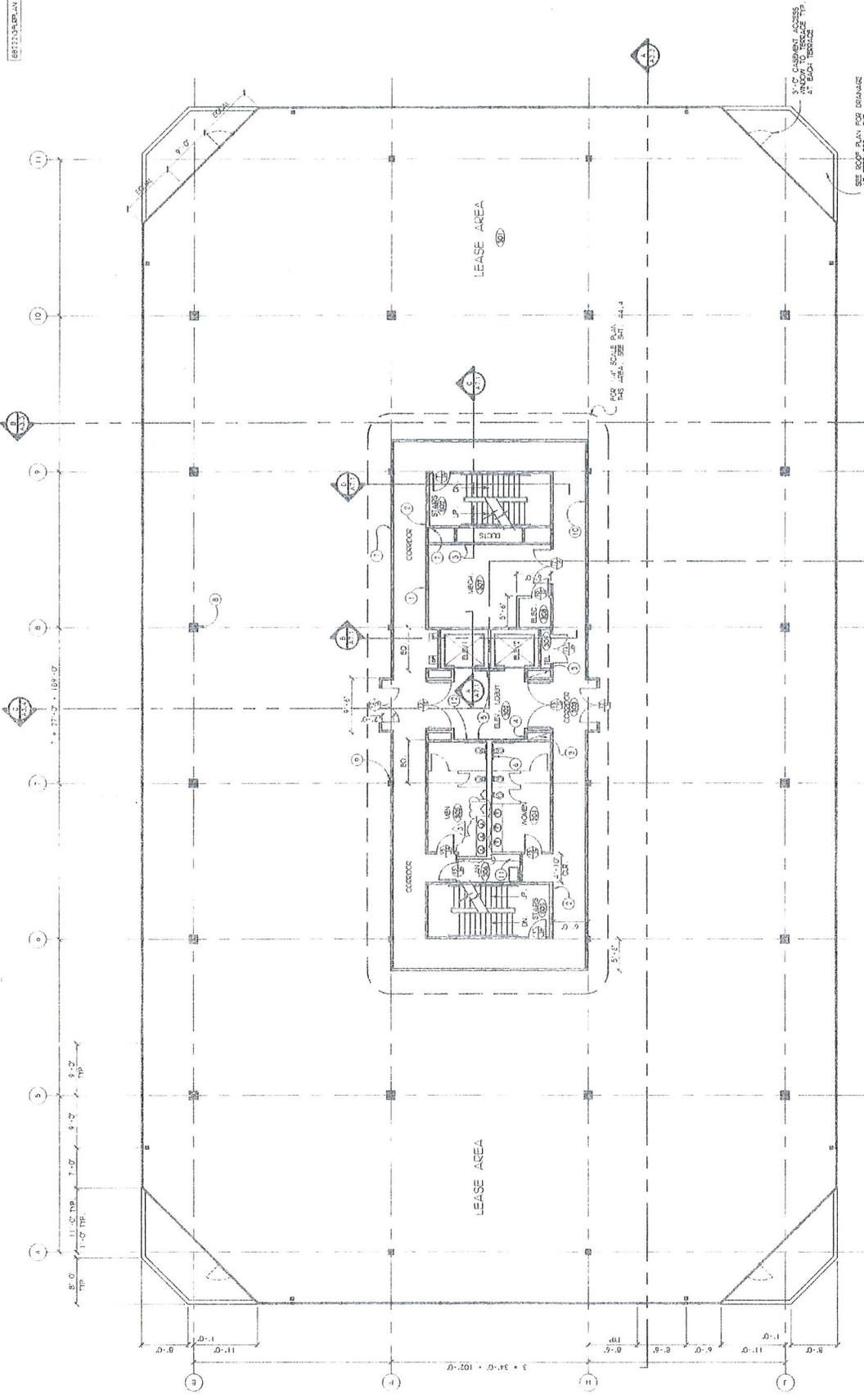
PROPOSED OFFICE BLDG. FOR GUNNER/ANDROS  
 FIG GARDEN FINANCIAL CENTER - PHASE 3  
 FRESNO, CALIFORNIA

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DATE: 5/1/10  
 REVISIONS

2  
 A

SECTION PLAN



KEYNOTES

1. 1-1/2" x 1-1/2" METAL STUDS @ 16" O.C.
2. 5/8" x 1-1/2" METAL STUDS @ 16" O.C.
3. 1-1/2" x 1-1/2" METAL STUDS @ 16" O.C.
4. 1-1/2" x 1-1/2" METAL STUDS @ 16" O.C.
5. 1-1/2" x 1-1/2" METAL STUDS @ 16" O.C.
6. 1-1/2" x 1-1/2" METAL STUDS @ 16" O.C.
7. 1-1/2" x 1-1/2" METAL STUDS @ 16" O.C.
8. 1-1/2" x 1-1/2" METAL STUDS @ 16" O.C.
9. 1-1/2" x 1-1/2" METAL STUDS @ 16" O.C.
10. 1-1/2" x 1-1/2" METAL STUDS @ 16" O.C.
11. 1-1/2" x 1-1/2" METAL STUDS @ 16" O.C.
12. 1-1/2" x 1-1/2" METAL STUDS @ 16" O.C.

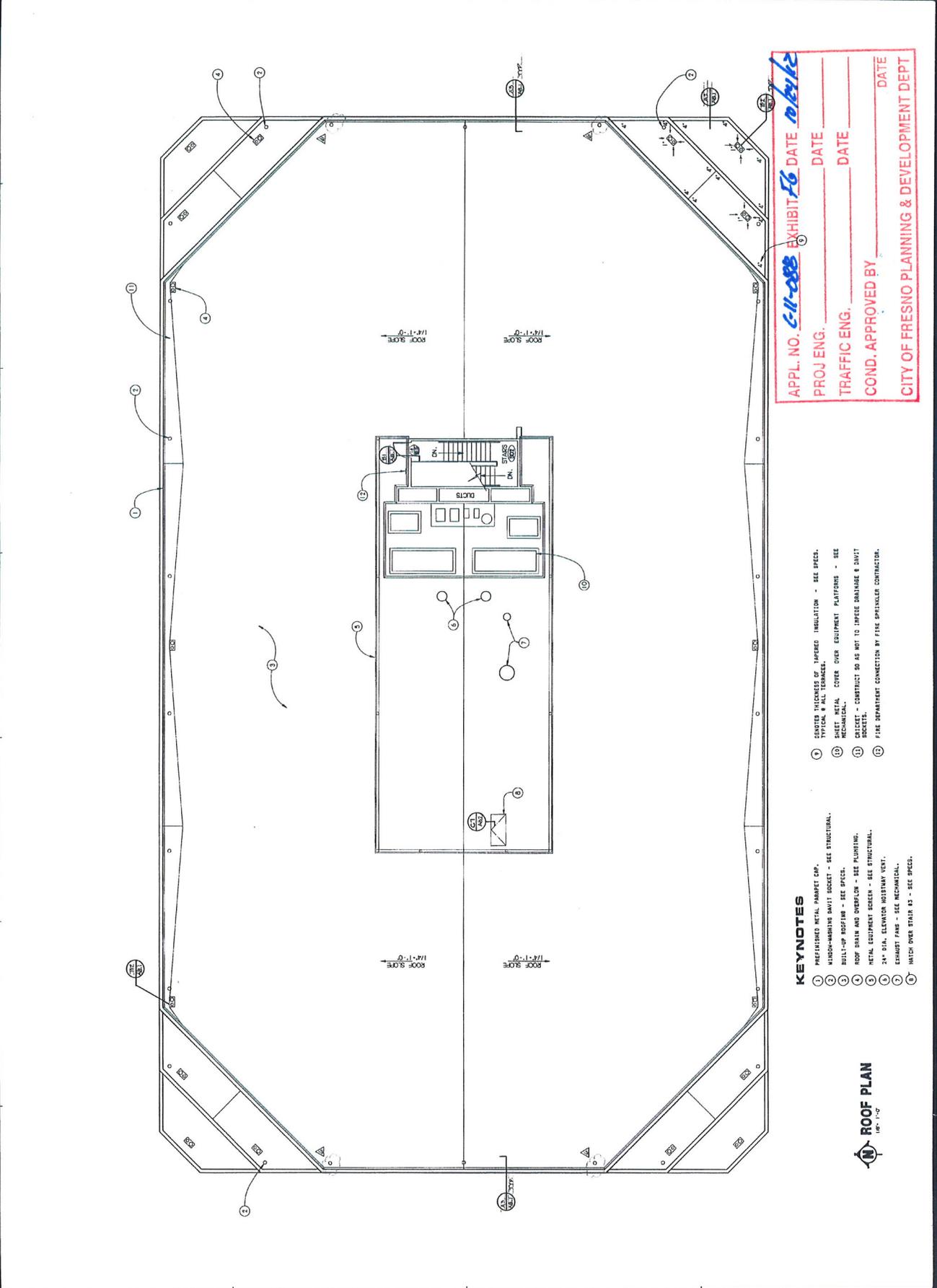
THIRD FLOOR PLAN

1/8" = 1'-0" @ 24,000 SF O/A

APPL. NO. C-11-088 EXHIBIT E4 DATE 4/14/10  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



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APPL. NO. 6-11-088 EXHIBIT F6 DATE 01/14/08  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

**KEYNOTES**

- 1 PREFINISHED METAL HANGAR CAP.
- 2 WOOD-MEMBRANE SHAWT SACKET - SEE STRUCTURAL.
- 3 BUILD-UP ROOFING - SEE SPEC.
- 4 ROOF DRAIN AND OVERFLOW - SEE PLUMBING.
- 5 METAL EQUIPMENT SCREEN - SEE STRUCTURAL.
- 6 24" DIA. ELEVATOR HOISTWAY VENT.
- 7 EXHAUST FANS - SEE MECHANICAL.
- 8 MATCH OVER STAIR 05 - SEE SPEC.
- 9 GRANITE THICKNESS OF TYPICAL INSULATION - SEE SPEC.
- 10 TYPICAL 8' WALL TERRACE.
- 11 SHEET METAL COVER OVER EQUIPMENT PLATFORMS - SEE MECHANICAL.
- 12 CRIBS - CONSTRUCT SO AS NOT TO IMPIDE DRAINAGE & DUST REMOVAL.
- 13 FIRE DEPARTMENT CONNECTION BY FIRE SPRINKLER CONTRACTOR.

**ROOF PLAN**  
 1/8" = 1'-0"





CITY OF FRESNO  
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL  
OCTOBER 24, 2012

CONDITIONAL USE PERMIT APPLICATION No. C-11-088  
“A PLANNED DEVELOPMENT”

SOUTH SIDE OF WEST SAN JOSE AVENUE BETWEEN NORTH COLONIAL AND NORTH MAROA AVENUES

NOTICE TO PROJECT APPLICANT

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

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

**PART A - PROJECT INFORMATION**

1. Assessor's Parcel No(s): 417-231-16, 17 & 417-240-03, 37
2. Street Location: Located on the south side of West San Jose Avenue between North Colonial and North Maroa Avenues.  
**(Council District 2, Councilmember Borgeas)**
3. Zoning “C-P” (*Administrative and Professional Office District*)  
(*Rezone Application No. R-11-008*)
4. Planned Land Use: Office Commercial  
(*Plan Amendment Application No. A-11-006*)
5. Plan Areas: 2025 Fresno General Plan and Bullard Community Plan
6. Project Description: Conditional Use Permit Application No. C-11-088 requests authorization for the construction of an approximately 104,593 square-foot four story office building with an underground parking structure and at-grade parking; comprising Phase IV of the Fig Garden Financial Center.

## **PART B - GENERAL CONDITIONS AND REQUIREMENTS**

The City of Fresno Planning Commission, on October 24, 2012, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E", "F" & "L" inclusive, of Conditional Use Permit Application No. C-11-088 dated October 24, 2012.

The exercise of rights granted by this special permit must be commenced by October 24, 2016 (four years from the date of approval). There is no exception.

### **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 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 either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. C-11-088; or, unless the decision of the Planning Commission is referred to the City Council for review pursuant to Section 12-406-J of the Fresno Municipal Code.**

Approval of this special permit shall be considered null and void, and the rights granted by such special permit may be revoked pursuant to the provisions of Section 12-405-E of the Fresno Municipal Code, 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, and the rights granted by such special permit may be revoked pursuant to the provisions of Section 12-405-E of the Fresno Municipal Code, 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.)**

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan, or such modifications to the site plan that are proposed by Developer and approved by the City in accordance with the terms and provisions of Section 3.3 of the Development Agreement, shall be permitted. **(Include this note on the site plan.)**

Transfer any/all red line notes, corrections, etc., shown on original application exhibits (i.e., site plan, elevation, landscape and irrigation plans) to final exhibits for back-check. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

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

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

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 Will Tackett at (559) 621-8063 or via e-mail at [Will.Tackett@fresno.gov](mailto:Will.Tackett@fresno.gov) to schedule an appointment for final sign-off for building permits following your receipt and substitution of the copies of the stamped, corrected, approved exhibits in the plan check sets.**

### **PART C - PUBLIC IMPROVEMENT REQUIREMENTS**

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 geometrics may be directed to Louise Gilio at (559) 621-8678 / [Louise.Gilio@fresno.gov](mailto:Louise.Gilio@fresno.gov) of the City of Fresno Public Works Department, Traffic and Engineering Services Division.

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit "A" is required to identify all street furniture (e.g., public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the public rights-of-way.
- b) ENCROACHMENT PERMITS. 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 for the parcels within the applicable subphase of the Project.
- c) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:
  - Provide dedications in accordance with the conditions and requirements provided herein below.
  - A pedestrian easement may be required if Title 24 requirements cannot be met (reference California Administration Code requirements listed above).
- d) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits for the proposed project:
  - A vacation feasibility study shall be obtained from the Department of Public Works for any/all proposed vacations of public easements and/or rights-of-way. Proposed vacations shall occur in accordance with any/all of the conditions and requirements of the resultant feasibility study.

2. STREET IMPROVEMENTS

- a) All public 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, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering Services Division at (559) 621-8693, prior to commencement of the work. Contact the 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.

- b) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.
  - NOTE: Pedestrian paths of travel must also meet current ADA regulations. All existing sidewalks adjacent to the Project n excess of 2% maximum cross slope must be brought into compliance prior to acceptance by Public Works.
- c) Underground all existing off-site overhead utilities within the limits of this site as per FMC Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.
- d) Submit the following, as applicable, in a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8650, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans; Signing and Striping Plans; Street Lighting Plans; and, Signal Plans.
  - NOTE: When preparing Street Plans and/or Traffic Control Plans for projects in the City of Fresno contact Traffic Engineering (Randy Schrey at [559] 621-8807; or, [Randy.Schrey@fresno.gov](mailto:Randy.Schrey@fresno.gov)) in advance to assure that sidewalks or an approved accessible path remain open during construction.

