

Appendix L

Changes to the Final SEIR

On November 10th, 2017, the City of Fresno determined that a Rezone Application for the Project site (located at 450 East Belmont Avenue) to amend Conditions of Zoning and an amendment of the Statement of Covenants (Appendix E of the Initial Study) were required for the Project. As such, the City is processing Rezone Application No. R-17-021 to change the Project site zoning from Light Industrial (conditions of zoning) to Light Industrial (conditions of zoning) with amendments to the conditions.

Rezone Application No. R-17-021 proposes to amend the following Statement of Covenants and Conditions of Zoning for the Project site (Appendix E of the Initial Study):

- A. *The project shall retain the existing building at the southwest corner of East Belmont and North Roosevelt Avenues as depicted on attached Exhibit "L-1".*
- B. *Retention and renovation of the facade of the existing building immediately south of the building at the southwest corner, as shown on Exhibit "L-1", as is physically possible and economically practical. If the facade fails, due to structural distress, it should be rebuilt to resemble the existing historical structure as closely as possible using the remnant bricks from the fallen facade. All precautions in concert with common practices standard to the industry shall be taken to save the facade intact. However, no implicit guarantee can be given that the facade will not fail during the demolition and renovation process.*
- C. *The new construction in the infill areas on the east - side of the property shall be compatible with the existing structure as shown on Exhibit "L-2".*
- D. *The new construction contemplated immediately west of the facade described above shall be no higher than the height of the facade for a minimum of twenty feet west of the facade.*
- E. *The new building to be constructed immediately west of the 30' existing building at the northwest corner of the site as shown on Exhibit "L-1" shall be of a height equal to or slightly greater than the westerly portion of said building, but in no case higher than forty feet and shall be compatible with the existing structure to the east as shown on Exhibit "L-2".*
- F. *The owner shall provide and maintain street trees in tree wells in the sidewalk on the west side of the property south to the entry driveway. These trees and major trees planted along the remainder of the west and south sides of the property shall be a species that attain a minimum height of thirty feet (30'0") at maturity.*
- G. *The future high density frozen storage building proposed for phase three shall be set back a minimum of fifty feet (50'-0") east of Ferger Avenue to the height of: sixty feet (60'-0"), or sixty-six feet with a minor deviation as provided by the Fresno Municipal Code.*
- H. *All noise producing equipment on the building shall meet the standards of the City of Fresno. Truck noise shall not exceed the level of forty-five decibels (45db) inside adjacent residences between the hours of 10:00 p.m. and 6:00 a.m. If noise levels exceed that criteria, mediation measures shall be imposed by the City of Fresno which could include restrictions on hours of operation.*
- I. *All truck maneuvering and parking shall take place on site and shall be subject to the requirements of the City of Fresno.*

These nine Statement of Covenants and Zoning Restrictions were previously analyzed in Section 6.10 of the Initial Study. These Statement of Covenants are also the same as the nine original mitigation measures for the Project site in the Tower District FEIR (Appendix F). The original mitigation measures were updated in Section 1.7 of the Revised Draft SEIR. Three of the original mitigation measures were kept and incorporated into the new Project mitigation measures. Therefore, in order to maintain consistency between the Conditions of Zoning, Statement of Covenants, and the new mitigation measures, the following changes shall be made to the Conditions of Zoning and Statement of Covenants affecting Land Development:

1. Statement of Covenants A and B shall be removed as they do not fit the current Project description as stated in Section 3.0 of the Revised Draft SEIR.
2. Statement of Covenants C, D, E, and G shall be removed as they only apply to new building construction, which is not proposed under the current Project.
3. Statement of Covenants F, H, and I shall be retained.

Statement of Covenants F corresponds with Project Mitigation Measure (MM) LUP 1. Statement of Covenants H corresponds with Project MM NOI 4. Statement of Covenants I corresponds with MM TRA 4.