### 3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

- a) All survey monuments within the area of construction shall be preserved and if disturbed, shall be reset by a person licensed to practice Land Surveying in the State of California. **(Include this note on the site plan.)**

## PART D - PLANNING/ZONING REQUIREMENTS

### 1) PLANNING

Development is subject to the following plans and policies:

- a) "C-P", *Administrative and Professional Office District* (§12-216 of the FMC)
- b) 2025 Fresno General Plan
- c) Bullard Community Plan
- d) Environmental Impact Report (EIR) No. 10147 Mitigation Monitoring & Reporting Program

### 2) MITIGATION MONITORING REQUIREMENTS

- a) Development of the subject property shall be subject to implementation of all mitigation measures, fees, and timelines included within the attached Mitigation Monitoring and Reporting Program of EIR No. 10147 (SCH NO. 2011061087).

3) ZONING

- a) Approval of Conditional Use Permit Application No. C-11-088 is contingent upon City Council approval of Plan Amendment Application No. A-11-006 and Rezone Application No. R-11-008 as well as Council Certification of Environmental Impact Report No. 10147 (SCH 2011061087).
- b) Any proposed deviations from the development plans approved for the subject property pursuant to Exhibit(s) "A", "E", "F" & "L", inclusive, of Conditional Use Permit Application No. C-11-088 dated October 24, 2012 will require a revision or amendment to the Conditional Use Permit; in accordance with Development and Resource Management Department policies.
- c) The proposed locations of structures on the subject property may be affected due to proximity to existing lot lines. Furthermore, proposed structures may not be located over lot lines. The location of proposed structures over, or in close proximity to, existing property lines will require that the structures be constructed in compliance with the fire resistive standards of the Uniformed Building Code, Chapter 5.
  - NOTE: A mechanism such as a subdivision map, lot line adjustment or voluntary parcel merger may be required to be recorded/perfected prior to issuance of building permits in circumstances where proposed structures do not comply with the respective fire resistive standards of the Uniformed Building Code.

4) MODIFICATIONS TO PROPERTY DEVELOPMENT STANDARDS

- a) Execute a Mutual Easement and Reciprocal Use Agreement between any/all legal lots of record existing within the boundary of the subject property at the time of development and any/all adjacent property or properties to the west of the subject property as necessary to demonstrate rights have been secured to provide, at minimum: (1) Mutual and reciprocal access to/from North Palm and West Shaw Avenues; (2) Mutual and reciprocal access to/from West San Jose Avenue *for emergency vehicles only*; (3) Shared parking (as appropriate); (4) Shared loading areas/spaces or solid waste facilities (as appropriate); (5) Cross drainage; (6) Maintenance, and retention of shared on-site utilities, fire suppression systems, improvements, and facilities (as appropriate).
  - NOTE: The conditions of the Mutual Easements and Reciprocal Use Covenant are intended to benefit the public and public properties as well as properties appurtenant; and, secure the enforceability of properties' obligations for retention and maintenance of access, utilities, facilities, and improvements. Failure to comply with the terms of the Covenant may result in the revocation of the Certificate of Occupancy of Special Permit by the City for use of any Parcel of the properties involved. Accordingly, the City of Fresno shall have the right to enforce this Statement by any legal or equitable means. For further information regarding these requirement Contact the Development and Resource Management Department at (559) 621-8277.
- i) Final, executed and notarized documents shall be recorded prior to issuance of building permits for any phase of development.

- b) All of the agreements required to be executed within this section shall run with the land, shall bind all successors and assigns and shall inure to all subsequently created parcels resultant from any future subdivision of the properties involved.
- NOTE: Any amendment to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.

5) BUILDING HEIGHT

- a) No building or structure erected on the subject property shall have a height greater than 60 feet.
- NOTE: Roof structures for the housing of moot elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys, smokestacks, silos, water tanks or wireless masts or similar structures may be erected above the height limit prescribed herein when approved by the Director upon finding that the structure may be safely erected and maintained at such height without damaging the surrounding properties taking into consideration the surrounding conditions and circumstances. No roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space.
- i) No accessory buildings erected on the subject property shall have a height greater than one story, not to exceed 12 feet and shall be subject to the provisions of Section 12-306-N-1 of the FMC.

6) BUILDING AND YARD SETBACKS

- a) Building and yard setbacks shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-11-088; and, the following:
- i) Pursuant to Bullard Community Plan Policy 4.2.4-7-c a setback 20 feet wide shall be maintained along the entirety of the abutting local street (West San Jose Avenue) frontage of the subject property.
- ii) Pursuant to Bullard Community Plan Policy 4.2.4-7-d, no commercial or office building shall be constructed within 50 feet of the property line of abutting properties zoned or planned for residential uses.
- NOTE: Any proposed deviation from the building setback envelopes established by Exhibit "A" of Conditional Use Permit Application No. C-11-088 requires a revision to Conditional Use Permit Application No. C-11-088.
- b) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

7) OPEN SPACES AND LANDSCAPING

The property owner/developer shall provide and maintain all landscaping (and irrigation systems) in accordance with Exhibit(s) "L" of Conditional Use Permit Application No. C-11-088 and, the following:

- a) Pursuant to Bullard Community Plan Policy 4.2.4-7-c, a landscaped setback 20 feet wide, containing deciduous and evergreen trees, shall be planted and maintained along the entirety of the abutting local street (West San Jose Avenue) frontage of the subject property
- b) Except for approved driveways, all required yard setback areas abutting a street, and areas designated for landscape and open space purposes, shall be landscaped and maintained in accordance with Section 12-306-N-24 of the FMC; and, the following:
  - i) The proposed emergency vehicular access to/from West San Jose Avenue shall be provided through integration and installation of a sustainable "Grasscrete System" (not plastic or pre-cast unit system), which is compliant with Fire Prevention Bureau requirements as referenced and included herein below.
  - ii) Pursuant to Bullard Community Plan Policy 4.2.4-7-e(3) any earth berms shall be planted with grass or ground cover, and maintained by the property owner.
- c) Provide trees on-site in accordance with Exhibit(s) "L" of Conditional use Permit Application No. C-08-172; and, the following:
  - i) Provide a minimum of one medium size tree for every two above-ground parking spaces provided.
    - NOTE: One medium size tree is defined as attaining a height of 30-60 feet at maturity. Two small size trees, up to 30 feet high at maturity may be substituted for one medium size tree.
  - ii) Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years; or, provide substantiated data satisfactory to the Director of the Development and Resource Management Department demonstrating that existing or proposed conditions (tall buildings, etc.) meet the intention of parking lot shading requirements.
    - NOTE: In the event that the requirements of clause (i) and (ii) are subject to and would conflict with the provisions of AB1881, City landscape ordinances or mitigation measures governing water conservation, the City and Developer shall cooperate to modify such requirements to eliminate such conflict.
  - iii) Trees shall be planted in any required landscaped areas along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way.

- d) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.
- i) The number, location and species of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to final approval of landscape plans by the Development and Resource Management Department and prior to issuance of a street tree planting permit.
- NOTE: The Fresno Municipal Code requires one (1) street tree per 60 linear feet of public street frontage. Due to the presence of overhead PG&E wires, the approved street tree variety for West San Jose Avenue is Arbutus 'Marina' (Pink Madrone).
  - NOTE: The Department of Public Works requires a landscape and irrigation design for the right-of-way at the scale of 1"=20' to be submitted and approved prior to installation of street trees. An approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not in the public right of way. A copy of this plan shall be kept at the job site at all times.
- ii) All planting, irrigation and related work shall comply with the City of Fresno Public Works Department Standard Specifications, Section 25 and 26.
- iii) All landscaping and related work to be performed within the city right-of-way shall be done by a qualified contractor and requires a street encroachment permit from the Public Works Department prior to commencement. Call (559) 621-8685 for information on encroachment permits and required insurance and bonding.
- e) All vegetation shall be provided with an adequate, permanent and nearby source of water by means of installed on-site irrigation systems.
- i) All landscaped areas (including those designated for open space purposes) shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.
- f) Trees shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Planning and Development Department. **(Include this note on the site plan and landscape plan.)**
- g) All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and any such vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.
- h) Landscaping shall be kept free from weeds and undesirable grasses.

- i) Submit copies of landscape and irrigation plans prepared by a landscape professional, showing the location of any/all landscape areas as well as the number and types of trees and irrigation system proposed to be installed within any/all landscaped areas to the Development and Resource Management Department, Development Services Division. These plans must be reviewed and approved prior to obtaining building permits for the subject property.
- j) Landscaping must be in place before issuance of certificates of occupancy for proposed structures on the subject property.
  - i) A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**
    - NOTE: The hold on occupancy may be released at the discretion of the Development and Resource Management Department to subjectively accommodate inappropriate planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).
    - NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.
  - ii) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Development and Resource Management Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Development Services (Planning) Division. **(Include this note on the site and landscape plans.)**

8) FENCES, HEDGES, AND WALLS

All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC; and the following:

- a) Pursuant to Bullard Community Plan Policy 4.2.4-7-e(1), a solid masonry wall six feet in height, an earth berm six feet in height, or any combination of solid masonry wall and earth berm that provides a continuous barrier six 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 (i.e., on, or along, the entirety of the southerly and easterly property lines of the subject property).
- b) Pursuant to Bullard Community Plan Policy 4.2.4-7-e(2), a solid masonry wall three and one-half feet in height, an earth berm three and one-half feet in height, or any combination of solid masonry wall and earth berm that provides a continuous barrier three and one-half feet in height, shall be erected on, or along, the setback line twenty feet from and parallel with the right-of-way line of the abutting local street (i.e., West San Jose Avenue).

- c) Clearly depict any proposed/existing fences, hedges and walls on Exhibit(s) "A". Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Development and Resource Management Department.
- d) Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.
- e) All future proposed fences, hedges and walls, 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.)**
- f) 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.

9) OFF-STREET PARKING

Off-Street Parking on the subject property shall be provided in accordance with Section 12-306-I of the FMC except as may be modified herein below.

- a) Provide parking space needs on-site in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-08-172; and the Marketplace at El Paseo Design Guidelines, as may be applicable.

- NOTE: Section 12-219.5-I of the FMC provides that the general (or minimum) requirement for off-street parking spaces and areas within the C-P (*Administrative and Professional Office*) zone district shall be at least one square-foot of off-street parking area for each one square-foot of floor area, which when applied to the proposed Project would result in the following minimum off-street parking requirement.

*104593 square feet of floor area / 370 square feet per parking space = 283 parking spaces.*

- i) All final off-street parking facilities and geometrics shall be approved by the Department of Public Works, Traffic and Engineering Services Division prior to issuance of building permits.
- b) Provide handicapped parking space needs in accordance with State of California Building Code requirements. Refer to the "Development Requirements for Handicapped Accessibility" of abovementioned code pertaining to van accessible parking spaces.
  - i) All handicapped stalls shall be located to allow the shortest code ADA-compliant path of travel to the building entrance. The 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.)**

- ii) 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.)**
- c) Provide bicycle parking spaces per Section 12-306-I-2.1-C and in accordance with Section 12-306-I-5d of the Code of the Fresno Municipal Code.
  - i) The number of bicycle parking spaces to be provided shall be equal to 10% of the automobile parking spaces provided, but not to exceed a total of 10 bicycle stalls, which may be located indoors.
  - ii) 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. Bicycle stalls may be located indoors. (Bicycle stalls shall be depicted on Exhibit(s) "A" of Conditional Use Permit Application No. C-11-088)
- d) Lighting where provided to illuminate parking areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works; provided that the height of lighting in the PG&E Easement Area shall be limited by the height limitations set forth in the recorded easement covering the PG&E Easement Area. **(Include this note on the site plan.)**
- e) No parking area or parking space which is provided for the purpose of complying with the provisions of the Zoning Ordinance shall hereafter be relinquished, reduced or altered in any manner below the requirement established herein, unless equivalent facilities are provided elsewhere, the location of which is approved by the Development and Resource Management Department.

#### 10) ACCESS

In accordance with the provision of Section 12-216 of the Fresno Municipal Code, all lands within the "C-P" District shall have adequate vehicular access to off-street parking facilities from a dedicated and improved street, service road or alley.

- a) There shall be adequate vehicular and pedestrian access from a dedicated and improved street, alley or recorded private access to off-street parking areas and facilities proposed to be constructed as part of the project.

- i) The design of proposed points of access to the subject property shall be approved by the Department of Public Works as able to withstand commercial usage.
- ii) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.
- iii) Vehicular ingress and egress for the subject property to/from West San Jose shall be expressly prohibited except for emergency vehicles.
  - NOTE: A mutual easement and reciprocal use agreement will be required to be executed/recorded to afford access to the subject property over adjacent private property pursuant to the terms included herein above (See Part D, Section 4 / Modifications to Property Development Standards for further information).
- b) Access, circulation, and parking on the subject property shall be provided and maintained in accordance with approved entitlements for the subject property; or, any revisions or amendment thereto, as may be approved by the Development and Resource Management Department. No modifications to said access or circulation may be made without prior approval from the Development and Resource Management Department.

#### 11) 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 or Sign Review Application. Applications and requirements for submittal are available at the Development Services (Planning) Division's Public Front Counter. **(Include this note on the site plan).**
- b) Pursuant to Bullard Community Plan Policy 4.2.4-7-f, the provisions of the approved commercial district or office district shall apply to outdoor advertising for commercial and office uses, excepting freestanding signs in a commercial district, wherein there shall be permitted one freestanding sign containing the name of buildings and occupants or groups thereof, and shall be not more than one hundred and twenty-five square feet in area, and not more than twenty feet in height, and shall not be located within any required landscape setback or landscaped transition setback area.

#### 12) LOADING SPACES

Every commercial building hereafter erected or established on the subject property, when occupied by a use which involves pick-up and delivery of materials (other than normal solid waste collections) from trucks and tractor trailers weighing more than two tons, shall provide and maintain loading spaces as provided in Section 12-306-L; and the following:

- a) A minimum of 3 loading spaces shall be provided for office buildings comprising 100,001 square feet or more of building space (gross floor area).
  - NOTE: There are two areas on the subject property designated as/for proposed drop-off zones, which may be utilized for additional required loading areas so long as the minimum dimensions of said areas meet the minimum size requirements necessary to

satisfy the loading area requirements of the Fresno Municipal Code; as specified herein below.

- b) Loading spaces shall be not less than twelve feet in width and forty feet in length, and shall have a minimum fourteen feet of vertical clearance.
  - NOTE: Loading spaces need not be marked on an exterior paved area if the facility has equivalent interior loading area which is kept accessible for expected delivery vehicles.
- c) 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.
- d) In accordance with Bullard Community Plan Policy 4.2.4-7-a, loading spaces shall be located not less than one 150 feet from the boundary of property zoned or planned for residential uses.
  - NOTE: 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.
- e) Loading shall be done only between the hours of 8:00 a.m. and 6:00 p.m.; unless the loading area is located not less than 100 feet from the nearest boundary of an adjacent residential district or is completely enclosed.
- f) No loading space which is provided for the purpose of complying with the provisions of the City of Fresno Zoning Ordinance shall hereafter be relinquished or reduced in any manner below the requirements established within the Fresno Municipal Code, unless equivalent facilities are provided elsewhere, the equivalency of which is determined by the Director of the Development and Resource Management Department.

### 13) BUILDING ELEVATIONS

- a) Pursuant to the mitigation measures of EIR No. 10147, the project proponent shall submit detailed architectural plans, color palettes, and building materials to the City of Fresno Development and Resource Management Department.
  - i) The Plans shall be reviewed by the Planning Director prior to the issuance of any building permit; the review shall be substantially based on the extent to which the final architectural plans deviate from the building plans and building elevations illustrated on Figures 3-3 & 3-4 of EIR No. 10147.
- b) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans. Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way or shall be placed on the ground outside of the required yards and screened with appropriate landscaping.

- i) Where applicable, placement, material, and color of equipment screens should be compatible with the building architecture.

## **PART E - CITY AND OTHER SERVICES**

### **1) TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS**

- a) Comply with all of the requirements included within the attached Public Works Department, Traffic and Engineering Service Division memorandum dated October 19, 2012; and, any requirements noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-11-088 dated June 28, 2011 and October 14, 2011.

### **2) PUBLIC UTILITIES REQUIREMENTS**

- a) Comply with all of the requirements included within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated July 19, 2011; with the following exceptions:
  - i) The proposed relocation of the on-site 8-inch public sewer main may be allowed subject to the dedication and acceptance of an alternative public utilities easement and approval of engineered improvement drawings for a proposed replacement sewer main by the Director of the Department of Public Utilities.
- b) Comply with all of the requirements included within the attached Department of Public Utilities, Water Division memorandum dated October 10, 2012.
- c) Comply with all of the requirements included within the attached Department of Public Utilities, Solid Waste Division memorandum dated July 11, 2011.

### **3) FLOOD CONTROL REQUIREMENTS**

- a) Comply with all of the requirements included within the attached Fresno Metropolitan Flood Control District memorandum dated July 05, 2011.

### **4) FIRE PROTECTION REQUIREMENTS**

- a) Comply with all requirements included within the attached City of Fresno Fire Department memorandum dated July 11, 2011.

### **5) COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH**

- a) Comply with all of the requirements included within the attached County of Fresno Department of Public Health memorandum dated July 18, 2011.

6) SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD)

- a) Comply with all terms included within the San Joaquin Valley Air Pollution Control District Indirect Source Review Monitoring and Reporting schedule dated November 02, 2011, which is appended to the attached SJVAPCD memorandum dated November 03, 2011.

7) PACIFIC GAS AND ELECTRIC COMPANY

- a) Comply will any/all requirements included within the attached PG&E memorandum dated August 03, 2009.

**PART F - MISCELLANEOUS**

- 1) Approval of the site plan for Conditional Use Permit Application No. C-11-088 is contingent upon the submittal of corrected site plan exhibits showing all existing/proposed on-site conditions as reflected within these conditions, and on all associated application exhibits
- 2) All storage shall be within an enclosed structure. Outdoor storage is expressly prohibited.
- 3) 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.
- 4) Within an area 100 feet wide abutting property zoned or planned for residential use, exterior area lighting for parking areas, carports, garages, access drives and loading areas for commercial uses and office uses shall be shielded, to prevent line of sight visibility of the light source from abutting property zoned or planned for residential use.



**DATE:** October 19, 2012 Revision

**TO:** Will Tackett  
Development and Resource Management Department

**FROM:** Louise Gilio, Supervising Engineering Technician  
Public Works Department

**SUBJECT:** Conditions of Approval for **C-11-088**

**APN(s):** 417-240-37, 417-231-16, 417-231-17, **417-240-03**

**ADDRESS:** 5204 North Palm Avenue

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

**A. General Requirements**

1. **Parcel of Record:** Identify the current parcels at the time of permits.
2. **Property Lines:** Identify and dimension existing and proposed property lines.
3. .

**B. Offsite Information:**

1. **Street Improvements:** Identify sidewalk width, street lights (specify if wood or metal pole).
2. **Identify all existing offsite improvements along the Scott Avenue frontage.**
3. **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)
4. **Traffic Impact Study (TIS):** A TIS is required and shall be approved they the Traffic and Engineering Division. Contact Jill Gormley at 559 621-8792 for additional information

**C. Onsite Information:**

1. **Buildings:** Identify buildings as proposed and the existing buildings to be removed. Provide square footage.
2. **Parking Lot and Parking Garage: Standard Stall (9' x18') Standard if adjacent to an obstruction over 8" high (10' x 18')**
  - a. **Lighting:** Identify the location (not to be within the 3' vehicular overhang)
  - b. **Planters:** provide planter radii
  - c. **Redesign of the parking is required per Exhibits A-1 through A-5.**

**D. Other Important Information:**

1. **Parcel Maps:** Provide reference numbers VTPM 2008-07 (not final)
2. **Traffic Impact Studies:** Provide reference numbers TIS08-006

**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](mailto:Louise.Gilio@fresno.gov), in the Public Works Department, Traffic and Engineering Services Division.

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

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

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

### **Survey Monuments and Parcel Configuration**

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

The parcel configuration depicted for the proposed development does not conform to record information: **a parcel map or voluntary parcel merger** is required to establish this configuration **prior** to building permits. Contact the Development and Resource Management 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, news stands, trash receptacles, tree wells, etc. within the public right of way. Also, identify the required 4' minimum path of travel along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). **A pedestrian easement may be required if Title 24 requirements cannot be met.**

#### **San Jose Avenue: Local**

1. Dedicate **30'** of property, from center line, for public street purposes within the limits of this application to meet the current City of Fresno Local Standards, **P-56**.

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.

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

### **Street Improvements**

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

### **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.

### **San Jose Avenue: Local**

1. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, **Section 26-2.11(C)**.
2. Construct a **20'** Fire Access Lane Across Parkway to Public Works Standard **P-67**.
3. Construct **20'** of permanent paving (measured from face of curb) within the limits of this application. Provide additional pavement and transitions, as needed.
4. Construct an underground street lighting system to Public Works Standard **E-2** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-9** for Local Streets.
5. 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.

### **Scott Avenue: Local**

1. Where not existing, construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall match the existing pattern. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).

2. Where not existing, construct permanent paving within the limits of this application. Provide additional pavement and transitions, as needed.
3. Where not existing, construct an underground street lighting system to Public Works Standard **E-2** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-9** for Local Streets.

#### **Off-Street Parking Facilities and Geometrics**

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
2. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit(s) "A-1" thru "A-5"**.

#### **Traffic Impact Study**

This development will generate a total of **162 a.m. / 156 p.m.** peak hour trips and generate a count of **1152 Average Daily Trips (A.D.T.)**, based upon the construction of a **104,593 s.f. office building**.

A Traffic Impact Study **is required**. The Developer/Owner should consult with the City Traffic Engineer for the scope of the Traffic Impact Study (TIS). A trip trace for the proposed project should be provided **prior** to consulting with the City Traffic Engineer. 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**.

#### **Landscape and Feature Maintenance Requirements:**

1. The Owner/Developer of commercial, industrial and multi-family developments shall be responsible for providing Services for the maintenance of certain required public improvements associated with this application and as approved by the Public Works Department. The following are eligible items:
  - Maintenance of **LANDSCAPING, IRRIGATION, CURBING AND STAMPED CONCRETE** constructed or installed in **MEDIAN ISLANDS** in City street right-of-way (Major and Local Streets).
  - Maintenance of all existing or installed required City **STREET TREES** in City street right-of-way (Major and Local Streets).
  - Maintenance of City **LOCAL STREET** paving, curbs and gutters, valley gutters, curb ramps, sidewalks and street name signs.
  - Maintenance of all existing or installed required City street lights (Major and Local Streets).

- 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 street right-of-way within a landscape easement.

2. The Owner/Developer may choose do one or both of the following:

- a. Request that some or all of the above items be financed for Services by annexation to a Community Facilities District (**CFD**). An Annexation Request Package shall be submitted to the Public Works Department for review and acceptance. Any special features requested require Public Works Department approval prior to acceptance. If you have any questions contact Ann Lillie, Traffic and Engineering Services Division at (559) 621-8690 / ann.lillie@fresno.gov. The subdivision shall be in the limits of the City of Fresno **prior** to CFD processing and the final map cannot be approved until the CFD process has been completed and approved by Council.

**-AND/OR-**

- a. If the Owner/Developer chooses not annex all of the items to a CFD, the property Owner/Developer shall be responsible for providing a Maintenance Covenant for all or the remainder of the items as approved by the City of Fresno. Contact the Development and Resource Management Department at (559)621-8277 for more details.

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

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 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 the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.

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

**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](http://www.fresnocog.org). Provide proof of payment or exemption **prior** to issuance of building permits.



**SCOTT A. MOMMER CONSULTING**  
 LAND DEVELOPMENT SERVICES  
 484 WEST JACQUELYN AVENUE, FRESNO, CA 93722  
 P: (509) 272-2246 F: (509) 272-2246  
 WWW.SAMOMMER.COM

**MARKS BLOXOM ARCHITECTS, INC.**  
 565 W. SHAW BLVD, FRESNO, CALIFORNIA 93704  
 PHONE (509) 226-8620 FAX: (509) 272-2246  
 LANDSCAPE CONSULTANT  
 PERKINS DESIGN  
 2555 E. PERRIN AVE., #115, FRESNO, CA. 93720  
 PHONE (509) 321-3418 FAX: (509) 321-6567

**PARKING INFORMATION:**

GRAND TOTAL	246 STALLS
ACCESSIBLE SPACES	24 STALLS
LOWER PARKING LEVEL	214 STALLS
ACCESSIBLE SPACES	9 STALLS
TOTAL PARKING PROVIDED	223 STALLS
TOTAL SITE	496 STALLS
ACCESSIBLE SPACES	414 STALLS
TOTAL PARKING PROVIDED	391 STALLS
ACCESSIBLE PARKING PROVIDED	14 STALLS
BIKE PARKING PROVIDED	19 SPACES
EXISTING PARCEL (APN 417-291-19)	448 SPACES
BIKE PARKING	9 SPACES
TOTAL	457 STALLS

**LEGAL DESCRIPTION:**

PARCEL 1 (APN 417-291-19)  
 LOT 18 OF CALIFORNIA POLITY FARMS, IN THE CITY OF FRESNO, COUNTY OF FRESNO, RECORDED MAP 7, 1964 IN BOOK 2, PAGE 23 OF RECORDS OF SAID COUNTY.

PARCEL 2 (APN 417-290-27)  
 THE NORTH 275.34 FEET OF LOT 7A OF CALIFORNIA POLITY FARMS, AS PER MAP RECORDED IN RECORDS OF SAID COUNTY, EXCEPTING THEREFROM THE SOUTH-HALF THEREOF.

PARCEL 3 (APN 417-291-17)  
 THE WEST 30 FEET OF THE NORTH 275.34 FEET OF LOT 7A OF CALIFORNIA POLITY FARMS, IN RECORDS OF SAID COUNTY, EXCEPTING THEREFROM THE SOUTH-HALF THEREOF.

PARCEL 4 (APN 417-290-23)  
 THE NORTH 275.34 FEET OF LOT 7A OF CALIFORNIA POLITY FARMS, IN RECORDS OF SAID COUNTY, EXCEPTING THEREFROM THE SOUTH-HALF THEREOF.

PARCEL 5 (APN 417-291-19)  
 THE NORTH 275.34 FEET OF LOT 7A OF CALIFORNIA POLITY FARMS, IN RECORDS OF SAID COUNTY, EXCEPTING THEREFROM THE SOUTH-HALF THEREOF.

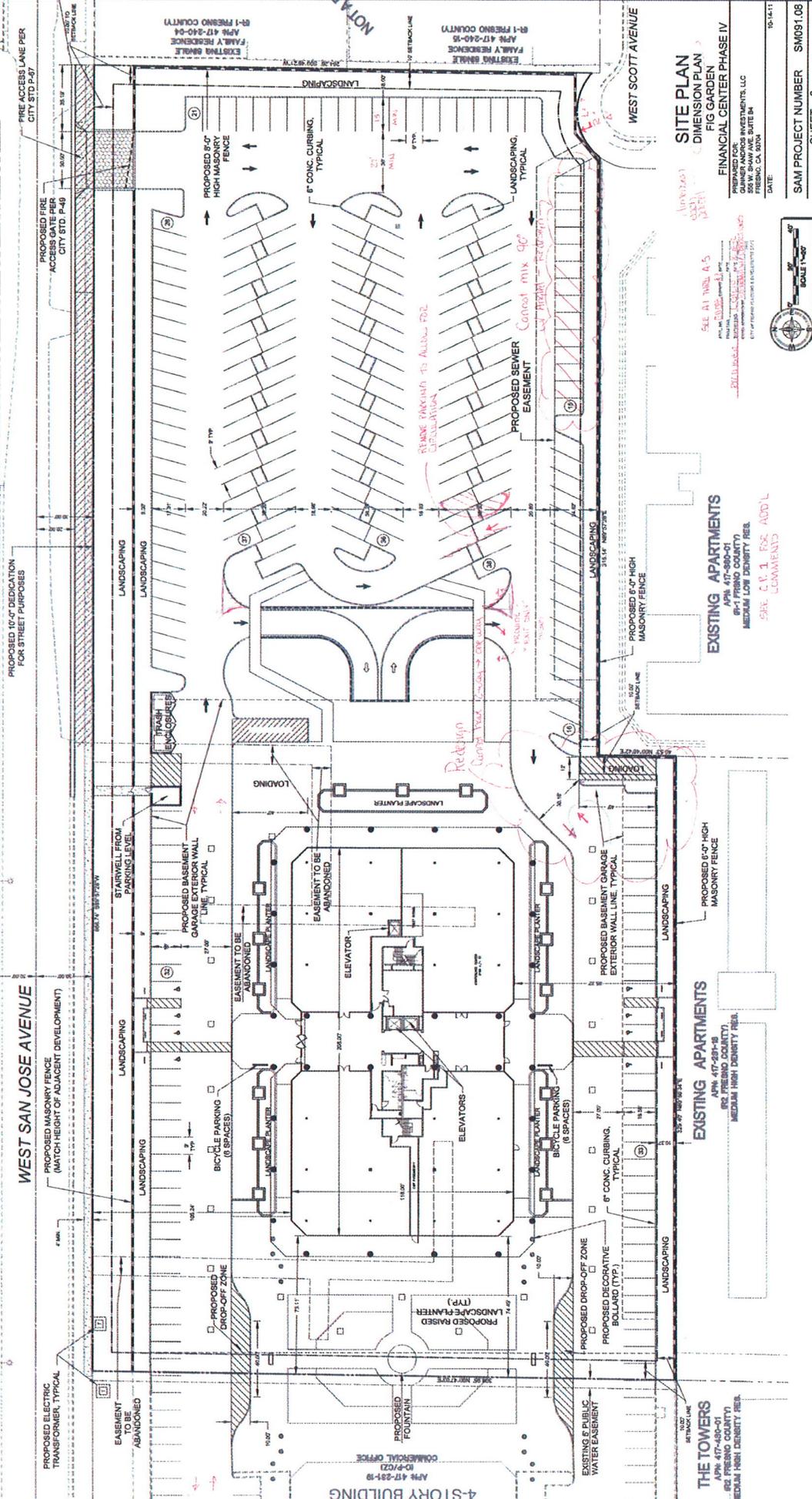
**GROUND LEVEL AREA BREAKDOWN:**

TOTAL SITE AREA	4.79 AC
EXISTING BUILDING AREA (APARTMENTS)	144,370 SF (6,600 FLOORS)
PROPOSED BUILDING COVERAGE	144,370 SF
PROPOSED LANDSCAPED AREA	38,597 SF