Errata

The following are revisions to the Revised Draft SEIR for the Producers Dairy Cheese Plant Project. The revisions are minor modifications and clarifications to the document, and do not change the significance of the impact determinations made within the Revised Draft SEIR. The revisions below are listed by page number as found in the Revised Draft SEIR. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

Section 1.1.1 – SEIR Format – Pages 2-3.

- **Appendices:** The appendices for this document contain the following supporting documents:
 - Appendix A:** Producers Dairy Cheese Plant Project Initial Study
 - Appendix B:** Community Outreach/Scoping Meeting Minutes
 - Appendix C:** Memorandum for Record – Engineering Contacts
 - Appendix D:** Memorandum for Record – Building Relocation Estimate
 - Appendix E:** December 19th, 2016 SEIR Scoping Meeting Minutes
 - Appendix F:** 1991 Tower District FEIR Excerpt
 - Appendix G:** Acoustic Study
 - Appendix H:** AB 52 Consultation
 - Appendix I:** Additional Air Quality Data
 - Appendix J:** Response to Draft SEIR Comments
 - Appendix K:** Revisions to Draft SEIR
 - Appendix L:** Changes to the Final SEIR

Section 3.1 – Project Summary – Page 23

The purpose of the Project is to expand delivery trailer parking on the Project site. As outlined in Development Permit No. D-16-088, Producers proposes to remove two boarded-up buildings at 450 E.

Belmont Avenue site. Producers proposes to build a commemorative monument onsite reusing brick from the existing buildings. Producers also proposes to replace the existing Concrete Masonry Unit (CMU) wall and chain link fence situated on the north half of the parcel facing E. Belmont Avenue businesses on the North, Northeast, and Northwest portion of the parcel with a decorative iron security fence supported by brick pilasters of appropriate spacing. Producers will incorporate bricks from the existing buildings into the pilasters if reusable brick is still available after construction of the commemorative monument. Additionally, Producers proposes to construct a 12-foot-high Concrete Masonry Unit sound wall situated on the south side of the parcel facing residential properties on the South, Southeast, and Southwest portion of the parcel. The sound wall assists in mitigating noise to the surrounding area. Variance Application No V-17-001 has been filed with the City of Fresno. Accommodating these delivery trailers at 450 E. Belmont Avenue is consistent with the property's existing use. The project will result in an additional 20 vehicle round-trips per day (from 50 round-trips per day to 70 round-trips per day). The proposed hours of operations will be 24 hours a day, though a majority of vehicle trips will occur between 7:00 am to 10:00 pm.

The current Producers delivery trailers located at the southwest corner of Tuolumne Street and H Street in Fresno need to be moved to the new location at 450 E. Belmont Ave. The new location is more economically viable, will allow for a shorter driving distance, and coincides with Producers' long-range development plan. Additionally, the two boarded-up buildings are currently a nuisance and continue to be a potential safety hazard.

Project construction will commence with the controlled demolition of the existing buildings, removal of their foundations, and removal of the existing perimeter fence and wall. The second stage will be construction a 12-foot-high sound wall and security fence surrounding the parcel as well as paving the property, installing new utility poles, paving new sidewalks, and new gates. Statement of Covenants Affecting Land Development and Conditions of Zoning will be amended in Rezone Application No. R-17-021.

Section 3.4.1 – Discretionary and Ministerial Actions – Page 33

Discretionary approvals and permits are required by the City of Fresno for implementation of the Proposed Project. The project application would require the following discretionary approvals and actions, including:

- **Development Permit Review (formerly Site Plan Review):** Applicant is now seeking a new or amended development permit review to evaluate the Project site and overall building modifications. The Development Permit number is D-16-088.
- **Variance Application:** Applicant has filed a variance application with the City of Fresno. The Variance Application number is V-17-001.
- **Rezone Application:** The City of Fresno is processing Rezone Application No. R-17-021 to change the Project site zoning from Light Industrial (conditions of zoning) to Light Industrial (conditions of zoning) with amendments to the conditions.