**EXISTING RESIDENTIAL:**

R-1  
 SINGLE FAMILY RES. REEL  
 APN 417-400-01 THRU '10

R-1-AM  
 MEDIUM DENSITY RES. REEL  
 APN 417-400-12 THRU '27



**SITE PLAN**  
 DIMENSION PLAN  
 FIG GARDEN  
 FINANCIAL CENTER PHASE IV

PREPARED FOR: FIG GARDEN APARTMENTS, LLC  
 555 W. SHAW AVE. SUITE 800  
 FRESNO, CA 93704  
 DATE: 10-14-11

SAM PROJECT NUMBER: SM091.08  
 SHEET 3

SEE C.V. 1, 4, 5 FOR ADDL. COMMENTS

SEE C.V. 1 FOR ADDL. COMMENTS

SEE C.V. 1 FOR ADDL. COMMENTS

**EXISTING APARTMENTS**

APN 417-290-01  
 R-1 FRESNO COUNTY  
 MEDIUM LOW DENSITY RES.

SEE C.V. 1 FOR ADDL. COMMENTS

**EXISTING APARTMENTS**

APN 417-291-18  
 R-2 FRESNO COUNTY  
 MEDIUM HIGH DENSITY RES.

**THE TOWERS**

APN 417-251-19  
 R-1-AM FRESNO COUNTY  
 MEDIUM HIGH DENSITY RES.

SEE C.V. 1 FOR ADDL. COMMENTS



**SCOTT A. MOMMER CONSULTING**  
 LAND DEVELOPMENT SERVICES  
 4804 WEST JACQUELYN AVENUE, FRESNO, CA 93722  
 TEL: (559) 778-7700 FAX: (559) 778-8800 EMAIL: SAM@SCOTTAMOMMER.COM

**ARCHITECT:**  
 MARKS BLOOM ARCHITECTS, INC.  
 555 W. SHAW RD #7 FRESNO, CALIFORNIA 93704  
 PHONE: (559) 228-8628 FAX: (559) 272-2240

**LANDSCAPE CONSULTANT:**  
 PERKINS DESIGN  
 2505 E. PERRIN AVE., #115, FRESNO, CA 93720  
 PHONE: (559) 321-8416 FAX: (559) 321-8567

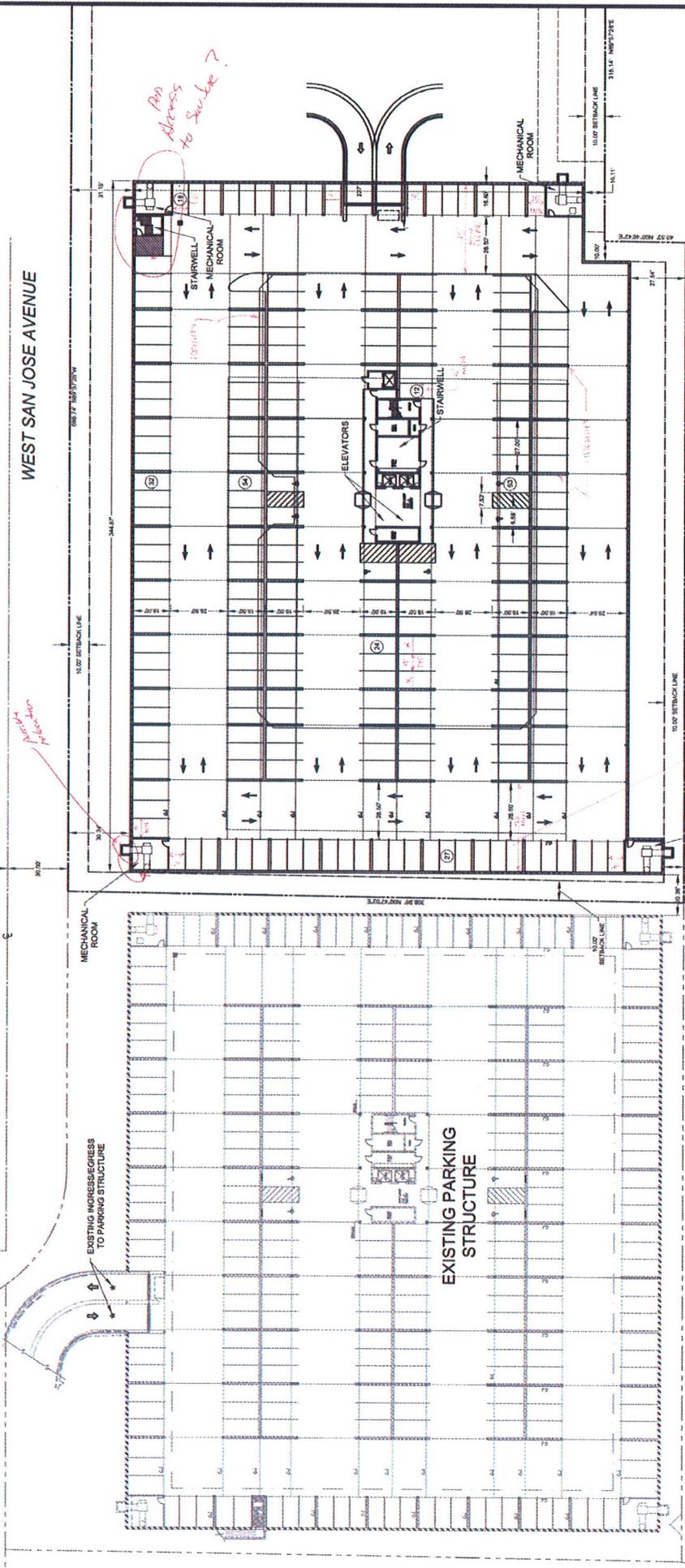
**BUILDING AREA**  
 GARAGE PARKING: 8 STALLS P.F.  
 240 STALLS  
 8 STALLS  
 234 STALLS

**PARKING INFORMATION:**  
 GROUND LEVEL: 8 STALLS  
 ACCESSIBLE SPACES: 234 STALLS  
 TOTAL PARKING PROVIDED: 242 STALLS

**LOWER PARKING LEVEL:**  
 PARKING SPACES: 240 STALLS  
 ACCESSIBLE SPACES: 234 STALLS  
 TOTAL PARKING PROVIDED: 240 STALLS

**TOTAL SITE:**  
 STANDING SPACES: 480 STALLS  
 ACCESSIBLE SPACES: 468 STALLS  
 TOTAL PARKING PROVIDED: 480 STALLS

WEST SAN JOSE AVENUE



**FLOOR PLAN**  
 LOWER PARKING LEVEL  
 FIG GARDEN  
 FINANCIAL CENTER PHASE IV

OWNER: SACRO INVESTMENTS, LLC  
 555 W. SHAW AVE. SUITE 84  
 FRESNO, CA 93704

REVISION DATES: 15-14-11

SAM PROJECT NUMBER: SMO81.08  
 SHEET 8



SEE AT 1500 P.D.  
 PER SACRO INVESTMENTS, LLC  
 555 W. SHAW AVE. SUITE 84  
 FRESNO, CA 93704  
 (559) 228-8628

RED AREA  
 9' MIN FOR THE STAIR  
 TO MIN PEGG WHEN NEXT  
 TO WALL OR CONSTRUCTION  
 IS LESSER THAN 45' MINUTE  
 VARYING

SEE CIVIL POINT 1  
 FOR ADDL COMMENTS

CP 2





ARCHITECT: mba  
**MARKS BLOXOM ARCHITECTS, INC.**  
 555 W. SHAW RD. #7 FRESNO, CALIFORNIA 93704  
 PHONE (559) 226-6528 FAX: (559) 272-2249  
 WWW.MARKSBLOXOMARCHITECTS.COM

SCOTT A. MOMMER CONSULTING  
 LAND DEVELOPMENT SERVICES  
 4864 WEST JACOBELLY AVENUE - FRESNO, CA 93722  
 TEL: 561.76.1796 FAX: 561.76.2580  
 WWW.MOMMERCONSULTING.COM

R-1-AM  
 SINGLE FAMILY RES.  
 APN# 417-91-25

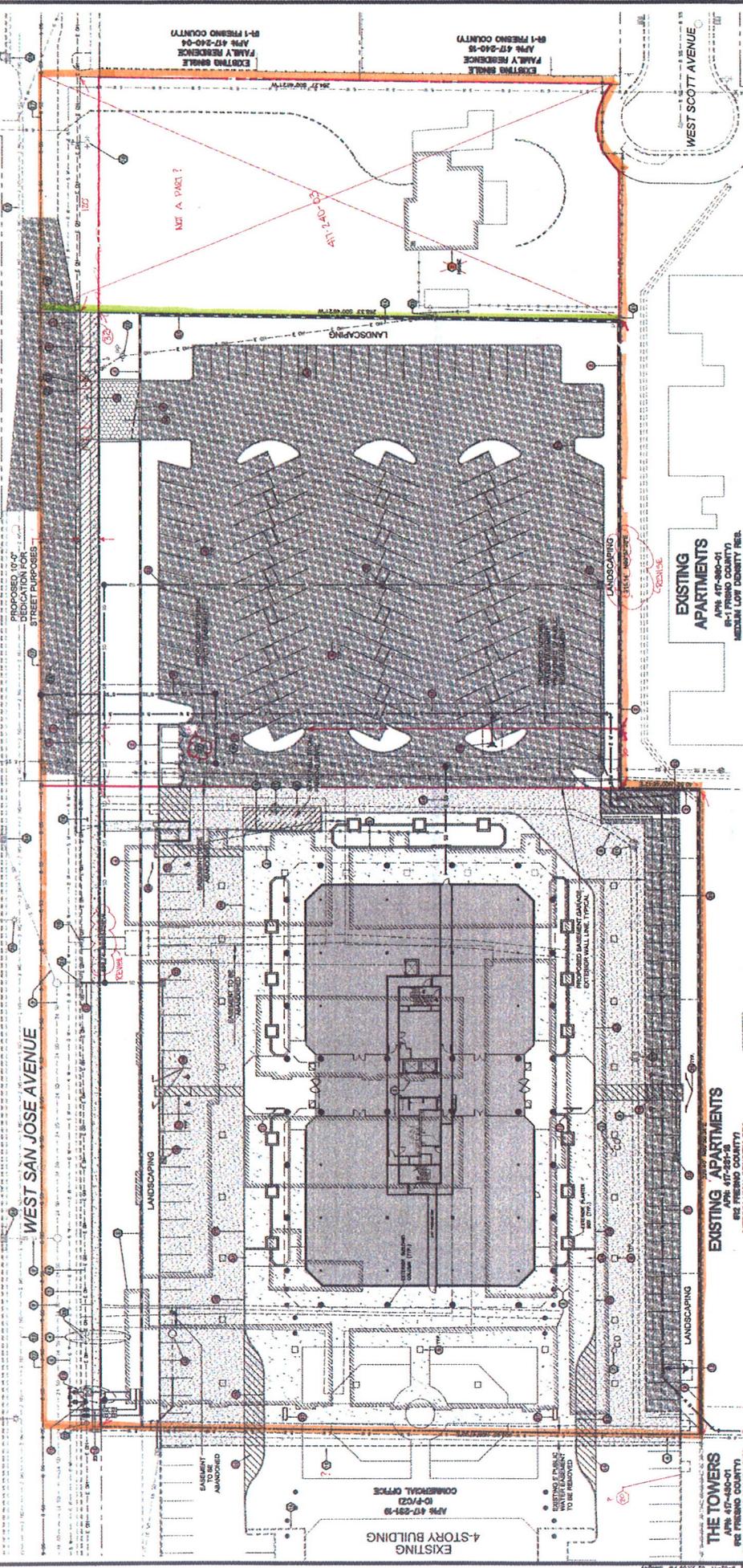
R-1  
 SINGLE FAMILY RES.  
 APN# 417-400-01 THRU 10

R-1  
 SINGLE FAMILY RES.  
 APN# 417-400-12 THRU 27

R-1  
 SINGLE FAMILY RES.  
 APN# 417-400-21

R-1  
 SINGLE FAMILY RES.  
 APN# 417-400-01 THRU 10

R-1  
 SINGLE FAMILY RES.  
 APN# 417-400-01 THRU 10



**KEYNOTES**  
**EXISTING IMPROVEMENTS:**  
 1. EXISTING CURB, GUTTER, & SIDEWALK TO REMAIN.  
 2. EXISTING DRIVEWAY OR STRUCTURE TO BE REMOVED.  
 3. EXISTING DRIVEWAY SECTION TO REMAIN.  
 4. EXISTING PUBLIC WATER MAIN TO REMAIN.  
 5. EXISTING PRIVATE WATER MAIN TO REMAIN.  
 6. EXISTING SANITARY SEWER MAIN TO REMAIN.  
 7. EXISTING CONCRETE VALVE GUTTER TO BE REMOVED.  
 8. EXISTING STORM DRAIN LINE TO REMAIN.  
 9. EXISTING FIRE HYDRANT TO REMAIN.  
 10. EXISTING CATCH BASIN TO BE REMOVED.  
 11. EXISTING NATURAL GAS MAIN TO REMAIN.  
 12. EXISTING UNDERGROUND POWERLINE TO BE UNDERGROUND.  
 13. EXISTING EDGE OF PAVEMENT.  
 14. EXISTING CURB TO BE REMOVED. *NOT U+0!*

**PROPOSED IMPROVEMENTS:**  
 1. PROPOSED CONCRETE CURB & GUTTER.  
 2. PROPOSED 8\"/>

**LEGEND**  
**HATCHING:**  
 [Symbol] EXISTING INTERIOR BUILDING AREA  
 [Symbol] PROPOSED REINFORCED CONCRETE SLAB (PARKING AREA)  
 [Symbol] PROPOSED AC PAVEMENT (2\"/>

**SYMBOLS:**  
 [Symbol] ACCESSIBLE PARKING ASSEMBLY  
 [Symbol] PROPOSED BACKFLOW PREVENTER  
 [Symbol] PROPOSED WATER METER  
 [Symbol] PROPOSED DOC AND RVI FOR FIRE SERVICE  
 [Symbol] PROPOSED DOC FOR FIRE SERVICE  
 [Symbol] PROPOSED WATER VALVE  
 [Symbol] PROPOSED CATCH-BASIN  
 [Symbol] PROPOSED MANHOLE  
 [Symbol] EXISTING POWER POLE  
 [Symbol] EXISTING FIRE HYDRANT  
 [Symbol] EXISTING WATER VALVE  
 [Symbol] EXISTING CURB INLET  
 [Symbol] EXISTING MANHOLE

**LEGEND**  
**HATCHING:**  
 [Symbol] EXISTING INTERIOR BUILDING AREA  
 [Symbol] PROPOSED REINFORCED CONCRETE SLAB (PARKING AREA)  
 [Symbol] PROPOSED AC PAVEMENT (2\"/>

**SYMBOLS:**  
 [Symbol] ACCESSIBLE PARKING ASSEMBLY  
 [Symbol] PROPOSED BACKFLOW PREVENTER  
 [Symbol] PROPOSED WATER METER  
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 [Symbol] PROPOSED WATER VALVE  
 [Symbol] PROPOSED CATCH-BASIN  
 [Symbol] PROPOSED MANHOLE  
 [Symbol] EXISTING POWER POLE  
 [Symbol] EXISTING FIRE HYDRANT  
 [Symbol] EXISTING WATER VALVE  
 [Symbol] EXISTING CURB INLET  
 [Symbol] EXISTING MANHOLE

**LEGEND**  
**HATCHING:**  
 [Symbol] EXISTING INTERIOR BUILDING AREA  
 [Symbol] PROPOSED REINFORCED CONCRETE SLAB (PARKING AREA)  
 [Symbol] PROPOSED AC PAVEMENT (2\"/>

**SYMBOLS:**  
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 [Symbol] PROPOSED MANHOLE  
 [Symbol] EXISTING POWER POLE  
 [Symbol] EXISTING FIRE HYDRANT  
 [Symbol] EXISTING WATER VALVE  
 [Symbol] EXISTING CURB INLET  
 [Symbol] EXISTING MANHOLE

DATE: 06-23-11  
 PREPARED FOR: FINANCIAL CENTER PHASE IV  
 OWNER: ANCOR INVESTMENTS, LLC  
 PROJECT NUMBER: SAM091.08  
 SHEET 4.1  
 SCALE: 1"=40'  
 BOUNDARY TYPED, 2008-07  
 PARCEL A 4-14-01





**DEPARTMENT OF PUBLIC UTILITIES**

**Date:** July 19, 2011

**To:** MIKE SANCHEZ  
Planning and Development Department

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

**Subject:** SEWER REQUIREMENTS FOR PARCEL MAP PM-2008-07, CONDITIONAL USE PERMIT C-11-088, PLAN AMENDMENT A-11-006 AND REZONE R-11-008



**General**

A-11-006, R-11-008, PM-2008-07, and C-11-088 were filed by Scott Mommer, on behalf of Gunner Andros Investments, LLC, and pertains to 3.96 acres of property located on the south side of West San Jose Avenue between North Colonial and North Maroa Avenues, 5204 North Palm Avenue, APN 417-240-37, 417-231-16 & 17. A-11-006 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium-high and medium-low density residential planned land use designations to the commercial office land use designation. R-11-008 proposes to reclassify the property from the R-2, Low Density Multiple Family Residential, and R-1-AH, Single Family Residential, horses permitted, zone districts to the C-P-cz, Administrative and Professional Office-conditions of zoning, zone district. PM-2008-07 proposes merging the three parcels. C-11-088 proposes the construction of a mid-rise four story 104,593 square foot office building with at grade parking and a subterranean parking structure beneath the office building; also proposed is the removal of the existing 44 dwelling units, all on-site structures, and demolition of the accompanying on-site parking lots.

**Sanitary Sewer Service**

The nearest public sanitary sewer main to serve the proposed project is an onsite 8-inch main flowing north to West San Jose Avenue. The following sewer improvements shall be required prior to providing City sewer service to the project:

1. On-site sanitary sewer facilities shall be private.
2. Installation of sewer house branch(s) shall be required.
3. The Project shall comply with City of Fresno Ordinances, Standards, Specifications, and Conditions contained herein related to providing sanitary sewer service including payment of all City of Fresno adopted wastewater impact and sewer connections charges established in the City of Fresno Master Fee Schedule.

4. Abandon any existing on-site private sewer facilities and, or septic systems.
5. All sewer main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the sewer main. The planting plan, for any proposed landscape within the easement, shall be approved by the Department of Public Utilities. No Trees shall be located within 8 feet of the sewer main.
6. The proposed relocation of the on-site 8-inch public sewer main is prohibited.
7. 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. Oversize Sewer Charge
3. Sewer Facility Charge (Non-Residential)
4. 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.
5. Sewer Facility Charges are collected after occupancy on a bi-monthly basis over time based on metered (water or sewer effluent) usage. The developer may contact the Department of Public Utilities/Wastewater-Environmental Control at (559) 621-5153 to receive an estimated cost of the Sewer Facility Charges applicable to the project (based on a constant sewer discharge and loading (Biochemical Oxygen Demand [BOD] and Total Suspended Solids [TSS] levels anticipated) at the current rates in effect, at that time, per Fresno's Master Fee Resolution. The developer shall provide data regarding estimated sewer discharge rates [flow] and loading [BOD/TSS levels] required for calculating the estimated charges.

City of



DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION



Providing Life's Essential Services

**DATE:** October 10, 2012

**TO:** WILL TACKETT, Planner III  
Development and Resource Management Department–Current Planning Division

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

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

**SUBJECT:** **WATER REQUIREMENTS FOR VESTING PARCEL MAP 2008-07, AMENDMENT 11-006, REZONE 11-008 AND CONDITIONAL USE PERMIT 11-088.**

**General**

A-11-006, R-11-008, PM-2008-07, and C-11-088 were filed by Scott Mommer, on behalf of Gunner Andros Investments, LLC, and pertains to 3.96 acres of property located on the south side of West San Jose Avenue between North Colonial and North Maroa Avenues, 5204 North Palm Avenue, APN 417-240-37, 417-231-16 & 17. A-11-006 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium-high and medium-low density residential planned land use designations to the commercial office land use designation. R-11-008 proposes to reclassify the property from the R-2, Low Density Multiple Family Residential, and R-1-AH, Single Family Residential, horses permitted, zone districts to the C-P/cz, Administrative and Professional Office-conditions of zoning, zone district. PM-2008-07 proposes merging the three parcels. C-11-088 proposes the construction of a mid-rise four story 104,593 square foot office building with at grade parking and a subterranean parking structure beneath the office building; also proposed is the removal of the existing 44 dwelling units, all on-site structures, and demolition of the accompanying on-site parking lots.

**Water Service**

The project is located in former County Waterworks District 21. The present water supply in the area of the project consists of groundwater wells in the vicinity of the project installed between years 1953 and 1972. The existing water distribution system serving the project is inadequate to provide necessary fire flows to support the proposed development. The following water improvements shall be required prior to providing City water service to the project:

1. Construct an 8-inch water main (including fire hydrants) to replace the existing 6-inch water main in West San Jose Avenue from North Colonial Avenue east approximately 850 feet. The City may reimburse the developer for the cost to construct the water main of up to fifty percent (50%) or more subject to a reimbursement agreement which may be



A Nationally Accredited Public Utility Agency

approved at the City Council's sole discretion within one year from the final action letter approving the Conditional Use Permit C-11-088. Regardless whether a reimbursement agreement is ever approved, the developer shall be solely responsible for construction of the 8-inch water main (including fire hydrants) within the period of time required by the Fresno Municipal Code.

2. Construct a 12-inch water main (including fire hydrants) to replace the existing 8-inch water main in North Palm Avenue from West Shaw Avenue north to West Barstow Avenue. The City may reimburse the developer for the cost to construct the water main of up to fifty percent (50%) or more subject to a reimbursement agreement which may be approved at the City Council's sole discretion within one year from the final action letter approving the Conditional Use Permit C-11-088. Regardless whether a reimbursement agreement is ever approved, the developer shall be solely responsible for construction of the 12-inch water main (including fire hydrants) within the period of time required by the Fresno Municipal Code.
3. Abandon the existing 6-inch water main located in West San Jose from North Colonial Avenue east approximately 860 feet.
4. Abandon the existing 8-inch water main located in North Palm Avenue between West Shaw Avenue and West San Jose Avenue.
5. Abandon the existing 6-inch water main between APN's 417-231-19 and 417-231-16 from North Wishon Avenue to West San Jose Avenue. In replacement, construct a second point of connection to the North Wishon/North Roosevelt Avenues water main loop from the 12-inch main in West Shaw Avenue.
6. All on-site water facilities shall be private.
7. The developer shall provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities.
8. The development shall incorporate water use efficiency for landscaping including the use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features as appropriate and sanitary.
9. Separate water services with meters shall be provided to each lot created.
10. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Water Systems Manager.
11. 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.
12. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Sewer System. Depict neighboring parcels and proposed plans for their continued service.

13. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

**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).



**DEPARTMENT OF PUBLIC UTILITIES**



**Date:** July 11, 2011

**To:** MIKE SANCHEZ, Planning Manager  
Planning and Development Department, Advance Planning

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

**Subject:** A-11-006, R-11-008, PM-2008-07, and C-11-088 were filed by Scott Mommer, on behalf of Gunner Andros Investments, LLC, and pertains to 3.96 acres of property located on the south side of West San Jose Avenue between North Colonial and North Maroa Avenues, 5204 North Palm Avenue, APN 417-240-37, 417-231-16 & 17. A-11-006 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium-high and medium-low density residential planned land use designations to the commercial office land use designation. R-11-008 proposes to reclassify the property from the R-2, Low Density Multiple Family Residential, and R-1-AH, Single Family Residential, horses permitted, zone districts to the C-P-cz, Administrative and Professional Office-conditions of zoning, zone district. PM-2008-07 proposes merging the three parcels. C-11-088 proposes the construction of a mid-rise four story 104,593 square foot office building with at grade parking and a subterranean parking structure beneath the office building; also proposed is the removal of the existing 44 dwelling units, all on-site structures, and demolition of the accompanying on-site parking lots.

**Does Project Affect Your Agency/Jurisdiction**

Yes - Project will be serviced by Solid Waste Division

**Suggestions to Reduce Impacts/Address Concerns**

Enclosure shall be constructed on a level surface.

**Recommended Conditions of Approval**

Project will be serviced by Solid Waste Division.

Enclosure shall be built in accordance with current Solid Waste standards.

Two cell trash enclosure with the additional cell (3-cell complete) trash enclosure required.

**Additional Information**

Location of enclosure is acceptable

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

File No. 210.413

Page 1 of 4

**PUBLIC AGENCY**

MIKE SANCHEZ  
DEVELOPMENT SERVICES/PLANNING  
CITY OF FRESNO  
2600 FRESNO ST., THIRD FLOOR  
FRESNO, CA 93721-3604

**DEVELOPER**

GUNNER ANDROS INVESTMENT, LLC  
555 W. SHAW AVE., SUITE B4  
FRESNO, CA 93704

PROJECT NO: 2011-088  
ADDRESS: 5204 N. PALM AVE.  
APN: 417-231-16, 17, 417-240-03, 37

SENT: 7/5/11

Drainage Area(s)	Preliminary Fee(s)
DD	\$20,037.00
<b>TOTAL FEE: \$20,037.00</b>	

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/12 based on the site plan submitted to the District on 6/28/11 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

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

- a.) Fees related to undeveloped or phased portions of the project may be deferrable.
- b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

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

- 1.  a. Drainage from the site shall BE DIRECTED TO THE INLET ON SAN JOSE AVENUE
- b. Grading and drainage patterns shall be as identified on Exhibit No. 2

**FR CUP No. 2011-088**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 4

FR  
CUP No. 2011-088

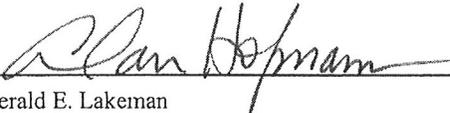
- c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:  
Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".  
        None required.
3. The following final improvement plans shall be submitted to the District for review prior to final development approval:  
        Grading Plan  
        Street Plan  
       Storm Drain Plan  
       Water & Sewer Plan  
       Final Map  
       Other  
       None Required
4. Availability of drainage facilities:  
        a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).  
       b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.  
       c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available. TEMPORARY SERVICE IS AVAILABLE THROUGH  
       d. See Exhibit No. 2.
5. The proposed development:  
       Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)  
        Does not appear to be located within a flood prone area.
6.        The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 4

FR  
CUP  
No. 2011-088

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, approved August 1999, (modified December 2002) A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
  - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
  - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10.   X   See Exhibit No. 2 for additional comments, recommendations and requirements.

  
Gerald E. Lakeman  
District Engineer

  
Gary Chapman  
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

SCOTT A. MOMMER CONSULTING

4694 W. JACQUELYN AVE.

FRESNO, CA 93722

**FR CUP No. 2011-088**

**OTHER REQUIREMENTS**  
**EXHIBIT NO. 2**

The District's existing Master Plan drainage system is designed to serve medium high density and medium low density residential uses and the existing Master Plan storm drainage facilities do not have capacity to serve the proposed office commercial land use. The developer shall be required to mitigate the impacts of the increased runoff from the proposed office commercial land use to a rate that would be expected if developed to the medium high density and medium low density residential. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Implementation of the mitigation measures may be deferred until the time of development. Should the developer choose to construct a permanent peak-reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by a office commercial density development, to a two-year discharge, which would be produced by the property if developed medium high density and medium low density residential.

The proposed underground parking shall be isolated from intrusion of storm water runoff by elevating the entrance/exit. In addition, major storm flows shall be directed towards the south west.

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

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

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

Development No. CUP 2011-088

City of



**FIRE DEPARTMENT**

**Date:** July 11, 2011

**To:** MIKE SANCHEZ, Planning Manager  
Planning and Development Department , Advance Planning

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

**Subject:** A-11-006, R-11-008, PM-2008-07, and C-11-088 were filed by Scott Mommer, on behalf of Gunner Andros Investments, LLC, and pertains to 3.96 acres of property located on the south side of West San Jose Avenue between North Colonial and North Maroa Avenues, 5204 North Palm Avenue, APN 417-240-37, 417-231-16 & 17. A-11-006 proposes to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium-high and medium-low density residential planned land use designations to the commercial office land use designation. R-11-008 proposes to reclassify the property from the R-2, Low Density Multiple Family Residential, and R-1-AH, Single Family Residential, horses permitted, zone districts to the C-P-cz, Administrative and Professional Office-conditions of zoning, zone district. PM-2008-07 proposes merging the three parcels. C-11-088 proposes the construction of a mid-rise four story 104,593 square foot office building with at grade parking and a subterranean parking structure beneath the office building; also proposed is the removal of the existing 44 dwelling units, all on-site structures, and demolition of the accompanying on-site parking lots.

**Hydrants**

Relocate the on site hydrant shown behind the parking stalls.

**General**

All openings in the perimeter of a building shall be accessible from within 200 feet of a public street or private driveway.

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

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

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.

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

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

The entire width of a required access way shall remain unobstructed to a vertical height of 13 feet, 6 inches.

Provide a covenant for shared fire fighting access and water supply.

Aerial truck setup areas shall be a minimum of 15 feet and a maximum of 30 feet away from the building served.

### **Emergency Access Only Roadways**

Emergency accesses are required to be dedicated fire protection easements.

Road surface shall be of an all weather construction.

Gates, posts or other barriers suitable to the Fire Department are required to be installed at the entrance to an "emergency access only" roadway.

The entrance to all emergency accesses shall be posted with permanent signs: "FIRE ACCESS (6" LETTERS) vehicles removed at owner's expense (2" letters) FRESNO POLICE DEPARTMENT 621-2300 (1" letters).

All gates on the "emergency access roadway" shall be fitted with a Police/Fire bypass lock (BEST LOCKS: Padlock 21B700 series or Cylinder lock 1W7B2). Gates/fences shall not obstruct the minimum width required for fire lanes.

### **Other**

Provide an additional copy of the site plan Fire Department records.

Show all buildings on the new site plan as shown on sheet three.



## County of Fresno

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

July 18, 2011

FA0004084  
LU0016081  
PE 2602

Mike Sanchez  
City of Fresno  
Development Department  
2600 Fresno Street  
Fresno, CA 93721

Dear Mr. Sanchez:

**PROJECT NUMBER:** A-11-006, R-11-008, T-2008-07, C-11-088

**Plan Amendment Application No. A-11-006, Rezone Application No. R-11-008, Vesting Tentative Parcel Map 2008-07, and Conditional Use Permit Application No. C-11-088** were filed by Scott Mommer, on behalf of Gunner Andros Investments, LLC, and pertain to 3.96± acres of property located on the south side of West San Jose Avenue between North Colonial and North Maroa Avenues. The Plan Amendment proposes to amend the 2025 Fresno General Plan and Bullard Community Plan from the medium-high and medium-low density residential planned land use designations to the commercial office land use designation. The Rezone Application proposes to reclassify the property from the R-2 (*Low Density Multiple Family Residential*) and R-1-AH (*Single Family Residential, horses permitted*) zone districts to the C-P/cz (*Administrative and Professional Office/conditions of zoning*) zone district. Vesting Tentative Parcel Map proposes merging the three parcels. The Conditional Use Permit Application proposes the construction of a mid-rise four story 104,593 square-foot office building with at grade parking and a subterranean parking structure beneath the office building; also proposed is the removal of the existing 44 dwelling units, all on-site structures, and demolition of the accompanying on-site parking lots.

**APN: 417-240-37, 417-231-16 & 17**  
**ZONING: R-2 & R-1-AHB to C-P/cz**  
**SITE ADDRESS: 5204 North Palm Avenue**

Recommended Conditions of Approval:

- Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in your City's municipal code.

Comments/Concerns:

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

Recommended Conditions of Approval:

- Should a retail food establishment be proposed, prior to issuance of building permits, the tenant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 445-3334 for more information.
- Prior to operation, future tenants may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- Certain uses allowed may utilize hazardous materials or create hazardous wastes. If a tenant with such uses is proposed, then prior to occupancy the tenant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.
- Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.

The following comments pertain to demolition of the existing structures:

- Should any of the structures have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structures in order to prevent the spread of vectors to adjacent properties.
- In the process of demolishing the existing structures, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.
- If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
- If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work the contractor should contact the following agencies for current regulations and requirements:
  - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
  - United States Environmental Protection Agency, Region 9, at (415) 947-8000
  - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

Mike Sanchez  
A-11-006, R-11-008, T-2008-07, C-11-088  
July 18, 2011  
Page 3 of 3

- Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements.
- Should any underground storage tank(s) be found on the premises, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.

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REVIEWED BY:

**Janet Gardner**

Digitally signed by Janet Gardner  
DN: cn=Janet Gardner, o=Environmental Health  
Division, ou=Fresno County Public Health Department,  
email=jgardner@co.fresno.ca.us, c=US  
Date: 2011.07.18 11:32:54 -07'00'

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

---

(559) 445-3271

---

jg

cc. Vince Mendes, Supervising Environmental Health Specialist (CT 4506)  
Baruti/Casagrande/Tolzmann, Environmental Health Division

A-11-006, R-11-008, T-2008-07, C-11-088 Gunner 4story



**San Joaquin Valley**  
AIR POLLUTION CONTROL DISTRICT



**HEALTHY AIR LIVING™**

NOV 03 2011

**RECEIVED**

NOV 04 2011

Planning Department  
City of Fresno  
2600 Fresno Street, 3<sup>rd</sup> Floor  
Fresno, CA 93721

DEVELOPMENT DEPARTMENT  
CITY OF FRESNO

**Re: Air Impact Assessment (AIA) Application Approval**  
**ISR Project Number: C20110157**  
**Land Use Agency: City of Fresno**  
**Land Use Agency ID Number: Vesting Tentative Parcel Map No. 2008-07**

To Whom It May Concern:

The San Joaquin Air Pollution Control District (District) has approved the Air Impact Assessment (AIA) for the Fig Garden Financial Center Phase IV project, located at the intersection of Palm Avenue and Shaw Avenue in Fresno, California. The District has determined that the mitigated baseline emissions for construction and operation will be less than two tons NOx and two tons PM10. Pursuant to District Rule 9510 Section 4.3, this project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the rule. As such, the District has determined that this project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site mitigation fees.

Pursuant to District Rule 9510, Section 8.4, The District is providing you with the following information:

- A notification of AIA approval (this letter)
- A statement of tentative rule compliance (this letter)
- An approved Monitoring and Reporting Schedule
- A copy of the AIA application

**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

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

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

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

Page 2

Certain emission mitigation measures proposed by the applicant may be subject to approval or enforcement by the City of Fresno. No provision of District Rule 9510 requires action on the part of the City of Fresno, however, please review the enclosed list of mitigation measures and notify the District if the proposed mitigation measures are inconsistent with your agency's requirements for this project. The District can provide the detailed emissions analysis upon request.

If you have any questions, please contact Ms. Jessica Willis at (559) 230-5818.

Sincerely,

David Warner  
Director of Permit Services

A handwritten signature in black ink, appearing to read "Arnaud Marjollet", written over a horizontal line.

Arnaud Marjollet  
Permit Services Manager

DW:jw

Enclosures

# Indirect Source Review Complete Project Summary Sheet & Monitoring and Reporting Schedule

(District Enforced Emission Reduction Measures Continued)

Project Name:	FIG GARDEN FINANCIAL CENTER PHASE IV
Applicant Name:	GUNNERANDROS INVESTMENT LLC
Project Location:	WEST SAN JOSE NWC PALM AVENUE & SAHW AVENUE APN(s): 417-231-016, 417-231-017, 417-240-037
Project Description:	LAND USE: Office - 104593 Square Feet - General Office Building Office - 4 Acres - General Office Building Office - 104593 Square Feet - General Office Building ACREAGE: 3.96
ISR Project ID Number:	C-20110157
Applicant ID Number:	C-301461
Permitting Public Agency:	CITY OF FRESNO
Public Agency Permit No.	VESTING TENTATIVE PARCEL MAP NO. 2008-07

## Existing Emission Reduction Measures

Enforcing Agency Measure	Measure	Quantification	Notes
None - Existing Measure	Local Serving Retail	Selected	
None - Existing Measure	Jobs to Housing Ratio	5,236 Jobs and 1,130 Dwelling Units	
None - Existing Measure	Bus Service	60 Daily Weekday busses within 1/4 mile of the site boundaries	existing FAX routes
None - Existing Measure	Streets Design	300 nodes/square mile	

Number of Existing Measures: 4

## Non-District Enforced Emission Reduction Measures

Enforcing Agency Measure	Specific Implementation	Source Of Requirements
There are no Non-District Enforced Measures for this project.		

## District Enforced Emission Reduction Measures

Enforcing Agency Measure	Specific Implementation	Measure For Compliance	District Review
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# Indirect Source Review Complete Project Summary Sheet & Monitoring and Reporting Schedule

(District Enforced Emission Reduction Measures Continued)

Enforcing Agency	Measure	Specific Implementation	Measure For Compliance	District Review
SJVAPCD	Construction and Operation - Exempt from Off-site Mitigation Fee	For each project phase, within 30-days of issuance of the first certificate of occupancy, if applicable, submit to the District a summary report of the construction start, and end dates, and the date of issuance of the first certificate of occupancy. Otherwise, submit to the District a summary report of the construction start and end dates within 30-days of the end of each phase of construction.	For each project phase, within 30-days of issuance of the first certificate of occupancy, if applicable, submit to the District a summary report of the construction start, and end dates, and the date of issuance of the first certificate of occupancy. Otherwise, submit to the District a summary report of the construction start and end dates within 30-days of the end of each phase of construction. (Compliance Dept. Review)	Within 30 days of end of construction activities or at certificate of occupancy
SJVAPCD	Construction and Operation - Recordkeeping	For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. Records shall be made available for District inspection upon request.	For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. Records shall be made available for District inspection upon request. (Compliance Dept. Review)	Ongoing

# Indirect Source Review Complete Project Summary Sheet & Monitoring and Reporting Schedule

(District Enforced Emission Reduction Measures Continued)

Enforcing Agency	Measure	Specific Implementation	Measure For Compliance	District Review
SJVAPCD	Construction and Operational Dates	For each project phase, maintain records of (1) the construction start and end dates and (2) the date of issuance of the first certificate of occupancy, if applicable.	For each project phase, maintain records of (1) the construction start and end dates and (2) the date of issuance of the first certificate of occupancy, if applicable. (Compliance Dept. Review)	Ongoing
SJVAPCD	Construction - Detailed Fleet	For each project phase, maintain records of total hours of operation for all construction equipment, greater than 50 horsepower, operated on site. Within 30-days of completing construction of each project phase, submit to the District a summary report of total hours of operation, by equipment type and horsepower.	For each project phase, maintain records of total hours of operation for all construction equipment, greater than 50 horsepower, operated on site. Within 30-days of completing construction of each project phase, submit to the District a summary report of total hours of operation, by equipment type and horsepower. (Compliance Dept. Review)	Within 30 days of end of construction activities
SJVAPCD	Signage	Selected	Provide an approved site plan identifying location of signage, list contents of sign and schedule of maintenance. (Compliance Dept. Review)	When operational

Number of District Enforced Measures: 5

Off-site Emissions Estimator Worksheet

Applicant/Business Name:	Gunner Andros Investment, LLC
Project Name:	Fig Garden Financial Center Phase IV
Project Location:	Palm & Shaw, Fresno
District Project ID No.:	C20110157

Project Construction Emissions									
Phase	Construction Start Date	NOx				PM10			
		Unmitigated Baseline (TPY)	Mitigated Baseline (TPY)	Achieved Onsite Reductions (tons)	Required Offsite Reductions (tons)	Unmitigated Baseline (TPY)	Mitigated Baseline (TPY)	Achieved Onsite Reductions (tons)	Required Offsite Reductions (tons)
1	3/1/2013	1.0600	0.8480	0.2120	0.0000	0.0600	0.0330	0.0270	0.0000
2	1/1/2014	0.0800	0.0640	0.0160	0.0000	0.0000	0.0000	0.0000	0.0000
3				0.0000	0.0000			0.0000	0.0000
4				0.0000	0.0000			0.0000	0.0000
5				0.0000	0.0000			0.0000	0.0000
6				0.0000	0.0000			0.0000	0.0000
7				0.0000	0.0000			0.0000	0.0000
8				0.0000	0.0000			0.0000	0.0000
9				0.0000	0.0000			0.0000	0.0000
10				0.0000	0.0000			0.0000	0.0000
<b>Total</b>		<b>1.1400</b>	<b>0.9120</b>	<b>0.2280</b>	<b>0.0000</b>	<b>0.0600</b>	<b>0.0330</b>	<b>0.0270</b>	<b>0.0000</b>

Total Achieved On-Site Reductions (tons)		
Phase	NOx	PM10
1	0.2120	0.0270
2	0.0160	0.0000
3	1.3500	1.1000
4	0.0000	0.0000
5	0.0000	0.0000
6	0.0000	0.0000
7	0.0000	0.0000
8	0.0000	0.0000
9	0.0000	0.0000
10	0.0000	0.0000
<b>Total</b>	<b>1.5780</b>	<b>1.1270</b>

Project Operations Emissions (Area + Mobile)									
Phase	Operation Start Date	NOx				PM10			
		Unmitigated Baseline (TPY)	Mitigated Baseline (TPY)	Achieved Onsite Reductions (tons)	Required Offsite Reductions (tons)	Unmitigated Baseline (TPY)	Mitigated Baseline (TPY)	Achieved Onsite Reductions (tons)	Required Offsite Reductions (tons)
1				0.0000	0.0000			0.0000	0.0000
2				0.0000	0.0000			0.0000	0.0000
3	2/1/2014	2.0400	1.8600	1.3500	3.7500	1.1800	1.0700	1.1000	4.8000
4				0.0000	0.0000			0.0000	0.0000
5				0.0000	0.0000			0.0000	0.0000
6				0.0000	0.0000			0.0000	0.0000
7				0.0000	0.0000			0.0000	0.0000
8				0.0000	0.0000			0.0000	0.0000
9				0.0000	0.0000			0.0000	0.0000
10				0.0000	0.0000			0.0000	0.0000
<b>Total</b>		<b>2.0400</b>	<b>1.8600</b>	<b>1.3500</b>	<b>3.7500</b>	<b>1.1800</b>	<b>1.0700</b>	<b>1.1000</b>	<b>4.8000</b>

Total Required Off-Site Reductions (tons)		
Phase	NOx	PM10
1	0.0000	0.0000
2	0.0000	0.0000
3	3.7500	4.8000
4	0.0000	0.0000
5	0.0000	0.0000
6	0.0000	0.0000
7	0.0000	0.0000
8	0.0000	0.0000
9	0.0000	0.0000
10	0.0000	0.0000
<b>Total</b>	<b>3.7500</b>	<b>4.8000</b>

Note: TPY = Tons Per Year



**Pacific Gas and  
Electric Company™**

**Kyle Patten**  
Land Agent  
650 O Street Bag 23  
Fresno, CA. 93760  
Land Services

Phone: 559-263-5167  
E Mail kap6&pge.com

August 3, 2009

City of Fresno  
Planning & Development Department  
2600 Fresno St., Third floor  
Fresno, CA 93721  
Attn: Will Tackett

Dear Will Tackett,

We have received your request for comments notice for the Plan Amendment Application No. A-07-021, and Vesting Tentative Parcel Map No. 2008-07.

PG& E has no comments regarding the Vesting Tentative Parcel Map at this time.

We have the following comments regarding the Plan Amendment Application;

Expansion of distribution and transmission lines and related facilities are a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

We would also like to note that continued development consistent with your General Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

If PG&E has an existing pole line facility that serves the property and the existing pole line crosses proposed property lines (and is not covered by an existing easement), it is the property owner's responsibility to provide PG&E with adequate rights-of-way. PG&E is available to assist the property owner in making the determination if an easement will be necessary. The property owner or their agent may contact the undersigned for assistance.

If you have any questions, please contact me at 263-5240.

Sincerely,

Gage Fleming  
Land Agent



# EXHIBIT H:

## MITIGATION MONITORING AND REPORTING PROGRAM – FIG GARDEN FINANCIAL CENTER PHASE IV

NOTES: Section 21081.6 of the Public Resources Code requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon an environmental impact report (EIR). The purpose of the monitoring or reporting program is to ensure implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified in the EIR.

Impacts	Mitigation Measures	Timing of Implementation	Implementation Responsibility	Verified for Compliance	X
Development of the project would result in significant visual/aesthetic impacts by altering the existing visual character of the site through the introduction of a new four-story office building adjacent to existing low-scale residential development.	4.1-1 The project proponent shall submit detailed architectural plans, color palettes, and building materials to the City of Fresno Development and Resource Management Department. The plans shall be reviewed by the Planning Director prior to the issuance of any building permit; the review shall be substantially based on the extent to which the final architectural plans deviate from the building plans and building elevations illustrated on Figures 3-3 and 3-4.	Prior to Issuance of Building Permit	Applicant	City of Fresno	X
See above	4.1-2 In order to minimize tree removal and associated visual impacts, final landscaping plans shall retain existing mature trees to the extent possible. Final landscaping plans shall also provide enhanced landscape screening between the proposed building and adjacent residential uses and incorporate landscaping continuity between the project and adjacent Financial Center. Final landscaping plans shall be prepared in consultation with, and subject to the approval of, the City of Fresno Development and Resource Management Department.	Prior to Issuance of Building Permit	Applicant	City of Fresno	
The project would create new sources of light that could significantly impact nighttime light levels in the area.	4.1-3 Exterior lighting shall be designed to be consistent with the standards of Illuminating Engineering Society of North America "Lighting for Exterior Environments" (1999) to reduce stray light. Prior to the approval of final design	Prior to Issuance of Building Permit	Applicant	City of Fresno	

	<p>plans for the project, the applicant shall submit a lighting plan for review and approval by the City of Fresno Department and Resource Management above standard. The lighting plan shall indicate the amount, location, height, and intensity of outdoor lighting sources, limited to the minimum necessary for public safety, including the following requirements: 1) exterior lighting shall be directional; 2) glare from exterior lighting shall be adequately minimized; 3) the source of directional lighting shall not be directly visible; and 4) vegetative screening shall be considered, where appropriate, as a means of reducing development-related light and glare.</p>		
<p>Development of the project may result in significant impacts to nesting raptors and other migratory birds.</p>	<p>4.4-1 If project activities cannot avoid the nesting season (generally March 1 – August 31), the project proponent shall retain a qualified biologist to conduct focused pre-construction surveys for nesting birds within 15 days of the commencement of construction activities to avoid impacts to any nesting birds present. The pre-construction surveys shall be conducted in all areas that may provide suitable nesting habitat within 300 feet of the construction area. If active nests are found, the biologist shall establish a suitable construction buffer until the young have fledged. For construction activities that occur outside of the nesting season (generally September 1 through February 28), pre-construction surveys are not required.</p>	<p>Prior to Project Construction (15 days)</p>	<p>Applicant &amp; Qualified Biologist  City of Fresno</p>
<p>Development of the project would result in the removal of a substantial number of trees. In addition, trees to be retained may</p>	<p>4.4-2. Prior to issuance of any grading permits, a tree removal and protection program shall be provided by the applicant to the City that includes the following information: 1)</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Applicant  City of Fresno</p>

<p>be impacted by construction activities.</p>	<p>location, type, size, and health of all trees to be removed, 2) areas for tree preservation, 3) tree replacement plantings and ratios, and 4) tree protection measures for individual trees to be retained. This program will be defined as part of the Conditional Use permit process.</p>			
<p>Construction of the project may result in the discovery and disturbance of unknown, buried archaeological resources.</p>	<p>4.5-1 Should evidence of prehistoric archeological resources be discovered during construction, the contractor shall halt all work within 25 feet of the find and the resource shall be evaluated by a qualified archaeologist. If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation shall proceed to evaluate the deposits for determination of significance as defined by the CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City of Fresno, describing the testing program and subsequent results. These reports shall identify any program mitigation that the project proponent shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources).</p>	<p>During Project Construction</p>	<p>Applicant &amp; Qualified Archaeologist</p>	<p>City of Fresno</p>
<p>Construction of the project may result in the discovery and disturbance of unknown, buried human remains.</p>	<p>4.5-2 In order to ensure that the proposed project does not impact buried human remains during project construction, the project proponent shall be responsible for on-going monitoring of project construction. Prior to the issuance of any grading permit, the project proponent shall provide the City of Fresno with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction,</p>	<p>Prior to Grading Permit and During Project Construction</p>	<p>Applicant</p>	<p>City of Fresno</p>

	<p>further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall be halted until the Fresno coroner is contacted and the coroner has made the determinations and notifications required pursuant to Health and Safety Code Section 7050.5. If the coroner determines that Health and Safety Code Section 7050.5(c) require that he give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c). In that event, the NAHC will conduct the notifications required by Public Resources Code Section 5097.98. Until the consultations described below have been completed, the landowner shall further ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices where Native American human remains are located, is not disturbed by further development activity until the landowner has discussed and conferred with the Most Likely Descendants on all reasonable options regarding the descendants' preferences and treatments, as prescribed by Public Resources Code Section 5097.98(b). The NAHC will mediate any disputes regarding treatment of remains in accordance with Public Resources Code Section 5097.94(k). The landowner shall be entitled to exercise rights established by Public Resources Code Section 5097.98(e) if any of the circumstances established by that provision become applicable.</p>					
Construction of the project may result in the discovery and	4.5-3 Should evidence of paleontological resources be discovered during		During Construction		Applicant & Qualified	City of Fresno

<p>disturbance of unknown, buried paleontological resources.</p>	<p>construction, the contractor shall halt all work within 25 feet of the find and the resource shall be evaluated by a qualified paleontologist. If evidence of any paleontological resources is found, hand excavation and/or mechanical excavation shall proceed to evaluate the deposits for determination of significance. The paleontologist shall submit reports, to the satisfaction of the City of Fresno, describing the testing program and subsequent results. These reports shall identify any program mitigation that the project proponent shall complete in order to mitigate paleontological impacts.</p>	<p>Paleontologist</p>
<p>Construction of the project could result in soil erosion as a result of ground disturbing activities.</p>	<p>4.6-1 In order to reduce on-site erosion due to project construction and operation, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The erosion control plan shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of the SWPPP required by the California State Water Resources Control Board. If earth disturbing activities are proposed between October 15 and April 15, these activities shall be limited to the extent feasible to minimize potential erosion related impacts. Additional erosion control measures shall be implemented in consultation with the City of Fresno. Prior to the issuance of any permit, the project proponent shall submit detailed plans to the satisfaction of the City of Fresno. The components of the</p>	<p>Prior to Issuance of Grading or Building Permits</p> <p>Applicant</p> <p>City of Fresno</p>

<p>The project site may be subject to soil hazards including existing fills and settlement potential that could adversely impact proposed structures.</p>	<p>erosion control plan and SWPPP shall be monitored for effectiveness by City of Fresno. Erosion control measures may include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;</li> <li>Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;</li> <li>Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;</li> <li>Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods; and</li> <li>Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures.</li> </ol>	<p>4.6-2</p>	<p>The project proponent shall retain a registered geotechnical engineer to prepare a design-level geotechnical analysis prior to the issuance of any grading and/or building permit. The design-level analysis shall address site preparation measures and foundation design requirements as set forth in Appendix D of the EIR. The design-level analysis shall be submitted to the satisfaction of the City of Fresno. Final design-level project plans shall be designed in accordance with the approved geotechnical analysis. This shall include certification of engineered fills and subgrade preparation through monitoring</p>	<p>Prior to Issuance of Building or Grading Permits</p>	<p>Applicant</p>	<p>City of Fresno</p>
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<p>Development of the project, including excavation, demolition, and other land disturbing activities may result in the potential release of hazardous materials, presenting a public health risk.</p>	<p>of earthwork and compaction testing by a geotechnical engineer during construction.</p> <p>4.7-1 The project proponent shall retain a qualified consultant to receive a City permit to locate and remove the former septic systems at 507 and 569 W. San Jose Avenue, and to locate and remove the former leach field at 525 W. San Jose Avenue in accordance with local, state, and federal guidelines. If evidence of staining, leakage, or odors is identified during removal, the qualified consultant shall assess and remediate any hazardous materials conditions in accordance with local, state, and federal regulatory requirements. Prior to the issuance of a grading permit, the project proponent shall submit written evidence to the City of Fresno from a qualified consultant demonstrating that the septic systems have been removed and any hazardous conditions remediated.</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Applicant &amp; Qualified Consultant</p>	<p>City of Fresno</p>
<p>See above</p>	<p>4.7-2 The project proponent shall retain a qualified consultant to remove the backfill for the swimming pool at 525 W. San Jose Avenue. The qualified consultant shall remove such materials in accordance with local, state, and federal regulatory requirements. Prior to the issuance of a grading permit, the project proponent shall submit written evidence to the City of Fresno from a qualified consultant demonstrating that the backfill has been evaluated and any hazardous conditions remediated.</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Applicant &amp; Qualified Consultant</p>	<p>City of Fresno</p>
<p>See above</p>	<p>4.7-3 In order to reduce potential health risks to construction personnel, the project proponent shall retain a qualified consultant to survey all buildings for asbestos under the National Emissions Standards for Hazardous Air Pollutants</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Applicant &amp; Qualified Consultant</p>	<p>City of Fresno</p>

<p>(NESHAP) guidelines prior to demolition. If asbestos containing material is documented within existing on-site structures, all potentially friable asbestos shall be removed prior to building demolition in accordance with NESHAP guidelines. Under the San Joaquin Valley Unified Air Pollution Control District's Rule 4002, written notification to the Air District is also required for demolition and asbestos removal activities. Prior to the issuance of a grading permit, the project proponent shall submit written evidence to the City of Fresno from a qualified consultant demonstrating that all asbestos containing material has been properly removed and demolition activities may proceed without exposing construction personnel to asbestos related-hazards.</p>					
<p>See above</p>	<p>4.7-4</p> <p>In order to reduce human health risks to construction personnel, the project proponent shall retain a qualified consultant to conduct a lead-based paint survey to evaluate the presence of lead-based paint prior to demolition. If lead-based paint is observed within existing buildings and the surrounding area, all peeling and flaking lead-based paint shall be removed and properly disposed of separately from building debris, in accordance with current Department of Toxic Substances Control policies. All site soils contaminated by lead-based paint shall be removed and properly disposed prior to any construction activities. Prior to the issuance of a grading permit, the project proponent shall submit written evidence to the City of Fresno or designated representative from a qualified consultant demonstrating that all lead-based paint has been properly removed</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Applicant &amp; Qualified Consultant</p>	<p>City of Fresno</p>	

	<p>and that no further health hazards related to lead-based paint exist on-site.</p>		
<p>Construction and operation of the project could impact surface water quality.</p>	<p>4.8-1 Prior to the issuance of a grading permit, the project applicant shall obtain a National Pollution Discharge Elimination System Permit from the State Water Resources Control Board and provide evidence of such permit to the City of Fresno.</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Applicant City of Fresno</p>
<p>Construction and operation of the project could impact groundwater quality.</p>	<p>4.8-2 Prior to the issuance of a grading permit, all existing on-site wells shall be located to determine that they have been properly abandoned in accordance with state and local requirements. The project applicant shall submit evidence to the City of Fresno documenting compliance with this measure. If any on-site wells have not been appropriately abandoned, remedial procedures shall be implemented to properly abandon the wells in accordance with state and local requirements.</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Applicant City of Fresno</p>
<p>Operational noise from the proposed ventilation fans for the underground garage could exceed City noise standards, resulting in significant noise impacts on adjacent sensitive residential uses.</p>	<p>4.10-1 The project proponent shall install new ventilation systems that limit noise levels to an hourly <math>L_{eq}</math> of 45 dBA or below at the closest off-site noise-sensitive uses by appropriate design and shielding of proposed fan inlet/outlet openings. This can include use of quiet-technology equipment, acoustical louvers, or acoustically absorptive treatments within air ducts. The proponent shall incorporate the appropriate fan design and/or shielding into final design plans and submit to the City of Fresno Development and Resource Management Department for review prior to issuance of a building permit.</p>	<p>Prior to Issuance of Building Permit</p>	<p>Applicant City of Fresno</p>
<p>Although project development would not result in a direct increase in student population, the project would indirectly increase</p>	<p>4.11-1 The applicant shall pay a school impact fee pursuant to the criteria set forth within California Government Code Section 65995. Prior to the issuance of a building permit, the applicant shall pay required</p>	<p>Prior to Issuance of Building Permit</p>	<p>Applicant City of Fresno &amp; Fresno Unified School District.</p>

<p>demands on school services.</p>	<p>school mitigation fees, subject to the review and approval of the City of Fresno and Fresno Unified School District. The fees set forth in Government Code Section 65996 constitute the exclusive means of both “considering” and “mitigating” direct impacts upon school facilities [Government Code Section 65996(a)].</p>			
<p>Development of the proposed project would require the construction of new water infrastructure in order to address existing infrastructure deficiencies identified by the City of Fresno.</p>	<p>4.13-1 In order to ensure adequate water system distribution capacity, the project applicant shall replace the existing 8-inch water main in North Palm Avenue between West Shaw Avenue and West Barstow Avenue with a 12-inch water main. The City of Fresno Department of Public Utilities Water Division has determined that these improvements are necessary to accommodate the proposed project. Prior to the issuance of any building permit, the project proponent shall submit design-level drawings to the City of Fresno Department of Public Utilities Water Division demonstrating that adequately sized infrastructure will be provided in accordance with this mitigation measure. Design-level drawings shall be subject to the City’s review and approval.</p>	<p>Prior to Issuance of Building Permit</p>	<p>Applicant</p>	<p>City of Fresno</p>
<p>See above</p>	<p>4.13-2 In order to ensure adequate water system distribution capacity, the project applicant shall replace the existing 6-inch water main in West San Jose Avenue from North Colonial Avenue to approximately 850 feet east with an 8-inch water main. The City of Fresno Department of Public Utilities Water Division has determined that these improvements are necessary to accommodate the proposed project. Prior to the issuance of any building permit, the project proponent shall submit detailed design-level drawings to the City of Fresno</p>	<p>Prior to Issuance of Building Permit</p>	<p>Applicant</p>	<p>City of Fresno</p>

	<p>Department of Public Utilities Water Division demonstrating compliance with this measure. Final plans shall be subject to the City's review and approval.</p>			
<p>See above</p>	<p>4.13-3 Install booster pump facilities to serve the project's domestic and fire water use. Prior to the issuance of any building permit, the project proponent shall submit detailed design-level drawings to the City of Fresno Department of Public Utilities Water Division demonstrating that booster pump facilities will be provided to meet domestic and fire demand of the project. Final plans shall be subject to the City's review and approval.</p>	<p>Prior to Issuance of Building Permit</p>	<p>Applicant</p>	<p>City of Fresno</p>
<p>See above</p>	<p>4.13-4 Prior to the issuance of any building permit, the project proponent shall submit detailed infrastructure plans that include pipelines within the project site to interconnect to future recycled water distribution mains that may be developed by the City to allow supply of such recycled water for on-site irrigation purposes, subject to the review and approval of the City of Fresno Department of Public Utilities Water Division and the Planning Division.</p>	<p>Prior to Issuance of Building Permit</p>	<p>Applicant</p>	<p>City of Fresno</p>



# EXHIBIT I:

## Fig Garden Traffic Study

### Segment Volumes Comparative Assessment

For study segments with an adopted LOS F standard, the significance criteria for Project-related impacts are identified in the General Plan MEIR as follows:

*Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan EIR traffic analysis to perform at an ADT LOS "F" shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated in the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan EIR.<sup>1</sup>*

The v/c increase (0.15) criteria was applied to determine what, if any, significant project-related impacts occur for all study locations with Master EIR adopted LOS F standards and which are projected to operate at LOS F.

It had been previously understood that the General Plan MEIR's adoption of an alternative LOS for specified impacted segments of the major street network encompassed the adoption of the alternative LOS standard for intersections along the identified segment (MEIR at page V-B16-17). The City of Fresno Public Works Department has recently stated that it does not believe the General Plan MEIR made such a finding with respect to the intersections along those impacted segments, and that the MEIR's adoption of an alternative LOS for impacted roadway networks relates solely to the roadway segments.

The Florida Tables are generalized planning tables based on the definitions and measurement techniques of the HCM 2000. This methodology incorporates both signalization characteristics (number of signals per mile) and roadway characteristics (number of lanes, left-turn pockets, divided/undivided) into the level of service determination. The Florida Tables separate facility types into freeways, state arterials with both interrupted (signalized) and uninterrupted (non-signalized) flow, and non-state roadways. Within these various classifications, the facilities are separated by number of lanes and divided versus undivided. There are also adjustments for facility types not given in the tables. For each facility type under each classification are levels of service "A" through "F" with corresponding traffic volumes. These volumes are the maximum amount of traffic that a given facility with given characteristics can carry and maintain a given level of service. This maximum volume per level of service is also called the capacity of the facility. The "State Two-Way Arterials" and "Non-State Roadways" section of Table 4-7 was used in this analysis. Table A-1 shows the level of service thresholds for each roadway analyzed in the TIS.

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<sup>1</sup> Draft Master Environmental Impact Report for the 2025 General Plan, City of Fresno, May 2002, Page V-B17

Fig Garden Traffic Study  
**Segment Volumes Comparative Assessment**

TABLE A-1: PEAK HOUR DIRECTIONAL VOLUMES <sup>1</sup> SEGMENT LEVEL OF SERVICE THRESHOLDS							
Roadways	No. of Lanes <sup>2</sup>	Divided/ Undivided	Level of Service				
			A	B	C	D	E
<b>Signalized Arterials</b>							
Barstow Avenue	1	Undivided	***	100	590	810	850
Palm Avenue	2	Undivided <sup>3</sup> Divided	***	209 220	1,292 1,360	1,625 1,710	1,710 1,800
Shaw Avenue	3	Divided	***	340	2,110	2,570	2,710
<b>Local Roads</b>							
Thorne Avenue San Jose Avenue San Ramon Avenue	1	Undivided	***	***	250	530	660

**Existing Conditions (2011)**  
*(vehicles per peak hour)*

Segments		NB/WB	SB/EB	Total	LOS
Shaw - between Fruit and Palm	AM	1296	<b>1651</b>	2947	C
	PM	<b>1763</b>	1609	3372	C
Shaw - between Palm and Maroa	AM	1435	<b>1612</b>	3047	C
	PM	<b>1982</b>	1726	3708	C
Palm - between Bullard and Barstow	AM	727	<b>859</b>	1586	C
	PM	<b>1123</b>	928	2051	C
Palm - between Barstow and San Ramon	AM	686	<b>871</b>	1557	C
	PM	<b>1242</b>	916	2158	C
Palm - between San Ramon and San Jose	AM	713	<b>893</b>	1606	C
	PM	<b>1228</b>	892	2120	C
Palm - between San Jose and Shaw	AM	<b>852</b>	678	1530	C
	PM	<b>988</b>	952	1940	C
Palm - between Shaw and Gettysburg	AM	<b>665</b>	499	1164	C
	PM	640	<b>781</b>	1421	C
San Jose - between Colonial and Maroa	AM	6	<b>8</b>	14	C
	PM	9	<b>16</b>	25	C
San Ramon - between Fruit and Palm	AM	32	<b>55</b>	87	C
	PM	<b>59</b>	18	77	C
Barstow - between Fruit and Palm	AM	<b>544</b>	484	1028	C
	PM	<b>609</b>	423	1032	D
Thorne Avenue - between Barstow and San Ramon	AM	43	<b>55</b>	98	C
	PM	<b>35</b>	22	57	C

Fig Garden Traffic Study

Segment Volumes Comparative Assessment

Existing Plus Fig Garden Project Conditions

(vehicles per peak hour)

Segments		NB/WB	SB/EB	Total	LOS
Shaw - between Fruit and Palm	AM	1299	<b>1674</b>	2973	C
	PM	<b>1783</b>	1614	3397	C
Shaw - between Palm and Maroa	AM	1473	<b>1623</b>	3096	C
	PM	<b>1997</b>	1770	3767	C
Palm - between Bullard and Barstow	AM	732	<b>895</b>	1627	C
	PM	<b>1158</b>	934	2092	C
Palm - between Barstow and San Ramon	AM	694	<b>932</b>	1626	C
	PM	<b>1301</b>	928	2229	C
Palm - between San Ramon and San Jose	AM	721	<b>956</b>	1677	C
	PM	<b>1287</b>	904	2191	C
Palm - between San Jose and Shaw	AM	<b>921</b>	689	1610	C
	PM	1002	<b>1033</b>	2035	C
Palm - between Shaw and Gettysburg	AM	<b>696</b>	503	1199	C
	PM	647	<b>815</b>	1462	C
San Jose - between Colonial and Maroa	AM	7	<b>8</b>	15	C
	PM	9	<b>16</b>	25	C
San Ramon - between Fruit and Palm	AM	32	<b>56</b>	88	C
	PM	<b>59</b>	18	77	C
Barstow - between Fruit and Palm	AM	<b>545</b>	495	1040	C
	PM	<b>621</b>	426	1047	D
Thorne Avenue - between Barstow and San Ramon	AM	43	<b>55</b>	98	C
	PM	<b>35</b>	22	57	C

Fig Garden Traffic Study

**Segment Volumes Comparative Assessment**

**Existing + Approved Projects Plus Fig Garden Project Conditions**

(vehicles per peak hour)

Segments		NB/WB	SB/EB	Total	LOS
Shaw - between Fruit and Palm	AM	1299	<b>1674</b>	2973	
	PM	<b>1826</b>	1657	3483	C
Shaw - between Palm and Maroa	AM	1473	<b>1623</b>	3096	
	PM	<b>2111</b>	1884	3995	C
Palm - between Bullard and Barstow	AM	732	<b>895</b>	1627	
	PM	<b>1328</b>	1103	2431	C
Palm - between Barstow and San Ramon	AM	694	<b>932</b>	1626	
	PM	<b>1495</b>	1123	2618	D
Palm - between San Ramon and San Jose	AM	721	<b>956</b>	1677	
	PM	<b>1481</b>	1099	2580	D
Palm - between San Jose and Shaw	AM	<b>921</b>	689	1610	
	PM	1196	<b>1228</b>	2424	C
Palm - between Shaw and Gettysburg	AM	<b>696</b>	503	1199	
	PM	697	<b>865</b>	1562	C
San Jose - between Colonial and Maroa	AM	7	<b>8</b>	15	
	PM	9	<b>16</b>	25	C
San Ramon - between Fruit and Palm	AM	32	<b>56</b>	88	
	PM	<b>61</b>	19	80	C
Barstow - between Fruit and Palm	AM	<b>545</b>	495	1040	
	PM	<b>761</b>	566	1327	D
Thorne Avenue - between Barstow and San Ramon	AM	43	<b>55</b>	98	
	PM	<b>43</b>	30	73	C

Fig Garden Traffic Study

**Segment Volumes Comparative Assessment**

**2030 Conditions WITHOUT Fig Garden Project**

(vehicles per peak hour)

Segments		NB/WB	SB/EB	Total	LOS
Shaw - between Fruit and Palm	AM	1413	<b>1939</b>	3352	C
	PM	<b>2122</b>	1938	4060	D
Shaw - between Palm and Maroa	AM	1635	<b>1941</b>	3576	C
	PM	<b>2415</b>	2144	4559	D
Palm - between Bullard and Barstow	AM	987	<b>1172</b>	2159	C
	PM	<b>1644</b>	1462	3106	D
Palm - between Barstow and San Ramon	AM	831	<b>988</b>	1819	C
	PM	<b>1602</b>	1360	2962	D
Palm - between San Ramon and San Jose	AM	871	<b>1017</b>	1888	C
	PM	<b>1601</b>	1337	2938	D
Palm - between San Jose and Shaw	AM	<b>1042</b>	807	1849	C
	PM	1403	<b>1470</b>	2873	D
Palm - between Shaw and Gettysburg	AM	<b>974</b>	757	1731	C
	PM	946	<b>1170</b>	2116	C
San Jose - between Colonial and Maroa	AM	7	<b>10</b>	17	C
	PM	11	<b>19</b>	30	C
San Ramon - between Fruit and Palm	AM	38	<b>65</b>	103	C
	PM	<b>72</b>	22	94	C
Barstow - between Fruit and Palm	AM	<b>760</b>	690	1450	D
	PM	<b>895</b>	756	1651	F
Thorne Avenue - between Barstow and San Ramon	AM	51	<b>66</b>	117	C
	PM	<b>50</b>	34	84	C

Fig Garden Traffic Study

**Segment Volumes Comparative Assessment**

**2030 Conditions WITH Fig Garden Project**

(vehicles per peak hour)

Segments		NB/WB	SB/EB	Total	LOS
Shaw - between Fruit and Palm	AM	1416	<b>1964</b>	3380	C
	PM	<b>2145</b>	1943	4088	D
Shaw - between Palm and Maroa	AM	1670	<b>1953</b>	3623	C
	PM	<b>2430</b>	2181	4611	D
Palm - between Bullard and Barstow	AM	992	<b>1207</b>	2199	C
	PM	<b>1679</b>	1468	3147	D
Palm - between Barstow and San Ramon	AM	840	<b>1044</b>	1884	C
	PM	<b>1657</b>	1372	3029	D
Palm - between San Ramon and San Jose	AM	879	<b>1075</b>	1954	C
	PM	<b>1657</b>	1349	3006	D
Palm - between San Jose and Shaw	AM	<b>1116</b>	817	1933	C
	PM	1416	<b>1553</b>	2969	D
Palm - between Shaw and Gettysburg	AM	<b>1012</b>	762	1774	C
	PM	954	<b>1214</b>	2168	C
San Jose - between Colonial and Maroa	AM	8	<b>10</b>	18	C
	PM	11	<b>19</b>	30	C
San Ramon - between Fruit and Palm	AM	38	<b>66</b>	104	C
	PM	<b>73</b>	22	95	C
Barstow - between Fruit and Palm	AM	<b>762</b>	700	1462	D
	PM	<b>905</b>	758	1663	F
Thorne Avenue - between Barstow and San Ramon	AM	51	<b>66</b>	117	C
	PM	<b>50</b>	34	84	C

**Comparison**

(only applies to Barstow in the 2030 Conditions, as it is the only segment projected to operate below the adopted City Standard of Level of Service "D")

Volume to Capacity Ratio Differential			
Scenario	Segment Volume (PM Peak)	Capacity	Ratio
2030 WITHOUT Fig Garden Project	895	850	1.05
2030 WITH Fig Garden Project	905	850	1.06
<b>Differential</b>			<b>+0.01 &lt; 0.15</b>

Applying the General Plan Master EIR criteria for the segment of Barstow projected to operate below LOS "F", shows that the segment will experience only a 0.01 increase in the volume-to-capacity ratio with the traffic from the Fig Garden Project. This is significantly below the threshold v/c ratio increase of +0.15. Therefore, using the adopted City of Fresno Standard, no significant impact will occur to the street segments from the additional traffic associated with the Fig Garden Project.

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